

NOTICE OF ORDINARY MEETING

8 NOVEMBER 2022



PORT STEPHENS C O U N C I L

The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: L Anderson, G Arnott, M Bailey, C Doohan, G Dunkley, P Francis, P Kafer, S Tucker, J Wells.

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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1. 879 SWAN BAY ROAD, SWAN BAY

BUSINESS

- 1) Opening meeting.
- 2) Acknowledgement of Country - We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.
- 3) Prayer - We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.
- 4) Apologies and applications for a leave of absence by Councillors.
- 5) Disclosures of interests.
- 6) Confirmation of minutes Ordinary Meeting of 25 October 2022.
- 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.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the commencement of this Council term to undertake their civic duties in the best interests of the people of Port Stephens and Port Stephens Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Meeting Practice and Code of Conduct.

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:
- d. performance management and reporting,
- e. asset maintenance and enhancement,
- f. funding decisions,
- g. risk management practices.
- h. 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 (4 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into 4 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 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 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 5 minutes to address Council with no more than 2 for and 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.

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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 ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [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.

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

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 22/288123
EDRMS NO: PSC2018-01103

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (b) of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss the Confidential Rescission Motion Item No. 1 on the Ordinary agenda namely **879 Swan Bay Road, Swan Bay**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - discussion in relation to the personal hardship of a resident or ratepayer.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

COUNCIL REPORTS

ITEM NO. 1

FILE NO: 22/287452
EDRMS NO: PSC2017-00180**SPECIAL RATE VARIATION - REVISED INTEGRATED PLANNING AND REPORTING DOCUMENTS - RATE RISE OPTIONS ENGAGEMENT**REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the Independent Financial Analysis 2022 – Consolidated Reports from UNE Emeritus Professor Brian Dollery and Professor Joseph Drew (**ATTACHMENT 1**).
- 2) Receive and note the community submissions and responses in relation to the Draft 2023 to 2033 Integrated Planning and Reporting documents revised for a Special Rate Variation (**ATTACHMENT 3**).
- 3) Receive and note outcomes of the community engagement provided in the Rate Rise Options Engagement Report (**ATTACHMENT 4**).
- 4) Note the recommendations relating to amendments to the 2023 to 2033 Integrated Planning and Reporting documents revised for a Special Rate Variation (**ATTACHMENT 5**).
- 5) Adopt the Integrated Planning and Reporting documents, being the Delivery Program 2022 to 2026 incorporating the Operational Plan 2023 to 2024, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2023 to 2033 and Strategic Asset Management Plan 2023 to 2033) revised for a Special Rate Variation with amendments provided in (**ATTACHMENT 5**).
- 6) Apply to the Independent Pricing and Regulatory Tribunal under Section 508(2) of the Local Government Act for a 2023-2024 Special Rate Variation of 26%, to be a permanent increase that will be retained within the rate base with financial sustainability being the key purpose of the application.
- 7) Subject to the approval of a Special Rate Variation endorse the inclusion of the proposed additional affordability measures into the Debt Recovery & Hardship Policy to further support ratepayers should a Special Rate Variation be approved.

BACKGROUND

The purpose of this report is to officially provide Council with the Rate Rise Options Engagement Report, the summary of public submissions and proposed amendments to the Draft 2023-2033 Integrated Planning and Reporting (IP&R) documents revised for a Special Rate Variation (SRV) with the key purpose of financial sustainability.

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

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

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

Based on the current LTFP projections, Council will see consecutive deficits for the next 10 years and will be considered unsustainable if no corrective action is taken. This position was confirmed and presented to Council by Independent Analysis Reports commissioned through the UNE by Emeritus Professor Brian Dollery and Professor Joseph Drew.

At the Council meeting on 28 June 2022, Council adopted its 2022-2032 Long Term Financial Plan (Minute No. 160) **(ATTACHMENT 2)** which projected a 10 year \$80 million dollar operating shortfall. Along with the LTFP, Council endorsed the Financial Sustainability Report and a detailed engagement program, named 'Our Funded Future' (Minute No. 161) **(ATTACHMENT 2)**, to discuss financial sustainability with the community and seek feedback on a number of options.

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

Council considered the community feedback from the Our Funded Future engagement at its meeting of 23 August 2022 and resolved to endorse the development of revised IP&R documents. These documents include 2 SRV scenarios, the base scenario of reducing services, inclusion of a one-off 5% increase in fees and charges, continued efforts in seeking grant funding and the continued investigation with community consultation of selling underperforming assets. It was decided that any net profits from the sale of underperforming assets were to be placed in the Resilience Fund. Council also sought to exclude the removal of the residential paid parking exemption option from being further considered.

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

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

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

The plans modelled 3 scenarios for community consultation:

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

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

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

RATE CAP ANNOUNCEMENT

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

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

Amendments to the IP&R documents relating to the announced rate cap have been summarised in **(ATTACHMENT 5)**.

PUBLIC EXHIBITION AND SUBMISSIONS

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

During the public exhibition period, numerous submissions were received. Key issues have been summarised (**ATTACHMENT 3**) and recommended changes to the documents, where deemed appropriate from the community submissions/ engagement or administrative corrections are detailed within (**ATTACHMENT 5**). For privacy and consistency reasons, full submissions have not been made publicly available.

RATE RISE OPTIONS ENGAGEMENT

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

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

The Rate Rise Options communication and engagement program had a community awareness reach of 83,999 and participation of 7,819. A number of key themes came from community input across all engagement opportunities which included online survey comments, community drop in sessions, special interest group presentations and Council interactions. The themes encompassed the community's understanding of the SRV application process and ratepaying in general. Key themes surrounded the affordability of the proposed rate rise during a time where the cost of living is also rising, Council's financial accountability linked to current and proposed service levels as well as local and state based issues separate from the SRV process.

Following the extensive survey during Phase 1, a short 3 question survey was provided to clarify the community's views on narrowed-down scenarios. The survey had a total of 671 responses with 883 comments provided.

Question 1 in the survey sought to understand the community's preference between 2 different rate rise scenarios that had been streamlined from 5 original options during earlier phases, with results showing a preference for the Single Year Scenario, with 61% in favour. Question 2 asked respondents about how supportive they were of the proposed distributions of additional funds to enhance services. The community was generally in favour of the financial disbursement (54%) with 22% 'very supportive' and 32% 'supportive' of the split. Conversely, 26% were against the proposal, 9% being 'opposed' and 17% 'very opposed', with 19% of respondents 'unsure'. Question 3 asked whether the community wanted to pursue a rate rise option or the base scenario with a reduced services option. Over half of all respondents (53%) were in favour of a rate rise and the benefits that increased income would bring.

The Rate Rise Options Engagement Report (**ATTACHMENT 4**) provides a comprehensive overview of all communications, engagement methods and outcomes.

ISSUES

Council has and continues to investigate and implement a range of alternative measures to address financial sustainability. Council will continue to strive to contain costs and run more efficiently through our Service Review Program and affiliated processes that are engrained in our culture with reviews undertaken continuously and systematically.

In consideration of Council’s engagement with the community on the ‘Rate Rise Options’ and the proposed SRV including face-to-face community sessions and online survey comments, it is quite clear that the condition of roads is of high priority and importance to the community, with the distribution of additional funds being generally supported.

In response, Council has modified the proposed schedule of enhanced services to ensure road maintenance expenditure is scheduled in the first 3 years of the approved rate rise implementation. This will see a faster injection of the allocated \$14 million into our road maintenance programs, \$6.5 million in year 1, \$5.3 million in year 2 and \$2.2 million in year 3. Whilst funding for road maintenance has been brought forward, Council is still committed to funding the 3 other focus areas of condition of public space, protecting our natural environment and waterways from 2025.

Amendments to the IP&R documents relating to the prioritisation of road maintenance have been summarised in **(ATTACHMENT 5)**.

Council has considered all feedback gained through this extensive engagement process. We value the time and effort taken by community members in participating in the process and providing their feedback and submissions. Council’s critical issue for the future is to safeguard Council’s long-term financial sustainability and to ensure generations to come are well placed to both benefit and enjoy living a great lifestyle in a treasured environment.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The plans have been developed in alignment with the principles of sustainability and social justice addressing social, economic, environmental, and governance factors

(quadruple bottom line) through 4 interconnected focus areas: Our Community, Our Place, Our Environment, and Our Council.

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

CONSULTATION

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

Internal

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

External

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

OPTIONS

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

ATTACHMENTS

- 1) Consolidated Report - Independent Financial Analysis 2022. (Provided under separate cover) [⇨](#)
- 2) Minute No. 160 and Minute No. 161 - 28 June 2022. [↓](#)
- 3) Summary of Submissions. (Provided under separate cover) [⇨](#)
- 4) Rate Rise Options Communications and Engagement Report. (Provided under separate cover) [⇨](#)
- 5) Changes to the 2023 to 2033 Integrated Planning and Reporting Documents Revised for a Special Rate Variation. (Provided under separate cover) [⇨](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

ITEM NO. 1

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

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

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

RECOMMENDATION IS THAT COUNCIL:

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

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

160	<p>Councillor Leah Anderson Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the community submissions received and responses in relation to the draft 2022 to 2032 Integrated Planning and Reporting documents and draft Fees and Charges 2022 to 2023 (ATTACHMENT 1).
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MINUTES ORDINARY COUNCIL - 28 JUNE 2022

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| | <p>2) Note the recommendations relating to changes to the Integrated Planning and Reporting documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 (ATTACHMENT 2).</p> <p>3) Adopt the Integrated Planning and Report documents, being the Community Strategic Plan 2022 to 2032, Delivery Program 2022 to 2026 incorporating the Operational Plan 2022 to 2023, Resourcing Strategy 2022 to 2032 (incorporating the Workforce Management Strategy 2022 to 2026, Long Term Financial Plan 2022 to 2032 and Strategic Asset Management Plan 2022 to 2032) and the Fees and Charges 2022 to 2023 with amendments as provided in (ATTACHMENT 2).</p> <p>4) Make the rates and charges for 2022 to 2023 in accordance with (ATTACHMENT 3).</p> |
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Councillor Jason Wells left the meeting at 5:34pm.
Councillor Jason Wells returned to the meeting at 5:34pm.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

Why these documents are necessary

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

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

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

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

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

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

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

Additional Special Variation

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

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

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

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

COVID-19 and other Natural Disasters

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

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

Public Exhibition and Submissions

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

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

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

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

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

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

Includes Social, Economic and Environmental Implications

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

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

CONSULTATION

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

Internal

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

External

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

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

Phase 1 – Broad engagement, base data collection:

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

Phase 2 – Targeted engagement, deeper dive:

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

Phase 3 – Community check in:

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

Phase 4 – Public Exhibition:

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

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

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

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

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

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

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

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

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

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

- 1) Copy of submissions.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

ITEM NO. 2

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

FINANCIAL SUSTAINABILITY

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

RECOMMENDATION IS THAT COUNCIL:

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

ORDINARY COUNCIL MEETING - 28 JUNE 2022

MOTION

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

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| | c) When we anticipate the return of Airport Dividends and how they will be used to build a Prosperity Fund (and why) and not relied upon to fund our day to day operations in terms of this budget. |
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Matthew Bailey, Chris Doohan, Steve Tucker and Jason Wells.

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

The motion was carried.

BACKGROUND

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

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

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

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

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

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

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

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

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

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

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

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

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

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

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

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

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

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

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

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

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

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

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

MINUTES ORDINARY COUNCIL - 28 JUNE 2022

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

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

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

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

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

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

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

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

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

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

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

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

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

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

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CONSULTATION

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

Internal

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

External

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

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

FILE NO: 22/255590
EDRMS NO: PSC2022-01211

DRAFT DEVELOPMENT CONTROL PLAN - HOUSEKEEPING

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit the draft Port Stephens Development Control Plan 2014 (**ATTACHMENT 1**) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).
- 2) If no submissions are received, approve the plan as exhibited, without further report to Council, and provide public notice in accordance with the Environmental Planning and Assessment Regulation 2000.

BACKGROUND

The purpose of this report is to seek Council approval to place the draft Port Stephens Development Control Plan 2014 (DCP) – Housekeeping (**ATTACHMENT 1**) (the ‘amendment’) on public exhibition for a minimum period of 28 days.

The housekeeping review seeks to make a series of minor amendments and corrections throughout the current DCP. A detailed explanation of the amendments as proposed is provided within (**ATTACHMENT 2**).

The proposed amendments will improve the DCP by correcting errors and removing controls considered to be superseded or redundant. The proposed amendments also provides greater clarity in response to questions frequently asked by members of the community through Council’s duty service. A summary of notable changes is as follows:

- Amending Chapter B1 Tree Management to align approval pathways and assessment requirements with Council policy and processes.
- Simplifying guidance on parking requirements in Chapter B8 Road Network and Parking to provide greater certainty and clarity.
- Amending Chapter B7 Heritage to be consistent with the Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW.
- Inserting new development controls for carports in Chapter C8 Ancillary Structures.

- Amending Chapter D12 Richardson Road – Raymond Terrace to include additional land to the east and include new development controls to guide future development and ensure appropriate planning outcomes.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial or resource implications for Council as a consequence of the proposed recommendations. The exhibition will be managed within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

Environmental Planning and Assessment Act 1979 (EP&A Act)

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to proceed with the amendment, all necessary matters in preparing the plan will be carried out in accordance with the EP&A Act.

Environmental Planning & Assessment Regulations 2000 (EP&A Regulations)

Division 2 of Part 3 of the EP&A Regulations specifies the requirements for public participation. The recommendation is in accordance with the provisions of the EP&A Regulations.

Port Stephens Development Control Plan 2014 (DCP)

Section B of the DCP outlines general provisions applicable to most development applications and development types, Section C of the DCP outlines requirements and objectives applicable to specific development types (such as ancillary development), and Section D applies to specifically mapped areas.

The amendment will align the DCP with recently updated policies, assessment guidelines and specifications of Council, State and Commonwealth agencies. The changes proposed in **(ATTACHMENT 2)** would make the DCP more readable, easier to use, and more accurate.

The last housekeeping review of the DCP was undertaken in 2020. This is consistent with Council's approach on a two year cycle to ensure Council's planning framework remains current and contemporary.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
If the amendment is not made, there is a risk that the DCP will contain outdated requirements and provisions.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

The amendment will increase the usability of the DCP and amend or remove unnecessary controls to assist with its functionality and accuracy. The amendment will reduce the complexity of the DCP for community members. This may also reduce resourcing and costs incurred by Council responding to community enquiries regarding development.

The proposed amendments, whilst relatively minor in nature, will result in positive economic and social outcomes. Environmental impacts as a result of the amendment are unlikely to be significant. In relation to tree removal, the amendment to Chapter B1 Tree Management provides clearer guidance on when trees can be removed or pruned and does not amend, reduce or expand these circumstances.

The amendments to Chapter D12 Richardson Road - Raymond Terrace will assist in the delivery of housing on existing residentially zoned land in Raymond Terrace.

CONSULTATION

Preliminary consultation with key stakeholders has been undertaken by the Strategy and Environment Section to identify and consider any issues prior to exhibition.

Internal

Internal consultation has been undertaken with the Development Assessment and Compliance Section as well as Council's Engineering Services team.

External

External consultation has been undertaken with Transport for NSW and Hunter Water in relation to the draft Chapter D12 Richardson Road and the draft Chapter B4 Drainage and Water Quality respectively. Further formal consultation will be undertaken during the exhibition period.

Community

If supported, the amendment will be placed on public exhibition for a period of 28 days. The amendment will be made available on Council's website in accordance with the Environmental Planning and Assessment Amendment (public exhibition) Regulation 2020, and Community Participation Plan (CPP).

Submissions on the amendment will be invited during the public exhibition period and, if submissions are received, they will be considered in a future report back to Council with any detail of any post-exhibition changes to the amendment.

OPTIONS

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

ATTACHMENTS

- 1) Development Control Plan 2014 - Amendment. [↓](#)
- 2) Explanation of Amendments. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

B1 Tree Management

Application

This Part applies to **development** to remove **the removal** or **pruning of** trees or other vegetation within **non-rural areas**

Note: Clearing of native vegetation in **rural areas** is regulated by the *Local Land Services Amendment Act 2016*

B1.A Non-rural areas

Objective

To give effect to *State Environmental Planning Policy (SEPP) (Vegetation in Non-Rural Areas) 2017 (Biodiversity and Conservation) 2021* by listing those trees or other vegetation that require approval

Development controls

B1.1	Where any activity specified in Column 2 is proposed, an applicant must attain the corresponding approval type specified in Column 1 except for an activity where no approval is required
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Note: The tree pruning and removal assessment form available on Council's website can be used to determine what type of Council issued approval (if any) is required prior to tree removal or pruning.

Figure BA: Approval requirements thresholds

Column 1 – Approval type required	Column 2 – Tree management activity
Council approval not required	<p>No approvals are required for the removal of a tree(s) or other vegetation that is:</p> <ul style="list-style-type: none"> • authorised under other legislation, such as vegetation clearing authorised under the <i>Rural Fires Act 1997</i> ; or, • clearing as part of an approved construction certificate or approved subdivision certificate; or • trees and shrubs under 3m in height and diameter is less than 300mm (measured 1.3m from the ground); or, • where height exceeds 3m or diameter exceeds 300mm (measured 1.3m from the ground), that is: <ul style="list-style-type: none"> - within 5m of the wall of an approved structure being a dwelling, shed, attached garage, pools or retaining wall measured from the wall to the trunk of the tree (excluding driveways); or, - a tree grown for fruit or nut production; or, - a species listed in NSW Weedwise that is not otherwise listed as requiring Council approval. <p>Note: No approvals are required when pruning a tree or other vegetation less than 10% foliage within a 12 month period when completed in accordance with Australian Standard (AS) 4373– Pruning of amenity trees.</p>

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

B1

Column 1 – Approval type required	Column 2 – Tree management activity
Notification to Council	<p>Removal or pruning of a tree, not otherwise listed as requiring Council approval, can occur in instances where Council is satisfied that:</p> <ul style="list-style-type: none"> there is a risk to human life or property not related to leaf/flower/fruit drop, or the tree(s) are dead or dying and it is not required as the habitat of native animals. <p>Note: where urgent removal or pruning over 10% of a tree is required due to risk of immediate failure, Council requires a tree removal notification within 10 days of the removal.</p> <p>Note: notification must be provided by completing the tree pruning and removal assessment form available on Council's website.</p>
Council issued permit	<p>A tree permit is required for the removal or pruning over 10% of a tree or other vegetation where height exceeds 3m or diameter exceeds 300mm (measured 1.3m from the ground) and poses no risk to life or property.</p> <p>A tree permit is required for the removal or pruning of a tree or other vegetation, irrespective of the location or risk that is:</p> <ul style="list-style-type: none"> a NSW Christmas Bush (<i>Ceratopetalum gummiferum</i>); a Cabbage Tree Palm (<i>Livistona australis</i>); listed under the register of significant trees³; or part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is satisfied: <ul style="list-style-type: none"> is of a minor nature or is for the maintenance of that item, area, object or place; and will not adversely affect the significance of that item, area, object or place <p>Note: a tree permit can be requested by completing the tree pruning and removal assessment form available on Council's website.</p>
Council issued development consent	<p>Development consent from Council is required for the removal or pruning of a tree or other vegetation that forms part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is not satisfied:</p> <ul style="list-style-type: none"> is of a minor nature or is for the maintenance of that item, area, object or place; and will not adversely affect the significance of that item, area, object or place <p>Note: A development application will need to be lodged.</p>
Native vegetation panel approval	<p>Clearing of native vegetation that is subject to the biodiversity offset scheme as specified in the <i>Biodiversity Conservation Act 2016</i></p>
Threatened Species Licence	<p>Removal or pruning of vegetation that poses no risk to life or property and is likely to result in:</p> <ul style="list-style-type: none"> harm to an animal that is a threatened species or part of a threatened ecological community; or picking a plant that is a threatened species or part of a threatened ecological community; or damage to the habitat of a threatened species or threatened ecological community; or damage to a declared area of outstanding biodiversity value.
Fisheries and Marine park Permit	<p>Removal or pruning of Mangrove and marine vegetation, irrespective of the size, location or risk.</p>

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

Column 1 – Approval type required	Column 2 – Tree management activity
Native vegetation panel approval	Clearing of native vegetation that is subject to the biodiversity offset scheme as specified in the <i>Biodiversity Conservation Act 2016</i>
Council issued permit	<ul style="list-style-type: none"> • Removal or pruning of a tree or other vegetation where height exceeds 3m or circumference breast height exceeds 300mm; or • Removal or pruning of a tree or other vegetation, irrespective of the size, that is: <ul style="list-style-type: none"> - a NSW Christmas Bush (<i>Ceratopetalum gummiferum</i>); - a Cabbage Tree Palm (<i>Livistona australis</i>); - a species listed under the <i>Biodiversity Conservation Act 2016</i>; - listed under the register of significant trees³; or - part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of significance, which Council is satisfied: <ul style="list-style-type: none"> - is of a minor nature or is for the maintenance of that item, area, object or place; and - will not adversely affect the significance of that item, area, object or place
Council issued development consent	Removal or pruning of a tree or other vegetation that forms part of a heritage item , heritage conservation area , Aboriginal object or Aboriginal place of significance, which Council is not satisfied: <ul style="list-style-type: none"> • is of a minor nature or is for the maintenance of that item, area, object or place; and • will not adversely affect the significance of that item, area, object or place Note: A development application will need to be lodged
Council approval not required	Removal or pruning of a tree or other vegetation: <ul style="list-style-type: none"> • authorised under other legislation, such as vegetation clearing authorised under the <i>Rural Fires Act 1997</i>, <i>Roads Act 1993</i>, or a construction certificate or subdivision certificate; or • where height exceeds 3m or circumference breast height exceeds 300mm, that is: <ul style="list-style-type: none"> - within 5m of the wall of an approved structure measured from the wall to the trunk of the tree; - a tree grown for fruit or nut production; - maintenance of less than 12 months growth or 10% of foliage in accordance with Australian Standard (AS) 4373 – Pruning of amenity trees; - an undesirable species; or • not otherwise listed as requiring Council approval; or • that requires urgent removal on account of immediate failure when Council is provided with a tree removal notification post-event; or • where there is a risk to human life or property, when Council is provided with a tree removal notification 10 days prior to removal; or • where it is dead or dying and it is not required as the habitat of native animals, when Council is provided with a tree removal notification 10 days prior to removal. Note: The onus of proof is on the landowner and photos should be taken before and after removal. Landowners are encouraged to seek the advice of a qualified arborist in determining the direct threat of any tree.

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

B1

Note: Applicants for tree clearing and removals will also need to consider the provisions of other legislation including but not limited to the following:

- *Biodiversity Conservation Act 2016 (NSW)* - A licence may be required if tree removal would also harm the animals listed in this Act. Contact NSW Environment, Energy and Science.
- *Biosecurity Act 2015 (NSW)* - clearing of weeds. Contact NSW Local Land Services (LLS) – Hunter: [Port Stephens Council's Invasive Species Team](#).
- *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* - protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Contact the Commonwealth Department of the Environment.
- *Fisheries Management Act 1994 (NSW)* - prohibits cutting of mangroves. Contact the NSW Department of Primary Industries (DPI).
- *Heritage Act 1977 (NSW)* - sites under conservation orders, relics, etc. Contact NSW Environment, Energy and Science.
- *Local Land Services Act 2013 (NSW)* - clearing of native vegetation, regional vegetation management plans, property agreements. Contact NSW Local Land Services (LLS) - Hunter.
- *National Parks and Wildlife Act 1974 (NSW)* - Regulates works in Aboriginal places or impacting Aboriginal objects. Contact the National Parks and Wildlife Service at NSW Environment, Energy and Science.
- *Rural Fires Act 1997 (NSW)* - '10/50 Vegetation Clearing Code of Practice for NSW', and authorised removal of fire hazards. Contact the NSW Rural Fire Service.

