

# DRAFT

## MINUTES – 8 MARCH 2016



# PORT STEPHENS

## COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 8 March 2016, commencing at 5.30pm.

**PRESENT:**

Mayor B. MacKenzie, Councillors G. Dingle, S. Dover, K. Jordan, P. Kafer, P. Le Mottee, J. Morello, J. Nell, S. Tucker, General Manager, Corporate Services Group Manager, Acting Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

**046**

**Councillor Steve Tucker**  
**Councillor Ken Jordan**

It was resolved that the apology from Cr Chris Doohan be received and noted.

<b>MINUTES ORDINARY COUNCIL - 8 MARCH 2016</b>
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<b>047</b>	<b>Councillor John Morello</b> <b>Councillor Sally Dover</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 23 February 2016 be confirmed.
	There were no Declaration of Interest received.

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# MAYORAL MINUTES

**MAYORAL MINUTE**

**ITEM NO. 1**

**FILE NO: 16/286848  
RM8 REF NO: PSC2014-03240**

**PORT STEPHENS COUNCIL SUBMISSION TO COUNCIL BOUNDARY REVIEW**

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**THAT COUNCIL:**

- 1) Endorse the Port Stephens Council submission to the Delegate for the Port Stephens Council/Newcastle City Council merger proposal that was lodged by the General Manager under the delegated authority of Council's Minute number 029 of 28 February 2016.
  - 2) Notes Section 7 of the above submission that proposes an alternative merger option with Dungog Shire Council.
  - 3) Authorises the General Manager to take such steps as are necessary to request the Minister for Local Government to refer to the Boundaries Commission a proposal for a merger with Dungog Shire Council, as required under s218E and s218F of the *Local Government Act 1993*.
  - 4) Authorise the General Manager to undertake discussions with Dungog Shire Council and Maitland City Council on the proposal to initiate a merger between Port Stephens Council and Dungog Shire Council.
  - 5) Writes to the Minister for Local Government, under the *Local Government Act 1993*, Chapter 9, Part 1, Division 2B, s218E and s218F to request the Minister for Local Government to initiate a proposal to examine and prepare a report by the Boundaries Commission for the amalgamation of the council areas of Port Stephens Council and Dungog Shire Council as described below:
    - a. That the Boundary Commission under s218F of the *Local Government Act 1993*, be requested to undertake a review of boundaries that includes but not be limited by the inclusion of the whole of Port Stephens Council and Dungog Shire Council.
    - b. That in accordance with s218F of the *Local Government Act 1993*, the Minister seeks the views of electors of each of those areas:
      - i. by means of:
        - advertised public meetings, and
        - invitations for public submissions, and
        - postal surveys or opinion polls, in which reply-paid questionnaires are distributed to all electors, or
      - ii. by means of formal polls.
  - 6) Note that this action could trigger a consequential merger proposal between Newcastle City Council and Lake Macquarie City Council.
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**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
MOTION**

<b>048</b>	<p><b>Mayor Bruce MacKenzie</b> <b>Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the Port Stephens Council submission to the Delegate for the Port Stephens Council/Newcastle City Council merger proposal that was lodged by the General Manager under the delegated authority of Council's Minute number 029 of 28 February 2016.</li><li>2) Notes Section 7 of the above submission that proposes an alternative merger option with Dungog Shire Council.</li><li>3) Authorises the General Manager to take such steps as are necessary to request the Minister for Local Government to refer to the Boundaries Commission a proposal for a merger with Dungog Shire Council, as required under s218E and s218F of the <i>Local Government Act 1993</i>.</li><li>4) Authorise the General Manager to undertake discussions with Dungog Shire Council and Maitland City Council on the proposal to initiate a merger between Port Stephens Council and Dungog Shire Council.</li><li>5) Writes to the Minister for Local Government, under the <i>Local Government Act 1993</i>, Chapter 9, Part 1, Division 2B, s218E and s218F to request the Minister for Local Government to initiate a proposal to examine and prepare a report by the Boundaries Commission for the amalgamation of the council areas of Port Stephens Council and Dungog Shire Council as described below:<ol style="list-style-type: none"><li>a. That the Boundary Commission under s218F of the <i>Local Government Act 1993</i>, be requested to undertake a review of boundaries that includes but not be limited by the inclusion of the whole of Port Stephens Council and Dungog Shire Council.</li><li>b. That in accordance with s218F of the <i>Local Government Act 1993</i>, the Minister seeks the views of electors of each of those areas:<ol style="list-style-type: none"><li>i. by means of:<ul style="list-style-type: none"><li>• advertised public meetings, and</li><li>• invitations for public submissions, and</li><li>• postal surveys or opinion polls, in which reply-paid questionnaires are distributed to all electors, or</li></ul></li><li>ii. by means of formal polls.</li></ol></li></ol></li><li>6) Note that this action could trigger a consequential merger proposal between Newcastle City Council and Lake Macquarie City Council.</li></ol>
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## **BACKGROUND**

The purpose of this report is to advise Council that in accordance with authority delegated to the General Manager on 23 February 2016, the Port Stephens Council submission to Delegate Reynolds for the merger proposal between Port Stephens Council (PSC) and Newcastle City Council (NCC) was lodged on Friday 26 February 2016; and to consider making a formal application to the Minister for Local Government for a merger proposal between Port Stephens Council and Dungog Shire Council.

A copy of the Port Stephens Council submission to Delegate Reynolds on the PSC/NCC merger proposal has been circulated under separate cover to Councillors and is available on the PSC website.

It is Council's position that in the reform of local government in NSW, having been proven 'fit for the future' Port Stephens Council should stand alone. In particular the Council's submission on the Minister's proposed merger with Newcastle City Council demonstrated that there were no advantages and considerable costs to the community of Port Stephens.

Council has received some 15,000 petition signatures from residents opposed to the merger. Council's on-line poll which attracted >2,000 respondents demonstrated 93% opposition to the Newcastle City Council merger proposal.

It was recognised that the Minister's proposed merger of Gloucester and Dungog Shire councils was not viable. Port Stephens Council received copies of a petition that represented 11% of the population of Dungog Shire Council from the towns of Dungog and Clarence Town, that indicated a wish to become part of the Port Stephens local government area (LGA).

Whilst reiterating Council's position that it remains a stand-alone council, the submission also acknowledged the desire of the State government to reduce the number of councils across NSW. Therefore an alternative to the PSC/NCC merger was proposed requesting that the Minister considers an amalgamation of Dungog and Port Stephens councils.

While the cost of such a merger is substantial (NPV cost of \$2.4M over nine years or NPV cost \$12.2M over 20 years) this cost is less significant than the anticipated cost of the NCC merger proposal (NPV cost \$7.4M over nine years or NPV cost \$20.3M over 20 years). The submission demonstrated the strong environmental, social and economic communities of interest between the two LGAs; and the petitions requesting that at least the Williams River Valley area of Dungog Shire become part of the Port Stephens Council LGA.

It is understood that Dungog Shire Council's preferred position is to remain a stand-alone local government area.

It has now come to Council's attention that the Minister for Local Government has reconsidered the Gloucester/Dungog proposal; and has agreed to revisit the original proposal of the Independent Local Government Review Panel (ILGRP) to merge Dungog Shire Council with Maitland City Council. This is a consequential result of the Gloucester Shire Council resolving to request the Minister to consider a Gloucester Shire/Great Lakes/Greater Taree City councils merger proposal.

This Mayoral Minute restates that the communities of interest between Dungog and Port Stephens are stronger than those of Dungog and Maitland City. Further, Council is asked to consider and if supportive, authorise the General Manager to take such steps as are necessary to request the Minister to act under Section 218E and 218F of the *Local Government Act 1993*.

It is proposed that the General Manager be authorised to write to the Minister for Local Government to request the Minister to initiate a proposal under S218E of the *Local Government Act 1993*, for the amalgamation of the council areas of Port Stephens Council and Dungog Shire Council.

### **NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

- 1) Proposing a merger between Port Stephens Council and Dungog Shire Council provides the Minister with a viable and more cost effective alternative than a merger of this Council with Newcastle City Council. The cost of a merger with Newcastle City Council is conservatively estimated to be NPV \$7.4M over nine years or NPV cost \$20.3M over 20 years. Independent modelling from Morrison Low has indicated that a cost of a merger with Dungog would cost NPV \$2.4M over nine years or NVP cost \$12.2M over 20 years, which is achievable in the longer term given the strength of Port Stephens Council.
- 2) A formal merger proposal public inquiry by the Minister between Port Stephens Council and Dungog Shire Council would enable the views of the communities of Port Stephens and Dungog to be fully considered.
- 3) Council support for a merger proposal between Port Stephens/Dungog Shire councils could trigger a consequential merger proposal between Newcastle City and Lake Macquarie councils.



# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: 16/250399  
RM8 REF NO: PSC2014-01907**

**PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013 - MINOR  
AMENDMENTS TO LAND AT TOMAGO AND KARUAH**

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 to rectify minor mapping inconsistencies at 15 Gray Drive, Karuah, 38 Old Punt Road, Tomago and 1, 12 and 14 Laverick Avenue, Tomago.
  - 2) Exercise delegation to make the plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.
- 

**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
MOTION**

<b>049</b>	<b>Councillor John Nell Councillor Steve Tucker</b>  It was resolved that Council move into Committee of the Whole.
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Steve Tucker Councillor Peter Kafer</b>  That the recommendation be adopted.
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
MOTION**

<b>050</b>	<b>Councillor John Nell</b> <b>Councillor Peter Kafer</b>  It was resolved that Council:  1) Adopt the Planning Proposal ( <b>ATTACHMENT 1</b> ) to amend the Port Stephens Local Environmental Plan 2013 to rectify minor mapping inconsistencies at 15 Gray Drive, Karuah, 38 Old Punt Road, Tomago and 1, 12 and 14 Laverick Avenue, Tomago.  2) Exercise delegation to make the plan under Section 59 of the <i>Environmental Planning and Assessment Act 1979</i> .
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND**

The purpose of this report is to consider submissions received during exhibition of a planning proposal to rectify minor mapping inconsistencies and /or administrative changes at land at Karuah and Tomago.

