

ITEM NO. 5

**FILE NO: 17/180378
RM8 REF NO: 17/180378**

**PROGRESS OF THE NELSON BAY TOWN CENTRE AND FORESHORE
STRATEGY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the public exhibition of the Discussion Paper: Progress of the Nelson Bay Town Centre and Foreshore Strategy (**UNDER SEPARATE COVER**); and
 - 2) Endorse the draft 'Progressing the Nelson Bay Town Centre & Foreshore Strategy: A revised implementation and delivery program (2017) (**UNDER SEPARATE COVER**) to be placed on public exhibition for a period of 28 days.
 - 3) Endorse the draft Clause 4.6 Policy (**ATTACHMENT 2**), to be placed on public exhibition for a period of 28 days.
 - 4) Request Expressions of Interest during the exhibition period from members of the Nelson Bay community to form an Implementation Panel (**ATTACHMENT 1**) that will oversee the implementation of the key actions of the Strategy.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Jaimie Abbott</p> <p>That item 5 be deferred for consideration, and that the following be provided to Council:</p> <ol style="list-style-type: none">1. An executive summary;2. Information on view corridors;3. Future of public car parking in Nelson Bay.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott and John Nell.

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

The Motion was lost.

Cr Paul Le Mottee returned to the meeting at 7.45pm in Committee of the Whole.

ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION

	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>That Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the public exhibition of the Discussion Paper: Progress of the Nelson Bay Town Centre and Foreshore Strategy (UNDER SEPARATE COVER); and2) Endorse the draft 'Progressing the Nelson Bay Town Centre & Foreshore Strategy: A revised implementation and delivery program (2017) (UNDER SEPARATE COVER) to be placed on public exhibition for a period of 28 days.3) Endorse the draft Clause 4.6 Policy (ATTACHMENT 2), to be placed on public exhibition for a period of 28 days.4) Request Expressions of Interest during the exhibition period from members of the Nelson Bay community to form an Implementation Panel (ATTACHMENT 1) that will oversee the implementation of the key actions of the Strategy.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

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

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott and John Nell.

The Motion was carried.

ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
AMENDMENT

	<p>Councillor Giacomo Arnott Councillor Sarah Smith</p> <p>That Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the public exhibition of the Discussion Paper: Progress of the Nelson Bay Town Centre and Foreshore Strategy (UNDER SEPARATE COVER); and
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MINUTES ORDINARY COUNCIL - 12 DECEMBER 2017

	<ol style="list-style-type: none">2) Place the draft 'Progressing the Nelson Bay Town Centre & Foreshore Strategy: A revised implementation and delivery program (2017) (UNDER SEPARATE COVER) to be placed on public exhibition for a period of 28 days.3) Place the draft Clause 4.6 Policy (ATTACHMENT 2), to be placed on public exhibition for a period of 28 days.4) Request Expressions of Interest during the exhibition period from members of the Nelson Bay community to form an Implementation Panel (ATTACHMENT 1) that will oversee the implementation of the key actions of the Strategy.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Giacomo Arnott and Sarah Smith.

Those against the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

The amendment was lost.

ORDINARY COUNCIL MEETING - 12 DECEMBER 2017 MOTION

314	<p>Councillor Glen Dunkley Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the public exhibition of the Discussion Paper: Progress of the Nelson Bay Town Centre and Foreshore Strategy (UNDER SEPARATE COVER); and2) Endorse the draft 'Progressing the Nelson Bay Town Centre & Foreshore Strategy: A revised implementation and delivery program (2017) (UNDER SEPARATE COVER) to be placed on public exhibition for a period of 28 days.3) Endorse the draft Clause 4.6 Policy (ATTACHMENT 2), to be placed on public exhibition for a period of 28 days.4) Request Expressions of Interest during the exhibition period from members of the Nelson Bay community to form an Implementation Panel (ATTACHMENT 1) that will oversee the implementation of the key actions of the Strategy.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Ken Jordan, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott and John Nell.

Councillor Paul Le Mottee returned to the meeting at 08:57pm in Open Council.

BACKGROUND

The purpose of this report is to advise Council of the submissions received during the public exhibition period of the Discussion Paper: Progress of the Nelson Bay Town Centre and Foreshore Strategy. The report further recommends that Council place the revised draft 'Progressing the Nelson Bay Town Centre & Foreshore Strategy: A revised implementation and delivery program (2017) (the draft delivery program) on public exhibition for a period of 28 days in February 2018.

In 2016, Council sought to understand why limited private investment and economic development has occurred in the Nelson Bay town centre by producing a Discussion Paper: Progress of the Nelson Bay Town Centre and Foreshore Strategy.

This Paper focused on six key themes:

- 1) Design Excellence;
- 2) Building Heights;
- 3) Development Incentives;
- 4) Public Domain;
- 5) Transport & Parking; and
- 6) Implementation and Case Management.

This Paper was placed on public exhibition from 13 February 2017 to 13 March 2017.

A total of 82 individual and 67 survey submissions were received. Key matters raised by submissions included:

- 1) Implementation;
- 2) Public Domain;
- 3) Planning Controls (including building heights);
- 4) Parking;
- 5) Communication; and
- 6) Resourcing.

Further detail on the exhibition period is provided under the consultation section of this report and each submission with a planning comment is provided at **(ATTACHMENT 1)**.

Since the submission period has closed, updated traffic and parking information has been collected and the feasibility analysis updated to inform key recommendations. The end product is a revised discussion paper and updated implementation and delivery program which builds on the initial aspirations and directions of the Nelson Bay Town Centre and Foreshore Strategy (2012).

ISSUES

Planning Proposal – Amendments to the Port Stephens Local Environmental Plan

The need to implement development standards (e.g. height) in the existing Strategy into the legal planning framework was a key theme identified in submissions. Other submissions included concerns about more residential apartments and more residents in the town centre.

In a somewhat contradictory fashion, other submissions did not want to see any adverse impacts on the environment and acknowledged that consolidating residential development within the existing town centre was often considered the most appropriate location. It was further acknowledged that consolidation and infill development is required to plan for future housing if we are to adequately protect the surrounding environment from development pressures.

In response, the draft Delivery Program proposes a number of amendments to the Port Stephens Local Environmental Plan 2013 (LEP) to improve design outcomes which encourage design excellence in residential development within the town centre. A summary of these changes are:

1. **Building Height** – The maximum building height in the town centre is proposed to increase from 24.5m (7 storeys) as proposed in the existing Strategy to 35m (10 storeys).
2. **Floor Space Ratios (FSR)** – The FSR in the town centre is proposed to increase from 2.5:1 to 3.0:1.
3. **Active Street Frontages (ASF)** – An ASF clause will ensure that a percentage of a new building's façade on identified streets is more appealing to the pedestrian scale of the street and is more transparent (i.e. provide windows, potential commercial activity and landscape treatments), as opposed to car parking treatments, blank walls and services.
4. **Minimum Vertical to Horizontal Proportions (MVHP)** – The MVHP seeks to stop tall and skinny developments by encouraging existing lots that are less than 15m wide and 35m long to amalgamate in order to re-develop.

Following the exhibition period, a planning proposal containing the above matters will be reported to Council requesting a gateway determination from the State Government for this proposal to be placed on public exhibition.

Clause 4.6 – Draft Policy

Community feedback identified ‘managing building heights’ and the application of LEP (Clause 4.6) allowing exceptions to development standards as a pressing issue. Submissions focussed on the need and support for clear guidelines for incentives that will provide certainty for developers and occupiers.

The draft Delivery Program responds by proposing a Draft Clause 4.6 Policy **(ATTACHMENT 2)**. The Draft Policy will apply to development applications that seek to vary development standards under the LEP. Development standards include Minimum Lot Sizes in relation to subdivision, Building Height and FSR.

The Draft Policy seeks to provide greater transparency, community participation and more robust assessments when a variation to a development standard is proposed.

Traffic and Parking Management

The matter of heavy traffic and associated parking shortages during the peak tourist periods was a key concern identified in submissions.

Following the exhibition period, traffic and parking counts were completed during the April School Holidays, Easter Weekend and typical weekdays in July/August 2017. The counts identified that parking operates under capacity during a typical weekday and that capacity is reached during peak holiday periods.

In response to this feedback, the draft Delivery Program proposes that a Citizens Jury be formed to explore this matter in further detail. A Citizens Jury is a concept often used by local governments whereby a group of randomly selected members of the community consider the issue at hand and provide a recommendation to Council. It is a concept designed to both improve a community’s understanding of an issue whilst arriving at a shared set of actions and recommendations to resolve a complex issue.

This Jury will consider all traffic and parking data, the associated funding options and discuss short and long term options. As mentioned in the draft Delivery Program, a recommendation may involve exploring suitable car parking lands on the periphery of the town centre, reviewing existing timed parking arrangements or possible options to redevelop existing parking sites. The Jury will consider the facts, receive presentations from traffic and financial experts, debate the data and present an informed recommendation to Council.

Public Domain Improvements

A number of submissions focused on improvements to the public domain including improved signage, paving, road improvements, street furniture, public art, lighting and better landscaping such as more street trees. The desire to keep the unique coastal village and ‘natural amphitheatre’ character was also strongly supported.

In response to these concerns, the draft Delivery Program identifies the need to provide a coordinated approach to paving, lighting, trees, signage and seating within the public domain. It proposes to achieve this by developing a Public Domain Plan. The Public Domain Plan will provide a guideline to ensure that consistency is achieved by all developments in relation to these elements.

In anticipation of the support for a Public Domain Plan, Council recently applied for a grant to fund half of the Public Domain Plan, which has been scoped and is estimated to cost \$140,000 to deliver. At the time of writing this report no announcement has been made on the outcome of this grant.

Resourcing

In addition to works that will be identified in the Public Domain Plan, the draft Delivery Program identifies a number of existing works that have been costed but have no funding source. For example, the Apex Park Masterplan is estimated to cost \$1.2M to deliver while the cost to replace the existing Donald Street multi-storey carpark has been estimated to cost upwards of \$5M. Without appropriate resources these works are unlikely to occur.

Once the Public Domain Plan is complete, the draft Delivery Program includes actions to explore all funding options for delivery. These will include grants, general revenue, development contributions, loans and special rate variations.

Implementation Panel

A number of submissions focussed on the need to implement the Strategy. Whilst many actions of the original strategy have been delivered, the draft Delivery Program now includes clear and measurable recommendations to ensure greater accountability for the delivery of the action proposed.

To support this it is recommended Council request Expressions of Interest during the exhibition period from members of the community to form an Implementation Panel. This Panel will meet on a quarterly basis to be updated on Council's implementation of the Strategy actions (**ATTACHMENT 1**).

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The actions contained in the revised Strategy have been broken down to clearly assign responsibility to stakeholders, timeframes and budget estimates for their implementation. An approach on resourcing will be developed and presented back to Council as part of standard budget reporting.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Section 94	No		
External Grants	No		External grants are a resourcing option that will be considered.
Other	Yes		

LEGAL, POLICY AND RISK IMPLICATIONS

The draft Delivery Program will effect changes to local land use policy. The associated planning proposal is to be progressed in a manner consistent with statutory and policy requirements.

Hunter Regional Plan 2036

The draft Delivery Program is consistent with the Hunter Regional Plan 2036 (HRP). The HRP lists Nelson Bay as a regionally significant centre with the following priorities:

- Maintain it as one of the primary tourist centres for the region and a hub for the Tomaree Peninsula;
- Maintain retail and professional services for the surrounding communities;
- Investigate opportunities for high-density development that maintains and enhances the tourist, recreational and residential appeal of the centre;
- Balance the mix of permanent residential and tourist accommodation to enhance the vibrancy and appeal of the centre and surrounds.

Port Stephens Planning Strategy 2011-2036

The draft Delivery Program is consistent with the *Port Stephens Planning Strategy* (PSPS). The PSPS provides a comprehensive planning strategy for the LGA. The PSPS identifies a number of key challenges and opportunities for Nelson Bay which are addressed in the draft Delivery Program.

Port Stephens Local Environmental Plan 2013 (the LEP)

Potential changes to the LEP will be considered by Council post exhibition.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the community, landowners and other stakeholders do not support the draft Delivery Program.	Low.	The release of the discussion paper demonstrated that Council has taken a well-considered approach to any possible changes that may result.	Yes.
There is a risk that the future development of Nelson Bay is not supported by adequate infrastructure.	Medium	Endorse the revised draft Delivery Program and associated documents for exhibition.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Delivery Program seeks 'To guide Nelson Bay towards becoming more attractive to tourists, the business community and residents' with a strong emphasis on the physical form, such as building design, landscaping and transportation networks. This objective has been developed based on the consideration of improved social, economic and environmental outcomes for Nelson Bay.

CONSULTATIONInternal

Consultation has occurred with the relevant internal sections of Council including:

- Development Assessment & Compliance Section;
- Assets Section (Community and Recreation, Civil Assets Planning, Engineering Services, Traffic Engineering);
- Property Services;
- Tourism and Events;
- Economic Development;
- Spatial Services; and
- Social Planning.

External

The following key community consultation initiatives were undertaken in the development of this Strategy and during the exhibition of the Paper from 13 February 2017 to 13 March 2017:

- Engagement HQ - Online Consultation Tool;
- Surveys on Engagement HQ;
- Public notices in the paper, media releases, GM column articles;
- Social media promotions (Port Stephens Council website, Twitter, Facebook, LinkedIn);
- Letter drops to local businesses;
- Key stakeholder meetings with Tomaree Ratepayers & Residents Association (TRRA); Tomaree Business Chamber; local real estate agents; Destination Port Stephens, meeting with TRRA planning assessment team; Crown Lands; Community Drop-In Sessions (23 February 2017 and 10 March 2017);
- One-on-one video recordings;
- Tabled at: the Aboriginal Strategic Committee; Community Services Agency and Nelson Bay Pop-Up Shop (Smart Art Program);
- Meeting with Department of Planning and Environment for in-principle support of the Strategy approach.

Public exhibition of the draft Strategy

The recommendation of this Report is to place the revised draft Delivery Program on public exhibition. Given the impending Christmas period it is recommended that exhibition concludes at the end of February 2018.

A Community Engagement and Communications Plan identifies that the following will take place during exhibition:

- 1) Notification placed in the Port Stephens Examiner and on Council's Website;
- 2) Formal Letters provided to Special Interest Groups;
- 4) Relevant Information uploaded to Engagement HQ – Online Consultation Tool;
- 5) Community Drop-In Sessions;
- 6) Council Officers available over the phone and at the Front Counter;
- 7) Submissions invited till the closure of the exhibition period.

It is proposed that Expressions of Interest for the Implementation Panel are sought during the exhibition period. The Panel will meet once the Delivery Program is adopted.

OPTIONS

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

ATTACHMENTS

- 1) Attachment 1 - Implementation Panel - Terms of Reference.
- 2) Attachment 2 - Draft Clause 4.6 Policy.

COUNCILLORS ROOM

- 1) Summary of Submissions.
- 2) Draft 'Progressing the Nelson Bay Town Centre & Foreshore Strategy: A revised implementation and delivery program (2017).
- 3) Traffic and Transport Update, GHD, 2017.
- 4) FSR Feasibility Report, HillPDA, 2017.

TABLED DOCUMENTS

- 1) Summary of Submissions.
- 2) Draft 'Progressing the Nelson Bay Town Centre & Foreshore Strategy: A revised implementation and delivery program (2017).
- 3) Traffic and Transport Update, GHD, 2017.
- 4) FSR Feasibility Report, HillPDA, 2017.

ITEM 5 - ATTACHMENT 1
TERMS OF REFERENCE.

ATTACHMENT 1 - IMPLEMENTATION PANEL -



Nelson Bay Town Centre and Foreshore Strategy – Implementation Panel

TERMS OF REFERENCE

Purpose

The Nelson Bay Town Centre and Foreshore Strategy Implementation Panel (the Panel) has been established to provide community advice to Council on implementing the adopted actions contained within the Nelson Bay Town Centre and Foreshore Strategy (the Strategy).

Objectives

- To provide a forum to regularly report on progress and share information between Council and the community.
- To drive the implementation of the actions contained within the Strategy.

Terms of Reference

The Panel provides advice as requested by Council to assist the implementation of the Strategy. The Panel is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating work to be carried out by Council.

Structure

- 1 staff members from Economic Development and other staff on an as needs basis depending on the matters being discussed;
- 1 staff members from Strategic Planning and other staff on an as needs basis depending on the matters being discussed;
- 1 staff members from other relevant Council staff as per the Strategy's key responsibilities identified in the implementation plan;
- 1-3 East Ward Councillors; and
- 4 community representatives (2 local businesses and 2 local residents) identified through a public nomination process.

Council will administer the panel. The chair of the meeting will be a Councillor nominated by the Panel at their first meeting.

Minutes will be taken at each meeting.

Selection of Panel Members

Expressions of Interest for membership will be sought through advertising in the local paper. Selection of membership will be based on the following:

- Demonstrated knowledge of local issues;
- Demonstrated ability to represent broad community interests; and
- Demonstrated commitment/availability to attend meetings.

All nominations received will be reported to Council for their consideration and final recommendation.

Frequency

**ITEM 5 - ATTACHMENT 1
TERMS OF REFERENCE.**

ATTACHMENT 1 - IMPLEMENTATION PANEL -

The Panel will meet once every three months initially with ongoing frequency to be determined by the Panel.

Expected Outcomes

- Community engagement at key stages of the implementation;
- Community advice to assist Council making decisions concerning the future planning of Nelson Bay Town Centre and Foreshore Strategy;
- The implementation of a Strategy that has a high level of community input so that it is reflective of community needs;
- A Strategy that provides for the sustained growth of Nelson Bay Town Centre and Foreshore in a structured and balanced way.

Policy



FILE NO: PSC2007-1204V3
TITLE: EXCEPTIONS TO DEVELOPMENT STANDARDS
POLICY OWNER: GROUP MANAGER DEVELOPMENT SERVICES
PURPOSE:

The purpose of this policy is to provide guidance on the application and administration of Clause 4.6 Exceptions to development standards in the *Port Stephens Local Environmental Plan 2013* (PSLEP).

CONTEXT/BACKGROUND:

Clause 4.6 Exceptions to development standards enables development standards such as minimum lot sizes, height and floor space ratio to be varied in certain circumstances. This clause is included in all local environmental planning instruments across NSW.

Clause 4.6 aims to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for and from development in particular circumstances.

SCOPE:

This policy applies to development applications in the Port Stephens local government area.

The policy relates specifically to the following Council functions:

- Assessment of development applications; and
- Review of provisions in the PSLEP and strategic planning.

DEFINITIONS:

Development application	An application for consent to carry out development, but does not include an application for a complying development certificate.
Development consent	Approval to carry out development the subject of a development application.
Development standards	The <i>Environmental Planning and Assessment Act 1979</i> includes a legal definition of 'development standards' (See section 4).

Policy

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Policy



Development standards are provisions in an environmental planning instrument that guide development to be carried out in accordance with particular requirements under certain circumstances. For example maximum building heights in residential areas, or minimum lot sizes for subdivision in rural areas.

Development standards are a means to achieve a particular environmental planning objectives in an area. Clause 4.6 of the PSLEP provides flexibility to allow planning objectives to be met by varying development standards in certain circumstances.

Clause 4.6 of the PSLEP applies when applications are made for exceptions to development standards.

Environmental planning instrument

A legal instrument that guides development, such as a Local Environmental Plan (e.g. the PSLEP).

POLICY STATEMENT:

This policy sets out the processes that apply when development applications are lodged that seek to vary the development standards under clause 4.6 of the PSLEP. Applicants are advised to refer to the policy prior to lodging a development application that includes an application under clause 4.6.

This policy aims to create opportunities for greater transparency and community participation when decisions are made to vary development standards and to achieve better decision making through robust assessments. It seeks to ensure the assessment and administration of applications to vary development standards includes consideration of the principles established by the NSW Land and Environment Court and the strategic planning context.

This policy adopts transparent reporting and other recommendations issued by the NSW Department of Planning and Environment and the NSW Independent Commission Against Corruption.

Council will implement the following actions:

1. Development applications that include a request under clause 4.6 Exceptions to development standards of the PSLEP must be accompanied by the Clause 4.6 Application Form.

Policy

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Policy



2. Council will exhibit the Clause 4.6 Variation Form accompanying a Development Application when advertising or notifying an Application.
3. Development applications accompanied by a Clause 4.6 Application Form will be assessed in accordance with Varying Development Standards: A Guide (published August 2011 by the former NSW Department of Planning and Infrastructure).
4. Development applications which include a Clause 4.6 Application Form seeking to vary a development standard by greater than 10% will be peer reviewed prior to determination. The peer review shall be undertaken by an officer of Council who is not subordinate to the officer making the determination.
5. Council will maintain a register of development consents that have included exceptions to development standards and the information will be made publicly available.
6. The Development Assessment and Compliance Team will refer development standards that are the subject of frequent development consents that include exceptions to development standards to the Strategic Planning Team for review. A review will be carried out to ensure the development standards in the PSLEP remain relevant to achieving the environmental planning objectives in an area.

POLICY RESPONSIBILITIES:

- 1) Development Assessment and Compliance Team (development application assessment).
- 2) Strategic Planning Team (policy review and local environmental plan review).

RELATED DOCUMENTS:

- 1) Clause 4.6 Application Form.
- 2) *Port Stephens Local Environmental Plan 2013* (NSW).
- 3) *Environmental Planning and Assessment Act 1979* (NSW).
- 4) Varying Development Standards: A Guide (Former NSW Department of Planning and Infrastructure).
- 5) NSW Department of Planning and Environment Circular PS 08-003 Variations to development standards.
- 6) NSW Department of Planning and Environment Circular PS 11-014 Reporting variations to development standards.

Policy

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- 7) NSW Department of Planning and Environment Circular PS 11-018 Monitoring and reporting variations to development standards.
- 8) Corruption risks in NSW Development Approval Process: Position Paper (NSW Independent Commission Against Corruption).
- 9) Development Assessment Internal Audit Tool (NSW Independent Commission Against Corruption).
- 10) Port Stephens Council Discussion Paper – Progress of the Nelson Bay Town Centre & Foreshore Strategy.

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ITEM NO. 6

**FILE NO: 17/201716
RM8 REF NO: PSC2014-02649**

POLICY REVIEW: PUBLIC ART POLICY AND GUIDELINES

REPORT OF: STEPHEN CROWE - COMMUNICATIONS SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Public Art Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Public Art Policy **(ATTACHMENT 1)** 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) Note the Guidelines for the approval and installation of public art in Port Stephens **(ATTACHMENT 2)**.
 - 4) Revoke the Public Art Policy and Guidelines dated 10 November 2015 (Minute No. 340).
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Councillor John Nell left the meeting at 8:15pm in Committee of the Whole.

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Giacomo Arnott Councillor Glen Dunkley That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

315	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Public Art Policy shown at (ATTACHMENT 1).2) Place the revised Public Art Policy (ATTACHMENT 1) 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.
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| | <ol style="list-style-type: none">3) Note the Guidelines for the approval and installation of public art in Port Stephens (ATTACHMENT 2).4) Revoke the Public Art Policy and Guidelines dated 10 November 2015 (Minute No. 340). |
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Public Art Policy and Guidelines.

The Public Art Policy and accompanying Guidelines were developed in line with actions outlined in Council's Cultural Plan 2015-2018, which identifies the need to develop a public art program, guided by a clear policy and guidelines and community consultation on public art themes.

The key objectives of this policy are:

- Enhance the natural and built assets of Port Stephens by enlivening public spaces;
- Create a sense of identity about Port Stephens heritage, culture and lifestyle;
- Facilitate the integration of public art into relevant facilities and infrastructure projects;
- Develop and enhance opportunities and promotion of local artists;
- Provide a policy foundation to Council's Development Control Plan for the inclusion of public art into commercial and mixed use development.

This Policy has been reviewed with minor amendments made to the Guidelines as follows:

- 1) The revision was made to section 6.0 Public Art Approval Process to provide more details around approvals for commercial development public art contributions.
- 2) The value of capital investment for commercial development was changed from \$1 million to \$2 million in line with the Port Stephens Development Control Plan.

Since the endorsement of the Public Art Policy, the organisation has seen a number of proactive responses to the policy statements across various departments. In February 2017, Council's Development Contributions Officer investigated the possibility of using Section 94 funds towards Public Art. Although it was ultimately determined that funding Public Art through Section 94 plans would be too problematic, it was still a positive and necessary response to the Public Art Policy to explore the possibility of this funding option.

Another example of a proactive response to the Public Art Policy and Guidelines 2015 from Development Group Services was with regards to the recent draft amendments of the Port Stephens Development Control Plan 2014 (Amendment No. 4 — Minor Amendments and Corrections). Clause C2.31 was amended to officially reference Council's Public Art Policy for commercial developments with a capital investment value over \$2 million. These developments must incorporate public art in accordance with Council's Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens, and the developer must obtain approval from Council's Community Development and Engagement unit (as indicated in the draft revised Public Art Guidelines). The Development Control Plan Draft Amendment is on public exhibition until 1 December 2017.

Successful projects carried out following the endorsement of the Public Art Policy and Guidelines in 2015 include Gerald the Fish (located along the Hunter River, Raymond Terrace near the Fitzgerald Bridge), Botanica (located in Raymond Terrace's CBD) and the Bounce-back Wall and Dream Wall (located in Lakeside Skatepark in Raymond Terrace). The Seahorse Steps project is currently underway with an estimated completion time in December 2017 (will be located in Apex Park in Nelson Bay).

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There is no direct financial implication for Council in relation to the review of this Policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council requires processes in place to ensure public art is appropriately designed and constructed to suitable standards with minimal risk to the public. It is also critical that the social and economic benefits generated through public art are maximised.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that, without an ongoing consistent approach to public art, inappropriate and unsafe public art will be approved and installed.	Medium	Continue to implement the Public Art Guidelines.	Yes
There is a risk that, without ongoing endorsement of policy, opportunities to improve the amenity and attraction of our community will be unrealised.	Low	Continue to review and endorse the Public Art Policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Public art can enhance the physical, social and economic wellbeing of a community. The Public Art Policy and Guidelines have provided an integral statement of intent for Port Stephens Council in its approach to the management of public art. To further strengthen Council's role in advising, enabling and leading in this space, a public art program will ensure a strategic and effective program moving forward.

Currently there is no specific plan of identified sites suitable for future public art works in Port Stephens, which needs to be addressed in order to communicate clearly with community and best manage expectations.

In response to Council's Cultural Plan 2015-2018 Action Item 4.5: "Consult with local communities to establish public art themes and concepts that contribute to strengthened sense of place and inform future planning," the Community Development and Engagement unit are leading a project known as Cultural Zones. To inform a strategic public art program, the cultural zones will convey the distinctive culture of each community/town/suburb/village in our region. The identified cultural zones will provide themes for public art projects.

The methodology to validate the proposed cultural zones to date has included an internal staff consultation workshop one (completed 10 October 2017), consultation with the 355c Strategic Arts Committee (completed 12 October 2017) and consultation at the November Cultural Interagency (completed 14 November 2017).