B1.B Assessment requirements

Objective

To ensure adequate consideration is provided to the relevant matters for the removal or pruning of trees or other vegetation

Development controls	
B1.2	Council assessment of tree notifications applications to remove or prune trees or other vegetation has regard for: <ul style="list-style-type: none"> • the level and likelihood of risk posed by the vegetation based on current arboricultural practises • whether the tree is dead and provides habitat
B1.3	Council assessment of permits and development applications to remove or prune trees or other vegetation has regard for: <ul style="list-style-type: none"> • the level and likelihood of risk posed by the vegetation based on current arboricultural practises • damage to an existing structure or utility service substantiated by a qualified person • impacts resulting from the approval of the development • impact on threatened species, populations or ecological communities and their habitats

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

B1

Development controls

	<ul style="list-style-type: none"> • retention value under the tree technical specification¹ • other relevant circumstances, as per the tree technical specification¹ • threatened by a development consent • consistency with a flora, fauna or conservation strategy • the tree is interfering, or likely to interfere, with the provision of a public utility or road/driveway construction, provided the impact on the trees has been considered in the design phase
B1.4	<p>Council assessment of applications to remove or prune trees or other vegetation has no regard for the removal or pruning of trees:</p> <ul style="list-style-type: none"> • due to leaf/flower/fruit drop • to enhance view • interfering with a solar photovoltaic/hot water system <p>Note: the tree technical specification¹ details circumstances where the removal or pruning of trees for the installation of solar photovoltaic/hot water systems may be considered</p> <ul style="list-style-type: none"> • interfering with the amenity of a habitable-room dwelling • located further than 3m from a driveway. Any trees located closer to driveways must be shown to be interfering, or likely to interfere with the integrity of a driveway

B1.C Supporting information

Objective

To ensure adequate information is provided to determine the application for the removal of trees or vegetation

Development controls

B1.35	<p>An arborist report consistent with tree technical specification¹ is required:</p> <ul style="list-style-type: none"> • for a tree or other vegetation listed under register of significant trees³ • to assess the impact on existing trees as part of a development application as per AS 4970 – Protection of trees on development sites, where they are within 5m of the development footprint, (including any ancillary development or associated excavation), or otherwise proposed to be removed • to support reassessment of applications for tree removal on a technical basis • to support the release of a tree bond
B1.4	<p>A tree bond consistent with the tree technical specification¹ is imposed where Council deems a public tree is at risk</p>

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

B1

Development controls

B1.56 A request to remove 20¹⁰ or more trees requires a **vegetation management plan prepared by a suitably qualified professional**, consistent with **vegetation technical specification²**

Note: An application to remove 20¹⁰ or more trees, where tree height exceeds 3m or **circumference breast height diameter** exceeds 300mm (measured 1.3m from the ground), may require a referral to be provided to Hunter Water by the assessing officer in accordance with the 'Guidelines for developments in the drinking water catchments'

B1.67 **Compensatory planting** consistent with the **tree technical specification¹** may be required when council approval to remove trees is provided

B1.78 A **hollow tree assessment** is required to remove hollow bearing trees:

- Two replacement hollows are provided for each hollow tree identified by the **hollow tree assessment tree technical specification¹**
- Salvaged hollows are preferred over nest boxes, which are consistent with the **nest box technical specification⁵ tree technical specification¹**

Note: B2.1 requires a **hollow tree assessment** and replacement or salvaged hollows if a **flora and fauna survey** report proposes their removal

B2 Natural Resources

Application

This Part applies to **development** that:

- Is located on land or is within 500m of land that contains items of **environmental significance**; such as threatened species or communities, listed migratory species, wildlife corridors, **wetlands** or **riparian corridors** and has the potential to impact biodiversity; or
- Is seeking to use **biodiversity offsets**; or
- Is located on land containing **noxious weeds** **biosecurity risks**; or
- Is located on or is in proximity to land that contains **koala habitat**.

Note: *The Biodiversity Conservation Act 2016* was enacted on the 25 August 2017 which repealed the provisions of *Threatened Species Conservation Act 1995 (TSC Act)*. Transitional arrangements for developments have been put in place to ensure a smooth transition to the new legislation. These are set out in the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

B2.A Environmental significance

Objective

To ensure adequate consideration is provided to the protection and conservation of items of **environmental significance**

Development controls

B2.1	<p>Development located on land or is within 500m of land that contains items of environmental significance, such as threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity provides:</p> <ul style="list-style-type: none"> • a flora and fauna survey to inform the assessment of significance, <ul style="list-style-type: none"> - The flora and fauna survey is in accordance with: <ul style="list-style-type: none"> - NSW Department of Environment and Conservation. 2004, 'Threatened Species Survey and Assessment: Guidelines for development and activities'⁸ - Hunter and Central Coast Regional Environmental Management Systems. 2002, 'Lower Hunter and Central Coast Regional Fauna and Flora Guidelines'⁹ - If development poses a significant effect under 5A of the EP&A Act or if development is on land which is, or is part of, critical habitat then a species impact statement (SIS) is required
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ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

B2

Development controls

- If **development** does not pose a **significant effect** under 5A of the **EP&A Act**, but proposes unavoidable vegetation impacts then a **vegetation management plan (VMP)** that is consistent with the **vegetation technical specification² tree technical specification¹** is required

Note: Under section 5.5 of the **EP&A Act** the determining authority has a duty to consider the environmental impact of proposed activities

- If the **flora and fauna survey** proposes the removal of hollow bearing trees then a **hollow tree assessment** is required:
 - Two replacement hollows are provided for each hollow tree identified by the **hollow tree assessment**
 - Salvaged hollows are preferred over nest boxes that are consistent with the **nest box technical specification⁵ tree technical specification¹**

Note: This is consistent with B1.78 that requires a **hollow tree assessment** to remove hollow bearing trees on land to which B1 applies

- A proposed **buffer** on the land subject to the **development** is provided to items of **environmental significance**. The width of the **buffer** is recommended by the **flora and fauna survey** report based and is based on taking into account the following parameters:
 - The condition of the item of **environmental significance**
 - Proposed methods of mitigating adverse impact
 - Possible external effects, such as weed encroachment or domestic animals and their potential to cause impact
 - Where the vegetation of **buffers** are proposed, the vegetation is established along the relevant boundaries prior to the issuing of the relevant **subdivision** or **occupation certificate**

Note: C4.11 nominates a suitable buffer for residential accommodation adjoining land used for agricultural purposes

B2.B Biodiversity offsets

Objective

To provide further guidance for the use of **biodiversity offsets** within the Port Stephens local government area

Development control

- B2.2 If **biodiversity offsets** are employed as a suitable compensatory measure under the **TSC Act** then they are:
- calculated in accordance with the **bio-metric terrestrial biodiversity assessment tool**
 - consistent with the **vegetation technical specification² tree technical specification¹**
 - in a secure tenure ownership
 - located on land to which this Plan applies

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

B2

B2.C Noxious Biosecurity risks (weeds)**Objective**

To reduce the negative impact of **noxious biosecurity risks (weeds)** on the economy, community and environment by eliminating or restricting their geographical spread

Development control

- B2.3 **Development** situated on land that contains **noxious weeds**, as identified by a section 64 certificate under the *Noxious Weeds Act 1993* will seek to prevent, eliminate or restrict the spread of **noxious weeds** in accordance with the **biosecurity technical specification* noxious weeds technical specification⁶**

Note: NSW Weedwise is an online tool to identify weeds available on the Department of Primary Industries website

B2.D Koalas**Objective**

To encourage the proper conservation and management of areas of natural vegetation that provide **koala habitat** to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline

Development control

- B2.4 **Development** located on or in proximity to land identified as **koala habitat** complies with the *Port Stephens Comprehensive Koala Plan of Management¹⁰* through consideration to the performance criteria, being:
- Minimising the removal or degradation of **native vegetation** within **preferred koala habitat** or **supplementary koala habitat**
 - Maximising the retention and minimising degradation of **native vegetation** within **supplementary habitat**, habitat buffers and habitat linking areas
 - Minimising removal of any individual preferred koala feed trees
 - Where appropriate, restore and rehabilitate **koala habitat**/buffers and linking areas
 - Removal of **koala habitat** is off-set by a net gain of **koala habitat** on-site or adjacent
 - Make provision for long-term management of both existing and restored **koala habitat**
 - Not compromise the safe movement of koalas, through:
 - Maximisation of tree retention
 - Minimising barriers for movement, such as fences
 - Restrict **development** to defined building envelopes
 - Minimising the threat to koalas from dogs, motor vehicles and **swimming pools**
 - **Development** demonstrates consideration to the performance criteria within the **statement of environmental effects (SEE)** by providing the following:
 - Assessment of **koala habitat** in accordance with Appendix 6 – Guidelines for Koala Habitat Assessment of the *Port Stephens Comprehensive Koala Plan of Management¹⁰*

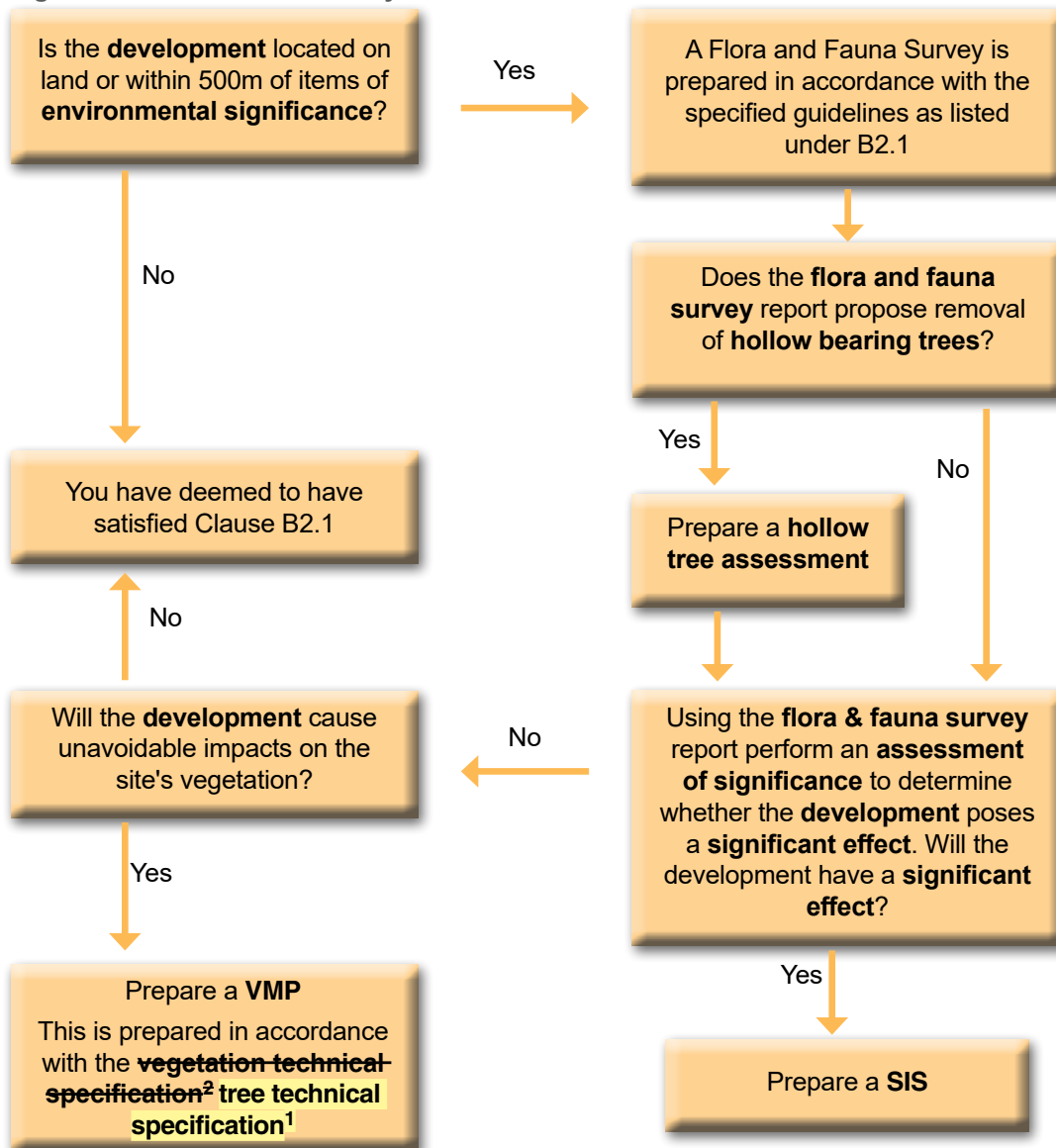
ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

B2

Development control

B2.4	<ul style="list-style-type: none"> - Site analysis plan indicates vegetation to be disturbed, cleared or retained - Illustration of the Asset Protection Zone (APZ) - Proposed measures for the safe movement of koalas, such as fencing or traffic control measures - Details of any programs to monitor koala populations <p>Note: The <i>Port Stephens Comprehensive Koala Plan of Management</i>¹⁰ applies through the application of the SEPP (Koala Habitat Protection) 2019 (Biodiversity and Conservation) 2021</p>
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Figure BB : Flora & fauna survey flow-chart



B3

B3 Environmental Management

Application

This Part applies to **development** that:

- Is located on land that contains **acid sulfate soils**; or
- Has the potential to produce **air pollution** (such as dust or odour); or
- Has the potential to produce adverse **offensive noise**; or
- Involves **earthworks**.

~~B3.A Acid sulfate soils~~

~~Objective~~

To ensure that **development** does not disturb, expose or drain **acid sulfate soils** and cause environmental damage

Development controls

B3.1 ~~**Development** located on **acid sulfate soils (ASS)** as identified on the Acid Sulfate Maps of the **Local Environmental Plan** adheres to the **Local Environmental Plan** requirements by taking one of the following three paths:~~

1. ~~Accept that **ASS** is present and prepare a **development application** and an **ASS management plan** as set out in the **NSW ASS Manual**⁴⁰; or~~
2. ~~Provide a framework for the on-going management and monitoring of the impacts throughout the **development**, in your **ASS management plan**. There is no set formula for managing **ASS** and each case must depend on the particular circumstance. Please refer to the **NSW ASS Manual**⁴⁰ for details; or~~
3. ~~Undertake a preliminary assessment as set out in the **NSW ASS Manual**⁴⁰, to determine whether **ASS** is present and whether the proposed works are likely to disturb or oxidise these soils or lower the water table.~~

~~If **ASS** is present, Council must consider the following matters before **development consent** is granted:~~

- ~~The likelihood of the proposed **development** resulting in the discharge of acid-water~~
- ~~The adequacy of the **ASS management plan** prepared for the proposed **development** in accordance with the **NSW ASS assessment guidelines**~~

B3.B Air quality

Objective

To ensure air quality is not negatively impacted on by dust and odour in recognition of the associated human health impacts

B4 Drainage and Water Quality

Application

This Part applies to development that:

- Increases **impervious surfaces**; or
- Drains to the **public drainage** system; or
- Involves a controlled activity within 40m of **waterfront land**.

B4.A Stormwater drainage plan

Objectives

- To ensure a **stormwater drainage plan** is submitted when **development** either increases impervious surfaces or drains to the **public drainage** system.
- To ensure the **stormwater drainage plan** details a legal and physical point of discharge to minimise impacts on **water balance**, **surface water** and **groundwater** flow and volume regimes and flooding.
- To implement sustainable mitigation systems that can be maintained using resources available to the maintainer.

Development controls

B4.1 **Development** that applies to this part is to provide a **stormwater drainage plan** and a written description of the proposed drainage system within the **SEE**.

Note: C1.D also provides drainage requirements for **development** relating to **subdivision**

Note: Hydrological/hydraulic calculations and designs shall be prepared in accordance with the approaches outlined in the current **Australian rainfall and runoff** guidelines using the current hydrologic soil mapping data for Port Stephens available from Council. Other current Australian published design guides may also be applied to particular design situations.

Note: The minimum finished floor level of development in relation to the ground level (finished) surrounding the building must comply with **BCA** requirements, should take into account local constraints and should appropriately and effectively manage stormwater and surface water drainage so as to minimise risk caused by localised drainage / flooding issues.

B4.B On-site detention / on-site infiltration

Objective

To regulate the impacts on the capacity of the **public drainage** system

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Development controls

B4.2	<p>On-site detention / on-site infiltration is required in stormwater requirement areas where:</p> <ul style="list-style-type: none"> the post-development flow rate or volume exceeds the pre-development flow rate or volume; or impervious surfaces exceed the total percentage of site area listed under Figure BC; or it is identified under Section D Specific Areas of the DCP. <p>Note: A map of stormwater requirement areas is published on Council's website. Note: Pre-development is prior to any development occurring on the land.</p>
B4.3	<p>On-site detention / on-site infiltration is to be:</p> <ul style="list-style-type: none"> sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the 1% annual exceedance probability (AEP) storm event provided by either underground chambers, surface storage or a combination of the two and are generally positioned: <ul style="list-style-type: none"> under grassed areas for any cellular system (which can be easily maintained) under hardstand areas such as driveways for any concrete tank structures <p>Note: A neutral or beneficial effect (NorBE) on water quality must be designed for all storm events.</p>
B4.4	<p>Details of the on-site detention / on-site infiltration concept design must be provided in the stormwater drainage plan and the written description and must include information on:</p> <ul style="list-style-type: none"> the location and type of detention / infiltration system demonstrated flow rate / volume for all design storm events up to the 1% AEP pipes, pits, overland flow and discharge point surface grates and maintenance access points orifice type, location and screening facility slope/gradient of the land post-development flow rate and volume for the site equal to pre-development flow rate and volume for the site <p>Note: B4.8 states that on-site detention / on-site infiltration may not be required for dual occupancy development if the water quality requirements under Figure BE have been satisfied.</p>

Figure BC: Maximum impervious surface table

Land use zone	Maximum impervious surface area (%)
E4C4, R5, RU1, RU2 & RU3	Refer to Figure BD (below)
E1C1, E2C2, E3C3, IN4, RE1, RE2, SP1, SP2, W1 & W2	merit-based approach
R1, R2 & RU5	60
R3	75
B5, B7, IN1 & IN2	90
B1, B2, B3 & B4	100

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Figure BD: Lot area impervious surface table

Lot area (m ²)	Maximum impervious surface area (%)
>5000	7.5
2000 to 5000	30
900 to 2000	40
<900	60

Note: Figure BD above only applies to land zoned E4C4, R5, RU1, RU2 and RU3

B4.C Water quality

Objectives

- To ensure **development** does not detrimentally impact on water quality through the use of water quality modelling, such as small scale stormwater water quality model (**SSSQM**) or **model for urban stormwater improvement conceptualisation (MUSIC)**, and subsequent **water sensitive urban design (WSUD)** measures
- To safeguard the environment by improving the quality of stormwater run-off
- To ensure water quality is protected and maintained during the construction phase through the conditioning of appropriate measures
- To provide further guidance to clauses in the local environmental plan relating to water quality for **development** in **drinking water catchments**

Development controls

B4.5 **Development** is to provide **stormwater quality improvement devices (SQIDs)** in accordance with Figure BE: Water quality table, unless:

- a **WSUD** strategy that applies to the land has been approved by Council and is listed on Council's website for the purposes of this requirement.
- the **development** is a **dwelling house**, semi-detached **dwelling**, **secondary dwelling**, and/or **ancillary structure** to residential **development**, or;
- the **development** is for alterations and additions to a **dwelling house**, semi-detached **dwelling**, **secondary dwelling**, and/or **ancillary structure** to residential **development**, or;
- the development is for other minor alterations and additions on a lot of less than 250m²

A document listing approved **WSUD** strategies is available on Council's webpage.

Where an approved **WSUD** strategy applies to the land, details are to be provided which demonstrate that any requirements outlined in the list of approved **WSUD** strategies have been incorporated into the development.

Note: The list of approved **WSUD** Strategies should be consulted for the purpose of determining whether **SQIDs** are required for a complying development proposal.

B4.6 **Stormwater quality improvement devices (SQIDs)** are designed to be taken off-line from minor and major drainage systems.

B4.7 **Development** submits **modelling to demonstrate the evidence** of how the water quality targets have been achieved (eg **SSSQM** Certificate, **MUSIC** or **MUSIC-Link** report).

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Development controls

- B4.8 ~~On-site detention / on-site infiltration~~ may not be required for ~~dual occupancy development~~ if the water quality requirements under Figure BE for sites less than 2,500m² have been satisfied
- B4.9 Erosion and sediment measures are provided during the construction phase in accordance with the issued conditions of consent
- B4.10 ~~Development~~ that, in the opinion of the Council, has the potential to significantly adversely affect the water quality of the ~~drinking water catchment~~ will be referred to Hunter Water under section 51 of the *Hunter Water Act 1991*. ~~Development~~ or activities which pose unacceptable risks to a ~~drinking water catchment~~ are not likely to be supported by Hunter Water.

Note: Refer to Hunter Waters' document 'Guidelines for developments in the drinking water catchments' for ~~development types~~ that will likely trigger referral to Hunter Water.

