

DRAFT

MINUTES – 14 JULY 2020



PORT STEPHENS COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 14 July 2020, commencing at 6.06pm.

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

Cr Paul Le Mottee was not present at the commencement of the meeting. Cr Le Mottee entered the meeting at 6.40pm, prior to item 2.

120	Councillor Ken Jordan Councillor John Nell It was resolved that the apology from Cr Abbott be received and noted.
121	Councillor Sarah Smith Councillor Ken Jordan It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 23 June 2020 be confirmed.

The motion was carried.

Cr Arnott recorded his vote against the motion confirming the minutes.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
AMENDMENT**

<p>Councillor Giacomo Arnott</p> <p>That the minutes from 23 June 2020 be amended as follows:</p> <p>1) Item 2 to show as follows:</p> <p>a) The staff recommendation was moved by Cr Jordan and Cr Dunkley, showing its original wording.</p> <p>b) An amendment was proposed by Cr Arnott to change the maximum building height from 9 metres to be unrestricted.</p> <p>c) A seconder was not sought as Crs Jordan and Dunkley were friendly to the amendment.</p> <p>d) The amended motion, as still moved by Crs Jordan and Dunkley, written as it appears in the minutes currently.</p>
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The Mayor vacated the chair and left the meeting at 6.08pm due to a conflict of interest in item 2 of the meeting held on 23 June 2020.

The Deputy Mayor chaired the meeting for this item.

The amendment lapsed without a seconder.

The Mayor resumed the chair at 6.12pm following the adoption of the minutes of 23 June 2020.

Cr Giacomo Arnott moved to introduce a matter of urgent business under clause 9.3 of the Code of Meeting Practice.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

<p>Councillor Giacomo Arnott</p> <p>That Council approves the following to be considered without due notice by this meeting:</p> <p>Nelson Bay's smart parking rollout be paused so as to allow:</p> <ol style="list-style-type: none">1. Consultation with Tomaree Business Chamber2. Consultation with the broader Nelson Bay business community3. Consultation with the residents of Nelson Bay4. Consultation with visitors to Nelson Bay

MINUTES ORDINARY COUNCIL - 14 JULY 2020

	<ul style="list-style-type: none">i. This consultation is to be genuine, properly consider the concerns of those involved, and make changes to the smart parking plan if necessaryii. A report to be brought back to Council outlining the results of the public consultation, and recommending any changes to the plan.iii. Council agrees that, in light of an uproar by members of the business community, this is indeed urgent and requires immediate attention by the elected Council.
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The item was ruled by the Chair as not being of great urgency and lapsed without a seconder.

	<p>Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 1. The nature of the interest is the LeMottee Group assisted neighbours with understanding the process and the application.</p> <p>Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 3. The nature of the interest is the Le Mottee Group made submissions in regards to the Housing Strategy.</p> <p>Cr Giacomo Arnott declared a pecuniary conflict of interest in Item 15. The nature of the interest is Cr Arnott is a professional firefighter with Fire and Rescue NSW.</p>
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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 20/159951
EDRMS NO: DA 16-2019-598-1**

DA 16-2019-598-1 FOR A CAMPING GROUND (50 CAMP SITES) WITH AMENITIES AND KITCHEN AT 47 THE BUCKETTS WAY, TWELVE MILE CREEK

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

	<p>Councillor John Nell Councillor Ken Jordan</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3).</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3), and modify condition 6(2) as follows:</p> <p style="padding-left: 40px;">1. Condition 6 (2) be modified to read:</p> <p style="padding-left: 80px;">(2) Roads Act Approval - For construction/reconstruction of public infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be</p>
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MINUTES ORDINARY COUNCIL - 14 JULY 2020

	<p>made for a Roadworks Permit under Section 138 of the Roads Act 1993.</p> <p>Where road works are required on a State road or Highway, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its powers under the Roads Act 1993 (the Act) and the functions of the roads authority.</p> <p>Works required for completion prior to occupation or operation of the development will include, but not be limited to:</p> <ul style="list-style-type: none">• Intersection treatment, in accordance with current Austroads Guides, is to be constructed at the Pacific Highway intersection to cater for a minimum increase of 50 additional vehicle movements per day in addition to projected traffic increase along the Buckets Way and Pacific Highway
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The amendment lapsed without a seconder.

Cr Glen Dunkley left the meeting at 6.32pm.

Cr Glen Dunkley returned to the meeting at 6.35pm.

ORDINARY COUNCIL MEETING - 14 JULY 2020 AMENDMENT

	<p>Councillor Giacomo Arnott</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3), and modify condition 6(2) as follows:</p> <p>Condition 6 (2) be modified to read:</p> <p>(2) Roads Act Approval - For construction/reconstruction of public infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138 of the Roads Act 1993.</p> <p>Where road works are required on a State road or Highway, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its</p>
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MINUTES ORDINARY COUNCIL - 14 JULY 2020

	<p>powers under the Roads Act 1993 (the Act) and the functions of the roads authority.</p> <p>Works required for completion prior to occupation or operation of the development will include, but not be limited to:</p> <ul style="list-style-type: none">• A BAL/BAR intersection treatment, in accordance with current Austroads Guides, is to be constructed at the proposed main entry to the site and this may include tree removal within the clear zone at the Direction of the Roads Authority.• Shoulder widening, to the satisfaction of the Roads Authority, to allow safe waste collection without impeding traffic flows on The Bucketts Way.• The Bucketts Way is to be upgraded to an Austroads compliant dual carriageway, two way, road for a length of 100m in both directions from the centreline of the proposed main entrance.• Demonstration that appropriate sight distances for vehicles entering and exiting the site can be achieved in accordance with Austroads Guide to Road Design.
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The amendment lapsed without a seconder.

ORDINARY COUNCIL MEETING - 14 JULY 2020 AMENDMENT

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3), and modify condition 6.0(7) as follows:</p> <p>Condition 6.0 (7) be modified to read:</p> <p>(7) Operational Plan of Management – An Operation Plan of Management for the site is to be drafted and provided to Council outlining proposed management actions in relation to:</p> <p>Maximum onsite stay of four consecutive nights for visitors</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Cr Giacomo Arnott.

Those against the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

The amendment was lost.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

122	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council defer item 1 development application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144).
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The amendment was put and became the motion which was carried.

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 Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Ken Jordan.

The motion was carried.

BACKGROUND

The purpose of this report is to present a development application (DA) to Council for determination. The subject DA relates to land located at 47 The Bucketts Way, Twelve Mile Creek (Lot: 9 DP: 243144, (the subject site). A locality plan is provided in **(ATTACHMENT 1)**.

The DA is being reported to Council for determination, in accordance with the Development Applications to be reported to Council Policy, as the application was called to Council by Councillor Arnott, Councillor Nell and Councillor Tucker **(ATTACHMENT 4)**.

Proposal

The application seeks approval for the establishment of a camping ground, consisting of 50 camp sites, and the construction of an amenities block, camp kitchen area, internal roads and associated servicing infrastructure. The camping ground will permit the pitching of tents, and parking of caravans and camper trailers and the like for short term stays.

The application was originally submitted for up to 100 camp sites with an alternative layout and has since been modified as a result of public submissions and the need to comply with the requirements of Council, NSW Rural Fire Service and Transport for NSW.

Site Description and History

The subject site is identified as 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) **(ATTACHMENT 1)**. The site is located in a rural residential area with significant vegetation and waterways and is within close proximity of the Pacific Highway (M1). The land is 10.12 hectares in area and is somewhat clear of vegetation in the eastern portion of the site, becoming more densely vegetated in the western portion. A natural waterway traverses the site along the western boundary. The lot holds 2 existing dwellings and a number of outbuildings.

Key Issues

The key issues identified throughout the assessment of the proposal and as a result of public submissions relate to the potential impacts of the proposal on the amenity of adjoining rural residential land, land use conflict, site access and environmental impacts as outlined below. A detailed assessment of the development is contained in the Planners Assessment Report provided at **(ATTACHMENT 2)**.

Land Use

The proposed development is defined as a Camping Ground which is permissible with consent in the RU2 Rural Landscape zone. A Camping Ground is defined by the Port Stephens Local Environmental Plan 2013 (LEP 2013) as:

‘an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.’

The proposed development includes 50 camp sites to accommodate tents, campervans, RV's, camp trailers and caravans. Despite the incorporation of caravans on the site, the development is not characterised as a Caravan Park (which is not permissible in the zone) noting that the camp ground will accommodate those above uses for short term stays only. A Caravan Park use allows for longer term stays, including permanent installations of caravans and other moveable dwellings.

Noting a Camping Ground is a permissible use in the zone, the development is considered acceptable in its setting. The development is located a significant distance from The Bucketts Way, behind the existing dwellings on the lot and is setback from the side boundaries with landscape screening provided (existing and proposed) to mitigate any visual impacts to surrounding properties (**ATTACHMENT 2**).

Access

The application was referred to and reviewed by Transport for NSW (TfNSW) (formerly RMS) and Council Engineers. The application was supported with a number of conditions requiring the upgrade of the site access to facilitate the safe turning of vehicles on and off the site including a channelized access and removal of some roadside vegetation to enable acceptable sight lines. These recommendations have been incorporated into the recommended conditions of consent (**ATTACHMENT 3**).

Environmental Impacts

The land is identified as containing potential koala habitat. The proposed development avoids significant koala habitat removal. Offsetting for the loss of any trees is proposed by replacement planting along the southern boundary to facilitate habitat connection.

The development has been modified to largely avoid areas of likely Tall Rustyhood Orchid habitat, however as certain activities such as bushwalking and asset protection are proposed within the habitat area, a Vegetation Management Plan has been requested via condition to ensure the ongoing management and protection of these areas.

The proposal is located on land identified as wetland under the LEP 2013. Through the assessment it was determined that the development will not have a negative impact on the flora and fauna of the wetland, including native and migratory species, or the characteristics of the ground or surface water with the imposition of the mitigating conditions proposed (**ATTACHMENT 3**).

Impacts on surrounding Rural Residential Land

The proposed development borders 2 rural residential lots to the north and south of the site which contain a total of 3 dwellings.

A noise assessment was provided with the application which demonstrates that appropriate noise mitigation measures are able to be installed to ensure acceptable noise levels are maintained. Additionally, the consent has been conditioned such that a management plan for the site is required which provides emergency contact numbers for visitors and neighbours to direct noise concerns (**ATTACHMENT 3**).

The proposed development will require compulsory lighting in accordance with the Local Government Regulations. A condition has been recommended to ensure the potential impacts from lighting are mitigated to the minimum through the AS1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting' (**ATTACHMENT 3**).

Stormwater Management

A stormwater management plan was submitted with the application and includes adequate quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification and a condition of consent has been included requiring the provision of detailed engineering plans prior to the issue of a construction certificate (**ATTACHMENT 3**).

Conclusion

The proposed development is consistent with the relevant environmental planning instruments applicable to the subject site including:

- Section 4.15 of the Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy No 21 – Caravan Parks
- State Environmental Planning Policy No. 44 - Koala Habitat Protection
- State Environmental Planning Policy No 55 - Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Port Stephens Local Environmental Plan 2013 (LEP 2013)
- Port Stephens Development Control Plan 2014 (DCP 2014)

A detailed assessment of the proposal against the provisions of Section 4.15 Environmental Planning and Assessment Act 1979 (EP&A Act) is provided at (**ATTACHMENT 2**).

The key issues arising through the assessment of the application have been satisfactorily addressed and supported by sufficient mitigation measures as provided within the Recommended Conditions of Consent contained in (**ATTACHMENT 3**). On this basis, the proposed development supports and promotes the public interest, and is recommended for approval.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.12)	Yes		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979. A detailed assessment against these requirements are contained within the Planners Assessment Report contained in **(ATTACHMENT 2)**.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the determination may be appealed.	Moderate	Approve the application as recommended. The assessment carried out details the merits of the proposed development and the recommended conditions of consent reduce the impact of the proposal.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed development is anticipated to have an ongoing positive economic impact on the local area and the broader community through the creation of viable employment and economic activity during both the construction and ongoing operations of the development. The development will allow for the use of existing services and facilities in the locality without requiring significant infrastructure upgrades that burden the public.

The development will result in some impact on the built environment through the construction of the amenities block and camp kitchen, however these buildings are appropriately setback and screened from the road and adjoining development. The impacts on the built environment are considered acceptable.

The development has been modified to largely avoid significant Koala habitat and areas of likely Tall Rustyhood Orchid habitat. Landscape offsets through replanting along the southern boundary and the requirement of a Vegetation Management Plan will allow for the appropriate ongoing management and protection of these areas.

The proposal incorporates appropriate measures to ensure minimal adverse impact on amenity. Air quality, noise, drainage and traffic have been appropriately addressed in the application, with mitigation measures included within the Recommended Conditions of Consent (**ATTACHMENT 3**). Through development conditions and additional design criteria, the potential impacts are mitigated.

CONSULTATION

Consultation with key stakeholders has been undertaken including through the public notification process.

Internal

Consultation was undertaken with internal officers, including; Building Surveying, Development Engineering, Vegetation Management, Environmental Health, Natural Resources and Development Contributions. The referral comments from these officers were considered as a part of the Planners Assessment Report contained in (**ATTACHMENT 2**) and accordingly in the Recommended Conditions of Consent contained in (**ATTACHMENT 3**).

External

Consultation was undertaken with NSW Rural Fire Service and Transport for NSW. Responses were received from both agencies with a Bush Fire Safety Authority being issued from the Rural Fire Service.

The referral comments from these officers were considered as a part of the Planners Assessment Report contained in **(ATTACHMENT 2)** and accordingly in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

Public Consultation

In accordance with the requirements of the DCP 2014, the originally submitted application was notified from 27 September 2019 to 13 October 2019. During this period 3 submissions were received. An additional 3 submissions were received following the submission period. The matters raised in all of the submissions have been addressed in detail within the Planners Assessment Report provided at **(ATTACHMENT 2)**.

Following the submission of amended plans, the development was considered to be of lesser impact therefore the application was not required to be re-notified.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Planners Assessment Report.
- 3) Recommended Conditions of Consent.
- 4) Call to Council Form.

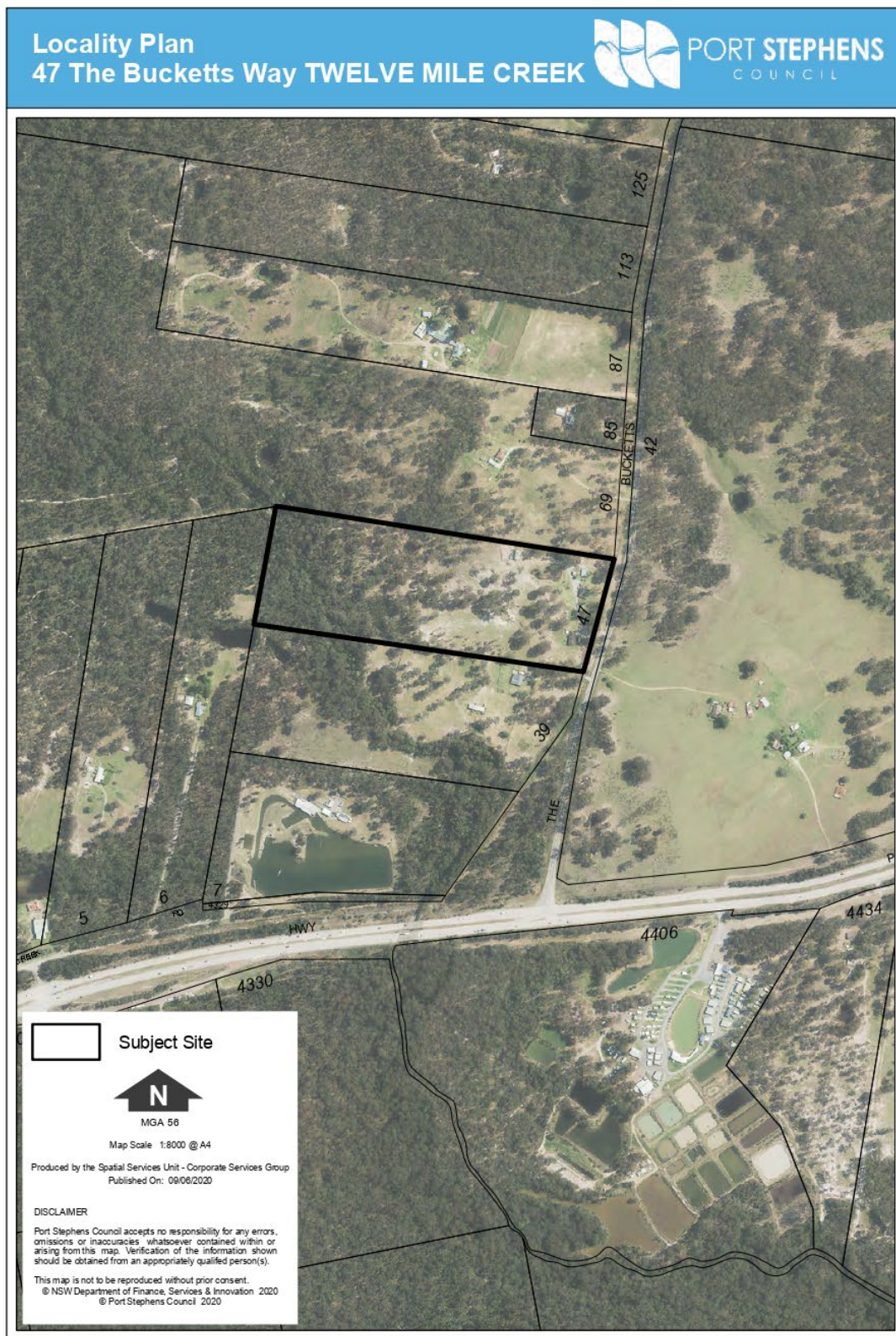
COUNCILLORS ROOM

- 1) Development plans.
- 2) Copy of unredacted submissions.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



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

PORT STEPHENS COUNCIL DEVELOPMENT ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2019-598-1
Development Description	Tourism - camping ground (50 camp sites) with amenities and kitchen
Applicant	PERCEPTION PLANNING PTY LTD
Land owner	B & C Tudor
Date of Lodgement	16/09/2019
Value of Works	\$150,000.00
Submissions	3

PROPOSAL

The Development Application proposes the establishment of a camping ground, including 50 camp sites, associated amenities and a camp kitchen as shown in the figures below. The development will also require the construction/installation of internal roads, water reticulation system, stormwater management system, electricity connections and an onsite sewage management system.

The application was originally submitted for up to 100 camp sites with an alternative layout and has since been modified as a result of public submissions and the need to comply with the requirements of Council, NSW Rural Fire Service and Transport for NSW.

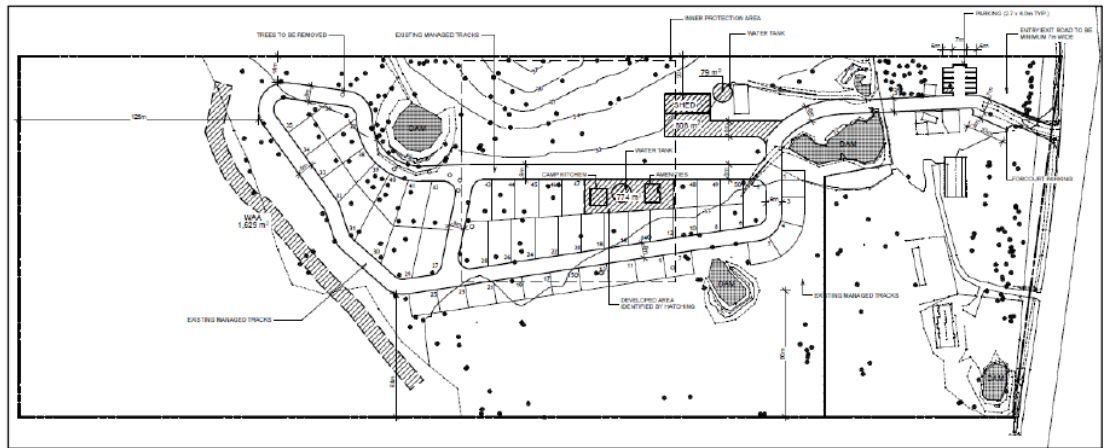


Figure 1 Proposed Site Plan

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-598-1

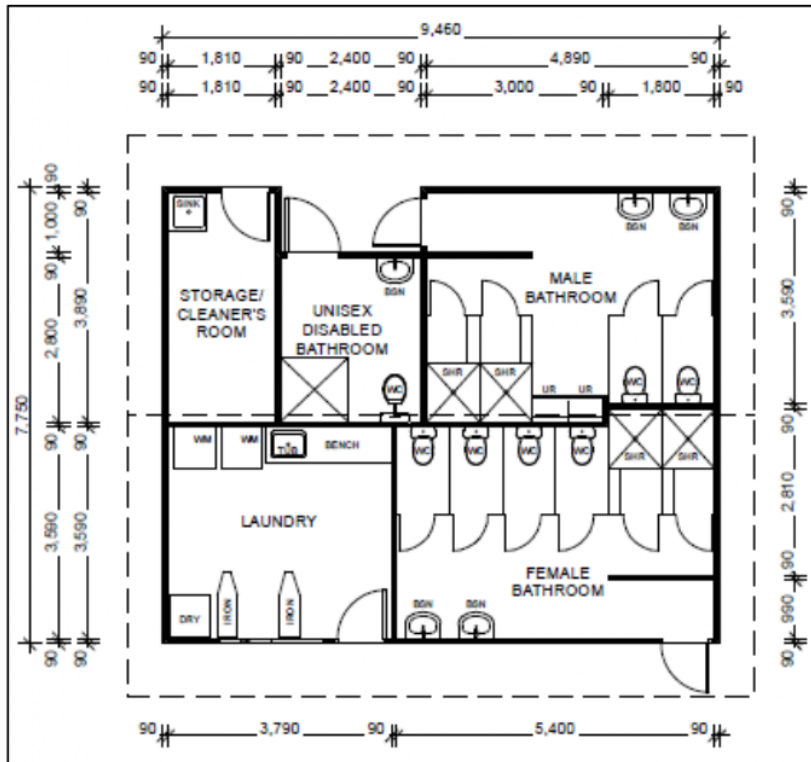


Figure 2 Proposed Amenities Block

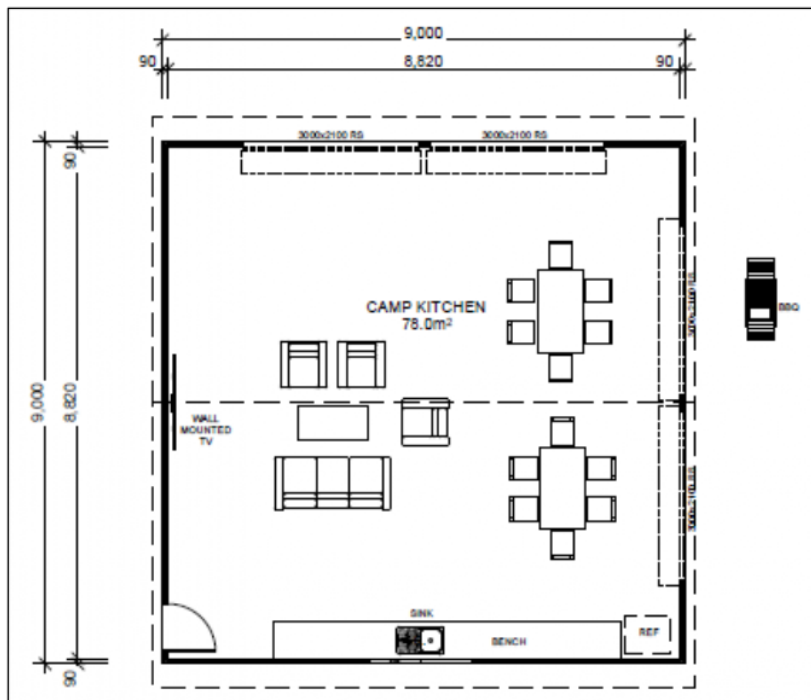


Figure 3 Proposed Camp Kitchen/Community Area

PROPERTY DETAILS

Property Address	47 The Bucketts Way TWELVE MILE CREEK
Lot and DP	LOT: 9 DP: 243144
Current Use	Residential Dwellings
Zoning	RU2 RURAL LANDSCAPE
Site Constraints	LEP Wetlands Acid Sulfate Soils - Class 5 Bushfire Prone Land – Vegetation Category 1 and Vegetation Buffer Biodiversity Values Mapping Koala Habitat – Marginal Habitat Flood Prone Land – PMF

SITE DESCRIPTION

The subject site is identified as Lot 9 DP243144, 47 The Bucketts Way, Twelve Mile Creek. The site is located in a rural residential area with significant vegetation and waterways and within close proximity of the Pacific Highway (M1). The land is 10.12ha in area and is somewhat clear of vegetation towards the eastern half and heavily vegetated along the western boundary. A natural waterway also traverses the site along the western boundary. The lot holds two existing dwellings and a number of outbuildings towards the east of the site, fronting The Bucketts Way.

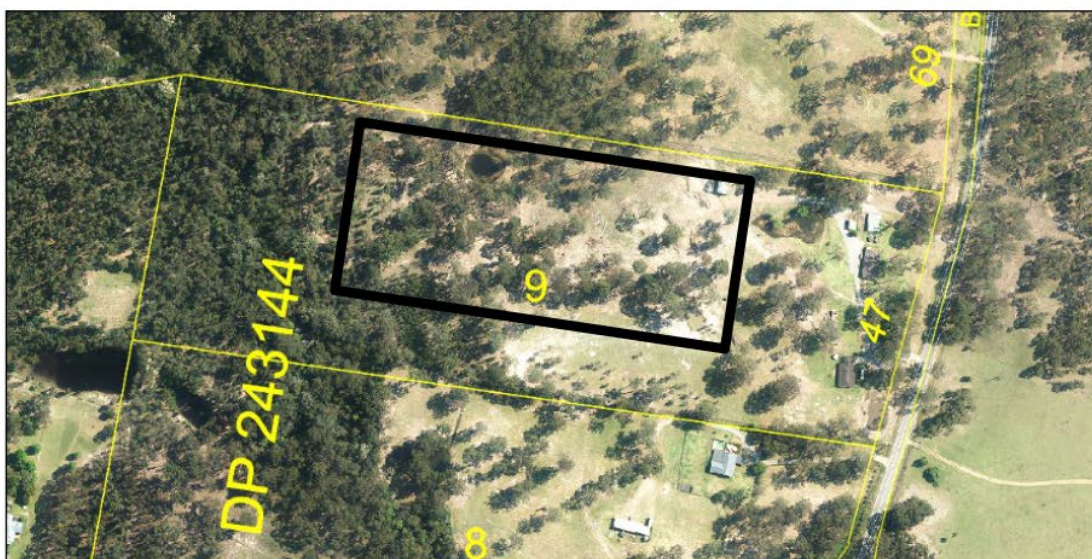


Figure 4 Aerial View (Including Indicative Development Area)

SITE INSPECTION

Site inspections were carried out on 1 October 2019 and 22 April 2020. The subject site can be seen in figures below:



Figure 5 View from Development Site Looking North



Figure 6 View from the Development Site to the West



Figure 7 Proposed Stormwater Disposal Area



Figure 8 Stormwater Retention Dam and Development Site



Figure 9 Development Site (From West)



Figure 10 View from Site Access to Pacific Highway (East)



Figure 11 View of Site Access from Southern Property (39 The Bucketts Way)

REFERRALS

Development Contributions

The application was referred to Councils Development Contributions Officer for comment. The application was provided with a condition of consent for s7.12 contributions.

Development Engineer

The application was referred to Councils Development Engineer for comment. Following the receipt of further information, the application was generally supported with a number of recommended conditions relating to stormwater management, flood protection and vehicle access.

Environmental Health

The application was referred to Councils Environmental Health team for comment. The application was generally supported with recommended conditions relating to the requirement for additional approvals under s68 of the Local Government Act.

Natural Resources

The application was referred to Councils Natural Resources team for comment. Initial concerns were raised relating to the likelihood of habitat for the threatened Tall Rustyhood Orchid. Following the receipt of further information and modification of the proposal, the application was generally supported with a number of recommended conditions concerning vegetation management, revegetation and the further modification of site layout and impact area to avoid sensitive habitat areas. Extended consideration of these items is addressed in DCP Chapter B2 below.

Vegetation Management

The application was referred to Councils Vegetation Management Team for comment. A landscaping plan was requested, however as no additional landscaping is proposed a landscaping plan is not deemed necessary.

Building & Developer Relations

The application was referred to Councils Building team for comment. The application was generally supported with recommended conditions relating to construction.

PLANNING ASSESSMENT***Environmental Planning and Assessment Act 1979******Section 4.46 - Integrated development***

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

1. S100B - Rural Fires Act - The application was granted a Bushfire Safety Authority (BFSA) with conditions.

The application was referred to the NSW RFS as integrated development under s100B of the Rural Fires Act. The application was generally supported with a Bushfire Safety Authority and number of recommended conditions.

Section 4.15 - Matters for Consideration***Section 4.15(a)(i) - any environmental planning instrument*****State Environmental Planning Policies****State Environmental Planning Policy No. 55 - Remediation of Land**

The subject site is currently and has historically been predominantly vacant land and used for the purpose of rural residential housing. As such, the likelihood of the site being contaminated is unlikely. Moreover, the NSW list of contaminated sites published by the EPA does not list the site as being a registered contaminated site. Based on this, it is considered that no significant contaminating activities have been undertaken that would inhibit the use of the site for the proposed use.

State Environmental Planning Policy (Koala Habitat Protection) 2019

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. This Policy commenced on 1 March 2020.

