

# DRAFT

## MINUTES – 22 MARCH 2016



# PORT STEPHENS

## C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 22 March 2016, commencing at 6.27pm.

**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.

<b>060</b>	<b>Councillor John Morello</b> <b>Councillor John Nell</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 8 March 2016 be confirmed.
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<b>MINUTES ORDINARY COUNCIL - 22 MARCH 2016</b>
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<b>061</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>  It was resolved that the apology from Councillor Chris Doohan be received and noted.
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	Mayor Bruce MacKenzie declared a pecuniary conflict of interest in Item 2. The nature of the interest being he is the land owner.  Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 2. The nature of the interest being the Le Mottee Group has undertaken work on the site for an unrelated matter.
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**ORDINARY COUNCIL MEETING - 22 MARCH 2016**  
**MOTION**

<b>062</b>	<b>Councillor John Nell</b> <b>Councillor Sally Dover</b>  It was resolved that Item 10 and Notice of Motion 1 be brought forward and dealt with prior to Item 1.
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**MINUTES ORDINARY COUNCIL - 22 MARCH 2016****ITEM NO. 10****FILE NO: 16/286322  
RM8 REF NO: PSC2015-00381****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 22 March 2016.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Cash and Investments held as at 29 February 2016	7
2	Petition - Proposed Corlette Beach Cyclepath	11

**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
MOTION**

<b>063</b>	<b>Councillor John Nell Councillor Sally Dover</b>  It was resolved that Council:  1) receives and notes the Information Papers listed below being presented to Council on 22 March 2016. 2) A site inspection be conducted along the proposed Corlette Beach cycle path from Pantowora Street, Corelette to the boatramp.  <hr/> <b>No: Report Title</b>  1 Cash and Investments held as at 29 February 2016 2 Petition - Proposed Corlette Beach Cyclepath
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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 16/282157  
RM8 REF NO: PSC2006-6531**

**CASH AND INVESTMENTS HELD AS AT 29 FEBRUARY 2016**

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

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 29 February 2016.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

There are no merger proposal implications as this is a legislative requirement.

**ATTACHMENTS**

- 1) Cash and investments held at 29 February 2016.
- 2) Monthly cash and investments balance February 2015 to February 2016.
- 3) Monthly Australian term deposit index February 2015 to February 2016.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

# MINUTES ORDINARY COUNCIL - 22 MARCH 2016

## ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 29 FEBRUARY 2016.

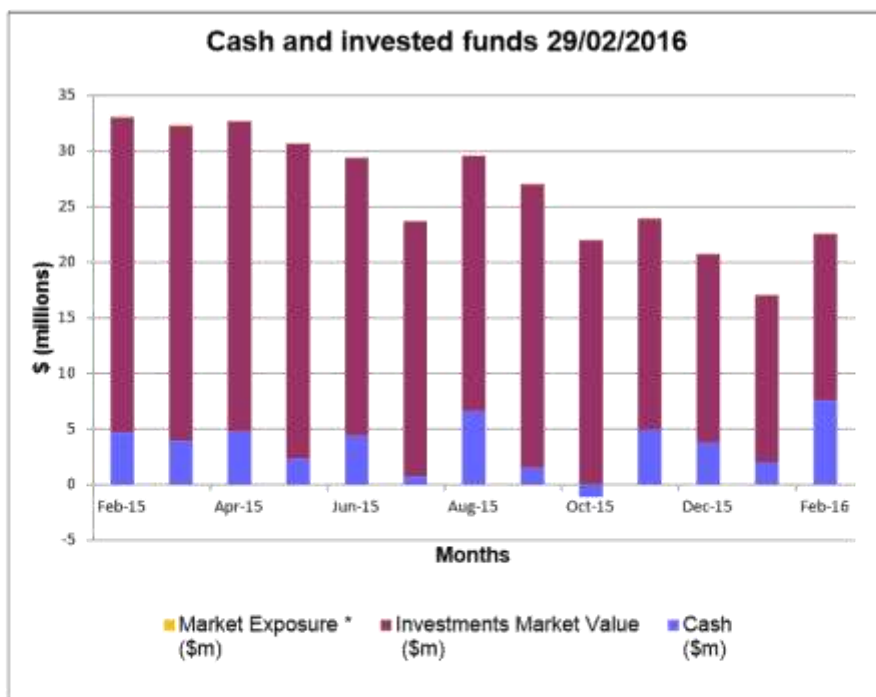
### CASH AND INVESTMENTS HELD AS AT 29 FEBRUARY 2016

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
SUNCORP BANK	SUNCORP	A+	TD	2.95%	182	9-Mar-16	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.00%	182	23-Mar-16	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	2.90%	168	6-Apr-16	2,000,000	2,000,000
ARAB BANK AUSTRALIA LTD	RIM	NR	TD	3.05%	280	20-Apr-16	2,000,000	2,000,000
ANZ	ANZ	AA-	TD	3.00%	119	4-May-16	2,000,000	2,000,000
ANZ	ANZ	AA-	TD	3.00%	126	18-May-16	2,000,000	2,000,000
BANKWEST	BANKWEST	A-	TD	3.00%	111	15-Jun-16	2,000,000	2,000,000
SUB TOTAL (\$)							14,000,000	14,000,000
OTHER INVESTMENTS								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	989,275
SUB TOTAL (\$)							1,017,877	989,275
INVESTMENTS TOTAL (\$)							15,017,877	14,989,275
CASH AT BANK (\$)							7,589,020	7,589,020
TOTAL CASH AND INVESTMENTS (\$)							22,606,897	22,578,295
CASH AT BANK INTEREST RATE				2.40%				
BBSW FOR PREVIOUS 3 MONTHS				2.35%				
AVG. INVESTMENT RATE OF RETURN				2.78%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

**ITEM 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE  
FEBRUARY 2015 TO FEBRUARY 2016.**

**CASH AND INVESTMENTS BALANCE**

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure * (\$m)	Total Funds (\$m)
Feb-15	4.691	28.328	0.103	33.122
Mar-15	3.937	28.332	0.098	32.367
Apr-15	4.793	27.867	0.064	32.723
May-15	2.301	28.375	0.056	30.732
Jun-15	4.422	24.967	0.051	29.440
Jul-15	0.727	22.968	0.050	23.745
Aug-15	6.590	22.968	0.050	29.608
Sep-15	1.542	25.468	0.050	27.060
Oct-15 -	1.092	21.968	0.050	20.926
Nov-15	4.959	18.989	0.029	23.977
Dec-15	3.759	16.989	0.029	20.776
Jan-16	2.043	14.989	0.029	17.061
Feb-16	7.589	14.989	0.029	22.607

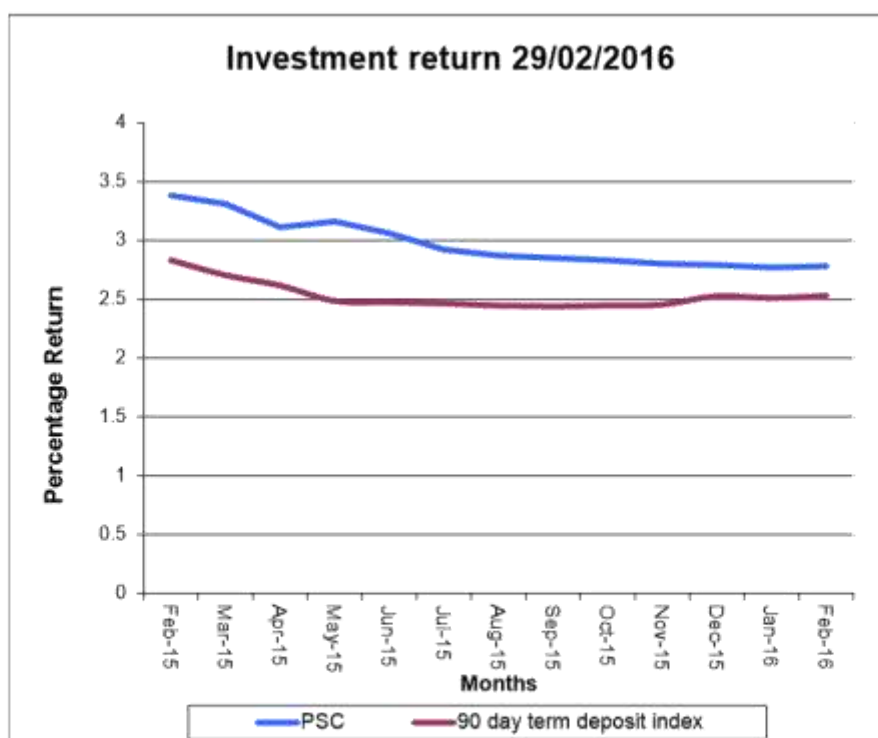


\*Market exposure is the difference between the face value of an investment and its current market value.

**ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX  
FEBRUARY 2015 TO FEBRUARY 2016.**

**AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX**

Date	90 day term deposit index	PSC
Feb-15	2.8301	3.38
Mar-15	2.7035	3.31
Apr-15	2.6157	3.11
May-15	2.4841	3.16
Jun-15	2.4727	3.06
Jul-15	2.4632	2.92
Aug-15	2.4447	2.87
Sep-15	2.4384	2.85
Oct-15	2.4458	2.83
Nov-15	2.4535	2.80
Dec-15	2.5259	2.79
Jan-16	2.5089	2.77
Feb-16	2.5293	2.78



**ITEM NO. 2**

**FILE NO: 16/282685  
RM8 REF NO: PSC2005-2767**

**PETITION - PROPOSED CORLETTE BEACH CYCLEPATH**

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

**BACKGROUND**

The purpose of this report is to inform the Mayor and Councillors that a petition (134 signatures) has been submitted raising concerns with the section of pathway on the Corlette waterfront and headland as shown at **(ATTACHMENT 1)**.

This petition has followed a number of phone calls from some residents expressing their concern that a pathway will be constructed between the waterfront and property boundaries along Sandy Point Road, Danalene Parade and Corlette Point Road. This area of concern is shown on the Proposed Pathways Plan sheet 19 shown in **(ATTACHMENT 2)**.

Council's draft Pathways Plan has been on public exhibition and will be reported back to Council in May 2016 following consultation with Councillors. This consultation will be used to prioritise and amend the proposed pathways documented in the draft Pathway Plan. Prioritised pathways will be used to seek grant funding and be placed in Council's Capital Works Program or Works Plus program in a future Asset Management Plan.

The draft Pathways Plan currently includes the section of pathway that the signatures of the petition are concerned about.

Council resolved on the 8 December 2015:

- 1) "Subject to project scoping, estimating and approval of funds authorise and partner with Port Stephens Scenic Foreshore Cycleway Inc. to construct the first section of the Corlette Headland Cycleway from Roy Wood reserve to the Rock shelf **(ATTACHMENT 1)** using volunteers and donated materials.
- 2) Provide the funding for concrete to construct the three (3) bays, five (5) metres in length."

This section of pathway is currently being scoped and designed so as to adequately estimate the cost of the project. This will inform Council what funds are required to complete this proposed pathway and propose a source of funds. To estimate the proposed project Council has gained a grant from the Roads and Maritime Services (RMS) through the 'Active Transport Grant – Walking and Cycling Program' for the survey and design of a proposed pathway from Roy Wood Reserve to the Corlette headland. This grant is for the sum of \$32,000 from RMS with a matching \$32,000

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from Council funds through the Capital Works Program. This grant is not for the construction of the pathway.

Following the survey and design, estimating and authorisation of funding, the details of this project shall be reported back to Council to determine if this project is to proceed.

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

Nil.

#### **ATTACHMENTS**

- 1) Petition – Proposed Corlette Beach Cycleway Path.
- 2) Salamander Bay, Corlette, Nelson Bay Pathway Plan.

#### **COUNCILLORS ROOM**

Nil.

#### **TABLED DOCUMENTS**

Nil.



ITEM 2 - ATTACHMENT 1 PETITION – PROPOSED CORLETTE BEACH  
CYCLEWAY PATH.

19<sup>th</sup> February 2016

The General Manager  
Port Stephens Council. c/c: John Maretich

Dear Mr Wallis,

**PETITION: PROPOSED CORLETTE BEACH CYCLE PATH**

Attached is a petition from concerned residents requesting Council reconsideration of the proposed cycle path.

The petition is signed by virtually all residents along the affected waterfront and by others who routinely use the area for recreational purposes.

Council acknowledgment of receipt of the petition is requested.

Sincerely,

PORT STEPHENS COUNCIL Information Services.	
19 FEB 2016	
File No.	2302002-2767
Action by	Julie Cameron
<input type="checkbox"/> R.M.C.	

ITEM 2 - ATTACHMENT 1      PETITION – PROPOSED CORLETTE BEACH  
CYCLEWAY PATH.

