

# NOTICE OF ORDINARY MEETING

## 22 SEPTEMBER 2020



### PORT STEPHENS COUNCIL

The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: J Abbott, G Arnott, C Doohan, G Dunkley, K Jordan, P Le Mottee, J Nell, S Smith, S Tucker.

#### SCHEDULE OF MEETINGS

TIME	ITEM	VENUE
5:30pm:	Public Access (if applied for)	Council Chambers
Followed by:	Ordinary Meeting	Council Chambers

#### Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.



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## **BUSINESS**

- 1) Opening meeting.
- 2) Prayer - We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.
- 3) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Confirmation of minutes. Ordinary Meeting of 8 September 2020.
- 6) Disclosure of interests.
- 7) Mayoral minute(s) – if submitted
- 8) Motions to close meeting to the public – if submitted.
- 9) Reports to Council.
- 10) General Manager’s reports – if submitted.
- 11) Questions with Notice – if submitted.
- 12) Questions on Notice.
- 13) Notices of motions – if submitted.
- 14) Rescission motions – if submitted.
- 15) Confidential matters – if submitted.
- 16) Conclusion of the meeting.

## PRINCIPLES FOR LOCAL GOVERNMENT

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

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

### Guiding principles for Council

#### 1. Exercise of functions generally

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

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

#### 2. Decision-making

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

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

### 3. Community participation

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

#### **Principles of sound financial management**

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

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

#### **Integrated planning and reporting principles that apply to Council**

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

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

## PORT STEPHENS COMMUNITY STRATEGIC PLAN

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (3 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into four focus areas:

**OUR COMMUNITY** – Port Stephens is a thriving and strong community respecting diversity and heritage.

**OUR PLACE** – Port Stephens is a liveable place supporting local economic growth.

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

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

## BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

## MEETING PROCEDURES SUMMARY

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

**Quorum** – A quorum at Port Stephens Council is six (6).

### Declarations of Interest

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

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

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

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

### Motions and Amendments

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

## Declarations of Conflict of Interest – Definitions

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

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

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

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



## Form of Special Disclosure of Pecuniary Interest

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

### Important information

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

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

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

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

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

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



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

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

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

to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

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

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

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

**ORDINARY COUNCIL - 22 SEPTEMBER 2020**

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

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

Mayor/Councillor's signature \_\_\_\_\_

Date \_\_\_\_\_

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



## Declaration of Interest form

Agenda item No. \_\_\_\_\_

Report title \_\_\_\_\_

Mayor/Councillor \_\_\_\_\_ declared a

Tick the relevant response:

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

in this item. The nature of the interest is \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

Mayor/Councillor left the Council meeting at \_\_\_\_\_ pm.

Mayor/Councillor returned to the Council meeting at \_\_\_\_\_ pm.



# MAYORAL MINUTE



**MAYORAL MINUTE**

**ITEM NO. 1**

**FILE NO: 20/278871  
EDRMS NO: PSC2015-01024**

**MEDICARE ELIGIBILITY FOR MAGNETIC RESONANCE IMAGING**

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**THAT COUNCIL:**

- 1) Write to the following Federal and State Members of Parliament seeking their support for a Full Medicare licence for a Magnetic Resonance Imaging (MRI) system to be installed at the new Maitland Hospital:
    - a. The Minister for Health - the Hon Greg Hunt MP
    - b. Minister for Aged Care and Senior Australians, Minister for Youth and Sport - Senator the Hon Richard Colbeck
    - c. Minister for Regional Health, Regional Communications and Local Government - the Hon Mark Coulton MP
    - d. Minister for Indigenous Australians - the Hon Ken Wyatt AM MP
    - e. Minister for Families and Social Services - Senator the Hon Anne Ruston
    - f. The NSW Premier - the Hon Gladys Berejiklian MP
    - g. Minister for Health and Medical Research - the Hon Brad Hazzard MP
    - h. Minister for Local Government - the Hon Shelley Hancock MP
    - i. Member for Lyne - the Hon Dr David Gillespie MP
    - j. Member for Paterson - Ms Meryl Swanson MP
    - k. State Member for Port Stephens - Kate Washington MP
    - l. Member for Maitland - Ms Jenny Aitchison MP.
- 

**BACKGROUND**

The purpose of this report is to seek Council's support, at the request of the Maitland Health Committee, for a full Medicare licence for a Magnetic Resonance Imaging (MRI) system to be installed in the new Maitland Hospital due to open in 2022.

The MRI scanner will be the first public hospital based health scanner in the Hunter to be located outside of metropolitan Newcastle and will provide high level imaging capabilities to hospital patients across the greater Hunter region.

**ATTACHMENTS**

- 1) Request for Full MRI Medicare Licence for the new Maitland Hospital.

ITEM 1 - ATTACHMENT 1 REQUEST FOR FULL MRI MEDICARE LICENCE FOR THE NEW MAITLAND HOSPITAL.

Trevor Lynch  
Chair - Maitland Health Committee

**Re: Request for Full MRI Medicare Licence  
for  
The New Maitland Hospital**

I am a Consumer Representative and Chair of The Maitland Health Committee (MHC).

The purpose of this document is to ask you to advocate, on behalf of your constituents, for a full Medicare licence for the MRI system being installed in The New Maitland Hospital (TNMH) due to open in 2022. The MHC understands that the new MRI system will be a state of the art 3 Tesla MRI machine. It will have features and inclusions making it ideal for children, adults, patients who are obese, patients with claustrophobia, those needing general MRI examinations and those needing specific and specialised imaging.

Currently the options for those patients who need to access MRI services are:

- to attend the private sector MRI locally (but many of these patients express concern about the out of pocket expenses) or
- to access the public hospital MRI systems at the Calvary Mater and John Hunter Hospitals where the scans are covered by Medicare or public funding.

Unfortunately, these MRI machines also have significant waiting lists.

Our local Maitland patients should not need to travel to Newcastle for this specialised imaging, and those patients from elsewhere in the Hunter Valley should not need to travel past Maitland to access these services.

Unfortunately, if the MRI is not granted a full Medicare licence, this imaging will only be available for inpatients of the hospital.

Could you please consider this vital issue for the local community and raise it with your State and Federal colleagues?

The MHC asked Hunter New England Health Imaging to provide a document outlining the importance of a full Medicare licence for the new MRI machine. That document justifying the need for this service is in the following pages.

Thanking you in anticipation of your support in this important matter.

Trevor Lynch  
Chair Maitland Health Committee



**ITEM 1 - ATTACHMENT 1      REQUEST FOR FULL MRI MEDICARE LICENCE  
FOR THE NEW MAITLAND HOSPITAL.**



**Request for the Granting  
Full Medicare Eligibility for  
Magnetic Resonance Imaging**

**The New Maitland Hospital  
Hunter New England Health District**

16 July 2020

**ITEM 1 - ATTACHMENT 1 REQUEST FOR FULL MRI MEDICARE LICENCE FOR THE NEW MAITLAND HOSPITAL.****Introduction**

In early 2022, the new Maitland Hospital (NMH), part of the Hunter New England Health District (HNELHD), will open and commence operation. All current services will be transitioned to the new facility. On commencement, the new hospital will also have a much larger Imaging Department, with an increase in current services, such as general x-ray, CT and ultrasound, as well as new services including fluoroscopy, and Magnetic Resonance Imaging (MRI). The new MRI will be a three Tesla Magnetic Resonance unit (3T) to provide high end imaging capabilities for our patients. The funding for the acquisition of the unit and the associated cabin and infrastructure associated with the unit has been wholly funded by Health Infrastructure (HI).

The MRI scanner will be the first public hospital based health scanner in the Hunter to be located outside of metropolitan Newcastle and will provide high level imaging capabilities to hospital patients across the greater Hunter Region.

The people of the Hunter Region of NSW live within one of the fastest growing regions of NSW with the population growing 16% to 263,416 in the 2016 census compared to that of 2006. In addition, the Hunter Region includes some of the most disadvantaged socio economic areas compared to the rest of NSW. MRI imaging has been a particularly difficult resource for people of the region, with approximately 3500 patients from the Hunter Regions travelling to either Newcastle or Tamworth for their MRI examinations.

The need for access to MRI imaging for people of the region will be partially met by the installation of the new MRI unit at the NMH, however this service will by economic necessity need to be limited to inpatients of public hospitals in the region. This is because the ongoing and very significant costs of operating the unit will need to be borne by the NMH and the provision of unfunded scanning of outpatients would not be sustainable without external funding.

To be able to provide the much needed service of MRI imaging to all people in the Hunter region, we are seeking to have the new scanner accredited as a Full Medicare Eligible scanner where patients can present for their scan without the need to find additional funding gap from their own resources. The granting of this eligibility will provide true equity of access to all residents and enhance health care outcomes through a high quality integrated medical imaging facility.

The new Maitland Hospital application for granting of full Medicare eligibility is based on our patient groups, Health service integration and Geographical position. Each of these areas is covered in detail in the following pages and we believe provides justification for awarding eligibility.

The NMH will offer residents of the Hunter region the only guaranteed site whereby they can access high quality MRI imaging that is fully bulk billed. This is the opposite of the current situation, where the only currently Medicare eligible scanner at a private imaging practice requires patients to pay out of pocket expenses.

**ITEM 1 - ATTACHMENT 1      REQUEST FOR FULL MRI MEDICARE LICENCE  
FOR THE NEW MAITLAND HOSPITAL.**

**The NMH MRI scanner**

The scanner is yet to be tendered for, but will be a 3 Tesla strength system installed in a purpose built scanner suite within the Medical Imaging department of the new Maitland Hospital.

The scanner will be brand new and include all relevant operating systems and software enhancements. The imaging coils utilised in producing images are a key component and the list of coils that will be acquired for the scanner include:

1. Head / neck
2. Spine
3. Body
4. Knee
5. Shoulder
6. Hand Wrist
7. Foot ankle
8. Breast
9. Peripheral Angio
10. Multiple flex coils

Post processing software for the new Maitland Hospital scanner will be of the highest order and includes:

- MR Brevis for Breast CAD
- MR Tissue 4D for tumour imaging in areas such as Prostate and Liver
- MR Spectro and MR Neuro Tumour for the evaluation of brain tumours
- MR Cardiac a functional and volumetric evaluation of the heart
- MR Neuro 3D that allows functional and fibre tract evaluation
- MR DTI Evaluation that provides 3D visualisation of white matter tracts.
- MR Cardiology, MR Neurology MR Oncology and MR tools packages

**Staffing**

The scanner will be staffed by dedicated MRI radiographers with post graduate degrees in MRI imaging and all MRI reports performed by MRI credentialed radiologists.

**Patient groups**

While the predominant part of the Hunter Region is occupied by the Maitland Local Government, patients of the Kurri Kurri, Cessnock, Singleton, Dungog, Muswellbrook, Scone and Port Stephens areas are all very likely to present for an MRI at the new Maitland Hospital.

Population growth in the Hunter Region has been high, with the area seeing a growth of 16 % over the last 10 years. Growth is expected to continue to grow at this rate, with 70,000 new dwellings being required by 2036. The population that can benefit from the new MRI scanner is in excess of 250,000 when all areas of the Hunter Region LGAs are included:

**ITEM 1 - ATTACHMENT 1 REQUEST FOR FULL MRI MEDICARE LICENCE FOR THE NEW MAITLAND HOSPITAL.**

	Population
Maitland LGA	77,305
Cessnock LGA	55,560
Singleton LGA	22,987
Upper Hunter LGA	14,112
Dungog LGA	8,975
Port Stephens LGA	69,556
Muswellbrook LGA	16,086
	<b>264,581</b>

**Top ten NSW SEDs by population growth, June 2007 to June 2017**

<https://www.parliament.nsw.gov.au/researchpapers/Documents/Trends%20in%20NSW%20population%20growth.pdf>

**Table 4: Top ten NSW SEDs by population growth, June 2007 to June 2017<sup>13</sup>**

Electorate	Population (2007)	Population (2017)	Change (no)	Change (%)
Camden	61,325	97,221	35,896	58.5
Heffron	76,748	116,101	39,353	51.3
Riverstone	64,172	96,739	32,567	50.7
Auburn	83,089	112,842	29,753	35.8
Drummoyne	64,711	85,417	20,706	32.0
Parramatta	83,959	110,756	26,797	31.9
Londonderry	74,766	97,331	22,565	30.2
Newtown	72,737	92,643	19,906	27.4
Rockdale	75,403	94,562	19,159	25.4
Maitland	65,012	81,037	16,025	24.6

**Forecast growth for the Maitland LGA indicates a 44.2% increase by 2036**

<https://www.planning.nsw.gov.au/Research-and-Demography/Demography/Population-projections>

**Social Disadvantage**

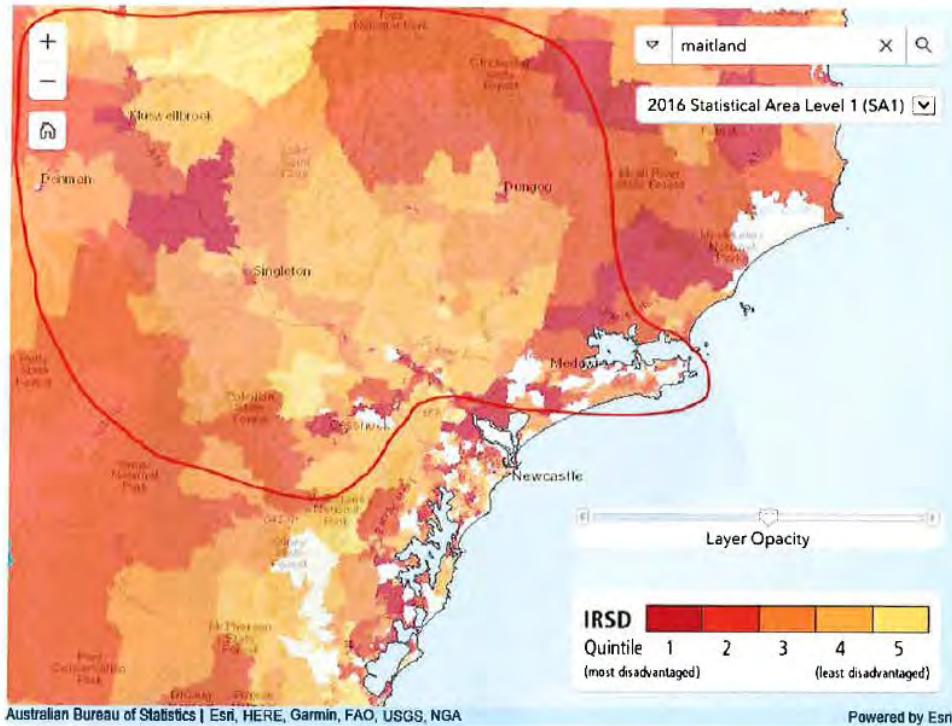
It is an unfortunate fact that the people of the Hunter Region who can benefit from a Medicare eligible MRI scanner are on balance more socially disadvantaged when compared to the rest of NSW on a great deal of measurable indicators.

The region in which they live is largely classified as inner or outer regional, with only the major town of Maitland being classified as major city.





ITEM 1 - ATTACHMENT 1 REQUEST FOR FULL MRI MEDICARE LICENCE FOR THE NEW MAITLAND HOSPITAL.



Other indicators of social disadvantage attest to this rating of social disadvantage including:

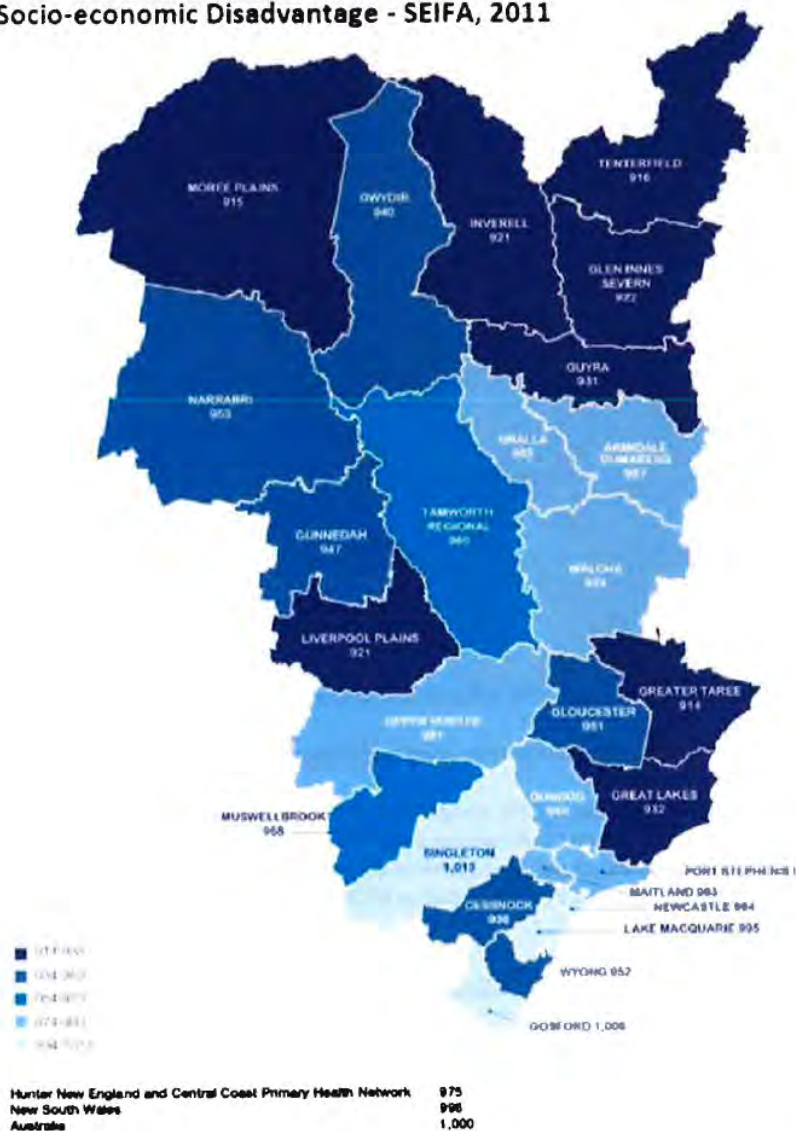
- The unemployment rate is 7.2% compared to the state average of 6.3%
- Aboriginal and/or Torres Strait Islander people is 5.7% compared to the state average of 2.9%
- 17.5% of families are single parent families compared to the state average of 16.0%
- Median weekly incomes for a household is \$1,286 compared to the state median of \$1,486

Source:

[https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/communityprofile/106?opendocument](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/communityprofile/106?opendocument)

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Socio-economic Disadvantage - SEIFA, 2011



Socio – economic disadvantage in the Hunter New England Primary Health Network. From - PHN – Hunter New England and Central Coast Health Planning Compass 2016. <http://hneccphn.com.au/media/3824/compass-jun-16-final-compressed.pdf>

Patients requiring access to the MRI scanner will be largely representative of the regions residents and are effected by socio-economic disadvantage because of their inability to meet the out of pocket expenses charged by the regions only Medicare Eligible scanner located in a Maitland private



**ITEM 1 - ATTACHMENT 1 REQUEST FOR FULL MRI MEDICARE LICENCE FOR THE NEW MAITLAND HOSPITAL.**

imaging facility. In reality it is only those residents with good incomes and of working age that can currently access MRI imaging in the Hunter Region.

When it is recognised that social disadvantage is compounded by the region's population being over represented in the categories of age where ability to self-fund is less likely, the disadvantage becomes even greater. In the Hunter Region, the percentage of residents over 65 years of age is 17.6% of the total population, compared to the state average of 16.2% and the percentage of persons aged 0-14 years is 20.3% of the total population compared to the state average of 18.5%.

**Indigenous population**

There were 15,084 people in the region in 2016 who identified as Aboriginal or Torres Strait islander representing 5.7% of the total population significantly higher than the Australian and NSW average of 2.9% Indigenous persons represent even larger proportions of the total residents in the local government areas of Cessnock 7.2% and Muswellbrook 8.3%, with these local government areas also rated lower in socio-economic advantage in the Hunter Region.

The reluctance of Indigenous persons to travel far from their family home to access health care is well documented and when this is exacerbated by a need to find significant additional funds as is required at the only currently Medicare Eligible MRI scanner the risk of Aboriginal people not being able to access a MRI could lead to poor outcomes for them. In a report on What Aboriginal people think of their access to health care McInman (2000) states that:

*Just over half of the participants stated that they usually did not have a problem paying for the medical service fee. A major reason for this was that many individuals stated that they only attended medical centres that bulk billed. For instance, 73.2% of the 41 participants asked said they only go to a doctor that bulk bills. Never the less 34.1% of the 41 individuals said they usually don't have enough money to pay for the medical service fee and further 14.6% said that they sometimes don't have enough money.*

Granting Medicare eligibility to the public hospital based MRI scanner at the new Maitland Hospital guarantees our Aboriginal residents access to high quality MRI imaging without the burden of out of pocket expenses.

**Age/disease processes**

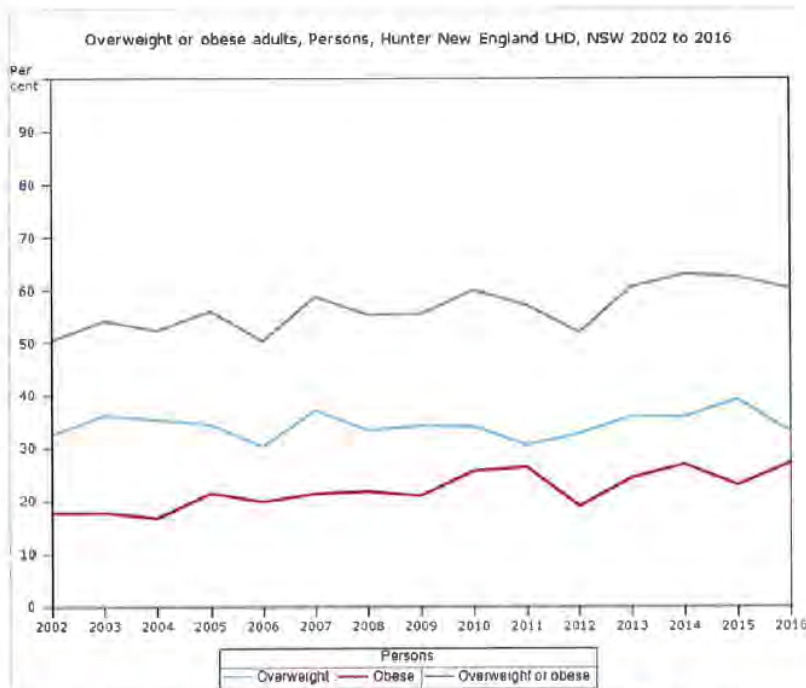
It is no surprise that aligned with socio- economic disadvantage is poor health outcomes and poor health indicators such as smoking, drinking, obesity and chronic disease. Measures of these indicators for the Tamworth Local Government area attest to this.

- Current Smokers 20.2 per 100 - NSW 16.2
- Consuming Alcohol at levels considered to be a high risk to health 5.4 per 100 - NSW 4.8
- Mothers smoking during pregnancy 16.9% - NSW 12%

Obesity levels across the area are also well above state averages and appear to be increasing as evidenced in the chart below from Health Statistics NSW – Overweight and Obesity in adults trends for HNELHD 2002-2016.



ITEM 1 - ATTACHMENT 1 REQUEST FOR FULL MRI MEDICARE LICENCE FOR THE NEW MAITLAND HOSPITAL.



[http://www.healthstats.nsw.gov.au/Indicator/beh\\_bmi\\_age/beh\\_bmi\\_lhn\\_trend](http://www.healthstats.nsw.gov.au/Indicator/beh_bmi_age/beh_bmi_lhn_trend)

**Health service integration**

The new Maitland Hospital is the rural referral hospital for all Lower Hunter and Upper Hunter hospitals in Hunter New England.

On the hospitals single campus site there will be a new 340 bed hospital incorporating surgical, medical, paediatric care, Intensive care, cardiac care, mental health care and obstetric services.

The NMH Medical Imaging department is itself a fully comprehensive practice and can offer all types of imaging including general radiography, ultrasound, Cardiac Catheterisation, CT, mobile and intra operative imaging, and MRI. Like the MRI scanner, all diagnostic imaging equipment is fully digital and high quality. All imaging services for outpatients are bulk billed and there are no gap payments for our patients.

In addition to the main hospital, the campus also offers patients the following services:

- Community Health
- Dental services
- Renal Dialysis Centre
- Chemotherapy
- Pathology

**ITEM 1 - ATTACHMENT 1      REQUEST FOR FULL MRI MEDICARE LICENCE  
FOR THE NEW MAITLAND HOSPITAL.**

The integration of services will be recognised in the acquisition of purpose specific imaging coils and software to allow oncology and Cardiac MRI scanning that can augment the specialty services offered at the NMH by both Oncology and Cardiology services.

**Geographical distribution**

While there is a single Medicare Eligible MRI scanner in East Maitland (Hunter Imaging Group), it is not a bulk billing practice and many residents are disenfranchised because of this. The nearest bulk billing MRI scanners are located in Newcastle which is often at capacity. The journey can also be of significant cost for prospective patients and as a result many people face difficult decisions that may impact on their health outcomes.

The Hunter Imaging Group scanner is also only a 1.5 Tesla unit and has a limited range of imaging coils compared to the new Maitland Hospital MRI scanner.

The second MRI scanner in the Maitland area owned by PRP has only a partial Medicare licence. Only very few examinations can be bulk billed, with the majority of scans requiring a gap payment.

Referrals for MRI scans are generated by a large and diverse clinician base in the Hunter region. More than 3500 patients attended public MRI scanners in Newcastle and Tamworth during 2018.

**Conclusion**

The granting of full Medicare Eligibility for MRI imaging to the new Maitland Hospital MRI unit will fill a large gap in imaging service provision to the population of the Hunter region and in particular to that very large part of the population that are currently disadvantaged by being unable to access a bulk billed MRI scanner.

Health outcomes for many of these patients will be enhanced by access to an imaging service that is currently unavailable to many residents.

**ITEM 1 - ATTACHMENT 1      REQUEST FOR FULL MRI MEDICARE LICENCE  
FOR THE NEW MAITLAND HOSPITAL.**

28 January 2020

**TO WHOM IT MAY CONCERN**

I write to support the application for a full MRI license for the New Maitland Hospital.

The Maitland Emergency Department is a Regional Referral centre that services a rapidly expanding local community as well as the referral base for 8 rural sites located amongst the Lower and Upper Hunter Valley. The department currently sees in excess of 50,000 patients per year, 25% of the presentation volume is paediatric based. This volume is projected to increase 10% within the next 5 years, in conjunction with the move into a new hospital.

The most demanding requirement for a publicly funded MRI on site at the New Maitland hospital from an Emergency Departments point of view is in the assessment and diagnosis of acute spinal cord compression. This time critical diagnosis cannot be investigated any other way. Given that the presentation usually involves severe back pain in addition to lower limb neurologic deficits, it is paramount that we limit the movement of these patient's spinal column for fear or worsening their symptomology. For this reason, it is not possible to refer a patient with these symptoms for an MRI at a Community or private-based radiology centre. The nearest unit capable of imaging these sort of patients in the John Hunter Hospital or Calvary Mater Hospital, both of which require a patient to be transferred via ambulance tying up valuable ambulance time and increasing the risk of injury to patient. In a recent audit of patients presenting with symptoms concerning for spinal cord compression, there were 54 presentations/month. This equates to over 600 individual patient encounters/year. Current delay's in diagnosis, treatment and disposition for these patients is leading to long term harm, increased patient complaints and concern with local health service and frustration amongst clinicians who feel they are not able to practice modern, evidence-based healthcare.

Other evolving trends in the use of MRI in Emergency Departments are largely centred on limiting radiation exposure in special populations, namely paediatrics and pregnant women, as well as those with severe kidney impairment whom

**Hunter New England Area Health Service**  
ABN 24 500 842 605

**Dr Scott Flannagan**  
Co-Director of Emergency Services  
**Emergency Department**  
The Maitland Hospital  
550-560 High Street  
MAITLAND NSW 2320  
Telephone: (02) 4939 2713 Facsimile: (02) 4939 2729  
Email: Scott.Flannagan@hnehealth.nsw.gov.au

**ITEM 1 - ATTACHMENT 1      REQUEST FOR FULL MRI MEDICARE LICENCE  
FOR THE NEW MAITLAND HOSPITAL.**

cannot have radiopaque contrast agents. MRI in these patient populations aide in the diagnostic workup for common, life threatening presentations of appendicitis, stroke, seizure disorders. MRI also diagnoses a number of musculoskeletal injuries such as rupture of the ligaments of the knee, Hip effusions/fractures, and scaphoid fractures of the hand. This leads to less time immobilizing the limb, early return to function and ultimately less non-productive days in the community.

Moving into the new hospital is planned for 2023, it would make little sense to have a world class facility such as the new Maitland Hospital without an MRI service, especially given this hospital will play a vital role in the acute care of a community deserving evidenced-back, value-added care.

Yours sincerely



**Dr Scott Flannagan**  
**Director of Emergency Services**  
**Emergency Department**  
**The Maitland Hospital**

**Hunter New England Area Health Service**  
ABN 24 500 842 605

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ITEM 1 - ATTACHMENT 1 REQUEST FOR FULL MRI MEDICARE LICENCE FOR THE NEW MAITLAND HOSPITAL.



Paediatrics & Child Health  
The Maitland Hospital  
Locked Mail Bag 2007  
Metford Mail Exchange, Metford 2323  
Tel: (02) 49392155 Fax: (02) 49392411

31/01/2020

Ms Di Peers  
General Manager  
Lower Hunter Sector  
The Maitland Rural Referral Hospital

Dear Di

The Paediatric Service at The Maitland Rural Referral Hospital fully supports the application for a Medicare funded MRI license for the NMH.

The catchment population served by our Service is about 200,000 with over a quarter of these children. The community served by our service includes the areas of Maitland, Cessnock, Singleton, Muswellbrook and Scone and includes a high rate of socio-economic disadvantage.

Access to a public bulk-billed MRI scanner will ensure more equitable access to this technology for our community, within the local community rather than having to travel to Newcastle. This imaging modality is particularly suited to neurodevelopmental investigations in children, including babies, giving more information about the brain especially, with minimal risks and inherent safety for children, including babies, when compared with conventional x-ray and CT Scan with the associated exposure to potentially harmful radiation with an increased life-time risk of malignancy, particularly with repeated exposure.

Thank you for the opportunity to support the application.

Yours sincerely



Dr David Rogers  
Senior Staff Specialist – Paediatrician  
Clinical Director Paediatrics  
The Maitland Hospital  
550-560 High Street  
Maitland NSW2320

Secretary: (02) 4939 2155





ITEM 1 - ATTACHMENT 1 REQUEST FOR FULL MRI MEDICARE LICENCE FOR THE NEW MAITLAND HOSPITAL.



Health  
Hunter New England  
Local Health District

04/02/2020

**Letter of support**

Intensive Care Services-The Maitland Hospital and Intensive Care Stream -HNELHD

To whom it may concern

Dear Sir/Madam,

**Re-Establishing MRI services for the New Maitland Hospital**

This letter is to support the application by The Maitland Hospital towards approval and Medicare licencing of MRI services at the New Maitland Hospital facility.

As you are aware, the Lower Hunter Region is a rapidly growing area with a yearly population increase of 2.5-3.0%. This coincides with the exponentially increasing presentations to Emergency Department and hence the public need to access various specialities including intensive Care Services. The establishment of the New Maitland hospital and ICU aligns with our commitment to provide Excellence and ensuring critical care services are available for patients closer to home thereby avoiding separation from their families during vulnerable times.