The Community Development and Engagement unit has worked with the Spatial Services unit to develop concept 1 of the cultural zones as a GIS layer and map (see Appendix 1). The draft map will be used to lead discussions with the community moving forward.

The methodology moving forward is to consult with Council's 355c strategic advisory committees as a group (Aboriginal Strategic Committee, Strategic Arts Committee and Heritage Committee). External workshops will be run with key representatives from each proposed cultural zone to challenge/validate the draft zones. Port Stephens Council's Spatial Services unit will then finalise the Cultural Zones GIS layer to inform Council's public art program. Within each zone, identified areas for public art will be listed and prioritised creating a program of works.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications Section. The objective of the consultation was to ensure cohesion between Council's guiding documents (plans, strategies and policies), and to reaffirm the importance of this policy.

Internal

- Consultation with Council's Strategic Planning Unit ensured cohesion between this Policy and the recently endorsed Development Control Plan (DCP) amendments (Amendment No. 4). Clause C2.31 in the DCP now references Council's Public Art Policy and Guidelines.
- Recent consultation with Community Development and Engagement Coordinator and Communications Section Manager.

External

- A survey to gauge the Port Stephens community's appetite for public art was conducted. The survey was hosted by Engagement HQ on the Culture Page and was made live on 28 September 2017 and closed on 13 November 2017 (open for community contribution for over six weeks). During this period the cultural contact list was emailed (approximately 244 contacts), the survey was promoted on Council's social media channels and News of the Area promoted the survey in one of their editions (on the front page). A total of 75 responses were collected, with 77% of responses indicating that public art is "very important", reiterating the significance of this Policy.

In accordance with local government legislation the draft Public Art Policy will go on public exhibition for 28 days, once adopted.

OPTIONS

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

ATTACHMENTS

- 1) Revised Public Art Policy 2017.
- 2) Guidelines for the approval and installation of public art in Port Stephens.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2014-02649
TITLE: PUBLIC ART
POLICY OWNER: COMMUNICATIONS SECTION MANAGER

PURPOSE:

The purpose of the Public Art Policy and related guidelines is to provide Council with a framework to manage public art placement, procurement and management to maximise the social and economic benefits of public art as it relates to place making and contributing to a vibrant cultural and economic life (Port Stephens Community Strategic Plan).

CONTEXT/BACKGROUND:

Public art is an integral factor in enhancing the physical, social and economic environment of Port Stephens. This is achieved by developing a sense of place using visual artworks in public areas.

In Port Stephens, interest in public art is growing, driven in part by a wider awareness and expectation of the benefits of public art, including enhancing infrastructure and the environment. The opportunity to enrich commercial developments is also recognised.

Public art is also closely aligned to tourism and related economic strategies that aim to build on the natural appeal of the Port Stephens and attract visitors to the region.

A consistent approach to the management of public art provides clear processes to assist Council and the community develop suitable public art projects for the region.

SCOPE:

The Public Art Policy refer to the placement, procurement and management of art works (temporary or permanent) and complementing urban design.

Public art can be integrated into, but not limited to:

- New developments proposed by commercial developers;
- Existing areas as part of a master plan or upgrade being developed by Council;
- Proposals submitted by community groups and or individual artists, for both permanent works and temporary display as part of a festival.

Policy

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ITEM 6 - ATTACHMENT 1 REVISED PUBLIC ART POLICY 2017.

Policy



Council's Development Control Plan also provides for inclusion of public art into commercial and mixed use development as part of the development consent process, depending on the scale of works proposed.

DEFINITIONS:

Public Art Artworks and one-off designs created for, or located in, a public space and readily accessible to members of the public.

POLICY STATEMENT:

The key objectives of this policy are:

- Enhance the natural and built assets of Port Stephens by enlivening public spaces;
- Create a sense of identity about Port Stephens heritage, culture and lifestyle;
- Facilitate the integration of public art into relevant facilities and infrastructure projects;
- Develop and enhance opportunities and promotion of local artists;
- Provide a policy foundation to Council's Development Control Plan for the inclusion of public art into commercial and mixed use development.

It is expected that the implementation of this policy will lead to:

- The planning of public art in Council's urban designs to improve the quality of community spaces and to enhance the pedestrian streetscape experience;
- Identification of sites/zones for future public art works, appropriate asset management, including safety and maintenance;
- Effective community engagement and consultation to ensure the art work will have meaning and relevance to the site in which it is located.

The accompanying guidelines provide a process through which Council can address public art procurement and planning, including identifying sites/zones for appropriate future public art works, appropriate asset management, including safety and maintenance.

POLICY RESPONSIBILITIES:

- 1) The Community Development and Engagement Unit manages and reports on public art as part of cultural development. It is the responsibility of other units across Council for implementing the policy and related public art guidelines.

Policy

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RELATED DOCUMENTS:

- 1) Cultural Plan 2015-2018
- 2) Port Stephens Development Control Plan 2014
- 3) Port Stephens Section 94 Contributions Plan
- 4) Asset Management Policy
- 5) Graffiti Management Policy
- 6) Guidelines for the approval and installation of public art in Port Stephens.

CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	PSC2014-02649	TRIM record No	
Audience	Councillors, Council staff, community		
Process owner	Communications Section Manager		
Author	Community Development and Engagement Coordinator		
Review timeframe	Two years	Next review date	12 December 2019
Adoption date	12 December 2017		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	10/11/15	Communications Section Manager	Original policy and guidelines endorsed for public exhibition by Council at its 10 November 2015 meeting. No submissions received, therefore Policy and guidelines adopted by Council.	340

Policy

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Policy



2		Communications Section Manager	Public Art Guidelines section 6.0 updated to include mention of required approval relating to private developer public art contributions in the development assessment process. The value of capital investment for commercial development was changed from \$1 million to \$2 million in line with the Port Stephens Development Control Plan. Inclusion of "Guidelines for the approval and installation of Public Art in Port Stephens" in related documents section.	
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Policy

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**ITEM 6 - ATTACHMENT 2 GUIDELINES FOR THE APPROVAL AND
INSTALLATION OF PUBLIC ART IN PORT STEPHENS.**

Guidelines



FILE NO: PSC2014-02649

TITLE: GUIDELINES FOR THE APPROVAL AND INSTALLATION OF PUBLIC ART
IN PORT STEPHENS

**RELATED
POLICY:** PUBLIC ART POLICY

OWNER: COMMUNICATIONS SECTION MANAGER

1.0 INTRODUCTION

The Public Art guidelines are intended to assist the process in guiding artists, community groups, Council and private developers in the provision of public art projects in Port Stephens.

The guidelines have been developed with input from staff across relevant sections of Port Stephens Council and members of the 355c Strategic Arts Committee of Council. The guidelines should be read in conjunction with Council's Public Art Policy.

2.0 PURPOSE

The purpose of the development of public art guidelines is as follows:

- to ensure public artwork projects are fabricated and installed in accordance with Council policy and consents;
- to develop a greater understanding of public art, including street and urban art, and how it can enrich the lives of local communities and contribute to their cultural identity and sense of place and belonging;
- to ensure high quality public art is included in accessible public spaces in large scale developments;
- to assist owners and developers in the commissioning, procurement and installation of public art; and
- to ensure public art is compatible with the character and identity of Port Stephens localities and in harmony with community sentiment.

The Public Art Policy and guidelines are drawn from Council's Community Strategic Plan 2013-2023, under art and culture (7.1) and the *Port Stephens Cultural Plan 2015-2018* with the purpose of enriching the lives of current and future Port Stephen's residents and making it an attractive place to live, work and visit.

3.0 WHAT IS PUBLIC ART?

Public art is the term used to describe creative work or activities which are located in the public realm and readily accessible to the broader community. Public art may be temporary or permanent in design. Public art contributes to the overall feeling of the community wellbeing, engagement and enrichment of community life.

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Public artworks are usually site specific and may celebrate the distinctiveness of the environment, local heritage, cultural identity, the energy of urban spaces and other themes relevant to people and place (p 6, *Public Art Guidelines*, Landcom, 2008)

Public art may include:

- building features, street scaping and enhancements such as bicycle racks, gates, benches, fountains, playground structures or shade structures which are unique to the locality;
- landscape art enhancements such as walkways, bridges or art features within a reserve or park;
- murals, tiles, mosaics or projects covering walls, floors and walkways;
- sculpture which can be freestanding or wall-supported;
- fibre works, neon or glass art works, photographs, prints and any combination of media including sound, film and video systems;
- community arts projects resulting in tangible art work such as murals or sculptures;
- projects which involve the public and the incorporation of a cultural space that comprises a visual or performing arts space; and
- the conceptual contribution of an artist to the design of a public space or facility.

Public art projects do not consist of:

- business logos;
- directional elements such as super graphics, signage or colour coding;
- "art objects" which are mass produced such as fountains, statues or playground equipment;
- "off-the-shelf" art and/or reproductions; and
- landscaping or architectural components associated with the project.

3.1 What are the benefits of public art in the community?

Public art is a way of expressing ourselves and telling a story. It can express our aspirations for the past, present and the future. In the community, public art can be seen as a talking point and an opportunity for wonder, reflection and enjoyment.

The benefits of public art to local communities are as follows:

- the acknowledgement of the importance of cultural and Aboriginal heritage and identity;
- the opportunity to explore historical events, local heritage and meanings and facilitate links with the past;
- to create special environments that can contribute to community sense of wellbeing and bring benefits of social interaction and involvement;
- encourage opportunities for community involvement and expression of creativity and engage people of different ages;
- to create a landscape that is interesting, stimulating and surprising with vibrant spaces to enhance the experience of the community and visitors;

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- provide a focal point for community areas, creating a sense of place that complements thematic planning schemes; and
- to enhance employment and training opportunities for local and regional artists.

3.2 Public art principles

In the process of planning and receiving applications from the public and the community, Council will adopt the following principles in considering a public artwork. The work:

- contribute to an area's cultural identity of the location and contribute to the sense of place;
- improve the amenity of the area in which it is located and contribute to social interaction and sense of community;
- be mindful of environmental issues such as construction with sustainable materials with sustainable design and fabrication;
- be able to be enjoyed and experienced by people of different ages and backgrounds;
- showcase local design and the engagement of local artists with the integrity of the artists acknowledged;
- water features should be designed to use only recycled or rainwater;
- consider public safety and be easily maintained;
- be designed to be durable, structurally sound and able to be maintained at minimum cost; and
- community involvement and engagement should be encouraged in the development of projects;

The selection of sites should be consistent with Council plans of management and land use planning documents.

4.0 PROVISION OF PUBLIC ART

Public art projects can be provided in three ways:

Community projects - For community initiated projects on community or Council managed land or for 355c committees.

Private projects/developments - For development applications of projects over \$2 million in accordance with Port Stephens Development Control Plan 2014.

Council projects - For Council initiated projects such as infrastructure, public domain improvements and public art on Council managed/ owned land and Crown land.

5.0 INVOLVEMENT OF PORT STEPHENS COUNCIL

The consideration and planning for public art involves a range of sections within Port Stephens Council. Consultation with these internal stakeholders will be coordinated by the relevant Council section involved with the public art project. This will be dependent upon the type of project involved - community, Council or private.

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The internal stakeholders will also create awareness and support for public art projects within Council. They will provide comments and related to the development of a specific public art project. Advice may relate to fabrication, location, funding, legislative requirements, policy requirements, installation and maintenance etc.

6.0 PUBLIC ART APPROVAL PROCESS

The applicant is required to complete the public art project application (Appendix 1). Initial applications would be considered according to the assessment criteria (Appendix 2) which includes consultation with relevant Council staff, members of Council's Strategic Arts Committee and other public authorities.

The assessment and approval of projects will be in accordance with Council's policy and these guidelines. At the application stage, the proposal will be referred to the Strategic Arts Committee for comment. Further consultation with relevant sections within Council would be conducted as required.

For private projects, consideration will be undertaken by the relevant section of Council through the standard Council approval process (such as development applications) with reference to plans of management, design and construction specifications and public domain plans.

The Port Stephens Development Control Plan requires commercial developments with a capital investment value over \$2 million to incorporate public art. Evidence must be provided demonstrating that the developer has obtained Public Art Approval from Council's Community Development and Engagement Unit.

7.0 CONSTRUCTION AND INSTALLATION

As public art is located in the public realm, there are potential risks associated with its fabrication and installation. This is applicable for temporary and permanent pieces.

For this reason, an approved work may be constructed off site by the artist. If the work is being installed on Council owned or managed land, it must be installed by Council approved contractors.

It is also Council's responsibility to ensure that risk assessments are conducted on all concepts and final artworks both at concept stage and upon installation in line with Australian Standards.

8.0 MAINTENANCE

To ensure that the public art work is maintained as an asset, the following will be considered when assessing public art applications:

- who is responsible for the regular maintenance of the artwork?
- what is the intended life of the artwork?
- how durable is the material/s?

**ITEM 6 - ATTACHMENT 2 GUIDELINES FOR THE APPROVAL AND
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- what is the environmental impact on the location?
- who is responsible for repair works and is this manageable?
- when is the work beyond repair?
- what happens if there are future changes to the site?
- Is the proposed work safe?
- have funds been allocated for ongoing maintenance?

8.1 Removal, modification or de-commissioning

The decision for removal, modification or de-commissioning of public art is to be considered in consultation with the artist, the Strategic Arts Committee, Council, another relevant public authority or individual.

The following would be reasons for consideration of removal, modification or de-construction:

- deteriorated to a point where public safety is at risk;
- design faults in workmanship or material used;
- unsustainable burden on Council resources;
- irreparably damaged or its condition has deteriorated to such an extent that it can no longer be considered the original artwork; and
- the artwork is no longer compatible with the character of locality and or is no longer in line with community sentiment or Council's strategic plans.

9.0 DONATIONS OF PUBLIC ARTWORKS

From time to time, community groups, businesses or members of the public may seek to donate items of public art to Council for ongoing display. Acceptance (or otherwise) of such donations is at Council's absolute discretion.

Contact

Port Stephens Council Tel 02 4980 0255
council@portstephens.nsw.gov.au

References

Public Art Guidelines, Landcom, NSW State Government, 2008

**ITEM 6 - ATTACHMENT 2 GUIDELINES FOR THE APPROVAL AND
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APPENDIX 1: PUBLIC ART PROJECT APPLICATION

Project Name:

Applicant/Group:

Contact name:

Phone:

Mobile:

Email address:

Mailing address:

Please complete the details related to your public art project:

	Details
Project description How has your project evolved and what is the overall vision behind the project?	
Proposed site for public art works What is the proposed site for the artwork? Include a site plan and identify the suitability of site for proposed purpose. Why has this site been chosen for your project? What is the relevance and appropriateness of the work to the context of its site? Do you have landowner's approval? Consistency with current planning, heritage and environmental policies and plans?	
Concept design Identify concept designs and image. Include an explanation of proposed design, including scale of the work. Provide details of artist/s. Integrity of the artwork/non-duplication of similar artwork for same application?	

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<p>Materials and construction What materials are being used for the project? Identify that the materials are appropriate for purpose; durable and able to withstand the elements (consider aging and lifespan). How will the works be fabricated and are the materials sustainable/ renewable?</p>	
<p>Maintenance requirements Outline required on-going durability and maintenance requirements.</p>	
<p>Community involvement and consultation For private projects, what level of community consultation has informed concept design?</p> <p>For other projects, are you working in partnership with any community group(s) and if so, what feedback have they provided in terms of concept designs and what will be their broader role in the proposed project?</p>	
<p>Timing of works Outline the proposed timeline for the project: proposed commencement date, construction schedule and date for installation and completion.</p>	
<p>Budget Are there adequate funds available to undertake the project? Are there any requirements for these funds (e.g. grant acknowledgement)?</p> <p>Attach detailed proposed budget.</p> <p>Monet allocated for ongoing maintenance?</p>	
<p>Construction and installation The work may be constructed off site by the artist but must be installed by Council approved contractors on Council owned or managed land.</p>	

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<p>Additional information</p> <p>Are there any additional issues attached to this proposal that would support your proposal?</p> <p>Please note if the proposed works relate to formal conditions associated with a development application (DA) lodged with Council and list the DA number. Outline what the conditions are and how you have addressed them.</p> <p>Please note that it is imperative you consider risk management issues during construction, ongoing site safety aspects and management of the work into the future.</p> <p>Integrity of the work to be considered to ensure there is no duplication for similar use.</p>	
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**ITEM 6 - ATTACHMENT 2 GUIDELINES FOR THE APPROVAL AND
INSTALLATION OF PUBLIC ART IN PORT STEPHENS.**

Guidelines



APPENDIX 2: PUBLIC ART ASSESSMENT CHECKLIST

Council Officer/s:

Section / Unit:

Project details	Project considerations	Comments	Further feedback required? Yes/No Comments
Project description	Adequate detail provided? How and why was the project developed? What is the vision for the concept? Type and scope of work		
Site details public art works	Ownership of site? Why has the site been chosen for the project? Suitable land zoning? Plan of Management approval? Will the site be accessible to community members? Is site part of another community facility? Will the work enhance sense of place and belonging? Relevance and appropriateness of the work and the context of its site? Are there any site restrictions?		

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Concept design	<p>Does project link with the community</p> <p>Does the design compliment surrounding community facilities</p> <p>Will the work improve the visual amenity of the area</p> <p>Are any concept drawings provided?</p>		
Community involvement and benefit	<p>What community groups are involved in development?</p> <p>Who will support the project?</p> <p>Who will give input on the project?</p> <p>Will consultation take place?</p> <p>Will it will increase opportunity for social interaction and working cooperatively</p> <p>How does the project contribute to the benefit of the community?</p>		
Materials and construction	<p>How will the work be constructed?</p> <p>What are the proposed materials?</p> <p>Are there any safety risks involved with the materials?</p> <p>How will the work be fabricated?</p> <p>Where will it be fabricated?</p> <p>Has the project considered renewal or sustainable materials?</p> <p>What will be the ongoing maintenance of the works?</p>		

ITEM 6 - ATTACHMENT 2 GUIDELINES FOR THE APPROVAL AND INSTALLATION OF PUBLIC ART IN PORT STEPHENS.

Guidelines



Project timeline	Are project timeframes included? Is timeline realistic? Has an installation date been incorporated?		
Budget	Realistic funding available? Evidence of funding source/s?		
Artist's details	Have details of artist/s been provided? Has the artist/s been previously involved in a similar project? Have appropriate copyright releases been provided?		
Insurance	Insurance value of work		
Maintenance	What are the maintenance and durability requirements? What are the predicted ongoing costs?		
Additional information	Please consider any additional details that have been incorporated into the application.eg. <ul style="list-style-type: none"> • Maintenance • Risk hazard identification • Public safety • Vandalism issues 		

MINUTES ORDINARY COUNCIL - 12 DECEMBER 2017

Councillor Giacomo Arnott left the meeting at 8:17pm in Committee of the Whole.
Councillor John Nell returned to the meeting at 8:17pm in Committee of the Whole.

ITEM NO. 7

FILE NO: 17/215487
RM8 REF NO: PSC2016-00601

NAMING CORLETTE HILL - FEATURE WITHIN GANYA-BA RESERVE - CORLETTE

REPORT OF: MARK STACE - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Make application to the Geographical Names Board of NSW to approve the name 'Corlette Hill' as a feature within Ganya-ba Reserve at Corlette.
 - 2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the name and, should no submissions be received, progress the application without a further report to Council.
-

ORDINARY COUNCIL MEETING - 12 DECEMBER 2017 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Glen Dunkley Councillor Jaimie Abbott That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 12 DECEMBER 2017 MOTION

316	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council 1) Make application to the Geographical Names Board of NSW to approve the name 'Corlette Hill' as a feature within Ganya-ba Reserve at Corlette. 2) Place the application on public exhibition for a period of 28 days if the Geographical Names Board agrees to the name and, should no submissions be received, progress the application without a further report to Council.
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BACKGROUND

The purpose of this report is to recommend Council apply to the Geographical Names Board of NSW (GNB) to name a feature within the recently named Ganya-ba Reserve. The hill is a feature of this reserve and the name 'Corlette Hill' has been approved in principle by GNB. The location of 'Corlette Hill' is shown edged white on the attached locality map (**ATTACHMENT 1**).

The name Ganya-ba Reserve was adopted by Council at its meeting on 1 August 2017, following input from the Worimi Local Aboriginal Land Council (LALC). Since then a request from the public has been received to name the feature Corlette Hill, within the Ganya-ba Reserve, as this is the name used locally.

If the GNB agrees to this proposed name it will be locally advertised with a submission period of 28 days. Should no submissions be received objecting to the name, the Gazette will then be published to complete the official naming process.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Engagement.	Engage our community in conversations and provide timely & accurate information.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications to Council in submitting the application to the GNB to name reserves.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The application will be prepared in accordance with Council's Naming and Renaming of Reserves Policy. Once approved, GNB will prepare and advertise the Gazette Notice as required by the *Geographical Names Board Act 1996*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the GNB will reject the proposed name.	Low	Overcome objection and, if required, reapply to the GNB.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

No adverse social, economic or environmental implications are expected.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services Section. Following up on a request by the public to name this feature assists in reducing the chance of submissions objecting to the proposed name.

Internal

- Property Officer.
- Land Acquisition & Development Manager.
- GIS Technical Officer.
- Community & Recreation Coordinator.

External

- Geographical Names Board.
- Member of public.
- Worimi Local Aboriginal Land Council.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.

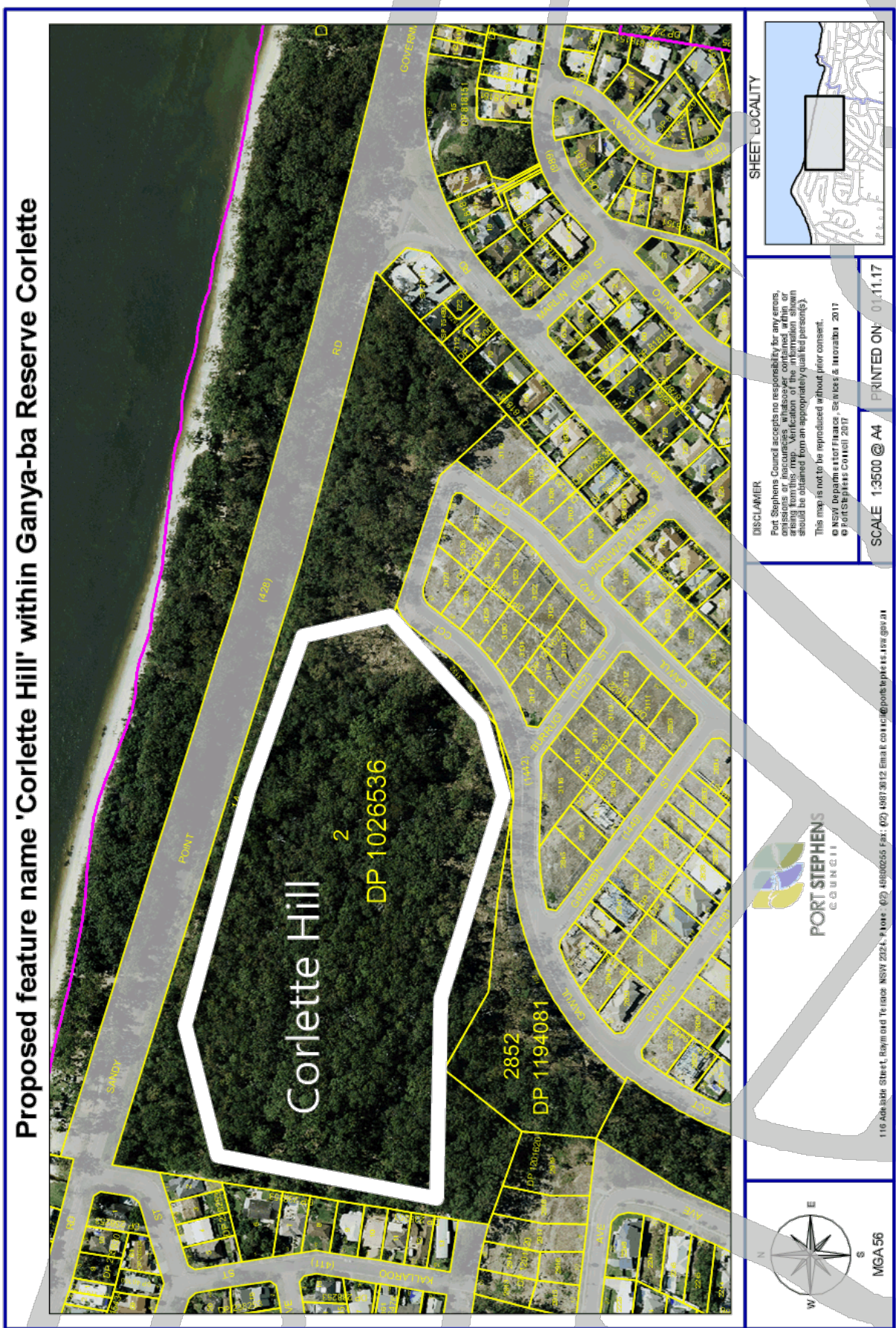
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 LOCALITY MAP.



ITEM NO. 8**FILE NO: 17/209953
RM8 REF NO: PSC2009-02488****POLICY REVIEW: ASSET DISPOSAL (OTHER THAN PROPERTY)****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Asset Disposal (other than property) Policy shown at **(ATTACHMENT 1)**.
- 2) Place the amended Asset Disposal (other than property) Policy 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 Asset Disposal (other than property) Policy adopted 25 March 2014 (Min No 63) and last amended 9 February 2016 (Minute No 019) should no submissions be received.

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Paul Le Mottee That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

317	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Asset Disposal (other than property) Policy shown at (ATTACHMENT 1).2) Place the amended Asset Disposal (other than property) Policy 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 Asset Disposal (other than property) Policy adopted 25 March 2014 (Min No 63) and last amended 9 February 2016 (Minute No 019) should no submissions be received.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Asset Disposal (other than property) Policy.

The policy is required to ensure the disposal of assets is ethical, transparent and accountable. The policy is supported by the Asset Disposal (other than property) Management Directive that prescribes the considerations and processes to be applied in the disposal of Council owned assets.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The principles of the Asset Disposal (other than property) Policy require Council officials (Councillors, staff and delegates of Council) to dispose of assets in a suitable public marketplace that maximises Council's financial returns.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council's asset disposal principles are to achieve the best value for money whilst being ethical, transparent and accountable. They promote fairness and competition. The policy mirrors Council's principles and by adopting the recommendations will thereby reduce potential legal ramifications.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that fraud and corruption will occur, leading to financial and reputational loss.	Low	Accept the recommendations.	Yes
There is a risk that Council will fail to maximise its return from asset sales.	Low	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The disposal of assets by resale supports Council's environmental sustainability principles.

CONSULTATION

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

Internal

- Executive Team.