The objective of the planning proposal is to amend the Port Stephens Local Environmental Plan 2013 (PS LEP 2013) to:

- 1) rectify mapping anomalies made during the transition from the former Port Stephens Local Environmental Plan 2000 (PS LEP 2000) to the PS LEP 2013 with respect to four (4) parcels;
  - rezone part of Lot 302 DP 1004596 (15 Gray Drive Karuah) from RU2 Rural Landscape to R2 Low Density Residential;
  - rezone part Lot 143 DP 605461 (38 Old Punt Road, Tomago) from E2 Environmental Conservation to IN1 General Industrial;
  - rezone part Lot 12 DP 1138643 (1 Laverick Avenue, Tomago) from E2 Environmental Conservation to IN1 General Industrial; and
  - rezone part Lot 2 DP 1195849(12 Laverick Avenue, Tomago) from E2 Environmental Conservation to IN1 General Industrial; and

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- 2) amend the land zoning map as a result of a subdivision approval which has resulted in a boundary adjustment relating to:
- part Lot 1 DP 1195849 (14 Laverick Avenue, Tomago) to rezone from E2 Environmental Conservation to IN1 General Industrial.

While the amendments are considered transitional inconsistencies or cadastre updates, given the time that has lapsed since the planning controls came into effect, the amendment is being progressed as a planning proposal. Council resolved on 14 July 2015 to prepare the plan for the purposes of a gateway determination from the Department of Planning and Environment (DP&E) under section 56 of the *Environmental Planning and Assessment Act 1979*.

In accordance with the Gateway Determination the Proposal was placed on public exhibition for 14 days between 22 October 2015 and 5 November 2015. No submissions were received.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2015-2019
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

### FINANCIAL/RESOURCE IMPLICATIONS

The Planning Proposal has been assessed within Council's existing resources. There are no direct financial implications if Council adopts the recommendation.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The Planning Proposal will be prepared using existing Council resources.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) details the legislative process for the making of a Local Environmental Plan. The Planning Proposal is consistent with this process.

There are no outstanding issues that would inhibit Council in exercising delegations to make this Plan under Section 59 of the *Environmental Planning and Assessment Act 1979*.

Gateway Determination

A gateway determination was received on 9 September 2015 with only minor administrative amendments to be made to the planning proposal prior to public exhibition.

Ministerial 117 Directions

Under section 117(2) of the (EP&A Act), local councils must follow a list of directions when preparing planning proposals for new LEPs. Given the planning proposal relates to minor mapping anomalies no inconsistencies were raised from state agencies.

Port Stephens Planning Strategy

The Port Stephens Planning Strategy (PSPS) seeks to encourage a sufficient supply of a diverse range of housing in the Local Government Area (LGA) and ensure that there is a sufficient supply of a diversity of industrial land to meet market demand. The Planning Proposal is consistent with the Strategy.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk the plan will get delayed in the plan-making phase by Parliamentary Counsel.	Low	If Council resolves to support the recommendation of this report it is recommended that Council exercises its delegation under the <i>Act</i> to expedite the matter.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

This planning proposal seeks to correct administrative anomalies that have arisen during the changeover from the Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013. No social, economic or environmental issues have been raised during gateway or public exhibition.

## **NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

This planning proposal seeks to correct administrative anomalies that have arisen during the changeover from the Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013 and rectify minor mapping anomalies. There are no merger proposal implications.

## **CONSULTATION**

Consultation was carried out with the Office of Environment and Heritage and the NSW Rural Fire Service. No concerns were raised. The NSW Rural Fire Service noted that any future development at 15 Gray Drive complies with *Planning for Bush Fire Protection* 2006. This matter can be addressed at development application stage.

In accordance with the Gateway Determination the Proposal was placed on public exhibition for 14 days between 22 October 2015 and 5 November 2015 during normal business hours at the following locations:

- Councils Administration Building, 116 Adelaide Street, Raymond Terrace ;
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace; and
- Port Stephens Council website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au).

No submissions were received during exhibition of the proposal.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Planning Proposal - Minor Amendments to land at Karuah and Tomago.1  
(Provided under separate cover)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM NO. 2**

**FILE NO: 16/259294  
RM8 REF NO: PSC2015-03964**

**POLICY - ENVIRONMENT**

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Environment Policy as shown in **(ATTACHMENT 1)**.
  - 2) Place the draft Environment Policy on public exhibition for a period of 28 days and should no submissions be received, adopt the policy.
- 

**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Peter Kafer Councillor Sally Dover</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
MOTION**

<b>051</b>	<b>Councillor John Nell Councillor Peter Kafer</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the draft Environment Policy as shown in <b>(ATTACHMENT 1)</b>.</li><li>2) Place the draft Environment Policy on public exhibition for a period of 28 days and should no submissions be received, adopt the policy.</li></ol>
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**BACKGROUND**

The purpose of this report is to consider the adoption of the draft Environment Policy. The draft Environment Policy assists Council to achieve its vision statement of "a great lifestyle in a treasured environment".

## MINUTES ORDINARY COUNCIL - 8 MARCH 2016

The Strategy and Environment Sustainability Review, completed in April 2015, identified and provided for the implementation of an Environmental Management System (EMS) throughout Council. The EMS project plan was presented to and endorsed by the Executive Leadership Team in November 2015 which included the development of an environment policy.

The draft Environment Policy is a foundation document for the EMS framework, consistent with the Environmental Management System Standard ISO 14001:2015 (EMS Standard), an internationally accepted standard adopted by all levels of Australian government. The EMS Standard focuses on legal compliance, pollution prevention and continual improvement in environmental performance. The policy is a requirement for accrediting Council's proposed EMS, which is under development. The Environment Policy provides the commitment to these matters as well as the leadership and direction on how Council may meet requirements of the EMS Standard.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2015-2019
Manage the natural environment for existing and future generations.	Develop and implement catchment and biodiversity programs. Continue to implement initiatives that reduce Council's greenhouse gas emissions.

This draft policy also has strong linkages to the Strategic Direction 15.1 requiring that *Port Stephens Council's services and assets are sustainable in the longer term* and the specific Operational Plan item 15.1.3.2 to *Develop and implement an Environmental Management System for Council operations*.

### FINANCIAL/RESOURCE IMPLICATIONS

There is no direct financial implication for Council in relation to the adoption of the draft policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The preparation of the draft policy was managed within existing budget resources.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		



**LEGAL, POLICY AND RISK IMPLICATIONS**

The Environment Policy outlines Council's commitment to meet its statutory responsibilities under environmental legislation. Whilst Council's approach to environmental risk is influenced by this policy, the Integrated Risk Management Policy provides the overall direction on systematic management of risk. Therefore, these two policies should be considered together. The Executive Leadership Team recently endorsed changes to the Integrated Risk Management Policy which incorporated environmental risk in accordance with the EMS Standard.

Without an environment policy which has commitment from Council, the EMS will not satisfy the requirements of the EMS Standard. If the EMS isn't developed in accordance with the EMS Standard, it will also fail to meet the Environmental Protection Authority (EPA) management system guidelines under the risk-based licencing system. This has the potential to increase annual fees for Council's Environmental Protection Licences and place Council in a position of increased monitoring from the EPA. Council's environmental risk rating from the EPA's risk-based licencing system is published on a public register. A high environmental risk rating has reputation issues for Council.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council will have no due diligence defence for legislative breaches due to an inconsistent approach to and documentation of statutory responsibilities under environmental legislation.	High	Adopt the policy and continue development of the EMS to ensure consistent approach to statutory responsibilities.	Yes
There is a risk that without the adoption of an Environment Policy, Council's proposed EMS will not be accredited and thus be inconsistent with the EPA risk-based licencing system guidelines resulting in higher licence fees. Council may also receive a higher environmental risk rating resulting in reputational implications.	High	Adopt the policy and continue development of the EMS.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

A healthy natural environment is critical to the people of Port Stephens as it provides essential environmental services such as clean air, clean water and healthy soils. In turn this supports ecological, cultural, recreational, economic and aesthetic values. The Environment Policy outlines Council's commitment to maintaining a healthy natural environment for the Port Stephens community. The policy also states a commitment to the principles of ecologically sustainable development and the requirement to integrate social, environmental and economic factors through the Integrated Planning and Reporting Framework to enable holistic and sustainable planning for the future.

## **NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

The development of the Environment Policy is in accordance with the *Council Decision Making during Merger Proposal Period Guidelines: Section - Integrated Planning and Reporting* (December 2015) issued under section 23A of the Local Government Act.

The EMS forms part of the Integrated Risk Management System. The development of the EMS was identified in the Community Strategic Plan 2013-2023, the Delivery Program 2013-2017 and the four year Operational Plan 2015-2016 to 2018-2019.

Newcastle City Council does not currently have an equivalent policy document.

## **CONSULTATION**

### **Prior to public exhibition:**

Internal

Stakeholder circulation has been undertaken through the EMS implementation project network. The Environment Policy was endorsed by the Executive Leadership Team on the 27 January 2016. A Councillor Two-Way was delivered on the 9 February 2016.

External

The Environment Policy was reviewed by the Audit Committee on the 18 February 2016 with no changes recommended.

**During public exhibition:**

External

If the draft policy is endorsed by Council, it will be placed on public exhibition for 28 days from Wednesday 16 March to Wednesday 13 April 2016.

No community engagement activities are scheduled.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Draft Environment Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2015-03964

**TITLE:** ENVIRONMENT POLICY

**POLICY OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

**PURPOSE:**

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

### **CONTEXT/BACKGROUND:**

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

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

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

The four principles underpinning ESD are:

- 1) Precautionary principle.
- 2) Intergenerational equity.
- 3) Conservation of biological diversity and ecological integrity.
- 4) Improved valuation, pricing and incentive mechanisms.

## Policy

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## Policy



The integration of social, environmental and economic factors are also required through the Integrated Planning and Reporting Framework to enable holistic and sustainable planning for the future (LGNSW Interim Policy Statements: Planning and Environment).