With establishment of the new ICU services along with vastly increasing clinical demands, our evolving level 5 ICU will have escalating referral needs. Hence, we feel that having a MRI scanner upon opening of the New Maitland Hospital should be a core priority. This will not only prevent undue retrieval of sick patients to other hospitals in the region or state for the purpose of scan as it is now, it will also reduce transfer costs whilst helping achieve many of the regions KPIs and thus improving customer satisfaction and patient safety.

All the more, this is bound to relieve the already burdened JHH imaging system and support the regional referral centres ever increasing demand.

As a Director of Maitland Intensive Care Services and the Director of Intensive Care stream service of HNELHD, we fully support granting a Medicare licence for an MRI at New Maitland Hospital.

Your help on this matter would be greatly appreciated. If you require any further information please do not hesitate to contact us.

Yours sincerely,



*55 years leading you through case  
HNELHD*

*Ken Howell*



*DR. VINODH THODUR MADANPUSI  
DIRECTOR -ICU MAITLAND*

ITEM 1 - ATTACHMENT 1 REQUEST FOR FULL MRI MEDICARE LICENCE  
FOR THE NEW MAITLAND HOSPITAL.



20<sup>th</sup> April 2020  
Mr Trevor Lynch  
Chair Maitland Health Committee

Dear Trevor,

I write to support the application of a MRI licence for the New Maitland Hospital.

As you may be aware, MRI is one of the most powerful imaging tools in modern medicine, producing high quality images of organs and soft tissues in the body and helps clinicians in accurate diagnosis and surgical planning across multiple specialities. Maitland being the fastest growing regional area in NSW, there is great demand across specialities for such an imaging modality locally to provide good quality care to our patients.

I hope your application is successful as we strive to provide access to good clinical care to our local community.

Kind regards

Paul Chuah  
Director Obstetrics & Gynaecology

Hunter New England Area Health Service  
ABN 24 500 842 605

Obstetrics and Gynaecology  
The Maitland Hospital  
Locked Bag 2007  
Metford Mail Exchange  
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[www.hnehealth.nsw.gov.au](http://www.hnehealth.nsw.gov.au)





# MOTIONS TO CLOSE



ITEM NO. 1

FILE NO: 20/276325  
EDRMS NO: PSC2020-02288

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (b) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Applications for Rent Waivers - COVID-19**.
  - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
    - information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
  - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

ITEM NO. 2

FILE NO: 20/276328  
EDRMS NO: PSC2019-05959

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (c) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Newline Road, Raymond Terrace**.
  - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
    - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
  - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

# COUNCIL REPORTS



**ITEM NO. 1**

**FILE NO: 20/59177  
EDRMS NO: PSC2020-03070**

**DEPUTY MAYOR ELECTION**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Determine the term of the Deputy Mayor.
- 2) Determine the method of voting to elect the Deputy Mayor.
- 3) General Manager or his delegate to conduct the election of the Deputy Mayor.

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**BACKGROUND**

The purpose of this report is to elect the Deputy Mayor.

The election of the Deputy Mayor is to be held in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005, should Council wish to proceed with the election of the Deputy Mayor. The role of Deputy Mayor is not required under the Local Government Act 1993.

The General Manager has appointed Council's Governance Section Manager as Returning Officer for the election, should Council wish to proceed.

The current term of the Deputy Mayor is one (1) year. Council may fix the Deputy Mayor term for a period not greater than the Mayoral role, which is four (4) years. The role of Deputy Mayor is only paid an allowance in the absence of the Mayor, which is funded from the Mayoral allowance.

**NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR**

Nominations may be made without notice and should be made in writing by two (2) or more Councillors (one of whom may be the nominee) or the Mayor. A nomination is not valid unless the nominee has indicated consent in writing. The Returning Officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than 1 Councillor is nominated an election will take place.

**DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR**

- a) Preferential Ballot.
- b) Ordinary Ballot.
- c) Open voting.

STATEMENT FROM DEPUTY MAYORAL CANDIDATES (OPTIONAL)

A time limit of 5 minutes per candidate will apply in accordance with Council's Code of Meeting Practice.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance and Civic Leadership.	Provide strong civic leadership and government regulations.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There is no legal requirement under the Local Government Act 1993 to elect a Deputy Mayor.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that in the absence of the Mayor Council would not have an elected representative to act as the Mayor.	Low	Adopt the recommendation.	Yes.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.



**CONSULTATION**

Nil.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM NO. 2

FILE NO: 20/258720  
EDRMS NO: 7-1985-2683-5

**DEVELOPMENT APPLICATION NO: 7-1985-2683-5 FOR A S4.55(2)  
MODIFICATION TO QUARRY - LOWER EXISTING PIT FLOOR AT 139 AND 139A  
ITALIA ROAD, BALICKERA (LOT 66 DP 753200 AND LOT C DP 164505)**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Refuse development application DA No. 7-1985-2683-5 for a S4.55(2) modification to quarry – lower existing pit floor at 139 and 139A Italia Road, Balickera (Lot 66 DP 753200 and Lot C DP 164505) subject to the reasons for refusal contained in **(ATTACHMENT 3)**.

---

**BACKGROUND**

The purpose of this report is to present development application (DA) 7-1985-2683-5 to Council for determination.

The DA has been reported to Council in accordance with Council's Development Applications to be reported to Council Policy as the DA has been called up by Councillor Arnott, Councillor Doohan and Councillor Nell **(ATTACHMENT 4)**.

The subject DA relates to land located at 139 and 139A Italia Road, Balickera and is legally described as Lot 66 DP 753200 and Lot C DP 164505. The site is zoned RU2 Rural Landscape and currently operates as the Seaham Quarry which has been in operation since 1991. A locality plan is provided at **(ATTACHMENT 1)**.

Proposal

The application seeks approval to modify a hard rock quarry, originally approved by Council in 1985. The proposed modification seeks to lower the north eastern ignimbrite pit floor from the current finished level of RL 75 metres AHD to a finished level of RL 45 metres AHD, through the establishment of additional benches across the length of the existing pit.

The proposed pit deepening would be accomplished through the construction of 3 additional benches at the north eastern portion of the pit. The additional benches and pit lowering are proposed within the existing development footprint and would not involve any disturbance to land outside the current approved footprint or any vegetation. The lowering of the pit floor will provide access to an additional 3.3 million tonnes of resources.

The applicant has advised the primary quarry pit area is nearing the end of its extractive life, with the final quarry floor depth and extractive boundaries approaching consented limits imposed under the original approval. Therefore, pit deepening as proposed under this application is needed in order to access the remaining hard rock resource.

To support the proposed lowering of the pit floor and inclusion of the additional benches, the modification application includes alterations to the sites existing water management strategy, including re-grading and augmentation of existing catchment areas, construction of spill ways on basin structures to convey larger rainfall events and construction of a new sediment basin.

No changes are proposed to the quarry's operating hours, production levels, or extraction methods.

### Site Description and History

The subject site, known as Seaham Quarry, is located 10km north of the Raymond Terrace town centre. The site is legally identified as LOT: 66 DP: 753200, LOT: C DP: 164505 and measures a combined area of approximately 303.67 hectares. Access to the site is provided via a private haul road, which connects the quarry to the Pacific Highway via Italia Road.

The original quarry was approved in 1985 under DA 7-1985-2683-1 and began operation in 1991. The quarry extracts ignimbrite and rhyolite to produce an array of hard rock products for Newcastle and Hunter region markets. The quarry currently produces between 0.9 and 1.3 million tonnes of crushed rock products per annum.

The existing ignimbrite pit, proposed to be modified, extends for a distance of 450 metres on a north east – south west axis. Rock is currently extracted through drill and blast methods and the dislodged rock is loaded from the blast heap into 35 tonne dump trucks using a front end loader or excavator and transported to the primary crusher for processing.

The original development consent has been subject to a number of modifications, including extension to hours of operation, creation of an additional extraction area and additional benching (pit lowering), similar to this proposal.

Surrounding land uses include an approved motor racing track to the south east, rural residences and an approved rock quarry (known as Eagleton Rock Quarry) to the south, rural residential and agriculture to the north, and a rock quarry (known as Stone Ridge Quarry) currently under assessment by the Department of Planning, Industry and Environment to the north east.

### Key Issues

The key issues identified throughout the assessment of the proposal relate to traffic and road safety impacts, as outlined below. A detailed assessment of the development is contained in the Planners Assessment Report (**ATTACHMENT 2**).

### Traffic and road safety impacts

The existing quarry currently produces between 0.9 and 1.3 million tonnes of crushed rock products per annum, which is transported off site for sale, requiring approximately 180 truck movements to and from the site per day. Truck movements from the site currently utilise the intersection of Italia Road and the Pacific Highway, which is recognised by Council and Transport for NSW (TfNSW) as being inadequate in its current configuration to facilitate safe right-hand truck movements from Italia Road on to the Pacific Highway.

The application does not propose to increase the rate of extraction or increase the daily number of truck movements. Notwithstanding, the subject application, if approved, would extend the life of the quarry thereby resulting in heavy vehicle movements into the future, that would not have occurred in the absence of the application.

In accordance with State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, Council was required to refer the application to Transport for NSW and take into consideration any response received.

TfNSW requested the applicant provide a Traffic Assessment to assess the traffic and truck impacts of the proposed modification. The Traffic Assessment indicates that the road network operates at a satisfactory level of service, under the current extraction rate. However, the Traffic Assessment found an inadequate level of service (queuing), at the intersection of Italia Road and the Pacific Highway from 2024, based on continued quarry operations proposed under this application. The traffic assessment highlights deficiencies with the current intersection, including poor sight distances which are inhibited by the crest in the highway alignment to the south. The assessment does not identify any measures to improve the intersection.

Further safety issues identified by TfNSW include the volume of laden heavy vehicles using Italia Road, the alignment of the Highway restricting sight distances, the type of intersection and an inadequately sized left hand acceleration lane. The culmination of these factors, results in heavy truck turn movements being unable to make safe right hand turns from Italia Road across the high speed northbound traffic. On this basis, TfNSW did not support the application.

During the referral process, TfNSW advised that the agency has recently secured funding to undertake a review of the Pacific Highway between Six Mile Road and The Bucketts Way. This investigation will assist TfNSW in identifying potential long term upgrades to the road network, which will include grade separation of turns along the corridor. Once the long term upgrade is known, TfNSW can assess the feasibility of interim upgrades which could support additional truck movements at the intersection in the short-term. TfNSW anticipates that this process would take a minimum of 9 to 12 months and as such does not present a viable solution for the subject application.

Due to the unacceptable safety implications at this intersection and the inability of the applicant to resolve these traffic issues to an acceptable TfNSW standard, the application is recommended for refusal.

Conclusion

The proposed development is not consistent with the Environmental Planning and Assessment Act 1979, including Section 4.15(1)(b) regarding social and economic impacts and Section 4.15(1)(e) regarding the public interest.

A detailed assessment of the proposal against the provisions of the 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 not been overcome (as discussed above) and for these reasons the proposed development is recommended for refusal as outlined within **(ATTACHMENT 3)**.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		

**ORDINARY COUNCIL - 22 SEPTEMBER 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed development is not consistent with the Environmental Planning and Assessment Act 1979, including Section 4.15(1)(b) regarding social and economic impacts and Section 4.15(1)(e) regarding the public interest. 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 a third party or the applicant may appeal the determination.	Medium	Adopt the recommendation.	Yes
There is a risk that if the application is approved that Council may be liable for any damage or consequences to approving a development relating to road safety.	Medium	Adopt the recommendation.	Yes
There is a risk the proposal will expose people and property to risk of damage and death as a consequence of approving development which utilises an inadequate intersection to undertake heavy truck movements.	Medium	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposal includes the lowering of a pit floor within an existing quarry, which is screened from view from any public road or surrounding properties. Accordingly, there would be no impact to the built environment as a result of the proposal.

The proposed modification does not include any vegetation clearing, as it proposes to lower the pit floor of an already disturbed area; within the current extraction boundary. The proposal would not result in any increased noise or air quality impacts. Water quality and quantity can be suitably managed in accordance with the proposed water management plan and the existing Environmental Protection Licence.

Notwithstanding, the proposal would result in unacceptable social impacts as a result of the safety implications caused by truck movements at the intersection of the Italia Road and the Pacific Highway.

## **CONSULTATION**

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

### Internal

Consultation was undertaken with internal officers, including; Engineering, Natural Resources, Environmental Health and Building Surveying. The referral comments from these officers were considered as part of the assessment contained at **(ATTACHMENT 2)** and accordingly the DA is recommended for refusal as outlined in within **(ATTACHMENT 3)**.

### External

Consultation was undertaken with TfNSW, Hunter Water Corporation (HWC), the Environment Protection Authority (EPA), the Natural Resources Access Regulator (NRAR), and Department of Industry - Minerals and Energy.

Response from TfNSW objected to the proposal as outlined elsewhere in this report.

HWC raised concern with regard to the effect of existing operations on water quality, however this was not deemed relevant to the assessment of the current application. HWC made no objection to the proposed changes to the quarry's water management strategy.

The EPA made no objection to the proposal. No response was received from the Natural Resources Access Regulator (NRAR), and Department of Industry - Minerals and Energy, therefore, it is assumed that no objection is made to the proposal.

### Public Consultation

In accordance with Councils Development Control Plan and Councils Community Participation Plan, the application was notified and advertised.

The application was first notified on 20 September 2019 to 4 October 2019. A second notification period occurred from 27 March 2020 to 10 April 2020, following the submission of the Traffic Assessment.

During the combined notification periods, there were 4 submissions received relating to the proposed modification. The key issues identified in the submissions related to the proposed approval pathway, the need for TfNSW referral, truck movements and notification. The matters raised in submissions have been addressed in detail within **(ATTACHMENT 2)**. The assessment has acknowledged traffic safety related issues that cannot be overcome and therefore the application is recommended for refusal.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Locality Plan.
- 2) Planners Assessment Report.
- 3) Reasons For Refusal.
- 4) Call to Council Form.

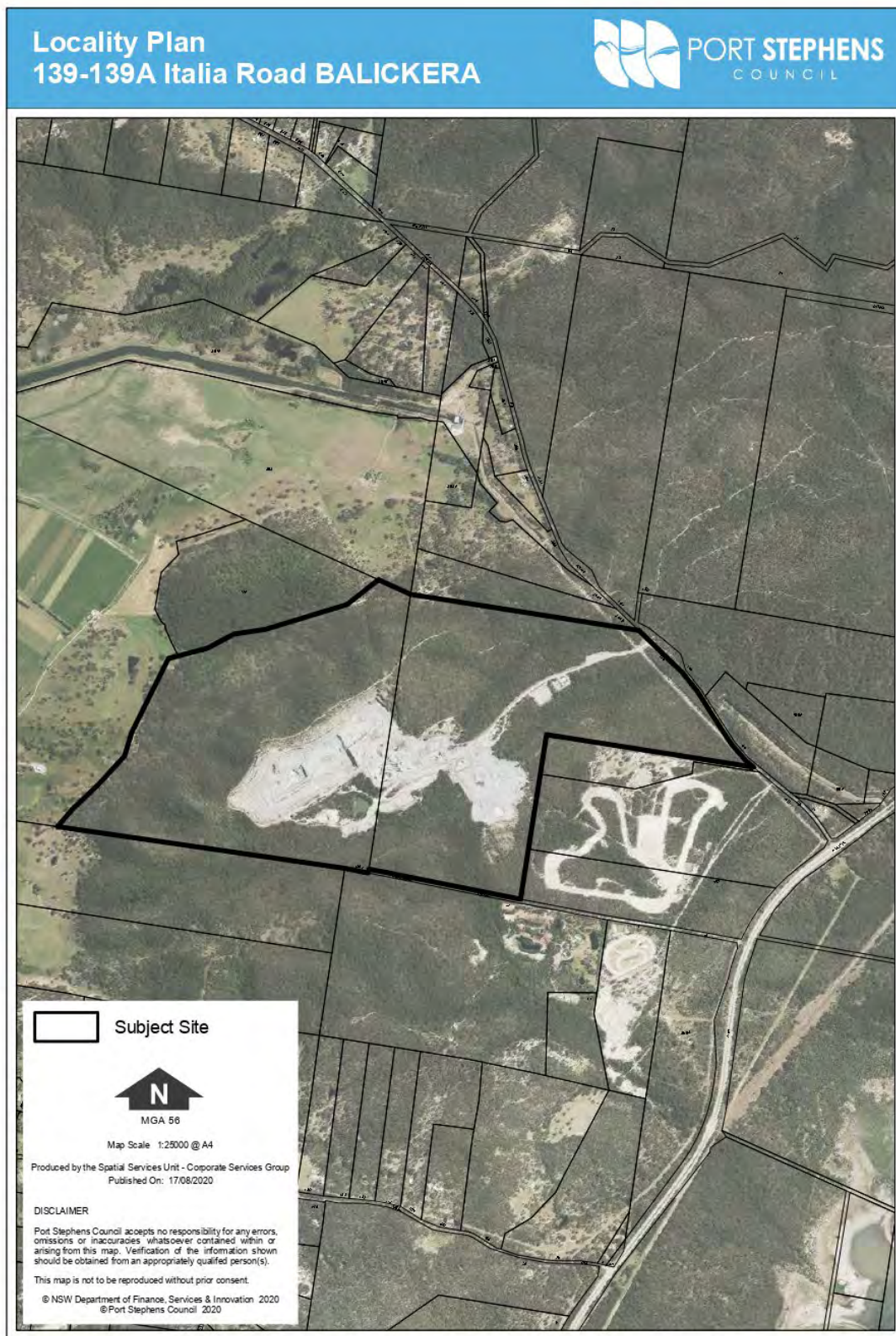
### **COUNCILLORS ROOM**

- 1) Development Plans.
- 2) Copy of un-redacted submissions.

### **TABLED DOCUMENTS**

Nil.





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



**APPLICATION DETAILS**

<b>Modification application no.</b>	7-1985-2683-5
<b>Development description</b>	Hard Rock Quarry
<b>Modification description</b>	S4.55(2) modification to quarry – lower existing pit floor
<b>Applicant</b>	BORAL RESOURCES COUNTRY PTY LTD
<b>Date of lodgement</b>	11/09/2019

**Modification Proposal**

The application proposes to modify a hard rock quarry, originally approved in 1985. The proposed modification seeks to lower the north eastern ignimbrite pit floor to a finished level of RL 45m AHD, through the establishment of additional benches across the length of the existing pit (see **Figure 1 and 2**). The development consent currently limits extraction to a depth of RL 75m AHD at the north eastern pit floor as detailed within the original EIS submitted with the application.

To support the proposed lowering of the pit floor and the inclusion of additional benches, the modification also includes alterations to the sites existing water management strategy, including regrading and augmentation of existing catchment areas, construction of spill ways on basin structures to convey larger rainfall events and construction of a new sediment basin.

The proposed pit deepening would be accomplished through the construction of three additional benches at the north eastern portion of the pit. The additional benches and pit lowering are proposed to be within the existing development footprint and would not involve any additional disturbance to land outside the pit floor or vegetation removal. By lowering the pit floor, the operation will have access to an additional 3.3 million tonnes of resource.

The applicant has advised the primary quarry pit area is nearing the end of its extractive life, with the final quarry floor depth and extractive boundaries approaching consented limits imposed under the original approval. Therefore, pit deepening as proposed under this application is needed in order to access the remaining hard rock resource.

The operation is currently limited to extracting between 0.5 million and 2 million tonnes per annum under the Environmental Protection Licence (EPL) 3956 managed by the Environment Protection Authority (EPA).

The conditions of consent proposed to be modified have been discussed in further detail below.





Figure 1: Ignimbrite Pit Site Plan

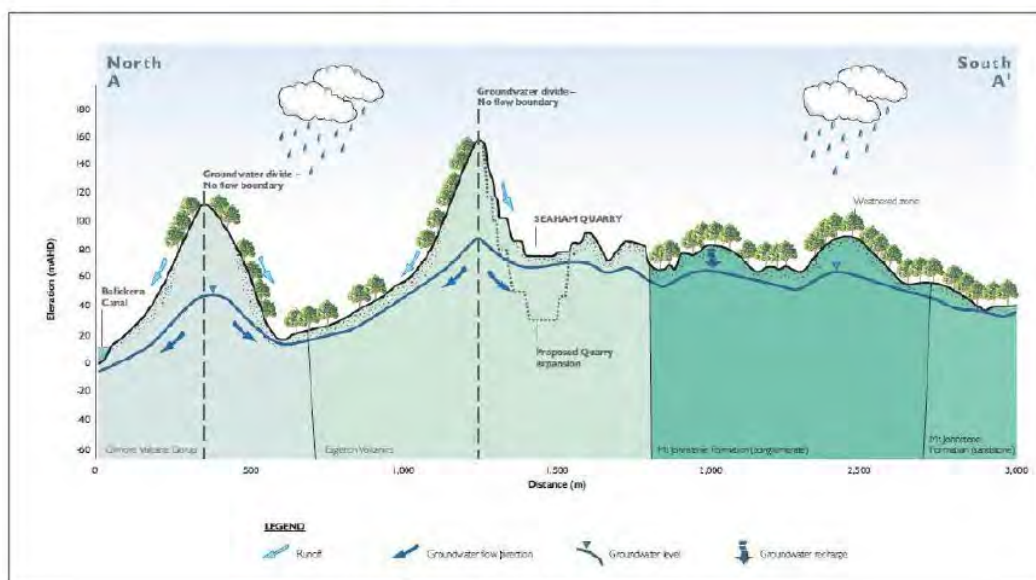


Figure 2: Quarry Cross Section

**Site Description**

The subject site, known as Seaham Quarry, is located 10km north of the Raymond Terrace town centre. The site is legally identified as LOT: 66 DP: 753200, LOT: C DP: 164505 and measures a combined area of 303.67ha (see Figure 3 below). Access is provided via a private haul road, which connects the quarry to the Pacific Highway via Italia Road.



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Surrounding land uses include an approved motor racing track to the south east, rural residences and an approved rock quarry (known as Eagleton Rock quarry) to the south, rural residential and agriculture to the north, and a rock quarry (known as Stone Ridge Quarry) currently under assessment by the Department of Planning and Environment to the north east.



Figure 3: Satellite Image Overview of Site

### Site History

The quarry has been in operation since 1991. The quarry extracts ignimbrite and rhyolite to produce an array of hard rock products for Newcastle and Hunter region markets. The existing ignimbrite pit to be modified is located immediately west of the crushing plant and stockpile areas and extends for a distance of 450 metres along NE – SW axis. Rock is currently extracted through drill and blast methods, at the south-western portion of the pit to a depth of RL 45m AHD from two benches. Dislodged rock is loaded from the blast heap into dump trucks (35 tonne) using a front end loader or excavator and transported to the primary crusher for processing.

The quarry currently produces between 0.9 and 1.3 million tonnes of crushed rock products per annum. The development consent issued for the site does not include a limit on the amount of material that can be extracted from the quarry annually, however access to resource is limited by the consented quarry depth and the Environmental Protection Licence (EPL), administered by the Environmental Protection Authority (EPA). Seaham Quarry operates under EPL 3956, used under the *Protection of the Environment Operations Act 1997* (POEO Act) for crushing, grinding or separating of between 500,000 tpa – 2,000,000 tpa. The EPL identifies the site as a “land based extractive activity” of a scale of “>500,000 – 2,000,000 tonnes”.

The following modification applications have been approved since the original application:

- DA 7-1985-2683-1 - Hardrock quarry and processing plant - approved September 1985

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- DA 7-1985-2683-2 – S96 Modification - approved May 2000 (Extension to hours of operation for 12 months)
- DA 7-1985-2683-3 - S96 Modification - approved June 2001 (Additional extraction area)
- DA 7-1985-2683-4 – Modification to conditions of consent & Additional benching – approved with conditions November 2011

It is noted that the proposed development is similar to modification 4, which sought a deepening of the south-west part of the ignimbrite pit to RL 45m AHD. The proposed modification seeks to replicate the pit deepening now at the north-eastern part of the pit, to a depth of RL 45m AHD.

**Site Inspection**

Officers from Council’s Development Planning and Natural Resources sections conducted a site inspection of the quarry on 26 September 2019. During the site visit a visual inspection was conducted of the existing ignimbrite and rhyolite pits as well as areas of existing and proposed water management infrastructure.

<b>PROPERTY DETAILS</b>	
<b>Property Address</b>	139 Italia Road BALICKERA, 139A Italia Road BALICKERA
<b>Lot and DP</b>	LOT: 66 DP: 753200, LOT: C DP: 164505
<b>Zoning</b>	RU2 RURAL LANDSCAPE
<b>Site constraints that affect the modification</b>	HWC Special Area Grahamstown Dam

<b>ASSESSMENT SUMMARY</b>	
<b>Designated Development</b>	The original development was designated development. Despite this, a modification pursuant to section 4.55 of the EP&A Act is not considered ‘development’ but rather a modification of a development consent. Notwithstanding, the development is not considered to be designated development in accordance with Clause 36 of the Regulations, as discussed elsewhere in this report.
<b>Integrated Development</b>	The original application was integrated development in accordance with s4.46 of the EP&A Act, however the proposed modification does not constitute integrated development.
<b>Concurrence</b>	The application does not require the concurrence of another body.

**Internal Referrals**

The proposed modification was referred to the following internal specialist staff. The comments of the listed staff have been used to carry out the assessment against the S4.15 Matters for Consideration below.

Development Engineer – No objections were made. However, it was noted that TfNSW support for the proposal would be required.

Natural Resources – No objections were made.

Building Surveyor – No objections were made.

Environmental Health – No objections were made.

#### **External Referrals**

The proposed modification was referred to the following external agencies:

#### Transport for NSW

The application was referred to TfNSW for comment in accordance with Clause 16 of the SEPP (Mining, Petroleum Production and Extractive Industries) 2007.

Following review of the proposal, TfNSW requested a Traffic and Transport Study to assess the traffic and truck impacts of the proposed modification.

Following submission of a Traffic Assessment by the applicant, and subsequent TfNSW review, objection was made to the proposal on the grounds that the existing at-grade intersection type is no longer considered appropriate for the volume of heavy laden vehicles entering the Highway from the local road. Key issues with the intersection related to poor sight distance due to the crest in the highway alignment to the south, intersection type and lack of an adequately sized acceleration lane. As a result, trucks are unable to make safe right hand turns from Italia Road across the high speed northbound traffic.

To address the intersection deficiency, in April 2020, TfNSW requested further information to provide potential road upgrades or measures, which would mitigate the impact associated with continued quarry operation. In response, the applicant proposed an interim solution to limit extraction to 900,000tpa from 2024 through a consent condition, and restrict right turns on Italia Road between 3 and 6pm for heavy vehicles.

However, the proposal was not supported by TfNSW, noting the lack of a sufficient left hand turn acceleration lane for heavy laden vehicles turning onto the Pacific Highway.

#### Hunter Water Corporation

The application was referred to Hunter Water Corporation (HWC) in accordance with Section 51 of the *Hunter Water Act 1991*. Following review of the proposal, HWC raised concern with the existing quality of water discharge from the site, which drains to Seven Mile Creek. In October 2019, further information was requested to demonstrate that current site operations are not adversely affecting water quality of the site. Additional information was submitted in response to HWC's concerns, including water quality data, however, HWC considered that the information did not provide sufficient detail to demonstrate that the current operation is not adversely affecting water quality.

To address the water quality related matters, HWC requested a Water Quality Impact Assessment be submitted to review. HWC also provided comment with regard to the sites proposed Water Management Plan and requested a number of potential issues and improvements to be incorporated in the plan. Conditions of consent were also recommended by HWC, in the event the application is supported.

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Council considers that the request for information addressing historical water quality by HWC is not relevant to the assessment of the current modification and therefore further information was not requested from the applicant in this regard. However, further information was requested with regard to comments made on the Proposed Water Management Plan.

In response to the Water Management Plan comments, the applicant provided additional clarification which were deemed satisfactory by HWC.

Environment Protection Authority

The application was referred to the EPA as the quarry is a scheduled activity under Section 48 of the *Protection of the Environment Operations Act 1997*. In response, EPA noted that the modification is minor in nature and its impacts are unlikely to be greater than the existing quarry.

The EPA regulates the premises by virtue of environment protection licence 3956 which includes conditions that adequately address any potential water issues associated with the pit deepening, which is the subject of this Development Application. EPA advised GTA's were not required for the proposed modification.

Natural Resources Access Regulator (NRAR)

The application was referred to the NRAR with relation to the need for a water use approval. No response was received and it is assumed no objection is made to the proposal.

Department of Industry - Minerals and Energy

No response was received and it is assumed no objection is made to the proposal.

**OTHER MODIFICATIONS – S4.55**

**S4.55(2)(a) – Substantially The Same Development**

The development as modified is deemed to be substantially the same as the approved development for the following reasons:

- The proposal will not change the extraction area footprint;
- The annual rate of production would not change as a result of the modification;
- The type of product being extracted would not change as a result of the modification;
- The operational and extraction processes (drilling and blasting practices) would not change as a result of the modification;
- The hours of operation would not change as a result of the modification;
- The number of employees on the site would not change as a result of the modification;

It is noted that quantitatively, the proposal would enable access to an additional 3.3 million tonnes of resources, and thereby additional truck movements that would not have otherwise occurred. Despite this, the materials to be extracted are located in an existing quarry pit, which would be extracted and lowered at the same rate currently approved.

On this basis, it is considered that the essence of the development is not substantially altered and the application is substantially the same.

**S4.55(2)(b) – Concurrence and Integrated Development**

The proposed modification does not constitute integrated development and does not require the concurrence of any external agency. However, referrals were sent to agencies that previously provided comment on the original application, as outlined in the external referrals section, elsewhere in this report.

**S4.55(2)(c) – Notification**

In accordance with Councils Development Control Plan and Councils Community Participation Plan, the application has been notified and advertised. The application was first notified on 20 September 2019 to 4 October 2019. A second notification period occurred from 27 March 2020 to 10 April 2020, following the submission of the Traffic Assessment.

**S4.55(2)(d) – Submissions**

During the combined notification periods, there were Four (4) submissions received relating to the proposed modification. The matters raised in the submissions objecting to the development are discussed against Section 4.15(1)(d), elsewhere in this report.

**S4.55(3) – S4.15(1) Assessment****S4.15(1)(a)(i) – The provisions of any EPI**

The application is consistent with the provision of the PSLEP 2013 and all relevant SEPPs applicable to the proposal.

**State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)**

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) attempts to standardise the approach throughout NSW to the assessment and approval of mining and petroleum activities under Part 4 of the EPA Act.

Part 3 of the Mining SEPP identifies matters that are to be considered in development applications. The relevant clauses for consideration are Clause 14, 15, 16 and 17.

Clause 14 of the SEPP requires the consent authority to consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner. In this regard, it is considered that the existing operations of the quarry are appropriately managed via existing conditions of development consent and the EPL licence. Conditions of consent could be implemented to ensure appropriate ongoing environmental management of the development.

Clause 15 requires the consent authority consider the efficiency or otherwise of the development in terms of resource recovery. In this regard, the application does not propose any amendment to existing resource extraction methods and therefore has no implication relating to efficiency.

Clause 16 of the SEPP requires the consideration of consent conditions relating to transport. Due to the proposal requiring transport of materials on a public road, the consent authority is required to refer the application to TfNSW for comment and take into consideration any response received.



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As discussed, elsewhere in this report, TfNSW objected to the development on the grounds that the existing at-grade intersection type is not appropriate for the volume of laden heavy vehicles using Italia Road. Moreover, the alignment of the Highway and type of intersection results in heavy trucks being unable to make safe right hand turns from Italia Road across the high speed northbound traffic.

Clause 17 of the SEPP requires the consent authority to consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development. It is noted that there are existing conditions of consent for rehabilitation which satisfy the requirements of Clause 17.