External

In accordance with local government legislation the draft policy will go on public exhibition from Thursday 21 December 2017 to Wednesday 17 January 2017 for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Asset Disposal (other than property) Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 REVISED ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY.

Policy



FILE NO: PSC2009-02488

TITLE: ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY

POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER

PURPOSE:

The purpose of this policy is to provide a systematic and accountable method to Council officials (Councillors, staff and delegates of Council) for the disposal of surplus assets, excluding real property, and to ensure the process is transparent and complies with Council's Code of Conduct, Statement of Business Ethics and Financial Business Rules.

Environmentally sustainable asset disposal results in minimisation of unnecessary purchasing, waste minimisation, water and energy saving, pollution minimisation, avoidance of toxic chemicals, reduction in greenhouse gases and decision making that incorporates biodiversity and conservation objectives.

CONTEXT/BACKGROUND:

The Asset Disposal (other than property) Policy is required to ensure that the disposal of Council assets is ethical, transparent and accountable. The policy is supported by the Asset Disposal (other than property) Management Directive that prescribes the considerations and processes to be applied in the disposal of Council owned assets.

SCOPE:

This policy has been written considering the following principles:

- 1) High standards of behaviour and ethics are required of all parties to asset disposal activities.
- 2) Asset disposal activities aim to be efficient, effective and balance risk and total cost.
- 3) Due economy shall be exercised in all asset disposal decisions.
- 4) Asset disposal decisions shall consider relevant evaluation criteria including environmental sustainability, the support of registered disability employers and the support of local industry.

Policy

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ITEM 8 - ATTACHMENT 1 REVISED ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY.

Policy



DEFINITIONS:

Asset	A resource with economic value that an individual, corporation or country owns or controls with the expectation that it will provide future benefit.
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POLICY STATEMENT:

Surplus assets will be disposed of in a cost effective manner that complies with relevant regulations in a fair, transparent, environmentally sustainable manner to maximise financial return to Council. Prior to the disposal, assets will be reviewed in order to ascertain whether they have alternate uses within Council, contain hazardous materials or identifying marks. Council has adopted a Statement of Business Ethics that sets out the high ethical standards expected of Council officials and delegates, contractors and business associates.

POLICY RESPONSIBILITIES:

- 1) Section Managers generally.
- 2) Expenditure Coordinator.
- 3) Procurement and Contractor Management Specialist.

RELATED DOCUMENTS:

- 1) *Local Government Act 1993* (NSW).
- 2) *Local Government (General) Regulation 2005* (NSW).
- 3) *Competition and Consumer Act 2010* (Cth).
- 4) Code of Conduct.
- 5) Statement of Business Ethics.
- 6) Procurement Policy.
- 7) Fraud and Corruption Control Policy.
- 8) Procurement Management Directive
- 9) Asset Disposal Management Directive.
- 10) Financial Business Rules.

CONTROLLED DOCUMENT INFORMATION:

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ITEM 8 - ATTACHMENT 1 REVISED ASSET DISPOSAL (OTHER THAN PROPERTY) POLICY.

Policy



RM8 container No	PSC2009-02488	RM8 record No	17/198654
Audience	Council Staff		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	###/###/2019
Adoption date	25/03/2014		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	25/03/14	Financial Services Section Manager	Policy adopted.	63
2.0	27/11/15	Financial Services Section Manager	This policy has been reviewed and formatted into the new template.	
3.0	09/02/2016	Financial Services Section Manager	Policy adopted.	019
4.0	10/10/2017	Financial Services Section Manager	Updated references from TRIM to RM8. Updated RM8 record number from PSC2009-02488/486 to 17/198654. Added Financial Business Rules to the Purpose. Added Procurement Management Directive, Asset Disposal Management Directive, and Financial Business Rules to the Related Documents.	

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ITEM NO. 9**FILE NO: 17/210291
RM8 REF NO: PSC2009-02488****POLICY REVIEW - BUDGET CONTROL AND AUTHORISATION POLICY****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Budget Control and Authorisation Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the amended Budget Control and Authorisation Policy on public exhibition for a period of 28 days and should no submission be received, the policy be adopted as amended, without a further report to Council.
 - 3) Revoke the Budget Control and Authorisation Policy adopted 21 July 1998 (Min No 336) and last amended 9 February 2016 (Min No. 017) should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Steve Tucker That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

318	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Budget Control and Authorisation Policy shown at (ATTACHMENT 1).2) Place the amended Budget Control and Authorisation Policy on public exhibition for a period of 28 days and should no submission be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Budget Control and Authorisation Policy adopted 21 July 1998 (Min No 336) and last amended 9 February 2016 (Min No. 017) should no submissions be received.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Budget Control and Authorisation Policy.

The objective of the policy is to ensure that all Council expenditure is legally authorised and that effective systems of budgetary control are in place to monitor and report on actual income and expenditure compared with budgeted income and expenditure.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The implementation of the policy ensures that all Council expenditure is legally authorised and ensures the sound financial management of Council's assets.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Implementation of the Budget Control and Authorisation Policy ensures that all Council expenditure is authorised under the provisions contained in the *Local Government Act 1993* (NSW) and the *Local Government (General) Regulations 2005*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's legal responsibilities will not be met if the policy is not implemented which could cause financial and/or reputational damage.	Low	Accept the recommendations.	Yes
There is a risk that failing to effectively monitor and control actual income and expenditure in conjunction with budgeted income and expenditure could compromise Council's financial position.	Low	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's budget is fundamental for operational sustainability and to the provision of facilities and services to the community.

CONSULTATION

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

Internal

- Executive Team.

External

In accordance with local government legislation the draft policy will go on public exhibition from Thursday 21 December 2017 to Wednesday 17 January 2017 for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Budget Control and Authorisation Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 9 - ATTACHMENT 1 REVISED BUDGET CONTROL AND
AUTHORISATION POLICY.****Policy****FILE NO:** PSC2009-02488**TITLE:** BUDGET CONTROL AND AUTHORISATION POLICY**POLICY OWNER:** FINANCIAL SERVICES SECTION MANAGER**PURPOSE:**

To ensure that all Council expenditure is legally authorised and that effective systems of budgetary control are in place to monitor and report on actual income and expenditure compared with budgeted income and expenditure.

CONTEXT/BACKGROUND:

On 20 September 2011, Council adopted a Budget Control and Authorisation Policy, Minute No. 349. Council is committed to ensuring the allocation of its resources is responsible and appropriate.

SCOPE:

- 1) The elected Council is responsible for the allocation of Council's resources for the benefit of the area (*section 232 Local Government Act 1993* (NSW) (Local Government Act).
- 2) Council cannot delegate its authority to vote money for expenditure on works, services and facilities (*section 377 Local Government Act*).
- 3) The Council is responsible to regularly review and monitor its financial performance (*section 232 Local Government Act*).
- 4) The General Manager is responsible for the efficient and effective allocation of resources and ensuring appropriate policies and delegations of authority (*section 335 Local Government Act*).
- 5) Responsible budget officers are responsible for carrying out activities within their area of responsibility in accordance with their delegations from the General Manager.

DEFINITIONS:

Budget	An estimate of income and expenditure for a set period of time.
Unexpended Votes	Financial resources not spent.
Budget Reviews	A quarterly review of budget allocations submitted for Council endorsement.
Responsible Accounting	A staff member designated by the General Manager in

Policy

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ITEM 9 - ATTACHMENT 1 REVISED BUDGET CONTROL AND
AUTHORISATION POLICY.

Policy



Officer accordance with the Local Government Act to take charge of
Accounting and Finance requirements of the organisation.

POLICY STATEMENT:

General

- 1) Each year, Council will approve estimated income and expenditure for works and services as detailed in the Community Strategic Plan. The estimates will be submitted to Council in the form of a 10-year Long Term Financial Plan. For the purposes of the *Local Government (General) Regulation 2005* (NSW) Local Government Act (General) Regulation, Council will be deemed to have approved the budget at section level.
- 2) No employees shall incur a liability unless Council has approved such expenditure and they must have the necessary authority delegated to incur a liability on behalf of Council.
- 3) As the Responsible Accounting Officer, the Financial Services Section Manager is to ensure:
 - That appropriate budgeting and accounting systems (including internal control systems) are established and maintained;
 - That a system of budgetary control is established and maintained that will enable Council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure. If any instance arises, where the actual income or expenditure of the Council is materially different from its estimated income or expenditure, the General Manager must report the instance to the next meeting of Council.

Voting and authorising new expenditure

- 1) The voting and authorising of additional expenditure not included in the original budget is the statutory responsibility of Council and cannot be delegated to the General Manager or any other person. This requirement is valid irrespective of whether new items of expenditure are offset by additional income not included in the original estimates.
- 2) Council authority for such new items is to be obtained by either:
 - Including details in a Quarterly Budget review; or
 - In a separate report to Council.
- 3) To ensure that all decisions by Council have taken into account the overall impact on the budget and Council priorities:
 - Reports are to include recommendations from the relevant section manager, of the impact on the current or future budgets;

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ITEM 9 - ATTACHMENT 1 REVISED BUDGET CONTROL AND
AUTHORISATION POLICY.

Policy



- The funding/budget implications will be referred to a Council meeting as part of the Quarterly Budget Review Statement, with a recommendation from the Executive Leadership team based on a corporate assessment of overall budget implications and priorities.

Transferring Votes

- 1) The General Manager has delegated authority to approve the transfer of votes, within the same group, up to a maximum of \$10,000. Such transfers and the reasons for the transfers are to be included in the next Quarterly Budget Review Statement.
- 2) The transfer of votes between groups must be submitted to Council for approval.
- 3) The transfer of votes within groups for amounts in excess of \$10,000 or between operational and capital must be submitted to Council for approval.

Budget Reviews

- 1) The General Manager will prepare and submit to Council a Quarterly Budget Review Statement within two months of the end of each quarter, except for the June quarter which is discretionary.
- 2) The Quarterly Budget Review Statement will show the actual income and expenditure at the end of the quarter and a revised estimate of income and expenditure for the year.
- 3) The Quarterly Budget Review Statement will itemise any additional votes or transfers that require Council approval.
- 4) The Quarterly Budget Review Statement must include a report as to whether the General Manager believes that the Statement indicates if Council's financial position is satisfactory or unsatisfactory and recommendations for remedial action if necessary.
- 5) The Quarterly Budget Review Statement must include a report that provides sufficient information to alert Council to any issues or potential problems that may impact its ability to achieve stated financial targets.
- 6) The Quarterly Budget Review Statement must include a report that provides sufficient information to inform Council as to whether Council's Capital Works program is on track to deliver the projects outlined in its Asset Management Plan.

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**ITEM 9 - ATTACHMENT 1 REVISED BUDGET CONTROL AND
AUTHORISATION POLICY.****Policy****Unexpended Votes (Revotes)**

- 1) All approvals and votes lapse at the end of the financial year or whenever Council's term of office ends. However, this does not apply to approvals and votes relating to:
 - Work carried out, work in progress or contracted to be carried out;
 - Any service provided, or contracted to be provided;
 - Goods and materials provided, or contracted to be provided;
 - Facilities provided, or contracted to be provided before the term of office of the Council ends.
- 2) The General Manager will be responsible to determine if the criteria in 1) above will apply and to authorise the carrying forward of a vote into the next financial year. The General Manager will submit a report to Council detailing these carried forward votes.
- 3) Once an approval or vote has lapsed, it can only be reinstated by a resolution of the Council. In the case of a newly elected Council, a report will be submitted to the first meeting of Council recommending the approval and voting of expenditure to enable the day-to-day operations of Council to continue. In the case of votes unexpended at the end of the financial year, a report is to be submitted to Council itemising the lapsed votes that in the opinion of the General Manager, should be revoted for the next period.

POLICY RESPONSIBILITIES:

- 1) Financial Services Section Manager.

RELATED DOCUMENTS:

- 1) Local Government Act.
- 2) Local Government Act (General) Regulation.

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2009-02488	RM8 record No	17/209919
Audience	Council Staff		
Process owner	Financial Services Section Manager		

Policy

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ITEM 9 - ATTACHMENT 1 REVISED BUDGET CONTROL AND
AUTHORISATION POLICY.

Policy



Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	###/###/2019
Adoption date	21/07/1998		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	21/07/98	Financial Services Section Manager	Policy adopted.	336
2.0	20/09/11	Financial Services Section Manager	Amended policy adopted.	349
3.0	25/03/14	Financial Services Section Manager	Amended policy adopted.	62
4.0	16/12/15	Financial Services Section Manager	This policy has been reviewed and formatted into the new template. Included a definition of Responsible Accounting Officer.	
5.0	09/02/16	Financial Services Section Manager	Amended policy adopted.	017
6.0	24/10/17	Financial Services Section Manager	Updated RM8 reference from 15/244602 to 17/209919.	

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ITEM NO. 10**FILE NO: 17/211522
RM8 REF NO: PSC2009-02488****POLICY REVIEW - PROCUREMENT POLICY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Procurement Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the amended Procurement Policy 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 Procurement Policy adopted 25 March 2014 (Min No 64) and last amended 9 February 2016 (Min No. 018) should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Paul Le Mottee That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

319	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Procurement Policy shown at (ATTACHMENT 1).2) Place the amended Procurement Policy 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 Procurement Policy adopted 25 March 2014 (Min No 64) and last amended 9 February 2016 (Min No. 018) should no submissions be received.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Procurement Policy. The policy is required to ensure Council's procurement is ethical, transparent and accountable and is supported by the Procurement Management Directive.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Procurement Policy prescribes economical, efficient and effective procurement.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Procurement Policy is written in accordance with the *Local Government Act 1993* (NSW), and the *Local Government (General) Regulation 2005*.

Council's procurement principles are to achieve the best value for money whilst being ethical, transparent and accountable. They promote fairness and competition.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will fail to secure goods and services at the most competitive price.	Low	Adopt the revised policy.	Yes
There is a risk that fraud and corruption will occur leading to financial and reputational loss.	Low	Adopt the revised policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy prescribes a preference for local suppliers thereby supporting the local economy.

CONSULTATION

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

Internal

- Executive Team.

External

In accordance with local government legislation the draft Procurement Policy will go on public exhibition from Thursday 21 December 2017 to Wednesday 17 January 2018 for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Procurement Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 REVISED PROCUREMENT POLICY.**Policy****FILE NO: PSC2009-02488****TITLE: PROCUREMENT POLICY****POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER****PURPOSE:**

The purpose of this policy is to state Council's position on procurement matters and to provide clear direction to Council officials (Councillors, staff and delegates of Council) making procurement decisions.

Environmentally sustainable procurement results in minimisation of unnecessary purchasing, waste minimisation, water and energy saving, pollution minimisation, avoidance of toxic chemicals, reduction in greenhouse gases and decision making that incorporates biodiversity and conservation objectives.

CONTEXT/BACKGROUND:

Council procurement is required to achieve best value for money in the expenditure of public funds while being ethical, ecologically sustainable, transparent, accountable and promoting fairness and competition. This policy prescribes Council's approach to procurement and is supported by the Procurement Management Directive.

SCOPE:

This policy has been written considering the following principles:

- 1) All parties engaged in procurement activities will display high standards of behaviour and ethics.
- 2) Procurement activities aim to be efficient, effective and balance risk and total cost.
- 3) Due economy shall be exercised in all purchasing decisions.
- 4) Purchasing decisions shall consider relevant evaluation criteria including environmental sustainability, support of local suppliers, registered disability employers and Australian made goods.
- 5) Parties will conduct all procurement and business relationships with fairness and honesty.
- 6) The process for awarding contracts on government projects will be open, clear and defensible.
- 7) A party with a potential conflict of interest will declare and address that interest as soon as the conflict is known to that party.

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ITEM 10 - ATTACHMENT 1 REVISED PROCUREMENT POLICY.

Policy



- 8) Parties shall comply with all legal obligations.
- 9) Parties shall not engage in practices that are anti-competitive.
- 10) Parties shall not engage in practices that aim to give a party an improper advantage over another.
- 11) Parties shall not seek or submit tenders without a firm intention and capacity to proceed with a contract.
- 12) Parties will maintain business relationships based on open and effective communication, respect and trust and adopt a non-adversarial approach to dispute resolution.

DEFINITIONS:

Procurement	The act of obtaining or buying goods and services. The process includes preparation and processing of a demand as well as the end receipt and approval of payment.
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POLICY STATEMENT:

1) Standards of behaviour

Council has adopted a Statement of Business Ethics that sets out the high ethical standards expected of Council officials, contractors and business associates. In addition to this, the following statements are made in relation to procurement:

- Council processes shall be fully documented and defensible.
- Council will treat all potential tenderers consistently.
- All parties shall comply with the rule of law and avoid practices that are anti-competitive or collusive.
- Council will not engage in practices that give one party improper advantage over another outside its local and Australian made preference and Registered Disability Employer preference policies.
- Council will not invite or submit tenders without a firm intention and capacity to proceed.
- Parties shall maintain open, effective communication, respect and trust and adopt a non-adversarial approach to dispute resolution.

2) Environmental sustainability

Council is committed 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" as per the *Local Government Act 1993* (NSW) (The Act). The principles of ecologically sustainable development (ESD) are

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ITEM 10 - ATTACHMENT 1 REVISED PROCUREMENT POLICY.

Policy



defined in The Act as the "effective integration of economic and environmental considerations in decision-making processes".

Council is committed to effective implementation for the following principles of ESD in procurement decision making; the precautionary principle; intergenerational equity; conservation of biological diversity and ecological integrity; and improved valuation, pricing and incentive mechanisms.

3) Local preference

Best value for money does not always mean lowest price. Council functions contribute to the economic success of the Local Government Area and Council expends considerable amounts annually on local economic development. Council prefers to buy from local suppliers and contractors where possible as this supports Council's local economic development initiatives.

4) Preference for Australian made products

Council prefers to buy goods made in Australia and encourages a culture of buy Australian in Council officials when evaluating the merits of purchases. Where it is cost effective to do so staff must purchase Australian made/origin supplies.

5) Preference for registered disability employers

Council prefers to buy products made by registered disability enterprises and encourages such consideration in the evaluation of purchases. Where it is cost effective to do so, staff are encouraged to buy from registered disability employers.

6) Purchase orders

Council will always issue a purchase order number for approved purchases. Suppliers are expected to cooperate by quoting the purchase order number on invoices. Council will not pay invoices where an approved purchase order number is absent.

7) Asset disposal

Council will dispose of surplus plant, vehicles, stores, materials, equipment, furniture, scrap metal, technology and other items in a competitive, transparent, cost effective and environmentally sustainable manner.

Policy

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ITEM 10 - ATTACHMENT 1 REVISED PROCUREMENT POLICY.

Policy

**POLICY RESPONSIBILITIES:**

- 1) Section Managers generally.
- 2) Procurement and Contractor Management Specialist.
- 3) Expenditure Coordinator.

RELATED DOCUMENTS:

- 1) *Local Government Act 1993 (NSW).*
- 2) *Local Government (General) Regulation 2005.*
- 3) *Competition and Consumer Act 2010 (Cth).*
- 4) NSW Government Procurement Code of Practice.
- 5) NSW Government Procurement Policy Framework.
- 6) NSW Government Sustainability Policy.
- 7) Port Stephens Council Code of Conduct.
- 8) Procurement Management Directive.
- 9) Financial Business Rules Management Directive.
- 10) Asset Disposal (other than property) Policy.

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2009-02488	RM8 record No	17/210686
Audience	Council Staff		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	###/###/2019
Adoption date	25/03/14		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25/03/14	Financial Services Section Manager	Policy adopted.	64

Policy

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ITEM 10 - ATTACHMENT 1 REVISED PROCUREMENT POLICY.

Policy



2	25/11/14	Financial Services Section Manager	<ul style="list-style-type: none"> Amended policy adopted. 	317
3	27/11/15	Financial Services Section Manager	<ul style="list-style-type: none"> This policy has been reviewed and formatted into the new template. Port Stephens Council Code of Conduct added to related documents. Reference to the Procurement Management Directive added to the Context/Background. 	
4	09/02/16	Financial Services Manager	<ul style="list-style-type: none"> Amended policy adopted. 	018

Policy

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ITEM 10 - ATTACHMENT 1 REVISED PROCUREMENT POLICY.

Policy



5	25/10/17	Financial Services Section Manager	<ul style="list-style-type: none"> • Updated references from TRIM to RM8. • Updated RM8 record from 487 to 17/210686. • Removed NSW Government Procurement Code of Tendering from the Related Documents Section. • Added NSW Government Procurement Policy Framework, Procurement Management Directive, Asset Disposal (other than property) Policy, and Financial Business Rules Management Directive to the Related Documents Section. 	
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Policy

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ITEM NO. 11**FILE NO: 17/208642
RM8 REF NO: PSC2008-2574****BIRUBI POINT CULTURAL HERITAGE ADVISORY PANEL - COUNCILLOR REPRESENTATION**

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider nomination for one Councillor representative and one alternative Councillor on the Birubi Point Cultural Heritage Advisory Panel.
-

Councillor Giacomo Arnott returned to the meeting at 8:19pm in Committee of the Whole.

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	RECOMMENDATION: That Council nominate Cr Smith as the Council delegate on the Birubi Point Cultural Heritage Advisory Panel.
--	--

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

320	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council nominate Cr Smith as the Council delegate on the Birubi Point Cultural Heritage Advisory Panel.
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BACKGROUND

The purpose of this report is to confirm Councillor representation on the Birubi Point Cultural Heritage Advisory Panel ("the Panel").

Council established the Panel as a 355c Committee on 26 November 2013 (Minute 349). The Panel has met frequently since its inception and has overseen the development of the Master Plan for the Aboriginal Place, the development of a draft management plan, the development of concept designs for a tourism transport

MINUTES ORDINARY COUNCIL - 12 DECEMBER 2017

interchange for Anna Bay and the endorsement of an annual works plan for the Aboriginal Place that is funded through an agreement with Worimi Conservation Lands Board of Management. The Panel representation was originally determined in consultation with representatives of the Worimi Aboriginal community.

Council adopted representation on all 355c committees and Regional Panels at its meeting of 26 September 2017 (Minute 224). This resolution included the listing of three (3) Councillors to the Panel being Councillors Arnott, Dunkley and Smith. This resolution is in conflict with the Terms of Reference for the Panel that requires one Councillor representative on the Panel. The recommendation is designed to correct this administrative oversight to give clarity as to which Councillor is the representative on this Panel.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Community Planning and Partnerships.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

FINANCIAL/RESOURCE IMPLICATIONS

Adopting the recommendation will result in no financial or resource implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Under section 355c of the *Local Government Act 1993* Council may exercise its functions itself or by delegation to another person or persons.

Council is the Crown Trustee for the Birubi Point Crown Reserve (Reserve Number 91451) which forms part of the Birubi Point Aboriginal Place that was gazetted as such in 2007.

Adopting the recommendation corrects the public record made on 26 September 2017 (Minute 224) by clarifying which Councillor is the representative on the Panel.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Panel may not function according to past good practice if the Councillor representation is not clearly articulated resulting in reputation damage.	Low	Adopt the recommendations.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no foreseeable negative implications for adopting the recommendations.

CONSULTATION

- 1) Mayor
- 2) General Manager
- 3) Governance Manager
- 4) Volunteers Coordinator

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: 17/220624
RM8 REF NO: PSC2014-02792**

WILLIAMTOWN/SALT ASH FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Williamtown/Salt Ash Floodplain Risk Management Study and Plan dated September 2017 **(TABLED DOCUMENT)**.
 - 2) Include the Council actions from the Williamtown/Salt Ash Floodplain Risk Management Plan in Council's Delivery Program.
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Giacomo Arnott Councillor Glen Dunkley That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

321	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Adopt the Williamtown/Salt Ash Floodplain Risk Management Study and Plan dated September 2017 (TABLED DOCUMENT).2) Include the Council actions from the Williamtown/Salt Ash Floodplain Risk Management Plan in Council's Delivery Program.
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BACKGROUND

The purpose of this report is to recommend that the Williamtown/Salt Ash Floodplain Risk Management Study and Plan **(TABLED DOCUMENT)** be adopted. The Executive Summary of the Williamtown/Salt Ash Floodplain Risk Management Study and Plan is attached **(ATTACHMENT 1)**. The Study and Plan define flood behaviour of the Williamtown/Salt Ash area during infrequent flooding events and proposes

actions that address the risks posed by flooding during these events. Other studies presently being managed by Defence involve investigation of drainage issues in more frequent rainfall events in the area and potential drainage mitigation measures.

The State Government has issued a direction to all Councils under the *Environmental Planning and Assessment Act* (Section 117) that flood studies are required to adequately assess rezoning and development approvals. Also, these flood studies must be consistent with the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005.

The Williamstown/Salt Ash Floodplain Risk Management Study and Plan is two-thirds funded by The NSW Office of Environment and Heritage. The condition of the funding agreement requires the Floodplain Development Manual 2005 be followed. To follow the Floodplain Development Manual 2005 requires the flood study to follow five stages. These five stages are:

1. Data Collection.
2. Flood Study – build hydraulic model and define the nature and extent of the flood problem in technical rather than map form.
3. Floodplain Risk Management Study – update the hydraulic model and determine options in consideration of triple bottom line and risk.
4. Floodplain Risk Management Plan – planned actions to be adopted for Council.
5. Plan Implementation – doing the works.

The Williamstown/Salt Ash Floodplain Risk Management Study and Plan was created in accordance with the State Government's Floodplain Development Manual 2005 and was prepared by BMT-WBM consultancy firm. The draft Williamstown/Salt Ash Floodplain Risk Management Study and Plan was placed on exhibition in late 2015. Comments received during the exhibition period have been assessed by the consultant and incorporated into the final Williamstown/Salt Ash Floodplain Risk Management Study and Plan, which is now ready for adoption by Council.

The Williamstown/Salt Ash Floodplain Risk Management Plan sets out a strategy of prioritised actions and initiatives that are to be pursued by Council, agencies and the community in order to adequately address the risks posed by flooding.

The Williamstown/Salt Ash Floodplain Risk Management Plan proposes a mix of:

- Flood Modification Measures, including the investigation of a consistent flood immunity for roads based on the adopted road hierarchy.
- Property Modification Measures, including using the latest flood levels and controls as part of Land Use Planning and Development Controls.
- Response Modification Measures, including the implementation of Flood Warning Arrangements.

The Williamstown/Salt Ash Floodplain Risk Management Plan does not propose the construction of any physical works in the next couple of decades.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The Williamstown/Salt Ash Floodplain Risk Management Plan is essentially about preparing for major floods, carrying out the necessary investigations, implementing a flood warning system with the SES and, when required, applying for state government grants for upgrade works.

State funds are available to implement measures that contribute to reducing existing flood problems. Funding assistance is likely to be available on a 2:1 (State:Council) basis. Although much of the Williamstown/Salt Ash Floodplain Risk Management Plan may be eligible for Government assistance, funding cannot be guaranteed. Government funds are allocated on an annual basis to competing projects throughout the State.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Investigations within existing budgets.
Reserve Funds	No		
Section 94	No		
External Grants	Yes		Major upgrades through government grants.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The *Local Government Act 1993* (Section 733) provides Council with a general exemption from liability with respect to flood liable land if the necessary studies and works are carried out in accordance with the State Government's Floodplain Development Manual 2005.