### **SCOPE:**

This Policy provides direction for Council's overall approach to its environmental performance.

Environmental performance refers to the environmental results that are achieved through Council's management and control of the environmental aspects of its systems, policies, processes, procedures, services and activities (ISO14001:2015). Environmental performance can be improved when beneficial environmental impacts are increased and adverse environmental impacts and risks are reduced.

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

### **DEFINITIONS:**

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

## Policy

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## Policy



### **POLICY STATEMENT:**

- 1) Council ensures a healthy natural environment is maintained for the wellbeing of the Port Stephens community.
- 2) Council is committed to empowering its employees to assume accountability and responsibility for the continuous improvement of its environmental performance by creating and promoting a culture of participation and by providing a robust process for monitor and review.
- 3) Council is committed to the four principles of ecologically sustainable development.
- 4) Council meets all its statutory responsibilities under environmental legislation.

### **POLICY RESPONSIBILITIES:**

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

### **RELATED DOCUMENTS:**

- |  |                                       |
|--|---------------------------------------|
| 1) Local Government Act 1993.                      | 7) Heritage Policy.                   |
| 2) Port Stephens Council Community Strategic Plan. | 8) Integrated Risk Management Policy. |
| 3) Asset Management Policy.                        | 9) On-Site Sewage Management Policy.  |
| 4) Commercial Operators Policy.                    | 10) Pricing Policy.                   |
| 5) Compliance Policy.                              | 11) Procurement Policy.               |
| 6) Economic Development Policy.                    | 12) Property Investment Policy.       |
|  | 13) Social Impact Policy.             |

### **CONTROLLED DOCUMENT INFORMATION:**

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<b>RM8 container No</b>	PSC2015-03964	<b>RM8 record No</b>	
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## Policy

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Policy



<b>Audience</b>	Councillors, staff and community		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Environmental Strategist / Environmental Management System Officer		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	Feb 2018
<b>Adoption date</b>	23/2/2016 (proposed)		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	8/1/16	Environmental Strategist / Environmental Management System Officer	Draft Original Policy	

Policy

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Issue Date: Draft January 2016 Printed:

Review Date:

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**ITEM NO. 3**

**FILE NO: PSC2015-01000/962  
RM8 REF NO: PSC2015-03695**

**DRAFT PORT STEPHENS COUNCIL AGEING STRATEGY**

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Port Stephens Council Ageing Strategy **(ATTACHMENT 1)**.
  - 2) Place the draft Port Stephens Council Ageing Strategy on public exhibition for a minimum period of 28 days and, should no submissions be received, adopt the strategy as amended.
- 

**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell Councillor Sally Dover</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
MOTION**

<b>052</b>	<b>Councillor John Nell Councillor Peter Kafer</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the draft Port Stephens Council Ageing Strategy <b>(ATTACHMENT 1)</b>.</li><li>2) Place the draft Port Stephens Council Ageing Strategy on public exhibition for a minimum period of 28 days and, should no submissions be received, adopt the strategy as amended.</li></ol>
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**BACKGROUND**

The purpose of this report is to outline the draft Port Stephens Council Ageing Strategy (draft Strategy) for endorsement to place on public exhibition. The draft Strategy **(ATTACHMENT 1)** outlines Council's approach to targeting its services to



enhance the benefits of and respond to the issues and impacts of the ageing population in Port Stephens.

The Port Stephens Local Government Area (LGA) is facing an ageing population that is growing at a rate faster than both NSW and the Hunter Region. The ageing population of Port Stephens (who are 55 and over) comprises 32.86% of the Port Stephens LGA community, compared with 29.61% of the Hunter and 26.43% of the NSW population.

In response to this, Council committed to the development and implementation of an Ageing Strategy through Operational Plan item 2.1.1.1 – Implement Council's Ageing Strategy. The draft Strategy provides direction for a whole of Council approach to deliver key priorities that support positive ageing outcomes for the Port Stephens community. The draft Strategy has been prepared to align with key state and regional strategies including the NSW Ageing Strategy 2013.

The objectives of the draft Strategy are to:

- Recognise that ageing populations are a valued demographic of the LGA and maximise the strengths and opportunities they can bring to our community;
- Prioritise actions for Council to meet the needs of the ageing population in a way that demonstrates consistency with the Port Stephens Community Strategic Plan, and Council's Delivery Program and Operational Plan;
- Promote integration between Council's Ageing Strategy deliverables and state and federal outcomes to effectively address the needs of ageing populations in the Port Stephens LGA; and
- Guide a proactive Council-wide approach to improve the liveability for the Port Stephens ageing population.

These objectives will be met through the implementation of a range of actions across Council's services as detailed in the draft Strategy. The proposed actions will be delivered under the following five key themes:

- Ongoing analysis and planning;
- Housing, neighbourhood and land use planning;
- Transport connectivity and accessibility;
- Health and community services; and
- Social inclusion and participation.

Council's Strategic Planning Unit will be responsible for the coordinating Council's implementation of the draft Strategy. As part of this, regular reporting to Council will be completed to provide a regular update on the implementation of the actions outlined in the draft Strategy.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Improve facilities and services for an ageing population.	Identify and plan for the future needs of an ageing population.

**FINANCIAL/RESOURCE IMPLICATIONS**

Actions in the draft Strategy will have funding and resource implications that will need to be considered as part of Council's service delivery to meet operational plan commitments. Currently it is difficult to project costs associated with an ageing demographic, however further costs and resourcing requirements would be identified as part of consideration of the implementation of these actions through Council's Delivery Program and Operational Plan.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Within existing budget allocation and external grant funding.
Reserve Funds	No		
Section 94	Yes		To be determined by relevant Council Section(s) as part of the Delivery Program and Operation Plan processes.
External Grants	Yes		To be determined by relevant Council Section(s) as part of the Delivery Program and Operation Plan processes.
Other	Yes		To be determined by relevant Council Section(s) as part of the Delivery Program and Operation Plan processes.

**LEGAL, POLICY AND RISK IMPLICATIONS**

The draft Strategy was prepared in response to and consistent with relevant state and regional plans, such as NSW 2021, NSW Ageing Strategy 2013 and the Lower Hunter Regional Strategy 2006 – 2031.

Without proactive planning that effectively responds to Port Stephens ageing demographic, Council may be exposed to cumulative effects that could potentially exacerbate the impacts of an ageing population and lead to increased negative social and economic impacts in the future. By responding to the needs and anticipated effects of ageing earlier, it will be possible to minimise these impacts.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council does not have the required resources to implement the strategy.	Low	Adopt the strategy including actions that can be absorbed within the Delivery Program and Operational Plan through better defining priorities.	Yes
There is a risk that the impacts of not responding to the ageing population will be exacerbated leading to increased social and economic impacts for the Community.	Medium	Adopt the draft Strategy.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Growth of the Port Stephens ageing population is exceeding current growth trends in both the Hunter and NSW. These trends are consistent with ageing population growth in other regional Local Government Area's (LGA) on the coastal fringes. Additionally, the Port Stephens LGA is made up of very different community types with dispersed settlement patterns. Therefore, without good planning for the Port Stephens ageing community, the LGA is likely to experience disproportionate and intensified social and economic impacts of ageing populations.

An ageing population presents a number of social and economic opportunities that are important to embrace and maximise in the Port Stephens community. Older people hold knowledge and skills that are of great value to the social and economic development of an area. Conversely, ageing populations can also impact on local government revenue, expenditure and servicing resources.

Port Stephens' dispersed settlement pattern and wide-ranging community types creates a number of challenges, which if not adequately addressed will have social, economic and environmental impacts. To overcome these challenges a whole of Council approach is required, whereby a coordinated approach ensures a cohesive and holistic response to maximise opportunities for social inclusion and connectivity, service provision and appropriately located and designed housing.

## **NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

Development of this draft Strategy is compliant with Section 23.A Guidelines – Council decision making during merger proposal periods (Office of Local Government circular 15-43: 18 December 2015)

## **CONSULTATION**

Community consultation has been undertaken and has been considered during development of the draft Strategy. Analysis of Port Stephens demographic data has also enabled an understanding of how the current legislative and planning frameworks can be applied to ageing populations within the Port Stephens LGA. In response, the key themes were identified and form an integrated approach to delivering a range of goals and actions for the ageing population in Port Stephens.

## **PRIOR TO PUBLIC EXHIBITION**

Internal consultation in relation to the actions identified within the draft Strategy occurred with internal service providers to ensure that the proposed actions generally aligned with services and works of Council. This included Group Managers and Section Managers as follows:

- Development Services Group;
- Community Engagement and Development;
- Community Services;
- Property Services; and
- Assets.

## **PUBLIC EXHIBITION**

A level 2 Community Engagement and Communications plan has been developed for public exhibition of the draft Strategy in consultation with the Community Development and Engagement team.

Under Council's adopted Community Engagement Framework, the level 2 consultation process will include Council making information available to the public through established public exhibition channels including:

- Media.
- Port Stephens Council Tomaree Library.
- Port Stephens Council Business Centre – Raymond Terrace.
- Aged care service providers and facilities.
- Community Groups:
  - Nelson Bay Senior Citizens Hall.
  - Raymond Terrace Senior Citizens Association.
  - Tanilba Bay and District Senior Citizens and Pensioners Association.
  - MyLink Group.