S4.15(1)(a)(ii) – Any Draft EPI

	Notes (what draft EPI if needed and comments where not compliant)
<input checked="" type="checkbox"/> There are no draft EPI's that are relevant to the proposed development	

S4.15(1)(a)(iii) – Port Stephens Development Control Plan 2014

Chapter	Compliant	Notes (where needed or if not compliant)
B	<input checked="" type="checkbox"/> General Controls	<p><b>B2 – Natural Resources</b> The proposed modification does not include any vegetation clearance, as it proposed to lower the pit floor of an already disturbed area; within the current extraction boundary.</p> <p>The Water Management Plan submitted with the application has been reviewed by HWC and the EPA and found to be satisfactory.</p> <p>Subject to conditions, the proposal could be considered consistent with Section B2 of the DCP.</p> <p><b>B3 – Environmental Management</b> <i>Air Quality</i> The pit deepening is proposed to be carried out using existing approved extraction and handling techniques. Furthermore, the proposed extraction is to occur in with the already approved footprint. On this basis, no additional impacts relating to air quality would occur, satisfying the requirements of Section B3.B of the DCP.</p> <p><i>Noise</i> The proposed pit deepening is proposed to be carried out using existing extraction techniques and during the approved hours of operation. The proposed extraction is to occur within the same footprint as that already</p>

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		<p>approved and therefore the operational noise emissions would not change. On this basis, no additional impacts relating to noise would occur, satisfying the requirements of Section B3.C of the DCP.</p>
		<p><b>B9 – Traffic and car parking</b>                  The proposal results in additional truck movements through the extension of the life of the development, via pit deepening. As such, a Traffic Assessment, prepared by Transport Planning Partnership, dated 25 February 2020 was submitted for the application.</p> <p>The Traffic Assessment estimates current average daily movements to be 180 trucks, operating at a maximum extraction rate of 1.3 million tonnes per annum.</p> <p>The Traffic Assessment indicates that the road network operates at a satisfactory level of service, under the current extraction rate. However, the Traffic Assessment finds a drop in the level of service, at the intersection of Italia Road and the Pacific Highway from 2024, during the PM peak, based on continued quarry operations proposed under this application. To mitigate this impact, the applicant proposes to limit extraction to 900,000tpa from 2024 through a consent condition, and restrict right turns on Italia Road between 3 and 6pm for heavy vehicles. The imposition of a condition requiring such a restriction would ensure a satisfactory level of service of the road network is achieved, in accordance with the requirements of this clause.</p> <p>Despite the proposal being capable of maintaining an acceptable level of service for the road network, subject to the recommendations of the Traffic Assessment, the safety related issues caused by the inadequacy of the intersection treatment, raised by TfNSW, have not been addressed.</p>
C	<input checked="" type="checkbox"/> Development Types	There are no development types specified within the DCP that relate to the proposal.
D	<input checked="" type="checkbox"/> Specific Areas	There are no specific areas within the DCP that relate to the proposal.

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S4.15(1)(a)(iiiia) – Any planning agreement or draft planning agreement entered into under section 7.4

There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.

S4.15(1)(a)(iv) – The regulations

**Schedule 3 Designated Development**

*Part 2 – Are alterations or additions designated development?*

The original development was designated development. Despite this, a modification pursuant to section 4.55 of the EP&A Act is not considered 'development' but rather a modification of a development consent. Notwithstanding, the applicant argued that development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development. Clause 36 of the Regulations provides factors to be considered by the consent authority when forming the opinion as to whether or not development is designated development.

The environmental impacts of the proposed modification are limited, by the nature of the operations being located within the existing extraction footprint. In this regard, operational noise and dust sources would not change. Furthermore, the application proposes the use of existing extraction methods within approved operating hours, therefore noise and dust impacts would not be exacerbated. No additional clearing of vegetation is required and no impact would occur to scenic qualities. Water quality can be suitably managed in accordance with the proposed water management plan and the existing EPL licence. Rehabilitation and restoration is to occur in accordance with existing conditions of consent.

On this basis, it is considered the does not significantly increase the environmental impacts of the development and the proposal is not considered to be designated development.

S4.15(1)(b) – The likely impacts of that development

	<b>Notes (where needed)</b>
<input checked="" type="checkbox"/> Social and Economic Environment: There would be beneficial impacts as a result of the development.	<p>The proposal would enable extraction of a known resource on an existing quarry site. The proposal makes good use of the existing development footprint thereby minimising economic and social costs of extracting materials in an undisturbed area.</p> <p>The extraction of additional resources enables distribution for use in construction and development related industry, whilst improving economic viability of the operation, thereby maintaining employment opportunities for the surrounding community.</p> <p>Notwithstanding, the proposal would result in unacceptable social impacts as a result of the</p>

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	safety implications caused by truck movements at the intersection of the Italia Road and the Pacific Highway, under the current road configuration.
<input checked="" type="checkbox"/> Built Environment: The proposed development would not cause harm to the existing character.	The proposal includes the lowering of a pit floor within an existing quarry which is screened from view from any public road or surrounding properties. Accordingly, there would be no impact to the built environment as a result of the proposal.
<input checked="" type="checkbox"/> Natural Environment: There are no adverse impacts expected as a result of the proposed development and appropriate conditions have been added.	<p>The proposed modification does not include any vegetation clearing, as it proposed to lower the pit floor of an already disturbed area, within the current extraction boundary.</p> <p>The proposal would not result in any increased noise or air quality impacts.</p> <p>Water quality can be suitably managed in accordance with the proposed water management plan and the existing EPL licence.</p>

S4.15(1)(c) – The suitability of the site

The proposal occupies the existing disturbed development footprint already subject to quarrying activities. For this reason, the subject site remains suitable for the proposed development.

S4.15(1)(d) – Any submissions

Four (4) submissions were received during the combined notification periods. The issues raised in submissions are addressed in the table below:

<b>Issue</b>	<b>Response</b>
<p><b>New development Consent Required</b></p> <ul style="list-style-type: none"> <li>- A new development consent is required given the substantial amount of extraction proposed.</li> <li>- The modified development would not remain 'substantially the same'.</li> <li>- The amount of excavation cannot be adequately assessed in an SEE and requires more comprehensive Environmental Impact Statement'</li> <li>- Application should be considered designated development and SEARs sought.</li> <li>- There are new environmental impacts as part of the proposal hence the application is not a modification.</li> </ul>	<ul style="list-style-type: none"> <li>- The application seeks to modify the depth of the existing pit. There are no proposed changes to the extraction boundary, hours of operation, rate of production, extraction methods, number of staff of the development. Rather, the modification seeks to allow access to additional resource within the existing approved extraction area. On this basis, it is considered that the essence of the development is not substantially altered the application is substantially the same.</li> <li>With regard to the above consideration, it is considered that the proposal is consistent with S4.55 of the EP&amp;A Act and a new DA is not required.</li> <li>- The proposal is not considered designated</li> </ul>

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	<p>development. Furthermore, in accordance with Clause 35, Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> alterations and additions to designated development are not considered designated development.</p> <ul style="list-style-type: none"> <li>- The presence of environmental impacts do not preclude the assessment of a modification application against Section 4.55(2) of the <i>Environmental Planning and Assessment Act 1979</i>.</li> </ul>
<p><b>Consent Authority Should be the HCCRP</b></p> <ul style="list-style-type: none"> <li>- The proposed volume of material extraction far exceeds the 30,000 cubic metres of extractive material per year threshold set out in clause 19 of schedule 3 of the EP&amp;A Regulation and therefore should be designated development.</li> <li>- The Development would be regionally significant and should be determined by the JRPP.</li> </ul>	<ul style="list-style-type: none"> <li>- The proposal does not include modification to the existing annual processing volume of the development, nor does it seek to increase the extraction area and disturb areas which have not already been impacted.</li> <li>- The development does not trigger any of the relevant thresholds for designated development or regional development.</li> </ul>
<p><b>The application is State Significant Development</b></p> <ul style="list-style-type: none"> <li>- The quantum volume of extraction exceeds 500,000 tonnes of material per year and is from a total resource in excess of 5 million tonnes, which exceeds the thresholds in clause 7 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>- Part 14 Division 1 Clause 228 of the <i>Environmental Planning and Assessment Regulation 2000 (EP&amp;A Regulation)</i> should be taken into consideration in the assessment.</li> </ul>	<ul style="list-style-type: none"> <li>- The extraction proposed in this modification does not exceed the thresholds in Clause 7 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>- Part 14 Division 1 Clause 228 of the <i>Environmental Planning and Assessment Regulation 2000</i> is not relevant to the proposed development.</li> </ul>
<p><b>RMS Referral</b></p> <ul style="list-style-type: none"> <li>- The application should be referred to RMS in accordance with Clause 16 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP).</li> </ul>	<ul style="list-style-type: none"> <li>- The application has been referred to Transport for NSW (formerly RMS).</li> </ul>
<p><b>Truck movements</b></p> <ul style="list-style-type: none"> <li>- The applicant states that the proposal would result in no additional truck movements.</li> <li>- The application would result in more than 200,000 additional truck movements.</li> <li>- Right hand truck movements from Italia Road onto the Pacific Highway are not safe.</li> <li>- Discrepancy exists between the estimated quarry production levels in the SEE</li> </ul>	<ul style="list-style-type: none"> <li>- The application would result in additional truck movements, resulting from the extraction of additional material. On this basis, a request for information was made for the submission of a Traffic Assessment, which has since been submitted by the applicant.</li> <li>- The Traffic assessment acknowledges additional truck movements resulting from the extraction of additional resources,</li> </ul>

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<p>(700,000-800,000 tonnes per annum) and the levels assumed in the Traffic Assessment (1.3 million tonnes per annum).</p> <ul style="list-style-type: none"> <li>- Compliance with the original Environmental Impact Statement (EIS) as required by Condition 4 of the consent, confers compliance with the estimated 35 truck load per day within the EIS.</li> <li>- The Traffic Assessment modelling does not take into account cumulative impacts of surrounding land-uses.</li> </ul>	<p>however, given the material to be extracted from an existing pit, with no additional footprint disturbance, the rate would remain consistent with that already undertaken at the quarry. The Traffic Assessment models tuck movements at a rate of 180 movements per day, based on existing operations, although acknowledges that this can and does vary, depending on market demand.</p> <ul style="list-style-type: none"> <li>- Referral correspondence from TfNSW indicates that the intersection of Italia Road and the Pacific Highway is not appropriate for the volume of heavy laden vehicles entering the Highway from the local road. Key issues with the intersection related to poor sight distance, due to the crest in the highway alignment to the south, resulting in the inability to make safe right hand turns from Italia Road across the high speed northbound traffic.</li> <li>- The modelling used in the Traffic Assessment is based on traffic counts of existing operations, which forecasted processing of 1.3 million tonnes of material per annum. The traffic assessment acknowledges that this figure can and does vary, depending on market demand. No objection is made by Council or TfNSW with regards to the methodology used for the modelling within the Traffic Impact Assessment.</li> <li>- Compliance with the EIS as required by condition 4 of the consent, does not require truck movements to be limited to 35 per day. The EIS states that the 35 truckloads per day is an estimate attributed to the initial stages of the development where extracted rock was to be transported to a Raymond Terrace plant for processing. It is noted that this no longer occurs and processing of material now occurs on site at the quarry.</li> <li>- It is noted that the Traffic Analysis does not take into account other approved developments in the locality. Notwithstanding, the application is not supported on the grounds of traffic safety at the intersection of Italia Road and the Pacific Highway.</li> </ul>
<p><b>Adequacy of historical application records</b></p> <ul style="list-style-type: none"> <li>- Council does not hold adequate records of</li> </ul>	

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the original application and subsequent modification.	- Council holds extensive records of the original and modification applications, enabling proper assessment to occur.
<b>Notification</b> - The application period commenced and concluded, without there being any clarity off Council on the original approval documents being amended.	- The application was notified in accordance with the Port Stephens Development Control Plan, Community Consultation Plan and the <i>Environmental Planning and Assessment Regulation 2000</i> .
<b>Assessment of Section 4.15 of the EP&amp;A Act 1979</b> - the modification must be considered against Section 4.15 of the EP&A Act 1979, which requires the consent authority to consider the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality (s4.15(1)(b)).	- The application has been assessed against Section 4.15 of the EP&A Act 1979, as detailed elsewhere in this report.

S4.15(1)(e) – The public interest

The development is considered to create social and economic benefits through the extraction of additional resources to be used in construction and development related industry, whilst improving economic viability of the operation, thereby maintaining employment opportunities for the surrounding community.

The proposed development makes good use of the existing development footprint, thereby minimising impacts to the natural environment. The proposal incorporates a water management plan to ensure the adequate ongoing management of the site.

Notwithstanding, the proposal would result in unacceptable impacts as a result of the safety implications caused by unsafe truck movements at the intersection of the Italia Road and the Pacific Highway, under the current road configuration.

For this reason, the proposal is not considered to be in the public interest.

**DETERMINATION**

The modification application is recommended to be refused by Council, subject to the reasons for refusal as shown above.



**REASONS FOR REFUSAL**

1. The proposed development would cause unacceptable impacts to road safety, resulting in adverse social and economic impacts (s.4.15(1)(b) of the Environmental Planning & Assessment Act 1979 (EP&A Act)).
2. The proposed development is not considered to be in the public interest as the development would result in unacceptable impacts to road safety (s.4.15(1)(e) of the EP&A Act).



**PORT STEPHENS COUNCIL**

116 Adelaide Street  
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# Call to Council form

Development Application

116 Adelaide Street,  
Raymond Terrace NSW 2324

PO Box 42  
Raymond Terrace NSW 2324

p (02) 4988 0255 | f (02) 4987 3612  
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DX 21406 | ABN 16 744 377 876

## DEVELOPMENT APPLICATION (DA) CALL TO COUNCIL REQUEST

We (Mayor/Councillor/s)

Name:	Cr Arnott
Name:	
Name:	
request that DA number:	16-2018-2683
for DA description:	S4.55 modification to quarry
located at:	139 Italia Rd, Balickera 2324 NSW

be reported to Council for determination.

### REASON

Community concern, legal issues raised by submission

### SIGNATURE OF APPLICANT/S

Signature		Date	1 / 1
Signature		Date	1 / 1
Signature		Date	1 / 1

### 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.

ITEM NO. 3

FILE NO: 20/250423  
EDRMS NO: 16-2020-456-1

**DEVELOPMENT APPLICATION 16-2020-456-1 FOR A CHANGE OF USE TO MEDICAL CENTRE (CHIROPRACTOR) AND FIT-OUT WORKS AT 42 WILLIAM STREET, RAYMOND TERRACE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve development application DA No. 16-2020-456-1 for a change of use to Medical Centre (Chiropractor) and fit-out works, subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

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**BACKGROUND**

The purpose of this report is to present a development application (DA) 16-2020-456-1 to Council for determination. The DA has been reported to Council in accordance with Council's 'Development Applications to be Reported to Council Policy' as the application proposes development on Council owned operational land.

The subject DA relates to land identified as Lot: 104 DP: 583648, located at Shop 1, 42 William Street, Raymond Terrace (the subject site). The subject site is zoned B3 Commercial Core. A locality plan is provided at **(ATTACHMENT 1)**.

Proposal

The proposal includes a change of use to a medical centre (Chiropractor) and internal fit-out works for an existing commercial shop.

The proposed fit-out will result in the creation of 4 consulting rooms, with the reception area and staff room remaining as previously constructed.

The proposed medical centre (Chiropractor) will operate from Monday to Friday, 7am to 7pm, and Saturday, 8am to 12pm. The commercial shop benefits from 5 allocated parking spots at the rear of the building.

Site Description

The subject site has a total area of 3,053m<sup>2</sup> and contains an existing commercial building that includes various tenancies.

The proposed development is located in Shop 1 and is currently vacant. The tenancy benefits from an existing development application for use as a tattoo and piercing studio (DA 16-2015-674-1).

Key Issues

No issues arose during assessment of the application. The application is being reported to the elected Council for determination, as it is situated on Council owned operational land.

A detailed assessment of the development is contained within the Planners Assessment Report provided at **(ATTACHMENT 2)**.

Conclusion

The proposed development has been assessed, and deemed generally compliant with the objectives and provisions of the relevant environmental planning instruments applicable to the site, including:

- Environmental Planning and Assessment Act 1979
- Port Stephens Local Environmental Plan 2013
- Port Stephens Development Control Plan 2014
- State Environmental Planning Policy No 55 - Remediation of Land
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy (Koala Habitat Protection) 2019.

Subsequently, the application has been recommended for approval, subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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

**ORDINARY COUNCIL - 22 SEPTEMBER 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The development application is consistent with Council's policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the determination of the application may be challenged in the Land and Environment Court.	Low	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Social and Economic Implications

The proposed development will result in chiropractic care being available within the Raymond Terrace town centre. The proposal will facilitate long term employment and economic activity that will benefit the needs of the community. The proposed use is unlikely to negatively impede upon the social or economic environment of Raymond Terrace.

Built Environment Implications

The proposed development includes minor fit-out works to an existing shop. The proposal will not change the external façade of the existing commercial building. Noting this, the proposed built environment will not be negatively impacted as a result of the proposal.

Natural Environment Implications

The proposed development maintains existing stormwater drainage arrangements, and does not include removal or impact upon any vegetation. The development will be supported with standard conditions for appropriate management of waste generated from the proposed medical centre (Chiropractor) use. Noting this, any impact upon the natural environment will be suitably negated.

## **CONSULTATION**

### Internal

Consultation was undertaken with the Building Surveyors. The referral comments from these officers were considered as a part of the Planners Assessment Report provided at **(ATTACHMENT 2)**.

### External

No consultation with any external agencies was required to be undertaken during the assessment of this application.

### Public Consultation

The application was required to be notified for a period of 14 days, from 17 August 2020 to 31 August 2020, in accordance with Council's Community Participation Plan. No submissions were received during this time.

## **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.

## **COUNCILLORS ROOM**

- 1) Development Plans.

## **TABLED DOCUMENTS**

Nil.







PORT STEPHENS  
COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

### APPLICATION DETAILS

<b>Application Number</b>	16-2020-456-1
<b>Development Description</b>	Change of use to medical centre (chiropractor) and internal fit-out
<b>Applicant</b>	PORT STEPHENS COUNCIL
<b>Land owner</b>	PORT STEPHENS COUNCIL
<b>Date of Lodgement</b>	30/07/2020
<b>Value of Works</b>	\$5,000.00
<b>Submissions</b>	Nil

### PROPERTY DETAILS

<b>Property Address</b>	42 William Street RAYMOND TERRACE
<b>Lot and DP</b>	LOT: 104 DP: 583648
<b>88B Restrictions on Title</b>	Nil
<b>Current Use</b>	Tattoo studio (currently vacant)
<b>Zoning</b>	B3 COMMERCIAL CORE
<b>Site Constraints</b>	Acid sulfate soils, class 4 Koala Habitat Planning Map, clear RAAF Base Williamtown, height trigger map (45m) RAAF Base Williamtown, bird strike (Group A) Stormwater drainage requirement area
<b>State Environmental Planning Policies</b>	State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy No. 55 (Remediation of Land) State Environmental Planning Policy (Koala Habitat Protection) 2019



**PROPOSAL**

The proposed development includes a change of use from an existing tattoo studio to a medical centre (chiropractor). The development includes minor internal fitout of the existing shop to create 4 individual consulting rooms. The reception area and staff room are to remain as existing (see Figure 1).

The proposed 2.4m walls will include a width of 110mm, with a height of 2.4m (noting ceiling height is 2.82m), and to be constructed of treated pine and plywood. The walls will be fixed to the existing floor and concrete beams.

The proposal will operate from Monday to Friday, 7am to 7pm, and Saturday, 8am to 12pm. The commercial shop benefits from 5 allocated parking spots at the rear of the building.



Figure 1 – Proposed internal fit out floor plan. Proposed walls highlighted in yellow. Shop boundary lines in blue.



**SITE DESCRIPTION**

The subject site is located at 42 William Street Raymond Terrace, legally identified as Lot: 104 DP 583648. The subject site has a total area of 3,053m<sup>2</sup> and contains a commercial building. The building contains 16 shops of various uses, including a food and drink premises, gym (PCYC), dry cleaners and an accountant.

The development is proposed in Shop 1 that has frontage to William Street. The shop is currently vacant, however benefits from an existing development consent for use as a tattoo and piercing studio (DA 16-2015-674-1).

The land is currently owned by Port Stephens Council and, as a result, will be reported to the Elected Council for determination.

No compliance matters are recorded with relation to the subject site.

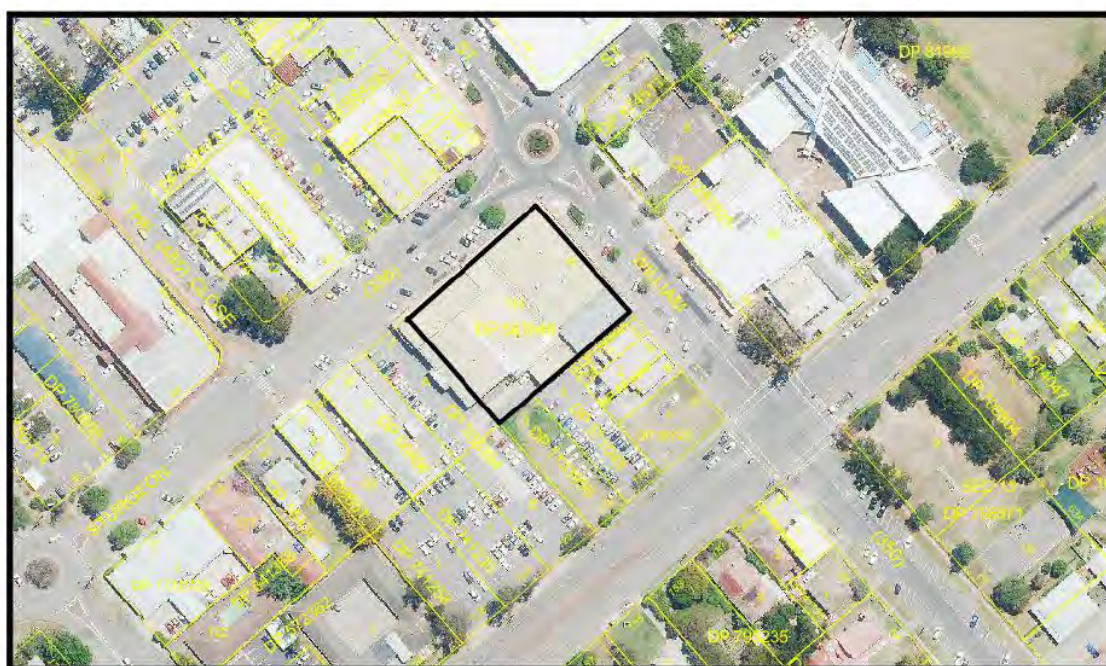


Figure 2 – GIS aerial image. Subject site in black outline.

Site inspection

A site inspection was carried out on 20 August 2020. The subject site can be seen in the images below:



Figure 3 – Subject site, reception area, walls to be erected in background.



Figure 4 – Subject site, staff room area, to remain as is.

**REFERRALS**

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



**ITEM 3 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

16-2020-456-1

Building Surveyor – A construction certificate is required and has been lodged concurrently with the development application. The proposed internal fitout (erection of walls) and change in building use requires a Construction Certificate, Occupation Certificate and Fire Safety upgrades. These upgrades have been considered in this assessment.

The proposed development has the ability to comply with BCA provisions and is supported subject to standard conditions.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**S4.46 – Integrated development**

The proposed development is not considered integrated development under the provisions of this Clause.

**S4.15 – Matters for Consideration**

**s4.15(1)(a)(i) – The provisions of any EPI**

<b>STATE ENVIRONMENTAL PLANNING POLICY NO. 55 (REMEDIATION OF LAND)</b>		
<b>Clause</b>	<b>Compliant</b>	<b>Notes</b>
7	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> The proposed development site has no previous record of contamination, nor is it listed on the NSW list of contaminated and notified sites, published by the EPA.</li> <li><input checked="" type="checkbox"/> The land is not within an investigation area, nor are there any records of potentially contaminating activities occurring on the site.</li> <li><input checked="" type="checkbox"/> The proposed use is not listed as a possible contaminating use, per Table 1 of the Guidelines.</li> </ul>	The application proposes a change of use and minor fitout works only. Works and ongoing use are not considered a contaminating use, and there is no record of contaminating uses previously occurring on site. The development is considered to satisfy the objectives and requirements of this Instrument.

<b>STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019</b>		
<b>Clause</b>	<b>Compliant</b>	<b>Notes</b>
3	<input checked="" type="checkbox"/> The proposed development encourages the conservation and management of naturally vegetated areas that provide habitat for koalas.	The subject site is mapped as clear koala habitat, and contains an existing commercial building; which is clear of habitat trees or any significant vegetation.
8	<input checked="" type="checkbox"/> The proposed development is consistent with Council’s Comprehensive Koala Plan of Management.	The proposed development is for a change of use and minor fit out works, within an existing commercial shop. On this basis, the development is considered to avoid impact upon koala habitat, movement or longevity; in accordance with the requirements of the CKPoM.

<b>STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018</b>		
<b>Clause</b>	<b>Compliant</b>	<b>Notes</b>
4	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Development is within the Coastal Management Areas and the SEPP applies.</li> </ul>	
13	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> The development is located within the coastal environment area, and;</li> <li><input checked="" type="checkbox"/> The development is unlikely to cause impact to the integrity and resilience of the biophysical, hydrological and ecological environment, the coastal environmental values and processes or the water quality of the marine estate, and;</li> <li><input checked="" type="checkbox"/> The development is designed and sited to avoid adverse impact on the above mentioned areas.</li> </ul>	<p>The proposed development is for a change of use only and is setback from the Williams River by over 100m. The proposed use as a medical centre will not generate impacts sensitive to the environment. The proposal is unlikely to impact upon the coastal environment zone or coastal use zone.</p>
14	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> The development is located within the coastal use area, and</li> <li><input checked="" type="checkbox"/> The development is unlikely to cause impact to the integrity and resilience of the biophysical, hydrological and ecological environment, the coastal environmental values and processes or the water quality of the marine estate, and;</li> <li><input checked="" type="checkbox"/> The development is designed and sited to avoid adverse impact on the above mentioned areas.</li> </ul>	

<b>PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013</b>		
<b>Clause</b>	<b>Compliant</b>	<b>Notes</b>
2.1	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Permissible in zone and meets zone objectives.</li> </ul>	<p>The development is defined as Medical Centre (chiropractor) and is permissible in the B3 – Local Core zone.</p> <p>The development meets zone objectives by providing facilities and services in an existing commercial area, to meet the needs of the surrounding community.</p>
7.1	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Potential Class 4 ASS with no works more than 2m below ground level.</li> </ul>	<p>The development includes minor fitout works within the existing commercial</p>



**ITEM 3 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

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		building. No excavations are required to facilitate the works and therefore impacts on ASS is reasonably negated.
7.3	<input checked="" type="checkbox"/> Development within flood planning area but no anticipated flood risk to life and property, or change in flood characteristics.	The development is mapped as minimal risk flood prone land, with no flood planning level applicable. The proposal is for a change of use within an existing commercial building and is unlikely to change flood characteristics, or increase risk to life and property. The development will not impede on flooding, nor be impeded by flooding, to any greater extent than the current use.
7.6	<input checked="" type="checkbox"/> Essential services are available to the site where required.	All essential services are available to the site.

**s4.15(1)(a)(ii) – Any Draft EPI**

		<b>Notes (what draft EPI if needed and comments where not compliant)</b>
	<input checked="" type="checkbox"/> There are no draft EPI's that are relevant to the proposed development	
	<input type="checkbox"/> A draft EPI is relevant to the proposed development however the application is consistent with the aims and objectives of the document.	

**s4.15(1)(a)(iii) – Any DCP**

<b>PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014</b>		
<b>Clause</b>	<b>Compliant</b>	<b>Notes (where needed or if not compliant)</b>
B3	<input checked="" type="checkbox"/> Development would not disturb acid sulphate soils or an acceptable ASSMP has been prepared.	The development includes minor fitout works within the existing commercial building. No excavations are required to facilitate the works and therefore no ASS will be disturbed.

**ITEM 3 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

16-2020-456-1

B5	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Proposed development is on flood prone land; AND,</li> <li><input checked="" type="checkbox"/> A flood certificate has been submitted with the application and the finished levels are consistent with Table 2: Development Suitability Table; AND,</li> <li><input checked="" type="checkbox"/> The submitted documents are consistent with Table 2: Development Suitability Table.</li> </ul>	<p>The development is mapped as minimal risk flood prone land, with no flood planning level. The proposal is for a change of use within an existing commercial building and is unlikely to change flood characteristics, or increase risk to life and property. The application is supported with a flood certificate, and the proposal is considered consistent with the objectives of this chapter.</p>
B6	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Essential services are available to the site, where required.</li> </ul>	<p>An existing commercial building is situated on the subject site and maintains access to essential services.</p>
B7	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Development is within the height of buildings (45m) and the bird strike (Group A zone)</li> </ul>	<p>The nature of the development will not increase risk of bird strike, and is located in an existing structure of which is under the height of OLS buildings restrictions. An advisory condition has been applied for the appropriate management of waste on site to ensure perceived impacts to bird strike is negated.</p>
B9	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> The development would not generate significant increases in traffic.</li> <li><input checked="" type="checkbox"/> On-site parking provision meets the requirements of figure BQ or merit based assessment; AND,</li> <li><input checked="" type="checkbox"/> Suitable disabled parking is provided in line with figure BQ.</li> </ul>	<p>Under the provisions of the DCP, the most appropriate definition for the development is Medical Centre under the provision of this chapter. Medical Centres require 1 space per 25m<sup>2</sup> of floor space. The usable floor area comprise 90m<sup>2</sup> and therefore requires 4 spaces under the DCP provisions. The development benefits from 5 allocated spaces located in the parking area for the commercial building, at the rear of the site. The proposal therefore complies with the DCP provisions for parking.</p>
C2	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> The development is for a change of use only.</li> <li><input checked="" type="checkbox"/> The subject site contains an existing commercial premises of which is suitable for the proposed use and generally compliant with the objectives of this chapter.</li> <li><input checked="" type="checkbox"/> The proposed development would be consistent with the existing development</li> </ul>	<p>The proposed medical centre will be located within an established commercial building. The proposed change of use will not alter the existing building façade or make any structural changes. Proposed internal fit out works, including the erection of 4 partition walls, will enable a more functional space and privacy for cliental, whilst not impacting</p>



ITEM 3 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2020-456-1

	<p>in its form, height, bulk, design and materials.</p> <p><input checked="" type="checkbox"/> The development would not adversely affect the amenity of neighbouring properties or the public domain.</p>	<p>upon the fire safety or structural capacity of the building. The development remains consistent with the surrounding commercial character of the area, and the subject tenancy is considered suitable for the proposed chiropractic use.</p> <p>No signage is proposed for the proposed health facility, however standard advisory conditions will be applied to ensure signage is either exempt development or obtains appropriate DA approvals; if erected in the future.</p>
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**s4.15(1)(a)(iiiia) – Any planning agreement or draft planning agreement entered into under section 7.4**

	Notes (where needed)
<p><input checked="" type="checkbox"/> There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.</p>	

**s4.15(1)(a)(iv) – The regulations**

	Notes (where needed)
<p><input checked="" type="checkbox"/> There are no matters within the regulations that are relevant to the determination of the application.</p>	

**s4.15(1)(b) – The likely impacts of the development**

	Notes (where needed)
<p><input checked="" type="checkbox"/> <b>Social and Economic Environment:</b> There would be beneficial impacts as a result of the development.</p>	<p>The proposed development will result in chiropractic care being available within the Raymond Terrace town centre. The proposal will facilitate long term employment, and economic activity that will benefit the needs of the community. The proposed use is unlikely to negatively impede upon the social environmental of Raymond Terrace.</p>
<p><input checked="" type="checkbox"/> <b>Built Environment:</b> The proposed development would not cause harm to the existing character.</p>	<p>The proposed development includes minor fit out works to an existing shop. The proposal will not change the external façade of the existing commercial building. Noting this, the built environment will remain unchanged as a result of the proposal.</p>

<p><input checked="" type="checkbox"/> <b>Natural Environment:</b> There are no adverse impacts expected as a result of the proposed development and appropriate conditions have been added.</p>	<p>The proposed development maintains existing stormwater drainage arrangements, and does not impact upon any vegetation. The development can be supported with standard conditions for appropriate management of waste generated from the proposed chiropractic use. Noting this, any impact upon the natural environment can be suitably negated.</p>
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**s4.15(1)(c) – The suitability of the site**

The subject site is within an existing commercial area and makes good use of an available commercial tenancy. The proposal is consistent with surrounding uses and will not impede on the future usability of the land. The proposal will result in beneficial social and economic outcomes and any potential impact on the natural environment can be reasonably mitigated. The proposal is considered suitable for the subject site.

