

DRAFT

MINUTES – 24 OCTOBER 2017



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 – 24 October 2017, commencing at 5.35pm.

PRESENT:

Mayor R Palmer, Councillors J Abbott, G Arnott, C. Doohan, G Dunkley, K. Jordan, P. Le Mottee, J Nell, S. Tucker, S Smith, General Manager, Acting Corporate Services Group Manager, Acting Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

251	<p>Councillor Chris Doohan Councillor Jaimie Abbott</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 10 October 2017 be confirmed.</p>
	<p>Cr Sarah Smith declared a pecuniary conflict of interest in item 5 of the Council reports. The nature of the interest is that Cr Smith's business 'Crest Birubi Beach' is located within the area.</p>

INDEX

SUBJECT PAGE NO

COUNCIL REPORTS..... 3

1.	PLANNING PROPOSAL - KINGSTON - MEDOWIE ROAD MEDOWIE	4
2.	DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO 4) - MINOR AMENDMENTS AND CORRECTIONS.....	54
3.	PORT STEPHENS DISABILITY INCLUSION ACTION PLAN (DIAP).....	66
4.	POLICY REVIEW - CASH INVESTMENT POLICY.....	112
5.	BIRUBI POINT ABORIGINAL PLACE MANAGEMENT PLAN - MASTER PLAN.....	135
6.	POLICY REVIEW: GIFTS AND BENEFITS	185
7.	POLICY REVIEW: MANAGEMENT OF COMPETITIVE NEUTRALITY	198
8.	MEMBERSHIP OF COMMITTEE: SALT ASH SAND PROJECT COMMUNITY CONSULTATIVE COMMITTEE	208
9.	MEMBERSHIP OF COMMITTEE: AGL NEWCASTLE GAS STORAGE FACILITY COMMUNITY DIALOGUE GROUP.....	212
10.	DELEGATIONS: NEW BIOSECURITY ACT 2015	216
11.	LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2017	220
12.	REQUEST FOR FINANCIAL ASSISTANCE	229
13.	INFORMATION PAPERS	233

INFORMATION PAPERS 235

1.	CASH AND INVESTMENTS HELD AT 30 SEPTEMBER 2017	236
2.	AMENDMENT TO WEST WARD SPORTS COUNCIL 2017 ANNUAL OPERATING SUBSIDY PAYMENT	240
3.	DESIGNATED PERSONS' RETURN.....	241

NOTICES OF MOTION 242

1.	CHARGES LEVIED UPON COMMUNITY GROUPS.....	243
2.	LEMON TREE PASSAGE SWIMMING POOL NET.....	245

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 17/189002
RM8 REF NO: PSC2006-2237**

PLANNING PROPOSAL - KINGSTON - MEDOWIE ROAD MEDOWIE

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the updated planning proposal (**ATTACHMENT 1**) including additional biodiversity conservation measures that resolve a previous objection by the NSW Office of Environment and Heritage to the plan being finalised. The additional biodiversity conservation measures are summarised as:
 - a. Rezoning part of Lot 199 DP 17437 and part of Lot 200 DP 19739 from RU2 Rural Landscape to E2 Environmental Conservation;
 - b. Amending the boundary between the proposed R2 Low Density Residential and E2 Environmental Conservation zones on Lot 9 DP 855814; and
 - c. Placing a covenant on the title of the subject land to ensure the management and revegetation of the land within the E2 Environmental Conservation Zone in accordance with a Vegetation Management Plan.
- 2) Endorse a minor amendment to the proposed boundary of the R2 Low Density Residential Zone boundary on Lot 199 DP 17437.
- 3) Forward the updated planning proposal (**ATTACHMENT 1**) to the NSW Minister for Planning and request the Minister to take the necessary steps to amend the provisions of the Port Stephens Local Environmental Plan 2013 to implement the plan in accordance with the provisions of section 59 of the *Environmental Planning and Assessment Act 1979* (NSW).

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

252	Councillor Chris Doohan Councillor Giacomo Arnott It was resolved that Council move into Committee of the Whole.
------------	--

COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
--	---

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 Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

253	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the updated planning proposal (ATTACHMENT 1) including additional biodiversity conservation measures that resolve a previous objection by the NSW Office of Environment and Heritage to the plan being finalised. The additional biodiversity conservation measures are summarised as:<ol style="list-style-type: none">a. Rezoning part of Lot 199 DP 17437 and part of Lot 200 DP 19739 from RU2 Rural Landscape to E2 Environmental Conservation;b. Amending the boundary between the proposed R2 Low Density Residential and E2 Environmental Conservation zones on Lot 9 DP 855814; andc. Placing a covenant on the title of the subject land to ensure the management and revegetation of the land within the E2 Environmental Conservation Zone in accordance with a Vegetation Management Plan.2) Endorse a minor amendment to the proposed boundary of the R2 Low Density Residential Zone boundary on Lot 199 DP 17437.3) Forward the updated planning proposal (ATTACHMENT 1) to the NSW Minister for Planning and request the Minister to take the necessary steps to amend the provisions of the Port Stephens Local
------------	--

	Environmental Plan 2013 to implement the plan in accordance with the provisions of section 59 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
--	---

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 Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council's endorsement of an updated planning proposal (**ATTACHMENT 1**) for the subject land (**ATTACHMENT 2**).

The planning proposal seeks to rezone the subject land to facilitate housing and conservation outcomes consistent with the Medowie Planning Strategy. The site is located in 'Precinct E' and is estimated to deliver approximately 300 dwellings subject to development consent.

The planning proposal has been updated to include additional biodiversity conservation measures. These measures resolve an objection made by the NSW Office of Environment and Heritage and enable the planning proposal to be finalised.

The planning proposal has been under consideration for a considerable length of time. On 10 March 2015 (**ATTACHMENT 3**) Council resolved to proceed with the planning proposal following a period of public exhibition and requested that the Minister take the necessary steps to rezone the land. It was considered by Development Services Group that biodiversity conservation issues had been adequately resolved to proceed with the rezoning and any outstanding matters could be satisfactorily addressed at the development control plan and development application stages.

The planning proposal was forwarded to the NSW Department of Planning and Environment (the Department) with a request that the plan be finalised. The Department undertook further consultation with the NSW Office of Environment and Heritage (OEH). OEH advised the Department that it considered biodiversity conservation issues had not been fully resolved.

Following a period of negotiation between the relevant stakeholders the outstanding matters have been resolved. The planning proposal has been updated to include additional biodiversity conservation measures. These are summarised as:

- Rezoning certain areas of land on the western side of Medowie Road previously proposed to remain zoned RU2 Rural Landscape to E2 Environmental Conservation (affecting part of Lot 199 DP 17437 and part of Lot 200 19739).
- Amending the area of land on the eastern side of Medowie Road proposed to be zoned E2 Environmental Conservation (affecting Lot 9 DP 855814).
- Placing a covenant on the relevant land subject to the planning proposal to ensure the management and revegetation of land within the E2 Environmental Conservation Zone is in accordance with a Vegetation Management Plan.

OEH reviewed the proposed biodiversity conservation measures and advise they no longer object to the planning proposal proceeding.

The affected landowners have been consulted and have no objection to the proposed application of the E2 Environmental Conservation Zone.

Minor amendment to the proposed R2 Low Density Residential Zone boundary on Lot 199 DP 17437 Medowie Road is also proposed following assessment of additional flooding and drainage information. The minor amendment may slightly increase the estimated development yield and assist in locating stormwater detention basins.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial/resource implications for Council in proceeding with the recommended updated planning proposal.

The proponent has paid planning proposal fees in accordance with Council's Fees and Charges Schedule, being \$4,000 for Stage 1 and \$30,555 for Stage 2. The Stage 3 Gazettal fee of \$7,673 will apply if the planning proposal proceeds.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Gateway Determination

Proceeding with the planning proposal will be subject to satisfying the requirements of a revised gateway determination to be issued by the Department.

Medowie Planning Strategy

The updated planning proposal seeks to rezone land to facilitate housing and conservation outcomes that are consistent with the Medowie Planning Strategy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the updated planning proposal could be challenged because it is not re-exhibited.	Medium	Comply with any additional consultation requirements that may be included in a revised gateway determination to be issued by the Department. The owners of Lot 199 DP 197437 and Lot 200 DP 19739 have been consulted and have no objection to the proposed E2 Environmental Conservation Zone.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The updated planning proposal including proposed biodiversity conservation measures will have positive environmental implications. It will also facilitate the delivery of land for housing consistent with the Medowie Planning Strategy. This will have positive social and economic outcomes.

CONSULTATION

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

The objective of the consultation was to resolve the outstanding biodiversity conservation issue raised by OEH prior to the planning being finalised (only). The planning proposal has previously been placed on exhibition and the issues addressed.

Internal

The Natural Resources Team reviewed the proposed biodiversity conservation measures and have no objection to the updated planning proposal proceeding.

The Drainage and Flooding Team has reviewed additional information relating to the minor amendment to the proposed R2 Low Density Residential Zone at Lot 199 DP 17437 and have no objection to the planning proposal proceeding.

External

The OEH has reviewed the proposed biodiversity conservation measures and have no objection to the planning proposal proceeding.

The owners of Lot 199 DP 17437 and Lot 200 DP 19739 have been consulted and advise of no objection to the proposed application of the E2 Environmental Conservation Zone on the affected land (previously proposed to be retained within the RU2 Rural Landscape Zone).

OPTIONS

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

ATTACHMENTS

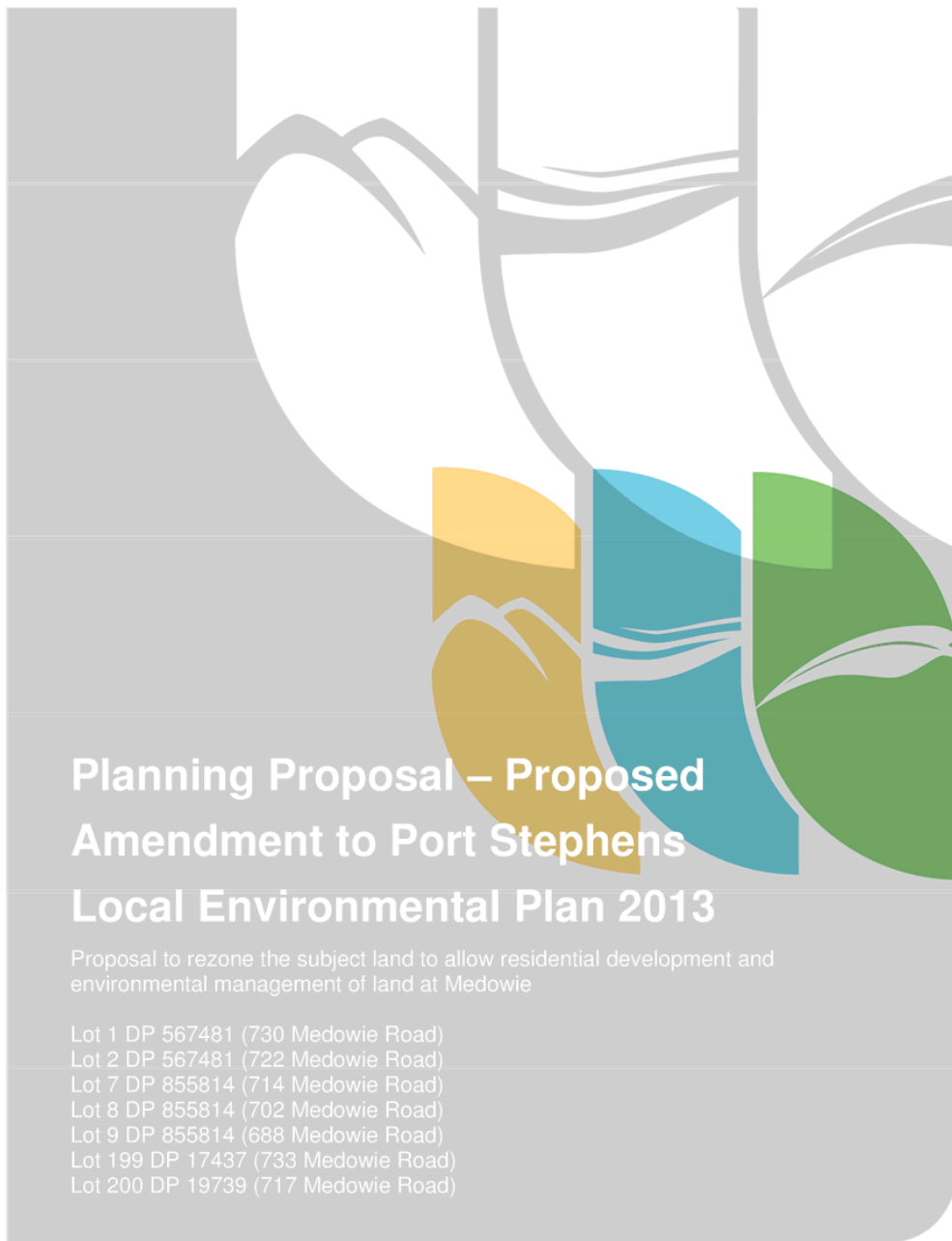
- 1) Planning Proposal.
- 2) Subject Land.
- 3) 10 March 2015 - Council Report.

COUNCILLORS ROOM

- 1) Planning Proposal – Proposed Amendment to Port Stephens Local Environmental Plan 2013.

TABLED DOCUMENTS

Nil.



**Planning Proposal – Proposed
Amendment to Port Stephens
Local Environmental Plan 2013**

Proposal to rezone the subject land to allow residential development and environmental management of land at Medowie

- Lot 1 DP 567481 (730 Medowie Road)
- Lot 2 DP 567481 (722 Medowie Road)
- Lot 7 DP 855814 (714 Medowie Road)
- Lot 8 DP 855814 (702 Medowie Road)
- Lot 9 DP 855814 (688 Medowie Road)
- Lot 199 DP 17437 (733 Medowie Road)
- Lot 200 DP 19739 (717 Medowie Road)

August 2017



PART 1 – Objective of the proposed local environmental plan

The objectives of the planning proposal (the proposal) are to:

- Rezone the subject land to enable residential development and environmental conservation generally in accordance with the Medowie Planning Strategy; and
- Ensure that future residents are not exposed to risk of unacceptable odour impacts from a poultry farm operating on Lot 199 DP 17437 (733 Medowie Road).

PART 2 – Explanation of the provisions to be included in proposed LEP

The objectives of the proposal will be achieved by:

- Amending the *Port Stephens Local Environmental Plan 2013* Land Zoning Map in accordance with the proposed Draft Land Use Zone Map at **Attachment 1**.
- Amending the *Port Stephens Local Environmental Plan 2013* Lot Size Map in accordance with the proposed Draft Lot Size Map at **Attachment 2**.
- Amending the *Port Stephens Local Environmental Plan 2013* Height of Buildings Map in accordance with the proposed Draft Height of Buildings Map at **Attachment 3**.
- Amending the *Port Stephens Local Environmental Plan 2013* Urban Release Area Map in accordance with the proposed Draft Urban Release Area Map at **Attachment 4**.
- Inserting an additional Clause to Part 7 *Additional local provisions* as follows:

"Clause 7.20 Development at Medowie Road, Medowie

(1) This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 and Lots 7-9 DP 855814.

(2) Despite any other provision of this Plan, development consent must not be granted to development on the land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437."

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

The proposal has been prepared in response to the *Medowie Planning Strategy* which identifies parts of the site for potential development and part for environmental conservation.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objective of the proposal can only be achieved by amending the *Port Stephens Local Environmental Plan 2013* (LEP 2013). The site is currently zoned RU2 Rural Landscape (with an accompanying minimum lot size of 20 hectares) and requires rezoning to permit subdivision for residential purposes and to place part of the land in an environmental conservation zone.

It is proposed to continue to proceed with the proposal rather than wait for a general review of LEP 2013 to rezone the land. This will enable the proposal to be considered in a timely manner and facilitate the delivery of land for housing in accordance with strategic planning for the area.

SECTION B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Hunter Regional Plan

The proposal is consistent with the *Hunter Regional Plan* subject to development demonstrating a neutral or beneficial effect on water quality. The *Hunter Regional Plan* priority for housing in the Port Stephens LGA is to deliver existing urban release areas at Fern Bay, Medowie and Kings Hill. The site was previously identified within a 'proposed urban area – boundaries to be defined through local planning' under the superseded *Lower Hunter Regional Strategy*.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

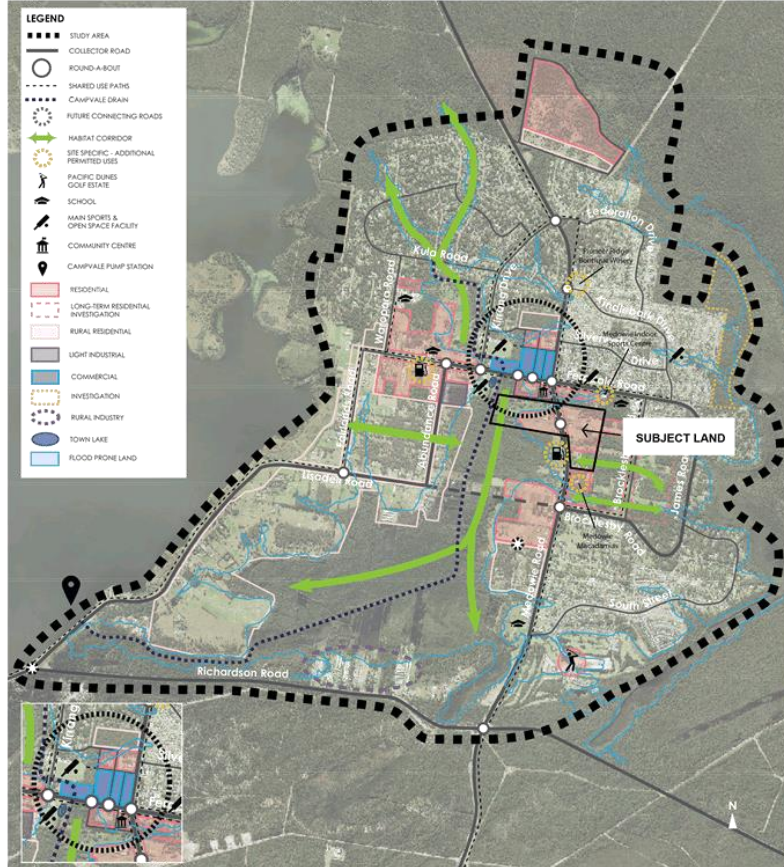
Port Stephens Planning Strategy

The proposal is consistent with the *Port Stephens Planning Strategy* which identifies the site for potential future residential development.

Medowie Planning Strategy

The proposal is consistent with the land uses identified for the site in the *Medowie Planning Strategy*. The location of the subject land relative to the *Medowie Planning Strategy* is shown in Figure 1 *Medowie Planning Strategy Map*.

Figure 1 Medowie Planning Strategy Map



6. Is the planning proposal consistent with applicable state environmental planning policies?

Assessment of the proposal against the relevant state environmental planning policies is provided in the following table.

Table A: Relevant State Environmental Planning Policies

SEPP 44 Koala Habitat Protection
<p>The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPOM) is applied in Port Stephens LGA for the purposes of implementing SEPP 44.</p> <p>The principal area of potential impact on Koala habitat under the proposal is on the eastern side of Medowie Road on part of Lot 9 DP 855814 (688 Medowie Road). The vegetation in this area is classified as Supplementary Koala Habitat, confirmed through site inspections and investigations carried out by the Proponent and concurred with by Council's Natural Resources Team (refer to <i>Koala Habitat Assessment Update</i>, Kleinfelder, 4 September 2014). The majority of remaining land being sought for rezoning and potential development across the site is primarily cleared land and identified as 100m Buffer Over Cleared Land or Link Over Cleared Land.</p> <p>The proponent provides the following assessment against the CKPOM performance criteria for planning proposals:</p> <p>a) <i>Not result in development within areas of Preferred Koala Habitat or defined Habitat Buffer.</i></p> <p><i>"The site visit and revised Koala Habitat Map did not find any PKH or associated buffers within or directly adjoining the subject site."</i></p> <p><u>Comment:</u> Concur.</p> <p>b) <i>Allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas.</i></p> <p><i>"The proposed subdivision would require the removal of approximately 3 ha of SKH (1.7 ha in the south-east corner and 1.3 ha in the north-east corner). The south-east area was noted to be in low condition as the understorey is highly degraded and both the structure and composition has been modified due to grazing activities. The small area in the north-east is less degraded with some native understorey regrowth and would be considered moderate condition."</i></p> <p><u>Comment:</u> The design of the planning proposal has been modified to exclude a portion of the SKH identified in Lot 9 DP 855814 previously located within the development footprint in the R2 Low density residential lots. 1.55 hectares of SKH is now included with the proposed E2 Environmental Conservation zone which will maintain a portion of the SKH containing koala feed trees and the east-west wildlife corridor.</p> <p>The planning proposal will still require the removal of 2.42 ha of Smooth Barked Apple – Blackbutt Forest (SKH) which does not meet CKPOM rezoning performance criteria (b) as it does not lead to low impact development within a portion of the identified areas of SKH. However, with the modification of the design, the overall planning proposal is considered to be consistent with the objectives of the CKPOM with the proposed offset of 8.60 ha of preferred koala habitat and 1.55 ha of SKH including a strategy to maintain and enhance Koala corridor and feed habitat values on the site and surrounds (Kleinfelder 20 February 2017).</p>

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

- c) *Minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site.*

"It was observed that preferred Koala feed tree species constitute less than 5 – 10% of the total canopy in the areas mapped on-site as SKH. Within the Medowie Structure Plan, it is recommended that allowance should be made for the removal of marginal habitat on the subject site (referring to the patch of forest in the south-east). While this patch does contain a small percentage of Koala feed tree species it is isolated and the habitat is considered to be lower priority for retention compared with large patches of Preferred Koala Habitat to the west of the site."

Comment: A portion of the SKH (1.55 hectares) identified in Lot 9 DP 855814 no longer forms part of the development footprint within the R2 Low density residential lots and will be rezoned as E2 Environmental Conservation maintaining a portion of the SKH containing koala feed trees and the east-west wildlife corridor.

A final VMP has been prepared by Kleinfelder (dated 10 May 2017) to support the planning proposal for the Kingston subdivision, outlining the specific management actions that will be undertaken within the E2 zoned lands. The VMP provides the actions required in order to achieve the required ecosystem credits and area of Koala habitat required to offset impacts to the species within the R2 zoned land, planting of preferred Koala feed trees will be required within areas of the regenerating Swamp Forest which lack canopy.

- d) *Not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.*

"The known Koala movement corridor along the site's southern boundary will not be affected by the proposed subdivision as the southernmost section of the site will be retained for Environmental Management (Habitat Corridor) as per the ADW Johnson site layout.

The three proposed lots and open space area in the north-east corner would require removal of Supplementary Koala Habitat which may be acting as a Habitat Linking Area. However, this potential link to the Supplementary Habitat along the northwestern boundary (offsite) is not considered to represent an important corridor as the vegetation does not lead anywhere (with primarily cleared land occurring on the western side of Medowie Road and urban development occurring to the north."

Comment: The design of the planning proposal has been modified to exclude a portion of the SKH identified in Lot 9 DP 855814 previously located within the development footprint in the R2 Low density residential lots. 1.55 hectares of SKH is now included with the proposed E2 Environmental Conservation zone which will maintain a portion of the SKH containing koala feed trees and the east-west wildlife corridor.

The proposal provides a net gain of habitat and corridor values of 7.73 ha. The species proposed for rehabilitation have additional values as preferred feed trees, and there is scope for other protection measures to be designed to protect and enhanced Koala values (e.g. fencing values) (Kleinfelder 20 February 2017).

OEH has reviewed the updated draft zone map, draft s88B covenant, biodiversity calculations (Kleinfelder 20 February 2017) and vegetation management plan (Kleinfelder 10 March 2017). Based on their review OEH has no objection to the proposal proceeding.

The proposal satisfactorily addresses the provisions of this SEPP if the proposed biodiversity offset measures are implemented.

SEPP 55 Remediation of Land

A Geotechnical and Phase 1 Contaminated Site Assessment (RCA Australia, August 2005) has been and its findings are summarised as follows:

- The part of the site west of Medowie Road has a history of activities with a potential for causing concentrated contamination such as fruit orchard cultivation and indoor poultry farming. There are no documented activities of storage of significant quantities of hazardous chemicals or landfill or manufacturing or other industrial developments associated with the site;
- Further investigations are required prior to residential development of the area around the existing poultry sheds, abandoned orchards and a fill mound;
- As part of the DA documentation and prior to any subdivision works further environmental testing is required to address potential impacts to the site from past site use and preparation of a Remedial Action Plan will be undertaken if required.
- The part of the site to the east of Medowie Road has no history of activities with a potential for causing concentrated contamination such as cattle dip sites, cultivation, storage of significant quantities of hazardous chemicals or landfill. There are no documented activities of manufacturing or other industrial developments associated with the site.

The final general comment of the proponent's assessment is that the level of investigation undertaken for the assessment is considered appropriate for subdivision design and to support the rezoning and development application.

The proposal is consistent with this direction if the recommendations of the proponent's *Phase 1 Contaminated Site Assessment (RCA Australia, August 2005)* are followed.

SEPP (Rural Lands) 2008

This SEPP applies because the proposal seeks to rezone rural land for residential use.

The Department of Primary Industries has been consulted and advise the prime agricultural land identified is not strategic for continued agricultural production potential.

The site includes an operating poultry farm on Lot 199 DP 17437 (733 Medowie Road). There is potential for land use conflict from the poultry farm if the proposal proceeds and residential development occurs nearby.

The proposal seeks to manage the risk of odour impacts to future residents by introducing a Clause 7.20 *Development at Medowie Road, Medowie* to LEP 2013 requiring satisfactory arrangements to be made to decommission the poultry farm prior to development consent being granted on the land subject of the proposal.

Any inconsistency of the proposal with this SEPP is justified by the identification of the subject land for urban development in planning strategies and the proposed Clause 7.20 *Development at Medowie Road, Medowie* requiring satisfactory arrangements to decommission the poultry farm prior to development consent being granted for the land subject of the proposal.

7. Is the planning proposal consistent with applicable Ministerial Directions?

Assessment of relevant s.117 Directions against the proposal is provided in the table below.

Table B: Relevant s.117 Ministerial Directions

<p>1.1 Business and Employment Zones</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) Encourage employment growth in suitable locations; b) Protect employment land in business and industrial zones; c) Support the viability of identified strategic centres. <p>This direction applies because the proposal may affect land within an existing or proposed business or industrial zone.</p> <p>The proposal will have a positive impact on the existing town of Medowie and nearby major regional centre of Raymond Terrace by providing additional land for housing in a location close to the town centre. Future residents will support businesses in the area.</p> <p>The proposal is consistent with this direction.</p>
<p>1.2 Rural Zones</p> <p>The objective of this direction is to protect the agricultural production value of rural land. This direction applies because the proposal seeks to rezone rural land for residential use.</p> <p>Parts of the site are mapped as Prime Agricultural Land (Class 1-3) as shown hatched/shaded light pink in the following map.</p> <div data-bbox="454 996 1136 1370" data-label="Image"> </div> <p>However the Department of Primary Industries has been consulted and advise the prime agricultural land identified is not strategic for continued agricultural production potential.</p> <p>The site is identified for urban development in planning strategies for the area.</p> <p>Any inconsistency of the proposal with this direction is justified by the identification of the subject land for urban development in planning strategies for the area and advice from the Department of Primary Industries.</p>

1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of restricting the potential development of mineral resources etc. by permitting a land use that is likely to be incompatible with such development.

The site is surrounded by existing development, and any potential inconsistency with this direction is minor and justified primarily because the land is identified for urban development in planning strategies for the area.

Any inconsistency of the proposal with this direction is justified by the identification of the subject land for urban development in planning strategies for the area.

1.5 Rural Lands

The objectives of this direction are to:

- a) Protect the agricultural production value of rural land; and
- b) Facilitate the economic development of rural lands for rural related purposes.

This direction applies because the proposal seeks to rezone rural land for residential use.

The proposal is inconsistent with this direction because it will remove the agricultural production value of the subject land.

The Department of Primary Industries has been consulted and advise the prime agricultural land identified is not strategic for continued agricultural production potential.

Any inconsistency of the proposal with this direction is justified because the site is identified for urban development in planning strategies for the area.

Any inconsistency of the proposal with this direction is justified by the identification of the subject land for urban development in planning strategies for the area and advice from the Department of Primary Industries.

2.1 Environmental Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

This direction applies when a relevant planning authority prepares a planning proposal.

The proposal proposes to remove 2.42 ha of Smooth Barked Apple – Blackbutt Forest, which has been mapped under Port Stephens Koala mapping as supplementary Koala habitat. This habitat has been acknowledged as important for corridor or connectivity purposes.

To offset these impacts the proposal will: put a conservation covenant over approximately 1.55ha of Smooth-Barked Apple – Blackbutt Forest and 1.90 ha of intact Swamp Mahogany Paperbark Forest (preferred Koala habitat), and will rehabilitate approximately 6.70 ha of low condition Swamp Mahogany Paperbark Forest (preferred Koala habitat)

In total it is proposed to implement an ecosystem and species improvement strategy over 10.15 ha to offset an impact on approximately 2.42 ha of land.

OEH has reviewed the updated draft zoning map, draft s88B covenant, biodiversity calculations (Kleinfelder 20 February 2017) and vegetation management plan (Kleinfelder 10 March 2017). Based on their review OEH has no objection to the proposal proceeding.

The proposal is consistent with this direction.

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This direction applies when a relevant planning authority prepares a planning proposal.

There are no items of European heritage located on the land.

The proponent commissioned a *Medowie Local Area Plan Desktop Aboriginal Heritage Assessment* (ERM Australia, June 2005). It concluded that:

- No Aboriginal sites have previously been identified within the study area. Given the extensive nature of previous surveys...and the general absence of registered Aboriginal sites from the AHIS register, it is extremely unlikely that any Aboriginal sites are present within the study area; &
- The study area has a low potential for Aboriginal sites. It is highly unlikely that Aboriginal heritage issues will constrain future plans for rezoning for development within Medowie.

The NSW Office of Environment and Heritage relevantly advised in its advice 27th June 2011 that Aboriginal heritage will need to be investigated in future planning stages.

This matter can be adequately addressed further at the development control plan and/or development application stages.

Any inconsistency with this direction is justified because the proposal is consistent with planning strategies for the area, and potential heritage issues can be adequately addressed at the development control plan and development application stages. The planning proposal was referred to the Worimi Local Aboriginal Land Council with no comment received.

Any inconsistency of the proposal with this direction is justified for the reasons outlined above including addressing issues at the development application stage.

3.1 Residential Zones

The objectives of this direction are:

- a) To encourage a variety and choice of housing types to provide for existing and future housing needs;
- b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services;
- c) Minimise the impact of residential development on the environment and resource lands.

The proposal is consistent with this direction because it will provide housing in accordance with planning strategies for the area. It is seeking to rezone approximately 27 hectares of land for residential development in accordance with strategic planning for the area. The *Medowie Planning Strategy* estimates a yield of 300 dwellings for the site.

The proposal is consistent with this Direction.

3.3 Home Occupations

The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.

The proposal maintains the ability to undertake a home occupation in the R2 Low Density Residential Zone under the existing provisions of LEP 2013.

The proposal is consistent with this direction.

3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following objectives:

- a) Improving access to housing, jobs and services by walking, cycling and public transport.
- b) Increasing the choice of available transport and reduce dependence on cars.
- c) Reducing travel demand including the number of trips generated by the development and the distances travelled, especially by car;
- d) Supporting the efficient and viable operation of public transport services;
- e) Providing for the efficient movement of freight.

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land.

The proposed land uses are consistent with adopted planning strategies for the area.

The site is located close to the urban centre of Medowie and provides the opportunity to improve access to housing, jobs and services by walking, cycling and public transport, and reduce dependence on cars.

The proposal supports the future efficient and viable operation of an improved public transport system by increasing population density close to the town centre.

The proposal is consistent with this direction.

3.5 Development Near Licensed Aerodromes

The objectives of this direction are:

- a) To ensure the efficient and safe operation of aerodromes;
- b) To ensure their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.
- c) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

Medowie is located near the Williamtown RAAF Base/Newcastle Airport and the Salt Ash Air Weapons Range.

The subject land is not affected by the ANEF 2012 or 2025 maps; however land outside of ANEF contours can still be affected by aircraft noise and activity.

Given the land is outside of ANEF contours, and is identified in adopted planning strategies for urban development, and aircraft noise and activity is not likely to affect the intent of the proposal.

The Department of Defence have been consulted and advise that the site is located outside of ANEF contours and do not object to the proposal.

The proposal is consistent with this direction.

4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

This direction applies because the subject land is identified as Class 3 and 5 acid sulfate soils. Preliminary geotechnical investigations of the site undertaken by the proponent have shown that the likelihood of acid sulphate soils is low in the areas proposed for rezoning for urban development.

LEP 2013 also contains provisions requiring appropriate measures to be taken at the development application stage to avoid adverse impacts from the presence of acid sulphate soils.

The proposal is consistent with this direction.

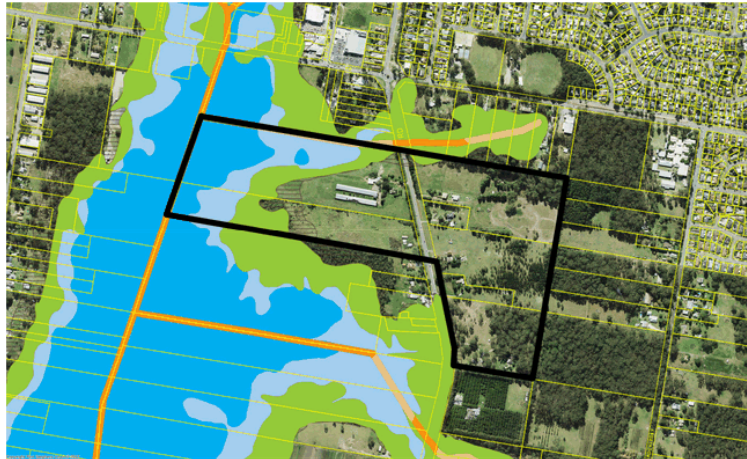
4.3 Flood Prone Land

The objectives of this direction are:

- a) To ensure that development of flood prone land is consistent with the NSW *Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*.
- b) To ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.

Parts of the site are identified as flood prone land. On the eastern side of Medowie Road the extent of affectation is very minor. On the western side of Medowie Road the R2 Low Density Residential Zone boundary is placed to primarily avoid flood prone land.

The proponent for land on the western side of Medowie Road has provided additional information to amend and extend the residential zone footprint. The report indicates there is no significant impact on adjacent properties as a result of the filling and compensatory storages (refer to *Flood Impact Assessment of Proposed Works Lot 199/17437 Medowie Road, Medowie*, WMA Water, 2 June 2017). The additional information has been reviewed by Council's Drainage and Flooding Section who concur with the recommendations of the WMA report. This issue can be further addressed at the development control plan and development application stage through subdivision design and assessment.



Any inconsistency of the planning proposal with this direction is of minor significance.

4.4 Planning for Bushfire Protection

The objectives of this direction are:

- a) To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas.
- b) To encourage sound management of bush fire prone areas.

This direction applies because part of the land is mapped as bushfire prone.

A *Draft Bushfire Hazard Assessment* was carried out for the Proponent in August 2005 (Barry Eadie Consulting Pty Ltd, August 2005). The Assessment was undertaken in accordance with *Planning for Bushfire Protection* and AS 3959-1999: *Construction of Buildings in Bush Fire Prone Areas* (superseded). The assessment states that provided the recommendations of the report are implemented the proposed development achieves the intent of the relevant legislation and in particular the requirements set out in *Planning for Bushfire Protection 2001*. The Rural Fire Service (RFS) provided comment on the proposal in 2009 and raised no concerns or special consideration in relation to bushfire matters.

Planning for Bushfire Protection 2006 is now in place. Given the previous assessment and advice it is likely that any future subdivision and development on the subject land will be able to incorporate bushfire protection measures. A bushfire report will be provided with a future development application for residential subdivision and referred to the RFS. Asset Protection Zones will be required. The need to comply with *Planning for Bushfire Protection 2006* will also be referred to in a development control plan for the site.

The consistency of the proposal with this direction can be confirmed by updated referral to the RFS (if required).

5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The proposal is consistent with the *Hunter Regional Plan*, subject to development demonstrating a neutral or beneficial effect on water quality. The *Hunter Regional Plan* priority for housing in the Port Stephens LGA is to deliver existing urban release areas at Fern Bay, Meadowie and Kings Hill. The site was previously identified within a 'proposed urban area – boundaries to be defined through local planning' under the previous *Lower Hunter Regional Strategy*.

The proposal is consistent with this direction.

6.2 Reserving Land for Public Purposes

The objectives of this direction are:

- a) To facilitate the provision of public services and facilities by reserving land for public purposes;
- b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

This direction applies when a relevant planning authority prepares a planning proposal.

The proposal does not seek to dedicate any land to a State public authority.

No public parks are proposed.

Any stormwater detention basins may be dedicated to Council at a future stage.

The proposal is consistent with this direction.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning provisions.

This direction applies because the planning proposal seeks to apply a site-specific provision to manage the potential to expose future residents to unacceptable risk of odour impacts from a poultry farm on Lot 199 DP 17437.

The site-specific clause is appropriate in this instance because it facilitates the rezoning of the land proceeding, whilst ensuring satisfactory arrangements are made for decommissioning the poultry farm prior to residential development taking place and negating potential exposure of future residents to unacceptable odour impacts.

Any inconsistency of the proposal with this direction is of minor significance.

SECTION C – Environmental, Social and Economic Impact**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The koala is listed under the *Threatened Species Conservation Act 1995* (NSW) (TSC Act) as a 'vulnerable' species and in the *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth) as a 'vulnerable' species.

The impact of the proposal relative to koala habitat is addressed previously in this proposal in Table 1 *Relevant State Environmental Planning Policies* under SEPP 44 Koala Habitat Protection.

Consultants HWR Ecological completed an ecological assessment in for the Proponent to accompany the proposal in 2005 (*Ecological Assessment – Meadowie Road Meadowie*, HWR Ecological, 2005). The relevant assessment results are:

- No threatened flora species or populations on the subject site;
- One threatened fauna species (the koala) was recorded; and
- Endangered Ecological Community Swamp Sclerophyll Forest on Coastal Floodplains.

The OEH advised that, in the absence of a formal Biodiversity Certification or Biobanking Agreement under Parts 7A and 7AA of the TSC Act threatened species assessments under the *Environmental Planning and Assessment Act 1979* (NSW) will be required at the development application stage. If the proposed development application is for land that is critical habitat or is likely to significantly affect threatened species, populations or ecological communities or their habitats, a Species Impact Statement will be required and OEH will have a concurrence role in the development application.

It is proposed to resolve any potential threatened species issues at the development application stage.

OEH has also reviewed the updated draft zoning map, draft 88B covenant, biodiversity calculations (Kleinfelder 20 February 2017) and vegetation management plan (Kleinfelder 10 March 2017). Based on this review OEH has no objection to the proposal proceeding.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**Odour**

A poultry farm is currently in operation on Lot 199 DP 17437 which is included within the land subject of the proposal. Potential odour emissions from the farm have the potential to prevent the development of the subject land due to risk of unacceptable

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

odour impacts to future residents. To manage this risk it is proposed to introduce a clause to Part 7 *Additional local provisions* as follows:

Clause 7.20 Development at Medowie Road, Medowie

- (1) This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 & Lots 7-9 DP 855814.*
- (2) Despite any other provision of this Plan, development consent must not be granted to the development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437.*

The effect of the above proposed clause is to ensure that satisfactory arrangements are made to ensure the poultry farm ceases to operate prior to the development of the land for residential use.

Vegetation

The preparation of a site-specific development control plan for the site is required under the provisions of the Clause 6.3 *Development Control Plan* of LEP 2013 and may assist in ameliorating any impacts on vegetation. It relevantly provides that the development control plan will require a landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation. OEH has also reviewed the updated draft zoning map, draft 88B covenant, biodiversity calculations (Kleinfelder 20 February 2017) and vegetation management plan (Kleinfelder 10 March 2017). Based on this review OEH has no objection to the proposal proceeding.

Flooding and Drainage

The zone footprint is mostly located to avoid areas of flood prone land. Any incursion is minor and to be managed at the development control plan and development application stage.

On the eastern side of Medowie Road the extent of affectation is very minor.

On the western side of Medowie Road the R2 Low Density Residential Zone boundary is placed to primarily avoid flood prone land. The proponent for land on the western side of Medowie Road has provided additional information to amend and extend the residential zone footprint. The report indicates there is no significant impact on adjacent properties as a result of the filling and compensatory storages (refer to *Flood Impact Assessment of Proposed Works Lot 199/17437 Medowie Road, Medowie*, WMA Water, 2nd June 2017). The additional information has been reviewed by PSC Drainage and Flooding Section who concur with the recommendation of the WMA report. This issue can be further addressed at the development control plan and development application stage through subdivision design.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

Stormwater management and water quality is a principal concern given the location of the site within the drinking water catchment for Grahamstown Dam. Hunter Water Corporation has raised this issue however do not object to the proposal. Water quality is also referred to in the *Hunter Regional Plan*. Further detailed design of stormwater management measures will occur during the preparation of a development control plan for the site in accordance with the provisions of Clause 6.3 *Development Control Plans* of LEP 2013. A concept plan provided by the proponent identifies potential locations for and indicative sizes of detention basins to manage stormwater.

Traffic

A concept plan provided by the proponent identifies that a 'traffic management facility – possible roundabout' will be required at the intersection with Medowie Road.

The Proponent acknowledges the need to provide intersection facilities on Medowie Road as part of any future development and a detailed traffic assessment of the final development would need to be undertaken including consultation in relation to the preferred intersection treatments.

Council commissioned the *Medowie Traffic and Transport Study* including an accompanying local contributions plan to complement the superseded *Medowie Strategy* adopted in 2009 (refer to *Medowie Traffic and Transport Study*, URAP-TTW Consulting Services, December 2012). The *Medowie Traffic and Transport Study* including local infrastructure contributions plan is under review to respond to the *Medowie Planning Strategy* adopted in 2016.

Summary

In managing any other likely environmental effects as a result of the proposal the requirement to prepare a site-specific development control plan under the provisions of Clause 6.3 *Development Control Plan* of LEP 2013 is considered the appropriate mechanism to further address potential impacts. The site-specific development control plan must provide for all of the following:

- A staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing;
- An overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrian and cyclists;
- An overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain;
- A network of active and passive recreation areas;
- Stormwater and water quality management controls;
- Amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected;
- Detailed urban design controls for significant development sites;

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

- Measures to encourage higher density living around transport, open space and service nodes;
- Measures to accommodate and control appropriate neighbourhood commercial and retail uses;
- Suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

Proceeding with the proposal and applying the proposed zoning is appropriate for the site at this time and any further detailed investigations can occur following the rezoning of the land.