## **MINUTES ORDINARY COUNCIL - 8 MARCH 2016**

- Tomaree and Rate Payers Association.
- Karuah Working Group (KWG).
- Indigenous groups:
  - Worimi Local Aboriginal Land Council.
  - Karuah Local Aboriginal Land Council.
- Community Events:
  - Seniors Week.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Draft PSC Ageing Strategy. (Provided under separate cover)

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

## MINUTES ORDINARY COUNCIL - 8 MARCH 2016

ITEM NO. 4

FILE NO: 16/268996  
RM8 REF NO: PSC2012-04581

### INTEGRATED RISK MANAGEMENT POLICY

REPORT OF: MICHELLE GILLIVER-SMITH - ORGANISATION DEVELOPMENT  
SECTION MANAGER  
GROUP: CORPORATE SERVICES

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Integrated Risk Management Policy shown at **(ATTACHMENT 2)**.
  - 2) Place the Integrated Risk 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 Integrated Risk Management Policy dated 10 June 2014 Minute No 135 **(ATTACHMENT 1)**, should no submissions be received.
- 

#### ORDINARY COUNCIL MEETING - 8 MARCH 2016 COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Councillor John Nell</b> <b>Councillor John Morello</b>  That the recommendation be adopted.
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#### ORDINARY COUNCIL MEETING - 8 MARCH 2016 MOTION

<b>053</b>	<b>Councillor John Nell</b> <b>Councillor Peter Kafer</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the revised Integrated Risk Management Policy shown at <b>(ATTACHMENT 2)</b>.</li><li>2) Place the Integrated Risk 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.</li><li>3) Revoke the Integrated Risk Management Policy dated 10 June 2014 Minute No 135 <b>(ATTACHMENT 1)</b>, should no submissions be received.</li></ol>
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## **BACKGROUND**

The purpose of this report is to revoke the existing Integrated Risk Management Policy and seek to adopt a revised policy to reflect Council's progress toward integrating risk management, work health and safety and environmental management into an Integrated Risk Management System.

In 2009 a Corporate Risk Management Team was established to bring together the various disciplines of risk management into the Organisation Development Section. Integrating work health and safety, risk management and claims management provided a more effective outcome for risk and safety management by ensuring a coordinated, corporate and systematic approach to risk. Council began progressively developing, implementing and refining a Corporate Risk Management System.

In 2013 Council commenced development of an Integrated Risk Management System (IRMS) that combines the key elements of the corporate risk management, work, health and safety and environmental management systems. Early work on the IRMS began with development of a suitable framework and the collation of an IRMS page on Council's intranet.

Development of the environmental management component is now being driven by the recently appointed Environmental Management System Officer.

As the system has and continues to become progressively more sophisticated, there is a need to amalgamate the documents that form each of the existing systems to create a straightforward, user friendly system that provides a consistent, holistic approach to the management of all risks. The Integrated Risk Management Policy drives this approach and outlines the direction of the system at the highest level.

The Integrated Risk Management Policy also reflects on Council's image as it presents itself as a well organised and capable organisation with a comprehensive, documented and coherent risk management system that demonstrates Council's regard for its duty of care to staff, the community and the environment for now and for future generations.

Both the current and revised policies are attached to this report. In summary, the changes include:

- Conversion of the policy into the new template in accordance with Brand Identity Style Guide v1.0;
- Introduction of the concept of opportunity, that is that a risk can have positive and/or negative consequences;
- Amendments to the risk appetite statement to reflect a streamlining of the categories of risk for consideration and clearer descriptions of the willingness to accept risk; and
- Inclusion of environmental performance references in accordance with AS/NZS ISO 14001:2015 Environmental Management Standards and the draft Environmental Policy.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Port Stephens Council's services and assets are sustainable in the longer term.	<p>Council will reduce its underlying deficit to break even in 2014-2015 financial year.</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**

Sound project and program planning and implementation based on risk management principles will reduce the exposure of the community to losses. A more structured approach to managing the risks associated with provision of services and facilities will reduce the cost of claims and optimise the economic benefit to Council.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Within existing resources.
Reserve Funds			
Section 94			
External Grants			
Other			

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council's Integrated Risk Management System will be compliant with AS/NZS ISO 31000:2009 Risk Management - Principles & Guidelines; AS/NZS 4801:2001 Occupational Health & Safety Systems; AS/NZS ISO 14001:2015 Environmental Management Standards; *Work Health & Safety Act 2011*, *Protection of the Environment Operations Act 1997* and the *Local Government Act 1993 (NSW)*.



<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the Corporate Risk Management Policy is now obsolete leading to low staff compliance and acceptance.	Low	Adopt revised Integrated Risk Management Policy.	Yes
There is a risk that failure to adopt the Integrated Risk Management Policy will inhibit the development and stifle continuous improvement of the Integrated Risk Management System.	Low	Adopt revised Integrated Risk Management Policy.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Part of Council's mission is to provide services and make decisions to enhance our quality of life, our economy and our natural environment. The identification, measurement and control of risks to protect the community, the Council, its assets and the environment against loss will help to ensure the sustainability of Council services and facilities.

The principles of risk management require staff to make informed judgements concerning the level and cost of risk involved in achieving cost-effective outcomes.

Our focus on environmental performance is supported by the Integrated Risk Management System that includes compliance obligations and consideration of environmental aspects such as prevention of pollution, degradation of ecosystems and resource efficiency as part of the risk assessment process. The Integrated Risk Management System supports Council's focus on environmental sustainability and addressing the impacts of climate change by including consideration of environmental impacts as part of the risk assessment process.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

Newcastle City Council has no adopted risk management policy in place at present. As the policy sets the direction for Port Stephens Council's approach to corporate risk management, work health and safety and environmental performance, it is an integral part of our Integrated Risk Management System.

**CONSULTATION**

- 1) Executive Leadership Team.
- 2) Corporate Risk Management Team.
- 3) Environmental Management System Officer.
- 4) Audit Committee.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Existing Integrated Risk Management Policy - adopted 10 June 2014.
- 2) Revised Integrated Risk Management Policy - revised 4 December 2015.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 4 - ATTACHMENT 1      EXISTING INTEGRATED RISK MANAGEMENT  
POLICY - ADOPTED 10 JUNE 2014.**



**POLICY**

Adopted: 10 June 2014  
Minute No: 135

**FILE NO:** PSC2012-04581  
**TITLE:** INTEGRATED RISK MANAGEMENT  
**RESPONSIBLE OFFICER:** ORGANISATION DEVELOPMENT MANAGER

**BACKGROUND**

Port Stephens Council has a responsible approach to risk management, seeking to recognise and manage our exposure to risk in accordance with our vision, purpose and values.

We are committed to managing risk on a systematic, organisation-wide basis consistent with AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*, AS/NZS 4801:2001 *Occupational Health & Safety Management Systems* and AS/NZS ISO 14000:2005 *Environmental Management Standards*. This methodology will create sustainable value by both minimising risks to the achievement of our objectives and by identifying potential opportunities, by ensuring the health and safety of our workers and by protecting our environment through the prevention of pollution.

Our corporate risk management system will comprehensively integrate all risks, including safety, environmental risks and business risks (financial, property, security, commercial, etc), into our decision making, business planning and reporting at all levels. A consistent, holistic approach to risk management strengthens our ability to deliver more efficient and effective services to our community.

Our Integrated Risk Management System will also align with Council's Business Excellence Framework by facilitating continuous improvement.

**OBJECTIVE**

- 1) Council aims to promote an holistic approach to risk management and to develop an Integrated Risk Management System that incorporates corporate risk management, work health and safety management and environmental management. All risks that could affect the achievement of our objectives, the health and safety of our workers and the integrity and sustainability of our environment will be identified, assessed and treated to an acceptable level.

**ITEM 4 - ATTACHMENT 1      EXISTING INTEGRATED RISK MANAGEMENT  
POLICY - ADOPTED 10 JUNE 2014.**

- 2) The integration of risk management into our decision-making process helps us to make informed choices for the benefit of Council, our community and our stakeholders. Our risk management approach will be systematically incorporated into our strategic planning and day to day business operations. We will facilitate consultation and communication for employees and stakeholders alike and provide information, supervision and training for all workers.

**PRINCIPLES**

- 1) Corporate Risk Management will be led by the Senior Leadership Team, ie. The General Manager, group managers and section managers with support from the Corporate Risk Management Team. The Senior Leadership Team is committed to guiding effective risk management by the application of the principles detailed in AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*.
- 2) Every staff member is responsible to implement and embed risk management by:
  - identifying, managing and monitoring risks in their areas of accountability;
  - communicating these areas of risk to their manager or supervisor;
  - taking measures to ensure their own safety, that of other employees, customers and other workers; and by
  - acting to reduce the change of serious environmental harm and conserving biological and ecological integrity.
- 3) The key steps for implementing an Integrated Risk Management System across the organisation include:
  - i. Centralising all corporate risk, work health and safety and environmental management documents on the Integrated Risk Management System on Council's intranet
  - ii. Progressively combining common documents to provide a simpler, more focused management system, a reduction in duplication, more effective audit management and a greater demonstration of due diligence.
  - iii. Implementing a communication strategy for the Integrated Risk Management system
- 4) By implementing an Integrated Risk Management System throughout Council, we will be better positioned to meet our objectives and deliver services and infrastructure in a way that is sustainable and meets our customers' needs.

**ITEM 4 - ATTACHMENT 1 EXISTING INTEGRATED RISK MANAGEMENT POLICY - ADOPTED 10 JUNE 2014.**
**POLICY STATEMENT**

- 1) Port Stephens Council is committed to developing an effective Corporate Risk Management system that clearly considers all major risks integrated into one common framework. Our integrated risk management system will focus on continually improving comprehensive risk management processes consistent with AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*, AS/NZS 4801:2001 *Occupational Health & Safety Management Systems* and AS/NZS ISO 14000:2005 *Environmental Management Standards*.
- 2) In pursuing the achievement of its objectives and governance responsibilities, Council will accept a degree of risk commensurate with both the potential reward and with Council's role in the community. Our categories of risk and current risk appetite are set out in the table below:

	Willingness to Accept Risk				
	Low		Medium		High
	<i>Averse</i>	<i>Minimalist</i>	<i>Cautious</i>	<i>Open</i>	<i>Hungry</i>
	Preference for options that avoid risk	Preference for ultra safe options with low inherent risk	Preference for safe options with low degree of residual risk and limited potential for reward	Willing to consider all options with a preference for prudent options and an acceptable level of reward	Enthusiasm for innovation leading to preference for higher rewards despite greater inherent risk
<b>Asset</b>			✓		
<b>Governance</b>		✓			
<b>Financial</b>			✓		
<b>Knowledge</b>		✓			
<b>Resilience</b>		✓			
<b>Environment</b>		✓			
<b>Reputation</b>			✓		
<b>Compliance</b>			✓		
<b>People</b>	✓				
<b>Technology</b>				✓	

In particular, Council has no appetite for risks that may compromise the safety and welfare of staff, volunteers, contractors and/or members of the public.