Figure BE: Water quality table

Type of development or site area	Water quality targets		Tool used to achieve target
	Development within a drinking water catchment	Development outside a drinking water catchment	
Dwelling house, semi-detached dwelling, secondary dwellings, and ancillary structures to residential development	No water quality measures are required	No water quality measures are required	-
Alterations and additions to dwelling house, semi-detached dwelling, secondary dwellings, and ancillary structures to residential development	No water quality measures are required	No water quality measures are required	-
Other minor alterations and/or additions on a lot with a site area less than 250m²	No water quality measures are required	No water quality measures are required	-

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Type of development or site area Subdivision lot size	Water quality targets		Tool used to achieve target
	Development within a drinking water catchment	Development outside a drinking water catchment	
Lots with a site area greater than 250m ² and less than 2,500m ²	Before water is released into public drainage , the water quality outcomes shall achieve: <ul style="list-style-type: none"> • NorBE; or • Council's water quality stripping targets whichever achieves the better water quality outcome.	Before water is released into public drainage it must achieve Council's water quality stripping targets	Either: <ul style="list-style-type: none"> • Water quality modelling, such as SSSQM or MUSIC; or • Compliance with a standard drawing produced by Council for the purposes of development control B4.5 published on Council's website
Lots with a site area equal to or greater than 2,500m ²	Before water is released into public drainage , the water quality outcomes shall achieve: <ul style="list-style-type: none"> • NorBe; or • Council's water quality stripping targets whichever achieves the better water quality outcome.	Before water is released into public drainage it must achieve Council's water quality stripping targets	Water Quality Modelling, such as MUSIC Modelling

B4.D Riparian corridors

Objective

To protect and retain **riparian corridors** as localities of environmental importance

Development controls	
B4.11	Development involving a controlled activity within waterfront land (within 40m from the highest bank of the river, lake or estuary) adheres to the <i>Water Management Act 2000</i> Note: Council can advise on the location and order of waterfront land
B4.12	Development provides the following buffers to riparian corridors that are generally consistent with the recommendations of the NSW Office of Water. 2012, 'Guidelines for riparian corridors on waterfront land' ¹⁵ : <ul style="list-style-type: none"> • 50m buffer from 3rd order water courses or above with a 40m vegetated riparian zone and 10m vegetated buffer • 30m buffer from 1st-2nd order water courses with a 20m vegetated riparian zone and 10m vegetated buffer
B4.13	Riparian corridors are dedicated as public open space when Council agrees to take ownership of that land

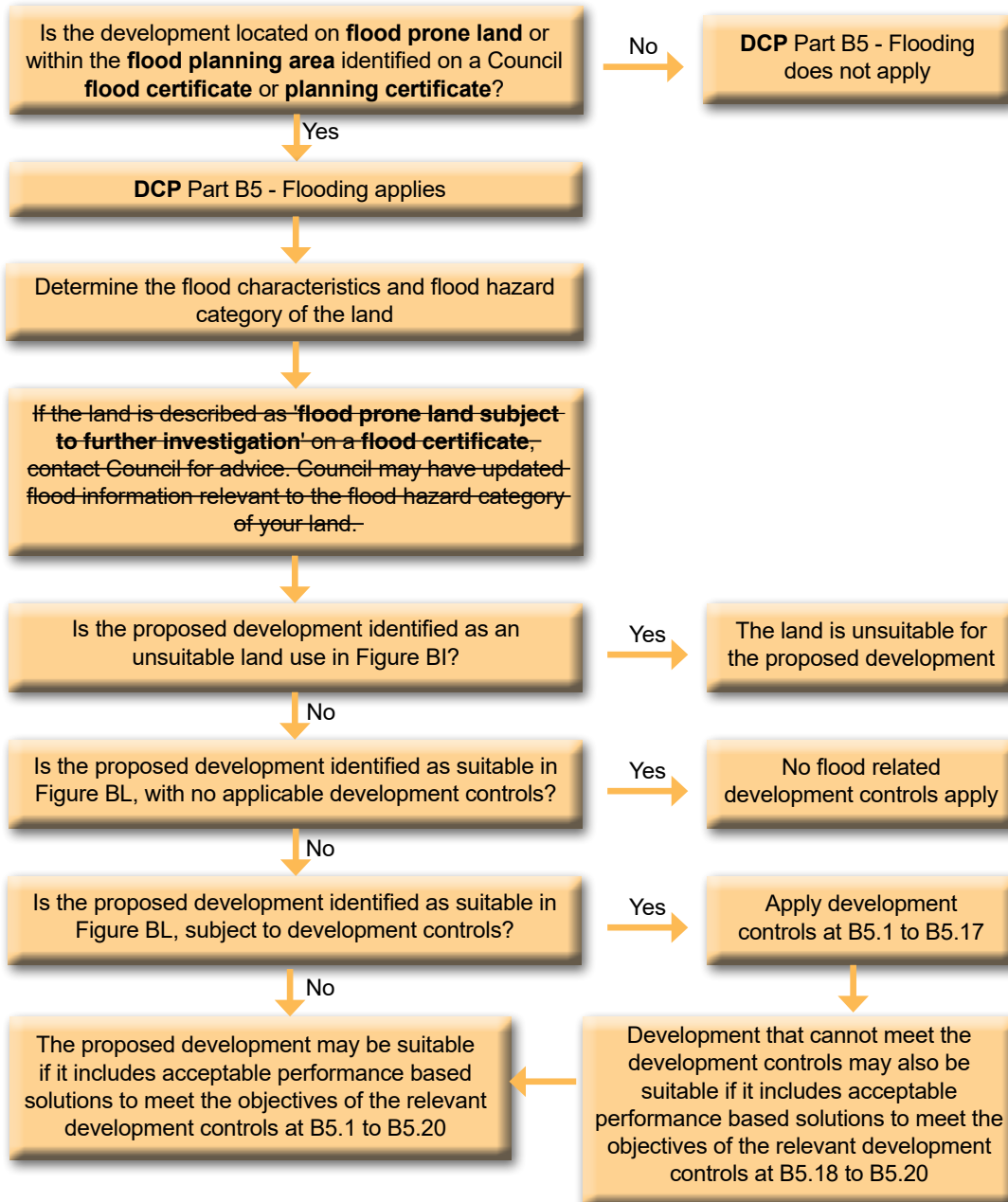
B5 Flooding

Application

This Part applies to all development on **flood prone land**.

Refer to the flow chart at Figure BF to determine the assessment pathway for new development.

Figure BF: Determine the assessment pathway



How flood impacts are assessed

A **flood certificate** identifies the flood category and flooding characteristics of the land to inform the assessment of proposed development.

The **flood certificate** will describe the highest flood category applicable to the land (a combination of the **flood hazard** and the **hydraulic category**), as well as various flood levels (such as the **flood planning level** and the **probable maximum flood level**). Figure BG shows the possible flood categories and Figure BH shows how flood categories and flood levels reflect the landscape and the relationship between water depth and water velocity in a flood.

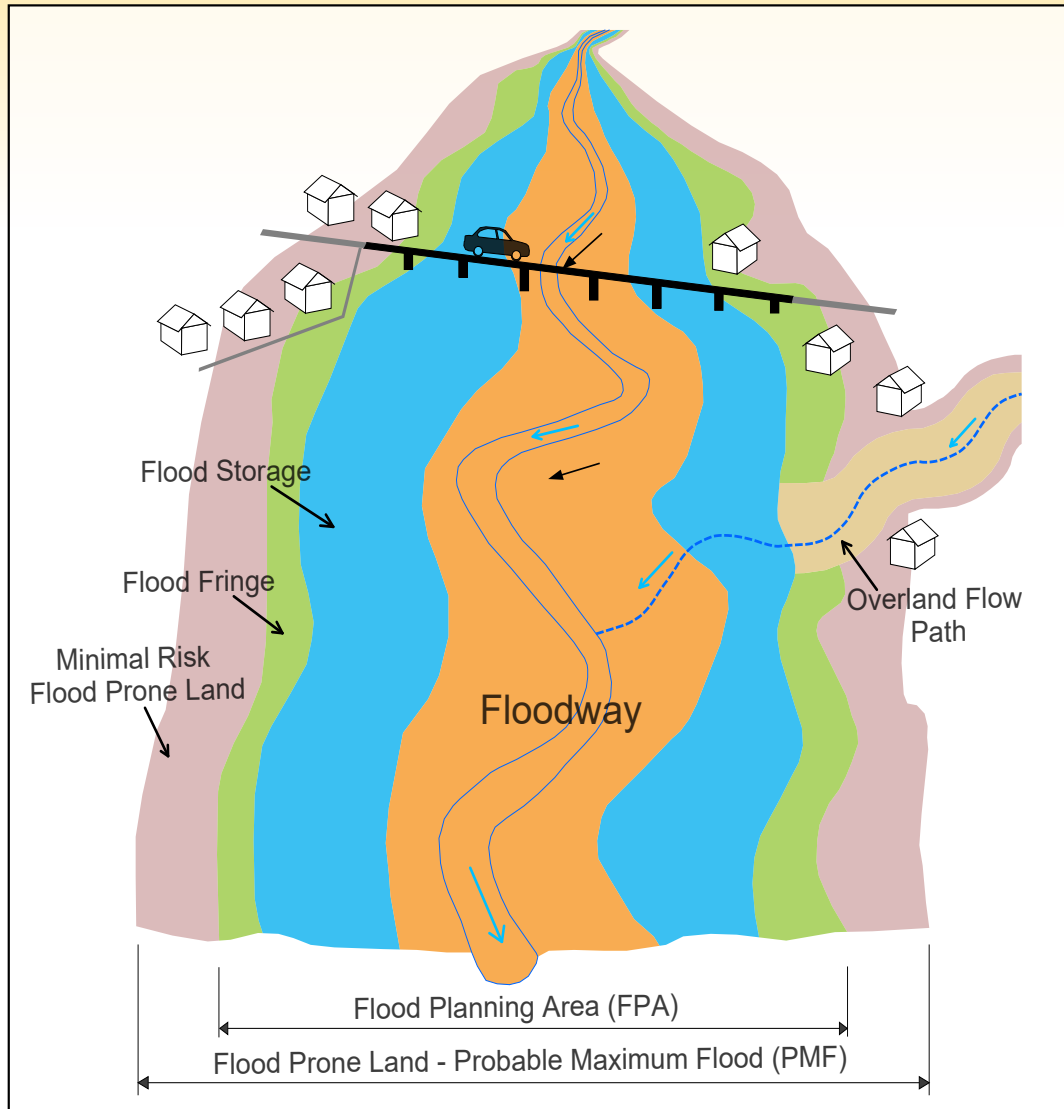
Land in the hydraulic categories **flood fringe**, **flood storage** and **floodway** will generally make up the visible **floodplain**, whilst **overland flow paths** feed into the **floodplain**. Consequently, the characteristics of **overland flow paths** are considered separately from other flood categories and are not detailed in Figure BH below.

A **flood certificate** may also identify land as '**minimal risk flood prone land**' where only minimal impacts are anticipated, or as '**flood prone land subject to further investigation**' when Council does not hold detailed flood information. The requirements that apply to these categories are detailed in this Part.

Figure BG: Flood categories

Hydraulic category	Flood hazard	
	Low hazard	High hazard
Flood Prone	Minimal Risk Flood Prone Land	
Flood Fringe	Low Hazard Flood Fringe	High Hazard Flood Fringe
Flood Storage	Low Hazard Flood Storage	High Hazard Flood Storage
Overland Flow Path	Low Hazard Overland Flow Path	High Hazard Overland Flow Path
Floodway	Low Hazard Floodway	High Hazard Floodway

Figure BH: Flood hazard categories: landscape



Determining development suitability

Figure BI below sets out whether or not different types of new development are considered suitable on land designated a particular flood hazard category (as identified on a **flood certificate**).

Most new development proposed on **flood prone land** will need to address the development controls in this Part to mitigate risks and be considered suitable (Refer to Figure BI below).

Where risks are assessed as low, such as where land is identified as '**minimal risk flood prone land**' on a **flood certificate**, the requirements for new development will be minimal and most new development on that land is considered suitable (Refer to Figure BI below).

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B6

Development type	Indoor design average maximum sound level dB(A)
commercial buildings, offices & retail premises	
private offices & conference rooms	55
drafting & open offices	65
typing & data processing	70
shops, supermarkets & showrooms	75
industrial	
inspection, analysis & precision work	75
light machinery, assembly & bench work	80
heavy machinery, warehouse & maintenance	85

B6.B Indoor noise**Objective**

To ensure acceptable levels of indoor noise in accordance with the relevant Australian Standards

Development controls	
B6.2	Development must satisfy the maximum internal sound levels specified in Figure BM by providing an acoustic report
B6.3	Noise attenuation levels that comply with Figure BM are not considered to be reasonable or practicable for a dwelling when seeking to achieve noise reduction greater than: <ul style="list-style-type: none"> • 35 dB(A) for sleeping areas • 30 dB(A) for habitable spaces

B6.C Alterations & additions**Objective**

To facilitate alterations and additions of existing **development** within the **2025 ANEF**

Development controls	
B6.4	Additions and/or alterations less than 40% of gross floor area of an existing building must be constructed to the same indoor sound levels as the existing building
B6.5	Additions and/or alterations greater than 40% gross floor area of an existing building requires noise attenuation measures consistent to meet the indoor noise levels listed in Figure BM

B6.D Impacts on operation of aircraft**Objective**

To ensure that the operational needs of the Williamstown **RAAF** Base are considered

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B7

B7.D Aboriginal heritage**Objective**

To ensure due diligence is followed before carrying out **development** that may harm Aboriginal objects

Development controls

- B7.5 Where **development** involves **ground disturbing works** ~~significant cut~~, being greater than 2m, under B3.4 of the **SEE** addresses the following matters:
- A statement indicating the results of the Aboriginal heritage information management system (**AHIMS**) database search and any other sources of information
 - A statement indicating whether there are landscape features that indicate the presence of Aboriginal objects
 - A statement indicating whether the proposed **development** is likely to harm Aboriginal objects
 - A statement indicating whether an **Aboriginal heritage impact permit (AHIP)** is required. When required:
 - Prepare an Aboriginal cultural heritage assessment to assess the impact of the proposed **development** on Aboriginal cultural heritage consistent with the Office of Environment & Heritage. N/A, 'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW'²⁵

Note: Section 90 of the *National Parks and Wildlife Act 1974* requires an **AHIP** where harm to an Aboriginal object or Aboriginal place cannot be avoided. An **AHIP** can be issued under Part 6 of the *National Parks and Wildlife Act 1974*

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B8

Development controls

B8.4 Except as required by B8.5, B8.6, or B8.7, all **development** that has the potential to create demand for on-site parking must provide parking in accordance with Figure BU

Note: Where a development proposes ancillary uses, additional parking is to be provided in accordance with that development type as required in Figure BU

Figure BU: On-site parking requirements

Development type	Parking requirements	Accessible parking
Commercial premises		
bulky goods specialised retail premises	<ul style="list-style-type: none"> 1 car space per 55m² floor area 1 bicycle space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 parking spaces
entertainment facilities and function centres	<ul style="list-style-type: none"> A traffic impact study is required 1 bicycle space per 20 employees 1 bicycle space per 20 visitors 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
food and drink premises, including restaurants, cafes and take-away drink premises	<ul style="list-style-type: none"> 1 car space per 2025m² floor area within commercial premises (where no seating is provided) 1245 car spaces per 100m² floor area or 1 car space per 43 seats (whichever is greater) outside of commercial premises Minimum queuing area of 5 cars for drive-thru 1 bicycle space per 200m² 	<ul style="list-style-type: none"> 1 car space per 30 parking spaces
garden centre and plant nursery	<ul style="list-style-type: none"> 1 car space per 130m² nursery area 	<ul style="list-style-type: none"> 1 car space
hardware building supplies and industrial retail outlets	<ul style="list-style-type: none"> 1 car space per 55m² floor area 	No requirement
market	<ul style="list-style-type: none"> 2.5 car spaces per stall 	No requirement
motor showroom and vehicle sales or hire premises	<ul style="list-style-type: none"> 0.75 car spaces per 100m² vehicle display area 1 bicycle space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
office premises and business premises	<ul style="list-style-type: none"> 1 car space per 40m² floor area 1 bicycle space per 200m² floor area 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
pub and registered clubs	<ul style="list-style-type: none"> 1 car space per 7m² of floor area within commercial centres 1 car space per 10m² courtyard / beer garden within commercial centres 1 car space per 3.5m² of floor area outside of commercial centres 1 bike space per 25m² bar area 1 bike space per 100m² courtyard/ beer garden 1 car space per 10m² of public or licenced floor area 1 car space per accommodation unit 1 bicycle space per 20 accommodation units rooms 	<ul style="list-style-type: none"> 1 car space per 20 parking spaces

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Development Type	Parking Requirements	Accessible Parking
roadside stall	<ul style="list-style-type: none"> 4 car spaces 	No requirement
rural supplies, timber yards, landscaping material supplies and wholesale supplies	<ul style="list-style-type: none"> 1 car space per 130m² of supplies area 1 bicycle space per 20 employees 	No requirement
service station	<ul style="list-style-type: none"> 4 car spaces per work bay 1 car space per 20m² floor area 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space
sex services premises	<ul style="list-style-type: none"> 2 car spaces per room used for prostitution 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
shop	<ul style="list-style-type: none"> 1 car space per 20m² floor area 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
veterinary premises and health consulting rooms	<ul style="list-style-type: none"> 3 car spaces per practitioner 1 car space per 2 employees not a practitioner 2 bicycle spaces per 10 practitioners and other employees not practitioners 	<ul style="list-style-type: none"> 1 car space per 10 car spaces
Industry		
heavy industrial storage establishments, heavy industry and general industry	<ul style="list-style-type: none"> 1 car space per 100m² floor area or 4 space per work bay 1 bicycle space per 20 employees 	<ul style="list-style-type: none"> 1 car space per 30 car spaces
light industry	<ul style="list-style-type: none"> 1 car space per 100m² or 1 car space for each per employee (whichever is greater) 1 bicycle space per 20 employees 	No requirement
rural industries	<ul style="list-style-type: none"> Merit-based approach 1.3 per 100sqm 	No requirement
vehicle body repair workshops and vehicle repair stations	<ul style="list-style-type: none"> 4 car spaces per work bay 	No requirement
warehouse or distribution centres, storage premises and depots	<ul style="list-style-type: none"> 1 car space per 200m² 1 bicycle space per 20 employees 	<ul style="list-style-type: none"> 1 car space
Infrastructure		
bowling alley	<ul style="list-style-type: none"> 3 car spaces per bowling alley 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
bowling green	<ul style="list-style-type: none"> 30 car spaces for first bowling green, then 15 for each additional bowling green 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
charter and tourism boating facilities	<ul style="list-style-type: none"> 4.5 car spaces per 100m² floor area or 1 space per 10 passengers 	<ul style="list-style-type: none"> 1 car spaces per 20 car spaces
child care centre	<ul style="list-style-type: none"> 1 car space for every 4 childcare places 	<ul style="list-style-type: none"> 1 car space
community facilities	<ul style="list-style-type: none"> Merit-based approach 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
educational establishment	<ul style="list-style-type: none"> 1 car space per employee 1 car space per 8 senior high school students 1 bicycle space per 10 employees and students 	<ul style="list-style-type: none"> 1 car space per 20 car spaces

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Development type	Parking requirements	Accessible parking
gymnasium	<ul style="list-style-type: none"> 5 car space per 100m² 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
indoor soccer/cricket/netball	<ul style="list-style-type: none"> 15 car spaces per pitch/court 1 bicycle space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
marina	<ul style="list-style-type: none"> 0.6 spaces per wet berth 0.2 spaces per dry storage berth 0.2 spaces per swing mooring 0.5 spaces per marina employee 1 bicycle space per 15 employees <p>Note: Additional car parking is to be provided for the uses carried out as part of, or ancillary to a marina which are identified in this Figure and car parking is to be provided for those uses in accordance with the relevant rates set out in this Figure.</p>	No requirement
medical centres	<ul style="list-style-type: none"> 1 car space per 25m² floor area 	<ul style="list-style-type: none"> 1 car space per 10 car spaces
passenger transport facility	<ul style="list-style-type: none"> Merit-based approach 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
place of public worship	<ul style="list-style-type: none"> Merit-based approach 1 car space per 5 seats or 5m² (which ever is greater) 1 bicycle spaces per 10 employees and visitors 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
squash/tennis courts	<ul style="list-style-type: none"> 3 car spaces per tennis court 1 bike space per 15 employees 	<ul style="list-style-type: none"> 1 car space per 20 car spaces
Residential Accommodation		
boarding houses, secondary dwellings , supported accommodation and group homes	<ul style="list-style-type: none"> Refer to State SEPP (Affordable Housing) 2009 (Housing) 2021 1 car space per 20 rooms 	Refer to SEPP (Affordable Housing) 2009 (Housing) 2021
dwelling house, dual occupancy and semi-detached dwellings	<ul style="list-style-type: none"> 1 car space for one and two bedroom dwellings 2 car spaces for three > bedroom dwellings 	No requirement
home business or home industry	<ul style="list-style-type: none"> 1 car space, plus 1 car space for each per employee 	No requirement
hostels	<ul style="list-style-type: none"> 1 car space per 10 beds 1 car space per for every 2 employees 1 parking space for services and deliveries 	No requirement
residential flat buildings , attached dwellings, multi dwelling housing and shop-top housing	<ul style="list-style-type: none"> 1 car space for one and two bedroom dwellings 2 car spaces for three > bedroom dwellings 1 visitor space for every three dwellings 	No requirement
seniors housing	Refer to SEPP (Housing for Seniors or People with a Disability) 2004 (Housing) 2021	

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Development type	Parking requirements	Accessible parking
Tourist and Visitor Accommodation		
backpackers accommodation	<ul style="list-style-type: none"> 1 car space per 10 beds or 1 space per 5 rooms 1 car space per 2 employees 	<ul style="list-style-type: none"> 1 space per 20 parking spaces
bed and breakfast establishment and farm stay	<ul style="list-style-type: none"> 1 car space per guest room 	No requirement
camping ground and caravan park	<ul style="list-style-type: none"> 1 car space per site 1 visitor space for every 10 sites 	No requirement
hotel or motel accommodation, serviced apartments and eco-tourist facilities	<ul style="list-style-type: none"> 1 car space for each per accommodation unit 1 car space per 2 employees 1 bicycle space per 20 accommodation units 	<ul style="list-style-type: none"> 1 space per 20 parking spaces
serviced apartments	Refer to LEP 7.13 Serviced apartments SEPP 65 Design Quality of Residential Apartment Development (2002)	

Note: Accessible parking can be provided within the total parking requirements.

Development controls

B8.5	Where the parking requirements for B8.4 cannot be provided for on-site in accordance with Figure BU, Council may consider alternative off-site arrangements for parking demand, such as providing parking on another site in proximity to the development or providing a courtesy bus for patrons.
B8.6	<p>A reduction in the number of spaces required in accordance with Figure BU may be considered when supported by a TIA in the following circumstances:</p> <ul style="list-style-type: none"> Parking has a negative visual impact on heritage; The current land use has been approved with a parking shortfall and the proposed parking concession does not exceed the current shortfall for the approved use calculated in accordance with Figure BU; Peak demand between commercial and residential development types is shared ; An upgraded public transit facility, such as a bus stop, is provided in proximity to the site; Where it can be demonstrated that ancillary uses carried out as part of, or ancillary to a marina do not generate demand for on-site parking, consistent with the relevant rate prescribed in Figure BU.