10. Has the planning proposal adequately addressed any social and economic effects?

The proposal will have a positive social and economic effect through the provision of approximately 27 hectares of land for housing. The *Medowie Planning Strategy* estimates a yield of 300 dwellings for the site.

SECTION D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The proponent provides the following summary of the ability to provide utilities to the site:

"In consideration of the rezoning of the subject lands for urban purposes it is important to consider the implications for the supply of services necessary to support the impending development. SKM were engaged to provide advice in this regard and a copy of their report was provided in the original rezoning submission.

The report investigated the availability of Gas, Power and Street Lighting, Water, Sewer & Telecommunications. The following extract is the conclusion from the report:

"From our preliminary investigations it would appear that the proposed development can proceed on the basis that all the service categories examined in this report are able to be provided.

Further investigation will need to be undertaken for all services as part of the preparation of the development application and to develop a full understanding of the real costs for development. This further investigation could proceed following the approval of the re-zoning application.

These investigations would include:

- *A formal request for Agility to undertake a business case assessment of the proposed development with a stated outcome as being the determination of Developer Contributions to the provision of natural gas.*

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

- *The undertaking of a developer funded site specific servicing strategy for the provision of water to the site.*
- *The undertaking of a developer funded site specific servicing strategy for the provision of sewer transport from the site.*
- *Negotiation with Telstra regarding the level of service appropriate for the site.*
- *Further investigation into the power supply requirements for the site and the cost requirements for the site".*

(ADW Johnson, 2011, pg. 31)

Hunter Water Corporation has been consulted regarding the ability to provide sewer and water and their advice is provided in the following section.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

Hunter Water Corporation (HWC) provided advice on 10 July 2014:

- Water Supply – the land to be rezoned is located in the Williamstown-Medowie Water Supply System and there is currently sufficient capacity for the estimated demand from the proposed rezoning area.
- Wastewater transportation – a wastewater servicing strategy would be required for the development and at a minimum be required to address the following;
 - Overall load of the area
 - Surrounding potential developments
 - Proposed connection points to the HWC system
 - Details of new infrastructure and upgrades to HEC infrastructure
 - Staging of development
 - Investigation of alternative options
 - Identification of least community cost option
 - Wastewater treatment – there is currently sufficient capacity at the Raymond terrace WWTW, although there are limitations at the plant's inlet works. Large developments may need to be assessed individually to determine whether they have an impact on the peak instantaneous flow to the plant. Plant capacity and regional development is assessed over time to ensure upgrades are stage din a manner that ensures future development areas can be adequately serviced.
- Water Resources – Development in the Medowie area is of considerable importance to HWC because urban runoff from this catchment enters the Grahamstown Dam drinking water source via the Campvale Drain. Grahamstown Dam supplies approximately 40% of the region's drinking water and protecting its physical and chemical condition is essential.
- HWC is currently working with Council to implement best practice stormwater management in the Medowie area and in the drinking water catchments more broadly. Effective development controls are a key mechanism by which water quality within the drinking water catchments is protected and maintained. It is therefore important that the proposed development is consistent with the

19

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

strategic objectives for protecting water quality within the drinking water catchments.

- HWC considers that the proposed development is of a scale that could have a significant adverse impact on water quality during construction and operational phases if water quality protection measures are not implemented.
- HWC therefore requires that the proposed development has a demonstrated neutral or beneficial effect on stormwater quality that flows from the site. It is therefore requested that Council ensure that the development includes the design, construction and maintenance of water quality improvement devices that have a demonstrated capacity to remove all additional contaminants from the stormwater runoff of the site.
- HWC has no objections to the rezoning proposal but the developer will have to continue to liaise with HWC to ensure that the site is effectively serviced and best practice stormwater management is implemented.

Planning Proposal Response

- The proponent will need to prepare a servicing strategy at a future stage and consult with HWC during its preparation.
- The proponent has provided indicative locations for detention basins. The proponent will need to address stormwater and drainage in detail during the preparation of a site-specific development control plan for the site in accordance with the provisions of Clause 6.3 *Development Control Plan* of LEP 2013 and also at the development application stage.
- No objection to the proposal is noted. The proponent will need to continue to liaise closely with HWC and Council to ensure that water quality objectives are met during the design and development stages following the rezoning of the land.

NSW Department of Primary Industries - Office of Water

- Riparian Corridors - The site is adjacent to a watercourse that may be considered waterfront land under the *Water Management Act 2000* (NSW). Any development within 40m of water front land may require a controlled activity approval from the Office of Water.
- Flooding and Water Cycle Management - Part of the site is considered to be flood prone and that there is a proposal to install detention basins to mitigate these impacts. It is recommended the management of peak flows using detention basins be designed so that these structures are off line, and are consistent with the guidelines for controlled activities. It is also recommended that objectives incorporate the maintenance of groundwater recharge at pre-development levels.
- Prior to construction of any detention basin, the proponent would need to determine if any licenses or approvals were required under the *Water Act 1912* (NSW) or the *Water Management Act 2000* (NSW) for these works.
- The proponent should liaise with the Office of Water regarding the existing licensed dam on the site and any implications future development may have on this. It is also recommended the proponent consult the NSW Dams Safety Committee for any future development in proximity to the existing dam or proposed changes to the dam.

20

Planning Proposal Response

- The matters raised can be addressed at the development control plan and/or development application stage.
- Detention basins will be located off-line/within the development zone footprint in accordance with Council requirements.

NSW Department of Primary Industries – Agriculture

- DPI recommends that residential development should not occur proceed while the poultry farm is in operation within a distance as per a Level 1 odour impact assessment for broiler chicken farms.
- DPI agrees that the prime agricultural land identified is not strategic for continued agricultural production potential, however the locality still retains some agricultural production on small lots and therefore council will need to consider the implications of residential development on these operations.
- The placement of a habitat zone to the south of Lot 9 DP 855814 (688 Medowie Road) will assist to buffer the horticultural operations on the adjoining southern allotment. However, other issues of providing a fence to limit public access may be necessary.
- To address the potential risk of creating land use conflict within the locality a risk analysis could be undertaken.

Planning Proposal Response

- The land containing the poultry farm is included within the proposal and is proposed for rezoning from RU2 Rural Landscape to R2 Low Density Residential.
- The proposal includes the introduction of an 'additional local provisions' clause to LEP 2013 requiring satisfactory arrangements for the decommissioning of the poultry farm prior to consent being granted for the development of the land.
- Rezoning the land will provide options for decommissioning of the poultry farm and its residential development will negate any land use conflict.
- Rezoning the land is consistent with State and local strategic planning for the area.
- The placement of the E2 Environmental Conservation zone between the proposed development area and the macadamia farm will act as a buffer approximately 120m wide to reduce the risk of land use conflict.

NSW Office of Environment and Heritage

The NSW Office of Environment and Heritage (OEH) has provided comment on three occasions over time (17 June 2011; 18 June 2014; 20 June 2017).

OEH first provided comment on 17 June 2011 as summarised below:

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

- OEH recognises that the proposal, including a plan of the proposed site layout (ADW Johnson Pty Ltd, version F, amended 27 April 2011), appears to be consistent with the Medowie Strategy adopted by Council in 2009. Consequently, OEH supports the draft LEP amendment, and provides some additional advice to Council prior to the rezoning of the site;
- OEH notes and encourages the designation of the southern portion of Lot 9 DP 855814 as Environmental Management (Habitat Corridor) to allow the continued use of this land by Koalas moving east-west across the site and Medowie Road. It is important that this corridor is conserved and managed for conservation into the future and OEH encourages a zoning to reflect this (i.e. E2 Environmental Conservation). In addition, OEH recommends that the Proponent and Council develop a site layout that maximises the retention of individual preferred Koala food trees within subdivided lots and allows continued Koala movement across the entire site, including the development areas;
- It is noted that an additional road connecting road to Medowie Road has been proposed to the north of the habitat corridor. This may provide opportunities for traffic calming and speed reduction to be implemented in this area of Medowie Road. A reduction in the travelling speed of vehicles through this area is likely to have beneficial effects on the road crossing success of Koalas within the corridor area where there have been large numbers of Koala injuries and deaths recorded. OEH encourages Council to continue to investigate the issue of Koalas crossing Medowie Road and supports the implementation of conservation recommendations identified in the *Medowie Strategy*;
- Any impacts on areas of native vegetation across the site will require offsetting to achieve an 'improve or maintain' outcome for biodiversity values. In order to determine whether the proposal achieves this, biodiversity offsets should be assessed using either OEH's offsetting principles or using the Biobanking Assessment Methodology under the NSW Government's Biodiversity Banking and Offsets Scheme. It should be noted that the Environmental Management (Habitat Corridor) area may be suitable for use as a biodiversity offset if the area is to be managed for conservation under effective and secure long term management arrangements;
- If the proposed LEP affects any species or a threatened ecological community consultation may be required under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).
- OEH acknowledges the rezoning application will not involve ground disturbance works, and thus will not impact on Aboriginal cultural heritage at this stage. OEH encourages further surveys and consultation to be conducted at early stages of the project in order to identify any significant Aboriginal cultural features or sites that may need to be avoided and/or protected. The *National Parks and Wildlife Act 1974* (NSW) (*NPW Act*) was amended in October 2010 to include significant changes that will need to be considered for any further planning associated with this proposed development. OEH also added that consultation with the Aboriginal community, due diligence procedures, report writing, assessments and investigations of Aboriginal cultural heritage in NSW must be conducted in accordance with Part 6 of the *NPW Act 1974*.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

OEH provided further comment on 18 June 2014 as summarised below:

- It is noted that the current proposal has been further amended from the previous versions that OEH has commented on and includes areas to the east and west of Medowie Road.
- In relation to the area east of Medowie Road OEH considers its previous advice remains current.
- In relation to the area west of Medowie Road OEH acknowledges that the area proposed for rezoning is cleared of vegetation and has limited biodiversity value. And that the zoning outcomes are consistent with the *Medowie Strategy*. OEH does not object to the addition of the cleared area west of Medowie Road to the proposed rezoning area.
- Throughout the planning proposal the proponent has yet to demonstrate how an 'improve or maintain' outcome will be achieved for biodiversity values will be achieved across the site. This will need to be addressed as the proposal progresses noting that in the absence of a formal Biodiversity Certification or Bio-banking Agreement under Parts A and & AA of the *TSC Act 1995* threatened species assessments under the *EP and A Act 1979* will be required at the development application stage. If the proposed development application is for land that is critical habitat or is likely to significantly affect threatened species, populations or ecological communities or their habitats, a Species Impact Statement will be required and OEH will have a concurrence role in the development application.

OEH provided further comment on 20 June 2017 as summarised below:

- OEH has reviewed the updated draft zoning map, draft s88B covenant, biodiversity calculations (Kleinfelder 20 February 2017) and vegetation management plan (Kleinfelder 10 March 2017). Based on this review OEH has no objections to the planning proposal proceeding.

Planning Proposal Response

- Following the rezoning of the site Council and the proponent will work to prepare a site-specific development control plan that addresses development layout and potential retention of vegetation within the development footprint.
- Speed reduction measures on Medowie Road are separate to the rezoning process.
- OEH does not object to the proposal however relevantly identifies that if there is potential impact on threatened species from development (following the rezoning of the site) it will need to be addressed at the development application stage and this may require a Species Impact Statement and referral to OEH.
- Aboriginal heritage will be further addressed at the development control plan and/or subdivision development application stage. The *Desktop Aboriginal Heritage Assessment* (ERM Australia, June 2005) commissioned by the Proponent concludes it is extremely unlikely that any Aboriginal sites are present within the study area and there is a low potential for Aboriginal sites.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

- The proposal will rezone part of Lot 9 DP 855814 (688 Medowie Road); part of Lot 199 DP 17437 (733 Medowie Road) and part of Lot 200 DP 19739 (717 Medowie Road) from RU2 Rural Landscape to E2 Environmental Conservation consistent with the *Medowie Planning Strategy*.
- Additional information has been provided to resolve the environmental issues raised by OEH. This includes the updated draft zoning map (included with this planning proposal), draft s88B covenant, biodiversity calculations (Kleinfelder 20 February 2017) and vegetation management plan (Kleinfelder 10 March 2017). OEH has reviewed this additional information and has no objection to the planning proposal proceeding.

NSW Roads and Maritime Services

The RMS provided comment on 12th January 2009 and advised it has no objection to the rezoning however noted Council should consider the following comments:

- Council should investigate the need for any classified road upgrades to ensure that there is adequate road capacity for all existing and future users and so that equitable and adequate funding mechanisms can be developed.
- Intersection analysis should be undertaken which includes the existing and future intersections of major local roads and classified roads with Medowie Road.
- The intersection of Medowie Road and Ferodale Road in the existing town centre would need to be assessed in greater detail. However, if there are issues with pedestrians the use of traffic control signals would be a feasible option.
- The sealing of Medowie Road and the proposed rezoning may potentially lead to increases in traffic volumes using Medowie Road, particularly for vehicles traversing between Newcastle Airport and the Pacific Highway.
- As a result of the above, intersection upgrades may also be required at the intersection of Pacific Highway/Medowie Road and Richardson Road/Medowie Road.
- Intersection analysis should be undertaken and there should be continued monitoring of motorist behaviour to identify any changing trends.
- The RTA notes that the provisions for cyclists are not specified on Medowie Road. Council should consider the need for such a facility.
- The RTA would expect that the necessary road and transport infrastructure improvements required as a direct result of any future development be funded by developers through Section 94, planning agreements or contribution levies.

Planning Proposal Response

- No objection to the proposal is noted.
- Council commissioned the *Medowie Traffic and Transport Study* including an accompanying local contributions plan to complement the superseded *Medowie Strategy* adopted in 2009 (refer to *Medowie Traffic and Transport Study*, URAP-TTW Consulting Services, December 2012). The *Medowie Traffic and Transport Study* including local infrastructure contributions plan is under review to respond to the *Medowie Planning Strategy* adopted in 2016.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

- A site-specific development control plan is required for the site prior to development consent being granted for subdivision (in accordance with Clause 6.3 *Development Control Plans* of LEP 2013). The development control plan is required to address the overall movement hierarchy, showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.

NSW Rural Fire Service

The RFS provided comment on the proposed rezoning on 12th January 2009 and advised as follows:

- Based upon an assessment of the plans and documentation received for the proposal, the RFS raises no concerns or special consideration in relation to bushfire matters for the proposed amendment to the existing LEP.
- That future residential or Special Fire protection Purpose Developments identified as bushfire prone will be subject to the requirements of Section 79BA of the *EP and A Act 1979* and Section 100B of the *Rural Fires Act 1997* (NSW).

Planning Proposal Response

- Future development will be designed to meet planning for bushfire protection requirements.
- Given the previous assessment and advice it is likely that any future subdivision and development on the subject land will be able to incorporate bushfire protection measures such as asset protection zones and appropriate building construction standards to mitigate any bushfire risk.
- *Planning for Bushfire Protection 2006* is now in place. Given the previous assessment and advice it is likely that any future subdivision and development on the subject land will be able to incorporate bushfire protection measures. A bushfire report will be provided with a future development application for residential subdivision. Asset Protection Zones will be required and will not impact proposed conservation corridors. The need to comply with *Planning for Bushfire Protection 2006* will also be referred to in a development control plan for the site.

Commonwealth Department of Defence

The Department of Defence (Defence) provided additional comment on 13 June 2014 summarised as follows:

- Defence is supportive of a strong community whilst concurrently seeking to ensure that Defence operations and activities are not disrupted or hindered by inappropriate development located in close proximity to RAAF Base Williamstown. Historically, the residents in the Medowie area have expressed concerns about aircraft noise. Defence is concerned that the proposed sites for rezoning may be exposed to high amounts of aircraft noise.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL.

- Defence notes that the proposed sites are located outside the ANEF 20 contour for RAAF Base Williamtown and Salt Ash Air Weapons Range. On this basis, Defence does not object to the planning proposal. However the sites are likely to be exposed to aircraft noise. On this basis Defence requests that Council advises future residents that sites are likely to be exposed to some level of aircraft noise in accordance with Section 5.1 of the Port Stephens Aircraft Noise Policy 2010.
- To assist residents in ascertaining noise impacts derived from military aircraft, Defence requests that Council notifies future residents of Defence Noise Flight Path Monitoring System and other general information about RAAF Base Williamtown (available on the internet).
- To ensure continued safe operations of military aircraft, future development may require assessment by Defence. Future development of tall structures or development that requires the use of cranes may breach the Obstruction Clearance Surfaces requirement for RAAF Base Williamtown.

Planning Proposal Response

- The land is not located within ANEF contours.
- Notice is placed on 149(5) Planning Certificates advising that all areas of Port Stephens LGA can be affected by aircraft noise from time to time.
- Development that intrudes into the Limitation or Operations Surface for the RAAF Base Williamtown Airport requires referral to Defence under Clause 7.4 *Airspace Operations* of the LEP.
- Future development will need to address the requirements of Chapter B7 *Williamtown RAAF Base – Aircraft Noise and Safety* of the *Port Stephens Development Control Plan 2014*.

Part 4 - Mapping

The proposed map layer amendments are included as attachments to the planning proposal as follows:

- Amend LEP 2013 Land Zoning Map in accordance with the proposed Draft Land Use Zone Map at **Attachment 1**.
- Amend LEP 2013 Lot Size Map in accordance with the proposed Draft Lot Size Map at **Attachment 2**.
- Amend LEP 2013 Height of Buildings Map in accordance with the proposed Draft Height of Buildings Map at **Attachment 3**.
- Amend LEP 2013 Urban Release Area Map in accordance with the proposed Draft Urban Release Area Map at **Attachment 4**.

Part 5 - Details of Community Consultation

The proposal was placed on public exhibition from 22 May to 26 June 2014. Four submissions were received from members of the public. The key issues raised were potential impact on a nearby macadamia farm and infrastructure and transport planning. No changes were made to the planning proposal as a result of the submissions received.

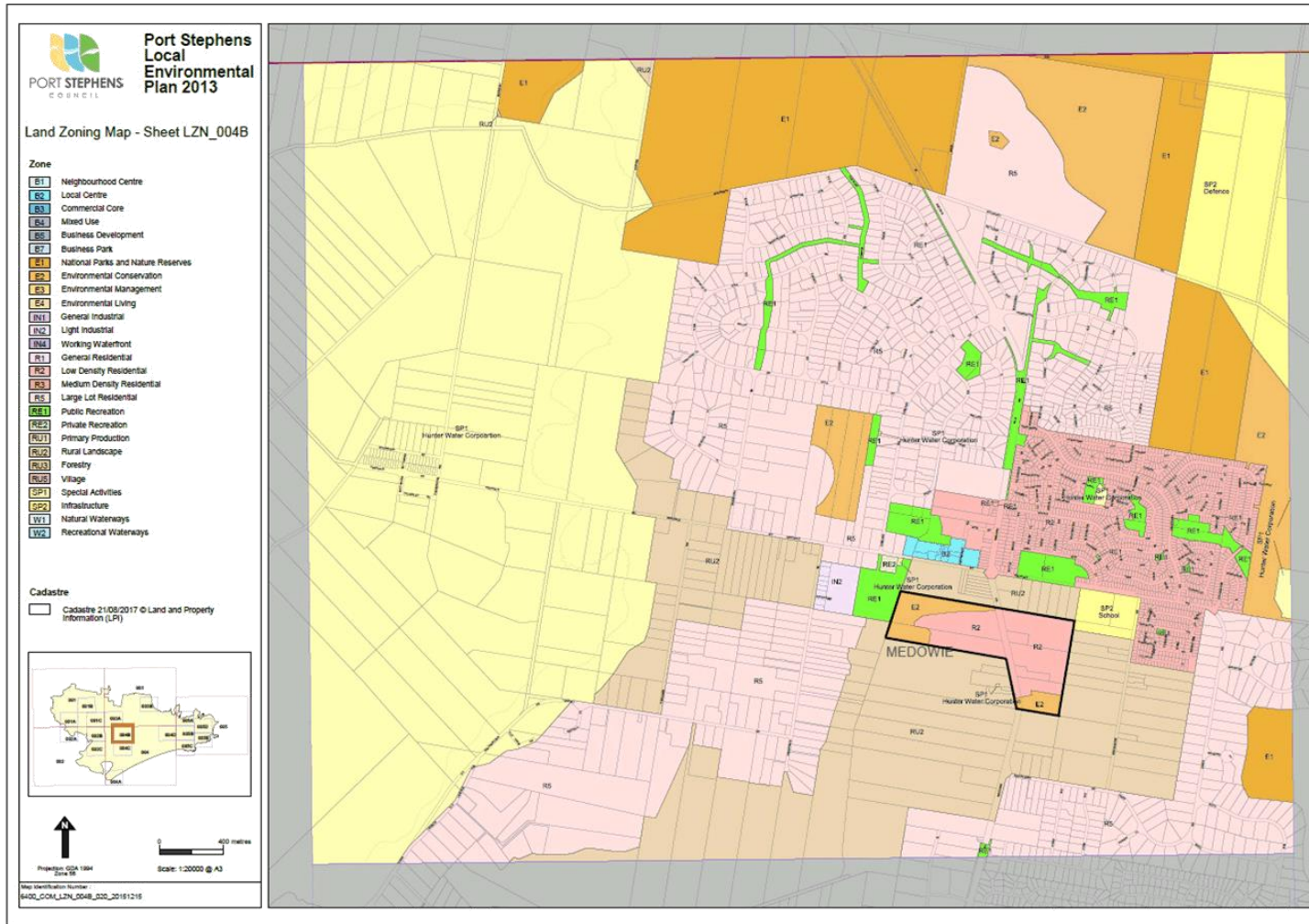
Council is consulting with those landowners whose land is subject to the post-exhibition change to place land within the E2 Environmental Protection Zone in response to the concerns raised by OEH.

Part 6 – Project timeline

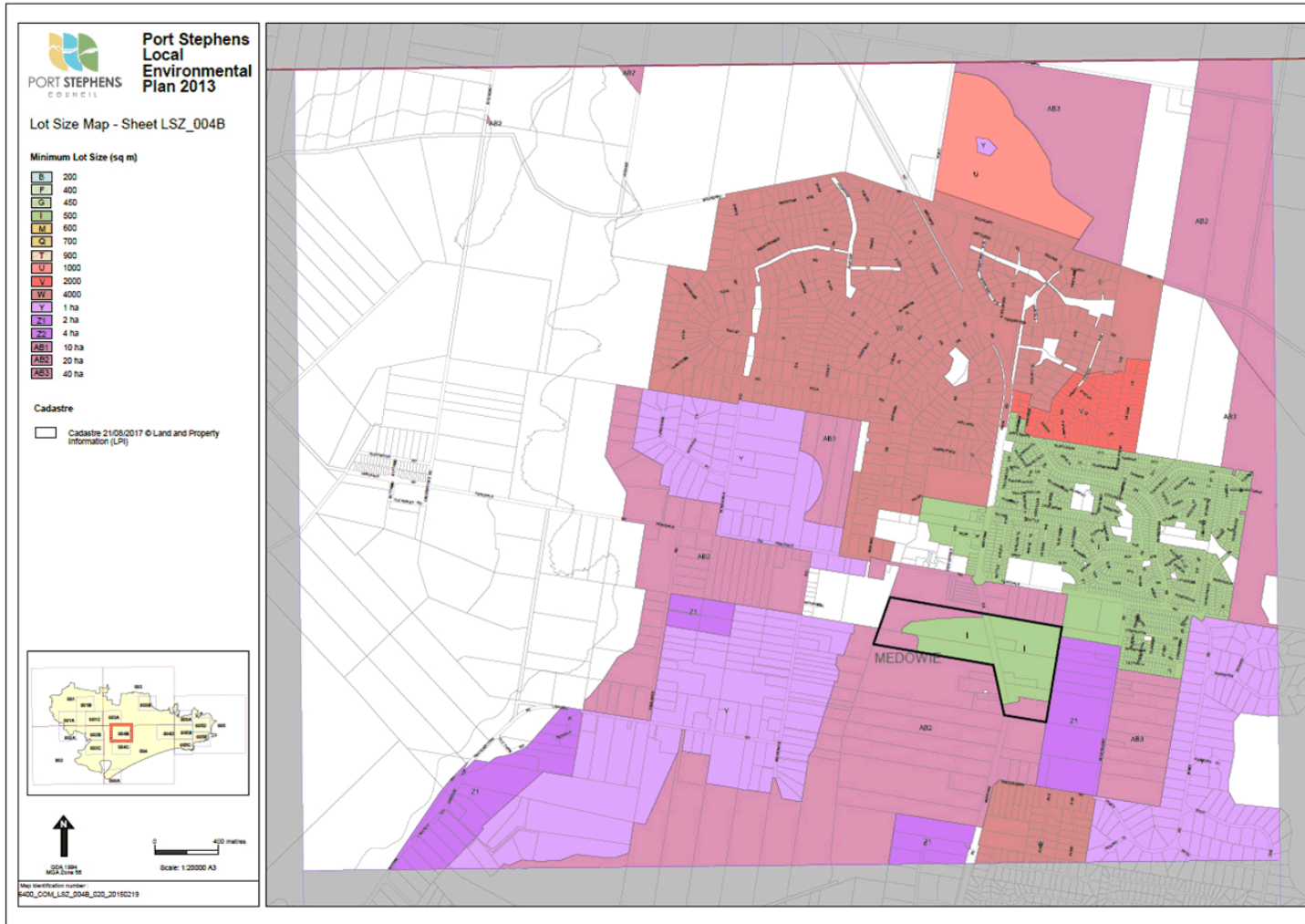
The following timetable is proposed:

	September 2017	October 2017	November 2017
<i>Revised Gateway Determination</i>			
<i>Report to Council</i>			
<i>Proposal forwarded to Department of Planning and Environment</i>			

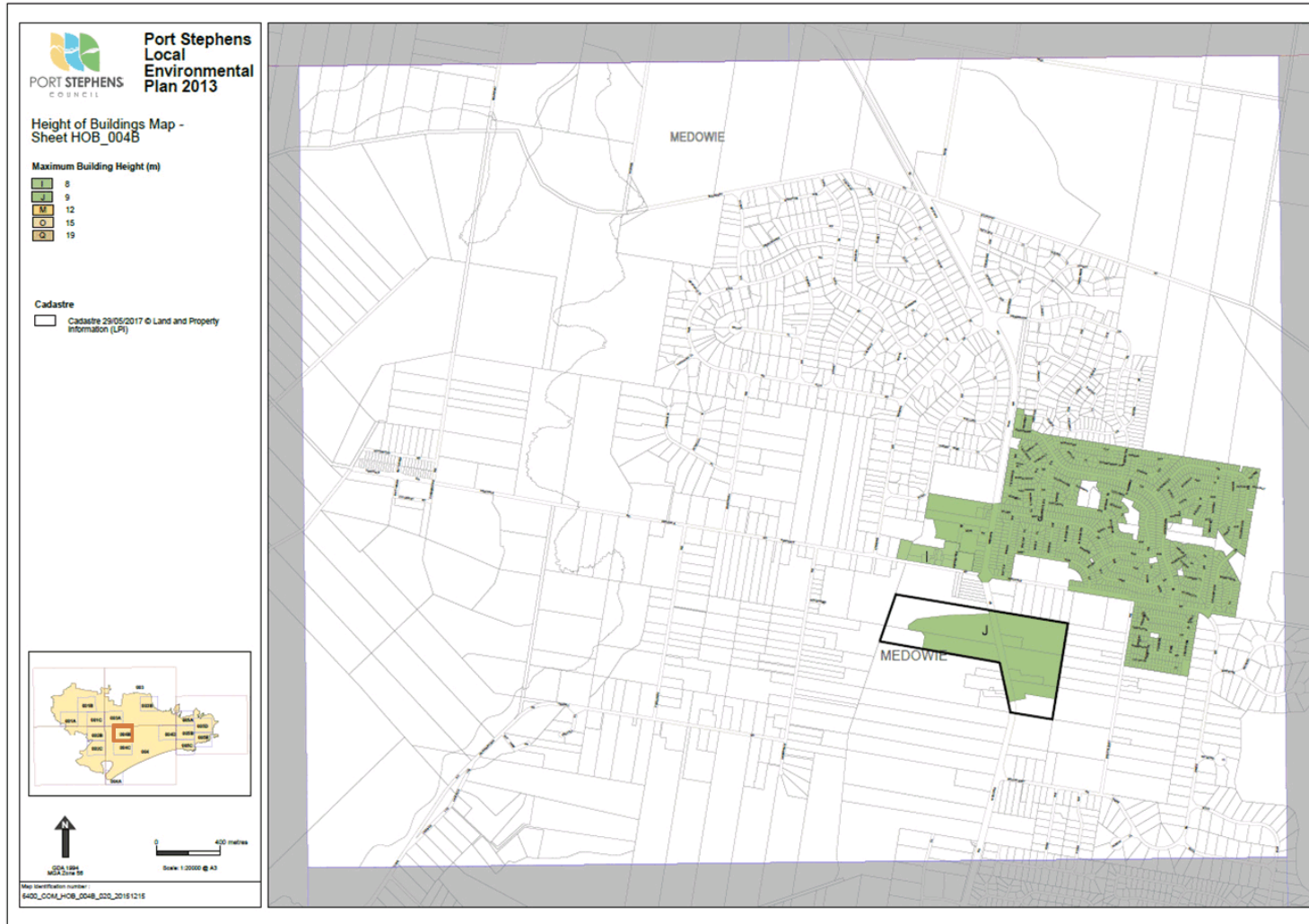
Attachment 1 Draft Land Zoning Map



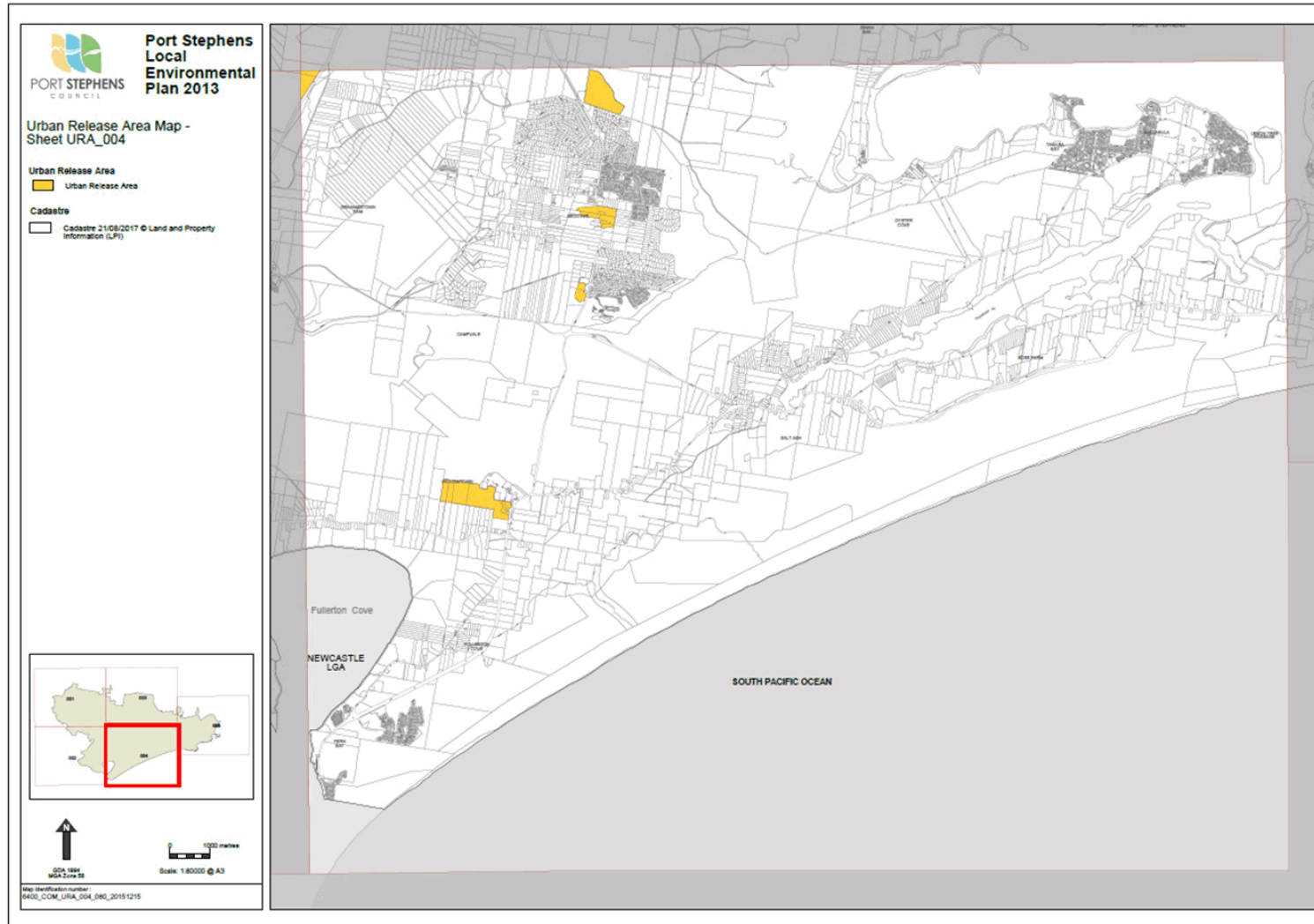
Attachment 2 Draft Lot Size Map



Attachment 3 Draft Height of Buildings Map



Attachment 4 Draft Urban Release Area Map



ITEM 1 - ATTACHMENT 2 SUBJECT LAND.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49802255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

ITEM NO. 2

FILE NO: PSC2006-2237

PLANNING PROPOSAL - KINGSTON - MEDOWIE ROAD MEDOWIE

REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Amend the Planning Proposal as exhibited to include an additional local provisions clause into Part 7 of the *Port Stephens Local Environmental Plan 2013* requiring satisfactory arrangements for the decommissioning of the poultry farm operating at Lot 199 DP 17437 as follows:
"Clause 7.20 Development at Medowie Road, Medowie
 - (1) *This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 & Lots 7-9 DP 855814.*
 - (2) *Despite any other provision of this Plan, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437."*
- 2) Subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie - proceed with the Planning Proposal at (ATTACHMENT 1) and request the NSW Minister for Planning to amend the *Port Stephens Local Environmental Plan 2013* in accordance with the provisions of Section 59 of the *NSW Environmental Planning and Assessment Act 1979* to rezone land at Medowie Road Medowie for residential and environmental conservation purposes as follows:
 - a) Rezone Lots 1 & 2 DP 567481; Lots 7 & 8 DP 855814; part of Lot 200 DP 19739; part of Lot 199 DP 17437; and part of Lot 9 DP 855814 from RU2 Rural Landscape to R2 Low Density Residential;
 - b) Rezone part of Lot 9 DP 855814 from RU2 Rural Landscape to part E2 Environmental Conservation.

ORDINARY COUNCIL MEETING – 10 MARCH 2015

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Geoff Dingle Councillor Chris Doohan
	That the recommendation be adopted.

Cr Paul Le Mottee returned to the meeting at 5.34pm, during Item 2, in Committee of the Whole.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

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

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

MOTION

Cr Paul Le Mottee returned to the meeting at 6.04pm, during Item 2, in Open Council.

043	<p>Councillor John Morello Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Amend the Planning Proposal as exhibited to include an additional local provisions clause into Part 7 of the <i>Port Stephens Local Environmental Plan 2013</i> requiring satisfactory arrangements for the decommissioning of the poultry farm operating at Lot 199 DP 17437 as follows: <p style="margin-left: 20px;"><i>"Clause 7.20 Development at Medowie Road, Medowie</i></p> <ol style="list-style-type: none"> (1) <i>This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 & Lots 7-9 DP 855814.</i> (2) <i>Despite any other provision of this Plan, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437."</i> 2) Subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie - proceed with the Planning Proposal at (ATTACHMENT 1) and request the NSW Minister for Planning to amend the <i>Port Stephens Local Environmental Plan 2013</i> in accordance with the provisions of Section 59 of the <i>NSW Environmental Planning and Assessment Act 1979</i> to rezone land at Medowie Road Medowie for residential and environmental conservation purposes as follows: <ol style="list-style-type: none"> c) Rezone Lots 1 & 2 DP 567481; Lots 7 & 8 DP 855814; part of Lot 200 DP 19739; part of Lot 199 DP 17437; and part of Lot 9 DP 855814 from RU2 Rural Landscape to R2 Low Density Residential; d) Rezone part of Lot 9 DP 855814 from RU2 Rural Landscape to part E2 Environmental Conservation.
------------	--

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

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

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

BACKGROUND

The purpose of this Report is to consider submissions received during the public exhibition of a Planning Proposal to rezone land at Medowie Road, Medowie for residential development and environmental conservation. Further to Council's resolution of 26 February 2008 to prepare a plan to rezone the land, the Planning Proposal was placed on public exhibition with four submissions received. In consideration of submission and public agency comments received, amendments to the publicly exhibited Planning Proposal to address the specific matters raised specifically relate to Recommendation (1) for additional processes to minimise potential odour impacts from an existing poultry farm.

This Report recommends that – subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie - Council resolve to amend the Planning Proposal as exhibited and proceed with an updated Planning Proposal (ATTACHMENT 1) and request the NSW Minister for Planning to make the necessary amendments to the *Port Stephens Local Environmental Plan 2013* to rezone the subject land (ATTACHMENT 2).

Proponent: ADW Johnson (on behalf of the landowners)
Planning Proposal: (ATTACHMENT 1)
Subject Land: (ATTACHMENT 2)
Submissions: (ATTACHMENT 3)
Current Zoning: RU2 Rural Landscape (approximately 41 hectares)
Proposed Zoning: R2 Low Density Residential (approximately 27 hectares);
E2 Environmental Conservation (approximately 2.5 hectares);
RU2 Rural Landscape (approximately 11.5 hectares)
Potential Yield: 350 lots (approximate)

Implementing the Planning Proposal will be achieved by amending the *Port Stephens Local Environmental Plan 2013* as follows:

- Amending the *Port Stephens Local Environmental Plan 2013* Land Zoning Map to rezone the land from RU2 Rural Landscape Zone to part R2 Low Density Residential Zone and part E2 Environmental Conservation Zone in accordance with the Draft Land Zoning Map (ATTACHMENT 4);
- Amending the *Port Stephens Local Environmental Plan 2013* Lot Size Map to apply a minimum lot size of 500m² in the R2 Low Density Residential Zone and a minimum lot size of 20 hectares in the E2 Environmental Conservation Zone in accordance with the Draft Lot Size Map (ATTACHMENT 5);

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

- Amending the *Port Stephens Local Environmental Plan 2013* Height of Buildings Map to apply a maximum building height of 9m within the R2 Low Density Residential Zone in accordance with the Draft Height of Buildings Map (ATTACHMENT 6);
- Amending the *Port Stephens Local Environmental Plan 2013* Urban Release Area Map in accordance with the Draft Urban Release Area Map (ATTACHMENT 7);
- Inserting an additional local provisions clause into Part 7 of the *Port Stephens Local Environmental Plan 2013* requiring satisfactory arrangements for the decommissioning of the poultry farm on Lot 199 DP 17437 as detailed in Recommendation (1) to Council.

The proposed residential zone is located to avoid flood prone land (with very minor exception which can be managed via the Development Control Plan and Development application stage).

The majority of the proposed residential zone is located on cleared land however a total of 3 hectares of 'Supplementary Koala Habitat' on the eastern side of Medowie Road will be impacted. The Planning Proposal seeks to maintain an east-west environmental corridor by rezoning 2.5 hectares of land in the south east part of the subject site from RU2 Rural Landscape to E2 Environmental Conservation.

Proceeding with the Planning Proposal is consistent with strategic planning for the area including the Lower Hunter Regional Strategy, Port Stephens Planning Strategy and the Medowie Strategy.

The Planning Proposal was placed on public exhibition from 22 May to 26 June 2014. During the exhibition period three submissions were received from the general public and a submission was also received from the Port Stephens Comprehensive Koala Plan of Management (CKPOM) Steering Committee. Comments were also received from relevant public authorities. The key issues raised are: potential impact on the nearby macadamia farm; infrastructure and transport planning; environmental impact; and water quality.

The key issues raised in the submissions are addressed in the Consultation section of this Report and in the Submission Summary Table (ATTACHMENT 3).

FINANCIAL/RESOURCE IMPLICATIONS

There are no immediate financial/resource implications if Council resolves to proceed with the recommendation of this Report to rezone the land however future development will create infrastructure that will require ongoing maintenance by Council (for example local roads, footpaths and detention basins).

There are currently no additional provisions in the *Port Stephens Section 94 Development Control Plan 2007* to respond directly to urban growth under the

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

Medowie Strategy. It is a recommendation of this Report to proceed with the Planning Proposal – subject to Council exhibiting and adopting a Section 94 Development Contributions Plan for traffic and transport in Medowie (which is the subject of a separate report to Council). Until such a plan is adopted future development will be subject to 'standard' contributions applied under the *Port Stephens Section 94 Development Contributions Plan 2007* and there is a risk that adequate funding for traffic and transport infrastructure in Medowie will not be available.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		\$4,000 Stage 1 Lodgement Fee (paid 14 September 2005). \$30,555 Stage 2 Exhibition Fee (paid 1 June 2011).
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979

The Planning Proposal was originally considered as a 'draft local environmental plan' under superseded provisions of the *Environmental Planning and Assessment Act 1979*. On 23 December 2010 it was converted to a 'planning proposal' and a conditional Gateway Determination issued. Plan-making functions of the Minister for Planning under Section 59 of the Act were delegated to Council for the Planning Proposal on 8 May 2013. However given the length of time the Planning Proposal has been under consideration and lack of clarity around whether all conditions for use of delegated authority have been met, it is recommended that Council does not use delegated plan making functions and requests that the Minister make the Plan.

Lower Hunter Regional Strategy

The Planning Proposal is consistent with the Lower Hunter Regional Strategy. Medowie is identified as a proposed urban area with boundaries to be defined through local planning.

Port Stephens Planning Strategy

The Planning Proposal is consistent with the Port Stephens Planning Strategy. The subject land is identified as a potential future residential area.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015Medowie Strategy

The Planning Proposal is generally consistent with the residential development and environmental management land uses as identified for the Site in the Medowie Strategy. The intent of the Medowie Strategy is achieved by the Planning Proposal.