In consideration of our commitment to our stakeholders and community, Council has no appetite for risks that impinge on our transparency and integrity of decision making.

**ITEM 4 - ATTACHMENT 1      EXISTING INTEGRATED RISK MANAGEMENT  
POLICY - ADOPTED 10 JUNE 2014.**

We have no appetite for risks that may have a significant adverse impact on our long term financial sustainability. However, Council encourages entrepreneurship and has a reasonable appetite for risks arising from property and economic development opportunities.

Reflecting our conservative approach to knowledge management, resilience and conservation of the environment, Council has little appetite for risks in these areas. We have a moderate appetite for risk in normal business operations and accept that there is an element of reputation risk inherent in the delivery of our services.

Understanding the role of technology in enabling and innovating core business operations, we are open to technology risks that improve service delivery and efficiency of operations.

Notwithstanding the above, Council will not accept a risk that has potentially catastrophic consequences, regardless of the likelihood of that risk eventuating, and will actively manage all risks with an extreme or high residual risk ranking.

- 3) Council is committed to empowering employees to assume accountability and responsibility for risk management in the workplace by creating and promoting a culture of participation and by providing a robust process to monitor and review the effectiveness of risk management across Council.

**RELATED POLICIES**

- 1) Work Health and Safety Statement of Commitment
- 2) Injury Management Management Directive
- 3) Work, Health and Safety Responsibilities Guideline
- 4) Supervisors accompanying injured employees to initial medical treatment following work injury Management Directive
- 5) Injury Management and Return to Work Procedure
- 6) Council Prosecutions Policy
- 7) Compliance Policy
- 8) Corporate Risk Management Framework
- 9) Audit Committee

**SUSTAINABILITY IMPLICATIONS****SOCIAL IMPLICATIONS**

Council's purpose is to provide services and make decisions to enhance our quality of life, our economy and our natural environment. The identification, measurement and control of risks to protect the community, the Council and its assets against loss helps to ensure the sustainability of Council services and facilities and ensure the safety of workers, residents and visitors alike.

**ITEM 4 - ATTACHMENT 1      EXISTING INTEGRATED RISK MANAGEMENT  
POLICY - ADOPTED 10 JUNE 2014.****ECONOMIC IMPLICATIONS**

The principles of risk management require staff to make informed judgements based on best available information concerning the level and cost of risk involved in achieving cost-effective outcomes.

**ENVIRONMENTAL IMPLICATIONS**

Council recognises that the environmental, social and economic importance of operating in a sustainable manner, ensuring a high level of environmental compliance and performance through continuous improvement and the implementation of our Environmental Management system. Our focus on environmental sustainability is supported by the Integrated Risk Management system that includes consideration of environmental impacts such as pollution, inter-generational equity and conservation of biological and ecological integrity as part of the risk assessment process.

**RELEVANT LEGISLATIVE PROVISIONS**

- 1) Local Government Act, 1993
- 2) Work Health & Safety Act, 2011
- 3) NSW Work Health and Safety Act, 2011
- 4) Work Health and Safety Regulation, 2011
- 5) Civil Liability Act, 2002
- 6) Protection of the Environment Operations Act, 1997
- 7) Coastal Protection Act, 1979
- 8) Native Vegetation Act, 2003
- 9) Threatened Species Conservation Act, 1995
- 10) Environmental Planning & Assessment Act, 1979
- 11) National Parks & Wildlife Act, 1974
- 12) Heritage Act, 1999
- 13) Contaminated Land Management Act, 1997
- 14) Pesticides Act, 1999
- 15) Environmentally Hazardous Chemicals Act, 1985
- 16) Crown Lands Act, 1989
- 17) Dangerous Goods (Road & Rail Transport), 2008
- 18) Soil Conservation Act, 1938
- 19) Wilderness Act, 1987
- 20) Waste Avoidance & Resource Recovery Act, 2001
- 21) Noxious Weeds Act, 1993
- 22) Fisheries Management Act, 1994
- 23) Australian Environmental Protection & Biodiversity Act, 1999

**IMPLEMENTATION RESPONSIBILITY**

- 1) General Manager.

**ITEM 4 - ATTACHMENT 1      EXISTING INTEGRATED RISK MANAGEMENT  
POLICY - ADOPTED 10 JUNE 2014.**

**PROCESS OWNER**

- 1)    Organisation Development Manager.

**REVIEW DATE**

- 1)    1 October 2015.



**ITEM 4 - ATTACHMENT 2      REVISED INTEGRATED RISK MANAGEMENT  
POLICY - REVISED 4 DECEMBER 2015.****Policy****FILE NO:                    PSC2012-04581****TITLE:                      INTEGRATED RISK MANAGEMENT****POLICY OWNER:        ORGANISATION DEVELOPMENT MANAGER****PURPOSE:**

Council's purpose is to provide services and make decisions to enhance our quality of life, our economy and our natural environment. The identification, measurement and control of risks to protect the community, the Council and its assets against loss helps to ensure the sustainability of Council services and facilities and ensure the safety of workers, residents and visitors alike. Similarly, the identification and management of opportunities through the application of risk management principles ensures that Council is well positioned to take or increase risk in order to pursue opportunities.

Council recognises that the environmental, social and economic importance of operating in a sustainable manner, ensuring a high level of environmental compliance and performance through continuous improvement and the implementation of our Environmental Management System. Our focus on environmental performance is supported by the Integrated Risk Management system that includes compliance obligations and consideration of environmental aspects such as prevention of pollution, degradation of ecosystems and resource efficiency as part of the risk assessment process.

The principles of risk management require staff to make informed judgements based on best available information concerning the level and cost of risk and opportunity involved in achieving cost-effective outcomes. By implementing an Integrated Risk Management System throughout Council, we will be better positioned to meet our objectives and deliver services and infrastructure in a way that is sustainable and meets our customers' needs. The aim of the Integrated Risk Management System aligns with Delivery Program item 15.1.3 'manage risks across Council'.

**CONTEXT/BACKGROUND:**

Port Stephens Council has a responsible approach to risk management, seeking to recognise and manage our exposure to risk in accordance with our vision, purpose and values.

We are committed to managing risk on a systematic, organisation-wide basis consistent with AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*, AS/NZS 4801:2001 *Occupational Health & Safety Management Systems* and AS/NZS ISO 14001:2015 *Environmental Management Standards*. This methodology will create sustainable value by both minimising risks to the achievement of our objectives and by identifying potential

**Policy**

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**ITEM 4 - ATTACHMENT 2      REVISED INTEGRATED RISK MANAGEMENT  
POLICY - REVISED 4 DECEMBER 2015.**

## Policy



opportunities, by ensuring the health and safety of our workers and by protecting our environment.

Our Integrated Risk Management System will also align with Council's Business Excellence Framework by facilitating continuous improvement.

### SCOPE:

Our Integrated Risk Management System will comprehensively integrate all risks, including safety, environmental risks and business risks (financial, property, security, commercial, etc), into our decision making, business planning and reporting at all levels. A consistent, holistic approach to risk management strengthens our ability to deliver more efficient and effective services to our community.

The key steps for implementing an Integrated Risk Management System across the organisation include:

- i. Centralising all corporate risk, work health and safety and environmental management documents on the Integrated Risk Management System on Council's intranet;
- ii. Progressively combining common documents to provide a simpler, more focused management system, a reduction in duplication, more effective audit management and a greater demonstration of due diligence;
- iii. Implementing a communication strategy for the Integrated Risk Management system.

### DEFINITIONS:

Risk	Effect of uncertainty on objectives (Note: an effect is a deviation from the expected and can be positive and/or negative).
Risk management	Coordinated activities to direct and control an organisation with regard to risk.

### POLICY STATEMENT:

- 1) Port Stephens Council is committed to developing an effective Corporate Risk Management system that clearly considers all major risks and opportunities integrated into one common framework. Our Integrated Risk Management System will focus on continually improving comprehensive risk management processes.

## Policy

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ITEM 4 - ATTACHMENT 2 REVISED INTEGRATED RISK MANAGEMENT POLICY - REVISED 4 DECEMBER 2015.

Policy



- 2) In pursuing the achievement of its objectives and governance responsibilities, Council will accept a degree of risk commensurate with both the potential reward and with Council's role in the community. Our categories of risk and current risk appetite are set out in the table below:

	Willingness to Accept Risk			
	Low	Medium	High	Extreme
	Preference for options that avoid risk or have low inherent risk	Preference for safe options with low degree of residual risk and limited potential for reward	Willing to consider all options with a preference for prudent options and an acceptable level of reward	Enthusiasm for innovation leading to preference for higher rewards despite greater inherent risk
Asset		✓		
Legal	✓			
Financial		✓		
Business Systems & Processes			✓	
Environment	✓			
Reputation		✓		
People	✓			

In particular, Council has no appetite for risks that may compromise the safety and welfare of staff, volunteers, contractors and/or members of the public.

In consideration of our commitment to our stakeholders and community, Council has no appetite for risks that impinge on our transparency and integrity of decision making.

We have no appetite for risks that may have a significant adverse impact on our long term financial sustainability. However, Council encourages entrepreneurship and has a reasonable appetite for risks arising from property and economic development opportunities.

Reflecting our conservative approach to knowledge management, resilience and environmental performance, Council has little appetite for risks in these areas. We have a moderate appetite for risk in normal business operations and accept that there is an element of reputation risk inherent in the delivery of our services.

Understanding the role of technology in enabling and innovating core business operations, we are open to technology risks that improve service delivery and efficiency of operations.

Policy

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**ITEM 4 - ATTACHMENT 2      REVISED INTEGRATED RISK MANAGEMENT  
POLICY - REVISED 4 DECEMBER 2015.**

**Policy**



Notwithstanding the above, Council will not accept a risk that has potentially catastrophic consequences, regardless of the likelihood of that risk eventuating, and will actively manage all risks with an extreme or high residual risk ranking.