The State Government has issued a direction regarding the advice to be provided on Section 149 Certificates where land is subject to flood related development controls. The direction promotes the appropriate use of flood prone land and designates the land into areas dependent upon:

- Frequency of inundation.
- Their hydraulic function (floodways in which floodwaters are conveyed, flood storage areas where flood waters are temporarily stored during flood events, and flood fringe areas).
- Flood hazard (a minimum of two categories, high and low).

The Insurance Council of Australia has indicated that while insurance companies use a variety of flood data sources to make their own assessment of risk, it is likely that they will take a conservative view of risk. A conservative view without up to date data will result in an increase in insurance premiums for residents. Hence having up-to-date flood studies in accordance with the latest State Government guidelines and the Floodplain Development Manual will benefit residents and potentially reduce insurance premiums.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the Plan will result in defaulting on the funding agreement leading to reputation risk from the public and funding agency.	Medium	Adopt Recommendations and adopt the Plan.	Yes
There is a risk that not following the State Government's Floodplain Development Manual 2005 to undertake flood studies will result in Council having to fund the whole study and Council not meeting legislative obligations leading to financial and legal risk to Council.	High	Adopt Recommendations and adopt the Plan to continue with the State Government's Floodplain Development Manual 2005 process.	Yes

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Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not following the State Government's Floodplain Development Manual 2005 will allow the insurance companies to continue to take a conservative view of flood risk which results in increased insurance premiums for residents.	High	Adopt Recommendations and adopt the Plan.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Williamstown/Salt Ash Floodplain Risk Management Study and Plan updates the hydraulic model and determines options in consideration of triple bottom line and risk, with the best actions outlined in the Floodplain Risk Management Plan.

The Williamstown/Salt Ash Floodplain Risk Management Study and Plan also recognises that flood prone land is a value resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development.

The adoption of the Williamstown/Salt Ash Floodplain Risk Management Study and Plan also helps local State Emergency Service personnel to better plan and respond to floods, and therefore reduce the overall community cost of these natural disasters.

CONSULTATION

The Williamstown/Salt Ash Floodplain Risk Management Study and Plan has been on public exhibition and feedback from the community has been received. The public exhibition has been reviewed by Council's Facilities and Services staff, staff from the NSW Office of Environment and Heritage (who provide the grant funding for the work) and by the consultants BMT WBM. The final Flood Study report has been prepared by BMT WBM and includes all public submissions and responses.

Council's Floodplain Advisory Panel has been involved throughout the preparation of this final report. The final report has been presented to Panel at their recent meeting and the Panel recommended adoption of the final report by Council.

OPTIONS

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

ATTACHMENTS

- 1) Executive Summary - Williamtown/Salt Ash Floodplain Risk Management Study and Plan dated September 2017.

COUNCILLORS ROOM

- 1) Williamtown/Salt Ash Floodplain Risk Management Study and Plan dated September 2017.

TABLED DOCUMENTS

- 1) Williamtown/Salt Ash Floodplain Risk Management Study and Plan dated September 2017.

ITEM 12 - ATTACHMENT 1 EXECUTIVE SUMMARY - WILLIAMTOWN/SALT
ASH FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN DATED SEPTEMBER
2017.



"Where will our knowledge take you?"



**Williamtown - Salt Ash Floodplain
Risk Management Study & Plan**

Final Report

September 2017



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ASH FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN DATED SEPTEMBER
2017.

Williamtown Salt Ash Floodplain Risk Management Study and Plan

Prepared for:	Port Stephens Council
Prepared by:	BMT WBM Pty Ltd (Member of the BMT group of companies)

Offices

*Brisbane
Denver
London
Mackay
Melbourne
Newcastle
Perth
Sydney
Vancouver*

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ITEM 12 - ATTACHMENT 1 EXECUTIVE SUMMARY - WILLIAMTOWN/SALT ASH FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN DATED SEPTEMBER 2017.

Document Control Sheet

<p>BMT WBM Pty Ltd 126 Belford Street Broadmeadow NSW 2292 Australia PO Box 266 Broadmeadow NSW 2292</p> <p>Tel: +61 2 4940 8882 Fax: +61 2 4940 8887</p> <p>ABN 54 010 830 421</p> <p>www.bmtwbm.com.au</p>	Document:	R.N20209.001.03.docx
	Title:	Williamtown Salt Ash Floodplain Risk Management Study and Plan
	Project Manager:	Darren Lyons
	Author:	Daniel Williams and Darren Lyons
	Client:	Port Stephens Council
	Client Contact:	Michael Osborne
	Client Reference:	
<p>Synopsis: This report documents the Williamtown Salt Ash Floodplain Risk Management Study and Plan which investigates and presents a flood risk management strategy for the Williamtown / Salt Ash area. The study identifies the existing flooding characteristics and canvasses various measures to mitigate the effects of flooding. The end product is the Floodplain Risk Management Plan, which describes how flood liable lands within the Williamtown / Salt Ash area are to be managed in the future.</p>		

REVISION/CHECKING HISTORY

Revision Number	Date	Checked by	Issued by
0	24/08/2015	DJL	DJL
1	18/03/2016	DJL	DJL
2	26/09/2016	DJL	DJL
3	16/05/2017	DJL	DJL
4	26/09/2017	DXW	DJL

DISTRIBUTION

Destination	Revision										
	0	1	2	3	4	5	6	7	8	9	10
Port Stephens Council	1e	1e	1e	1e	1e						
BMT WBM File	1e	1e	1e	1e	1e						
BMT WBM Library											

ITEM 12 - ATTACHMENT 1 EXECUTIVE SUMMARY - WILLIAMTOWN/SALT ASH FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN DATED SEPTEMBER 2017.

Williamtown Salt Ash Floodplain Risk Management Study and Plan
Executive Summary

Executive Summary

Introduction

The Williamtown Salt Ash Flood Study and Williamtown Salt Ash Flood Study Review were prepared for Port Stephens Council (Council) by BMT WBM in 2005 and 2012 respectively, to define the flood behaviour of the Williamtown / Salt Ash area. Through the establishment of appropriate numerical models, the study produced information on flood flows, velocities, levels and extents for a range of flood event magnitudes under existing catchment and floodplain conditions.

The outcomes of the Williamtown Salt Ash Flood Study Review (BMT WBM, 2012) established the basis for subsequent floodplain management activities in the catchment. This Floodplain Risk Management Study (FRMS) aims to derive an appropriate mix of management measures and strategies to effectively manage flood risk in accordance with the Floodplain Development Manual. The findings of this study will be incorporated in a Plan of recommended works and measures and program for implementation.

The objectives of the Williamtown Salt Ash Floodplain Risk Management Study and Plan are to:

- Identify and assess measures for the mitigation of existing flood risk;
- Identify and assess planning and development controls to reduce future flood risks; and
- Present a recommended floodplain management plan that outlines the best possible measures to reduce flood damages in the Williamtown / Salt Ash locality.

This report documents the FRMS and presents a recommended Floodplain Risk Management Plan (FRMP) for the Williamtown / Salt Ash area.

The following provides an overview of the key findings and outcomes of the study, incorporating a review of design flood conditions within the catchment, assessment of potential floodplain management measures and a recommended Floodplain Management Plan.

This project has been conducted under the State Assisted Floodplain Management Program and received State financial support.

Flooding Behaviour

The Williamtown / Salt Ash district is located adjacent to the lower reaches of the Hunter River. The Hunter River drains a catchment area of approximately 21,000 km², nearly all of which lies upstream of Raymond Terrace. The study area lies partly within the Hunter River floodplain, but also includes the floodplains of a number of local catchments including:

- Windeyers Creek located south and east of Raymond Terrace;
- The Moors Drain flowing between the Williamtown RAAF base and Salt Ash into Tilligerry Creek;
- Tilligerry Creek between Fullerton Cove and Nelson Bay Road, Salt Ash; and
- Minor drainage channels draining to Tilligerry Creek or directly to Fullerton Cove.

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Much of the study area floodplain is located between Fullerton Cove to the west and Port Stephens to the east. Nelson Bay Road limits the transfer of flood waters from Fullerton Cove into the Williamtown floodplain. Tilligerry Creek, which flows to Port Stephens, has a set of flood gates and levee located at Salt Ash. These structures typically prevent elevated water levels in Port Stephens from flooding the Salt Ash floodplain.

Flooding in the Williamtown / Salt Ash study area is primarily caused by three mechanisms:

- Flooding due to local runoff;
- Flooding due to backwater effects of flooding in the Hunter River or elevated ocean tide, which may include overtopping of the levee system surrounding Fullerton Cove; and
- Flooding due to backwater effects of flooding in Port Stephens, which may include overtopping of the levee system at Salt Ash.

The dominant flooding mechanism (in terms of peak design water levels) for the Williamtown / Salt Ash locality is mainstream Hunter River flooding. Under these conditions, Hunter River flooding results in Fullerton Cove filling and discharging into the Tilligerry Creek floodplain, under cross-drainage structures and through overtopping of Nelson Bay Road.

The Williamtown / Salt Ash Flood Study (BMT WBM, 2005) included the development of a hydraulic model for the study area. Subsequent to completion of the Flood Study, further modelling of the Lower Hunter River system has been undertaken for the Williams River Flood Study (BMT WBM, 2009) and Williamtown Salt Ash Flood Study Review (BMT WBM, 2012). Further refinement of the existing models has been undertaken as part of the Floodplain Risk Management Study following detailed review of the previous modelling.

The key updates for the revised modelling include:

- Updated topographical data using the 2013 LiDAR data set acquired by NSW Land and Property Information. Previous modelling utilised the 2007 LiDAR data set acquired by NSW Department of Planning.
- Update of Hunter River design flood flows through revised flood frequency analysis (FFA) at Raymond Terrace. An FFA from a 1994 study has been used as the basis for design flood estimation in the Hunter Estuary for subsequent studies and has now been revised as part of the current study; and
- Additional climate change scenario modelling. This included establishment of design flood conditions consistent with definition of design flood planning levels in current Council planning policy.

The 2007 LiDAR data has been retained for representing the general floodplain topography across the broader model area. Comparison of the 2007 and 2013 LiDAR provides for some differences in floodplain levels, typically of the order of 0.2-0.3 m but greater in some locations. This could be due to a number of factors, such as filtering algorithms, the nature of vegetation at the time of the data capture and the accuracy of the ground control points. Typically, the areas of greatest difference coincide with heavily vegetated parts of the floodplain. Ground survey data in the Fullerton Cove and Tomago localities held by BMT WBM from other projects confirmed the 2007 LiDAR data set to be a

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**Williamtown Salt Ash Floodplain Risk Management Study and Plan
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better match to the ground survey levels. Accordingly, the 2007 LiDAR was retained for representation of the general floodplain.

The 2013 LiDAR data provided for the best representation of current floodplain development conditions incorporating modified landforms for major development completed subsequent to the previous studies and 2007 LiDAR data acquisition (e.g. WesTrac facility, Tomago). The data was also used to reinforce some of the key hydraulic controls such as road crest levels where data is typically unaffected by vegetation conditions.

As part of ongoing studies in the Lower Hunter, BMT WBM has undertaken an updated FFA at Raymond Terrace incorporating an additional 23 years of complete annual maxima data and more advanced analysis of gauge data. A comparison of the design flood levels at Raymond Terrace from the revised FFA with those from the 1994 study is presented in Table E-1. Significantly, the 1% Annual Exceedance Probability (AEP) event, which is the principal flood planning event, is consistent between the analyses.

Table E-1 Comparison of Design Flood Levels from the 1994 and Revised FFAs

Design Event	Flood Level (m AHD)	
	1994 FFA	Revised FFA
20% AEP	2.1	2.4
10% AEP	2.7	2.9
5% AEP	3.1	3.2
2% AEP	3.7	4.1
1% AEP	4.8	4.8
0.5% AEP	(not estimated)	5.2

Existing and Future Flood Risk

Current practice in floodplain management generally requires consideration of the impact of potential climate change scenarios on design flood conditions. For the Williamtown / Salt Ash area this includes both increases in design rainfall intensities and sea level rise scenarios impacting on ocean boundary conditions. Accordingly, these potential changes will translate into increased design flood inundation, such that future planning and floodplain management in the catchment will need to take due consideration of this increased flood risk.

Low-lying coastal areas, such as those surrounding Fullerton Cove and Tilligerry Creek are at particularly high risk to climate change. The potential for future sea level rise is now expected to be the biggest driver for floodplain management around coastal and estuarine systems such as the Hunter Estuary and Port Stephens. The issue of future sea level rise presents particular challenges to future development, as the risks associated with flooding will progressively increase during the lifetime of the development. It may be such that risks do not manifest until the development is nearing the end of its design life.

A flood damages database has been developed to identify potentially flood affected properties and to quantify the extent of damages in economic terms for existing flood conditions. In developing the

ITEM 12 - ATTACHMENT 1 EXECUTIVE SUMMARY - WILLIAMTOWN/SALT ASH FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN DATED SEPTEMBER 2017.**Williamtown Salt Ash Floodplain Risk Management Study and Plan
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damages database, a floor level survey of all existing properties identified within the 1% AEP extent was undertaken. Key results from the flood damages database indicate:

- 14 residential homes, 4 commercial buildings and 1 community building have floor levels below the existing 1% AEP flood level
- 192 residential homes, 25 commercial buildings and 4 community building /public infrastructure have floor levels below the future 1% AEP flood level (incorporating 0.4 m sea level rise allowance and 20% increase in flow) used to establish current flood planning levels

The property inundation statistics confirms the relatively low flood risk exposure under existing floodplain conditions. However, the results also clearly demonstrate the increasing flood risk across the study area and relative vulnerability of the existing community to potential climate change influence. Accordingly, the floodplain risk management for the catchment is likely to have a focus on climate change adaptation rather than immediate flood protection works.

Community Consultation

Community consultation is aimed at informing the community about the development of the Floodplain Risk Management Study and its likely outcome as well as improving the community's awareness and readiness for flooding. The consultation process provides an opportunity to collect information on the community's flood experience, their concern on flooding issues and to collect feedback and ideas on potential floodplain management measures and other related issues. The key elements of the consultation program involved:

- Consultation with the Floodplain Management Committee through meetings and presentations;
- Public exhibition of the Draft Floodplain Risk Management Study and Plan; and
- Community information session undertaken during the public exhibition period to present and discuss the outcomes of the study and recommended floodplain risk management options.

Floodplain Management Options Considered

The principal flooding mechanism in the study area is major Hunter River flooding. Accordingly, there is limited opportunity for flood modification options to mitigate flooding on a catchment scale. Moreover, in the context of the study area, the existing flood risk exposure to existing property is relatively limited such that expensive, broad scale catchment flood management measures are not required at this stage.

Under climate change scenarios, existing flooding conditions are expected to gradually exacerbate in the study area. With increasing flood risk, the floodplain risk management options provide a focus on progressive climate change adaptation.

The Williamtown / Salt Ash Floodplain Risk Management Study considered and assessed a number of floodplain management measures, summarised below.

- *Nelson Bay Road Upgrades* – Nelson Bay Road is the principal flood access route through the study area. It is presently elevated well above the floodplain and typically provides for existing 1% AEP flood access. The existing flood immunity of the road will gradually decrease with progressive climate change impacts increasing design peak flood level conditions. Whilst not specifically

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requiring immediate works, road upgrades may be undertaken in association with regular maintenance programs (e.g. resurfacing) to provide progressive lifting of the existing road surface profile and maintain appropriate flood immunity.

- *Salt Ash Flood Gate Modification* – the existing flood gate and levee arrangement limits tidal water ingress to the floodplain upstream. The existing arrangement has limited control on peak flood level conditions, particularly in relation to Hunter River derived flooding. No modification works are therefore recommended to address existing flood risk. However, the floodplain management study notes the potential change in flood gate performance associated with progressive sea level rise. Accordingly, future modification of the existing structures will need to be considered in climate change adaptation programs.
- *Preparation of Local Drainage Strategies* – Acknowledging the principal concerns of the community that were raised during the consultation process, recommendation is made to prepare a Management Plan for the local drainage systems. From the floodplain risk management perspective, this is driven by the need for appropriate adaptation plans to be prepared to address increasing flooding under future climate change conditions. There are associated issues relating to local low flow drainage regimes including limited existing capacity, incidence of waterlogging and extended flooding durations, and impact of development on increased runoff. A more holistic Plan of Management would also consider other issues related to water quality and environmental issues.
- *Hunter River Levee Review* – the existing Hunter River flood levees provide existing protection for lower order flood events (<5% AEP) for the floodplain areas in the vicinity of Tomago and Fullerton Cove. Existing and future design flood conditions established in the current study are based on the current levee configurations. Ongoing floodplain risk management for Williamtown and Salt Ash needs to consider potential changes in the configuration or maintenance of these levees that may have a significant influence on design flood conditions in the study area. Future climate change conditions may warrant reassessment of the levee function, not just from a flood management perspective, but also ecological response in the broader Fullerton Cove/Lower Hunter River system which includes significant wetland areas. An initial review from a Williamtown – Salt Ash floodplain risk management perspective may be considered as an initial phase to a broader Plan of Management for the levee system.
- *Voluntary Purchase Schemes* – are generally applicable only to areas where flood mitigation is impractical and the existing flood risk is unacceptable. No property has been identified as suitable for voluntary purchase within the study area and therefore there is no recommendation for such a scheme in the Floodplain Risk Management Plan. However, the current predictions for sea level rise may improve the viability of such a scheme in the future.
- *Voluntary House Raising* – raising floor levels where practical to elevate habitable floor levels to required levels above the flood planning level. Not all houses are suitable for raising. Houses of brick construction or slab on ground construction are generally not suitable for house raising due to expense and construction difficulty. Generally this technique is limited to structures constructed on piers. This scheme has been recommended for further investigation within the Plan to identify suitable properties and funding. The current predictions for sea level rise may further improve the

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viability of such a scheme in the future. A house raising program may form part of a broader climate change adaptation strategy for the study area.

- *Flood Proofing* – Flood proofing is proposed as part of the Plan for those properties that are below the 1% AEP flood level. A detailed list of individual property levels relative to predicted flood levels has been established. For those properties identified within the 1% AEP flood envelope, advice may be provided to individual landowners on available opportunities to reduce on-site flood damages.
- *Planning and Development Controls* – Land use planning and development controls are the key mechanisms by which Council can manage flood-affected areas within Williamtown-Salt Ash. This will ensure that new development is compatible with the flood risk, and allows for existing problems to be gradually reduced over time through sensible redevelopment. The Plan has recommended the adoption of the established 1% AEP flood level plus 0.5m freeboard as the flood planning level (maintains the existing design flood standard) and a review of current land-use zoning with respect to Floodway areas. It is noted the adopted FPL includes climate change allowance as per current Council policy. The recommendation also provides for adoption of the updated flood risk mapping including flood planning areas and hydraulic and hazard classifications.
- *Flood Warning* – The issuing of flood warnings in the region is the responsibility of the Lower Hunter Division of the State Emergency Services (SES). At present flood warnings and estimates of the time of arrival of the flood peak are based on floodwater levels at gauges located upstream including Singleton, Greta, Maitland and Raymond Terrace. The current study has established specific flood warning trigger levels and timings for Williamtown-Salt Ash linked to the existing Raymond Terrace, Hexham Bridge and Stockton Bridge water level gauges. The additional data in concert with the official Hunter River flood warning system should be used to establish appropriate flood warning and response triggers for the study area and update of Local Flood Plans accordingly.
- *Flood Response* – The key improvements to emergency response considered in the current study is the update of Local Flood Plans to incorporate the flood intelligence data borne out of the revised understanding of catchment flooding conditions. This data includes the updated flood modelling, property inundation and flood damages analysis. It is recognised that a major event throughout the Lower Hunter River would provide for coincident flooding of numerous localities stretching already limited emergency response resources. Accordingly, it may be unrealistic for the Williamtown-Salt Ash community to rely on external support for flood response. The concept of a "Community Flood Emergency Response Plan" should be explored. The Plan would provide information regarding evacuation routes, refuge areas, what to do/not to do during a flood event etc. If such a plan is developed and embraced at a community level, the self-sufficiency in terms of flood response would maximise potential for effective emergency response and a non-reliance on formal emergency services. Council and the SES would be expected to have a key role in developing the CFERP for the vulnerable areas.
- *Improved Flood Awareness* – raising and maintaining flood awareness will provide the community with an appreciation of the flood problem and what can be expected during flood events. An

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ongoing flood awareness program should be pursued through collaboration of the SES and Council (e.g. FloodSafe program specific for the study area). The focus of this program should encourage landowners to develop their own Flood Plan for appropriate emergency response in lieu of reliance on Emergency Services as noted above.

- *Strategic Planning for Hunter River (Cumulative Development)* – the study investigated a number of potential large scale redevelopment areas within the Port Stephens LGA. Investigated in isolation, a number of these areas show potential for future redevelopment (including large scale filling/earthworks) with limited impact on existing flood conditions. However, a more coordinated flood impact assessment is recommended comprising a full cumulative development assessment with consideration of regional development opportunities across the Lower Hunter River floodplain incorporating the Port Stephens and Newcastle LGAs. Such an investigation is likely to consider broader regional land use planning and identify future development areas within the floodplain that duly consider overall flood risk and potential impacts under an ultimate development scenario. The outcomes of this cumulative impact assessment would further inform future LEP and DCP amendments (e.g. rezoning, development controls such as fill limitations).
- *Strategic Planning for Williamtown-Salt Ash (Climate Change Adaptation)* – the extent and severity of flooding in the Tilligerry Creek floodplain is controlled by the transfer of Hunter River floodwater across Nelson Bay Road. In raising Nelson Bay Road to combat climate change influence and maintain road flood immunity as a potential flood management measure, there is an opportunity to modify the flood behaviour to provide significant flood risk reductions in the Williamtown-Salt Ash localities under future climate conditions. Strategic planning studies in both a local and regional planning context are recommended to identify a long-term position on the future landscape of the Williamtown-Salt Ash locality under future climate change scenarios. Flood risk management options considered in the current study would be considered as part of local adaptation plans and updated accordingly

The Recommended Floodplain Management Plan and Implementation

A recommended floodplain management plan showing preferred floodplain management measures for Williamtown-Salt Ash is presented in Section 8 in the main body of the report. The key features of the plan are tabulated below with indicative costs, priorities and responsibilities for implementation.

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ID	Action	Estimated Cost	Responsibility	Priority
1	Undertake Nelson Bay Road upgrade works road raising and culvert upgrades (note this may be progressive works in response to incremental climate change impacts)	t.b.c. (future works program)	RMS	Low
2	Investigation of consistent flood immunity for roads based on the adopted hierarchy and install flood indicator signs as appropriate	\$50k	Council	Low
3	Upgrade Salt Ash flood gate and levee as required (note this may be progressive works in response to incremental climate change impacts)	t.b.c. (future works program)	Council	Low
4	Review of Hunter River Levee Scheme in providing ongoing function for Williamtown-Salt Ash flood control	\$30k	Council / OEH	Medium
5	Update planning and development controls including flood risk mapping	Staff costs	Council	High
6	Investigate voluntary house raising program (limited properties)	\$20k	Council / Landowner	Medium
7	Improved flood awareness through issue of flood information and community flood emergency response planning	\$20k	Council / SES	High
8	Update of Local Flood Plans with current design flood information and intelligence	Staff costs	Council / SES	High
9	Implement a real-time flood forecasting tool based on BoM flood warnings at river gauges system	\$50k	Council / SES	High
10	Preparation of a Regional Floodplain Development Strategy incorporating cumulative development flood impact assessment	\$50k	NSW Planning / Port Stephens / Newcastle Councils	High
11	Preparation of a local drainage studies including climate change considerations	\$50 - \$100k	Council	High
12	Preparation of a Climate Change Adaptation Strategy for Williamtown-Salt Ash to define long term development directions	\$100 - \$200k	Council	High

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The steps in progressing the floodplain management process from this point forward are as follows:

1. Council allocates priorities to components of the Plan, based on available sources of funding and budgetary constraints;
2. Council negotiates other sources of funding as required such as through OEH and the "Natural Disaster Mitigation Package" (NDMP); and
3. as funds become available, implementation of the Plan proceeds in accordance with established priorities.

The Plan should be regarded as a dynamic instrument requiring review and modification over time. The catalyst for change could include new flood events and experiences, legislative change, alterations in the availability of funding or changes to the area's planning strategies. In any event, a thorough review every five years is warranted to ensure the ongoing relevance of the Plan. Flood risk in the study area is intrinsically linked to climate change response and the Flood Plan is expected to evolve with the underlying climate change science and policy at the various tiers of government.

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annual exceedance probability (AEP)	<p>The chance of a flood of a given size (or larger) occurring in any one year, usually expressed as a percentage. For example, if a peak flood discharge of 500 m³/s has an AEP of 5%, it means that there is a 5% chance (i.e. a 1 in 20 chance) of a peak discharge of 500 m³/s (or larger) occurring in any one year. (see also average recurrence interval (ARI))</p> <p>Relationship between AEP and ARI is described by:</p> $AEP = 1 - \exp\left(\frac{-1}{ARI}\right)$
Australian Height Datum (AHD)	A common national surface level datum approximately corresponding to mean sea level.
attenuation	Weakening in force or intensity
average annual damage (AAD)	Depending on its size (or severity), each flood will cause a different amount of flood damage to a flood prone area. AAD is the average damage per year that would occur in a nominated development situation from flooding over a very long period of time.
average recurrence interval (ARI)	The long-term average number of years between the occurrence of a flood as big as (or larger than) the selected event. For example, floods with a discharge as great as (or greater than) the 20yr ARI design flood will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event. (see also annual exceedance probability)
catchment	The catchment at a particular point is the area of land that drains to that point.
design flood	A hypothetical flood representing a specific likelihood of occurrence (for example the 100yr ARI or 1% AEP flood).
development	Existing or proposed works that may or may not impact upon flooding. Typical works are filling of land, and the construction of roads, floodways and buildings.
discharge	The rate of flow of water measured in terms of volume per unit time, for example, cubic metres per second (m ³ /s). Discharge is different from the speed or velocity of flow, which is a measure of how fast the water is moving for example, metres per second (m/s).
effective warning time	The time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions
flood	Relatively high river or creek flows, which overtop the natural or artificial banks, and inundate floodplains and/or coastal inundation resulting from super elevated sea levels and/or waves overtopping coastline defences.