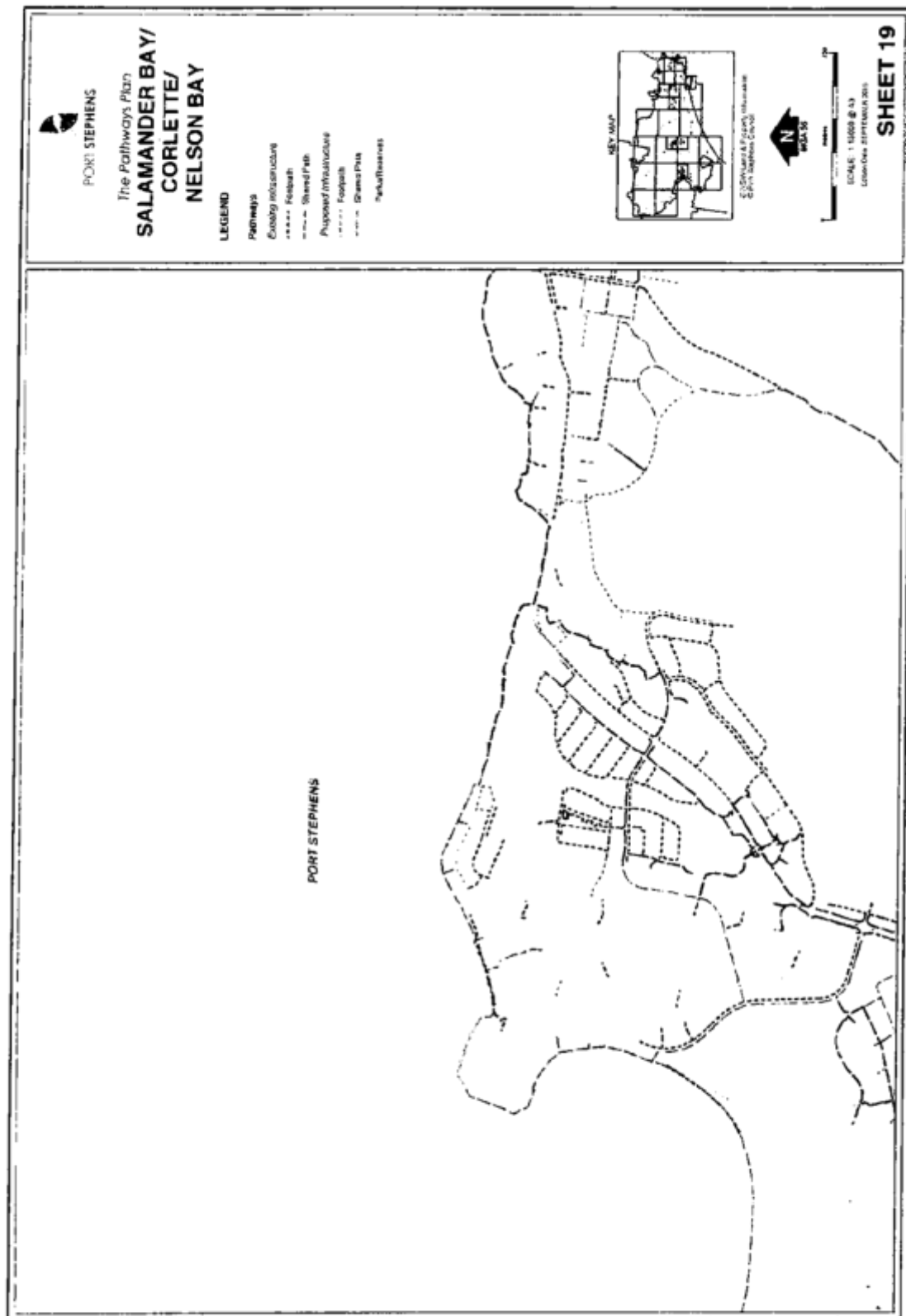
PETITION  
PROPOSED CORLETTE BEACH CYCLE PATH

After extensive consultation with neighbours, we, the undersigned residents, strongly object to the construction of a cycle path along the Corlette Beach waterfront. Our objections are based on a number of considerations including but not limited to:

1. This proposed cycle path would greatly encroach on a very popular picnic area for families. This is already a restricted area between the high water mark and properties and the cycle path would greatly reduce this desirable area used for public enjoyment. The accepted minimum width for a shared walking/cycling path is 2.5m, which would be very intrusive.
2. Many children enjoy playing in this cleared grassy area and speeding cyclists would present a hazard to their safety with the potential of serious injuries. Would the Council be liable? It is also a risk to resident koalas moving around from tree to tree.
3. Construction would compromise the natural environment including possible loss of trees, which would be unacceptable and a tragedy.
4. The path would have to weave around the many trees in this area. Curves and bends pose a risk to cyclists, as they would not have a clear view of the path ahead, which then becomes hazardous for walkers. Again, would Council be liable?
5. The area is also a favoured site for dog walkers. Even if on a lead, dogs can be a serious hazard to cyclists as cyclists would be to dog walkers.
6. There is already a **marked** cycle path on Sandy Point Road from Salamander Shopping Centre, past the Roy Wood Reserve up until 146 Sandy Point Road. At this point the road narrows towards Nelson Bay for **only some 50 meters**, then it returns to the same width cycle path as before. In other parts of the Bay and in the State, bike paths are narrowed and marked for short distances. Sandy Point Road is no different. Can Council afford to spend all this money on a new cycle way because of a mere 50 meters of narrowed road?
7. An alternative option, which would be far more cost effective for Council is to widen this 50meter narrow section by 0.55m. This would only involve removing 0.55m from the median strip to increase the existing 1.7m path to 2.25m, to match the existing cycle path from the shopping centre.
8. Residents presently fertilize and mow grass & maintain irrigation systems to encourage vegetation growth along the foreshore. This is a major factor in preventing erosion of the area. These irrigated areas probably would not be maintained by residents in the event of a cycle path.

ITEM 2 - ATTACHMENT 1

PETITION – PROPOSED CORLETTE BEACH  
CYCLEWAY PATH.



**ITEM 2 - ATTACHMENT 1**

**PETITION – PROPOSED CORLETTE BEACH  
CYCLEWAY PATH.**

**PETITION AGAINST PROPOSED CORLETTE BEACH CYCLE PATH**



# NOTICES OF MOTION

**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 16/282406  
RM8 REF NO: PSC2016-00308****RENAMING OF APEX PARK****COUNCILLOR:** JOHN NELL  
SALLY DOVER  
JOHN MORELLO

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**THAT COUNCIL:**

- 1) Make application to the Geographical Names Board for a new name for Apex Park, Nelson Bay, to be named Apex Memorial Park.
- 

**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
MOTION**

<b>064</b>	<b>Councillor John Nell Councillor Sally Dover</b>  It was resolved that Council make application to the Geographical Names Board for a new name for Apex Park, Nelson Bay, to be named Apex Memorial Park.
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**BACKGROUND REPORT OF: CARMEL FOSTER – GROUP MANAGER,  
CORPORATE SERVICES****BACKGROUND**

Council is Trust Manager of the Crown Reserves (Part R64421 & R32059) which make up Apex Park. Properties which constitute Apex Park include - Part Lot 154 DP753204, Lot 7145 DP1063859, Lot 4 DP1042475, Lots 155 and 179 DP753204 and Pt R64421. The park has been known and unofficially signposted as Apex Park for many years. In the past two years the Cenotaph, Centenary Column, National Service Memorial and the Lone Pine young tree have been replaced or upgraded within the park to more prominent positions for annual services by various veteran groups.

Council received informal requests by email in January 2016 from various community group members including; National Service and Combined Forces Associations of Australia - Nelson Bay & District Branch (NSCFAA) and Port Stephens Legacy Group (Legacy). The requests were to include "Memorial" in the name of the park as "an enduring commemoration of this extremely important part of Australian History and Spirit". Nelson Bay RSL Sub Branch (RSL) submitted an email suggesting the name

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'Nelson Bay Memorial Park', however, they now support the name "Apex Memorial Park" and have withdrawn the suggestion "Nelson Bay Memorial Park".

Apex Park has been utilised by veteran groups for Anzac Day Services, Remembrance Day, Vietnam Day, National Service Day and various other ceremonies for over 60 years. The community strongly supports the name Apex Memorial Park becoming the official and gazetted name.

Crown Lands has provided written consent to adopt the name "Apex Memorial Park".

If the Geographical Names Board agrees to the name "Apex Memorial Park", its policy and procedures will ensure the required advertising in the local Examiner newspaper. Should no submissions be received objecting to the name, the Gazette will then be published to complete the official naming process.

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

There are no implications arising from this Notice of Motion.

### **ATTACHMENTS**

Nil.



# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: 16/270255  
RM8 REF NO: 16-2015-775-1**

**DEVELOPMENT APPLICATION 16-2015-775-1 FOR A CHANGE OF USE -  
WAREHOUSE TO CREMATORIUM AND MORTUARY AT 22 GEORGE ROAD,  
SALAMANDER BAY (LOT 18 DP 263269)**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND  
COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2015-775-1 for a change of use (warehouse to crematorium and mortuary) at 22 George Road, Salamander Bay (Lot 18 DP263269) subject to the conditions contained in **(ATTACHMENT 1)**.

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**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
MOTION**

<b>065</b>	<b>Councillor John Nell Councillor Ken Jordan</b>  It was resolved that Council move into Committee of the Whole.
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell Councillor Sally Dover</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 - 22 MARCH 2016**  
**MOTION**

<b>066</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>  It was resolved that Council approve Development Application 16-2015-775-1 for a change of use (warehouse to crematorium and mortuary) at 22 George Road, Salamander Bay (Lot 18 DP263269) subject to the conditions contained in <b>(ATTACHMENT 1)</b> .
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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 present to Council for determination, development application 16-2015-775-1. The application has been called to Council by Councillor Nell due to public interest and concerns raised regarding air quality and odour impacts. A copy of the call up form has been included as **(ATTACHMENT 4)**.

**The Proposal**

The proposal seeks development consent for the change of use of an existing warehouse building to a crematorium and mortuary. The proposal will modify the existing internal layout of the building to provide for a cremation area, mortuary area, cool room for body storage, two offices, a staff room, a store room, garage space, a male toilet and a unisex/disabled access toilet. The proposal seeks consent for cremation and mortuary services only with no funerals or public services held at the site. The applicant is France's Family Funerals which operate funeral service facilities within the Port Stephens LGA.

The proposed operating hours for the cremator (furnace) are:

- Monday to Friday – 7am to 8pm
- Saturday, Sunday and Public Holidays – 7am to 5pm

The proposed operating hours for internal operations of the facility are proposed on a 24 hour a day seven days a week basis.

The majority of construction works associated with the proposal will be carried out within the extent of the existing building. External building works proposed are

associated with the cremator stack to be installed directly above the internal cremator area and the renewal of the line marking and surfacing of the off-street car parking area.

## **Key Issues**

### Air Quality and Odour Assessment

A peer review of the proposal has been undertaken by a consultant who specialises in air quality assessment, JACOBS Consulting. The review assessed potential impacts of the development with regard to air quality and odour generation. A number of issues were noted within the original assessment prepared by VIPAC Scientists and Engineers and as a result the report was remodelled and amended to the satisfaction of the peer review consultant.

Council staff have reviewed the outcomes of the peer review process and concur that the proposed development is not likely to result in an unacceptable impact upon air quality in the area. Modelling was carried out using the 'National Environment Protection Measure for Ambient Air Quality' (National Environment Protection Council 1998) and the 'Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales' (Department of Environment and Conservation, 2005). Sensitive receptors were located in the area being light industrial food distributors within the George Road industrial area as well as residential land uses within Gilchrist Road and Corella Close. The modelling assessed pollutants of concern including carbon monoxide, oxides of nitrogen, sulphur dioxide and particulates, finding that the overall impact of the proposed development upon the sensitive receptors is low. The pollutant levels modelled within the report are below operational industry standards and represent a development in keeping with best practice methods for crematoriums.

### Noise Impact Assessment

The development has the potential to generate noise with respect to the cremator combustion blower, exhaust fan and air conditioning units. A Noise Impact Assessment was submitted with the application that concluded that there would be no significant impacts upon adjoining development as a result of the proposal.

Mitigation measures included acoustic building design measures to be utilised by the applicant such as wall and roof insulation, fibre cement sheeting, acoustic grade gap sealant, replacement solid core doors and sheet metal elbows attached to the combustion blower duct. The recommendations of the Noise Impact Assessment have been incorporated as a condition of consent to be certified by the Principal Certifying Authority prior to the issue of a Construction Certificate. Any potential noise generated by the proposal is considered to be in keeping with the surrounding light industrial area.

**Traffic Concerns**

The potential impact of the development on the local traffic network has been considered. The applicant has stated that the proposal is not to be used for the purposes of funeral services or public events. A condition restricting the development from being used for this purpose has been imposed on the development consent.

The traffic generation for the proposal is restricted to crematorium staff, cleaning staff and body transport staff. Public access to the facility is not proposed. The proposed development incorporates eleven (11) off-street car parks including a space for persons with a disability. Further provision for access and storage of body transport vehicles has been made within the building itself.

The proposed development is compliant with Council's development control plan, traffic management controls and will not have a significant impact upon the local traffic network.

**Public Submissions**

The proposal was publically advertised and notified to adjoining neighbours for a period of 35 days (from 16 December 2015 to 20 January 2016). During the exhibition period five submissions were received in relation to the proposed development. The key themes of the submissions related to air quality and odour, noise, traffic generation and the proximity of the site to light industrial food wholesalers.

As outlined above, the issues raised do not warrant refusal of the application and are discussed in detail within the assessment report provided within **(ATTACHMENT 2)**.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
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**

There are no known financial or resource implications for Council as a result of the proposed recommendation.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		

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Section 94	No		No intensification of current land use. No condition recommended.
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

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

An assessment of the impacts of the proposed development has been carried out and is included within **(ATTACHMENT 2)** of this report. The assessment concludes that the proposed development meets the requirements of the *Environmental Planning and Assessment Act 1979* (NSW), the Port Stephens Local Environmental Plan 2013 and relevant chapters of the Port Stephens Development Control Plan 2014, and that (subject to conditions) there are no significant adverse impacts as a result of the proposal.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the application is refused the determination will be challenged in the Land and Environment Court.	Low	Council's assessment of the application has been carried out in accordance with legislative requirements under the <i>Environmental Planning and Assessment Act 1979</i> .	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed development seeks to reuse a currently vacant light industrial site for the purposes of a crematorium and mortuary. The proposed use of the site is permissible with development consent within the IN2 – Light Industrial zone. The assessment carried out under applicable legislative controls, Council requirements and operational industry standards demonstrates compliance. The assessment report is attached within **(ATTACHMENT 2)**. The proposed development is not considered to have any significant social, economic or environmental impacts.