The potential development footprint has minor inconsistencies with the current Strategy including:

- Reducing the proposed permissible minimum lot size from 1,000m² to 500m² on the development area south-west of Medowie Road (Lot 200 DP 19739, 717 Medowie Road). This area is cleared of vegetation. The change will increase lot yield with minimal or no potential environmental impact;
- Reducing the proposed permissible minimum lot size from 1,000m² to 500m² on the development area south-east of Medowie Road (part of Lot 9 DP 855814, 688 Medowie Road). This area is vegetated however the change will increase potential lot yield with minimal potential additional environmental impact. The potential to retain any vegetation on lots with a minimum area of 1,000m² as per the current Strategy is unlikely (for example due to dwelling construction and protection from bushfire based on changes to legislative provisions);
- Removing an area of identified open space identified in the Strategy in the north-east part of the site (part of Lot 1 DP 567481, 730 Medowie Road). It is recommended to zone this area R2 Low Density Residential. This will help to facilitate logical subdivision design and reduce future asset maintenance for Council. There is existing adequate open space in the area to accommodate future residents.

Proceeding with the Planning Proposal is also highly likely to be consistent with the outcomes intended for the site under a revised Medowie Strategy.

Port Stephens Comprehensive Koala Plan of Management

The large majority of the site proposed for development is cleared. However a total of 3 hectares of 'Supplementary Koala Habitat' is likely to be impacted under the Planning Proposal. The main area of concern is 1.7 hectares in the south-east of the site (within Lot 9 DP 855814, 688 Medowie Road) that contributes to an east-west environmental corridor across Medowie Road. Rezoning this area does not meet Performance Criteria *b) allow for only low impact development within areas of Supplementary Koala Habitat (SKH) and habitat linking areas* of the Comprehensive Koala Plan of Management. Notwithstanding the inconsistency with the CKPOM it is recommended to proceed with the Planning Proposal principally because it is consistent with strategic planning for the area. A mitigating factor is approximately 2.5 hectares of 'Supplementary Koala Habitat' and 'Link Over Cleared Land' on part of Lot 9 DP 855814 (688 Medowie Road) is proposed to be rezoned from RU2 Rural Landscape to E2 Environmental Conservation to maintain the east-west environmental corridor identified in the Medowie Strategy in this location. Further detailed assessment of potential impact will be assessed at development application stage.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

Urban Release Areas (Port Stephens Local Environmental Plan 2013)

Under Part 6 Urban Release Areas of the *Port Stephens Local Environmental Plan 2013* satisfactory arrangements will need to be made for the provision of designated State infrastructure (State infrastructure contributions); public utility infrastructure; and preparation of a site-specific development control plan, prior to consent being granted for any subsequent development application. These provisions will be addressed at development application stage.

Additional Local Provisions (Port Stephens Local Environmental Plan 2013)

A poultry farm is currently in operation on Lot 199 DP 17437 (733 Medowie Road) and has the potential to expose future residents to unacceptable risk of odour impacts. The consideration of a development application for residential development is likely to be negatively impacted by its continued operation. To manage this risk it is proposed to introduce a clause to the *Port Stephens Local Environmental Plan 2013* requiring satisfactory arrangements to be in place for decommissioning the poultry farm prior to development taking place. The proposed clause is:

"Clause 7.20 Development at Medowie Road, Medowie

- (1) This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 & Lots 7-9 DP 855814.*
- (2) Despite any other provision of this Plan, development consent must not be granted to the development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437."*

The effect is to: allow rezoning of the land to proceed; provide certainty for its intended future use; and also to ensure the poultry farm ceases to operate prior to any development of the land taking place to avoid any potential odour impacts.

It should also be noted that if Lot 199 DP 17437 (688 Medowie Road) is rezoned from RU2 Rural Landscape to R2 Low Density Residential the ability of the poultry farm to expand at a future time may be limited in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Drinking Water Catchments (Port Stephens Local Environmental Plan 2013)

The subject land is located within the drinking water catchment for Grahamstown Dam and water quality is an important consideration for its development. Clause 7.8 *Drinking water catchments* of the *Port Stephens Local Environmental Plan 2013* applies and will require the consent authority to consider the impact on water quality, and to be satisfied that any impacts are appropriately managed prior to granting development consent.

Hunter Water Corporation makes the following summary comments on the Planning Proposal regarding water resources:

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

- Development in the Medowie Catchment is of considerable importance because urban runoff from this catchment enters Grahamstown Dam drinking water source via the Campvale Canal. Grahamstown Dam supplies approximately 40% of the region's drinking water and therefore protecting and maintaining its physical and chemical condition is essential.
- Hunter Water Corporation is currently working with Council to implement best practice stormwater management in Medowie. Effective development controls are a key mechanism by which water quality within the drinking water catchments is protected and maintained. It is therefore important that the proposed development is consistent with strategic objectives for protecting water quality.
- The development is of a scale that could have a significant adverse impact on water quality during construction and operational phases if water quality measures are not implemented.
- Requires that the development has a demonstrated *neutral or beneficial effect* on stormwater quality that flows from the site, and requests Council ensure that the development includes the design, construction and maintenance of water quality improvement devices that have a demonstrated capacity to remove all additional contaminants from stormwater runoff.
- Hunter Water Corporation have no objections to the Planning Proposal, but the developer will have to continue to liaise with the Corporation to ensure that the site is effectively serviced and best practice stormwater is implemented.

Stormwater detention basins will need to be located within the proposed R2 Low Density Residential zone. Until such time that a catchment-wide solution for Medowie is determined a site-specific solution with a drainage and flooding strategy is required (such as an on-site detention pond that would retain the additional stormwater run-off from the development for long periods to allow a slow release that will not increase flood inundation times downstream of the site – a 72 hour event needs to be considered). The Proponent has provided a preliminary concept plan showing the potential location of stormwater detention basins.

Stormwater detention and water quality issues will be further addressed in the preparation of a site-specific development control plan and development application for the subject land.

The land proposed to be rezoned R2 Low Density Residential is not identified as flood prone, with minor exception on land north-east of Medowie Road which will be addressed at development control plan and development application stage.

Port Stephens Development Control Plan 2013

A site-specific development control plan must be prepared for the subject land prior to any development consent being granted in accordance with the provisions of Clause 6.3 *Development Control Plan* of the Port Stephens Local Environmental Plan 2013. The DCP must address a range of subdivision development matters including - but not limited to - staging; transport and traffic management; landscaping; stormwater and water quality management. This provides Council with the option of

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

proceeding to rezone the land and subsequently consider further detailed planning for the site to address detailed infrastructure issues.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that development will proceed prior to the adoption of a Section 94 Development Contributions Plan to respond directly to urban growth under the Medowie Strategy.	Medium	Proceed with the Planning Proposal – subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure under the Medowie Strategy.	Yes
There is a risk that odour from the poultry farm on Lot 199 DP 17437 (733 Medowie Road) will prevent residential development from being approved on the subject land.	Medium	Insert an "Additional local provisions" clause to the <i>Port Stephens Local Environmental Plan 2013</i> requiring satisfactory arrangements to be made for decommissioning the poultry farm prior to development being approved on the subject land.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Planning Proposal has positive social and economic implications. It will facilitate the provision of additional land for housing. A preliminary concept plan provided by the Proponent indicates that approximately 350 allotments could be provided subject to gaining development consent. Economic modelling estimates a direct increase in economic output of \$98 million and the corresponding creation of direct jobs is estimated at 220 jobs. Total output including all direct, industrial and consumption effects is estimated to increase by up to \$191 million.

The Planning Proposal has both positive and negative environmental implications. The proposed development footprint is primarily cleared. However it will negatively affect a total of approximately 3 hectares of 'Supplementary Koala Habitat' on the eastern side of Medowie Road (1.7 hectares in the south-east corner of the site and 1.3 hectares in the north-east corner of the site). The vegetation in these areas is likely to be substantially impacted or removed as part of any development. The potential implications have been considered, with the Planning Proposal consistent with strategic planning for the Medowie area.

A positive environmental implication includes the retention of an environmental corridor on the south-east part of the subject land. This corridor is approximately 2.5 hectares in area and comprises 'Supplementary Koala Habitat' and 'Link Over

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

Cleared Land' and is proposed to be rezoned from RU2 Rural Landscape to E2 Environmental Conservation. The proposed E2 Environmental Conservation zoning is consistent with the environmental corridor identified in the Medowie Strategy. The NSW Office of Environment and Heritage has no objection to the Planning Proposal however notes that the Proponent has yet to demonstrate how an 'improve or maintain' outcome will be achieved for biodiversity values across the site.

There is a need to provide traffic intersection facilities on Medowie Road as part of any future development. A detailed traffic assessment will need to be undertaken in relation to preferred intersection treatments. This matter is able to be further investigated during the preparation of a site-specific development control plan and development application for the subject land. In addition, it is recommended that the request of the Minister for Planning to amend the *Port Stephens Local Environmental Plan 2013* is subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie to enable levying appropriate contributions for traffic, pedestrian and cycling infrastructure in Medowie. This will ensure the appropriate framework is in place for future infrastructure provision.

CONSULTATION

The Planning Proposal was placed on public exhibition from 22 May to 26 June 2014. Four submissions were received from members of the public. The key issues raised are potential impact on a nearby macadamia farm and infrastructure and transport planning. A summary is provided as (ATTACHMENT 3).

Impact on Macadamia Farm

Issue: Development has the potential to encroach upon and restrict the operations of the nearby macadamia farm (which also operates an ancillary café).

Response: The potential impact of future development on the macadamia farm is mitigated by separation between these land uses by a proposed 120m wide E2 Environmental Conservation Zone. The E2 Environmental Conservation Zone will act as a buffer. Further mitigation measures can also be considered during the preparation of a site-specific development control plan for the subject land.

Infrastructure and Transport Planning

Issue: Improved infrastructure planning is required to accommodate urban growth on the subject land in Medowie.

Response: Council is continuing its review of the Medowie Strategy to ensure it is underpinned by appropriate infrastructure planning. This includes the consideration of a Section 94 Development Contributions Plan for traffic and transport infrastructure under the current Medowie Strategy and reflected in Recommendation (2) to Council.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

A site-specific development control plan addressing infrastructure and transport planning for the subject land will also need to be prepared and adopted prior to development consent being granted, in accordance with the provisions of Clause 6.3 *Development Control Plan* of the *Port Stephens Local Environmental Plan 2013*.

Port Stephens Comprehensive Koala Plan of Management Steering Committee

Issue: the Steering Committee states that the koala population in Medowie is under significant pressure from development and submits the following:

- a. Requests the remainder of Lot 200 DP 19739 (717 Medowie Road) on the western side of Medowie Road be rezoned from RU2 Rural Landscape to E2 Environmental Conservation;
- b. Supports the rezoning of the southern portion of Lot 9 DP 855814 (688 Medowie Road) from RU2 Rural Landscape to E2 Environmental Conservation; and
- c. Objects to the rezoning of the northern portion of Lot 9 DP 855814 (688 Medowie Road) for residential development and recommends that this area is rezoned from RU2 Rural Landscape to E2 Environmental Conservation.

Response: The Planning Proposal is consistent with strategic planning for Medowie.

- a. Although the vegetated area on the remainder of Lot 200 DP 19739 (717 Medowie Road) is identified as Preferred Koala Habitat it has not been considered for rezoning for E2 Environmental Conservation and retains its current RU2 Rural Landscape zoning under the Planning Proposal;
- b. Noted.
- c. The northern portion of Lot 9 DP 855814 (688 Medowie Road) is identified for residential development by the Medowie Strategy.

The consistency of the Planning Proposal with the CKPOM is discussed previously in this Report and in the Planning Proposal (ATTACHMENT 1).

Public Authority Comments

Comment was sought from relevant public authorities on the Planning Proposal. Although matters were raised for consideration no public authority objected to the Planning Proposal proceeding. The principal authorities are Hunter Water Corporation (who raised servicing and water quality issues) and the NSW Office of Environment and Heritage (who raised issues of impact within the development zone footprint). The matters raised are able to be addressed further during the preparation of a site-specific development control plan and development application stage, enabling the Planning Proposal to proceed.

All submissions including from public authorities are addressed the Submission Summary Table (ATTACHMENT 3).

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

OPTIONS

- 1) Proceed with the Planning Proposal (**ATTACHMENT 1**) – subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure as a result of future urban growth identified in the Medowie Strategy - and forward it to the NSW Minister for Planning with a request that the necessary amendments to the *Port Stephens Local Environmental Plan 2013* are made to rezone the land;
- 2) Proceed with the Planning Proposal at (**ATTACHMENT 1**) without being subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure as a result of future urban growth identified in the Medowie Strategy - and forward it to the NSW Minister for Planning with a request that the necessary amendments to the *Port Stephens Local Environmental Plan 2013* are made to rezone the land;
- 3) Do not proceed with the Planning Proposal at (**ATTACHMENT 1**). This is not the recommended option as it will delay the delivery of land for housing.

ATTACHMENTS – (All listed below are provided under separate cover)

- 1) Planning Proposal;
- 2) Location Map;
- 3) Submission Summary Table;
- 4) Draft Land Zoning Map;
- 5) Draft Lot Size Map;
- 6) Draft Height of Buildings Map;
- 7) Draft Urban Release Area Map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 17/133506
RM8 REF NO: PSC2017-01980**

DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO 4) - MINOR AMENDMENTS AND CORRECTIONS

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Draft Port Stephens Development Control Plan 2014 (Amendment No.4) – Minor Amendments and Corrections for public exhibition in accordance with the *Environmental Planning and Assessment Act 1979* (NSW) (s74E).

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Paul Le Mottee That the recommendation be adopted.
--	---

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 Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

254	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council endorse the Draft Port Stephens Development Control Plan 2014 (Amendment No.4) – Minor Amendments and Corrections for public exhibition in accordance with the <i>Environmental Planning and Assessment Act 1979</i> (NSW) (s74E).
------------	---

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 Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is gain endorsement for the Draft Port Stephens Development Control Plan 2014 (Amendment No.4) – Minor Amendments and Corrections (the Amendment) to be placed on public exhibition for a minimum period of 28 days.

This proposed amendment to the Development Control Plan (DCP) intends to make a series of minor amendments and corrections throughout the DCP. A summary of the proposed amendments is provided as **(ATTACHMENT 1)**.

The Amendment will improve the DCP by correcting errors in the plan, remove redundant controls, amend inconsistent formatting, and provide controls to fill 'gaps' identified by Council's Development Assessment and Compliance Section and Engineering Services Team. Some of the most notable changes proposed include:

- Remove the lodgment requirements for certain development types. Council has since adopted a Development Application Guide that details lodgment requirements.
- Amend notification requirements for subdivision development in response to Council's Notice of Motion (NoM) 022 from the Ordinary Council Meeting held 14 February 2017. The NoM was in response to concerns that the community is not given adequate opportunity to comment on subdivision applications and rezoning proposals. The changes in the Amendment require all development applications for subdivision to be notified to immediately adjoining neighbours.
- Amend Part B1 to reflect the recent enactment of the *Biodiversity Conservation Act 2016* by clarifying the new 'rural' and 'non-rural' areas as well as the circumstances under which an approval for tree removal is required.
- Revise Part B4 to improve water quality outcomes both within and outside of the drinking water catchment. This Part has been amended in consultation with Hunter Water. The changes proposed in the Amendment include a new table to explain what water quality targets need to be attained depending on if the development is within or outside a drinking water catchment and what tool must be used to achieve the target (e.g. deemed to comply guidance in the DCP or a consultant's report).
- Insert landscaping requirements for commercial, industrial and residential development consistent with Council's Landscape Technical Specification.

- Provide development controls specific to shipping containers associated with commercial, industrial and residential development. The proposed controls include restricting the use of shipping containers associated with residential development to a maximum of 2 containers and requiring shipping containers associated with industrial/commercial development to be appropriately sited so as to not impact upon the amenity of the area.
- Amend Part C4 to include application to secondary dwellings. A new control specific to secondary dwellings is also proposed requiring secondary dwellings to be sited behind the principal dwelling that it is in conjunction with.
- Amend Part C5 to include application to seniors housing. Additional requirements will also be required for seniors housing development to provide communal open space and community facilities to improve the amenity of housing for seniors.
- Revise Part C5 to provide controls that facilitate better outcomes for multi dwelling housing development. These include revised private open space areas depending on the number of bedrooms proposed within a dwelling and the consideration of cross-ventilation in building design.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial or resource implications resulting from the proposed recommendation.

Strategic Planning has initiated the DCP Amendment and prepared this report. All future costs associated with processing and assessment (including public exhibition costs) of the Amendment can be accommodated within the existing strategic planning budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979 (NSW)* (Division 6) (EP&A Act) specifies the requirements for Council's to follow when preparing a DCP. The Amendment has followed the procedures outlined in the EP&A Act. Should Council resolve to proceed with the Amendment community consultation will be carried out in accordance with the EP&A Act.

Port Stephens Local Environmental Plan 2009

The aim of the DCP is to facilitate development in accordance with the *Port Stephens Local Environmental Plan 2013 (NSW)* (LEP). The changes proposed as part of this Amendment are intended to improve development outcomes together with the LEP however no changes will be required to the LEP as a result of the Amendment.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the community may not fully understand the proposed changes to the DCP.	Medium	Utilise the summary of amendments table during public exhibition to provide clear and succinct statements in relation to the amendments proposed under each relevant section of the DCP.	Yes
There is a risk that changes proposed to the DCP do not achieve the built environment outcomes they are intended by this amendment.	High	Liaise with Council's Development Assessment and Compliance Section and Engineering Services Team to monitor the application of the DCP to developments including at assessment and construction phases.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed changes are believed to have minimal environmental, social or economic impact. The Amendment is intended to facilitate development that will attain more sustainable social, economic and environmental outcomes.

This includes further guidance on public open space provision associated with subdivision development (social), utilising natural ventilation in multi dwelling housing (environmental) and providing quality landscaping coverage for commercial and industrial development (environmental and economic).

CONSULTATION

Consultation in developing the amendment has been carried out extensively with internal stakeholders including Engineering Services, Community and Recreation, Assets, Development Assessment and Compliance, Community Development and Engagement and Natural Resources. Additionally, amendments to Part B4 of the DCP have been developed in conjunction with Hunter Water.

The purpose of this report is to endorse the Amendment for public exhibition. If supported, the Amendment will be placed on exhibition for a minimum period of 28 days. An advertisement will be placed in the Port Stephens Examiner and the Amendment will be made available on Council's website as well as a hard copy at Council's Administration Building (Raymond Terrace).

Submissions on the Amendment will be invited during the exhibition period and considered in a future report back to Council with detail of any post-exhibition changes to the Amendment.

OPTIONS

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

ATTACHMENTS

- 1) Summary of Amendments.

COUNCILLORS ROOM

- 1) Port Stephens Development Control Plan 2014 (Amendment No.4) - Minor Amendments and Corrections.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 SUMMARY OF AMENDMENTS.

ATTACHMENT 1 – SUMMARY OF AMENDMENTS

Port Stephens Development Control Plan 2014 (Amendment No 4) – Minor Amendments and Corrections

Note. References made in column 1 relate to the existing DCP and may have changed in the proposed DCP.

DCP Provision/Part	Amendment	Reason
Throughout	Amend the font, formatting and colour scheme	For consistency with Council's Corporate Style Guide (version 2.0)
Throughout	Ensure all glossary terms and acronyms are <i>bold and italicised</i>	For consistency with the remainder of the DCP and to assist users with terms used throughout the DCP.
Throughout	Remove all page references provided after a clause reference	The DCP is order in a manner that is suitable to navigate without page references. Note: page references will be kept for Figure references
Throughout	Spelling, grammar, renumbering, minor wording changes and rectify figure/page references	Improve integrity and usability of the DCP
Throughout	Separate controls into individual cells with new clause reference number	Some clauses had multiple controls grouped together. By separating these controls with their own clause number it will be easier to decipher where controls apply and increase the usability of the DCP
Throughout	Amend references to 'RAAF Base Williamtown Limitation or Operations Surface Map' to include 'and Height Trigger Map'	Rectifies the reference to the title of the map
Section A Introduction		
Figure AA	Sort development types in alphabetical order	Easier reference for users
Figure AA	Require notification and advertisement for entertainment facilities	No field has been selected for this development type
Figure AA	Remove home-based child care, add home industry and amend the notification requirement for home business	Home business are deemed not be of a nature that requires notification to neighbours however home industries are now included in the table and will be required to be notified to neighbours.
Figure AA	Amend the notification requirements for subdivisions	In accordance with Council's Notice of Motion (14 February 2017, Item No 7)
Section B General Provisions		
Part B1	Remove Natural Disaster Declaration clause and make minor wording changes	No longer needed as this clause expired twelve months following the natural disaster.
Part B1	Amend terminology from urban areas to non-rural areas	As per the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
Part B1	Amend the circumstances under which an approval for tree/other vegetation removal or pruning is require/not required	As per the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
Figure BA	Amend flow chart to clarify consent	Council has the power to permit tree or

ITEM 2 - ATTACHMENT 1 SUMMARY OF AMENDMENTS.

DCP Provision/Part	Amendment	Reason
	requirements for the removal of trees or vegetation	vegetation removal in non-urban areas if associated with a development consent
Figure BB	Amend figure to reflect new 'non-rural' areas	As per the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
Part B3	Remove clauses relating to bush fire prone land, contaminated land and waste	These requirements are covered in Council's DA Guide and SEPP 55
Clause B3.5	Provide a notation on the types of development likely to require compliance with the clause	Provides guidance for the user and clarifies when the clause may be applied
Clause B4.1	Remove minimum requirements form a stormwater drainage plan however amend glossary term in Part E1 to include contents of a stormwater drainage plan	Reduces the bulk of Part B4 and provides a more appropriate location for minimum requirements of a stormwater drainage plan
Clause B4.1-2	Insert notations regrading calculations to be provided	Provides guidance to users about the expected requirements from Council to comply with this
Clause B4.2	Amend to include on-site infiltration	Development can satisfy Part B4 by providing on-site detention or infiltration
Clause B4.4	Amend to refer to Hunter Waters' document 'Guidelines for developments in the drinking water catchments'	Reverencing the guidelines will ensure the current requirements are contained in the DCP
New clause	Insert a new clause requiring minimum finished floor levels	To ensure that development is appropriately sited and designed to withstand localised minor event drainage / flooding issues
Figure BD	Separate Minimum Lot Size section of table to create own separate table	Separating the tables will reduce confusion for users in interpreting the requirements for maximum impervious area allowable on a development site
Figure BE	Amend to remove reference to outlets (in column 1), decipher only between development either within or outside a drinking water catchment and introduce new term in Part E1 in relation to Council's 'water quality stripping targets'	The amendment will clarify the application of the table and provide the opportunity for better water quality outcomes
Figure BF	Amend to provide additional deemed to comply provisions and reduce confusion in the table by removing different soil types	To clarify how the deemed to comply provisions apply and increase the usability of the table
Part B6	Insert a notation that allows applicants to apply for alternate electricity supply where connection to the grid is unreasonable	This notation will provide flexibility for certain developments where the supply of reticulated electricity is not feasible. It will also support the use of renewable energy sources
Clause B9.1	Amend timing of construction management plan to be prior to construction certificate	A reference to subdivision certificate was made in error as this detail is required before construction commences
Clause B9.12	Amend trigger for the provision of bus stops to ensure developments of an appropriate scale are captured by the requirement as intended	The wording ensures that staged DAs that will ultimately create 20 or more dwelling will still comply with the DCP (not just single DAs applying for 20 or more

ITEM 2 - ATTACHMENT 1 SUMMARY OF AMENDMENTS.

DCP Provision/Part	Amendment	Reason
		dwelling)
Figure BQ	Include minimum car parking requirements for 'rural supplies, timber yards, landscaping material supplies and wholesale supplies'	Currently no car parking requirements exist
Clause B10.1	Add 'transitional group homes' as a development with the potential to have a significant social impact as well as any other development deemed by Council to have a significant social impact.	The development type is considered to be of a nature that requires significant social impact assessment. The added discretionary advice is to ensure that any other land uses that may have a significant social impact comply.
Section C Development Types		
Section C	Remove all lodgement requirements from relevant Parts in Section C	The Port Stephens Development Application Guide details the minimum documentation requirements to be lodged with DAs
Section C	Amend the wording of setback requirements clauses for consistency	The setback requirement clauses are written differently in each Part. This amendment will consistently apply how setback requirements are written. An example is the term 'ground floor' is used in C4.14 but the term 'ground level (finished)' is used in C5.12
Clause C1.F and C1.15-17	Include minimum requirements for public open space and provide further guidance on the hierarchy of parks by inserting definitions of local park, district park and regional park in Part E1. Provide guidance on land not suitable for public open space.	To improve the quality of public open space provided as part of subdivision development
Part C2/C3	Insert a new objective and associated requirements to control shipping container stacks associated with commercial and industrial development. Controls include consideration for the existing scale and height of nearby buildings, siting of containers to the rear of the property, and the use of tier stacking / pyramid formation when adjacent to landscaped areas or along property boundaries	The amendment will ensure shipping containers associated with commercial and industrial development do not create a negative impact on the character of existing areas and have consideration for the height and scale of surrounding developments
Part C2/C3/C4/C5	Insert landscaping requirements for each development type consistent with Council's Landscape Technical Specification	To provide guidance and greater certainty as to the landscaping requirements associated with development
Clause C2.30	Amend the public art requirements	To ensure that public art is proposed and installed in accordance with Council's Public Art Policy (and associated guidelines)
Clause C3.7	Amend side setback requirement from 'no minimum side setback' to state 'in accordance with the BCA'	This will clarify that compliance must still be achieved with the BCA despite there being no minimum setback required by the DCP

ITEM 2 - ATTACHMENT 1 SUMMARY OF AMENDMENTS.

DCP Provision/Part	Amendment	Reason
Clause C3.9	Amend requirement from 'fencing forward of the six metre setback' to state 'fencing forward of the building line'	Not all developments must have a six metre setback as per Clause 3.6
Part C4	Insert a new clause after C4.21 that requires secondary dwellings to be located behind the building line of the primary dwelling	This amendment will maintain the integrity of existing streetscape characters by siting secondary dwellings (e.g. granny flats) to the rear of a property.
Part C4	Insert a new clause after C4.43 that requires shipping containers to be located behind the building line and screened from view from any adjoining property	This amendment will maintain the integrity of existing residential streetscapes by siting shipping containers away from the public domain and limit the impact on adjoining properties.
Clause C4.30 and C5.27	Require clothes drying areas to be located so as to have a northerly aspect	This is consistent with accepted practice to increase the use of clothes drying areas and limit energy use
Clause C4.K	Provide additional objectives for ancillary structures	To ensure development is consistent with the surrounding area and does not adversely impact neighbours
Clause C4.31	Require sheds in residential zones to be located a minimum of 1m behind the building line	This is consistent with C4.16 and ensures sheds/garages are not erected in the front setback area of dwellings
Clause C4.31	Amend clause to separate requirements for sheds in the R5 Large Lot Residential zone. Introduce requirements for sheds in the R5 zone differentiated by sites less than 4,000m ² or equal to or greater than 4,000m ²	The proposed amendment will control the height, bulk and scale of sheds in the R5 zone to limit impact on the streetscape and adjoining properties
Clause C4.35-36	Amend to include fences forward of the building line	Currently the provision would only apply to fences along the front property boundary and the amendment allows the same provisions to be applied along the side boundary within the front setback area
Part C5	Amend C5 to apply to developments for multi dwelling housing or seniors housing	Development requirements specific to seniors housing have been identified as a necessary amendment to the DCP
Part C5	Update reference to SEPP No 65	The NSW Department of Planning and Environment recently changed the title of the SEPP to replace 'Residential Flat Development' with 'Residential Apartment Development'
Part C5	Insert new clause after C5.C to introduce landscaping requirements specific to multi dwelling housing	To ensure adequate landscaping is provided
Part C5	Insert a new clause after C5.F to require consideration for natural ventilation	To appropriately design dwellings so that they may maximise natural ventilation and reduce energy consumption
Part C5	Insert a new clause after C5.G relating to noise	To ensure multi dwelling housing design considers the potential noise impacts generated from the development
Clause C5.C	Amend to include relevant requirements for impervious surfaces, water quality and provide additional objectives	To increase the usability of the DCP
Clause C5.E	Remove site coverage objective and	Unnecessary to include in DCP

ITEM 2 - ATTACHMENT 1 SUMMARY OF AMENDMENTS.

DCP Provision/Part	Amendment	Reason
	requirements	
Clause C5.F	Amend to setback requirements and insert Figure	To provide requirements consistent with multi dwelling housing development and help users visualise setback requirements
Clause C5.G	Amend to provide further guidance on streetscape and privacy	To achieve better outcomes for multi dwelling housing developments
Clause C5.H	Amend clause to add additional objectives and provide additional requirements for driveway access	To achieve better outcomes for multi dwelling housing developments
Clause C5.I	Amend the clause to provide different requirements for 1-2 bedroom dwellings and 3+ bedroom dwellings and provide a new figure	To align private open space requirements with reasonable areas suited to the type of dwelling proposed. The figure will assist users to visualise the private open space requirements
Clause C5.6	Amend wording for consistency with other building height requirements such as C4.9	Provides consistency in wording in DCP
Clause C6.5	Amend limitation on number of vehicles to state 'A maximum of two vehicles or trucks associated with the operation of the home business or home industry may be kept on the site at any one time'	This enables home owners to retain the number of vehicles used for private use and clarifies the maximum number of permitted vehicles or trucks associated with the business
Section D Specific Areas		
Section D	Include the relevant map/figure reference in the 'Application' table of each Part	Provides further clarity as to the application of each Part
Clause D1.4	Update reference to 'Hunter Water (Special Areas) Regulation 2003' to be 'Hunter Water Regulation 2015'	The regulation was repealed and replaced in 2010
Clause D6.9	Amend to include 'or subdivision certificate (whichever occurs first)'	This amendment ensures that regardless of the development proposal (building or subdivision), the requirement will still be met
Clause D10.E-F	Remove objectives and their respective requirements	These requirements are identical to requirements in Section B and C and are therefore not required
Section E Schedules		
Part E1	Amend the note after each definition referencing that the definition is the same as in an Act or LEP	Provide consistency in Part
	Amend the term and definition for '7-Part Test of significance' to 'assessment of significance'	For consistency with accepted industry terminology
	Amend the definition of an 'active street frontage'	To provide further guidance as to the requirements for being an 'active street frontage'
	Amend the definition 'air quality report' to 'air quality impact assessment'	For consistency with accepted industry terminology
	Amend the definition for 'aircraft noise planning area'	To be consistent with Council's Aircraft Noise Policy
	Amend 'ancillary structure'	Clarify what an ancillary structure is
	Remove 'BASIX Certificate' definition	No longer used in DCP (removed as part of lodgement requirements)
	Amend 'battle-axe lot' to include	This clarifies that the term 'handle' is in

ITEM 2 - ATTACHMENT 1 SUMMARY OF AMENDMENTS.

DCP Provision/Part	Amendment	Reason
	reference to handle	reference to the access way on a battle-axe lot.
	Amend 'building height'	As per the LEP which was recently updated by the NSW Department of Planning and Environment
	Insert a new definition for 'capital investment value'	For guidance in relation to the provision of public art and public toilets in accordance with Part C2 of the DCP
	Remove 'coastal zone' definition	No longer used in DCP
	Insert a definition for 'critical mass'	Will clarify the use of the term under C1.F to provide public open space with a subdivision development
	Amend the term 'cut and fill plan' to 'bulk earthworks plan'	For consistency with accepted industry terminology
	Amend 'front property line'	Clarifies the location of the front property line
	Insert the LEP definition for 'function centres'	As acoustic reports will now be required for function centre that host outdoor weddings under Part B3
	Amend 'koala habitat'	Removes incorrect reference to <i>Environmental Planning and Assessment Act 1979</i> and provides reference to Council's Comprehensive Koala Plan of Management
	Amend 'land application map'	For consistency with the PSLEP 2013
	Amend 'native vegetation' in accordance with the Local Land Services Act 2013	The Native Vegetation Act 2003 has been repealed by the Biodiversity Conservation Act 2016 which defines native vegetation in accordance with the Local Land Services Act 2013
	Remove 'new lot' term	Not needed
	Amend 'non-permeable surface' term to 'impervious surface' and update definition	For consistency with accepted industry terminology and clarify what an impervious surface is
	Remove 'notification plans' definition	No longer used in DCP (removed as part of lodgement requirements)
	Amend 'offensive noise' note to correctly reference Protection of the Environment Operations Act 1997	This definition is not contained in the PSLEP 2013
	Amend 'planning agreement' to reference s93F instead of s94	Makes correction
	Insert the PSLEP 2013 definition for 'seniors housing'	New Part C9 proposed for seniors housing development
	Remove 'shadow diagram' definition	No longer used in DCP (removed as part of lodgement requirements)
	Insert a definition for 'shared paths' and replace all references throughout DCP to 'pedestrian and cycle paths' and 'dual-use paths' with 'shared paths'	'Shared paths' is the preferred term for paths that are utilised by cyclists and pedestrians.
	Update the 'virgin excavated natural material' definition in line with the Protection of the Environment Operations Act 1997	For consistency and correctness with the Act

ITEM 2 - ATTACHMENT 1 SUMMARY OF AMENDMENTS.

DCP Provision/Part	Amendment	Reason
Part E2	Provide an acronym for Minimum Sight Distance	MSD used in Part B9 without any reference in E2
Part E3	Update all references to current version and amend titles and names where required	To ensure the current version of each document is referenced
	Add endnote for 'The Image of the City'	Referenced in 'nodes' definition but no endnote provided

ITEM NO. 3

**FILE NO: 17/174295
RM8 REF NO: PSC2016-03408**

PORT STEPHENS DISABILITY INCLUSION ACTION PLAN (DIAP)

REPORT OF: MARC GOODALL - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the submissions received during the exhibition period.
- 2) Adopt the Port Stephens Disability Inclusion Action Plan (DIAP) in doing so:
 - a. Forward a copy of the DIAP actions to the Disability Council NSW; and
 - b. Report on DIAP actions in Annual Report and forward to the Minister.
- 3) Revoke the Disability Action Plan 2014 - 2018 (DAP).
- 4) Revoke the Disability Policy dated 12 October 2010 (Minute No. 321), shown as **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>That the recommendation be adopted.</p>
--	--

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

255	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note the submissions received during the exhibition period.2) Adopt the Port Stephens Disability Inclusion Action Plan (DIAP) in doing so:<ol style="list-style-type: none">a. Forward a copy of the DIAP actions to the Disability Council NSW; andb. Report on DIAP actions in Annual Report and forward to the Minister.
------------	---

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

- | | |
|--|---|
| | <p>3) Revoke the Disability Action Plan 2014 - 2018 (DAP).</p> <p>4) Revoke the Disability Policy dated 12 October 2010 (Minute No. 321), shown as (ATTACHMENT 2).</p> |
|--|---|

BACKGROUND

The purpose of this report is to seek Council endorsement of the Port Stephens Disability Inclusion Action Plan (DIAP). The adoption of the DIAP means that the existing Disability Action Plan 2014-2018 (DAP) and Disability Policy can be rescinded as Council's position towards inclusion will be provided by the DIAP.

At its meeting on 1 August 2017, Council resolved to endorse the draft Port Stephens Disability Inclusion Action Plan (DIAP) for public exhibition **(ATTACHMENT 1)**.

Subsequently, the draft DIAP was exhibited for 30 days from Thursday 10 August 2017 to Thursday 7 September 2017. Two submissions were received during the public exhibition period, which are summarised later in this report. Only minor changes have been proposed to the DIAP as a result of these submissions.

The DIAP is a requirement under the *Disability Inclusion Act 2014*, which mandates that all New South Wales (NSW) Councils to have developed a DIAP.

Notwithstanding this requirement, this undertaking seeks to create places that are more inclusive, accessible, as well as providing opportunities for people of all abilities and backgrounds.

The DIAP outlines Council's commitment to support the 'right of choice' for people with a disability to live their lives with access to opportunities and enjoy the benefits of living and working in our society as all residents do.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
People with Disabilities.	Make future provision for people with disabilities, their families and carers.

FINANCIAL/RESOURCE IMPLICATIONS

Actions within the DIAP have been discussed internally and will be absorbed and prioritised within existing plans and programs such as, the Strategic Asset Management Plan, Capital Works Program, Forward Works Plan and Section 94 Contributions Plan.

The NSW Government has advised NSW Councils that no additional funding, specific to the implementation of actions within DIAP's will be available.

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	Yes		
Section 94	Yes		It is likely that for many actions a nexus could be established between development and the needs of future populations that will establish eligibility for Section 94 funds to be used.
External Grants	Yes		As grants become available and pending successful grant application (e.g. NSW Government Community Builders Partnership Fund).
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Disability Inclusion Act 2014

The minimum legislative requirements for local government in relation to preparing a DIAP are set out in the *Disability Inclusion Act 2014*. These requirements are listed below and a corresponding comment provided in relation to our DIAP.

No	Disability Inclusion Act 2014	Port Stephens DIAP
1	NSW Councils to prepare a DIAP by 1 July 2017.	Council has been in communication with the Disability Council in relation to the timing of this DIAP.
2	Consulting people with disability must be undertaken and documented as part of the planning process.	The consultation that has occurred in the development of the DIAP is detailed in this Report and within the DIAP.
3	Council must give a copy of the DIAP actions to the Disability Council NSW.	Council will forward a copy of the DIAP to the Disability Council once it has been adopted by Council.
4	Councils must report on implementation of their DIAP in their Annual Report and forward a copy to the Minister.	Council will include progress in the implementation of the DIAP in their Annual Report.
5	Council must review their DIAP every four years.	Council will annually monitor the implementation of the DIAP and review every four years.

Disability Policy

A separate additional policy on disability is no longer required as a result of the framework provided by the Disability Inclusion Act 2014 and subsequent DIAP.

Disability Action Plan (DAP)

The previous report to Council on this matter detailed the action status of this plan. Where relevant, those incomplete actions and ongoing actions have been incorporated into the revised DIAP.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is risk that the DIAP is not completed as legislatively required.	Medium	Adopt the draft DIAP.	Yes
There is a risk that adequate funding will not be prioritised to ensure implementation of actions within the Plan.	Medium	Internal working groups will be established to ensure ongoing governance and accountability to deliver actions within the Plan.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The DIAP prioritises the needs of people who experience a disability, which ensures a society that is inclusive and accessible for people of all abilities and backgrounds. These improvements to social inclusion and accessibility recognise the rights of people with a disability to fully participate in society; the same manner as those without a disability.

This DIAP is critical to achieving a path of positive change and creating a more socially inclusive society. In addition, creating a society that is inclusive and accessible for all abilities and backgrounds ensures the needs of other vulnerable proportions of the population are captured, such as very young children and ageing populations.

CONSULTATION

The DIAP was advertised in the Port Stephens Examiner for 30 days from Thursday 10 August 2017 to Thursday 7 September 2017. During this time the DIAP was available on Council's website, at the Administration Building in Raymond Terrace and in both Council Libraries; at Tomaree and Raymond Terrace.

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

In addition to this, Council's MyLink email group, which reaches approximately 227 on the ground service providers, community groups and non-government organisations was utilised. The DIAP was also communicated in Council's InforMe email newsletter and by way of media release.

Two submissions were received. These submissions are summarised in the below table and an appropriate response provided.

No	Summary	Response
1	The DIAP relied on 2011 census data.	The DIAP was prepared at a time when the 2016 census data had not been released and it has since been updated.
2	Insufficient stakeholder consultation.	The DIAP has been updated to reflect the extensive consultation that has taken place.
3	Reference to the ownership of the Ngioka Centre.	The DIAP has been amended to reflect the transfer in management and operation of the Ngioka Centre to the Endeavour Foundation.
4	Suitability of the new toilets in Boomerang Park.	<p>The toilets in Boomerang Park have been designed for disabled persons. Access to these toilets will be improved by the completion of accessible pathways, once construction work is complete.</p> <p>Strategic Planning is also working with other parts of Council to ensure consideration is provided to accessibility in design.</p>
5	Suggestions to improve the formatting of the document.	The formatting of the document has been improved based on these comments (i.e. tables placed on landscape as opposed to portrait tables).

OPTIONS

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

ATTACHMENTS

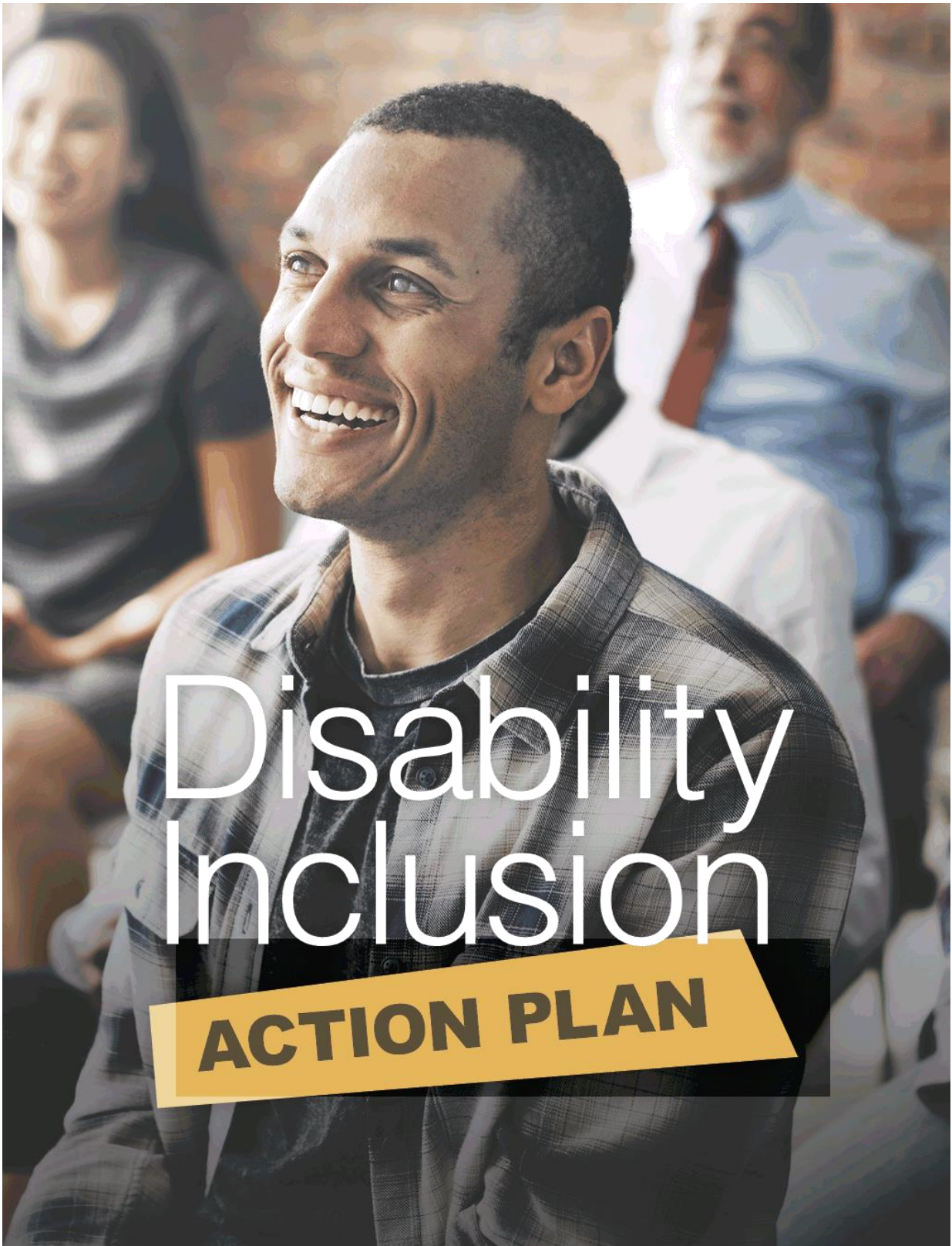
- 1) Disability Inclusion Action Plan.
- 2) Disability Policy.