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Figure BV: Entry, exit and driveway separation widths

Step 1. Determine class of parking						
Class	Examples of uses	Required door opening				
A	All-day parking - resident, employee, commuter parking and universities	Front door, first stop				
B	Medium-term parking - long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels and airport visitors	Front door, second stop				
C	Short-term parking - town Centre parking, shopping centres, department stores, supermarkets, hospitals and medical centres	Rear door, full-opening				
Step 2. Determine ingress/egress category						
		Number of Parking Spaces				
Class	Street Hierarchy	<25	25-100	101-300	301-600	>600
A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
B	Arterial	2	2	3	4	5
	Local	1	2	3	4	5
C	Arterial	2	3	4	4	5
	Local	1	2	3	4	4
Step 3. Determine entry, exit and driveway separation widths						
Ingress / Egress Category	Entry width	Exit width	Driveway separation			
1	Single maximum: 3m Double maximum: 4m	Combined	-			
2	6-9m	Combined	-			
3	6m	4-6m	1-3m			
4	6-8m	6-8m	1-3m			
5	Direct connection from a dedicated public road via controlled intersection					

Development controls

Ingress/Egress dimensions may need to be increased to 6.5m for the first 6m inside the property boundary when:

- ingress/egress exceeds 30m in length
 - Ingress/Egress exceeding 30m in length provides passing bays at 30m intervals, or
- sight distance in accordance with Figure BW cannot reasonably be achieved, or
- **development** provides direct access to an **arterial road**

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C1

Figure CB: Battle-axe lot requirements

	Entry width	Max length	Misc.	Torrens
Dwelling house Dual occupancy	3.6m	30m	Max 2 dwellings	Max 3
Multi dwelling housing Residential flat building	6m	50m	-	-
Business Industrial	10m	-	-	Max 3
Rural - less than 2 lots or less	6.5m	200m	-	Max 3
Rural - greater than 3 lots	10m	200m	-	Max 3

Development controls

Splay corners

- C1.4 **Splay corners** are provided for corner lots and must be a minimum of:
- 4m x 4m for residential zones
 - 8m x 8m for commercial and industrial zones
 - 6m x 6m or **merit-based approach** for other zones

C1.B All subdivision - street trees

Objective

To ensure street tree planting is of an appropriate species and undertaken in accordance with Council's guidelines

Development controls

Street tree requirements

- C1.5 Street trees are required as a component of the road reserve for the following:
- residential **subdivisions**
 - commercial **subdivisions**
 - industrial **subdivision** creating 10 or more lots
 - Street trees are provided in accordance with the **tree technical specification¹**
 - Tree Planting Guidelines of the **tree technical specification¹** provides guidance to the application of the **vegetation technical specification²**- **tree technical specification¹** to determine the total number of trees to be provided

Street tree replacement

- C1.6 Where street trees are required to be removed to facilitate development, they must be replaced in a practical location, in accordance with Section 4.6 of the **tree technical specification¹**

C3 Industrial

Application

This Part applies to **development** defined as **industry** and/or **development** within the zone B5 Business Development

C3.A Height

Objectives

- To ensure the height of buildings is appropriate for the context and character of the area
- To ensure **building heights** reflect the hierarchy of centres and land use structure

Development controls

Building height

C3.1 Maximum height limit of 15m or a **merit-based approach** is taken where no height limit is specified under the **Local Environmental Plan** clause 4.3 **Development** must not exceed a height of 15m

Note: The **Local Environmental Plan** clause 4.3 Height of buildings overrides this requirement, if a height is specified

C3.B Building siting and design

Objective

To ensure **development** is situated within an appropriate building envelope

Development controls

Front setback

C3.2 Maximum 6m front setback from the **front property line** or in line with the existing **average building line**

C3.3 Single storey offices and display rooms within the front setback must:

- not exceed 50% of the front setback area
- ensure sightlines are maintained for pedestrian and vehicle movement

Side setback

C3.4 **Side boundary setbacks** are to be in accordance with the **Building Code of Australia (BCA)**

Rear setback

C3.5 **Merit-based approach** to rear setback with a 1.5m **buffer** zone provided to **drainage reserves**

C5 Multi Dwelling Housing or Seniors Housing

Application

This Part applies to development that is defined as **multi dwelling housing** or **seniors housing**

Note: **Development** defined as a **residential flat building** should refer to *SEPP No 65 – Design Quality of Residential Apartment Development* and the *Apartment Design Guide**

C5.A Landscaping

Objectives

- To enhance the appearance and amenity of **developments** through the retention and/or planting of large and medium sized trees
- To encourage landscaping between buildings for screening
- To ensure landscaped areas are consolidated and maintainable spaces that contribute to the **open space** structure of the area
- To add value and quality of life for residents and occupants within a **development** in terms of privacy, outlook, views and recreational opportunities
- To reduce energy consumption through microclimate regulation
- To reduce air borne pollution by reducing the heat island effect
- To intercept stormwater to reduce stormwater runoff

Development controls

Landscaping coverage

- C5.1 Landscape area is provided as follows:
- 15% of the **site area** consisting of deep soil planting where the lot is equal to or less than 250m² and zoned R1 General Residential or R2 Low Density Residential; or
 - 20% of the **site area** consisting of deep soil planting where the lot is greater than 250m² and zoned R1 General Residential or R2 Low Density Residential; or
 - 10% of the **site area** consisting of deep soil planting when the site is zoned R3 Medium Density Residential or B4 Mixed Use; and
- Note: The canopy coverage of specimen trees can be used to calculate deep soil landscaping
- 50% of the landscaped area must be located behind the building line to the primary road; and
 - 30% shading over uncovered car park areas

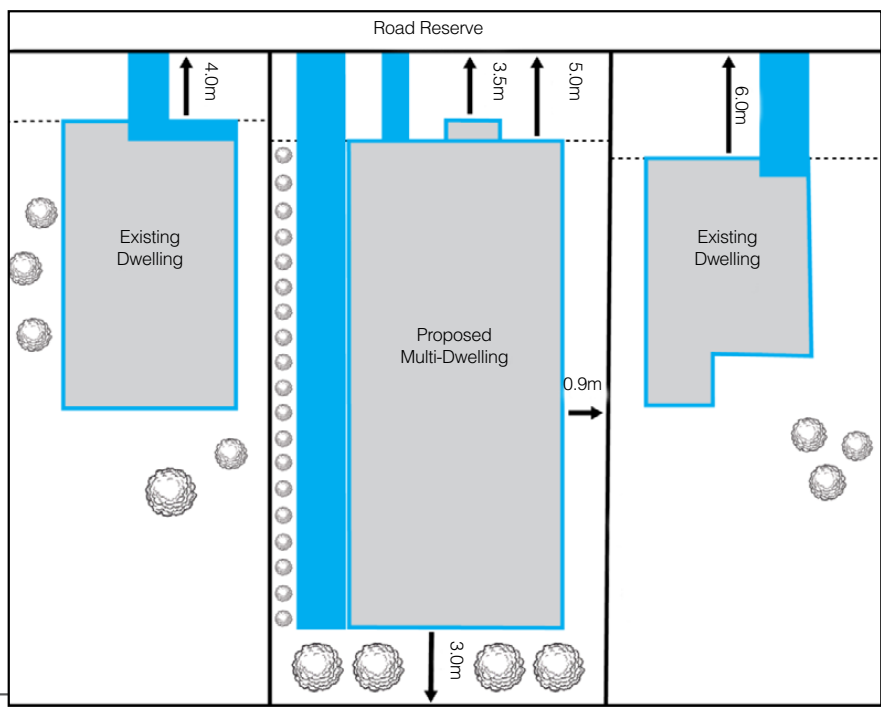
C5.C Setbacks

Objectives

- To ensure **development** provides continuity and consistency to the **public domain**
- To ensure adequate space between buildings to enable effective landscaping
- To alleviate impacts on amenity including privacy, **solar access**, acoustic control and natural ventilation
- To reduce the visual bulk of buildings from the street
- To maintain the rhythm and built form on the street

Development controls	
Front setback	
C5.6	Minimum 4.5m front setback from the front property line or the existing average building line (whichever is less) for 75% of the building facade: The remaining 25% of the facade may allow a 2m encroachment provided the encroachment contains habitable rooms , terraces, balconies or bay windows.
C5.7	Podium structures and basement car parks are not to be within the front setback area
C5.8	Setback areas area not to be used for at grade parking.
C5.9	Minimum 5.5m front setback from the front property line for a garage to enable a parked car to be situated in front of the garage.
Front setback encroachment	
C5.10	Maximum 1.5m encroachment of front setback for architectural features, such as an entry porch or deck

Figure CL: Ground level (finished) setbacks for the existing average building line



C8

C8 Ancillary Structures – Sheds, Swimming Pools, Fencing, Retaining Walls and Shipping Containers

Application

This Part applies to **development** that is defined as **ancillary structures**, including sheds, carports, swimming pools, fencing, retaining walls and shipping containers

C4.H Ancillary structures

Objectives

- To provide further guidance for **ancillary structures** to ensure consistent and desired amenity is attained
- To ensure **ancillary structures** do not **adversely impact** upon the amenity of the surrounding area
- To ensure **ancillary structures** are consistent in terms of height, bulk and scale with the surrounding area

Development controls

Sheds (residential)

- C8.1 Except as provided for in C8.2, **development** in a residential zone (except R5 Large Lot Residential) adheres to a:
- maximum gross floor area of 72m²;
 - maximum height of 3.6m;
 - minimum side and rear setback of 0.9m; and
 - minimum 1m behind the **building line** or **setback**
- Note: **SEPP (Exempt and Complying Development Codes) 2008**, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 20m² in a residential zone to be **exempt development**

Exceptions for residential sheds (except on land zoned R5 Large Lot Residential)

- C8.2 **Development** for the purposes of a shed in a residential zone (except R5 Large Lot Residential) may exceed the limits in C8.1 where the following can be demonstrated:
- The shed does not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale, privacy or overshadowing

ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

C8

Development controls

- The shed is of a similar bulk and scale to surrounding sheds
- The shed is consistent with the context and character of the area
- Must not be a shipping container

Sheds (Rural)

C8.5 **Development** in a rural zone adheres to a:

- minimum 10m **side boundary** and rear setback;
- minimum 5m setback from another building; and
- colour scheme consistent with the existing character of the area.

Note: **SEPP (Exempt and Complying Development Codes) 2008**, Subdivision 9 Cabanas, cubby house, ferneries, garden sheds, gazebos and greenhouses generally classifies a shed to a maximum floor area of 50m² in a RU1, RU2, RU3, RU4, RU6 or R5 zone to be **exempt development**

Carports

C8.6 Except as provided for in C8.12, carports should be located a minimum of 1m behind the **building line**

C8.7 Minimum side and rear **setback** of 0.9m

Note: Carports may be located within 0.9m of the boundary where they do not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale or overshadowing

C8.8 Maximum height of 3.6m, or if attached to a single storey **dwelling**, be no higher than the roof gutter line

C8.9 If the carport fronts the street, the opening must not exceed more than 6m or 50% of the building frontage, whichever is less

C8.10 The design of carport must be integrated with the existing **dwelling**

C8.11 Carports are to have at least two open sides and not less than one-third of its perimeter open

C8.12 Carports may be located in the front **setback** where the following can be demonstrated:

The carport cannot be reasonably located behind the building line

The carport is set back 2m from the front boundary

The design of carport is consistent with the existing **dwelling**

The carport is connected to a driveway

The carport does not impact sight lines for pedestrians or other vehicles, does not obscure any view from a habitable room to the street, and has at least 3 open sides

Swimming pools

C8.13 The water edge must be setback at least 1m from the side and rear boundaries

C8.14 Maximum decking height of 1.4m in height if the pool is located more than 600mm above the **ground level (finished)**

D10

D10 Pacific Dunes - Medowie

Application

This Part applies to the land identified in Figure DR as Pacific Dunes - Medowie

D10.A Lodgement Requirements

Objectives

- To ensure **development** is informed by an analysis of its setting
- To provide for **development** that is dominated by native planting that complements the existing vegetation of the area and enhances natural attributes

Development controls

Landscape plan

- D10.1 A **development application** is accompanied by a **Landscape Plan**, which provides consideration to:
- Native trees, shrubs, groundcovers, mulched and planted areas within the front and rear vegetated zones in accordance with the Precinct Design Guidelines³⁷

D10.B Flooding

Objectives

- To satisfy the provisions of the **Local Environmental Plan** relating to flooding, such as minimising the flood risk to life and property associated with the use of land
- To provide for resident safety and amenity by ensuring that minimum floor levels are set above the **flood planning level**

Development controls

Flood planning level

- D10.2 The habitable floor level of any dwelling is constructed to the **flood planning level**. Flood data is available via Council's online **flood certificate** application process. The habitable floor level of any **dwelling** is constructed 500mm above the **1% Annual Exceedance Probability (AEP)** of 9.5m as contained within the Pacific Dunes Flood Assessment Report³⁸

D10.C Setbacks

Objectives

- To ensure **development** provides continuity and consistency to the **public domain**
- To provide a consistent **setback** to encourage street activation

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D11

D11.I Flood hazard**Objective**

- To ensure that **development** within the **flood planning area** does not contribute to the flood hazard
- To satisfy the provisions of the **Local Environmental Plan** relating to flooding, such as minimising the flood risk to life and property, which are associated with the use of land

Development controls

Flood hazard Planning Area

D11.22 **Development** is to be constructed to 5.3m **AHD** The habitable floor level of any dwelling is constructed to the **flood planning level**. Flood data is available via Council's online **flood certificate** application process.

D11.J Drainage and water quality**Objective**

To effectively manage stormwater to ensure downstream impacts are minimised

Development controls

Retention basin

D11.23 Land indicatively drawn on Figure DU is reserved for the purpose of a retention basin

D12 Richardson Road - Raymond Terrace

D12

Application

This Part applies to the land identified in Figure DV as Richardson Road - Raymond Terrace

D12.BA Street layout and transport network

Objectives

- To ensure that a well-planned and connected street layout for the area is delivered and not compromised by **development** on a single site.
- To achieve efficient and equitable pedestrian, cycle, public transport and private vehicle connectivity between lots and precincts, the local centre and nearby service areas.
- To ensure the street layout limits access to the Pacific Highway and Richardson Road.

Development controls

Street layout

D12.1³ Street layout is generally consistent with the locality controls map at Figure DW.

D12.2 No additional direct **driveway** access to and from Richardson Road is permitted.

5m Road dedication

D12.4 Lots abutting Richardson Road dedicate 5m to the **road reserve** when access is provided at stage 1

Stage 2

D12.5 Stage 2 provides the following:

- 4m sealed pavement with shoulders, under road pipeline crossings and the roadside table drains on the northern side of the road centreline for Halloran Way
- Passing bays at 200m spacing
- Upgrade Halloran Way as required

Note: C1.12 requires streets to comply with Infrastructure Specification—Design¹⁴

Connectivity

D12.3 The **subdivision** of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported. **Development applications** must provide for wider street network connectivity in a grid-like structure.

D12.4 **Subdivisions** that propose street networks are to be informed by road connections to future **subdivisions** on adjoining land. **Development applications** shall identify future road connections to adjacent land where necessary.

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D12

Development controls

Transport movement hierarchy

D12.5 Local roads connecting to Richardson Road, Halloran Way and Baluster Street are constructed as bus routes in accordance with Council's Infrastructure specification.

D12.6 Pedestrian and shared paths are provided in accordance with Council's Infrastructure specification.

Road connections to Richardson Road

D12.7 Access to Richardson Road must be provided in accordance with Figure DW.

Street trees along Richardson Road

D12.8 **Landscaping plans** for **subdivisions** along Richardson Road must provide for an attractive and low maintenance landscape along the road frontage, and in accordance with the **tree technical specification**¹.

Note: This requirement is in addition to the requirements under Part C1.

D12.AB Staging

Objective

To ensure that the staging of **subdivision** is informed by site analysis and infrastructure provision

Development controls

Staging 1

D12.91 Stage 1 is completed prior to stage 2 commencing.

Stage 2

D12.10 Stage 2 can occur prior to stage 1, if:

- continuous road construction is provided to the intersection of Benjamin Lee Drive and Richardson Road
- stormwater and sewerage connection to **public infrastructure** is provided

Note: The **Local Environmental Plan** requires a staging plan

D12.11 Stage 3 must:

- provide continuous road construction to Baluster Street; and
- demonstrate the Halloran Way and Richardson Road intersection has adequate capacity to support traffic generated by the **development**.

Note: **Development** that exceeds the intersection capacity must provide a continuous road connection to Stage 4 and can only be completed once the eastern intersection at Benjamin Lee Drive and Richardson Road identified in Figure DW is operational.

D12.12 Stage 4 must provide continuous road construction to the eastern intersection of Benjamin Lee Drive and Richardson Road in accordance with Figure DW.

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D12

~~D12.C Essential services~~~~Objectives~~

- ~~To ensure sewerage is provided~~
- ~~To ensure drainage is informed by **site analysis**~~

~~Development controls~~~~Drainage~~

D12.6	Sewerage is not required at stage 1
D12.7	Provide drainage reserves in accordance with Figure DW and the Halloran Way Reports

D12.D Aircraft noise

Objective

- To ensure **development** satisfies the requirements of the *Local Environmental Plan*, clause 7.5
- To ensure appropriate consideration is given to land burdened by aircraft noise

Development controls

Aircraft noise

D12.13	Note: Richardson Road is located within the 20-25 and 25-30 ANEF contour. Note: B6.1 details what is to be considered when development is located within the aircraft noise planning area, which includes the 20-25 ANEF contours.
--------	--

D12.D Stormwater drainage and water quality

Objectives

- To ensure environmentally sustainable and affordable water management solutions are implemented on a catchment-wide basis and not compromised by development on a single site.
- To safeguard nearby sensitive wetlands by improving the quality of stormwater runoff.
- To improve or maintain water quality within the Grahamstown Dam Drinking Water Catchment.
- To ensure that stormwater from **development** is adequately managed to provide for common stormwater management infrastructure.

Development controls

Stormwater drainage

D12.14	On-site detention / on-site infiltration is required for all new development where impervious areas are proposed.
--------	--

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Development controls

D12.15 The **on-site detention / on-site infiltration** is to be:

- Sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the **1% Annual Exceedance Probability (AEP)** storm event; and,
- Provided by underground chambers, surface storage or a combination of the two.

Note: Part B4 provides further consideration towards **on-site detention / on-site infiltration**.

Note: Pre-development is prior to any development occurring on the land.

Drainage reserves

D12.16 **Drainage reserves** are located generally in accordance with the locality controls map at Figure DW.

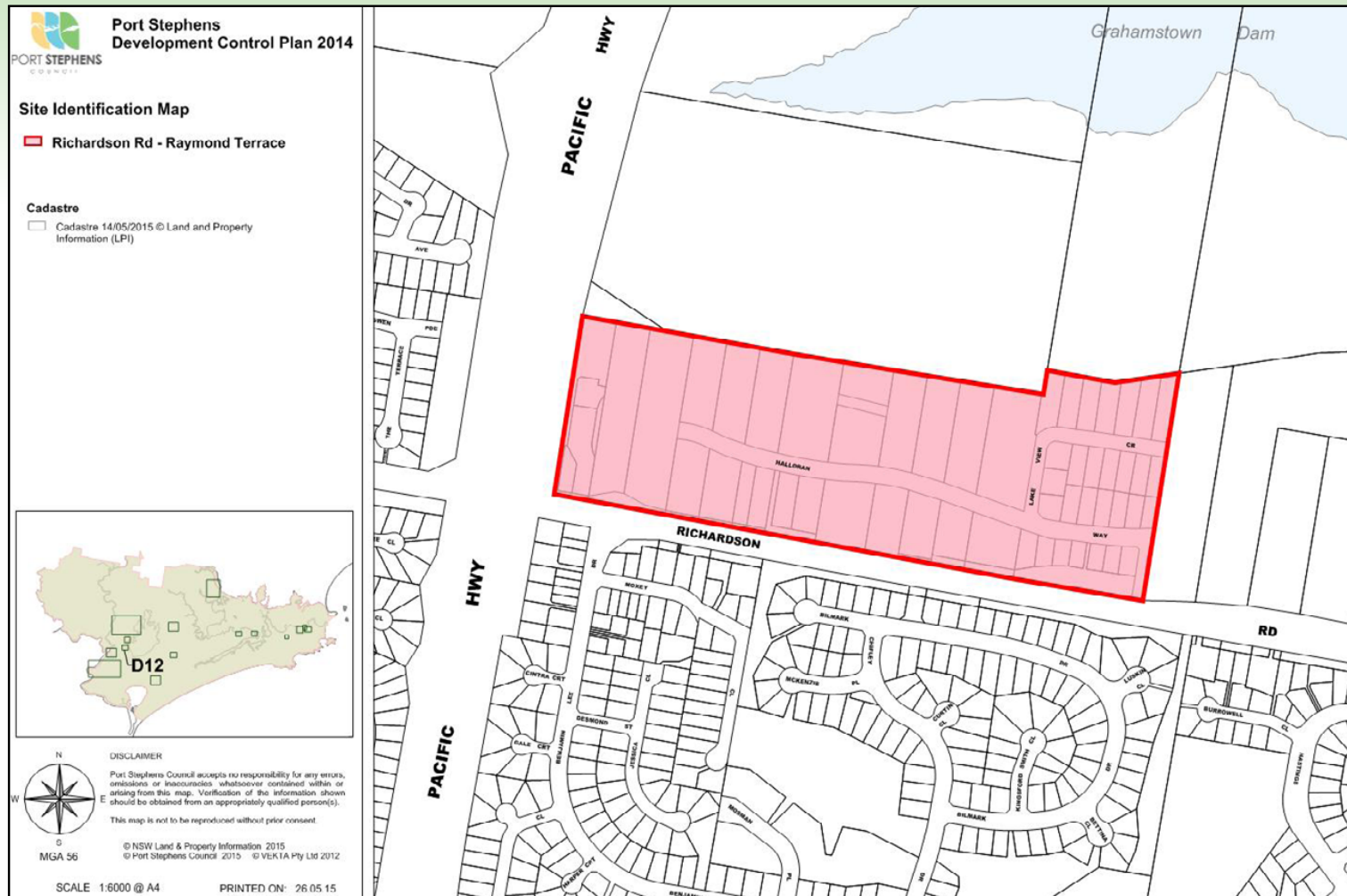
D12.17 All new **developments** must demonstrate that there would be no adverse impact on the operation of the **drainage reserve** or adjoining land on which stormwater is discharged.

Water quality

D12.18 When a **development application** is received for subdivision greater than three lots or would result in an impervious area greater than 60% of the site area, it must demonstrate that the quality of water that is released into public drainage achieves Council's **water quality stripping targets** for the area.

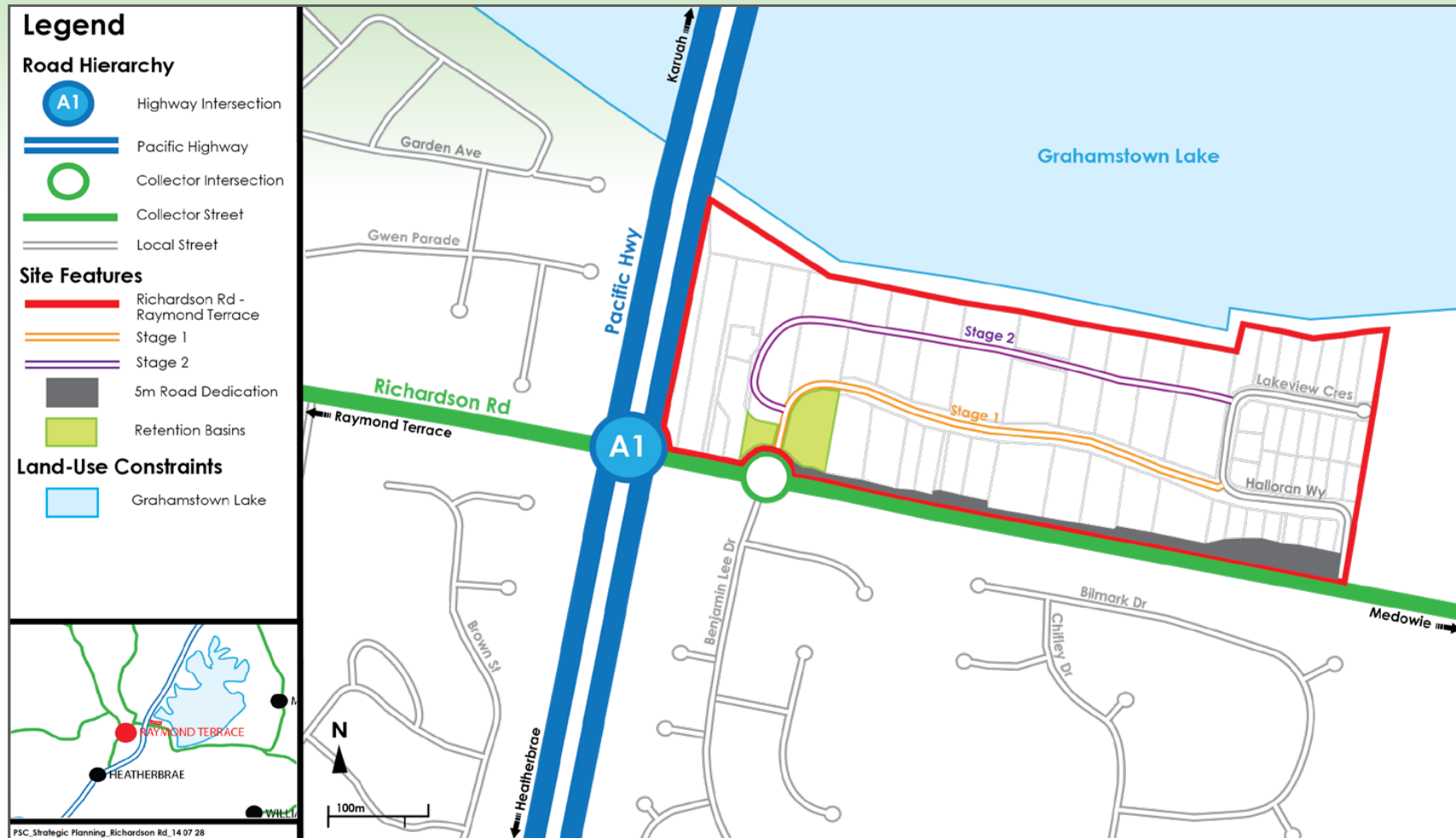
D12

Figure DV: Richardson Road - Raymond Terrace land application map



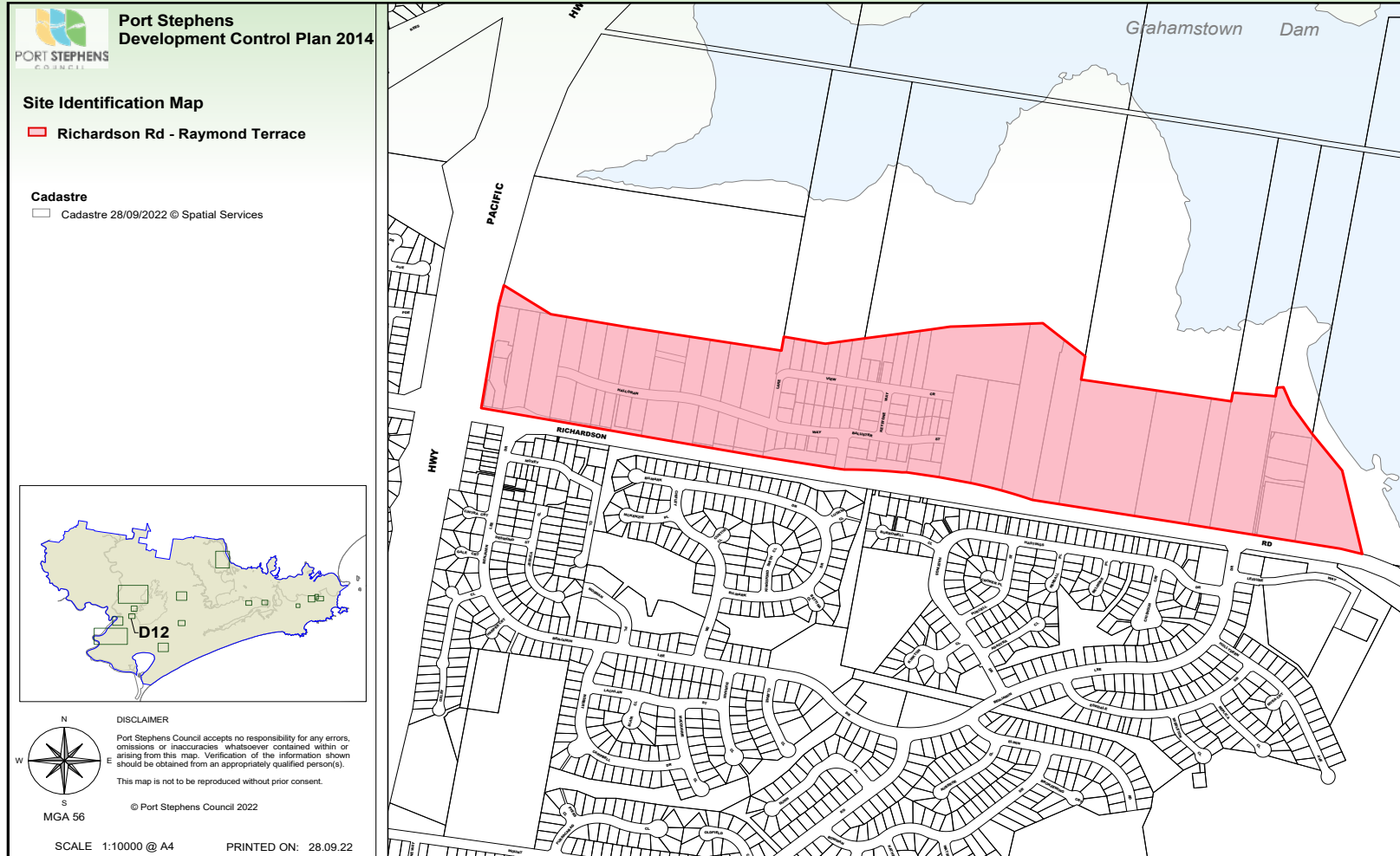
D12

Figure DW: Richardson Road - Raymond Terrace locality controls map



D12

Figure DV: Richardson Road - Raymond Terrace land application map



D12

Figure DW: Richardson Road - Raymond Terrace locality controls map



ITEM 2 - ATTACHMENT 1 DEVELOPMENT CONTROL PLAN 2014 - AMENDMENT.