### NCC AND PSC MERGER PROPOSAL IMPLICATIONS

A proposed Council merger is not anticipated to have any implications on the development application.

## **CONSULTATION**

The application was exhibited in accordance with Council policy and five submissions were received. These are discussed within (**ATTACHMENT 2**).

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Draft Conditions of Consent.
- 2) Assessment Report.
- 3) Locality Plan.
- 4) Call to Council form.

## **COUNCILLORS ROOM**

- 1) Development Plans.

## **TABLED DOCUMENTS**

Nil.



**PORT STEPHENS**  
COUNCIL

## Schedule of Conditions

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

### REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

### CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

1. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in RED by Council on the approved plans:

Plan/Doc. Title	Plan Ref. No.	Sheet.	Date	Drawn By
Site Plan	1501925	1/4	18/11/2015	Sorensen Design and Planning
Proposed Ground Floor Plan	1501925	3/4	18/11/2015	Sorensen Design and Planning
Elevations	1501925	4/4	18/11/2015	Sorensen Design and Planning

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.

### CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

3. **Prior to the commencement of works**, a construction waste storage facility is to be established on-site and regularly serviced for the duration of the works.





PORT STEPHENS  
COUNCIL

## Schedule of Conditions

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

4. All hazardous materials stored at the site, as defined in the Protection of the Environment Operations Act, 1997, shall be stored at a level not less than RL 3.05m Australian Height Datum (AHD), or suitable bunding placed around such materials to a minimum of RL 3.05m AHD. Details submitted in association with the Construction Certificate application are to demonstrate compliance with this requirement. The details are to be approved by the Certifying Authority as satisfying this requirement **prior to the issue of a Construction Certificate**.
5. **Prior to the issue of a Construction Certificate**, the PCA is to certify that the construction provisions set out within the Noise Impact Assessment Report prepared by VIPAC Engineers and Scientists dated 19<sup>th</sup> August 2015 have been incorporated into the design drawings for the development.

### CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

6. All building work must be carried out in accordance with the provisions of the Building Code of Australia and requirements of Hunter Water for trade waste.
7. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
  - Monday to Saturday, 7am to 5pm;
  - No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L10 level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

8. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
9. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.

Adelaide Street (PO Box 42), Raymond Terrace NSW 2324  
DX 21406 Raymond Terrace • Phone 4980 0255  
Email [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

16-20\*5-775-1

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PORT STEPHENS  
COUNCIL

## Schedule of Conditions

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

### CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

10. All electrical fittings and electrical outlets are to be installed and certified by a registered surveyor as being not less than 500mm above the 2065 1% Annual Exceedance Probability flood level. The fittings / outlets are to therefore be installed at a level of RL 3.05m Australian Height Datum or higher. The certification shall be submitted to the Certifying Authority **prior to issue of an Occupation Certificate**.
11. **Prior to the issue of an Occupation Certificate**, the construction of parking spaces, access and manoeuvring areas are to be in accordance with Council's Development Control Plan and AS 2890 as applicable. The PCA is to certify that;
  - a. Required access and manoeuvring areas are to be designed for swept path clearances for the 85th percentile vehicle per AS 2890.
  - b. Visitor parking spaces are to be located in proximity to the building entrance and clearly linemarked and signposted.
  - c. Disabled parking spaces are to be designed in accordance with AS 2890 and be located in proximity to the building disabled access and be clearly linemarked and signposted.
  - d. Loading/unloading areas are to be separated from parking and storage areas. Loading areas must be designed to accommodate appropriate turning paths in accordance with AS 2890.
  - e. The car parking area is to be rectified to ensure a smooth transition between existing slabs on-site. This can be satisfied by the level grinding of connection joints.

### CONDITIONS TO BE SATISFIED AT ALL TIMES

12. Motor vehicles are only permitted to enter and leave the site in a forward direction. On site manoeuvring areas are to be kept clear for this purpose.
13. At all times, the hours of operation for the cremation process are to be restricted to:
  - Monday to Friday – 7.00am to 8.00pm
  - Saturday, Sunday and public holidays – 7.00am to 5.00pm

Other internal operations such as cleaning, preparation, and office administration may be undertaken on a 24 hour basis outside of the above hours provided that no disturbance to the amenity of the neighbourhood occurs.

14. No funeral services or events are permitted on site at any time.



15. The existing stormwater system on-site, including any water quality or quantity components, shall be managed and maintained in working order in perpetuity for the life of the development.
16. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
  - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
  - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**



**1.0 APPLICATION DETAILS**

<b>Application Number</b>	DA 16-2015-775-1
<b>Development Description</b>	Change of Use – Warehouse to Crematorium and Mortuary
<b>Applicant</b>	MR A FRANCE
<b>Date of Lodgement</b>	18/11/2015
<b>Value of Works</b>	\$100,000.00

**1.1 Development Proposal**

The proposed development seeks consent for the change of use of an existing warehouse building for use as a crematorium and mortuary. The proposal will modify the existing internal layout of the building to provide for a cremation area, mortuary area, a cool room for body storage, two (2) offices, a staff room, a store room, garage space, a male toilet and a unisex/disabled access toilet. The proposal seeks consent for cremation and mortuary services only, with no funeral services or public events held at the site. The proponent is France's Family Funerals who own other premises within the Port Stephens LGA where associated funeral services are held.

The proposed operating hours for the cremator are;

- Monday to Friday – 7.00am to 8.00pm
- Saturday, Sunday and Public Holidays – 7.00am to 5.00pm

The proposed operating hours for internal operations of the facility are proposed on a 24 hour a day 7 days a week basis.

The majority of construction works associated with the proposal will be carried out within the extent of the existing building. External building works proposed are associated with the cremator stack to be installed directly above the internal cremator area and the renewal of the line marking and surfacing of the off-street car parking area.

**2.0 PROPERTY DETAILS**

<b>Property Address</b>	22 George Road, Salamander Bay
<b>Lot and DP</b>	Lot 18 DP 263269
<b>Current Use</b>	Most recent approval of the site was for Warehouse use. The site is currently vacant.
<b>Zoning</b>	IN2 – Light Industrial
<b>Site Constraints</b>	Bushfire Prone Land – 100m buffer Acid Sulfate Soils – Class 2 SEPP71 Coastal Protection – Coastal Zone Flood Prone Land

**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

DA16-2015-699-1

**2.1 Site Description and Context**

The subject site is located within the George Road light industrial precinct. The area in the immediate vicinity is characterised by general industrial (building supplies, metal fabricators etc.) and light industrial uses (food wholesalers, craft brewery etc.). Within the greater surrounds of the subject site, the Port Stephens Council Waste Transfer Station and Salamander Sports Complex are located to the south, wetlands and undeveloped land is located to the sites west and residential zoned land (inclusive of low density residential and the Homestead Village manufactured home estate) is located to the sites north.

**2.2 Site History**

The subject site has been used for a number of operations since it was first constructed. The following is an overview of the application history on Councils records:

<b>Application Number</b>	<b>Description</b>	<b>Date</b>
007-1983-61330-1	Original Building Construction	13/12/1983
007-1988-61226-1	Workshop	01/11/1988
007-1990-4898-1	Retail Sales – Bulky Goods (Pine Furniture)	17/08/1990
007-1997-210-1	Indoor Cricket Centre	12/03/1997
007-1997-60210-1	Alteration to Indoor Sports Centre	17/04/1997
16-2002-858-1	Change of Use – Warehouse and Ancillary Retail Sales	09/07/2002

No outstanding compliance matters exist for the site. No previous uses would prohibit the use of the site for the proposed purpose.

**2.3 Site Inspection**

A site inspection was carried out on 7<sup>th</sup> December 2015. The building was vacant at the time and no constraints were noted which would prohibit the use of the site for the proposed purpose. Photographs and commentary are provided below.



The western elevation of the site viewed from George Road.



The existing building and off-street car parking area.



The existing stormwater infrastructure within the car parking area. Draft conditions have been included regarding the management and maintenance of the stormwater infrastructure.



Movement in the car parking slab area was noted. Draft conditions included which require the rectification of the slab movement prior to the issue of an Occupation Certificate.



## ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.

DA16-2015-699-1

**3.0 APPLICATION SUMMARY**

<b>Assessing Officer</b>	BROCK LAMONT
<b>Designated Development</b>	The application does not constitute designated development.
<b>Integrated Development</b>	The application does not require any additional approvals listed under s.91 of the EP&A Act. The bushfire prone status of the site is noted; however approval for a residential or special fire protection purpose is not requested.
<b>Number of Submissions</b>	5
<b>Recommendation</b>	Approval with conditions.

**3.1 Internal Referrals**

The application was referred to the following internal specialist staff. The comments of the staff listed below have been used to carry out the assessment under section 4.0 below.

**3.1.1 Development Engineer (incorporating traffic, drainage and flooding assessment)** – A request for further information was made regarding the existing finished floor level (FFL) of the site so that an assessment could be made against Council's flooding controls. The applicant provided this information along with details of the measures put in place to protect property damage in a flood event. Development Engineering completed their referral with a recommendation for approval with conditions. All conditions provided were considered appropriate and have been included within the draft consent attached to this report.

**3.1.2 Environmental Health Officer** – The development has the potential to generate noise with respect to the cremator combustion blower, exhaust fan and air conditioning units. A Noise Impact Assessment prepared by VIPAC was submitted with the application and makes recommendations for the design and construction of the internal cremator area. Mitigation measures included acoustic building design measures to be utilised by the applicant such as wall and roof insulation, fibre cement sheeting, acoustic grade gap sealant, replacement solid core doors and sheet metal elbows attached to the combustion blower duct. These recommendations have been reviewed and supported by Environmental Health and the recommendations of the report have been included as a draft condition of consent.

An Air Quality and Odour Assessment Report prepared by VIPAC was submitted with the application. As Council does not employ a suitably qualified air quality and odour specialist, Environmental Health requested that the VIPAC Report be peer reviewed by a suitably qualified consultant. The applicant was willing to undertake such a review and engaged Jacobs Consulting to assess the methodology, findings and recommendations of the report. As a result of this peer review, some issues were noted and VIPAC have since amended the report to cover off on the deficiencies identified. Council's Environmental Health Unit has since reviewed the findings of the peer review process and is satisfied with the outcomes of the report. Modelling

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**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

DA16-2015-699-1

was carried out using the 'National Environment Protection Measure for Ambient Air Quality' (National Environment Protection Council 1998) and the 'Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales' (Department of Environment and Conservation, 2005). Sensitive receptors were located in the area being light industrial food distributors within the George Road industrial area as well as residential land uses within Gilchrist Road and Corella Close. The modelling assessed pollutants of concern including carbon monoxide, oxides of nitrogen, sulphur dioxide and particulates, finding that the overall the impact of the proposed development upon the sensitive receptors is low. The pollutant levels modelled within the report are below operational industry standards and represent a development in keeping with best practice methods for crematoriums. The report has been used as an approved document under the draft conditions of consent.

- 3.1.3 **Section 94 Officer** – The proposed development is not considered to be an intensification of the land use on-site and as such S94A Developer Contributions will not be imposed should consent be granted.

**3.2 External Referrals**

No external referrals are statutorily required for the application.

**4.0 MATTERS FOR CONSIDERATION – SECTION 79C**

**4.1 s79C(1)(a)(i) – The provisions of any EPI**

**4.1.1 Port Stephens Local Environmental Plan 2013 (PSLEP2013)**

**Clause 2.1 Land Use Zones** – The proposed development is defined as a 'crematorium' and a 'mortuary' in accordance with the PSLEP2013. The land use definition of these terms is provided as follows;

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

The subject site is zoned IN2 – Light Industrial in accordance with the PSLEP2013. 'Crematoria' are permissible with consent in the IN2 zone. 'Mortuaries' are not specifically listed within the land use table for the IN2 zone; however this use is intrinsically linked to the operation of a crematorium. As such, the primary land use of the site is considered to be the crematorium use and the mortuary component may be granted consent as ancillary to this primary use.

Council's Strategic Planning unit are currently addressing this inconsistency through the draft housekeeping review of the PSLEP2013, which proposes to permit mortuaries in the IN2 – Light Industrial zone.

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**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

DA16-2015-699-1

The proposed development is considered to meet the objectives of the IN2 zone with particular reference to objectives 2 and 3. The proposal will provide for ongoing employment of France's Funeral Home staff and will support the viability of the surrounding area by providing for a necessary service in association with the owners funeral home business.

**Clause 4.3 Height of Buildings** – The subject site does not have a prescribed building height limit under the PSLEP2013. Industrial building height is restricted under the PSDCP2014 which is assessed further within this report.

**Clause 5.5 Development within the Coastal Zone** – The subject site is located within the coastal zone. However, the proposed development will involve primarily internal construction works and will have no greater impact upon coastal processes or access than currently exists. No significant environmental impacts will result. As such, the proposed development is considered to be generally compliant with the coastal zone provisions.