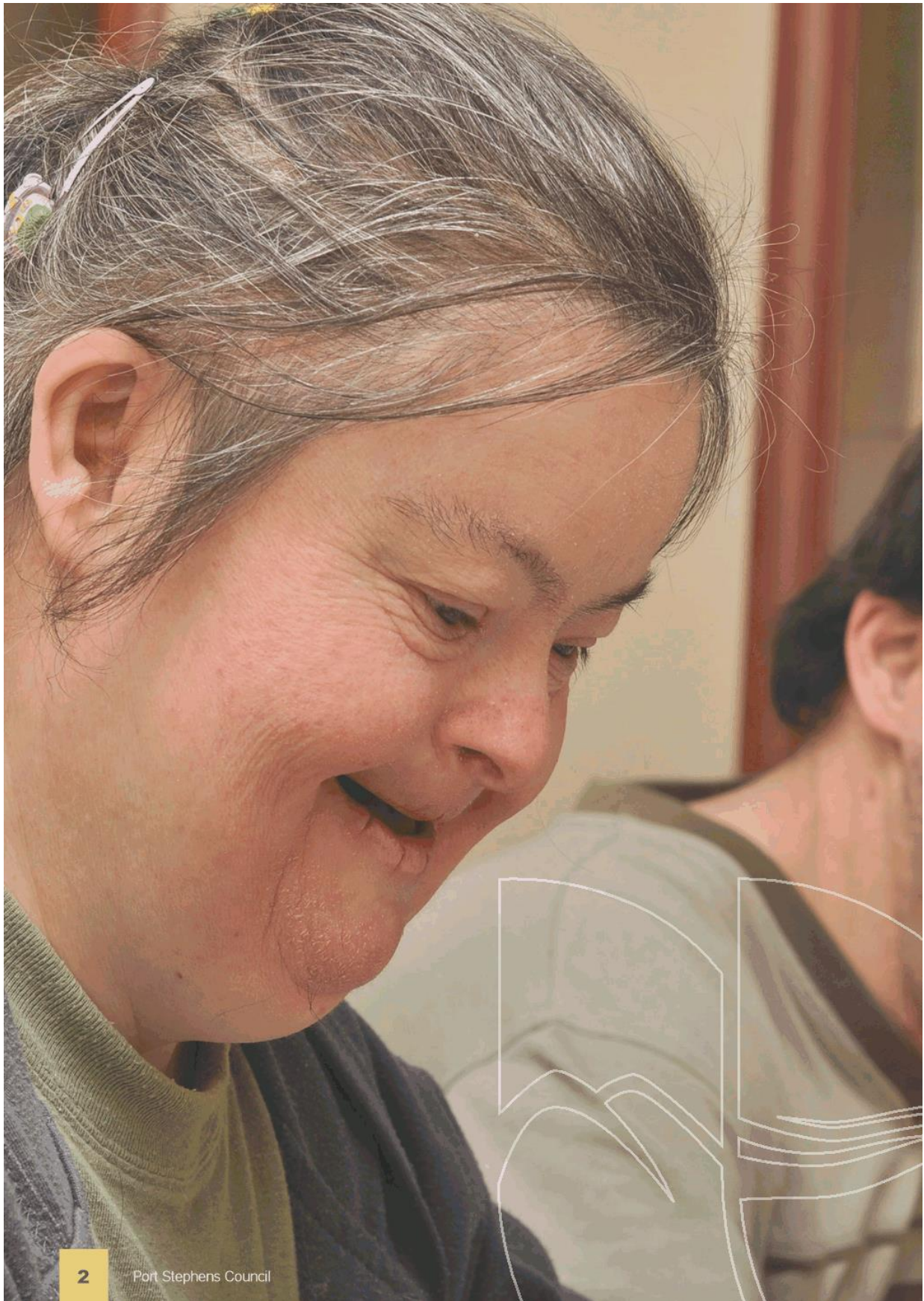
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.







Contents

Mayoral message	4
Executive summary	5
Background	6
Guiding principles	8
Policy and legislative context	9
Definition	
Legislation	
Council's responsibilities and roles	11
Role of council	
Executive responsibility and project coordination	
Integrated planning and reporting	12
Document review	13
Consultation and engagement	13
Need for assistance	
Consultation with the community	
Stakeholders	
Summary of priorities	
Action planning	16
Governance, monitoring and evaluation	20
Conclusion	21
Appendix	22

Mayoral message

Port Stephens Council is pleased to present its Disability Inclusion Action Plan, which replaces the Port Stephens Disability Action Plan (2014-2018) and aligns with the Disability Act 2014.

This document recognises the commitment that Port Stephens Council has to an inclusive and accessible community for all people, and it defines actions (both direct and indirect) that will encourage and enhance inclusion.

We are committed to disability inclusion and to building a community where everyone is able to easily access opportunities, and to connect and fully participate in their community.

I would like to thank everyone from our community who contributed their time, ideas and opinions during the development of this Plan; these ongoing connections and partnerships are vital in the ongoing development of a more inclusive community where all people are supported to participate fully.

This Disability Inclusion Action Plan will be reviewed regularly and reported on annually. Council is committed to ensuring the Action Plan is implemented and that this document remains an important focus for our community now and into the future.

Ryan Palmer
Mayor Port Stephens



Executive summary

The Port Stephens Disability Inclusion Action Plan (DIAP) outlines Councils commitment to support the right of choice for people with a disability and to live their lives with access to opportunities and to enjoy the benefits of living and working in our society as all residents do.

Development of the DIAP has given Council an opportunity to focus on enriching Councils commitment to creating a place that is more inclusive, accessible, and provides opportunities for all abilities and backgrounds.

Port Stephens Council consulted extensively with people in the local government area who have a disability, their families, carers and disability groups to identify challenges, barriers and issues for inclusion. The consultation process enabled discussion and feedback, and provided ideas and suggestions for change and improvement.

Stakeholder priorities were established through external consultation as well as mapping of existing Council functions, services and assets to identify potential opportunities to achieve a more inclusive and accessible society. Community consultation and mapping outcomes were then analysed to identify actions. A further risk management process was undertaken, before incorporating appropriate actions into existing Port Stephens Council Integrated Plans.

The implementation of these actions will be reviewed on an annual basis to ensure disability inclusion is given appropriate

consideration, including in in other plans, policies and procedures.

This DIAP is underpinned by Council's policies, programs and regulatory responsibilities, including a commitment to social justice principles which are integrated within the Integrated Planning and Reporting framework (IP&R). Port Stephens Integrated Plans encompass the Community Strategic Plan 2013-2023, the Delivery Program 2013-2017 and the Operational Plan 2016-2017.

The DIAP and actions within it are framed around four focus areas, These areas were developed during development of the NSW Disability Inclusion Plan by people with a disability. These focus areas and actions are outlined below will be delivered through Councils Integrated Planning and Reporting Framework:

1. Liveable communities (including physical access to buildings and facilities, and transport);
2. Attitudes and behaviours;
3. Supporting access to meaningful employment; and
4. Improving access to services through better systems and processes (which is about availability and accessibility of information regarding services).

In line with the Disability Inclusion Act 2014, the Port Stephens DIAP will be reported on annually to the Minister for Disability. Furthermore, Council will review the disability inclusion action planning process every four years as a minimum.



Live their lives, access opportunities and enjoy the benefits of living and working in our society as all residents do.

Background

Port Stephens Local Government Area (LGA) is in the Hunter Region of New South Wales within the Port Stephens and Great Lakes Marine Park. It is approximately two hours drive north of Sydney and 30 minutes from Newcastle. In 2016, Port Stephens had a population of 64,807 at the 2016 Census. This figure is predicted to rise by up to 23,000 over the next 15 years.¹

Port Stephens has grown as a regional centre with a mix of coastal and rural villages, and larger regional centres, including coastal centres, which presents a diverse range of opportunities for everyone in the LGA.

The proportion of people who experience disability can be correlated to Need for Assistance (Has need for assistance with core activities) census data. In Port Stephens, the proportion of people who identify as having a Need for Assistance in Port Stephens is 6.4% of the population. Comparatively, NSW has 5.37% of the population and the Hunter notes 6.39% who identify as having a Need for Assistance.

Council is already a direct provider of services for people with a disability and their carers through:

- Leasing of the Ngioka Centre to the Endeavour Foundation, who will provide disability support services under the NDIS scheme;
- Leasing of the Grahamstown Dam Aquatic Reserve to Sailability;
- Provision of Wheel in Wheel Out garbage bin service;

- Provision of programs for children with additional needs at Outside School Hours Care (Raymond Terrace, Meadowie), Port Stephens Activity Van and Family Day Care;
- Provision of large print books, talking books and audit and visual navigation aids from libraries (Raymond Terrace, Salamander Bay, Mobile Library); and
- Provision of equipment at Aquatic Centres that enable safe entry into and out of heated swimming pools.

Council owns and maintains a large asset portfolio that includes the following asset classes:

- Civil assets (bridges, depots, drainage, pathways);
- Road pavements;
- Transport facilities;
- Waste facilities; and
- Community and recreation assets (aquatic centres, cemeteries, libraries, multipurpose facilities, childcare centres, parks and reserves, playgrounds, public amenities, skate parks, sport facilities, surf lifesaving clubs, waterways).

Mapping of functions, services and assets (Appendix 3) enables identification of assets and services with potential to contribute to achievement of a more inclusive society.

Council provides opportunities for partnerships and volunteering in the care and management of community facilities, parklands and in public services.

¹ Retrieved www.portstephens.nsw.gov.au
² Source: www.portstephenscouncil.nsw.gov.au/volunteering



Volunteer opportunities are available in areas such as:

- Halls and community centres;
- Parks, reserves and Landcare groups;
- Cemetery committees;
- Sports council and clubs; and
- Advisory and cultural groups and libraries (among others).²

This DIAP defines strategies and provides a planning framework and actions to promote inclusion and equity for people with a disability, so they may fully participate in, and contribute to, social, business and community life. The DIAP will enhance and complement the existing services provided by Port Stephens Council and will encourage an ongoing focus on building a socially inclusive and accessible place for all.



Port Stephens Council will encourage an ongoing focus on building a socially inclusive and accessible place for all.





Guiding principles

The community vision for the Port Stephens Community Strategic Plan is to have “a great lifestyle in a treasured environment”. This vision can only truly be achieved in a society that is inclusive and accessible for people of all abilities and backgrounds.

This Plan is critical to achieve positive change and create a more inclusive society. A more inclusive society is diverse, stronger and more sustainable.

To achieve this, the following principles underpin and reinforce the actions and desired outcomes within the DIAP and align with the philosophy behind the *NSW Disability Inclusion Act 2014*, the Community Strategic Plan and the communities vision:

- Social justice principles of:
 - Equity
 - Access
 - Participation
 - Rights
- Guiding principles for Councils in accordance with Chapter 3 of the *Local Government Act 1993*, which are summarised below:
 - Strong and effective representation, leadership, planning and decision making;
 - Carry out its functions in a way that provides best possible outcomes for the local community;
 - Plan strategically within the integrated planning and reporting framework for present and future populations
 - Working with others to secure appropriate services for local community needs; and
 - Fairly, ethically and without bias in the interests of the local community;
- Business Excellence principles:
 - Port Stephens Council applies the Business Excellence principles to inform continuous improvement and strengthen the organisations ability to deliver more efficient and effective services to the community.



Inclusive communities where individuals can fully participate in social, business and community life.



Policy and legislative context

Definition

The Disability Inclusion Act 2014 defines disability as: 'The long-term physical, mental, intellectual or sensory impairment, which in interaction with various barriers may hinder the full and effective participation in society on an equal basis with others'.

In the context of the DIAP, 'disability' includes functional impairments or limitations, which may be present from birth, acquired by accident or illness or due to the process of ageing. The impairments may be substantial or seemingly minor, temporary or permanent.

Legislation

In 1993, all NSW government departments and some other government bodies were required to undertake disability action planning when the NSW Disability Services Act 1993 (DSA) was introduced.

In 2008, the Australian Government committed to implementing the United Nations (UN) Convention on the Rights of Persons with Disabilities.

In 2014, a strengthened commitment to inclusion, better consultation with people with disability and protection of their rights was propelled with the introduction of the Disability Inclusion Act 2014, which replaced the DSA.

There is a suite of further Commonwealth and State legislation that promotes and drives improving access and inclusion for people with a disability:

INTERNATIONAL

- Principles of the UN Convention on the Rights of People with a Disability

COMMONWEALTH

- Disability Discrimination Act 1992
- Australian Government NDIS Act 2013
- Australian Government Aged Care (Living Longer Living Better) Act 2013

NSW

- NSW Disability Inclusion Act 2014

The most recent legislation and amendments reflect a shift towards the view that, while a disability may affect the way that a person interacts with others and their environment, it should not define a person and it should not limit their capacity to become an integral part of the community. Although the rights of a person with a disability have been defined as the same rights as those of all people since the early 1990s, it is understood that upholding these rights must include promotion of individual choice about what is important to them, universal access to services and facilities and inclusive communities where individuals can fully participate in social, business and community life.

The *NSW Disability Inclusion Act 2014* promotes the view that 'inclusion' is not only a goal for service providers and public and private sector organisations, it is a responsibility of the whole community. It legislates for the rights of people with a disability to full participation in every-day life, with enhanced community connection, independence, empowerment and wellbeing. It is the role of local government through a *Disability Inclusion Action Plan (DIAP)* to promote and support inclusion in their communities.

ADDITIONAL LEGISLATION

- *Carers (Recognition) Act 2010 (NSW)*
Disability not only affects people who have a disability, but also people who care for them. The Carers (Recognition) Act 2010 acknowledges the significance of carers, including respect and recognition, inclusion in decision making and access to services they may need.
- *Local Government Act 1993*
The Local Government Act 1993 sets out the framework and responsibilities of Councils and provides guidance to enable council's to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous.



Draw together diverse interests and strive towards attaining greater consensus on sustainable outcomes for the local government area.





Council's responsibilities and roles

Role of council

New South Wales (NSW) is entering a new era in disability inclusion planning. Council's role in implementation of the DIAP will include as a direct service provider, as a leader, an advocate and facilitator.

- **As leader:** Council acts as a role model for others, through its own actions, strategic organisational responses and way of doing things. In its dialogue with the communities and other stakeholders, Council can act to draw together diverse interests and strive towards attaining greater consensus on sustainable outcomes for the local government area.
- **As advocate:** Council seeks to improve services, facilities and opportunities for the local government area and its communities by lobbying agencies and other levels of government. In discussions with others, there are opportunities to reinforce Port Stephens sense of identity and resilience, and collaborate on achieving a more sustainable local government area.
- **As facilitator:** Council assists interaction amongst stakeholders, and forms strategic alliances aimed at promoting sustainability initiatives focussing on elements including social, economic, environmental,

cultural and governance, which demonstrate positive ways of moving forward.

- **As service provider:** Council has a strong commitment to delivering the services needed by its communities, and ensuring that Council resources are responsibly managed. Council's role as a service provider aims to assist in building the long-term health of the local government area.

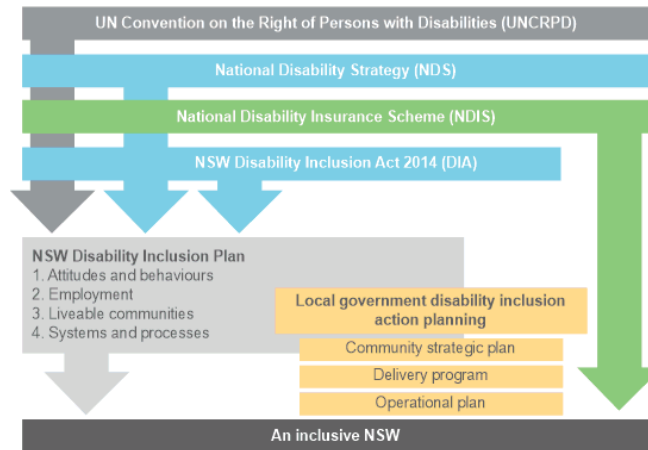
Executive responsibility and project coordination

Port Stephens Council supports the development and implementation of the DIAP. The General Manager has responsibility to oversee the various functions/groups of Council.

The DIAP will be coordinated by the Social Planning Unit within the Strategy and Environment section of the Development Services team. Responsibility for implementation and resourcing of the DIAP will be across all sections of Council.

Integrated planning and reporting

Goals and strategies of Port Stephens Council are underpinned by five themes which provide focus and direction for the Integrated Planning and Reporting (IPR) framework. The four focus areas for the DIAP may be positioned within those five focus areas of Integrated Planning framework.



Port Stephens CSP-themes

CSP1 Our citizens

CSP2 Our lifestyle

CSP3 Our environment

CSP4 Our economy

CSP5 Our Council

Focus Areas for DIAP

- Liveable communities, Focus Area 2
- Positive community attitudes and behaviours, Focus Area 1
- Liveable communities, Focus Area 2
- Liveable communities, Focus Area 2
- Supporting access to meaningful employment, Focus Area 3
- Improving access to services through better systems and processes, Focus Area 4



Document review

As background to the consultation and to confirm issues which have been previously identified in the Port Stephens LGA, a review of documents was undertaken. Council has a suite of documents, which reflect their commitment to an inclusive and connected society in an environment that facilitates opportunities for contribution by all those who live in the Port Stephens Region. Reviewed documents included:

- Port Stephens Integrated Plans incorporating:
 - Community Strategic Plan 2013-2023
 - Delivery Program 2013-2017,
 - Operational Plans 2016-2020
- Port Stephens Strategic Asset Management Plan (2016-2026)
- Port Stephens Disability Action Plan 2014-2018
- NSW Disability Inclusion Action Planning Guidelines.

Consultation and engagement

According to 2016 census data the population of Port Stephens was 69,556, which is an increase of 4,746 or 7.32% from 2011 (64,810). As the table below notes there are distinct differences in the proportion of people who stated a Need for Assistance between each of Port Stephens planning catchments. However, community

consultation with people who experience a disability, their families, carers and disability groups show that the barriers, challenges and needs of people with a disability to fully participate in community life are similar throughout the LGA.

Need for Assistance

Suburb	2006	2011	2016
Fern Bay	7.4%	8.7%	7.89%
Karuah / Swan Bay	5.3%	8.3%	8.59%
Medowie	3.2%	3.5%	3.93%
Raymond Terrace	5.2%	6.3%	7.75%
Rural East	5.3%	4.7%	6.11%
Rural West	2.9%	3.1%	3.07%
Tilligerry	6.4%	7.3%	7.97%
Tomaree	5.5%	5.5%	6.53%
Port Stephens LGA	5.0%	5.5%	6.40%

ITEM 3 - ATTACHMENT 1 DISABILITY INCLUSION ACTION PLAN.

Consultation with the community

In seeking to fully understand and identify the barriers to inclusion and access, and to find solutions; information was sought from key stakeholders. Key stakeholders are people within the Port Stephens community who identify as experiencing a disability, their carers' and support workers.

A survey was completed and distributed within the community from November

2016 to January 2017. The period of the survey was extended over the Christmas period/school holiday period. 71 surveys completed surveys were received from the community.

The following table sets out who and how the survey was distributed to key stakeholders.

Stakeholder	Engagement Processes
Council website	Surveys could be accessed through Council's website using Engagement HQ
Council Facebook page	A link to the survey was placed on Council's Facebook page. The link was 'boosted' which meant the page connected anyone in the LGA who had clicked on anything to do with disability, which significantly broadened the surveys reach.
MyLink Group	Advice and information about the DIAP, including a link to the survey was distributed to Councils MyLink group. MyLink is an email group of members including Not for Profit Groups and Non-Government Organisations (NGO's), such as disability service and support providers. The MyLink email group keeps its members informed of upcoming meetings, local events, professional development opportunities and other important information. Notifications of updates are sent to the MyLink email list weekly.
Libraries	Paper copies of the surveys were provided to the Tomaree and Raymond Terrace Libraries for distribution to disability groups (including disability support groups) who use the library
Media release	Media release in the Port Stephens Examiner and online version of the Port Stephens Examiner
Schools	Every school in the LGA was contacted via telephone and the survey and link distributed via email. Schools then placed the information about the survey and the link in school community newsletters and on Facebook pages.
Eagleton Ridge Respite Centre	Eagleton Ridge Respite Centre was contacted and information forwarded about the survey, along with a link
Flyer	Flyers were developed to help promote the project, which contained information about the survey and where to access it. Flyers were delivered to doctors surgeries, disability service providers and Council run pools.
Internal stakeholder meeting	Internal stakeholder meeting and ongoing consultation to go over elements of the DIAP.

ITEM 3 - ATTACHMENT 1 DISABILITY INCLUSION ACTION PLAN.

Summary of priorities

Returned surveys and consultation meetings presented a clear picture of priorities with suggestions and solutions. Looking across all questions in the survey, the following outlines the most important priorities for the Port Stephens community.

1. Footpaths/ramps
2. Accessibility to events/activities, shops, sporting and recreation facilities, and parks
3. Provision of venues, services, events
4. Public toilets
5. Parking
6. Public transport
7. Public education
8. Respectful and inclusive community and services.

Some of the priorities for the community in the consultation for the DIAP were also identified in the Port Stephens Disability Action Plan 2014-2018. Furthermore, the Port Stephens Integrated Plans aims to “make future provisions for people with disabilities, their families and carers” via several actions, including implementing the Disability Inclusion Action Plan.

Results of the community consultation were arranged in to the DIAP’s four focus groups and actions were developed that align with these areas. These focus areas were identified as part of extensive community consultation during development of the NSW Disability Inclusion Plan. As such these focus areas became a requirement to be in all NSW agency DIAPs. These actions recognise the rights of people with a disability to full and effective participation in an inclusive society; the same as those without a disability. The following action plan outlines Council’s role and action and priority level.



Results of the community consultation were arranged into the DIAP’s four focus groups and actions were developed that contribute a more inclusive, accessible and liveable society.

Action planning

Liveable Communities

Item for improvement	Priority Time-frame	Coun- cil Role	Action	Outcome	IPR Refer- ence	Responsibility
Footpaths and ramps throughout LGA	1 -2 years	Service Provider	Undertake review of footpaths and ramps throughout LGA to determine a prioritised approach to implementation of gaps, upgrades and new footpath infrastructure.	Updated and implementation of the Pedestrian Access and Mobility Plan considers and prioritises people with disability.	4.2.1.3	Assets
	0-1 year			Updated and implementation of the Pedestrian Access and Mobility Plan considers and prioritises people with disability.	1.3.1.6	Strategic Planning
Outdoor spaces and buildings	1 -2 years	Service Provider	Priorise review and audit Council managed outdoor spaces and buildings to determine areas where work is required and priority maintenance areas.	Outdoor spaces and buildings including access to; are maintained and developed to enable an inclusive community for people with disability.	5.2.1.2	Facilities and Services
	2-4 years	Service Provider	Implement two liberty swings. Locations to be prioritised in collaboration with Social Planning.	Two liberty swings are installed in appropriate locations so family and carers of people with high needs are able to access recreational opportunities (people in wheelchairs, including adults can experience a sense of freedom)	5.2.1.2	Facilities and Services
Provision of programs and services that support people with a disability	0 – 1 years	Advocate	Develop the Plan of Management to determine and formalise future long term use of the land on which the Ngojoka Centre is located.	The Ngojoka Centre is managed and operated by the Endeavour Foundation by way of license agreement with Port Stephens Council. This arrangement now enables the entire Ngojoka Centre to be utilised for disability services under NDIS.	1.3.1.1	Facilities and Services
	Ongoing	Service Leader	Manage the use of Grahamstown Aquatic Reserve for use by Sailability.	Continuation of Sailability and ongoing access to recreation activities for people with a disability.	1.3.1.2	Community Services
	Ongoing	Service Leader	Ongoing provision of wheel in wheel out garbage bin service (Blue Dot Service) for people with a disability living at home.	The Blue Dot Service	1.3.1.3	Community Services
	Ongoing		Ongoing access to children's services programs for children with additional needs at Outside School Hours Care (Raymond Terrace and Meadowie), Port Stephens Activity Van and Family Day Care.		1.3.1.4	Community Services

ITEM 3 - ATTACHMENT 1 DISABILITY INCLUSION ACTION PLAN.

Ongoing	Service Provider	Ongoing provision and expansion of assistive and adaptive technology including: <ul style="list-style-type: none"> • Audio read navigators • Zoom text screen reader software • Large print books • Audio books 	Increased awareness and support for people with a disability and increased liveability.	1.3.1.5	Community Services Customer Relations
Public toilets	Service Provider	Audit of public toilets to identify locations where adult change facilities for people with a disability are warranted - or where an area could be modified to cater for people with a high need disability during Forward Works Plan.	Improved accessibility for people with a disability and assistance for carers, caring for people with high needs.	5.2.1.4	Facilities and Services
	Advocate	Port Stephens disability access toilets are included on the Australian Public Toilet's software application.			
Disability parking spaces throughout the LGA	Service Provider	Review disability parking spaces as identified to ensure compliance against current standards and / or relocating to meet compliance (via traffic committee).	Increase in compliant disability parking so people who experience disability can enjoy a more seamless experience that is navigable and manageable, thereby being more inclusive and value adding.	5.2.1.4	Facilities and Assets
		At review, update Plans of Management to include discussion of disability parking and improving accessibility between disability parking, parks and disability accessible toilets.		5.2.1.4	Facilities and Assets
Public transport	Advocate	Meet with public transport providers to provide feedback from DJAP and address any concerns where possible	Improved legibility and access to public transport, options and improved patronage of people with a disability.	1.3.1.6	Strategic Planning
Funding opportunities	Service provider/ Leader	Actively seek grant funding for projects which encourage access and inclusion in the community	An increase in services, infrastructure and activities that ensure inclusiveness and accessibility for people who experience disability, their families and carers.	5.2.1.4	Facilities and Services Community Development and Engagement Strategic Planning
Accessible events	Service provider / Advocate	Formalise a 12 month trial program of the Event Tent, which promotes and enables greater participation at community events of people and families who have a disability	Increase in the number of events that are accessible for people with a disability	2.1.1.5 5.3.1.5 5.4.1.1	Community Development and Engagement Tourism and Events

Improving access to services through better systems and processes

18

Item for improvement	Priority Timeframe	Council Role	Action	Outcome	IPR Reference	Responsibility
Aligning Action Plan with Integrated Reporting Framework	Ongoing	Leader	Ensure that the DIAP aligns with the Integrated Reporting Framing and that the actions in this Action Plan are included in the (4 year) Delivery Program and the Annual Operational Plan	This plan meets the Local Government DIAP guideline requirements and actions are implemented.	5.3.1.13	Strategic Planning
Information to the public	0 – 1 year	Leader and Service Provider	Enable the ability to provide and receive information to and from the public in a range of formats. Review public exhibition template to make clearer that we accept submissions in all formats, not just written, eg video, voice, recording	More people are able to access information and participate in their local community and the affairs of local government.	5.3.1.6	Office of the General Manager
			Maintain website accessibility (WAAAG) 2.0 AA level		5.5.1.8	Communications
Policies and procedures	1 -2 years	Leader/Service Provider	Council investigates options to improve understanding of policies and procedures for people with a disability.	Remove obstacles for people with a disability to enable achievement of positive and sustainable employment outcomes.	1.3.1.6	Strategic Planning

Supporting access to meaningful employment

Item for improvement	Priority Timeframe	Council Role	Action	Outcome	IPR Reference	Responsibility
Volunteering processes	1 -2 years	Leader	Review volunteering processes for Port Stephens Council to ensure that they are welcoming of people with disability	Increased access to volunteering opportunities for people with a disability.	1.6.1.3	Community Services
Recruitment processes	Ongoing	Leader	Continue to offer candidates an option to disclose whether or not they have a disability during the application process so that Council are able to ensure that applicants with a disability are and feel supported throughout the process.	Ongoing employment opportunities for people who have a disability with Port Stephens Council.	5.1.4.2	Organisational Development

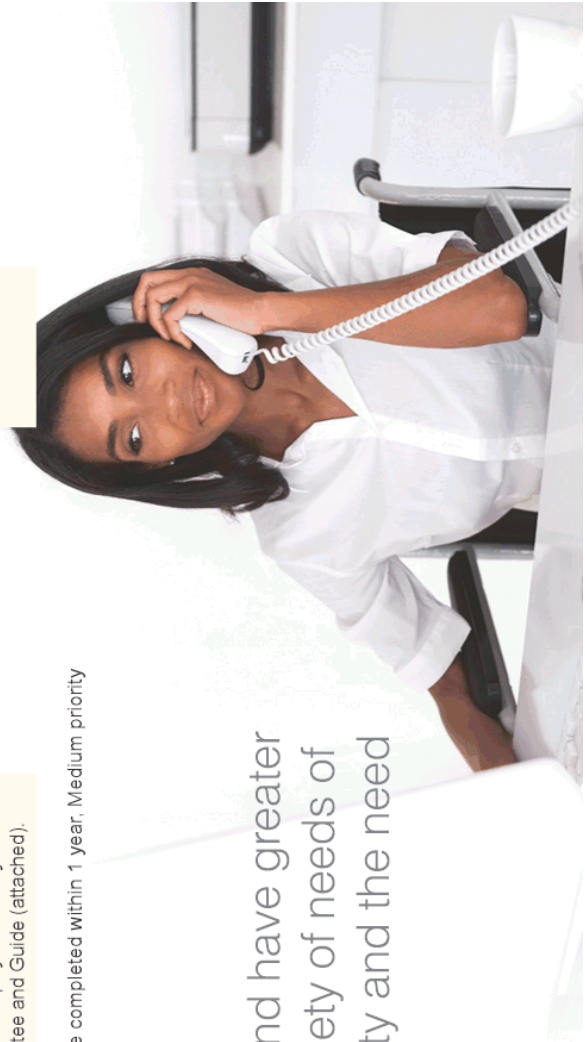
Attitudes and Behaviours

Item for improvement	Priority Timeframe	Council Role	Action	Outcome	IPR Reference	Responsibility
Education for shop owners/businesses on access issues for people with disability.	0 - 1 year	Advocate	<p>Awareness and education campaigns targeting business owners via Biz Link network, newsletters and business chambers to foster and encourage the following initiatives:</p> <ul style="list-style-type: none"> Develop companion card friendly initiative which enables free entry to certain venues/events for carers to accompany people with a disability 	Outcome is a raised awareness of the needs of people with a disability/ access issues	4.1.2.4	Economic Development
	1-2 years	Advocate	<ul style="list-style-type: none"> Preferred employer awards for disability accessible workplace 		4.1.2.4	Economic Development
Staff awareness of the needs of people with disability	1 -2 years	Leader	To provide training for Council staff on how to work with and understand people with disability through Councils Workplace Equity & Diversity Committee and Guide (attached).	Staff are supported and have greater knowledge of the variety of needs of people with a disability and the need for inclusion	5.1.4.2	Organisational Development

The priority timeframe rating indicates that a High priority should be completed within 1 year, Medium priority within 2 years and Low priority, within 3 to 4 years.



Staff are supported and have greater knowledge of the variety of needs of people with a disability and the need for inclusion.



Governance, monitoring and evaluation

To ensure implementation of the Plan, an internal working group made up of stakeholders who have responsibility for implementing actions with the plan will be ongoing. The working group will meet quarterly to discuss the Action Plan and linkages to both current and future projects and programs including:

- Each new capital works project will consider disability improvements to inclusion and accessibility within the Project Management Plan scoping and procurement document (in addition to Disability Discrimination Act compliance). Improvements for consideration include:
 - Location of the proposed project; and
 - Improvements to carpark access to and from, kerb ramp location and availability and pathway's etc, that enable more seamless connectivity.

Progress of the plan will be monitored and implementation of actions within the Plan will be reported through a range of governance processes, including:

- Six monthly reporting to Councils Executive Leadership team and Council
- Operational Plan annual reporting as part of the Integrated Planning and Reporting Framework
- Annual Report
- End of Term Reporting
- Customer satisfaction annual survey and reporting

To enable effective measurement and monitoring of actions within the plan, the Port Stephens Customer Satisfaction Survey will include a section within the survey of questions that people who experience disability, their families, carers and people who work in the disability sector can elect to answer.



Conclusion

Port Stephens Council has a strong commitment to enhancing life experience of people with a disability in the Local Government Area.

In developing the Disability Inclusion Action Plan, Port Stephens Council has built on the strengths of existing Council resources, Council structure/staff, plans, policies and the local closely connected community by consulting with a broad range of stakeholders.

The priorities identified above reflect Council values and principles. The individual objectives, once approved by Council, are to be included in the 2017-2021 Delivery Program and the Annual Operational Plans for each of those four (4) years. Within the Integrated and Strategic Planning framework, the responsibility, reporting and resourcing for the objectives will be defined.



Draw together diverse interests and strive towards attaining greater consensus on sustainable outcomes for the local government area.



Appendix 1 DIAP Survey

1. What is your age?
2. What suburb do you live in?
(Required)
3. Gender
4. Language used at home?
5. Are you a carer or a person with disability? (Choose all that apply)
 - a. Carer
 - b. Person with disability
 - c. Family member
6. Do you think the Port Stephens Community is welcoming of people with disabilities? Eg businesses, shops etc (Choose all that apply)
 - a. Yes
 - b. No
- 6a. Please give us some examples of positive or negative experiences you have had.
7. Have you encountered any problems, barriers or issues in using transport options? (Choose all that apply).
 - a. Walking or wheelchair use
 - b. Local buses
 - c. Electric Scooter
 - d. Other
- 7a. Please give us some examples of positive or negative experiences you have had.
8. Do you think facilities and services are accessible and inclusive in Port Stephens?
 - a. Council's Administration Building: Yes No
 - b. Community centres: Yes No
 - c. Events: Yes No
 - d. Libraries: Yes No
 - e. Parks: Yes No
 - f. Pools: Yes No
 - g. Other: Yes No
- 8a. Can you give us any examples for improvements?
9. Do you find Council's information publications accessible?
Website: Yes No
Newsletters: Yes No
- 9a. Do you have suggestions for improvements?
10. Would you like to see an improvement in online services through Council's website such as the electronic payment of rates and/or fees and charges?
(Choose all that apply).
 - a. Yes
 - b. No
11. Do you find Council staff at all of its locations and facilities approachable, understanding of your requirements and helpful? (Choose all that apply)
 - a. Yes
 - b. No
- 11a. Please provide details of your experiences with Council staff.
12. Any other comments?



Appendix 2

community consultation

Results from consultation and the survey were framed around the four priority areas for an inclusive community: *Liveable communities, Attitudes and behaviours, Employment and Systems and processes.*

The areas identified for improvement by the Port Stephens community are (in order of priority):

Liveable Communities

Focus Area	Comments
Foot paths/ramps	<p>“Footpaths/ramps – uneven, rough, need ramps to access roads, need lighting on paths and stairs, need more footpaths, wider footpaths, some ramps too steep”.</p> <p>“All new kerb ramps should have no step between the bottom of the ramp and the gutter/road. The small step that is still mostly used at the bottom of curb ramps is completely unnecessary (it doesn't improve water flow in the gutter as some people think it does), but it makes it harder for a wheelchair user, even if the step is only 2cm or less. The same argument applies to driveways.”</p>
Accessibility to events/activities, shops, sporting facilities, parks.	<p>“Cluttered walkways, access to beaches (wheelchair accessible ramps). Braille on signage, audio description at places of interest, Henderson Park upgrade (steep steps to pontoon, no disability parking), access to pontoons for fishing (Karuah good example of how to do it). Wider access passageways and doorways (e.g. some places have double doors but keep one door locked e.g. Salamander library)”</p>
Provision of venues, services, events	<p>“Lack of disability services in parks (e.g. Liberty swing/swing with 5-point harness), lack of covered areas in parks (many sun-sensitive due to medication, plus rain cover), hydrotherapy pool, fences around parks, disability friendly slide at parks, audio loop needed”.</p> <p>“I would like to see more programs that support carers and the families of people with disabilities in the Port Stephens Local Government Area as their (sic) simply isn't enough. I would also like more programs to support people with disabilities so that as a community we can start supporting each other through the hardship of living with a disability.”</p>



Focus Area	Comments
Public toilets	<p>“There are lack of amenities in disabled toilets (e.g. adults who need help changing continence aids, hoists in toilets?), need more (e.g. Nelson Bay)”.</p> <p>“Disabled toilets do not cater for older persons with a disability who require nappy changing facilities. It is not nice to change on the floor of a disabled toilet and parents room tables are too small.”</p>
Parking	<p>“There is a lack of disabled parking, some disabled parks are not wheelchair friendly”.</p> <p>“Substandard pavement surfaces for walker frames and mobility scooters. Lack of disability parking spaces at Soldiers Point Boat ramp and Salamander Bay wharf and various other areas within the Port Stephens area.”</p>
Public transport	<p>“Infrastructure improvements for more and better transport, limited timetables, too many transfers to get to destination, want regular community bus (low cost or for free)”.</p>

Attitudes and Behaviours

Focus Area	Comments
Respectful and inclusive community and services	<p>It should be noted that most people reported positive encounters with the public and council staff. One comment stated “could improve empathy and understanding from public on what it is like to have a disability”.</p> <p>“Hearing impaired, when asked to speak slower, shop people yell and pull faces as if trying to mouth out each word, very embarrassing.”</p> <p>“Staring, commenting”.</p>
Public education	<p>“Education for people in shops about disability, disabled amenities/facilities being used by public (change-rooms, toilets, parking) but consideration needed so as not to discriminate against those who do not “appear” to have a disability”:</p>



It should be noted that most people reported positive encounters with the public and council staff.

Employment

Focus Area	Comments
	No issues identified, however it was acknowledged in internal communication with staff, that Council could lead the way in more employment of people with a disability, this could include recruitment processes which are 'more welcoming' and encourage people to apply for positions. It also was acknowledged that Council policies, procedures, systems and processes could be reviewed for 'easy read' format.

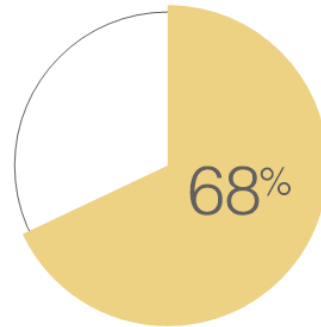
Systems and Processes

Focus Area	Comments
Range of information dissemination	<p>"Not everyone gets newspaper so send information in other ways (emailed with rates), need to consider information dissemination for people with hearing and vision impaired".</p> <p>"I have rarely seen a Council newsletter. Also, the website needs to be cleaner, clearer, more navigable and user friendly."</p> <p>"Left-aligning text might seem like a visual imposition to the sighted person, but this simple change is the difference between being able to read for people who are blind or who have low vision."</p> <p>"Eye level display for people using wheelchairs."</p>
Promotion and awareness of activities/events/ services	<p>Some people were confused or unaware of services/ amenities available to them.</p> <p>In some areas: "For those of us who get their bills via email, it would be great if we were emailed regularly about items on public exhibition etc, to replace what other residents would see in your adds in the Examiner."</p> <p>"More information areas to access help."</p> <p>"Didn't know you had a newsletter."</p>
Consultation on council infrastructure	<p>Respondents welcomed the Council distributing this survey for comment, but others felt more consideration of disability issues was needed.</p> <p>"Planning doesn't seem to include disabled accessibility issues for new projects."</p> <p>"Consideration of people who are blind or low vision in future planning. ie, Braille on all signage (or on poles or mounts for elevated signage). Audio description at places of interest, geographical, cultural or historical significance. Blind people miss out on our beautiful views, they deserve to be catered to with regard to what else PS has to offer. Infrastructure improvements that support more and better public transport to Port Stephens."</p>

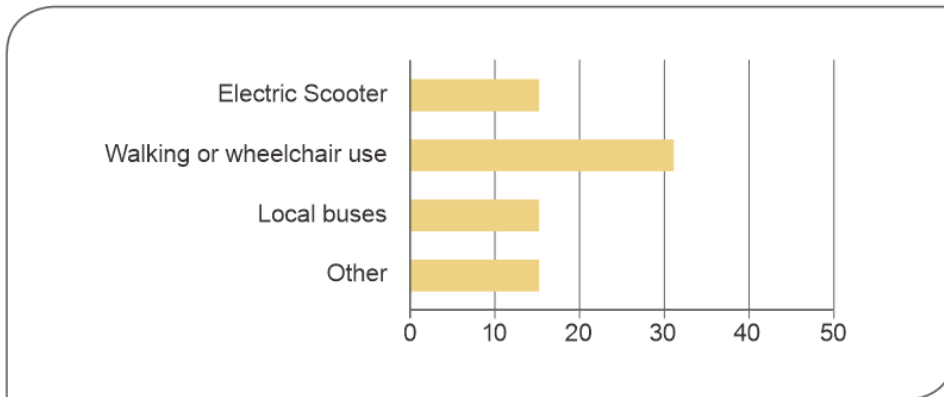
ITEM 3 - ATTACHMENT 1 DISABILITY INCLUSION ACTION PLAN.

**Do you think the Port Stephens Community is welcoming of people with disabilities?
Eg businesses, shops etc**

Most people felt Port Stephens is welcoming (68%).



Have you encountered any problems, barriers or issues in using transport options?

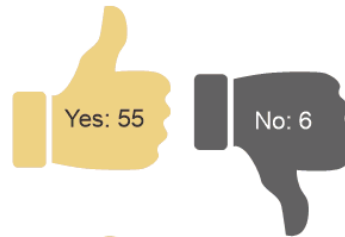


Do you think facilities and services are accessible and inclusive in Port Stephens?

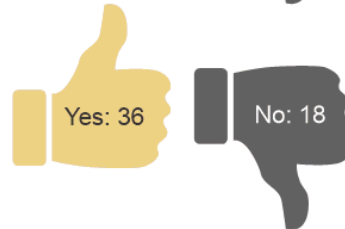
Focus Area	Yes	No
Council's Administration Building	57	6
Community centres	53	8
Events	36	21
Libraries	60	2
Parks	38	27
Pools	43	15
Other	18	13

Do you find Council's information publications accessible?

Focus area: website.