Clause 15 of State Environmental Planning Policy (Koala Habitat Protection) 2019 includes savings provisions stating that a development application made, but not finally determined, before the commencement of this policy in relation to land to which this Policy applies must be determined as if this policy had not commenced. Therefore, as the application was lodged prior to the commencement of this policy, State Environmental Planning Policy No. 44 - Koala Habitat Protection will apply.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The Port Stephens Council Comprehensive Koala Plan of Management (CKPoM), was prepared in accordance with *State Environmental Planning Policy No. 44 - Koala Habitat Protection* (SEPP 44). Compliance with the Port Stephens Council CKPoM will constitute compliance with SEPP 44 for relevant matters in the LGA.

The proposal avoids significant koala habitat removal as defined by the SEPP and therefore does not trigger additional habitat requirements under the SEPP.

State Environmental Planning Policy No. 21 – Caravan Parks

As the proposed development is a camping ground, this SEPP applies. The effect of the SEPP is to require development consent for the use of the land of a camping ground and to ensure the orderly and economic use, and proper development of the land for this use. The assessment of the proposal against these criteria is provided in further detail in conjunction with the remainder of the 4.15 assessment below.

State Environmental Planning Policy (Infrastructure) 2007

Due to the proximity of the development to the classified road (M1 Pacific Highway), the application requires consideration of this SEPP and subsequent referral to Transport for NSW.

The referral response advised that:

- Council should consider an appropriate treatment for the vehicular entrance to the property off The Bucketts Way to mitigate safety issues.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austrroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.

These advices were reviewed by Councils Development Engineers and appropriate conditions have been included with the development consent.

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

The proposed development is defined as a Camping Ground which is permissible with consent in the RU2 Rural Landscape zone. A Camping Ground is defined by the LEP as:

'an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.'

The proposed development includes 50 camp sites to accommodate: tents, campervans, RV's, camp trailers and caravans. Despite the incorporation of caravans on the site, the development is not characterised as a Caravan Park (which is not permissible in the zone) noting that the camp ground will accommodate those above uses for short term stays only. A Caravan Park use allows for longer terms stays, including permanent installations of caravans and other moveable dwellings.

Although ultimately subject to a separate application, Council also considered the likely compliance of the development with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. The site layout, demand for utilities, and operational management is considered in the relevant sections of this proposal.

A maximum of 25 caravans as defined by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 are permitted on the site.

The proposed development is located within the RU2 Rural Landscape Zone. The objectives of this zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

As the proposed development does not involve or require the extraction of natural resources or the emission of gross pollutants, the development is unlikely to impact on the natural resource base of the land.

The character of the land is comprised of physical and natural features, land uses and amenity. Concerns were raised through public submissions that the development does not maintain the rural

landscape character of the land. With consideration that the land use is permissible in the zone, attention is directed to the identification and mitigation of potential visual and aesthetic impacts of the development. The development is located a significant distance from the road, behind the existing dwellings on the lot and is setback from the side boundaries with landscape screening provided (existing and proposed) to mitigate any visual impacts to surrounding properties. Further traffic issues are to be managed through access upgrades. As such the resulting development is unlikely to present unacceptable or unreasonable impacts to the amenity and character of the land.

Through consideration of the above, it is determined that the development is able to demonstrate that it is not inconsistent with the objectives of the land use zone.

Clause 4.3 – Height of Buildings

There is no maximum building height limit prescribed for the site.

Clause 7.1 – Acid Sulfate Soils

The development site is mapped as potentially containing Class 5 Acid Sulfate Soils (ASS), however the development is unlikely to involve earthworks greater than 2m below natural ground surface. A condition of consent has been included for the provision of an ASSMP, should later design suggest otherwise.

Clause 7.2 – Earthworks

Earthworks will be required for the proposed development; however it is noted that these works are not anticipated to entail the import or export of fill material. Specific conditions of consent have been included for the management of fill, should later design suggest otherwise.

Clause 7.3 – Flood Planning

The proposed development is located on land outside of the mapped flood planning area, but within the area of the probable maximum flood. The proposed risk mitigations are supported by Councils Flooding Engineers with conditions imposed on the consent.

Clause 7.6 – Essential Services

The subject site is proposed to be serviced by a local, reticulated water system, mains electricity and an onsite sewage management system. In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Councils requirements. The subject land also maintains direct access to The Bucketts Way, meeting the requirements of this clause.

Clause 7.9 – Wetlands

The proposal is located on land identified as wetland under the Port Stephens LEP. The application has been assessed by Councils Natural Resources Officer who has determined that the development will not have a negative impact on the flora and fauna of the wetland, including either native and migratory species, or the characteristics of the ground or surface water should the development comply with the mitigating conditions proposed.

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

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

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

Port Stephens Development Control Plan 2014

Chapter B1 – Tree Management

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-598-1

The proposal identifies a number of trees to be removed to facilitate the construction of internal access roads. These trees have been assessed by Councils Natural Resources team and determined to be acceptable for the development subject to appropriate replanting of trees along the southern boundary as conditioned.

Chapter B2 – Natural Resources

The land is identified as containing potential koala habitat. The proposed development avoids significant koala habitat removal. Offsetting for the loss of any trees is proposed by replacement planting along the southern boundary to facilitate habitat connection.

The development has been modified to largely avoid areas of likely Tall Rustyhood Orchid habitat, however as certain activities such as bushwalking and asset protection are proposed within the habitat area, a Vegetation Management Plan has been requested via condition to ensure the ongoing management and protection of these areas.

The proposal is located on land identified as wetland. Through the assessment it was determined that the development will not have a negative impact on the flora and fauna of the wetland, including native and migratory species, or the characteristics of the ground or surface water should the development comply with the mitigating conditions proposed.

The applicant has demonstrated that only 0.328ha of clearing is required and therefore does not trigger the requirement for a Biodiversity Development Assessment Report under the Biodiversity Conservation Act 2016.

Chapter B3 – Environmental ManagementAcid Sulfate Soils

The objective of this DCP Chapter is to ensure that developments do not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. As detailed within clause 7.1 discussion above, the proposed development could be undertaken, subject to conditions of consent, without resulting in adverse impact to ASS. In this regard the development is consistent with the objective and requirements of the DCP.

Noise

A noise assessment was provided with the application which suggests the separation distances incorporated into the development will limit any significant impacts on the adjoining development. The impacts of the development during construction and ongoing management may be limited through conditions of consent which limit construction work hours and mitigate noise derived from the operation of the development. Subject to conditions, the application is satisfactory in regards to noise management.

Earthworks

As discussed at clause 7.2 above the proposed development involves minimal earthworks. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements outlined in Councils DCP relating to earthworks.

Waste

To ensure ongoing waste is managed responsibly, the development includes waste storage areas catering for both residential and commercial waste. The development can be serviced by Council for waste collection or by private contractors. Conditions of consent are imposed which require waste from building works to be disposed of at an approved facility.

Chapter B4 – Drainage and Water Quality

A stormwater management plan was submitted with the application and includes adequate quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification and a condition of consent has

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been included in the consent requiring the provision of detailed engineering plans prior to the issue of a construction certificate.

Chapter B5 – Flooding

The subject land is not mapped as being within the Flood Planning Area, however subject to a PMF event. Following from the discussion against clause 7.3 of the PSLEP above, the proposed development is acceptable in this regard.

Chapter B6 – Essential Services

The application has provided concept plans for the construction of a local reticulated water system, wastewater management system and stormwater management system. Council engineers have considered these designs and have provided preliminary acceptance of the designs subject to further detail. Existing electricity services are available to the subject site, however confirmation is required to demonstrate that the network is able to be extended to cater for the development. The development maintains direct access to The Bucketts Way, however a BAL/BAR (Basic Left Turn/Basic Right Turn) entry is required to improve the safety of vehicles turning into/out of the site.

Chapter B9 – Road Network and Parking

The development is not a type which requires a Traffic Impact Assessment under the DCP, however the application was referred to TfNSW and Councils Traffic Engineers. The application was supported with a number of conditions requiring the upgrade of the site access to facilitate the safe turning of vehicles on and off the site and construction risk mitigation strategies. While recommended by TfNSW, the practical sight distances are acceptable as is to Council engineers.

In accordance with the DCP, the development must provide:

- One car space for every site
- One visitor space for every 10 sites

Based on the above, the development must provide:

- 50 parking spaces
- 5 visitor spaces

The development proposes a car space on each camp site and 10 additional visitor spaces and therefore complies with this Chapter.

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

Nil.

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

The proposed development of a camping ground on the site is anticipated to have an ongoing positive economic impact on the local area and the broader community through the creation of viable employment and economic activity during both the construction and ongoing operations of the development. The development will allow for the use of existing services and facilities in the locality without requiring significant infrastructure upgrades that burden the public.

The proposed development will provide employment opportunities in the locality and support the local tourism and supporting hospitality industries. This will have direct monetary input to the local economy, and the increased number of visitors in the locality will provide ongoing economic input through daily activities.

Impacts on the Built Environment

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

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The development provides for some impact on the built environment through the construction of the amenities block and camp kitchen, however this is seen as minor development in respect to the size of the land and will be suitably screened from the road and adjoining development. The impacts on the built environment are considered minor.

Impacts on the Natural Environment

The proposal incorporates appropriate measures to ensure no adverse impact on the natural environment. Air quality, noise, drainage and traffic have been appropriately addressed in the application, with mitigation measures included as recommended conditions. Through development conditions and additional design criteria, the potential impacts are mitigated.

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

The subject site is located within an existing rural residential area and contains sparse vegetation. The site has access to all relevant services and the proposed development makes good use of the suitable areas on the site. The application design includes all elements required under the relevant planning instruments and policies and any perceived or potential impacts have been reasonably mitigated as per the above. Noting this, the proposed development is considered suitable for the subject site.

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

Public Submissions

The original application was exhibited from 27 September to 13 October 2019 in accordance with the provisions of the Port Stephens Council Development Control Plan. Three submissions were received during this time. An additional four submissions were received following the submission period. The matters raised within these submissions have been detailed in the table below.

Comment	Council response
Lack of demand for accommodation	Commercial viability of the development is not considered in the assessment of the application.
The development is inconsistent with the rural landscape character of the area.	The development provides vegetation preservation and screening and will not be readily visible from the public realm.
Noise levels generated from the site	The development application is accompanied by a noise assessment. The consent has been conditioned to minimise the residual noise impacts.
Traffic impacts	Conditions have been included with the consent to require road access upgrades to cater for traffic issues.
Light pollution	The scale of the development suggests that light impacts will be minimal due to the limited visitors, however additional conditions have been included on the consent to ensure the lighting complies with the Australian Standards
Potential for criminal activity	An operational plan conditioned for the site will provide security arrangements and ongoing management options
Availability of potable water	The requirement for a potable water supply is conditioned as part of the development consent. Arrangements for the monitoring of potable water quality are coordinated by the NSW Health Water Unit.
Social issues from long term residents	The proposal does not permit long term residents.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

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Non-compliance with LG Regulations	The proposed waste water system has been accepted by Council engineers and compliance is to be assessed with a subsequent s68 application.
Non-compliance with waste water requirements	Consideration of Local Government Regulations requirements is undertaken with the assessment of a subsequent s68 application.
Environmental impacts	The application has been modified and conditioned to mitigate potential environmental impacts.
Inadequacy of Wastewater Management report	Council has developed an Onsite Sewage Management Development Assessment Framework. This tool is used to provide guidance to consultants in the preparation of wastewater management reports and the design of wastewater management systems. The report demonstrates that a suitable and sustainable system is available which can satisfactorily comply with this framework. Further design and operation detail is provided with a subsequent s68 application.
Inadequacy of Stormwater Management Report	Council has assessed the Stormwater Management Plans and electronic modelling files with the opinion that the development is able to meet Council's infrastructure specifications and Australian Rainfall and Runoff guidelines. The proposed Stormwater Management System manages and treats flows within the site boundary and discharges to Councils stormwater system on The Bucketts Way whereby the post development conditions match the predevelopment conditions of the site.
Bushfire Evacuation Hazards	The NSW RFS has provided measures to be utilised on the site to protect visitors and residents and mitigate potential spread of bushfire across the land. A site management plan is to be drafted to provide emergency evacuation procedures for visitors. Offsite evacuation options are assessed by the RFS in their consideration of the proposal and recorded with the RFS for their evacuation management procedures.

As the application was modified to provide a lesser impact, re-notification of those modifications was not deemed required.

Section 4.15(1)(e) the public interest

While the development raised significant issues with the adjoining and surrounding land owners, these concerns were able to be addressed through the redesign of the development and through the implementation of conditions of development consent. The assessment of an adequate wastewater and drainage strategy has been undertaken and found to be possible with additional design detail to be provided.

The development complies with the requirements of the PSLEP, Councils DCP and therefore the development is deemed to be in the public interest.

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

A condition of development consent was suggested by Councils Development Contributions team as part of the internal referral process. This condition is included with the consent.

DETERMINATION

The application is recommended to be approved by the Elected Council, subject to conditions as contained in the notice of determination.

KYLIE DORSETT
Development Planner



SCHEDULE 1 – CONDITIONS OF CONSENT

1.0 - General Conditions of Consent

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

- (1) **General terms of approval** – The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

- 1. NSW Rural Fire Service, DA-2019-03512-CL55-1, 25 May 2020

A copy of the General Terms of Approval is attached to this determination notice.

- (2) **Approved plans and documentation** – Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan reference	Name of plan	Prepared by	Date
1902748	Proposed Site Plan	Sorensen Design & Planning	24/05/2020
1902748	Amenities Plan	Sorensen Design & Planning	24/05/2020
1902748	Camp Kitchen Plan	Sorensen Design & Planning	24/05/2020
190203	Stormwater Management Plan (Sheets 1-6)	DRB Consulting Engineers	15/05/2020
190203	Cut/Fill Plan (Sheets 1-6)	DRB Consulting Engineers	15/05/2020

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

- (3) **Amendments to documents and plans** – The development must be amended as follows:

- a) As per the annotations on Civil Plans, Ref 190203 by DRB Consulting Engineers, dated 15/05/2020.

Amended plans or documentation demonstrating compliance must be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

- (4) **Tree removal/pruning** – The trees identified below are approved for removal:

- a) The trees identified for removal as shown on Proposed Site Plan - Proposed Campground & Eco Tourist Facility (Sheet 2 of 4; Document Reference no. 1902748) prepared by Sorensen Design and Planning, dated 24 May 2019 are approved for removal.
- b) Eucalyptus opposite proposed site entry within the road reserve.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (5) **Removal of Vegetation** - No vegetation or natural landscape features other than that authorised for removal or pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval. A map indicating the location of protected vegetation is available from Council upon request.

- (6) **Separate approval for signs** – A separate development application for any proposed signage, must be provide to, and approved by, the Consent Authority or under the provision of the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* if applicable prior to the erection or display of any such signs.

- (7) **Building Code of Australia** – All building work must be carried out in accordance with the BCA and where applicable the Disability (Access to Premises – Buildings) Standards 2010. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

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

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

- (9) **Outdoor lighting** - All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.

2.0 – Prior to Issue of a Construction Certificate

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

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

Details demonstrating compliance must be provided to the Certifying Authority.

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

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



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

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

- (13) **Civil engineering plans** – Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, access ways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council’s Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

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

- (14) **Stormwater/drainage plans** – Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council’s Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).

Details demonstrating compliance must be provided to the Certifying Authority.

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

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

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

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (16) **Stormwater system Operation and Maintenance Procedure Plan** – An Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal.
Details demonstrating compliance must be provided to the Certifying Authority.
- (17) **Approval of OSMS under LG Act** – An approval under Section 68 of the Local Government Act 1993 is to be obtained from Council for the installation of an on-site sewage management system (OSMS) prior to the issue of a Construction Certificate.
- (18) **Soil, erosion, sediment and water management** – An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council’s Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.
- (19) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings. Footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the *Roads Act 1993*.
- (20) **Construction Management Plan** - A Construction Management Plan must be submitted to and approved by to the Certifying Authority and Council. The required CMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, noise and dust management, traffic management and environmental management
- (21) **Section 7.12 development contributions** - A monetary contribution is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning & Assessment Act 1979* and the Port Stephens Council Fixed Local Infrastructure Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and outlined in the table below.

Capital Investment Value	Levy Rate (\$ of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than %200,000	1%

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Local Infrastructure Contributions Plan.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a Registered Associate member or above, of the Australian Institute of Quantity Surveyors.

This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

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

- a) Building work only - prior to issue of the Construction Certificate.

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

3.0 - Prior to Commencement of Works

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

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

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

- (2) **Notice of Principal Certifying Authority appointment** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:

- a) a description of the work to be carried out;
- b) the address of the land on which the work is to be carried out;
- c) the Registered number and date of issue of the relevant development consent;
- d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
- e) if the PCA is an accredited certifier, their accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
- f) a telephone number on which the PCA may be contacted for business purposes.

- (3) **Notice commencement of work** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause



104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:

- a) the name and address of the person by whom the notice is being given;
- b) a description of the work to be carried out;
- c) the address of the land on which the work is to be carried out;
- d) the Registered number and date of issue of the relevant development consent and construction certificate;
- e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
- f) the date on which the work is intended to commence.

(4) **Sign of PCA and contact details** – A sign must be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
- c) the name, address and telephone number of the Principal Certifying Authority.

The sign must be maintained while the work is being carried out and must be removed upon the completion of works. Where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge.

(5) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction or subdivision works approved by this consent must not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Consent Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
- c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

(6) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.

(7) **Soil erosion and sediment control** – Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing



Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (8) **All weather access** – A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.

No materials, waste or the like are to be stored on the all-weather access at any time.

- (9) **Rubbish generated from the development** – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.

No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.

- (10) **Flood design measures** – Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:

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

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the *FPL*.

(11) **Protection of trees/existing street trees** – Protection of trees to be retained must be in accordance with AS490 'Protection of Trees on Development Sites' and the following:

- a) No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) must be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

(12) **Vegetation Management Plan** - A Vegetation Management Plan (VMP) must be developed for the retained areas of native vegetation, and submitted to Council for approval prior to any clearing works occurring on site.

The VMP must be prepared and implemented by a suitably qualified Environmental Consultant.

The plan should include clear management objectives, a schedule of works and maps in accordance with Port Stephens 'Technical Specification Vegetation' (May 2014), and shall include detailed management measures for the on-going management of habitat for the threatened orchid species *Pterostylis chaetophora* (mapped areas of habitat available from Council on request) including:

- Limiting visitor access.
- Backfilling of existing trenches by manual methods.
- 'Ecologically Sensitive Area' signage.
- Restrictions on maintenance activities (slashing/mowing) i.e. timing, frequency, slashing height.
- Weed and pathogen hygiene protocols.
- Prohibiting the use of heavy machinery or vehicle parking.
- Prohibiting the introduction of fill material or topsoil.

The Vegetation Management Plan must be approved prior to the commencement of works on the site.

4.0 - During Works

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

(1) **Construction hours** – Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-

- Monday to Friday, 7am to 6pm;
- Saturday, 8am to 1pm;

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- No construction work to take place on Sunday or Public Holidays.

All possible steps should be taken to silence construction site equipment.

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

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

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

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

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

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

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

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

- (5) **Finished floor level** – A survey report prepared by a Registered Surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, must be provided to Principal Certifying Authority prior to the development proceeding beyond floor level stage. A Flood Certificate is to be sought from Council to determine the finished floor level of the site.

- (6) **Survey report** – The building must be set out by a Registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans must be provided to the Principal Certifying Authority prior to the pouring of concrete.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (7) **Traffic Management Plan implementation** - All construction traffic management procedures and systems identified in the approved Construction Management Plan must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (8) **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:
- Dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.
- (9) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.
- Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.
- (10) **Location of stockpiles** – Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.
- (11) **Tree protection measures** – All trees to be retained must be protected in accordance with AS4970 'Protection of Trees on Development Sites' for the duration of construction.
- (12) **Tree Removal** - All approved tree removal/ pruning is subject to all works being undertaken by a qualified arborist with a minimum Australian Qualification Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.
- (13) **Vegetation Management Plan** - All works must be undertaken in accordance with the approved Vegetation Management Plan.
- (14) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.
- In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



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

- (15) **Soil, erosion, sediment and water management** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.
- (16) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the nearest property boundary.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the development.
The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
- (2) **Approval to Operate (Waste Treatment)** - An Approval to Operate must be obtained by Council in accordance with the *Local Government Act, 1993* (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.
- (3) **Fire Safety Certificates** - A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
- (4) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
- (5) **Services** – Evidence is to be provided to Council demonstrating that sufficient capacity of the following services are available to the development:
 - a) Electricity;

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- b) Water (including potable water), and;
- c) Gas (where available).

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

- (6) **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.
The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.
- (7) **Rectification damage to public infrastructure** – The applicant must rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.
- (8) **Completion of Roads Act Approval works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.
- (9) **Protection and certification of electrical services** – All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL).
Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority.
- (10) **Flood signage** – A flood marker sign of durable material having minimum dimensions of 600mm x 600mm, is to be installed within a prominent location indicating the expected future 1% Annual Exceedance Probability and Probable Maximum Flood levels, and the date of installation.
The level indicated on the sign shall be certified by a Registered Surveyor. Evidence of such certification shall be submitted to the Certifying Authority.
- (11) **Flood Risk Management Plan** – A Certificate of Compliance prepared by a suitably qualified Flood engineer must be provided to the Principal Certifying Authority stating that all aspects of the Flood Risk Management Plan have been completed and/or implemented in accordance with the approved Plan.
- (12) **Flood Emergency Response Plan** - A Flood Emergency Response Plan (FERP) for the proposed development must be provided to the Principal Certifying Authority. The FERP must include the following as a minimum:

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- a) A map of the proposed evacuation route to a suitable location above the Probable Maximum Flood (*PMF*) that provides adequate shelter from the storm, including the route direction and description and identification of the depth of floodwater along the evacuation route in the 1% Annual Exceedance Probability flood and *PMF* events;
- b) Specific trigger heights linked to the nearest river and tidal gauges used for flood warnings and the specific evacuation route cut-off times linked to the gauge height;
- c) Description of the specific flood inundation at the site and the relevant surrounding area, including flood depths, direction of flow, velocities, hazard and specific relevant vulnerabilities;
- d) Consideration of and strategies for, the needs of the elderly, disabled and vulnerable who may be on site;
- e) A realistic time period for evacuation preparations linked to the trigger heights and evacuation route cut-off times, which includes:
 - Locating important papers, valuables etc., that will be evacuated
 - Locating and stacking possessions that are to be left behind, well above the predicted flood level
 - Dealing with all utilities such as electricity, gas, water, fuel, toilets, showers, wastewater system (including removal fuses) and moving pumps and machinery above the predicted flood level
 - Time to gather, identify and load animals (pets, livestock and other animals), including the possible need for additional assistance in handling your animals in an emergency.
- f) Determining the vehicular needs of the site to appropriately respond to the flood risk;
- g) A strategy for a night time flood emergency; and
- h) A strategy for effective flood risk management when the electricity, internet, telecommunications etc., are unavailable.

Note: Digital elevation data is available from Geosciences Australia, current flood studies are available on Council's website and river gauge/tidal gauge data is available from the Bureau of Meteorology website.

- (13) **Geotechnical Compliance Certificate** – A Certificate of Compliance prepared by a qualified Geotechnical Engineer must be provided to the Principal Certifying Authority stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction.

This certificate must accompany the Works as Executed plans.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (14) **Car parking requirements** – A minimum of 50 car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.
Five additional parking spaces are required for visitors, and must be signposted as “visitor parking”.
- (15) **Waste disposal** – The building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves) at any time.

6.0 – Prior to the Issue of an Approval to Operate (Camping Ground)

The following conditions are to be complied with prior to the issue of an Approval to Operate under Section 68 of the Local Government Act 1993

- (1) **Occupation Certificate required** - An Occupation Certificate for the amenities block and camp kitchen must be obtained prior to any issue of an approval to operate the development.
The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
- (2) **Site Entry** - A BAL/BAR entry in accordance with current Austroads Guides is to be constructed at the proposed new entry to the site.
- (3) **Local Government Regulations** - The camping ground must be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, excluding any objection approved in accordance with Section 82 of the *Local Government Act 1993*.
- (4) **Ecological Assessment** - Construction of the development must comply with the recommendations of *Ecological Assessment Report for Proposed Campground & Eco Tourist Facility at 47 The Bucketts Way Twelve Mile Creek, NSW*, prepared for: Tudor Property Services c/- Perception Planning, by Anderson Ecology and Planning, dated March 2020 (Document reference no. 1950), detailed as follows:
 - Appropriate sediment and erosion controls should be enacted to ensure that the development does not impact on the EEC and Twelve Mile Creek in the western portion of the lot, outside the subject site.
 - Clearing of trees should be undertaken to ensure that trees with hollows or potential to offer nesting or roosting habitat be felled under the instruction of a suitably qualified ecologist/fauna catcher and that soft felling techniques be utilised.
 - Equipment used in the felling of trees should be cleaned thoroughly and disinfected before entering site to prevent weed and disease introduction such as

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



exotic grasses, *Phytophthora cinnamomi* (Root-rot fungus), Frog Chytrid fungus and others.

- A weed management plan should be enacted to ensure that weeds are not introduced to EEC vegetation or creek lines in the western section of the lot.

- (5) **Revegetation planting** - The following plant species must be planted at no cost to Council along the southern boundary of the lot:

Species name	Common name	Pot size	Density
Trees			
<i>Corymbia maculata</i>	Spotted Gum	Tube stock	1 per 6 m ²
<i>Eucalyptus tereticomis</i>	Forest Red Gum		
<i>Eucalyptus fibrosa</i>	Broad-leaved Ironbark		
Shrubs			
<i>Melaleuca decora</i>	White Feather Honey Myrtle	Tube stock	1 per 4 m ²
<i>Melaleuca stypheloides</i>	Prickly-leaved Paperbark		
<i>Callistemon salignus</i>	Willow Bottlebrush		
Groundcover			
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	Tube stock / hiko	1 per 2 m ²

Details demonstrating compliance must be provided to the Certifying Authority.

- (6) **Construction to be in accordance with Acoustic Report** – Certification is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Assessment Report, prepared by RAPT Consulting dated 11 February 2020.
- (7) **Operational Plan of Management** – An Operation Plan of Management for the site is to be drafted and provided to Council outlining proposed management actions in relation to:
- Noise management and abatement
 - Emergency procedures
 - Emergency and after hours contact numbers for visitors and nearby residents
 - Security
 - Antisocial behaviour of visitors
 - Visitor arrival and departure times

7.0 – Ongoing Use

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

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.

- (1) **Manoeuvring of vehicles** – All vehicles must enter and exit the site in a forward direction.
- (2) **Parking areas to be kept clear** – At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
- (3) **Fire Safety Schedule** – At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Commissioner of New South Wales Fire Brigades in accordance with the *Environmental Planning & Assessment Regulations 2000*.
- (4) **Fire Safety Schedule** - At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
 - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.
- (5) **Amenity** – The business must be conducted, and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential premises.
- (6) **Waste water treatment devices** – All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective.

A maintenance schedule must be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control Legislation.
- (7) **Vegetation Management Plan** - Monitoring reports in accordance with the approved Vegetation Management Plan must be prepared and submitted to Council.
- (8) **Maintenance of Plantings** - Commencing from the date of practical completion, a 12-month maintenance establishment period applies. This includes the establishment, care and repair of all plantings.

The date of Practical Completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting.

**Advice Note(s):**

- A. **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables.
- B. **Disability Discrimination Act** – The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act.
- C. **Aboriginal archaeological deposit** – In the event of any aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Biodiversity Conservation Division (BCD) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by BCD to proceed.
- D. **Flood information is subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
- E. **Flood Evacuation Plan** – A flood evacuation plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance must be provided to the Certifying Authority with the Construction Certificate application.
- F. **Signage** – You are advised that any proposed advertising signs that are not shown on the approved plans, or classified as exempt development, are subject to a separate Development Application to Council.
- G. **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant’s agents to prevent any damage to adjoining properties. The applicant or the applicants’ agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.



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Call to Council form

Development Application

DEVELOPMENT APPLICATION (DA) CALL TO COUNCIL REQUEST

We (Mayor/Councillor/s)

Name:	Giacomo Arnott
Name:	John Nell
Name:	Steve Tucker
request that DA number:	16-2019-598-1
for DA description:	Tourism - camping ground
located at:	47 The Bucketts Way Twelve Mile Creek

be reported to Council for determination.

REASON

Public interest

SIGNATURE OF APPLICANT/S

Signature		Date	/ /
Signature		Date	/ /
Signature		Date	/ /

PRIVACY

Port Stephens Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. **Purpose:** The purpose of this form is to enable Council to record the matter raised and taken appropriate action. **Intended recipients:** Council employees, contractors and other third parties where appropriate. **Supply:** Voluntary. **Consequence of Non Provision:** Council may not take action on the matter raised. **Storage and security:** This document will be placed on the relevant file and/or saved in Council's records management system in accordance with Council policy and relevant legislation. **Access:** Please contact Council on 02 4988 0255 to enquire how you can access information.

Cr Paul Le Mottee entered the meeting at 6.40pm.