**Clause 7.1 Acid Sulfate Soils** – The subject site is mapped as Class 2 Acid Sulfate Soils. This requires an Acid Sulfate Soils Management Plan to be prepared for works below the ground level or works which would impact upon the water table. No works are proposed below the existing ground level as part of this application and as such, an Acid Sulfate Soils Management Plan is not required.

**Clause 7.3 Flood Planning** – The subject site is mapped as flood prone land. The site is subject to further investigation however Council's engineering unit has determined the current flood level controls for the site based on the best available data. The 1% AEP flood level for the site is 2.9m AHD. The FFL detail provided by the applicant notes the internal slab at 1.98m AHD. As such, flood free storage area would need to be provided at a minimum of 0.92m from the ground slab level. The applicant has provided details as to the materials to be stored within the office, the trolleys for the storage of bodies within the cool room, cremation area and cremated remains storage area. All sensitive materials will be located above the design flood level. Development Engineering is satisfied by the information provided by the applicant and has provided draft consent conditions relating to the flood prone status of the site accordingly.

**Clause 7.6 Essential Services** – The subject site is located in an established light industrial area. The site has access to all essential services listed under the clause. A condition is proposed requiring confirmation from Hunter Water Corporation for adequate servicing capacity of the development.

**4.1.2 Applicable SEPP's**

**SEPP 55 Remediation of Land** – As detailed above under site history, the subject site been used for a number of operations since its construction in 1983. The operations used are not considered the types of uses which would lead to the long term contamination of the site. A site inspection has been undertaken and no evidence was recorded regarding site contamination which

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**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

DA16-2015-699-1

would prohibit the proposed use of the site as a crematorium. As such, the proposal is considered to be compliant with the provisions of SEPP 55.

**SEPP 71 Coastal Protection** – As discussed above, the proposed development is generally compliant with the requirements of the coastal zone.

**4.2 s79C(1)(a)(ii) – Any draft EPI**

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

**4.3 s79C(1)(a)(iii) – Any DCP**

**4.3.1 Port Stephens Development Control Plan 2014**

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

**Chapter A.12 Development Notification** – The development application was notified in accordance with the requirements of Chapter A.12. Five (5) submissions were received as a result of this process and are discussed under section 4.9 below.

**Chapter B4 Drainage and Water Quality** – The proposed development involves the reuse of an existing building and hardstand car parking area via a change of use. As such, no increase to building area, roof area or hardstand area is proposed. Council seeks to ensure that the stormwater management devices that are currently installed on-site are in working order. As such, a condition of consent is proposed requiring the operator to manage and maintain the stormwater system, including any water quality or quantity components, in perpetuity for the life of the development.

**Chapter B5 Flooding** – A flood planning assessment has been carried out above in accordance with Clause 7.3 of the PSLEP2013. Development Engineering is satisfied with the developments response to flood constraints.

**Chapter B6 Essential Services** – The subject site is provided access to all essential services as discussed previously.

**Chapter B9 Road Network and Parking** – The proposed development will utilise the existing hardstand off-street car parking area on-site. Upon site inspection, slab movement was identified within the car park area which will require rectification as part of the works associated with the change of use. As such, appropriate conditions of consent are proposed requiring the PCA to certify the rectification works prior to the issue of the Occupation Certificate. In accordance with the car parking supply and demand requirements set out under the DCP, 'crematoriums' are not a specifically listed land use. As such, a merits based approach is to be used in place of demand rates. The applicant has identified that the premises is not to be used for funeral services or other events which would create a significant demand for off-street car parking. The primary users of the site will be crematorium staff, cleaning staff and body transport vehicles. The proposal identifies eleven (11) off-street car parks which includes one accessible space. The body transport vehicles are to be stored within the building and ample provision for manoeuvring is provided for forward entry and exit from the site. As such, the off-street car

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**ITEM 1 - ATTACHMENT 2 ASSESSMENT REPORT.**

DA16-2015-699-1

parking provision, access and layout is considered sufficient to service the proposal.

**Chapter C3 Industrial** – The proposed development will utilise the existing building on-site which has a physical height of 6.45m. The proposal incorporates a cremator stack which is to be erected directly above the cremation area. This stack will protrude through the existing roof line an additional 1.2m above the buildings current height. This results in a maximum building height of 7.65m. In accordance with the PSDCP2014, industrial development must not exceed 15m in height. As such, the proposed development complies.

**4.4 s79C(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 93F**

There are no planning agreements that have been entered into under section 93F relevant to the proposed development.

**4.5 s79C(1)(a)(iv) – The regulations**

No provisions listed under the regulations are specifically applicable to the proposed development.

**4.6 s79C(1)(a)(v) – Any coastal management plan**

There are no coastal management plans applicable to the proposed development.

**4.7 s79C(1)(b) – The likely impacts of the development**

**4.7.1 Social and Economic Impacts**

The proposed development will provide for ongoing employment of France's Funeral Home staff and will support the viability of the surrounding area by providing for a necessary service in association with the owners funeral home business. The subject site is located within an established light industrial zoned area and is a permissible land use. With reference to the residential land uses within the surrounding area, the key social impacts associated with the proposed land use (air quality impacts and odour generation) have been scrutinised. The application process has involved the assessment and recommendations of two (2) specialist consulting companies confirming the acceptability of the proposed operation with industry requirements. As such, the proposed development is not considered to have a significant social or economic impact.

**4.7.2 Impacts on the Built Environment**

The proposed development will utilise an existing building within an established industrial zone. This is considered an effective reuse of a currently vacant building and reduces the requirement on Council to provide additional industrial land for such a purpose. The proposal will involve only the slight modification of the buildings street presentation beyond what currently exists. This will include the construction of the cremator stack and the line marking and proper designation of off-street car parking. The majority of works associated with this proposal will be carried out within the existing

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building. As such, the proposed development is not considered to have a significant impact upon the built environment.

#### **4.7.3 Impacts on the Natural Environment**

The proposed development involves the change of use of an existing building and the use of existing off-street hardstand car parking. No vegetation removal is required in order to facilitate the proposal. With regard to potential impacts upon air quality and the emission of odours from the site, the application has been assessed, peer reviewed and updated to ensure that the proposal will comply with operational industry standards for crematoriums. As such, the proposed development is not considered to have a significant impact upon the natural environment.

#### **4.8 s79C(1)(c) – The suitability of the site**

The subject site is provided with a vacant warehouse building and sufficient off-street car parking area within an established light industrial zone. The site provides sufficient separation from sensitive land uses and will allow for the effective reuse of a currently vacant industrial zoned site. The proposal is permissible with consent and generally compliant with the aims, objectives and controls of Council. As such, the proposed development is considered suitable for the site.

#### **4.9 s79C(1)(d) – Any submissions**

Five (5) submissions were received in relation to the proposed development. A summary of the key themes provided within the submissions is as follows:

- **Air Quality and Odour Impacts** – As discussed previously within this assessment report, the application was submitted with an Air Quality and Odour Assessment prepared by VIPAC. This report has been peer reviewed, amended and endorsed by Jacobs Consulting. Council's Environmental Health Unit has reviewed the finalised documents and is satisfied that the findings of the report are compliant with operational industry standards.
- **Traffic Generation Impacts** – Concerns were raised within the submissions in relation to funeral services and events being held on-site and the traffic impacts resulting from such use. The applicant has not applied for funeral services or events to be held on the premises and other sites owned by the proponent will be used for this purpose. The site provides sufficient off-street car parking and manoeuvring areas associated with the primary users of the proposed development.
- **Proximity to Food Preparation Businesses** – Concerns were raised within the public submissions regarding the proximity of the site to light industrial food preparation businesses (craft brewery and milk depot). As noted within the air quality and odour assessment items above, the proposal returns results below all pollutant criteria and is not considered to have a significant impact upon the immediate or surrounding area.

#### **4.10 s79C(1)(e) – The public interest**

The proposed development is permissible with consent on IN2 zoned land. The proposed development is generally compliant with applicable legislative controls, policies and Council development control requirements. To obstruct the application without reasonable legislative grounds to do so would result in legal process funded

**ITEM 1 - ATTACHMENT 2      ASSESSMENT REPORT.**

DA16-2015-699-1

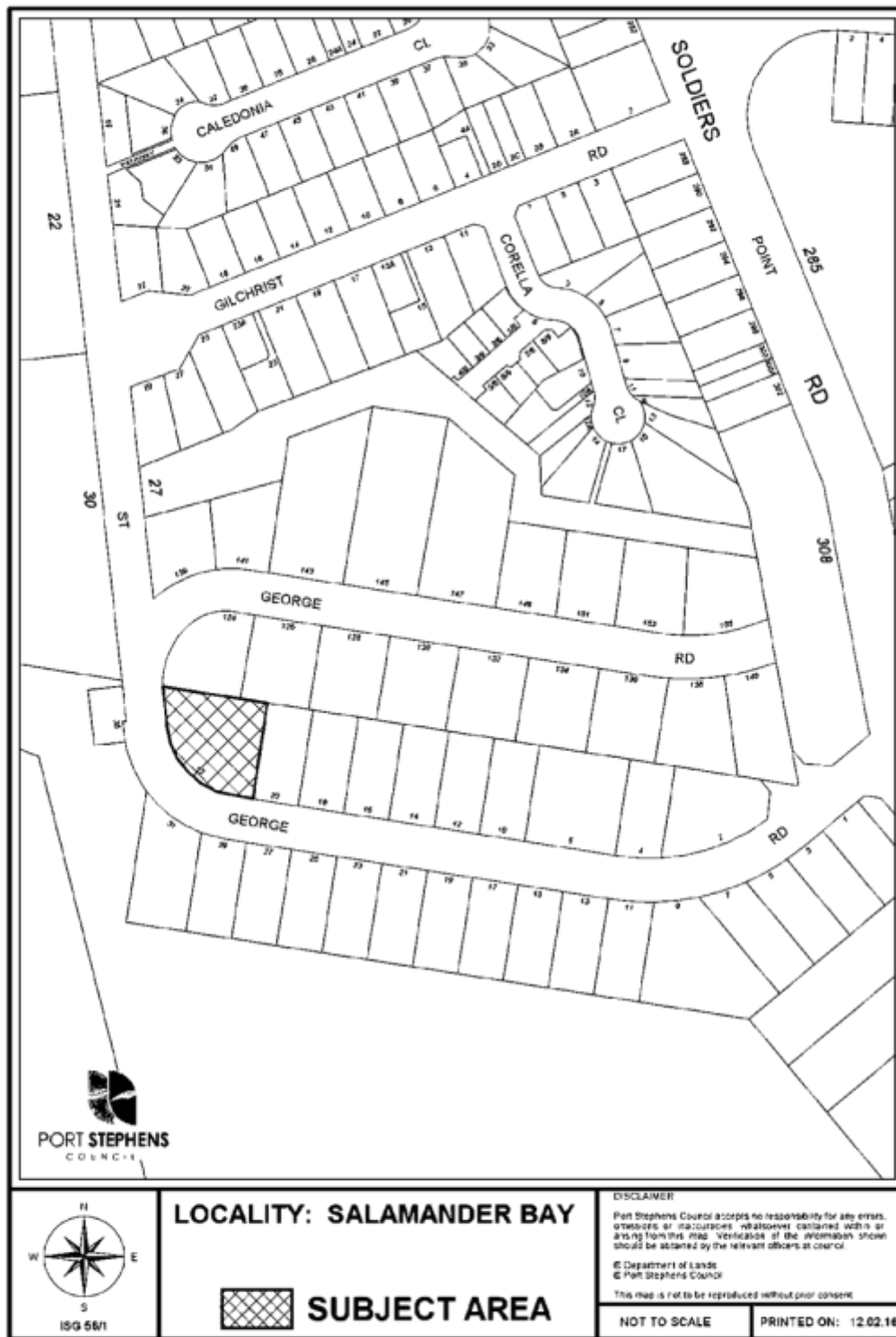
by Council which is not considered to be an effective or desirable outcome. As such, the approval of the application with appropriate conditions is considered to be within the public interest.

**5.0    DETERMINATION**

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

Brock Lamont  
Development Planner  
12/02/2015

ITEM 1 - ATTACHMENT 3 LOCALITY PLAN.



ITEM 1 - ATTACHMENT 4 CALL TO COUNCIL FORM.



CALL TO COUNCIL FORM  
DEVELOPMENT APPLICATION

I, Councillor .....John Nell.....

require Development Application Number.....775/2015.....

for .....a Crematorium and mortuary.....

at .....Georges Road, Salamander Bay.....

to be subject of a report to Council for determination by Council.

**Reason:**

The reason for this call-up to Council is .....Public interest.....

**Declaration of Interest:**

I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person.

**I have a conflict of interest? No** (delete the response not applicable).

If **yes**, please provide the nature of the interest and reasons why further action should be taken to bring this matter to Council:

Signed: .....Date: 10/3/16 .....

## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

Mayor Bruce MacKenzie left the meeting at 06:46pm, prior to the debate on Item 2.  
Councillor Paul Le Mottee left the meeting at 06:46pm, prior to the debate on Item 2.

In the absence of the Mayor and Deputy Mayor, Cr John Nell nominated Cr Ken Jordan to chair the meeting. No other nominations were received. Cr Jordan chaired the meeting for Item 2 in both Committee of the Whole and Open Council.