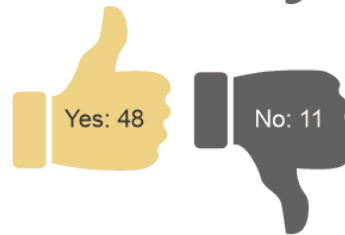


Would you like to see an improvement in online services through Council's website such as the electronic payment of rates and/or fees and charges?



Do you find Council staff at all of its locations and facilities approachable, understanding of your requirements and helpful?

Most comments in this section indicated council staff was very helpful and polite.



Any other comments?

Items for improvement (in order of priority):

1. Provision of venues, services, events
2. Roads/crossings
3. Footpaths/ramps
4. Public toilets
5. Public education

The following summary outlines the priorities identified across all questions of the survey.



Appendix 3 Functions, services and assets

Function Area: Community Services Sector

Staff / Responsibility	Facilities, infrastructure	Provision of Goods or services	Information-Directory	Partners and agency collaboration	Policies, Brochures, documents	Committees of Council
<p>Resource</p> <p>Manager Community Services</p>	<p>Ngioka Horticultural Therapy Centre</p>	<p>Volunteer workforce of up to 800, provision of 'wheel in wheel out' garbage collection for people with disability living at home. Provision of programs for children with additional needs at Outside of School Hours Care, Childrens' activity Van and Family Day Care. Provision of large print books, talking books and audio and visual navigation aids at libraries. Lear to swim programs at council aquatic centres.</p>	<p>Information on website re volunteers Large text formatting on website</p>	<p>Lease of Grahamstown Aquatic Reserve for use by Sailability (PSC lease the land from Hunter Water and Sailability sub-lease the land of PSC).</p>	<p>Volunteer strategy Part A and Part B</p>	<p>355 committees</p>
<p>Potential</p>			<p>Links to volunteer resources in other areas/businesses etc. Braille and large font computers</p>	<p>Job agencies, TAFE, universities, schools</p>	<p>Review policies/procedures to ensure they are 'easy read' format. Business leadership to enhance Ngioka as a multi-purpose centre and to promote and align with NDIS personal plans.</p>	

Function Area: Community Services – Library Services						
Staff / Responsibility	Facilities, infrastructure	Provision of Goods or services	Information-Directory	Partners and agency collaboration	Plans and Policies, Brochures, documents	Committees of Council
Library Services Manager	Civil Assets Section Manager and Recreation Assets Officer	Paid Library Staff x 24 Casual Library Staff x 11 Library Volunteers x 55 Assistive/Adaptive technology (Audio Read navigators, Zoom Text screen reader software, large print books, audio books)	Information on all Library Services related to services, programs and activities – displayed in branches via (flyers/posters/TV monitors) and on: <ul style="list-style-type: none"> • Facebook, Website on in our Backyard • School Newsletters, What's PS Examiner • News of the Area (Tea Gardens, Nelson Bay and Medowie) 	Thou Walla Schools as Communities Centre Newcastle Region Library Co-operative Central East Zone (Regional Libraries Group) Public Libraries NSW Hunter WEA Historical and Family History Societies RT Art Space Group Real Futures Foundation	Internet Usage Policy Waiving Overdue Charges Social Media Policy Library User Guidelines PSC Library Brochure Newcastle region Library Brochure Volunteer Position Descriptions and Handbook Historical Society/ Family History Group Agreements	Work Health and Safety Committee WHS Representatives Committee Workplace Equity and Diversity Committee Consultative Committee Heritage Advisory Committee

Disabled toilets do not cater for older persons with a disability who require nappy changing facilities. It is not nice to change on the floor of a disabled toilet and parents room tables are too small.



Function Area: Assets Section

Staff / Responsibility	Facilities, Provision of Goods or services	Information-Directory	Partners and agency collaboration	Plans and Policies, Brochures, documents	Committees of Council	
Asset Section Manager	Community land management; public toilets; parks, playgrounds, reserves, foreshores, marine access, sporting fields, sports facilities, community buildings, community halls, signage	Maintain and upgrade public spaces, facilities, assets and places in line with legislative requirements and community needs	Assets register, condition rating system. Opens Space Strategy (underway)	Government agencies, grant funding schemes, property developers, community groups, interest groups	Various plans of Management (specific and generic), Council policies, Management Directives.	Sports Councils, 355 Committees, Community groups, Parks and Reserves Committees
Potential	Ensure that the design and construction of new facilities and infrastructure is considerate to limited access community members	Ensure that upgrades and maintenance to community facilities are aligned with priorities for inclusion	Prepare the Open Space Strategy plans for upgrades to community facilities and areas where infrastructure needs to be considerate of limited access community members	Actively seek grant funding for projects identified within the Opens Space Strategy in order to improve access to inclusion to community facilities and areas throughout the LGA.	Review and update existing plans and policies in line with legislative changes and identified needs of the community. Opens Space Strategy (underway)	Encourage community groups and committee to undertake projects and programs to encourage access inclusion

Function Area: Human Resource Sector

Staff / Responsibility	Facilities, infrastructure	Provision of Goods or services	Information-Directory	Partners and agency collaboration	Plans and Policies, Brochures, documents	Committees of Council
Resource Manager Human Resources		Recruitment of new staff, Management of staffing (leave, Award provisions, superannuation etc)	Information on website, in hard file and on intra net		Recruitment policy/procedures,	Volunteer 355 Committees
Potential		Recruitment processes to be welcoming of people with disability/older people	Information in range of formats including social media etc Plus help for those who have a disability	Job network agencies, businesses	Recruitment process which is welcoming of people with a disability (advertising which welcomes people with a disability + processes which are not too complex	

Function Area: Environment & Planning/Public Domain and Services

Staff / Responsibility	Facilities, infrastructure	Provision of Goods or services	Information-Directory	Partners and agency collaboration	Plans and Policies, Brochures, documents	Committees of Council
Resource Manager Environment and Planning	Toilets, public spaces (ie parks, sporting fields) and buildings (community halls)	Maintain and upgrade public spaces and places in line with legislation	Assets register Open Spaces strategy	Developers	Public Spaces policy	Urban advisory committee
Potential		Ensure that upgrades to public spaces are aligned with priorities for inclusion	Open Spaces strategy to include upgrades to areas where infrastructure needs to be more inclusive (ie ramps in major halls that are used)			

Function Area: Communications

Staff / Responsibility	Facilities, infrastructure	Provision of Goods or services	Information- Directory	Partners and agency collaboration	Plans and Policies, Brochures, documents	Committees of Council
Resource Communications Manager	Website, social media, hard copy plans, policies and procedures	Provide information in range of formats to the public	Information on website, Directory on website Large text formatting on website		Communication policy	
Potential Community Development and Engagement Manager				Exhibition Submissions and Grant opportunities Community Development and Engagement partners improvements including <ul style="list-style-type: none"> • MyLink group • Aboriginal Strategic Community • Yourth panel • Business groups • 365 Committees 		



Left-aligning text might seem like a visual imposition to the sighted person, but this simple change is the difference between being able to read for people who are blind or who have low vision.

Function Area: Strategy and Environment

Staff / Responsibility	Facilities, infrastructure	Provision of Goods or services	Information- Directory collaboration	Partners and agency collaboration	Plans and Policies, Brochures, documents	Committees of Council
Resource Manager Strategy and Environment	Noxious weed control, landfill	Heritage grants Environmental grants		Landowners/businesses and organisations	Environmental strategies, plans and policies.	Volunteer weed control services 355 Heritage Committee
Potential		Grant guidelines support projects that encourage access and inclusion				

Function Area: Community Development

Staff / Responsibility	Facilities, infrastructure	Provision of Goods or services	Information-Directory	Partners and agency collaboration	Plans and Policies, Brochures, documents	Committees of Council
Resource Community Development and Engagement Coordinator	355 Advisory Committees Community engagement projects Community development projects	Grant Programs across Council Undertake Council's key community events – Australia Day celebrations, NAIDOC week, Youth week, community awards.	Maintain Council's website Directory	Community Services agencies Community grant awardees	Community Engagement Policy Cultural Plan Youth Strategy	Aboriginal Strategic Committee Strategic Arts Committee Youth Advisory Panel Education and Employment Interagency
Potential	Council run community events are accessible Grant guidelines support projects that encourage access and inclusion	Strengthen Council's website Directory section on DIAP agencies Ensure 355 committees consider access and inclusion when considering programs Ensure community engagement projects encourage access and inclusion				

Function Area: Civil Assets

Staff / Responsibility	Facilities, Infrastructure	Provision of Goods or services	Information-Directory	Partners and agency collaboration	Plans and Policies, Brochures, documents of Council Committees
Resource Civil Assets Planning Manager	Public transport infrastructure, footpaths, shared paths, kerb ramps	Maintain and upgrade Civil assets and public spaces in line with legislative requirements and community needs.	Assets register, condition rating system	Government agencies, grant funding schemes, property developers, community groups, interest groups	Port Stephens Integrated plans (2016-2026), Strategic Asset Management Plan, The Pathways Plan, Assessment and Maintenance of Footpaths and Cycleways Policy, Bus Shelter Policy, Disability Standards for Accessible Public Transport.
Potential	Ensure that the design and construction of new facilities and infrastructure is considerate to limited access community members	Ensure that upgrades and maintenance to civil assets are aligned with priorities for inclusion	Prepare upgrades to civil assets and infrastructure in conjunction with PAMP priority requirements.	Actively seek grant funding for projects identified within the Pathways Plan and PAMP in order to improve access throughout the LGA	Review and update existing plans and policies in line with legislative changes and identified needs of the community Encourage community groups and committees to undertake projects and programs to encourage access and inclusion

“Planning doesn’t seem to include disabled accessibility issues for new projects.”



Function Area: Community Development

Staff / Responsibility	Facilities, infrastructure	Provision of Goods or services	Information-Directory	Partners and agency collaboration	Plans and Policies, Brochures, documents	Committees of Council
Resource Community Development and Engagement Coordinator	355 Advisory Committees Community engagement projects Community development projects	Grant Programs across Council Undertake Council's key community events – Australia Day celebrations, NAIDOC week, Youth week, community awards.	Maintain Council's website Community Directory	Community Services agencies Community grant awardees	Community Engagement Policy Cultural Plan Youth Strategy	Aboriginal Strategic Committee Strategic Arts Committee Youth Advisory Panel Education and Employment Interagency
Potential	Council run community events are accessible Grant guidelines support projects that encourage access and inclusion	Strengthen Council's website Community Directory section on DIAP agencies Ensure 355 committees consider access and inclusion when considering programs Ensure community engagement projects encourage access and inclusion				

Function Area: General Managers Office

Staff / Responsibility	Facilities, infrastructure	Provision of Goods or services	Partners and agency collaboration	Plans and Policies, Brochures, documents	Committees of Council
Resource Governance Manager	Community Projects grant Ward Funds Mayoral funds				
Potential	Grant guidelines support projects that encourage access and inclusion				Encourage community groups and committees to undertake projects and programs to encourage access and inclusion



For more information please contact Development Services
council@portstephens.nsw.gov.au | 02 4980 0255 | PORTSTEPHENS.NSW.GOV.AU  



POLICY

Adopted: 12/10/10
Minute No: 321
Amended:
Minute No:

FILE NO: **R7200-002**

TITLE: **DISABILITY POLICY**

RESPONSIBLE OFFICER: **BRUCE PETERSEN- MANAGER, COMMUNITY PLANNING
& ENVIRONMENTAL SERVICES**

BACKGROUND

Legislation states that people with disabilities have the same rights as all other Australians and the legislative Acts impose obligations on others to recognise these rights.

The broadest definition of disability in relation to a person is described in the Disability Discrimination Act (DDA) 1992 as:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

Local Government is required under the Disability Discrimination Act to assume greater responsibility for ensuring access for people with disabilities.

As a key planner and provider of physical and social infrastructure, local government has both a legal and moral obligation to ensure that people

ITEM 3 - ATTACHMENT 2 DISABILITY POLICY.

living with a disability can participate equally in the broad range of community activities on offer.

Local Government has a key role in protecting and promoting the human rights of people with a disability to participate equally in the broad range of community activities, and to be a lead contributor in the social, economic and political arena.

As a major planning authority and provider of goods, services and facilities, local Councils can lead the way in creating an environment which is free of disability discrimination.

Council is committed to ensuring that the community is accessible for, and inclusive of people with disabilities, their families and carers. Council plans and strategies must incorporate access, equity, and the importance of being non-discriminatory in responding to the diverse needs of the community.

OBJECTIVE

- 1) To provide a framework for Council to work towards the provision of accessible and equitable services in all areas
- 2) To assist Council to meet its legislative requirements under the NSW Anti-Discrimination Act (1994) and the Disability Discrimination Act (1992)
- 3) To ensure equitable access to community facilities, services, places of work, leisure and community activities for all residents and visitors
- 4) To provide community facilities and services which meet the needs of all residents
- 5) To promote participation and inclusiveness in our community
- 6) To demonstrate community leadership by advocating and promoting the rights of people with disabilities and building a more accessible, more inclusive community.

PRINCIPLES

- 1) Council will strive to provide infrastructure, facilities and services that are as accessible as possible to all members of the community
- 2) That the contributions and value of all citizens are recognised
- 3) All planning will consider the needs of people with a disability
- 4) Council staff is informed about strategies and plans to develop inclusion and access for all
- 5) Council's Equal Employment Opportunity (EEO) Policy continues to be implemented
- 6) Public information is available and accessible to all
- 7) All citizens can participate in Council's democratic processes

ITEM 3 - ATTACHMENT 2 DISABILITY POLICY.

- 8) All public meetings, consultations, ceremonies and events that are undertaken or sponsored by Council are accessible
- 9) Council encourages business, commerce, industry and community groups operating within the local government area to meet their obligations to people with a disability.

POLICY STATEMENT

Governance and Leadership – to pursue excellence as an organisation that embraces continuous improvement, values its staff and provides opportunities for learning and development to promote access and inclusion.

Information and Communication - To reflect the needs of people with disabilities in the community planning activities of Council and to systematically ensure Council communicates to the community in ways that do not disadvantage any person.

Built Environment and Infrastructure - To effectively plan, deliver and maintain the infrastructure network that services our community's present and future needs.

Strategic Planning and Development - Encourage universal Access and best practice design principles regarding all new developments in the LGA to facilitate equitable access for all.

Leisure, Recreation and Natural Environment - To plan for, and offer a diverse range of lifestyle choices and community services aimed at enhancing quality of life throughout the LGA.

Economy and Tourism – Assist to promote prosperity within the community by strengthening the local economy and enhancing employment opportunities within the area.

Consultation and Community Engagement - To ensure members of the community are able to participate in Council activities, have input into and are kept informed of Council's decisions and direction.

RELATED POLICIES

The disability policy and legislation covers many activities in local government and as a multidisciplinary organisation there is an extensive list of related community and Council strategies, plans and policies.

ITEM 3 - ATTACHMENT 2 DISABILITY POLICY.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The impacts of Council monitoring best practice for accessible development and services will provide community with an inclusive and accessible community

ECONOMIC IMPLICATIONS

An inclusive and accessible community provides economic benefits such as employment opportunities and growth in tourism and business.

ENVIRONMENTAL IMPLICATIONS

Improvement of the built environment and appropriate access to our natural environment

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act
Equal Employment Opportunity Policy
Commonwealth Disability Discrimination Act 1992
Building Code of Australia (BCA)
Australian Standards for Access and Mobility (AS1428 Suite of Standards)
NSW Anti-Discrimination Act 1977 [amended 1994]
Premises Standards 2010

IMPLEMENTATION RESPONSIBILITY

The policy will be implemented on an organisational wide basis.

PROCESS OWNER

- 1) Group Manager Development Services

REVIEW DATE

- 1) June 2015

ITEM NO. 4

**FILE NO: 17/185523
RM8 REF NO: PSC2009-02488**

POLICY REVIEW - CASH INVESTMENT POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Cash Investment Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Cash Investment Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received the policy be adopted, as amended, without a further report to Council.
- 3) Revoke the Cash Investment Policy dated 12 April 2016 (Minute No. 084), shown at **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Chris Doohan</p> <p>That the recommendation be adopted.</p>
--	---

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

<p>256</p>	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the amendments to the Cash Investment Policy shown at (ATTACHMENT 1).2) Place the Cash Investment Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received the policy be adopted, as amended, without a further report to Council.3) Revoke the Cash Investment Policy dated 12 April 2016 (Minute No. 084), shown at (ATTACHMENT 2), should no submissions be received.
-------------------	--

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Cash Investment Policy.

The objective of the policy is to guide Council's cash investment process and specifically:

- To establish Council's investment philosophy;
- To establish investment risk management guidelines;
- To prescribe requirements to be followed in investing surplus funds that are not immediately required for any other purpose;
- To identify the duties of those involved in the investment process;
- To prescribe internal control, investment monitoring and reporting procedures.

The policy proposes a more sophisticated approach to diversification risk management as recommended by Council's financial advisor.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	<p>Council will maintain its underlying financial performance to budget at break even or better.</p> <p>Council will increase its revenue from non-rates sources.</p> <p>Manage risks across Council.</p> <p>Attract, retain and develop staff to meet current and future workforce needs.</p> <p>Provide enabling business support services for Council's operations.</p>

FINANCIAL/RESOURCE IMPLICATIONS

Council is responsible for the prudent management of community assets including surplus cash not immediately required for continuous operations.

A Cash Investment Policy assists in ensuring the security of invested funds and achieving a return on funds acceptable to the organisation.

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

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

Source of Funds	Yes/No	Funding (\$)	Comment
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 23A of the *Local Government Act 1993* (NSW) requires Council to take guidelines issued by the Chief Executive of the Office of Local Government into consideration before exercising its functions. The redrafted policy complies with the Investment Policy Guidelines.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's legal responsibilities will not be met if the policy is not implemented, which could cause financial and/or reputational damage.	Medium	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Income from investments needs to be optimised to ensure Council can provide facilities and services to the community on a sustainable basis.

CONSULTATION

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

In accordance with local government legislation the draft Cash Investment Policy will go on public exhibition from Thursday 2 November 2017 to Wednesday 29 November 2017 for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Cash Investment Policy.
- 2) Current Cash Investment Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2009-02488
TITLE: CASH INVESTMENT POLICY
POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER

PURPOSE:

The purpose of this policy is to guide Council's cash investment process and specifically:

- Establish Council's investment philosophy;
- Establish investment risk management guidelines;
- Prescribe requirements to be followed in investing surplus funds that are not immediately required for any other purpose;
- Identify the duties of those involved in the investment process;
- Prescribe internal control, investment monitoring and reporting procedures.

CONTEXT/BACKGROUND:

The policy has been subject to periodic review in accordance with Council policy.

SCOPE:

- 1) Council has an obligation under its charter as the custodian and trustee of public assets to effectively account for and manage the assets for which it is responsible.
- 2) All Council investments are to be made in accordance with the following process:
 - a) Determine surplus funds for investment from daily cash flow analysis;
 - b) Determine cash requirements and the required term of the investment;
 - c) Seek quotations from financial institutions, having regard for:
 - i. Section 625 of the *Local Government Act 1993* which details how Council's may invest;
 - ii. The Ministerial Order made under section 625(2) of the *Local Government Act 1993*;
 - iii. Section 14 of the *Trustee Act* which details the powers of investment to which a trustee is to have regard when exercising the power of investment;
 - iv. Clause 212 of the *Local Government (General) Regulation 2005*;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 20/12/2005

Printed: 11/10/2017

Review Date: ##/##/2019

Page: 1 of 10

Policy



- v. The review of NSW Local Government Investments Report (Cole Inquiry Report, April 2008);
- vi. Investment Policy Guidelines - issued in 2010 by the then Chief Executive of the Department of Local Government (now Office of Local Government) under s23A *Local Government Act 1993*;
- vii. Local Government Code of Accounting Practice and Financial Reporting.

DEFINITIONS:

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

Cash Investment	Money placed with an approved entity, that provides a return in the form of interest payments.
Surplus Funds	Money remaining after foreseeable cash flows are calculated.
BBSW	Bank Bill Swap Rate.

POLICY STATEMENT:

1) Investment Philosophy and Objectives

- a) Investments are to be allocated to ensure there is sufficient liquidity to meet reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- b) Preservation of capital and the real value of surplus funds is the principal objective of the investment portfolio.
- c) Investments are expected to achieve a market average rate of return consistent with Council's risk tolerance. One dollar invested today is expected to earn interest so that it will increase in value to more than one dollar in the future, 'the time value of money'.

2) Cash Flow

- a) Council is to plan for future cash flow requirements in its long term financial plan and annual budget.
- b) Cash flow is to be monitored daily.
- c) Council is to have an overdraft facility to be used to meet unforeseen commitments, with the aim of avoiding use of this facility as the interest rate is likely to exceed the interest rate Council receives on its investments.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005
Printed: 11/10/2017
Review Date: ###/###/2019
Page: 2 of 10

Policy



- d) When appropriate to do so, daily surplus funds are to be automatically swept into an interest bearing bank account to maximise interest earnings.
- e) Surplus funds that are forecast not to be required for in excess of 30 days are to be identified and invested.

3) Risk Management Criteria

- a) Placement and retention of investments are to be assessed according to the following criteria:
 - Preservation of capital - the requirement for preventing losses in Council's investment portfolio's total value (considering the time value of money).
 - Diversification - setting limits to the amounts invested with individual financial institutions or government authorities to reduce credit risk.
 - Credit risk - the risk that a financial institution or government authority fails to pay the interest or repay the principal invested.
 - Market risk - the risk that the fair value or future cash flows of an investment will fluctuate due to market prices.
 - Liquidity risk - the risk Council is unable to redeem the investment at a fair price within a timely period.
 - Maturity risk - the risk relating to the length of term to maturity. The larger the term the greater the length of exposure and risk of market volatility and interest rate changes.
- b) Financial instruments detailing investments must clearly show they are held in Council's name.

4) Authorised Investments

- a) All investments must be denominated in Australian Dollars (AUD).
- b) Authorised investments are limited to those forms included in the Ministerial Investment Order, presently:
 - Local, State or Commonwealth Government bonds, debentures or securities;
 - Interest bearing deposits, debentures or bonds issued by an authorised deposit taking institution (ADI) regulated by Australian Prudential Regulation Authority, (ie a bank, building society or credit union granted authority by APRA to carry on a banking business in Australia – a full list of ADIs is available on the APRA website www.apra.gov.au);
 - Investments with NSW Treasury Corporation or Hourglass Investment facility.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 20/12/2005

Printed: 11/10/2017

Review Date: ###/###/2019

Page: 3 of 10

Policy



5) Prohibited Investments

- a) This investment policy prohibits any investment carried out for speculative purposes including, but not limited to:
 - Derivative based instruments;
 - Principal only investments or securities that provide potentially nil or negative cash flow and;
 - Stand-alone securities issued that have underlying futures, options forward contracts or swaps of any kind.
- b) This policy also prohibits the use of leveraging (borrowing to invest) of an instrument.

6) Quotations on Investments

- a) Not less than three quotations shall be obtained from authorised institutions whenever an investment is proposed.
- b) The best quote for the day shall be accepted after allowing for administrative costs and also allowing for the diversification limits of this policy.

7) Term to Maturity

- a) The term to maturity of any of Council’s direct investments must not exceed 10 years.
- b) When the term to maturity exceeds one year, Council must ensure that a secondary market exists for the investment to enable the disposal of the investment prior to maturity if necessary.
- c) To control liquidity risk Council’s investment portfolio should be limited to the following term to maturity thresholds.

Term	Minimum %	Maximum %
< 1 year	30	100
> 1 year	0	70
> 3 years	0	40
> 5 years	0	30

The maturity thresholds above are to be assessed at the time of making a new investment.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council’s website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005
Printed: 11/10/2017
Review Date: ###/###/2019
Page: 4 of 10

Policy



8) Diversification

- a) Council shall diversify its investments by referencing Standard and Poors long term ratings (or equivalent) and limiting investments with any single financial institution as follows:

S & P Long Term Rating	Portfolio Maximum %	Single Financial Institution Maximum %
AAA (+ or -)	100	30
AA (+ or-)	100	30
A (+ or -)	80	20
BBB (+ or -)	30	10
unrated		10

- b) The Diversification limit above shall be assessed at the time of making a new investment. Any subsequent reduction in portfolio size shall be disregarded in relation to assessing diversification limits of existing investments where there is likely to be significant costs or losses for terminating or disposing of an investment.

9) Reporting

- a) A monthly report shall be provided to Council, detailing the investment portfolio including type of investment, individual amounts invested, financial institution name, maturity date and interest rate. The report is to include a certificate as to whether or not the investments have been made in accordance with the Act, regulations and Council's Investment Policy.
- b) For audit purposes certificates must be obtained from banks and investment brokers confirming the amounts of investments held on Council's behalf as at 30 June each year.

10) Performance Benchmarks

- a) Council seeks to gain a return on investment at least equal to the following measures.

Investment	Performance Benchmark
Cash	RBA Cash Rate
Term Deposits	Australian Term Deposit index as published daily
Enhanced Investments	90 day BBSW

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005
Printed: 11/10/2017
Review Date: ###/###/2019
Page: 5 of 10

Policy



11) Duties and Responsibilities of Council Officers

- a) The General Manager is responsible for ensuring that Council's decisions with respect to this investment policy are implemented. The General Manager has delegations to staff in place to make investments in accordance with this policy.
- b) *Cl 212 of the Local Government (General) Regulation 2005* requires the Responsible Accounting Officer to provide a monthly written report to Council on its investments. The Responsible Accounting Officer is responsible for keeping Council's accounting records, ensuring they are kept up to date and in an accessible form. The Financial Services Section Manager is the Responsible Accounting Officer in Port Stephens Council and delegations to staff are in place to keep accounting records and report as required.
- c) Council officers involved in investing funds are required to have appropriate skills to undertake the investment function, have delegations in place and read and comply with this investment policy.
- d) Council officers involved in investing funds should act with the duty of care, skill, prudence and diligence that a prudent person would exercise when investing and managing their own funds and have regard to the requirements under the *Trustee Act 1925*.
- e) Council officers involved in investing funds must not engage in activities that would conflict with the proper implementation and management of Council's investments.
- f) The Finance Officer – Organisational Support, or other delegated Council officer is required to:
 - Monitor cash flow on a daily basis and estimate cash requirements;
 - Ensure proposed investment products comply with this investment policy;
 - Recommend investment of funds in accordance with the requirements of this policy;
 - Reconcile principal invested on at least a monthly basis;
 - Estimate and account for receipt of all interest due on investments;
 - Ensure financial instruments, investment certificates and related documents are kept in safe custody;
 - Prepare a monthly report for Council to the satisfaction of the Responsible Accounting Officer;
 - Cause the investment register to be updated on Council's website monthly;
 - Store all relevant documents, interest advices, market valuations in HPRM.
- g) To ensure adequate internal controls and separation of duties the Finance Revenue Coordinator or Financial Reporting Coordinator is to authorise investment transactions. If the Finance Revenue Coordinator or Financial Reporting Coordinator is absent,

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Policy



investment transactions are to be authorised by either the Financial Services Section Manager, Group Manager Corporate Services or General Manager.

12) Investment Advisor

- a) When ensuring a proposed investment product complies with this investment policy it may be necessary to obtain independent financial advice.
- b) Before considering independent financial advice Council must ensure the financial advisor is licensed by the Australian Securities and Investment Commission. The advisor must confirm that they do not have any conflicts of interest in relation to the investment products being considered.
- c) When recommending or reviewing investments any independent financial advisor must provide written confirmation that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.
- d) Council is to undertake separate reference checks before relying on information provided by an advisor.

POLICY RESPONSIBILITIES:

- 1) Finance Officer – Organisational Support, Financial Reporting Coordinator, and Finance Revenue Coordinator are responsible for complying with, monitoring, evaluating, reviewing and providing advice on this policy.
- 2) Financial Services Section Manager is responsible for implementing and complying with this policy.

RELATED DOCUMENTS:

- 1) *Local Government Act 1993.*
- 2) *Local Government Act 1993 - s625 Investment Order (of the Minister) as made from time to time.*
- 3) *Local Government Act 1993 s23A Investment Policy Guidelines issued in 2010 by the then Chief Executive of the Department of Local Government (now Office of Local Government).*
- 4) *Local Government (General) Regulation 2005.*
- 5) *The Trustee Act 1925 - s14 - Powers of Investment.*
- 6) *Banking Act 1959 - Division 2AA Financial Claims Scheme.*

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 20/12/2005

Printed: 11/10/2017

Review Date: ##/##/2019

Page: 7 of 10

Policy



CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
RM8 container No	PSC2009-02488	RM8 record No	17/156898
Audience	Council staff and community		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	## ## 2019
Adoption date	20 December 2005		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	20/12/05	Financial Services Section Manager	Policy adopted.	382
2.0	27/03/12	Financial Services Section Manager	Amended policy adopted.	048
3.0	24/06/14	Financial Services Section Manager	Amended policy adopted.	156

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005
Printed: 11/10/2017
Review Date: ##/##/2019
Page: 8 of 10

Policy



4.0	12/04/16	Financial Services Section Manager	<p>This policy has been reviewed and formatted into the new template.</p> <p>Removed all references to Grandfathered Investments as Council no longer holds any investments that do not comply with the most recent Ministerial Investment Order.</p> <p>Removed all references to CDO's as council no longer holds any of these.</p> <p>Updated the Responsible Accounting Officer from the General Manager to the Financial Services Section Manager.</p> <p>Updated position titles to reflect current organisational chart.</p> <p>Updated the 'related documents' section to reflect current policies and legislation.</p> <p>Adopted by Council.</p>	084
-----	----------	---------------------------------------	--	-----

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005 Printed: 11/10/2017 Review Date: ##/##/2019 Page: 9 of 10

Policy



5.0	09/08/17	Financial Services Section Manager	<p>Added Financial Reporting Coordinator to authorise investment transactions in 11g.</p> <p>Updated position titles to reflect change in duties from Finance Officer – Revenue Team leader to Finance Officer – Organisational Support.</p> <p>RM8 record number updated from 16/316014 to 17/156898.</p> <p>Updated policy responsibilities to include the responsibilities of each position.</p> <p>Updated percentages in table 8a.</p>	
-----	----------	---------------------------------------	---	--

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005
Printed: 11/10/2017
Review Date: ###/###/2019
Page: 10 of 10

Policy



FILE NO: PSC2009-02488
TITLE: CASH INVESTMENT POLICY
POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER

PURPOSE:

The purpose of this policy is to guide Council's cash investment process and specifically:

- Establish Council's investment philosophy;
- Establish investment risk management guidelines;
- Prescribe requirements to be followed in investing surplus funds that are not immediately required for any other purpose;
- Identify the duties of those involved in the investment process;
- Prescribe internal control, investment monitoring and reporting procedures.

CONTEXT/BACKGROUND:

The policy has been subject to periodic review in accordance with Council policy.

SCOPE:

- 1) Council has an obligation under its charter as the custodian and trustee of public assets to effectively account for and manage the assets for which it is responsible.
- 2) All Council investments are to be made in accordance with the following process:
 - a) Determine surplus funds for investment from daily cash flow analysis;
 - b) Determine cash requirements and the required term of the investment;
 - c) Seek quotations from financial institutions, having regard for:
 - i) Section 625 of the *Local Government Act 1993* which details how Council's may invest;
 - ii) The Ministerial Order made under section 625(2) of the *Local Government Act 1993*;
 - iii) Section 14 of the *Trustee Act* which details the powers of investment to which a trustee is to have regard when exercising the power of investment;
 - iv) Clause 212 of the *Local Government (General) Regulation 2005*;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 20/12/2005

Printed: 12/04/2016

Review Date: 12/04/2018

Page: 1 of 9

Policy



- v) The review of NSW Local Government Investments Report (Cole Inquiry Report, April 2008);
- vi) Investment Policy Guidelines - issued in 2010 by the then Chief Executive of the Department of Local Government (now Office of Local Government) under s23A *Local Government Act 1993*;
- vii) Local Government Code of Accounting Practice and Financial Reporting.

DEFINITIONS:

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

Cash Investment	Money placed with an approved entity, that provides a return in the form of interest payments.
Surplus Funds	Money remaining after foreseeable cash flows are calculated.
BBSW	Bank Bill Swap Rate.

POLICY STATEMENT:

1) Investment Philosophy and Objectives

- a) Investments are to be allocated to ensure there is sufficient liquidity to meet reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- b) Preservation of capital and the real value of surplus funds is the principal objective of the investment portfolio.
- c) Investments are expected to achieve a market average rate of return consistent with Council's risk tolerance. One dollar invested today is expected to earn interest so that it will increase in value to more than one dollar in the future, 'the time value of money'.

2) Cash Flow

- a) Council is to plan for future cash flow requirements in its long term financial plan and annual budget.
- b) Cash flow is to be monitored daily.
- c) Council is to have an overdraft facility to be used to meet unforeseen commitments, with the aim of avoiding use of this facility as the interest rate is likely to exceed the interest rate Council receives on its investments.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 20/12/2005

Printed: 12/04/2016

Review Date: 12/04/2018

Page: 2 of 9

Policy



- d) When appropriate to do so, daily surplus funds are to be automatically swept into an interest bearing bank account to maximise interest earnings.
- e) Surplus funds that are forecast not to be required for in excess of 30 days are to be identified and invested.

3) Risk Management Criteria

- a) Placement and retention of investments are to be assessed according to the following criteria:
 - Preservation of capital - the requirement for preventing losses in Council's investment portfolio's total value (considering the time value of money).
 - Diversification - setting limits to the amounts invested with individual financial institutions or government authorities to reduce credit risk.
 - Credit risk - the risk that a financial institution or government authority fails to pay the interest or repay the principal invested.
 - Market risk - the risk that the fair value or future cash flows of an investment will fluctuate due to market prices.
 - Liquidity risk - the risk Council is unable to redeem the investment at a fair price within a timely period.
 - Maturity risk - the risk relating to the length of term to maturity. The larger the term the greater the length of exposure and risk of market volatility and interest rate changes.
- b) Financial instruments detailing investments must clearly show they are held in Council's name.

4) Authorised Investments

- a) All investments must be denominated in Australian Dollars (AUD).
- b) Authorised investments are limited to those forms included in the Ministerial Investment Order, presently:
 - Local, State or Commonwealth Government bonds, debentures or securities;
 - Interest bearing deposits, debentures or bonds issued by an authorised deposit taking institution (ADI) regulated by Australian Prudential Regulation Authority, (ie a bank, building society or credit union granted authority by APRA to carry on a banking business in Australia – a full list of ADIs is available on the APRA website www.apra.gov.au);
 - Investments with NSW Treasury Corporation or Hourglass Investment facility.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 20/12/2005

Printed: 12/04/2016

Review Date: 12/04/2018

Page: 3 of 9

Policy



5) Prohibited Investments

- a) This investment policy prohibits any investment carried out for speculative purposes including, but not limited to:
 - Derivative based instruments;
 - Principal only investments or securities that provide potentially nil or negative cash flow and;
 - Stand-alone securities issued that have underlying futures, options forward contracts or swaps of any kind.
- b) This policy also prohibits the use of leveraging (borrowing to invest) of an instrument.

6) Quotations on Investments

- a) Not less than three quotations shall be obtained from authorised institutions whenever an investment is proposed.
- b) The best quote for the day shall be accepted after allowing for administrative costs and also allowing for the diversification limits of this policy.

7) Term to Maturity

- a) The term to maturity of any of Council's direct investments must not exceed 10 years.
- b) When the term to maturity exceeds one year, Council must ensure that a secondary market exists for the investment to enable the disposal of the investment prior to maturity if necessary.
- c) To control liquidity risk Council's investment portfolio should be limited to the following term to maturity thresholds.

Term	Minimum %	Maximum %
< 1 year	30	100
> 1 year	0	70
> 3 years	0	40
> 5 years	0	30

The maturity thresholds above are to be assessed at the time of making a new investment.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005
Printed: 12/04/2016
Review Date: 12/04/2018
Page: 4 of 9

Policy



8) Diversification

- a) Council shall diversify its investments by referencing Standard and Poors long term ratings (or equivalent) and limiting investments with any single financial institution as follows:

S & P Long Term Rating	Portfolio Maximum %	Single Financial Institution Maximum %
AAA (+ or -)	100	40
AA (+ or-)	100	30
A (+ or -)	45	15
BBB (+ or -)	25	10
unrated		5

- b) The Diversification limit above shall be assessed at the time of making a new investment. Any subsequent reduction in portfolio size shall be disregarded in relation to assessing diversification limits of existing investments where there is likely to be significant costs or losses for terminating or disposing of an investment.

9) Reporting

- a) A monthly report shall be provided to Council, detailing the investment portfolio including type of investment, individual amounts invested, financial institution name, maturity date and interest rate. The report is to include a certificate as to whether or not the investments have been made in accordance with the Act, regulations and Council's Investment Policy.
- b) For audit purposes certificates must be obtained from banks and investment brokers confirming the amounts of investments held on Council's behalf as at 30 June each year.

10) Performance Benchmarks

- a) Council seeks to gain a return on investment at least equal to the following measures.

Investment	Performance Benchmark
Cash	RBA Cash Rate
Term Deposits	Australian Term Deposit index as published daily
Enhanced Investments	90 day BBSW

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005
Printed: 12/04/2016
Review Date: 12/04/2018
Page: 5 of 9

Policy



11) Duties and Responsibilities of Council Officers

- a) The General Manager is responsible for ensuring that Council's decisions with respect to this investment policy are implemented. The General Manager has delegations to staff in place to make investments in accordance with this policy.
- b) *Cl 212 of the Local Government (General) Regulation 2005* requires the Responsible Accounting Officer to provide a monthly written report to Council on its investments. The Responsible Accounting Officer is responsible for keeping Council's accounting records, ensuring they are kept up to date and in an accessible form. The Financial Services Section Manager is the Responsible Accounting Officer in Port Stephens Council and delegations to staff are in place to keep accounting records and report as required.
- c) Council officers involved in investing funds are required to have appropriate skills to undertake the investment function, have delegations in place and read and comply with this investment policy.
- d) Council officers involved in investing funds should act with the duty of care, skill, prudence and diligence that a prudent person would exercise when investing and managing their own funds and have regard to the requirements under the *Trustee Act 1925*.
- e) Council officers involved in investing funds must not engage in activities that would conflict with the proper implementation and management of Council's investments.
- f) The Finance Officer - Revenue Team Leader or other delegated Council officer is required to:
 - Monitor cash flow on a daily basis and estimate cash requirements;
 - Ensure proposed investment products comply with this investment policy;
 - Recommend investment of funds in accordance with the requirements of this policy;
 - Reconcile principal invested on at least a monthly basis;
 - Estimate and account for receipt of all interest due on investments;
 - Ensure financial instruments, investment certificates and related documents are kept in safe custody;
 - Prepare a monthly report for Council to the satisfaction of the Responsible Accounting Officer;
 - Cause the investment register to be updated on Council's website monthly;
 - Store all relevant documents, interest advices, market valuations in HPRM.
- g) To ensure adequate internal controls and separation of duties the Finance Revenue Coordinator is to authorise investment transactions. If the Finance Revenue Coordinator

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005 Printed: 12/04/2016 Review Date: 12/04/2018 Page: 6 of 9

Policy



is absent investment transactions are to be authorised by the Financial Services Section Manager or Group Manager Corporate Services or General Manager.

12) Investment Advisor

- a) When ensuring a proposed investment product complies with this investment policy it may be necessary to obtain independent financial advice.
- b) Before considering independent financial advice Council must ensure the financial advisor is licensed by the Australian Securities and Investment Commission. The advisor must confirm that they do not have any conflicts of interest in relation to the investment products being considered.
- c) When recommending or reviewing investments any independent financial advisor must provide written confirmation that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.
- d) Council is to undertake separate reference checks before relying on information provided by an advisor.

POLICY RESPONSIBILITIES:

- 1) Finance Officer - Revenue Team Leader.
- 2) Finance Revenue Coordinator.
- 3) Financial Services Section Manager.

RELATED DOCUMENTS:

- 1) *Local Government Act 1993.*
- 2) *Local Government Act 1993 - s625 Investment Order (of the Minister) as made from time to time.*
- 3) *Local Government Act 1993 s23A Investment Policy Guidelines issued in 2010 by the then Chief Executive of the Department of Local Government (now Office of Local Government).*
- 4) *Local Government (General) Regulation 2005.*
- 5) *The Trustee Act 1925 - s14 - Powers of Investment.*
- 6) *Banking Act 1959 - Division 2AA Financial Claims Scheme.*

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 20/12/2005

Printed: 12/04/2016

Review Date: 12/04/2018

Page: 7 of 9

Policy



CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
RM8 container No	PSC2009-02488	RM8 record No	16/316014
Audience	Council staff and community		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	12 April 2018
Adoption date	20 December 2005		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	20/12/05	Financial Services Section Manager	Policy adopted.	382
2.0	27/03/12	Financial Services Section Manager	Amended policy adopted.	048
3.0	24/06/14	Financial Services Section Manager	Amended policy adopted.	156

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005 Printed: 12/04/2016 Review Date: 12/04/2018 Page: 8 of 9

Policy



4.0	12/04/16	Financial Services Section Manager	<p>This policy has been reviewed and formatted into the new template.</p> <p>Removed all references to Grandfathered Investments as Council no longer holds any investments that do not comply with the most recent Ministerial Investment Order.</p> <p>Removed all references to CDO's as council no longer holds any of these.</p> <p>Updated the Responsible Accounting Officer from the General Manager to the Financial Services Section Manager.</p> <p>Updated position titles to reflect current organisational chart.</p> <p>Updated the 'related documents' section to reflect current policies and legislation.</p> <p>Adopted by Council.</p>	084
-----	----------	---------------------------------------	--	-----

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 20/12/2005 Printed: 12/04/2016 Review Date: 12/04/2018 Page: 9 of 9

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

Councillor Sarah Smith left the meeting at 5:52pm in Committee of the Whole.

ITEM NO. 5

FILE NO: 17/186734
RM8 REF NO: PSC2008-2574

BIRUBI POINT ABORIGINAL PLACE MANAGEMENT PLAN - MASTER PLAN

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the submissions to the draft Master Plan for Birubi Point Aboriginal Place **(ATTACHMENT 1)**.
- 2) Endorse the Master Plan for Birubi Point Aboriginal Place **(ATTACHMENT 2)**.

ORDINARY COUNCIL MEETING - 24 OCTOBER 2017 **COMMITTEE OF THE WHOLE RECOMMENDATION**

257	Councillor Chris Doohan Councillor Giacomo Arnott That item 5 be deferred to allow further consideration by Council.
------------	--

ORDINARY COUNCIL MEETING - 24 OCTOBER 2017 **MOTION**

Councillor Sarah Smith left the meeting at 6:18pm in Open Council.

	RECOMMENDATION IS THAT COUNCIL: It was resolved that item 5 be deferred to allow further consideration by Council.
--	--

Councillor Sarah Smith returned to the meeting at 6:19pm in Open Council.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the draft Master Plan for Birubi Point Aboriginal Place ('the Place').