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flood behaviour	The pattern / characteristics / nature of a flood.
flood fringe	Land that may be affected by flooding but is not designated as floodway or flood storage.
flood hazard	The potential risk to life and limb and potential damage to property resulting from flooding. The degree of flood hazard varies with circumstances across the full range of floods.
flood level	The height or elevation of floodwaters relative to a datum (typically the Australian Height Datum). Also referred to as "stage".
flood liable land	see flood prone land
floodplain	Land adjacent to a river or creek that is periodically inundated due to floods. The floodplain includes all land that is susceptible to inundation by the probable maximum flood (PMF) event.
floodplain management	The co-ordinated management of activities that occur on the floodplain.
floodplain risk management plan	A document outlining a range of actions aimed at improving floodplain management. The plan is the principal means of managing the risks associated with the use of the floodplain. A floodplain risk management plan needs to be developed in accordance with the principles and guidelines contained in the NSW Floodplain Management Manual. The plan usually contains both written and diagrammatic information describing how particular areas of the floodplain are to be used and managed to achieve defined objectives.
Flood planning levels (FPL)	Flood planning levels selected for planning purposes are derived from a combination of the adopted flood level plus freeboard, as determined in floodplain management studies and incorporated in floodplain risk management plans. Selection should be based on an understanding of the full range of flood behaviour and the associated flood risk. It should also take into account the social, economic and ecological consequences associated with floods of different severities. Different FPLs may be appropriate for different categories of landuse and for different flood plans. The concept of FPLs supersedes the "standard flood event". As FPLs do not necessarily extend to the limits of flood prone land, floodplain risk management plans may apply to flood prone land beyond that defined by the FPLs.
flood prone land	Land susceptible to inundation by the probable maximum flood (PMF) event. Under the merit policy, the flood prone definition should not be seen as necessarily precluding development. Floodplain Risk Management Plans should encompass all flood prone land (i.e. the entire floodplain).
flood source	The source of the floodwaters. In this study, Hunter River flooding is the primary source of floodwaters.
flood storage	Floodplain area that is important for the temporary storage of floodwaters during a flood.

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floodway	A flow path (sometimes artificial) that carries significant volumes of floodwaters during a flood.
freeboard	A factor of safety usually expressed as a height above the adopted flood level thus determining the flood planning level. Freeboard tends to compensate for factors such as wave action, localised hydraulic effects and uncertainties in the design flood levels.
geomorphology	The study of the origin, characteristics and development of land forms.
gauging (tidal and flood)	Measurement of flows and water levels during tides or flood events.
historical flood	A flood that has actually occurred.
hydraulic	The term given to the study of water flow in rivers, estuaries and coastal systems.
hydrodynamic	Pertaining to the movement of water
hydrograph	A graph showing how a river or creek's discharge changes with time.
hydrographic survey	Survey of the bed levels of a waterway.
hydrologic	Pertaining to rainfall-runoff processes in catchments
hydrology	The term given to the study of the rainfall-runoff process in catchments.
isohyet	Equal rainfall contour
m/s (metres per second)	Unit used to describe the velocity of floodwaters.
m³/s (cubic metres per second)	Also referred as cumecs. A unit of measurement of creek or river flows or discharges. It is the rate of flow of water measured in terms of volume per unit time.
morphological	Pertaining to geomorphology
peak flood level, flow or velocity	The maximum flood level, flow or velocity that occurs during a flood event.
pluviometer	A rainfall gauge capable of continuously measuring rainfall intensity
probable maximum flood (PMF)	An extreme flood deemed to be the maximum flood likely to occur.
probability	A statistical measure of the likely frequency or occurrence of flooding.
riparian	The interface between land and waterway. Literally means "along the river margins"
runoff	The amount of rainfall from a catchment that actually ends up as flowing water in the river or creek.

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stage	equivalent to water level (both measured with reference to a specified datum - see flood level.
stage hydrograph	A graph of water level over time.
sub-critical	Refers to flow in a channel that is relatively slow and deep
topography	The shape of the surface features of land
velocity	The speed at which the floodwaters are moving. A flood velocity predicted by a 2D computer flood model is quoted as the depth averaged velocity, i.e. the average velocity throughout the depth of the water column. A flood velocity predicted by a 1D or quasi-2D computer flood model is quoted as the depth and width averaged velocity, i.e. the average velocity across the whole river or creek section.
water level	See flood level.

ITEM NO. 13

**FILE NO: 17/227580
RM8 REF NO: PSC2015-01478**

ANNA BAY & TILLIGERRY CREEK FLOOD STUDY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Anna Bay and Tilligerry Creek Flood Study dated December 2017 **(TABLED DOCUMENT 1)**.
 - 2) Place the revised Floodplain Risk Management Policy on public exhibition for a period of 28 days and, should no submissions be received, the policy be adopted as revised without a further report to Council **(ATTACHMENT 1)**.
 - 3) Revoke the current Floodplain Risk Management Policy adopted by Council on 8 March 2016 Min. No. 054.
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Giacomo Arnott That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

322	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Adopt the Anna Bay and Tilligerry Creek Flood Study dated December 2017 (TABLED DOCUMENT 1).2) Place the revised Floodplain Risk Management Policy on public exhibition for a period of 28 days and, should no submissions be received, the policy be adopted as revised without a further report to Council (ATTACHMENT 1).3) Revoke the current Floodplain Risk Management Policy adopted by Council on 8 March 2016 Min. No. 054.
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BACKGROUND

The purpose of this report is to recommend that the Anna Bay and Tilligerry Creek Flood Study (**TABLED DOCUMENT 1**) be adopted. The Executive Summary of the Anna Bay and Tilligerry Creek Flood Study is attached (**ATTACHMENT 2**). It is also recommended that Council place the revised Floodplain Risk Management Policy on public exhibition (**ATTACHMENT 1**).

The State Government has issued a direction to all Councils under the *Environmental Planning and Assessment Act* (Section 117) that flood studies are required to adequately assess rezoning and development approvals. Also, these flood studies must be consistent with the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005.

Council has received a number of rezoning development pressures from the public which require adequate assessment from a flooding perspective within this catchment. The Anna Bay and Tilligerry Creek Flood Study will provide flooding information to help inform Council on the flooding mechanisms experienced within the study area.

The Anna Bay and Tilligerry Creek Flood Study is two-thirds funded by The NSW Office of Environment and Heritage. The condition of the funding agreement requires the Floodplain Development Manual 2005 be followed. To follow the Floodplain Development Manual 2005 requires the flood study to complete five stages. These five stages are:

1. Data Collection.
2. Flood Study – build hydraulic model and define the nature and extent of the flood problem in technical rather than map form.
3. Floodplain Risk Management Study – update the hydraulic model and determine options in consideration of triple bottom line and risk.
4. Floodplain Risk Management Plan – planned actions to be adopted for Council.
5. Plan Implementation – doing the works.

Anna Bay and Tilligerry Creek Flood Study was created in accordance with the State Government's Floodplain Development Manual 2005 and was prepared by Jacobs consultancy firm.

Current Council policy stipulates inclusion of 500mm freeboard for all flood affected areas. The Flood Study has recommended applying a 300mm freeboard to overland flow areas. The freeboard is applied in addition to the flood level to provide and ensure a degree of protection for a given flood event due to the uncertainty and variabilities in predicting flood levels. Overland flow is a result of inundation by local runoff rather than inundation created by overbank flows discharging from a watercourse.

It is recommended that Council's Floodplain Risk Management Policy is placed on public exhibition for a period of 28 days. The revised Policy aligns with the Flood Study's recommendation to apply a reduced freeboard of 300mm to overland flow areas across the LGA (**ATTACHMENT 2**).

The final report investigates the existing and future flood risks in the study area and provides information for the development of the subsequent floodplain risk management study and plan.

The Anna Bay and Tilligerry Creek Flood Study has been aligned with the Council's currently adopted "Anna Bay Strategy and Town Plan" providing preliminary direction for potential future development.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The cost of implementing the Anna Bay and Tilligerry Creek Flood Study will be carried out within existing budgets.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The *Local Government Act* 1993 (Section 733) provides Council with a general exemption from liability with respect to flood liable land if the necessary studies and works are carried out in accordance with the State Government's Floodplain Development Manual 2005.

The State Government has issued a direction regarding the advice to be provided on Section 149 Certificates where land is subject to flood related development controls. The direction promotes the appropriate use of flood prone land and designates the land into areas dependent upon:

- Frequency of inundation.
- Their hydraulic function (floodways in which floodwaters are conveyed, flood storage areas where flood waters are temporarily stored during flood events, and flood fringe areas).
- Flood hazard (a minimum of two categories, high and low).

The Insurance Council of Australia has indicated that while insurance companies use a variety of flood data sources to make their own assessment of risk, it is likely that they will take a conservative view of risk. A conservative view without up to date data will result in an increase in insurance premiums for residents. Hence having up-to-date flood studies in accordance with the latest State Government guidelines and the Floodplain Development Manual will benefit residents and potentially reduce insurance premiums.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the study will result in defaulting on the funding agreement leading to reputation risk from the public and funding agency. It is noted that further variation requests on timing of the project delivery will not be accepted by OEH.	Medium	Adopt the flood study.	Yes
There is a risk that the proposed study recommendations will create concern from residents, land holders and other public utilities.	Medium	Public comments have been reviewed and addressed by the consultants before being reported back to Council.	Yes
There is a risk that not following the State Government's Floodplain Development Manual 2005 to undertake flood	High	Adopt the flood study to continue with the State Government's Floodplain Development Manual 2005 process.	Yes

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Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
studies will result in Council having to fund the whole study and Council not meeting legislative obligations leading to financial and legal risk to Council.			
There is a risk that not following the State Government's Floodplain Development Manual 2005 will allow the insurance companies to continue to take a conservative view of flood risk which results in increased insurance premiums for residents.	High	Adopt the flood study.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Anna Bay Tilligerry Creek Flood Study investigates the existing and future flood risks in the study area and provides information for the development of the subsequent floodplain risk management study and plan.

The Anna Bay and Tilligerry Creek Flood Study also recognises that flood prone land is a valued resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development.

The adoption of the Anna Bay and Tilligerry Creek Flood Study will also help local State Emergency Service personnel to better plan and respond to floods, and therefore reduce the overall community cost of these natural disasters.

CONSULTATION

The draft Anna Bay and Tilligerry Creek Flood Study was on public exhibition during October-November 2017. The consultation process included a drop-in session at Birubi Point Hall, a presentation by the consultants as well as information provided by public notice and web updates.

Comments received during the exhibition period have been reviewed and assessed by Council's Facilities and Services staff and by the consultants Jacobs. The final Flood Study report has been prepared by Jacobs and includes all public submissions and response within the Report Appendix.

Council's Floodplain Advisory Panel, consisting of members from the NSW Office of Environment and Heritage, Hunter Water Corporation, State Emergency Services, Councillors, Council staff, the Anna Bay Drainage Union and elected members of the public, has been involved throughout the preparation of the report. The final Flood Study report has been presented to the Panel by the consultants at their meeting held on 27 November 2017 and the Panel recommended adoption of the final report by Council.

OPTIONS

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

ATTACHMENTS

- 1) Revised Floodplain Risk Management Policy.
- 2) Executive Summary Anna Bay and Tilligerry Creek Flood Study.

COUNCILLORS ROOM

- 1) Anna Bay and Tilligerry Creek Flood Study dated December 2017.

TABLED DOCUMENTS

- 1) Anna Bay and Tilligerry Creek Flood Study dated December 2017.

ITEM 13 - ATTACHMENT 1 REVISED FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



FILE NO: PSC2015-01399
TITLE: FLOODPLAIN RISK MANAGEMENT
POLICY OWNER: ASSET SECTION MANAGER

PURPOSE:

Port Stephens Council is committed to managing flooding across the Local Government Area using an integrated risk management approach, in order to:

1. Systematically reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, hence reduce the losses resulting from floods;
2. Recognise that appropriately developed flood prone land is a valuable resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development;
3. Consider floodplain risk as early as possible in the planning and development process using the best available flood information;
4. Classify land in terms of floodplain risk so that decisions take into account the risk while recognising the social, economic and environmental values of flood prone land;
5. Provide the framework to manage floodplain risk through cost-effective measures that address existing, future and continuing risks in a hierarchy of avoidance, minimisation and mitigation as identified in local floodplain risk management studies and plans;
6. Remain consistent with the floodplain risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.
7. Facilitate the systematic collection of flood information and floodplain risk data, and the provision of such information in a timely way so that residents can understand the severity of floodplain risk and plan their affairs accordingly; and,
8. Promote the integration between Council's floodplain risk management activities and flood-related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.

The measurement of success for this policy is the implementation of the integrated risk management approach.

Policy

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Policy

**CONTEXT/BACKGROUND:**

Port Stephens covers a diverse number of catchments, generally flowing to the Hunter Estuary or the Port Stephens Estuary. The area has a number of creeks, rivers, estuaries, foreshore areas, stormwater channels and drains which are impacted by flooding or coastal inundation, sometimes with little or no warning.

Flooding is a significant issue affecting existing and future development throughout Port Stephens and may involve significant risk, including risks to life and property. While it is not usually cost-effective to entirely eliminate all floodplain risks, the risks can be managed.

Council has been undertaking the necessary flood studies in accordance with the State Government's Floodplain Development Manual 2005. Where the catchments cross local government boundaries, Council has been working in collaboration with neighbouring councils.

The *Local Government Act* (section 733) provides Council with a general exemption from liability with respect to flood liable land if the necessary studies and works are carried out in accordance with the principles contained in the NSW Floodplain Development Manual 2005.

SCOPE:

While local government in NSW has the primary responsibility for controlling the development within flood-prone land, both the State Government (for example, Crown developments and state significant developments) and the Federal Government (for example, development on Commonwealth land) consider development on the floodplain.

Both local government and the State Government (principally through the State Emergency Service) are responsible for managing floodplain risk.

DEFINITIONS:

Flood prone land (flood liable land)	Land that is likely to be inundated by the probable maximum flood (PMF is the largest flood that could conceivably occur in a particular catchment) and defines the "floodplain" for that catchment.
Flood Planning Level	The level of the 1% AEP (annual exceedance probability) flood event in the year 2100 plus 0.5 metre freeboard, except for overland flooding areas where a freeboard of 0.3 metre is applied.

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Policy



Floodway area	Land that is a pathway taken by major discharges of floodwaters, the partial obstruction of which would cause a significant redistribution of floodwaters, or a significant increase in flood levels. Floodways are often aligned with natural channels, are usually characterised by deep and relatively fast flowing water, and have major damage potential.
Flood Storage area	Those parts of the floodplain that are important for the temporary storage of flood waters. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation.
Flood Fringe area	The remaining area of flood prone land after the Floodway area and Flood Storage area have been defined.
Overland flow path	Land inundated by local runoff on its way to a waterway, rather than overbank flow from a stream, river, estuary, lake or dam.
High Hazard flood area	The area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.
Low Hazard flood area	The area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety.

POLICY STATEMENT:

Council will manage the risk of flooding on lands in accordance with State Government's Flood Prone Land Policy and Floodplain Development Manual 2005. This can be summarised as:

- Following the State Government directed process for each catchment, including:
 - Formation of a Floodplain Risk Management Committee, including members from council, community and state government agencies.
 - Collection of social, economic, flooding, ecological, land use, cultural and emergency management data.
 - Undertaking a flood study, in accordance with "Australian Rainfall & Runoff" published by Engineers, Australia, to define floodplain risk throughout the catchment, including hydrologic and hydraulic aspects of floods of varying severity.
 - Identifying, assessing and comparing various risk management options through a Floodplain Risk Management Study.

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Policy



- Developing a Floodplain Risk Management Plan outlining the implementation of acceptable flood response and property modification measures, and is formally approved by Council after public exhibition.
2. Categorising floodplain risk in terms of the hazard (low hazard and high hazard), the location (floodway area, flood storage area and flood fringe area) and the chance of the flood occurring in any one year (the annual exceedance probability (AEP)), namely:
 - Minimal risk flood prone land (above the Flood Planning Level and below the Flood prone land extent).
 - Low hazard – flood fringe area.
 - Low hazard – flood storage area.
 - Low hazard – floodway area.
 - Low hazard – overland flow path.
 - High hazard – flood fringe area.
 - High hazard – flood storage area.
 - High hazard – floodway area.
 - High hazard – overland flow path.
 3. Keeping the Flood Hazard Maps up-to-date by incorporating relevant information from Council adopted Flood Studies, Floodplain Risk Management Plans, flood modification measures and approved filling within the floodplain which may change the categorisation of floodplain risk.
 4. Undertaking a comprehensive benefit-cost analysis of proposed flood modification measures (for example, levees, retarding basins, flood gates) in each catchment using a standard approach and include those measures with a benefit: cost ratio greater than 1 into Council's Strategic Asset Management Plan (where possible Council will seek State and Federal government funding for such measures).
 5. Considering property modification measures including voluntary purchase or house-raising and Development Control Plan changes based on the floodplain risk categories.
 6. Utilising a site-specific risk management approach for the finished floor level for non-residential developments, focussed on reducing risk-to-life and risk-to-property, based on the floodplain risk categories and specified in Council's DCP.
 7. Ensuring that the State Emergency Service and the Port Stephens Local Emergency Management Committee are provided with the most up-to-date flood information so they can include it in their emergency response and recovery planning.
 8. Ensuring that decisions relating to flood prone land do not have adverse consequences for emergency management or cause adverse impacts on flooding in other locations.

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Policy



9. Ensuring that new Council assets have an appropriate floodplain risk category, so that future generations of residents and ratepayers are not inordinately burdened.
10. Developing a system for the timely provision of up-to-date flood information, to facilitate the assessment of development applications, to achieve a merit-based outcome for each floodplain risk category for an individual site.

POLICY RESPONSIBILITIES:

Assets Section Manager has overall responsibility for this Policy.

Senior Flooding & Drainage Engineer is responsible for the implementation of the engineering aspects of this Policy, including management of the Floodplain Risk Management process.

Strategy and Environment Section Manager is responsible for the implementation of the strategic planning aspects of this Policy, including consideration of floodplain risk as early as possible in the planning process and the provision of the most up-to-date flood information through the issuing of Section 149 certificates.

Development Assessment and Compliance Section Manager is responsible for the implementation of the development assessment aspects of this Policy, including a merit-based consideration of the floodplain risk categories for an individual site, focussed on reducing risk-to-life and risk-to-property.

Communications Section Manager is responsible for the implementation of the communications aspects of this Policy, including assisting in the coordination of community engagement through the Floodplain Risk Management process.

Facilities and Services Group Manager is responsible for the integration between Council's floodplain risk management activities and flood-related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.

RELATED DOCUMENTS:

- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979*
- *Water Management Act 2000*
- *Hunter Water Act 1991*
- *State Emergency and Rescue Management Act 1989*
- *The State Government's Flood Prone Land Policy 2005*
- *The State Government's Floodplain Development Manual 2005*

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- Port Stephens Local Environment Plan 2013
- Port Stephens Development Control Plan 2014

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2015-01399	EDRMS record No	
Audience	Councillors, staff and community		
Process owner	Manager, Assets Section		
Author	Manager, Assets Section		
Review timeframe	2 years	Next review date	16 December 2019
Adoption date	16 December 2008		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	16 Dec 2008	Integrated Planning Manager	Areas affected by flooding and/or inundation.	384
2.1	27 Oct 2015	Asset Section Manager	Draft Floodplain Risk Management Policy for Public Exhibition	323
2.2	8 Mar 2016	Asset Section Manager	Floodplain Risk Management Policy	054
3		Asset Section Manager	Floodplain Risk Management Policy, updated for overland flooding areas	

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ITEM 13 - ATTACHMENT 2 EXECUTIVE SUMMARY ANNA BAY AND TILLIGERRY CREEK FLOOD STUDY.

Anna Bay and Tilligerry Creek Flood Study
Final Report



Executive Summary

A flood study has been conducted on behalf of Port Stephens Council ("Council") for the 122km² Anna Bay and Tilligerry Creek study area including the localities of Anna Bay, Boat Harbour, One Mile, Fishermans Bay, Bobs Farm, Taylors Beach, Salt Ash, Tanilba Bay, Mallabula and Lemon Tree Passage. The purpose of this study is to investigate the existing and future flood risks in the study area and to provide information for the development of the subsequent floodplain risk management study and plan in accordance with the NSW Government's *Floodplain Development Manual*.

The catchment is comprised primarily of rural/agricultural areas and open space, with urban centres located at Anna Bay – Boat Harbour and Tanilba Bay – Lemon Tree Passage. The urban areas are served by stormwater drainage networks with pit and pipe drainage mainly in the streets. The terrain includes large areas of flat, low-lying floodplain at elevations less than 2m AHD, with steeper areas formed by sand hills and rocky outcrops. A number of trapped drainage points are present, formed by the sand hills as well as road embankments and levees. A number of drainage channels including Anna Bay Main Drain, Back Drain, Fern Tree Drain and Moors Drain as well as numerous minor drains form the main drainage paths for the floodplain areas.

Flood behaviour in the study area is complex, originating from tidal inundation, local catchment runoff and Hunter River overflows in rare flood events. The assessment considers combinations of concurrent flooding from these sources.

A range of data was obtained by Jacobs or provided by Council and other agencies in October/November 2015. The data includes reports of studies that have been undertaken in the area; spatial data including stormwater assets, surveyed cross sections and other GIS layers; recorded rainfall, water level and tide data; and modelling data including hydrologic and hydraulic models of Anna Bay and surrounding areas and groundwater modelling of aquifers in the study area. Additional topographic survey as collected of selected hydraulic structures, open drains and flood marks in August and September 2016. The features surveyed were selected based on the review of available data and gaps analysis.

Community consultation undertaken for the study included overviews and updates of the study posted on Council's website and social media, a newsletter and questionnaire mailed out to the community, and interviews with residents and stakeholders. This report has also been placed on public exhibition and review by the Floodplain Advisory Panel.

Hydrologic modelling of has been undertaken based on a XP-RAFTS model to establish inflow hydrographs at numerous local sub-catchments in the study area. The modelling has been calibrated and verified against flooding observations provided by local residents of the April 2015 and January 2016 storm events.

The flood study assessment is based on TUFLOW 1D/2D dynamic hydraulic modelling developed specifically for this study. The flooding characteristics and catchment settings vary widely across the study area. As such, three separate TUFLOW models have been developed to estimate flooding in different areas and levels of detail:

- A "regional" TUFLOW model of the entire study area, to assess flooding in the predominantly rural land use setting. The regional model has been developed by extending the existing Williamstown – Salt Ash FRMS&P TUFLOW flood model (BMT WBM, 2015) to ensure consistency for the inflows into the study area from Hunter River overflows from Fullerton Cove. Flooding is assessed at a 20m model grid resolution; and
- Two finer-scale "urban" TUFLOW models of existing urbanised areas in the vicinity of Anna Bay. Flooding is assessed at a 2m grid resolution in order to account for smaller scale flow patterns in these urbanised areas, due to stormwater drainage and flow obstructions due to buildings.

The models have been run separately, with the results from the detailed urban models taking precedence over the regional model where these are available.

Design flood conditions are defined based on the full level of permissible development under Council's LEP 2013 and for existing climate conditions. Design flood events including the 20%, 10%, 5% and 1% AEP and

ITEM 13 - ATTACHMENT 2 EXECUTIVE SUMMARY ANNA BAY AND TILLIGERRY CREEK FLOOD STUDY.

Anna Bay and Tilligerry Creek Flood Study Final Report



Probable Maximum Flood (PMF) events have been analysed. Flood mapping of depth, flood level, flow velocity and provisional flood hazard has been undertaken for selected event AEPs. Flood profile long sections for the major drains in Anna Bay, and inundation versus time plots for selected locations in the study area have been prepared. The flood hazard and hydraulic categories have been defined and mapped based on Council's Floodplain Risk Management Policy.

Flooding in the study area has been related to nearby river water level gauges in Port Stephens at Mallabula Point and the Hunter River at Raymond Terrace for potential flood warning applications. The detection of elevated water levels at the Mallabula Point gauge is unlikely to be useful for flood warning purposes as the gauge is in the immediate vicinity of the study area and there is unlikely to be a significant timing difference between the gauge and water levels in Tilligerry Creek. Flood gauging at Raymond Terrace may provide warning of overflows from Fullerton Cove and into the study area during events from the 0.5% AEP up to the PMF, which would cause significant flooding exceeding 2m in depth in areas of the study area. If there is a PMF event in the Hunter River, there is approximately 10 hours warning time from when the river level at Raymond Terrace exceeds 5.2m AHD (the 0.5% AEP peak flood level at Raymond Terrace) and when the Hunter River overflows reach the study area.

The flood planning area has been defined based on Council's Floodplain Risk Management Policy, by the area below the 1% AEP flood level under the climate change scenario (0.9m sea level rise and 20% increase in rainfall intensity) plus a 0.5m freeboard. The reduced extent of a 0.3m freeboard, which is suggested for application on overland flood flow areas, is also shown on the flood planning area mapping for consideration by Council.

The number of properties affected by varying maximum flood depths is summarised in **Table 1**. There are 5,241 properties in total in the study area. Properties in the study area have been classified based on the minimum flood AEP at which the property becomes flood-affected. For the purposes of this assessment, a property is considered "flood-affected" when it becomes more than 20% covered by floodwaters over 0.15m deep. This filter has been applied to exclude shallow depth of water which may not be considered as flooding. The maximum flood depth may not reflect the flood depth at the dwelling. The analysis is based on the land parcels spatial layer provided by Council and includes both private property as well as public property and other reserves and open space.

Table 1 Count of properties by maximum flood depth on each property*

Depth (m)	Design Flood Event				
	20% AEP	10% AEP	5% AEP	1% AEP	PMF
>0.15	688	774	955	1168	2508
>0.3	645	737	910	1138	2479
>0.5	471	535	645	863	2165
>1.0	285	320	373	440	1389
>2.0	78	89	104	142	561
Total	688	774	955	1168	2508

* For properties with >20% coverage by floodwaters over 0.15m deep. Number of properties with a maximum depth exceeding the depth category Example: in the 10% AEP there are 737 properties with a maximum flood depth of 0.3m or more.

** Total of 5,241 properties in the study area.

ITEM 13 - ATTACHMENT 2 EXECUTIVE SUMMARY ANNA BAY AND TILLIGERRY CREEK FLOOD STUDY.

Anna Bay and Tilligerry Creek Flood Study
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Properties within the study area have been classified for flood emergency response based on NSW Government floodplain risk management guidelines. The classification has been undertaken for the 20% and 1% AEP and PMF events, and indicates the relative vulnerability of different areas of the catchment and considers the ability to evacuate certain parts of the community. The classification is denoted preliminary and subject to update in the subsequent Floodplain Risk Management Study.

The impact of climate change on flooding in the study area has been assessed for the 5% and 1% AEP events for a range of scenarios, including:

- Year 2050 sea level (+0.4m), rainfall intensity derived from 1987 Australian Rainfall and Runoff
- Year 2050 sea level (+0.4m), 10% increase in rainfall intensity
- Year 2050 sea level (+0.4m), 20% increase in rainfall intensity
- Year 2100 sea level (+0.9m), rainfall intensity derived from 1987 Australian Rainfall and Runoff
- Year 2100 sea level (+0.9m), 20% increase in rainfall intensity
- Year 2100 sea level (+0.9m), 30% increase in rainfall intensity.