### ITEM NO. 2

FILE NO: 16/271949  
RM8 REF NO: 16-2015-766-1-001

**DEVELOPMENT APPLICATION 16-2015-766-1 FOR EARTHWORKS (LANDFILL) AT 2656A-G, 2258B AND 2230B-C NELSON BAY ROAD AND 35-39 STOCKTON BIGHT TRACK, WILLIAMTOWN (LOTS 1 TO 3 DP1008816, LOTS 1 & 2 DP307933, LOT 1 DP177679, LOT 810 DP1008279, LOTS 1 & 2 DP36875, LOT 58 DP753192, LOTS 1 & 2 DP916061, LOT 122 DP753192)**

REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND  
COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application DA No. 16-2015-766-1 for Earthworks (Landfill) at 2656A-G AND 2230B Nelson Bay Road and 35-39 Stockton Bight Track, Williamtown (Lots 1 to 3 DP1008816, Lots 1 & 2 DP307933, Lot 1 DP177679, Lot 810 DP1008279, Lots 1 & 2 DP36875, Lot 58 DP753192, Lots 1 & 2 DP916061 and Lot 122 DP753192), subject to the conditions contained in **(ATTACHMENT 3)**.

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### ORDINARY COUNCIL MEETING - 22 MARCH 2016 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p><b>Councillor Steve Tucker</b> <b>Councillor Sally Dover</b></p> <p>That Council approve Development Application DA No. 16-2015-766-1 for Earthworks (Landfill) at 2656A-G AND 2230B Nelson Bay Road and 35-39 Stockton Bight Track, Williamtown (Lots 1 to 3 DP1008816, Lots 1 &amp; 2 DP307933, Lot 1 DP177679, Lot 810 DP1008279, Lots 1 &amp; 2 DP36875, Lot 58 DP753192, Lots 1 &amp; 2 DP916061 and Lot 122 DP753192), subject to the conditions contained in <b>(ATTACHMENT 3)</b>, with the addition of a further condition at 3c) <i>"no additional truck movements are allowed on Nelson Bay Road"</i>, and that condition 5 be removed.</p>
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## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

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

Those for the Motion: Crs Sally Dover, Ken Jordan, John Morello, John Nell and Steve Tucker.

Those against the Motion: Crs Geoff Dingle and Peter Kafer.

## ORDINARY COUNCIL MEETING - 22 MARCH 2016 MOTION

Councillor Paul Le Mottee left the meeting at 08:09pm in Open Council.  
Mayor Bruce MacKenzie left the meeting at 08:10pm in Open Council.

<b>067</b>	<b>Councillor Steve Tucker</b> <b>Councillor John Morello</b>  It was resolved that Council approve Development Application DA No. 16-2015-766-1 for Earthworks (Landfill) at 2656A-G AND 2230B Nelson Bay Road and 35-39 Stockton Bight Track, Williamtown (Lots 1 to 3 DP1008816, Lots 1 & 2 DP307933, Lot 1 DP177679, Lot 810 DP1008279, Lots 1 & 2 DP36875, Lot 58 DP753192, Lots 1 & 2 DP916061 and Lot 122 DP753192), subject to the conditions contained in <b>(ATTACHMENT 3)</b> with the addition of a further condition at 3c) <i>"no additional truck movements are allowed on Nelson Bay Road"</i> , and that condition 5 be removed.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Sally Dover, Ken Jordan, John Morello, John Nell and Steve Tucker.

Those against the Motion: Crs Geoff Dingle and Peter Kafer.

## BACKGROUND

The purpose of this report is to present a development application to Council for determination for Earthworks (Landfill). The application has been called to Council by Councillor Dingle due to the proposed earthworks (landfill) being located within the Williamtown RAAF Investigation Area, the potential for flood inundation and weed management **(ATTACHMENT 1)**.

## Proposal

The subject site encompasses multiple parcels of land as illustrated in the locality plan provided in **(ATTACHMENT 2)**. The site is rural in character and predominantly used for agricultural use. An approved sand mine is located to the east of the site

(which is accessed through the subject lots) and is of no relevance to this development application.

The application proposes the filling of land to level the existing ground surface and assist to suppress the local alligator weed infestation. Topsoil will be removed from the application area prior to the addition of the landfill and stockpiled for reuse. Landfill will then be applied to the site at a depth of between 150mm to 200mm and the stockpiled topsoil re-applied to the land. Landfill will be sourced from within the subject site and transported internally to the land application area. The proposal will be undertaken in stages to minimise potential impacts. No excavation of more than 200mm will occur. The approximate area to be filled is 82.80 hectares.

Alligator weed is listed as a Weed of National Significance by the Federal Department of Environment and as a noxious Regionally Controlled Weed by the NSW Department of Primary Industries. *The Noxious Weeds (Weed Control) Order 2014* requires that alligator weed be fully and continuously suppressed and destroyed within the Port Stephens Local Government Area.

## **Key Issues**

### Contamination

The subject site is located within the boundaries of the Williamstown RAAF Base Perfluorooctane Sulfonate (PFOS) Investigation Area. The application was referred to the Environment Protection Authority (EPA) for comment as per our standard process for all applications in the investigation area. No objection was raised by the EPA who recommended conditions be imposed relating to clean fill and groundwater. The EPA conditions have been incorporated into the proposed conditions of consent contained in **(ATTACHMENT 3)** to this report.

### Flooding

The application proposes landfill ranging between 150mm to 200mm on low lying alligator weed infested parcels of land situated within the subject area. The development will be carried out in segments and involve stripping of the topsoil, the addition of landfill and reapplication of the topsoil once the ground surface has been levelled. Due to the small nature of the earthworks, the vast rural environment and the amount of landfill proposed, it is unlikely that the proposal will have significant impacts on flood behaviour and the environment, or increase the flood risk to life and property.

### Weed Management

Low-lying areas within the subject site are heavily impacted by Alligator Weed. The application proposes levelling of the natural ground surface by the addition of landfill. Alligator Weed prefers inundated soil. Raising low lying areas with landfill may assist in decreasing the water content of the underlying soil, impairing the conditions favoured by Alligator Weed. It is anticipated that the proposed landfill may assist to

## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

reduce the occurrence of Alligator Weed on the subject land. It is considered that controlling the noxious weed in this manner will not have any significant environmental impacts. The suppression of Alligator Weed in the Port Stephens Local Government Area is supported.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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

There are no known financial implications resulting from the recommendation of this report.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is consistent with *Port Stephens Local Environmental Plan 2013* and *Port Stephens Development Control Plan 2014*. Detailed responses to relevant environmental planning instruments and Port Stephens Development Control Plan 2014 are provided in the Planners Assessment report contained in **(ATTACHMENT 4)**

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the development application will be challenged at the Land and Environment Court.	Low	Approve the application as recommended.	Yes
There is a risk that if the application is refused,	Medium	Approve the application as recommended.	Yes

Council will be inhibiting necessary actions under <i>The Noxious Weeds (Weed Control) Order 2014</i> .			
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## **SUSTAINABILITY IMPLICATIONS**

Alligator Weed disrupts the aquatic environment by blanketing the surface and impeding the penetration of light. Such blanketing can also impede gaseous exchange (sometimes leading to anaerobic conditions) which adversely affects aquatic flora and fauna. It also competes with and displaces native flora along river and creek banks and in wetlands. The proposal will have a positive environmental impact through assisting in the suppression of Alligator Weed and improvement to existing agricultural land.

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

Given the minor nature of the proposal, the proposed merger is not anticipated to have any implications on the development application.

## **CONSULTATION**

The application was notified for a period of 14 days in accordance with Council Policy and one (1) submission was received. The use of clean fill and flooding concerns were raised.

### Clean Fill

The proposed conditions of consent as contained in **(ATTACHMENT 3)** outline that fill must be either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO), or any other waste-derived material the subject of a resource recovery order or a resource recovery exemption under clauses 92 & 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*. The applicant has indicated that fill will be sourced from the adjacent sand mine.

### Flooding

Considering the extent of fill proposed (between 150mm-200mm), changes to flood characteristics are extremely unlikely. The topsoil of areas impacted by Alligator Weed will be stripped back and re-applied preceding the application of landfill. This process is not anticipated to increase water runoff or increase the risk of flooding to neighbouring properties.

The issues raised in the submission have been assessed and it is considered that the proposed development is satisfactory.

**OPTIONS**

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

**ATTACHMENTS**

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

**COUNCILLORS ROOM**

- 1) Development Plans.

**TABLED DOCUMENTS**

Nil.

ITEM 2 - ATTACHMENT 1 CALL TO COUNCIL FORM.



CALL TO COUNCIL FORM  
DEVELOPMENT APPLICATION

I, Councillor GOFF DINIERS  
require Development Application Number 16-2015-766-1  
for INFILLING OF S&S A&H PROPERTY  
2356 NELSON BAY RD WILLIAMTOWN  
at .....

to be subject of a report to Council for determination by Council.

**Reason:**

The reason for this call-up to Council is .....  
INFILLING IN THE CONTAMINATION ZONING  
CONCERN THAT THIS WILL CAUSE FURTHER  
FLOOD INUNDATION.  
NOT CONVINCED THIS IS APPROPRIATE WOOD MANAGING

**Declaration of Interest:**

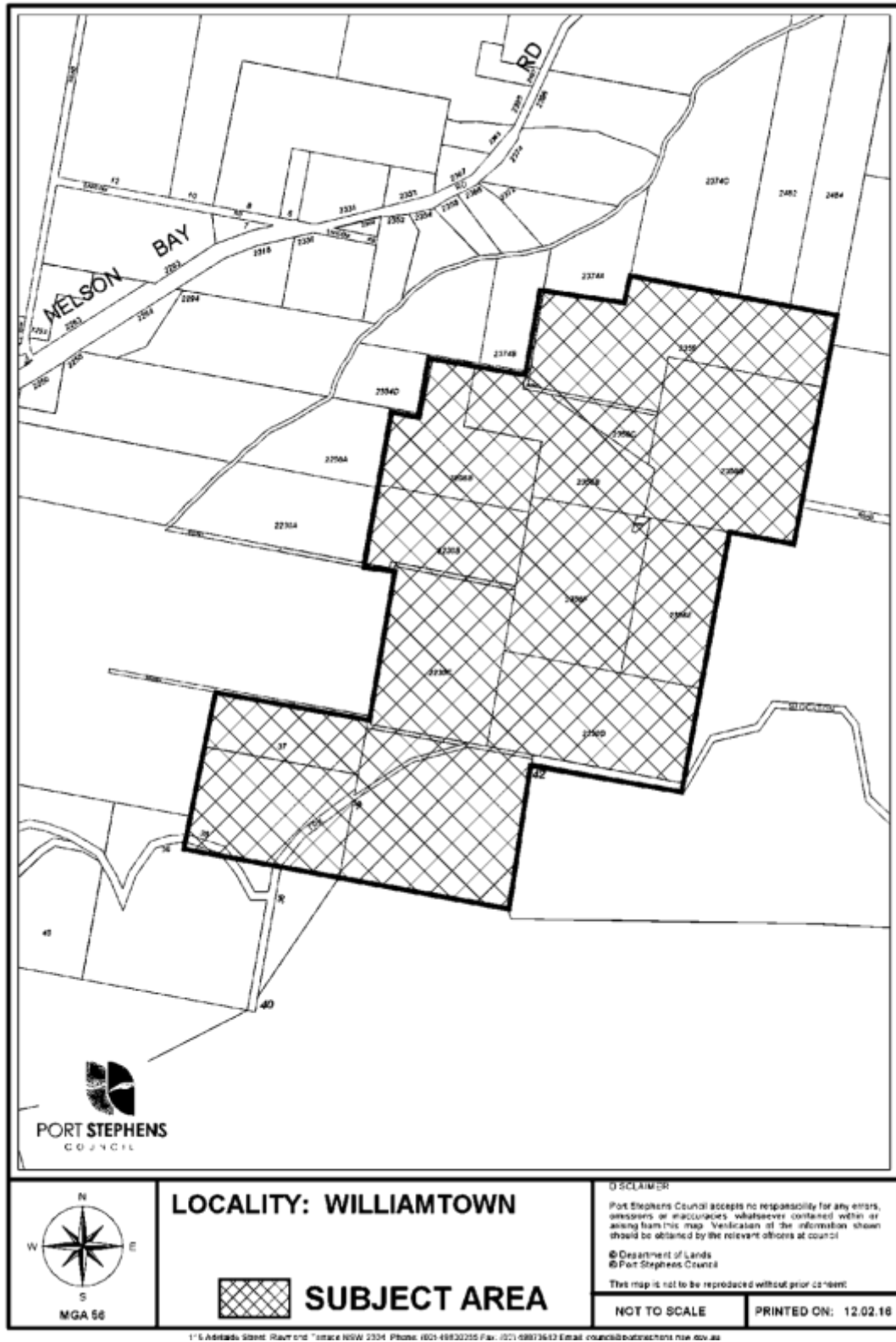
I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person. **I have a conflict of interest?** Yes/No (delete the response not applicable).

If **yes**, please provide the nature of the interest and reasons why further action should be brought to Council:

Signed: .....

Date: 10-2-2016

ITEM 2 - ATTACHMENT 2 LOCALITY PLAN.



**ITEM 2 - ATTACHMENT 3 CONDITIONS OF CONSENT.**



**PORT STEPHENS**  
COUNCIL

## Schedule of Conditions

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

**REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

**CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT**

1. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

Plan/Doc. Title	Plan Ref. No.	Sheet.	Date	Drawn By
Development Plans	001	1 of 1	11/02/2016	Not Specified

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

**CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES**

2. Work that is likely to cause annoyance due to noise is to be restricted to the following times:-

- \* Monday to Friday, 7am to 6pm;
- \* Saturday, 8am to 3pm;
- \* No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L<sub>10</sub> level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

3. The only waste derived fill material that may be applied to the development site is:
  - a. Virgin Excavated Natural Material (VENM) within the meaning of the Protection of the Environment Operations Act 1997 (POEO); or

Adelaide Street (PO Box 42), Raymond Terrace NSW 2324  
 DX 21406 Raymond Terrace • Phone 4980 0255  
 Email [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

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ITEM 2 - ATTACHMENT 3 CONDITIONS OF CONSENT.