ITEM NO. 2

FILE NO: 20/145902
EDRMS NO: PSC2019-05430

PORT STEPHENS LOCAL STRATEGIC PLANNING STATEMENT

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions made during the exhibition of the draft Port Stephens Local Strategic Planning Statement (**ATTACHMENT 1**).
 - 2) Adopt the Local Strategic Planning Statement, as amended (**ATTACHMENT 2**) and repeal the Port Stephens Planning Strategy 2011 (**ATTACHMENT 3**).
-

ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION

123	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions made during the exhibition of the draft Port Stephens Local Strategic Planning Statement (ATTACHMENT 1).2) Adopt the Local Strategic Planning Statement, as amended (ATTACHMENT 2) and repeal the Port Stephens Planning Strategy 2011 (ATTACHMENT 3).
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the draft Port Stephens Local Strategic Planning Statement (LSPS) and note the response to submissions provided at **(ATTACHMENT 1)**. The report recommends that Council adopt the LSPS, as amended **(ATTACHMENT 2)** and repeal the Port Stephens Planning Strategy 2011 **(ATTACHMENT 3)**.

The State government requires all councils to adopt an LSPS to provide a 20 year vision and direction for land use planning within their local government area (LGA). On adoption, the LSPS will be published on the NSW Planning Portal.

The LSPS is the strategic document that links the implementation of the actions in the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036 and the land use directions in Council's Community Strategic Plan (CSP).

The LSPS was exhibited from 20 February 2020 to 19 March 2020 and 22 submissions were received. Responses to the issues raised in submissions are provided in **(ATTACHMENT 1)**.

There are proposed amendments to the draft LSPS following exhibition and in response to the submissions received **(ATTACHMENT 2)**. The amendments include an amended vision, a summary of the consultation undertaken, a definition of an 'emerging strategic centre' and an appendix of actions. A map showing a Structure Plan has been amended to include Woodville as a local centre and to show the boundaries of Council's adopted local area strategies (eg: Medowie, Karuah and Anna Bay).

New actions have been included in the LSPS in response to submissions received from State agencies, peak industry bodies and the community:

- Council will collaborate with infrastructure providers such as Hunter Water Corporation to ensure the integrated delivery of infrastructure to support development.
- Council will continue to contribute to the Greater Newcastle Urban Development Program (a State government initiative).
- Council will work with Maitland City Council to coordinate infrastructure and land use planning in areas with connections to the Maitland LGA.

Other post exhibition amendments to the LSPS are specified in the response to submissions table provided at **(ATTACHMENT 1)**, and highlighted in **(ATTACHMENT 2)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The preparation of the LSPS has been managed within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Hunter Regional Plan 2036

The LSPS is consistent with the Hunter Regional Plan 2036 (HRP) and the actions in the HRP to create healthy built environments through good urban design, enhance access to recreational facilities and connect open spaces, and to promote more compact settlements with diverse housing types.

Greater Newcastle Metropolitan Plan

The LSPS is consistent with the Greater Newcastle Metropolitan Plan (GNMP) and the outcomes identified in that plan to enhance the environment, amenity and quality of life, deliver housing close to jobs and services, and to improve connections to services and recreation spaces.

Port Stephens Planning Strategy 2011-2036

The Port Stephens Planning Strategy (PSPS) is Council's overarching land use planning document. The LSPS will replace the PSPS as the overarching land use planning strategy in Port Stephens as per the recommendations of this report.

Port Stephens Local Environmental Plan 2013 and Port Stephens Development Control Plan 2014

The LSPS will inform future amendments to the Port Stephens LEP 2013 and Port Stephens DCP 2014 and other local strategies, plans and policies.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the NSW Department of Planning, Industry and Environment will not endorse the LSPS. Leading to an absence of overarching strategic landuse plan for the LGA.	Medium	Ensure that the LSPS gives effect to the actions and directions in the HRP and GNMP.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The LSPS contains actions that will have positive social, economic and environmental implications. The outcomes aim to support a growing economy and jobs, conserve biodiversity values, facilitate new housing, and to build strong local communities. Actions in the LSPS will support more vibrant local centres, enhanced environmental outcomes, more diverse housing and improved wellbeing for residents.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment section, and Community Development and Engagement unit.

Internal

The LSPS has been prepared in consultation with the relevant sections in the Development Services Group, Facilities and Services Group, and Corporate Services Group.

External

External stakeholders including State agencies, neighbouring councils, industry and community stakeholders have been consulted during the preparation of the LSPS. Council has also undertaken extensive engagement with Department of Planning, Industry and Environment throughout the preparation of the LSPS.

Council staff met with members of the community at drop-in information sessions held at Medowie, Raymond Terrace and Salamander Bay.

The document was exhibited from 20 February 2020 to 19 March 2020 and 22 submissions were received. Due to the impacts of COVID-19, submissions were accepted outside of the exhibition period. Responses to the issues raised in these submissions are provided in **(ATTACHMENT 1)**.

A number of submissions requested specific sites be identified for future development in the LSPS. In accordance with the guidance received from the NSW Department of Planning, Industry and Environment, the LSPS is a high level strategy that does not identify individual sites for future development. It does, however provide a framework for the preparation of local area strategies and future planning proposals and provides transitional provisions for current planning proposals.

OPTIONS

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

ATTACHMENTS

- 1) Summary of submissions. (Provided under separate cover)
- 2) Local Strategic Planning Statement. (Provided under separate cover)
- 3) Port Stephens Planning Strategy 2011. (Provided under separate cover)

COUNCILLORS ROOM

- 1) Copy of submissions.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 14 JULY 2020

Councillor Paul Le Mottee left the meeting at 6:46pm.

ITEM NO. 3

FILE NO: 20/153305
EDRMS NO: PSC2018-02453

PORT STEPHENS LOCAL HOUSING STRATEGY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition of the draft Port Stephens Local Housing Strategy (Live Port Stephens) (**ATTACHMENT 1**).
 - 2) Adopt Live Port Stephens, as amended (**ATTACHMENT 2**) and repeal the Port Stephens Rural Residential Policy (**ATTACHMENT 3**). Adopted on 13 June 2017, Minute No.123.
-

ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION

124	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the exhibition of the draft Port Stephens Local Housing Strategy (Live Port Stephens) (ATTACHMENT 1).2) Adopt Live Port Stephens, as amended (ATTACHMENT 2) and repeal the Port Stephens Rural Residential Policy (ATTACHMENT 3). Adopted on 13 June 2017, Minute No.123.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the Port Stephens Local Housing Strategy (Live Port Stephens) and note the response to submissions as provided at **(ATTACHMENT 1)**.

The report recommends that Council adopt Live Port Stephens, as amended **(ATTACHMENT 2)** and repeal the Port Stephens Rural Residential Policy **(ATTACHMENT 3)**.

The State government requires all Greater Newcastle councils to prepare a local housing strategy in accordance with the Greater Newcastle Metropolitan Plan 2036 (GNMP). The GNMP and Hunter Regional Plan 2036 set out housing directions for Port Stephens Council and Live Port Stephens contains specific actions to meet those directions.

The Regional Australia Institute has published a report on population mobility in regional Australia identifying Port Stephens as a top 3 destination for people moving to regional NSW. The report also shows millennials are increasingly moving to regional areas, including Port Stephens, and 1 in 3 are 'regional returners' moving back to raise families, pursue career opportunities or to take advantage of housing affordability in regional areas. Live Port Stephens responds to these trends by including actions to support housing affordability, offer more diverse housing choices and ensure adequate future housing supply to meet this demand.

Live Port Stephens was exhibited from 20 February 2020 to 19 March 2020 and 32 submissions were received. Responses to the issues raised in submissions are provided in **(ATTACHMENT 1)**.

Following exhibition, Live Port Stephens has been amended to provide further detail on the identification of housing opportunities and how planning proposals for new housing will be assessed **(ATTACHMENT 2)**. A merit based approach will apply to identify and assess new housing opportunities through criteria that includes the strategic work undertaken in Council's existing local area strategies.

There are 2 new actions included which relate to monitoring and review of the strategy and outcomes. An annual report of land supply and dwelling production will be prepared and the rezoning request process will be reviewed to ensure the outcomes and priorities of Live Port Stephens are being achieved. The amendments clarify Council's commitment to ensuring actions are taken to deliver appropriate housing supply.

On adoption of Live Port Stephens, the Port Stephens Rural Residential Policy (the policy) may be repealed. Council adopted the policy and resolved to provide a more integrated approach to housing following a review of the local strategic planning framework. The Port Stephens Local Strategic Planning Statement and Live Port Stephens provides the local planning framework for housing, including rural residential development and incorporates the intent and key aspects of the policy.

Other post exhibition amendments to Live Port Stephens have been made in response to submissions and are detailed in the response submissions table provided at **(ATTACHMENT 1)**, and highlighted in **(ATTACHMENT 2)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The preparation of Live Port Stephens has been managed within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Hunter Regional Plan 2036

Live Port Stephens is consistent with the Hunter Regional Plan 2036 (HRP) including directions to plan for compact settlements, housing diversity, and land use compatibility between residential and agricultural uses.

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP) was adopted by the NSW Government in September 2018 and required all Greater Newcastle Councils to prepare a local housing strategy within two years. Local housing strategies are to be in accordance with the directions of the GNMP which include prioritising infill housing

(i.e re-development of existing urban areas), delivering housing close to jobs, and promoting diverse housing types such as small lot housing and multi-dwelling housing. Local housing strategies that are prepared in accordance with the GNMP will be endorsed by the NSW Department of Planning, Industry and Environment (DPIE). Planning Proposals that are consistent with an endorsed housing strategy are more likely to be given conditional approval by DPIE for rezoning.

Draft Port Stephens Local Strategic Planning Statement

A draft Local Strategic Planning Statement (LSPS) has been prepared concurrent with Live Port Stephens. The LSPS is a new statutory requirement for councils under the Environmental Planning and Assessment Act 1979. All Hunter councils are required to have an LSPS endorsed and adopted. The LSPS is required to set out how council will achieve the land use planning directions in the HRP, GNMP and Council's Community Strategic Plan. Live Port Stephens is consistent with the priorities for housing identified in the draft LSPS.

Port Stephens Planning Strategy 2011-2036

The Port Stephens Planning Strategy (PSPS) is Council's overarching land use document and including providing the direction for future housing. The Local Strategic Planning Statement will replace the PSPS as the overarching land use planning strategy in Port Stephens on adoption.

Port Stephens Local Environmental Plan 2013

Amendments to the Port Stephens Local Environmental Plan 2013 may result from some of the actions identified in Live Port Stephens, including planning proposals to rezone land for residential purposes. On adoption, amendments will be assessed for consistency with Live Port Stephens (and other Council plans and policies) and a new statutory requirement for all planning proposals to address the LSPS will apply.

Port Stephens Development Control Plan 2014

Amendments to the Port Stephens Development Control Plan 2014 may result from some of the actions identified in Live Port Stephens, including amendments to development controls to support priorities to facilitate small lot housing around local centres.

Port Stephens Rural Residential Policy

The policy may be repealed upon the adoption of Live Port Stephens, because Live Port Stephens incorporates the intent and key aspects of the policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that DPIE will not endorse Live Port Stephens. Leading to greater uncertainty in future housing supply.	Medium	Adopt the recommendations of this report.	Yes
There is a risk that Port Stephens may experience insufficient housing supply.	Medium	Adopt the recommendations of this report.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Live Port Stephens contains actions that will overall have positive social, economic and environmental implications. In accordance with the directions for councils in State strategic plans, the outcomes aim to prioritise new housing around existing urban areas and to support strong local communities. The actions seek to facilitate sustainable development that can enhance local character. Live Port Stephens seeks to establish a robust framework for the identification and assessment of future areas for housing growth across the local government area to ensure adequate housing supply. In addition, Live Port Stephens aims to improve housing affordability and to provide homes in locations close to employment centres in Port Stephens and Greater Newcastle. Actions in the strategy will support vibrant local centres and promote social wellbeing for residents.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment section and Community Development and Engagement unit.

Internal

Live Port Stephens has been prepared in consultation with the relevant sections in the Development Services Group, Facilities and Services Group, and Corporate Services Group.

External

External stakeholders including State agencies, neighbouring councils, industry and community stakeholders have been consulted during the preparation of Live Port Stephens. This has included extensive consultation with DPIE, including the review of amended drafts of Live Port Stephens.

Council staff met with members of the community at drop-in information sessions held at Medowie, Raymond Terrace and Salamander Bay.

Council was in receipt of 32 responses to an online survey with participants indicating support for most of the priorities of Live Port Stephens, in particular the priorities to facilitate liveable communities.

The document was exhibited from 20 February 2020 to 19 March 2020 and 32 submissions were received. Due to the impacts of COVID-19, submissions were also accepted outside of the exhibition period. Responses to the issues raised in submissions are provided in **(ATTACHMENT 1)**.

Key issues raised in submissions included requests for further commentary on the future supply of housing, the assessment criteria for new rezoning requests, the State government's infill housing targets, and planning for rural residential housing. Live Port Stephens has been amended to address these matters as set out in the response to submissions table provided at **(ATTACHMENT 1)**, and highlighted in **(ATTACHMENT 3)**.

Of the 32 submissions received, 12 submissions requested specific land to be identified for future housing in Live Port Stephens. Live Port Stephens sets out a merit based approach to identifying and assessing new housing opportunities. Applicants will have their rezoning requests assessed in accordance with the criteria specified in Live Port Stephens.

OPTIONS

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

ATTACHMENTS

- 1) Summary of submissions. (Provided under separate cover)
- 2) Draft Port Stephens Local Housing Strategy - Live Port Stephens. (Provided under separate cover)
- 3) Port Stephens Rural Residential Policy.

COUNCILLORS ROOM

- 1) Copy of unredacted submissions.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2015-00487
TITLE: PORT STEPHENS RURAL RESIDENTIAL POLICY
POLICY OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this Policy is to provide a framework for which Council can use to assess the appropriateness of rural residential development planning proposals in the short term.
- 1.2 This Policy should be read in conjunction with the Port Stephens Rural Residential Assessment Criteria (**APPENDIX 1**) (consistency with the Assessment Criteria constitutes consistency with the Policy).

2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens Council is facing increasing pressure in relation to development and rezoning of rural lands for residential purposes. While existing studies and strategies have been carried out on existing rural lands, Council does not have a specific policy that deals with the social, economic and environmental challenges faced by rural residential land planning.
- 2.2 Rural residential development is one of the many housing types that contribute to the diversity and choice of housing in Port Stephens LGA and the Hunter Region. It does however require special consideration because rural residential development can have environmental, social and economic costs that are significantly higher than those of standard residential development.
- 2.3 The Hunter Regional Plan states it will provide guidance in local land use strategies for expanding rural villages and rural residential development so that such development will:
 - 2.3.1 Not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values.
 - 2.3.2 Not impact on drinking water catchments.
 - 2.3.3 Not result in greater natural hazard risk.
 - 2.3.4 Occur on land that is unlikely to be needed for urban development.
 - 2.3.5 Contribute to the conservation of important biodiversity values or the establishment of important corridor linkages.
 - 2.3.6 Facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.
- 2.4 It is considered that the long term planning around rural villages including appropriate zonings and lot sizes should be undertaken as part of the Port Stephens Planning Strategy review.

Policy

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Policy



2.5 The Policy and Assessment Criteria provides a framework for which Council can assess the appropriateness of rural residential development proposals in the interim of undertaking further work as part of the Port Stephens Planning Strategy review.

3. SCOPE:

3.1 This Policy relates specifically to the following Council functions:

- 3.1.1 Consideration of planning proposals (rezoning requests) in the short term.
- 3.1.2 Inform appropriate land uses in the medium to long term as part of the Port Stephens Planning Strategy review.
- 3.1.3 Provide a policy position to further consult with the State Government to endorse rural residential development.

3.2 This Policy does not provide for additional subdivision and minor amendments to lot sizes, but rather provides a coordinated approach to the consideration of rezoning additional land in the Local Government Area for rural residential development.

4. DEFINITIONS:

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

Rural residential development	Land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture. Rural residential development is defined by a combination of land use zone including R5 Large Lot Residential and E4 Environmental Living and lot sizes between 4000m2 up to 2 hectares.
Planning proposal	A request to amend the Port Stephens Local Environmental Plan 2013 is known as a planning proposal or rezoning requests. This process involves a number of steps that include Council assessment, public and government agency consultation and approval from the NSW Department of Planning and Environment.

5. POLICY STATEMENT:

5.1 The Port Stephens Rural Residential Policy aims are:

- 5.1.1 To provide a criteria for which Council can assess the appropriateness of rural residential development planning proposals in the short term.

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Policy



- 5.1.2 To provide Council and the community with further clarity around the future use and development of rural lands.
- 5.1.3 To identify preferred areas physically suitable for rural settlement which are compatible with surrounding landuses.
- 5.1.4 To ensure future development protects the environmental and cultural values of the area.
- 5.1.5 To ensure that existing prime agricultural land is preserved and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses.
- 5.1.6 To ensure that rural residential development does not hinder the strategic development of urban settlements in the future.
- 5.1.7 To ensure new developments can have access to an appropriate level of community services in a cost effective manner.

6. POLICY RESPONSIBILITIES:

6.1 The Strategic Planning team (policy review and planning proposal assessment).

7. RELATED DOCUMENTS:

- 7.1 Environmental Planning and Assessment Act 1979
- 7.2 State Environmental Planning Policy (Primary Production and Rural Development) 2019
- 7.3 [Hunter Regional Plan 2036](#)
- 7.4 [Port Stephens Planning Strategy 2011](#)
- 7.5 Port Stephens Local Environmental Plan 2013
- 7.6 [Greater Newcastle Metropolitan Plan 2036](#)

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2015-00487	EDRMS record No	19/318492
Audience	General		
Process owner	Strategy and Environment Section		
Author	Strategy and Environment Section Manager		

Policy

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Policy



Review timeframe	Two years	Next review date	13/08/2021
Adoption date	13/06/2017		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	13/06/2017	Strategy and Environment Section Manager	Adopted by Council on 13/06/2017.	123
2.0	13/8/2019	Strategy and Environment Section Manager	Adopted by Council following close of exhibition. Policy reviewed and amended to adopt the new template for Council policies. 1.2 - minor administrative error. 4.1 – minor change in process terminology. 7.2,7.6 - update legislation and other references to current.	185

Policy

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APPENDIX 1 RURAL RESIDENTIAL ASSESSMENT CRITERIA

The following assessment criteria outlines the key constraints that require consideration in the assessment of a planning proposal for rural residential development.

The assessment criteria includes two (2) types of criteria:

1. *Exclusionary Criteria* – where development is not appropriate due to land suitability, and proposals that are inconsistent with this criteria will require extensive justification at Planning Proposal stage;
2. *Management Criteria* - applies to constraints where further site specific assessment is required at planning proposal stage to determine whether rural residential development is appropriate such as, infrastructure requirements, environmental impacts and buffers to adjacent land uses. Such constraints are likely to require accompanying studies to justify the suitability of the planning proposal.

1.0 LAND TO WHERE THE ASSESSMENT CRITERIA APPLIES

- Zoned RU1 – Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living.
- Located a minimum of 800 metres from existing RU5 - Rural Village or R2 Low Density Residential zoned land.
- Any part of the landholding is located within 800 metres of existing R5 Large Lot Residential zoned land at the time this Policy was adopted.

2.0 EXCLUSIONARY CRITERIA

- Located within a Future Urban Growth Areas identified in a Local or Regional Strategic Plan, as they are proposed to be developed for urban purposes including land within (Karuah, Raymond Terrace, Medowie, Mallabula, Anna Bay, Nelson Bay and Fern Bay).
- Within a 2km distance from existing or planned major employment areas.
- Slopes greater than 18 degrees because of slope instability and clearing of vegetation is restricted under State legislation.
- Class 1 and 2 acid sulphate soils because of the high risk of exposing acid soils during dwelling and infrastructure construction.
- Below the flood planning level as defined in the Port Stephens Development Control Plan 2014.
- High environmental value land including coastal wetlands identified under the State Environmental Planning Policy (Coastal Management) 2018 or local wetlands plus a 100 m buffer or any coastal lakes identified under the State Environmental Planning Policy (Coastal Management) 2018.
- Noise exposure areas within an ANEF 25 or greater, in keeping with Australian Standards and Port Stephens Aircraft Noise Policy.
- Identified as Important Agricultural Land as defined by the Biophysical Strategic Agricultural land (BSAL) mapping prepared by the State Government for the purposes of Strategic Regional Land Use Planning.
- Located on known extractive industries, quarrying or mining or within a 500m buffer.
- Identified by the State Government as having known mineral resource potential in accordance with Ministerial Directions issued under the planning legislation.

3.0 MANAGEMENT CRITERIA**Flooding**

- Development that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.
- Development in floodprone areas are to identify minimum lot sizes that provide appropriate stock refuge in the event of flooding.

Bushfire

- Development on areas identified as bush fire prone on Council's Bush Fire Prone Land Map must demonstrate consistency with the planning principles for rezoning including the provision of contour map with Bushfire Attack Level (BAL) applied.

Environmentally Sensitive Land

- Development identified in coastal management areas defined in the State Environmental Planning Policy (Coastal Management) 2018 needs to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development.
- Koala habitat areas and corridors are to be protected in accordance with the Port Stephens Comprehensive Koala Plan of Management.
- Development must not impact on native vegetation, endangered ecological communities, threatened species or habitats.
- Development must contribute to the conservation of important biodiversity values or the establishment of important biodiversity corridor linkages.

Aircraft Noise

- Development must include a provision to ensure that development meets AS 2021-2015 regarding interior noise levels in areas where the ANEF is between 20 and 25.

Non-Aboriginal Cultural heritage

- Development near items identified within the PSLEP 2013 need to consider the impact on heritage values, including the setting of the items and any archaeological remains.

Aboriginal Cultural heritage

- Any development should undertake an initial assessment of the likelihood of Aboriginal cultural heritage values including:
 - a search of the Aboriginal Heritage Information Management System (AHIMS);
 - Determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects;
 - Site inspections; and
 - Consultation with the Aboriginal community.

Drinking Water Catchments

- Development within a drinking water catchment must be able to be connected to reticulated sewer and able to demonstrate NorBE 'neutral and beneficial effect' in accordance with Hunter Water requirements.

Rural Land Resources

- Development is a minimum 1km buffer from existing agricultural industries (e.g. Poultry farms, aquaculture) measured from property boundary to property boundary. Development proposed within the 1km buffer is required to provide expert reports to establish appropriate setbacks. These reports may relate to but not be limited to noise, odour, visual amenity and biosecurity risks.
- Development must not impact on strategic or important energy, mineral or extractive resource viability.

Scenic Amenity

- A visual impact assessment is required for land within a high or very high landscape area as defined in the Rural Land Study.
- Development fronting road corridors to identify appropriate buffer zone to prevent clearing and protect scenic qualities.

Infrastructure and Services

- Development must be accessed via sealed roads.
- Development must not result in the creation of direct access to a state road.
- Local infrastructure contributions must not require a level of infrastructure greater than the nexus of apportionment and/or are equivalent to \$20,000 per lot, or less.
- Development must not create additional demand for unplanned state infrastructure upgrades.
- Development must be able to be connected to reticulated power supply.
- Development requiring on-site sewage disposal must be carried out in accordance with Councils Development Assessment Framework (DAF) for the management of on-site sewage management, which includes a performance standards and recommendations about appropriate areas.

Councillor Paul Le Mottee returned to the meeting at 6:51pm.

ITEM NO. 4

FILE NO: 20/166971
EDRMS NO: PSC2005-1069-744

RESTART PORT STEPHENS PLAN

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER DEVELOPMENT SERVICES

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Acknowledge the resilience of the Port Stephens community and businesses during the COVID-19 pandemic and reaffirm its continued commitment to working together with our community as we continue to rebuild.
- 2) Note the progress of a range of Council led initiatives in response to the COVID-19 pandemic as detailed in draft Restart Port Stephens Plan **(ATTACHMENT 1)**.
- 3) Endorse the draft Restart Port Stephens Plan **(ATTACHMENT 1)** to guide an integrated approach to continuing to work with the community, businesses and key stakeholders.
- 4) Endorse the assessment process for the 2020/2021 Community Support Fund Program **(ATTACHMENT 2)** including:
 - a. Establish an assessment panel consisting of the Mayor, 1 Councillor from each ward, and Council staff.
 - b. Nominate a Councillor from each ward for the assessment panel.

ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION

125	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Acknowledge the resilience of the Port Stephens community and businesses during the COVID-19 pandemic and reaffirm its continued commitment to working together with our community as we continue to rebuild.2) Note the progress of a range of Council led initiatives in response to the COVID-19 pandemic as detailed in draft Restart Port Stephens Plan (ATTACHMENT 1).
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MINUTES ORDINARY COUNCIL - 14 JULY 2020

	<ol style="list-style-type: none">3) Endorse the draft Restart Port Stephens Plan (ATTACHMENT 1) to guide an integrated approach to continuing to work with the community, businesses and key stakeholders.4) Endorse the assessment process for the 2020/2021 Community Support Fund Program (ATTACHMENT 2) including:<ol style="list-style-type: none">a. Establish an assessment panel consisting of the Mayor, 1 Councillor from each ward, and Council staff.b. Nominate Councillors Ken Jordan, Sarah Smith and Glen Dunkley for the assessment panel.
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The motion was carried.

ORDINARY COUNCIL MEETING - 14 JULY 2020 AMENDMENT

	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council:</p> <ol style="list-style-type: none">1) Acknowledge the resilience of the Port Stephens community and businesses during the COVID-19 pandemic and reaffirm its continued commitment to working together with our community as we continue to rebuild.2) Note the progress of a range of Council led initiatives in response to the COVID-19 pandemic as detailed in draft Restart Port Stephens Plan (ATTACHMENT 1).3) Endorse the draft Restart Port Stephens Plan (ATTACHMENT 1) to guide an integrated approach to continuing to work with the community, businesses and key stakeholders.4) Endorse the assessment process for the 2020/2021 Community Support Fund Program (ATTACHMENT 2) including:<ol style="list-style-type: none">a. Establish an assessment panel consisting of the Mayor, 1 Councillor from each ward, and Council staff.b. Nominate CouncillorS Ken Jordan, Sarah Smith and Cr Glen Dunkley for the assessment panel.5) Allocate \$25,000 from the restart program to fund the Rates Assistance Program outlined in the Debt Recovery & Hardship Policy, for the 2020-2021 financial year.
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The amendment was lost.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Acknowledge the resilience of the Port Stephens community and businesses during the COVID-19 pandemic and reaffirm its continued commitment to working together with our community as we continue to rebuild.2) Note the progress of a range of Council led initiatives in response to the COVID-19 pandemic as detailed in draft Restart Port Stephens Plan (ATTACHMENT 1).3) Endorse the draft Restart Port Stephens Plan (ATTACHMENT 1) to guide an integrated approach to continuing to work with the community, businesses and key stakeholders.4) Endorse the assessment process for the 2020/2021 Community Support Fund Program (ATTACHMENT 2) including:<ol style="list-style-type: none">a. Establish an assessment panel consisting of the Mayor, 1 Councillor from each ward, and Council staff.b. Nominate Councillors Paul Le Mottee, Sarah Smith and Cr Glen Dunkley for the assessment panel.
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The amendment was lapsed without a seconder.

BACKGROUND

The purpose of this report is present Council with the draft Restart Port Stephens Plan (the Plan) (**ATTACHMENT 1**) and seek endorsement for the assessment process supporting the Community Support Fund Program (**ATTACHMENT 2**).

Council resolved at the Ordinary Council meeting held on 14 April 2020, Minute Number 044 (**ATTACHMENT 3**) to prepare a Community Recovery Plan for future Council consideration in relation to the COVID-19 pandemic.

The Plan (**ATTACHMENT 1**) provides a coordinated framework to support the wellbeing of the community and address the social and economic impacts of the COVID-19 pandemic. The plan aims to create an environment that allows economic growth, strengthened social connections and injects vibrancy back in to our local communities.

Central to the Plan has been the documentation of a number of actions into 2 broad phases:

- Response phase: documentation of the actions undertaken by Council in response to the unfolding COVID-19 pandemic including specific actions required in response to public health orders, resolutions of Council (including the Mayoral Minute dated 14 April 2020 (**ATTACHMENT 2**)) and other service related initiatives implemented across the organisation. In effect, this aspect of the Plan forms a report card on the implementation, completion and / or continuation of relevant actions.
- Restart phase: defining actions for ongoing implementation to address the largely social and economic impacts of the COVID-19 pandemic on the community. Central amongst these are further works on business and tourism support, working with community and sporting groups, community grants, planning acceleration, community advocacy and infrastructure delivery.

A central aspect of the Plan is the direct investment of over \$800,000 from Council into business support, events attraction, and community and business grants to assist those most impacted by COVID-19 as well as support emerging opportunities for restarting our economy. Council partners including Destination Port Stephens and its industry members, and Destination NSW, will directly invest approximately \$300,000 in a comprehensive destination marketing campaign 'Port Stephens – Incredible by Nature' launched on 24 June 2020. Taken together this equates to well over \$1 million direct investment of Council and our partners into the actions under the Plan.

In addition to this direct investment, a range of actions under the Plan will result in significant indirect positive contribution to the Port Stephens economy and to address social isolation and disconnect experienced by our communities through key actions such as:

- Realigning Council's largest capital works program to enhance social connection, recreation and town centre renewal (eg Smart Parking Nelson Bay, town centre improvements, shared spaces grant opportunities, enhancing our pathways program).
- Being one of the initial 10 Councils in NSW to participate in the Council Accelerated Assessment Program with the Department of Planning, Industry and Environment which provides the opportunity to further enhance our planning processes to continue to facilitate over \$250 million (2019-2020 figures) in capital investment in development across the LGA.
- Realigning our community advocacy program to continue seek commitment from all levels of Government for the funding of significant infrastructure across the LGA including enhanced airport operations, major road works, realisation of planned urban release areas, smart city projects, foreshore, pathway and sports and recreational infrastructure projects.