- 3) Council is committed to empowering employees to assume accountability and responsibility for risk management in the workplace by creating and promoting a culture of participation and by providing a robust process to monitor and review the effectiveness of risk management across Council.

**POLICY RESPONSIBILITIES:**

- 1) Corporate Risk Management will be led by the Senior Leadership Team, ie The General Manager, Group Managers and Section Managers with support from the Corporate Risk Management Team. The Senior Leadership Team is committed to guiding effective risk management by the application of the principles detailed in AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*.
- 2) Every staff member is responsible to implement and embed risk management by:
  - identifying, managing and monitoring risks and opportunities in their areas of accountability;
  - communicating these areas of risk to their manager or supervisor;
  - taking measures to ensure their own safety, that of other employees, customers and other workers; and by acting to reduce environmental harm by preventing pollution, degradation of ecosystems and minimising resource use.

**RELATED DOCUMENTS:**

- 1) Work Health and Safety Statement of Commitment.
- 2) Injury Management Management Directive.
- 3) Work, Health and Safety Responsibilities Guideline.
- 4) Supervisors accompanying injured employees to initial medical treatment following work injury Management Directive .
- 5) Injury Management and Return to Work Procedure.
- 6) Council Prosecutions Policy.
- 7) Compliance Policy.
- 8) Corporate Risk Management Framework.
- 9) Audit Committee.
- 10) Environment Policy (Draft).

**Policy**

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**ITEM 4 - ATTACHMENT 2 REVISED INTEGRATED RISK MANAGEMENT POLICY - REVISED 4 DECEMBER 2015.**

**Policy**



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<b>RM8 container No</b>	PSC2012-04581	<b>RM8 record No</b>	16/265768
<b>Audience</b>	Councillors, staff and community		
<b>Process owner</b>	Organisation Development Manager		
<b>Author</b>	Risk Management Coordinator		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	30/11/2017
<b>Adoption date</b>	10/06/2014		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	10/06/2014	Deborah McDonald	Original policy	135
2.0	17/11/2015	Deborah McDonald	Updated into new template to incorporate Brand Identity Style Guide v1.0; amendments to risk appetite statement table; inclusion of opportunity; updates to environmental performance references.	

**Policy**

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**ITEM NO. 5**

**FILE NO: 16/263637  
RM8 REF NO: PSC2015-01399**

**FLOODPLAIN RISK MANAGEMENT**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note submissions.
  - 2) Endorse the revised Floodplain Risk Management Policy and Flood Hazard Maps shown at **(ATTACHMENT 2)**.
  - 3) Revoke the Areas Affected by Flooding and/or Inundation Policy dated 16 December 2008 Minute No 384 **(ATTACHMENT 1)**.
- 

**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Paul Le Mottee Councillor Ken Jordan</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Receive and note submissions.</li><li>2) Endorse the revised Floodplain Risk Management Policy and Flood Hazard Maps shown at <b>(ATTACHMENT 2)</b>.</li><li>3) Revoke the Areas Affected by Flooding and/or Inundation Policy dated 16 December 2008 Minute No 384 <b>(ATTACHMENT 1)</b>.</li><li>4) That the Development Control Plan (DCP) be amended to be more in line with Floodplain Risk Management Policy.</li></ol>
--	---

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

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

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
MOTION**

<b>054</b>	<b>Councillor John Nell Councillor Peter Kafer</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Receive and note submissions.</li><li>2) Endorse the revised Floodplain Risk Management Policy and Flood Hazard Maps shown at <b>(ATTACHMENT 2)</b>.</li><li>3) Revoke the Areas Affected by Flooding and/or Inundation Policy dated 16 December 2008 Minute No 384 <b>(ATTACHMENT 1)</b>.</li><li>4) That the Development Control Plan (DCP) be amended to be more in line with Floodplain Risk Management Policy.</li></ol>
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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 Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND**

The purpose of this report is to recommend that the revised Floodplain Risk Management Policy and Flood Hazard Maps that have been on public exhibition be adopted by Council.

At its meeting of 27 October 2015, it was resolved that Council:

- 1) Endorse the revised Floodplain Risk Management Policy shown at (ATTACHMENT 1).
- 2) Place the draft Floodplain Risk Management Policy and Flood Hazard Maps, on public exhibition for a period of 87 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the "Areas Affected by Flooding and/or Inundation" policy dated 16 December 2008 (Minute No 384) should no submissions be received.

This Policy updates an old policy to ensure that Council is consistent with the flood risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

The draft Policy and Flood Hazard maps have now come off public exhibition and four submissions have been received.

## MINUTES ORDINARY COUNCIL - 8 MARCH 2016

In summary, the new Policy:

- Takes an integrated risk management approach to development of flood prone land, recognising that land should not be sterilised by unnecessarily restricting its development and that decisions take into account the flood hazard.
- Provides the framework to manage floodplain risk through cost effective measures that address the flood hazard as identified in local floodplain risk management studies and plans.
- Ensures that the Emergency Services are provided with the most up to date flood information so they can include it in their emergency response and recovery planning.

The Floodplain Risk Management Policy and Council's Development Control Plan refer to the Flood Hazard Maps, which have been compiled from Council's various flood studies that were referenced in the Port Stephens Local Environment Plan 2013. The Flood Hazard Maps present a visual representation of the technical information.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2015-2019
Port Stephens is a community where people feel safe.	Use Council's regulatory powers and Government legislation to enhance public safety.

### FINANCIAL/RESOURCE IMPLICATIONS

The cost of the public exhibition of the Floodplain Risk Management Policy and the Flood Hazard Maps was carried out within existing budgets.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget and not material.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

*The Local Government Act (Section 733)* provides Council with a general exemption from liability with respect to flood liable land if decisions are made or advice given in accordance with the State Government's Floodplain Development Manual 2005.



## MINUTES ORDINARY COUNCIL - 8 MARCH 2016

This Policy will ensure that Council is consistent with the flood risk management principles outlined in the State Government's Flood Prone Land Policy and 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 Flood Hazard Maps denote which properties will have notations on their 149 certificates.

Clause 7.3 of the Port Stephens Local Environment Plan 2013 provides that development consent must not be granted on land at or below the Flood Planning Level unless Council is satisfied that the development is compatible with the flood hazard of the land.

Anecdotal evidence shows 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. The Flood Hazard Maps provide up to date data and hence should lead to reduced insurance premiums for a material number of residents.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not following the State Government's Floodplain Development Manual 2005 will lead to Council not meeting legislative obligations exposing Council to financial and legal risk.	High	Adopt recommendations and endorse the revised Floodplain Risk Management Policy and Flood Hazard Maps.	Yes
There is a risk that not following the State Government's Floodplain Development Manual 2005 will lead to insurance companies continuing to take a conservative view of flood risk and resulting in increased insurance premiums for residents.	High	Adopt recommendations and endorse the revised Floodplain Risk Management Policy and Flood Hazard Maps.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Floodplain Risk Management Policy aims to systematically reduce the impact of flooding and flood liability on individual owners and reduce the private and public losses resulting from floods. It 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 Floodplain Risk Management Policy takes an integrated risk management approach using the best available information that classifies land in terms of flood risk so that decisions take into account flood risk while recognising the social, economic and environmental values of flood prone land.

The Floodplain Risk Management Policy will ensure 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.

## **NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

The Port Stephens Floodplain Risk Management Policy is consistent with the approach taken by Newcastle City Council and the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

However, where the Port Stephens Flood Hazard Maps have 6 hydraulic hazard categories, Newcastle City Council has 15 hydraulic hazard categories and further defines 5 "risk to life" hazard categories and 5 "risk to property" hazard categories. The additional hydraulic hazard categories used by NCC are derived by further subdividing the Low Hazard category outlined in the State Government's Floodplain Development Manual 2005 into two categories and subdividing the High Hazard category into three.

## **CONSULTATION**

Consultation has been undertaken internally with stakeholders across Council and an internal workshop was held for all users of the Flood Policy and Flood Hazard Maps.

Letters and emails were sent to key external Community and Industry stakeholders highlighting the exhibition period, with documents available on Council's website under "What's on Exhibition" and in hardcopy form at Council's Administration Building and Tomaree Library.

A Public Notice was provided in the Port Stephens Examiner and a Media release/information alert to notify the community as well as an item was published in informe electronic newsletter. A range of phone calls from interested residents were fielded by Council staff to discuss the new Policy and Flood Hazard Maps.

Four submissions were received as part of the exhibition period and the issues raised are shown in Attachment 3. These submissions were used to inform and amend the policy.

### **CHANGES INCORPORATED INTO POLICY AND MAPS**

Subsequent to the public exhibition period, the following changes have been made to the Floodplain Risk Management Policy and Flood Hazard Maps:

- 1) A specific section in the Policy Statement has been added to reflect Council's commitment to keep the Flood Hazard Maps up-to-date.
- 2) An additional definition has been added to the Flood Hazard Map notes, to define the term "flood prone land subject to further investigation".
- 3) Some additional areas that need to be investigated have been added to the areas shown as "flood prone land subject to further investigation".
- 4) Flood hazard categorisation for the Port Stephens estuary has been carried out based on the Port Stephens Foreshore (Floodplain) Management Study.