**s4.15(1)(d) – Any submissions**

The application was required to be notified for a period of 14 days, from 17 August 2020 to 31 August 2020, in accordance with Council's Community Participation Plan.

No submissions were received during this time.

**s4.15(1)(e) – The public interest**

The proposal is located within an existing commercial tenancy and makes good use of an available shop. The proposal does not result in unreasonable impacts by way of economic, social, natural or built environments. The proposal will result in chiropractic care being provided to meet the needs of the surrounding community. The proposal is considered within the public interest.

**s7.11 – Contribution towards provision or improvement of amenities or services (developer contributions)**

The proposed development is a change of use to an existing commercial tenancy. Developer contributions were paid at the time the building was constructed. No additional contributions are required.

**DETERMINATION**

The application is recommended for approval by Council, subject to conditions as contained in the notice of determination.

EMMELIA JOHNSTONE  
DEVELOPMENT PLANNER





## DRAFT CONDITIONS OF CONSENT

### 1.0 - General Conditions of Consent

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

- (1) **Approved plans and 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/ drawing no.	Name of plan	Prepared by	Date
2020/456, sheet 1	Site Plan	Vanessa Hitchcock (Applicant)	15/07/2020
2020/456, sheet 2	Floor Plan	Vanessa Hitchcock (Applicant)	15/07/2020
2020/456, sheet 3	Fit Out Plan	Vanessa Hitchcock (Applicant)	15/07/2020

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

- (2) **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.
- (3) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Sign on building** – Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.

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

### 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.

#### PORT STEPHENS COUNCIL

116 Adelaide Street  
Raymond Terrace NSW 2324

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Raymond Terrace NSW 2324

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www.portstephens.nsw.gov.au

## ITEM 3 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (1) **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) **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.
- (2) **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.
- (3) **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.

- (4) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction or subdivision works approved by this consent must not commence until the following has been satisfied:
  - a) a Construction Certificate has been issued by a Consent Authority;
  - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
  - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

#### 4.0 - During Works

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

- (1) **Construction hours** – All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (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) **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

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ITEM 3 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



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) **Upgrade with the BCA** – All building upgrade measures required to be installed pursuant to Clause 93 for change of building use for an existing building of the *Environmental Planning & Assessment Regulation 2000*, must be certified prior to use of the building for the purposes approved by this consent.
- (3) **Fire Safety Certificates** - A Fire Safety Certificate must be provided to the PCA in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

**6.0 – Ongoing Use**

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

- (1) **Hours of operation** – The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	7am to 7pm
Tuesday	7am to 7pm
Wednesday	7am to 7pm
Thursday	7am to 7pm
Friday	7am to 7pm
Saturday	8am to 12pm
Sunday and Public Holidays	Closed

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

- (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

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to the Commissioner of New South Wales Fire Brigades in accordance with the *Environmental Planning & Assessment Regulations 2000*.

- (4) **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 or business premises.

#### Advice Note(s):

- (1) **Premise standard** – It is the Applicants responsibility to ensure compliance with the requirements of the *Disability Discrimination Act 1992 (DDA)*.  
**Note:** Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- (2) **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.
- (3) **'Non-habitable space' for industrial or commercial** – This approval has been issued giving consideration to industrial or commercial uses on the ground floor that meet the definition of 'non-habitable space' as set out by the NSW Floodplain Development Manual.
- (4) **Flood information is subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
- (5) **Flood Evacuation Plan** – A flood evacuation plan should be prepared; 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.
- (6) **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.
- (7) **Bird strike advice** – As the subject site is located in an area mapped by the Department of Defence as "Birdstrike Group B", organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.

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ITEM NO. 4

FILE NO: 20/253589  
EDRMS NO: 58-2017-3-1

**PLANNING PROPOSAL FOR 4 GILES ROAD, SEAHAM**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Not proceed with the rezoning request (**ATTACHMENT 3**) that seeks to amend the Port Stephens Local Environmental Plan 2013 to rezone land from RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size from 40 hectares to 1 hectare at 4 Giles Road, Seaham (Lot 14 DP 846633).

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**BACKGROUND**

The purpose of this report is to recommend that Council does not proceed with a rezoning request and planning proposal for 4 Giles Road, Seaham.

A map showing the location of the subject land is provided at (**ATTACHMENT 1**) and a strategic planning assessment report is provided at (**ATTACHMENT 2**).

At its meeting on 10 December 2019, Council considered a report from staff recommending that the matter not proceed. The reasons for the recommendation included inconsistencies with the local and State strategic planning framework. At that time, Council resolved to defer the matter to allow the proponent to provide further information (**ATTACHMENT 4**).

Since then, Council staff have contacted and met with the proponent and the landowner a number of times to discuss the matter.

Council staff met with the proponent and the landowner on 23 January 2020 and advised the proponent to consider making a submission during the upcoming exhibition of the draft Port Stephens Local Housing Strategy (Live Port Stephens) on the proposed assessment criteria for new rural residential rezonings.

A submission was received on 19 March 2020, and Council staff met with the proponent on 28 May 2020 to advise that, should Council adopt Live Port Stephens, the rezoning request would be inconsistent with the State and local strategic planning framework.

At its meeting on 14 July 2020, Council adopted Live Port Stephens, including criteria for new rural residential rezonings based on Council's previously adopted Rural Residential Policy. On 30 July 2020, Council wrote to the proponent to confirm that the rezoning request remained inconsistent with the State and local strategic planning framework and to request the matter be withdrawn. Council staff met with the proponent again on 11 August 2020 and discussed the inconsistencies in detail.

Live Port Stephens includes both exclusionary criteria and management criteria to ensure rural residential development does not occur in inappropriate locations. Management criteria are land constraints that can be addressed by the submission of further information and studies. Exclusionary criteria are constraints that cannot be overcome and prohibit rural residential development.

The exclusionary criteria applies to the subject land because it adjoins land that may have potential for urban housing, subject to future investigations. The exclusionary criteria does enable a cumulative assessment and the future investigation of broad areas, in consultation with the community that may be suitable for a higher land use in the future. This enables a precinct approach to matters such as biodiversity, emergency evacuation for flooding and supporting land uses and infrastructure provision. A site specific planning proposal in this location is not appropriate and would result in missed opportunities for regional solutions such as reserving biodiversity corridors and infrastructure connections.

The proponent has requested a time extension to submit further information to support the assessment of the rezoning request. It is acknowledged that a number of inconsistencies may be overcome, however given the nature of the exclusionary criteria, further information is unlikely to resolve this issue.

The inconsistencies have been outlined to the proponent and landowner on numerous occasions since the planning proposal was lodged, including in formal correspondence and meetings on 5 September 2017, 8 August 2019, 23 January 2020, 28 May 2020, 30 July 2020, and 11 August 2020 and in the Council report of 10 December 2019.

Council staff have offered several opportunities for the proponent to withdraw the proposal and obtain a 25% refund of Stage 1 fees in accordance with Council's Fees and Charges Schedule (\$2,687.50). The proponent has refused to withdraw the planning proposal and seek a refund.

Date lodged:	17 March 2017 (and revised 24 August 2018)
Proponent:	Perception Planning on behalf of Kord Properties Pty Ltd
Subject property:	4 Giles Road, Seaham (Lot 14 DP 846633)
Site area:	32.2 hectares
Current zoning:	RU2 Rural Landscape
Proposed zoning:	R5 Large Lot Residential

**ORDINARY COUNCIL - 22 SEPTEMBER 2020**

Current minimum lot size:	40 hectares
Proposed minimum lot size:	1 hectare
Relevant local strategy:	Port Stephens Local Housing Strategy (Live Port Stephens)
Supporting studies	<ul style="list-style-type: none"> <li>• Suitability for Primary Production (David Campbell BSC FAusIMM, 15 July 2016)</li> <li>• Traffic Impact Statement (Better Transport futures, 29 July 2016)</li> <li>• Flora and Fauna Assessment (excluding certain vegetation clearing) (Wildthing Environmental, February 2017)</li> <li>• Assessment of Odour Impact (Parker Scanlon, November 2017)</li> <li>• Bushfire Threat Assessment for Rural Subdivision (Anderson Environment &amp; Planning, November 2017)</li> </ul>
Other supplementary documents	<ul style="list-style-type: none"> <li>• Net Community Benefit Test (Parker Scanlon, March 2017)</li> <li>• Noxious Weeds Inspection Report (David Campbell BSC FAusIMM, 30 September 2016)</li> <li>• Fire Management Plan (Kord Properties, 28 July 2018)</li> <li>• Site Management Plan for Brush Tailed Phascogale and Grey Crowned Babbler (Kord Properties, August 2018)</li> <li>• Giles Road Overview (Kord Properties, August 2018)</li> <li>• Tree Regeneration Report (Kord Properties, August 2018)</li> <li>• Tree Removal Statistics (Kord Properties, August 2018)</li> <li>• Biodiversity Statistics (Kord Properties, August 2018)</li> <li>• Koala Management Plan (Kord Properties, March 2018)</li> <li>• Assessment of Biosecurity Impacts (Parker Scanlon, May 2018)</li> </ul>
Key issues	<ul style="list-style-type: none"> <li>• The proposal is inconsistent with the Port Stephens Local Housing Strategy (Live Port Stephens) because it cannot meet exclusionary criteria that precludes new rural residential rezonings in, or in proximity to, land potentially suitable for urban purposes.</li> <li>• The proposal is inconsistent with the Hunter Regional Plan 2036 which directs that rural residential housing should only occur on land that is unlikely to be required for urban purposes and requires councils to prepare a local housing strategy that plans for new rural residential development in appropriate locations.</li> </ul>



Purpose of the amendment

The purpose of the planning proposal is to amend the Port Stephens Local Environmental Plan 2013 to enable subdivision for rural residential development.

Existing and surrounding uses

The site immediately adjoins the Woodville locality on the southern boundary and is located in the western extent of Seaham (**ATTACHMENT 1**). The site is accessed via Giles Road and existing development includes a residential dwelling, several ancillary buildings and dams located within creek paths. The site is presently used for livestock grazing, but due to poor soils is considered to have limited agricultural potential. The site currently contains some riparian corridors and native vegetation, mainly consisting of mature trees, however some vegetation has been removed since 2012.

Surrounding land uses include large rural holdings, some containing chicken farms, and some smaller concessional allotments. Relatively unconstrained land directly adjoining the site to the south generally meets the criteria in Live Port Stephens for potential urban housing. The site itself may also meet this criteria.

Suitability of the subject land

The planning proposal seeks to facilitate rural residential development in a location that is inconsistent with Live Port Stephens, the Greater Newcastle Metropolitan Plan 2036 (GNMP) and the Hunter Regional Plan 2036 (HRP).

Live Port Stephens provides criteria to ensure that rural residential development occurs in appropriate locations. The subject land does not meet exclusionary criteria as it is in proximity to land that may be suitable for urban purposes. In accordance with the Live Port Stephens, the subject land is excluded from consideration for future rural residential development at this time. Whilst Live Port Stephens provides for broad assessment of land use in these circumstances, no further information can be provided to overcome the inconsistency with the exclusionary criteria.

Live Port Stephens aims to protect land identified or in proximity to land identified as suitable for urban purposes. Land immediately south of the subject land has potential meets this criteria due the relatively unconstrained nature of the land. Therefore, the subject land is not suitable for rural residential purposes and should be considered in the context of all potentially developable land within the surrounding area to ensure the orderly and economic development of land and that the planning for the area aims for the highest and best use of the land, taking into account any constraints. Proceeding with a site specific planning proposal for rural residential development in this location is likely to impact consideration of future land use opportunities in the area.

The justification provided by the proponent for a future rural residential use is based on the existing surrounding context and character of the locality. Neighbouring sites on Giles Road include 28 rural lots that were subdivided some years ago as a result of historic ‘concessional lot’ provisions in previous local planning instruments. These lots range in size from 1.5 hectares to 3.6 hectares and were not the result of any planning strategies or studies for rural residential settlement.

In addition to the assessment of site suitability and strategic merit, the strategic planning assessment report addresses relevant site specific and technical matters **(ATTACHMENT 2)**. These matters have not been determinative in the assessment, given the significance of the issues relating to strategic merit and the suitability of the site detailed above.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications if Council resolves to adopt the recommendations of this report.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are risks related to land use planning and public interest considerations if Council resolves to proceed with the planning proposal.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the State government will not issue a Gateway determination if the planning proposal proceeds due to inconsistencies with current State and local plans, strategies and policies related to rural residential development.	High	Adopt the recommendation not to proceed with the planning proposal.	Yes.
There is a risk that progressing the planning proposal at this time will limit opportunities for coordinated and orderly growth in the future.	High	Adopt the recommendation not to proceed with the planning proposal.	Yes.
There is a risk that deferral of the planning proposal will not meet State government assessment timeframes enhanced as part of COVID-19 recovery measures.	High	Adopt the recommendation not to proceed with the planning proposal.	Yes.

Environmental Planning and Assessment Act 1979 (NSW)

Under Part 3 of the Environmental Planning and Assessment Act 1979 (NSW), (the Act) only the Minister for Planning (or the Minister's delegate) or a Council can initiate the preparation of a local environmental plan. This process is commenced through the consideration and adoption of a planning proposal.

If Council adopts the recommendations of this report and does not proceed with the planning proposal, the proponent has the opportunity to request a review by the Hunter and Central Coast Regional Planning Panel. Given the timeframe that the proposal has been under assessment this option has been available to the proponent for some time.

### Regional Plans

The planning proposal is inconsistent with the Greater Newcastle Metropolitan Plan 2036 (GNMP) and the Hunter Regional Plan 2036 (HRP). Both the GNMP (Strategy 18) and HRP (Direction 22) direct local councils to prepare local housing strategies that will guide the location and delivery of rural residential housing areas. As outlined in this report, the planning proposal is inconsistent with the exclusionary criteria for rural residential housing in the Port Stephens Local Housing Strategy (Live Port Stephens) due to the land being in proximity to land that is suitable for urban purposes.

In providing guidance to local councils on appropriate locations for rural residential housing, the GNMP and HRP both state that rural residential housing should only occur on land that is unlikely to be required for a higher land use. The planning proposal is therefore inconsistent with the adopted local and State strategic planning framework and this may impact planning for future land use opportunities in the area.

### Port Stephens Local Strategic Planning Statement

Council adopted the Port Stephens Local Strategic Planning Statement (LSPS) on 14 July 2020. The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic, and environmental planning priorities for the future. Planning proposals are required to include whether the proposed instrument will give effect to the LSPS of the LGA.

The LSPS includes Action 4.1 to prepare and implement a local housing strategy. The planning proposal is inconsistent with the Port Stephens Local Housing Strategy (Live Port Stephens) as provided below.

### Port Stephens Local Housing Strategy (Live Port Stephens)

The Port Stephens Local Housing Strategy (Live Port Stephens) was adopted by Council on 14 July 2020. Live Port Stephens is the overarching strategy to guide land use planning decisions for new housing in Port Stephens. Live Port Stephens lists priorities and actions to:

1. Ensure suitable land supply
2. Improve housing affordability
3. Increase diversity of housing choice
4. Facilitate liveable communities

Live Port Stephens includes rural residential criteria that outline the key requirements and constraints requiring consideration in preparing rezoning requests for rural residential development.

The planning proposal cannot meet the exclusionary criteria in Live Port Stephens as it adjoins land that is relatively unconstrained and otherwise meets much of the urban housing criteria in Live Port Stephens. As such, the planning proposal cannot meet the exclusionary criteria in Live Port Stephens due to being within proximity to land that demonstrates consistency with the urban housing criteria in Live Port Stephens.

With consideration to the above, there is no foreseeable pathway for the planning proposal to deliver a rural residential outcome, consistent with the current vision for housing at both State and local levels. The subject land is not suitable for a site specific planning proposal for rural residential development or as part of a broader planning proposal that does not consider the adjoining land and its potential for future highest and best land use.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

If Council proceeds with the planning proposal, there are likely to be significant adverse social, economic and environmental implications.

Proceeding with a site specific planning proposal for rural residential development at this time would adversely impact future infrastructure planning and funding in the area. This could also include planning for facilities, services, and outcomes that would benefit the entire precinct and community, including providing for flood free access, opportunities to preserve biodiversity habitat corridors, and planning for social infrastructure provision.

### **CONSULTATION**

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

#### Internal

As detailed in the strategic planning assessment report (**ATTACHMENT 2**), the issues raised from internal referrals are non-determinative as the planning proposal is inconsistent with the exclusionary criteria in Live Port Stephens. The subject land cannot satisfy the exclusionary criteria due to its proximity to land that demonstrates consistency with the urban housing criteria and should not proceed.

External

The Strategic Planning unit have carried out extensive consultation in developing the Port Stephens Local Housing Strategy (Live Port Stephens). A draft was exhibited in March 2020 and the proponent of the subject planning proposal provided a submission. In their submission it was noted that the planning proposal was inconsistent with the rural residential criteria and requested amendments to facilitate the proposal. While several amendments were made to Live Port Stephens post-exhibition it was not amended in a way that supports the proposal, given the need to maintain consistency with HRP directions.

A separate community submission was received during Live Port Stephens exhibition objecting to the proposal. Given the inconsistencies with the adopted local and State strategic planning framework and the likelihood of the planning proposal adversely impacting future land use opportunities in the area it is recommended that the planning proposal not proceed.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Locality map.
- 2) Strategic planning assessment report.
- 3) Rezoning request. (Provided under separate cover)
- 4) Ordinary Council Minutes (Item No. 4) - 10 December 2019.

**COUNCILLORS ROOM**

Note: All relevant technical studies referenced in this report can be inspected upon request.

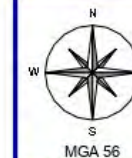
**TABLED DOCUMENTS**

Nil.

# Locality Map 4 Giles Road, Seaham



**PORT STEPHENS**  
COUNCIL



MGA 56

**DISCLAIMER**

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

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Our Ref: 58-2017-3-1

### STRATEGIC PLANNING ASSESSMENT REPORT

Assessment of rezoning request made to the Council by a person for the preparation of a planning proposal under Part 3 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

<b>Application No.</b>	58-2017-3-1
<b>Applicant Name</b>	Perception Planning (on behalf of Kord Properties Pty Ltd)
<b>Applicant Address</b>	PO Box 107 Clarence Town, NSW 2321
<b>Site Location Details</b>	4 Giles Road, Seaham (Lot 14 DP 846633)
<b>Proposal Summary</b>	Rezone land from RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size from 40 hectares to 1 hectare.
<b>Eligible for Planning Proposal Preparation?</b>	No
<b>Adequate Information?</b>	No
<b>Planning proposal to be prepared?</b>	No

#### SITE IDENTIFICATION PLAN





**ASSESSMENT SUMMARY**

The rezoning request (RR) is inconsistent with the local and State strategic planning framework including the Hunter Regional Plan (HRP) and Port Stephens Local Housing Strategy (Live Port Stephens). The RR applies to land excluded from rural residential development due to its proximity to land that demonstrates consistency with the urban housing criteria in Live Port Stephens.

The RR is unable to satisfy the matters for investigation outlined in the draft Port Stephens Rural Residential Strategy 2015 (RRS) which reinforces the intent of Live Port Stephens to prevent rural residential housing until planning for potential urban land uses in the area have been completed.

Additionally, insufficient information has been provided to demonstrate that development of the site could achieve the environmental outcomes required to demonstrate consistency with the abovementioned State and local strategies and policies.

Whilst there is the opportunity for the RR to address environmental matters, there is no foreseeable pathway to resolve the inconsistencies with strategic planning framework, as the relate to being located in proximity to land that meets criteria for urban uses. At this time, the site is not suitable for rural residential development.

**PRE-LODGEMENT**

The proponent attended a pre-lodgement meeting with Council on the 13 February 2015.

**INTERNAL REFERRALS**

Internal Body	Referral Response
Natural Resources	<p>The Natural Resources Unit do not support the rezoning as proposed. In September 2017, Council provided a preliminary assessment outlining the need for further consideration of environmental matters and recommended the following:</p> <ul style="list-style-type: none"> <li>• An updated assessment of required vegetation clearing to include asset protection zones (APZ's), driveways, fencing and infrastructure;</li> <li>• Consideration of riparian buffers;</li> <li>• Confirmation whether the threatened plant species Slaty Redgum (<i>Eucalyptus glaucina</i>) occurs on site;</li> <li>• Assessment against the Comprehensive Koala Plan of Management (CKPoM) performance criteria for rezoning; and</li> <li>• Demonstration of how the proposal can improve or maintain biodiversity values.</li> </ul> <p>A revised RR was submitted in August 2018 and considered by the Natural Resources Unit. While the revised RR addressed the need for further vegetation clearing, the flora and fauna assessment was not updated to include the increased level of clearing. Additionally, the revised RR remained inconsistent with the CKPoM, did not include a targeted survey for Slaty Redgum, and did not demonstrate improved or maintained biodiversity values.</p>
Development Engineers	<p>The Development Engineering Unit had no objection to the RR on the condition that a site based overland flow report be provided. The 2017 preliminary assessment recommended providing further information on overland flows to address any potential for flooding and drainage risk including:</p> <ul style="list-style-type: none"> <li>• Preliminary consideration on any flood levels;</li> <li>• Water velocity;</li> <li>• Hazard category;</li> <li>• Consideration of any potential for impact on downstream property;</li> <li>• Water quality;</li> </ul>

Internal Body	Referral Response
	<ul style="list-style-type: none"> <li>Consideration that that pre and post development flows can be matched for the site up to the 1% annual exceedance probability event.</li> </ul> <p>The revised RR submitted in August 2018 did not provide any additional information in relation to flooding.</p>

**INFORMATION ASSESSMENT**

**TABLE 1 – STRATEGIC MERIT ASSESSMENT**

Assessment of technical information

Information	Applicable	Lodged	Adequacy
<b>Considerations under s3.33(2) of the EP&amp;A Act</b>			
Statement of objectives or intended outcomes of the proposed instrument	Yes	Yes	Adequate
Explanation of the provisions that are to be included in the proposed instrument	Yes	Yes	Adequate
Justification for the objectives, outcomes and provisions of the proposed instrument	Yes	Yes	Inadequate
Maps containing sufficient detail to indicate the substantive effect of the proposed instrument	Yes	Yes	Adequate
Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument	Yes	No	Inadequate
Projected timeline of the plan making process	Yes	No	Inadequate
<b>Strategic Planning Context</b>			
Assessment of consistency with relevant regional plan(s)	Yes	Yes	Inadequate

**Assessment of Inconsistency with the Hunter Regional Plan**

The RR has not demonstrated consistency with the following actions:

*Action 22.5 Include guidance in local land use strategies for expanding rural villages and rural-residential development so that such developments will:*

- occur on land that is unlikely to be needed for urban development*
- not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values*
- contribute to the conservation of important biodiversity values or the establishment of important corridor linkages*

The above action directs local councils to prepare local housing strategies that will guide the location and delivery of rural residential housing areas. As outlined in this report, the RR is inconsistent with the Port Stephens Local Housing Strategy (Live Port Stephens) due to the land not being within 800m of an existing R5 zone and in proximity to land that is suitable for urban purposes.

In providing guidance to local councils on appropriate locations for rural residential housing, the HRP states that rural residential housing should only occur on land that is unlikely to be required for more intensive urban purposes. The RR is therefore inconsistent with the adopted local and

Information	Applicable	Lodged	Adequacy
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State strategic planning framework and is likely to impact future urban land use opportunities in the area.

Additionally, development of the site may impact on conservation of important biodiversity values and corridor linkages, which is inconsistent with this action. Insufficient information has been provided to demonstrate the strategic merit of the proposal in this regard.

*Action 10.1 Protect locations that can accommodate agricultural enterprises from incompatible development, and facilitate the supply chain, including infrastructure, distribution areas, processing facilities and research and development in local plans*

The proposal seeks to establish residential zoning within 250m of poultry sheds, reducing the opportunity to use that land for an agricultural enterprise. Insufficient justification has been provided to address this action.

*Action 14.1 Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region*

The RR considers impacts on local ecology, however additional information is required to demonstrate consistency with this action.

*Action 14.2 Identify and strengthen biodiversity corridors as places for priority biodiversity offsets*

The RR is likely to impact biodiversity corridors and has not considered an offsetting approach. Insufficient information has been provided to demonstrate consistency with this action.

*Action 14.4 Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimise the impacts of development on areas of high environmental value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts*

The RR may impact high environmental value areas and biodiversity corridors identified on site. Insufficient information has been provided to demonstrate consistency with this action.

**Conclusion**

Whilst there is the opportunity for the proposal to be amended to potentially address actions relating to environmental outcomes, there is no foreseeable pathway to resolve the inconsistency with Action 22.5 at this time.

Assessment of consistency with relevant Council strategy (or strategies) endorsed by DPIE.	Yes	Yes	Inadequate
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**Assessment of Inconsistencies with Local Strategies and Policies**

**Local Housing Strategy (Live Port Stephens) 2020**

Live Port Stephens was adopted the 14 July 2020. The RR cannot achieve consistency with Live Port Stephens due to inconsistencies with the Rural Residential Criteria in Appendix 2. The subject site conflicts with the following criteria:

*Exclusionary Criteria - Areas identified by, or in proximity to an area identified by, a local, regional or State strategic plan for potential urban housing, including land that demonstrates consistency with the criteria in Appendix 1*

The subject site adjoins land that demonstrates consistency the urban housing criteria (Appendix 1) in Live Port Stephens. Rural residential development is excluded from being undertaken in

Information	Applicable	Lodged	Adequacy
-------------	------------	--------	----------

accordance with Live Port Stephens until planning of all developable land in the area has been completed including the resolution of infrastructure provision.

The RR is unlikely to overcome the exclusionary criteria and should therefore not proceed.

*Locational Criteria - Within 800m of existing R5*

The subject site is not located within 800m of existing R5. Proposals not within 800m of an R5 zone must consider all land within the relevant investigation area identified in the Port Stephens Rural Residential Strategy (RRS) 2015. Given the matters for investigation that apply to the land relate to the provision of sewer and planning for potential urban land at Wallalong, the RR is unlikely to satisfy the RRS.

**Draft Port Stephens Rural Residential Strategy (RRS) 2015**

The draft RRS provides background in support of Live Port Stephens, providing context and a strategic framework for assessing future rural residential development proposals. The subject site is within the Seaham Investigation Area and potential urban land at Woodville/Wallalong. The site is defined as 'rural fringe' due to proximity to land suitable for urban housing and lots are required to be connected to a reticulated sewerage network. The Seaham Investigation Area also identifies the following matters for consideration:

- Potential urban expansion at Wallalong and fragmentation of land;
- Suitable buffers for intensive agriculture (poultry sheds) and extractive industries;
- Koala habitat;
- Visual landscape impacts; and
- Potential for expansion of services and infrastructure from Wallalong due to medium- high land capability hazard for on-site sewage management.

The RR is inconsistent with the following management criteria from the RRS which require further site specific assessment to demonstrate consistency:

*There is no significant impact to endangered ecological communities, threatened species or habitats for rural fringe areas*

The proposal may impact on native vegetation, endangered ecological communities, threatened fauna species and their habitats.

*Koala habitat areas and corridors are to be protected in accordance with the Port Stephens Comprehensive Koala Plan of Management (CKPoM)*

The planning proposal is inconsistent with Rezoning CKPoM performance criteria as preferred koala habitat is nominated for clearing. Preferred koala feed trees (Forest Red Gum, *Eucalyptus tereticornis*) would require removal for several building envelopes and development as proposed would likely sever movement of koalas through the site. The proposal does not respond to the attributes of the site and does not adequately justify land proposed for rezoning/development.

Further, the proposal is limited to the rezoning of one allotment and does not enable a cumulative assessment to be undertaken of koala habitat and movement corridors within the locality. Excluding the land from rural residential development, in accordance with Live Port Stephens, will enable a cumulative assessment to be undertaken in the future.

*All rural fringe land is connected to a reticulated sewerage network*

The RR proposes on-site management of sewer.

*1km setbacks of dwelling sites to BSAL or equivalent, priority aquaculture areas or clusters of intensive agriculture (including poultry and dairy)*

Information	Applicable	Lodged	Adequacy
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Poultry sheds are located within 250m of the south western corner of the subject site and within 1km of the whole site. While an odour assessment has been provided, the report was not prepared by a suitable expert and uses anecdotal assumptions to demonstrate consistency with this requirement.

*Distance from existing and/or planned urban edge*

The subject site adjoins land suitable for urban purposes to the south.

**Conclusion**

There is no foreseeable pathway to resolve the inconsistency with the Exclusionary Criteria of Live Port Stephens.

**TABLE 2 – SEPP ASSESSMENT**

Assessment against State Environmental Planning Policies (SEPPs)

SEPP	Overview	Applicable	Consistency
State Environmental Planning Policy (Koala Habitat Protection) 2019	Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Yes	Inadequate According to the study information for the proposal, the site contains koala habitat. The RR is Inconsistent with 3 of the 4 performance criteria in Appendix 2 of the CKPoM and the current rezoning proposal is unlikely to satisfy the CKPoM.
SEPP No. 55 - Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.	Yes	There is the potential for the site to contain contaminated land. Insufficient information has been lodged to adequately assess consistency with the SEPP. Consistency may be confirmed should the RR proceed for a Gateway determination.
SEPP (Primary Production and Rural Development) 2019	Aims to facilitate the orderly economic use and development of lands for primary production.	N/A	Inadequate The RR was submitted prior to the development of this SEPP and has addressed consistency against SEPP (Rural Lands) 2008 instead.

**Conclusion**

Insufficient information has been provided to demonstrate consistency with the above relevant SEPP's.