In addition to the direction set by Council for Council's response to COVID-19 from the Mayoral Minute of 14 April 2020 (**ATTACHMENT 3**), the development of the Plan has been informed by a range of impact assessments including:

- Social Impact Assessment: numbers accessing services, housing stress and emergency relief.
- Economic indicators: unemployment rates, business statistics, vacancy rates in town centres.
- Tourism indicators: including business surveys.
- ABS data: Remplan.
- Community Engagement: survey capturing local insights including over 1500 community responses identifying key impacts, opportunities and priorities for action post the COVID-19 pandemic.

The actions under the plan will be implemented over the 2020/2021 financial year.

2020/2021 Funding Program

A key initiative of this plan is a restructure of existing grant and sponsorship funding for 2020/2021 in response to Council's resolution of 14 April 2020 (**ATTACHMENT 3**) being:

f. Grants Program:

- i. Realign Port Stephens Council grants program to fund programs that support individuals and organisations through the COVID-19 crisis. This would be to support those suffering and support initiatives to restart Port Stephens.
- ii. Note that Council's grants program, including Ward and Mayoral funds, is \$300,000 per annum.

Existing grant program budgets will be supplemented by funding from the existing Economic Development and Tourism budget and the Business and Tourism Support Fund to deliver new initiatives that support Council's resolution.

The realigned grants program was launched in early July 2020 and will consist of the following grant programs.

1. The Community Support Fund: delivering grant funding support to not for profits for resources or initiatives that address the needs of the community, modify their work and help them recover from COVID-19 impacts. The funding will be delivered across 2 funding rounds (July 2020 and February 2021). The assessment process (**ATTACHMENT 2**) includes final assessment by a panel of Councillors (1 representative from each ward), the Mayor and 2 Council staff.
2. My Incredible Place Micro Grants: A quick response funding source for small projects across Port Stephens with applications open all year round. Funding will be assessed in line with the Corporate Events Sponsorship Policy.

3. Vibrant Spaces Fund: This fund is designed to support Port Stephens business and residents in delivering projects which improve the way we feel about our public spaces, increase the quality of our public spaces and create new experiences. Funding will be assessed in line with the Corporate Events Sponsorship Policy.
4. Better Places Better Spaces Strategic Project Fund: This funding stream will allow Council to increase the delivery of place making projects across Port Stephens. These projects will be aligned to Councils strategic priorities.

Additional event sponsorship and attraction initiatives will be delivered separately through the Business and Tourism Support program established under the Plan in response to Council’s resolution of 14 April 2020 (**ATTACHMENT 3**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.
Strong, economy, vibrant local, businesses, active, investment	Support sustainable business development in Port Stephens.

FINANCIAL/RESOURCE IMPLICATIONS

The funding programs will be managed jointly by the Community Development and Engagement team and Economic Development and Tourism team. No additional funding sources are required to deliver the Plan.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		From recurrent grant and Economic Development and Tourism budgets.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes		Business and Tourism Support Fund.

LEGAL, POLICY AND RISK IMPLICATIONS

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

Funding is also distributed in accordance with the Corporate Events Sponsorship Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the distribution of grant funds is not seen as being equitable resulting in legal challenge and reputational damage.	Low	The funding approval process is guided by a rigorous assessment process and scoring matrix.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will result in improved social and economic outcomes for the Port Stephens community through opportunities to generate social reconnection and business growth and employment. This aligns with Council's resolution of 14 April 2020 (**ATTACHMENT 3**) and the objectives of the Plan.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications section.

Consultation has been taken with the key stakeholders to ensure budget requirements are met and approach is in line with best practice in delivering funding to community.

Internal

- General Managers Office
- Senior Leadership Team

External

- Port Stephens Local Emergency Management Committee.
- Port Stephens community: survey capturing local insights including over 1500 community responses identifying key impacts, opportunities and priorities for action post the COVID-19 pandemic.
- Surrounding councils delivering similar grant funding programs.

OPTIONS

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

ATTACHMENTS

- 1) Draft Restart Port Stephens Plan.
- 2) Community Support Fund Assessment Process.
- 3) Mayoral Minute No. 044, 14 April 2020.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

restart

PORT STEPHENS

Restart Port Stephens Plan
COVID-19 pandemic



Introduction

The impacts of the COVID -19 pandemic present an unprecedented challenge for Port Stephens Council both in the immediate future and for many years to come.

As a first line of contact within the community, Council has a unique opportunity to lead the Port Stephens community during this time. In the response phase we have adapted our service delivery, whilst maintaining essential services to the community. Through the restart phase, Council will look to ways to best support the rebuilding of socially and economically impacted areas of our community.

Restart Port Stephens provides a coordinated framework to manage the short and long term impacts of the COVID-19 pandemic and map the response of Council. This will be achieved by understanding the local impacts, coordinating priorities across the LGA, collaborating with other stakeholders, communicating clearly and adopting a community led approach.

This plan sets the vision, objectives and details initiatives we have undertaken during the response and planned for during the phased restart. It is a living document that is updated as the local situation evolves.

It is envisaged the actions will be implemented over the 2020-2021 financial year, subject to ongoing monitoring and review.



Purpose

Support the wellbeing of our community through a measured response to address the economic and social impacts of the COVID-19 pandemic to drive the immediate and long term rebuilding of Port Stephens.

Pandemic Impacts Assessments

The aim of Impact Assessments is to identify economic, social, infrastructure and environmental impacts on communities. They provide the data to inform prioritisation of physical and financial resources needed for initiatives within the plan.



Social impact Assessment: numbers accessing services, housing stress, Emergency relief



Economic indicators: Unemployment rate, business statistics, vacancy rates in town



Tourism indicators



ABS data: Remplan



Community Engagement: survey capturing local insights



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Recovery Governance and Partnerships

Restart Port Stephens requires a whole of organisation approach to ensuring the best outcomes for business and communities across the LGA. We will also work closely with our government, business and community stakeholders to get the right information and align with the bigger picture.

Responsibility	Role	Response Phase	Restart Phase
Project Control Group	Provide advice and develop Restart Port Stephens	Weekly meetings to develop plan	Monthly meetings to review implementation
Executive Team	Endorse Restart Port Stephens Plan	Weekly communications via ET	Monthly review of Delivery Plan
Mayor and Councillors	Endorse Restart Port Stephens Plan	Endorse Plan	Support delivery of plan Monitor Implementation
Emergency Management Coordinator	Communicate with Local Emergency Management Committee (LEMC)	Weekly meetings to develop plan	LEMC committee meetings
Senior Leadership Team	Review operational and financial priorities Control delivery of Restart Port Stephens Action Plan	Advice and recommendations via Business Continuity Team	Review Plan as part of monthly SLT meetings 6 monthly major reviews
Business Units / Coordinators	Implement Restart Port Stephens Action Plan	Provide input into delivery plan	Deliver initiative
Local Emergency Management Committee	Provide advice and alignment with other local agency response	Provide advice	Provide advice
Destination Port Stephens	Provide data and information relating to impacts on tourism industry	Fortnightly communications with PSC	Fortnightly communications with PSC



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Responsibility

Role

Response Phase

Restart Phase

**Economic Development
Advisory Panel**

Provide data and information relating to economic impacts

Quarterly meetings with
PSC

Quarterly meetings with
PSC



Principles

Council will focus on the following principles which will guide the success of the Plan.

Community and Partnership Focus

Initiatives will be driven by community needs and led with our partners, stakeholders and community members, engaging local people and business affected by the event.

Leadership and Coordination

Community is supported by effective management structures and processes to enable the coordination of recovery efforts by relevant council business units, the community and other stakeholders, including response agencies.

Informed Decision Making

Actions are clearly stated and based on the best available information, data and identified community needs. The local context and experience is varied and complex.

Communication

Community is supported by clear, timely and reliable two way communication with the community and stakeholders.

Capacity building

Financial and human resources within Council are directed to drive identified actions, support the community to lead the rebuilding. Individuals and communities have inbuilt strengths, resources and assets which we will actively engage.



Priorities

Involving and consulting with our community in the planning process ensures we understand our complex community needs, unique impacts and their vision for the future. This process can also work to rebuild lost community connection and build resilience in future emergencies. A total of 1581 responses have been received on five key questions (up to June 2020).

Top Reported impacts

1. Interruption to routines like sport, clubs etc. (59%)
2. Sense of disconnection (49%)
3. General feeling of uncertainty or anxiety (36%)
4. Confusion around accurate information (24%)
5. Loss of income (18%)
6. Feelings loneliness and isolation (17%)

782 respondents said they had seen positive impacts like; more time, quality family time, community spirit and quieter places.

Top priorities:

1. Improve open spaces, park, pathways and community facilities
2. Support local business through programs and funding
3. Focus on funding for big infrastructure projects
4. Support community providers to help vulnerable groups
5. Fund community led projects through grants

Top Issues facing Port Stephens (open comments)

1. Tourism Sector recovery and impacts
2. Bringing tourists back – fear of virus spread and attraction
3. Supporting business - particularly hospitality and small business
4. Getting back to 'new normal' safely – including health challenges
5. Job loss and unemployment
6. Social behaviour – respecting social distancing



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Our Priorities

Priorities	Outcomes
Support community members most impacted and vulnerable	Community wellbeing supported Needs of vulnerable groups are addressed Community has ownership to rebuild
Reduce risk to public health	Spread of virus is limited in accordance with health guidance
Provide leadership and advocate for our community	The community is aware of Councils role in emergency management Council represents the community's interests to other levels of government
Support and identify emerging economic opportunities	Business have access to support Diverse economic activity is supported
Provide opportunities for the community to be connected and access timely information	Community aware of the management process Community has social networks to support them Improved resilience to cope with future disasters
Attract visitors and increase visitor spend	Visitor numbers return
Make business recovery and growth easier	Local business networks grow and adapt
Support place based programs to activate our town centres and public spaces	Local centres recover Community feels safe and secure to return to public spaces



Approach

Phase	Indicators
<p>Phase One: Immediate Response Actions characterised as being responsive to State and Federal Government led response to pandemic</p> <ul style="list-style-type: none"> Retaining strong communications Facility closures Collaboration with stakeholders 	<ul style="list-style-type: none"> Community fear and uncertainty Restrictions on social and mass gatherings Restrictions on all travel Requirements to work from home where possible Government requirement to stay at home Schools closed Large majority of business closed
<p>Phase Two: Restart Initiatives characterised as being data led, responsive to changing restrictions as well as focus on longer term planning. Phased lifting of restrictions.</p> <ul style="list-style-type: none"> Programs to maintain social connection, Easing immediate financial pressure Rebuild and reconnect our affected community and activate our town centres. 	<ul style="list-style-type: none"> Gatherings with social distancing requirements Intrastate travel allowed. Reopening of business and community facilities (phased) Ongoing restrictions on mass gatherings, with phased allowance of events International travel restrictions remain with plans for potential easing Community wellbeing improving Business hardship still apparent



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Restart Port Stephens Action Plan

Initiatives	Partnerships	Council Role	Response	Restart
Support community members most impacted and vulnerable				
Coordinate the community sector support, partnership projects and social impact assessment	Department Communities and Justice (DCJ)	Coordinate/ Deliver	✓	✓
Provide an easy to use online platform for individuals and businesses to register financial hardship claims on rates, licences, fees and leases	Business, tenants, community	Deliver	✓	✓
Realign and deliver grants program to fund programs that support individuals and organisations through the COVID-19 crisis.	Business, community	Deliver		✓
Work with housing support service to provide temporary housing for vulnerable residents	Housing providers DCJ	Coordinate	✓	
Consider recovery projects to receive funding through Mayor and Ward funds.	Councillors	Deliver	✓	✓
Deliver Community Connections – Seniors Social Inclusion program (grant funded)	Community sector, community, DCJ	Deliver/ coordinate		✓
Investigate the provision of 1 additional free kerbside pickup for Green Waste	Community	Deliver	✓	



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Initiatives	Partnerships	Council Role	Response	Restart
Reduce Risk to Public Health				
Remove public access from relevant Council facilities such as Administration Building, Visitor Information Centre and Libraries	NSW Department of Health	Coordinate	✓	
Close all parks, beaches and recreational facilities until health restrictions are lifted	NSW Department of Health	Coordinate	✓	
Close boat ramps during peak holiday periods to reduce non-essential travel	NSW Department of Health	Deliver	✓	
Close holiday parks to all non-essential travel until health restrictions are lifted	NSW Department of Health	Deliver	✓	
Phase opening of public facilities in accordance with public health orders	NSW Department of Health Federal Government	Deliver		✓
Modify Community engagement program to adapt to government restrictions and ensure access and participation.	Residents	Delivery	✓	✓
Supply, install and service soap dispensers in 13 targeted amenities	Residents	Delivery	✓	



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Initiatives	Partnerships	Council Role	Response	Restart
Provide leadership and advocate for our community				
Develop and deliver the Port Stephens 2020/2021 Advocacy Priorities in consultation with key stakeholders	NSW Government agencies Federal Government Agencies	Deliver & Advocate		✓
Write to the NSW Premier and Minister for Planning regarding the Planning Acceleration Program Advocate for a range of improvements to the planning system for local development	Department of Planning, Industry and Environment (DPIE)	Advocate	✓	
Write to NSW Tourism Minister, the NSW Deputy Premier, the NSW Premier and the Member for Port Stephens to advocate for the implementation of a travel voucher (Love NSW Travel Voucher) of \$150+ per adult to apply to regional, rural and metropolitan accommodation in NSW	NSW Government Member for Port Stephens	Advocate	✓	
Identify and support emerging economic opportunities				
Reduce payment terms to ensure faster receipt of invoices for local business	Suppliers	Deliver	✓	
Work with local employment agencies to align programs with gaps in local business	Business	Coordinate	✓	



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Initiatives	Partnerships	Council Role	Response	Restart
Support the NSW Governments work in the development of a Special Activation Precinct in Williamtown	NSW Government	Advocate Deliver	✓	✓
Provide information for state and federal support programs via website, newsletters and social media	Community service sector	Coordinate	✓	✓
Provide opportunities for the community to be connected and access information				
Develop and deliver a Pandemic Communications Plan	NSW Department of Health	Deliver	✓	✓
Deliver the Port Stephens kindness project	Community service sector	Delivery	✓	✓
Volunteer support and redeployment program	Volunteers	Delivery	✓	✓
Implement online and outreach library programs	Library networks	Delivery	✓	✓
Attract visitors and increase visitor spend				
Support the Port Stephens Visitor Economy Start House	The Business Centre	Delivery	✓	✓
Boost destination marketing campaigns in Sydney, Regional NSW and Melbourne to drive domestic visitation	Destination NSW (DNSW) Destination Port Stephens (DPS)	Delivery		✓



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Initiatives	Partnerships	Council Role	Response	Restart
Attract more people to our town centres through place activation programs	Business & Residents	Delivery		✓
Increase funding to attract and support events	Event providers	Delivery		✓
Support the development of a local, place based community event in Port Stephens	Business & Residents	Coordinate		✓
Attract Business Events to Port Stephens	DNSW, DPS	Coordinate		✓
Develop a Holiday Parks Marketing Plan (post COVID-19)	DPS	Deliver	✓	✓
Develop a strategy to recover international visitation to Port Stephens	DPS Tourism Australia	Advocate		✓
Develop an event attraction campaign	DNSW	Deliver	✓	✓
Support local business				
Allocate resources to the Small Business Support Service	Tomaree Business Chamber, DPS	Deliver	✓	
Support the delivery of education and training programs for business across Port Stephens including resilience training, event marketing and digital marketing workshops	Business	Deliver	✓	✓



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Initiatives	Partnerships	Council Role	Response	Restart
Add an extra 10% weighting towards local businesses through Council's procurement process until 30 June 2021	Business	Deliver	✓	✓
Commit to pay local Port Stephens supplier invoices within 7 days	Business	Deliver	✓	✓
Expand the Port Stephens shop local campaign	Business	Coordinate		✓
Drive awareness of investment opportunities in Port Stephens	NSW Government	Deliver		✓
Extend the planning acceleration program to Port Stephens through the Council Accelerated Assessment Program.	Department Planning, Industry and Environment	Deliver		✓
Support place based programs to activate our town centres and public spaces				
Deliver Better Space Better Place funding program	Business and residents	Delivery/ Coordinate		✓
Realign infrastructure delivery to enhance social connection, recreation and town centre renewal (Eg. Smart parking Nelson Bay, Shared spaces grants, pathways program)	Residents	Deliver		✓



ITEM 4 - ATTACHMENT 1 DRAFT RESTART PORT STEPHENS PLAN.

Initiatives	Partnerships	Council Role	Response	Restart
<p>Support sporting groups by actively seeking:</p> <ol style="list-style-type: none"> 1. Clarification and dispersing the sport related requirements of the Federal and State Governments 2. Working with other local Council's to ensure a consistent approach to return to sport requirements across the Hunter region 3. Streamline the return to training and return to competition requirements to allow for community sport to recommence in accordance with public health guidelines 	Residents and sporting groups	Coordinate	✓	✓



Community Support Fund Assessment Process – July 2020

1	<p>Grant Open</p> <p><i>Before applying, applicants encouraged to talk to officer</i></p>
2	<p>Application Received</p> <ul style="list-style-type: none"> • Officer to follow up phone call to applicant – further detail or project opportunity • Input into applicant matrix – tracking eligibility and history • Officer to seek advice/input (where relevant) from strategic committees
3	<p>Panel Review</p> <ul style="list-style-type: none"> • Panel to consist of 3 Councillors, Mayor and 2 selected staff • Panel independently reviews and scores • Panel meets and conducts final review and agreement
4	<p>Council Report</p> <ul style="list-style-type: none"> • Summary table of applications • Fast tracked as per financial assistance process
5	<p>Funds distributed</p> <ul style="list-style-type: none"> • Project partner assigned • Project Delivery • Celebration/launch of project (invite to Councillors) • Project promotion
6	<p>Project delivered</p>
7	<p>Project Acquitted</p>

Port Stephens Council Community Support Fund Assessment Process July 2020

MINUTES ORDINARY COUNCIL - 14 APRIL 2020**MAYORAL MINUTE**

ITEM NO. 1

FILE NO: 20/84124
EDRMS NO: PSC2015-01024**COVID-19 PORT STEPHENS RECOVERY RESPONSE****THAT COUNCIL:**

- 1) Support and endorse the following:
 - a. Acknowledge the profound affect the COVID-19 is having and will continue to have on the Port Stephens Community.
 - b. Commit to unwavering support of the Port Stephens Community through the response, recovering and restart of the Port Stephens community and economy.
 - c. Local procurement:
 - i. An extra 10% weighting towards local businesses through Council's procurement process until 30 June 2021.
 - ii. A commitment to pay local Port Stephens supplier invoices within 7 days.
 - d. Financial hardship:
 - i. Provide an easy to use online platform for individuals and businesses to register their intent to claim financial hardship on rates, licences, fees and leases.
 - ii. Provide a 12 month interest free period for outstanding rates in Q4 2020 and Q1 2021 where hardship arrangements have been claimed with no debt recovery during this period.
 - e. Kerbside pickup:
 - i. Investigate the provision of 1 additional free kerbside pickup for green waste, between 14 April 2020 to 30 June 2021.
 - f. Grants program:
 - i. Realign Port Stephens Council grants program to fund programs that support individuals and organisations through the COVID-19 crisis. This would be to support those suffering and support initiatives to restart Port Stephens.
 - ii. Note that Council's grants program, including Ward and Mayoral funds, is \$300,000 per annum.
 - g. Business and tourism support package:
 - i. Reaffirm Council's commitment of up to \$500,000 for business support, marketing and events package.
 - h. Library services:
 - i. Investigate the expansion of E-Library services through our partners at Newcastle Library.
 - ii. Not charge library late fees until 30 June 2021.

MINUTES ORDINARY COUNCIL - 14 APRIL 2020

- i. Community services:
 - i. The annual rent for the Tomaree Neighbourhood Centre Inc. of \$11,300 be waived for 12 months, to be funded by Library Services operations.
- j. Community commitments:
 - i. Reaffirm support for the 24/7 deliveries for supermarkets & essential suppliers across Port Stephens.
 - ii. Support the introduction of dedicated public car parking spaces at Port Stephens pharmacies and medical facilities.
 - iii. Support the easing of restrictions to allow cafes and restaurants to trade now through take away and delivery only.
 - iv. Reaffirm support for the closures of public spaces across Port Stephens to slow the spread of COVID-19.
- k. Holiday Parks:
 - i. Investigate the use of our holiday parks (ensuite cabins) as a facility to temporarily house the most vulnerable in our community during the COVID-19 crisis. This would be whilst the State Government has directed them to be closed for non-essential purposes.
 - ii. Acknowledge the NSW Health Department advice that holiday travel is not essential travel and must not be undertaken.
- l. Boat Ramps:
 - i. Investigate, with Emergency Services, the opening of public boat ramps to Port Stephens residents only from 27 April 2020.
- m. Community Response Plan:
 - i. Request the General Manager to prepare a Community Recovery plan for future Council consideration.
- n. PS 2020 Projects:
 - i. That the following PS 2020 projects be identified for deferral or reduction to assist Council's financial position during the COVID-19 crisis:

Nelson Bay Event Signage	\$20,000 project deferred
Shoal Bay Drainage, Amenities and Pathway	\$150,000 from budget
Tomaree Sports Complex	\$250,000 from budget
Anna Bay Town Centre	\$170,000 from budget
Medowie Town Centre	\$150,000 from budget
Avenue of the Allies	\$100,000 from budget
Raymond Terrace Town Centre Improvements	\$250,000 from budget
Fern Bay Shared Pathway	\$170,000 from budget
Total	\$1,260,000

MINUTES ORDINARY COUNCIL - 14 APRIL 2020**ORDINARY COUNCIL MEETING - 14 APRIL 2020
MOTION**

044	<p>Mayor Ryan Palmer Councillor Glen Dunkley</p> <p>It was resolved that Council support and endorse the following:</p> <ul style="list-style-type: none">a. Acknowledge the profound affect the COVID-19 is having and will continue to have on the Port Stephens Community.b. Commit to unwavering support of the Port Stephens Community through the response, recovering and restart of the Port Stephens community and economy.c. Local procurement:<ul style="list-style-type: none">i. An extra 10% weighting towards local businesses through Council's procurement process until 30 June 2021.ii. A commitment to pay local Port Stephens supplier invoices within 7 days.d. Financial hardship:<ul style="list-style-type: none">i. Provide an easy to use online platform for individuals and businesses to register their intent to claim financial hardship on rates, licences, fees and leases.ii. Provide a 12 month interest free period for outstanding rates in Q4 2020 and Q1 2021 where hardship arrangements have been claimed with no debt recovery during this period.e. Kerbside pickup:<ul style="list-style-type: none">i. Investigate the provision of 1 additional free kerbside pickup for green waste, between 14 April 2020 to 30 June 2021.f. Grants program:<ul style="list-style-type: none">i. Realign Port Stephens Council grants program to fund programs that support individuals and organisations through the COVID-19 crisis. This would be to support those suffering and support initiatives to restart Port Stephens.ii. Note that Council's grants program, including Ward and Mayoral funds, is \$300,000 per annum.g. Business and tourism support package:<ul style="list-style-type: none">i. Reaffirm Council's commitment of up to \$500,000 for business support, marketing and events package.h. Library services:<ul style="list-style-type: none">i. Investigate the expansion of E-Library services through our partners at Newcastle Library.ii. Not charge library late fees until 30 June 2021.i. Community services:
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MINUTES ORDINARY COUNCIL - 14 APRIL 2020

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The motion was carried.

MINUTES ORDINARY COUNCIL - 14 APRIL 2020**ORDINARY COUNCIL MEETING - 14 APRIL 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott</p> <p>That Council reaffirm Council's commitment to the PS2020 Projects, acknowledging our promises to the community that these projects would be undertaken, and acknowledging the fact that construction work is one of the best ways to stimulate an economy, keep people in jobs, and allow families to put food on the table, and that it would be an absolute disgrace for Council to pull this funding when the community and local economy need it the most.</p>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 14 APRIL 2020
AMENDMENT**

	<p>Councillor Giacomo Arnott Mayor Ryan Palmer</p> <p>That Council support and endorse the following:</p> <ul style="list-style-type: none">a. Acknowledge the profound affect the COVID-19 is having and will continue to have on the Port Stephens Community.b. Commit to unwavering support of the Port Stephens Community through the response, recovering and restart of the Port Stephens community and economy.c. Local procurement:<ul style="list-style-type: none">i. An extra 10% weighting towards local businesses through Council's procurement process until 30 June 2021.ii. A commitment to pay local Port Stephens supplier invoices within 7 days.d. Financial hardship:<ul style="list-style-type: none">i. Provide an easy to use online platform for individuals and businesses to register their intent to claim financial hardship on rates, licences, fees and leases.ii. Provide a 12 month interest free period for outstanding rates in Q4 2020 and Q1 2021 where hardship arrangements have been claimed with no debt recovery during this period.e. Kerbside pickup:<ul style="list-style-type: none">i. Investigate the provision of 1 additional free kerbside pickup for green waste, between 14 April 2020 to 30 June 2021.
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MINUTES ORDINARY COUNCIL - 14 APRIL 2020

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MINUTES ORDINARY COUNCIL - 14 APRIL 2020

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	Total	\$1,260,000
	o. Council will allow one volunteer at a time to enter the Ngioka Centre, in order to maintain and tend to numerous plants and systems in place.	

The amendment was lost.

BACKGROUND

To date, Council has continued its operations to ensure as little disruption to community services as possible, while ensuring the health and wellbeing of employees and members of the public.

The community and our employees are being provided with regular updates on the emerging COVID-19 situation, as well as key messaging surrounding personal hygiene, social distancing and leave arrangements available to staff should they or Council be directly impacted by the pandemic.

Council staff are maintaining regular contact with NSW Health representatives to ensure a consistent approach and that the requests of NSW Health and Emergency Services are being met. In an emergency management context, Council has provided copies of our emergency management plan and provided details of Council facilities that could be used if required by the Department of Health. The Local Emergency Management Committee has been holding regular meetings and is prepared to respond as directed.

Council's internal Business Continuity Pandemic Response Team has been convened and is meeting regularly to ensure business continuity across the organisation. This team has revised its emergency pandemic response plan for each section of Council to ensure a consistent approach across all of Council's services. Section managers and coordinators have implemented arrangements to enable those staff with the capacity to undertake meaningful work from home, to do so.

MINUTES ORDINARY COUNCIL - 14 APRIL 2020

Council will continue to implement reasonable and pragmatic approaches to compliance for selected matters as they arise throughout this time. This includes adherence to NSW Government directives and changing legislation to enable truck deliveries to supply shops and retailers with essential goods at all times to support communities.

The following specific information is provided to assist Council deliberation on the Mayoral minute:

c. Local procurement

- i. Council's current policy provides for a local preference price differential of the annual rate peg factor, currently 2.6%, in favour of Port Stephens based suppliers. This can be extended to 12.6% for the duration of the crisis with a sunset clause of 30 June 2021.
- ii. All local suppliers are currently paid on a 7 term payment term and this will continue to be Council's practice.

d. Financial hardship

- i. Access to financial hardship forms and assistance is now available on-line and will be communicated widely through the on-line platform.
- ii. Council's current Debt Recovery and Hardship Policy provides for interest to be written off where financial hardship has been granted – the policy will continue to be applied as required.

e. Kerbside pickup

- i. The provision of 1 additional free green waste collection will be further investigated.
- ii. That the cost of the subsidy would be funded from the Waste Management Fund.

f. Grants program

- i. Council's current normal grant program will be reviewed to ensure that it aligns to providing support to individuals and organisations coming out of the current COVID-19 crisis. This will commence in the new 2020/2021 financial year.

g. Business and tourism support package

- i. The extent and timing of the provision of a business support package is continuing to be fine-tuned as the COVID-19 crisis unfolds and will be considered within available cash flow forecasts.

h. Library services

- i. E-library expansion will be further investigated and costed.
- ii. Council has currently extended the book return time and it is considered appropriate to provide a moratorium on imposing late fees until June 2021.

i. Community services

- i. The annual rental for the Tomaree Neighbourhood and Community Centre is approximately \$11,300.

MINUTES ORDINARY COUNCIL - 14 APRIL 2020

- ii. Rental from tenants helps to fund the operations of the library service.

- k. Holiday Parks
 - i. Further investigation into the alternate use of the Holiday Park accommodation or a version of social housing will be made and a further report presented to Council.

- l. Boat Ramps
 - i. There has been significant feedback from fisherman on the continued use of Council's boat ramps for recreational purposes. This has been balanced with the need to deter visitors to the region for non-essential purposes. A review following the school holiday period can be undertaken.

- m. Community Response Plan
 - i. A community response plan is being prepared that undertakes a COVID-19 pandemic social impact assessment which informs Council's immediate response and long term rebuilding approach to community wellbeing. This plan will be reported to Council in due course for endorsement.

- n. PS 2020 Projects
 - i. Re-scoping the identified reduced PS 2020 projects will be undertaken.

ATTACHMENTS

Nil.

Councillor John Nell left the meeting at 7:19pm.

ITEM NO. 5

**FILE NO: 20/172414
EDRMS NO: PSC2014-01768**

COMMUNITY ENGAGEMENT STRATEGY AMENDMENT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Community Engagement Strategy provided at **(ATTACHMENT 1)**.
 - 2) Place the revised Community Engagement Strategy **(ATTACHMENT 1)** on public exhibition for a period of 28 days and should no submissions be received, the strategy be adopted without a further report to Council.
-

Councillor John Nell returned to the meeting at 7:21pm.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

126	<p>Councillor Sarah Smith Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Community Engagement Strategy provided at (ATTACHMENT 1).2) Place the revised Community Engagement Strategy (ATTACHMENT 1) on public exhibition for a period of 28 days and should no submissions be received, the strategy be adopted without a further report to Council.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council endorsement to place the proposed amendments to the revised Community Engagement Strategy (the Strategy) **(ATTACHMENT 1)** on public exhibition.