The Place was gazetted in 2007 and includes land that is part of the Tomaree National Park, Crown Land and Crown Land that is managed in trust by Port

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

Stephens Council. Council established the Birubi Point Cultural Heritage Advisory Panel (a 355c committee of Council) ("the Panel") in 2014 with the purpose of overseeing the development of a management plan for the Place. The purpose of the management plan is to ensure the protection of Worimi cultural and spiritual heritage and the enhancement of the environment.

The development of the management plan commenced earlier in 2017 and has followed a three stage process consisting of:

1. Stage 1 – Concept visions for community consultation (completed 7 June 2017).
2. Stage 2 – Master plan for community consultation (completed 19 September 2017).
3. Stage 3 – Management Plan (in progress).

The Master Plan (**ATTACHMENT 2**) was endorsed by the Panel on 19 September 2017.

The decision to include a Master Plan stage in the management plan process was deemed appropriate by the Panel due to the complex nature of the Place. The Place is complex as it is gazetted over six parcels of land with three land tenures and includes areas around the headland that have been excised to enable development of the surf club precinct, car parking, roads and pathways. The Master Plan stage has enabled detailed discussion with all stakeholders and the broader Anna Bay community on the issues that impact contemporary use of the Place in the context of a cultural landscape that has unquantifiable cultural value to all people, but especially the Worimi Aboriginal People.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Arts and Culture.	Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture.

FINANCIAL/RESOURCE IMPLICATIONS

Endorsement of the Master Plan will result in a funding plan to deliver the works. The funding plan will be developed in the management plan stage. Funding will be sourced from all avenues including, but not limited to, general revenue, Crown Lands Cluster Plan, grants and other funding agreements. The value of delivering all of the works identified in the Master Plan is estimated at \$10 million over ten years and will be planned for and overseen by the Panel.

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

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

Source of Funds	Yes/No	Funding (\$)	Comment
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	10M	Estimated value of works identified in the Master Plan over a ten year period. Note that this is an estimate only and has not been quantity surveyed.

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement to develop a Master Plan for the Place. However the Master Plan has been an important stage in planning for the Place and is the precursor to the management plan for the Place.

Aboriginal Places are gazetted under the *National Parks and Wildlife Act 1974* (NP&W Act). The management plan must comply with the New South Wales Office of Environment and Heritage's (OEH) 'Guidelines for developing management plans for declared Aboriginal Places'.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not endorsing the Master Plan will delay the completion of the management plan process resulting in legal risk from actions or in actions that result in damage to the Aboriginal Place.	High	Adopt the Master Plan and continue with the program for the management plan.	Yes
There is a risk that endorsing the Master Plan may raise unrealistic expectations in the community regarding the delivery of all proposed improvements resulting in reputation damage.	Low	Implement a communication plan that clarifies the Aboriginal Place management plan process and timelines associated with program delivery.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Endorsing the Master Plan provides the whole community with a clear vision for how the Aboriginal Place will be developed and managed into the future. It removes the potential for speculation and rumour through a lack of information in the community. The development proposals in the Master Plan are intended to provide recreation spaces that are attractive and of a quality that builds a sense of civic pride.

The proposal to develop a tourism transport interchange at the 4WD track entrance to Worimi Conservation Lands is the lynch pin to the success of the Master Plan proposals. An interchange designed for tourism reception and transfer to the dunes will create jobs in the construction phase as well as create an opportunity for a third party to manage the site under a commercial lease.

The Master Plan has been designed to improve the environment of the Place by focusing on weed removal, sand dune stabilisation and vegetation development. It is expected that the Master Plan fully implemented will produce a nett benefit to the landscape and ecology of the area.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section. The objective of the consultation has been to ensure Aboriginal cultural values are prioritised and balanced with contemporary values of Birubi Point Aboriginal Place.

Internal

Birubi Point Cultural Heritage Advisory Panel consists of representatives from Port Stephens Council, Worimi Local Aboriginal Land Council, Worimi Conservation Lands Board of Management, Registered Traditional Owners of Worimi Conservation Lands, NSW Department of Primary Industry (Lands), NSW National Parks and Wildlife Service, Birubi Point Surf Life Saving Club and an Anna Bay community representative. There are 14 members of which seven are Aboriginal people who are considered the Registered Aboriginal Parties to the Place as listed on the gazettal for the Place.

In addition to emails and telephone conversations with Panel Members, the Panel has formally met on the following occasions to oversee the project:

- Consultants briefing and project plan endorsement – 7 April 2017.
- Review and endorsement of concept visions – 31 May 2017.
- Review of draft version 1 Master Plan – 12 July 2017.
- Endorsement of Master Plan – 19 September 2017.

Future meetings of the Panel to review and endorse the management plan are scheduled for February 2018 and April 2018.

Council's Community and Recreation Assets Team has been involved in the development of the Master Plan and in the community engagement aspects of the project as have the Community Development and Engagement Team.

External

Council's consultant for the project, Umwelt, has contacted individual Aboriginal families who are known to have an interest in the cultural values of Birubi Point Aboriginal Place. Umwelt has confirmed that these families have reviewed and had input into the Master Plan. These families will continue to be invited to participate in the process for the management plan through Umwelt's team.

The OEH has been involved in the review of the management plan process including a review of the Master Plan on 13 September 2017. OEH has endorsed the approach that Council has taken in developing the management plan for the Place.

Concept Visions were placed on Council's 'Have Your Say' online engagement platform for 12 days in May 2017. The draft Master Plan was then placed on public exhibition on Council's 'Have Your Say' online engagement platform for 22 days in August 2017. The online engagement platform resulted in a total of 1770 individual participants for both stages of the Master Plan. The breakdown of their interaction is shown in the table below.

# aware participants (ie visit the page)	# informed participants (ie downloaded something)	# engaged participants (ie contributed to the discussion)
1302	622	91

A community drop in day was also held for four hours on Saturday 12 August 2017. It was estimated that some 150 people attended the day to view and ask questions about the Master Plan prior to making a submission.

The draft Master Plan was presented to the board of Destination Port Stephens on 19 September 2017.

OPTIONS

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

ATTACHMENTS

- 1) Submissions to the Draft Master Plan for Birubi Point Aboriginal Place.
- 2) Master Plan for Birubi Point Aboriginal Place.

COUNCILLORS ROOM

- 1) Birubi Point Aboriginal Place Management Plan – Master Plan.

TABLED DOCUMENTS

- 1) Birubi Point Aboriginal Place Management Plan – Master Plan.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response	
1	It's a good mix of providing for the infrastructure that Anna Bay requires for locals and visitors whilst protecting the Aboriginal cultural values.			Include location of a place for temporary event ablution blocks near the surf club to cater for peak load holiday times.	Include space for temporary toilet blocks.	Master Plan amended to redesign Top Car Park to create space for small buses, delivery vans, skip bins and temporary toilets.
2	I like that there could be a information centre to show aboriginal heritage I do like the idea of boardwalks and viewing platforms	do not like that the size of robinson reserve will be made smaller to accommodate more car park as it will restrict any future add ons like more tables and bbqs or add ons to playground as the community and visitor numbers grow , carpark can be made bigger without sacrificing reserve and play area (this is just a play so that the council has less area to mow and manage and also gives them the opportunity to knock back any more add ons in the future) don't think it is a good idea to have the tables bbq etc close to the road at robinson reserve	as a person that was born and bread in the area and has run a business for nearly 20 years in anna bay and have the original urban management plan guidelines and skatepark plans from back in 2002 I would think we need constructive criticism from community / council members /visitors and aboriginal community . we also need to act and get these plans moving or we as a community and port stephens council will be left behind and forgotten once again like back in the early 2000's this area can become one of the jewels in the crown for port stephens council / visitors and community alike so we need to not run with so called bandaid solutions and provide things that will withstand the test of time and also cater for the increased numbers that will be using these facilities in the years to come its time that the planners / engineers in council do something brilliant that they will be remembered for	No specific recommendations made in this submission.	Comments noted.	
3	<ul style="list-style-type: none"> • Raised coastal walkways (22 SP, even in front of the houses in Ocean Avenue and regardless of the potential cost for this vision. NIMBYs should not spoil it for the rest of the community. There are engineering solutions available to accommodate the terrain. • Interpretive Walk from Surf Club to proposed Aboriginal Heritage and Interpretative Centre. See notes in improvements • Viewing Platforms H (DP) • Passive Recreation Area G (DP) to provide another area for viewing and safe passive recreation. • Retaining Wall I (DP) particularly to store garbage bins! Should be high priority • Retention of Aboriginal site (vegetated midden) opposite Robinson Reserve M (DP) (with renewed signage) SP = Site Plan DP Detailed Plan BPAPMP = Birubi Point Aboriginal Place Master Plan 	<ul style="list-style-type: none"> • Non inclusion of adjacent Community and Commonwealth owned land in overall plan and consultation, eg South Tomaree Integrated Place Space • Non inclusion of existing WD access to link with 11 SP Beach Carpark (regardless of the engineering challenges) This is the only real way to take pressure off James Patterson Drive and the congestion around Birubi Surf Club • 19 SP Community facilities on site plan and Q (DP (Skate Park) see notes below • The roundabout at James Patterson Drive won't work and will congest further as people drive round and round waiting for a carpark to open up. They need to be encouraged to use the 	<ol style="list-style-type: none"> 1. Identify all the community land and Commonwealth owned which adjoins the boundaries of the Aboriginal Place Plan and incorporate a whole plan for the community and put that out for consultation. For example, Areas around the Scout Hall, old tennis courts and Iris Moode Park plus the area on the corner of James Patterson Drive and Gan Gan Road. Council did this at Soldiers Point and it makes much more sense. Management issues for the Aboriginal Place and the surrounding areas are interlinked, particularly with transport issues impacting on the whole Port Stephens community, not just Anna Bay Residents. 2. What the community have been shown is only part of the bigger picture for Anna Bay and it is not surprising that after such a long time, the residents who provided feedback at the consultation would be 	<ol style="list-style-type: none"> 1. Expand management planning process for all council 'community' land and Crown Land around Birubi Point Aboriginal Place. 2. no specific recommendation made; 3. Interpretive walk from tourism interchange to headland expanded to enable low impact transports between points; 4. Pathway from headland to Robinson Reserve expanded to enable low impact transports between points; 5. Relocate skate park to land next to Scout Hall and use old skatepark area as car parking area; 6. Minimise playground area at Robinson Reserve and create Aboriginal themed playground for under five year olds 7. Build large water park on land next to Scout Hall; 8. Question - Why focus equipment at Robinson Reserve?; 	<ol style="list-style-type: none"> 1. Not agreed. The management plan process is for the Birubi Point Aboriginal Place as required by the Office of Environment and Heritage's guidelines for preparing management plans for declared Aboriginal Places. 2. Noted. 3. Noted and for further consideration in the detailed design phase of the proposed interpretive walk. 4. Not agreed. Significant Aboriginal cultural values in this location with too great a potential to damage. 5. Not agreed. 6. Partially agreed. Aboriginal themed recreation area to be planned further with community. 7. Not agreed. Outside of the scope of this management plan. 8. Good practice shows that placement of recreational equipment is best where people want to congregate. 	

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
		<p>overflow at Robinson Reserve or the beach carpark. SP = Site Plan DP Detailed Plan BPAPMP = Birubi Point Aboriginal Place Master Plan</p>	<p>excited about "absolutely anything" happening to improve the play spaces available to young children and teenagers. 3. The Interpretative walk A (DP) should be wide enough for interpretative bays, should be raised and capable of carrying golf buggy type vehicles or even a tourist train. That will be the only way that the Interchange Plan will work. Tourists need to be encouraged to "walk back to their coach" or "take the train" back, thus stopping coaches from making a double visit to the congested Surf Club carpark. The interpretative walkway should be linked to the Beach carpark so that those taking rides and the like can make their own way back up to their waiting coach at the Interpretative centre (that's if the better idea of access via existing 4WD can't be achieved) 4. Similarly, the pathway from Robinson Reserve carpark to the Surf Club should be upgraded to accommodate suggestion as per interpretative walk. 5. Relocate the skatepark to community land adjacent the Scout Hall and turn the old skatepark into additional overflow parking (as per plan N DP) 6. Reduce the playground equipment to swings and a dual flying fox over the existing retention basin. Have this play area Aboriginal themed with equipment also suitable for Under Five year olds (Dreamtime stories & the like) and aboriginal educational signage along the pathway leading through (plus an upgrade of the existing midden signage adjacent (M DP) 7. Consider the installation of a large water park with intermittent sprays and buckets of water (as seen elsewhere) This could also go in the proposed Play Space near the Scout Hall as could a BMX track? 8. Why is Council proposing to focus all the play equipment/skate park there when the main beneficiaries are the caravan park tenants over summer, not the permanent residents? 9. Consider the cost of backfilling into the current Robinson Reserve to accommodate more play equipment (and skate park) the \$300,000 will go nowhere and we'll end up with a Park when we are not having a park because of lack of funds. Drainage to the ocean will also be an</p>	<p>9. Leave the Robinson Reserve as mainly a drainage area and use the money elsewhere; 10. Prioritise a new toilet at Robinson Reserve; 11. Prioritise new toilets at Surf Club; 12. Create one way street access to Robinson Reserve from Campbell Ave, Margaret St, Fitzroy St, Pacific Ave, Davidson St, Morna Point Rd. 13. Create left turn only one way street through pathway from headland to Robinson Reserve car park; 14. Purchase part of the caravan park to create one way street access to Robinson Reserve; 15. Review plans for a community recreational complex near Scout Hall and Iris Moore Park; 16. Source funding to undertake all works.</p>	<p>9. Not agreed. Good practice shows that placement of recreational equipment is best where people want to congregate. 10. Agreed. Included in final Master Plan. 11. Agreed. Master Plan amended to redesign Top Car Park to create space for small buses, delivery vans, skip bins and temporary toilets 12. Not agreed. Not feasible. 13. Not agreed. Significant Aboriginal cultural values in this location with too great a potential to damage. 14. Not agreed. Not feasible. 15. Not agreed. Outside of the scope of this management plan. 16. Agreed.</p>

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
			<p>issue. Why no leave the retention basin as just that – open space?</p> <p>10. Give priority to amenities block at Robinson Reserve overflow carpark (see Moodie products Custom Spec Restroom at Stockton beach with Solar powered lighting and door locking; prefabricated off site with impact paneling on all walls. If septic is an issue, then look at composting options.</p> <p>11. Similarly, there should be amenities at Beach carpark D (DP) to take pressure off the totally inadequate toilet facilities included in the "\$4M" Surf Club building.</p> <p>12. Consider One way Street access from Gan Gan Road to Robinson Reserve overflow carpark making a loop from Campbell Avenue to Margaret Street to Robinson Street and out via Fitzroy Street and Pacific Avenue; Davidson Street to link with Morna Point Road as the exit (thus taking pressure off entry points to Gan Gan Road at the shopping centre)</p> <p>13. Could the current pathway from Robinson Reserve to the Surf Club become a left hand turn only off James Patterson Road and become a one way access to overflow parking, provided safe provision is made for pedestrians.</p> <p>14. Alternatively, is there a chance of Council purchasing part of the caravan park to gain access from James Patterson Street to Robinson Reserve overflow carpark – even if this was a one-way street access?</p> <p>15. Council officers should immediately review the "panned community sporting plans" from the Fishermen's Bay Landcom development which was not approved and reallocate those funds to improving the whole area as per the South Tomaree Community Association plan for the area. It could be staged using the listed projects already on the Works Plan Plus for Anna Bay, ie, toilet block at Iris Moode Reserve and the like.</p> <p>16. All sources of funding available for Aboriginal projects should be accessed</p> <p>SP = Site Plan DP = Detailed Plan</p>		

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
4	Having an interchange somewhere for buses Provision for remodelling of Robinson Reserve with playground equipment, skate park for younger children and a toilet block	The buses should not use James Patterson drive at all Not sure if boardwalk would get enough use and be cost effective The buses should not use James Patterson Drive at all Buses should use the beach and sand dune road only as there are acres of room in that area no matter who owns it and there should be a roundabout off Gan Gan rd onto this road The interchange should be closer to the beach James Patterson Drive should not be for buses at all Not sure if boardwalk would get enough use especially in the summer months or be cost effective	There should be a roundabout off GAN GAN road onto the beach road	Build a round-about at Gan Gan Road / 4WD access track intersection.	Noted and for further consideration in the detailed design phase of any tourism transport interchange at this site.
5	It's also about us, the locals who live here.			No recommendations made.	Noted.
6	Finally the people of Anna Bay have something to look forward to. Nice park areas & boardwalks that help us to enjoy this beautiful area & make us feel proud to live here. This is not just about the tourists but more about the locals that live here 365 days of the year.	I think the location of the childrens playground in Robinson Reserve is a BIG mistake. There is no way I would allow children to play so close to the road & entry to the carpark. The speed at which some people drive their cars around that bend in Fitzroy St would make that playground an accident waiting to happen. Also the removal of the toilet block at the end of Ocean Ave is a no no. I know they have plans to build another one in Robinson Reserve but we need both sets of toilets especially at "high tourist" times.	Widening of the road that goes down to the bottom carpark at the Surf Club. This is rather narrow & doesn't leave much room for two large 4WD's passing each other .	Widen the road from the Top Car Park to Bottom Car Park	Not agreed. The width of the road from Top Car Park to Bottom Car Park is determined by the gazetted boundary of the Aboriginal Place. Maintenance of the sand drift at this site is only method to maintain road width.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
7	RE: Robinson Reserve This busy area needs to be improved for locals and the many visitors to the area. The plan has many great improvements to Robinson Reserve play equipment and skate park.	Parking still limited Play equipment too close to busy corner Removal of toilets in Ocean Ave not a good idea. Build more toilets but please don't take existing ones away Limited shade	More shade Solar lighting Water bottle refill facilities- Hunter Water could support Adult exercise equipment- funds available from Nelson Bay Action Group Maintenance and rubbish removal needs to be increased Ensure play equipment is suitable for all ages and abilities A fenced play area would be good as park is near road and water Signage regarding Aboriginal Place and history Signage regarding walking tracks in the area and beyond Ample rubbish bins	<ol style="list-style-type: none"> 1. More shade 2. Solar lighting 3. Install water bottle refill facilities 4. Adult exercise equipment 5. Maintenance and rubbish removal needs to be increased 6. All abilities play equipment 7. Fence the play area at Robinson Reserve 8. Install signs regarding Aboriginal Place and history 9. Signage regarding walking tracks in the area and beyond 10. Install more garbage bins 	<ol style="list-style-type: none"> 1. Noted. Plantings included on Master Plan. 2. Noted. Not a matter for Master Plan, rather to form part of any annual works program for the site. 3. Noted. Not a matter for Master Plan, rather to form part of any annual works program for the site. 4. Noted and for further consideration in planning for the design of recreational spaces at Robinson Reserve 5. Noted. 6. Noted and for further consideration in planning for the design of recreational spaces at Robinson Reserve 7. Noted and for further consideration in planning for the design of recreational spaces at Robinson Reserve 8. Agreed. 9. Agreed. 10. Noted.
8	Improvements to aesthetics with the park and pathways are great. Increasing awareness of the Aboriginal Place significance is also very good. Efforts to remove buses and improve traffic flow and parking are great.	Traffic flow not adequately addressed to avoid gridlock at peak times Toilet facilities are inadequate to cope with visitor numbers Road to lower carpark remains an issue Access for emergency vehicles not addressed Council or ranger presence at peak times to manage traffic and parking No provision for shade Parking leading back to James Paterson Street (area currently marked as no stopping) needs consideration Viewing deck appears to be located on top of current skip bin location. Where would these go? How will the roundabout be managed?	<p>We would recommend the following:</p> <ul style="list-style-type: none"> - Road to bottom carpark is one way and an exit provided via the 4WD access road. Could also provide emergency vehicle access - Additional lighting -solar-for security purposes will be needed - Additional outdoor seating/picnic tables provided - Loading zone needs to be maintained - How will buses be stopped from entering James Paterson St? Will people want to walk to Birubi Point? Will there be a system for buses to drop passengers off and then leave? Where will buses park? - Increased multi language signage - Regular ranger presence is required particularly in summer months. Will changes to the park/passive recreation area mean increased camping? - Rubbish removal/clean up is inadequate at the moment. Will there be more regular rubbish patrols? Will there be increased bins? - Walkways will generate extra rubbish - particularly water bottles from tour activity companies <p>As we are at the site almost every day we are keen to discuss these plans. Were excited to improve our wonderful area and believe it can be made better for everyone with the right planning.</p>	<ol style="list-style-type: none"> 1. Road to bottom carpark is one way and an exit provided via the 4WD access road. Could also provide emergency vehicle access 2. Additional lighting -solar-for security purposes will be needed 3. Additional outdoor seating/picnic tables provided 4. Loading zone needs to be maintained 5. How will buses be stopped from entering James Paterson St? Will people want to walk to Birubi Point? Will there be a system for buses to drop passengers off and then leave? Where will buses park? 6. Increased multi language signage 7. Regular ranger presence is required particularly in summer months. Will changes to the park/passive recreation area mean increased camping? 8. Rubbish removal/clean up is inadequate at the moment. Will there be more regular rubbish patrols? Will there be increased bins? 9. Walkways will generate extra rubbish - particularly water bottles from tour activity companies 	<ol style="list-style-type: none"> 1. Not agreed. The proposal to create a road adjacent to the AP from the formed 4WD access track off Gan Gan Road has been considered and not recommended on the grounds of cultural heritage impacts, water table levels restricting access, coastal and sand dune processes creating inaccessibility. Engineering of such a road through a high water table area and sand dune field would be insuperable. 2. Noted and for further consideration in the annual works program for the site; 3. Noted and for further consideration in the annual works program for the site. 4. Agreed. 5. Limits on coaches and buses to the headland will require the tourism interchange to be built plus agreements with transport companies to change drop off and pick up processes. An operations plan is required to clarify how the peak load traffic will be managed once interchange is operational. 6. Noted. A matter for the management plan. 7. Noted. A matter for normal Council operations. 8. Noted. A matter for normal Council operations. 9. Noted.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
9	<p>- Plans for new paths and boardwalks with viewing platforms and interpretive signing are fantastic! Also like provisions for bench seating along the new paths.</p> <p>- Includes provision for new playground and skate park.</p> <p>- Sand drift management and re-vegetation provisions.</p>	<p>- New playground adjoins the road, which may require some sort of fence. It would be a shame to have to maintain a fence in such a corrosive environment.</p> <p>- New skatepark is located significantly closer to houses, which would likely lead to increased noise levels.</p> <p>- Little detail pertaining to the small park area adjoining Ocean Ave (49B Ocean Ave). Currently the plan has it drawn as a single park area with new native tree planting and an amenities building marked for future decommission. But this area currently also incorporates car parking, picnic tables, shower, and a wind break wall. These features should probably be identified on the plan and retained/improved.</p>	<p>The current location of the skate park enjoys protection from the westerly winds and is away from houses. Please consider re-building the skate park in part of the existing location and the North West corner of the existing car park. The car park could then reclaim most of the old skate park and be expanded eastwards into Robinson reserve and/or include angle parking on Fitzroy St. The new playground and amenities could then be located where the existing playground is.</p>	<ol style="list-style-type: none"> 1. Keep skatepark in current location; 2. New playground and toilet where current playground is; 3. Expanded car park across old skatepark area and eastern part of Robinson Reserve. 	<ol style="list-style-type: none"> 1. Noted and for further consideration in planning for the design of recreational spaces 2. Noted and for further consideration in planning for the design of recreational spaces 3. Noted and for further consideration in planning for the design of recreational spaces
10 – hard copy submission also provided.	<p>The bus interchange seems to be a good ideaThe proposed platform (not the one over the bins!!!) and walkway at very top of Birubi will be greatToilets in Robinson Reserve are great, lets get them soon!</p>	<p>The round about (and ranger?) are an unnecessary cost - there will already be an increased number of carparks and no buses, the huge cost of a roundabout and ranger are unnecessary (use these funds to relocate Robinson reserve carpark?)*If Campbell Ave is be an alternate route to an overflow carpark and considering it is already a main route for locals (especially youth) to the beach/park/skatey, a safe path needs to be completed. *Toilets are a priority! Especially if increasing traffic/use of area. *The proposed location of the playground is too close to the road*The fact council are taking the area of the skatey for carpark AND a small section of the reserve seems extremely unfair emphasising the feeling Councils priority is tourists and parking, not locals*The fact the the funds we keep being assured council have ready for playground and skatey are going to be required to prepare the proposed site leaving very little for the actual facilities *Raised walkway from terminal POSSIBLY a good idea but at</p>	<p>I will send (very rough) drawing of below suggestions for Robinson Reserve to council as I am unable to attach. PLEASE CONSIDER THOROUGHLY. I believe it will create great spaces that will appeal to the majority of users. In my (un-expert) opinion it makes great use of the available space with minimal disturbance. It also seems like an ideal way to work with the existing drainage problem.....connecting the drains under what will be a built up car park area, therefore requiring minimal excavation. The area that currently becomes a large 'puddle' of water should therefore be reduced, however, only lays in the proposed free space area, requiring little if any attention. *Place the playground where the existing skatepark is*Place the Skatey above/behind where it currently is*Having these in this location is ideal, it is more sheltered from the Westerly winds that blow through the reserve*Have a path run along the front (where the existing one is) and one running between the playground and skatey (possibly with sleepers as seating)*A bbq and small(ish) grass area to the side of these (inside existing carpark)*Beach side path turns (at existing bottom corner of carpark, to be built up over drain) to meet up, at a cross section with path separating play areas (to the outer of above mentioned bbq area),</p>	<ol style="list-style-type: none"> 1. Place the playground where the existing skatepark is 2. Place the Skatey above/behind where it currently is 3. Having these in this location is ideal, it is more sheltered from the Westerly winds that blow through the reserve 4. Have a path run along the front (where the existing one is) and one running between the playground and skatey (possibly with sleepers as seating) 5. A bbq and small(ish) grass area to the side of these (inside existing carpark) 6. Beach side path turns (at existing bottom corner of carpark, to be built up over drain) to meet up, at a cross section with path separating play areas (to the outer of above mentioned bbq area), walking path from Campbell Ave/Robinson St and path running along below mentioned carpark. 7. Toilet block on existing reserve side of this path at beachfront 8. Reverse/rear to curb parking along Fitzroy St 9. Existing driveway to carpark to turn left entering road to new carparks (to left and right, depending how much reserve it would use up) running the length of reserve (along Fitzroy direction). This area to be built up level (possibly using rubble from existing carpark and skatey). 	<ol style="list-style-type: none"> 1 - 14. Noted and for further consideration in planning for the design of recreational spaces 15. Not agreed. Round-about or 'U'Turn lane required to give exit options to traffic and thus relieve traffic build up at peak times. 16. Partially agreed. Continued use of the Bottom car park for tourism activities to be further planned in conjunction with development of the tourism transport interchange.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
		<p>what cost, how is it to be constructed on moving sand without disturbing Worimi land and will it actually get enough use to justify such a huge expenditure unlike Robinson Reserve that it used 345 days a year by locals and tourists</p>	<p>walking path from Campbell Ave/Robinson St and path running along below mentioned carpark. *Toilet block on existing reserve side of this path at beachfront*Reverse/rear to curb parking along Fitzroy St*Existing driveway to carpark to turn left entering road to new carparks (to left and right, depending how much reserve it would use up) running the length of reserve (along Fitzroy direction). This area to be built up level (possibly using rubble from existing carpark and skatey). Path behind rear to curb parking and on beachside of carpark - allows safe, easy access from vehicles and a great view along the path*Carpark area built up, existing drains at top ends of reserve run under carpark and join to drain at bottom of reserve. Path running from beach up to road to be built up over this, allowing drains to be concealed *Retaining wall below path/carpark area to border free rec space including bbqs, possible exercise area and toilet block. Retaining wall painted/mosaiced with Worim/aboriginal art and stories*Whole park/paths to be themed with Worimi/Aboriginal art and education. *Existing toilet block area to include bbq - excellent view (particularly at sunset) and allows seperate area for those preferring to be away from 'younger' groups and possibly include exercise stations (very poorly laid out carpark area with alot of wasted space)*Ensure area is well lit *Remove roundabout (and ranger) at end of James Patterson - funds best spent elsewhere*Sandboarding companies should continue to be allowed to operate out of bottom carparks if they wish (just not to bus groups)</p>	<p>Path behind rear to curb parking and on beachside of carpark - allows safe, easy access from vehicles and a great view along the path 10. Carpark area built up, existing drains at top ends of reserve run under carpark and join to drain at bottom of reserve. Path running from beach up to road to be built up over this, allowing drains to be concealed 11. Retaining wall below path/carpark area to border free rec space including bbqs, possible exercise area and toilet block. Retaining wall painted/mosaiced with Worim/aboriginal art and stories 12. Whole park/paths to be themed with Worimi/Aboriginal art and education. 13. Existing toilet block area to include bbq - excellent view (particularly at sunset) and allows seperate area for those preferring to be away from 'younger' groups and possibly include exercise stations (very poorly laid out carpark area with alot of wasted space) 14. Ensure area is well lit 15. Remove roundabout (and ranger) at end of James Patterson - funds best spent elsewhere 16. Sandboarding companies should continue to be allowed to operate out of bottom carparks if they wish (just not to bus groups)</p>	

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
11	Any improvement at Anna Bay would be a positive step forward, as Anna Bay looks very tired and neglected. But it would need to be done with the full support of the Worimi people. And with extensive community consultation not just one drop in session.	The idea of a being built very close to the road and on a dangerous corner just seems to be very bad planning. Removal of an existing public toilet block and one being built elsewhere also seems strange. Anna Bay is a very popular area and having more public toilet blocks is what is needed especially in holiday times not removing one. Excavation of Worimi Land, since living in Anna Bay I have heard many accounts of the community wanting to do things at Birubi but not being able to due to the fact there may be aboriginal artifacts buried so I am wondering how the Worimi feel about having nearly all of Robinson Reserve excavated for the new skate park facility. A roundabout on James Patterson St would only lead to more problems and traffic congestion in the busy holiday times. Not sure but the entrance to the bottom carpark at Birubi Beach looked very narrow on the preliminary plans.Maybe it will be different in real life.	More community consultation with Anna Bay residents as we will be to ones living with the plans day to day.	More consultation with Anna Bay residents.	Noted. Draft management plan to be put out for public exhibition in early 2018.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
12	Whilst I agree that the area needs to be improved and some of the planned improvements are very welcome, e.g. Hilltop Park, Walking and Bicycle Paths, New Skate Park, Playground etc It needs to be an area for "all" people, not just aboriginals but local residents who live here and visitors alike.	Very little is being done about improving road access and car parking which will be impacted heavily in peak times. Also I see no plans for tourist bus parking who clog the roads allowing no traffic to flow in and out especially the lower car park where the entry and exit is basically one way. The improvement of the carparks is probably going to add only a couple of dozen extra car spaces. Buses and Tour operators need to be banned from bring their vehicles into the beachside car parks. With regard to the Aboriginal Place marked M, whenever something gets called "aboriginal" it means putting a fence around it and locking everyone out. This is wrong. It should be opened up with paths through it and opened up so that it can be used for education and recreation. Fencing things off and limiting access causes resentment in the community and will cause angry people to disrespect and vandalise it.	1. A proper place for tourist buses and cars to park for the sand dunes tour operators on the main road where the proposed Worimi Centre will be. No buses allowed in the other carparks. 2. Free parking for residents, paid parking for tourists/ visitors to help pay for all this. Walking and bicycle access for Dog exercise to remain unchanged. 3. Open up the Aboriginal Place 'M' No fences, make walking paths through the area and around the middens, with some open areas with seats to sit and reflect. Some artist signs and information for learning purposes would be a much better place than a fenced off corner where nobody is allowed. 4. Install CCTV to protect the sensitive areas.	1. Support for the tourism transport interchange as proposed. 2. Prohibit coaches and buses from using all other car parks 3. Free parking for residents, paid parking for tourists/ visitors. 4. Walking and bicycle access for dog exercise to remain unchanged. 5. Remove fences to enable access over Fitzroy Street midden site and install seats and information signs at the site. 6. Install CCTV to protect the sensitive areas	1. Noted. 2. Partially agreed. Limits on coach and buses parking is dependent on development of tourism transport interchange and agreements with transport companies that use this space. 3. Partially agreed. The introduction of time based restricted parking shall be explored in the management plan process. 4. Agreed. 5. Not agreed. Fitzroy Street midden is a significant artifact that requires conservation through restricted access 6. Not agreed. Not feasible.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
13	<p>Aboriginal culturally appropriate signage and visitor centre for public education. Better facilities for Anna Bay.</p> <p>I don't understand the need for a roundabout unless it is a drop off point for tourist busses- so they can then leave the area and park elsewhere- but then you would need to provide a safe on /off point and access to the beach for the tourists. I would prefer big tourist buses don't go down James Patterson at all.</p>	<p>Playground is very close to the road and would require fencing whereas there is none required at present. There is no provision for picnic tables or Bbqs or shelters. Probably not enough done to address parking issues during peak times. Where are the commercial operators going from (i.e. the camel guy and the safari sandboarding people)? Does everyone from the new cultural centre have to walk to the beach? Where do tourist buses park? More toilet facilities are also required at birubi surf club as the current toilets are overused and disgraceful at peak times. Disabled access to the beach? The current ramp at Birubi is too steep. Any other disabled accesses to the beaches? What about disabled parking spots there are none indicated. Removing existing toilets on Fitzroy St -I would suggest upgrading these as well and adding a few car parking spaces here as people park here regardless. Can the current sewerage system cope? I doubt it!</p>	As above	<ol style="list-style-type: none"> 1. Fence off playground at Robinson Reserve as it is close to road; 2. Install more picnic tables, BBQs, shelters. 3. More peak period car parking; 4. Question - Where are the commercial operators going from (i.e. the camel guy and the safari sandboarding people)? 5. Question - Does everyone from the new cultural centre have to walk to the beach? 6. Where do tourist buses park? 7. More toilets at surf club; 8. Improve disabled access to beach; 9. More disabled access car parking at the beaches; 10. Keep old toilet at Fitzroy Street and build new one at Robinson Reserve. 	<ol style="list-style-type: none"> 1 - 2. Noted and for further consideration in planning for the design of recreational spaces 3. Carparking solutions are linked to Tourism Transport Interchange and additional parking spaces along James Paterson Street. 4. Immediate future commercial operations to remain from Bottom Car park. Longer term solution is to have commercial operations coordinated from a purpose built tourism transport interchange with access to Bottom Car Park from sand dunes. 5. Proposed cultural centre will be a separate venue with own parking. Access to headland will be via car or walking. 6. Immediate tourist bus parking will remain largely unchanged until the proposed tourism transport interchange is built. 7. Noted. Master Plan includes redesign of top car park to include a utilities area for more toilets. Council is redeveloping Female Toilets at Surf Club to increase from 3 to 5 in time for summer period 2017. 8. Noted. Access to the beach is limited by the landscape of the site. 9. Noted. Two car parking spaces are allocated to disabled parking. 10. Noted. Master Plan recommends new toilet at Robinson Reserve and retaining old toilet at Fitzroy Street until the term of its asset lifespan with replacement with shower and drinking fountain only.
14	*No submission made.	*No submission made.	*No submission made.	No recommendations made. Submission used the online survey only.	Noted.
15	The fact that it's being done, and the people involved.	No seating for oldies	Provide seating for walkers and whale watchers. The form of seating need only be lengths of tree trunks let into the ground to a comfortable seat height, singly or in small groups, to cater to local oldies and walking visitors, at appropriate spots.	Install more seating along pathways and at whale viewing spots.	Noted. Seating to be included in annual works plan for the area.
16	Making this area more natural	Not enough weed emphasis	Weed control as seen lots I can supply training etc website is weedbiocontrol.com.au	Greater focus on weed control.	Noted. Weed management forms part of the management plan process.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
17	Extra Parking and Worimi conservation and Tourism Interchange .Interpretive walk. Coastal Boardwalks and Passive recreation area G and New paths linking Fishermans Bay Road markings directing traffic to lower car park at Robertson Res.	Play area P is on a dangerous corner so please either put speed restriction or fencing to eliminate motor vehicles taking corner too fast and ending up in park.	Please ensure there are adequate rubbish bins for influx of visitors once they know how great our Birubi Beach area is !! When designing finishes on buildings/bins consider graffiti proof paint or materials.	More garbage bins especially during peak visitor times.	Noted. Waste management forms part of the management plan process.
18	Love the boardwalk idea through the bush and along the waterfront to Fisherman's bay, the buses down near the entrance to beach access and not coming up James Patterson and that there will be toilets there for tourists to take away from the high toilet traffic at Crest. I like the idea of the park and skate park but not the placement. I like the passive recreation area (G - is this going to have picnic tables)? And is the park skatepark area going to have BBQ's still and shade shelters? I like the idea that it will have better lighting.	I don't like that there is no picnic table/bbq's in the current toilet block area that is going to be decommissioned. That needs to have a quiet area where families can have a BBQ away from the other stuff if they want. I don't like the fact that the park/skatepark is going closer to houses when apparently the reason it needs to be moved is because residents don't like the noise of the skatepark? There are no residents where it currently is - if you move it - it will get worse.	I think that the skatepark should remain where it is and be extended and have the playground in where the carpark is (near the skatepark)- where it is sheltered and also away from the road traffic. Then you won't have to worry about all the underground drainage issues with the drains and the carpark can be incorporated from where it is (away from the skatepark) into where the current park is. The toilet block could then be down the front, with outdoor showers. Is there going to be bbq shelters and shade areas here as well? It definitely needs it and then the kick around area can stay where it is closer to the houses so that they get green grass and less noise still.	<ol style="list-style-type: none"> 1. Keep skate park in current location; 2. New playground next to skate park; 3. Car park into Robinson Reserve area; 4. New toilet and shower near beach; 5. More seats, BBQs and shelters. 6. Kick around space close to houses. 	1 - 6. Noted and for further consideration in planning for the design of recreational spaces
19	Love the boardwalk idea through the bush and along the waterfront to Fisherman's bay, the buses down near the entrance to beach access and not coming up James Patterson and that there will be toilets there for tourists to take away from the high toilet traffic at Crest. I like the idea of the park and skate park but not the placement. I like the passive recreation area (G - is this going to have picnic tables)? And is the park skatepark area going to have BBQ's still and shade shelters? I like the idea that it will have better lighting.	I don't like that there is no picnic table/bbq's in the current toilet block area that is going to be decommissioned. That needs to have a quiet area where families can have a BBQ away from the other stuff if they want. I don't like the fact that the park/skatepark is going closer to houses when apparently the reason it needs to be moved is because residents don't like the noise of the skatepark? There are no residents where it currently is - if you move it - it will get worse.	I think that the skatepark should remain where it is and be extended and have the playground in where the carpark is (near the skatepark)- where it is sheltered and also away from the road traffic. Then you won't have to worry about all the underground drainage issues with the drains and the carpark can be incorporated from where it is (away from the skatepark) into where the current park is. The toilet block could then be down the front, with outdoor showers. Is there going to be bbq shelters and shade areas here as well? It definitely needs it and then the kick around area can stay where it is closer to the houses so that they get green grass and less noise still.	<ol style="list-style-type: none"> 1. Keep skate park in current location; 2. New playground next to skate park; 3. Car park into Robinson Reserve area; 4. New toilet and shower near beach; 5. More seats, BBQs and shelters. 6. Kick around space close to houses. 	1 - 6. Noted and for further consideration in planning for the design of recreational spaces

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
20			Submitted plan but forgot to add that Fitzroy st and Robinson/Campbell Ave sts aren't wide enough and some people park on Fitzroy street as you come around that corner and you nearly crash into them when there are cars either side - are there no parking sides along that road - because there should be for safety reasons. It is also really hard to drive up Fitzroy st when cars are parked either side. Not sure if the road can be widened. Wondering though if more traffic coming up there if that will create more of a problem like that?	Widen Fitzroy Street to improve on road parking and travel lane.	Noted. Not a matter for the Master Plan or management plan.
21	New transport interchange site will relieve traffic pressure, especially from commercial operators. I hope there is enough room to achieve what is planned	I don't like the concept of moving the skatepark to the new site. This site currently has the playpark for kids and this is the best site for this activity. It would be criminal to put this under concrete. The new planned site for the playpark is right next to the road, is uneven and too small to house the play park and amenities. The planned new park where the skip bins currently stand is not viable, too small, not level, any lookout would have the carpark in the foreground. Visitors naturally go to the current lookout on top of the surf club or in front of the cafe. The proposed new walkway from the new transport interchange to the surf club is a good concept, however could be difficult to construct due to terrain and aboriginal sites.	It would be great if the location of the problematic Anna Bay resort site at the four wheel drive entry off Gan Gan Rd could be used as the transport interchange, there is much more space than the adjacent site proposed by Council. I know it is privately owned, but if it could be purchased by Council, it makes the long term parking outlook more viable. I wonder if the scale of the proposed facilities in the supplied maps are accurate, I just don't think some of the proposals will fit where indicated. Please don't add trees to the concept maps where they will never grow, this site gets blasted by southerlies. Despite my criticisms, I support what you are trying to achieve. The site deserves careful consideration. Thank you.	1. Purchase tourist resort at 10 Gan Gan Road Anna Bay for use as transport interchange. 2. Don't include new trees into the landscape.	1. Not agreed. 10 Gan Gan Road Anna Bay is private property and being developed for a tourism resort. 2. Not agreed. Trees to be included and species selected on suitability.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
22	I do like the proposed viewing platforms and board walks and the proposed paths ways	I strongly object to the proposed skate park for Robinson Reserve. I strongly believe that there is a far more suitable position at for a much larger integrated regional recreational play area on Community Land at 6 Fishermans Bay Road and 7 Birubi Lane that runs down to Iris Moore Reserve that the proposed Aboriginal walking path to Fishermans Bay will go past. A better PSC strategy would be a New Integrated Regional Recreation Park for Anna Bay at 6 Fishermans Bay Road and 7 Birubi Lane and running down to Iris Moore Reserve overlooking our magnificent Coastline This site would allow for the clustering of All Abilities Play Equipment Pedal Park for our young to learn to ride their bikes and scooters at least 3 or if lucky 4 Rope Climbing Poles graded in height and ability to allow for all levels of play a well-constructed Skate Park similar to one at Port Macquarie well planned kiddies' playground that encourages development and coordination along with problem solving and socialisation skills for our young children along with Adult exercise stations. Seating, Tables, BBQ facilities, Water station, Public Amenities, and shared Path/Cycle way All combined in an attractive, safe sustainable Integrated Recreational Park on Community Land. A green space planted with identified preferred Koala trees throughout. A buffer zone next to the existing Laneway to add additional privacy and appealing ascetics for adjoining properties. A shared pathway/cycleway to create a functional urban area in close proximity to areas of natural beauty.	WORIMI THEMED RECREATIONAL PLAY PARK FOR ROBINSON RESERVE Firstly, with all due respect, I do not know a lot about our Worimi People. My thoughts are based on my visit to Oenpelli N.T. I bring to the table a desire to learn more of our Worimi culture and to help educate our Community and our Children who live here and love this area. A Worimi themed Recreational Play Park for Robinson Reserve could also aid in the education of the many Visitors to our unique area in a fun educational manner. A Worimi themed play area for our Worimi land at Robinson Reserve. If the Worimi people have 4 seasons then I see the play park roughly themed in 4 distinct areas/seasons. Each area would depict one of the unique Worimi seasons and at each 'section'/season' signage would aid the park visitor to determine which season they are standing in. You will see this idea in several Aboriginal Parks across Australia, two that I know of one in Perth, and another in Adelaide. As an example based on the Kunwinjku Seasonal Calendar of the 'top end' in northern Australia where they celebrate 6 seasons. As an example: WURRKENG – The late Dry season (Aug to Sept) In Wurrkeng two trees whose bark is used to make string bags, flower at this time and this brings the bush bees and mankung (honey) is made. Q. As an example could our paperbark trees be used along with 'Bee' type play equipment in this area if it depicts a Worimi season? As an example the theme could follow the natural water line that runs through Robinson Park. Landscaped for wet and dry passage in the area. YEKKE – is the cold weather time. The winds are from the south east and bring the cold air. Occasional showers mostly coastal. Good hunting season. Bark shelters are built. Q. Again could interactive play animals, eg Kangaroos, be hiding behind low coastal natives for the park user to 'stork' and find, climb and play along with a shelter for passive play? KURRUNG is the hot 'build up' season. Kulyban or fruit bats or flying foxes feast on the nectar of the flowering trees. Kulyban are eaten and enjoyed by Kunwinjku people despite their distinctive	1. Create Aboriginal themed childrens play area at Robinson Reserve; 2. Move skatepark and other features to Iris Moore Park.	1. Noted and for further consideration in planning for the design of recreational spaces 2. Not agreed. There is broad support from the Aboriginal and non Aboriginal community for improvements to recreational facilities at Robinsons Reserve including such a proposal being on Council's works program.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
23 – hard copy submission also provided.	*Summary taken from hard copy submission - refer to hard copy for details: Reduced traffic along James Paterson Street; Shared walkways to Robinsons Reserve and Birubi Beach.	*Summary taken from hard copy submission - refer to hard copy for details: Proposed roundabout near top car park; Alternative parking at Robinsons Reserve; Skate park design; Proposed recreation area at Robinsons Reserve;	*Summary taken from hard copy submission - refer to hard copy for details: 1. Educational Worimi themed recreational park at Robinson Reserve; 2. Roundabout at Gan Gan Road and 4WD access track to sand dunes to direct all tourist traffic to proposed Interchange at beach parking area (bottom car park); 3. Integrated Regional Recreational Play Park on community land at Fishermans Bay Road and Birubi Lane Anna Bay; 4. Remove proposed alternative route from parking at Robinsons Reserve.	1. Educational Worimi themed recreational park at Robinson Reserve; 2. Roundabout at Gan Gan Road and 4WD access track to sand dunes to direct all tourist traffic to proposed Interchange at beach parking area (bottom car park); 3. Integrated Regional Recreational Play Park on community land at Fishermans Bay Road and Birubi Lane Anna Bay; 4. Remove proposed alternative route from parking at Robinsons Reserve.	1. Noted and for further consideration in the detailed planning of the recreational area at Robinsons Reserve. 2. Noted and for further consideration in the detailed design phase of the tourism interchange. 3. Not agreed. There is broad support from the Aboriginal and non Aboriginal community for improvements to recreational facilities at Robinsons Reserve including such a proposal being on Council's works program. 4. Not agreed. There is a need to provide better access to Robinsons Reserve for parking for the headland as well as Robinsons Reserve in general.
24	It will make the area more attractive and usable and is a good thing to do. I applaud the effort and money going into this.	I think the layout of the skate rink area is all wrong The talked about closure of the much used existing toilet block at Ocean Ave. would inconvenience a lot of beachgoer's at this point. The closure of the car park at this point would also be a step backwards. There is no mention of the existing Birubi Point cemetery of early families.	Ocean Ave car park closure. This car park is used all the time as access to the beach and putting another 10 or 12 cars parked on the street seems a backward step. The toilet at the car park and at the entrance to the beach is very convenient. This beach is used consistantly by families with small children as there are 2 small headlands there that break up the wave action and form a safe small bay. The 2 headlands are about 60-70 meters wide and because of this bay, it is also used by swimmers swimming laps. The toilets and car park are in continual use for these activities. The grassed area by the WC already has a watering system there and landscape could be improved.	1. Keep car parking and toilet at Ocean Street access to Little Birubi Beach and improve landscape. 2. Keep skate park in current location; 3. New toilet for Robinson Reserve; 4. More planning and consultation required for the final layout of recreational activities in Robins Reserve. 5. More planning and research required for sand drift management areas, as past experiences and trials have not been successful.	1. Agreed with exception that toilet will be retained for the term of its asset life span and be replaced after that by a shower and drinking fountain. 2-4. Noted and for further consideration in planning for the design of recreational spaces 5. Noted.