TABLE 3 – MINISTERIAL DIRECTION ASSESSMENT

Assessment against Ministerial Directions

Ministerial Direction	Overview	Applicable	Consistency
<b>1. Employment and Resources</b>			
1.2 Rural Zones	Provides for protection of the agricultural production value of rural land by requiring PPs to be justified by a relevant strategy or study if they seek to rezone rural zoned land to a residential, business, industrial, village or tourist zone or increase the permissible density of rural (except RU5) zoned land.	Yes	Inadequate  The RR proposes to rezone rural zoned land to a residential zone. The RR is supported by a study assessing the suitability for primary production however this report relies on anecdotal evidence on the history of farming on site.  Consistency of the RR with this direction can be confirmed by referral to NSW DPI (Agriculture)
1.3 Mining, Petroleum Production and Extractive Industries	Seeks to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.	Yes	It is appropriate in this instance to determine consistency with this direction following a Gateway determination.
1.5 Rural Lands	Applies to PPs relating to land where the SEPP (Primary Production and Rural Development) 2019 applies. The direction seeks to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.	Yes	Inadequate  The RR is inconsistent with both local and State Strategies for rural land and is consequently inconsistent with this direction.
<b>2. Environment and Heritage</b>			
2.1 Environment Protection Zones	Applies to all PPs. Provides for the protection and conservation of environmentally sensitive areas, by ensuring that PPs do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study	Yes	Inadequate.  The RR would impact on corridors, known threatened species, EECs, Koalas, and hollow bearing trees and does no include provisions to facilitate the protection and conservation of these areas. The proposal would require substantial amendments to

Ministerial Direction	Overview	Applicable	Consistency
	or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		demonstrate consistency with the direction.
2.3	Heritage Conservation	Yes	Adequate
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones	Yes	Adequate
	Applies to PPs affecting existing or proposed residential zoned land or other zoned land upon, which significant residential development is or will be permitted.  Requires relevant PPs to include provisions that encourage housing development, ensures satisfactory arrangements for servicing infrastructure and will not reduce the permissible residential density of land; unless it is suitably justified under a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		
<b>4. Hazard and Risk</b>			
4.1	Acid Sulfate Soils	Yes	Adequate
	Requires the provisions of PPs must be consistent with the Acid Sulfate Soils Planning Guidelines and other such relevant provisions provided by the Director-General of the Department of Planning, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the		



<b>Ministerial Direction</b>	<b>Overview</b>	<b>Applicable</b>	<b>Consistency</b>
	opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		
4.3 Flood Prone Land	Applies requirements for PPs that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes	Inadequate Part of the land is identified as flood prone. The RR has not provided sufficient information to determine consistency with this direction. However, it is likely that further information could be provided to demonstrate consistency or justify any inconsistencies with the direction.
4.4 Planning for Bushfire Protection	Applies requirements for PPs affecting land mapped as being bushfire prone land (or land in proximity to such land); except where the Commissioner of the NSW Rural Fire Service has issued written advice to Council that, notwithstanding the noncompliance with the requirements; the NSW Rural Fire Service does not object to progression of the PP.	Yes	Adequate
<b>5. Regional Planning</b>			
5.10 Implementation of Regional Plans	Requires that PPs be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	Yes	Inadequate  The RR is inconsistent with local and State strategies that relate to housing including the HRP.  The inconsistency is not minor given the potential impacts on future urban land use opportunities.
<b>Conclusion</b>			
The RR does not demonstrate consistency with several Ministerial Directions or attempt to justify any inconsistencies. Several inconsistencies are significant given the potential impacts on future urban development opportunities (as outlined above).			

**TABLE 4 –TECHNICAL CONTENT ASSESSMENT**

Assessment of technical information

<b>Information</b>	<b>Applicable</b>	<b>Lodged</b>	<b>Adequacy</b>
<b>Traffic and Transport Considerations</b>			
Traffic impact assessment	Yes	Yes	Adequate
<b>Environmental Considerations</b>			
Bushfire hazard assessment	Yes	Yes	Adequate
Air quality assessment	Yes	Yes	Inadequate An odour report was included with the PP, however it does not provide meteorological data, air quality assessment or address all of the poultry sheds located within 1km.
Flora and fauna assessment	Yes	Yes	Inadequate. The submitted flora and fauna assessment has not considered all of the proposed vegetation clearing.
Technical soil assessment	Yes	Yes	Adequate
Flood impact assessment	N/A	No	N/A
<b>Economic considerations</b>			
Agricultural land suitability assessment	Yes	Yes	Adequate
<b>Infrastructure considerations</b>			
Infrastructure capacity analysis	Yes	Yes	Adequate
Utility servicing assessment	Yes	Yes	Inadequate A utility servicing assessment is required however, no assessment was lodged has been provided.

**Conclusion**

Additional information is required to address the technical requirements of the proposal; however, addressing the technical requirements will not provide a pathway to resolve the inconsistency with site suitability criteria described elsewhere in this report.

**Note:**

This report has been prepared on the basis of information submitted at the time of lodgement of the LEP amendment request and in consideration of the planning requirements applying at the time of assessment.

**Report prepared by:**

**Gemma Wallace**

Strategic Planner

**Report reviewed by:**

**William Oxley**

Principal Strategic Planner

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

**ITEM NO. 4**

**FILE NO: 19/304747  
EDRMS NO: 58-2017-3-1**

**PLANNING PROPOSAL FOR 4 GILES ROAD, SEAHAM**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Not proceed with the Planning Proposal (**ATTACHMENT 1**) that seeks to rezone land from RU2 Rural Landscape to R5 Large Lot Residential and reduce the minimum lot size from 40 hectares to 1 hectare at 4 Giles Road, Seaham (Lot 14 DP 846633).

Councillor John Nell left the meeting at 7:02pm.  
Councillor John Nell returned to the meeting at 7:03pm.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019  
MOTION**

**RECOMMENDATION IS THAT COUNCIL:**

It was resolved that Council defer the Planning Proposal (**ATTACHMENT 1**) for 4 Giles Road, Seaham (Lot 14 DP 846633) to allow the applicant to provide further information to Council.

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

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Mayor Ryan Palmer and Crs John Nell.

**BACKGROUND**

The purpose of this report is to recommend that Council does not support a Planning Proposal for 4 Giles Road, Seaham proceeding for Gateway Determination.

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The recommendation has been informed by the attached strategic planning assessment report (**ATTACHMENT 2**). The key reasons for the recommendation include:

- 1) The Planning Proposal is inconsistent with adopted local and State policies, Ministerial Directions and strategies, including policies for rural residential rezonings.
- 2) The Planning Proposal may adversely impact on currently identified future urban land use opportunities in the locality.
- 3) The proponent for the Planning Proposal has requested that Council make a formal decision based on the information already provided.

Date Lodged:	17 March 2017 (and revised 24 August 2018)
Proponent:	Parker Scanlon Pty Ltd (for the landowner)
Subject Property:	4 Giles Road, Seaham (Lot 14 DP 846633)
Site Area:	32.2 hectares
Current Zoning:	RU2 Rural Landscape
Proposed Zoning:	R5 Large Lot Residential
Current Minimum Lot Size:	40 hectares
Proposed Minimum Lot Size:	1 hectare
Planning Proposal	Reduce permitted minimum lot size from 40 hectares to 1 hectare. Rezone land from RU2 Rural Landscape to R5 Large Lot Residential.
Supporting Studies	<ul style="list-style-type: none"> <li>• Planning Proposal (Parker Scanlon Pty Ltd, 24 August 2018).</li> <li>• Suitability for Primary Production (David Campbell BSC FAusIMM, 15 July 2016).</li> <li>• Traffic Impact Statement (Better Transport futures, 29 July 2016).</li> <li>• Flora and Fauna Assessment (Wildthing Environmental, February 2017).</li> <li>• Assessment of Odour Impact (Parker Scanlon, November 2017).</li> <li>• Bushfire Threat Assessment for Rural Subdivision (Anderson Environment &amp; Planning, November 2017).</li> </ul>

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Key Issues	<ul style="list-style-type: none"> <li>• The proposal is inconsistent with the Hunter Regional Plan 2036.</li> <li>• The proposal is inconsistent with the Port Stephens Planning Strategy.</li> <li>• The proposal is inconsistent with the Port Stephens Rural Residential Policy.</li> <li>• The proposal is inconsistent with Ministerial Direction 1.2 Rural Zones.</li> </ul>
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Parker Scanlon Pty Ltd (the proponent) has lodged a Planning Proposal requesting amendment to the Port Stephens Local Environmental Plan 2013 (LEP 2013) to permit large lot residential development at 4 Giles Road, Seaham (**ATTACHMENT 1**). The Planning Proposal seeks to rezone the land from RU2 Rural Landscape to R5 Large Lot Residential and to reduce the minimum lot size from 40 hectares to 1 hectare to facilitate 26 rural residential allotments.

On 5 September 2017, Council provided a preliminary assessment to the proponent detailing the above inconsistencies and requested that the proponent respond in a revised Planning Proposal.

On 4 August 2018, the proponent provided an updated Planning Proposal that addressed some of the issues identified, however the inconsistencies with adopted local and State policies, Ministerial Directions and strategies were not considered to be adequately addressed or resolved.

On 6 August 2019, Council staff met with the proponent to discuss options to progress the Planning Proposal following consultations with the Department of Planning, Infrastructure and Environment (DPIE).

On 8 August 2019, Council staff wrote to the proponent requesting the Planning Proposal in its current form be withdrawn and on 19 August 2019, the proponent requested the Planning Proposal be reported to Council without amendment.

Existing and current use

The site is located within the Seaham locality and is accessed via Giles Road. A locality plan is provided at (**ATTACHMENT 3**).

Existing development on the site includes a residential dwelling, several ancillary buildings and dams located within creek paths. The site is presently used for livestock grazing but due to poor soils is considered to have limited agricultural potential. The site currently contains some riparian corridors and some vegetation, mainly consisting of mature trees.

Surrounding land uses include large rural holdings, some containing chicken farms, and some smaller concessional allotments. The land directly adjoining the site to the south is identified in the Port Stephens Planning Strategy as a Future Growth Area (the Wallalong Urban Growth Area). Note that the Future Growth Area was the

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

subject of a planning proposal which was not supported by the DPIE, however the land remains identified in the Port Stephens Planning Strategy (PSPS) as an urban investigation area.

Suitability of the site

The Planning Proposal seeks to facilitate rural residential development in a location that is inconsistent with the Hunter Regional Plan 2036, Port Stephens Planning Strategy and Port Stephens Rural Residential Policy.

The site is currently not identified for rural residential development in a local strategy. The PSPS does not identify a rural residential land use for the site and identifies the adjoining landholdings to the south as a Future Growth Area to be investigated for urban housing. The Planning Proposal does not address consistency with the aim of the Port Stephens Rural Residential Policy to 'ensure that rural residential does not hinder the strategic development of urban settlements in the future'.

Similarly, the Planning Proposal does not provide an assessment against the action in the State Government Hunter Regional Plan 2036 (HRP) directing councils to plan for rural residential development 'on land that is unlikely to be needed for urban development'.

It is noted that even if the Planning Proposal was consistent with the Port Stephens Rural Residential Policy, DPIE has not endorsed the Policy as sufficient justification for planning proposals for rural residential development in Port Stephens.

The HRP directs councils that seek to facilitate rural residential development to prepare a Local Housing Strategy (LHS) to plan for local housing, including rural residential development, where appropriate. A LHS for Port Stephens is currently being prepared for exhibition and Council has been consulting with DPIE on the options available to progress a number of planning proposals to facilitate rural residential development in advance of an endorsed LHS.

On 12 April 2019, DPIE formally notified Council that rural residential planning proposals could potentially proceed ahead of an endorsed strategy if the planning proposals adopted a 'precinct planning' approach and included a strategic assessment of the site and surrounding locality, including consideration of potential future land uses. This is consistent with Ministerial Direction 1.2 Rural Zones, which requires that rural land not be rezoned unless they are supported by a land use strategy, regional plan or land use study.

Given the PSPS identifies the neighbouring land for urban investigation, any precinct plan would need to include this neighbouring land and consider its potential future land use in order to address the Hunter Regional Plan. For example, to support the Planning Proposal, a precinct plan would need to justify the extent of the area identified for future urban growth in the PSPS and provide reasons for why the land adjoining the future growth area would be unlikely to be suitable for urban purposes.



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As Council is currently preparing a LHS that will address future housing needs and land supply for urban development in Port Stephens, a precinct plan that considers the above matters in advance of the adoption of the LHS could pre-empt recommendations in the LHS and a Council decision to adopt the LHS.

For these reasons it is considered that the site is unsuitable for a precinct planning approach to progress the Planning Proposal in advance of the LHS.

DPIE also provides general guidance for assessing the strategic merit of planning proposals that may not be consistent with State or local strategic plans and policies. The relevant assessment criteria for the Planning Proposal is whether the proposal responds to a change in circumstances, such as recent investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans. In this instance, the Planning Proposal does not contain evidence of a change in circumstances that would support a rural residential land use in this location.

With consideration to the above, there is no foreseeable pathway for the Planning Proposal to deliver a rural residential outcome consistent with the current vision for housing at both State and local levels. The site is not considered suitable for consideration as part of a Planning Proposal to facilitate rural residential development in this location, or as part of a precinct plan that addresses rural residential development and future urban development in the locality in advance of a LHS.

In addition, the Strategic Planning Assessment Report addresses relevant site specific and technical assessments (**ATTACHMENT 2**).

Assessment and Recommendation

The justification in the Planning Proposal for rural residential development in the proposed location is based on the existing surrounding context and character of the locality. Neighbouring sites on Giles Road include 28 rural lots that were subdivided some years ago as a result of historic 'concessional lot' provisions in previous local planning instruments. These lots range in size from 1.5 hectares to 3.6 hectares and were not the result of any planning strategies or studies. It is noted the Planning Proposal has not considered the potential future character of the locality in the context of the PSPS identifying adjoining land as a Future Growth Area. As outlined above, a precinct plan prepared to support the Planning Proposal would be required to address these matters.

The Planning Proposal also refers to the limited agricultural potential of the land and the existing fragmentation of rural land in the vicinity to justify the suitability of the site for rural residential development. It is noted these characteristics would also support consideration of the site for future urban purposes.

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In addition to the assessment of site suitability and strategic merit, the strategic planning assessment report addresses relevant site specific and technical matters (**ATTACHMENT 2**). These matters have not been determinative in the assessment given the significance of the issues relating to strategic merit and the suitability of the site detailed above.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications if Council resolves to adopt the recommendations of this report.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No	10,750	Stage 1 Planning Proposal Fee.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are risks related to land use planning and public interest considerations if Council resolves to proceed with the Planning Proposal.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
The Planning Proposal is inconsistent with current State and local plans, strategies and policies related to rural residential development and, in its current form, may be unlikely to obtain a Gateway determination if it is progressed.	High	Resolve not to proceed with the Planning Proposal.	Yes.

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<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
If a precinct plan is prepared to support progressing the Planning Proposal to overcome inconsistencies with State and local plans policies, there is a risk that progressing the Planning Proposal will pre-empt recommendations and a Council decision to adopt the LHS which will consider future urban land supply in Port Stephens.	Medium	Resolve not to proceed with the Planning Proposal. Exhibit the LHS which will consider land supply and opportunities for future urban development in Port Stephens in early 2020.	Yes.

Environmental Planning and Assessment Act 1979 (NSW)

Under Part 3 of the Environmental Planning and Assessment Act 1979 (NSW), (the Act) only the Minister for Planning (or the Minister's delegate) or a Council can initiate the preparation of a local environmental plan. This process is commenced through the consideration and adoption of a Planning Proposal.

If Council adopts the recommendations of this report and does not proceed with the Planning Proposal, the proponent has the following options:

- Request a review by the Hunter and Central Coast Joint Regional Planning Panel.
- Make a submission during the exhibition of the Port Stephens LHS and submit a planning proposal should the Strategy justify investigating the site for future residential uses.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

If Council proceeds with the Planning Proposal, there are minimal social and economic benefits given the risks identified in pre-empting a Council decision to adopt a LHS that considers land supply and opportunities for future urban development in Port Stephens.

The environmental impacts of the proposal have been assessed in **(ATTACHMENT 2)** and include potential impacts on habitat corridors, threatened fauna species and endangered ecological communities that would be necessary to be addressed if the Planning Proposal were to proceed.

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****CONSULTATION**

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

Internal

The Planning Proposal was referred to Council's Development Engineering and Natural Resources teams to complete a preliminary assessment on flooding, drainage and environmental matters.

The Natural Resources team have identified that the Planning Proposal would require updated assessments, including an updated flora and fauna assessment and additional surveys to assess impacts on biodiversity values. Given the significance of the outcomes of the strategic merit assessment detailed above, these matters have not been determinative in preparing the recommendations in this report.

The Development Engineering team supports the Planning Proposal on the condition that a site based overland flow report to address potential for flooding and drainage risk be provided. Given the lack of information in relation to flooding and drainage in the area it is considered that these issues should be addressed in the Planning Proposal. This information was requested on 5 September 2017 however the proponent has requested the matter be deferred to the development application stage following the rezoning. Given the significance of the outcomes of the strategic merit assessment detailed above, these matters have not been determinative in preparing the recommendations in this report.

External

Preliminary consultation has been undertaken with DPIE and on 12 April 2019, DPIE formally notified Council that rural residential planning proposals could potentially proceed ahead of an endorsed LHS if the planning proposals adopted a 'precinct planning' approach and included a strategic assessment of the site and surrounding locality, including consideration of potential future land uses. As outlined above, the site is not considered suitable for a precinct planning approach undertaken ahead of the adoption of a LHS given it adjoins an identified Future Growth Area.

Should Council resolve to progress the Planning Proposal and a Gateway Determination is issued, consultation with the community and public authorities will be undertaken in accordance with the Gateway Determination.

**OPTIONS**

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

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

**ATTACHMENTS**

- 1) Planning Proposal 4 Giles Road, Seaham. (Provided under separate cover)
- 2) Strategic Planning Assessment Report 4 Giles Road, Seaham 2324.
- 3) Locality Plan.

**COUNCILLORS ROOM**

Note: All relevant technical studies referenced in this report can be inspected upon request.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

**ITEM 4 - ATTACHMENT 2      STRATEGIC PLANNING ASSESSMENT REPORT 4 GILES ROAD, SEAHAM 2324.**



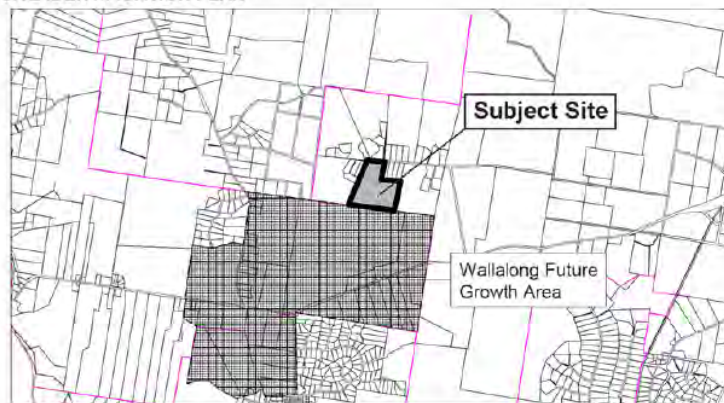
Our Ref: 58-2017-3-1

**STRATEGIC PLANNING ASSESSMENT REPORT**

Assessment of written request made to the Council by a person for the preparation of a planning proposal under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

<b>Application No.</b>	[58-2017-3-1]
<b>Applicant Name</b>	Parker Scanlon Pty Ltd
<b>Applicant Address</b>	PO Box 986, Hamilton, NSW, 2303
<b>Site Location Details</b>	4 Giles Road, Seaham (Lot 14 DP 846633)
<b>Proposal Summary</b>	Proposal to amend land from RU2 – Rural Landscape to R5 – Large Lot Residential and to reduce the minimum lot size from 40 hectares to 1 hectare.
<b>Eligible for Planning Proposal Preparation?</b>	No
<b>Adequate Information?</b>	No
<b>Planning proposal to be prepared?</b>	No

**SITE IDENTIFICATION PLAN**





**ITEM 4 - ATTACHMENT 4 ORDINARY COUNCIL MINUTES (ITEM NO. 4) - 10 DECEMBER 2019.**

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

**ITEM 4 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT 4 GILES ROAD, SEAHAM 2324.**

**ASSESSMENT SUMMARY**

The Planning Proposal (PP) is inconsistent with adopted local and State policies, Ministerial Directions and strategies, including policies for rural residential rezonings, and may adversely impact on currently identified future urban land use opportunities in the locality

The PP has not demonstrated consistency with the Hunter Regional Plan (HRP), the Port Stephens Planning Strategy (PSPS), the Port Stephens Rural Residential Policy (PSRRP), State Environmental Planning Policies (SEPPs) or Ministerial Directions as it has not adequately demonstrated that the rezoning would not impact on future land use capabilities.

Additionally, insufficient information has been provided to demonstrate that development of the site could achieve the environmental outcomes required to demonstrate consistency with the abovementioned State and local strategies and policies.

Whilst there is the opportunity for the proposal to be amended to potentially address actions relating to environmental outcomes, there is no foreseeable pathway to resolve the inconsistencies with the current vision for housing in both State and local planning strategies. At this time, the site is not considered suitable for rural residential development in this location.

**PRE-LODGEEMENT**

The proponents attended a pre-lodgement meeting with Council on the 13 February 2015.

**INTERNAL REFERRALS**

Internal Body	Referral Response
Natural Resources	<p>The natural resources unit do not support the rezoning as proposed. In September 2017, Council requested further information from the proponent in relation to the following environmental concerns:</p> <ul style="list-style-type: none"> <li>• An updated assessment of required vegetation clearing to include asset protection zones (APZ's), driveways, fencing and infrastructure;</li> <li>• Improved riparian buffers;</li> <li>• A targeted survey for the threatened plant species Slaty Redgum (<i>Eucalyptus glaucina</i>);</li> <li>• Assessment against the Comprehensive Koala Plan of Management (CKPoM) performance criteria for rezoning; and</li> <li>• Demonstration of how the proposal ca improve or maintain biodiversity values.</li> </ul> <p>A revised PP was submitted in August 2018 and considered by the Natural Resources Unit. While the revised PP addressed the need for further vegetation clearing, the flora and fauna assessment was not updated to include the increased level of clearing. Additionally, the revised PP remained inconsistent with the CKPoM, did not include a targeted survey for Slaty Redgum and did not demonstrate improved or maintained biodiversity values.</p>
Development Engineers	<p>The development engineering Unit supported the proposal on the condition that a site based overland flow report be provided. The report needs to address any potential for flooding and drainage risk e.g. preliminary consideration on any flood levels; water velocity; hazard category; consideration of any potential for impact on downstream property; water quality; consideration that that pre and post development flows can be matched for the site up to the 1% annual exceedance probability event.</p>

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

**ITEM 4 - ATTACHMENT 2      STRATEGIC PLANNING ASSESSMENT REPORT 4 GILES ROAD, SEAHAM 2324.**

Internal Body	Referral Response
	The proponent did not provide the requested information with the revised PP. Given the lack of information in relation to flooding and drainage in the area it is considered that this should be addressed at PP stage.

**INFORMATION ASSESSMENT**

**TABLE 1 – STRATEGIC MERIT ASSESSMENT**

Assessment of technical information

Information	Applicable	Lodged	Adequacy
<b>Considerations under s3.33(2) of the EP&amp;A Act</b>			
Statement of objectives or intended outcomes of the proposed instrument	Yes	Yes	Adequate
Explanation of the provisions that are to be included in the proposed instrument	Yes	Yes	Adequate
Justification for the objectives, outcomes and provisions of the proposed instrument	Yes	Yes	Inadequate
Maps containing sufficient detail to indicate the substantive effect of the proposed instrument	Yes	Yes	Adequate
Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument	Yes	No	Inadequate
Projected timeline of the plan making process	Yes	No	Inadequate
<b>Strategic Planning Context</b>			
Assessment of consistency with relevant regional plan(s)	Yes	Yes	Inadequate
<b>Assessment of inconsistency with the Hunter Regional Plan</b>			
The PP has not demonstrated consistency with the following actions			
<b>Action 22.5 Include guidance in local land use strategies for expanding rural villages and rural-residential development so that such developments will:</b>			
<ul style="list-style-type: none"> <li>• occur on land that is unlikely to be needed for urban development</li> <li>• not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values</li> <li>• contribute to the conservation of important biodiversity values or the establishment of important corridor linkages</li> </ul>			
The PP has not considered the surrounding context of the land through a precinct planning approach. The site is directly adjoined to the south by the Wallalong Future Growth Area, which features very similar land based opportunities and constraints. The PP has not provided an analysis of the impact of the proposal on the potential future character of the locality in the context of the PSPS identifying adjoining land as a Future Growth Area. In addition, the PP has not adequately demonstrated that the land is unlikely to be needed for urban development given its proximity to the Future Growth Area.			

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

**ITEM 4 - ATTACHMENT 2      STRATEGIC PLANNING ASSESSMENT REPORT 4 GILES ROAD, SEAHAM 2324.**

Information	Applicable	Lodged	Adequacy
<p>Council has consulted with the NSW Department of Planning, Infrastructure and Environment (DPIE) who formally notified Council that rural residential PPs could potentially proceed ahead of an endorsed strategy if the PPs adopted a 'precinct planning' approach and included a strategic assessment of the site and surrounding locality, including consideration of potential future land uses. This is consistent with Ministerial Direction 1.2 Rural Zones, which requires that rural land not be rezoned unless they are supported by a land use strategy, regional plan or land use study.</p> <p>Given the PSPS identifies the neighbouring land for urban investigation, any precinct plan would need to include this neighbouring land and consider its potential future land use in order to address the HRP. For example, to support the PP, a precinct plan would need to justify the extent of the area identified for future urban growth in the PSPS and provide reasons for why the land adjoining the future growth area would be unlikely to be suitable for urban purposes.</p> <p>As Council is currently preparing a Local Housing Strategy (LHS) that will address future housing needs and land supply for urban development in Port Stephens, a precinct plan that considers the above matters in advance of the adoption of the LHS could pre-empt recommendations in the LHS and a Council decision to adopt the LHS.</p> <p>For these reasons it is considered that the site is unsuitable for a precinct planning approach to progress the PP in advance of the LHS. Given this, there is no foreseeable pathway to achieve consistency with this aspect of this action.</p> <p>Additionally, development of the site may impact on conservation of important biodiversity values and corridor linkages, which is inconsistent with this action. Insufficient information has been provided to demonstrate the strategic merit of the proposal in this regard.</p> <p><b>Action 10.1 Protect locations that can accommodate agricultural enterprises from incompatible development, and facilitate the supply chain, including infrastructure, distribution areas, processing facilities and research and development in local plans</b> – The proposal seeks to establish residential zoning within 250m of poultry sheds, reducing the opportunity to use that land for an agricultural enterprise. Insufficient justification has been provided to address this action.</p> <p><b>Action 14.1 Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region</b> – The PP considers impacts on local ecology, however additional information is required to demonstrate consistency with this action.</p> <p><b>Action 14.2 Identify and strengthen biodiversity corridors as places for priority biodiversity offsets</b> – The PP is likely to impact biodiversity corridors and has not considered an offsetting approach. Insufficient information has been provided to demonstrate consistency with this action.</p> <p><b>Action 14.4 Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimise the impacts of development on areas of high environmental value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts</b> – The PP may impact high environmental value areas and biodiversity corridors identified on site. Insufficient information has been provided to demonstrate consistency with this action.</p> <p><b>Conclusion</b> Whilst there is the opportunity for the proposal to be amended to potentially address actions relating to environmental outcomes, there is no foreseeable pathway to resolve the inconsistency with Action 22.5 at this time.</p>			

**ITEM 4 - ATTACHMENT 4 ORDINARY COUNCIL MINUTES (ITEM NO. 4) - 10 DECEMBER 2019.**

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

**ITEM 4 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT 4 GILES ROAD, SEAHAM 2324.**

Information	Applicable	Lodged	Adequacy
Assessment of consistency with relevant Council strategy (or strategies) endorsed by DPIE.	Yes	Yes	Inadequate

**Assessment of Inconsistencies with Local Strategies and Policies**

**Port Stephens Planning Strategy (PSPS) 2011 (not endorsed by DPIE)**

Strategic direction 6.4.4 of the PSPS discourages rural residential development. The PSPS does however recognise that there may be limited circumstances where it is appropriate, specifically, consisting of relatively minor extensions to existing rural residential development where there is no adverse impact on either future land use capabilities or infrastructure.

The proposal argues that the surrounding land use pattern is rural-residential in nature and that the proposal is therefore an extension of this land use and appropriate for rural residential development. The surrounding land use pattern is however due to concessional lots that have been delivered through a variety of minor individual development approvals over time. This land use pattern has not been the result of any strategic planning for rural residential development in this location. In addition, the proposal would approximately double the number of residential lots in the immediate vicinity. The proposal has not adequately demonstrated that the development would be a *minor* extension of an existing rural residential development.

Further, PSPS sets out that additional rural residential lots are not supported at Wallalong, due to its potential for urban development in the future. The subject site lies immediately to the north of the Wallalong Future Urban Growth Area. It is noted that the subject land and the Growth Area feature consistent land based characteristics which could support urban development in the future. The PP has not demonstrated that the proposal is consistent with PSPS or that it will not impact on future opportunities for urban growth in the area.

**Port Stephens Rural Residential Policy 2017 (not endorsed by DPIE)**

The PSRRP was developed to deliver the rural residential outcomes set out in the HRP. The PP has not adequately demonstrated that the proposal is consistent with the aim of the Rural Residential Policy - to ensure that rural residential development does not hinder the strategic development of urban settlements in the future.

The PSRRP has not been endorsed by DPIE and Council has been notified that it cannot be used to support a PP for rural residential uses in the absence of an endorsed housing strategy that considers a range of housing typologies. DPIE have advised Council that rural residential PPs could potentially proceed ahead of an endorsed strategy if the PPs adopted a 'precinct planning' approach and included a strategic assessment of the site and surrounding locality, including consideration of potential future land uses.

The suitability of the site for urban land uses has not been explored in the PP (including investigation of matters such as consistency with the HRP, Council's housing vision, settlement pattern, developable and infill areas, connectivity, open space and community facilities), which would be required to fulfil the requirements of a Precinct Planning approach and address the HRP.

A precinct plan to support the PP would need to justify the extent of the area identified for future urban growth in the PSPS and provide reasons for why the land adjoining the future growth area would be unlikely to be suitable for urban purposes. As Council is currently preparing a LHS that will address future housing needs and land supply for urban development in Port Stephens, a precinct plan that considers the above matters in advance of the adoption of the LHS could pre-empt recommendations in the LHS and a Council decision to adopt the LHS.

For these reasons it is considered that the site is unsuitable for a precinct planning approach to progress the PP in advance of the LHS.

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ITEM 4 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT 4 GILES ROAD, SEAHAM 2324.

Information	Applicable	Lodged	Adequacy
<p>In addition, the subject land contains high environmental value land, which is an exclusionary criterion set out in the PSRRP. The PP is also inconsistent with several management criteria which require further site specific assessment to demonstrate consistency with the PSRRP. These items include:</p> <ul style="list-style-type: none"> <li>• <b>Koala habitat areas and corridors are to be protected in accordance with the Port Stephens Comprehensive Koala Plan of Management (CKPoM)</b> – The PP is inconsistent with 3 of the 4 performance criteria in Appendix 2 of the CKPoM.</li> <li>• <b>Development must not impact on native vegetation, endangered ecological communities, threatened species or habitats</b> – The proposal may impact on native vegetation, endangered ecological communities (EECs), threatened fauna species and their habitats.</li> <li>• <b>Development must contribute to the conservation of important biodiversity values or the establishment of important biodiversity corridor linkages</b> – The indicative lot layout and proposed mitigations may not adequately conserve the biodiversity values and corridor linkages on site.</li> <li>• <b>Development has a minimum 500m buffer from existing agricultural industries (e.g. Poultry farms, aquaculture) or the boundary of the lot containing the existing agricultural industry. If required, development proposed within the 500m buffer is 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</b> – Poultry sheds are located on the adjoining land with the nearest shed located within 230m of the south western corner of the subject site. Whilst an odour assessment has been provided, the report was not prepared by a suitable expert, and uses anecdotal assumptions to demonstrate consistency with this requirement.</li> </ul>			

**Conclusion**  
 Whilst there is an opportunity for the proposal to be amended to potentially address some of the management criteria listed in the PSRRP, there is no foreseeable pathway to resolve the inconsistency with the land use site suitability requirements of the PSPS or PSRRP.