The amendments aim to align with the recently adopted amendments to the public exhibition provisions of the Environmental Planning and Assessment Act 1979 (the Act). The amendments that were made in late April 2020 (and which had immediate effect) changed the requirement to advertise certain planning matters from newspapers to Council's website or the NSW Planning Portal.

The adopted Strategy includes 2 distinct sections, being Section 1 – 'Our Community Engagement Approach' and Section 2 – 'Community Participation Plan'. The proposed amendments are only applicable to Section 2 – 'Community Participation Plan' (CPP) that outlines how and when Council, as a planning authority, engages with the community across its planning functions.

Changes have been made to the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) which, amongst other things, amended the advertising requirements for certain planning matters to require advertising on Council's website or the NSW Planning Portal as opposed to the local newspaper.

The changes applied to development control plans, contributions plans, local and state significant development applications, Designated Development and Nominated Integrated Development.

As a result of the changes to the EP&A Regulations, the Council's CPP requires updating to ensure consistency. The CPP currently requires certain local development to be advertised in the local newspaper. The revised CPP amends this to require advertising to occur on Council's Website in line with the changes in regulations.

The centralisation of all advertised planning matters onto Council's website provides a single place for the public to view matters on exhibition and enables links to more detailed information associated with those matters. In addition, it provides a cost saving for the applicant as the advertising fees can be reduced.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Communication and Engagement	Provide a voice for the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Adopting the recommendations will ensure compliance with the Environment and Planning Assessment Act 1979 - Division 2.6.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Environment and Planning Assessment Act 1979 if it does not have a Community Participation Plan reflective of relevant legislation.	Low	Adopt the recommendations.	Yes
There is a risk that Council may be exposed to reputational damage if Council does not have a clear and comprehensive approach to community engagement that aligns with Environment and Planning Assessment Regulations 2000 requirements.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

To ensure a high level of engagement, Council will continue to provide hardcopies of the public notices at the Raymond Terrace and Salamander Bay Libraries. Council also provides a service that mails a copy of notices to residents registered with Council.

The proposed changes will result in savings to applicants due to reduced advertising fees.

CONSULTATION

Consultation with key stakeholders has been undertaken. The objective of the consultation was to ensure all professional advice has been factored into the final revised document prior to reporting to Council.

Internal

Key internal stakeholders involved in preparing the revised Community Engagement Strategy including all sections in the Development Services Group.

External

In accordance with legislation the revised Community Engagement Strategy will go on public exhibition for 28 days. In the event Council receives submissions during the public exhibition period, final amendments will be made to the Strategy, with a further report to Council.

OPTIONS

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

ATTACHMENTS

- 1) Revised Community Engagement Strategy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Engaging with our community

Community Engagement Strategy



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1 Port Stephens Council

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

About this strategy

The Community Engagement Strategy reflects Port Stephens Council's commitment to involving our community in effective engagement that actively shapes and influences the future of the Port Stephens area.

This Strategy will support us in undertaking quality engagement to ensure our community are informed and we understand what matters most to our community now and into the future.

This Strategy is divided into two distinct parts:

Section 1: Our community engagement approach and principles across a range of Council functions. This section is required under section 402 of the Local Government Act 1993: The council must establish and implement a strategy (its community engagement strategy), based on social justice principles, for engagement with the local community when developing the community strategic plan.

Section 2: Community participation plan. This section is a new requirement under the Environmental Planning and Assessment Act 1979 (EP&A Act). These changes now provide a single document where the community can access all of Council's community participation requirements under the planning legislation, including all minimum mandatory requirements. It sets out how and when we will engage the community across our planning functions under the EP&A Act.

Delivering a best practice approach to engagement means:

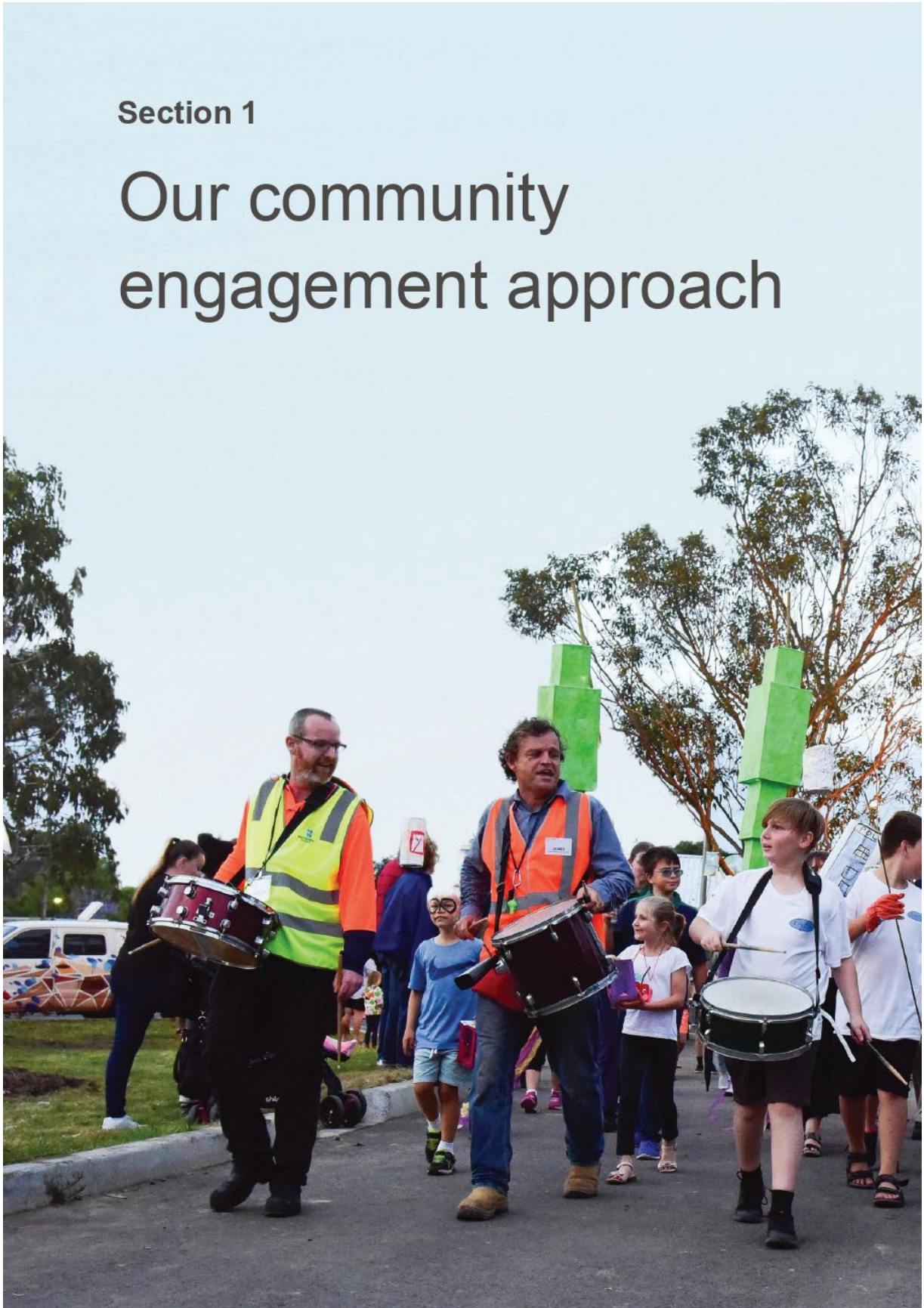
- ensuring our community has better access to and understanding of information
- increased participation, allowing for a range of voices to be heard
- stronger community connections and trust.

Why do we need to engage?

- efficient and effective spending and resource allocation
- identification of solutions for complex problems
- social cohesion and reduced conflict
- reduction of unplanned risks
- improved services that meet community needs
- strengthened governance and accountability

Section 1

Our community engagement approach



ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

Our community engagement approach

Engaging with the community is one of the guiding principles for councils under section 8A of the Local Government Act 1993 and is an important part of local democracy.

Our core principles for engagement

Relationships and respect

What this means

- We act with transparency and honesty in a way that values strong relationships and builds trust with our community and stakeholders.
- Good engagement helps us to identify shared values, benefits and outcomes.
- We will close the loop with our community and report back on the engagement process.

How do we do this

- We will say what we are doing, maintain ongoing partnerships and deliver regular updates to our stakeholders and community.
- We cultivate a culture of information sharing to ensure information is accurate and informed.
- We respect people's time and will listen to our community.
- We will accurately define the community's role in the decision making process.

Inclusive and enabling

What this means

- We believe good decisions are grounded in information and input from many sources.
- We will allow for a range of voices to be heard, not just those who are loud, angry or powerful.

How do we do this

- We will actively seek to ensure a range of views are represented.
- We engage appropriately and in a variety of formats to address barriers to participation.
- We will make our information easy to understand, consistent and timely.

Transparency and the right to participation

What this means

- Community input and feedback is recognised as enhancing the quality of our decision making processes.
- The community has the right to access information, be consulted and actively participate in planning and decision making that affects them.

How do we do this

- We make decisions in an open and transparent way. Information is timely, clear and relevant.
- We work towards consistent standards and report back on decisions made.
- We build our community's capacity to contribute through education and empowerment practices.

Continuous Improvement

What this means

- Engagement is a rapidly changing field. We recognise the need to adapt to ensure more effective engagement outcomes.

How do we do this

- New and innovative solutions will be sought to better listen to and communicate with our community.
- We will evaluate the work we do to improve our practice.
- We will use technology to ensure better access and more opportunity to engage.

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

How we engage

Community engagement model

Engagement is led by both the organisation and the community. The type of engagement is dependent on the nature of the relationships, activities and goals.





Source: International Association of Public Participation

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

International Association of Public Participation Spectrum (IAP2 Spectrum)

The IAP2 Spectrum is an internationally regarded tool to select the level of participation in any community engagement program. The Spectrum shows that differing levels of participation are required depending on the goals, time frames, resources and levels of concern in the decision to be made.

Increasing the level of public impact 
Level of community influence over decisions 

Inform	Consult	Involve	Collaborate	Empower
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making and/or developed budgets in the hands of the public.
We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into decisions to the maximum extent possible.	We will implement what you decide.

Figure 1: IAP2 Public Participation Spectrum. Source: International Association of Public Participation.

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

What this looks like at Port Stephens Council

Engagement design

Engagement can take many forms and there is no one size fits all approach. In some cases we are guided by legislation. In other cases we seek informed feedback on a particular plan, policy or project. Each project's level of engagement will be determined by assessing:

- objectives, scope and context of the project (including legislative requirements)
- level of impact including risk and complexity
- level of interest and influence on decisions to be made
- level of resources available including time and budget.

Key elements of engagement design:



Community engagement plans are tailored to the needs of each project. Our approach reflects the social justice principles of equity, access and participation. At all levels of engagement, our objective is to ensure our community can easily access balanced, timely and accurate information on our projects and programs.

Table 1 provides a snapshot of the types of activities and projects undertaken in the framework. The framework is not limited to the example projects and engagement techniques contained in the table.

Refer to Section 2 of this document for statutory decision making obligations and timeframes under the EP&A Act.

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

Table 1

IAP 2 Level	Description	Engagement techniques examples	Project type examples
Inform	<ul style="list-style-type: none"> share balanced information to increase awareness and understanding one way process can clarify level of impact and help build relationships 	<ul style="list-style-type: none"> advertising newsletters fact sheets displays media website 	<ul style="list-style-type: none"> maintenance, renewal of capital works changes to local activity policy updates
Consult	<ul style="list-style-type: none"> community views and feedback are sought we will listen and acknowledge your concerns 	<ul style="list-style-type: none"> focus groups workshops surveys polls one-on-one meetings public exhibition and hearings plus Inform activities 	<p>Key social planning and strategic documents, for example:</p> <ul style="list-style-type: none"> youth strategy plans of management public domain plans masterplans new policies with broad impact
Involve	<ul style="list-style-type: none"> work with the community throughout the process to ensure your priorities and aspirations are reflected in the decision 	<ul style="list-style-type: none"> advisory committees workshops world cafes community visioning workshops town centre implementation panels plus inform and consult activities 	<ul style="list-style-type: none"> Community Strategic Plan and Operational Plan <p>Other examples:</p> <ul style="list-style-type: none"> placemaking projects early development infrastructure and capital works projects like playgrounds and recreation facilities
Collaborating	<ul style="list-style-type: none"> actively working with community to ensure their aspirations and priorities strongly influence the outcome shared responsibility for decision making 	<ul style="list-style-type: none"> community reference group design workshops advisory committees plus Inform and Consult activities 	<ul style="list-style-type: none"> S355 Advisory Committees
Empowering	<ul style="list-style-type: none"> decision making is in the hands of the community particularly useful in engaging under represented or marginalised groups 	<ul style="list-style-type: none"> project teams 	<ul style="list-style-type: none"> community development programs

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

Inclusive engagement

We know there are some groups in our community that are harder to reach and less likely to participate in engagement activities. Council is committed to using inclusive methods and settings to make it easy for all of our community to participate. Some of these harder to reach groups identified in Port Stephens are:

- Aboriginal and Torres Strait Islander
- people with a disability
- young people
- young families / primary carers

Barriers such as language, physical ability, digital comprehension, lack of time and social isolation are considered in engagement planning.

Key strategies for inclusive engagement:

- adaptation of methods
- make it fun
- go to where the people are and targeted outreach
- make it as easy as possible for people — choose appropriate locations and accessible venues
- provide incentives

Section 2

Community participation plan



ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

Community participation plan

It is a statutory requirement for councils in New South Wales to prepare a Community Participation Plan that sets out how and when it will undertake community participation when exercising relevant planning functions under the EP&A Act.

How is community participation carried out

The Community Participation Plan specifies requirements including notification and public exhibition. This can include:

- Giving written notice to neighbours, individual landowners or occupiers;
- Advertising in a local newspaper notice
- Advertising on Councils website; and
- Making documents publicly available online.

Other methods may be used for notification and exhibition on a case by case basis and depending on statutory requirements.

If the exhibition period is due to close on a weekend or public holiday we may extend the exhibition to finish on the first available work day. In accordance with the planning legislation, the period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

Plans or applications cannot be made or determined until after the minimum period of public exhibition. If a longer timeframe is placed on public exhibition, the matter cannot be determined until after the specified period.

Making a submission

The community can participate during public exhibition by making a submission. The planning legislation sets out some requirements for submissions. In addition to these requirements, when making a submission to Council, the submission should be:

- Received on or before the last day of the nominated timeframe for exhibition;
- Made in writing (through the mail, email or hand delivered to Council);
- Contain the name and address (or email address) of the person making the submission;
- Include the application number for reference (for development applications) or the name of the exhibited planning matter; and
- Include a statement of objection or support and reasons.

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

Community participation requirements

Under the EP&A Act, the following minimum community participation requirements apply to local planning functions:

Table 2

Mandatory timeframes	Minimum community participation requirement
Division 1 — Schedule 1 to the EP&A Act	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subjects to a gateway determination	28 days or as specified by the Gateway Determination
Draft development control plans	28 days
Draft contributions plans	28 days
Division 2 — Schedule 1 to the EP&A Act	
Development Application for designated development	28 days
Environmental Impact Statement obtained under Division 5.1 (An Environmental Impact Statement prepared for certain development such as state significant development.)	28 days
Re-exhibition of any amended application or matter referred to above	The period (if any) determined by the person or body responsible for publicly exhibiting the application or matter.

Exhibition timeframes are measured in calendar days and include weekends.

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

Development applications

Table 3 outlines Council’s minimum notification requirements for development applications. Where there is an inconsistency between the notification requirements of this Community Participation Plan and legislative requirements, the legislative requirements will prevail.

Table 3 Community Participation Categories (Refer to Appendix A for details)

Exhibition types	
Type	Requirements
A	Not Notified Development. Council may at its discretion decide to notify any of this type of development that may significantly impact on the amenity of adjoining land owners.
B	Advertised Development , written notification in accordance with 'type B' requirements and an advertisement published in the local newspaper advertisement published on Councils website. Development Application (DA) information published on DA Tracker At Council’s discretion, additional advertisements may be placed in newspapers and/or through such other mechanisms as may be appropriate to ensure that the public is reasonably aware of the proposal. Council may also at its discretion decide not to advertise development.
Not included in Table 1	Notified Development. A 14 day notification period will apply for development types not included in Appendix A. Written notification will be sent to all owners of land directly adjoining or opposite the development site. Additional owners and occupiers may be notified at the discretion of Council staff. Council may at its discretion decide not to notify development where impacts on adjoining land owners are considered minor in nature.

Modification Applications

The need or otherwise to notify an application to modify a development consent will be undertaken in accordance with the requirements of the Act and Regulations or at the discretion of Council in consideration of the nature of the modifications proposed.

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.

Appendix A — Exhibition periods

Development category	Exhibition types	
	A	B
Rural Development		
Agriculture		
Farm buildings		
Forestry		
Residential Accommodation		
Dwelling — single storey		
Residential ancillary (sheds, pools, etc.)		
Rural worker’s dwellings		
Secondary dwellings		
Subdivision (all types of subdivision)		
Strata Subdivision		
More than ten Torrens or Community title lots		
Tourist and visitor accommodation		
Caravan parks / Camping grounds		
Commercial development		
Home business / occupation		
Entertainment facilities		
Function centres		
Sex services premises / Home occupation (sex services)		
Restricted premises		
Community and entertainment facilities		
Places of public worship		
Recreation facility (major)		
Industrial Development		
General industry		
Industrial retail outlets		
Industrial training facilities		
Light industry		
Storage premises		
Warehouse or distribution centres		
Freight transport facilities		
Miscellaneous		
Boatshed		
Environmental Facilities / Environmental Protection works		
Moorings / Mooring Pens		
Signage — other than advertising structures		
Extractive industries / open cut mines		
Electricity generating works		
Air transport facility		
Airstrip		
Cemetery / crematorium / mortuaries		
Correction centre		
Helipad		
Marinas		
Passenger transport facilities		
Port facilities		

ITEM 5 - ATTACHMENT 1 REVISED COMMUNITY ENGAGEMENT STRATEGY.



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A row of four small social media icons: LinkedIn, Facebook, Twitter, and YouTube.

ITEM NO. 6

**FILE NO: 20/164726
EDRMS NO: PSC2020-00816**

ADDITIONAL ITEMS FOR 2020/2021 FEES AND CHARGES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the additional items for the 2020 to 2021 Fees and Charges schedule **(ATTACHMENT 1)**.
- 2) Place the additional items for the 2020 to 2021 Fees and Charges schedule on public exhibition for a period of 28 days, and should no submissions be received, the additional items be adopted as outlined without a further report to Council.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

127	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the additional items for the 2020 to 2021 Fees and Charges schedule (ATTACHMENT 1).2) Place the additional items for the 2020 to 2021 Fees and Charges schedule on public exhibition for a period of 28 days, and should no submissions be received, the additional items be adopted as outlined without a further report to Council.
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Councillor Ken Jordan left the meeting at 7:26pm.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of necessary additions to the 2020 to 2021 Fees and Charges schedule as a result of new legislation and new services to be offered.

The New South Wales Government is introducing annual permits for non-desexed cats as well as dangerous and restricted dogs. This program is part of the government's commitment to promoting responsible pet ownership and improving animal welfare. From 1 July 2020, owners of cats and/or dogs as described above will be required to pay the annual permit in addition to their one-off lifetime pet registration fee. The 2 fees are:

Non-desexed cat

Annual permit \$80.00

Dangerous/restricted dog breed

Annual permit \$195.00

Annual permits for non-desexed cats will create a stronger incentive to desex cats, which will in turn improve their health and wellbeing, including reducing the risk of some cancers. Improving de-sexing rates will also lower demand on pounds and shelters, reduce euthanasia rates, and help to address concerns about feral, stray, and roaming cats and their effect on wildlife. The Government has also made a one-off \$10 reduction to the lifetime cat registration fee to encourage higher registration rates and adoption of cats from pounds and shelters.

Annual permits for dangerous and restricted dogs will improve community safety by helping to reduce ownership of high-risk dogs and encouraging owners to better manage the behaviour of their animal.

To avoid the annual permit fee, pet owners can:

- a) desex your cat by four months of age, or request an exemption from your vet*
- b) choose not to purchase or adopt a dangerous or restricted breed dog
- c) ensure that their dog's behaviour is corrected and managed to avoid being declared dangerous
- d) join a recognised cat breeding body (if they are a breeder).

*cats that cannot be desexed, either temporarily or permanently, are exempt from paying an annual permit. A certificate from your vet is required to qualify for this exemption.

In addition to the annual permit fees for non-desexed cats and dangerous or restricted dogs, the annual pass fees to the Koala Sanctuary have now been determined and are as follows:

Koala Sanctuary Annual Pass

Adult 14+ \$80.00

Child 4 to 13yrs \$45.00

MINUTES ORDINARY COUNCIL - 14 JULY 2020

Koala Sanctuary Single Day Entry

Adult 14+	\$20.00
Child 4 to 13yrs	\$11.00
Concession 60+	\$14.00

Koala Sanctuary Single Day Entry – Family

2 Adults + 2 children 4 to 13yrs \$60.00

Access Community Land application

User fees for the parks and reserves is \$342.00.
A bond of \$1083.00 is payable.

Graffiti wipes

A packet of graffiti wipes is \$8.15.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

Council is subject to no negative financial implications as a result of these additions to the 2020 to 2021 Fees and Charges schedule.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is a legal risk in that failing to adopt these fees will render Council unable to charge for them as part of the 2020 to 2021 Fees and Charges schedule.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not adopt the legislated permit fees for non-desexed cats and dangerous dog, nor the Koala Sanctuary entry fees, that Council will not be able to charge for these items.	Medium	That Council adopt the legislated permit fees for non-desexed cats and dangerous dog, as well as the Koala Sanctuary entry fees.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are positive social, economic and environmental implications resulting from the implementation of these fees. Firstly, a reduction in dangerous dogs has a positive social implication as it should lead to decrease in dog attacks throughout the community.

The economic implications are positive for Council cash flow, which has been impacted by the COVID-19 pandemic. Thirdly, a reduction in cats breeding will have positive environmental effects as it will mean less roaming, which will protect native and vulnerable wildlife.

CONSULTATION

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

Internal

- Environmental Health and Compliance Coordinator.
- Holiday Parks Section Manager.

External

In accordance with local government legislation the additional items for the 2020 to 2021 Fees and Charges schedule will go on public exhibition for a period of 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Additional items - 2020 to 2021 Fees and Charges Schedule.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 ADDITIONAL ITEMS - 2020 TO 2021 FEES AND CHARGES SCHEDULE.

Additional items for inclusion in the 2020/2021 Fees and Charges schedule

Fee Name	Fee Description	Clarification	GST \$	Fee Amount Incl. GST	Fee Unit	Pricing Policy
Annual permit – non-desexed cats	Fee for non-desexed cats		\$0.00	\$80.00	Per year	Statutory pricing
Annual permit – dangerous / restricted dogs	Fee for dangerous and/or restricted dogs		\$0.00	\$195.00	Per year	Statutory pricing
Koala Sanctuary Annual Pass – Adult 14+	Fee for entry into Koala Sanctuary	Fee for multiple visits over a one year period	\$0.00	\$80.00	Per year	Full cost pricing
Koala Sanctuary Annual Pass – Child 4 – 13 years	Fee for entry into Koala Sanctuary	Fee for multiple visits over a one year period	\$0.00	\$45.00	Per year	Full cost pricing
Koala Sanctuary Single Pass – Adult 14+	Fee for entry into Koala Sanctuary	Fee for one visit in one day	\$0.00	\$20.00	Per day	Full cost pricing
Koala Sanctuary Single Pass – Concession 60+	Fee for entry into Koala Sanctuary	Fee for one visit in one day	\$0.00	\$14.00	Per day	Full cost pricing
Koala Sanctuary Single Pass – Child 4 – 13 years	Fee for entry into Koala Sanctuary	Fee for one visit in one day	\$0.00	\$11.00	Per day	Full cost pricing
Koala Sanctuary Single Pass – Family	Fee for entry into Koala Sanctuary	Fee for one visit in one day for one family (2 adults + 2 children 4 – 13 years)	\$0.00	\$60.00	Per day	Full cost pricing
Access Community Land application	Fee for Council-owned land. Bond \$1,083.00 and user fee \$342.00.	Fee to access Council-owned land for casual short term use	\$0.00	\$342.00 (with \$1,083.00 bond payable)	Per use	Full cost pricing
Graffiti wipes	Fee for packet of wipes		\$0.00	\$8.15	Per pack	Full cost pricing

MINUTES ORDINARY COUNCIL - 14 JULY 2020

Councillor Ken Jordan returned to the meeting at 7:27pm.

ORDINARY COUNCIL MEETING - 14 JULY 2020 MOTION

128	Councillor Chris Doohan Councillor John Nell It was resolved that Council adopt items 7, 8, 10 and 11 as a single resolution.
------------	---

The motion was carried.

ITEM NO. 7

FILE NO: 20/141167
EDRMS NO: PSC2013-00406

POLICY REVIEW: PARKING ENFORCEMENT POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Parking Enforcement Policy dated 14 August 2018, Minute No. 245 (**ATTACHMENT 1**).

ORDINARY COUNCIL MEETING - 14 JULY 2020 MOTION

129	Councillor Chris Doohan Councillor John Nell It was resolved that Council revoke the Parking Enforcement Policy dated 14 August 2018, Minute No. 245 (ATTACHMENT 1).
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The motion was carried.

BACKGROUND

The purpose of this report is to seek Council endorsement to revoke the Parking Enforcement Policy ('the policy') (**ATTACHMENT 1**).

MINUTES ORDINARY COUNCIL - 14 JULY 2020

The last iteration of the policy was reviewed and adopted by Council on 14 August 2018, Minute No. 245.

The policy was developed to provide context and guidance to Council on its approach to parking enforcement having regard to the Road Rules 2014 and Local Government Act 1993. The policy also included an associated guideline which was revoked in the previous review in 2018. The guideline was a quick reference tool for compliance staff for more commonly encountered scenarios and was not deemed necessary to include as part of the policy. The guideline is still currently used as an internal guidance document for staff.

The review of the policy identified that the outcomes of the policy can be adequately achieved using Council's Compliance Policy and Council's internal parking guideline document.

The provisions of the Compliance Policy require Council officers to act fairly, logically and consistently, across all compliance matters including parking enforcement. As such, revoking the Parking Enforcement Policy will not impact the intent of the Compliance Policy in relation to parking enforcement.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications anticipated as a result of revoking the policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal or policy implications as a result of the proposed recommendations.

Council will continue to utilise the provisions of the Road Rules 2014 and the Local Government Act 1993 to manage parking enforcement in the LGA. The legislative requirements and Council's obligations are reflected within Council's Compliance Policy as well as within internal processes.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that parking enforcement will not be clear or consistent in the absence of a specific policy leading to an inconsistent approach to parking enforcement.	Low	Continue to be guided in our approach by Road Rules, Local Government Act and Compliance Policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no expected social, economic or environmental implications as a result of revoking the policy.

CONSULTATION

Consultation with other stakeholders including Strategic Planning, Traffic and Assets has been undertaken by the Ranger Services team with no objections or concerns received.

OPTIONS

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

ATTACHMENTS

- 1) Parking Enforcement Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 **PARKING ENFORCEMENT POLICY.**

Policy



FILE NO: **PSC2013-00406**
TITLE: **PARKING ENFORCEMENT POLICY**
POLICY OWNER: **SECTION MANAGER DEVELOPMENT ASSESSMENT AND COMPLIANCE**

1. PURPOSE:

- 1.1 The purpose of this Policy is to outline Council's general approach to the regulation, promotion and enforcement of legal parking arrangements in the Port Stephens Local Government Area (LGA).
- 1.2 The community benefits from safe and fair parking enforcement, with the most important objective of Council being to preserve the safety of pedestrians and drivers.
- 1.3 Council is the primary regulatory authority responsible for parking enforcement in the LGA and has a duty of care to reasonably enforce available legislation in order to maintain pedestrian and driver safety, promote commerce through turnover of parking spaces and to enable equitable access to parking for special groups of motorists.

2. CONTEXT/BACKGROUND:

- 2.1 This Policy provides guidance for the application of parking regulations in the Port Stephens LGA. It has been prepared after consultation with key staff and through analysis of the policies of other Councils.
- 2.2 The enforcement of this Policy cannot modify, exceed or fall short of the intent of current legislative standards. The Policy has been prepared to outline the parking enforcement functions of Council, guided by the relevant legislation and working in conjunction with Council's existing Compliance Policy.
- 2.3 Council's parking enforcement function has economic impacts for Council, the general public and local business. Individual businesses benefit from enforcement which stimulates turnover of parking spaces and access to central business districts. It is therefore important that Council apply parking legislation consistently and fairly.

3. SCOPE:

- 3.1 This Policy provides guidance on Council's responsibilities and judgement around parking compliance. The Policy's primary objectives are to protect public safety and stimulate the local business economy by turning over time limited parking spaces.

Policy

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Policy



3.2 The Policy applies at all times throughout the year to any member of the public parking in a public place, and the requirement for them to abide by the relevant parking signage and legislation. The Policy also applies to any member of the public parking in a public place in time limited car parks and parking lots of private property that are managed by Council. The Policy does not seek to regulate parking on private property where an agreement with Council is not in place to manage parking.

4. DEFINITIONS:

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

Discretion Discretion relates to a Council officers consideration in deciding whether to take enforcement action or not, or what extent of action to take.