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
			<p>Skateboard area.</p> <p>It seems a shame that to spend a lot of money and leave potentially the best beach picnic area waterlogged with rain water should also be planned to be totally redeveloped.</p> <p>I think the best place for the skateboard rink is to modify it where it is. The rink is very accessible yet it is not in everyone's face.</p> <p>Putting the rink where the picnic tables are now, puts it in the prime beach viewing area. Putting the picnic area and children's playground by the road seems dangerous and for the picnicker's to see the ocean they would have to look through the skateboard area.</p> <p>Yes another toilet block is needed there. Could the open water pipe near the existing car park be extended and that area filled as extra car park and toilet block.</p> <p>This area does need Skateboard rink, car parks, Toilet block, picnic area and tables, open shower, football kicking area. However the area is small and development would have to be on a smaller scale than what a prime recreational site like this deserves and should be totally planned, even if developed in stages.</p> <p>Surf Club area.</p> <p>Pathways and viewing areas are always good to have.</p> <p>Sand Drift management (no. 5)</p> <p>approximately 12 years ago a test paddock was fenced off with a 1000 ht. post and wire fence and boardwalk, and planted with grass that grows in sand. The grass grew to about 200 mm ht. in about 12 months before the grass, boardwalk and 1000 ht. fence was covered in sand, so I assume that sand drifts have had careful thought.</p>		

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
25	Interchange, but don't think small mini buses will work running between it and beach. Interpretive centre, Interpretive walk (but more likely to be used it can be made that you only have to walk one way), viewing platforms	Concern about traffic flow, I feel most tourists will be happy to walk one way from the proposed new parking area to the beach, but would like to be able to be dropped off in their big buses at one end.	Connect the 4WD track to the bottom carpark to allow at least large buses to drop off tourists at beach, then after looking around, walk back along the interpretive walk back to the centre, or other way around. is it possible to locate the centre over/adjacent to a midden?	1. Create link road from bottom car park to 4WD access track.	1. Not agreed. The proposal to create a road adjacent to the AP from the formed 4WD access track off Gan Gan Road has been considered and not recommended on the grounds of cultural heritage impacts, water table levels restricting access, coastal and sand dune processes creating inaccessibility. Engineering of such a road through a high water table area and sand dune field would be insuperable.
26	I like that - the skate park, playground and toilet facilities will be upgraded. - the middens will be protected.- there will be more signage to highlight the significance of Aboriginal heritage in the area - there will be more walkways	I would like any new pathways to be wide enough to be used as shared cycle/walking paths.I don't think the local Anna Bay residents will like the new skate park close to houses.	I would like any path projects to be wide enough to encourage more cycling (or any physical activity). I have just spent time holidaying on the South Coast at Huskisson - their parks, cycleways and pathways in the township are beautiful. Perhaps we could have something similar?Perhaps the skate park should stay where it is and be upgraded rather than relocated.I wonder if the car park near Crest could be redesigned so that traffic does not drive through the middle of the car park - it slows thoroughfare and leads to congestion. The same for access to the lower car park - it would be good if traffic could access it without adding to congestion of the upper car park. I look forward to the upgrade of this area - it is so beautiful - I take every visitor to enjoy it.	1. All new pathways to be shared paths to encourage cycling; 2. Keep skatepark in current location; 3. Redesign top car park to improve traffic flow; 4. Redesign access to Bottom Car Park to remove need to enter via Top Car Park.	1. Noted and agreed that shared pathways will be prioritised where possible. 2. Noted and for further consideration in planning for the design of recreational spaces 3. Agreed. Master Plan amended to redesign top carpark to create spaces for utilities and toilet area that also improves traffic flow. 4. Not agreed. Access to bottom car park is entirely limited to being from top Car park. Road width is limited by boundary of Aboriginal Place.
27 – hard copy submission also provided.	*Summary taken from hard copy submission - refer to hard copy for details: Protection of Aboriginal heritage in the context of the wider use of Birubi headland; proposed tourism transport interchange; proposed Aboriginal Heritage Interpretive Centre; gateways to Worimi Conservation Lands; Sand Drift Management; Interpretive walks; Revegetation and bushland management; Headland open space and passive recreation; improvements to surf club environment; Viewing platforms and retaining wall;paths and boardwalks.	*Summary taken from hard copy submission - refer to hard copy for details: The online feedback process for detailed submissions.	*Summary taken from hard copy submission - refer to hard copy for details: Master Plan references the Worimi Conservation Lands Management Plan of 2015; That the management plan for Birubi taken the form and process similar to that taken for Soldiers Point Aboriginal Place; That a preamble of the next iteration of the Master Plan include more details on the background information relating to the Aboriginal Place, land use, land zone, visitor demand, conflicts and constraints etc; Greater beach access for 4WD's; Create a new road to link Gan Gan Road with the bottom car park; Further consideration of any proposal to prohibit buses and coaches from the headland; Further consultation with residents of	1. Master Plan references the Worimi Conservation Lands Management Plan of 2015; 2. That the management plan for Birubi taken the form and process similar to that taken for Soldiers Point Aboriginal Place; 3. That a preamble of the next iteration of the Master Plan include more details on the background information relating to the Aboriginal Place, land use, land zone, visitor demand, conflicts and constraints; 4. Greater beach access for 4WD's; 5. Create a new road to link Gan Gan Road with the bottom car park; 6. Further consideration of any proposal to prohibit buses and coaches from the headland; 7. Further consultation with residents of James Paterson Street on benefits of fewer large coaches versus more small buses;	1. References to the Worimi Conservation Lands Plan of Management (2015) will be included in the management plan phase. 2. Not agreed. The Soldiers Point AP plan of management was made on Council owned land under the Local Government Act provisions for community land. Birubi Point AP is on Crown Land and National Park Land thus is best planned for under the provisions of the Office of Environment and Heritage's guidelines for preparing management plans for Aboriginal Places. 3. Noted. The management plan will provide a more detailed preamble on the issues relating to the AP. 4. Not agreed. 4WD access to the beach area is permitted south of the vehicle access to Stockton Bight as per

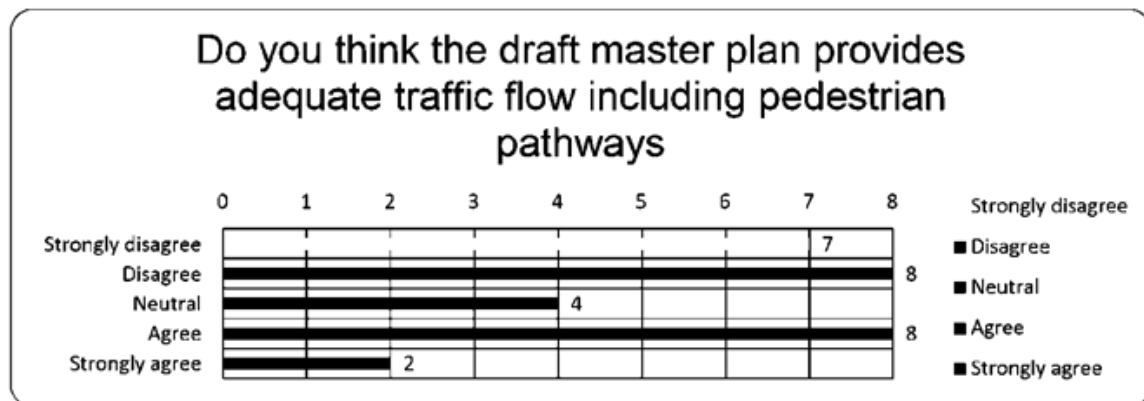
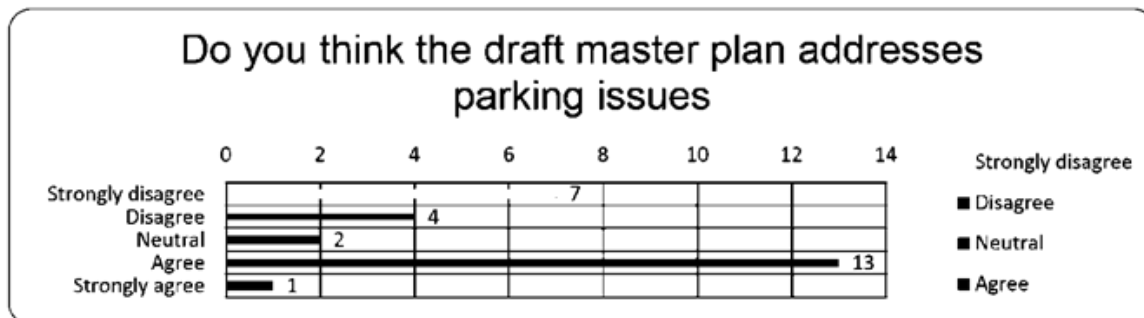
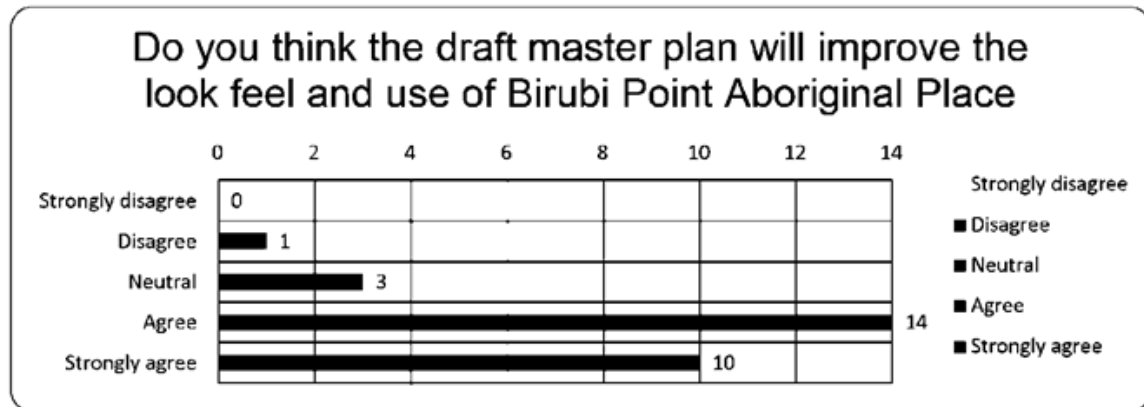
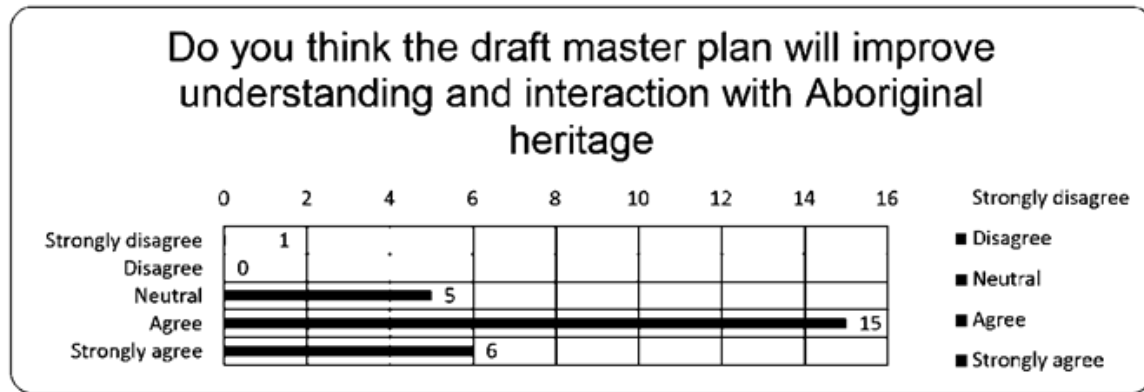
ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
28	Love the planned skate park and playground with kick around area. Also the aboriginal signage.	That it will take a long time!	Consultation sought on design of the skate park with local skaters and reputable skate park design company. Some kind of barrier that fits with the look of the area and possibly Worimi theme to go between the playground area and road/carpark.	8. Review the Master Plan and funding for playground and skate park facilities at Robinsons Reserve with a view to creating a regional recreation park on land at Fishermans Bay Road Anna Bay; 9. Create a financial plan for the proposed works; 10. Include fee income from National Parks to be used to manage Birubi Point AP and the wider Birubi precinct.	the Worimi Conservation Lands Plan of Management. Vehicles are not permitted in or around the patrolled beach area near the headland. 5. Not agreed. The proposal to create a road adjacent to the AP from the formed 4WD access track off Gan Gan Road has been considered and not recommended on the grounds of cultural heritage impacts, water table levels restricting access, coastal and sand dune processes creating inaccessibility. Engineering of such a road through a high water table area and sand dune field would be insuperable. 6. Noted and for further consideration in the management plan. 7. Noted and for further consideration in planning phase for the design of road improvements. 8. Not agreed. There is broad support from the Aboriginal and non Aboriginal community for improvements to recreational facilities at Robinsons Reserve including such a proposal being on Council's works program. 9. Noted. Financial considerations will be factored into the management plan. 10. Noted. Council and Worimi Conservation Lands Board of Management already have a fee sharing agreement in place to fund maintenance and heritage protection works at Birubi Point AP. 1 and 2. Noted and for further consideration in planning for the design of recreational spaces

ITEM 5 - ATTACHMENT 1 SUBMISSIONS TO THE DRAFT MASTER PLAN FOR BIRUBI POINT ABORIGINAL PLACE.

Submission Number	What do you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What don't you like about the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	What do you recommend to improve the draft Birubi Point Aboriginal Place Master Plan? (verbatim comments unless otherwise indicated with *)	Summary of recommendations	Council response
29	I am so glad the council & aboriginal management team are working together to beautify our unique coastal attractions at Anna Bay. I like the proposed development/improvement of amenities off Robinson St and the viewing platforms, boardwalks & passive recreation area on and around the headland area. I really like the fact that the sandrift problem is being recognised with proposed dune stabilisation & revegetation is being proposed to stabilise the area. I also like the proposed increase in parking available to both tourists and locals & the restriction to buses entering and exiting James Paterson St.	I am extremely concerned about the route of the "interpretive walk" from the transport hub & AHIC to the headland. The path seems to be traversing through the vegetation - the only thing preventing the sand hills from rolling into the back of properties on the west side of James Paterson St. The vegetation in this area is extremely important to maintain stability of the sand, and as is normal for curious children & visitors alike, they are very likely to trample over and on vegetation in order to climb to the top of the surrounding sand hills just to "see what is over the hill" or to "get a view from the top". This has always created constant problems in maintaining the sand dune stability. (A perfect example of this is the sand hill directly opposite the back entrance of the caravan park onto James Paterson St, that visitors and locals are constantly climbing & sliding down - the vegetation that used to be on this hill has been destroyed as people "assist" themselves up the hill and trample all over what is left (the hill used to be approximately 5-6 mtrs from the tarred road but is now only about 1.5 mtrs from encroaching over the tar, and is continuing it's NE progression at an alarming rate). If the windward side of this hill is not stabilised and pedestrian traffic prohibited, council will have a major problem trying to maintain road access from James Paterson Street to the headland.	I think the playground & skate park positions should be reversed so that families with children using the playground area are further from the road and closer to the beach that they are more likely to want to wander onto to play in the sand. (The skateboarders, scooter & bike riders that use the current park travel on the road or cycleway & footpaths to arrive at the park anyway and don't go over to the beach as a rule. It also places them further from homeowners who might be disturbed by the clunking around by users of the park. I would love to see some lighting along paths and around paths for visibility and security at night. I also wonder if there couldn't be 4WD access to the bottom car park via the beach access road as an alternative to all vehicular traffic having to use James Paterson St to access that car park and amenities?	1. Remove interpretive walk behind dunes from interchange to headland as will impact vegetation holding dunes together; 2. More planning and consultation on design of recreational space at Robinson Reserve; 3. More lighting on pathways; 4. Create a link road from Bottom Car Park to 4WD access track to improve traffic flow.	1. Not Agreed. Design of interpretive walk to be act as a 'hold point' for sand drift and establishment of new vegetation. 2. Noted and for further consideration in planning for the design of recreational spaces 3. Noted. Lighting will be considered through an annual works program for the area. 4. Not agreed. The proposal to create a road adjacent to the AP from the formed 4WD access track off Gan Gan Road has been considered and not recommended on the grounds of cultural heritage impacts, water table levels restricting access, coastal and sand dune processes creating inaccessibility. Engineering of such a road through a high water table area and sand dune field would be insuperable

"Have Your Say" –Survey results





Draft Birubi Point Aboriginal Place Master Plan

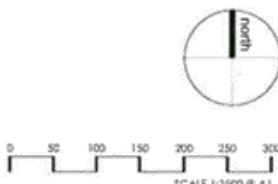
SITE PLAN

LEGEND

- EXISTING ROADS
- ROUTE TO ALTERNATIVE CAR PARK
- BIRUBI POINT ABORIGINAL PLACE BOUNDARY
- EXISTING PATHS
To be replaced or improved
- NEW PATHS
To be replaced or improved
- VIEWING DECK
Located at vantage points
- GATEWAY
To be replaced or improved
- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- NATIONAL PARK ESTATE
Conservation Land / National Park
- EUNE STABILISATION
- SAND DRIFT AREAS
- EXISTING VEGETATION
To be managed including planting native species in appropriate
- REVEGETATION AREAS
To be planted with native species
- TURF AREAS
For passive recreation
- PROPOSED TREES
Native, shrubs and 'feature' species
- INDICATIVE SKATE PARK
Refer to SHEET TWO
- INDICATIVE PLAY AREA
Refer to SHEET TWO

NOTES

- 1 GATEWAY**
Proposed to be upgraded in association with the development of the Tourism Interchange. 'WELCOME TO OUR COUNTRY' gateway signage to Tourism Conservation Lands.
- 2 WORMI CONSERVATION LANDS TOURISM INTERCHANGE (INDICATIVE)**
The proposed Tourism Interchange would provide community and tourist facilities associated with beach access and include a cafe/cafe and tourist information kiosk, amenities, car and bus parking.
- 3 PROPOSED ABORIGINAL HERITAGE AND INTERPRETIVE CENTRE (AHC)**
Associated with the Tourism Interchange, the Heritage and Interpretive Centre provides information about the local Aboriginal People's history providing a starting point to connect opportunities for education and exploration including guided walking tours through remnant vegetation and other sites of interest near Birubi Beach.
- 4 BEACH ACCESS ROAD**
This road provides direct access to the dunes. Reduction of commercial operations to the interchange (once constructed) will help to reduce traffic demand on James Paterson Street. Further investigation to provide formalised vehicle access to the surf club via the Tourism car park will be undertaken.
- 5 SAND DRIFT MANAGEMENT**
Areas affected by sand drift are to be managed to reduce impact, with revegetation using in-dune stabilisation.
- 6 REVEGETATION**
Areas of exposed sand are to be progressively revegetated.
- 7 INTERPRETIVE WALK**
Linking the AHC to the beachfront.
- 8 JAMES PATERSON STREET**
Street trees will be restricted along James Paterson Street once the Tourism Interchange has been realised. Improving amenity for local residents.
- 9 GATEWAY**
WELCOME TO BIRUBI POINT ABORIGINAL PLACE gateway signage.
- 10 RESTRICTED 4WD ACCESS**
4WD vehicle access east along beach is restricted. All traffic to head west into Wormi Conservation Area.
- 11 BEACH CAR PARK**
Existing car park to be improved.
- 12 ROUNDABOUT AND PARKING**
Proposed roundabout with ability to create 4 lanes and access to beach parking to improve circulation and accessibility.
- 13 REVEGETATION**
Existing vegetation area to be managed with weed removal.
- 14 HILLTOP PARK**
Parkland created for passive recreation. REFER TO SHEET TWO FOR MORE DETAIL.
- 15 SURF CLUB**
Existing surf club area to be revitalised with new pedestrian links, improved seating, viewing platforms and passive recreational space.
- 16 VIEWING PLATFORMS**
Located at vantage points to take in beach views.
- 17 ACCESS ROAD**
Route to Robinson Street car park clearly delineated with signage and road marking to make people aware of the availability of additional car parking and facilities.
- 18 ABORIGINAL SITE**
Area to be revegetated with indigenous plant species and managed long term.
- 19 COMMUNITY FACILITIES**
Community facilities to include upgraded car park, new play area, new skate park, new amenities building, improved drainage and improved path network. REFER TO SHEET TWO FOR MORE DETAIL.
- 20 REVEGETATION**
Area to be revegetated with indigenous plant species and managed long term.
- 21 BUSHLAND MANAGEMENT**
Areas of remnant vegetation to be managed including controlled access, removal of weeds and provision of weed planting.
- 22 PROPOSED PATHS**
New paths wind through pockets of existing vegetation, taking in ocean views and connecting with the existing path network. Local parks and Fisherman's Bay ultimately bring into coastal walk through Tomaree National Park. Beach seating of regular intervals provide rest and view opportunities.



TWO

Draft Birubi Point Aboriginal Place Master Plan

LEGEND

- EXISTING ROADS
- ROUTE TO ALTERNATIVE CAR PARK
- BIRUBI POINT ABORIGINAL PLACE BOUNDARY
- EXISTING PATHS
To be improved or replaced
- NEW PATHS
To be added or modified
- COASTAL BOARDWALK
To be added or modified
- WALKING TRACK
- GATEWAY
To be added or modified
- VIEWING DECK
To be added or modified
- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- NATIONAL PARK ESTATE
Conservation Area / National Park
- DUNE STABILISATION
- SAND DRIFT AREAS
- EXISTING VEGETATION
To be managed including clearing native species as appropriate
- REVEGETATION AREAS
To be planted with native species
- TURF AREAS
For passive recreation
- PROPOSED TREES
Native species and feature trees
- PROTECTIVE FENCING
To be installed to maintain area
- PROMINENT VIEWS

NOTES

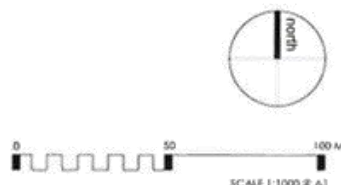
- A BEACH ACCESS**
Area to be retained for access by sand dune commercial operators only
 - B INTERPRETIVE TRACK**
Interpretive walking track from AMC to Redoubt, taking through sand and vegetation with wayfinding markers to denote the track
 - C REVEGETATION**
Areas of exposed sand are to be progressively revegetated
 - D ROUNDABOUT AND PARKING**
Proposed roundabout with ability to make turns and north-south parking to improve circulation and accessibility
 - E BEACH CAR PARK**
Beach car park to be retained with the aim of increasing parking availability
 - F JAMES PATERSON STREET**
Number of four-lane lanes will be reduced once four-lane roundabout has been made operational, improving amenity for residents and reducing congestion around the SISC and approaches
 - G REVEGETATION**
Existing vegetated area to be managed with weed removal
 - H SISC CAR PARK**
Layout of car park to be redesigned to allow for better access and a small range of larger vehicles including garbage trucks
 - I PASSIVE RECREATION AREA**
To be weeded and selectively revegetated to include native coastal trees and native grasses with the aim of creating a small park that takes advantage of views along the coast
 - J VIEWING PLATFORMS**
Platforms and interpretive signage located at vantage points to take in views
 - K RETAINING WALL**
As required to create suitable level for passive recreation area
 - L PROPOSED PATHS**
New paths wind through pockets of vegetation, taking in scenic views and connecting with the existing path network and car parking. Final location and construction will be determined during a detailed design phase following a methodology provided in the Birubi Point Aboriginal Place Management Plan
 - M BOARDWALKS**
Improved access over sensitive ground
 - N ACCESS ROAD**
Route to Robinson Street car park clearly delineated with signage and road marking to make people aware of the availability of additional car parking and facilities
 - O ABORIGINAL SITE**
Site to be revegetated and managed, including new fence for controlled access
 - P ROBINSON STREET CAR PARK**
Improvements to existing car park including the marking and shade trees
 - Q AMENITIES**
New amenities building to be provided adjacent to recreation facilities. Old amenities building to be removed in the future and replaced with beach shower and drinking water station
 - R DISTRICT RECREATION AREA**
Area to be developed as a community and visitor facility including playground, skate park, kick-around area and modern amenities facility. The area is to be developed with input from the Worimi Local Aboriginal Land Council to allow for a meaningful incorporation of Aboriginal meaning
 - S BUSHLAND MANAGEMENT**
Areas of remnant vegetation to be managed including controlled access, removal of weeds and provision of fire planning
 - T NATIVE TREE PLANTING**
New trees strategically located to allow Wimala ocean view
- NOTE:**
Detailed design to be developed in consultation with the Worimi people to ensure inclusion of interpretive signage.
All proposed works are subject to detailed design and approvals in consultation with the Worimi community and the Office of Environment and Heritage.



INTERPRETIVE SIGNAGE INCORPORATING ABORIGINAL DESIGNS IN CONSULTATION WITH THE WORIMI PEOPLE



COASTAL WALKWAY ON SENSITIVE GROUND



MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

Councillor Sarah Smith returned to the meeting at 6:03pm in Committee of the Whole.

ITEM NO. 6

**FILE NO: 17/196094
RM8 REF NO: A2004-0984**

POLICY REVIEW: GIFTS AND BENEFITS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Gifts and Benefits policy shown at **(ATTACHMENT 1)**.
- 2) Place the Gifts and Benefits policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Gifts and Benefits policy dated 25 August 2015, Min No. 256 **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Jaimie Abbott</p> <p>That the recommendation be adopted.</p>
--	--

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

<p>258</p>	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Gifts and Benefits policy shown at (ATTACHMENT 1).2) Place the Gifts and Benefits policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Gifts and Benefits policy dated 25 August 2015, Min No. 256 (ATTACHMENT 2), should no submissions be received.
-------------------	---

BACKGROUND

The purpose of this report is to recommend the adoption of the revised Gifts and Benefits policy (policy) shown at **(ATTACHMENT 1)**.

The policy is to support the Code of Conduct in the management of gifts and benefits provided to council officials, and to set a framework of when it is acceptable to accept a gift or benefit in the capacity of a council official.

The policy has been reviewed as part of Council's ongoing policy review program.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy is within the existing 2017-2018 Budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

All council officials are bound by the adopted Code of Conduct, and it is considered good practice to have a policy framework in place to manage of gifts and benefits.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without a clear policy framework, there may be	Low	Adopt the recommendation.	Yes

potential for a breach of the Code of Conduct.			
--	--	--	--

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Governance and Legal Services Unit.

Internal

The policy has been endorsed by Council's Executive Team.

External

Council is required to publicly exhibit the policy for a period of 28 days, seeking public comment.

OPTIONS

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

ATTACHMENTS

- 1) Revised Gifts and Benefits policy.
- 2) Current Gifts and Benefits policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: A2004-0984
TITLE: GIFTS AND BENEFITS POLICY
POLICY OWNER: GOVERNANCE MANAGER

PURPOSE:

The purpose of this policy is to ensure that all Port Stephens Council officials are aware of and adhere to the obligations of a Council official under the adopted Port Stephens Council Code of Conduct, in particular, to gifts and benefits.

The policy will clearly define the behaviour required as a Council official. It will also provide a transparent and accountable process with regard to gifts and benefits that promotes confidence in the good governance of Port Stephens Council.

CONTEXT/BACKGROUND:

Port Stephens Council and its Council officials are required to adhere to the requirements of the model Code of Conduct published by the Office of Local Government. Council has adopted the model Code of Conduct with a number of enhancements, which are not inconsistent with the provisions of the model Code of Conduct.

This policy has been developed in order to recognise that the conduct of Council business may give rise to gifts or benefits of appreciation being offered to Council officials.

SCOPE:

This policy applies to all Council officials. Council officials must avoid situations that give rise to the appearance that a person or body, through the provision of gifts, benefits, bribes or hospitality of any kind, is attempting to gain favourable treatment from a Council official or the Council.

Council officials must ensure that all reasonable steps are taken to ensure that immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.

Only gifts and benefits that fall within the definition of token or nominal value may be accepted under the Code and this policy.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 09/10/2015

Review Date: 30/07/2019

Page: 1 of 5

Policy



Gifts and benefits that have more than a token value must not be accepted and they include, but not limited to, tickets to major sporting events (such as State or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

A Council official must not:

- a) seek or accept a bribe or other improper inducement;
- b) seek gifts or benefits of any kind;
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty;
- d) accept any gift or benefit of more than token value;
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

Where a Council official receives a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

A Council official that receives a gift or prize as a result of entering a competition, being involved in a purchasing scheme, or attending a conference while engaging in official duties must surrender the gift or prize to Council.

A Council official must never accept money as a gift, it is to be refused and reported immediately to the General Manager, the relevant Group Manager, Governance Manager or the Mayor where the bribe relates to the General Manager.

Any Council official offered any type of bribe in an effort to gain favourable treatment, must report the incident to the General Manager, Governance Manager or the Mayor where the bribe relates to the General Manager. All such situations will be reported to the ICAC and/or the NSW Police.

All reported gifts and benefits will be recorded in Council's Gifts and Benefits Register.

DEFINITIONS:

Benefit May include, but is not limited to, hospitality, preferential treatment, access to confidential information, free access to services which

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 09/10/2015 Review Date: 30/07/2019 Page: 2 of 5

ITEM 6 - ATTACHMENT 1 REVISED GIFTS AND BENEFITS POLICY.

Policy



	are normally charged a fee, or access to a private spectator box at a sporting or entertainment event.
Bribes	Gift or benefits given to specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.
Cash-like gift	Includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
Code	Code of Conduct.
Council	Port Stephens Council.
Council official	Mayor, Councillors, General Manager, Council employees, administrators, Council committee members, delegates of Council (volunteers) and contractors of Port Stephens Council.
Gift	May include, but is not limited to, items such as cash or cash-like gift, alcohol, clothes, products to tickets to a sporting or entertainment event.
Hospitality	Means the provision of a meal, refreshments to other forms of entertainment.
ICAC	Independent Commission Against Corruption.
Immediate family	Ordinarily means grandparents, parents, spouses, partners, children or siblings.
Token/nominal value gifts	token gifts and benefits include: <ul style="list-style-type: none"> a) free or subsidised meals, beverages or refreshments provided in conjunction with: <ul style="list-style-type: none"> i) the discussion of official business; ii) Council work related events such as training, education sessions, workshops; iii) conferences; iv) Council functions or events;

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 09/10/2015 Review Date: 30/07/2019 Page: 3 of 5

Policy



- v) social functions organised by groups, such as council committees and community organisations.
- b) invitations to and attendance at local social, cultural or sporting events;
- c) gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers;
- e) prizes of token value.

POLICY STATEMENT:

Council is committed to open and transparent government, in particular, ensuring that Council is free from any reputation damage concerning gifts, benefits or bribes.

All Council officials must adhere to the requirements of the Code of Conduct and this policy. Any departure from the Code or this policy will result in consideration of the matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

POLICY RESPONSIBILITIES:

All Council officials are required to comply with this policy. The Executive Team and Section Managers will be responsible for day to day management of compliance within their areas.

The Governance Manager will monitor, evaluate, review and provide advice on this policy.

RELATED DOCUMENTS:

Local Government Act 1993

Port Stephens Council Code of Conduct

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 09/10/2015

Review Date: 30/07/2019

Page: 4 of 5

Policy



This is a CONTROLLED Document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's intranet MyPort.			
TRIM Container No:	A2004-0984	TRIM Record No:	
Audience:	Council officials		
Process Owner:	Governance Manager		
Author:	Governance Manager		
Review Timeframe:	Two years	Next Scheduled Review Date:	July 2019
Adoption date:	25 August 2015		

Version History

Version	Date	Author	Details	Minute No.
1.0	25.8.2015	Governance Manager	New policy adopted by Council	256
1.1		Governance Manager	Minor typographical correction. Updated the definition of a council official to include 'Port Stephens Council'	

<p>Policy</p> <p><small>WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au</small></p>		
Issue Date: 09/10/2015	Review Date: 30/07/2019	Page: 5 of 5

Policy



FILE NO: A2004-0984
TITLE: GIFTS AND BENEFITS POLICY
POLICY OWNER: GOVERNANCE MANAGER

PURPOSE:

The purpose of this policy is to ensure that all Port Stephens Council officials are aware of and adhere to the obligations of a Council official under the adopted Port Stephens Council Code of Conduct, in particular, to gifts and benefits.

The policy will clearly define the behaviour required as a Council official. It will also provide a transparent and accountable process with regard to gifts and benefits that promotes confidence in the good governance of Port Stephens Council.

CONTEXT/BACKGROUND:

Port Stephens Council and its Council officials are required to adhere to the requirements of the model Code of Conduct published by the Office of Local Government. Council has adopted the model Code of Conduct with a number of enhancements, which are not inconsistent with the provisions of the model Code of Conduct.

This policy has been developed in order to recognise that the conduct of Council business may give rise to gifts or benefits of appreciation being offered to Council officials.

SCOPE:

This policy applies to all Council officials. Council officials must avoid situations that give rise to the appearance that a person or body, through the provision of gifts, benefits, bribes or hospitality of any kind, is attempting to gain favourable treatment from a Council official or the Council.

Council officials must ensure that all reasonable steps are taken to ensure that immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.

Only gifts and benefits that fall within the definition of token or nominal value may be accepted under the Code and this policy.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: 09/10/2015

Printed: 29/05/2015

Review Date: 30/07/2017

Page: 1 of 5

Policy



Gifts and benefits that have more than a token value must not be accepted and they include, but not limited to, tickets to major sporting events (such as State or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

A Council official must not:

- a) seek or accept a bribe or other improper inducement;
- b) seek gifts or benefits of any kind;
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty;
- d) accept any gift or benefit of more than token value;
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

Where a Council official receives a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

A Council official that receives a gift or prize as a result of entering a competition, being involved in a purchasing scheme, or attending a conference while engaging in official duties must surrender the gift or prize to Council.

A Council official must never accept money as a gift, it is to be refused and reported immediately to the General Manager, the relevant Group Manager, Governance Manager or the Mayor where the bribe relates to the General Manager.

Any Council official offered any type of bribe in an effort to gain favourable treatment, must report the incident to the General Manager, Governance Manager or the Mayor where the bribe relates to the General Manager. All such situations will be reported to the ICAC and/or the NSW Police.

All reported gifts and benefits will be recorded in Council's Gifts and Benefits Register.

DEFINITIONS:

Benefit May include, but is not limited to, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged a fee, or access to a private spectator box at a sporting or entertainment event.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 09/10/2015 Printed: 29/05/2015 Review Date: 30/07/2017 Page: 2 of 5

Policy



Bribes	Gift or benefits given to specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.
Cash-like gift	Includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
Code	Code of Conduct.
Council	Port Stephens Council.
Council official	Mayor, Councillors, General Manager, Council employees, administrators, Council committee members, delegates of Council (volunteers) and contractors.
Gift	May include, but is not limited to, items such as cash or cash-like gift, alcohol, clothes, products to tickets to a sporting or entertainment event.
Hospitality	Means the provision of a meal, refreshments to other forms of entertainment.
ICAC	Independent Commission Against Corruption.
Immediate family	Ordinarily means grandparents, parents, spouses, partners, children or siblings.
Token/nominal value gifts	<p>token gifts and benefits include:</p> <ul style="list-style-type: none"> a) free or subsidised meals, beverages or refreshments provided in conjunction with: <ul style="list-style-type: none"> i) the discussion of official business; ii) Council work related events such as training, education sessions, workshops; iii) conferences; iv) Council functions or events; v) social functions organised by groups, such as council committees and community organisations.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 09/10/2015
Printed: 29/05/2015
Review Date: 30/07/2017
Page: 3 of 5

Policy



- b) invitations to and attendance at local social, cultural or sporting events;
- c) gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers;
- e) prizes of token value.

POLICY STATEMENT:

Council is committed to open and transparent government, in particular, ensuring that Council is free from any reputation damage concerning gifts, benefits or bribes.

All Council officials must adhere to the requirements of the Code of Conduct and this policy. Any departure from the Code or this policy will result in consideration of the matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

POLICY RESPONSIBILITIES:

All Council officials are required to comply with this policy. The Executive Team and Section Managers will be responsible for day to day management of compliance within their areas.

The Governance Manager will monitor, evaluate, review and provide advice on this policy.

RELATED DOCUMENTS:

- Local Government Act 1993
- Port Stephens Council Code of Conduct
- Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

This is a CONTROLLED Document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's intranet MyPort.

TRIM Container No:	A2004-0984	TRIM Record No:	A2004-0984/161
Audience:	Council officials		

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 09/10/2015 Printed: 29/05/2015 Review Date: 30/07/2017 Page: 4 of 5

Policy



Process Owner:	Governance Manager		
Author:	Governance Manager		
Review Timeframe:	Two years	Next Scheduled Review Date:	July 2017
Adoption date:	25 August 2015		

Version History

Version	Date	Author	Details	Minute No.
1.0	25.8.2015	Governance Manager	New policy adopted by Council	256

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: 09/10/2015
Printed: 29/05/2015
Review Date: 30/07/2017
Page: 5 of 5

ITEM NO. 7

**FILE NO: 17/196110
RM8 REF NO: PSC2013-04570**

POLICY REVIEW: MANAGEMENT OF COMPETITIVE NEUTRALITY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Management of Competitive Neutrality Complaints policy shown at **(ATTACHMENT 1)**.
- 2) Place the Management of Competitive Neutrality Complaints policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Management of Competitive Neutrality Complaints policy dated 12 November 2013, Min No. 323 **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Ken Jordan That the recommendation be adopted.
--	---

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

259	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Management of Competitive Neutrality Complaints policy shown at (ATTACHMENT 1).2) Place the Management of Competitive Neutrality Complaints policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Management of Competitive Neutrality Complaints policy dated 12 November 2013, Min No. 323 (ATTACHMENT 2), should no submissions be received.
------------	--

BACKGROUND

The purpose of this report is to recommend the adoption of the revised Management of Competitive Neutrality Complaints policy (policy) shown at **(ATTACHMENT 1)**.