D13

Development controls

Stormwater drainage

D13.11 **On-site detention / on-site infiltration** is required for all new development where impervious areas are proposed.

D13.12 The **on-site detention / on-site infiltration** is to be:

- Sized so that the post-development flow rate and volume equals the pre-development flow rate and volume for all storm events up to and including the **1% Annual Exceedance Probability (AEP)** storm event; and,
- Provided by underground chambers, surface storage or a combination of the two.

Note: Part B4 provides further consideration towards **on-site detention / on-site infiltration**.

Note: Pre-development is prior to any development occurring on the land.

Drainage reserves

D13.13 **Drainage reserves** are located generally in accordance with the locality controls map at Figure DY.

D13.14 All new **developments** must demonstrate that there would be no adverse impact on the operation of the **drainage reserve** or adjoining land on which stormwater is discharged.

Water quality

D13.15 When a **development application** is received for subdivision greater than three lots or would result in an impervious area greater than 60% of the site area, it must demonstrate that the quality of water that is released into **public drainage** achieves Council's **water quality stripping targets** for the area.

Water quality stripping targets are to be in accordance with the Landcom stretch water quality targets (Landcom Water Sensitive Urban Design Book 2 Planning and Management 2009) below:

- Total nitrogen retention post-development load: 65%
- Total phosphorus retention post-development load: 85%
- Total suspended solids post-development load: 90%

Note: These requirements exceed and supersede those under Part B4.

D13.D Recreation and visual amenity**Objectives**

- To ensure the provision of an adequate area of public open space is provided for the amenity of residents.
- To provide an attractive and low maintenance landscape along Rees James Road.

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E1

biosecurity impact has the same meaning as in the *Biosecurity Act 2015*

biosecurity risk means the risk of a biosecurity impact occurring

Note: **biosecurity risk** has the same meaning as in the *Biosecurity Act 2015*

habitable room as defined by the **NSW Floodplain Development Manual 2005** and the current Building Code of Australia means a room used for normal domestic activities, and -

- a. In a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, music room, television room, sewing room, study/ office, playroom, family room, home theatre room, and sunroom, bedroom or workroom. includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
- b. In an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damages in the event of a flood. excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Note: the **habitable room** definition excludes areas such as a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods: the NSW Floodplain Development Manual 2005 provides the following definition for industrial and commercial situations: an area used for offices or to store valuable possessions susceptible to flood damages in the event of a flood.

non-rural areas for the purposes of Part B1 – Tree Management means the following land-use zones under the **Local Environmental Plan** and as specified in *SEPP (Vegetation in Non-Rural Areas) 2017 (Biodiversity and Conservation) 2021*:

- RU5 Village
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- IN1 General Industrial
- IN2 Light Industrial
- IN4 Working Waterfront
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure
- RE1 Public Recreation

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E1

- RE2 Private Recreation
- E2C2 Environmental Conservation
- E3C3 Environmental Management
- E4C4 Environmental Living

noxious weeds is a plant declared by an order under section 7 of the *Noxious Weeds Act 1993* to be a noxious weed. Note: **noxious weeds** has the same meaning as in the *Noxious Weeds Act 1993*.

NSW Weedwise refers to the Department of Primary Industries database which provides key information to identify weeds

pest has the same meaning as in the *Biosecurity Act 2015*

bulky goods specialised retail premises has the same meaning as specialised retail premises in the *Local Environmental Plan*

undesirable species means the following:

- Tree of Heaven—*Alionthus altissima*
- Camphor Laurel—*Cinnoamomum camphora*
- Cotoneaster—*Cotoneaster spp.*
- Coral Tree—*Erythrina spp.*
- Rubber Tree—*Ficus elastica*
- Privet—*Ligustrum spp.*
- Oleander—*Nerium oleander*
- Slash pine—*Pinus elliotii*
- Radiata pine—*Pinus radiata*
- Willow—*Salix babylonica, Salix matsudana tortuosa* and *Salix spp*
- Umbrella Trees—*Schefflera spp*
- Cocos Palm—*Syagrus romanzonffianum*
- Rhus Tree—*Toxicodendron succedaneum*

vegetation management plan (VMP) means a **vegetation management plan** as described under the Port Stephens Council **vegetation technical specification² tree technical specification¹**

vegetation technical specification means the Port Stephens Council Vegetation Technical Specification. The Specification is available from the Port Stephens Council Website.

weeds means a plant that is a pest

Note: **weeds** has the same meaning as in the *Biosecurity Act 2015*

E3 Reference List

1. PSC.2014, 'Tree Technical Specification'
2. PSC.2014, 'Vegetation Technical Specification'
3. PSC.N/A, 'Significant Tree Register'
4. PSC.2014, 'Landscape Technical Specification'
5. PSC.2022, 'Biosecurity Technical Specification'
6. PSC.2014, 'Nest Box Technical Specification'
7. PSC.2014, 'Noxious Weeds Technical Specification'
8. PSC.2013, 'Mosquito Management Technical Specification'
9. NSW Department of Environment and Conservation. 2004, 'Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities'
10. Hunter & Central Coast Regional Environmental Management Systems. 2002, 'Lower Hunter & Central Coast Regional Fauna & Flora Survey Guidelines'
11. PSC. 2002, 'Comprehensive Koala Plan of Management'
12. PSC N/A, 'Infrastructure Specification--Design'
13. NSW Government. 2003, 'Coastal Design Guidelines for NSW'
14. PSC.2011, 'Port Stephens Council On-site Sewage Development Assessment Framework'
15. Environment Protection Authority. 2000, 'NSW Industrial Noise Policy'
16. NSW Department of Primary Industries – Office of Water. 2012, 'Guidelines for riparian corridors on waterfront land'
17. PSC.2004, 'On-site Sewage Management Policy'
18. PSC.2011, 'On-site Sewage Management Technical Manual'
19. NSW Department of Water and Energy. 2008, 'NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises'
20. Office of Environment and Heritage. N/A, 'Statements of Heritage Impact'
21. Australian Standard. 2015, 'Acoustics – Aircraft noise intrusion – Building siting and construction'
22. Williamstown Aerospace Park Landscape Master Plan
23. PSC. 2004, 'Karuah Commercial Centre Landscape Plan'
24. Williamstown Aerospace Park Flood Assessment and Stormwater Strategy
25. PSC. 2017, 'Application for Maintenance and/or Minor Works Affecting a Heritage Item or Conservation Area'

Explanation of Amendments

Draft Port Stephens Development Control Plan 2013

NO. EXPLANATION OF AMENDMENTS

1 Whole document

1. Amend references to environmental land use zones
2. Amend references to State Environmental Planning Policies

Explanation: The Department of Planning and Environment (the Department) have amended the names of environmental land use zones from E1, E2, E3 and E4 to C1, C2, C3 and C4 respectively. Additionally, several State Environmental Planning Policies (SEPPs) have been repealed.

2 B1 Tree Management – whole chapter

1. Amend the approval pathways for the clearing and/or pruning of trees
2. Amend assessment requirements for the removal and/or pruning of trees

Explanation:

The Tree Management chapter has been updated to improve its overall clarity and accuracy. Figure BA, which identifies the approval requirement thresholds for the removal of trees, has been updated to provide greater detail on approval requirements and further clarification on whether Council, or another government agency can issue approval. The additional detail also responds to questions that are frequently asked by the community.

Section B1.B of the DCP details the matters council has regards for in the assessment of tree removal. The controls under this section have been separated into three new controls that provide a clearer summary of the difference in the assessment of tree notifications and tree applications and clarifies the matters that cannot be used to justify tree removal.

3 B2 Natural Resources

1. Amend Section B2.C Noxious weeds

Explanation:

Section B2.C Noxious weeds has been renamed B2.C Biosecurity risks (weeds). The section has been also been updated to align terminology with the Biosecurity Act 2015, which replaced the Noxious Weeds Act 1993.

NO. EXPLANATION OF AMENDMENTS

4 B3 Environmental Management

1. Delete Section B3.A Acid sulfate soils

Explanation:

Section B3.A Acid sulfate soils and control B3.1 of the DCP summarises requirements from clause 7.1 of the Port Stephens Local Environmental Plan 2013 (LEP). The DCP controls have been removed as they are redundant and do not provide any further guidance than the LEP.

5 B4 Drainage and water Quality

1. Add the following note to B4.2:
 - Note: Pre-development is prior to any development occurring on the land.
2. Delete note from control B4.3
3. Amend control B4.7 to require modelling
4. Delete control B4.8 and references to B4.8
5. Amend Figure BE Water quality table to improve clarity

Explanation:

Control B4.2 provides guidance on when on-site detention / on-site infiltration is required and refers to pre-development. An explanation of pre-development was required to prevent confusion and confirm it means prior to any development occurring on the land.

The note under B4.3 requiring a neutral or beneficial effect on water quality to be designed for all storm events was removed as it was incorrect. Control B4.3 relates to water quantity rather than water quality. Removing the note does not change the application of B4.3, but improves clarity and accuracy.

Control B4.7 has been amended to specifically require 'modelling' to be submitted to demonstrate how water quality targets have been achieved instead of 'evidence'. This provides more clarity for the type of evidence required.

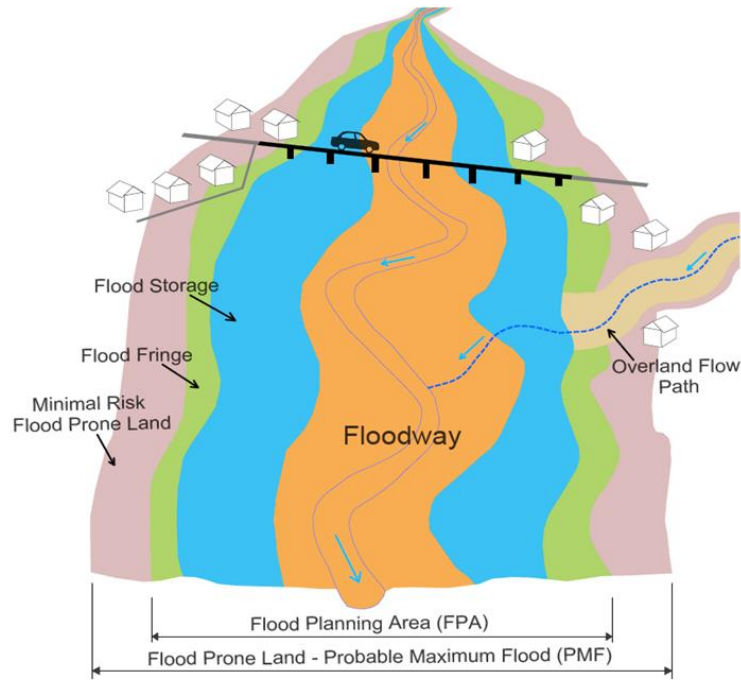
Control B4.8 incorrectly implied on-site detention / on-site infiltration may not be required under certain circumstances. The control created unnecessary confusion and its removal will improve clarity and water quality outcomes. Any notes referring to control B4.8 have also been removed.

Figure BE provided guidance on water quality targets for different types of development or site area. Due to the inclusion of development types and lot sizes the table was confusing to interpret. It has been amended to remove the first three rows which related to development types as they duplicated control B4.5. The figure and column heading was also amended to clarify the table relates to subdivision.

NO. EXPLANATION OF AMENDMENTS

6 B5 Flooding

1. Remove references to flood prone land subject to further investigation
2. Provide clarity around the PMF, FPA and their relationship with hazard categories



Explanation:

Flood prone land subject to further investigation is a flood hazard category that was previously used for land that Council did not have adequate technical data for to define. This category no longer exists as Council has now defined the flood hazard category of all land in Port Stephens.

Chapter B5 Flooding includes several technical terms to describe flood affected land. There are flood hazard and hydraulic categories that indicate the potential severity of a flood event and the type of flooding impacts such as low hazard flood fringe or high hazard floodway. There are also definitions for flood affected land being flood prone land (PMF) which includes all flood affected land and the Flood Planning Area (FPA) which includes land below the 1% AEP flood event in the year 2100 plus freeboard. Figure BH below, has been updated to clarify the relationship between flood hazard categories and flooding planning areas.

ITEM 2 - ATTACHMENT 2 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS

7 B6 Williamstown RAAF Base - Aircraft Noise and Safety

1. Delete control B6.3 noise reduction limits

Explanation:

Chapter B6 identifies indoor maximum sound levels for land affected by aircraft noise. Control B6.3 set noise attenuation limits on development for dwellings. Dwellings requiring a reduction of more than 30 dB(A) in sleeping areas or 35 dB(A) in habitable spaces was identified as unreasonable by the control. Control B6.3 goes beyond the Australian Standard for aircraft noise intrusion (AS 2021). The Land and Environment Court deemed the control B6.3 as inappropriate as it was demonstrated reductions greater than these limits good be achieved.

8 B7 Heritage

1. Amend Control B7.5 as follows:

Development controls	
B7.5	Where development involves ground disturbing works significant cut , being greater than 2m, under B3.4 of the SEE addresses the following matters:

Explanation:

Control B7.5 has been amended to be in accordance with the Due Diligence code of practice for the protection of Aboriginal Objects in NSW. The proposed control refers to development that involves 'ground disturbing works' instead of 'significant cut' as a trigger for additional information to be provided.

9 B8 Road Network and Parking

1. Amend Figure BU as follows:
 - Figure BU On-site parking requirements

Development type	Parking requirements	Accessible parking
Commercial premises		
bulky goods specialised retail premises	<ul style="list-style-type: none"> • 1 car space per 55m² floor area • 1 bike space per 20 employees 	<ul style="list-style-type: none"> • 1 car space per 30 parking spaces
food and drink premises, including restaurants, cafes and take-away drink premises	<ul style="list-style-type: none"> • 1 car space per 2025m² floor area within commercial premises (where no seating is provided) • 1215 car spaces per 100m² floor area or 1 car space per 43 seats (whichever is greater) outside of commercial premises • Minimum queuing area of 5 cars for drive-thru • 1 bike space per 200m² 	<ul style="list-style-type: none"> • 1 car space per 30 parking spaces

ITEM 2 - ATTACHMENT 2 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS		
Development type	Parking requirements	Accessible parking
Commercial premises		
pub and registered clubs	<ul style="list-style-type: none"> 1 car space per 7m² of floor area within commercial centres 1 car space per 40m² courtyard / beer garden within commercial centres 1 car space per 3.5m² of floor area outside of commercial centres 1 bike space per 25m² bar area 1 bike space per 100m² courtyard/ beer garden 1 car space per 10m² of public or licenced floor area 1 car space per accommodation unit 1 bike space per 20 accommodation units rooms 	1 car space per 20 parking spaces
veterinary premises and health consulting rooms	<ul style="list-style-type: none"> 3 car spaces per practitioner 1 car space per 2 employees not a practitioner 2 bike spaces per 10 practitioners and other employees not practitioners 	1 car space per 10 car spaces
Industry		
rural industry	<ul style="list-style-type: none"> Merit-based approach 1.3 per 100sqm 	No requirement
light industry	<ul style="list-style-type: none"> 1 car space per 100m² or 1 car space for each per employee (whichever is greater) 1 bike space per 20 employees 	No requirement
Infrastructure		
community facilities	<ul style="list-style-type: none"> Merit-based approach 	1 car space per 20 car spaces
place of public worship	<ul style="list-style-type: none"> Merit-based approach 1 car space per 5m² of public area or 1 per 5 seats (whichever is greater) 1 bike space per 10 employees and visitors 	1 car space per 20 car spaces
Tourist and Visitor Accommodation		
hotel or motel accommodation, serviced apartments and eco-tourist facilities	<ul style="list-style-type: none"> 1 car space for each per accommodation unit 1 car space per 2 employees 1 bicycle space per 20 accommodation units 	1 space per 20 parking spaces
serviced apartments	Refer to LEP 7.13 Serviced apartments SEPP 65 Design Quality of Residential Apartment Development (2002)	

Note: Accessible parking can be provided within the total parking requirements.

- Add a note to Control B8.4 as follows:
 - Note: Where a development proposes ancillary uses, additional parking is to be provided in accordance with that development type as required in Figure BU
- Amend Control B8.12 to include 'or' between each trigger

Explanation:

Chapter B8 Road network and parking provides guidance to ensure development provides adequate on-site parking. Figure BU provides parking requirements to guide development in planning for on-site parking.

ITEM 2 - ATTACHMENT 2 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS

Figure BU has been amended to reduce the potential for misinterpretation. Parking requirements for food and drink premises, pubs and clubs were unnecessarily complicated and have been simplified to improve clarity and reduce potential conflict. Development types triggering a merit based approach have either been removed as they provide no guidance for applicants or have been updated to provide specific requirements.

The note added beneath the table is to clarify that accessible parking is not in addition to parking requirements, but instead can be incorporated within them.

The note added to Control B8.4 is to clarify that developments proposing multiple uses, such as a light industry with an ancillary restaurant, would need to meet the parking requirements for both light industry and restaurants.

Control B8.12 provides guidance on parking access. The control has been amended to include 'or' between the potential triggers for increasing driveway widths to provide clarity and improve accuracy.

10 C1 Subdivision

1. Amend Figure CB as follows:
 - Figure CB Battle-axe lot requirements

	Entry width	Max length	Misc.	Torrens
Dwelling house Dual occupancy	3.6m	30m	Max 2 dwellings	Max 3
Multi dwelling housing Residential flat building	6m	50m	-	-
Business Industrial	10m	-	-	Max 3
Rural - less than 2 lots or less	6.5m	200m	-	Max 3 ²
Rural - greater than 3 lots	10m	200m	-	Max 3

Explanation:

Figure CB Battle-axe lot requirements contained inaccurate and conflicting details. The figure has been amended to correct these inconsistencies.

ITEM 2 - ATTACHMENT 2 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS

11 C3 Industrial

1. Amend Control C3.1 as follows:

Development controls	
Building height	
C3.1	Maximum height limit of 15m or a merit-based approach is taken where no height limit is specified under the <i>Local Environmental Plan</i> clause 4.3 Development must not exceed a height of 15m
Note: The <i>Local Environmental Plan</i> clause 4.3 Height of buildings overrides this requirement, if a height is specified	

Explanation:

The language in Control C3.1 has been amended to be consistent with the equivalent controls for building height in the commercial and residential chapters of the DCP. The maximum height limit has not been amended.

12 C5 Multi dwelling housing or seniors housing

1. Amend note in the chapter application to reference the Apartment Design Guide
2. Amend Control C5.6 and insert new Control C5.10 as follows:

Development controls	
Front setback	
C5.6	Minimum 4.5m front setback from the front property line or the existing average building line (whichever is less) for 75% of the building facade. The remaining 25% of the facade may allow a 2m encroachment provided the encroachment contains habitable rooms , terraces, balconies or bay windows.
Front setback encroachment	
C5.10	Maximum 1.5m encroachment of front setback for architectural features, such as an entry porch or deck

Explanation:

The note in the chapter application has been amended to reference the Apartment Design Guide. The Apartment Design Guide was prepared by the Department of Planning and Environment in conjunction with SEPP No 65 to provide consistent planning and design standards for apartments across NSW.

The setback controls for multi dwelling and seniors housing have been amended to be consistent with the equivalent controls in Chapter C4 Dwelling house, secondary dwelling, or dual occupancy. The amendment provides clearer and more consistent guidance for development.

NO. EXPLANATION OF AMENDMENTS

13 C8 Ancillary Structures

1. Insert new controls for carports as follows:

Carports	
C8.6	Except as provided for in C8.12, carports should be located a minimum of 1m behind the building line
C8.7	Minimum side and rear setback of 0.9m Note: Carports may be located within 0.9m of the boundary where they do not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale or overshadowing
C8.8	Maximum height of 3.6m, or if attached to a single storey dwelling , be no higher than the roof gutter line
C8.9	If the carport fronts the street, the opening must not exceed more than 6m or 50% of the building frontage, whichever is less
C8.10	The design of carport must be integrated with the existing dwelling
C8.12	Carports may be located in the front setback where the following can be demonstrated: The carport cannot be reasonably located behind the building line The carport is set back 2m from the front boundary The design of carport is consistent with the existing dwelling The carport is connected to a driveway The carport does not impact sight lines for pedestrians or other vehicles, does not obscure any view from a habitable room to the street, and has at least 3 open sides

Explanation:

Chapter C8 Ancillary Structures has been amended to include development controls for carports. The current DCP does not include controls for carports which creates uncertainty in what may or may not be approved for customers. The new controls encourage carports behind the building line of dwellings to reduce visual impact from the street but also provide some flexibility in their location where this cannot be achieved.