5. POLICY STATEMENT:

5.1 Port Stephens Council carries out its parking enforcement responsibilities to encourage safe parking practices and the provision of fair and equitable access to parking facilities for all Port Stephens residents and visitors. Council will:

- 5.1.1 Provide equitable parking arrangements that stimulate the local business economy by turning over time limited parking spaces, allowing for greater visitation in areas of high demand;
 - 5.1.2 Ensure compliance with the Road Rules 2014, other relevant legislation and regulations;
 - 5.1.3 Improve vehicular and pedestrian access for residents, workers, shoppers and visitors to Port Stephens LGA; and
 - 5.1.4 Investigate and act on complaints in a timely and respectful manner.
- 5.2 Exercise discretion in dealing with action, requests or complaints about unlawful parking in accordance with Councils Compliance Policy.
- 5.3 Carry out education campaigns and increase awareness within the community about the need for parking enforcement so the community understand the importance of these regulations.

6. POLICY RESPONSIBILITIES:

- 6.1 The Policy is implemented by the Section Manager Development Assessment and Compliance.
- 6.2 The Team Leader Ranger Services is responsible for the day to day operational delivery of parking enforcement services with the Council's Ranger Services team.

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Policy



7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993
- 7.2 Road Transport Act 2013
- 7.3 Road Rules 2014 (NSW)
- 7.4 Roads Act 1993
- 7.5 Port Stephens Council Compliance Policy

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2013-00406	RM8 record No	18/233049
Audience	Councillors, general public and Council staff		
Process owner	Manager Development Assessment and Compliance		
Author	Coordinator Environmental Health and Compliance		
Review timeframe	Two years	Next review date	July 2020
Adoption date	14 August 2018		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	July 2018	Coordinator Environmental Health and Compliance	Reviewed the Policy, included numbering to each paragraph. Substantial re-write of the Policy which necessitates the existing Policy and associated Guideline dated 8 April 2014 (Minute No. 079) to be revoked. Intent of existing Policy remains unchanged.	245

Policy

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ITEM NO. 8

**FILE NO: 20/165810
EDRMS NO: PSC2013-00406**

POLICY REVIEW: MEDIA LIAISON POLICY

REPORT OF: STEVEN BERNASCONI - COMMUNICATIONS SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Media Liaison Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Media Liaison 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 Media Liaison Policy dated 27 February 2018, Minute No. 033, should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

130	<p>Councillor Chris Doohan Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Media Liaison Policy shown at (ATTACHMENT 1).2) Place the revised Media Liaison 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 Media Liaison Policy dated 27 February 2018, Minute No. 033, should no submissions be received.
------------	--

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement to place the revised Media Liaison Policy (the policy) on public exhibition following a review.

Port Stephens Council is committed to keeping its local and wider community well informed about its activities. Council informs and consults effectively with its community via both owned and earned media channels.

Council balances communication with its community through the use of owned and earned media, which both encompass digital, broadcast and printed mediums. To achieve better outcomes via earned media channels, Council aims to establish and maintain cooperative working relationships with media representatives.

The purpose of the policy is to encourage community understanding and informed judgement about Council’s actions and decisions by:

- Establishing and maintaining a cooperative working relationship between Council and the media.
- Establishing consistent methods for managing communications between Council and the media to ensure accurate, timely, balanced and reliable information reaches the community.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Communication and Engagement	Strengthen Council's reputation.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopt the recommendations. Risk implications are detailed in the table below.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without the policy in place, Council may not maintain a cooperative relationship with external media, which may have an effect on how Council is perceived within the community.	Low	Adopt the recommendations.	Yes
There is a risk that without the policy, Council representatives will not understand the responsibilities involved with liaising with external media representatives.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications from adopting the recommendations.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications section.

The objective of the consultation was to ensure the policy was in line with Council's vision to strengthen its brand and reputation.

Internal

Consultation was undertaken within the Communications section and Senior Leadership Team.

The Executive Team has been consulted to seek management endorsement.

External

In accordance with local government legislation the revised Media Liaison Policy will go on public exhibition for a period of 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Media Liaison Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2013-00406
TITLE: MEDIA LIAISON POLICY
OWNER: COMMUNICATIONS SECTION MANAGER

1. PURPOSE:

1.1 Port Stephens Council is committed to keeping its local and wider community well informed about its activities, as well as strengthening Council's brand and reputation.

1.2 Council informs and consults effectively with the community via both owned and earned media channels. This policy outlines Council's position on liaison with earned media channels.

1.3 In doing so, it is important that Council is open, honest and transparent in its dealings with media representatives and uses appropriate language and spokespeople.

1.4 To achieve this outcome Council recognises that a good cooperative working relationship with media organisations is essential. Social, electronic, digital and print media are principal means by which Council can inform and consult effectively with its community.

1.5 This policy also seeks to clarify the respective roles and responsibilities of staff and Councillors and clearly delineate between personal opinions and Council communications.

2. CONTEXT/BACKGROUND:

2.1 This policy continues Council's commitment to these relationships and follows a review of the previous policy (9 December 2014, Minute No. 336).

2.2 The current media landscape is a rapidly changing one. Technology is the norm — increasing the speed of communication, and is influencing audiences' behaviours and expectations regarding of how they receive and consume information.

2.3 News no longer runs on a weekly or even a 24-hour cycle — as soon as it breaks, there is a waiting audience, with social media beating traditional media, such as newspapers, television and radio to the punch every time.

Policy

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Policy

- 2.4 Despite the overwhelming changes to the media landscape and the rapidity of this change, there are still portions of the audience, particularly at the local community level, who continue to consume their information via more traditional means. This may be due to factors such as limited access to technology, failure to adopt new technology as a result of age, choice or socio-economic status, or a matter **lack** of trust, or simply preferring the ritual of turning on the television, tuning into the radio or holding a paper in our hands
- 2.5 While most traditional media outlets have also adopted a digital-first approach to stay in touch with a broader audience, the burgeoning **dominant** social media landscape has seen an exponential rise in the number of digital channels.
- 2.6 The changes have allowed brands and organisations, such as Port Stephens Council, to adapt our communications in response. Where we once relied almost exclusively on traditional media to reach our community and help tell our stories, we now create our own content and can communicate with a large portion of our community in real-time in a targeted fashion.
- 2.7 **Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media also influences our reach through earned media, with journalists often using social media as key tool when researching news or community stories.**
- 2.8 Working with the traditional media with a shared understanding of the importance of a digital-first approach has and will continue to foster solid relationships and allow us to convey our messages to our community in more ways than ever before. With this in mind it is important for Council to establish and maintain strong **cooperative** working relationships with all forms of media.

3. SCOPE:

- 3.1 To encourage community understanding and informed judgement about Council's actions and decisions by:
- Establishing and maintaining a strong **cooperative** working relationship between Council and the media.
 - Establishing consistent methods for managing communications between Council and the media to ensure accurate, timely, balanced and reliable information reaches the community.

4. DEFINITIONS:

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

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Policy

Earned media	Content created by and published on another's media channels.
EDM	Electronic direct mail
Media liaison	Media liaison involves the working relationship Council staff has with representatives from the print, broadcast and digital media.
Owned media	Content created and published on one's own media channels.

5. STATEMENT:

- 5.1 Port Stephens Council is committed to open communication with its community through the media. Council will be open and honest in its dealing with the media, notwithstanding that Council will comply with its duty of care to protect confidential or personal information and does not infringe any laws in providing information.
- 5.2 Council representatives will not knowingly provide information to the media which is untruthful or inaccurate.
- 5.3 Council will make all reasonable attempts to deal with media inquiries promptly and accurately. Council will also try at all times to have relevant Council or staff representatives available to respond to the media in a timely manner.
- 5.4 As elected community representatives, Councillors may express their personal view on any matter to the media.
- 5.5 As the elected leader of the Council, the Mayor is Council's spokesperson on matters of policy and interpretation of Council's position or decisions. In the absence of the Mayor, the Deputy Mayor will be Council's spokesperson on these matters.
- 5.6 When authorised to do so by the Mayor, Councillors may also represent Council to the media in respect of: a) Matters of interest to their Ward that they have been personally involved in; b) Matters related to the activities of committees, which they chair or are involved in.
- 5.7 In addition to operational issues, the General Manager may also represent Council to the media on matters of policy.
- 5.8 Staff may represent Council to the media on matters of factual information only if approved to do so by the General Manager, their Group Manager or the Communications Section Manager. Staff must not express personal views

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Policy

regarding Council matters and in general should only provide information in respect of their area of responsibility.

- 5.9 From time to time, the General Manager may also authorise individuals other than staff or Councillors to represent Council to the media, for example Chairperson of Audit Committee.
- 5.10 Written statements to the media on behalf of Council must be issued through the Public Relations and Marketing Unit and approved by the Communications Section Manager. Where appropriate, they will seek approval from the Mayor, General Manager or relevant Group Manager. Where other staff have been quoted in written statements, approval will be sought from the individual(s) prior to distribution to the media.
- 5.11 All Council staff contact with the media is to be co-ordinated through Council's Public Relations and Marketing Unit. Council will use agreed protocols and procedures to guide staff and Councillors to ensure that this policy is followed.

6. RESPONSIBILITIES:

- 6.1 This policy is to be implemented by all areas of Council.
- 6.2 The Communications Section Manager is responsible for the implementation, monitoring, evaluating and reviewing the policy.

7. RELATED DOCUMENTS:

- 7.1 Code of Conduct
- 7.2 Social Media Strategy
- 7.3 Online and Social Media Management Directive

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2013-00406	EDRMS record No.	TBA
Audience	Councillors, Community, Employees		
Process owner	Communications Section Manager		
Author	Public Relations and Marketing Coordinator		

Policy

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Policy

Review timeframe	2 years	Next review date	TBA
Adoption date	28 May 2002		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28 May 2002	Communications Section Manager		208
1.1	9 December 2014	Communications Section Manager		336
1.2	27 February 2018	Public Relations and Marketing Coordinator	Changes to the existing policy to include a broader definition and context with regard to the changing media landscape. Change in reference from 'Communications Unit' to Public Relations and Marketing Unit.	033

Policy

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Policy

1.3	TBA	Public Relations and Marketing Coordinator	<p>Updated to new policy template.</p> <p>1.2 Added new paragraph Council informs and consults effectively with the community via both owned and earned media channels. This policy outlines Council's position on liaison with earned media channels.</p> <p>1.4 Deleted good and added cooperative.</p> <p>1.4 Deleted Social, electronic, digital and print media are principal means by which Council can inform and consult effectively with its community</p> <p>2.1 Deleted paragraph. Reference to previous review is not required as it is specified in the version history.</p> <p>2.2 Added - the norm.</p> <p>2.3 Deleted traditional media, such as</p> <p>2.4. Deleted matter lack of trust. ,or simply preferring the ritual of turning on the television, tuning into the radio or holding a paper in our hands.</p> <p>2.5 Deleted burgeoning and added dominant.</p> <p>2.7. Added new paragraph Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media</p>	TBA
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Policy

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Policy

Version	Date	Author	Details	Minute No.
			<p>also influences our reach through earned media, with journalists often using social media as key tool when researching news or community stories.</p> <p>2.8 and 3.1a – Deleted strong and added cooperative.</p>	

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ITEM NO. 9

**FILE NO: 20/103363
EDRMS NO: PSC2009-02488**

POLICY REVIEW: DEBT RECOVERY AND HARDSHIP

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Debt Recovery and Hardship Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Debt Recovery and Hardship Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without further report to Council.
 - 3) Revoke the Debt Recovery and Hardship Policy dated 29 January 2019, Minute Number 4, should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

131	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>It was resolved that Council defer item 9 to consider the implications of clause 5.4.11 of the policy and investigate a possible funding source.</p>
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The motion was carried.

BACKGROUND

The purpose of this report is to seek Council approval to exhibit the revised Debt Recovery and Hardship Policy.

If adopted, the revised policy would replace the current Debt Recovery and Hardship Policy.

Port Stephens Council has a statutory obligation to levy rates, charges and fees and promptly collect payment under the Local Government Act 1993 while taking into consideration the NSW Government's Local Government Debt Management and Hardship Guidelines.

The key policy changes propose:

- earlier customer notification of overdue amounts
- allowing more time for customers to seek assistance before legal action is commenced
- a higher minimum debt threshold for rates before commencing legal action
- making concessions in response to customers with extenuating circumstances who incur dishonour fees or judgment debts.
- a provision for the Waste Management Coordinator to allow payment plans or a reduction in charges for ratepayers or residents that may require additional waste services as a result of medical conditions.

Council would be aware that a rating hardship clause was previously discussed as a possible extension to this policy. This was included in a number of reports that were submitted for Council's consideration on 13 November 2018, Minute No. 139 and 29 January 2019, Minute No.004.

It was Council's clear intent that this extension for rating hardship was only being considered to offset any potential financial impacts of the Special Rate Variation (SRV) that was being considered at the time.

Reports to Council at this time were clear that should the SRV not be successful, then the need for additional rating hardship relief was not considered a priority and the additional relief would not form part of the policy.

The SRV was not successful and therefore the additional relief was not added to the policy or Council's adopted budget.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

Council presently raises approximately \$6000 per annum in cheque and direct debit dishonour fees. If the proposed changes are adopted that figure may reduce but may be managed within the existing budget.

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

MINUTES ORDINARY COUNCIL - 14 JULY 2020

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

LEGAL, POLICY AND RISK IMPLICATIONS

The revised policy complies with the Local Government Act 1993 and the Local Government Debt Management and Hardship Guidelines.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that increasing the debt threshold may increase the rates arrears percentage.	Medium	Council's rate arrears are below 5% which is well below the benchmark for our Council category which is 10%.	Yes
There is a risk that income will be lost through reduced dishonour fees.	High	The amount involved is small, however being responsive to customers under distress or hardship is consistent with our Customer First Framework.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The changes are financially sustainable and could assist in building stronger relationships between Council and its customers through being more responsive to customers under financial hardship. There are no economic or environmental implications.

CONSULTATION

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

Internal

- Financial Revenue Unit.

External

Builds on previous consultation with local service providers in 2019 around debt management.

In accordance with local government legislation the draft Debt Recovery and Hardship Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Debt Recovery and Hardship Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2009-02488
TITLE: DEBT RECOVERY AND HARDSHIP
POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER

1. PURPOSE:

1.1 The purpose of this policy is to ensure:

- a) efficient and effective processes for collection of outstanding debts
- b) provision of a decision making framework for assessment of financial hardship applications
- c) statutory requirements are met for recovery of rates, charges, fees and other debts
- d) debts are recorded in Council's accounting system
- e) compliance with the Office of Local Government Debt Management and Hardship Guidelines

2. CONTEXT/BACKGROUND:

2.1 This document prescribes Council procedures to recover monies that become overdue for rates, charges, fees and other debts and assistance to ratepayers and debtors experiencing financial hardship.

3. SCOPE:

3.1 This policy has been written considering the following principles:

- a) Council has a responsibility to recover monies owing to it in a timely, efficient and effective manner to fund its operations.
- b) All people will be treated fairly and consistently.
- c) All matters will be considered confidentially.
- d) Financial hardship will be recognised and people treated with respect and compassion in considering their circumstances.

4. DEFINITIONS:

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

30 day trading account A sundry debtor account wherein Council extends credit to the debtor to be paid in full monthly in arrears.

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Policy



Aged pensioner	A person verified by Centrelink as receiving an aged pension and holding a pensioner concession card.
Legal action	Debt recovery action taken under the Civil Procedure Act 2005 or Local Government Act 1993.
Letter of demand	Correspondence sent to a ratepayer or debtor formally requesting payment.
Recovery action	Making contact with a ratepayer or debtor to request payment of overdue amounts.

5. POLICY STATEMENT:

5.1 Part 1 – Recovery of rates and charges

5.1.1 Rates and charges notice

- a) a rates and charges notice will be sent in July each year payable in four instalments due on 31 August, 30 November, 28 February and 31 May. An instalment notice will be sent 30 days before instalments 2, 3 and 4 are due
- b) ratepayers can elect to receive rate, instalment and reminder notices by email

5.1.2 Overdue instalment notices

- a) an overdue instalment notice will be sent 14 days after the due date for all unpaid assessments over \$25.00.

5.1.2.1 Overdue instalment notices will include:

- a) debt details
- b) a request to pay within 14 days
- c) an option of repayment arrangement
- d) a notice of referral to Council's debt collection agency if the overdue amount exceeds \$800 **\$1,200** and remains unpaid
- e) an instruction to disregard notice if complying with a repayment arrangement.

5.1.3 Recovery action – referral to debt collection agency

- 5.1.3.1 21 days after the issue of the overdue instalment notice, assessments will be referred to Council's debt collection agency where:

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Policy



- a) the debt balance is \$800 \$1,200 or more, and
- b) there is no repayment arrangement in place, and
- c) there is no undetermined request for financial assistance, and
- d) there has been no contact from a support service on behalf of the ratepayer.

5.1.4 Recovery action – debt collection agency procedures

5.1.4.1 Council's debt collection agency will issue a letter of demand in relation to each debt advising that:

- a) Council has referred the debt for collection
- b) payment is required within seven 28 days of the date of the letter
- c) if unpaid; legal action will be commenced
- d) the minimum amount in legal costs that will be added to the ratepayer's assessment if legal action is commenced.

5.1.4.2 Council will only commence legal action as a last resort. The debt will escalate to the following stages only if it remains unpaid:

- a) 24 28 days after the date of the letter a statement of liquidated claim will be prepared, filed with the court and issued for service
- b) if unpaid after the statutory period following service, judgement judgment will be obtained
- c) further action will be commenced to recover the debt including examination notice, writ of execution and garnishee orders.

5.1.5 Arrangements to pay rates and charges

5.1.5.1 A ratepayer may enter into a weekly, fortnightly or monthly arrangement to pay rates and charges with Council or Council's debt collection agency subject to the following conditions:

- a) the overdue amount must be paid in full within 12 months
- b) normal interest charges apply, unless written off under hardship provisions of this policy at part 4
- c) Council's Finance Officer – Revenue Collection may enter into a longer term repayment arrangement if in that Officer's opinion a ratepayer's financial circumstances warrant this
- d) a ratepayer dissatisfied with a decision of the Finance Officer – Revenue Collection may have that decision reviewed by the Finance Officer - Revenue Team Leader
- e) ratepayers will be advised at the time of making a repayment arrangement that if the arrangement is dishonoured recovery action will recommence without further notice
- f) where an arrangement has been dishonoured, a new arrangement cannot be accepted until a payment is received to show good faith.

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- g) where legal action has commenced, arrangements must be in the form of **lodgement of terms of settlement with the court or** a court instalment order.
- h) Extensions of time beyond 3 months without any payment will not be acceptable.
- i) Where a supplementary rates and charges notice is issued in the latter part of the year and where an arrangement is made for payment of the rates within 6 months of the due date, interest will be written off provided payment of one half of the amount due is made within 3 months and the balance is paid within 6 months.

5.2 Part 2 – Recovery of sundry debtor accounts

5.2.1 Sundry debtor invoices and statements

- 5.2.1.1 Sundry debtor accounts and invoices will be created when information becomes available and emailed or posted weekly. The payment due date will be 30 days after the invoice issue. A statement will be issued within 7 days of month's end.
- 5.2.1.2 Hardship provisions apply to sundry debtor accounts in certain circumstances, refer to paragraphs 5.2.3 and 5.4.11 ~~and 5.4.14.~~

5.2.2 Overdue sundry debtors

5.2.2.1 The following process applies to recovery of overdue sundry debtor accounts:

- a) if unpaid by the due date a second and then a third monthly statement will be forwarded as a reminder
- b) a **letter of demand warning letter** will be sent by Council before an overdue sundry debt is referred to Council's debt collection agency. Section 355(b) committees, sporting clubs and government agencies will not be referred to the debt collection agency.

5.2.3 Overdue sundry debtors – aged pensioners

- 5.2.3.1 If a sundry debtor account is a charge on the land ie kerb and gutter, or foot paving, and it is payable by an aged pensioner, the aged pensioner may apply to Council to have the account deferred against their estate subject to the hardship provisions of this policy and provided they have already deferred their rates against their estate.

5.2.4 Recovery action – suspension of credit facilities

- 5.2.4.1 If the account is a recurring account, eg waste tipping fees, and any part remains unpaid for more than 60 days, further credit to that debtor account may be withdrawn until the overdue amount is paid. The process of suspending credit facilities will be:

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- a) Council will make contact with the debtor to notify of the Council's intention to suspend credit facilities. Notification will include a letter when credit is suspended
- b) after payment of the overdue amount or commencement of a satisfactory repayment arrangement, credit facilities may be resumed
- c) if payment terms are breached again Council may cancel credit facilities.

5.2.5 Recovery action – referral to debt collection agency

5.2.5.1 14 **21** days after issue of the ~~letter of demand~~ **warning letter** as described in 5.2.2.1 above, Council will refer overdue accounts to its debt collection agency.

5.2.6 Recovery action – debt collection agency procedures

5.2.6.1 Council's debt collection agency will issue a letter of demand in relation to each debt advising:

- a) Council has referred the debt for collection
- b) payment is required within ~~seven~~ **28** days of the date of the letter
- c) if unpaid, legal action will be commenced
- d) the minimum amount in legal costs that will be added to the ratepayer's **debtor's** account if legal action is commenced.

5.2.6.2 Council will only commence legal action as a last resort. The debt will escalate to the following stages only if it remains unpaid:

- a) **21** **28** days after the date of the letter a statement of liquidated claim will be prepared, filed with the court and issued for service
- b) after the statutory period following service, judgment will be obtained
- c) further action will be commenced to recover the debt including **examination notice**, writ of execution and garnishee orders.

5.2.7 Arrangements to repay sundry debtor accounts

5.2.7.1 A debtor may enter into a weekly, fortnightly or monthly arrangement to ~~repay~~ accounts with Council or Council's debt collection agency subject to the following conditions:

- a) the overdue amount must be paid in full within 12 months
- b) Council's Finance Officer – Revenue **Collection** may enter into a longer term repayment arrangement if in that Officer's opinion a debtor's financial circumstances warrant this
- c) a debtor dissatisfied with a decision of the Finance Officer – Revenue **Collection** may have that decision reviewed by the Finance Officer - Revenue ~~Team Leader~~ **Specialist**.

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- d) Debtors will be advised at the time of making a repayment arrangement that if the arrangement is dishonoured recovery action will recommence without further notice.
- e) Where an arrangement has been dishonoured, a new arrangement cannot be accepted until a payment is received to show good faith.
- f) Where legal action has commenced, arrangements must be in the form of **lodgement of terms of settlement with the court or** a court instalment order.
- g) Extensions of time beyond 3 months without any payment will not be acceptable.

5.3 Part 3 – Credit control

5.3.1 Terms of payment – 30 day accounts

- 5.3.1.1 All accounts with Council will be strictly 30 days trading terms, without exceptions. Council will open credit accounts in accordance with this policy.

5.3.2 Terms of payment – credit accounts

- 5.3.2.1 No credit account will be opened unless a 30 day trading application form has been completed and returned. Council will conduct a reference check on the applicant, verifying references provided by the applicant, before a credit account is offered.

5.3.3 Terms of payment – one off usage

- 5.3.3.1 No company or individual will be extended credit for one off use of:

- a) room hire
- b) hall hire
- c) community centre bookings
- d) holiday park bookings
- e) Council stores
- f) sporting field use
- g) enrolment fees
- h) tipping fees
- i) vehicle repairs
- j) sundry sales including documents, copying and plant.

- 5.3.4 Council will invoice government departments that provide a purchase order. All other one off usages must be paid for in advance or at the time of usage to avoid difficulties in locating debtors and recovering fees. Council's receipts satisfy the requirements of a tax invoice for business debtors.

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- 5.3.5 Council will extend credit and allow payment plans for animal impounding fees and sustenance fees at the discretion of the Coordinator Environmental Health and Compliance to avoid hardship.
- 5.3.6 Terms of payment – deposits and progress payments
- 5.3.6.1 For private works Council will provide a written quote for the proposed work to cover estimated costs for the work. For work to proceed, Council requires written authorisation from the client and proof of identity. For work valued at more than \$1,000 a 10% deposit will be required before work commences. For work valued at more than \$10,000 Council will require agreed progress payments at various stages.
- 5.3.7 Judgment debts and credit history
- 5.3.7.1 Credit reporting agencies access some court records relating to debt recovery. Specifically, they access details of all default judgments and record these on the individual's credit history, in some cases for 5 years. If a statement of liquidated claim is served and the debtor:
- makes no payment in the next 28 days
 - doesn't pay the amount claimed, including legal costs
 - doesn't apply for a court instalment order to pay off the amount claimed, including legal costs
 - doesn't lodge a notice of defence with the court disputing the claim
 - then the debtor may be liable to incur a default judgment. It is these default judgments, where a debtor has not responded to a statement of claim that may be included in an individual's credit history.
- 5.3.8 If the debt has been paid in full, Council will upon request, write a letter to the debtor confirming that the debt has been repaid in full which may then be presented as proof of payment. Credit reporting agencies will not remove from an individual's credit history the existence of a default judgment because it assists users of their reports with credit risk assessment.
- 5.3.9 Debtors may sometimes ask for Council to consent to the filing of a notice of discontinuance or to have judgment set aside to have the default judgment removed from their credit history. The process requires a notice of motion to have judgment set aside and then a notice of discontinuance. Council will not have judgment set aside or issue a notice of discontinuance in these circumstances. A notice of discontinuance is a remedy for correcting a claim that was issued in error, before judgment is entered by the court. A debtor has no right to have a default judgment erased upon payment of the debt. The debtor had the opportunity to avoid default judgment when they were issued

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with the statement of claim and judgment warning letter. A default judgment is a valid court judgment.

5.3.9.1 Council does not report debts to any credit reporting agencies, and is under no obligation to assist debtors to delete factually correct court judgment history.

5.3.10 Notwithstanding clause 5.3.9, if a debtor satisfies the Finance Officer – Revenue Collection that there were extenuating circumstances that resulted in default judgment, then Council may agree to setting aside judgment on one occasion only subject to:

- a) the judgment debt having been paid in full, and
- b) current rates being up to date, and
- c) the judgment debtor to arrange the necessary documentation for Council to sign at the judgment debtor's own cost, or
- d) the judgment debtor meeting the costs of Council's debt collection agency in preparing any necessary documentation

5.4 Part 4 – Hardship provisions:

5.4.1 Defer payment of rates and charges – aged pensioners

5.4.1.1 Aged pensioners who satisfy the eligibility criteria may make application to defer the payment of rates and charges and property related sundry debtor accounts against their estate. If granted, payment of the rates, charges, interest and property related sundry debts will be deferred until any of the following occurs:

- a) death of the ratepayer
- b) sale of the property
- c) the ratepayer ceases to occupy the property as their principal place of living and rents the property out.

5.4.2 The criteria used to determine eligibility for deferral will be:

- a) the ratepayer must be an aged pensioner as defined by Centrelink in receipt of a pensioner rate concession in relation to the property
- b) the property must be the ratepayer's principal place of living
- c) the property must be used for residential or farming purposes only
- d) the property can have no more than a single dwelling house or residential unit erected upon it
- e) the total amount of rates and charges (net of pensioner concession) payable must be more than 8% of the age pension of an individual (if the ratepayer is an individual) or 8%

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of the age pension of a couple (if the ratepayer is a couple) at the date of the initial application.

- 5.4.3 An initial application form must be completed and lodged with Council and determined by the Finance Revenue Coordinator. A ratepayer dissatisfied with a decision of the Finance Revenue Coordinator may have that decision reviewed by the Hardship Panel established under this policy. The Hardship Panel may approve an application for deferral if it believes the circumstances of the ratepayer warrant this even if the eligibility criteria have not been met. A letter of determination will be issued to the ratepayer. If an application is refused, the ratepayer will be provided with reasons for the refusal.
- 5.4.4 After approval, a letter will be posted out annually to the ratepayer with a copy to sign and return to continue the deferral. The purpose of the annual letter will be to confirm that the ratepayer continues to own and occupy the property, is still alive, and is aware of and agrees to the deferral. Deferral will continue once granted without the need to satisfy the 8% criteria again, provided that the ratepayer continues to own and occupy the property. Where the ratepayer ceases to occupy the rateable property and the property becomes rented a repayment timeframe for the deferred rates and charges will be negotiated by the Finance Officer – Revenue Collection. A person dissatisfied with a decision of the Finance Officer – Revenue Collection may have that decision reviewed by the Finance Officer - Revenue Team Leader **Specialist**.
- 5.4.5 Interest charges accrue in respect of deferred rates and charges at the rate determined under the Local Government Act. No deferred rates, charges or interest will be written off under this policy.
- 5.4.6 Writing off of accrued interest
 - 5.4.6.1 The Finance Officers – Revenue Collection and Finance Officer - Revenue Team Leader **Specialist** have delegated authority to write off small amounts of interest that have accrued on rates and charges where the person was unable to pay the rates and charges when they became due and payable for reasons beyond their control. The Finance Revenue Coordinator has delegated authority to write off an unspecified amount of interest.
 - 5.4.7 Ratepayers seeking to have interest written off under hardship provisions must submit the prescribed application form to be considered by the Finance Revenue Coordinator. Accrued interest on rates and charges may be written off where payment of the accrued interest would cause the person hardship. A person dissatisfied with a decision of the Finance Revenue Coordinator may have that decision reviewed by the Hardship Panel. The Hardship Panel may request the ratepayer to come to an interview if it is necessary to understand the issues causing hardship.