- b. Any other waste-derived material the subject of a resource recovery order or a resource recovery exemption under clauses 92 & 93 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
4. All surface water and groundwater encounter during works should not be considered PFOS and PFOA impacted unless other information is available.

Any groundwater that accumulates during any earthmoving activities, which needs to be relocated, must be pumped to a location on the property where it can seep into the ground and not run off. This must be as close to the point of origin and as far away from drainage points and other property boundaries as practical. Extracted groundwater must not be permitted to run off the property.

Any fill brought onto the property for the purposes of the activity approved within this consent, must not originate from within the Williamstown Investigation Area.
5. Landfill is to be sourced from the subject site and transported internally.
6. It is an offence under the Noxious Weeds Act 1993 to spread Alligator Weed. Any excavated material from a noxious weed affected land parcel is to be retained on site where ever possible and if this is not achievable then transported to a licensed landfill facility. This may require a permit for the transport of a noxious weed from the relevant state government department.
7. A soil and water management plan, consistent with the Blue Book, is to be developed and implemented so that excavated areas and temporary topsoil stockpiles are managed within the immediate area of infestation and so that no soil or vegetation is transported off site. The plan should be made available to Council officers upon request.
8. All machinery and equipment that has operated in affected areas is considered contaminated and shall be cleaned thoroughly before leaving the site. An agreed wash down area shall be established, and subsequently monitored for the presence of Alligator Weed. Cleaning shall include the removal of all mud and plant matter, followed by washing down with high pressure water, prior to leaving the site.

**ADVICES**

- a. Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

ITEM 2 - ATTACHMENT 3 CONDITIONS OF CONSENT.



The application of waste derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is Virgin Excavated Natural Material or waste-derived material that is the subject of a resource order and a resource recovery exemption (that allows the use of the material as fill) under clauses 92 & 93 of the Protection of the Environment Operations (Waste Regulation 2014).

Resource recovery exemptions are available on the EPA website at:  
<http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm>

- b. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage must be informed accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act, 1974*.



## Development Assessment Report

1. APPLICATION REFERENCES	
<b>Application No.</b>	16-2015-766-1
<b>Property</b>	2356A to G, 2258B, 2230B-C Nelson Bay Road, 35-37 Stockton Bight Track, WILLIAMTOWN
<b>Lot and DP</b>	LOTS: 1 to 3 DP: 1008816, LOTS: 1 & 2 DP: 307933, LOT: 1 DP: 177679, LOT: 810 DP: 1008279, LOTS: 1 & 2 DP: 36875, LOT: 58 & 122 DP: 753192, LOTS: 1 & 2 DP: 916061
<b>Description of development</b>	Land Fill
<b>Applicant</b>	MR B MACKENZIE
<b>Date lodged</b>	17/11/2015
<b>Owners Consent</b>	Yes
<b>Capital Investment Value</b>	\$10,000.00
<b>Present use</b>	Rural land
<b>Zoning</b>	RU2 RURAL LANDSCAPE
<b>Site Constraints</b>	<ul style="list-style-type: none"> <li>• Flood Prone (High Hazard Floodway and High Flood Storage Area)</li> <li>• Bushfire Prone (Categories 2 and 3)</li> <li>• Acid Sulphate Soils (Class 3)</li> <li>• Supplementary Koala Habitat</li> <li>• Endangered Ecological Community – Swamp Sclerophyll Forest</li> <li>• Endangered Ecological Community – Swamp Oak Floodplain Forest</li> <li>• State Environmental Planning Policy No.71 – Coastal Protection</li> </ul>
<b>88B Instrument and Deposited Plan</b>	No Matters were identified on the Deposited Plan or 88(b) instrument which would prohibit the proposed development.
<b>Submissions</b>	One Submission Received.
<b>Recommendation</b>	Approve – Subject to Conditions



ITEM 2 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.



Assessing Officer	S J HARVEY
<b>Proposal</b>	
<p>The proposal is for the addition of landfill to areas impacted by alligator weed within the subject site. Landfill is proposed to level the ground surface and to assist in suppressing the incidence of alligator weed on the land.</p> <p>Topsoil will be removed prior to the addition of fill material, fill will then be applied to the land in a range of approximately 150mm to 200mm after which the stockpiled topsoil will be reapplied to the land. The development will be staged to minimise impacts.</p> <p>Landfill will be sourced and transported internally.</p>	
<b>Site Description</b>	
<p>The subject area entails multiple parcels of land and is rural in character. The predominant use of the land is agricultural. The subject site can be seen in the plates below.</p>	
	
<b>Site History</b>	
<p>No site history or past compliance matters have been identified which would prohibit the proposed earthworks.</p> <p>It is acknowledged that the subject area is located within the Williamstown RAAF Base Perfluorooctane sulfonate (PFOS) Investigation Area. The application was referred to The Environmental Protection Authority (EPA) for comment. No objection was raised and conditions relating to the use of clean fill and groundwater were received, which have been incorporated in the proposed conditions of consent.</p>	





***Environmental Planning and Assessment Act 1979***

Classification of development	y/n
Is the development proposal <u>Local</u> Development?	Y
Is notification necessary?	Y
Have all adjoining and affected owners been notified (two week period)?	Y

**INTERNAL REFERRAL ASSESSMENT**

During an inspection of the site it was identified that the lower-lying parcels of land were heavily impacted by Alligator Weed. The applicant proposes to apply fill to the site in order to mitigate the spread of Alligator Weed.

The application was discussed with Natural Resources staff and Councils Flooding Engineer. Council's natural resources staff had no objection to the proposal and agreed that landfilling of low lying areas would reduce water content in the soil (wet feet) which may reduce the likelihood of alligator weed. The use of clean fill was recommended (which has been incorporate into the schedule of conditions).

The application was also discussed with Councils Flooding Engineer. It was noted that the site is nominated as a High Hazard Floodway and High Hazard Storage. However, as the landfill required to level the site is between 150mm to 200mm, the potential for the proposal to increase flood risks to adjoining properties is low and the proposal is considered acceptable from a flood perspective.

SECTION 5A CONSIDERATIONS	y/n
Having regard for Section 5A of the Environmental Planning and Assessment Act, do any of the following issues require further consideration?	
Whether the life cycle of a threatened species will be disrupted.	N
Whether the life cycle of an endangered population will be disrupted.	N
Whether the habitat of a threatened species or ecological community will be modified.	N
Whether habitat will become isolated from other areas of interconnecting or proximate habitat.	N
Whether critical habitat will be affected.	N
Whether a threatened species, ecological community or habitat are represented in the region's conservation reserves.	N
Whether the development is recognised as a threatening process.	N
Whether any threatened species or ecological community is at the limit of its known distribution.	N







SECTION 5A CONSIDERATIONS	y/n
<p><b>Planners Comment:</b> Councils GIS System nominates the subject site to contain Endangered Ecological Communities (EEC). However, during the site inspection it was apparent that the subject area consists of grazed land predominantly used for agricultural use, cleared of vegetation consistent with those communities (including Swamp Sclerophyll Forest and Swamp Oak Floodplain Forest). As a result it is likely that no EEC's are located on-site. No impacts to Koala's are likely and the proposal is consistent with the adopted Comprehensive Koala Plan of Management.</p>	

Section 79C(1) EP&A Act 1979 – potential matters for consideration

# **1.1 (a)(i) the provisions of any environmental planning instrument (EPI)**

## **State Environmental Planning Policies**

### **State Environmental Planning Policy No. 55 – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land applies to all land in the State and requires the consent authority to consider whether the land is contaminated prior to granting consent. If the land is contaminated, the consent authority must not grant consent unless it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) to the purpose which the development is proposed to be carried out.

The proposed development is contained within the boundaries of the Williamstown Investigation Area. The application was referred to the Environmental Protection Authority (EPA) for comment. No objection was raised and conditions relating to clean fill and groundwater were received, which have been incorporated into the proposed conditions of consent. Due to the nature of the development and on the basis that the fill material is conditioned to ensure it is clean no further investigation is warranted in this instance. The proposed development is not inconsistent with the provisions of SEPP No.55.

### **State Environmental Planning Policy No. 71 – Coastal Protection**

This application has been assessed having regard to the aims of the SEPP. The proposal includes the application of fill material to suppress alligator weed – a noxious weed species. The removal of noxious weeds from the Coastal Protection Zone is considered to be in accordance with the aims of the SEPP which requires the protection of the natural coastal environment. In addition, the application has had regard to the matters for consideration in Clause 8 and will generally comply with the considerations and aims of the SEPP.

## **Port Stephens Local Environmental Plan 2000**

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Port Stephens Council



ITEM 2 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.



What is the land zoned?		RU2 – Rural Landscape
What is the proposal for?		Earthworks (Landfill)
Is this permissible within the zone?		Yes – Permitted with Consent
Does it meet the objectives of the zone?		<p>The proposal is for Earthworks (Landfill) to areas impacted by noxious weeds. It is expected that the proposed landfill will mitigate noxious weeds on-site. Mitigation of noxious weeds will encourage sustainable primary industry by maintaining and enhancing the natural resource base while not impacting on the existing rural character of the surrounding locality.</p> <p>The proposal satisfies the objectives of RU2 – Rural Landscape.</p>
<b>Part 2: Permitted or Prohibited Development</b>		
Cl.5.9	Preservation of trees or vegetation	The development site is cleared of significant vegetation. No trees or significant vegetation will be removed.
<b>Part 7: Additional Local Provisions</b>		
Cl.7.1	Acid sulphate soils	The subject site is nominated as Class 3 Acid Sulphate Soils. It is proposed to landfill areas subject to alligator weed by 150 to 200mm. As such, no ASS implications will arise.
Cl.7.2	Earthworks	<p>Cl.7.2(2)(b) stipulates that development consent is required for the proposed earthworks. Matters outline in Cl 7.2 (3) relate to the consent authority to consider matters (a) to (h).</p> <p>The proposal is unlikely to disrupt drainage patterns and soil stability, impact potential future development on-site, impact adjoining properties or disrupt relics. Additionally, conditions of consent will condition the use of clean fill and conditions stipulate measures to mitigate potential impacts.</p> <p>The application is satisfactory in regard to Cl.7.2(3).</p>
Cl.7.3	Flood planning	The objective of clause 7.3 is to minimise



ITEM 2 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.



Development  
& Building

		<p>the flood risk to life and property, allow development on land that is compatible with the land's flood hazard and to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>The type of development, location and characteristics of this development will result in no additional risk to adjoining properties during a flood event. As a result the application is satisfactory in regards to objectives outlined in CI7.3.</p>
<b>1.2 (a)(iii) any development control plan</b>		
<b>Development Control Plan 2007</b>		
<b>Part A1 Section A.1.9 – Development Notification Requirements</b>		
Has the application been appropriately notified?		Y
Have all adjoining and affected properties been notified?		Y
<b>Section B3 – General Provision</b>		
<b>B2 Natural Resources</b>		
Noxious Weeds	<p>While on-site alligator weed was identified. The application has lodged the development application to mitigate this noxious weed by raising the ground surface through the use of clean landfill.</p> <p>The application is consistent with DCP controls relating to noxious weeds, subject to conditions of consent.</p>	
<b>B3 Environmental Management</b>		
Earthworks	<p>Chapter B3.F of PSDCP2014 outlines objectives and requirements in order to facilitate earthworks as to minimise potential environmental impacts, such as erosion or the release of sulphuric acids. Conditions of consent will stipulate the use of Virgin Excavated Natural Material (VENM). Additionally, the earthworks proposed will not have a detrimental impact on drainage patterns or soil stability, will not impact future potential development on-site and due to the minimal cut required it is highly unlikely that the development will disturb relics.</p> <p>The proposal is consistent with requirements outlined in Councils DCP2014 relating to earthworks.</p> <p>It is acknowledge that the proposal will increase environmental values by mitigating noxious weeds on-site while not causing erosion or oxidising of Potential Acid Sulphate Soils (PASS).</p>	
<b>B5 Flooding</b>		





ITEM 2 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.