NO. EXPLANATION OF AMENDMENTS

14 D12 Richardson Road - Raymond Terrace

- 1. Amend Chapter D12 Richardson Road - Raymond Terrace

Explanation:

Chapter D12 Richardson Road - Raymond Terrace has been amended to include additional land to the east. This land is zoned R2 Low Density Residential but has not previously been subdivided due to aircraft noise impacts. The land falls within the 20-25 and 25-30 Australian Noise Exposure Forecast (ANEF) contours. Land affected by ANEF contours greater than 25 are considered unacceptable in the Australian Standard for Aircraft Noise (AS 2021).

A recent development application for a twenty-two lot subdivision in this area was refused by Council due to aircraft noise impacts but was overturned and approved by the Land and Environment Court. The remaining affected land may have similar opportunity for development.

The DCP chapter for Richardson Road has been amended to include this additional land to provide guidance for future subdivisions. If development of this land is to occur in the future, it needs to be coordinated to ensure future housing development does not negatively affect the existing road network. In particular, future access to Richardson Road needs to be limited to one additional intersection.



The proposed road layout and indicative intersection identified above have been developed in coordination with Transport for NSW.

The proposed amendments to the objectives and controls for the chapter provide stronger guidance for future development to ensure the subdivision of multiple lots can achieve a cohesive and compatible overall subdivision and road layout.

NO. EXPLANATION OF AMENDMENTS

15 E1 Glossary

1. Delete definitions for noxious weeds and undesirable species
2. Insert a definition for biosecurity risk as follows:
 - **biosecurity risk** means the risk of a biosecurity impact occurring
3. Insert a definition for weeds as follows:
 - **Weeds** means a plant that is a pest
4. Amend the definition of habitable room as follows:
 - habitable room as defined by the current Building Code of Australia means a room used for normal domestic activities, and -
 - a) includes a bedroom living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
 - b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Note: the NSW Floodplain Development Manual 2005 provides the following definition for industrial and commercial situations: an area used for offices or to store valuable possessions susceptible to flood damages in the event of a flood.

Explanation:

The definitions for noxious weeds and undesirable species have been deleted as these terms are no longer used in the DCP. The terms biosecurity risk and weeds have been added to the glossary to replace noxious weeds and undesirable species.

The definition of habitable room has been amended to be consistent with the current Building Code of Australia.

16 E3 References

1. Amend E3 References

Explanation:

The reference list has been amended to delete items that are no longer referenced within the DCP as well as to include new items.

ITEM NO. 3

**FILE NO: 22/228714
EDRMS NO: PSC2021-02594**

COMMUNITY FUNDING PROGRAM (ROUND 1) 2022

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the provision of financial assistance from applications received for the Community Support Fund 2022 to 2023 (round 1) under Section 356 of the Local Government Act 1993.
 - a) \$5,530 to Christian Outreach Centre - Global Care – Foodcare
 - b) \$2,400 to Sunnyfield Disability Services – Creative Minds
 - c) \$2,950 to Caring for Port Stephens Youth (COPSY) – Strengthening COPSY youth mental health organisation and marketing
 - d) \$4,000 to Hume Community Housing – Raymond Terrace Seniors Hub
 - e) \$5,000 to Gan Gan Family Centre – My Port Stephens ABC's
 - f) \$5,000 to Raymond Terrace Community Church Incorporated – Community Christmas hampers
 - g) \$1,500 to Disabled is officially Riding for the Disabled Association (NSW) – First Aid equipment
- 2) Approves the provision of financial assistance from applications received for the Environmental Projects Fund 2022 to 2023 (round 1) under Section 356 of the Local Government Act 1993.
 - a) \$3,540 to Tilligerry Landcare (Group) – Reducing Fox numbers on Tilligerry Peninsula
 - b) \$5,000 to Hunter Region Botanic Gardens – Growing the Rainforest Gardens at our Botanic Gardens HRBG
 - c) \$2,500 to Bobs Farm Public school – Growing Bobs Farm
 - d) \$4,000 to Mambo Wanda Wetlands Landcare Group – Wanda Wetlands Fishbone Fern
 - e) \$4,965 to Soldiers Point-Salamander Bay Landcare Group, Port Stephens Council – Soldiers Point Leonard Everitt Park Enhancement Project.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the round 1 recipients of the Community Support Fund and Environmental Projects Fund for 2022.

ORDINARY COUNCIL - 8 NOVEMBER 2022

The Community Support Fund aims to build sustainable local communities and environments, which in turn enhances the wellbeing of the Port Stephens community. This grant welcomes applications from community groups and not-for-profit organisations seeking support for projects, activities and events that address community and environmental needs.

Round 1 of the programs opened on 29 August 2022 and closed 30 September 2022, in conjunction with several other grant streams including the:

- Vibrant Spaces Fund
- The Community Event Development Fund
- My Incredible Place Micro Fund

A total of 11 applicants applied for the Community Support Fund and 8 for the Environmental Projects Fund.

The assessment panel for the Community Support Fund includes assessment by a panel of Councillors, 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 2022. A total of \$26,380 is recommended for funding.

Table 1: Community Support Fund recommended projects			
Organisation	Project Title	Amount	Brief Description
Christian Outreach Centre - Global Care	Foodcare	\$5,530	Fridge and freezer purchase to support expansion of food program.
Sunnyfield Disability Services	Creative Minds	\$2,400	Circuit machines & art and craft resources for art workshops for people with a disability.
Caring for Port Stephens Youth (COPSY)	Strengthening COPSY youth mental health organisation and marketing	\$2,950	This project will help to provide the information and communication technology that is needed to grow the service.
Hume Community Housing	Raymond Terrace Seniors Hub	\$4,000	Programs to facilitate lasting social connections, community belonging, and active ageing.
Gan Gan Family Centre	My Port Stephens ABC's	\$5,000	The project seeks to create a book for children which encourages a sense of belonging. The book

Organisation	Project Title	Amount	Brief Description
			features our unique landmarks, animals and plants which will be depicted by alphabet.
Raymond Terrace Community Church Incorporated	Community Christmas hampers	\$5,000	Purchase items for Christmas hampers to help these families doing it tough over Christmas.
Riding for the Disabled Association (NSW)	First Aid equipment	\$1,500	Purchase of an AED Defibrillator and a First Aid Kit.

Table 2 below outlines the recipients recommended for the Environmental Projects Fund 2022. A total of \$20,005 is recommended to be allocated for funding in round 1.

Organisation	Project Title	Amount	Brief Description
Tilligerry Landcare (Group)	Reducing Fox numbers on Tilligerry Peninsula	\$3,540	Undertaking fox control in the bushland surrounding Mallabula Sports Complex.
Hunter Region Botanic Gardens	Growing the Rainforest Gardens at our Botanic Gardens HRBG	\$ 5,000	Creating a dry and cool temperate rainforest garden at the botanic gardens.
Bobs Farm Public school	Growing Bobs Farm	\$ 2,500	Rejuvenating our school garden space, including native plants and a worm farm and compost.
Mambo Wanda Wetlands Landcare Group	Wanda Wetlands Fishbone Fern	\$ 4,000	Remove weed species and restore area at Wanda Wetlands.
Soldiers Point-Salamander Bay Landcare Group,	Soldiers Point Leonard Everitt Park	\$ 4,965	Conduct weeding and plant out native local species at western

Table 2: Environmental Projects Fund recommended projects

Organisation	Project Title	Amount	Brief Description
Port Stephens Council	Enhancement Project		side of Soldiers Point peninsula.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2022
Thriving and safe place to live	Provide the Community Financial Assistance Program

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		From overall budget of \$90,000. Remaining funds will be distributed in Round 2, March 2023.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments in adopting the recommendations. Council provides financial assistance in accordance with Section 356(1) of the Local Government Act 1993. Council manages the Community Support Fund in accordance with the Grants and Donations policy.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that funds to successful applicants may not be expended or projects uncompleted and/or not acquitted.	Low	Manage grant administration process as per the grants procedure	Yes

There is a risk that unsuccessful applicants are displeased with Council decision-making	Low	Provide feedback and grant writing support to unsuccessful applicants	Yes
There is a risk that 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 environmental outcomes for the Port Stephens community through opportunities to generate social connections, and improvements for community wellbeing and to local environments.

CONSULTATION

Consultation with key internal stakeholders has been undertaken by the Vibrant Places and Natural Systems teams.

The program was promoted through existing community networks and media.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

**FILE NO: 22/230159
EDRMS NO: PSC2014-03407**

POLICY REVIEW: PORT STEPHENS ANNUAL AWARDS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Port Stephens Annual Awards policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Port Stephens Annual Awards policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Port Stephens Annual Awards policy dated 24 November 2020, Minute No. 254 should no submissions be received.

BACKGROUND

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

The purpose of this policy is to recognise groups and individuals that contribute to the achievement of Council's vision and articulate the criteria that guides the annual awards program.

The review follows a Notice of Motion at its meeting of 23 August 2022, Minute No. 230 **(ATTACHMENT 2)**, Council resolved to update the policy.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Community Partnerships	Support local community events that highlight and foster the creative and diverse nature of our community.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendation will not result in any financial or resource implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known legal or policy implications as a result of the proposed recommendation.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be damaged as a result of decisions made in relation to annual awards.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Recognition of groups and individuals that contribute to the achievement of Council's vision of: Port Stephens – a great lifestyle in a treasured environment.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Vibrant Places unit in conjunction with the wider Strategy and Environment section.

Internal

The Executive Team has been consulted to seek management endorsement.

External

In accordance with local government legislation the revised Port Stephens Annual Awards Policy will be placed on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Port Stephens Annual Awards Policy. [↓](#)
- 2) Minute No. 230, 23 August 2022. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 REVISED PORT STEPHENS ANNUAL AWARDS POLICY.



Policy

FILE NO: PSC2014-03407
TITLE: PORT STEPHENS ANNUAL AWARDS
OWNER: COMMUNICATIONS STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to recognise groups and individuals that contribute to the achievement of Council's vision of: Port Stephens - a great lifestyle in a treasured environment.
- 1.2 The awards recognise outstanding service, effort and achievements to groups, individuals and events that contribute to making our community a great place to live, work, play and grow.

2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens Council recognises outstanding contributions of members of the Port Stephens community through the delivery of an annual awards program. The peak award is the Freeman of Port Stephens, followed by the Citizen of the Year, the Young Citizen of the Year, and other awards that acknowledge social, cultural and environmental achievements. These annual awards provide opportunity for Council to formally recognise people who provide outstanding or distinguished service to the community and enhance community pride and spirit.

3. SCOPE:

- 3.1 Council plays a role in supporting individuals and groups that benefit the Port Stephens community.
- 3.2 Eligibility for Port Stephens community awards is based on community values criteria to ensure awards recipients are determined following a merit-based approach.

4. DEFINITIONS:

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

Annual awards program	Annual awards presented on Australia Day each year to formally recognise the efforts of groups and individuals from around our region.
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Policy

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ITEM 4 - ATTACHMENT 1 REVISED PORT STEPHENS ANNUAL AWARDS POLICY.



Policy

5. STATEMENT:

5.1 Port Stephens Council relies on community members to achieve its vision for Port Stephens. Council has a system of annual awards to recognise individuals and groups who, through outstanding effort, service and achievement, have contributed to the promotion of the community values of Port Stephens.

5.2 The Port Stephens Annual Awards Assessment Panel is comprised of:

- a) the Mayor (Chair)
- b) the General Manager
- c) 3 Councillors (one from each Ward), drawn from the 355(c) Port Stephens Australia Day Committee
- d) 3 community representatives, drawn from the 355(c) Port Stephens Australia Day Committee
- e) 1 Freeman of Port Stephens (by invitation of the Mayor).

5.3 The role of the panel is to receive and consider nominations in accordance with the criteria and recommend recipients for each category of award. Outstanding achievement or contribution towards Port Stephens' community values will be the principle basis for the awards. The community values are:

- a) honesty
- b) safety
- c) fairness
- d) community spirit
- e) friendliness
- f) having a say
- g) support and connectedness
- h) tolerance of difference
- i) sustainability
- j) life choices.

5.4 ~~The Mayor has delegated authority under this policy to determine the awards on the recommendation of the Port Stephens Annual Awards Assessment Panel.~~

The Port Stephens Annual Awards Assessment Panel has authority to determine Award winners across the award.

- a) **The Panel has final authority to determine each Award. In the event a winner is not unanimous, a vote will be taken, and the Mayor, or in their absence, their delegate, will have a second vote to select the winner in the event of an equality of votes.**
- b) **The Mayor retains delegated authority to determine the recipient of the Freeman of Port Stephens award only, on recommendation from the Panel.**
- c) **The Mayor and Council will be bound by the decision of the Panel, unless the Panel is recalled and agrees to change a recipient.**

Policy

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ITEM 4 - ATTACHMENT 1 REVISED PORT STEPHENS ANNUAL AWARDS POLICY.



Policy

6. RESPONSIBILITIES:

6.1 The Community Development and Engagement unit are responsible for the implementation, monitoring, evaluating and reviewing the policy.

7. RELATED DOCUMENTS:

7.1 Port Stephens Annual Awards Guidelines.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2014-03407	EDRMS record No.	TBC
Audience	Councillors, staff and community		
Process owner	Communications Strategy and Environment Section Manager		
Author	Community Development and Engagement Vibrant Places Coordinator		
Review timeframe	3 years	Next review date	November 2023
Adoption date	28 November 2000		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.	28 November 2000		Port Stephens Community Awards	657
2.	27 August 2002		Port Stephens Community Awards	349
3.	8 February 2011		Port Stephens Community Awards	011
4.	24 February 2015	Communications Section Manager	Port Stephens Community Awards	027

Policy

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ITEM 4 - ATTACHMENT 1 REVISED PORT STEPHENS ANNUAL AWARDS POLICY.

Policy



Version	Date	Author	Details	Minute No.
5.	11 September 2018	Communications Section Manager	<p>2.1 – Updated to reflect that each individual category was named in the context /background section of the policy. This was replaced with a general statement (see below) so changes can be made to award categories without the policy requiring review and further adoption by Council.</p> <p><i>'The peak award is the Freeman of Port Stephens, followed by the Citizen of the Year, the Young Citizen of the Year, and other awards that acknowledge social, cultural and environmental achievements'.</i></p>	285
6.	24 November 2020	Communications Section Manager	<p>2.1 - deleted 'will', 'further' and 'those' out of the paragraph.</p> <p>3.2 - deleted 'objective' and added 'community values' to this paragraph.</p> <p>4.1 - added into definitions: 'annual awards program'.</p>	254

Policy

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ITEM 4 - ATTACHMENT 1 REVISED PORT STEPHENS ANNUAL AWARDS POLICY.



Policy

Version	Date	Author	Details	Minute No.
7.	TBC	Strategy and Environment Section Manager	<p>Policy/process ownership and author updated to reflect correct section of council.</p> <p>Policy updated to reflect Council resolution following ordinary Council meeting – 23 August 2022.</p> <p>1.3– added ‘To make community awards in line with the recommendation’.</p> <p>5.4 – deleted ‘The Mayor has delegated authority under this policy to determine the awards on the recommendation of the Port Stephens Annual Awards Assessment Panel.’, amended to ‘The Port Stephens Annual Awards Assessment Panel has authority to determine Award winners across the award.’, added ‘a) The Panel has final authority on who is to receive each Award. In the event a winner is not unanimous, a vote will be taken, and the Mayor or, in their absence, their delegate, will have a second vote to select the winner in the event of an equality of votes. b) The Mayor retains delegated authority to determine the recipient of the Freeman of Port Stephens award only, on recommendation from the Panel. c) The Mayor and Council will be bound by the decision of the Panel, unless the Panel is recalled and agrees to change a recipient.’</p>	TBC

Policy

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MINUTES ORDINARY COUNCIL - 23 AUGUST 2022

NOTICE OF MOTION

ITEM NO. 3

FILE NO: 22/214597

EDRMS NO: PSC2021-04195

ANNUAL AWARDS POLICY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that Council has a policy titled "Port Stephens Annual Awards Policy".
- 2) Notes that this policy creates the Port Stephens Annual Awards Assessment Panel, which is comprised of the Mayor, the General Manager, 3 councillors (1 from each ward), 3 community representatives, and 1 Freeman of Port Stephens.
- 3) Notes that in 2021, for the 2022 Awards, the Mayor recommended an individual for Sports Person of the Year, to which the Panel unanimously agreed.
- 4) Notes with confusion and intense interest, that when the Awards were announced on Australia Day, the Mayor had used his power under the policy at 5.4, and the Delegations Instrument at Schedule 1 point 3, to provide that award to an organisation that was not discussed at the Panel meeting.
- 5) Agrees that the Panel should have the power to select the winners of the awards, without the Mayor overruling the panel at a later date with no oversight or consultation with those who gave up hours of their time to assess the nominees and meet to discuss and decide on the winners.
- 6) Agrees to amend 5.4 of the Policy to read as follows:
 - a. The Panel has final authority on who is to receive each Award. In the event a winner is not unanimous, a vote will be taken, and the Mayor or, in their absence, their delegate, will have a second vote to select the winner in the event of an equality of votes.
 - b. The Mayor retains delegated authority to determine the recipient of the Freeman of Port Stephens Award only, on recommendation from the Panel.
 - c. The Mayor and Council will be bound by the decision of the Panel, unless the Panel is recalled and agrees to change a recipient.

MINUTES ORDINARY COUNCIL - 23 AUGUST 2022

- 7) Agrees to amend Port Stephens Council's Delegation Instrument as follows:
- a. Schedule 1 point 3 to read, "To make community awards in line with the recommendation".
- 8) Agrees to place the amendments on public exhibition for a period of 28 days, and should there be no submissions, make the changes. If any submissions are received, the policy amendment is to return to Council for endorsement.

ORDINARY COUNCIL MEETING - 23 AUGUST 2022
MOTION

230	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Notes that Council has a policy titled "Port Stephens Annual Awards Policy". 2) Notes that this policy creates the Port Stephens Annual Awards Assessment Panel, which is comprised of the Mayor, the General Manager, 3 councillors (1 from each ward), 3 community representatives, and 1 Freeman of Port Stephens. 3) Agrees that the Panel should have the power to select the winners of the awards, without the Mayor overruling the panel at a later date with no oversight or consultation with those who gave up hours of their time to assess the nominees and meet to discuss and decide on the winners. 4) Agrees to amend 5.4 of the Policy to read as follows: <ol style="list-style-type: none"> a. The Panel has final authority on who is to receive each Award. In the event a winner is not unanimous, a vote will be taken, and the Mayor or, in their absence, their delegate, will have a second vote to select the winner in the event of an equality of votes. b. The Mayor retains delegated authority to determine the recipient of the Freeman of Port Stephens Award only, on recommendation from the Panel. c. The Mayor and Council will be bound by the decision of the Panel, unless the Panel is recalled and agrees to change a recipient.
------------	--

MINUTES ORDINARY COUNCIL - 23 AUGUST 2022

	<p>5) Agrees to amend Port Stephens Council's Delegation Instrument as follows:</p> <p>a. Schedule 1 point 3 to read, "To make community awards in line with the recommendation".</p> <p>6) Agrees to place the amendments on public exhibition for a period of 28 days, and should there be no submissions, make the changes. If any submissions are received, the policy amendment is to return to Council for endorsement.</p>
--	---

Councillor Leah Anderson left the meeting at 8:55pm.
 Councillor Leah Anderson returned to the meeting at 8:57pm.
 Councillor Chris Doohan left the meeting at 8:57pm.

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

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING - 23 AUGUST 2022
MOTION

231	<p>Mayor Ryan Palmer Councillor Giacomo Arnott</p> <p>It was resolved that the Council meeting be extended to 9:30pm.</p>
------------	--

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: BROCK LAMONT – ACTING STRATEGY & ENVIRONMENT SECTION MANAGER

BACKGROUND

Port Stephens Council recognises outstanding contributions of members of the Port Stephens community through the delivery of an annual awards program. These annual awards provide opportunity for Council to formally recognise people who

MINUTES ORDINARY COUNCIL - 23 AUGUST 2022

provide outstanding or distinguished service to the community and enhance community pride and spirit.

The awards are guided by the Port Stephens Annual Awards Policy (**ATTACHMENT 1**) and Guidelines. In relation to determination of awards the current policy states:

5.2 The Port Stephens Annual Awards Assessment Panel is comprised of:

- a. the Mayor (Chair)
- b. the General Manager
- c. 3 Councillors (1 from each Ward), drawn from the 355(c) Port Stephens Australia Day Committee
- d. 3 community representatives, drawn from the 355(c) Port Stephens Australia Day Committee
- e. 1 Freeman of Port Stephens (by invitation of the Mayor).

5.3 The role of the panel is to receive and consider nominations in accordance with the criteria and recommend recipients for each category of award. Outstanding achievement or contribution towards Port Stephens' community values will be the principle basis for the awards.

The community values are:

- honesty
- safety
- fairness
- community spirit
- friendliness
- having a say
 - support and connectedness
 - tolerance of difference
 - sustainability
 - life choices.

5.4 The Mayor has delegated authority under this policy to determine the awards on the recommendation of the Port Stephens Annual Awards Assessment Panel.

The Policy is scheduled for review in November 2023.

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 23 AUGUST 2022

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

ATTACHMENTS

- 1) Port Stephens Annual Awards Policy.

ITEM NO. 5

**FILE NO: 22/194576
EDRMS NO: PSC2022-02276**

POLICY REVIEW: CLIMATE CHANGE POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Climate Change Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Climate Change Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Climate Change Policy dated 8 September 2020, Minute No. 172 should no submissions be received.

BACKGROUND

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

The policy relates to Council's recognition that the climate in Australia is changing and that ongoing action is needed to ensure a sustainable future for Port Stephens.

Working in partnership with other councils, the community and all levels of government, Port Stephens Council is committed to responding to the challenges of climate change.

Council is committed to a climate change response as per Action E3.1.1.2 – Implement Climate Change Adaptation Action Plan encompassing mitigation and adaptation for Council and Community. The policy provides overarching guidance for the future direction of Council's approach to responding to a changing climate.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is currently no legal requirement for Council to implement a climate change response. However, Councils play an important role in reducing Australia's greenhouse gas emissions and creating environmentally sustainable regions to assist working towards NSW's goal of achieving net zero emissions by 2050.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the revised policy will lead to an inconsistent approach to responding to climate change impacts.	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 climate change and conflict with community expectation.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Responding to climate change protects the natural and built environment for the benefit of the community. This approach is expected to reduce potential damage to Council assets, disruption to the delivery of Council services, related costs and

adverse effects on the wellbeing of the community. The policy will guide initiatives endorsed by councils integrated planning and reporting framework.

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

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 Climate Change Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2012-01402 PSC2022-02276

TITLE: CLIMATE CHANGE POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 Port Stephens Council recognises that the climate in Australia is continuing to change and that ongoing action is needed to ensure a sustainable future for Port Stephens. Working in partnership with other Councils, the community and all levels of government, Port Stephens Council is committed to responding to the challenges of climate change.

2. CONTEXT/BACKGROUND:

- 2.1 Climate change is a significant global challenge that according to adopted NSW policy, directly impacts on community wellbeing, community assets, and the natural environment. Climate change contributes to increased sea level rise, storm intensity and frequency, and changes in rainfall patterns and bushfire behaviour.
- 2.2 Climate change presents challenges for Council to deliver quality outcomes for the local community. The consequences of climate change risk damage to Council assets, disruption to the delivery of Council services, increased costs, damage to important industries such as tourism and aquaculture, and impacts on the community's wellbeing.
- 2.3 To ensure Council's response to climate change risks are prioritised and maintained, it is important that they are embedded in Council's Enterprise Risk Management Framework and strategic planning processes.

3. SCOPE:

- 3.1 Port Stephens Council's approach to managing the risks of climate change will be guided by:
- Advice from the federal government and its departments and agencies, including the CSIRO and Bureau of Meteorology; state government departments and agencies; and local government representative bodies, including the Hunter Joint Organisation of Councils-
 - Information from the United Nations' Intergovernmental Panel on Climate Change (IPCC)-
 - Best practice case studies exhibited at all levels of government in Australia-
 - Evidence from credible and reliable sources of climate change data-

Policy

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Policy

- e) Feedback, advice and ideas submitted by local residents and businesses-
- f) Risk assessments undertaken by Port Stephens Council.