The PMF has also been assessed in combination with the Year 2100 sea level (+0.9m), with no increase in the PMF rainfall.

Large areas of the study area have existing development on low lying terrain, at elevations of 0.5 – 2m AHD, and are already susceptible to elevated tides and water levels during Port Stephens coastal and riverine flooding events, when tailwater levels may reach up to 1.8m AHD in the 1% AEP event. Depths of flooding on these low lying areas may therefore be expected to reach up to 2m or more in the year 2100 climate change flooding scenarios. Elevated 1% AEP event water levels in Tilligerry Creek would be approximately 2.2m AHD and 2.7m AHD at the year 2050 and 2100 horizons. Increased runoff in the 1% AEP event with 30% increase in rainfall intensity results in increases in flood depths in Anna Bay and other low points of approximately 0.2m, with up to 0.56m increase in Blanch Street low point.

In the PMF with year 2100 (+0.9m) sea level rise scenario, flood levels in the lower and middle section of Tilligerry Creek and to the west of Port Stephens Drive are 0.8 – 0.9m higher than for the current climate conditions. In the upper section of Tilligerry Creek to the western end of the study area flood levels are 0.1 – 0.75m higher than for the current climate conditions. In the Anna Bay Main Drain floodplain to the east of Port Stephens Drive flood levels are up to 0.4m higher than for the current climate conditions.

The depths of flooding over a number of key roads would be increased from the existing climate PMF, including Nelson Bay Road to the east of Marsh Road (eastern end), Marsh Road itself, Port Stephens Drive, Gan Gan Road through One Mile, and the western end of Lemon Tree Passage Road. This may affect emergency access on these roads in terms of depths experienced and the timing and duration of flooding. Overland flow areas above 3m AHD generally do not experience greater flood levels, as the PMF rainfall is not increased in the climate change scenario and the overland flow areas are above the influence of sea level rise.

A number of main flood problem areas have been identified in the study area. Two flood problem areas located in the Anna Bay township area are subject to significant development pressures as outlined in Council's Anna Bay Strategy and Town Plan. Potential mitigation options have been identified for each area, including structural and non-structural options for each area, as summarised in Table 2.

Table 2 Summary of Flood Problem Areas and Potential Mitigation

Flood Problem Area	Refer to	Potential Mitigation
Gan Gan Road between Morna Point Road and McKinley Swamp, Anna Bay	Section 10.1	<ul style="list-style-type: none"> • Divert and potentially upgrade the main stormwater line to discharge directly to Fern Tree Drain. • Upgrade the existing second drainage line, east of Morna Point Road. • Increase pit inlet capacity in combination with the above two options. • Form a floodway to drain McKinley Swamp floodwaters to Fern Tree Drain

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Anna Bay and Tilligerry Creek Flood Study
Final Report



		<ul style="list-style-type: none"> A combination of the above.
Clark Street low point, Anna Bay	Section 10.2	<ul style="list-style-type: none"> Thrust-boring of a large pipe/culvert through the sand hill to the north of the low point, discharging to the Main Drain floodplain.
Trapped low point at Gan Gan Road and Blanch Street, Boat Harbour	Section 10.3	<ul style="list-style-type: none"> Upgrade/supplement existing, underperforming pipe outlet. New pipe/s need to be laid at deeper levels.
Marsh Road, Bobs Farm and Salt Ash	Section 10.4	<ul style="list-style-type: none"> Raised building pads to achieve higher dwelling floor levels to reduce flood damages. However, adopting a policy such as this may encourage future development in this area which would expose a larger population and associated property to the existing flood risk, which will increase with climate change. Voluntary house raising could be considered as a measure to reduce flood damages to existing development. Increased cross drainage capacity to reduce times of inundation.
North side of Lemon Tree Passage Road, Salt Ash	Section 10.5	<ul style="list-style-type: none"> Debris control structures at main cross culvert inlets. Increased culvert capacity will permit better drainage of the area, provided that tailwater levels are low. Improved capacity of existing drainage channels, including maintenance (management of vegetation and siltation) of the drains. Maintenance of culverts and proposed debris control structures for debris and siltation. Additional drains to improve connectivity of low points in the floodplain to drainage outlets. Voluntary house raising to reduce flood damages to existing development. Development controls including setting of appropriate habitable floor levels for future development.
Tanilba Bay urban area	Section 10.6	<ul style="list-style-type: none"> Increase culvert capacity under Lemon Tree Passage 250m south of Avenue of the Allies Floodway in the vacant block between 37 and 39 Tilligerry Track Upgrade of existing 600mm pipe branch to at least a 1.05m diameter pipe in President Wilson Walk south of Lemon Tree Passage Road to prevent the flowsurcharge Increased pipe capacity crossing Lemon Tree Passage Road, along with increased pit capacity on the high side of Lemon Tree Passage Road and in Success Street vegetation management and desilting of open channels through Tanilba Bay Golf Club course including.
Lemon Tree Passage urban area	Section 10.7	<ul style="list-style-type: none"> New pit inlets at Paroa Avenue sag points and upgrade of the existing pipe capacity New pit inlets and drainage of sag point on private properties on corner of Gould Drive and John Parade New pit inlets and drainage of sag point on private properties on Meredith Avenue between Gould Drive and Johnson Parade.

An assessment of mitigation options has been undertaken for selected flood problem areas including parts of Anna Bay and surrounds including:

- Clark Street low point
- Low point in the vicinity of Gan Gan Road and Morna Point Road intersection
- McKinley Swamp and Gan Gan Road low points to the east (Anna Bay shops)

**ITEM 13 - ATTACHMENT 2 EXECUTIVE SUMMARY ANNA BAY AND
TILLIGERRY CREEK FLOOD STUDY.**

**Anna Bay and Tilligerry Creek Flood Study
Final Report**



- Trapped low point at Gan Gan Road and Blanch Street
- Fern Tree Drain floodplain.

The assessment considers flooding under future development conditions associated with the Anna Bay Strategy and Town Plan with the objective of identifying potential drainage upgrades to improve flooding conditions and realise the development potential of various areas. The assessment and outcomes are documented in Appendix J. Note that the identified mitigation options are indicative and may not necessarily be implemented. They are subject to further design refinement, engineering feasibility assessments and community consultation.

Recommendations have been made on the further investigation of mitigation options during the subsequent Floodplain Risk Management Study and Plan, including further capacity upgrades, feasibility assessment, community and stakeholder consultation, refined modelling assessment and climate change.

ITEM NO. 14

FILE NO: 17/237174
RM8 REF NO: PSC2005-3231

POLICY REVIEW: ASSET MANAGEMENT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Asset Management Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the Asset Management 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 Asset Management Policy dated 8 March 2011 Min No. 064.
-

ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Ken Jordan That the recommendation be adopted.
--	--

ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION

323	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Asset Management Policy shown at (ATTACHMENT 1).2) Place the Asset Management 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 Asset Management Policy dated 8 March 2011 Min No. 064.
------------	---

BACKGROUND

The purpose of this report is to seek Council's adoption of the revised Asset Management Policy (**ATTACHMENT 1**). The proposed new Asset Management Policy updates the existing policy into Council's corporate policy format and meets the Institute of Public Works Engineering Australia (IPWEA) "must haves" of an asset management policy. The IPWEA "must haves" are a list of items that should be included in an asset management policy for it to be considered best practice.

The purpose of the Asset Management Policy is to articulate Port Stephens Council's commitment to sound asset management in an integrated, consistent, coordinated and financially sustainable manner.

The policy provides a clear direction by defining the key principles that underpin the management of assets. This is taken from the *Local Government Act*. These principles are operationalised in the policy through the "asset lifecycle management processes" and the "key elements". This in turn creates the framework for Council's Asset Management Plan.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Infrastructure.	Reduce the infrastructure backlog on all Council assets.

FINANCIAL/RESOURCE IMPLICATIONS

The adoption of the Asset Management Policy drives the Strategic Asset Management Plan framework, which in turn drives the sourcing and allocation of funds for operational and capital works.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		As documented in the Strategic Asset Management Plan.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The *Local Government Act 1993*, sections 8B(b) and 8B(c)(ii) "Principles of Local Government legislates Council's responsibility and the manner in which Council must

MINUTES ORDINARY COUNCIL - 12 DECEMBER 2017

conduct itself when providing services to the community. These Principles include Council's asset management responsibility.

Essential Element 2.13 and 2.14 of the Local Government Guidelines sets out requirements for identification of critical assets, risk management strategies for these assets and specifications.

Essential Element 2.12 of the Local Government Guidelines requires that the Asset Management Strategy must include an overarching Council endorsed Asset Management Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the policy would result in Council not acting in breach of the Local Government Act.	Low	Adopt the revised asset management policy.	Yes
There is a risk that not adopting the content of the policy would result in a diminished Strategic Asset Management Plan and a financially unsustainable organisation.	Low	Adopt the revised asset management policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed policy sets the direction on how the community's assets are to be managed. The management of the community's assets has implications for community safety, social needs and priorities, equity, amenity and utilisation. They also provide services that facilitate transport and attract businesses and tourists to the LGA providing economic diversity in the Local Government Area. The management of assets impact on the protection and conservation of environmental assets, resource used and energy and water conservation.

CONSULTATION

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

Internal

Consultation with key stakeholders was undertaken by the Assets Section with the other Council asset owners.

External

It is proposed that the policy be placed on public exhibition for comment.

In accordance with local government legislation the draft Asset Management 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 Asset Management Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 14 - ATTACHMENT 1 REVISED ASSET MANAGEMENT POLICY.

Policy



FILE NO: PSC2005-3231

TITLE: ASSET MANAGEMENT POLICY

POLICY OWNER: ASSET SECTION MANAGER

PURPOSE:

The purpose of the policy is to articulate Port Stephens Council's commitment to sound asset management in an integrated, consistent, co-ordinated and financially sustainable manner. The policy provides a clear direction by defining the key principles that underpin the management of assets.

CONTEXT/BACKGROUND:

Port Stephens Council is responsible for a large and diverse asset base. These assets include, but not limited to; parks, pools, wharves, jetties, foreshores, roads, bridges, footpaths, drains, library resources, childcare centres, community buildings, RFS and SES emergency buildings, sporting facilities, fleet, transport infrastructure, land, commercial business assets and information communication technology-related assets. These assets are used to provide facilities and services to the community, visitors and persons undertaking business in our Local Government Area.

The Local Government Act 1993, sections 8B(b) and 8B(c)(ii) "Principles of Local Government" legislates Council's responsibility and the manner in which Council must conduct itself when providing services to the community. These Principles include Council's asset management responsibility.

Essential Element 2.13 and 2.14 of the Local Government Guidelines sets out requirements for identification of critical assets, risk management strategies for these assets and specific actions.

Essential Element 2.12 of the Local Government Guidelines requires that *The Asset Management Strategy must include an overarching council endorsed Asset Management Policy.*

SCOPE:

To meet the "Principles of Local Government", Council shall be the custodian of assets it has control of and manage them through their lifecycle. The management of assets is documented in the Strategic Asset Management Plan and should ensure that issues addressed are prioritised in line with:

Policy

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ITEM 14 - ATTACHMENT 1 REVISED ASSET MANAGEMENT POLICY.

Policy



- organisational objectives
- Community's goals as detailed in the Community Strategic Plan
- as best as possible result in intergenerational equity.

The Strategic Asset Management Plan addresses the asset lifecycle management processes by documenting the assets:

- Background Data
- Planning
- Creation/Acquisition/Augmentation Plan
- Financial/Risk Management Plan
- Operations and Maintenance Plan
- Condition and Performance Monitoring
- Rehabilitation/Renewal/Replacement Plan
- Consolidation/Rationalisation Plan
- Audit Plan/Review

Key elements that drive the above asset lifecycle management processes include:

- Levels of Service
- Future Demand
- Lifecycle Management Plan
- Financial Summary
- Asset Management Practices
- Plan Improvement and Monitoring

Council will maintain and annually review the Strategic Asset Management Plan as required in Essential Element 2.18 of the Local Government Guidelines. Relevant staff and Councillors shall be trained in asset management.

DEFINITIONS:

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

Asset	An item that has potential value to an organisation and is used to provide a service to community, customers or stakeholders.
Asset Lifecycle Management	The term used to describe the management of an asset through the stages of life from planning and creation to disposal.
Strategic Asset Management Plan	Plan that documents the assets activities and programs for each service area and resources applied to provide a defined level of service in the most cost effective way based on the services required.

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ITEM 14 - ATTACHMENT 1 REVISED ASSET MANAGEMENT POLICY.

Policy



POLICY STATEMENT:

Council is committed to undertake the management of assets in accordance with the scope of this policy.

POLICY RESPONSIBILITIES:

- 1) Asset Section Manager is responsible for the implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 2) Port Stephens Council asset owners including Asset Section Manager, Business Systems Support Section Manager, Community Services Section Manager, Emergency Management Co-ordinator and Property Services Section Manager are responsible for implementing the Policy.

RELATED DOCUMENTS:

- 3) Local Government Act 1993 and Guidelines.
- 4) Strategic Asset Management Strategy.
- 5) Asset Management Guidelines.

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2005-3231	RM8 record No	
Audience	Mayor and Councillors, Council Staff and Community		
Process owner	Asset Section Manager		
Author	Asset Section Manager		
Review timeframe	Two years	Next review date	November 2019
Adoption date	20 December 2011		

Policy

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Policy

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	20 Dec 2011	Group Manager Facilities and Services	Adoption	459
2	8 Mar 2011	Group Manager Facilities and Services	Minor Amendments	064
3		Asset Section Manager	Align to new Council Policy format and inclusion in IPWEA "must haves" as an asset management policy.	

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ITEM NO. 15

FILE NO: 17/221538
RM8 REF NO: PSC2005-2859

POLICY: ASSESSMENT AND MAINTENANCE OF FOOTPATHS AND CYCLEWAYS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Assessment and Maintenance of Footpaths and Cycleways Policy dated 25 July 2015 (**ATTACHMENT 1**).
-

ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Ken Jordan That the recommendation be adopted.
--	--

ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION

324	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council revoke the Assessment and Maintenance of Footpaths and Cycleways Policy dated 25 July 2015 (ATTACHMENT 1).
------------	--

BACKGROUND

The purpose of this report is seek Council's endorsement to revoke the Assessment and Maintenance of Footpaths and Cycleways Policy. The intent and the mechanism to implement the existing policy is now incorporated into the Council adopted Strategic Asset Management Plan. Hence this policy is no longer required as an individual policy. The endorsement of revoking this policy is an administration act and does not dilute the intent of the existing policy itself

The intent of the existing policy is to improve pedestrian safety, prolong footpath and cycleway asset life and reduce the risk of public liability claims against Council through the assessment and maintenance of these Council assets. These assets

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include footpaths, cycleways, shared pathways and paved areas such as those in Central Business Districts.

The intent of the existing policy is guided by Council's insurer, Statewide Mutual and has been in place at Port Stephens Council since the early 2000s. Statewide Mutual provides Council with guidelines and manuals that establish procedures that provide a simple, systematic and readily usable risk management approach to the maintenance of these assets. This is implemented by:

- Undertaking a rolling inspection program to identify any defects.
- Calculating the defect risk rating using a defined criteria.
- Completing works in a prioritised order based on the defect risk rating.

Council's maintenance activities for footpath and cycleways are driven by Statewide Mutual guidelines and manuals.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Infrastructure.	Reduce the infrastructure backlog on all Council assets.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications relating to revoking of this policy, as the intent of the existing policy is still maintained by Council through the adoption of the Strategic Asset Management Plan.

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

LEGAL, POLICY AND RISK IMPLICATIONS

It is up to Council to undertake a proactive inspection of the condition of its assets and undertake the necessary works to repair the defects within the Council's resources. This in turn will maintain public safety and reduce Council's risk to litigation. With the abolition of the non-feasance rule in the early 2000's, NSW Councils can no longer use the "lack of having asset condition", or the excuse they "didn't know" as a defence argument in a public liability legal claim. That is, Councils are responsible for proactively knowing and documenting the defect condition of

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Council's assets. Once a defect is found, Council is then required to undertake the maintenance, repairs or works on the asset in a prioritised manner within the organisation's resources. It should be noted that documenting the absence of asset defects through this assessment can also be used as evidence in a defence argument in a public liability legal claim.

The existing policy is to provide a framework for Council to deliver an adequate level of public safety and provide maintenance in a timely manner and reduce Council's exposure to public liability claims. An appropriate adopted policy helps Council to be able to rely on relevant sections of the Civil Liability Act 2002 as a defence to claims. Without an adopted policy and documented defects register, Council's ability to defend against a public liability claim is diminished.

The Strategic Asset Management Plan is now the mechanism to ensure that Council has adopted Statewide Mutual's guidelines and manuals.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that failure to adopt a policy that accurately reflects our requirements in regards to footpaths will result in unsafe facilities leading to potential injuries to users.	High	Revoke the existing policy Maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes
There is a risk that failure to adopt a policy that accurately reflects our requirements in regards to safe footpaths will lead to Council being compromised to defend Public Liability claims.	High	Revoke the existing policy Maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes
There is a risk that footpaths are not maintained in a prioritised manner leading to reputation damaged and community dissatisfaction.	High	Revoke the existing policy Maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is Council's responsibility to provide safe facilities for all users whether they are local community or visitors to the area. While personal injury claims are more commonly litigated and more costly to Council and its insurer than other claims, the cost to the claimant and wider community can't be ignored. The claimant suffers the physical, mental and financial manifestations of their injury. Their incapacity often takes away their independence, work, leisure and social pursuits and create an impost on family and friends who provide care and assistance to the injured party. Council and its insurer may successfully deny or defend these claims on a legal liability basis however there is still a significant reputation risk to Council.

CONSULTATION

Consultation with Corporate Risk Management Team has been undertaken by the Asset Section. The adoption of the recommendations does not change Council's intent and position in relation to the risk mitigation management for footpaths and the implementation of signs as a remote supervision.

OPTIONS

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

ATTACHMENTS

- 1) Assessment and Maintenance of Footpaths and Cycleways Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 15 - ATTACHMENT 1 ASSESSMENT AND MAINTENANCE OF
FOOTPATHS AND CYCLEWAYS POLICY.**

Policy



FILE NO: PSC2005-2859
TITLE: ASSESSMENT AND MAINTENANCE OF FOOTPATHS AND
CYCLEWAYS
POLICY OWNER: ASSETS MANAGER

PURPOSE:

The purpose of this policy is to:

- Provide an adequate level of public safety for the users of the footpath and cycleway network and paved areas such as Central Business Districts.
- Extend the life of the footpath and cycleway by timely maintenance.
- Reduce Council's exposure to public liability claims associated with these assets.

This is achieved through the implementation of a systematic method of identification, evaluation and prioritisation of maintenance works on Council's footpath and cycleway network that will assist Council's decision-making process.

CONTEXT/BACKGROUND:

With the abolition of the non feaseance rule in the early 2000's, NSW councils can no longer use the absence of asset condition knowledge as a defence argument in a public liability legal claim. That is, Councils are responsible for proactively knowing and documenting the condition of Council's assets. If a defect is found while collecting condition data, Council is then required to undertake the maintenance, repairs or works on the asset in a prioritised manner within the organisation's resources. Gaining the proactive asset condition knowledge is described in the Statewide Footpath Mutual Best Practice Manual

As Council is the custodian for the footpath and cyclway network, it is Council's responsibility to provide a safe asset for community and visitors to use. Providing a safe network reduces pedestrians accidents through slip, trip and falls and in turn improves user's satisfaction.

Policy

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**ITEM 15 - ATTACHMENT 1 ASSESSMENT AND MAINTENANCE OF
FOOTPATHS AND CYCLEWAYS POLICY.**

Policy



SCOPE:

To fulfil Council's obligation under this policy Council shall adopt the Statewide Mutual's Best Practice Manual for Footpaths, for the systematic method of identification, evaluation and prioritisation of maintenance works on Council's footpath and cycleway network.

DEFINITIONS:

Non feaance - failure to perform duty or obligation.

POLICY STATEMENT:

This policy, together with the related operational procedures, provides the guidelines for identifying the location, nature, inspection frequency, treatment options and repair priorities of potential hazards to users of the footpath and cycleway network. The implementation of this policy aims to minimise public liability exposure and provide a best value service to the community.

POLICY RESPONSIBILITIES:

Assets Section Manager: Responsible for framework, implementation and monitoring. Public Domain and Services Section Manager – Responsible for inspections, data collection, maintenance and reporting.

RELATED DOCUMENTS:

AS/NZS ISO 31000:2009 Risk management – Principles and guidelines
Local Government Act 1993
Roads Act 1993
Civil Liabilities Act 2002

Policy

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ITEM 15 - ATTACHMENT 1 ASSESSMENT AND MAINTENANCE OF
FOOTPATHS AND CYCLEWAYS POLICY.

Policy



CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	PSC2015-01000	TRIM record No	246
Audience	Community, Public Domain and Services, Assets Section and Corporate Risk Management		
Process owner	Assets Section Manager		
Author	John Maretich		
Review timeframe	Every 4 years	Next review date	28/07/2017
Adoption date	28/11/2001		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	27/11/2001	John Maretich		498
2	28/07/2015	John Maretich	Adopted Policy 28/7/15 – Updated format only	219

Policy

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ITEM NO. 16

**FILE NO: 17/221591
RM8 REF NO: PSC2005-2859**

POLICY: ASSESSMENT AND MAINTENANCE OF ROADS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Assessment and Maintenance of Roads Policy dated 28 July 2015
(ATTACHMENT 1).
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Ken Jordan That the recommendation be adopted.
--	--

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

325	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council revoke the Assessment and Maintenance of Roads Policy dated 28 July 2015 (ATTACHMENT 1).
------------	--

BACKGROUND

The purpose of this report is seek Council's endorsement to revoke the Assessment and Maintenance of Roads Policy. The intent and the mechanism to implement the existing policy is now incorporated into the Council adopted Strategic Asset Management Plan. Hence this policy is no longer required as an individual policy. The endorsement of revoking this policy is an administration act and does not dilute the intent of the policy itself.

The intent of this policy relates to road assets is to improve road user's safety, prolong road asset life and reduce the risk of public liability claims against Council through the assessment and maintenance of these Council assets. These assets include road pavement, kerb and gutter, line marking, road verge.

The intent of this existing policy is guided by Council's insurer, Statewide Mutual and has been in place at Port Stephens Council since the early 2000s. Statewide Mutual provides Council with guidelines and manuals that establish procedures that provide a simple, systematic and readily usable risk management approach to the maintenance of these assets. This is implemented by:

- Undertaking a rolling inspection program to identify any defects.
- Calculating the defect risk rating using a defined criteria.
- Completing works in a prioritised order based on the defect risk rating.

Council's maintenance activities for the road network are driven by Statewide Mutual guidelines and manuals.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Infrastructure.	Reduce the infrastructure backlog on all Council assets.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications relating to revoking of this policy, as the intent of this policy are still maintained by Council through the adoption of the Strategic Asset Management Plan.

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

LEGAL, POLICY AND RISK IMPLICATIONS

It is up to Council to undertake a proactive inspection of the condition of its assets and undertake the necessary works to repair the defects within the Council's resources. This in turn will maintain public safety and reduce Council's risk to litigation. With the abolition of the non-feasance rule in the early 2000's, NSW Councils can no longer use the "lack of having asset condition", or the excuse they "didn't know" as a defence argument in a public liability legal claim. That is, Councils are responsible for proactively knowing and documenting the defect condition of Council's assets. Once a defect is found, Council is then required to undertake the maintenance, repairs or works on the asset in a prioritised manner within the

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organisation's resources. It should be noted that documenting the absence of asset defects through this assessment can also be used as evidence in a defence argument in a public liability legal claim.

The existing policy is to provide a framework for Council to deliver an adequate level of public safety and provide maintenance in a timely manner and reduce Council's exposure to public liability claims. An appropriate adopted policy helps Council to be able to rely on relevant sections of the Civil Liability Act 2002 as a defence to claims. Without an adopted policy and documented defects register, Council's ability to defend against a public liability claim is diminished.

The Strategic Asset Management Plan is now the mechanism to ensure that Council has adopted Statewide Mutual's guidelines and manuals.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that failure to adopt a policy that accurately reflects our requirements in regards to safe roads will result in unsafe facilities leading to potential injuries to users.	High	Revoke the existing policy and maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes
There is a risk that failure to adopt a policy that accurately reflects our requirements in regards to safe roads will lead to Council being compromised to defend Public Liability claims.	High	Revoke the existing policy and maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes
There is a risk that Council does not meet the requirements of the best practice guidelines and manuals leading to insufficient signage at Council roads.	High	Revoke the existing policy and maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes
There is a risk that roads and not maintained in a prioritised manner leading to reputation damaged and community dissatisfaction.	High	Revoke the existing policy and maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is Council's responsibility to provide safe facilities for all users whether they are local community or visitors to the area. While personal injury claims are more commonly litigated and more costly to Council and its insurer than other claims, the cost to the claimant and wider community can't be ignored. The claimant suffers the physical, mental and financial manifestations of their injury. Their incapacity often takes away their independence, work, leisure and social pursuits and create an impost on family and friends who provide care and assistance to the injured party. Council and its insurer may successfully deny or defend these claims on a legal liability basis however there is still a significant reputation risk to Council.

CONSULTATION

Consultation with Corporate Risk Management Team has been undertaken by the Asset Section. The adoption of the recommendations does not change Council's intent and position in relation to the risk mitigation management for roads.

OPTIONS

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

ATTACHMENTS

- 1) Assessment and Maintenance of Roads Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 16 - ATTACHMENT 1 ASSESSMENT AND MAINTENANCE OF ROADS POLICY.**Policy**

FILE NO: PSC2005-2859
TITLE: ASSESSMENT AND MAINTENANCE OF ROADS
POLICY OWNER: ASSETS SECTION MANAGER

PURPOSE:

The purpose of this policy is to:

- Provide an adequate level of public safety for the users of the road network.
- Extend the life of the road by timely maintenance.
- Reduce Council's exposure to public liability claims associated with these assets.

This is achieved through the implementation of a systematic method of identification, evaluation and prioritisation of maintenance works on Council's road network that will assist Council's decision-making process.

CONTEXT/BACKGROUND:

With the abolition of the non feaseance rule in the early 2000's, NSW councils can no longer use the absence of asset condition knowledge as a defence argument in a public liability legal claim. That is, Councils are responsible for proactively knowing and documenting the condition of Council's assets. If a defect is found while collecting condition data, Council is then required to undertake the maintenance, repairs or works on the asset in a prioritised manner within the organisation's resources. Gaining the proactive asset condition knowledge is described in the Statewide Roads Mutual Best Practice Manual

As Council is the custodian for the road network, it is Council's responsibility to provide a safe road network for all road users including community, visitors and businesses that use the roads. Providing a safe network reduces road user's accidents, wear and tear and maintenance on their vehicles. This in turn improves the road user's satisfaction.