General	<p>The subject site is situated within a High Hazard Floodway and High Hazard Storage Area. Chapter B5 stipulates that development within a floodway is not supported unless it demonstrates specific community needs/ benefits which do not relate to the provision of housing.</p> <p>The proposed works will be carried out in order to mitigate noxious weeds on-site, providing a positive environmental outcome.</p> <p>Due to the amount of fill proposed (150mm to 200mm), it is likely that no additional flooding impacts will be derived from the proposal. As such, the objectives of Chapter B5 of PSDCP2014 are satisfied.</p>	
<b>(a)(iia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F</b>		
There is no planning agreement that has been entered into under section 93F, and no draft planning agreement that a developer has offered to enter into under section 93F of the Act that relates to this development.		
<b>(a)(iv) – any matters prescribed by the regulations</b>		
<i>Primary Matters</i>	<i>Specific Considerations</i>	<i>Y/N</i>
Clause 92 EP&A Regulation: Government Coastal Policy	Does the policy apply to the coastal zone of the council area as specified in cl.92 of the EP&A Regulation?	Y
	Is the proposal consistent with the 'strategic actions' and the 'design and location principles' for the development control in the Policy?	Y
<b>(b) – the likely impacts of the development</b>		
The likely impacts of the development have been considered. It is likely that the proposal will have a positive impact on the locality by controlling the spread and extent of alligator weed on-site.		
<b><u>Traffic and Access</u></b>		
The applicant has indicated their intention to use fill from the sand mine associated with the site. In this regard no additional vehicle movements from the access on Nelson Bay Road are anticipated. With all vehicle movements being internal there are no significant impacts anticipated in relation to traffic and access. A condition of consent has been recommended to ensure all fill is sourced internally.		
<b><u>Aboriginal Cultural Heritage</u></b>		
The proposal is unlikely to disrupt relics. A search of the Aboriginal Heritage Information Management System identified that there are no Aboriginal sites recorded or places declared in or near the location. An advice has been imposed requiring all works cease on the site if any Aboriginal objects are uncovered during the activity.		
<b>(c) – the suitability of the site for the development</b>		



**ITEM 2 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.**


**Development  
& Building**

The proposed site is considered suitable for the development. The application is anticipated to alleviate noxious weeds on site. The use of the subject area will not change.		
<b>(d) –any submissions made in accordance with this Act or the regulations</b>		
Public submissions	How many submissions received?	1
	Issue Raised	Comments
	The use of Clean Fill	It will be conditioned that clean fill be used. Fill must be either Virgin Excavated Natural Material (VENM) within the meaning of the Protection of the Environment Operations Act 1997 (POEO), or any other waste-derived material the subject of a resource recovery order or a resource recovery exemption under clauses 92 & 93 of the Protection of the Environment Operations (Waste) regulation 2014. The applicant has indicated their intention to use fill from the sand mine associated with the site.
	Increase water runoff and flooding	Considering the amount of fill proposed (150-200mm), changes to flood characteristics are unlikely. The topsoil of areas impacted by alligator weed will be stripped back and re-applied following the application of landfill.  This process will not increase water runoff or increase the risk of flooding to neighbouring properties.
<b>(e) –the public interest</b>		
Matters pertaining to the public interest have been discussed within this report. The proposed development is in the public interest.		

<b>SECTION 94 - CONTRIBUTIONS</b>	y/n
Are contributions required for the provision, extension or augmentation of public amenities and public services?	N

<b>ecologically sustainable development</b>	y/n
Having regards for the principles of ecologically sustainable development, do any	



ITEM 2 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.



Development  
& Building

ecologically sustainable development	y/n
of the following issues require further consideration?	
Precautionary principle?	N
Intergenerational equity?	N
Conservation of biological diversity and ecological equity?	N
Improved valuation, pricing and incentive mechanisms?	N

recommendation:

The application is recommended for approval.

DETERMINATION

At what level should the application be determined?	Council at an Ordinary Council meeting
---	--

endorsement

The officer responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application.

Samuel Harvey  
**DEVELOPMENT PLANNER**  
DATE: 15/02/2016



## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

ITEM NO. 3

FILE NO: 16/268634  
RM8 REF NO: PSC2006-0553

### SUBMISSION TO DRAFT HUNTER REGIONAL PLAN

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the submission to the Draft Hunter Regional Plan and Draft Plan for Growing Hunter City (**ATTACHMENT 1**) and forward to the Department of Planning and Environment.
- 

Councillor Peter Kafer left the meeting at 07:37pm during Committee of the Whole. Mayor Bruce MacKenzie returned to the meeting at 07:37pm during Committee of the Whole.

Mayor Bruce MacKenzie resumed the Chair on return to the meeting.

Councillor Paul Le Mottee returned to the meeting at 07:38pm.

#### ORDINARY COUNCIL MEETING - 22 MARCH 2016 COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Councillor John Nell</b> <b>Councillor Paul Le Mottee</b>  That the recommendation be adopted.
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#### ORDINARY COUNCIL MEETING - 22 MARCH 2016 MOTION

<b>068</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>  It was resolved that Council endorse the submission to the Draft Hunter Regional Plan and Draft Plan for Growing Hunter City ( <b>ATTACHMENT 1</b> ) and forward to the Department of Planning and Environment.
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#### BACKGROUND

The purpose of this report is to:

- a) provide Council an overview of the NSW Governments draft Hunter Regional Plan and accompanying draft Plan for Growing Hunter City which has been

- released for public comment and outline key issues raised in Councils submission for endorsement; and
- b) seek Council endorsement of the Port Stephens Council's submission to the Draft Hunter Regional Plan and Draft Plan for Growing Hunter City.

The draft plans outlines the vision, goals and actions for the Hunter that aim to:

- protect the region's most important asset, the environment;
- grow and diversify the economy to create local jobs;
- create thriving, liveable centres;
- deliver greater housing choice; and
- in collaboration with councils, establish a committee to drive the coordination and delivery of the actions in the Plan.

The draft Plans identify four distinct landscape subregions to respond to the specific opportunities and issues for each subregion including Hunter City, Western Hunter, Northern Tops and Hunter North East Coast. To acknowledge the significance of the Hunter City to the State, an accompanying draft plan that is specifically for Hunter City - Draft Plan for Growing Hunter City has been released.

A summary of key concerns that this submission addresses include:

- The relationship between the NSW government merger proposal and Draft Hunter Regional Plan needs to be clarified;
- The inclusion of Raymond Terrace, airport and Medowie within the boundary of Hunter City;
- Lack of clarity around the delivery of the plan including the implementation of the Hunter Regional Plan Coordination and Monitoring Committee and how it will influence decision making and state budgets;
- The inherent risks of providing very general direction without ownership and commitment for actions;
- Lack of transparent evidence base planning for actions;
- Lack of a clear infrastructure strategy to support actions;
- Insufficient reference to RAAF Base Williamstown / Defence and employment lands as key strategic centres;
- Lack of direction on rural residential development; and
- The draft Plans Newcastle centric focus with limited direction for the landscape subregions.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
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**

There are no known financial or resource implications resulting from the proposed recommendation.

The review of the draft Plans has been carried out through Council's existing resources. While there are no direct financial implications if Council adopts the recommendation, there is a wide range of local strategic planning projects critical to the future growth of Port Stephens that will be influenced by the Hunter Growth Plan. Furthermore, the draft Plans outline numerous actions to be undertaken in partnership with Council. It is unclear at this stage what the timing and resource implication of these actions will be.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Review of the draft Plans has been carried out through Council's existing resources.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

The submission has been prepared in line with the Port Stephens Planning Strategy 2011 (PSPS) adopted by Council to guide the operations of the Council, and the future growth and sustainability of the Local Government Area (LGA) as well as other endorsed strategic plans and recent studies and mapping.

The draft Plans provides an overarching framework to guide development and investments in the Hunter region to 2036 and will replace the Lower Hunter Regional Strategy 2006 which is Council's current overarching document.

Once finalised the Minister for Planning will issue a local planning direction under section 117 of the Environmental Planning and Assessment Act 1979 to require that future planning proposals and reviews of Local Environmental Plans are consistent with the draft Plan, once it is finalised.

**MINUTES ORDINARY COUNCIL - 22 MARCH 2016**

<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 not endorse the submission resulting in Council missing the deadline to submit feedback on the draft Plans.	Low	Consultation with Councillors has been undertaken to ensure that all key issues raised have been considered in the submission	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There is a wide range of local strategic planning projects critical to the future growth of Port Stephens that will be influenced by the Hunter Growth Plan.

**Social**

The draft Plan aims to focus housing and service growth towards Hunter City and the regions existing towns and villages. The plan outlines that the Hunter already has sufficient supply of land available in established and new release areas to meet anticipated demand.

The draft plans provide limited detail or actions within the landscape subregions and hinterland where are large proportion of the LGA is located.

**Economic**

Overall, the draft Plans are very general in their objectives and provide numerous actions to be undertaken without a clear understanding of when and how they will be carried out. The draft Hunter Regional Plan and associated draft Hunter City Plan leave high levels of uncertainty in relation to the State's:

- expectations on the roles and relevance of regional plans in future state, regional and local land use and infrastructure planning, sequencing and funding; and
- level of commitment, as well as the operation, influence and purpose of governance arrangements to progress the implementation of the regional plans and other State activities within the region.

As such, the economic implications to Council and the community are largely unknown.

### Environmental

The draft Plan aims to 'protect and enhance the Hunters natural environment including a connected network of habitats to enhance the liveability of the region'. A component of conservation measures is the inclusion of a High Environmental Values (HEV) map. The data used is intended to provide a regional level overview for the purposes of strategic planning. Furthermore, the draft Plan includes an action to 'create the right regulatory environment and implementing appropriate protection measures to conserve validated high environmental values including through the application of planning controls'. It is unclear how to apply the maps through subsequent planning.

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

There are no known implications for the current NCC and PSC merger proposal resulting from the proposed recommendation.

The proposed merger aligns itself with the approach of the NSW Government's Draft Hunter Regional Plan and identifies the importance of adopting a coordinated approach to managing the expected population growth across the Newcastle and Port Stephens region and the need to plan for, and respond to, the changing service and infrastructure needs of these communities. This is considered inconsistent with the draft Regional Plan which clearly recognises that growth and change will occur differently across the regions and identifies four distinct landscape subregions responding to the local landscape.

It is noted that the entire Newcastle LGA is included within Hunter City, while only a small proportion of Port Stephens LGA is included within Hunter City, being Raymond Terrace, Medowie and Airport; the majority is within Hunter North East Coast and the Hinterland.

### **CONSULTATION**

Council staff briefed Councillors on the draft plan on 23 February 2016 to obtain their feedback for inclusion in Councils submission. In addition, key Council staff were invited to provide feedback on the proposed submission.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Submission to Draft Hunter Regional Plan.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.



**ITEM 3 - ATTACHMENT 1**

**SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.**



Department of Planning and Environment  
PO Box 1226  
Newcastle NSW 2300

Dear Regional Director

**Re: Submission to draft Hunter Regional Plan and Draft Plan for Growing Hunter City**

Thank you for the opportunity to provide comment on the Draft Hunter Regional Plan and Draft Plan for Growing Hunter City. In general, the NSW Governments preparation of the Plans to *'guide the delivery of homes, infrastructure and services to support the growing and changing needs of the Hunter'* is supported.

This submission has been prepared in line with the Port Stephens Planning Strategy 2011 (PSPS) adopted by Council to guide the operations of the Council, and the future growth and sustainability of the Local Government Area (LGA) as well as other endorsed strategic plans and recent studies and mapping. The PSPS has undergone community consultation and has the endorsement of Council.

A summary of key concerns that this submission addresses include:

- The relationship between the NSW government merger proposal and Draft Hunter Regional Plan needs to be clarified;
- Question the inclusion of Raymond Terrace, airport and Medowie within the boundary of Hunter City;
- Lack of clarity around the delivery of the plan including the implementation of the Hunter Regional Plan Coordination and Monitoring Committee and how it will influence decision making and state budgets;
- The inherent risks of providing very general direction without ownership and commitment for actions;
- Lack of transparent evidence base planning for actions;
- Lack of a clear infrastructure strategy to support actions;
- Inclusion of RAAF Base Williamtown /Defence and employment lands as key strategic centres;
- Lack of direction on rural residential development; and
- The draft Plans Newcastle centric focus with limited direction for the landscape subregions.

**PORT STEPHENS COUNCIL**

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**ITEM 3 - ATTACHMENT 1 SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.****1) General Comments**

Overall, the draft Plans are very general in their objectives and provide numerous actions to be undertaken without a clear understanding of when and how they will be carried out. The draft Hunter Regional Plan and associated draft Hunter City Plan leave high levels of uncertainty in relation to the State's:

- expectations on the roles and relevance of regional plans in future state, regional and local land use and infrastructure planning, sequencing and funding; and
- level of commitment, as well as the operation, influence and purpose of governance arrangements to progress the implementation of the regional plans and other State activities within the region.

In relation to the actions in both plans, it is recommended that a similar approach to the Illawarra Shoalhaven Regional Plan be applied which provides a summary table of the lead agency, key stakeholders and timing for each key action. This would provide a greater level of certainty and ownership.

Council supports the decision for the location and densities of growth areas to be based on detailed environmental site constraints, community support and the provision of appropriate infrastructure. This is a more robust tool than meeting housing targets, which are subject to changing social, economic and political conditions. Notwithstanding this, the draft Plans need to be based on appropriate data and there is little indication of the research that may have been undertaken to inform the preparation of the plans including residential, commercial and industrial land supplies and forecasts. It is therefore recommended that any background studies be referenced and made available.

**2) Draft Hunter Regional Plan****Structure and Operation of the Plan**

Council supports the regular reporting that will occur on the delivery of the plan that will be overseen by a coordinating and monitoring committee. It is noted that the committee will review and recommend plans, projects and actions to advance the delivery of the final plan. Reporting should be evidence based and made publicly available. Further detail on this is required including terms of reference.

Given the importance of this committee it is necessary all key stakeholders are included. It is therefore recommended that the Department of Health and Education as well as private industry bodies be included.

Notwithstanding this, it is acknowledged that, too many members on the committee would be inefficient, in particular the inclusion of one council member from 11 councils as proposed. It is recommended sub-committees be created to allow each council and all state agencies to provide an update on their progress in meeting the Plan on an annual basis and to identify actions that are being achieved and reasons why areas

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have not. This information can then be assessed to determine whether necessary changes to the Plan are required.