4. DEFINITIONS:

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

Climate Change	Any change in climate over time Long-term shifts in temperature and weather patterns, whether due to natural variability or as a result of human activity such as burning fossil fuels.
Intergovernmental Panel on Climate Change (IPCC)	The United Nations body for assessing the science related to climate change.
Risk	The chance of something happening that will have an impact on objectives. Risk is measured in terms of a combination of the consequences of an event and their likelihoods.
Carbon Neutral	No net release of greenhouse gas emissions into the atmosphere.

5. STATEMENT:

5.1 Port Stephens Council commits to:

- a) Consulting widely with local residents and businesses to raise awareness of climate change risks and strategies for effective climate change management, mitigation, and adaptation.
- b) Seeking feedback and ideas from the community on how to better manage, mitigate and build community resilience to climate change risks.
- c) Preparing and implementing a sustainability strategy and action plan to clearly communicate our sustainability actions, targets and performance indicators, including:
 - i. Preparing and implementing a Carbon Neutrality Strategy and Action Plan to clearly communicate our actions, targets and performance indicators to becoming and maintaining carbon neutral status
 - ii. Reviewing and maintaining a Climate Change Adaptation Action Plan.
- d) Reducing our contribution to climate change by implementing a range of sustainability projects.
- e) Preparing and implementing a Coastal Management Program to clearly communicate our actions, targets and performance in managing the coastal environment.

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Policy

- f) Regularly publishing our progress and achievements in managing climate change risks in alignment with the Integrated Planning and Reporting framework.
- g) Investigating and sourcing funding opportunities to support our climate change mitigation and adaptation projects.

6. 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 this 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 No 30
- 7.2 Port Stephens Council Community Strategic Plan
- 7.3 Asset Management Policy
- 7.4 Enterprise Risk Management Policy
- 7.5 Environment Policy
- 7.6 Coastal Management Act 2016 No 20
- 7.7 State Environmental Planning Policy (Coastal Management) 2018 State Environment Planning Policy (Resilience and Hazards) 2021
- 7.8 Biodiversity Conservation Act 2016 Biodiversity Conservation Act 2016 No 63
- 7.9 Climate Change Adaptation Action Plan
- 7.10 Carbon Neutral Action Plan.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2012-01402 PSC2022-02276	EDRMS record No.	20/254439 TBC
Audience	Councillors, staff and community		
Process owner	Strategy and Environment Section Manager		
Author	Environmental Officer		
Review timeframe	Two 3 years	Next review date	8 September, 2022 TBC
Adoption date	8 September, 2020		

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Policy



VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.	23 June 2020	Environmental Officer	New policy – first version. Endorsed for public exhibition.	114
2.	8 September 2020	Environmental Officer	Revised policy in response to public submissions. 2.1 – Removed references to 'potential risks'. Added community assets to list of impacted targets and re-arranged the order of targets. 2.2 – Added impacts to tourism and aquaculture industries 3.1 – Expanded the list of guiding organisations to include federal and state governments and their departments and agencies, and the Hunter Joint Organisation of Councils. Included commitment that Council approach would be based on credible and reliable evidence and data. 5.1 – (a)(b)(g) Included mitigation and adaptation.	172
3.	TBC	Environmental Officer	The policy has been updated in the new policy template and updates version control. Minor grammatical errors corrected. Policy Review including: 4.1 – Updated Climate Change definition in line with United Nations. Updated definitions to include Carbon Neutral and Coastal Management Program. 5.1 – Expanded Port Stephens Council commitments to include the preparation and implementation of a Carbon Neutrality Action Plan and	TBC

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Policy



Version	Date	Author	Details	Minute No.
			Strategy and a Coastal Management Program. 7. (7.1)(7.6)(7.7)(7.8)(7.10) – Amended to reflect changes in legislation names.	

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ITEM NO. 6

**FILE NO: 22/185345
EDRMS NO: PSC2022-02249**

POLICY REVIEW: ENVIRONMENTAL POLICY

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

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 8 December 2020, Minute Number 278, 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 and Council's commitment to maintaining and improving the natural environment by developing and implementing strategies to provide leadership and direction for improved environmental performance and sustainable outcomes.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to have 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.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
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 integrated planning and reporting framework, including the preparation of environmental strategies that will assist informing the work undertaken by Council and result in reducing impacts 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 PSC2022-02249

TITLE: ENVIRONMENT POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

1.1 Port Stephens Council is committed to achieving 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 4 principles underpinning ESD are principles underpinning ESD as identified by Local Government NSW are:

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Policy



- a) Precautionary principle – prevent environmental degradation and manage and mitigate risk
- b) Intergenerational equity – today's actions maintain or enhance the environment for future generations
- c) Conservation of biological diversity and ecological integrity
- d) Improved valuation and pricing of environmental resources and incentive mechanisms – recognising the value of the environment to the community
- e) Commit to the principles of the circular economy and minimise the consumption of finite natural resources.

2.5 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.~~ Whilst Council's approach to environmental risk is influenced by this policy, Council's Enterprise Risk Management Policy provides the overall direction on Council's systematic management of risk. Therefore, these 2 policies should be considered together.

3.3 Council has a dedicated environmental risk program, centred on the Environmental Management System (EMS). The EMS provides a set of tools to support risk-based decisions that appropriately consider Council's environmental, cultural and heritage objectives and operational threats. The program is designed to be compliant with relevant external obligations.

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Policy



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.
Circular economy	A model enhancing the production, assemblage, selling and usage of products to minimise waste and reduce environmental impact.
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.

5. 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 principles of Ecologically Sustainable Development.
- 5.4 Council meets all its statutory responsibilities under environmental legislation.

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Policy



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.

5.6 Council is committed to maintaining and improving the natural environment of Port Stephens by the development and implementation of strategies to provide leadership and direction for improved environmental performance and sustainable outcomes.

6. 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 Port Stephens Local Strategic Planning Statement

7.4 Asset Management Policy

7.5 Climate Change Policy

7.6 Commercial Operators Policy

7.7 Compliance Policy

7.8 Economic Development Policy

7.9 Heritage Policy

7.10 Enterprise Risk Management Policy

7.11 On-Site Sewage Management Policy

7.12 Pricing Policy

7.13 Procurement Policy

7.14 Property Investment Policy

7.15 LGNSW Policy Platform: Environment

7.16 Sustainable Energy Planning and Design for Projects and Activities.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2015-03964 PSC2022-02249	EDRMS record No.	20/254439 TBC
Audience	Councillors, staff and community		
Process owner	Strategy and Environment Section Manager		
Author	Environmental Officer		
Review timeframe	2 3 years	Next review date	December 2022 TBC
Adoption date	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
3.0	December 2020	Environmental Officer	1.1 – Deletion of the wording “its vision statement of” from the Purpose 2.5 – Deletion of LGNSW Interim Policy Statement and replacement with most current LGNSW Sustainability Position Statement 3.3 – Deletion of “Integrated” and replacement with “Enterprise” to reflect organisational changes	278

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Policy



Version	Date	Author	Details	Minute No.
			<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 functions, 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> <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>	
4.0	TBC	Environmental Officer	<p>The policy has been updated in the new policy template and updates version control</p> <p>Minor grammatical errors corrected</p>	TBC

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Policy



Version	Date	Author	Details	Minute No.
			<p>2.4 – Updated the Ecologically Sustainable Development principles in line with LGNSW Environment Fundamental Principles 2022</p> <p>2.5 – Deleted “(LGNSW Sustainability Position Statement)”</p> <p>3 – Deleted 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.” Moved 3.3 “Whilst Council's approach to environmental risk is influenced by this policy, Council's Risk Management Policy provides the overall direction on Council's systematic management of risk. Therefore, these 2 policies should be considered together.” to 3.2 and deleted “enterprise” operational threats. The program is designed to be compliant with relevant external obligations.”</p> <p>3 – Added 3.3 “Council has a dedicated environmental risk program, centered on the Environmental Management System (EMS). The EMS</p>	

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Policy



Version	Date	Author	Details	Minute No.
			<p>provides a set of tools to support risk-based decisions that appropriately consider Council's environmental, cultural and heritage objectives</p> <p>4.1 – Deleted definition for “Improved Valuation, Pricing and Incentive Mechanisms”</p> <p>5 - Added “5.6 Council is committed to maintaining and improving the natural environment of Port Stephens by the development and implementation of strategies to provide leadership and direction for improved environmental performance and sustainable outcomes.”</p> <p>5.3 – Deleted “4”</p> <p>7 – Added 7.3 “Port Stephens Local Strategic Planning Statement”</p> <p>7.15 – Added “Environment”.</p>	

Policy

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ITEM NO. 7

**FILE NO: 22/269530
EDRMS NO: PSC2017-00019**

BOOMERANG PARK BARBEQUE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Proceed with the installation of a barbeque, shelter and services at Boomerang Park playground.

BACKGROUND

The purpose of this report is to respond to a Notice of Motion raised at the 8 February 2022 Council Meeting, Minute No. 023 (**ATTACHMENT 1**) seeking a Council report on the provision of barbeque facilities within Boomerang Park.

The Boomerang Park Masterplan was adopted in 2016 and identifies barbeque facilities however these are yet to be realised. A decommissioned barbeque was removed from the park in May 2022 due to ongoing vandalism. There are currently no barbeques within the park.

Boomerang Park is identified as a Regional Park and is highly utilised throughout the year. The installation of barbeques would be consistent with Council's strategic framework and enhance the recreation and social opportunities within the park.

The installation of an accessible twin plate barbeque, shelter and services has been costed and may be funded through development contributions (Public Open Spaces, Parks and Reserves – All Catchments – OSF56 – Boomerang Park, Raymond Terrace – playground upgrade, park facilities improvements and skate park improvements). Should Council resolve to proceed, works may be completed this financial year.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and Facilities	Build Council's civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

The cost to install a twin plate barbeque, shelter and services is estimated at \$35,000. This is able to be funded through development contributions.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget			
Reserve Funds			
Developer Contributions (\$7.11)	Yes	\$35,000	Public Open Spaces, Parks and Reserves – All Catchments – OSF56 – Boomerang Park, Raymond Terrace – playground upgrade, park facilities improvements and skate park improvements.
External Grants			
Other			

LEGAL, POLICY AND RISK IMPLICATIONS

Potential risks to Council have been identified within the below table with appropriate treatments noted.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the installation of additional infrastructure will add to Council's asset maintenance liability.	Low	Utilise robust and durable materials suitable for public open space.	Yes
There is a risk that the recreational needs of the community are not being met by current facilities.	Low	Adopt the recommendations to install barbeques within Boomerang Park to support recreational activities and socialising.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The installation of barbeques at Boomerang Park will have positive social outcome by enhancing the recreational and social opportunities within existing open space. Environmental impacts are anticipated to be minor and will be managed in accordance with Council's environmental assessment framework.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Assets Section to determine the feasibility of the proposed works.

Internal

Undertaken with Public Domain Services and Services and Capital Works to determine scope of works, cost estimate and programming.

External

Undertaken with Raymond Terrace Parks, Reserves and Tidy Towns to seek in principle support for the proposed barbeque.

OPTIONS

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

ATTACHMENTS

- 1) Council Resolution - Boomerang Park BBQs - Minute No. 023 - 8 February 2022.



COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022

NOTICE OF MOTION

ITEM NO. 9

FILE NO: 21/288545

EDRMS NO: PSC2017-00019

BOOMERANG PARK BBQS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes that Boomerang Park Raymond Terrace is a beautiful, fantastic space which benefits all locals and visitors with its pathway network, recreation and exercise facilities, and natural beauty.
- 2) Asks the General Manager to prepare a report on whether BBQ facilities are adequately provided for in Boomerang Park, and to identify opportunities to increase quality BBQ facilities for public use.

**ORDINARY COUNCIL MEETING - 8 FEBRUARY 2022
MOTION**

023	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Notes that Boomerang Park Raymond Terrace is a beautiful, fantastic space which benefits all locals and visitors with its pathway network, recreation and exercise facilities, and natural beauty.2) Asks the General Manager to prepare a report on whether BBQ facilities are adequately provided for in Boomerang Park, and to identify opportunities to increase quality BBQ facilities for public use.
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The motion was carried.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

The purpose of this report is to provide background information to allow consideration of the Notice of Motion.

The Boomerang Park Masterplan was adopted by Council in April 2016. Since the adoption of the masterplan, a number of infrastructure improvements have been

**ITEM 7 - ATTACHMENT 1 COUNCIL RESOLUTION - BOOMERANG PARK
BBQS - MINUTE NO. 023 - 8 FEBRUARY 2022.****MINUTES ORDINARY COUNCIL - 8 FEBRUARY 2022**

made to the park. The masterplan does identify public barbeque facilities to be co-located with the playground, skate park and exercise equipment, however, these are yet to be realised.

The existing public barbeque facility in Boomerang Park is classed as being in very poor condition and in need of relocation and upgrade. It is currently situated at the top of the hill, near the old public amenities building and water tower.

Based on other asset rehabilitation and replacement priorities, this item is not currently listed within Council's 10 year Capital Works Program. Park facilities improvements (which would include a public barbeque replacement and upgrade) are listed within the adopted Development Contributions Plan for estimated delivery in 2025. To fast track the delivery of items from Council's various infrastructure plans, staff seek to identify and secure external grant funding which may deliver these improvements ahead of time.

The cost of providing a double plate, accessible public barbeque facility, shelter and footpath works is estimated at \$35,000.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

ITEM NO. 8

**FILE NO: 22/270082
EDRMS NO: PSC2017-00019**

POTHOLE IDENTIFICATION

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Await the outcomes of the pavement defect identification trials currently underway by the Institute of Public Works Australasia NSW (IPWEA).
- 2) Then determine if this method of pothole and pavement identification is efficient and suitable for Port Stephens Council.

BACKGROUND

The purpose of this report is to provide information on the use of cameras and artificial intelligence to identify potholes on Council's road network. This report follows a Notice of Motion raised by Council at its 22 March 2022 meeting, Minute No. 092 **(ATTACHMENT 1)**.

A number of councils in Australia have recently promoted the use of cameras and artificial intelligence to identify potholes in their road network. Consultation with a number of councils have found that they are in various stages of trialling and implementation. Their scope of works vary from just pothole identification to a future desire of including all pavement defects.

The majority of councils contacted use recorded video files that are collected and stored. The video data is later reviewed by staff in the office to determine if any potholes were present in the pavement. Some councils were only retrieving the video data if an insurance claim was made against the Council and used as evidence for condition.

The councils with the greatest success of pothole identification with artificial intelligence is still trialling other pavement defect identification to assist in the determination of the condition of the pavement.

The Institute of Public Works Australasia (IPWEA) is also managing a trial across NSW Councils for the use of cameras on vehicles for road network data capture. This trial is also looking at other pavement conditions defects. The aim is to better understand early pavement failures before they become a risk to the community and allow pavement practitioners to allocate funds more efficiently. Documented trials to date has shown that the visual assessment and data validation is over 70 percent accurate. It should be noted that since this trial, the anecdotal evidence says artificial

intelligence industry has progressed and greater accuracy is now possible. Further implementation is underway using this newer technology along with the assessment pavement defect information being gathered.

Currently, visual inspections of potholes within the Port Stephens area are identified predominately by Council staff whilst they are also undertaking other duties/asset condition inspections. These inspections are undertaken in accordance with Council's adopted Statewide Best Practice Manuals on road user safety risk mitigation. Potholes are also identified via other means such as customer notifications or during other required pavement inspections.

Given the volume of rain NSW has sustained of late, pothole numbers are high and the formation can occur within days. The number of potholes filled in the last financial year is in excess of 54,000 and are filled based on risk/roads hierarchy priority. Council staff are aware of additional works that could be undertaken to improve our pavements, though limited funds prevent these works from occurring.

Visual manual pothole inspections are only one of the suite of pavement inspections required in managing road user risk and pavement performance. Manual visual inspections will still be required until the artificial intelligence is able to identify and interpret holistic pavement defects. Hence turning data into knowledge for programs such as pothole repair, heavy patching, resealing and rehabilitation. Once this is possible, the decision to continue with visual manual vs artificial intelligence will be based on cost of implementation, frequency of inspection as well as any increased efficiencies in pavement repairs.

A camera system with artificial intelligence system that is able to include pavement defects, that can be converted into road maintenance programs, will revolutionise the way Council undertakes our road asset condition inspection, if the system is affordable and reduces our reliance on visual inspections.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide asset and engineering services to meet customer demand

FINANCIAL/RESOURCE IMPLICATIONS

The very initial estimate to enter into an agreement for vehicle cameras, artificial intelligence and data management is in excess of \$120,000 per annum (including GST) for a minimum of 2 years. Please be aware that monthly contracts are available in excess of \$20,000 per month (including GST). Noting that these figures are very indicative and not a quoted price. These figures do not include any data/system configuration into Council's network. Given the level of investment, it would be prudent to consider the outcome of the trial.

ORDINARY COUNCIL - 8 NOVEMBER 2022

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council does not own the garbage trucks and right now does not have the ability to place cameras on a third party vehicles. If cameras are required in the future, this will need to be part of future legal contractual arrangements with our waste contract company.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the current commercially available pavement defect detection systems will require addition financial and resources to manage/monitor.	Low	Adopt the recommendations	Yes
There is a risk that implementing a pothole camera based inspection system will still require pavement inspections to continue.	Low	Adopt the recommendations	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

There are no social, economic or environmental implications resulting from adopting the recommendation.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Asset Section to review prioritisation and estimated costs of works.

Internal

Consultation has been undertaken with Public Domain and Services Section.

External

Institute of Public Works Australasia (NSW).
Several NSW and QLD local governments.

OPTIONS

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

ATTACHMENTS

- 1) Council Resolution - Identifying Potholes - Minute No. 092 - 22 March 2022. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 8 - ATTACHMENT 1 COUNCIL RESOLUTION - IDENTIFYING
POTHoles - MINUTE NO. 092 - 22 MARCH 2022.**

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

NOTICE OF MOTION

ITEM NO. 7

FILE NO: 22/72839

EDRMS NO: PSC2021-04195

IDENTIFYING POTHoles

COUNCILLOR: LEAH ANDERSON

THAT COUNCIL:

- 1) Note that the process of identifying potholes can take time, be often relied upon by the general public to report them, and can lead to dangerous potholes not being reported in a timely manner.
- 2) Agrees that a method of identifying potholes without solely relying on reports from the public would ensure that dangerous potholes can be fixed quicker.
- 3) Acknowledge that at the Council Strategic Workshop on Saturday 12 February 2022, Cr Anderson provided an example of a proactive Council, Moreton Bay Council, that has technology via cameras on garbage trucks, to identify potholes and report them to Council via a computer system, and requested staff to look into this proactive method and its suitability.
- 4) Asks the General Manager to prepare a report on the cost and benefits of implementing a system of cameras on garbage trucks to:
 - a. Scan the roads as the trucks travel on them
 - b. Identify potholes
 - c. Send their size and location back to a computer system
 - d. Tag them based on their depth and size
 - e. Send them off to the maintenance team for review and repair
 - f. Provide frequent reports to councillors, residents and ratepayers as to this proactive pothole maintenance initiative, highlighting the number of potholes identified each month, and number of potholes filled, and the location.

**ORDINARY COUNCIL MEETING - 22 MARCH 2022
MOTION**

092	<p>Councillor Leah Anderson Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note that the process of identifying potholes can take time, be often relied upon by the general public to report them, and can lead to dangerous potholes not being reported in a timely manner.
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ITEM 8 - ATTACHMENT 1 COUNCIL RESOLUTION - IDENTIFYING POTHOLES - MINUTE NO. 092 - 22 MARCH 2022.

MINUTES ORDINARY COUNCIL - 22 MARCH 2022

	<p>2) Agrees that a method of identifying potholes without solely relying on reports from the public would ensure that dangerous potholes can be fixed quicker.</p> <p>3) Acknowledge that at the Council Strategic Workshop on Saturday 12 February 2022, Cr Anderson provided an example of a proactive Council, Moreton Bay Council, that has technology via cameras on garbage trucks, to identify potholes and report them to Council via a computer system, and requested staff to look into this proactive method and its suitability.</p> <p>4) Asks the General Manager to prepare a report on the cost and benefits of implementing a system of cameras on garbage trucks to:</p> <ul style="list-style-type: none">a. Scan the roads as the trucks travel on themb. Identify potholesc. Send their size and location back to a computer systemd. Tag them based on their depth and sizee. Send them off to the maintenance team for review and repairf. Provide frequent reports to councillors, residents and ratepayers as to this proactive pothole maintenance initiative, highlighting the number of potholes identified each month, and number of potholes filled, and the location.
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Note: Council resolved at its meeting of 22 February 2022 to conduct a trial of recording a division on all items for a period of 4 meetings.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND REPORT OF: TAMMY GUTSCHE – COMMUNITY SERVICES SECTION MANAGER

BACKGROUND

In 2019, Moreton Bay Regional Council implemented a program to provide a timely data collection method to facilitate improved and better targeted road maintenance and management. The initiative involved fitting waste trucks with videoing technology and using the latest in artificial intelligence to identify potential issues with the road network across the LGA.

Data is then provided back to Council's Asset Management system as defect records against the corresponding road records allowing for measured, timely and cost-effective management.

ITEM 8 - ATTACHMENT 1 COUNCIL RESOLUTION - IDENTIFYING POTHoles - MINUTE NO. 092 - 22 MARCH 2022.**MINUTES ORDINARY COUNCIL - 22 MARCH 2022**

Council's Facilities and Services Group has commenced investigations into this initiative, with discussions to be held with relevant councils, our waste service provider and relevant stakeholders to determine the cost and benefits of implementing such a system within Port Stephens.

A report can be provided to Council in the coming months.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

There being no further business the meeting closed at 9:33pm.

ITEM NO. 9

**FILE NO: 22/268003
EDRMS NO: PSC2017-00180**

COMMUNITY HALLS RESERVE

REPORT OF: TAMMY GUTSCHE - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to create a cash reserve dedicated to the operation and renewal of Council's Community Halls.

BACKGROUND

The purpose of this report is to seek Council's endorsement to create a cash reserve dedicated to the operation and renewal of Council's community halls.

This reserve will be an internal cash restriction which will hold any funds generated from the management of Council's community halls that are not managed by a 355c Committee of Council.

The funds will be used to pay for the routine running operational and maintenance costs of the halls and management of this service, as well as works on any of Council's halls. Any unspent funds at the end of the financial year are to be restricted for future operational and works on Council's community halls.

At present the following community halls are managed by Council:

- Anna Bay Hall.
- Fern Bay Community Centre.
- Mallabula Community Centre.
- Medowie Community Centre.
- Seaham School of Arts and Scouts Hall.
- Soldiers Point Community Hall.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Community Wellbeing	Provide a program of recreational, leisure and community services

FINANCIAL/RESOURCE IMPLICATIONS

There is no direct financial or resource implication for Council in relation to the creation of a Community Halls cash reserve.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal, policy or risk implications associated with the creation of a Community Halls cash reserve.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if funds are not made available via a reserve community facilities will not remain operational or maintained.	Medium	Create Community Halls Reserve in order to accumulate sufficient funding to operate and maintain community facilities.	Yes
There is a risk that community facilities deteriorate if regular maintenance and improvements are not undertaken.	Medium	Create Community Halls Reserve in order to accumulate sufficient funding to operate and maintain community facilities.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

By creating a Community Halls Reserve account, Council will be able to accumulate funds that will allow improvements and upgrades to the community facilities.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section for the purposes of investigating the potential to create a reserve account in order to accumulate sufficient funding to operate and maintain community facilities.

Internal

- Executive Team.
- Facilities and Services Group.
- Asset Section.
- Financial Services Section.

External

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

**FILE NO: 22/277188
EDRMS NO: PSC2021-04206**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral funds to the following:-
 - a. Shoal Bay Public School - Mayoral funds - \$500 donation towards awards for presentation day.
 - b. Anna Bay Public School - Mayoral funds - \$1680 donation towards sporting equipment for school.
 - c. Maitland District Cricket Umpires and Scorers Association – Mayoral funds - \$100 donation towards 2022-2023 fees and Indigenous shirts for umpires.