Site Description/Context			
Aerial photographs	Yes	Yes	Adequate
Site photos	Yes	Yes	Adequate

TABLE 2 – SEPP ASSESSMENT

Assessment against State Environmental Planning Policies (SEPPs)

SEPP	Overview	Applicable	Consistency
SEPP No. 44 - Koala Habitat Protection	Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Yes	Inadequate According to the study information for the proposal, the site contains koala habitat. The PP is inconsistent with 3 of the 4 performance criteria in Appendix 2 of the CKPoM.
SEPP No. 55 - Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to	Yes	There is the potential for the site to contain contaminated land. Insufficient information has been lodged to adequately

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SEPP	Overview	Applicable	Consistency
	be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.		assess consistency with the SEPP. Consistency can be confirmed post gateway determination.
SEPP (Primary Production and Rural Development) 2019	Aims to facilitate the orderly economic use and development of lands for primary production.	N/A	The proposal was submitted prior to the development of this SEPP and has addressed consistency against SEPP (Rural Lands) 2008 instead.
SEPP (Rural Lands) 2008	Contains rural planning principles and rural subdivision principles, which must be taken into consideration before developing rural land. Provides for rural land to be subdivided below the minimum lot size for subdivision for the purpose of primary production.	Yes	Inadequate The PP is inconsistent with the SEPP's Rural Planning Principles as it would further fragment rural land and does not demonstrate an ability to maintain biodiversity values or avoid constrained land.
<b>Conclusion</b>			
Insufficient information has been provided to demonstrate consistency with the above relevant SEPP's.			

**TABLE 3 – MINISTERIAL DIRECTION ASSESSMENT**

Assessment against Ministerial Directions

Ministerial Direction	Overview	Applicable	Consistency
<b>1. Employment and Resources</b>			
1.2 Rural Zones	Provides for protection of the agricultural production value of rural land by requiring PPs to be justified by a relevant strategy or study if they seek to rezone rural zoned land to a residential, business, industrial, village or tourist zone or increase the permissible density of rural (except RU5) zoned land.	Yes	Inadequate The PP proposes to rezone rural zoned land to a residential zone in the absence of a relevant local or regional strategy, or study that gives consideration to the objectives of the direction. It is noted that DPIE have confirmed to Council that a PP that takes a precinct planning approach is a suitable form of study to address consistency with this direction, however



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Ministerial Direction	Overview	Applicable	Consistency	
			the proposal does not follow a precinct planning approach. As outlined above any precinct plan for this site would need to address matters such as consistency with the HRP, Council's housing vision, settlement pattern, developable and infill areas, connectivity, open space and community facilities. Given the PSPS identifies the neighbouring land for urban investigation, any precinct plan would need to include this neighbouring land and consider its potential future land use in order to address the HRP. As Council is currently preparing a LHS that will address future housing needs and land supply for urban development in Port Stephens, a precinct plan that considers the above matters in advance of the adoption of the LHS could pre-empt recommendations in the LHS and a Council decision to adopt the LHS. A precinct planning approach is considered unsuitable at this time to support the PP.	
1.3	Mining, Petroleum Production and Extractive Industries	Seeks to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.	Yes	It is appropriate in this instance to determine consistency with this direction following a gateway determination.
1.5	Rural Lands	Applies to PPs relating to land where the SEPP (Rural Lands) 2008 applies. By requiring consistency with the rural planning principles and rural subdivision principles of SEPP (Rural Lands) 2008, or justification under a relevant strategy, the direction seeks to	Yes	Inadequate  The PP is inconsistent with both local and State Strategies for rural land and is consequently inconsistent with this direction.

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Ministerial Direction	Overview	Applicable	Consistency
	protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.		
<b>2. Environment and Heritage</b>			
2.1	Environment Protection Zones	Applies to all PPs. Provides for the protection and conservation of environmentally sensitive areas, by ensuring that PPs do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes  Inadequate. The PP would impact corridors, known threatened species, Koalas, hollow bearing trees and EEC's.
2.3	Heritage Conservation	Requires relevant PPs to contain provisions to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Yes  Adequate
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones	Applies to PPs affecting existing or proposed residential zoned land or other zoned land upon, which significant residential development is or will be permitted. Requires relevant PPs to include provisions that encourage housing development, ensures satisfactory arrangements for servicing infrastructure and will not reduce the permissible residential density of land; unless it is suitably justified under a	Yes  Adequate

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Ministerial Direction	Overview	Applicable	Consistency
	relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		
<b>4. Hazard and Risk</b>			
4.1	Acid Sulfate Soils	Requires the provisions of PPs must be consistent with the Acid Sulfate Soils Planning Guidelines and other such relevant provisions provided by the Director-General of the Department of Planning, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes  Adequate
4.3	Flood Prone Land	Applies requirements for PPs that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes  Adequate
4.4	Planning for Bushfire Protection	Applies requirements for PPs affecting land mapped as being bushfire prone land (or land in proximity to such land); except where the Commissioner of the NSW Rural Fire Service has issued written advice to Council that, notwithstanding the noncompliance with the requirements; the NSW Rural Fire Service does	Yes  Adequate

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Ministerial Direction	Overview	Applicable	Consistency	
	not object to progression of the PP.			
<b>5. Regional Planning</b>				
5.10	Implementation of Regional Plans	Requires that PPs be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate), the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	Yes	Inadequate  As discussed elsewhere in this report, the proposal is inconsistent with local and State strategies that relate to housing including the HRP as outlined above.  The inconsistency is not considered to be of minor significance given the potential impacts on future urban development opportunities identified in local strategies (as outlined above). The PP has not included any analysis of the significance of the inconsistency to justify the proposal.

**Conclusion**

The proposal has not adequately demonstrated consistency with a number of Ministerial Directions or provided an assessment of the significance of the inconsistencies. It is considered that in some cases the inconsistencies are significant given the potential impacts on future urban development opportunities identified in local strategies (as outlined above). The PP has also not provided any studies which could justify these inconsistencies. In some cases, a study to justify an inconsistency (i.e. preparing a precinct plan that considers consistency with the HRP, Council's housing vision, settlement pattern, developable and infill areas, connectivity, open space and community facilities) is likely to pre-empt a decision of Council to adopt a LHS that will address future housing needs and land supply for urban development in Port Stephens. Therefore there is no foreseeable pathway to achieve consistency with the Ministerial Directions 1.2 and 5.10.

**TABLE 4 – TECHNICAL CONTENT ASSESSMENT**

Assessment of technical information

Information	Applicable	Lodged	Adequacy
<b>Traffic and Transport Considerations</b>			
Traffic impact assessment	Yes	Yes	Adequate
<b>Environmental Considerations</b>			
Bushfire hazard assessment	Yes	Yes	Adequate
Air quality assessment	Yes	Yes	Inadequate Given the proximity of chicken sheds the the site, an odour assessment report is required. A report was included

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Information	Applicable	Lodged	Adequacy
			with the PP, however does not adequately address the potential impact of the rezoning on the ongoing operation of the agricultural enterprise.
Flora and fauna assessment	Yes	Yes	Inadequate. The submitted flora and fauna assessment has not considered all of the proposed vegetation clearing.
Technical soil assessment	Yes	Yes	Adequate
Flood impact assessment	N/A	No	N/A
<b>Economic considerations</b>			
Agricultural land suitability assessment	Yes	Yes	Adequate
<b>Infrastructure considerations</b>			
Infrastructure capacity analysis	Yes	Yes	Adequate
Utility servicing assessment	Yes	Yes	Inadequate A utility servicing assessment is required for the proposal. The information lodged for the LEP amendment request does not include a utility servicing assessment and is considered inadequate.

**Conclusion**

Additional information is required to address the technical requirements of the proposal. It is noted however that addressing the technical requirements will not provide a pathway to resolve the inconsistency with site suitability criteria described elsewhere in this report.

**Note:**

This report has been prepared on the basis of information submitted at the time of lodgement of the LEP amendment request and in consideration of the planning requirements applying at the time of assessment.

**Report prepared by:**

**Gemma Wallace**

Strategic Planner

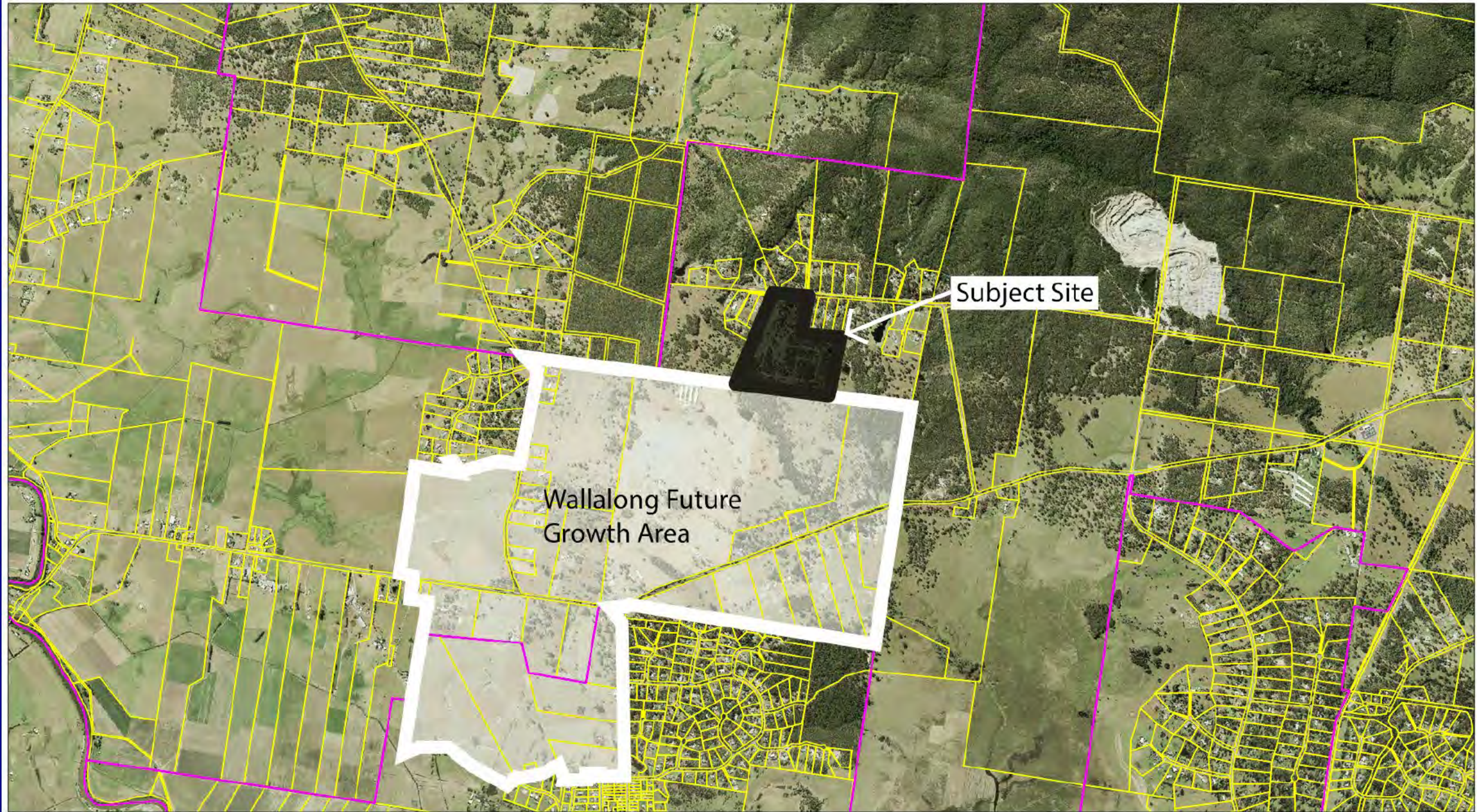
**Report reviewed by:**

**Brett Gardiner**

Senior Strategic Planner



# LOCALITY PLAN



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**SHEET LOCALITY**





**ITEM NO. 5**

**FILE NO: 20/274376  
EDRMS NO: PSC2018-02560**

**HUNTER JOINT ORGANISATION 2050 FOUNDATION**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Support the Hunter Joint Organisation in the development of the Hunter 2050 Foundation to the value of \$15,000 per annum for 3 years.
- 

**BACKGROUND**

The purpose of this report is to seek endorsement from Council to provide support to the Hunter Joint Organisation (JO) 2050 Foundation (the Foundation) for a period of 3 years.

The Hunter is the largest regional economy in Australia with 322,000 jobs which, prior to COVID-19 were projected to grow to 384,000 by 2036. With scheduled closures of power stations and ongoing changes within the mining sector, the Hunter economy is undergoing significant change.

The JO has identified leadership of economic diversification in the Hunter as its highest strategic priority. In response, the JO in partnership with industry, the education sector and government, has established the Foundation.

The Foundation will act as an independent, not for profit company led by a skills based Board to deliver specialised local investment and redevelopment agency to take a direct role in industrial changes needed to transition the Hunter economy. The Foundation has a mandate to work with the 3 levels of government, industry and community groups.

The key objectives of the Foundation are:

1. securing new investment and jobs
2. supporting business and workforce transition
3. connecting Government industry and community.



The Foundation will also support businesses and workers impacted by changes in the regional economy to find new opportunities. Best practice innovation and workforce support services will ensure that local supply chains and workers can plan their future and succeed as the regional economy changes. It is expected that 300+ local companies and up to 6000 workers will benefit directly from these initiatives in the first 3 years of the Foundation's operations.

Port Stephens is recognised as a key location for manufacturing, aviation, defence and tourism and continues to attract new investment in these key industry sectors. Investment in Port Stephens however, does not occur in isolation and changes within industry sectors across the Hunter will have both a direct and indirect impact on the local economy. Ensuring a unified approach to securing new investment, developing new businesses, retaining and attracting skilled staff is a critical element of the future growth of the Port Stephens economy. This is especially important in relation to the future growth of areas such as the Williamstown Special Activation Precinct.

The foundation is seeking \$5 million per annum over 3 years to establish this organisation. In order to achieve this, the Foundation will need to secure funding from industry, mining companies, Federal and State governments and local councils.

Contributions have been confirmed with AGL and a number of upper Hunter councils. The JO continue to seek funding commitments from NSW and Federal governments.

To allow Council to continue to deliver its current economic development work program, it is recommended that Council provide funding of \$15,000 per annum for 3 years to support the Foundation with a review of the outcomes and benefits of investing in the Foundation at the end of this period.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Strong Economy, Vibrant Businesses, Active Investment	Support sustainable business development in Port Stephens.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Council would commit to 3 years funding for the Foundation which would be sourced from the existing Economic Development and Tourism budget. Due to the impacts of COVID-19 on events and place activation programs, there would be no impact on the budget for the first 2 years. It would be expected that funding for year 3 would be managed through changes to the delivery of economic development programs.

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

### **LEGAL, POLICY AND RISK IMPLICATIONS**

The Hunter 2050 Foundation will be established as a company limited by guarantee.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without supporting the Foundation, Port Stephens will miss the opportunity generated by the Foundation.	Medium	Adopt the recommendation.	Yes
There is a risk that by not investing in the Foundation, Port Stephens will not have access to the networks and programs delivered by the Foundation.	Medium	Adopt the recommendation.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Foundation will drive a coordinated approach to the long term sustainability of the Hunter and Port Stephens economy.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section to ensure alignment with State Government initiatives and broader Council objectives.

Internal

- Executive Team
- Councillors

External

- NSW Regional Development
- Hunter Joint Organisation

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

- 1) Blueprint for the Hunter 2050 Foundation.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 6**

**FILE NO: 20/258403  
EDRMS NO: PSC2017-00178**

**COMMUNITY SUPPORT FUND PROGRAM 2020 TO 2021 (ROUND 1)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves the provision of financial assistance from applications received for the Community Support Fund 2020 to 2021 (round 1) under Section 356 of the Local Government Act 1993, as detailed below:
    - a. \$5240 to Centre for Hope - Pop-up drop in youth mental health program in the Tilligerry peninsula.
    - b. \$5000 to Worimi Knowledgeholders Aboriginal Corporation - Aboriginal cultural development and support for cultural fishing program.
    - c. \$6000 to COPSY (Caring for our Port Stephens Youth) - Free youth counselling sessions for 12-18 year olds across Tomaree and Tilligerry peninsula.
    - d. \$3600 to Gan Gan Family Centre - Printed library bags with letters and learning resources for new kindy starters across Port Stephens.
    - e. \$5000 to Hume Community Housing - Koori Kinnect - Culturally safe Aboriginal social group to address isolation and disconnection in Raymond Terrace.
    - f. \$6000 to Salvation Army & Rotary Club of Salamander Bay - Development of community sensory and wellness garden.
    - g. \$6000 to Tomaree Neighbourhood Centre - Satellite youth mental health service offering emergency relief crisis support and counselling sessions for Tilligerry young people.
- 

**BACKGROUND**

The purpose of this report is to seek endorsement of the round 1 recipients of the Community Support Fund Program 2020 to 2021.

The Restart Port Stephens Plan (the 'plan') was endorsed at the Ordinary Council meeting on 14 July 2020, Minute No. 125 (**ATTACHMENT 1**).

The plan 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.

2020 to 2021 Funding Program

A key initiative of the plan was the restructure of the existing grant and sponsorship funding for 2020 to 2021. This involved realigning the Port Stephens Council grants program to fund programs that support individuals and organisations through the COVID-19 crisis. This would be to support initiatives to restart Port Stephens.

The funding will be delivered across 2 funding rounds including round 1 and a further round scheduled for February 2021.

Round 1 of the realigned grants program opened on 28 July 2020 and closed on 24 August 2020. The fund programs included:

- Community Support Fund
- Vibrant Spaces Fund
- Evening Economy Fund
- Community Event Development Fund

In accordance with the Council resolution (**ATTACHMENT 1**) the assessment process for the Community Support Fund includes assessment by a panel of Councillors (1 representative from each ward), the Mayor and 2 Council staff. The assessment process was carried out in accordance with the fund guidelines.

Table 1 details the recipients recommended for round 1 of the Community Support Fund Program 2020 to 2021. A total of \$36,840 is recommended for funding.

<b>Recipient</b>	<b>Amount</b>	<b>Project</b>
Centre for Hope	\$5240	Pop-up drop in youth mental health program in the Tilligerry peninsula.
Worimi Knowledgeholders Aboriginal Corporation	\$5000	Aboriginal cultural development and support for cultural fishing program.
COPSY (Caring for our Port Stephens Youth)	\$6000	Free youth counselling sessions for 12-18 year olds across Tomaree and Tilligerry peninsula.
Gan Gan Family Centre	\$3600	Printed library bags with letters and learning resources for new kindy starters across Port Stephens.
Hume Community Housing - Koori Kinnect	\$5000	Culturally safe Aboriginal social group to address isolation and disconnection in Raymond Terrace.

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<b>Recipient</b>	<b>Amount</b>	<b>Project</b>
Salvation Army & Rotary Club of Salamander Bay	\$6000	Development of community sensory and wellness garden.
Tomaree Neighbourhood Centre	\$6000	Satellite youth mental health service offering emergency relief crisis support and counselling sessions for Tilligerry young people.

Applications for the Vibrant Spaces Fund, Evening Economy Fund and Community Event Development Fund were assessed under Council's Corporate Events Sponsorship Policy by a panel of staff.

Table 2 outlines the successful applications for the Vibrant Spaces Fund following the assessment process. A total of \$36,000 will be allocated for funding in round 1.

<b>Recipient</b>	<b>Amount</b>	<b>Project</b>
Burbridge & Burke	\$6,000	Christmas in the Bay, in partnership with the Tomaree Business Chamber.
Hunter Region Botanic Gardens	\$6,000	Gundabooka garden gallery – Aboriginal art project linked to native plants.
Jordan Hocking	\$6,000	Wall mural - Tomaree Library courtyard.
Seaham Parks & Wetlands Committee	\$6,000	Improve access to Seaham Swamp Nature Reserve Wetlands.
Tomaree Museum Association Inc	\$6,000	Repurposing of retail shop for a pop up museum.
Youth Express Association	\$6,000	Karuah mentor and makeover - regenerations and native planting project, Karuah.

Council staff are continuing to work closely to develop and refine a number of projects with applicants who did not meet the criteria for funding at this stage.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Community Partnerships	Support financially creative and active communities.



**FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

Council provides financial assistance in accordance with Section 356(1) of the Local Government Act 1993.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
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

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 July 2020 (**ATTACHMENT 1**) and the objectives of the plan.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Economic Development and Tourism and the Community Development and Engagement team.

The realigned grant, sponsorship and donations program for 2020 to 2021 was launched on 28 July 2020 and was promoted through existing community networks and media. The overall response rate for the program included 51 applicants across all funding streams.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Minute No. 125, 14 July 2020.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 14 JULY 2020**

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**

<b>125</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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 (<b>ATTACHMENT 1</b>).</li> </ol>
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**MINUTES ORDINARY COUNCIL - 14 JULY 2020**

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

The motion was carried.

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

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p>
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That Council:

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>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.</li><li>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 (<b>ATTACHMENT 1</b>).</li><li>3) Endorse the draft Restart Port Stephens Plan (<b>ATTACHMENT 1</b>) to guide an integrated approach to continuing to work with the community, businesses and key stakeholders.</li><li>4) Endorse the assessment process for the 2020/2021 Community Support Fund Program (<b>ATTACHMENT 2</b>) including:<ul style="list-style-type: none"><li>a. Establish an assessment panel consisting of the Mayor, 1 Councillor from each ward, and Council staff.</li><li>b. Nominate CouncillorS Ken Jordan, Sarah Smith and Cr Glen Dunkley for the assessment panel.</li></ul></li><li>5) Allocate \$25,000 from the restart program to fund the Rates Assistance Program outlined in the Debt Recovery &amp; Hardship Policy, for the 2020-2021 financial year.</li></ul> |
|--|---|

The amendment was lost.

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

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

**MINUTES ORDINARY COUNCIL - 14 JULY 2020**

- 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:



**MINUTES ORDINARY COUNCIL - 14 JULY 2020**

- 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.

**MINUTES ORDINARY COUNCIL - 14 JULY 2020**

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**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
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.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
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.

**MINUTES ORDINARY COUNCIL - 14 JULY 2020**

**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.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
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

**MINUTES ORDINARY COUNCIL - 14 JULY 2020**

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.

**ITEM NO. 7****FILE NO: 20/143684  
EDRMS NO: PSC2005-3558****355C COMMITTEES 2019 ANNUAL FINANCIAL SUMMARY**

REPORT OF: ZOE PATTISON - ORGANISATION SUPPORT SECTION  
MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive the 355c Committees Annual Financial Statements for the period 1 January 2019 to 31 December 2019.
- 2) Note that eligible 355c committees have received the 2020 annual operating subsidy.

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**BACKGROUND**

The purpose of this report is to receive the 355c Committees' Annual Financial Statements for 2019 and to note the disbursement of the 2020 annual operating subsidies to eligible 355c committees and sports councils.

For the period 1 January 2019 to 31 December 2019, a summary of the total opening balance (including investment accounts) and closing balance of all financial 355c committees is shown in **(ATTACHMENT 1)**. This summary also shows payment of the 2020 annual operating subsidy to eligible 355c committees and the retaining of funds for use by park and cemetery group operation.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Community Diversity	Support volunteers to deliver appropriate community services.

**FINANCIAL/RESOURCE IMPLICATIONS**

The total amount of funds held by the 32 committees as at 31 December 2019 was \$742,244.58, a decrease of \$95,445.12 from 31 December 2018.

- 9 committees held over \$20,000 (total value of \$538,217.63).
- 11 committees held between \$10,000 and \$20,000 (total value of \$154,642.45).
- 8 committees held less than \$10,000 (total value \$49,384.50).
- 4 committees dissolved during the period and the bank account closed.

Payment of the 2020 annual operating subsidy was made in July 2020 to all eligible 355c committees and sports councils. Annual subsidy payments previously provided to 355c park and reserve committees are now retained by Council for the provision of Park and Cemetery Group operating needs, as these groups do not operate an external bank account.

The use of committee funds should be in line with Council's strategic directions and be committed to the objectives of each committee's appendix to the 355c Committee Terms of Reference. A focus on maintenance, renewal and rehabilitation of facilities and reserves will ensure the long-term sustainability of these community assets.

Financial resources are available to support the establishment and operation of volunteer groups working in parks, reserves, natural areas and cemeteries. Their activities may include vegetation planting and management, mulching, weed control, facility maintenance and improvements, and initiatives to educate and enhance the experience of park and cemetery users.

Council's Assets Section works with committees and sports councils to allocate committee funds to projects that assist in maintaining or upgrading Council's assets. For example, in the 2019 calendar year, the following large investments by committees included:

#### Medowie Sports Council

\$3000	Contribution to Medowie Athletics Club for new bubbler at Kindlebark Oval
\$3000	Contribution to Medowie Netball Club towards pressure cleaning at Ferodale Netball Courts
\$2200	Contribution to Medowie AFL Club installing shower cubicles at Ferodale Sports Complex

#### Tilligerry Sports Council

\$5200	Over sow program of league and soccer fields at Mallabula Sports Complex
\$12,000	\$2,000 allocated to each of the 6 clubs as a discretionary fund to use on club equipment where required
\$600	Contribution to Tilligerry Tennis Club towards cleaning Court 1

#### Tomaree Sports Council

\$800	BBQ for Salamander Sports Complex
\$9400	Additional spectator seating Fingal Bay Oval
\$4660	Defibrillators at Salamander Sports Complex and Tomaree Sports Complex
\$20,000	Additional field maintenance for Tomaree Sporting Fields
\$6000	Contribution to Nelson Bay Cricket Club for Cricket Training Net Facility
\$7200	Oversow program Tomaree No 1 and Salamander Sports Complex

West Ward Sports Council

\$350 New vacuum King Park Function Room  
 \$5250 Resurface synthetic cricket pitch Lakeside Sports Complex

Other

\$5500 Air conditioning - Anna Bay/Birubi Community Hall  
 \$4500 Upgrade air conditioning - Lemon Tree Passage Old School Centre  
 \$8600 Solar system - Nelson Bay Community Hall  
 \$10,300 Air conditioning - Nelson Bay Community Hall  
 \$2200 Air conditioning - Salt Ash Community Hall  
 \$2700 Upgrade ceiling fans - Salt Ash Community Hall  
 \$6800 Air conditioning - Tanilba Foreshore Hall  
 \$1500 Roller blinds - Tanilba Foreshore Hall  
 \$1500 Sandstone block seating at Wanda Headland - Soldiers Point - Salamander Bay Landcare Group

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	\$742,244.58	Funds held in individual bank accounts by 355c committees/sports councils as at 31 December 2019.

**LEGAL, POLICY AND RISK IMPLICATIONS**

Section 355c of the Local Government Act 1993 allows Council to delegate certain functions. A section 355c committee is an entity of Port Stephens Council and as such is subject to the same legislation, accountability and probity requirements as Council.

All funds and assets held by the committees belong to Council and the committee is responsible for the care and control of these funds. Funds administered by 355c committees must meet Council's standards of compliance, management and transparency. Committees are required to comply with standard record keeping practices, including submission of financial reporting requirements by due dates.



355c committees use a cash book style financial record keeping system. The cash book is completed monthly (or alternative if approved) and the totals of each month are entered into the Annual Summary Reporting page, which is forwarded to Council annually.

This system was developed in line with recommendations of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The system provides committees with a simplified financial process and staff support.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that funds held in 355c committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputation damage.	Medium	The 355c Committee Terms of Reference and Appendix clearly outlines committee responsibilities with regard to recording and reporting on committee funds.	Yes
There is a risk that funds held in 355c committee bank accounts are not used to contribute to cost of asset renewal resulting in greater drain on ratepayer revenue.	Low	This risk will be reduced as staff work with committees to combine asset and community input to develop asset management plans with agreed funding contributions from the facility income.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Volunteers provide strong social and community benefits including an avenue for communication, planning, strategic planning, community consultation as well as community capacity building and strong social networks for the community. A community with a high rate of participation in community activities is an indicator of a well-functioning community.

The volunteer management service review has been strategically implemented since it was adopted by Council in August 2018. As a result, 14 park and reserve committees and 2 cemetery committees have dissolved, and 5 combined hall/park committees have changed operation to be hall management committees only. All but one former cemetery committee are now operating under the new model (or soon will be), totalling 20 volunteer groups.

Council utilises 355c committees to provide a link between Council and the community, and to assist in the management of facilities and delivery of community services and events. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved with the management of the facilities they use.

Volunteer park and cemetery groups are an avenue through which members of the community can come together to work on Council land and have meaningful engagement in their local community. The setup and management of these groups under Council enables volunteers to undertake activities in a safe and proficient manner, while being supported by Council and adhering to Council requirements.

Committees and volunteer groups provide assistance often where funding is not available. Their activities are value adding with a large number of the facilities and services provided in the local government area enhanced through the direct involvement of volunteers.

The provision of financial support to Council 355c committees and volunteer groups is provided within current resources. The annual operating subsidy is a direct budget item (\$90,000 in 2020-2021).

Volunteers operate under direction from Council staff to ensure their activities are performed in accordance with recognised environmental practices. Projects and activities relating to the environment are encouraged and supported and often provide long term benefits to the environment.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Organisation Support Section to ensure the provision of relevant and accurate information.

### Internal

- Senior Leadership Team.
- Finance Reporting Coordinator.
- Community and Recreation Coordinator.
- Volunteers Coordinator.
- F&S Senior Business Support Advisor.