In addition to the road users costs; poor road pavement, defects and accidents reduce traffic flow causing the road users delays in reaching their destination. Conversely safe smooth roads increases traffic flow and allows businesses to move their goods and services in a timely manner reducing their own business cost.

Policy

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Issue Date: 28/07/2015

Printed: 11/06/2015

Review Date: 28/07/2017

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ITEM 16 - ATTACHMENT 1 ASSESSMENT AND MAINTENANCE OF ROADS POLICY.

Policy



SCOPE:

To fulfil Council's obligation under this policy Council shall adopt the Statewide Mutual's Best Practice Manual for Roads, for the systematic method of identification, evaluation and prioritisation of maintenance works on Council's road network.

DEFINITIONS:

Non feaance - failure to perform duty or obligation.

POLICY STATEMENT:

This policy, together with the related operational procedures, provides the guidelines for identifying the location, nature, inspection frequency, treatment options and repair priorities of potential hazards to users of the Road Network. The implementation of this policy aims to minimise public liability exposure and provide a best value service to the community in relation to provision of road infrastructure services.

POLICY RESPONSIBILITIES:

Assets Section Manager: Responsible for framework, implementation and monitoring.
Capital Works Section Manager: Responsible for inspections, data collection, maintenance and reporting.

RELATED DOCUMENTS:

AS/NZS ISO 31000:2009 Risk management – Principles and guidelines
Local Government Act 1993
Roads Act 1993
Civil Liabilities Act 2002

Policy

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Issue Date: 28/07/2015

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ITEM 16 - ATTACHMENT 1 ASSESSMENT AND MAINTENANCE OF ROADS POLICY.

Policy



CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	PSC2015-01000	TRIM record No	294
Audience	Road Users, Risk Management and Assets Sections		
Process owner	Assets Section Manager		
Author	John Maretich		
Review timeframe	Every 4 Years	Next review date	28/07/2017
Adoption date	28/7/15		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	27/08/2002	John Maretich		353
2	28/07/2015	John Maretich	Updated Assessment and Maintenance of Roads Policy does not change the existing policy's intent and only updates the format of the policy	220

Policy

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ITEM NO. 17**FILE NO: 17/221768
RM8 REF NO: PSC2011-02312****POLICY: SIGNS AS REMOTE SUPERVISION****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Signs as Remote Supervision Policy dated 28 July 2015
(ATTACHMENT 1).
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Ken Jordan That the recommendation be adopted.
--	--

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

326	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council revoke the Signs as Remote Supervision Policy dated 28 July 2015 (ATTACHMENT 1).
------------	---

BACKGROUND

The purpose of this report is seek Council's endorsement to revoke the Signs as Remote Supervision Policy. The intent of the policy and the mechanism to implement the existing policy is now incorporated into the Council adopted Strategic Asset Management Plan. Hence this policy is no longer required as an individual policy. The endorsement of revoking this policy is an administration act and does not dilute the intent of the existing policy itself.

The intent of the signs as a remote supervision policy is to perform the function of imparting information to the public that would otherwise require the presence of a staff member. Appropriate signage should allow a person to make an informed

MINUTES ORDINARY COUNCIL - 12 DECEMBER 2017

decision about entering/using a particular facility under Council control or responsibility.

The intent of this policy is guided by Council's insurer, Statewide Mutual and has been in place at Port Stephens Council since the early 2000s. Statewide Mutual provides Council with guidelines and manuals that establish procedures that provide a simple, systematic and readily usable risk management approach to the maintenance of these assets. This is implemented by installing signs at specific locations with a risk category in accordance with the Signs as a Remote Supervision. These signs are to be inspected and maintained.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Infrastructure.	Reduce the infrastructure backlog on all Council assets.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications relating to revoking of this policy, as the intent of the existing policy is still maintained by Council through the adoption of the Strategic Asset Management Plan.

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

LEGAL, POLICY AND RISK IMPLICATIONS

It is up to Council to undertake a proactive inspection of the condition of its assets and undertake the necessary works to repair the defects within the Council's resources. It is also Council's Responsibility to identify risks and inform users of the hazards and consequences. This in turn will maintain public safety and reduce Council's risk to litigation. With the abolition of the non-feasance rule in the early 2000's, NSW Councils can no longer use the "lack of having asset condition", or the excuse they "didn't know" as a defence argument in a public liability legal claim. That is, Councils are responsible for proactively knowing and documenting the defect condition of Council's assets. Once a defect is found, Council is then required to undertake the maintenance, repairs or works on the asset in a prioritised manner within the organisation's resources. It should be noted that documenting the absence

MINUTES ORDINARY COUNCIL - 12 DECEMBER 2017

of asset defects through this assessment can also be used as evidence in a defence argument in a public liability legal claim.

The policy is to provide a framework for Council to deliver an adequate level of public safety and provide maintenance in a timely manner and reduce Council's exposure to public liability claims. An appropriate adopted policy helps Council to be able to rely on relevant sections of the Civil Liability Act 2002 as a defence to claims. Without an adopted policy and documented defects register, Council's ability to defend against a public liability claim is diminished.

The Strategic Asset Management Plan is now the mechanism to ensure that Council has adopted Statewide Mutual's guidelines and manuals.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that failure to adopt a policy that accurately reflects our requirements in regards to facility signage will result in unsafe facilities leading to potential injuries to users.	High	Revoke the existing policy and maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes
There is a risk that failure to adopt a policy that accurately reflects our requirements in regards to facility signage will lead to Council being compromised to defend Public Liability claims.	High	Revoke the existing policy and maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes
There is a risk that Council does not meet the requirements of the best practice guidelines and manual leading to insufficient signage at Council facilities.	High	Revoke the existing policy and maintain the adoption of Statewide Mutual's guidelines and manuals through the Strategic Asset Management Plan.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is Council's responsibility to provide safe facilities for all users whether they are local community or visitors to the area. While personal injury claims are more commonly litigated and more costly to Council and its insurer than other claims, the

cost to the claimant and wider community can't be ignored. The claimant suffers the physical, mental and financial manifestations of their injury. Their incapacity often takes away their independence, work, leisure and social pursuits and create an impost on family and friends who provide care and assistance to the injured party. Council and its insurer may successfully deny or defend these claims on a legal liability basis however there is still a significant reputation risk to Council.

CONSULTATION

Consultation with Corporate Risk Management Team has been undertaken by the Asset Section. The adoption of the recommendations does not change Council's intent and position in relation to the risk mitigation management for the implementation of signs as a remote supervision.

OPTIONS

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

ATTACHMENTS

- 1) Signs as Remote Supervision Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 17 - ATTACHMENT 1 SIGNS AS REMOTE SUPERVISION POLICY.**Policy**

FILE NO: PSC2011-02312
TITLE: SIGNS AS REMOTE SUPERVISION POLICY
POLICY OWNER: COMMUNITY & RECREATION CO-ORDINATOR

PURPOSE:

To ensure clear and concise directions as to the location, content and frequency of signs installed at Council facilities. This will in turn minimise the public liability exposure arising from the provision of these facilities to the community.

CONTEXT/BACKGROUND:

Statewide Mutual first produced the Signs As Remote Supervision Best Practice Manual (Version 1) in 1997 in response to results of an audit undertaken in 1995 of members of the Statewide Mutual Liability Scheme to ascertain their level of activity in areas of risk that were traditionally causing liability exposures and claims. The Best Practice Manual has been reviewed at various times, most recently in 2012 (Version 8). Statewide Mutual have been subject to liability claims attributed to signage on many occasions. Claims generally centre on complaints from, or injuries to, third parties due to the absence of appropriate signage, insufficient signage, or the wording or the location of signage being deficient.

SCOPE:

1. Council will aim to satisfy its duty of care by using a systematic, factual and repeatable approach to the provision of signs as set out in the Statewide Mutual Best Practice Manual – Signs as Remote Supervision.
2. Signs are intended to perform the function of imparting information to the public that would otherwise require the presence of a staff member. Appropriate signage should allow a person to make an informed decision about entering/using a particular facility under Council control or responsibility.

Policy

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ITEM 17 - ATTACHMENT 1 SIGNS AS REMOTE SUPERVISION POLICY.

Policy



DEFINITIONS:

Sign - The structure upon which a message is being conveyed and displayed by way of a symbol. This may also relate to a structure where an individual symbol is the structure and the only message being depicted.

Signage - Collective group of symbols displayed within a sign structure to convey a message to warn, prohibit, etc.

Symbol - The graphical representation of a message displayed within a geometrical shape.

POLICY STATEMENT:

1. Signs will be used to direct, advise or warn members of the public of inherent dangers in the facility that they are visiting.
2. Regular inspection of Council's facilities will be undertaken to assess the risks associated with each facility and ensure any signage in place remains appropriate to the situation, placed in an appropriate position, legible and in good condition.
3. Areas of public liability exposure at Council facilities inadequately signposted will, when Council becomes aware of a potential risk, be assessed with a view to eliminating, reducing or accepting the risk using signs as remote supervision.
4. Signs in existence currently not meeting the current best practice and/or Australian Standards will be replaced as funds permit in priority order based on public usage of the respective areas and the rating formula detailed in the procedures.
5. Council will adhere to Australian Standard 2416-1995 in relation to water safety signs. This Standard sets out requirements for the design and application of flags and safety signs including signs incorporating graphic symbols, intended for use where water sports may be undertaken or where there are other activities close to bodies of water such as seashores, rivers, creeks, dams and open drains.

POLICY RESPONSIBILITIES:

Council's Asset Owners – Responsible for the overall implementation of the policy for their respective assets.

Policy

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ITEM 17 - ATTACHMENT 1 SIGNS AS REMOTE SUPERVISION POLICY.

Policy



RELATED DOCUMENTS:

Assessment and Maintenance of Roads Policy
Assessment and Maintenance of Footpaths and Cycleways Policy

CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	PSC2015-01000	TRIM record No	289
Audience	Port Stephens Residence, Visitors, Risk Management Unit and Assets Section		
Process owner	Community & Recreation Co-ordinator		
Author	Brendan Callander		
Review timeframe	Every 4 years	Next review date	11/08/2017
Adoption date	28/7/15		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	20/12/2005	Peter Matwijow		383
2	28/07/2015	Brendan Callander	Updated Signs As Remote Supervision Policy does not change the existing policy's intent and only updates the format of the policy	218

Policy

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ITEM NO. 18

**FILE NO: 17/230467
RM8 REF NO: PSC2015-01492**

AUDIT COMMITTEE ANNUAL REPORT 2016-2017

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Audit Committee 2016-2017 Annual Report as presented.
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Glen Dunkley Councillor Sarah Smith That the recommendation be adopted.
--	--

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

327	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council adopt the Audit Committee 2016-2017 Annual Report as presented.
------------	--

BACKGROUND

The purpose of this report is to present to Council the Audit Committee's Annual Report for the period 2016-2017.

The Audit Committee has been established in accordance with the Office of Local Government 'Best Practice Guidelines 08/64'.

The Annual Report to Council summarises the Audit Committees activities for the 2016-2017 period in accordance with the Audit Committee Charter, item 5.1 Reporting to Council.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Costs associated with development of the Annual Report are covered within existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Audit Committee activities remain consistent with the Audit Committee Charter, all relative legislative requirements and the Office of Local Government Guidelines.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council is not compliant with the Audit Committee Charter and relevant legislation.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that the Audit Committee will continue to add significant rigour to Council's governance framework, risk control, compliance and financial reporting and will enhance Council's reputation, operations and financial sustainability.

CONSULTATION

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

Internal

- Executive team.
- Audit Committee officers.

External

- Audit Committee members.

OPTIONS

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

ATTACHMENTS

- 1) Audit Committee Annual Report 2016-2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**PORT STEPHENS**
COUNCIL**REPORT****AUDIT COMMITTEE****2016-2017 ANNUAL REPORT**

Date: 10 October 2017
File No: PSC2015-01492
Subject: Audit Committee 2016-2017 Annual Report

Background:

At its meeting held on 9 February 2010, Port Stephens Council resolved to establish a Section 355c Audit Committee (Committee) in accordance with the Office of Local Government's Best Practice Guidelines 08/64. The objective of the Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee has no executive powers and assists Council by providing independent assurance and critical review on the organisation's governance, financial, risk control and compliance frameworks.

The Committee's Charter includes a requirement to report annually to Council on the Committee's achievements. Accordingly, the Committee is pleased to present this report on its activities for the 2016-2017 financial year.

Management by Council of governance and risk activities is a crucial requirement for business success. The Audit Committee continues to guide Council in managing risk as an integral part of management practices and as a safe guard to ensuring continuity of business.

Audit Committee structure

The Committee has four voting members. Two are independent members in accordance with the Office of Local Government's Best Practice Guidelines, and two Councillors represent Council on the committee with an additional Councillor appointed as a sub delegate. Non-voting members include the General Manager, Group Managers, Financial Services Section Manager and the Governance Manager. Representatives from Council's internal audit provider PKF and external audit provider Pitcher Partners also attend meetings as required.

Audit Committee members 2016-2017 are:

Mr David Wheeler (independent Chair)
Mr Ben Niland (independent member)
Councillor Ken Jordan
Councillor Chris Doochan
Councillor John Morello (sub delegate)

ITEM 18 - ATTACHMENT 1 AUDIT COMMITTEE ANNUAL REPORT 2016-2017.

Committee meetings were held on the following dates:

- 20 October 2016
- 27 February 2017
- 1 June 2017

The budget for the Audit Committee enables a minimum of four meetings (held quarterly) per year; however, the actual number held is dependent on the committee and the extent of issues awaiting review.

Attendance at the three (3) meetings held to 30 June 2017 is as follows:

David Wheeler	1
Ben Niland	3
Councillor Jordan	3
Councillor Doohan	3
Councillor Morello (sub delegate)	0
General Manager	3
Group Manager Corporate Services (or representative)	3
Group Manager Facilities and Services (or representative)	2
Group Manager Development Services (or representative)	2
Financial Services Section Manager	3
Governance Manager	2
Internal Auditor representative	3
External Auditor representative	1

It should be noted that representation by the external auditor is only required at key stages of the external audit scope.

Cost of audit activities to Council

The following provides an estimate of the cost of audit related activities to Council for 2016-2017:

Internal Audit contract fees	\$39,083
2016-2017 External Audit fee	\$49,390
Audit Committee attendance fees	\$800
Sundry expenses (meeting costs, etc)	\$324
TOTAL	\$89,597

ITEM 18 - ATTACHMENT 1 AUDIT COMMITTEE ANNUAL REPORT 2016-2017.**Engagement with external auditors**

The Audit Committee undertakes a general oversight role of the external auditor's audit scope, approach and reliance on internal audit activity. The Committee also monitors management's implementation of recommendations identified within the external auditor's management letters.

The Committee also has a role in the oversight of Council's financial statements. During the year the Committee considered Council's 2015-2016 financial statements and external audit focus areas.

Risk management

A key role of the Committee is to review and monitor the effectiveness of the key controls in place to manage and mitigate the risks encountered by Council. These matters include operational, strategic, financial and fraud control environments, as well as ensuring adequate insurance coverage and business continuity planning.

During 2016-2017, the Committee considered the high priority risks facing the organisation and monitored risk treatment plans established by management to reduce or mitigate those risk exposures.

Current high priority risks include:

Business activities:	Ineffective project management.
Climate change:	Sea level rise and extreme weather events.
Environmental and public health:	Failure to implement the asbestos management plan.
Environmental and public health:	Inability to protect and maintain the natural and built environment, including the bio diversity, liveability and natural systems within the LGA.
Environmental and public health:	Ground water may become contaminated by pollution at RAAF Base.
Financial:	Response and recovery stages of a natural disaster may not be fully funded by state/federal government.
Financial:	Inappropriate procurement and contract management processes.
Information technology:	Inadequate data management.
Property and Infrastructure:	Failure to adequately maintain assets.
Reputation:	Inappropriate or unauthorised use of on-line media by staff or external parties.
Reputation:	Failure to maintain CCTV systems in public places.
WHS:	Inconsistent application of safety leadership across Council.

ITEM 18 - ATTACHMENT 1 AUDIT COMMITTEE ANNUAL REPORT 2016-2017.**Legal matters**

By nature of its legislative compliance role, Council has a history of various legal actions over time. Legal matters can have a significant impact on the financial and resource capacity of the organisation. Management considers the merits of all legal action and seeks to mediate and settle matters where appropriate. The committee has an oversight role on key litigation and compliance matters before the Council.

During 2016-2017 the committee considered the following legal matters:

- Lawrence Waterhouse Pty Ltd (in liquidation) – Council seeking to recover significant legal costs awarded by the Courts.
- Shoal Bay Developments & Snoogal – Land & Environment Court – Appeal against refusal to grant consent to section 96 modification issued by Council.
- Bowtell v PSC ("Gardenland") – Land & Environment Court Appeal – EPA refused to provide General Terms of Approval (GTAs) for this development application and Council required to refuse to grant consent.
- Clippers Anchorage v PSC – (Soldiers Point Marina) – Land & Environment Court Appeal – Council refused to grant consent to development application for expansion of the marina.
- PSC v Wijewickrama – Land & Environment Court (LEC) Court Appeal – Class 1 – order to demolish unauthorised retaining wall.

Internal audit

The Audit Committee identified nine auditable areas across Council for the period of the Internal Audit plan 2016-2017.

The table below lists internal audit reports examined by the Audit Committee at the three meetings held since 1 July 2016:

Report	Risk Rating	Area/s of Council where applicable
Private Swimming Pool and Compliance	Low	Development Assessment and Compliance
<p>The Private Swimming Pool and Compliance audit identified a number of areas for improvement for Council. A summary of the key areas for improvement are outlined below:</p> <ul style="list-style-type: none"> • It was identified that there is no formal risk matrix to assist Council in their assessment of private swimming pools when performing inspections. Further, when risks are identified, there is no formal process for assessing these risks, or prioritise resources to address the non-compliant pools. • Testing identified that Council staff are not consistently following processes for compliance with the pool inspection program, with respect to inspections, record management and registrations. • Policies and processes have not been updated in accordance with the prescribed review dates and are not reflective of current procedures. 		

ITEM 18 - ATTACHMENT 1 AUDIT COMMITTEE ANNUAL REPORT 2016-2017.

Report	Risk Rating	Area/s of Council where applicable
S94 Contributions	Low	Strategy and Environment
<p>The S94 Contributions audit identified a number of improvement areas for Council. A summary of the key areas for improvement are outlined below.</p> <ul style="list-style-type: none"> • There is no clear strategic alignment between the S94 Plan and works program. • Lack of documented policies and management directives. • There is no backup role for the Development Contributions Officer. • There is currently no S94 module available within the Civica Authority software. 		
Environmental Management	Low	Strategy and Environment
<p>The Environmental Management audit identified a number of areas for improvement for Council. A summary of the key areas for improvement are outlined below:</p> <ul style="list-style-type: none"> • Inconsistent approach across different Council departments as to how to address and complete environmental assessments. • A high number of REFs are completed by external consultants engaged on behalf of Council. • There is no guidance on ensuring that only appropriately qualified staff are preparing and signing off on REFs. • It was noted that Council departments all use different document management processes for the maintenance of REFs. 		
Data Management Framework	Medium	Business Systems Support
<p>The Data Management Framework audit identified a number of areas for improvement for Council. A summary of the key areas for improvement are outlined below:</p> <ul style="list-style-type: none"> • Internal procedures in relation to assigning, reviewing and amending user access restrictions within Council's systems. • Best practice procedures to be considered within the final data management framework. 		
National Heavy Vehicle Accreditation Scheme	Medium	Public Domain and Services
<p>The National Heavy Vehicle Accreditation Scheme audit identified a number of areas for improvement for Council. A summary of the key areas for improvement are outlined below:</p> <ul style="list-style-type: none"> • A specific process map is required to be implemented to guide and show required document processes and required checks. • Performing a review process regularly to ensure checks and compliance are carried out. • Implement regular training to reinforce the importance of the process. 		

ITEM 18 - ATTACHMENT 1 AUDIT COMMITTEE ANNUAL REPORT 2016-2017.

Report	Risk Rating	Area/s of Council where applicable
Purchase and Procurement	Medium	Financial Services
<p>The Purchase and Procurement audit identified a number of areas for improvement for Council. A summary of the key areas for improvement are outlined below:</p> <ul style="list-style-type: none"> • Manual process limitations hindering Council from achieving full efficiency and effectiveness in the purchasing and procurement process. • Improvements to the supplier Masterfile maintenance to ensure that information is up to date and accurate. • Consideration of data analytics findings against management's expectations. • Consideration of automation within the purchasing and procurement process. 		
Business Continuity	Medium	Organisation Development
<p>The Business Continuity audit identified a number of areas for improvement for Council. A summary of the key areas for improvement are outlined below:</p> <ul style="list-style-type: none"> • It was noted that there is a lack of formalised plan for business continuity backup documentation. • It was identified that there appears to be varying levels of staff awareness of ICT and business continuity procedures. 		
Records Management	Medium	Business Systems Support
<p>The Records Management audit identified a number of areas for improvement for Council. A summary of the key areas for improvement are outlined below:</p> <ul style="list-style-type: none"> • It was noted that Council does not have documented processes outlining the expectations and requirements for recording email correspondence. • It was noted that Council does not have documented processes governing outgoing correspondence. 		
Risk Management	Medium	Organisation Development
<p>The Risk Management audit identified a number of areas for improvement for Council. A summary of the key areas for improvement are outlined below:</p> <ul style="list-style-type: none"> • Concerns raised around whether it is necessary to extend the contract, or create a permanent position for an environmental risk officer and what section it is best suited to sit. • There are no formal procedures or directives on how to conduct risk assessments for projects carried out by Facilities & Services 		

Action plans to address the Internal Audit findings have been established by management and are maintained by the Committee.

The 2017-2018 audit schedule will involve an assessment of the high priority corporate risks and completion of the activities scheduled below.

Area of activity	Timing for completion
Tendering	October 2017
Injury management minimisation	November 2017
Fraud and corruption control	December 2017
National vehicle accreditation scheme	January 2018

ITEM 18 - ATTACHMENT 1 AUDIT COMMITTEE ANNUAL REPORT 2016-2017.

Area of activity	Timing for completion
Complaints handling	March 2018
RMS	May 2018
Levying Section 94 payments and invoicing	May 2018

General activities of the Audit Committee

The following represents a summary against the Audit Committee Charter of matters discussed at the Committee meetings held during 2016-2017:

TASK	20/10/2016	27/02/2017	01/06/2017
Receive presentations and reports from auditors			
Internal	√	√	√
External	√		
Review implementation of internal and external audit recommendations	√	√	√
Review risk register actions and implementation	√	√	√
Review Fraud and corruption prevention plan			√
Review Risk management framework			
Approve annual internal audit program			√
Determine Audit Committee meeting schedule			√
Review Audit Committee's performance			
Review Audit Committee Charter	√		
Review and approve the Audit Committee's annual report to Council	√		
Review annual financial statements	√		

Conclusion

The Committee looks forward to the opportunity to continue to provide input to Council's governance and audit processes over the coming year.

Recommendations:

- 1) Endorse the Audit Committee 2016-2017 Annual Report as presented.

Ben Niland
CHAIR – AUDIT COMMITTEE

Communication method

- ✓ Post on myPort
 - ✓ Post on PSC website
 - ☐ Memo to section managers
 - ☐ Presentation to SLT
 - ☐ Snapshot article
 - ☐ All staff memo from General Manager
 - ☐ 2 way conversation with Councillors
 - ☐ Councillors weekly PS newsletter
 - ✓ Report to Council
 - ☐ Media release
 - ☐ Other
-

ITEM NO. 19

**FILE NO: 17/231026
TRIM REF NO: A2004-0370**

MEMBERSHIP OF REGIONAL COMMITTEES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate one delegate and one alternate delegate to represent the RFS District Liaison Committee as detailed in **(ATTACHMENT 1)**.
 - 2) Nominate one delegate and one alternate delegate to represent the Comprehensive Koala Plan of Management Steering Committee as detailed in **(ATTACHMENT 1)**.
 - 3) Nominate one delegate and one alternate delegate to represent the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee as detailed in **(ATTACHMENT 1)**.
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Mayor Ryan Palmer Councillor Giacomo Arnott</p> <p>That Council appoint:</p> <ol style="list-style-type: none">1. Cr Arnott as the delegate and Mayor Ryan Palmer as the alternate delegate to the RFS District Liaison Committee;2. Cr Smith as the delegate and Cr Nell as the alternate delegate to the Comprehensive Koala Plan of Management Steering Committee; and3. Cr Nell as the delegate and Cr Le Mottee as the alternate to the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

328	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council appoint: <ol style="list-style-type: none">1. Cr Arnott as the delegate and Mayor Ryan Palmer as the alternate delegate to the RFS District Liaison Committee;2. Cr Smith as the delegate and Cr Nell as the alternate delegate to the Comprehensive Koala Plan of Management Steering Committee; and3. Cr Nell as the delegate and Cr Le Mottee as the alternate to the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee.
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BACKGROUND

The purpose of this report is to inform Council of a number of changes required to amend the number of delegates to the RFS District Liaison Committee, the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee and the Comprehensive Koala Plan of Management Steering Committee.

Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

Council at its meeting on 26 September 2017 resolved to nominate delegates to Council's membership of regional committees however a number of changes are now required.

1. RFS District Liaison Committee

The Lower Hunter Zone Liaison Committee was originally removed from the list of regional committees presented to Council on 26 September 2017 as it was decided at this time that the Committee was no longer going to meet.

Council has since been advised that this committee will now reform under the banner of RFS District Liaison Committee and is seeking representation from Council for one delegate and one alternate delegate to be appointed to the Committee.

2. Comprehensive Koala Plan of Management Steering Committee

At its meeting on 26 September 2017 Council resolved to appoint Mayor Palmer and Crs Smith and Doohan as delegates to the Comprehensive Koala Plan of Management Steering Committee.

A review of the Committee's terms of reference identifies that only one delegate is required to chair meetings.

3. Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee

At its meeting on 26 September 2017 Council resolved to appoint Crs Nell, Le Mottee, Abbott and Tucker to the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee.

A review of the Committee's terms of reference identifies that only one delegate is required to attend meetings.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Financial and Resource implications are provided for within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Any council official appointed to a regional committee is required to adhere to the Code of Conduct at all times. No remuneration is payable.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council could be in breach of the <i>Local Government Act 1993</i> , if it fails to appoint delegates to the regional committees listed in (ATTACHMENT 1) .	Low	Council appoint elected representatives to the regional committees listed in (ATTACHMENT 1) .	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Council employees.
- 2) General Manager.