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5.4.8 Hardship resulting from a general revaluation of the Port Stephens Local Government Area

5.4.8.1 In accordance with section 601 of the Local Government Act a ratepayer who suffers substantial hardship as the consequence of the making and levying of a rate on the most recent valuation, may apply to Council for relief. Assistance will only be available in the first year new valuations are used to calculate rates.

5.4.8.2 The criteria used to determine eligibility:

- a) rates payable must be more than 3% of the gross household income
- b) the applicant must be an owner and occupier of the property to which the rates relate and the dwelling must be the applicant's sole or principal place of living
- c) the ordinary rate increase must be more in percentage terms than the amount determined by Council at each revaluation. The ordinary rate increase is calculated as the ordinary rates payable for the new rating year (being the first year in which new valuations are used) minus the ordinary rates payable in the previous rating year increased by the allowed ratepegging increase for the year; (eg rates 2017 – 2018 \$1,000 minus rates 2016 – 2017 \$800 plus 1.5% ratepegging increase (\$842) = \$188) (eg rates 2020 – 2021 \$1,200 minus rates 2019 – 2020 \$1,000 plus 2.6% ratepegging increase (\$1,026) = \$174).

5.4.9 Applications must be submitted on the prescribed application form. Assistance will be calculated as follows:

- a) one half of the ordinary rate increase up to a maximum of \$200 (eg \$188 increase x 0.5 = \$94) (eg \$174 increase x 0.5 = \$87)
- b) no assistance will be given for domestic waste management charges, Hunter Catchment Contribution or other charges
- c) the maximum amount of assistance in aggregate for all ratepayers will be \$20,000.

5.4.10 Applications will be considered in the order in which they are received by Council. No further applications will be considered once the aggregate amount of assistance has been granted. Applications will be considered by the Finance Officer - Revenue Team Leader Specialist. A ratepayer dissatisfied with a decision of the Finance Officer - Revenue Team Leader Specialist may have that decision reviewed by the Hardship Panel established under this policy. If an application is refused, the applicant will be provided with reasons for the refusal.

5.4.11 Fees and charges

5.4.11.1 The Coordinator Environmental Health and Compliance may consider hardship matters relating to animal impounding and sustenance fees. Assistance may be

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provided in the form of allowing additional time to pay or waiving the fees in cases of hardship. A customer dissatisfied with a decision of the Coordinator Environmental Health and Compliance may have that decision reviewed by the Hardship Panel established under this policy. Applicants under this section will be made aware that fees and charges in relation to animal impounding increase on a daily basis and will accrue during the review period. Council will not consider hardship applications in relation to animal registration fees or the costs of microchipping or veterinarian fees and charges.

5.4.11.2 The Waste Management Coordinator may allow payment plans or reduce charges for additional waste services to avoid hardship of ratepayers or residents with medical conditions that directly and significantly contribute to the generation of waste. A customer dissatisfied with a decision of the Waste Management Coordinator may have that decision reviewed by the Hardship Panel established under this policy.

5.4.11.3 Where a ratepayer or debtor has incurred cheque or direct debit dishonour fees the Finance Officer – Revenue Collection may write off the fee on one occasion per customer per financial year where the officer is satisfied that the non-payment was due to circumstances beyond the customers control.

5.4.12 Hardship panel

5.4.12.1 A panel comprising the Finance Revenue Coordinator, Finance Officer - Revenue ~~Team Leader~~ Specialist and the Financial Services Section Manager will determine applications for assistance referred to it and review decisions as necessary.

5.4.13 Referral of matters to hardship panel

5.4.13.1 The General Manager or Mayor may refer any Council matter involving financial hardship of a ratepayer or resident to the Hardship Panel for consideration and advice.

5.4.14 Privacy

5.4.14.1 In accordance with the Privacy Code of Practice and Council's Privacy Management Plan, personal information collected as a consequence of this policy will only be used for the purpose of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any other person unless Council is required by law to do so or authorised to do so by the person to whom that personal information relates.

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5.5 Part 5 – Sale of land for unpaid rates or charges:

5.5.1 Where rates or charges for a property are overdue for more than five years the land is liable to be sold under Section 713 of the Local Government Act 1993. The process in compliance with the requirements of ss713-726 of the Local Government Act 1993 will generally be as follows:

- a) each September outstanding rate assessments will be reviewed to identify all land liable to be sold
- b) land titles will be searched and all persons with an interest in the land will be notified of Council's intention
- c) a report will be prepared for Council to consider offering the land for sale by public auction
- d) a date will be set for the public auction
- e) a real estate agent will be appointed to conduct the sale
- f) notice of the auction will be published in accordance with s715 of the Act and given to all persons with an interest in the land
- g) contracts for sale will be prepared
- h) the real estate agent will market the land
- i) reserve prices will be established
- j) all land will be offered for sale by public auction unless all overdue amounts are paid in full prior to auction
- k) on auction day a deposit of 10% in cash or bank cheque will be payable by the successful bidder
- l) if the land is not sold at auction the land may be sold by private treaty, subject to the restrictions contained in s716 of the Act
- m) all costs associated with the sale must be met from sale proceeds
- n) sale proceeds will be applied as required by the Act
- o) the land will be conveyed free of debts to the extent provided by the Act
- p) Council will hold any surplus proceeds for persons having estates or interests in the land immediately before the sale according to their respective estates and interests
- q) Council will pay the balance of the purchase money or any part of the balance to or among the persons who are, in its opinion, clearly entitled to it

5.6 Part 6 – Pensioner rate concessions:

5.6.1 The following prescribes how Council will grant concessions to pensioners:

- a) Eligibility for pensioner concessions - In all situations where an eligible pensioner has assumed full and sole responsibility for the paying of rates, notwithstanding the nature of the ownership of the property, Council agrees to grant the full pensioner concession under Section 577 of the Act. The presentation of a Pensioner Concession Card, and completion of any prescribed form will be accepted by Council as a sufficient test to meet the hardship requirements of the Act under these circumstances.

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5.6.2 Backdating of pensioner concessions

a) Where an eligible pensioner applies for a concession Council will backdate that concession for up to two years prior to the current year (ie a maximum total of three years including the current year) provided that:

- a) The pensioner was at all times eligible for the concession.
- b) The pensioner provides a statutory declaration that the rateable property was their sole or principal place of living for all of the period that the concession is claimed for.

5.7 Part 7 – Social implications:

5.7.1 Council has a charter under the Local Government Act 1993 to raise funds for local purposes by imposing rates, charges and fees fairly. A policy that prescribes Council's process of collecting debts facilitates consistency and promotes fairness.

5.7.2 The hardship provisions of this policy empower Council to provide practical financial assistance to financially vulnerable ratepayers and debtors, which is consistent with Council's charter of social justice and equity.

6. POLICY RESPONSIBILITIES:

6.1 The Finance Revenue Coordinator is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

6.2 The Finance Officer - Revenue ~~Team Leader~~ Specialist and Finance Officer – Revenue Collection are responsible for complying with the policy.

7. RELATED DOCUMENTS

~~7.1 Pensioner Rate Rebates.~~

~~7.2 Pensioner Interest Charges.~~

~~7.3 Waiving of Interest Charges.~~

~~7.4 Interest on Overdue Rates.~~

~~7.5 Interest Charges on Supplementary Rate Levies.~~

7.1 Local Government Act 1993 - specifically sections 564, 567, 577, 601, 712 and 713-726.

7.2 Code of Conduct.

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EDRMS container No	PSC2009-02488	EDRMS record No	18/305201 20/164126
Audience	Council staff and Community		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	2 years	Next review date	
Adoption date	28/08/2007		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
8		Financial Services Section Manager	5.1.2.1 d)- Increased minimum threshold for commencing rates legal action from \$800 to \$1,200. Revised the process timeframes, to provide earlier advice of unpaid instalments, and giving additional time to seek advice between the letter of demand and initiating legal action. 5.1.3.1 a) – amend amount from \$800 to \$1200. 5.1.4.2 a) – Change 21 to 28 days. 5.2.2.1 b) - Change the reference to Council's overdue debtor letter as a warning letter rather than a letter of demand. Correct the spelling of 'judgment'. 5.1.5.1 c) and d) - Amend position	

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		<p>Financial Services Section Manager</p>	<p>titles.</p> <p>5.1.5.1 g) – Add ‘lodgement of terms of settlement with the court or’.</p> <p>5.2.2.1 b) – Amend ‘letter of demand’ to ‘warning letter’.</p> <p>5.2.5.1 – Amend timeframe to 21 days. Update wording to ‘warning letter’.</p> <p>5.2.6.1 – Remove ‘Council’s’</p> <p>5.2.6.1 b) – Remove ‘seven’ replace with ‘28’.</p> <p>5.2.6.1 d) – Remove ‘ratepayer’s’ an replace with ‘debtor’s’.</p> <p>5.2.6.2 a) – Amend timeframe from 21 to 28 days.</p> <p>document where required.</p> <p>5.2.6.2 c) - Update the s.601 financial assistance worked examples. Introduce the process of an examination notice</p> <p>Introduce the discretion to set aside judgment and write off payment dishonour fees in extenuating circumstances.</p> <p>5.4.11.2 – New paragraph.</p> <p>5.4.11.3 – New paragraph.</p> <p>5.6.1 – Added ‘, and completion of any prescribed form’.</p> <p>7 - Remove references to revoked policies in related documents. Updated staff job titles throughout Updated EDRMS file number in version history.</p>	
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ITEM NO. 10

**FILE NO: 20/141386
EDRMS NO: PSC2009-02488**

POLICY REVIEW: RATE DONATIONS FOR COMMUNITY GROUPS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note that 1 submission was received (**ATTACHMENT 1**).
- 2) Adopt the Rate Donations for Community Groups Policy (**ATTACHMENT 2**).
- 3) Revoke the Rate Donations for Community Groups Policy dated 12 June 2018 (Minute No. 159).

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

132	<p>Councillor Chris Doohan Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note that 1 submission was received (ATTACHMENT 1).2) Adopt the Rate Donations for Community Groups Policy (ATTACHMENT 2).3) Revoke the Rate Donations for Community Groups Policy dated 12 June 2018 (Minute No. 159).
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The motion was carried.

BACKGROUND

The purpose of this report is to consider a submission received in relation to the public exhibition of the Rate Donations for Community Groups Policy.

Council at its meeting on 14 April 2020, Minute No. 056 resolved to place the revised Rate Donations for Community Groups Policy on public exhibition for a period of 28 days as required under the Local Government Act (1993).

Subsequently, a public notice was placed in the Port Stephens Examiner for issues dated 16 April, 23 April, 30 April and 7 May 2020, as well as on the Port Stephens Council website, inviting submissions up until 14 May 2020. The draft policy was available to read on the website only, with Council administration building and libraries closed to the public as a result of the COVID-19 pandemic.

During the exhibition period, an anonymous submission was received in relation to the policy. The key issues raised in the submission were:

- The policy has been in existence for 13 years and has only benefitted 1 organisation that is not based in Port Stephens and has not been seen to report to Council on the benefits to the local community.
- There is no evidence that any of the activities conducted by the organisation are in line with Council's functions and therefore do not meet requirements of s356 of Local Government Act.
- The organisation that owns the building and land, and receives the rate donation, is not a registered public charity or public benevolent institution, nor is it based in Port Stephens. It is a corporate entity of Freemasons NSW and ACT and therefore capable of meeting the cost of rates and charges.
- Public funds are not being accounted for and the level of disclosure required for grant programs should also be required here.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The current financial implication is around \$4000 per annum and is within current budget restrictions.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that rate relief will not be available.	Low	Accept risk and community benefit not realised.	Yes
There is a risk that the Lodges are inactive and no longer carry out community service.	High	Enquiries made to the organisation which have subsequently proven this risk to be invalid.	Yes
There is a risk that the Lodges might not pass a merit assessment by the current Council.	Medium	That Councillors perform that merit assessment subsequent to reviewing the letter of response from Lodge Tomaree, and reflect that in the resolution.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy was initiated in response to a desire of the elected Council at the time to support what it perceived as the positive community benefits accruing from a fraternal organisation, whose membership consisted primarily of senior citizens. The activities conducted included supporting disadvantaged members of the community. Should Council elect to rescind the policy, a significant financial burden will be placed on the members who are largely receiving the Age Pension and therefore are on fixed incomes. It is recommended that Council continues to support the organisation through the adoption of the policy.

CONSULTATION

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

Internal

Nil.

External

Masonic Holdings - Lodge Secretary of Lodge Tomaree.

OPTIONS

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

ATTACHMENTS

- 1) Summary of submission.
- 2) Rate Donations for Community Groups Policy.

COUNCILLORS ROOM

- 1) Copy of unredacted submission.
- 2) Memo regarding Masonic Holdings – February 2016.
- 3) Letter from Lodge Secretary – June 2020.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 SUMMARY OF SUBMISSION.

Policy Review: Rate Donations for Community Groups

No.	Author of submission	Comment	Council response
1	Anonymous	Issues raised by the author: <ul style="list-style-type: none">• Policy appears to only benefit one organisation• No apparent evidence of provision of support to local charities• The organisation is not a registered charity• No apparent accountability for public funds	A response to the claims made in the submission was provided by the Lodge Secretary of Lodge Tomaree. It is recommended that Council endorse the policy.

ITEM 10 - ATTACHMENT 2 RATE DONATIONS FOR COMMUNITY GROUPS POLICY.

Policy



FILE NO: PSC2007-3076
TITLE: RATE DONATIONS FOR COMMUNITY GROUPS
POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER

1. PURPOSE:

1.1 To provide clear guidelines for donation of rates and charges to rateable community groups and to provide financial assistance for community groups that are unable to meet the cost of rates and charges.

2. CONTEXT/BACKGROUND:

2.1 This policy identifies those community groups in Port Stephens that are subject to rates and charges to which Council will annually make a donation. Council may donate funds in accordance with section 356 of the *Local Government Act 1993* for the purpose of exercising its functions.

2.2 The provision of financial assistance for rates and charges assists community groups to survive financially and direct their financial resources towards their aims and objectives. Community groups act as a social binder for communities providing social opportunities, leadership, positive role models and structure within a community.

2.3 There are very few community groups that are both liable for rates and are not a public charity or public benevolent institution. The cost of providing this annual assistance is not significant and has no economic implications for Council or Port Stephens.

3. SCOPE:

- 3.1 Council's policy towards making donations to rateable community groups for rates and charges will be documented and transparent.
- 3.2 Council will recognise potential financial hardship in considering which community groups are to receive rates and charges donations.
- 3.3 Groups seeking to access assistance under this policy must have a community service objective similar to Council's as their predominant aim or objective under their charter.

4. DEFINITIONS:

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

Policy

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ITEM 10 - ATTACHMENT 2 RATE DONATIONS FOR COMMUNITY GROUPS POLICY.

Policy



Public charity	A public charity in accordance with sections 556 and 559 of the <i>Local Government Act 1993</i> .
Public benevolent institution	A public benevolent institution in accordance with sections 556 and 559 of the <i>Local Government Act 1993</i> .

5. POLICY STATEMENT:

- 5.1 Organisations that are public charities or public benevolent institutions receive a rate exemption while other organisations that do good works to benefit the community do not enjoy an exemption.
- 5.2 Council will annually donate the rates and Hunter Local Land Services Catchment Contribution for the organisations and properties specified in this policy. The organisations are still required to pay waste management charges, waste service charges and on-site sewerage management fees if applicable.
- 5.3 The organisations are not required to make an annual application and this donation will be ongoing, subject to normal policy reviews. Donations made under this policy will apply from the commencement of the rating year in which Council resolves to include the organisation in this list of specified organisations.
- 5.4 Should an organisation wish to be included on the list, contact is to be made with Council's Finance Revenue Coordinator who will request the necessary information and make arrangements for a report to be submitted to Council for consideration.
- 5.5 Specified organisations:
 - 5.5.1 Masonic Holdings Limited (Nelson Bay Masonic Centre).

6. POLICY RESPONSIBILITIES:

- 6.1 ~~Finance Officer – Revenue Team Leader~~ Finance Officer – Revenue Specialist.
- 6.1 Finance Revenue Coordinator
- 6.2 Financial Services Section Manager.

7. RELATED DOCUMENTS

- 7.1 Debt Recovery and Hardship Policy.
- 7.2 Ss. 356,556 *Local Government Act 1993*.

Policy

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ITEM 10 - ATTACHMENT 2 RATE DONATIONS FOR COMMUNITY GROUPS POLICY.

Policy



CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2007-3076	EDRMS record No	48/444944
Audience	Council Staff and Community		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	12/06/2020
Adoption date	27/11/2007		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	27/11/2007	Financial Services Section Manager	Policy adopted.	330
2.0	26/06/2012	Financial Services Section Manager	Revised policy adopted.	154
3.0	12/08/2014	Financial Services Section Manager	Revised policy adopted.	210
4.0	15/02/2016	Financial Services Section Manager	Policy reviewed and formatted into the new template. Table of definitions added. Position titles updated to reflect current organisational chart. Adopted 24/5/2016.	138
5.0	12/06/2018	Financial Services Section Manager	Policy reviewed. No changes required. New corporate numbering system has been included. Adopted by Council.	159

Policy

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ITEM NO. 11

**FILE NO: 20/152925
EDRMS NO: PSC2019-05538**

POLICY DEVELOPMENT: PUBLIC PROPERTY ENCROACHMENT POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received (**ATTACHMENT 1**)
 - 2) Adopt the draft Public Encroachment Policy shown at (**ATTACHMENT 2**).
-

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

133	Councillor Chris Doohan Councillor John Nell It was resolved that Council: 1) Receive and note the submissions received (ATTACHMENT 1) 2) Adopt the draft Public Encroachment Policy shown at (ATTACHMENT 2).
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The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with the draft Public Encroachment Policy (the 'policy') following the public exhibition period from 17 April 2020 to 14 May 2020.

As a result of the public exhibition, 8 submissions were received. A summary of the submissions is included within (**ATTACHMENT 1**). No matters raised within the submissions require the amendment of the policy document.

A copy of the draft policy intended for adoption is included within (**ATTACHMENT 2**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy are within the existing 2019-2020 budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the policy will lead to an inconsistent management of private assets on public land.	Low	Adopt the policy.	Yes
There is a risk that assets will be built leading to unsafe community areas or access being prevented.	Low	Adopt the policy hence the community and Council staff gain clarity on what is allowed and acceptable.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

Allowing private assets on Council land through the encroachment policy provides beautification on public areas, gives residents ownership and a sense of pride of their surrounding community. Having suitable criteria to assess encroachments will also support compliance action on unauthorised structures as required.

CONSULTATION

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

Internal

Consultation has been undertaken with Council's operations, enforcement and environment sections.

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

External

The policy has been publicly exhibited in the Port Stephens Examiner and through Council's website from 17 April 2020 to 14 May 2020.

The exhibition was only available to view online due to COVID-19 (coronavirus) forcing the closure of Council facilities.

OPTIONS

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

ATTACHMENTS

- 1) Summary of submissions.
- 2) Draft Public Property Encroachment Policy.

COUNCILLORS ROOM

- 1) Copy of unredacted submissions.

TABLED DOCUMENTS

Nil.

ITEM 11 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

ATTACHMENT 1 - PUBLIC PROPERTY ENCROACHMENT POLICY - SUBMISSIONS

No.	Author of submission	Comment	Council response
1	Resident	Concerns with unauthorised structures being erected on foreshore reserves and associated clearing of vegetation. Concerns raised with past compliance action taken against unauthorised foreshore structures.	Endorsement of this policy will provide Council with a set of common objectives and assessment criteria when dealing with unauthorised structures on Council owned or managed land.
2	Resident	Concerns with public access to and along foreshore reserves. Calls for retrospective action on unauthorised structures which impede access. Requests an audit of foreshore structures to determine extent of unauthorised works.	<p>Endorsement of this policy will provide Council with a set of common objectives and assessment criteria when dealing with unauthorised structures or impediments on Council owned or managed land.</p> <p>Retrospective action and auditing would be able to be carried out in accordance with the criteria of the policy. This will be driven by Council's resourcing capacity.</p>
3	Mambo Wanda Wetlands, Reserves and Landcare Committee	Concerns with illegal dumping, encroachment of gardens, installation of private seating, play equipment, mowing of public reserve and unauthorised camping. These concerns lead to additional volunteer works. Requesting an allocation of funding towards encroachment management.	<p>Endorsement of this policy will provide Council with a set of common objectives and assessment criteria when dealing with unauthorised structures and uses on Council owned or managed land.</p> <p>Action would be able to be carried out in accordance with the criteria of the policy. This will be driven by Council's finance and resourcing capacity.</p>
4	Visitor	Concerns with illegal dumping, weed spread, unauthorised camping (associated domestic animals), bike and motorcycle tracks and environmental damage. Concerns with cumulative impacts on native flora and fauna.	Endorsement of this policy will provide Council with a set of common objectives and assessment criteria when dealing with unauthorised structures and uses on Council owned or managed land.
5	Resident	Concerns with illegal dumping of organics and garden material as well as unauthorised parking.	Endorsement of this policy will provide Council with a set of common objectives and assessment criteria when dealing with unauthorised uses on Council owned or managed land.

ITEM 11 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

6	Resident	Concerns raised with past compliance action taken against unauthorised use of reserves. Installation of sprinkler systems and faux-ownership of area adjoining property. General support for the adoption of the policy and action moving forward.	Endorsement of this policy will provide Council with a set of common objectives and assessment criteria when dealing with unauthorised structures and uses on Council owned or managed land.
7	Mambo Wanda Wetlands Conservation Group	Concerns with illegal dumping, encroachment of gardens, installation of private seating, play equipment, mowing of public reserve and unauthorised camping. General support for the adoption of the policy and action moving forward.	Endorsement of this policy will provide Council with a set of common objectives and assessment criteria when dealing with unauthorised structures and uses on Council owned or managed land. Action would be able to be carried out in accordance with the criteria of the policy. This will be driven by Council's finance and resourcing capacity.
8	Resident	Concerns with unauthorised structures being erected on foreshore reserves and associated clearing of vegetation. Concerns raised with past compliance action taken against unauthorised foreshore structures. General support for the adoption of the policy and action moving forward.	Endorsement of this policy will provide Council with a set of common objectives and assessment criteria when dealing with unauthorised structures and uses on Council owned or managed land. Action would be able to be carried out in accordance with the criteria of the policy. This will be driven by Council's finance and resourcing capacity.

ITEM 11 - ATTACHMENT 2 DRAFT PUBLIC PROPERTY ENCROACHMENT POLICY.

Policy



FILE NO: PSC2019-05583

TITLE: PUBLIC PROPERTY ENCROACHMENT POLICY

POLICY OWNER: ASSET SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide Council's position on encroachment of private assets on Council's land such as road reserves and public community or operational land.
- 1.2 This policy is linked to Key Direction P2 Infrastructure and Facilities – Our community's infrastructure and facilities are safe, convenient, reliable and environmentally sustainable.

2. CONTEXT/BACKGROUND:

- 2.1 Council owns and manages a large portfolio of land for the community and public to use. Council recognises that some adjoining private property owners undertake work to beautify and maintain Council's land to the mutual benefit of each party. In some cases these beautifications extend beyond maintenance and result in private assets being placed on Council land.
- 2.2 In some cases this results in a sense of ownership and pride that benefits Council and the public.
- 2.3 In other cases this beautification and encroachment on Council land may have a negative impact to the community, public safety, environment and amenity of the land.
- 2.4 The extent of the encroachment and the organisation's risk appetite will determine Council's ability to accept or deny each encroachment and any further action required.

3. SCOPE:

- 3.1 This policy relates to encroachment on Council's road reserves and public community or operational land.
- 3.2 This policy does not relate to:
 - a. parks and roadside memorials
 - b. the encroachment on Council's commercial property portfolio
 - c. items covered under Council's Outdoor Trading Policy
 - d. bus shelter advertising
 - e. the dinghy policy
 - f. private utilities that are covered under Section 611 of the Local Government Act 1993
 - g. any other activity or use that is approved or exempt from requiring prior approval. These are covered under other adopted Council policies, fees and charges or legislation.

Policy

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ITEM 11 - ATTACHMENT 2 DRAFT PUBLIC PROPERTY ENCROACHMENT POLICY.

Policy



- 3.3 Where an existing or proposed encroachment results in:
 - a. a compromise to the integrity of natural and/or cultural values
 - b. prevention of public use or access
 - c. impediment of fire management
 - d. the detraction from aesthetic appearances and/or character of the area
 - e. the diversion and/or encumbrances of Council resources or assets
 - f. the jeopardy of public safety
 - g. the social inequity
 - h. Council's legal liability
 - i. traffic and pedestrian.
- 3.4 Council may either not approve the proposed encroachment or order the person who undertook the existing encroachment to remove/make good the area to Council's satisfaction. These works and any associated approvals will be at the cost of the person who has undertaken the encroachment.
- 3.5 If works are not undertaken by the order date Council may take action and invoice the owner of the encroachment to recoup costs.
- 3.6 Should approval be granted, these works and any associated approvals will be at the cost of the applicant is requesting the encroachment works.

4 DEFINITIONS:

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

Private assets	Include but not limited to - water features, steps, retaining walls, fencing or physical barrier, gazebos, garden beds, and landscaping, vegetable patches, seating and furniture, BBQs, fire pits, boat ramps, storage equipment, structures (i.e. decking, patios, concrete/paving works).
Public community and operational land	Relates to lands defined as community or operational land held/managed by Council. Does not include Council owned commercial and investment lands.
Community Land	Land owned and managed by Council.
Council managed Community Land	Land managed by Council (ie Crown Trust).
Operational Land for Community Purposes	Operational land owned and managed by Council for community purposes.
Road Reserve	Land owned and managed by Council.
Council managed Road Reserve	Land managed by Council (i.e. RMS roads).

Policy

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ITEM 11 - ATTACHMENT 2 DRAFT PUBLIC PROPERTY ENCROACHMENT POLICY.

Policy



5 POLICY STATEMENT:

- 5.1 Council acknowledges that suitable encroachments may have benefits to residents, the community, public and Council by providing a sense of place, ownership, pride and increased maintenance.
- 5.2 Proposed works are to be applied through Council's 'Works on Community Land Application' or Roads Act 1993 approval process.
- 5.3 Encroachment may take many forms and each one will be assessed on its merits, benefits to the public and the organisations risk appetite.
- 5.4 Council may revoke previous approvals as new information become available or if the change of use prevents the space from being used for which it was intended.
- 5.5 Any approval for private assets transfers to the new owners upon sale of the adjoining property.
- 5.6 The applicant of the encroachment asset/adjoining property owner is responsible to remove and restore the private asset should Council or any other public authority require access through the subject area.

6 POLICY RESPONSIBILITIES:

- 6.1 Community and Recreation Coordinator for community land.
- 6.2 Civil Assets Planning Manager for road reserves.

7 RELATED DOCUMENTS:

- 7.1 Roads Act 1993.
- 7.2 Local Government Act 1993.

Policy

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ITEM 11 - ATTACHMENT 2 DRAFT PUBLIC PROPERTY ENCROACHMENT POLICY.

Policy



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EDRMS container No	PSC2019-05583	EDRMS record No	19/371591
Audience	Mayor and Councillors, Council Staff and Community.		
Process owner	Community and Recreation Co-ordinator for community land. Civil Assets Planning Manager for road reserves. Property Services Section Manager for Operational land.		
Author	Asset Section Manager		
Review timeframe	2 years	Next review date	
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0		Asset Section Manager	New policy.	

Policy

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ITEM NO. 12

**FILE NO: 20/175637
EDRMS NO: A2004-0266**

MAYOR AND COUNCILLOR FEES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine the fees for the Mayor and Councillors in accordance with the annual Local Government Remuneration Tribunal under the Regional Centre category fee structure.
 - 2) Any subsequent fee determination by the Tribunal in future years be set at the same limit as item 1 above for the remainder of the term of this Council.
 - 3) The Deputy Mayor be paid an acting Mayor fee, deducted from the Mayoral allowance, in the absence of the Mayor, and the fee is only payable to the acting Mayor for periods greater than one week (7 calendar days) on a pro-rata basis.
-

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

134	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the maximum allowance payable to the Mayor and Councillors in accordance with the 2020 Local Government Remuneration Tribunal determination for the Regional Centre category fee structure.2) Any subsequent fee determination by the Tribunal in future years be set at the same limit as item 1 above for the remainder of the term of this Council.3) The Deputy Mayor be paid an acting Mayor fee, deducted from the Mayoral allowance, in the absence of the Mayor, and the fee is only payable to the acting Mayor for periods greater than one week (7 calendar days) on a pro-rata basis.
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The motion was carried.

The Mayor recorded his voted against the motion.

BACKGROUND

The purpose of this report is for Council to determine the fees payable to the Mayor and Councillors in accordance with the Local Government Remuneration Tribunal's (the Tribunal) Annual Report and Determination (**ATTACHMENT 1**).

The Tribunal is required by Section 239 of the Local Government Act 1993 (the Act) to review the categories of all Councils. The categories are to be determined at least once every three years.

This year, the Tribunal has introduced a number of new categories for councils. Port Stephens Council has been re-categorised from Regional Rural to Regional Centre, along with 23 other councils. In determining a new category the Tribunal must have regard to the following:

- size of the areas
- the physical terrain of the area
- the population of areas and distribution of the population
- the nature and volume of business dealt with by each council
- the nature and extent of the development of areas
- the diversity of communities served
- the regional, national and international significance of the council
- such matters as the Tribunal considers relevant to the provision of efficient and effective government
- such other matters as may be prescribed by the regulation.

Pursuant to Section 241 of the Act, the annual fees to be paid in each of the categories is determined under Section 234 of the Act.

Council should note fees are normally capped at 2.5% which is consistent with the NSW Wages Policy. In determining any increase the Tribunal reviews the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging.