### External

- 355c committees and sports councils.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Annual Financial Summary Statement for period 1 January to 31 December 2019.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 7 - ATTACHMENT 1 ANNUAL FINANCIAL SUMMARY STATEMENT FOR PERIOD 1 JANUARY TO 31 DECEMBER 2019.**

**ATTACHMENT 1**

**355c Committees Annual Financial Statement Summary - 1 January to 31 December 2019**

	<b>355c Committee</b>	<b>Opening Balance incl Investments 01/01/2019</b>	<b>Closing Balance incl Investments 31/12/2019</b>	<b>Annual Operating Subsidy July 2020</b>
1.	Anna Bay/Birubi Community Hall and Landcare Group	21,600.00	14,504.26	1,000
2.	Boat Harbour Parks and Reserves Committee	4,806.23	6,593.38	NA
3.	Bobs Farm Hall Committee	8,239.00	8,554.01	NA
4.	Corlette Headland and Hall Committee	9,193.22	7,402.89	1,000
5.	Fern Bay Community Centre Committee	11,255.73	17,095.28	1,000
6.	Fingal Bay Parks and Reserves Committee	8,450.41	9,243.36	NA
7.	Hinton School of Arts, Parks and Foreshore Committee	4,700.61	5,330.89	1,000
8.	Karuah Community Hall Committee	11,811.52	13,816.90	1,000
9.	Karuah Landcare Group	10,274.76	-	NA
10.	Lemon Tree Passage Old School Centre Committee	16,233.87	20,808.70	1,000
11.	Mallabula Community Centre Committee	30,788.94	33,779.57	1,000
12.	Mallabula Parks and Reserves Committee	5,977.39	5,952.64	NA
13.	Mambo Wanda Wetlands, Reserves and Landcare	12,980.44	12,175.95	NA
14.	Medowie Community Centre Committee	30,198.67	32,425.96	1,000
15.	Medowie Sports Council	62,997.82	71,645.68	9,000
16.	Nelson Bay Australia Day Sub Committee	15,407.58	15,718.50	NA
17.	Nelson Bay Community Hall Committee	53,584.24	69,691.66	1,000
18.	Port Stephens Native Flora Garden Committee	3,561.08	-	NA
19.	Port Stephens Sister Cities Committee	12,545.80	10,673.13	1,000
20.	Raymond Terrace Parks, Reserves and Tidy Towns	22,736.62	19,175.01	NA
21.	Raymond Terrace Senior Citizens Hall Mgt Committee	49,096.02	42,805.16	1,000
22.	Salt Ash Community Hall Committee	19,031.33	20,134.44	1,000
23.	Salt Ash Sports Ground Committee	65,142.68	2,294.95	1,000
24.	Seaham Park and Wetlands Committee	2,374.38	4,012.38	1,500
25.	Shoal Bay Beach Preservation Committee	5,838.61	-	NA
26.	Soldiers Point/Salamander Bay Landcare Group	10,281.09	-	NA
27.	Tanilba Bay Parks, Reserves and Hall Committee	7,420.77	12,522.71	1,000
28.	Tilligerry Landcare Group	11,950.28	11,334.72	NA
29.	Tilligerry Sports Council	20,344.35	17,144.97	9,000
30.	Tomaree Sports Council	172,218.14	138,276.77	9,000
31.	West Ward Sports Council	84,770.32	108,649.69	18,000
32.	Williamstown Hall Committee	15,068.11	10,481.02	1,000
	<b>Totals</b>	<b>820,880.01</b>	<b>742,244.58</b>	<b>61,500</b>

ATTACHMENT 1 - 355c Committees Annual Financial Statement Summary – 1 Jan – 31 Dec 2019

**ITEM 7 - ATTACHMENT 1 ANNUAL FINANCIAL SUMMARY STATEMENT FOR PERIOD 1 JANUARY TO 31 DECEMBER 2019.**

<b>Volunteer Group Operating Budget (Former subsidy payments now retained with Council<sup>5</sup>)</b>		
1.	Anna Bay Landcare Group	1,500
2.	Boat Harbour Volunteers Group	1,500
3.	Corlette Reserves and Landcare Group	1,500
4.	Fingal Bay Parks Group	1,500
5.	Fly Point Nature Reserve Group	1,500
6.	Gan Gan Lookout Group	1,500
7.	Karuah Landcare Group	1,500
8.	Lemon Tree Passage Parks Reserves and Landcare Group	1,500
9.	Mallabula Parks and Environment Group	1,500
10.	Mambo Wanda Wetlands Reserves and Landcare Group	1,500
11.	Medowie Tidy Towns Group	1,500
12.	Nelson Bay West Landcare Volunteers Group	1,500
13.	Raymond Terrace Parks and Tidy Towns Group	1,500
14.	Shoal Bay Landcare Group	1,500
15.	Shoal Bay West Landcare Group	1,500
16.	Soldiers Point – Salamander Bay Landcare Group	1,500
17.	Tanilba Foreshore Parks Group	1,500
18.	Tilligerry Landcare Group	1,500
19.	West Ward Cemeteries Group	1,500
<b>Total</b>		<b>28,500</b>

**Notes**

1. On the 9 June 2020 (Min. No. 092) Council resolved to dissolve the following 355c committees as of 30 June 2020, and as such no Annual Operating Subsidy payments were made in July 2020: Boat Harbour Parks and Reserves Committee; Fingal Bay Parks and Reserves Committee; Mallabula Parks and Reserves Committee; Mambo Wanda Wetlands, Reserves and Landcare Committee; Raymond Terrace Parks, Reserves and Tidy Towns Committee and Tilligerry Landcare Group.
2. On 10 December 2019 (Min. No. 249) Council resolved to dissolve the following 355c committees as of 31 December 2019, and as such no Annual Operating Subsidy payments were made in July 2020: Bobs Farm Public Hall Committee; Port Stephens Native Flora Garden Committee and Soldiers Point-Salamander Bay Landcare Group.
3. On 25 June 2019 (Min. No. 133) Council resolved to dissolve the following 355c committees as of 30 June 2019, and as such no Annual Operating Subsidy payments were made in July 2020: Karuah Landcare Group and Shoal Bay Beach Preservation Committee.
4. Nelson Bay Australia Day is a Sub Committee of the Port Stephens Australia Day Committee and receives funding from Council via alternate means.
5. The Annual Operating Subsidy payments that previously would have been made to these former 355c committees is being retained by Council for use by the volunteer groups to undertake their projects and activities.

**ITEM NO. 8**

**FILE NO: 20/261216  
EDRMS NO: PSC2008-2921**

**POLICY REVIEW: TREE VANDALISM POLICY**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Tree Vandalism Policy shown at **(ATTACHMENT 1)**.
  - 2) Place the revised Tree Vandalism Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
  - 3) Revoke the Tree Vandalism Policy dated 14 August 2018, Minute No. 246, should no submissions be received.
- 

**BACKGROUND**

The purpose of this report is to provide Council with the revised Tree Vandalism Policy (the 'policy'). This policy has been reviewed as part of Council's ongoing policy review program and is shown at **(ATTACHMENT 1)**.

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

Tree vandalism incidents continue to occur in Port Stephens and are particularly apparent in the coastal zone where development pressure as well as conflicts between water views and vegetation can put trees on Council managed land at risk.

The policy has been reviewed and a number of mostly administrative and minor amendments are recommended. The intent of the policy remains unchanged.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Ecosystem Function.	Protect and enhance the local natural environment.

**FINANCIAL/RESOURCE IMPLICATIONS**

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

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The primary aim of the policy is to reduce the incidence of vandalism to public trees and vegetation on Council managed land across Port Stephens. Public trees are a valued public asset and the effective deterrence that the policy is expected to provide will further protect these assets, resulting in improved local amenity and the ongoing provision of the environmental services that these trees and vegetation provide (habitat, shade, wind amelioration, soil stabilisation etc).



## **CONSULTATION**

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

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

### Internal

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

- Corporate Risk
- Development Assessment and Compliance
- Public Domain and Services.

The Executive Team were consulted to seek management endorsement.

### External

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

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Revised Tree Vandalism Policy.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2008-2921

**TITLE:** TREE VANDALISM POLICY

**OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

### 1. PURPOSE:

- 1.1 The primary aim of the Tree Vandalism Policy is to reduce the incidence of vandalism to public trees and vegetation across Port Stephens.
- 1.1 This policy sets out a consistent approach for Council when responding to tree vandalism incidents in Port Stephens. It includes a range of response measures which are collectively aimed at raising the public profile of the tree vandalism in the community in order to serve as effective deterrence measures.

### 2. CONTEXT/BACKGROUND:

- 2.1 Tree vandalism continues to be of concern in Port Stephens and is particularly apparent in coastal areas where development pressure as well as conflicts between water views and vegetation puts trees / vegetation on Council managed land at risk.
- 2.2 This vandalism has a significant and cumulative impact on Council assets and the environment. Impacts include reduced visual and community amenity, the loss of wind- breaks and erosion control in some locations, and the loss of wildlife habitat.
- 2.3 Such vandalism can also have substantial financial and human resource costs for Council including tree replacement costs, the cost of the investigation, rehabilitation and repair costs, and the cost of implementing potential punitive and/or deterrence measures.

### 3. SCOPE:

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

### 4. DEFINITIONS:

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



Policy



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

**5. STATEMENT:**

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

**6. RESPONSIBILITIES:**

- 6.1 All members of the public have responsibility for complying with this policy.
- 6.2 Strategy and Environment have responsibility for monitoring, reviewing and providing advice on this policy.
- 6.3 Strategy and Environment have responsibility for undertaking compliance in accordance with Council's Compliance Policy.



Policy



6.4 Public Domain and Services have responsibility for undertaking and funding relevant response measures under this policy.

**7. RELATED DOCUMENTS:**

- 7.1 Compliance Policy
- 7.2 Council Prosecutions Policy
- 7.2 Environmental Legislative Requirements Procedure (EMS 3.0)
- 7.3 Environmental Incident Procedure (EMS 4.0)
- 7.4 Environment Policy
- 7.5 Heritage Policy
- 7.6 Legal Management Directive
- 7.7 Tree Vandalism Management Directive
- 7.8 Environmental Planning & Assessment Act (EP&A) 1979
- 7.9 Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events.

**CONTROLLED DOCUMENT INFORMATION:**

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<b>EDRMS container No.</b>	PSC2008-2921	<b>EDRMS record No.</b>	TBA
<b>Audience</b>	Councillors, staff and community		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Natural Resources Coordinator		
<b>Review timeframe</b>	2 years	<b>Next review date</b>	TBA
<b>Adoption date</b>	August 2018		





Policy



Version	Date	Author	Details	Minute No.
1	August 2018	Natural Resources Coordinator	<p>Reviewed the previous policy (Tree/Vegetation Vandalism Policy), included numbering to each paragraph and updated the version control.</p> <p>Substantial re-write of the policy which necessitates replacing the existing policy dated July 2014.</p> <p>Intent of existing policy remains unchanged.</p>	246
2	TBA	Natural Resources Coordinator	<p>1.1 - Deleted paragraph.</p> <p>5.1 – Insert 'healthy ecosystems' delete environmental health.</p> <p>5.1 - added 'of Port Stephens' residents'.</p> <p>5.3 – Deletion of consistently.</p> <p>5.5 – Insert 'proportionate', 'deterrent', to rehabilitate".</p> <p>5.5 - Delete 'deterrence, the rehabilitation of, and in accordance with the relevant guidelines'.</p>	TBA

Policy



	TBA	Natural Resources Coordinator	<p>7.8 – Insert 'Environmental Planning &amp; Assessment Act (EPA&amp;A) 1979'.</p> <p>7.9 – Insert Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events.</p> <p>Delete Appendix 1 – Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events.</p>	
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Policy

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**ITEM NO. 9**

**FILE NO: 20/257453  
EDRMS NO: PSC2015-03964**

**POLICY REVIEW: ENVIRONMENT POLICY**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Environment Policy shown at **(ATTACHMENT 1)**.
  - 2) Place the revised Environment 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 Environment Policy dated 26 June 2018, Minute No. 178, should no submissions be received.
- 

**BACKGROUND**

The purpose of this report is to seek Council's endorsement to place the revised Environment Policy (the 'policy') shown at **(ATTACHMENT 1)** on public exhibition.

The revised policy was a foundation document for the Environmental Management System (EMS) framework, consistent with the Environmental Management Standard ISO 14001 and was a critical element of the EMS Project Plan.

The policy provides direction for Council's overall environmental performance.

Changes to the policy reflect an increased focus on sustainability in Council's suite of policy documents to incorporate sustainable procurement and design principles into the policy.

This review is part of the scheduled 2 yearly cycle.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Environmental Sustainability	Reduce the community's environmental footprint.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications with the adoption of this proposed policy.



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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There is no legal requirement for Council to have an environmental policy position. The policy strengthens Council's position through a sustainable approach to the planning, procurement and delivery of its services and assets. The policy is also a requirement of ISO 14001 that provides the framework for Council's EMS.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not adopting the revised policy will lead to an inconsistent approach to environmental sustainability.	Medium	Adopt the recommendations.	Yes
There is a risk that not adopting the revised policy will create a lag in establishing Council's response to environmental sustainability.	Medium	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The policy will provide guidance on developing Council's sustainable performance.

The maintenance of an environmental policy will ensure our ongoing consistency with the Environmental Management Standard ISO 14001.

The policy will guide initiatives endorsed by Council's Sustainable Energy Team (Currents) and the preparation of a Sustainability Action Plan and Roadmap that will assist in reducing Council's impact on the environment.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section for technical refinement and awareness of the intent of the policy.

### Internal

Consultation has been undertaken with Council's Enterprise Risk Management team to ensure compliance to the Environmental Management System.

The Executive Team has been consulted to seek management endorsement.

### External

In accordance with local government legislation the revised 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 Environment Policy.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

Policy



**FILE NO:** PSC2015-03964  
**TITLE:** ENVIRONMENT POLICY  
**POLICY OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

#### 1. PURPOSE:

1.1 Port Stephens Council is committed to achieving its vision statement of a "a great lifestyle in a treasured environment" so that current and future generations can enjoy, and benefit from, a healthy natural environment. This policy outlines Council's commitment to the environment by providing leadership and direction for improved environmental performance and sustainable outcomes.

#### 2. CONTEXT/BACKGROUND:

2.1 Port Stephens is a diverse region, comprised of natural features including bushland, rivers, wetlands and coastal areas. A healthy natural environment is critical to the people of Port Stephens as it provides essential environmental services such as clean air, clean water and healthy soils. In turn this supports ecological, cultural, recreational, economic and aesthetic values.

2.2 Local government plays an important role in protecting and enhancing the natural environment in order to achieve Ecologically Sustainable Development (ESD). Specifically, the charter for NSW Councils reinforces Council's role "to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development".

2.3 The natural environment is a complex and interdependent system making it challenging to accurately quantify and assess impacts. The principles of ESD are therefore embedded in the Local Government Act 1993 which states that "ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes". The principles are incorporated within local government decision-making processes including planning, regulation, administration and operations.

2.4 The four 4 principles underpinning ESD are:

- a) Precautionary principle
- b) Intergenerational equity
- c) Conservation of biological diversity and ecological integrity
- d) Improved valuation, pricing and incentive mechanisms



Policy



2.5 The integration of social, environmental and economic factors are also required through the Integrated Planning and Reporting Framework to enable holistic and sustainable planning for the future (LGNSW Interim Policy Statements: Planning and Environment). Ecologically sustainable development requires the effective integration of economic, social and environmental considerations in decision-making processes. The Integrated Planning and Reporting framework also requires councils to address social, environmental, economic and civic leadership (the quadruple bottom line) issues in an integrated way (LGNSW Sustainability Position Statement).

3. SCOPE:

- 3.1 This policy provides direction for Council's approach to its application of ESD principles and overall environmental performance.
- 3.2 Environmental performance refers to the environmental results that are achieved through Council's management and control of the environmental aspects of its systems, policies, processes, procedures, services and activities (ISO14001:2015). Environmental performance can be improved when beneficial environmental impacts are increased and adverse environmental impacts and risks are reduced.
- 3.3 Whilst Council's approach to environmental risk is influenced by this policy, Council's Integrated Enterprise Risk Management Policy provides the overall direction on Council's systematic management of risk. Therefore, these two policies should be considered together.

4. DEFINITIONS:

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

Biological Diversity and Ecological Integrity	The variety of life forms, the different plants, animals and microorganisms, the genes they contain and the ecosystems they form.
Ecologically Sustainable Development (ESD)	Effective integration of economic and environmental considerations in decision-making processes.
Improved Valuation, Pricing and Incentive Mechanisms	Environmental factors should be included in the valuation of assets and services.
Intergenerational Equity	That the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
Precautionary Principle	If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Policy

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Policy

**5. POLICY STATEMENT:**

- 5.1 Council ensures a healthy natural environment is maintained for the wellbeing of the Port Stephens community.
- 5.2 Council is committed to empowering its employees to assume accountability and responsibility for the continuous improvement of its environmental performance by creating and promoting a culture of participation and by providing a robust process for monitoring and review.
- 5.3 Council is committed to the four 4 principles of Ecologically Sustainable Development.
- 5.4 Council meets all its statutory responsibilities under environmental legislation.
- 5.5 Council is committed to achieving environmental results through a sustainable approach to the planning, procurement and delivery of its services and assets. Across its organisational business units and functions, Council seeks to maximise energy and resource efficiency, reduce waste and transport.

**6. POLICY RESPONSIBILITIES:**

- 6.1 Strategy and Environment Section is responsible for monitoring, reviewing and providing advice on the policy.
- 6.2 Implementation of and compliance with the Environment Policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the policy is implemented throughout the organisation.

**7. RELATED DOCUMENTS:**

- 7.1 [Local Government Act 1993](#)
- 7.2 Port Stephens Council Community Strategic Plan
- 7.3 Asset Management Policy
- 7.4 [Climate Change Policy](#)
- 7.5 Commercial Operators Policy
- 7.6 Compliance Policy
- 7.7 Economic Development Policy
- 7.8 Heritage Policy
- 7.9 [Enterprise Integrated Risk Management Policy](#)
- 7.10 On-Site Sewage Management Policy
- 7.11 Pricing Policy
- 7.12 Procurement Policy
- 7.13 Property Investment Policy



Policy



7.14 Social Impact Policy

7.14 LGNSW Policy Platform

7.15 Sustainable Energy Planning and Design for Projects and Activities

**CONTROLLED DOCUMENT INFORMATION:**

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<b>EDRMS container No</b>	PSC2015-03964	<b>EDRMS record No</b>	TBA
<b>Audience</b>	Councillors, staff and community		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Environmental Strategist Environmental Officer		
<b>Review timeframe</b>	2 years	<b>Next review date</b>	June 2020 <sup>2</sup>
<b>Adoption date</b>	March 2016		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	8 March 2016	Environmental Strategist / Environmental Management System Officer	Original Policy	051
2.0	26 June 2018	Environmental Strategist	Policy adapted to new Policy Template. No Amendments.	178



Policy



3.0	TBA	Environmental Officer	<p>1.1 - Deletion of the wording “its vision statement of” from the Purpose.</p> <p>2.5 - Deletion of LGNSW Interim Policy Statement and replacement with most current LGNSW Sustainability Position Statement.</p> <p>3.3 - Deletion of “Integrated” and replacement with “Enterprise” to reflect organisational changes.</p> <p>5.5 – Inserted new paragraph: “Council is committed to achieving environmental results through a sustainable approach to the planning, procurement and delivery of its services and assets. Across its organisational business units and fuctions, Council seeks to maximise energy and resource efficiency, reduce waste and transport.”</p> <p>7.1 – Added hyperlink to Local Government Act 1993.</p> <p>7.4 - Added Climate Change Policy.</p> <p>7.9 - Deletion of “Integrated” and replaced with “Enterprise” Risk Management Policy to reflect organisational changes.</p> <p>7.14 – Deleted Social Impact Policy as this policy has been revoked.</p> <p>7.14 - Inclusion of LGNSW Policy Platform.</p>	TBA
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Policy

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Policy



			<p>7.15 - Inclusion of Sustainable Energy Planning and Design for Projects and Activities.</p> <p>Controlled Document Information - Deleted the title of the author Environmental Strategist and replaced with Environmental Officer to reflect organisational changes.</p>	
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Policy

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**ITEM NO. 10**

**FILE NO: 20/274821  
EDRMS NO: A2004-0984**

**POLICY REVIEW: GIFTS AND BENEFITS**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Gifts and Benefits Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Gifts and Benefits Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Gifts and Benefits Policy dated 26 March 2019, Minute No. 062, should no submissions be received.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the revised Gifts and Benefits Policy (the 'policy') shown at **(ATTACHMENT 1)**.

The policy has been reviewed due to recent amendments to the Model Code of Conduct. The policy is to support the Code of Conduct in the management of gifts and benefits provided to council officials and to set a framework of when it is acceptable to accept a gift or benefit in the capacity of a council official.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide a strong ethical governance structure.

**FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the policy is within the existing 2020-2021 Budget.

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

**ORDINARY COUNCIL - 22 SEPTEMBER 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without a clear policy framework, there may be potential for a breach of the Code of Conduct.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

Internal

- The Executive Team have been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council consideration.

External

In accordance with local government legislation the revised 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 Gifts and Benefits Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

Policy



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

**1. PURPOSE:**

- 1.1 The purpose of this Policy is to ensure that all Port Stephens Council officials are aware of and adhere to the obligations of a Council official under the adopted Port Stephens Council Code of Conduct, in particular, to gifts and benefits.
- 1.2 The Policy will clearly define the behaviour required as a Council official. It will also provide a transparent and accountable process with regard to gifts and benefits that promotes confidence in the good governance of Port Stephens Council.

**2. CONTEXT/BACKGROUND:**

- 2.1 Port Stephens Council and its Council officials are required to adhere to the requirements of the model Code of Conduct published by the Office of Local Government. Council has adopted the model Code of Conduct with a number of enhancements, which are not inconsistent with the provisions of the model Code of Conduct.
- 2.2 This Policy has been developed in order to recognise that the conduct of Council business may give rise to gifts or benefits of appreciation being offered to Council officials.

**3. SCOPE:**

- 3.1 This Policy applies to all Council officials. Council officials must avoid situations that give rise to the appearance that a person or body, through the provision of gifts, benefits, bribes or hospitality of any kind, is attempting to gain favourable treatment from a Council official or the Council.
- 3.2 Council officials must ensure that all reasonable steps are taken to ensure that immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.
- ~~3.3 A gift or benefit does not include:~~
- ~~a) a political donation for the purposes of the Electoral Funding Act 2018.~~



## Policy



- ~~b) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them~~
- ~~c) attendance by a Council official at a work-related event or function for the purposes of performing their official duties.~~
- ~~d) free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 
  - ~~i) the discussion of official business.~~
  - ~~ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops.~~
  - ~~iii) Conferences.~~
  - ~~iv) Council functions or events.~~
  - ~~v) social functions organised by groups, such as Council committees and community organisations.~~~~

~~3.4 A Council official must not:~~

- ~~a) seek or accept a bribe or other improper inducement.~~
- ~~b) seek gifts or benefits of any kind.~~
- ~~c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty.~~
- ~~d) accept any gift or benefit of more than token value.~~
- ~~e) accept an offer of cash or a cash-like gift, regardless of the amount.~~
- ~~f) subject to clause 6.7 of the Code of Conduct (Code), accept any gift or benefit of more than token value as defined by clause 6.9 of the Code.~~
- ~~g) accept an offer of cash or a cash-like gift as defined by clause 6.13 of the Code, regardless of the amount.~~
- ~~h) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer-supplier relationship with the competition organiser.~~
- ~~i) personally benefit from reward points programs when purchasing on behalf of the Council.~~

~~3.5 Where a Council official receives a gift or benefit of any value other than referred to in clause 3.3 of this Policy, it must be promptly disclosed to Council in accordance with the Code of Conduct.~~

~~3.6 Where a gift or benefit of more than token value cannot reasonable be refused or returned, it must be surrendered to Council.~~

~~3.7 A Council official may accept a gift or benefit of taken value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-~~





## Policy



month period that, when aggregated, do not exceed a value of \$50-\$100. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50-\$100.
- b) gifts of alcohol that do not exceed a value of \$50-\$100.
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like.
- d) prizes or awards that do not exceed \$50-\$100 in value.

3.7 Gifts or benefits that exceed \$50-\$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) of the Code and, subject to clause 6.7 of the Code, must not be accepted.

3.8 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50-\$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

3.9 Where a Council official accepts a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50-\$100 in value.

3.10 The value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

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

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

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





## Policy



- 3.3 If a council official is offered a bribe, the incident must immediately be reported to the General Manager, the ICAC and where relevant, the police.
- 3.4 Council officials must not solicit personal gifts or benefits. Any person aware of a council official soliciting gifts or benefits must immediately report the matter to either the General Manager, relevant Group Manager, the Public Officer and/or the Mayor.
- 3.5 Any circumstance where a council official believes a gift or benefit has been offered for the purpose of influencing the conduct of a council official in their official capacity, the gift or benefit must be declined and a report must be made to either the General Manager, relevant Group Manager, the Public Officer and/or the Mayor.
- 3.6 The Code of Conduct prohibits any gifts or benefits in the form of money.
- 3.7 Any offer of a gift in the form of money is to be refused and reported to either the General Manager, relevant Group Manager, the Public Officer and/or the Mayor. Should the gift be received in any other way other than in person (ie by mail), the gift is to be declared and surrendered to Council.
- 3.8 All gifts and benefits offered to a council official are to be declined and declared to Council, unless otherwise permitted under the Code of Conduct or this policy (ie items with a value of less than \$10). Any gifts or benefits unable to be declined and/or exceeds \$100 in value, during the same 12 month period, must be surrendered to Council.
- 3.9 Should a council official receive a gift, benefit or prize as a result of entering (or being included) in a competition during the course of their official duties, the gift, benefit or prize is to be surrendered to Council and will become the property of Port Stephens Council.
- 3.10 Any gift or benefit received when procuring products, services or other on behalf of Council are to be declared and surrendered, and will become the property of Port Stephens Council.
- 3.11 All gift and/or benefits with a value of \$10 or more offered to a council official are to be declared (unless permitted under the Code of Conduct) and surrendered to Council, and entered in the Gifts and Benefits Register.

#### 4. DEFINITIONS:


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

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<p>Policy</p>	
<p>Bribes</p>	<p>Gift or benefits given to specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.</p>
<p>Cash-like gift</p>	<p>Includes but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.</p>
<p>Code of Conduct</p>	<p>Code of Conduct.</p>
<p>Council official</p>	<p>Port Stephens Council. Mayor, Councillors, General Manager, Council employees, administrators, Council committee members, delegates of Council (volunteers) and contractors of Port Stephens Council.</p>
<p>Gift</p>	<p>May include, but is not limited to, items such as cash or cash-like gift, alcohol, clothes, products to tickets to a sporting or entertainment event.</p>
<p>Hospitality</p>	<p>Means the provision of a meal, refreshments to other forms of entertainment.</p>
<p>ICAC</p>	<p>Independent Commission Against Corruption.</p>
<p>Immediate family</p>	<p>Ordinarily means grandparents, parents, spouses, partners, children or siblings.</p>
<p>Money</p>	<p>Credit or cash-like gifts such as but not limited to; cash cheques, bank deposits, gift vouchers, credit cards, debits cards with credit on them, prepayment such as phone or internet credit, lottery tickets, memberships or entitlements to discounts regardless of the amount of value.</p>

**5. POLICY STATEMENT:**

- 5.1 Council is committed to open and transparent government, in particular, ensuring that Council is free from any reputation damage concerning gifts, benefits or bribes.
- 5.2 All Council officials must adhere to the requirements of the Code of Conduct and this Policy. Any departure from the Code or this Policy will result in consideration of the matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.



Policy



**6. POLICY RESPONSIBILITIES:**

- 6.1 All Council officials are required to comply with this Policy. The Executive Team and section managers will be responsible for day to day management of compliance within their areas.
- 6.2 The Governance Section Manager will monitor, evaluate, review and provide advice on this Policy.

**7. RELATED DOCUMENTS:**

- 7.1 Local Government Act 1993.
- 7.2 Local Government (General) Regulation 2005
- 7.3 Port Stephens Council Code of Conduct, as amended.
- 7.4 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, as amended.
- 7.5 Payment of Expenses and Provision of Facilities to Mayor and Councillors
- 7.6 Internal Reporting Policy

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<b>EDRMS Container No:</b>	A2004-0984	<b>EDRMS Record No:</b>	49/135083
<b>Audience:</b>	Council officials		
<b>Process Owner:</b>	Governance Section Manager		
<b>Author:</b>	Governance Section Manager		
<b>Review Timeframe:</b>	Two years	<b>Next Scheduled Review Date:</b>	March 2021 30 September 2022
<b>Adoption date:</b>	25 August 2015		

**Version History**

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

Policy

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Policy



1.1	24.10.2017	Governance Manager	Minor typographical correction. Updated the definition of a council official to include 'Port Stephens Council'	258
1.2	26 March 2019	Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. Updated title of policy owner to Governance Section Manager. After 3.2, delete the reference to token or nominal gifts. 3.3 – new paragraph added. After 3.3, delete reference to sporting events. 3.4 – add clauses f, g, h and i. 3.5 to 3.10 – new paragraphs added. 3.11 and 3.12 – update title to Governance Section Manager. 4 – update 'cash-like gift' definition and delete 'token/nominal value gifts' definition. 6.2 - updated Governance Section Manager title. 7.2 and 7.3 –'as amended' added.	062

Policy



1.3		Governance Section Manager	<p>Policy reviewed, including the version control:</p> <p>3.3 to 3.13 – delete clauses</p> <p>3.3 to 3.11 – insert new clauses</p> <p>Definitions – insert “money”, delete “cash like gifts” and “hospitality”.</p> <p>Renumber 7.1 to 7.6</p> <p>7.2 – insert “Local Government (General) Regulation 2005”.</p> <p>7.5 – insert “Payment of Expenses and Provision of Facilities to Mayor and Councillors”.</p> <p>7.6 – insert “Internal Reporting Policy”.</p>	
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ITEM NO. 11

FILE NO: 20/274409  
EDRMS NO: A2004-0984

## CODE OF CONDUCT

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

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020, **(ATTACHMENTS 1 AND 2 provided under separate cover)**.
- 2) Place the Code of Conduct **(ATTACHMENT 1 provided under separate cover)** 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 Code of Conduct adopted on 26 March 2019, Minute No.058 and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2018, should no submissions be received.

1)

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## BACKGROUND

The purpose of this report is to seek the endorsement by Council of the Code of Conduct (the Code) **(ATTACHMENT 1 provided under separate cover)** and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020 (the Procedures) **(ATTACHMENT 2 provided under separate cover)**. The amended Code is in accordance with the prescribed Model Code of Conduct.

Council adopted the current Code of Conduct at its meeting on 26 March 2019, following the release of the Model Code of Conduct in late 2018.

The Office of Local Government (OLG) released an amended Model Code of Conduct in August 2020. The Model Code of Conduct 2020 came into effect immediately and councils are required to adopt a code of conduct and procedures as soon as possible. Council may include supplementary information in the Code without diluting the requirements of the Model Code of Conduct.

The changes to the Procedures are in response to a decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.

In summary, the key changes to the procedures are:

To provide a framework consistent with the Supreme Court's decision, for councils to follow when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:

- a) that a councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (the Act); or
- b) that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.

The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination, as well as any other grounds that the council considers may be relevant or appropriate.

Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider there to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.

The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.

Other amendments have been made to the procedures to:

- a) allow panels of conduct reviewers to be appointed without a resolution of the council, and
- b) allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

The code has also been amended, with key changes as follows:

- 1) Remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach.



## ORDINARY COUNCIL - 22 SEPTEMBER 2020

- 2) Update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards.
- 3) Include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- 4) Lift the \$50 cap on the value of gifts that may be accepted to \$100.
- 5) Clarify that items with a value of \$10 or less are not 'gifts or benefits' for the purposes of the Model Code of Conduct and do not need to be disclosed.
- 6) Clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not 'gifts or benefits' for the purposes of the Model Code of Conduct.
- 7) Remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100. The amended Code before Council includes the cap of \$100.

The changes to both the Code and the Procedures have been highlighted in **(ATTACHMENTS 1 and 2 provided under separate cover)**.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

### FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications are covered under the existing budget provisions.

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**

Section 440 of the Local Government Act 1993, requires Council to adopt a code of conduct incorporating the provisions of a model code of conduct that may be prescribe by the Local Government (General) Regulations 2005.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may be in breach of Section 440 of the Local Government Act 1993 should it not adopt a Code of Conduct.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Code sets the minimum standards of conduct for all Council officials to ensure they act with integrity and to act in a way that enhances public confidence in Council.

**CONSULTATION**

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

Internal

- Consultation has occurred with the General Manager.
- Two way conversation held with the Mayor and Councillors on 15 September 2020.

External

- The Office of Local Government.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Amended Code of Conduct. (Provided under separate cover)
- 2) Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020. (Provided under separate cover)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 12**

**FILE NO: 20/268906  
EDRMS NO: A2004-0370**

**MEMBERSHIP OF COMMITTEES AND GROUPS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominate memberships of Council committees, 355(c) committees and regional committees and groups (**ATTACHMENT 1**).

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**BACKGROUND**

The purpose of this report is to review the various committees and groups Council has either established or is involved with throughout the community.

In accordance with legislation, Council is required to nominate delegates and adopt the list of 355(c) committees.

As part of Council's commitment to community partnerships, it provides opportunities for the community to be involved with the management of the facilities they use. Council has established a number of community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the Local Government Act, which allows Council to delegate certain functions.

For a 355(c) committee, the written record of delegations is contained in the 'committee constitution' as prepared and adopted by Council. Functions that cannot be delegated (under Section 377) are listed in the constitution. Any change to delegations to a 355(c) committee must be effected by resolution of Council.

The key concept is that a 355(c) committee is a Council committee. Committees include Mayor and Councillor representation and a Council staff member responsible for liaison. A 355(c) committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are required to report on a monthly basis as is required of Council.

A 355(c) committee constitution consists of a standard constitution, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(c) committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(c) committee members as they do for staff including Workplace Health & Safety (WH&S), Code of Conduct and responsibility for activities.