OPTIONS

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

ATTACHMENTS

- 1) Membership of Regional Committees.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 19 - ATTACHMENT 1 MEMBERSHIP OF REGIONAL COMMITTEES.**REGIONAL COMMITTEES**

	Name of regional committee	Purpose of committee	Delegates
1.	RFS District Liaison Committee	To review the progress of the service level agreement between Port Stephens Council and NSW Rural Fire Service in the local government area.	1 delegate 1 alternate delegate
2.	Comprehensive Koala Plan of Management Steering Committee	Responsible for guiding the Port Stephens Comprehensive Koala Plan of Management Steering Committee.	1 delegate 1 alternate delegate
3.	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This committee includes representatives from Mid Coast Council is responsible for long term planning for the estuary and the coastline.	1 delegate 1 alternate delegate

ITEM NO. 20

**FILE NO: 17/237047
RM8 REF NO: A2004-0284**

**CODE OF MEETING PRACTICE - AMENDMENT TO INCORPORATE
WEBCASTING OF COUNCIL MEETINGS**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Code of Meeting Practice shown at **(TABLE DOCUMENT 1)**.
 - 2) Revoke the Code of Meeting Practice dated 27 October 2015, Min No. 324.
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Giacomo Arnott That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

329	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council: 1) Endorse the revised Code of Meeting Practice shown at (TABLE DOCUMENT 1) . 2) Revoke the Code of Meeting Practice dated 27 October 2015, Min No. 324.
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BACKGROUND

The purpose of this report is provide Council with submissions received from the public exhibition of the Code of Meeting Practice (Code), that incorporates the re-introduction of webcasting Council meetings.

Council at its meeting of 10 October 2017 resolved that Council:

- "1) Request the General Manager to initiate the necessary processes to reinstate and reinstall the webcam system for council meetings to allow for residents and ratepayers of Port Stephens to watch from any computer or device. This will allow for residents and ratepayers to be more involved and aware of the decision making process at Council.*
- 2) Amend the Code of Meeting Practice to include the ability to webcast at Council meetings, and public exhibit the amended Code of Meeting Practice for a period of 28 days seeking submissions in accordance with the Local Government Act 1993. Should there be no submissions received, the Code of Meeting Practice be adopted as amended, without a further report to Council."*

Following the meeting of 10 October 2017, public exhibition of the revised Code of Meeting Practice was conducted. Clause 13 on page 53 of the Code has been updated to include webcasting.

A total of nine submissions were received in support of webcasting Council meetings.

In accordance with Council's resolution of 10 October 2017, webcasting will include proceedings of council meetings. Further, with a limit of the last three Council meeting recordings being maintained on Council's website, given there is a cost associated with the number of meetings stored on the website.

The revised Code of Meeting Practice is now presented to Council for adoption.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial/resource implications above the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to maintain a Code of Meeting Practice to ensure that all legislative requirements are met when conducting a meeting of the Council. In order to ensure webcasting is able to be conducted as part of the Council meeting process, it was necessary to update the Code of Meeting Practice.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the <i>Local Government Act 1993</i> , should webcasting be conducted without being included in the Code of Meeting Practice.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are limited sustainability implications associated with this report.

CONSULTATION

Internal

- General Manager
- Governance Unit

External

The revised Code of Meeting Practice was public exhibited in the Port Stephens Examiner, on Council's website and throughout the Port Stephens Council library network from 19 October 2017 to 9 November 2017.

OPTIONS

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

ATTACHMENTS

- 1) Summary of submissions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Code of Meeting Practice.

ITEM 20 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.**SUBMISSIONS FROM PUBLIC EXHIBITION OF CODE OF MEETING PRACTICE**

No.	Author of submission	Summary of submission
1	Port Stephens Greens	Supports the re-introduction of webcasting at Council meeting and all proceedings that are open to the public, and that webcasts remain publicly available on line.
2	Resident	Supports the re-introduction of webcasting to cover all Council proceedings open to the public gallery, and to be made available on line indefinitely.
3	Boomerang Park Action Group Inc.	Supports the re-introduction of webcasting to cover all Council proceedings open to the public gallery.
4	Resident	Supports the re-introduction of webcasting at Council meetings.
5	Resident	Supports the re-introduction of webcasting at Council meetings.
6	ECO-Network-Port Stephens Inc.	Supports the re-introduction of webcasting to cover all Council proceedings open to the public gallery, and to be made available on line indefinitely.
7	Soldiers Point Community Group Inc.	Supports the re-introduction of webcasting at all Council meetings in the future.
8	Resident	Supports the re-introduction of webcasting Council meetings.
9	Tomaree Residents and Ratepayers Assoc.	See attached due to the length of the submission.



**The General Manager
Port Stephens Council**

council@portstephens.nsw.gov.au

Council reference: A2004-0284

Webcasting: Amendment to Code of Meeting Practice

TRRA welcomes the proposed re-introduction of webcasting after an unfortunate gap of five years, during which time there has been far less transparency and accountability than was briefly the case in Port Stephens for several months during 2012, and than has long been the case in many other Councils in NSW.

Most Councillors have expressed their support for webcasting as a means of increasing not only transparency and accountability but also promoting community engagement.

While we also strongly support webcasting, there are important implementation issues which need to be clarified. However, clarification need not delay the introduction.

Disappointing presentation of proposed change

We note that in the 'What's on Exhibition' page of the Council website, the proposed change has been listed only as 'Draft Code of Meeting Practice' with no indication of the proposed content change.

We question how ratepayers and residents were expected to know that they have had the opportunity to comment on such a significant change as the re-introduction of webcasting.

We acknowledge that the online Council newsletter PSC Informe issued on 11 October contained a report on the Council debate and endorsement of the notice of motion to reinstate the webcam system. However the report did not mention that the



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ITEM 20 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

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proposal would need to go on public exhibition – readers may well have understood that the change would just be implemented without further process.

We further note that the Draft Code accessed from the website does not draw attention to the proposed change – it is only by either noting the entry in the version history table or by scrolling to after clause 13 (which is entitled 'tape-recording...') – that a viewer becomes aware of the proposed change.

Because of these deficiencies in presentation, it is quite likely that many members of the public and community groups who will benefit from webcasting will not have been aware and will not therefore have made a submission in support (or raising any concerns). Councillors should be aware of that in considering any report on consultation on this proposed change.

Proposed change

The proposed change to the Code to re-instate webcasting is effected solely by the insertion of a Note after clause 13:

'Note: Port Stephens Council broadcasts its Ordinary Meetings of Council over the internet to provide a greater level of openness, transparent (transparency?) and access to the decision making process. This does not include the confidential session of the Ordinary Council meeting.'

Port Stephens Council accepts no liability for any defamatory remarks that are made during the course of the meeting. The quality of the webcast will depend on the viewers' device memory and internet connection bandwidth.'

Councillors, and the public, are entitled to more detail about the proposed implementation. A number of questions are invited:

1. Why is such an important change effected only by a 'Note' rather than by the insertion of a new clause.
2. Why is there is no consequential change to the body of clause 13, since the prohibition on recording seems to make no sense once the proceedings are live streamed over the internet, where they can be captured by any viewer.
3. Why is there no advice provided, in the note or elsewhere, as to any restrictions or guidance on public use of the live streamed webcast. This seems at odds with previous Council use of copyright concerns as a barrier to public availability of information.
4. What is the scope of the webcast i.e. exactly what proceedings will it cover?



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5. For how long after the Council meeting will a record of the webcast be publicly available?

We discuss the last two issues below.

Given that staff appear to think that only the Note after clause 13 is sufficient to give effect to the policy decision, there is no need for clarification of these matters to hold up implementation, but 'operating procedures' should be made available to Councillors and the public before the first webcast meeting.

Scope of webcasting

The Note refers to broadcast of 'Ordinary Meetings' with the exception of any 'confidential session'. We have no problem with the exclusion of any properly authorised 'confidential session' but seek clarification as to the intention with regard to Committee proceedings. Following the recent decision to retain the last Council's meeting cycle, at least in the short term, proceedings on a Tuesday evening may comprise both Committee and full Council meetings, both of which are open to anyone in the public gallery.

TRRA submits that Council should confirm that webcasts will include any proceedings on the night of Council meetings *that are open to the public gallery*. This should expressly include Committee proceedings.

We further submit that webcasts should also cover any public access – given that anyone granted public access will be aware that their presentation, and any Q&A, will be 'in public' and will welcome this exposure (they should of course be expressly informed that the session will be broadcast).

Continued availability

If the only change is the addition of the Note after Clause 13, the Code will remain silent on the length of time for which recordings of webcasts will remain publicly available. During 2012, the webcast records were available for members of the public to review after the Council meeting. This was an important feature which brought the transparency and accountability benefits not just to those who could not attend a meeting in real time, but also to those who, for whatever reason, had alternative commitments on a Tuesday evening.

Webcast recordings also give the public a much fuller and clearer account of Council proceedings than do the written minutes, which do not capture the tone and content of debate or individual contributions of Councillors and staff.



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ITEM 20 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

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Many of the current Councillors have publicly expressed their support for webcasting, and some have expressly referred to the benefits of the webcast recording being available 'after the event'.

TRRA submits that the recordings of the webcast of each Council proceedings should remain publicly available online indefinitely, as a permanent record.

Summary

In conclusion, TRRA welcomes the re-introduction of webcasting and looks forward to its early implementation. We submit however that Council should expressly confirm:

- that the webcasts will include all proceedings that are open to the public gallery, and
- that recordings of the webcasts will continue to be publicly available online as a permanent record of Council proceedings

By making these commitments, Council will maximise the benefits of webcasting in terms of greater transparency, accountability and community engagement.

Geoff Washington
President
Tomaree Ratepayers & Residents Association Inc.



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ITEM NO. 21**FILE NO: 17/239426
TRIM REF NO: A2004-0984****CODE OF CONDUCT - ANNUAL SEPTEMBER REPORTING****REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the report.
-

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Glen Dunkley That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

330	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council receive and note the report.
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BACKGROUND

The purpose of this report is to provide the code of conduct complaint statistics to Council in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. A report is required to be provided to Council for the reporting period 1 September 2016 to 31 August 2017. This report must be provided within three months from the end of September each year.

The statistics are shown at **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with the code of conduct complaints are within the existing budget and staff resource allocation.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Part 12.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures) requires a report to be prepared for Council's consideration within three months of the end of September each year.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, and therefore in breach of the <i>Local Government Act 1993</i> , should a report not be provided to Council.	Low	Adopt the recommendation.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Code of Conduct reporting requirements for 1 September 2016 to 31 August 2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 21 - ATTACHMENT 1 CODE OF CONDUCT REPORTING REQUIREMENTS FOR 1 SEPTEMBER 2016 TO 31 AUGUST 2017.

**Model Code of Conduct Complaints Statistics
1 September 2016 to 31 August 2017
Port Stephens Council**

Number of Complaints			
1	a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	3
	b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	6
Overview of Complaints and Cost			
2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	4
	b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c	The number of code of conduct complaints referred to a conduct reviewer	0
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	2
	g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h	The number of finalised complaints investigated where there was found to be no breach	0
	i	The number of finalised complaints investigated where there was found to be a breach	2
	j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	2
	k	The number of complaints being investigated that are not yet finalised	0
	l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	7,195
Preliminary Assessment Statistics			
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:		
	a	To take no action	0
	b	To resolve the complaint by alternative and appropriate strategies	0
	c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	0

ITEM 21 - ATTACHMENT 1 CODE OF CONDUCT REPORTING REQUIREMENTS FOR 1 SEPTEMBER 2016 TO 31 AUGUST 2017.

d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
e	To investigate the matter	0
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	0
Investigation Statistics		
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:	
a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education	0
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
a	That the council revise any of its policies or procedures	0
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	0
c	That the subject person be counselled for their conduct	0
d	That the subject person apologise to any person or organisation affected by the breach	2
e	That findings of inappropriate conduct be made public	1
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	1
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	2
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	0
Categories of misconduct		
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	2
b	Conflict of interest (Part 4)	0
c	Personal benefit (Part 5)	0
d	Relationship between council officials (Part 6)	0
e	Access to information and resources (Part 7)	0

**ITEM 21 - ATTACHMENT 1 CODE OF CONDUCT REPORTING REQUIREMENTS
FOR 1 SEPTEMBER 2016 TO 31 AUGUST 2017.**

Outcome of determinations		
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	1

ITEM NO. 22

**FILE NO: 17/230040
RM8 REF NO: PSC2017-03945**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:
- a. Salamander Bay Recycling – Mayoral Funds - \$500 donation towards DA fees for decommissioning yard.
 - b. Sailability Port Stephens – Mayoral Funds - \$500 donation towards hosting International Day of People with Disabilities 2017.
 - c. Medowie Tigers Playgroup – Rapid response Cr Smith - \$500 donation towards venue hire fees.
 - d. Seaham Park 355c Committee – Ward funds Cr Jordan - \$3,000 donation towards upgrade of entrance and internal roads at Seaham Park.
 - e. Community Helping Community Inc – Ward funds Cr Tucker - \$1,000 donation towards operational costs to host movie night at Salt Ash.
 - f. Medowie Neighbourhood Watch – Ward funds Cr Doohan - \$1,500 donation towards portable surveillance cameras.
 - g. Raymond Terrace Lions Club – Rapid response Cr Jordan - \$500 donation towards 2017 Seaham Park Carols event.
 - h. Tomaree Business Chamber – Rapid response Cr Dunkley - \$500 donation towards 2017 Tastes at the Bay event.

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Glen Dunkley That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

331	<p>Councillor Paul Le Mottee Councillor Giacomo Arnott</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Mayor and Ward Funds to the following:</p> <ul style="list-style-type: none">a. Salamander Bay Recycling – Mayoral Funds - \$500 donation towards DA fees for decommissioning yard.b. Sailability Port Stephens – Mayoral Funds - \$500 donation towards hosting International Day of People with Disabilities 2017.c. Medowie Tigers Playgroup – Rapid response Cr Smith - \$500 donation towards venue hire fees.d. Seaham Park 355c Committee – Ward funds Cr Jordan - \$3,000 donation towards upgrade of entrance and internal roads at Seaham Park.e. Community Helping Community Inc – Ward funds Cr Tucker - \$1,000 donation towards operational costs to host movie night at Salt Ash.f. Medowie Neighbourhood Watch – Ward funds Cr Doohan - \$1,500 donation towards portable surveillance cameras.g. Raymond Terrace Lions Club – Rapid response Cr Jordan - \$500 donation towards 2017 Seaham Park Carols event.h. Tomaree Business Chamber – Rapid response Cr Dunkley - \$500 donation towards 2017 Tastes at the Bay event.
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BACKGROUND

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

Council's Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

MINUTES ORDINARY COUNCIL - 12 DECEMBER 2017

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

The requests for financial assistance are shown below:

MAYORAL FUNDS – Ryan Palmer

Salamander Bay Recycling	Donation towards DA fees for decommissioning yard.	\$500
Sailability Port Stephens	Donation towards hosting International Day of People with Disabilities 2017.	\$500

WEST WARD FUNDS – Cr Arnott, Cr Jordan, Cr Le Mottee

Seaham Park Committee	Donation towards upgrade of entrance and internal roads at Seaham Park.	\$3,000
Raymond Terrace Lions Club	Donation towards 2017 Seaham Park Carols event costs.	\$500

CENTRAL WARD FUNDS – Cr Doohan, Cr Smith, Cr Tucker

Medowie Tigers Playgroup	Donation towards venue hire fees.	\$500
Community Helping Community Inc.	Donation towards operational costs to host movie night at Salt Ash.	\$1,000
Medowie Neighbourhood Watch	Donation towards portable surveillance cameras.	\$1,500

EAST WARD FUNDS – Cr Abbott, Cr Dunkley, Cr Nell

Tomaree Business Chamber	Donation towards 2017 Tastes at the Bay event costs.	\$500
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COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 12 DECEMBER 2017**ITEM NO. 23****FILE NO: 17/234144
RM8 REF NO: PSC2017-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 12 December 2017.

No:	Report Title	Page:
1	2017 NSW Coastal Conference	
2	Designated Persons' Return	

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Glen Dunkley That the recommendation be adopted.
332	Councillor Ken Jordan Councillor Giacomo Arnott It was resolved that Council move out of Committee of the Whole.

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

333	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 12 December 2017. <hr/> No: Report Title
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MINUTES ORDINARY COUNCIL - 12 DECEMBER 2017
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	1	2017 NSW Coastal Conference
	2	Designated Persons' Return

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 17/235184
RM8 REF NO: PSC2017-02840**

2017 NSW COASTAL CONFERENCE

REPORT OF: JOHN NELL - COUNCILLOR
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to provide Council with feedback on the 2017 26th Annual NSW Coastal Conference held at the Shoal Bay Country Club from 8-10 November 2017.

The Conference Theme of 'The Next Wave', evoked the idea of potential and new beginnings. A new legislative framework that promises to reshape the way we look after our coastal environments was introduced in 2017. We've chalked up 25 years of NSW coastal conferences and collectively possess considerable experience in managing coastal problems. The conference brought together over 250 delegates from a diverse range of fields, including: all aspects of coastal, estuarine and marine management, science and research, education, planning, policy and law; and included representatives from government, the private sector, community groups and the public.

Personally, I found the Pre-Conference Workshop on the Tuesday, very interesting. It dealt with the topic 'How Cost-Benefit Analysis Informs Hazard Management Decisions by Local Council'.

A cost-benefit analysis is critical to any project. It makes a comparative assessment of the benefits as well as the costs anticipated from a project. Everything must be given a dollar value. A cost-benefit analysis assists to:

1. Decide whether to undertake a project or decide which of several projects gets priority.
2. Frame appropriate project objectives.
3. Develop appropriate before and after measures of projects success.
4. Prepare estimates of the resources required to perform the project work.

The discussion on Cost-Benefit Analysis was followed by a discussion on cost sharing between beneficiaries, local councils, State Government and private property owners.

During the conference, an informative talk was presented by Charlene Wellard from Port Stephens Council on the 'Little Beach Boat Ramp'. This is a complex issue and a sensitive part of the Marine Park. The sand siltation at the boat ramp needs to be resolved, before any engineering works are to be carried out. It could be resolved by the construction of a groin at Fly Point, but this would be expensive and may have

unexpected consequences elsewhere. Most importantly the construction of a groin would never be approved by the Marine Park.

Many people think, that the solution to the boat ramp sanding up, is a relative simple one. Council moves sand from the western to the eastern end at least once a year because the natural movement of sand on Shoal Bay Beach is from east to west. This annual project has the benefit of maintaining the beach amenity for locals and tourists alike.

The four field trips on offer were: Port Stephens Eastern Basin Boat Trip, Cultural Tour of Stockton Sand Dunes by the Worimi Land Council, visit to the DPI Fisheries Research Centre and a visit to the Aquatic Habitat Rehabilitation at Tomago, all proved to be very popular by the delegates.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 17/231865
RM8 REF NO: PSC2017-01523**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to advise Council of new Council staff who have submitted their Designated Persons' Return/s (Return).

In accordance with Section 450A of the *Local Government Act 1993*, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who has submitted Return/s:

- Mayor Ryan Palmer.
- Councillor Jaimie Abbott.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 17/236420

RM8 REF NO: PSC2017-00019

PROGRAM TO REDUCE PIGEONS IN RAYMOND TERRACE CBD

COUNCILLOR: PAUL LE MOTTEE

THAT COUNCIL:

- 1) Contribute \$5,000 towards the Raymond Terrace CBD business' program to reduce pigeons in the CBD.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

334	Councillor Paul Le Mottee Councillor Giacomo Arnott It was resolved that Council contribute \$5,000 towards the Raymond Terrace CBD business' program to reduce pigeons in the CBD.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

335	Councillor John Nell Councillor Ken Jordan It was resolved that Council continue the Council meeting beyond 9pm.
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BACKGROUND REPORT OF: GREG KABLE – FACILITIES & SERVICES GROUP MANAGER

BACKGROUND

The Raymond Terrace Business Community has sought Council's financial assistance in managing the pigeon population in the Central Business District. While pigeon number management is not Council's core business Council has previously, and still does, own buildings in the Raymond Terrace Central Business District. These buildings have either been sold or now have pigeon management infrastructure such as netting installed. Staff also undertake monthly maintenance on

Council owned buildings which has continued to provide positive results for pigeon control. Pigeon control was not a focus for Council's building maintenance section previously and the subsequent sale of Council's buildings within the CBD may have led to an increase in the number of pigeons external to Council buildings.

The Raymond Terrace Business Community has formally requested Council's contribution towards a staged pigeon control program. It is proposed that Council's contribution is a single contribution to reduce the numbers that may have resulted from Council's previous management of our buildings.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: 17/237243

RM8 REF NO: PSC2017-00019

**REQUEST TO ACT ON SEDIMENT MANAGEMENT RECOMMENDATIONS FOR
LITTLE BEACH BOAT RAMP AND SHOAL BAY BEACH**

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Act on the 'Shoal Bay Coastline Management Plan' from 2001 and 'Little Beach Coastal Process Study' from 2017 and move sand from the western end of Shoal Bay back to the eastern end on a yearly basis to:
 - a. Keep sand off the boat ramp;
 - b. Allow the sponges at the Halifax Sponge Gardens to recover;
 - c. Protect the popular dive spot at Fly Point from sand inundation;
 - d. Protect waterfront infrastructure at Shoal Bay and maintain the beach for use by locals and tourists alike.

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

336	<p>Councillor John Nell Councillor Giacomo Arnott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Act on the 'Shoal Bay Coastline Management Plan' from 2001 and 'Little Beach Coastal Process Study' from 2017 and move sand from the western end of Shoal Bay back to the eastern end on a yearly basis to:<ol style="list-style-type: none">a. Keep sand off the boat ramp;b. Allow the sponges at the Halifax Sponge Gardens to recover;c. Protect the popular dive spot at Fly Point from sand inundation;d. Protect waterfront infrastructure at Shoal Bay and maintain the beach for use by locals and tourists alike.2) That Council allocate funding from the Crown Lands Reserve, subject to the approval of the Department of Crown Lands.
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BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

The purpose of this report is a response to a Notice of Motion made by Cr Nell requesting that Council act on recommendations for sand back passing and sediment management along Shoal Bay beach.

To provide background on this area, the Little Beach Boat Ramp is a highly valued facility for the Port Stephens' community. The ramp provides deep water boating access close to the heads of Port Stephens and is a picturesque location frequented by residents and tourists alike. The site has been historically affected by sand accumulation as sand migrates in pulses from Shoal Bay West, around Nelson Head and depositing on the Little Beach Boat Ramp. Estimates of the sand quantity over an annual period are 5000m³ in normal conditions and 10,000m³ under storm conditions. Council currently carried out routine maintenance to ensure that the ramp stays operational at a cost of approximately \$70,000 per year dependent upon weather conditions.

The boat ramp itself is 15m wide with a slope of 1V:9H across the tidal zone and complies with the NSW Boat Ramp Facility Guidelines. A condition assessment of the ramp confirmed that the asset is in reasonable condition and will continue functioning as a suitable boat launching and retrieval facility with minor upgrades for another 5-10 years.

The Shoal Bay Management Plan prepared by the Department of Public Works in 2001 recommended that beach re-nourishment be carried out on a regular basis. The proposed beach re-nourishment campaign would involve the trucking of approximately 2,500m³ of sand from the western side to the eastern side of Shoal Bay twice a year. These works were not funded at the time and as such, the back passing of sand has not been integrated into Council's operational budget.

The Coastal Process Study prepared by Royal Haskoning in 2017 also recommends the back-passing of sand on Shoal Bay Beach to limit the impacts of sand accumulation. An alternative option for the establishment of a rock groyne was also reviewed; however this option was discounted due to the high capital investment required, potential impacts upon the adjoining marine park and the visual impact of the structure on a primarily natural landscape. A cost benefit analysis was completed for all other sediment management options proposed within the report. The sand back passing along Shoal Bay Beach was the only sediment management option to return a positive cost benefit ratio.

Cost estimates for sand back passing provided within the report were estimated at \$200,000 per annum. A comparative cost estimate has been sought by Council staff at \$150,000 per annum.

These works are not a Council sanctioned project in Council's Community Strategic Plan, Long Term Financial Plan or 10 year Capital Works Program. To include the sand back passing works in Council's 10 year Capital Works Program would require Councillors to agree that this project is a priority and adequate funding would need to be secured.

Potential sources of funding for these works could be the Crown Holiday Parks Trust Reserve Fund or Section 94 developer contributions. Both of these sources of funds would need to be considered holistically with any other works proposed to be carried out on Crown Trust Reserve land or using Section 94 funds within the Tomaree Peninsula.

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 5****FILE NO: 17/239642****RM8 REF NO: PSC2017-00019****KANGAROO POINT****COUNCILLOR: JOHN NELL**

THAT COUNCIL:

- 1) Complete the foreshore restoration works at Kangaroo Point, Soldiers Point and protect the reserve from further erosion with a rock revetment as proposed in the 2015 study of Kangaroo Point.
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**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

337	Councillor John Nell Councillor Ken Jordan It was resolved that Council defer Notice of Motion No. 5 until 2018 to meet with the residents onsite.
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BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER**BACKGROUND**

The Kangaroo foreshore study was completed with a number of recommendations. These recommendations included the removal of the existing failing wall to be replaced with a tapered foreshore, with an alternative being a full rock revetment.

Given the width of allowable foreshore and the allowable funds at the time, it was decided to tidy the area and shape the foreshore with a tapered edge as a first stage measure to improve the safety of the area.

It should be acknowledged that this location will take some time to re-establish back to a more natural foreshore shape. As per the environmental approval this area is to be monitored until it is re-established.

At present this area has no allocated funds for the rock revetment works.

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the *Local Government Act 1993*, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 12 DECEMBER 2017 MOTION

338	Councillor Steve Tucker Councillor Glen Dunkley It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Communication Section Manager
Public Relations and Marketing Coordinator
Digital Marketing and Social Media Officer

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 17/196333
RM8 REF NO: PSC2017-01674**

**ACQUISITION OF PART OF 110 MAGNUS STREET, NELSON BAY FOR THE
YACAABA STREET EXTENSION**

**REPORT OF: MARK STACE - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

339	<p>Councillor Sarah Smith Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Resolve to acquire land on the terms and conditions set out in this report.2) Authorise the General Manager to negotiate further terms and conditions as required, apart from the compensation to be paid.3) Authorise the Mayor and the General Manager to affix the Council Seal and execute all documentation necessary to complete the acquisition.4) Upon acquisition classify the land as Operational land.
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CONFIDENTIAL

MAYORAL MINUTE

ITEM NO. 1

**FILE NO: 17/242461
RM8 REF NO: PSC2015-01024**

AMENDMENT TO RECYCLING PROCESSING CONTRACT

**ORDINARY COUNCIL MEETING - 12 DECEMBER 2017
MOTION**

340	Councillor John Nell Councillor Sarah Smith It was resolved that Council endorse the record of proposed terms of agreement made with Solo Resource Recovery on 6 December 2017 to amend the recycling processing contract on the terms contained within (ATTACHMENT 1) .
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**ORDINARY COUNCIL MEETING – 12 DECEMBER 2017
MOTION**

341	Councillor Steve Tucker Councillor Glen Dunkley It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 9.21pm.