### **OPTIONS**

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

## **ATTACHMENTS**

- 1) Areas Affected by Flooding Inundation Policy.
- 2) Floodplain Risk Management Policy.
- 3) Submissions Received During Public Exhibition.
- 4) Port Stephens Council Flood Hazard Maps, dated February 2016. (Provided under separate cover)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 5 - ATTACHMENT 1      AREAS AFFECTED BY FLOODING INUNDATION  
POLICY.**



Adopted: 27/1/98  
Minute No: 12  
Amended: 19/12/2000  
Minute No: 711  
Amended: 19/10/2004  
Minute No: 375  
Amended: 24/10/2006  
Minute No: 732  
Amended: 25/9/2007  
Minute No: 280  
Amended: 16/12/2008  
Minute No: 384

**FILE NO:                    PSC2006-2097**

**TITLE:                     AREAS AFFECTED BY FLOODING AND/OR INUNDATION**

**REPORT OF                TREVOR ALLEN, INTEGRATED PLANNING MANAGER**

**BACKGROUND**

Council's original policy was introduced to manage the development on land within the Council area that is affected by flooding and/or inundation. The Policy was amended in December 2000 and October 2004 in accordance with changes to Government Policy, the NSW Floodplain Development Manual and available flooding information. This policy has been now been amended to incorporate the revised NSW Floodplain Development Manual 2005 and the provisions of draft and adopted Floodplain Management Plans prepared for land within the Port Stephens Local Government Area.

**OBJECTIVE**

- To manage the development of land subject to or affected by the likelihood of flooding and/or tidal inundation defined as floodprone land in the Port Stephens Local Environmental Plan 2000.
- To base the nature of the restriction applied to an affected site on the principles of the NSW Floodplain Development Manual 2005, the Port Stephens Foreshore (Floodplain) Management Study and Plan 2002, the Paterson River Floodplain Management Study and Plan 2001, the draft Lower Hunter Valley Floodplain Management Study 2001, the Williamstown Salt Ash Flood Study and any further flooding information available to Council at the time.
- To ensure that decisions in relation to the acquisition and development of land are made having regard to the best flooding information available.

**ITEM 5 - ATTACHMENT 1 AREAS AFFECTED BY FLOODING INUNDATION POLICY.**

- To ensure that Council complies with the provision of S733 of the Local Government Act 1993 - Exemption from liability—flood liable land and land in coastal zone

**PRINCIPLES**

The policy manages development of flood prone and flood-affected land and requires assessment of the risks and consideration of satisfactory precautions where appropriate.

**POLICY STATEMENT**

1. Land affected by flooding should not be developed without adequate assessment of the risks and consideration of the satisfactory precautions where appropriate.
2. Council must, before granting development consent on flood prone land or on land directly or indirectly affected by flooding, consider the following:
  - The extent and nature of the flooding or inundation hazard affecting the land,
  - Whether or not the proposed development would increase the risk of or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,
  - Whether the risk of flooding or inundation affecting the proposed development could be reasonably mitigated and whether conditions should be imposed on any consent to further objectives of this plan,
  - The social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood affected areas, and
  - The provisions of any Floodplain Management Plan, Floodplain Study or Development Control Plan adopted by Council or in draft form.
3. (a) If Council determines that a comprehensive flood report is required to support the development application, then this shall be prepared by an experienced Flood Engineer.
3. (b) Council will then assess the applicant's flood report as part of the assessment and determination of the application. If the flood report is concluded to be inadequate to achieve full merit assessment, then the Council shall advise the applicant, in writing, within 21 days of receipt. The applicant will then have 28 days in which to provide a response to the issues. Should the response not be received within that time period, or inadequate justification is given for an extension of time, the application will be refused under delegation.
4. Land use and purchase decisions are best made with the best knowledge available of any potential risks to life and property.
5. Subdivision of Low Risk Flood Prone land shall only be granted where the minimum lot size created is one Hectare.

**RELATED POLICIES**

N/A

**ITEM 5 - ATTACHMENT 1      AREAS AFFECTED BY FLOODING INUNDATION POLICY.**

**REVIEW DATE**

This policy will be reviewed as and when necessary.

**RELEVANT LEGISLATIVE PROVISIONS**

Environmental Planning and Assessment Act 1979 (NSW)  
Local Government Act 1993 (NSW)  
Port Stephens Draft Local Environmental Plan 2000

**IMPLEMENTATION RESPONSIBILITY**

The Integrated Planning section of Council, through its Infrastructure Planning Team is responsible for the implementation of this policy in conjunction with other staff as appropriate.

## 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

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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.
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:

- 1) Following the State Government directed process for each catchment, including:
  - a) Formation of a Floodplain Risk Management Committee, including members from council, community and state government agencies;
  - b) Collection of social, economic, flooding, ecological, land use, cultural and emergency management data;
  - c) 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;
  - d) Identifying, assessing and comparing various risk management options through a Floodplain Risk Management Study; and,
  - e) 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.

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## Policy



- 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:
  - a) Minimal risk flood prone land (above the Flood Planning Level and below the Flood prone land extent)
  - b) Low hazard – flood fringe area
  - c) Low hazard – flood storage area
  - d) Low hazard – floodway area
  - e) High hazard – flood fringe area
  - f) High hazard – flood storage area
  - g) High hazard – floodway area
- 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.
- 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.

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## Policy



### **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:**

- 1) Local Government Act 1993
- 2) Environmental Planning and Assessment Act 1979
- 3) Water Management Act 2000
- 4) Hunter Water Act 1991
- 5) State Emergency and Rescue Management Act 1989
- 6) The State Government's Flood Prone Land Policy 2005
- 7) The State Government's Floodplain Development Manual 2005
- 8) Port Stephens Local Environment Plan 2013
- 9) Port Stephens Development Control Plan 2014
- 10) Port Stephens Community Strategic Plan 2015-2025

## Policy

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<b>TRIM container No</b>	PSC2015-01399	<b>TRIM record No</b>	
<b>Audience</b>	Councillors, staff and community		
<b>Process owner</b>	Manager, Assets Section		
<b>Author</b>	Manager, Assets Section		
<b>Review timeframe</b>	4 years	<b>Next review date</b>	27 October 2019
<b>Adoption date</b>			

**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	
2.2	8 March 2016	Asset section Manager	Floodplain Risk Management Policy	

Policy

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ITEM 5 - ATTACHMENT 3 SUBMISSIONS RECEIVED DURING PUBLIC EXHIBITION.

ATTACHMENT 3

SCHEDULE OF SUBMISSIONS WITH ASSOCIATED RECOMMENDATIONS

The following table provides details of the submissions received as a result of the Floodplain Risk Management Policy and Flood Hazard Maps that were created to ensure that Council is fully consistent with the flood risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

ISSUE	RAISED BY	RESPONSE
How can Council ensure that the levels uncovered by a detailed survey of my site are accurately reflected?	Submission 1	<p>Council is committed through the Policy to keeping the Flood Hazard Maps as up-to-date as possible by incorporating relevant information from Council adopted Flood Studies, Floodplain Risk Management Plans, flood modification measures and approved filling within the floodplain.</p> <p>A specific section in the Policy Statement has been added to reflect this commitment. Council will assess how work-as-executed plans certified by a Registered Surveyor may change the categorisation of floodplain risk and will update the Flood Hazard maps accordingly.</p>
We understand that the new policy, among other things, provides Council with a formal platform and process to facilitate a merits based assessment of proposed development on land that may otherwise be sterilised due to the likelihood of flooding. We believe this to be a positive approach...	Submission 2	Agreed.
<p>Part of our site has been categorised as "high hazard floodway area" – this is contrary to previous studies and the description provided above which has historically defined the wholly area as flood storage rather than floodway.</p> <p>On this basis we request that Council review the mapping to redefine the subject land as "flood storage" rather than "floodway"?</p>	Submission 2	<p>Council relies on technical hydraulic experts to carry out the necessary studies to define the hydraulic characteristics of the flood in accordance with the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.</p> <p>In this location, the latest study defines a floodway through the site with the rest of the site being flood storage. A study is being carried out in this area which will update levels and hazard categories and the Flood Hazard Maps will be updated to reflect this work once it is completed and adopted by Council.</p> <p>A development proponent is always at liberty to carry out their own study</p>

ITEM 5 - ATTACHMENT 3 SUBMISSIONS RECEIVED DURING PUBLIC EXHIBITION.

ISSUE	RAISED BY	RESPONSE
		in accordance with the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005 and submit this to Council for consideration. It is noted however that flood hazard is only one of the matters for consideration in development assessment.
<p>Some of our site has been mapped as "minimal risk flood prone land" (land above the flood planning level but inundated in the probable maximum flood); the amount of water required to inundate this land is difficult to fathom. The levels on which mapping appears to have been based look to be very high and therefore affects land that may not necessarily need to be mapped this way.</p> <p>We request that Council review the mapping to confirm that the land in question should in fact be categorised as "minimal risk flood prone land" and not likely to be inundated by the PMF.</p>	Submission 2	<p>Council relies on technical hydraulic experts to carry out the necessary studies to define the probable maximum flood in accordance with the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005 and the latest Bureau of Meteorology methodology.</p> <p>In this location, the latest study defines the extent of the PMF. A study is being carried out in this area which will update the PMF extent and the Flood Hazard Maps will be updated to reflect this work once it is completed and adopted by Council.</p> <p>A development proponent is always at liberty to carry out their own study in accordance with the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005 and submit this to Council for consideration. It is noted however that flood hazard is only one of the matters for consideration in development assessment.</p>
The white areas on the map are noted as "flood planning level" which is somewhat confusing	Submission 2	The "flood planning level" is an outline of the outer boundary of the flood hazard categorisation. The key for the Flood Hazard Maps will be altered to make this clearer.
The term "flood prone land subject to further investigation" isn't explained in the map notes or in the policy	Submission 3	An additional definition will be added to the map notes.
The use of blue as the colour to show "high hazard flood storage area" on the maps is confusing, since it's generally used in mapping to indicate a body of water and one of the sheets has not indication of the name of the locality of that map	Submission 3	<p>The colours for the flood hazard categories were chosen for the public exhibition to provide the best differentiation of the categories.</p> <p>This mapping is meant to be seen electronically and when shown with other map layers the colours for the flood hazard categories will change to provide the best differentiation between the layers of information.</p>

ITEM 5 - ATTACHMENT 3 SUBMISSIONS RECEIVED DURING PUBLIC EXHIBITION.