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:

ORDINARY COUNCIL - 8 NOVEMBER 2022**MAYORAL FUNDS – Mayor Palmer**

Shoal Bay Public School	Shoal Bay Public School is a local school offering education and programs to children K-6.	\$500	Donation towards awards for presentation day.
Anna Bay Public School	A group of community minded people, parents and citizens.	\$1680	Donation towards sporting equipment for school.
Maitland District Umpires and Scorers Association	Members of the Association umpire in the Port Stephens area.	\$100	Donation towards fees for the 2022-2023 season and Indigenous shirts for umpires.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake.
- b) the funding will directly benefit the community of Port Stephens.
- c) applicants do not act for private gain.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 11

**FILE NO: 22/266221
EDRMS NO: PSC2007-3163**

**WASTE MANAGEMENT CONTRACT VARIATION AND EXTENSION FOR
COLLECTION OF GREEN BINS**

REPORT OF: TAMMY GUTSCHE - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 11 on the Ordinary Council agenda namely Waste Management Contract Variation and Extension for Collection of Green Bins.
- 2) That the reasons for closing the meeting to the public to consider this item be that the discussion may include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of a tenderer and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the Local Government (General) Regulation 2005.
- 5) That pursuant to Section 55(3)(i) of the Local Government Act 1993:
 - a. Endorse the variation of the waste collection contract with Veolia to include implementation of a third bin collection and processing for Green Organics commencing 1 July 2023.
 - b. Endorse extension of the collection contract with Veolia until 29 June 2027, in line with the existing processing and recycling contracts on the basis this does not constitute a new contract, it is unlikely competitive tenders can be attracted for only the Green Organics collection service and it would likely cost Council considerably more to effect collection and processing of the third bin as a standalone service.

BACKGROUND

The purpose of this report is to endorse variation of the waste collection contract with Veolia (previously Suez) to include the supply of Mobile Garbage Bins (MGB), the collection and processing of Green Organics (GO) waste as part of Council's supply and introduction of a green bin service. In addition, endorse the extension of the collection contract until 29 June 2027 in line with existing processing and recycling contracts.

Council and Sita Australia Pty Ltd (now Suez) entered into the agreement for Waste Collection and Waste Haulage Services (Collection Agreement) on 23 December 2014. The Collection Agreement ends on 29 June 2025 with a 2-year option that would extend the Collection Agreement to 29 June 2027.

In October 2021, Port Stephens Council adopted the Waste Management Strategy 2021-2031 (the strategy), which includes the implementation of a three-bin system. Feedback from public consultation that formed the strategy supported the implementation of a third bin within Port Stephens.

This aligns with the Environmental Protection Authority's strategy which mandates that all NSW Councils are to implement a Food Organic Green Organic (FOGO) services into their communities by 2030.

Since adoption of the strategy, investigations have been carried out into the impacts a third bin system would have on Council's financial, environmental, community and contractual arrangement. Key findings were:

- There are currently no viable operators for processing of FOGO materials in the region, however a number of facilities are planned to be operational within the next 3 to 4 years.
- The introduction of a third service in 2023 would require either the existing collection contract with Veolia to be expanded to include the servicing of a third bin and the supply and rollout of approximately 35,000 Mobile Garbage Bins or for tenders to be called for the service.
- It is highly unlikely competitive tenders can be attracted for the Green Organics collection service only for a 4 year period commencing in 2023.

Based on these findings, it is proposed to implement a Green Organics only service to the Port Stephens Community from 1 July 2023 and extend the existing Collection Agreement until 29 June 2027. Veolia have indicated they are capable of providing the service within the required timeframes of Council.

It is therefore recommended that Council extend and vary the current Collection Agreement and evoke the two-year extension as part of the third bin implementation, to align the collections and the processing contracts due for renewal in 2027, rather than call for tenders for the third bin service.

This would also allow Port Stephens Council to align all contracts within the waste services and advertise a major tender in 2027 for all services and include the processing component for a FOGO service.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Ecosystem function	Provide a Waste program to support the reduction of the community's environmental footprint

FINANCIAL/RESOURCE IMPLICATIONS

The GO collection services comprise fortnightly collection and supply and rollout of 240L GO bins. The total estimated cost of this additional service is \$7.85 million over the 4 years, comprising acquisition of bins, collection costs and the bin rollout.

Financial advantage for Council to move forward with the third bin system can be achieved, as processing green waste is significantly less costly than processing/landfilling of the red bin waste. As previously reported to Council, savings have been gained through the landfilling of the red bin waste, compared to the processing of Mixed Waste Organic Outputs (MWOO) and there will be further savings through the reuse of green waste compared to landfilling. These savings are estimated to be in vicinity of \$160 per tonne over an estimated 10,000 tonnes of green waste. This combined with previous savings from the processing of MWOO will result in the introduction of the green bin at no additional cost to the community for the provision of the service.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$6m	Waste Reserve.
Reserve Funds	Yes	\$1.85m	Waste Reserve.
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

As part of our due diligence in regard to the contractual arrangement, staff sought the advice of external waste industry lawyers in conjunction with Council's own legal team.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council could have two separate waste collection contracts that do not align.	Low	Vary and extend existing Collection Agreement with Veolia.	Yes
There is a risk that Council would be faced with an increase in costs if a second collection contract was exercised.	Low	Vary and extend existing Collection Agreement with Veolia.	Yes
There is a risk that Council's waste diversion will not decrease if a third bin system is not implemented.	Medium	Implementation of third bin system of green organics.	Yes

SUSTAINABILITY IMPLICATIONS

The decision to move forward with a GO service initially will allow Council to:

- Explore future processing options.
- Improve environmental outcomes through increased diversion of green organics.
- Provide education and information to the community regarding green organics.
- Prepare the community with further education before implementing a FOGO service.

Currently the red bin waste is delivered to The City of Newcastle's Summerhill Waste Management Facility. Whilst this has resulted in a favourable financial situation for Council, it has also resulted in a negative environmental outcome.

The implementation of a green bin will allow Council to gain better outcomes not only financially, but also environmentally. Recent audits conducted on the red bin service indicated that approximately one third of all bin make up, was green waste. The reuse of this green waste organic material will result in an improvement in Council's environmental performance by reducing waste to landfill by up to 30 percent.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section to review existing contracts and determine viability of variation and extension.

Internal

- Council's legal team.

External

- External Waste Industry Lawyers.
- Suez / Veolia.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12

**FILE NO: 22/277185
EDRMS NO: PSC2022-02308**

INFORMATION PAPERS

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

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 8 November 2022.

No:	Report Title	Page:
1	Designated Persons' Return	165
2	Delegation Report	166
3	Council Resolutions	168

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 22/275509
EDRMS NO: PSC2022-01241**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to table Councillor and Designated Persons' Return/s (return) submitted.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all designated persons are required to submit a return. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Natural Resources Coordinator (PSC023)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 2

**FILE NO: 22/277180
EDRMS NO: PSC2009-00965**

DELEGATIONS REPORT

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

BACKGROUND

The purpose of this report is to advise Council of each occasion the Mayor and/or General Manager have exercised their delegations, other than under section 226 and 335 of the Local Government Act 1993, which are conferred on each role.

The report at **(ATTACHMENT 1)** provides details of the delegation exercised, such as the delegated authority, the date and the reason for exercising the delegation.

ATTACHMENTS

1) Delegations Report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MAYOR AND GENERAL MANAGER DELEGATION REPORT

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
18/10/2022	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of a panel of tenderers for minor building works.	General Manager	8 November 2022
24/10/2022	Code of Meeting Practice	Approval of 2 Public Access applications for 25 October 2022 - DA 16 Trotter Road, Bobs Farm.	Mayor	8 November 2022
		Approval of Public Access application for 25 October 2022 - Special Rate Variation - Revised Integrated Planning and reporting documents - rate rise options engagement.		
		Approval of Public Access application for 25 October 2022 - Development at Tanilba RSL field.		
25/10/2022	Clause 178 of the Local Government (General) Regulation 2021	Acceptance of a quote for TfNSW reseals.	General Manager	8 November 2022
26/10/2022	Code of Meeting Practice	Approval of Public Access application for 22 November 2022 - petition regarding proposed pathway at Brandy Hill.	Mayor	8 November 2022

ITEM NO. 3

**FILE NO: 22/227244
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

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

BACKGROUND

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

The General Manager's Office has no outstanding resolutions.

ATTACHMENTS

- 1) Corporate Services Group resolutions report. [↓](#)
- 2) Development Services Group resolutions report. [↓](#)
- 3) Facilities & Services Group resolutions report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP RESOLUTIONS REPORT.



Action Sheets Report	Division: Corporate Services	Date From: 27/08/2013
	Committee:	Date To: 25/10/2022
	Officer:	Printed: Thursday, 27 October 2022

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/12/2022	12/10/2022	
1						22/273002
27 Oct 2022 Public Exhibition deferred to allow for further clarification on the distribution of funds.						

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

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

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

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP RESOLUTIONS REPORT.



Action Sheets Report	Division: Corporate Services	Date From: 27/08/2013
	Committee:	Date To: 25/10/2022
	Officer:	Printed: Thursday, 27 October 2022

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/10/2022	Pattison, Zoe	879 Swan Bay Road, Swan Bay	8/11/2022	26/10/2022	
1		Crosdale, Timothy				22/285324
27 Oct 2022						
Rescission Motion has been received for this item. Report back to Council on 8 November 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/10/2022	Hazell, Tim	Special Rate Variation - Revised Integrated Planning and Reporting Documents - Rate Rise Options Engagement	8/11/2022	26/10/2022	
1		Crosdale, Timothy				22/285324
27 Oct 2022						
Item deferred. Report back to Council on 8 November 2022.						

**ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP
RESOLUTIONS REPORT.**



Division: Development Services **Date From:** 14/09/2021
Committee: **Date To:** 25/10/2022
Officer: **Printed:** Wednesday, 26 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report & Notice of Motion 1	Ordinary Council 13/09/2022	Drinan, Kate Peart, Steven	Anna Bay Resort Site - 74 - 84 Gan Gan Road, Anna Bay	22/11/2022	14/09/2022	22/251340
26 Oct 2022						
Compliance staff wrote to the liquidator on 13 October 2022 and asked that they plant and maintain the required trees and ensure that graffiti is also removed and that this is also maintained. Council are awaiting a formal response.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 8	Ordinary Council 13/09/2022	Lamont, Brock Peart, Steven	Draft Local Infrastructure Contributions Plan 2020 – Amendment No. 2	29/11/2022	14/09/2022	22/251340
26 Oct 2022						
Public Exhibition ended 13 October 2022, no submissions were received. Report has been prepared and will be reported to Council on 22 November 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 5	Ordinary Council 13/09/2022	Drinan, Kate Peart, Steven	Development Application 16-2021-703-1 for a Residential Flat Building at 11 to 15 Church Street, Nelson Bay	16/12/2022	14/09/2022	22/251340
26 Oct 2022						
The Development Application is scheduled to be reported to the Ordinary Meeting of Council on 13 December 2022.						

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

**ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP
RESOLUTIONS REPORT.**



Action Sheets Report	Division: Development Services	Date From: 14/09/2021
	Committee:	Date To: 25/10/2022
	Officer:	Printed: Wednesday, 26 October 2022

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/02/2022	Gardner, Janelle	Newspaper Notices	14/12/2022	25/02/2022	
2		Pearl, Steven				22/57049
055						
26 Oct 2022 Report bring drafted and will reported to Council meeting on 13 December 2022. Staff currently finalising costings for alternate distribution, communication and development application notifications.						

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

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

**ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP
RESOLUTIONS REPORT.**



Division: Development Services **Date From:** 14/09/2021
Committee: **Date To:** 25/10/2022
Officer: **Printed:** Wednesday, 26 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/08/2022	Lamont, Brock	Annual Awards Policy	30/12/2022	24/08/2022	
3		Pearl, Steven				22/225860
26 Oct 2022						
Port Stephens Annual Awards policy has been amended and the draft policy will be reported to Council on 8 November 2022 for endorsement before going on Public Exhibition for a 28 day period.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/08/2022	Lamont, Brock	Homelessness in Port Stephens	14/12/2022	24/08/2022	
1		Pearl, Steven				22/225860
26 Oct 2022						
Meetings with stakeholders have commenced to discuss and further identify the key objectives. Preparation of the report has commenced and will be reported back to Council on 13 December 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/06/2022	Gardner, Janelle	Communications & Engagement Strategy	23/11/2022	16/06/2022	
8		Pearl, Steven				22/155619
26 Oct 2022						
Communications and Engagement Strategy will be reported to Council on 22 November 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	Ordinary Council 25/10/22	Pearl, Steven	Matter Arising - Election Signage	22/11/2022		
		Pearl, Steven				
26 Oct 2022						
Report to be presented to Council on 22 November 2022.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/10/2022	Lamont, Brock	Policy Review: Tree Vandalism Policy	14/02/2023	26/10/2022	
7		Pearl, Steven				22/285324
26 Oct 2022						
Council endorsed to place the Revised Tree Vandalism Policy on exhibition for a period of 28 days. If submissions are received the Revised Tree Vandalism Policy will be reported back to Council 14 February 2023.						

**ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP
RESOLUTIONS REPORT.**



Division: Development Services **Date From:** 14/09/2021
Committee: **Date To:** 25/10/2022
Officer: **Printed:** Wednesday, 26 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/10/2022	Falkenmire, Ryan Peart, Steven	Planning Matters Reported to Council Policy	13/12/2022	26/10/2022	22/285324
1						
26 Oct 2022						
At the Ordinary Meeting of Council held on 25 October 2022, it was Resolved to amend the draft Planning Matters to be Reported to Council Policy. The policy is scheduled to be put before Council on 13 December 2022, for adoption.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/10/2022	Drinan, Kate Peart, Steven	Development Application 16-2007-15-6 for a S4.55(1A) modification to an approved Caravan Park at 16 Trotter Road, Bobs Farm	13/12/2022	26/10/2022	22/285324
3						
26 Oct 2022						
At the Ordinary Meeting of Council on 25 October 2022, the General Manager requested that Item 3 be withdrawn. Item 3 was withdrawn with the consent of the Chair. The item will be returned to Council once RFS conditions have been received and reviewed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/10/2022	Lamont, Brock Peart, Steven	Draft Medowie Place Plan	15/02/2023	26/10/2022	22/285324
5						
26 Oct 2022						
Council endorsed to place the Draft Medowie Place Plan Engagement Report on exhibition for a period of 28 days. If submissions are received the Draft Medowie Place Plan will be reported back to Council 14 February 2023.						

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



Action Sheets Report	Division: Facilities & Services	Date From: 09/02/2021
	Committee:	Date To: 25/10/2022
	Officer:	Printed: Wednesday, 26 October 2022

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

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

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

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

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

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



Action Sheets Report	Division: Facilities & Services	Date From: 09/02/2021
	Committee:	Date To: 25/10/2022
	Officer:	Printed: Wednesday, 26 October 2022

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Matter Arising	Ordinary Council 11/10/2022	Maretich, John Kable, Gregory	William Street - urgent business from 11 October 2022 Council Meeting	31/12/2022		
26 Oct 2022 Speed Cushions were installed on 23 October 2022. Letter is being prepared to Transport for NSW regarding speed limits.						

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

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

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

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

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



Division: Facilities & Services **Date From:** 09/02/2021
Committee: **Date To:** 25/10/2022
Officer: **Printed:** Wednesday, 26 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Maretich, John	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	30/12/2022		
2012		Kable, Gregory				21/33235
26 Oct 2022						
The regional playground will be addressed in the Medowie Place Plan. A report will be prepared for Council as part of the Place Plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	28/02/2023		
4208		Kable, Gregory				21/218740
26 Oct 2022						
Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report. Terms of the agreement still being discussed in alignment with the proposed engineering works.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	30/12/2022	13/10/2021	
8270		Kable, Gregory				21/274186
26 Oct 2022						
Some delays have occurred due to external legal requests. Paperwork is still in the process of preparation.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	31/03/2023	14/02/2022	
5030		Kable, Gregory				22/45826
26 Oct 2022						
Report shall be provided back to Council in March 2023.						

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



Division: Facilities & Services **Date From:** 09/02/2021
Committee: **Date To:** 25/10/2022
Officer: **Printed:** Wednesday, 26 October 2022

Action Sheets Report

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Boomerang Park BBQs	30/11/2022	14/02/2022	
9034		Kable, Gregory				22/45826
26 Oct 2022						
Report shall be provided to Council on the proposal to increase facilities as per this NOM.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTERING CONSTRUCTION POLICY	28/02/2023	14/02/2022	
6018		Kable, Gregory				22/45826
26 Oct 2022						
This action is still under investigation. Report to Council to be provided in December to align this policy with a proposed future hardship policy going to Council.						

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

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/10/2022	Maretich, John	Boating and Fishing Infrastructure Plan	28/02/2023	26/10/2022	
8		Kable, Gregory				22/285324
26 Oct 2022						
Adopted at Council meeting on 26 October 2022. Has gone out for Public Exhibition from 26 October - 22 November 2022.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 22/285740

EDRMS NO: PSC2021-04195

DEVELOPERS ON COUNCILS

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Note that:
 - a. councils in NSW have an important role in land use planning and development approval.
 - b. councils assess local development and are able to grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development.
 - c. in 2020 NSW Minister for Energy and Environment, Matt Kean, likened allowing property developers to be elected as local councillors to “putting Dracula in charge of the bloodbank” due to the planning decisions taken by councils.
 - d. in June 2021 the NSW Legislative Council voted to ban property developers from running for local councils; and
 - e. property developers have an innate bias in planning decisions and allowing them to serve as local councillors erodes the ability of councils to make independent decisions on planning matters.
 - 2) Oppose those working as, or close associates of, property developers, running to be elected to Port Stephens Council (property developer and close associate are as defined in the Electoral Funding Act 2018); and
 - 3) Agrees to:
 - a. submit this motion in support of the adoption of a policy which prohibits property developers from holding office as local councillors in NSW to the LGNSW conference for consideration;
 - b. write to the NSW Premier, NSW Opposition Leader, NSW Local Government Minister, NSW Shadow Local Government Minister, and Member for Port Stephens, outlining Council's position and asking that they support any and all efforts to prohibit property developers from running for local councils.
-

**BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION
MANAGER**

BACKGROUND

Local Government NSW (LGNSW) is an independent organisation that exists to serve the interests of New South Wales general and special purpose councils.

LGNSW is not a government department or agency. Instead, they support and advocate on behalf of its member councils to help strengthen and protect an effective, democratic system of local government across NSW.

This is achieved by:

- 1) representing the views of local government to both the state and federal governments
- 2) providing policy advice, management support and grants application assistance to members
- 3) empowering members to deliver quality services to meet the needs of their local community
- 4) providing effective, responsive and accountable leadership on policy issues
- 5) enhancing community awareness and perception of local government.

LGNSW hold its annual conference to provide an opportunity to share ideas, seek inspiration, and help determine the sector's policy directions for the coming year.

LGNSW will only allow motions that meet the following criteria:

- 1) are consistent with the objects of LGNSW (see Rule 4 of the Association's rules),
- 2) relate to or concern local government as a sector in NSW and/or across Australia
- 3) seek to establish or change policy positions of LGNSW and/or improve governance of the Association (noting that the LGNSW Board is responsible for decisions around resourcing any campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process),
- 4) have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws),
- 5) are clearly worded and unambiguous in nature, and
- 6) do not express preference for one or several members over one or several other members.

Before submitting motions to an annual conference, council members are encouraged to ensure proposed motion wording reflects any recent developments and does not duplicate existing policy positions.

LGNSW held a Special Conference from 28 February to 2 March 2022, where Georges River Council submitted a motion to ban developers and real estate agents serving as councillors. This was also raised by City of Sydney, City of Newcastle, Blue Mountains City and City of Parramatta Councils.

The action from this Special Conference was to write to the Minister for Local Government.

The LGNSW's response and outcome to date provides that an Opposition Bill seeking to amend the Local Government Act 1993 to disqualify real estate agents and property developers from holding civic office was negated in the NSW Parliament's lower house on Thursday 12 May 2022.

At the LGNSW conference held from 23 to 25 October 2022, further similar motions were submitted by City of Newcastle and Cowra Councils.

If legislation was passed to ban developers and real estate agents serving as councillors, section 275 of the Local Government Act 1993 would be amended to include ban developers and real estate agents. Section 275 of the Local Government Act 1993 states:

275 WHO IS DISQUALIFIED FROM HOLDING CIVIC OFFICE?

- (1) A person is disqualified from holding civic office--
 - (a) while disqualified from being an elector, or
 - (a1) while a member of the Parliament of New South Wales, except as provided by subsections (5) and (7), or
 - (b) while a judge of any court of the State or the Commonwealth, or
 - (c) while serving a sentence (including a sentence the subject of an intensive correction order) for a serious indictable offence or any other offence, except a sentence imposed for a failure to pay a fine, or
 - (d) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under the regulations made for the purposes of section 748(3), or
 - (e) if he or she is while holding that office, or has been within 7 years before nomination for election, election or appointment to the office, convicted in New South Wales of an offence that is punishable by imprisonment for 5 years or more, or convicted in another State or Territory, or under a law of the Commonwealth, of an offence that, if committed in New South Wales, would be an offence so punishable, or
 - (e1) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under the Election Funding, Expenditure and Disclosures Act 1981 or the Electoral Funding Act 2018 that is punishable by imprisonment for 2 years or more, or
 - (f) while a surcharge, payable by the person under Part 5 of Chapter 13 and not paid within 6 months after it became payable, remains unpaid, or
 - (g) while disqualified from holding a civic office under a provision of this Act or Part 4A of the Crimes Act 1900 (Corruptly receiving commissions and other corrupt practices), or
 - (h) while disqualified from managing a corporation under Part 2D.6 of the Corporations Act 2001 of the Commonwealth.

- (1A) If--
- (a) an order for suspension from civic office for misconduct is made (after the commencement of this subsection) against a person under this Act by the Departmental Chief Executive or the Civil and Administrative Tribunal on a referral from the Departmental Chief Executive, and
 - (b) it is the third or subsequent such order that has been made against the person (including orders made before the commencement of this subsection), the person is disqualified from holding civic office for 5 years after the date the order takes effect.
- (2) A person is disqualified from holding civic office on a council if he or she is an employee of the council or holds an office or place of profit under the council.
- (3) A person is not disqualified from holding a civic office only because, while holding the civic office, the person ceases to be a resident in the area, to own property in the area or to be an occupier or ratepaying lessee of rateable land in the area.
- (4) A person is taken not to be disqualified from holding civic office if the former Administrative Decisions Tribunal or the Civil and Administrative Tribunal, in proceedings under section 329, has refused to order the dismissal of the person in circumstances to which subsection (4) of that section applies.
- (5) If--
- (a) on the commencement of this subsection, a member of the Parliament of New South Wales is a councillor or mayor, or
 - (b) after the commencement of this subsection, a councillor or mayor becomes a member of the Parliament of New South Wales, the person is not disqualified from holding civic office because of subsection (1)(a1) for the balance of the person's term of office as a councillor or for the period of 2 years (whichever is the shorter period).
- (6) Subsection (5) does not apply where a councillor or mayor becomes a member of the Parliament of New South Wales after the commencement of that subsection and within 12 months after last ceasing to be a member of that Parliament.
- (7) Despite anything to the contrary in this Chapter, a member of the Parliament of New South Wales is not disqualified because of subsection (1)(a1) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless--
- (a) the person has ceased to be a member of that Parliament before the first meeting of the council concerned after the election, or
 - (b) it is an election as mayor by the councillors during the period that the person is not disqualified by the operation of subsection (5).

Note: If a person while holding civic office becomes subject to disqualification under this section, the office becomes vacant under section 234.

FINANCIAL/RESOURCE IMPLICATIONS

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

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of Council, Councillors, staff or Council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.