The purpose of the Management of Competitive Neutrality Complaints policy is to ensure Port Stephens Council has a framework to manage and investigate complaints received concerning competitive neutrality.

The policy has been reviewed as part of Council's ongoing policy review program.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy is within the existing 2017-2018 Budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The policy has been development to meet be requirements of the Office of Local Government.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of legislation without a policy framework in place.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy framework ensures that Council can meet the objectives of the National Competition Policy and maintains a business approach when competing with the private sector.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Governance and Legal Services Unit.

Internal

The policy has been endorsed by Council's Executive Team.

External

Council is required to publicly exhibit the policy for a period of 28 days, seeking public comment.

OPTIONS

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

ATTACHMENTS

- 1) Revised Management of Competitive Neutrality Complaints policy.
- 2) Current Management of Competitive Neutrality Complaints policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 REVISED MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS POLICY.

Policy



FILE NO: PSC2013-04570
TITLE: MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS
POLICY OWNER: GOVERNANCE MANAGER

PURPOSE:

The purpose of the Management of Competitive Neutrality Complaints policy is to ensure Port Stephens Council (Council) has a framework to manage and investigate complaints received concerning competitive neutrality.

Any complaints outside the limits of this policy will be managed under Council's Complaints Handling policy.

CONTEXT/BACKGROUND:

Council first adopted its policy for the Management of Competitive Neutrality Complaints on 23 December 1997. This policy was adopted to comply with the Division of Local Government requirements.

Council recognises that the market has changed somewhat since the first adoption of the policy, and now has a number of business units actively operating in competition with the private sector. Council looks to ensure that the operations of Council are open and transparent when conducting commercial activities within the limits of the law, whilst maintaining a commercial business approach.

SCOPE:

Council is committed to the aims and objective of the National Competition Policy.

Council will remain accountable for its business to the community. The elected Council and staff will continue to have responsibility for ensuring that a service is being conducted effectively and that the Rates are being used responsibly.

All complaints should be forwarded to the General Manager. Complaints will generally be managed by the Executive Officer, subject to the General Manager direction. Should a complaint be investigated, a report will be prepared for the General Manager.

Staff investigating competitive neutrality complaints will not be involved in the area subject to the complaint.

Policy
WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: xx/xx/xxxx Review Date: xx/xx/xxxx Page: 1 of 4

ITEM 7 - ATTACHMENT 1 REVISED MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS POLICY.

Policy



A full response will be provided to the complainant following an investigation, providing details of the findings.

Should an investigation not be required a response will be provided, giving details of why an investigation did not proceed.

Alternative avenues are available for making competitive neutrality complaints – such as the Independent Commission Against Corruption (ICAC), the NSW Ombudsman or the Australian Competition and Consumer Commission (ACCC).

DEFINITIONS:

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

ACCC	Australian Competition and Consumer Commission.
Competitive neutrality complaint	A complaint that council has not met its requirements under the Policy or "Pricing and Costing for Council Business – A Guide to Competitive Neutrality". This includes a concern that Council has not established an effective complaints handling mechanism; and a complaint that council has not abided by the spirit of competitive neutrality in the conduct of a business activity.
Competitive neutrality complaint is not	A complaint regarding the level of service provided by a business activity (ie. reserve requiring maintenance, a garbage bin not collected); A complaint regarding the cost of the service, unless it is that council has not costed its service to take competitive neutrality into account; A complaint regarding the trade practices laws and their application to councils. Such complaints should be managed under Council's Complaint Handling Policy.
Council	Means Port Stephens Council
ICAC	Independent Commission Against Corruption

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: xx/xx/xxxx Review Date: xx/xx/xxxx Page: 2 of 4



ITEM 7 - ATTACHMENT 1 REVISED MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS POLICY.

Policy



POLICY STATEMENT:

Council is committed to:

- 1) Taking all reasonable steps to ensure that when conducting business in the market place it will not use its public position to gain an unfair advantage over a private sector competitor.
- 2) Exercising its powers appropriately within the market.
- 3) Be responsive to the complaints from the community.
- 4) Resolving, without delay, all proven complaints.

POLICY RESPONSIBILITIES:

- 1) The General Manager, Group Managers, Section Managers and Coordinators are responsible for complying with the policy.
- 2) The Governance Manager is implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

RELATED DOCUMENTS:

- 1) *Competition and Consumer Act 2010 (Cth).*
- 2) Council's Complaints Handling policy.

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
RM8 container No	PSC2013-04570	RM8 record No	
Audience	General public and Council officials		
Process owner	Governance Manager		
Author	Governance Manager		
Review timeframe	Two years	Next review date	31 August 2019
Adoption date	23 December 1997		

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au

Issue Date: xx/xx/xxxx Review Date: xx/xx/xxxx Page: 3 of 4

ITEM 7 - ATTACHMENT 1 REVISED MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS POLICY.

Policy



VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	23 December 1997	Assistant General Manager	Adopted by Council.	1472
2.0	12 November 2013	Executive Officer	Adopted by Council.	323
2.1		Governance Manager	Transferred policy to new corporate policy template. Reviewed the policy with a minor administrative amendment.	

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: xx/xx/xxxx

Review Date: xx/xx/xxxx

Page: 4 of 4

ITEM 7 - ATTACHMENT 2 CURRENT MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS POLICY.



POLICY

Adopted: 23/12/97
Minute No: 1472
Amended: 12/11/2013
Minute No: 323

FILE NO: PSC2013-04570
TITLE: MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS
RESPONSIBLE OFFICER: EXECUTIVE OFFICER

BACKGROUND

Port Stephens Council (Council) first adopted its policy for the Management of Competitive Neutrality Complaints on 23 December 1997. This policy was adopted to comply with the Division of Local Government requirements.

Council recognises that the market has changed somewhat since the first adoption of the policy, and now has a number of business units actively operating in competition with the private sector. Council looks to ensure that the operations of Council are open and transparent when conducting commercial activities within the limits of the law, whilst maintaining a commercial business approach.

OBJECTIVE

- 1) To ensure Council has a framework to manage complaints received concerning competitive neutrality.
- 2) Investigate any complaint received that falls within the limits of this policy (all other complaints will be managed under Council's Complaints Handling policy).

PRINCIPLES

Council is committed to:

- 1) Taking all reasonable steps to ensure that when conducting business in the market place it will not use its public position to gain an unfair advantage over a private sector competitor.
- 2) Exercising its powers appropriately within the market.
- 3) Be responsive to the complaints from the community.
- 4) Resolving, without delay, all proven complaints.

ITEM 7 - ATTACHMENT 2 CURRENT MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS POLICY.

POLICY STATEMENT

Council is committed to the aims and objective of the National Competition Policy.

1. Definitions

A complaint regarding competitive neutrality is:-

- *A complaint that council has not met its requirements under the Policy or "Pricing and Costing for Council Business – A Guide to Competitive Neutrality". This includes a concern that Council has not established an effective complaints handling mechanism; and*
- *A complaint that council has not abided by the spirit of competitive neutrality in the conduct of a business activity.*

A competitive neutrality complaint is not:

- *A complaint regarding the level of service provided by a business activity (ie. reserve requiring maintenance, a garbage bin not collected);*
- *A complaint regarding the cost of the service, unless it is that council has not costed its service to take competitive neutrality into account;*
- *A complaint regarding the trade practices laws and their application to councils. Such complaints should be managed under Council's Complaint Handling Policy.*

Council will remain accountable for its business to the community. The elected Council and staff will continue to have responsibility for ensuring that a service is being conducted effectively and that the Rates are being used responsibly.

All complaints should be forwarded to the General Manager. Complaints will generally be managed by the Executive Officer, subject to the General Manager direction. Should a complaint be investigated, a report will be prepared for the General Manager.

Staff investigating competitive neutrality complaints will not be involved in the area subject to the complaint.

A full response will be provided to the complainant following an investigation, providing details of the findings.

Should an investigation not be required a response will be provided, giving details of why an investigation did not proceed.

Alternative avenues are available for making competitive neutrality complaints – such as the Independent Commission Against Corruption (ICAC), the NSW Ombudsman or the Australian Competition and Consumer Commission (ACCC).

RELATED POLICIES

ITEM 7 - ATTACHMENT 2 CURRENT MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS POLICY.

- 1) Complaints Handling policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil.

ECONOMIC IMPLICATIONS

This policy will ensure Council is able to operate in competition with the private sector and manage complaints within appropriate framework whilst providing an alternate revenue stream to the ratepayers.

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Competition and Consumer Act 2010

IMPLEMENTATION RESPONSIBILITY

- 1) All Council staff.

PROCESS OWNER

- 1) Executive Officer

REVIEW DATE

October 2017

ITEM NO. 8

**FILE NO: 17/196178
TRIM REF NO: PSC2014-01845**

**MEMBERSHIP OF COMMITTEE: SALT ASH SAND PROJECT COMMUNITY
CONSULTATIVE COMMITTEE**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate one delegate to represent the Port Stephens local government area on the Salt Ash Sand Project Community Consultative Committee.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Chris Doohan Councillor Ken Jordan</p> <p>That Council nominate Cr Tucker to represent the Port Stephens local government area on the Salt Ash Sand Project Community Consultative Committee.</p>
--	--

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

260	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council nominate Cr Tucker to represent the Port Stephens local government area on the Salt Ash Sand Project Community Consultative Committee.</p>
------------	--

BACKGROUND

The purpose of this report is to inform Council that Independent Chair of the Salt Ash Sand Project Community Consultative Committee (SASPCCC) has requested Council consider providing a delegate to represent the Port Stephens local government area on the SASPCCC.

The SASPCCC was established and operates in accordance with the Department of Planning's Community Consultative Committee Guidelines for State Significant

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

Developments – November 2016. A copy of the committee's purpose is shown at (ATTACHMENT 1).

Council can provide either a councillor or staff member delegate to the SASPCC. Should Council wish to delegate this function, it would need to resolve that the General Manager or his delegate be appointed as the Port Stephens local government area representative, otherwise a councillor delegate can be appointed.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Any financial and/or resource implications are provided for within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Any council official appointed to the SASPCC is required to adhere to the Code of Conduct at all times. No remuneration is payable.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without a representative on this committee, there will be limited alternate opportunities to have input into such developments.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The membership provides Council with an opportunity to be involved in individual State significant projects in the local government area. As a stakeholder, there will be opportunities for input into such developments that have social, economic and environmental implications for the area.

CONSULTATION

- 1) General Manager.

OPTIONS

- 1) Nominate a Councillor delegate to represent the local government area on the SASPCCC.
- 2) Delegate to the General Manager or his delegate to represent the local government area on the SASPCCC.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) The purpose of the committee.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 THE PURPOSE OF THE COMMITTEE.

THE PURPOSE OF THE COMMITTEE

The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.

A Community Consultative Committee is not a decision-making or regulatory body: it performs an advisory and consultative role.

Government agencies will remain responsible for ensuring proponents comply with any statutory obligations. More specifically, the purpose of the committee is to:

- 1) establish good working relationships and promote information sharing between the proponent, local community, stakeholder groups and councils on individual State significant projects;
- 2) allow the proponent to keep the community informed about projects, seek community views on projects, and respond to matters raised by the community; and
- 3) allow community members and local councils to seek information from the proponent and give the proponent feedback on the development and implementation of projects to assist with the delivery of balanced social, environmental and economic outcomes for the community, including:
 - the development of new projects or proposed changes to approved projects;
 - the implementation of any condition approval and management plans;
 - the results of any monitoring, annual reviews and independent audits;
 - community concerns about the project;
 - the resolution of community complaints; and
 - any community initiatives

ITEM NO. 9

**FILE NO: 17/196208
TRIM REF NO: PSC2014-01845**

**MEMBERSHIP OF COMMITTEE: AGL NEWCASTLE GAS STORAGE FACILITY
COMMUNITY DIALOGUE GROUP**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate one delegate to represent the Port Stephens local government area on the AGL Newcastle Gas Storage Facility Community Dialogue Group.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Giacomo Arnott</p> <p>That Council nominate Mayor Palmer to represent the Port Stephens local government area on the AGL Newcastle Gas Storage Facility Community Dialogue Group.</p>
--	--

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

261	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council nominate Mayor Palmer to represent the Port Stephens local government area on the AGL Newcastle Gas Storage Facility Community Dialogue Group.</p>
------------	--

BACKGROUND

The purpose of this report is to inform Council that Independent Chair of the AGL Newcastle Gas Storage Facility Community Dialogue Group (CDG) has requested Council consider providing a delegate to represent the Port Stephens local government area on the CDG.

The CDG was established and operates in accordance with the Department of Planning's Community Consultative Committee Guidelines for State Significant Developments – November 2016. A copy of the committee's purpose is shown at **(ATTACHMENT 1)**.

Council can provide either a councillor or staff member delegate to the CDG. Should Council wish to delegate this function, it would need to resolve that the General Manager or his delegate be appointed as the Port Stephens local government area representative, otherwise a councillor delegate can be appointed.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Any financial and/or resource implications are provided for within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Any council official appointed to the CDG is required to adhere to the Code of Conduct at all times. No remuneration is payable.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without a representative on this committee, there will be limited alternate	Low	Adopt the recommendation.	Yes

opportunities to have input into such developments.			
---	--	--	--

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The membership provides Council with an opportunity to be involved in an individual State significant project in the local government area. As a stakeholder, there will be opportunities for input into such developments that have social, economic and environmental implications for the area.

CONSULTATION

- 1) General Manager.

OPTIONS

- 1) Nominate a councillor delegate to represent the local government area on the CDG.
- 2) Delegate to the General Manager or his delegate to represent the local government area on the CDG.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) The purpose of the committee.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 9 - ATTACHMENT 1 THE PURPOSE OF THE COMMITTEE.

THE PURPOSE OF THE COMMITTEE

The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.

A Community Consultative Committee is not a decision-making or regulatory body: it performs an advisory and consultative role.

Government agencies will remain responsible for ensuring proponents comply with any statutory obligations. More specifically, the purpose of the committee is to:

- 1) establish good working relationships and promote information sharing between the proponent, local community, stakeholder groups and councils on individual State significant projects;
- 2) allow the proponent to keep the community informed about projects, seek community views on projects, and respond to matters raised by the community; and
- 3) allow community members and local councils to seek information from the proponent and give the proponent feedback on the development and implementation of projects to assist with the delivery of balanced social, environmental and economic outcomes for the community, including:
 - the development of new projects or proposed changes to approved projects;
 - the implementation of any condition approval and management plans;
 - the results of any monitoring, annual reviews and independent audits;
 - community concerns about the project;
 - the resolution of community complaints; and
 - any community initiatives

ITEM NO. 10

**FILE NO: 17/196339
RM8 REF NO: PSC2008-04223**

DELEGATIONS: NEW BIOSECURITY ACT 2015

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke all previous delegations and authorities issued under the *Noxious Weeds Act 1993*.
- 2) Appoint those positions identified within the Port Stephens Council organisational structure, as amended from time to time, responsible for functions under the *Biosecurity Act 2015*, as an authorised officer, subject to the completion of the necessary training requirements.
- 3) Delegate the powers of Council as a Local Control Authority under the *Biosecurity Act 2015* to the following positions, subject to completion of the necessary training requirements:
 - General Manager
 - Group Manager Development Services
 - Strategy and Environment Section Manager
 - Coordinator Natural Resources
 - Bushland Management Officer
 - Invasive Species Officers
- 4) The General Manager be delegated to appointed any other authorised officers, as required from time to time, exercising the power of sub-delegation, where permitted under the *Biosecurity Act 2015*.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Jaimie Abbott</p> <p>That the recommendation be adopted.</p>
--	---

ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION

262	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Revoke all previous delegations and authorities issued under the <i>Noxious Weeds Act 1993</i>.2) Appoint those positions identified within the Port Stephens Council organisational structure, as amended from time to time, responsible for functions under the <i>Biosecurity Act 2015</i>, as an authorised officer, subject to the completion of the necessary training requirements.3) Delegate the powers of Council as a Local Control Authority under the <i>Biosecurity Act 2015</i> to the following positions, subject to completion of the necessary training requirements:<ul style="list-style-type: none">• General Manager• Group Manager Development Services• Strategy and Environment Section Manager• Coordinator Natural Resources• Bushland Management Officer• Invasive Species Officers4) The General Manager be delegated to appointed any other authorised officers, as required from time to time, exercising the power of sub-delegation, where permitted under the <i>Biosecurity Act 2015</i>.
------------	--

BACKGROUND

The purpose of this report is to request Council to exercise its power of delegation under the *Biosecurity Act 2015* (Biosecurity Act).

The Biosecurity Act replaces the *Noxious Weeds Act 1993* (Noxious Weed Act). A council is defined under the Act as a 'local control authority' (LCA), not a local government authority, and the legislation requires particular functions to be delegated directly from the LCA to the responsible Council officers.

Council is requested to delegate the powers/functions of Council as an LCA under the Biosecurity Act to the following positions, subject to completion of the necessary training requirements:

- General Manager;
- Group Manager Development Services;

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

- Strategy and Environment Section Manager;
- Coordinator Natural Resources;
- Bushland Management Officer;
- Invasive Species Officers.

Authorised officers are required to complete on line training prior to receiving their delegations. Those officers directly responsible for functions under the Biosecurity Act have completed the necessary training.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

All financial and resource implications from this report are included in the 2017-2018 budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The *Biosecurity Act 2015* requires Council to delegate its functions as a local control authority to the responsible officers of Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the <i>Biosecurity Act 2015</i> if the power of delegation is not	Low	Adopt the recommendation.	Yes

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

exercised by resolution to appoint authorised officers.			
---	--	--	--

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders responsible for the functions of the *Biosecurity Act 2015* has been undertaken by the Governance and Legal Services Unit.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 11

**FILE NO: 17/196400
RM8 REF NO: PSC2017-02839**

LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2017

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate Council delegates to attend the Local Government NSW Annual Conference 2017 to be held on 4-6 December 2017 at the Hyatt Regency, Sydney.
- 2) Nominate four (4) voting delegates.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Chris Doohan Councillor Ken Jordan</p> <p>That Council nominate Mayor Ryan Palmer, Councillors Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker to attend the Local Government NSW Annual Conference 2017 to be held on 4-6 December 2017 at the Hyatt Regency, Sydney.</p>
--	---

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>That Mayor Ryan Palmer and Councillors Jaimie Abbott, Paul Le Mottee and Steve Tucker be nominated as voting delegates for the Local Government NSW Annual Conference 2017 to be held on 4-6 December 2017 at the Hyatt Regency, Sydney.</p>
--	---

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

263	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council Nominate Mayor Ryan Palmer, Councillors Jaimie Abbott, Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker to attend the Local Government NSW Annual Conference 2017 to be held on 4-6 December 2017 at the Hyatt Regency, Sydney.
------------	--

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

264	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council Nominate Mayor Ryan Palmer and Councillors Jaimie Abbott, Paul Le Mottee and Steve Tucker as voting delegates for the Local Government NSW Annual Conference 2017 to be held on 4-6 December 2017 at the Hyatt Regency, Sydney.
------------	--

BACKGROUND

The purpose of this report is to inform Council of the Local Government NSW Annual Conference 2016 to be held on 4-6 December 2017 at the Hyatt Regency, Sydney.

The Conference program is shown as **(ATTACHMENT 1)**.

The Conference is open to all Councillors.

The Payment of Expenses and Provision of Facilities to Councillors Policy requires a resolution of Council be sought for all travel outside of the Hunter Region area.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation are covered within existing budget – subject to an individual Councillor not exceeding the conference budget limits in the Policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Registration, travel and accommodation costs are covered within existing budget. The Payment of Expenses and Provision of Facilities to Councillors Policy dictates the reimbursement of all costs associated with attendance at the conference.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$5,000 per year under the Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its reputation damaged by not attending and not participating in the national debate on key Local Government matters in NSW.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Councillors attending this Conference to ensure the Local Government Area has a voice in the national development of policy and initiatives.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Draft LGNSW Annual Conference 2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Local Government NSW Annual Conference 2017

Monday 4 – Wednesday 6 December 2017

Main conference venue is Hyatt Regency Sydney, 161 Sussex Street Sydney

This program is correct at the time of publication; speakers and program details may have changed due to unforeseen circumstances.

DRAFT PROGRAM (as of 19 September 2017)

MONDAY 4 December	
1.00pm – 4.00pm	Bump in sponsors to set up trade exhibition Bump in voting booths into Wharf 4 and 5
2.00pm – 4.45pm	Registration opens in foyer entrance to main ballrooms
3.00pm – 4.00pm	Two optional concurrent briefing sessions. Coming together post-amalgamation: lessons and next steps three case studies Peter Tegart , Interim General Manager, Queanbeyan Palerang Regional Council Gail Connolly , General Manager, Georges River Council Mike Eden , Administrator, Federation Council or Elected life and good governance: building your capabilities. A session for new councillors
4.00pm – 5.00pm	Sessions repeated above
5.00pm – 7.00pm	President's Opening Reception in Maritime Ballroom in the trade exhibition
TUESDAY 5 December – Business Session Day 1 / Grand Ballroom/Maritime Ballroom	
7.30am – 5.00pm	Registration opens
8.00am – 9.00am	Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (Voting for all positions at the one time) in Wharf 3, 4 and 5 (rooms)
8.15am – 9.00am	Distribution of voting materials and electronic handsets Trade exhibition opens in Maritime Ballroom
9.15am – 9.45am	Address from The Hon Gladys Berjicklian MP , Premier of New South Wales
9.45am – 11.00am	Address from Cr Keith Rhoades AFSM , President, LGNSW Opening of the Federal Conference , chaired by Cr Keith Rhoades AFSM including demonstration of voting units, adoption of standing orders, presentation of the auditor's report, general financial report and operating report to members. Business session and consideration of motions.

	<p>Opening of the State Conference, chaired by Cr Keith Rhoades AFSM including adoption of standing orders. Presentation of the auditor's report, general financial and operating report to members.</p> <p>Business sessions and consideration of motions.</p>
11.00am – 11.30am	<p>Morning tea in trade exhibition area Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</p>
11.30am – 1.00pm	<p>Consideration of Conference business continued, chaired by the President</p>
1.00pm – 2.00pm	<p>Lunch in trade exhibition Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</p>
2.00pm – 3.30pm	<p>Consideration of Conference business continued, chaired by the President</p>
3.30pm – 4.00pm	<p>Afternoon tea in trade exhibition area Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</p>
4.00pm – 5.30pm	<p>Consideration of Conference business continued, chaired by the President Collection of all electronic handsets and motions voting cards Conference business session closes</p>
5.30pm – 6.30pm	<p>Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors Voting closes</p>
6.00pm – 7.00pm	<p>Delegate networking function in trade exhibition area</p>
7.30pm	<p>Trade exhibition closes. Free night for delegates.</p>
<p>Wednesday 6 December– Business Session Day 2 / Grand Ballroom/Maritime Ballroom/Wharf rooms</p>	
7.30am – 5.00pm	<p>Registration opens</p>
7.30am – 8.45am	<p>Australian Local Government Women's Association (ALGWA NSW) Breakfast Special Guest Speaker Rhoda Roberts, Head of First Nation Programming, Sydney Opera House, Festival Director Boomerang, will speak on Accessing and Creating Relationships with Your Local Community.</p>
8.00am – 5.30pm	<p>Trade exhibition open in Maritime Ballroom</p>
9.00am – 9.05am	<p>Introduction by Ellen Fanning, Master of Ceremonies</p>
9.05am – 9.20am 9.20am – 9.35am	<p>Address from The Hon Gabrielle Upton MP, Minister for Local Government Facilitated questions from the conference to the Minister</p>
9.35am – 10.05am	<p>Keynote: Dr Jonathan Carr-West, Chief Executive, Local Government Information Unit UK presents on Transforming Local Government</p>
10.05am – 10.30am	<p>Morning tea in trade exhibition area</p>
10.30am – 10.45am 10.45am – 11.00am	<p>Address from The Hon Peter Primrose MLC, Shadow Minister for Local Government Facilitated questions from the conference to the Shadow Minister</p>

11.00am – 11.15am	Address from The Hon Melinda Pavey MP , Minister for Roads, Maritime and Freight
11.15am – 11.30am	Address from Carolyn McNally , Secretary of the Department of Planning and Environment, on Housing Affordability and Partnerships with Councils.
11.30am – 11.40am	MC to facilitate Q and A to both speakers (10 mins only)
11.40am – 12.10pm	Address from Stuart Reeve , Managing Director, Micromex Research and Consulting on Community Perceptions of Local Government
12.10pm – 12.30pm	Presentation of the AR Bluett Awards (20 mins)
12.30pm - 12.40pm	Address from Cr Keith Rhoades AFSM , LGNSW President on Association Initiatives
12.40pm – 12:50pm	Treasurer's Report
12.50pm – 1.40pm	Lunch in the trade exhibition area General Managers Lunch sponsored by StateCover: a short update from StateCover, Local Government Super and LGP (30 mins)
1.40pm – 3.10pm	MOVE TO CONCURRENT SESSIONS
Environment and Planning 1.40pm – 1.45 intro 1.45pm – 2.05pm 2.05pm – 2.10 intro 2.10pm – 2.30pm 2.30pm – 2.35intro 2.35pm – 2.55pm 2.55pm – 3.10pm Q and A	Stream facilitated by Stephen Beaman PSM , Executive Director Waste and Resource Recovery, Environment Protection Authority (EPA). <ul style="list-style-type: none"> • Dr Bruce Christie, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries on The biosecurity framework and shared responsibilities • Stephen Beaman PSM, Executive Director Waste and Resource Recovery EPA on Introducing a Container Deposit Scheme • Tom Celebrezze, Director Biodiversity Policy, Office of Environment and Heritage Biodiversity reforms and Local Government
Infrastructure and Economics 1.40pm – 1.45 intro 1.45pm – 2.05pm 2.05pm – 2.10 intro 2.10pm – 2.30pm 2.30pm – 2.35intro 2.35pm – 2.55pm 2.55pm – 3.10pm Q and A	<ul style="list-style-type: none"> • Greg Dyer, General Manager City of Parramatta, Case study on the Redevelopment of Parramatta Square • Susie Matthews, Director Small Business Engagement, NSW Department of Industry on In Support of night-time economies • Sean Gordon, Chief Executive Officer, Darkinjung Local Aboriginal Land Council on Building local economies and the economic development of aboriginal lands

<p>People and Communities</p> <p>1.40pm – 1.45 intro 1.45pm – 2.05pm 2.05pm – 2.10 intro 2.10pm – 2.30pm 2.30pm – 2.35intro 2.35pm – 2.55pm 2.55pm – 3.10pm Q and A</p>	<ul style="list-style-type: none"> • Jody Broun, Director NSW/ACT, Red Cross on Disaster Preparedness – council’s building resilience with their communities in times of natural disaster or accident • Wendy Waller, Mayor and Shabnam Bhana, Community Development Worker, Liverpool City Council, and Cr Greg Conkey, Mayor, Wagga Wagga City Council on Refugee Resettlement • Mary Barry, Chief Executive Officer, Our Watch on the national framework for preventing violence against families and women
<p>3.10pm – 3.20pm</p> <p>3.20pm – 4.00pm</p> <p>4.00pm – 4.30pm</p>	<p>RETURN TO PLENARY SESSION AND CLOSE OF CONFERENCE</p> <p>Keynote: Annabel Crabb, Walkley Award winning journalist on ‘What the community wants and expects from government; what local government can learn from the international, national and state experience; and what it means for local government in the future’.</p> <p>Afternoon tea and delegate networking function in trade exhibition area</p>
<p>7.30pm – 11.00pm</p>	<p>CONFERENCE DINNER, Grand Ballroom Hyatt Regency (in the conference room)</p>
<p>7.30pm</p> <p>7.45pm</p> <p>8.00pm</p> <p>8.10pm</p> <p>8.35pm</p> <p>9.35pm</p> <p>11.00pm</p>	<p>Doors open</p> <p>Delegates seated and entrée served</p> <p>LGNSW President introduces Elite Sponsor, StateCover Mutual Limited</p> <p>LGNSW President and Elite Sponsor present the Outstanding Service Awards Presentation of the Heart Foundation Local Government Awards National Winner by CEO Kerry Doyle (invited)</p> <p>Main course served</p> <p>Entertainment and dancing</p> <p>Function finishes</p>
<p>CLOSE OF CONFERENCE</p>	

This program is correct at the time of publication. Speakers and program details may change due to unforeseen circumstances.

ITEM NO. 12

**FILE NO: 17/197416
RM8 REF NO: PSC2017-00046**

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: WAYNE WALLIS - 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 the Mayoral Funds to the following:
 - a. Mayoral Funds – WRANS Naval Women's Association – \$500 donation towards 2018 event costs.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Chris Doohan Councillor Jaimie Abbott</p> <p>That the recommendation be adopted.</p>
--	---

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

265	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the Mayoral Funds to the following:</p> <ol style="list-style-type: none">a. Mayoral Funds – WRANS Naval Women's Association – \$500 donation towards 2018 event costs.
------------	---

BACKGROUND

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

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

Council's Financial Assistance Policy provides the community 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

WRANS Naval Women's Association.	Donation towards 2018 event costs.	\$500
----------------------------------	------------------------------------	-------

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	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 taken 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. 13

FILE NO: 17/197512
RM8 REF NO: PSC2017-00015**INFORMATION PAPERS**REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 24 October 2017.

No:	Report Title	Page:
1	Cash and Investments Held at 30 September 2017	236
2	Amendment to West Ward Sports Council 2017 Annual Operating Subsidy Payment	240
3	Designated Persons' Return	241

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Giacomo Arnott That the recommendation be adopted.
--	---

266	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council move out of Committee of the Whole.
------------	--

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

267	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 24 October 2017.
------------	--

MINUTES ORDINARY COUNCIL - 24 OCTOBER 2017

No:	Report Title
1	Cash and Investments Held at 30 September 2017
2	Amendment to West Ward Sports Council 2017 Annual Operating Subsidy Payment
3	Designated Persons' Return

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 17/194691
RM8 REF NO: PSC2006-6531**

CASH AND INVESTMENTS HELD AT 30 SEPTEMBER 2017

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

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 September 2017.

ATTACHMENTS

1) September 2017 Cash and Investments.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

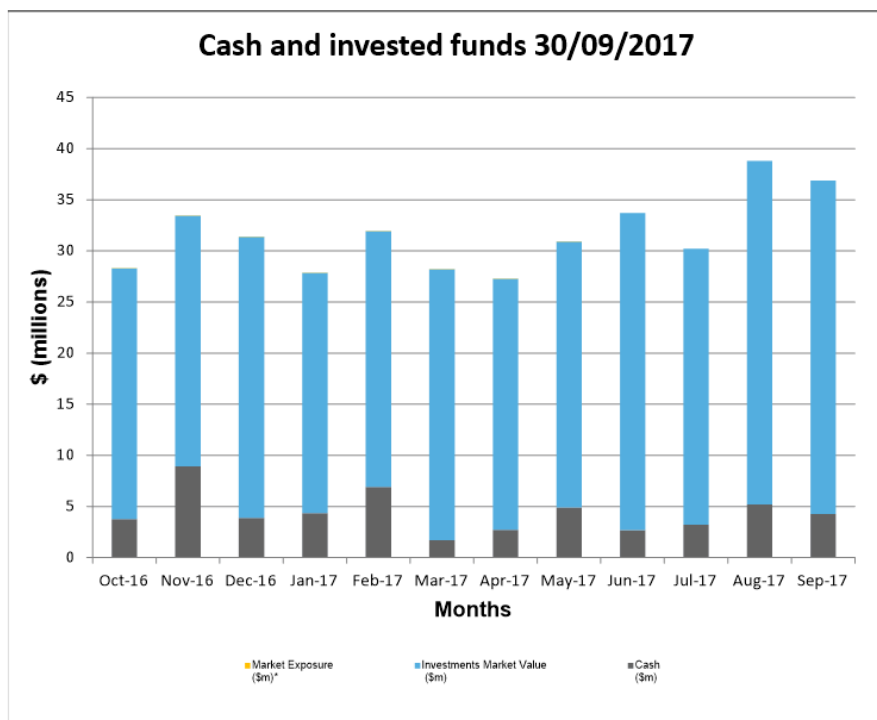
ITEM 1 - ATTACHMENT 1 SEPTEMBER 2017 CASH AND INVESTMENTS.

CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2017

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.58%	196	4-Oct-17	2,000,000	2,000,000
HUNTER UNITED EMPLOYEES CU	RIM	NR	TD	2.80%	189	11-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	210	18-Oct-17	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.60%	209	18-Oct-17	1,000,000	1,000,000
BANK OF SYDNEY	RIM	NR	TD	2.83%	181	1-Nov-17	1,250,000	1,250,000
RURAL BANK	LAMINAR	A-	TD	2.65%	190	15-Nov-17	1,250,000	1,250,000
AMP BANK	FARQUHARSON	A+	TD	2.60%	189	22-Nov-17	2,000,000	2,000,000
BANK AUSTRALIA LTD	FIIG	BBB+	TD	2.81%	188	13-Dec-17	1,500,000	1,500,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.40%	124	13-Dec-17	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.40%	152	10-Jan-18	1,000,000	1,000,000
ING BANK AUSTRALIA	ING	A-	TD	2.61%	230	24-Jan-18	2,000,000	2,000,000
ING BANK AUSTRALIA	CURVE	A-	TD	2.61%	242	6-Feb-18	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.55%	270	6-Mar-18	750,000	750,000
SUNCORP	SUNCORP	A+	TD	2.45%	210	21-Mar-18	1,500,000	1,500,000
MYSTATE	FARQUHARSON	BBB	TD	2.60%	246	2-May-18	1,000,000	1,000,000
AMP BANK	FARQUHARSON	A+	TD	2.60%	272	16-May-18	600,000	600,000
ME BANK	FARQUHARSON	BBB	TD	2.60%	273	23-May-18	1,000,000	1,000,000
DEFENCE BANK	LAMINAR	BBB+	TD	2.77%	376	30-May-18	1,000,000	1,000,000
BANANA COAST CREDIT UNION	CURVE	NR	TD	2.85%	369	13-Jun-18	750,000	750,000
COMMONWEALTH BANK	CBA	AA-	TD	2.53%	314	13-Jun-18	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.58%	300	27-Jun-18	1,000,000	1,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.55%	356	25-Jul-18	2,250,000	2,250,000
POLICE CREDIT UNION (SA)	FARQUHARSON	NR	TD	2.90%	365	2-Aug-18	750,000	750,000
COMMONWEALTH BANK	CBA	AA-	TD	2.61%	361	27-Aug-18	1,000,000	1,000,000
AMP BANK	CURVE	A	TD	2.15%	31	8-Sep-17	2,000,000	2,000,000
SUB TOTAL (\$)							32,600,000	32,600,000
OTHER INVESTMENTS								
SUB TOTAL (\$)							0	0
INVESTMENTS TOTAL (\$)							32,600,000	32,600,000
CASH AT BANK (\$)							4,271,061	4,271,061
TOTAL CASH AND INVESTMENTS (\$)							36,871,061	36,871,061
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.76%				
AVG. INVESTMENT RATE OF RETURN				2.59%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

CASH AND INVESTMENTS BALANCE

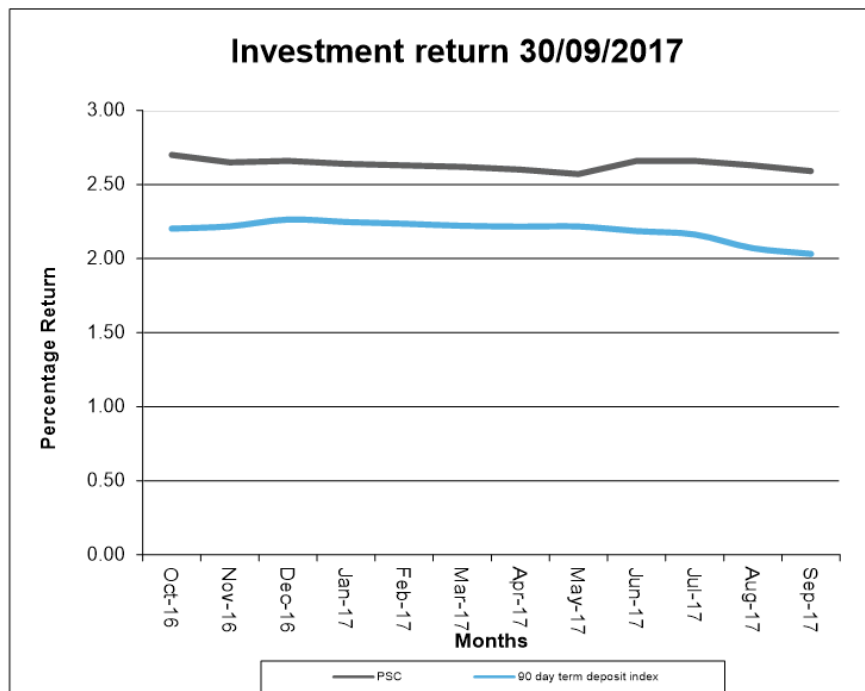
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)*	Total Funds (\$m)
Oct-16	3.786	24.503	0.015	28.304
Nov-16	8.940	24.506	0.012	33.458
Dec-16	3.875	27.507	0.010	31.393
Jan-17	4.346	23.507	0.010	27.864
Feb-17	6.916	25.011	0.007	31.934
Mar-17	1.689	26.512	0.005	28.206
Apr-17	2.747	24.513	0.005	27.265
May-17	4.894	26.014	0.003	30.912
Jun-17	2.685	31.000	-	33.685
Jul-17	3.232	27.000	-	30.232
Aug-17	5.201	33.600	-	38.801
Sep-17	4.271	32.600	-	36.871



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

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
Oct-16	2.2025	2.70
Nov-16	2.2183	2.65
Dec-16	2.2637	2.66
Jan-17	2.2474	2.64
Feb-17	2.2357	2.63
Mar-17	2.2214	2.62
Apr-17	2.2163	2.60
May-17	2.2168	2.57
Jun-17	2.1860	2.66
Jul-17	2.1627	2.66
Aug-17	2.0703	2.63
Sep-17	2.0324	2.59



ITEM NO. 2

**FILE NO: 17/194907
RM8 REF NO: PSC2005-3572**

**AMENDMENT TO WEST WARD SPORTS COUNCIL 2017 ANNUAL OPERATING
SUBSIDY PAYMENT**

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

BACKGROUND

The purpose of this report is to amend the 2017 annual operating subsidy payment to the West Ward Sports Council from \$9,000 to \$18,000.

On 11 July 2017 Council received a report on the 2016 355(c) Committees Annual Financial Statements, which included a list of 2017 annual operating subsidies paid to eligible Committees and Sports Councils.

A \$9,000 subsidy payment was made to the West Ward Sports Council in July 2017, however this payment should have been \$18,000. When combining the Rural West Sports Council and Raymond Terrace Sports Council in 2016, Council resolved to pay the merged entity (West Ward Sports Council) an annual subsidy of \$18,000 (Council Resolution 8 March 2016 Min No. 058).

The West Ward Sports Council has already received the required additional amount of \$9,000, bringing their total payment to \$18,000. Future reports to Council on 355(c) Committees Annual Financial Statements and subsidy payments will note an \$18,000 subsidy payment required for the West Ward Sports Council.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil

ITEM NO. 3

**FILE NO: 17/197379
RM8 REF NO: PSC2016-00018**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to advise Council of new Council staff who have submitted their Designated Persons' Return/s (Return).

In accordance with Section 450A of the *Local Government Act 1993*, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who has submitted Return/s:

- Development Planner (PSC768)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 17/199870

RM8 REF NO: PSC2017-00019

CHARGES LEVIED UPON COMMUNITY GROUPS

COUNCILLOR: STEVE TUCKER
CHRIS DOOHAN
SARAH SMITH

THAT COUNCIL:

- 1) Determine a framework for the mitigation of fees and charges levied upon community groups undertaking activities on Council controlled land.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

268	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council determine a framework for the mitigation of fees and charges levied upon community groups undertaking activities on Council controlled land.
------------	---

**BACKGROUND REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION
MANAGER**

BACKGROUND

The issue of simplifying fees and charges was considered in a Notice of Motion to the July 2017 meeting of Council and the following report is what was considered by Council at that time. It is still considered appropriate that a comprehensive review of fees and charges, as they relate to community groups, be conducted in late 2017 for inclusion and consideration by Council.

Fees and charges for 2017-2018 have been adopted by Council. The fees and charges for halls and community centres are informed by a consultative process, with 355c committees, which occurs between November and January each year.

The current three tiered structure includes:

- For profit users.
- Community groups - not for profit but whose purpose was to benefit its members.
- Registered charities - not for profit but whose purpose was to benefit the wider community.

Having a more simplified approach to fees and charges for halls and community centres is warranted, as there are many types of fees with a number of variations across all halls. Having less variation improves clarity for people wishing to book a hall as well as the volunteer committee that manages the hall.

A review of the halls and community centre fees will be undertaken in November 2017 with a view to simplifying the categories to a two tiered structure. This review will involve all hall 355c committees individually and through the Halls Forums. Subject to this review any new fees and changes will commence in the financial year 2018-2019.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 17/199875

RM8 REF NO: PSC2017-00019

LEMON TREE PASSAGE SWIMMING POOL NET

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Does a safety investigation of the swimming pool net at the Lemon Tree Passage pool take place before the start of the 2017 summer season.

**ORDINARY COUNCIL MEETING - 24 OCTOBER 2017
MOTION**

269	Councillor John Nell Councillor Chris Doohan It was resolved that Council obtain an expert opinion on the safety of the pontoon netting at Lemon Tree Passage pool.
------------	---

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The purpose of this report is to provide Council with background to the Notice of Motion.

The existing swimming pool net at Lemon Tree Passage was installed as part of the NSW Better Boating Program aquatic infrastructure program. This project included upgrade to the boat ramp, pontoon and surrounding foreshore area in addition to the swimming net area.

The previous swimming area net was hard connected to fixed piles and weighted down to the seabed. This fixture type provided a stiff web that did not move with the in and out going tides. The new net is connected to floating pontoons which move up and down with the tides.

The new net when installed was weighted down to prevent the net's webbing from bellowing out with the in and out going tides. However, even with the weights, the movement of tidal water was still affecting the position of the net. Differing weights

were trialled to find the right balance between weighing the net down without pulling the floating pontoon below the water level. The result was to place lengths of chain at intervals along the net to hold the webbing in a vertical position.

After several inspections at various stages of the tide, this treatment was seen to be working. Noting that it is not uncommon to expect some bellowing of the net to occur during fast moving tides.

There are no known formal standards to assess this swimming area and this does not fall under the pool standards. Like all Council assets this swimming area will be routinely inspected for condition and safety. It is proposed that this swimming area will be inspected prior to the 2017 summer season.

The alternative is to eliminate the risk all together and remove the net – though this solution would remove an enclosed swimming area that the community have become accustomed to.

ATTACHMENTS

Nil.

There being no further business the meeting closed at 6.41pm.