ISSUE	RAISED BY	RESPONSE
Integration of the Port Stephens Floodplain Risk Management Policy into Environmental Planning Legislation – the technical guidelines need to be clear when providing direction for development assessment issues and the preparation of supporting documents	Submission 4	Agreed. Council is committed through the Policy to keeping the Port Stephens Development Control Plan and supporting Technical Specifications up-to-date and clear, particularly regarding the flood risk information required to development assessment.
The range of flood maps could be simplified to one that shows the three flood risk zones for main riverine flooding, with an application of the above approach. To avoid delays to the planning process other lands that are shown by way of preliminary assessment as potentially flood liable could be shown as flood investigation areas. Flood mapping could also include lands subject to known overland flow flooding, being included within the definition of flooding within the Floodplain Development Manual.	Submission 4	Council has taken the simplest approach allowed under the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.  Areas that are known to be flood prone, but where exact details are not known, are shown as "flood prone land subject to further investigation". Council will work through these areas in priority order to determine flood levels. Many overland flood paths are shown in this category.
Given the categorisation of the land and surrounding properties during the initial flood study, greater consideration should be given to low risk developments in high hazard flood zones, particularly for commercial and industrial developments, as opposed to simplified maps indicating flood risk zones. This would facilitate appropriate development, while also ensuring public safety.	Submission 4	The Flood Hazard Maps are a visual representation of what occurs in a large flood, given the land terrain at a point in time, as outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.  Strategic Planning needs to take into account a range of considerations, including flood risk, when determining what developments are appropriate in different locations.
The proposed Floodplain Policy will restrict development opportunities due to a high risk flood categorisation imposed on the area. The proposed Flood Policy and associated maps should be changed to reflect a more supportive approach to development within this area, rather than by sterilising this precinct.	Submission 4	Disagree - Floodplain Risk can be managed in a number of ways and the Floodplain Risk Management Policy, reflecting the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005, recognises 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.
A section of road adjoining the building to the North West has been given a Low Hazard Flood Storage categorisation. It is suggested that the site and land to the south that will be raised to a similar height as the	Submission 4	The Flood Hazard Maps are a visual representation of what occurs in a large flood, given the land terrain at a point in time, as outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.



ITEM 5 - ATTACHMENT 3 SUBMISSIONS RECEIVED DURING PUBLIC EXHIBITION.

ISSUE	RAISED BY	RESPONSE
<p>Low Hazard Flood Storage land, and as such the subject site should be provided a similar Low Hazard Flood Storage categorisation. ...</p> <p>Given the approved developments on the subject site are underway and there is a raised site already in existence in the area, it would suggest that the flood hazard mapping has not taken into account current development and recently completed development within the Floodplain Risk Management Policy.</p>		<p>Council is committed to 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.</p> <p>The categorisation of floodplain risk in this catchment was carried out in 2012 and is currently being updated with the latest LiDAR survey data from the State Government's Land &amp; Property Information (LPI) department – the categorisation of floodplain risk in this location may change and the Flood Hazard Maps will be updated accordingly.</p>
<p>While we understand that this Policy is necessary and well overdue, considering the flood risk to residents of the Port Stephens LGA, the Policy should not have adverse impacts on the process and length of development assessment. A policy structure that allows for the application of different flood planning levels for different elements of a development to achieve positive planning outcomes should be implemented. Accordingly, the Policy should still facilitate development, particularly surrounding commercial land uses.</p>	Submission 4	<p>The Floodplain Risk Management Policy will allow consideration of floodplain risk as early as possible in the planning and development process using the best available flood information, so that decisions take into account the risk while recognising the social, economic and environmental values of flood prone land.</p> <p>Council's Development Control Plan already allows the application of different flood levels for different elements of a development (eg habitable room versus garage floor level). Council will continue to refine this approach so that floodplain risk is managed in an appropriate way.</p>
<p>Considering there are a range of risk management approaches to development, designed to ensure appropriate levels of risk to private property and public infrastructure, and risk to life issues, are managed as part of the planning process and the delivery of infrastructure. This should be noted particularly for land in the vicinity ... as it has been identified as having the potential for regionally significant employment generating development to meet the demands of the expected population growth forecast by the Lower Hunter Regional Strategy.</p>	Submission 4	<p>Agree. The Floodplain Risk Management Policy and Flood Hazard Maps 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.</p>

**ITEM NO. 6**

**FILE NO: 16/267885  
RM8 REF NO: PSC2013-01255**

**AUDIT COMMITTEE MEMBERSHIP**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Extend the term of the independent Audit Committee members to 31 December 2016.

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**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
MOTION**

<b>055</b>	<b>Councillor John Nell Councillor Peter Kafer</b>  It was resolved that Council extend the term of the independent Audit Committee members to 31 December 2016.
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**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the proposal to extend the term of the independent members of the Audit Committee.

The independent members are currently serving a three (3) year term, which is due to expire on 30 June 2016. Given the council merger proposal between Newcastle City Council and Port Stephens Council, it is proposed to extend the term of the independent members for a period of six (6) months ie until 31 December 2016.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2015-2019</b>
Port Stephens has strong 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**

A meeting allowance of \$200 per meeting is paid to each independent external representative of the Audit Committee.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no limitations on the term for independent members of an audit committee under the Office of Local Government guidelines.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council would not comply with the Division of Local Government Guidelines if independent members are not appointed.	Low	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

It is considered that the Audit Committee with independent membership adds significant rigour to Council's governance framework, risk control, compliance and financial reporting and enhances Council's reputation, operations and financial sustainability.

## **NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

The extension of the independent members' term is considered appropriate due to the current merger proposal, the outcome of which is expected mid-2016. An extension to 31 December 2016 will ensure Council complies with the Office of Local Government audit committee guidelines through the council merger period.

## **CONSULTATION**

- 1) Governance Manager.
- 2) Independent Audit Committee members.

## **OPTIONS**

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

## **ATTACHMENTS**

Nil.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM NO. 7****FILE NO: 16/280148  
RM8 REF NO: PSC2016-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 8 March 2016.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Designated Persons - Pecuniary Interest	72

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**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  That the recommendation be adopted.
<b>056</b>	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  It was resolved that Council move out of Committee of the Whole.

**ORDINARY COUNCIL MEETING - 8 MARCH 2016**  
**MOTION**

<b>057</b>	<b>Councillor John Nell</b> <b>Councillor Peter Kafer</b>
	It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 8 March 2016.
	<hr/>
	<b>No:      Report Title</b>
	1          Designated Persons - Pecuniary Interest

# INFORMATION PAPERS

ITEM NO. 1

FILE NO: 16/278446  
RM8 REF NO: PSC2015-00570

**DESIGNATED PERSONS - PECUNIARY INTEREST**

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

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**BACKGROUND**

The purpose of this report is to advise Council of new Council staff who have submitted Pecuniary Interest Returns.

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 have submitted Return/s:

- Engineering Services Manager (PSC082)

**TABLED DOCUMENTS**

- 1) Pecuniary Interest Returns.

**ATTACHMENTS**

Nil.



# NOTICES OF MOTION

**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 16/271883  
RM8 REF NO: PSC2016-00180****RURAL WEST AND RAYMOND TERRACE SPORTS COUNCIL FUNDING****COUNCILLOR: KEN JORDAN**

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**THAT COUNCIL:**

- 1) Combine the Rural West and Raymond Terrace Sports Council to receive equal funding of \$18,000.
- 

**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
MOTION**

<b>058</b>	<b>Councillor Ken Jordan Councillor Peter Kafer</b>  It was resolved that Council combine the Rural West and Raymond Terrace Sports Council to receive equal funding of \$18,000.
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**BACKGROUND REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER****BACKGROUND**

In February 2014, the Raymond Terrace and Rural West Sports Councils voluntarily entered a two year trial merger period to create the West Ward Sports Council. At the West Ward Sports Council Annual General Meeting held on the 8 February 2016, the members of these Sports Councils unanimously voted to make the merger permanent.

All of the Sports Councils under Port Stephens Council receive an annual contribution to cover the cost of administration as well as facility improvements. Raymond Terrace, Medowie, Tilligerry and Tomaree Sports Councils all receive a contribution of \$9,000 whereas Rural West receives a contribution of \$5,500. The difference between the contributions is historically due to the lower number of clubs and facilities catered for by the Rural West Sports Council. This difference has equalised somewhat due to the population growth in the villages of the Rural West.

Over the past two years the merged West Ward Sports Council has received a contribution of \$14,500.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

There are no implications arising from this Notice of Motion.

**ATTACHMENTS**

Nil.

**NOTICE OF MOTION****ITEM NO. 2****FILE NO: 16/271901  
RM8 REF NO: PSC2005-3660****DISABLED TOILET FOR RAYMOND TERRACE SPORTING CLUBS****COUNCILLOR: KEN JORDAN**

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**THAT COUNCIL:**

- 1) Work with Raymond Terrace Netball Club, Raymond Terrace Tennis Club and Raymond Terrace Little Athletics Club to find a possible outcome for disabled toilets. The three clubs are prepared to work together to find an outcome that is suitable for all three clubs.
- 

**ORDINARY COUNCIL MEETING - 8 MARCH 2016  
MOTION**

<b>059</b>	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  It was resolved that Council work with Raymond Terrace Netball Club, Raymond Terrace Tennis Club and Raymond Terrace Little Athletics Club to find a possible outcome for disabled toilets. (The three clubs are prepared to work together to find an outcome that is suitable for all three clubs.)
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**BACKGROUND REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER****BACKGROUND**

The amenities buildings that service the Raymond Terrace Tennis Club, Raymond Terrace Athletics Club and the Port Stephens Netball Association are all located on the Vi Barnett Sporting Complex and do not contain an accessible toilet. Council's plan for this site involves the relocation and replacement of the public amenities building that services this site with a new public amenities facility that will include a unisex accessible toilet. This new facility will be centrally located to ensure that users of these three facilities will have access to the amenities building if required.

This project has been identified in Council's Strategic Asset Management Plan and the clubs will be consulted in the planning phase of the project to ensure a good outcome is achieved in the placement of the new amenity facility.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

There are no implications arising from this Notice of Motion.

**ATTACHMENTS**

Nil.

There being no further business the meeting closed at 6.06pm.