The Tribunal has determined that there will be no increase in mayor and councillor fees, except where a council now falls under a new category. Councils that have been re-categorised will be required to adopt mayor and councillor fees applicable to the new category. Should a council not adopt a new fee structure they will be paid the minimum fee for that category.

The Tribunal does not set a fee for the position of Deputy Mayor, nor Acting Mayor. At Port Stephens Council, the Deputy Mayor is only paid a fee when the Mayor is absent and they are the acting Mayor. This fee is payable to the acting Mayor for periods greater than one week (7 calendar days) on a pro-rata basis. The fee is deducted from the Mayoral allowance.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

Council has previously resolved mayor and councillor fees to the maximum payable under the Regional Rural category. A comparison between the 2 categories at the maximum fee payable is provided below.

	New Regional Centre annual fee	Regional Rural annual fee
Mayor	\$84,400	\$64,530
Councillor	\$24,320	\$20,280

As alternate, Council can set the fee within a range of each category as determined by the Tribunal. A comparison for each category is provided below.

	New Regional Centre annual fee		Regional Rural annual fee	
	Minimum	Maximum	Minimum	Maximum
Mayor	\$42,570	\$84,400	\$28,770	\$64,530
Councillor	\$13,820	\$24,320	\$9,190	\$20,280

A mayor receives the fee payable as a councillor with the additional fee as mayor. (ie minimum \$42,570 - maximum \$84,400).

Council's past practice has been to pay the maximum fees as determined by the Tribunal.

The budget has allowed for the increase in Mayoral and Councillor allowances to the maximum limits for the Regional Rural category.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Subject to any increase determined by Council.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		

MINUTES ORDINARY COUNCIL - 14 JULY 2020

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

LEGAL, POLICY AND RISK IMPLICATIONS

Section 241 of the Local Government Act 1993, requires annual fees to be paid to mayor and councillors. Council may set the fees anywhere between the minimum and maximum determined by the Tribunal.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council fails to determine a fee structure payable to the mayor and councillors, the amount will default to the minimum allowance for the relevant category.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Tribunal's report takes into account the current financial situation and the overall impact that increase costs have on Local Government and the social implications.

The fee allows Councillors and the Mayor to effectively carry out their responsibilities as members of the Council and as community representatives without suffering financial hardship.

CONSULTATION

Consultation is not required for this report, other than through the Local Government Remuneration Tribunal.

OPTIONS

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

ATTACHMENTS

- 1) Local Government Remuneration Tribunal - Annual Report and Determination.
(Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 13

**FILE NO: 20/184562
EDRMS NO: PSC2017-00019**

COMMUNITY BASED COUNCIL MEETING

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Defer the 2020 Local Government Week community based Council meeting to 2021.
 - 2) Hold the 2021 Local Government Week community based Council meeting in West Ward during Local Government Week or the closest date prior to the start of Local Government Week.
-

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

135	<p>Councillor Glen Dunkley Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Defer the 2020 Local Government Week community based Council meeting to 2021.2) Hold the 2021 Local Government Week community based Council meeting in West Ward during Local Government Week or the closest date prior to the start of Local Government Week.
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The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's deferral of the scheduled community based Council meeting proposed for 28 July 2020 due to COVID-19 restrictions.

At the Council meeting held on 27 February 2018 (**ATTACHMENT 1**), a Notice of Motion was submitted by Mayor Palmer seeking to hold Council meetings across the community to celebrate Local Government Week each year for the remainder of the Council term. The Notice of Motion was adopted by Council.

MINUTES ORDINARY COUNCIL - 14 JULY 2020

Local Government Week is generally held late July/early August. Council meetings have been held prior to Local Government Week in Central Ward (2018) and East Ward (2019). It was proposed to hold the 2020 Local Government Week Council meeting in West Ward.

Given the current COVID-19 restrictions that apply to holding Council meetings and that the Council term has been extended for 12 months, it is considered appropriate to defer the 2020 Local Government Week Council meeting to 2021.

It is proposed that the 2021 Local Government Week Council meeting would be held in West Ward.

The Council meeting proposed for 28 July 2020 would proceed and be held in the Council Chamber at 116 Adelaide Street, Raymond Terrace.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

As at 16 June 2020, the Office of Local Government advised, to ensure compliance with the Public Health Order, that members of the public are not permitted to attend meetings (other than for the purposes of work) if this means that the total number of people attending meetings (including councillors and staff) exceed 20. More than 20 councillors and staff may attend meetings subject to appropriate social distancing.

Where councils exclude members of the public from meetings, they must livestream their meetings using audio-visual links to satisfy the requirement under section 10 of the Local Government Act 1993 for members of the public to be permitted to "attend" meetings.

Councils must not allow persons to attend meetings if the size of the meeting venue is insufficient to ensure there is 4 square metres of space for each person attending the meeting.

A failure to comply with a direction in a Public Health Order is an offence under Section 10 of the Public Health Act 2010 that carries a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that should Council proceed with the community based council meeting in 2020, Council may be in breach of the Public Health Order in relation to convening council meetings.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation has been undertaken with the Mayor and General Manager.

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion 27 February 2018, Minute No. 041.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2018

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 18/30868

EDRMS NO: PSC2017-00019

COUNCIL MEETINGS

COUNCILLOR: RYAN PALMER

THAT COUNCIL:

- 1) Hold one regular Council meeting in the community for the remainder of the Council term, with the meeting to be held during Local Government Week or the closest date prior to the start of Local Government Week.

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2018
MOTION**

041	<p>Mayor Ryan Palmer Councillor Giacomo Arnott</p> <p>It was resolved that Council hold one regular Council meeting in the community for the remainder of the Council term, with the meeting to be held during Local Government Week or the closest date prior to the start of Local Government Week.</p>
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BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE MANAGER

BACKGROUND

Local Government Week is an annual celebration to promote the importance of local government to ratepayers, residents, businesses – the whole community.

Local Government Week is held late July/early August each year. In 2018 Local Government Week will be held from 30 July to 5 August 2018. The closest scheduled Council meeting to Local Government Week in 2018 is 24 July 2018.

Council has the ability to hold its Council meetings around the local government area on occasion, by resolution.

It is proposed that one meeting would be held in each Ward for the remainder of the Council term. The schedule would be:

MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2018

2018 – Central Ward
2019 – East Ward
2020 – West Ward

It is envisaged that Council would utilise community halls/community centres where possible, should Council resolve to proceed with the Notice of Motion.

ATTACHMENTS

Nil.

ITEM NO. 14

**FILE NO: 20/168428
EDRMS NO: PSC2017-00178**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:
 - a. Bayway Village Men's Shed – West Ward funds – Cr Giacomo Arnott rapid response - \$250 donation towards cost of purchasing 2 impact drivers and battery.
 - b. Voice of Wallalong and Woodville – West Ward funds – Cr Giacomo Arnott rapid response - \$250 donation towards the cost of purchasing a new printer.
 - c. Woodville School of Arts Inc. - West Ward funds – Cr Giacomo Arnott rapid response - \$250 donation towards operational costs associated with maintaining communication with community members.
 - d. Port Stephens Family & Neighbourhood Services – West Ward funds – Cr Giacomo Arnott rapid response - \$500 donation towards operational costs associated with complying with COVID-19 guidelines.
 - e. Raymond Terrace Community Preschool - West Ward funds – Cr Giacomo Arnott rapid response - \$250 donation towards the cost of purchasing new resources and equipment for the children to use.
 - f. Medowie Netball Club Inc. – Central Ward funds – Cr Chris Doohan rapid response - \$290 donation towards cost of purchasing a club BBQ.
- 2) Endorse the provision of funds to Pure Wellbeing as a contribution towards the inaugural Port Stephens Wellbeing Expo 2020 for \$2000 and place the proposal on public exhibition for a period of 28 days, in accordance with the Local Government Act 1993 to seek public comment.
- 3) Should no submissions be received as a result of the public exhibition state above, the funds be approved.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

136	Councillor Giacomo Arnott Councillor Ken Jordan It was resolved that Council:
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	<ol style="list-style-type: none">1) Approves the provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral and Ward funds to the following:<ol style="list-style-type: none">a. Bayway Village Men's Shed – West Ward funds – Cr Giacomo Arnott rapid response - \$250 donation towards cost of purchasing 2 impact drivers and battery.b. Voice of Wallalong and Woodville – West Ward funds – Cr Giacomo Arnott rapid response - \$250 donation towards the cost of purchasing a new printer.c. Woodville School of Arts Inc. - West Ward funds – Cr Giacomo Arnott rapid response - \$250 donation towards operational costs associated with maintaining communication with community members.d. Port Stephens Family & Neighbourhood Services – West Ward funds – Cr Giacomo Arnott rapid response - \$500 donation towards operational costs associated with complying with COVID-19 guidelines.e. Raymond Terrace Community Preschool - West Ward funds – Cr Giacomo Arnott rapid response - \$250 donation towards the cost of purchasing new resources and equipment for the children to use.f. Meadowie Netball Club Inc. – Central Ward funds – Cr Chris Doohan rapid response - \$290 donation towards cost of purchasing a club BBQ.2) Endorse the provision of funds to Pure Wellbeing as a contribution towards the inaugural Port Stephens Wellbeing Expo 2020 for \$2000 and place the proposal on public exhibition for a period of 28 days, in accordance with the Local Government Act 1993 to seek public comment.3) Should no submissions be received as a result of the public exhibition state above, the funds be approved.
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The motion was carried.

BACKGROUND

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

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

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

MINUTES ORDINARY COUNCIL - 14 JULY 2020

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 Ryan Palmer

Pure Wellbeing	A privately owned and operated business providing wellbeing services to the community of Port Stephens.	\$2000	Donation towards sponsorship of the inaugural Port Stephens Wellbeing Expo 2020.
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WEST WARD – Councillors Arnott, Jordan and Le Mottee

Bayway Village Men's Shed.	Provides men with a safe and busy environment where they can take an interest in their own health and wellbeing in an atmosphere of old-fashioned mateship.	\$250	Donation towards the cost of purchasing 2 impact drivers and battery.
Voice of Wallalong and Woodville.	Is a not-for-profit community organisation formed to safeguard the character of the north-west corner of Port Stephens Local Government area.	\$250	Donation towards a new printer.
Woodville School of Arts.	Is a non-profit facility managed by volunteers.	\$250	Donation towards operational costs associated with maintaining communication with community members.

MINUTES ORDINARY COUNCIL - 14 JULY 2020

Port Stephens Family & Neighbourhood Services.	Non-profit organisation that provides support services for the community.	\$500	Donation towards operational costs associated with complying with COVID-19 guidelines.
Raymond Terrace Community Pre-School	An educational facility which provides a safe and stimulating environment where children are supported to learn and develop to their best potential.	\$250	Donation towards the cost of purchasing new resources and equipment for the children to use.

CENTRAL WARD – Councillors Doohan, Smith and Tucker

Medowie Netball Club Inc.	A sporting club that is part of the Port Stephens Netball Association.	\$290	Donation towards the cost of purchasing a club BBQ.
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Support financially creative and active communities.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake.
- b) the funding will directly benefit the community of Port Stephens.
- c) applicants do not act for private gain.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

Consultation has been 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.

MINUTES ORDINARY COUNCIL - 14 JULY 2020

Councillor Giacomo Arnott left the meeting at 8:04pm.

ITEM NO. 15

FILE NO: 20/179896
EDRMS 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 14 July 2020.

No:	Report Title:	Page:
1	Fire and Rescue NSW Inspection Report	200
2	Designated Persons' Return	205
3	Council Resolutions	206

ORDINARY COUNCIL MEETING - 14 JULY 2020 MOTION

137	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 14 July 2020.</p> <hr/> <p>No: Report Title:</p> <p>1 Fire and Rescue NSW Inspection Report 2 Designated Persons' Return 3 Council Resolutions</p>
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The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 20/164955
EDRMS NO: PSC2005-2591**

FIRE AND RESCUE NSW INSPECTION REPORT

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

BACKGROUND

The purpose of this report is to inform Council in accordance with Schedule 5, Part 8 Section 17 of the Environmental Planning and Assessment Act 1979 (the Act), of its receipt of an inspection report from Fire and Rescue NSW in relation to 'The Anchorage Hotel and Spa' at 26 Corlette Point Road, Corlette (the subject site).

As per the Act, Council must table any inspection report it receives under Schedule 5 of the Act at a Council meeting and determine whether it will exercise its powers to give a fire safety order. The Act also requires Council to provide its determination to the Commissioner of Fire and Rescue NSW.

The inspection report from Fire and Rescue NSW was received by Council on 5 May 2020 (**ATTACHMENT 1**) raising concerns about the fire hydrant booster assembly located at the front of the subject site.

Specifically, concerns were raised regarding compliance with fire brigade access to the booster assembly, provision of prescribed signage and plans in this location to assist fire brigade intervention and maintenance concerns. These issues were highlighted to the property owners by Fire and Rescue NSW following their inspection of the property on 27 February 2020.

Following Council's receipt of Fire and Rescue's NSW letter on 5 May 2020, an inspection of the fire hydrant booster assembly was undertaken by Council officers that afternoon.

Council's inspection found that all concerns raised by Fire and Rescue NSW were complied with. No outstanding works were found or additional works identified by Council's Fire Safety Officer.

Given that all matters raised by Fire and Rescue NSW have been remedied, a fire safety order is not proposed to be issued.

ATTACHMENTS

- 1) Report from Fire and Rescue NSW.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil

Unclassified



File Ref. No: BFS18/972 (3252)
TRIM Ref. No: D20/32791
Contact: Mark Knowles

4 May 2020

General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Email: council@portstephens.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'THE ANCHORAGE HOTEL & SPA, PORT STEPHENS'
26 CORLETTE POINT ROAD, CORLETTE ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Limited access and inadequate signage to brigade booster system. The area surrounding the booster is crowded with plants and trees and presents hazards for slips trips and falls. The booster lacks a block plan or any signage to describe it is a booster system for the premises. The booster is not clearly visible from the street as it blocked by trees and gardens.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 27 February 2020, was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7437
F (02) 9742 7483

www.fire.nsw.gov.au

Page 1 of 3

Unclassified

Unclassified

- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System:

a) The hydrant booster assembly:

- i. The booster assembly is setback in a garden area adjacent to the entry driveway and is obscured behind a tree and other plants/vegetation and is therefore not clearly visible from the street. Furthermore, the booster assembly is not adequately marked to identify its location in the garden area and the standing surface in front of the booster connections is unstable and presents a hazard to the attending fire fighters utilising the system.
- ii. A block plan of the fire hydrant system had not been provided, contrary to the requirements of Clause 7.11 of AS 2419.1-2005
- iii. Boost pressure and test pressure signage was not provided, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.
- iv. The maintenance tags attached to the boost connections indicated the last routine service was completed in September 2018, contrary to the requirements of Clause 4.2 of AS 1851-2012 and Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

During discussions with the Asset Manager (West's Leagues Club) at the time of the inspection and email correspondence following the inspection, FRNSW provided the following recommendations:

- Provide a clear path of travel to and directly in front of the booster connections.

Unclassified

Unclassified

- Remove any planting which is obstructing access to the booster connections.
- Provide a stable walking/standing surface leading to and directly in front of the booster assembly.
- Provide a fade resistant sign "FIRE HYDRANT BOOSTER" in a visible location to assist fire fighters in locating the booster in accordance with Clause 7.10.2 of AS 2419.1-2005.
- Provide a water and fade resistant block plan of the hydrant system at the booster, in accordance with the requirements of Clause 7.11 of AS2419.1-2005.
- Provide boost pressure and test pressure signage adjacent to the booster connections in accordance with the requirements Clause 7.10.1 of AS 2419.1-2005.

FRNSW received subsequent email correspondence on 3 March 2020 advising the recommendations would be implemented.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/972 (3252) for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

ITEM NO. 2

**FILE NO: 20/183946
EDRMS NO: PSC2019-02300**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

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

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

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

- Senior Development Planner (PSC078).

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 3

**FILE NO: 20/34984
EDRMS NO: PSC2017-00105**

COUNCIL RESOLUTIONS

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

BACKGROUND

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
Action Sheets Report		Date To: 23/06/2020
		Printed: Monday, 6 July 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Meyn, Janet	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	28/02/2021	28/03/2018	
13 066		Foster, Carmel				18/66656
3 Jul 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/06/2018	Foster, Carmel	RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY	1/08/2020	27/06/2018	
2		Foster, Carmel				18/138953
27 Mar 2020 - Awaiting further information on grants for the funding of the Tomaree Sports Complex.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Meyn, Janet	King Street, Raymond Terrace Easements	28/02/2021	14/02/2019	
3		Foster, Carmel				19/39843
3 Jul 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	28/02/2021	29/05/2019	
5 109		Foster, Carmel				19/148388
3 Jul 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
Action Sheets		Date To: 23/06/2020
Report		Printed: Monday, 6 July 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	28/02/2021	29/05/2019	
6		Foster, Carmel				19/148388
110						
3 Jul 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Meyn, Janet	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/09/2020		
7		Foster, Carmel				19/200498
169						
3 Jul 2020 - Legal negotiations over contractual terms are ongoing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/10/2019	Meyn, Janet	EASEMENT TO DRAIN WATER - KINGSLEY DRIVE AND CORYULE STREET, BOAT HARBOUR	30/06/2020	9/10/2019	
1		Foster, Carmel				19/331292
191						
3 Jul 2020 - Easement documents have been lodged with LRS, awaiting registration.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	RENEWAL OF OPTUS LEASE - 9 TARRANT ROAD, SALAMANDER BAY	31/07/2020	12/02/2020	
1		Foster, Carmel				20/39141
027						
3 Jul 2020 - Documents remain with Optus Legal for execution and registration.						

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



Outstanding	Division: Corporate Services	Date From: 26/09/2017
Action Sheets		Date To: 23/06/2020
Report		Printed: Monday, 6 July 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	COMPULSORY ACQUISITION OF PART 879 SWAN BAY ROAD, SWAN BAY FOR ROAD WIDENING PURPOSE	25/02/2021	12/02/2020	
2028		Foster, Carmel				20/39141
3 Jul 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	PROPOSED SALE OF LOT 7, CENTRAL AVENUE, SALAMANDER BAY	25/02/2021	12/02/2020	
3029		Foster, Carmel				20/39141
3 Jul 2020 - Sewer Connection finalised awaiting exchange of Contracts.						

ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



Outstanding	Division: Development Services	Date From: 26/09/2017
Action Sheets Report		Date To: 23/06/2020
		Printed: Monday, 6 July 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Drinan, Kate	Development Application 16-2019-270-1 for the demolition of existing structures and construction of a new single storey dwelling and garage at 862 Paterson Road, WOODVILLE Lot:510 DP:1150491	30/08/2020	12/02/2020	
1 006		Crosdale, Timothy				20/39141
26 Jun 2020 - Council resolved to defer this item. A further report is scheduled for Council in August 2020.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
Action Sheets Report		Date To: 23/06/2020
		Printed: Monday, 6 July 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Gutsche, Tammy	Lease of grounds of 43, 45, 47 and 47A Tanilba Avenue Tanilba Bay (Lot 238, Lot 270 and Lot 271 DP753194, Lot 342 DP704442) to Calvary Retirement Communities Hunter-Manning Limited ACN 102625212.	31/07/2020	28/03/2018	
14 067		Kable, Gregory				18/66656
2 Jul 2020 - Signed lease received from Crown Lands to be signed by Calvary Care. Written consent has been received from NSW Local Aboriginal Land Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/04/2018	Maretich, John	BOBS FARM DRAINAGE	31/12/2020	11/04/2018	
2 084		Kable, Gregory				18/75830
2 Jul 2020 - Proposing to adopt these as Council Assets and to maintain within existing maintenance budgets. Will report to Council in August 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Maretich, John	ROCK REVETMENT AT KANGAROO POINT, SOLDIERS POINT	1/07/2021		
2 155		Kable, Gregory				19/186501
2 Jul 2020 - • NSW Department of Planning, Industry and Environment (DPIE) have made clear that State funding for coastal protection works is contingent on the development and endorsement of the Port Stephens Coastal Management Program (CMP). • In terms of CMP priorities, it is expected that this area will be a low priority for protective works given the width of the foreshore reserve, the relatively sheltered location and the peaty makeup of the natural shoreline.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division:	Facilities & Services	Date From:	26/09/2017
Action Sheets Report			Date To:	23/06/2020
			Printed:	Monday, 6 July 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Exemption for environmental approvals for non-maintenance road improvement works	30/06/2020	11/12/2019	
2 259		Kable, Gregory				19/388450
2 Jul 2020 - Currently compiling information to form part of letter to the NSW State Government requesting an exemption for environmental approvals for non-maintenance road improvement works that occur in coastal management (or buffer) areas.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure.	8/12/2020	11/12/2019	
6 264		Kable, Gregory				19/388450
2 Jul 2020 - External consultant has undertaken a review of Council's facilities to determine where the energy consumption could be reduced. Methods to reduce energy consumption includes light replacement and also the expansion of solar panels to change where we gain energy from. The external consultant has presented a draft report that does show the potential to reduce our carbon footprint and reduce energy consumption expenditures. The draft report requires further work to check the assumptions used. There are also a number of options to fund the project that also need some investigation.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	26/03/2021	11/12/2019	
7 265		Kable, Gregory				19/388450
2 Jul 2020 - Feasibility report will be prepared with the Waste Management Strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Lamont, Brock	Indoor Sports Facility	30/06/2021	26/02/2020	
4 042		Kable, Gregory				20/50488
2 Jul 2020 - Undertake community consultation and needs analysis as per the background of the NOM. Noting that COVID 19 has made this consultation difficult for this project.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division: Facilities & Services	Date From: 26/09/2017
Action Sheets Report		Date To: 23/06/2020
		Printed: Monday, 6 July 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/04/2020	Maretich, John	Policy Development: Public Property Encroachment Policy	31/07/2020	15/04/2020	
6		Kable, Gregory				20/92585
053						
2 Jul 2020 - Comments from Public Exhibition have been received and will be reported back to Council 14 July 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/05/2020	Maretich, John	Smart Parking Infrastructure Program	30/10/2020	14/05/2020	
7		Kable, Gregory				20/138521
2 Jul 2020 - Legal documents are being reviewed with supplier. Project is on track.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/05/2020	Burton , Paul	COVID-19 Public Hygiene Initiative	31/08/2020	14/05/2020	
10		Kable, Gregory				20/138521
2 Jul 2020 - Need to collate and report on RFQ.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Maretich, John	POLICY REVIEW: PARKS AND ROADSIDE MEMORIALS POLICY	31/08/2020		
9		Kable, Gregory				20/164033
096						
2 Jul 2020 - To collate submissions from Pubic Exhibition and report back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Maretich, John	Naming of Pathway, Gan Gan Road, Anna Bay	31/08/2020	10/06/2020	
1		Kable, Gregory				20/164033
101						
2 Jul 2020 - Final design needs to be reached.						

ITEM 3 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE REPORT.



Outstanding	Division: General Manager's Office	Date From: 26/09/2017
Action Sheets Report		Date To: 23/06/2020
		Printed: Monday, 6 July 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Wickham, Tony	CODE OF MEETING PRACTICE REVIEW	31/07/2020		
10		Wallis, Wayne				20/164033
3 Jul 2020 - Public exhibition from 12 June to 10 July 2020, with submissions up to 24 July 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/06/2020	Wickham, Tony	POLICY REVIEW: INTERNAL REPORTING	31/07/2020		
8		Wallis, Wayne				20/172309
116						
3 Jul 2020 - Public exhibition closes 24 July 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/06/2020	Wickham, Tony	POLICY REVIEW: ENTERPRISE RISK MANAGEMENT	31/07/2020		
9		Wallis, Wayne				20/172309
117						
3 Jul 2020 - Public exhibition closes 24 July 2020.						

NOTICES OF MOTION

MINUTES ORDINARY COUNCIL - 14 JULY 2020

Councillor Giacomo Arnott returned to the meeting at 8:05pm.

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 20/173409
EDRMS NO: PSC2017-00019

REVIEW OF THE OFF LEASH DOG AREAS AND TIMES AT ANNA BAY / BIRUBI POINT, FISHERMANS BAY AND BOAT HARBOUR

COUNCILLOR: SARAH SMITH

THAT COUNCIL:

- 1) Conduct a review and report back to Council on the off leash dog areas and times at Anna Bay/Birubi Point, Fisherman's Bay and Boat Harbour.

ORDINARY COUNCIL MEETING - 14 JULY 2020 MOTION

138	Councillor Sarah Smith Councillor Chris Doohan It was resolved that Council conduct a review and report back to Council on the off leash dog areas and times at Anna Bay/Birubi Point, Fisherman's Bay and Boat Harbour.
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The motion was carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

As dog ownership increases, it is important that Council provides suitable areas that owners can exercise their dog in a socially and environmentally sustainable way.

Following extensive community consultation in 2014, Council undertook a review of dog exercise areas across the Port Stephens Local Government Area and established a network of permitted and prohibited areas.

In recent times Council has also undertaken locality-based assessments in Soldiers Point (relating to an outstanding action from the original resolution) and Raymond Terrace (relating to a PS2020 project) to identify suitable sites for fenced off lead areas. The process for this review would follow a similar methodology.

The proven benefits of owning a pet and regular exercise is creating unprecedented demand for off lead areas and a response is needed by Council to ensure the needs of local dog owners are addressed.

In addition to this demand, the recent upgrade of Robinson Reserve, Anna Bay and the planned Tomaree Coastal Walk are expected to bring additional visitors to the area. These works will result in increased pedestrian and dog traffic along coastal routes, changing the way that people use Council's coastal reserves.

A review of dog exercise areas in Anna Bay, Boat Harbour and Fisherman's Bay will ensure Council responds to shifting demand appropriately. Subject to the existing work program, this review could commence from September 2020.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 20/177270
EDRMS NO: PSC2017-00019**

TOMAREE HEADLAND

COUNCILLOR: GLEN DUNKLEY

THAT COUNCIL:

- 1) Recognises the significant opportunities that Tomaree Headland, Shoal Bay offers and therefore requests the development of a plan of management for the overall headland site to be developed by the owners.
- 2) In the meantime, investigate the following:
 - a. Additional parking which is already significantly constricted.
 - b. The 'cricket pitch' on the Tomaree Lodge site as a potential paid car park to maximise the number of parks available and improve safety.
 - c. Public transport options closer to the headland site.
- 3) Investigate the need for amenities at the entry point to the headland walk on Council land.
- 4) Investigate the establishment of a water station at the entry point to the headland walk.
- 5) Investigate introduction of appropriate signage on Council land including a walking map of the headland and directional signage in Shoal Bay 'CBD'.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

139	<p>Councillor Glen Dunkley Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Recognises the significant opportunities that Tomaree Headland, Shoal Bay offers and therefore requests the development of a plan of management for the overall headland site to be developed by the owners.2) In the meantime, investigate the following:<ol style="list-style-type: none">a. Additional parking which is already significantly constricted.b. The 'cricket pitch' on the Tomaree Lodge site as a potential paid car park to maximise the number of parks available and improve safety.c. Public transport options closer to the headland site.
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MINUTES ORDINARY COUNCIL - 14 JULY 2020

	<ol style="list-style-type: none">3) Investigate the need for amenities at the entry point to the headland walk on Council land.4) Investigate the establishment of a water station at the entry point to the headland walk.5) Investigate introduction of appropriate signage on Council land including a walking map of the headland and directional signage in Shoal Bay 'CBD'.
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The motion was carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The Tomaree Headland, Shoal Bay is under the care and control of multiple NSW State Government Departments in addition to Port Stephens Council. The Tomaree Lodge site is under management by the Department of Family and Community Services. The adjoining Mount Tomaree site is managed by National Parks and Wildlife Services. Port Stephens Council manages a number of reserves and also holds responsibility as the roads authority on the approach to the headland.

Cross agency cooperation has been achieved over time for the priorities of each agency. Council has recently provided comment to the National Parks and Wildlife Service on the Tomaree Coastal Walk draft documentation.

Should the Department of Family and Community Services seek to undertake forward planning work for the Tomaree Lodge site, Council would be open to providing comment and highlighting collaboration opportunities moving forward. Given the symbiotic nature of the land Council could advocate for the development of a multiagency Headland Management Plan to inform the future direction and use of this locality as a whole.

Port Stephens Council is a member of the Tomaree Coastal Walk Reference Group and has had input into the NPWS development of an information interpretation strategy for the walk. This includes a "tenure blind" approach to signage relating to the Tomaree Coastal Walk.

Port Stephens Council currently provides public amenities at the eastern end of Shoal Bay, adjacent to the boat ramp. This facility is located 320m from the Tomaree Lodge property boundary. It would be appropriate to consider any additional public amenities and/or water station as part of the multiagency Headland Management Plan.

With regard to parking, Council staff have commenced preliminary work in response to the Mayoral Minute from 11 December 2019 that required, among other actions, to investigate the installation of Smart Parking for the Shoal Bay CBD and Foreshore area.

The preparation of a Traffic and Parking Strategy is currently underway for the locality to understand the challenges faced, community perception/experience, opportunities for active/public transport, analyse options and recommend a path forward. This study will closely look at the parking supply and demand, and is a prerequisite before any Smart Parking Scheme including paid parking may be implemented.

The Traffic and Parking Study is likely to include the development of a Wayfinding Signage strategy for the Shoal Bay CBD and Headland. Across the overall headland site, each agency and Council have multiple information and wayfinding signage installations with little consistency. Additions to the existing wayfinding signage network is possible in isolation, however in delivering a superior user experience, these signage installation may benefit from cross agency collaboration through inclusion in the multiagency Headland Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

There being no further business the meeting closed at 8.30pm.