A number of 355(c) committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, tidy towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

Council has in excess of 25 355(c) committees with over 700 members.

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. Examples include:

<b>FACILITY MANAGEMENT</b>	<b>MAINTENANCE &amp; IMPROVEMENTS TO RESERVES</b>	<b>OTHER</b>
Community Halls	Parks and Reserves	Advisory Committees
Sporting Ovals	Foreshore Reserves	Sports Council
Cemeteries		

#### Regional Committees and Groups

In addition to the 355(c) Committees, the Mayor, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the local government area.

Note: The previous list of committees and groups is shown at **(ATTACHMENT 1)** with previous years' delegates shown in *italics*.

#### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide a strong ethical governance structure.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

Financial and resource implications are provided for within the existing budget.

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

### **LEGAL, POLICY AND RISK IMPLICATIONS**

Council has a legal obligation under the Local Government Act 1993 to ensure it reviews and appoints 355 (c) committees and delegates in accordance with the legislation.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council could be in breach of the section 355 of the Local Government Act 1993, if it fails to appoint the committees/groups/organisations as listed in <b>(ATTACHMENT 1)</b> and functions are conducted on Council's behalf.	Low	Council appoint elected representatives as outlined in the report and adopt the committees/groups/organisations as listed in <b>(ATTACHMENT 1)</b> .	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Governance Section including the Council officers and the Executive Team.

**OPTIONS**

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

**ATTACHMENTS**

- 1) 2020 to 2021 355c Committees and groups memberships.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS

355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS  
SEPTEMBER 2020 TO SEPTEMBER 2021

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people.  To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	Quarterly	Development Services	As resolved by Council	<i>Mayor Palmer</i>  <u>Alternate</u> <i>Cr S Smith</i>
2	Anna Bay Hall Committee	To assist Council in the management of Anna Bay/Birubi Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee.	Corporate Services	As resolved by Council	<i>Cr S Smith</i> <i>Cr C Doohan</i>
3	Audit Committee	The Audit Committee is an advisory committee of Council comprising of three Council representatives and two external representatives.  The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.	At least four times a year or when necessary	General Manager's Office	2 councillors	<i>Cr G Dunkley</i> <i>Cr C Doohan</i>  <u>Alternate</u>  <i>Cr K Jordan</i>  <i>Office of Local Government guidelines preclude the Mayor from being a member of the Committee.</i>
4	Corlette Hall Committee	To assist Council in the management of Corlette Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Dunkley</i>

**ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
5	Fern Bay Community Centre Committee	To assist Council in the management of Fern Bay Community Centre	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Arnott Cr K Jordan Cr P Le Mottee</i>
6	Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendations on local heritage issues	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Development Services	2 councillors	<i>Cr P Le Mottee</i>
7	Hinton School of Arts Committee	To assist Council in the management of Hinton School of Arts.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan</i>
8	Karuah Community Hall Committee	To assist Council in the management of Karuah Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Arnott Cr K Jordan Cr P Le Mottee  Cr C Doohan Cr S Smith Cr S Tucker</i>
9	Lemon Tree Passage Old School Centre Committee	To assist Council in the management of Lemon Tree Passage Old School Centre and surrounds.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>

**ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
10	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>
11	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr C Doohan</i>
12	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Meets every 3 months- February, May, August, November. 1st Monday of the month	Facilities & Services	As resolved by Council	<i>Cr S Smith Cr C Doohan</i>
13	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Abbott</i>
14	Port Stephens Australia Day Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Development Services	1 councillor from each ward	<i>Cr C Doohan Cr S Smith Cr J Abbott Cr G Arnott Cr K Jordan</i>
15	Port Stephens Sister Cities Committee	To promote and have ongoing relationships between international communities providing opportunities for cultural exchange.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	General Manager's Office	Mayor and all councillors	<i>Mayor and all councillors</i>

**ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
16	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan Cr P Le Mottee Cr G Arnott</i>
17	Salt Ash Community Hall	To assist Council in the management of Salt Ash Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Smith Cr C Doohan Cr S Tucker</i>
18	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Sports Ground.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Smith Cr S Tucker Cr C Doohan</i>
19	Seaham Park & Wetlands Committee	To assist Council in the management, maintenance and improvements to the park and wetlands.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan Cr G Arnott Cr P Le Mottee</i>
20	Local Infrastructure Contributions Panel	To inform Council of any proposed and/or requested changes to Council's Contributions Plan and associated systems and processes.	Six monthly	Development Services	Mayor One councillor from each Ward	<i>Mayor Palmer Cr S Tucker Cr G Arnott Cr G Dunkley Cr C Doohan Cr K Jordan</i>
21	Strategic Arts Committee	To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts.  To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.	Quarterly	Development Services	As resolved by Council	<i>Mayor Palmer Cr S Tucker Cr J Nell Cr P Le Mottee</i>

**ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
22	Tanilba Foreshore Hall Committee	To assist Council in the management of Tanilba Bay Foreshore Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>
23	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October  3rd Monday	Facilities & Services	As resolved by Council	<i>Mayor Palmer Cr S Tucker Cr S Smith Cr C Doohan</i>
24	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Committee meets on the 4th Monday of February, May, August, November	Facilities & Services	As resolved by Council	<i>Mayor Palmer Cr J Abbott Cr G Dunkley Cr J Nell Cr S Smith</i>
25	West Ward Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October  2nd Monday	Facilities & Services	As resolved by Council	<i>Cr K Jordan Cr P Le Mottee Cr G Amott</i>
26	Williamstown Hall Committee	To assist Council in the management of Williamstown Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan Cr P Le Mottee Cr G Amott</i>

ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS

**REGIONAL COMMITTEES AND GROUPS**

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
27	AGL Newcastle Gas Storage Facility Community Dialogue Group	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	Mayor	Mayor Palmer
28	Birubi Point Cultural Heritage Advisory Panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place.	Meets 3 times per year	Development Services	1 councillor	Cr S Smith
29	Brandy Hill Quarry Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 councillor	Cr P Le Mottee
30	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets quarterly	Development Services	1 councillor	Cr S Smith  Alternate Cr J Nell
31	Community Projects Fund	To make recommendations to Council on applications received through the Grants process	Twice a year	General Manager's Office	Mayor 1 councillor from each Ward	Mayor Palmer Cr K Jordan Cr C Doohan Cr J Abbott (1 Councillor from each Ward).
32	Floodplain Risk Management Committee	To review the Floodplain policy.	Quarterly	Facilities and Services	As resolved by Council	Mayor Palmer Cr C Doohan Cr Dunkley Cr Nell Cr Le Mottee

## ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
33	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	At least annual	Mayor's Office	Mayor Deputy Mayor 1 councillor nominated by Council 1 councillor nominated by the General Manager	Mayor Deputy Mayor Cr G Amott (nominated by the Council) Plus a councillor nominated at the time by the General Manager
34	Holiday Parks Advisory Panel	To provide a forum for meaningful discussion, facilitating appropriate consultation and engagement to assist in the effective management and strategic direction of the Port Stephens Beachside Holiday Parks comprising of Fingal Bay Holiday Park, Shoal Bay Holiday Park, Halifax Holiday Park, Thou Walla Sunset Retreat and Port Stephens Koala Sanctuary.	Bi-monthly	Corporate Services	Mayor and all councillors	Mayor and all councillors
35	Hunter Joint Organisation	To provide a hub for local government collaboration areas across the Hunter region.	Bi-monthly	General Manager's Office	Mayor	Mayor Palmer
36	Local Government Community Safety & Crime Prevention Network NSW  <b>Note:</b> <i>This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.</i>	To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety.  **Attendees will be by invitation only, one representative will be invited by the Police from each peak body/organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Engagement Officer, and the other will be the Mayor or his representative if unable to attend.	Meets quarterly	Development Services	Mayor	Mayor Palmer



ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
37	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.		General Manager's Office	1 councillor	<i>Cr P Le Mottee</i>  <i>Alternate</i> <i>Cr G Arnott</i>
38	Hunter and Central Coast Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area.  The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member.	As required	Development Services	2 elected members	<i>Mayor Palmer</i> <i>Cr P Le Mottee</i>  <i>Alternates</i> <i>Cr C Doohan</i> <i>Cr G Arnott</i>  <i>Civil Assets Section Manager</i> <i>Strategy &amp; Environment Section Manager</i>
39	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 <sup>st</sup> Tuesday of the month	Facilities & Services	1 councillor	<i>Mayor Palmer</i> <i>Cr S Tucker</i>
40	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Services	2 councillor	<i>Cr G Arnott</i> <i>Cr P Le Mottee</i>
41	Lower Hunter Community Advisory Group	The Group is managed by Hunter Local Land Services (HLLS). The purpose is to provide an opportunity the HLLS to engage with stakeholders on a range matters, including strategic direction and programs.	Meets annual	General Manager's Office	1 councillor	<i>Cr P Le Mottee</i>
42	Marine Parks Advisory Panel  <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.	Meets a minimum of twice a year	Development Services	1 councillor	<i>Cr J Nell</i>  <i>Alternate</i> <i>Cr P Le Mottee</i>
43	Medowie Planning Strategy Implementation Panel	To provide community advice to Council on the implementation of the Medowie Planning Strategy.	Meets a minimum of twice a year	Development Services	Mayor All Central Ward Councillors	<i>Mayor Palmer</i> <i>Cr C Doohan</i> <i>Cr S Smith</i> <i>Cr S Tucker</i>

ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
44	Nelson Bay Strategy Implementation Panel	To provide community advice to Council on the implementation of the Nelson Bay Planning Strategy.	Meets a minimum of twice a year	Development Services	Mayor All East Ward Councillors	Mayor Palmer Cr Abbott Cr G Dunkley Cr J Nell
45	Newcastle Airport Partnership Company No. 3 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.	Quarterly	General Manager's Office	Mayor Deputy Mayor (General Manager) (Financial Services Manager)	Mayor Palmer Cr P Le Mottee (General Manager) (Financial Services Manager)
46	Newcastle Airport Partnership Company No. 4 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.	Quarterly	General Manager's Office	Mayor Deputy Mayor (General Manager) (Financial Services Manager)	Mayor Palmer Cr P Le Mottee (General Manager) (Financial Services Manager)
47	Newcastle Airport Partnership	The partnership is responsible for the development and management of Newcastle Airport and related infrastructure.	Quarterly	General Manager's Office	Mayor (General Manager)	Mayor Palmer (General Manager)
48	Greater Newcastle Aerotropolis Partnership	The partnership is responsible for the Astra Aero Lab.	Quarterly	General Manager's Office	Mayor (General Manager)	Mayor Palmer (General Manager)
49	Newcastle Airport Pty Limited	To manage the operations of Newcastle Airport.	Bi-monthly	General Manager's Office	Mayor as Port Stephens Council Shareholder representative  Deputy Mayor as Port Stephens Council Shareholder Representative proxy.	Mayor as Port Stephens Council Shareholder representative  Cr P Le Mottee as Port Stephens Council Shareholder Representative proxy.  Mayor as Port Stephens Council appointed Director.  General Manager as Port Stephens Council appointed Director.

ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
50	Greater Newcastle Aerotropolis Pty Limited	To manage the operations of Astra Aero Lab	Bi-monthly	General Manager's Office	Mayor as Port Stephens Council Shareholder representative  Deputy Mayor as Port Stephens Council Shareholder Representative proxy.	Mayor as Port Stephens Council Shareholder representative  Cr P Le Mottee as Port Stephens Council Shareholder Representative proxy.  Mayor as Port Stephens Council appointed Director.  General Manager as Port Stephens Council appointed Director.
51	NSW Public Libraries Association (Central East Zone)	The purpose of the Association is to champion the public library cause, strengthen the public library network, advocate effectively, foster cooperation and collaboration, build trust and support, initiate partnerships and share relevant information	Meets 3 times per year	Facilities & Services	As resolved by Council	Cr S Tucker
52	Port Stephens Council Depot re-development Committee	To explore the options available for re-development of the Council depot at Raymond Terrace.	Bi-annual	Facilities & Services	As resolved by Council	Mayor Palmer Cr K Jordan Cr J Nell Cr G Arnott
53	Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues.  Oversee the implementation of the Economic Development Strategy.	Quarterly	Development Services	Mayor 1 councillor from each Ward	Mayor Palmer Cr C Doohan Cr G Dunkley Cr G Arnott
54	Port Stephens Floodplain Advisory Panel	To provide advice on flood/floodplain management studies/plans	As required	Facilities & Services	1 councillor	Cr P Le Mottee  <u>Alternate</u> Cr G Arnott

ITEM 12 - ATTACHMENT 1 2020 TO 2021 355C COMMITTEES AND GROUPS MEMBERSHIPS

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
55	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	As required	Development Services	1 Councillor	<i>Cr J Nell</i>  <i>Alternate</i> <i>Cr P Le Mottee</i>
56	Property Advisory Panel	To provide a forum to address property management and development matters.	Bi-monthly	Corporate Services	Mayor One Councillor from each Ward	<i>Mayor Palmer</i> <i>Cr C Doohan</i> <i>Cr P Le Mottee</i> <i>Cr K Jordan</i> <i>Cr G Dunkley</i>
57	Raymond Terrace and Heatherbrae Strategy Implementation Panel	To provide community advice to Council on the implementation of the Raymond Terrace and Heatherbrae Strategy 2015-2031.	Meets a minimum of twice a year	Development Services	Mayor All West Ward Councillors	<i>Mayor Palmer</i> <i>Cr G Amott</i> <i>Cr K Jordan</i> <i>Cr P Le Mottee</i>
58	Salt Ash Sand Project Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 councillor	<i>Cr S Tucker</i>
59	RFS District Liaison Committee	To review the progress of the service level agreement between Port Stephens Council and NSW Rural Fire Service in the local government area.	As set by RFS	Facilities & Services	1 councillor	<i>Cr G Amott</i>  <i>Alternate</i> <i>Mayor Palmer</i>
60	Williamstown Consultative Committee Forum	To provide a forum for the residents of Williamstown area to discuss relevant issues with Federal, State and Local Government elected members and agencies.	Annually	General Manager's Office	Mayor	<i>Mayor Palmer (General Manager)</i>
61	Worimi Conservation Lands Board of Management  <b>Ministerial Appointment</b>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Meets 4 times a year	General Manager's Office	1 councillor and an alternate	<i>Cr J Abbott</i>  <i>Alternate</i> <i>Cr S Smith</i>

**ITEM NO. 13**

**FILE NO: 20/274832  
EDRMS NO: PSC2017-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:
  - a. Port Stephens Council – East Ward funds – Cr John Nell - \$10,000 donation towards the cost of completing the Pearson Park drainage connection.
  - b. Nelson Bay Croquet Club – Mayoral Funds - \$3100 donation towards maintenance of croquet courts.

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**BACKGROUND**

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

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

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

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

The requests for financial assistance are shown below:

**MAYORAL FUNDS – Mayor Palmer**

Nelson Bay Croquet Club.	A small community club with an objective to conduct, encourage, promote, advance and administer the sport of croquet.	\$3100	Donation towards maintenance of croquet courts.
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**EAST WARD – Councillors Abbott, Dunkley and Nell**

Port Stephens Council.	A NSW local government council.	\$10,000	Donation towards cost of completing the Pearson Park drainage connection.
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**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
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.

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

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

**OPTIONS**

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

**ATTACHMENTS**

Nil.



**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 14**

**FILE NO: 20/276294  
EDRMS NO: PSC2017-00015**

**INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 22 September 2020.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	August 2020 Cash and Investments	204
2	Council Resolutions	207

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# INFORMATION PAPERS



**ITEM NO. 1**

**FILE NO: 20/270893  
EDRMS NO: PSC2006-6531**

**AUGUST 2020 CASH AND INVESTMENTS**

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

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 August 2020.

**ATTACHMENTS**

- 1) August 2020 Cash and Investments.
- 2) August 2020 Cashflow Report.

**COUNCILLORS ROOM**

Nil.

<b>CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2020</b>								
<b>ISSUER</b>	<b>BROKER</b>	<b>RATING*</b>	<b>DESC.</b>	<b>YIELD %</b>	<b>TERM DAYS</b>	<b>MATURITY</b>	<b>AMOUNT INVESTED</b>	<b>MARKET VALUE</b>
<b>TERM DEPOSITS</b>								
AMP BANK	LAMINAR	BBB+	TD	1.65%	182	25-Nov-20	1,250,000	1,250,000
JUDO BANK	CURVE	NR	TD	2.10%	371	9-Dec-20	600,000	600,000
BNK BANK LTD	CURVE	NR	TD	1.80%	371	9-Dec-20	1,000,000	1,000,000
AMP BANK	LAMINAR	BBB+	TD	1.55%	188	10-Dec-20	1,000,000	1,000,000
BNK BANK LTD	CURVE	NR	TD	1.80%	384	22-Dec-20	1,000,000	1,000,000
AUSTRALIAN UNITY BANK	CURVE	NR	TD	1.70%	337	7-Jan-21	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	1.60%	211	7-Jan-21	1,000,000	1,000,000
MUTUAL BANK	MUTUAL BANK	NR	TD	0.95%	159	3-Feb-21	550,000	550,000
BANK OF SYDNEY	CURVE	NR	TD	1.99%	365	18-Feb-21	750,000	750,000
JUDO BANK	CURVE	NR	TD	2.00%	363	18-Feb-21	200,000	200,000
JUDO BANK	CURVE	NR	TD	1.05%	256	11-May-21	275,000	275,000
JUDO BANK	CURVE	NR	TD	1.05%	253	11-May-21	300,000	300,000
AUSTRALIAN MILITARY BANK	FARQUHARSON	BBB+	TD	1.65%	635	30-Jun-21	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	1.05%	343	4-Aug-21	900,000	900,000
AMP BANK	LAMINAR	BBB+	TD	0.80%	383	15-Sep-21	1,000,000	1,000,000
AUSWIDE BANK	CURVE	BBB	TD	1.75%	727	28-Sep-21	1,000,000	1,000,000
ICBC	IMPERIUM	A	TD	1.62%	729	13-Oct-21	1,000,000	1,000,000
AUSWIDE BANK	IMPERIUM	BBB	TD	1.65%	731	15-Oct-21	500,000	500,000
AUSWIDE BANK	RIM	BBB	TD	1.73%	701	2-Feb-22	1,250,000	1,250,000
MACQUARIE BANK	LAMINAR	A+	AT CALL	0.80%	AT CALL	30-Jun-21	1,000,000	1,000,000
<b>SUB TOTAL (\$)</b>							<b>16,575,000</b>	<b>16,575,000</b>
TCORP CASH FUND	TCORP	AAA					500,000	502,040
TCORP SHORT TERM INCOME FUND	TCORP	AAA					2,500,000	2,498,916
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					3,000,000	2,995,610
TCORP LONG TERM GROWTH FUND	TCORP	AAA					1,000,000	996,865
<b>INVESTMENTS TOTAL (\$)</b>							<b>23,575,000</b>	<b>23,568,431</b>
<b>CASH AT BANK (\$)</b>							<b>12,176,184</b>	<b>12,176,184</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>35,751,184</b>	<b>35,744,615</b>
CASH AT BANK INTEREST RATE				0.55%				
BBSW FOR PREVIOUS 3 MONTHS				0.15%				
AVG. INVESTMENT RATE OF RETURN ON TDs				1.53%				
TD = TERM DEPOSIT								
AC = AT CALL CASH ACCOUNT								
FRTD = FLOATING RATE TERM DEPOSIT (0.98% ABOVE RBA CASH RATE)								
*STANDARD AND POORS LONG TERM RATING								
<b>CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER</b>								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
<b>T HAZELL</b>								



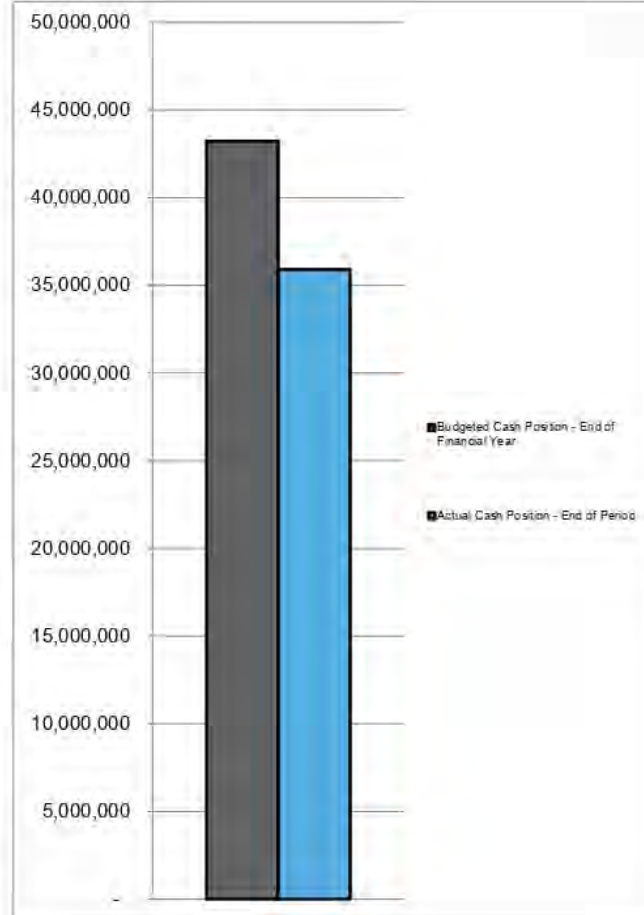


**Cash flow analysis  
31/08/2020**

**CASHFLOW STATEMENT**

Opening Cash and Investment 1 July 2020  
Closing Cash and Investment 31 August 2020  
**Movement in cash**

	YTD	Notes
Opening Cash and Investment 1 July 2020	31,502,431	
Closing Cash and Investment 31 August 2020	35,903,825	
<b>Movement in cash</b>	<b>4,401,395</b>	
<b>Movement in cash represented by:</b>		
<u>Operating Activities</u>		
Receipts from ratepayers, customers and government authorities	28,152,645	
Payments to suppliers & employees	(19,653,052)	
Interest received	58,004	
Interest paid	(72,389)	
<b>Total</b>	<b>8,485,208</b>	
<u>Investing Activities</u>		
Receipts from sale of Infrastructure, Property, Plant & Equipment	11,083	
Payments for Property, Plant & Equipment	(3,702,630)	
<b>Total</b>	<b>(3,691,547)</b>	
<u>Financing Activities</u>		
Payment of loans	(392,266)	
Receipt of new loans	-	
<b>Total</b>	<b>(392,266)</b>	
<b>Total Cash Movement</b>	<b>4,401,395</b>	
Plus: Opening Cash and Investment 1 July 2020	31,502,431	
<b>Closing Cash and Investment 31 August 2020</b>	<b>35,903,826</b>	
Budgeted Cash Movement for the Financial Year	11,708,000	
Plus Opening Cash and Investment 1 July 2020	31,502,431	
<b>Budgeted Cash and Investment Position 30 June 2021</b>	<b>43,210,431</b>	
In front / (behind) on budget	(7,306,605)	1

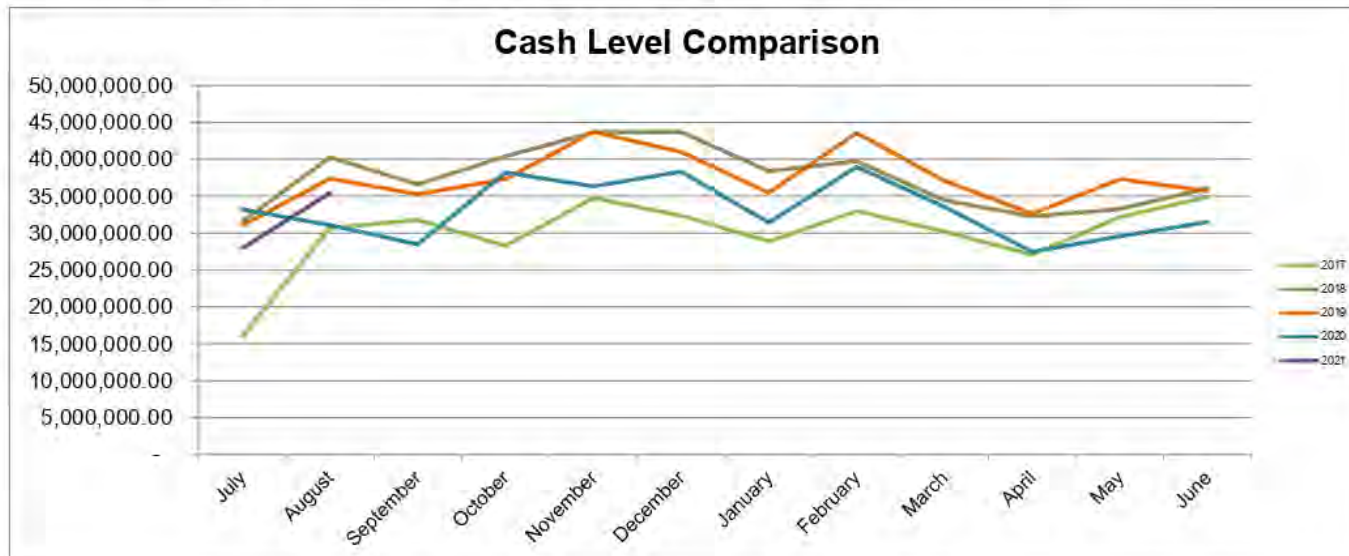


**Notes**

- Council's cash position is down on the budgeted year end position predominately due to the following reasons:
  - Receipt of 1st quarter rates is yet to finalise
  - Sale of commercial land sales is yet to be completed

Significant future cash inflows expected in next few months include 2020 1st quarter rates, state road program service charges and new financial year operating grants.

Significant future cash outflows expected in next few months include: smart parking meters and pods, old landfill on Newline rd, foreshore improvements - Conroy park, Seabreeze estate drainage, Tomaree road upgrade and sundry plants.



**ITEM NO. 2**

**FILE NO: 20/276206  
EDRMS NO: PSC2017-00106**

**COUNCIL RESOLUTIONS**

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

**BACKGROUND**

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

**ATTACHMENTS**

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

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 11/09/2020
		<b>Printed:</b> Monday, 14 September 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Pearl, Steven	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
10 Sep 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Pearl, Steven	King Street, Raymond Terrace Easements	28/02/2021	14/02/2019	
3		Foster, Carmel				19/39843
10 Sep 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	Pearl, Steven	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	28/02/2021	29/05/2019	
5 109		Foster, Carmel				19/148388
10 Sep 2020 - Approval granted. Proposed Acquisition Notices have been issued to stakeholders.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Pearl, Steven	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	28/02/2021	29/05/2019	
6 110		Foster, Carmel				19/148388
10 Sep 2020 - Minister's approval received and Proposed Acquisition Notices served. Anticipate Gazettal November 2020.						



**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 11/09/2020
		<b>Printed:</b> Monday, 14 September 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Pearl, Steven	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/09/2020		
7 169		Foster, Carmel				19/200498
10 Sep 2020 - Meeting to be held with AGL Legal on 11 September 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Pearl, Steven	RENEWAL OF OPTUS LEASE - 9 TARRANT ROAD, SALAMANDER BAY	30/09/2020	12/02/2020	
1 027		Foster, Carmel				20/39141
10 Sep 2020 - Documents remain with Optus Legal for execution and registration.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Pearl, Steven	COMPULSORY ACQUISITION OF PART 879 SWAN BAY ROAD, SWAN BAY FOR ROAD WIDENING PURPOSE	25/02/2021	12/02/2020	
2 028		Foster, Carmel				20/39141
10 Sep 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Hazell, Tim	Policy Review: Debt Recovery and Hardship	30/10/2020		
9 131		Foster, Carmel				20/192934
10 Sep 2020 - Two Way Conversation scheduled for 20 October 2020.						

**ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Development Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 11/09/2020
		<b>Printed:</b> Monday, 14 September 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	30/10/2020	12/02/2020	
1		Crosdale, Timothy				20/39141
006						
11 Sep 2020 - Council resolved to defer this item. A further report is scheduled for Council in October 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Drinan, Kate	DEVELOPMENT APPLICATION 16-2019-679-1 FOR DEMOLITION OF EXISTING STRUCTURE AND CONSTRUCTION OF SHOPTOP HOUSING AND DETACHED DWELLING AT 26 KING STREET, RAYMOND TERRACE	30/10/2020		
1		Crosdale, Timothy				20/265439
151						
11 Sep 2020 - Council resolved to defer this item. A further report will be reported to Council once feedback from the applicant has been received.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/09/2020	Gardner, Janelle	Planning Proposal for 17 Fairlands Road and 2 Ferodale Road, Medowie	30/10/2020		
1		Crosdale, Timothy				20/277432
170						
11 Sep 2020 - Council resolved to defer this item. A further report is scheduled for Council in October 2020.						



**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 11/09/2020
		<b>Printed:</b> Monday, 14 September 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	18/09/2020	11/12/2019	
2		Kable, Gregory				19/388450
259						
10 Sep 2020 - Contact has been made with the new NSW Coastal Council seeking their review and application of the recent Coastal Management Act.						

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		Kable, Gregory				19/388450
264						
10 Sep 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. Another company has presented another option to create a solar farm in Williamtown. This is a very conceptual idea at this stage.						

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		Kable, Gregory				19/388450
265						
10 Sep 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	Maretich, John	Indoor Sports Facility	30/06/2021	26/02/2020	
4		Kable, Gregory				20/50488
042						
10 Sep 2020 - Currently having discussions with another agency around mixed use facility. Two Way to be scheduled during October.						

**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 11/09/2020
		<b>Printed:</b> Monday, 14 September 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
10 Sep 2020 - Program for installation is progressing and is currently on schedule. Noting importing of parts may be problematic due to COVID-19.						

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	2/03/2021	10/06/2020	
1		Kable, Gregory				20/164033
101						
10 Sep 2020 - The specifications and request for quote have been prepared. These documents will be released to Contractors in September. Final designs & proposals will be presented in November.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Maretich, John	REVIEW OF THE OFF LEASH DOG AREAS AND TIMES AT ANNA BAY / BIRUBI POINT, FISHERMANS BAY AND BOAT HARBOUR	2/03/2021		
1		Kable, Gregory				20/192934
138						
10 Sep 2020 - Consultation proposed to be November with report to Council early in the new year.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/07/2020	Maretich, John	Tomaree Headland	31/12/2020		
2		Kable, Gregory				20/192934
139						
10 Sep 2020 - Concept car parking layout is complete.						



**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 11/09/2020
		<b>Printed:</b> Monday, 14 September 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Maretich, John	Smart Parking Fees and Charges Amendment	30/11/2020		
8		Kable, Gregory				20/265439
160						
10 Sep 2020 - Paper currently on public exhibition for 28 days. Any submissions will be collated and reported back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Maretich, John	King Park Sports Complex Masterplan	31/12/2020		
7		Kable, Gregory				20/265439
157						
10 Sep 2020 - Document will remain on Public Exhibition for 28 days. Any submissions will be collated and reported back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Maretich, John	POLICY REVIEW: BUS SHELTER POLICY	30/11/2020		
10		Kable, Gregory				20/265439
162						
10 Sep 2020 - Bus Shelter Policy is currently on Public Exhibition closing 5pm, 24 September 2020.						

**ITEM 2 - ATTACHMENT 4      GENERAL MANAGER'S OFFICE REPORT.**



<b>Outstanding</b>	<b>Division:</b> General Manager's Office	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 11/09/2020
		<b>Printed:</b> Monday, 14 September 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/08/2020	Wickham, Tony	POLICY REVIEW: ACCESS TO INFORMATION	28/09/2020		
11 163		Wallis, Wayne				20/265439
11 Sept 2020 – Policy on public exhibition until 28 September 2020. Should any submissions be received, a further report will be presented back to Council.						

# CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of Council, Councillors, staff or Council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.