The Hunter Regional Plan in its current form does not specifically support Council plans due to its very general direction, ambiguous intentions as well as insufficient ownership and commitment to its actions. If the regional plans are to remain 'high level' documents, providing an overarching framework, they need to be supported by implementation strategies that provide the certainty required for the public, industry, state and local government to plan and invest with confidence. These implementation strategies could empower local planning and decision making and allow associated delivery tools, such as local strategies and Local Environment Plans to prevail in day to day decision making where endorsed as consistent with the Hunter Regional Plan.

The addition of implementation strategies would give greater weight to, and better recognition of local government strategic plans, such as the Port Stephens Strategy and also outline State government priorities and commitments through state owned implementation strategies such as a regional infrastructure plan.

A model similar to the NSW Local Councils Integrated Planning and Reporting Framework (IP&R) is recommended to hold State Government accountable to the same level as local Government. The Integrated Plans comprise of the Community Strategic Plan, Council's Delivery Program and Operational Plan. These are for ten years, four years and one year respectively. The draft Hunter Regional Plan would provide the overarching framework to guide the key aims and aspirations for the Hunter similar to the Community Strategic Plan. To provide a greater level of certainty and ownership an additional plan similar to Councils Delivery and Operational Plan is recommended to identify the individual projects and actions that will be undertaken, by who and funding allocated. A proposed reporting framework is outlined in further detail in **(Attachment 1)**.

**Goal 1 – Grow Australia's Next Major City**

Council supports the draft plans recognition that growth and change will occur differently across the region and identifies four distinct landscape regions to respond to the local landscape and provide a focus to address opportunities and challenges. On this basis, Council questions the boundary of Hunter City including Raymond Terrace, the airport and Medowie. Raymond Terrace is a strategic centre for LGA and surrounding population in the landscape areas. Connections are required within the more rural regions of the LGA not within the urban city area. Medowie is predominantly rural residential and largely within a water catchment. It does not have the same urban characteristics of Hunter City.

**Goal 2 – Grow the Largest Regional Economy in Australia**

The draft plan seeks to strengthen the regions economic resilience, protect its well established economic and employment bases and build on its existing strengths to foster greater market and industry diversification. Despite this, there is a heavy

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emphasis on the regions energy and mineral resources which is considered short sighted. Further direction is required on the diversification of the economy including agriculture, tourism and the need to transition to a smart economy.

It is noted that the Lower Hunter Regional Strategy was being developed alongside the new *State Infrastructure Strategy*, the *Hunter Infrastructure Plan* and the *Long Term Transport Master Plan* which was strongly supported.

A clear strategy for infrastructure, planning prioritisation and funding is required in conjunction with a finalised regional Plan. This is vital to support economic growth within the region. The draft Plan should provide commitments to deliver necessary infrastructure including roads, public transport, water, sewerage, electricity, telecommunications and state services such as education and health facilities. Major infrastructure projects need to be investigated, prioritised, costed and timeframes given to provide certainty for investors and the community and encourage additional development and investment in the area. This requires a coordinated response from all government agencies to ensure the efficient and timely provision of services.

**Goal 3 – Protect and Connect Natural Resources**

Council acknowledges and supports the draft Plan's aim to 'protect and enhance the Hunters natural environment including a connected network of habitats to enhance the liveability of the region. Environmental issues cross LGA boundaries. As such council supports a regional approach to environmental management to establish conservation priorities in order to reduce uncertainty and to provide an optimal balance between development and biodiversity.

A component of conservation measures is the inclusion of a High Environmental Values (HEV) map. The data used is intended to provide a regional level overview for the purposes of strategic planning. Despite HEV land having protection under existing legislation, regulation, policy or intergovernmental agreement, the draft Plan includes an action to 'create the right regulatory environment and implementing appropriate protection measures to conserve validated high environmental values including through the application of planning controls'. Further information is required on how to apply the maps through subsequent planning.

The Plan acknowledges that due to the rarity of the Hunter's biological and ecological diversity, securing like-for-like offsets can prove challenging. Accordingly, Council supports more robust planning processes that can streamline the biodiversity assessment and offsetting processes to support growth in the rural and resource areas while sustaining environmental values.

Climate change, coastal management and natural hazards are also key issues which require further consideration in the draft plans given the range of affected stakeholders and financial implications. In light of recent storm events, this also needs to be considered in line with emergency services.



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It is noted that the draft Plans emphasise the importance of managing development within drinking water catchments including action 7.2.1 'identify opportunities for sustainable development outcomes at Medowie that do not affect water quality'. Council is committed to managing development within drinking water catchments in partnership with Hunter Water. This includes the adoption of water quality measures within the Development Control Plan, including the requirements to undertake *Small Scale Stormwater Water Quality Model (SSSQM)* or water quality modelling, such as *MUSIC Modelling*.

Furthermore, Council is currently undertaking a revised Medowie Strategy which is currently on public exhibition. The strategy acknowledges the very high importance in Medowie because large areas are located within the Grahamstown Dam Drinking Water Catchment and provides water management principles including:

- Water quality is improved or maintained in the Grahamstown Dam Drinking Water Catchment;
- Council and Hunter Water Corporation will work collaboratively to identify a catchment-wide solution to stormwater drainage and water quality;
- Filling of flood prone land is avoided;
- Stormwater detention is provided on a sub-catchment basis; and
- Development will not be placed within floodways and high hazard flow paths.

**Goal 4 – Support robust regional communities**

The draft Plan aims to focus housing and service growth towards Hunter City and the regions existing towns and villages. It is noted that the plan outlines that the Hunter already has sufficient supply of land available in established and new release areas to meet anticipated demand. As previously outlined, no studies are provided to support this. This includes no indication of market preferences with respect to the type and location of housing Hunter residents will require over their lifetime, along with market entry price points. It is recommended that appropriate housing studies be undertaken and made available for review.

The intention to reinforce existing urban areas and centres is strongly supported. The development of medium density housing is encouraged within and surrounding centres where services and transport are more available. However new growth areas responsive to local needs should also be accommodated to provide greater housing choice and affordability commensurate with local area jobs growth.

To ensure robust regional communities the PSPS has also identified a need to:

- develop a broader base of employment, including higher order services;
- develop employment skills in the workforce;
- reduce unemployment rates; and
- create sufficient employment opportunities in the LGA for a growing population generated by new town developments.

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To facilitate this it is recommended the draft Plan reflects these objectives and provides specific direction for how these could be achieved.

**The Hunters Landscape Subregions**

While the creation of landscape subregions to acknowledge the different characteristics and needs of areas is supported, there is limited detail and defined actions. Each landscape subregion has specific priorities; however in many instances these priorities are inconsistent within each subregion. For example the Hunter City includes an action to 'apply a risk-based decision making framework to manage coastal land, lakes and estuaries where there is development'. Within the northeast coast the action is to 'protect the water quality, estuarine lakes, coastal environments and natural assets that characterise the region'. Similarly the Hunter City has an action to 'develop strategies to deliver the housing needs of the hinterland community', no similar action is included within the North East Coast landscape region.

All communities within the region have specific housing needs and it is unclear why all areas don't have similar actions. It is recommended that all priorities within and between regional landscapes be reviewed to ensure consistency with studies and plans being carried out and ensure areas are not disadvantaged.

Greater detail on recommended approaches to landscape subregions is provided in **(Attachment 2)**.

**3) Draft Plan for Growing Hunter City**

Council acknowledges Hunter Cities' importance to the Hunter region and the State. While Council welcomes strategic linkages to key centres, there is concern that the plan is too city centric and too greater emphasis is given to Newcastle City Centre for development and growth. As previously stated, it is considered Raymond Terrace and Medowie are inconsistent with this character.

**Managing Growth and Change in Hunter City**

Direction 1.1 identifies nine strategic centres and two global transport gateways and suggests these places are the key to accommodating future growth. It is considered that RAAF Base, DAREZ and Tomago/ Heatherbrae should be included within this.

The RAAF makes a considerable contribution to the region as well as the states economy currently employing 3500 people directly and undertaking significant capital works projects including a plan to house most of the planned F-35 Joint Strike Fighter Lightning aircraft. This alone is expected to contribute an additional \$500 million investment into the region with associated job increases as well as wider multiplier effects in regional employment and income.

A significant increase in workers is expected in the Defence Airport Related Economic Zone (DAREZ) encompassing Newcastle airport and the RAAF Base at Williamtown

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**ITEM 3 - ATTACHMENT 1 SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.**

over the next 30 years. Notwithstanding this, locating close to airports is becoming increasingly attractive to a wider range of economic activities due to the:

- rapid growth in air transit;
- current and future level of investment in airport infrastructure;
- accessibility to major cities and regional centres;
- accessibility of location for visiting customers and employees coming by air; and
- high passing trade from passengers.

As a result, Council is receiving increasing pressure from investors and developers wanting to take advantage of these benefits and develop near and around Newcastle airport. The regional significance of this area as a major economic and transport hub needs to be recognised and supported in the Plan.

Tomago is already home to a conglomerate of local and global operations that service the regions local mining industries and export goods and services to the world based on its proximity to the Port of Newcastle. Tomago was declared a state significant site in June 2007 for further development of 351 hectares of industrial land. Progress is being made with the 240 ha Northbank Enterprise Hub neighbouring the recently completed WesTrac headquarters. Therefore, its recognition as a strategic centre is justified.

It is noted that development should be located to protect future transport corridors however as previously outlined without a clear transport plan it is unclear where these areas are.

Action 1.1.2 identifies that new land release areas for housing development may be required to maintain a sufficient supply of housing in the long term. These sites will be subject to an assessment against a set of strategic criteria. It is unclear when this criteria will be developed.

The Plan acknowledges the growing demand for smaller dwellings and identifies the need for councils to prepare a housing strategy which may form part of the councils community strategic plan. The NSW Government will prepare an integrated housing strategy for Hunter City that addresses smaller dwellings, supply of affordable housing and housing to meet special needs. Appropriate housing, in particular affordable housing and housing for the ageing community is an important issue for the entire Hunter region and state. The strategy should be state wide and consider legislation, incentives, zonings etc.

The Draft Plan identifies priorities for infrastructure planning in the inner west and Maitland New England corridor. It is considered that Raymond Terrace, Kings Hill and Medowie are also key areas of growth. It is noted that the Government will work with infrastructure providers and councils to review a special infrastructure contributions for the inner west and Maitland New England highway corridor districts. It is unclear why this is limited to these areas.

**ITEM 3 - ATTACHMENT 1 SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.****Northern Gateways District**

The draft Plan states that rural living is a popular lifestyle choice in the Hunter. It states that the region has a sufficient supply of land for rural living and any additional areas will have to sustain the region's agricultural and environmental values and minimise the costs of providing services.

Rural Residential Development

Port Stephens Council is facing increasing pressure in relation to development and rezoning of rural lands for residential purposes. While existing studies and strategies have been carried out on existing rural lands, Council does not have a specific strategy that deals with the social, economic and environmental challenges faced by rural residential land planning and management.

Council is currently preparing a rural residential strategy. The Port Stephens Rural Residential Strategy aims are:

- To develop a strategy to identify opportunities relating to new rural residential development on rural zoned land.
- To provide Council and the community with further clarity around the future use and development of rural lands.
- To provide a framework for which Council can assess the appropriateness of future rural residential development proposals.
- To ensure future development protects the environmental and cultural values of the area.
- To ensure that existing prime agricultural land is preserved and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses.
- To ensure that rural residential development does not hinder the strategic development of urban settlements in the future.
- To ensure new developments can have access to an appropriate level of community services in a cost effective manner.

In order to achieve the stated aims, Council has defined a range of locational criteria to determine:

- the appropriate location of potential rural residential having regard for relevant constraints and planning controls (termed exclusionary criteria); and
- the appropriate environmental, social and economic considerations when assessing this land use (termed management criteria).

This approach has not been widely (if at all) used for a broad based land use strategy for rural residential development within the region or state. Council is pursuing this approach as it enables:

- Clear identification of constraints and appropriate locations for potential rural residential development;



**ITEM 3 - ATTACHMENT 1 SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.**

- Clear indication of the future growth and staging of this development type across the LGA;
- Clear guidance, through the spatial expression of the exclusionary criteria to the LGA, for Council and landholders; and
- Clear assessment criteria for planning proposals and/or land use investigations by Council in relation to rural residential development.

The Department of Planning and Environment have requested the criteria be reviewed to take greater consideration of environmental constraints and cost of providing infrastructure with a view of identifying one or two key locations in the LGA where rural residential development would be appropriate. This is consistent with the objectives of the draft Regional Plan which identifies a sufficient supply of land for rural living and any additional areas will have to sustain the region's agricultural and environmental values and minimise the costs of providing services.

The locational criteria approach could also be easily transferred to other LGAs and/or areas, which provides a further basis for consistency at a regional and/or state level planning for this type of land use. It is noted that an action is included to provide further guidance on rural residential subdivision and recommends that this existing strategy be used as a benchmark for further analysis.

Council supports the development of a Draft Hunter Regional Plan and looks forward to working with the Department in further developing the Plan before its finalisation.

Please contact Renee Read, Principal Strategic Planner on 4980 0163 if you would like to discuss any of the above points further. Council looks forward to your feedback on this submission.

Yours sincerely,

**Mike McIntosh**  
**Group Manager Development Services**

31 March 2016

Telephone enquiries  
(02) 4980 0319  
Please quote file no: PSC2006-0553

**ITEM 3 - ATTACHMENT 1 SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.****ATTACHMENT 1 - PORT STEPHENS PROPOSED FRAMEWORK AND GOVERNANCE MODEL****1) Importance of an effective Governance Model**

Local governments, Hunter communities and businesses seeking to invest in the Hunter require greater certainty on the following matters to have confidence in the State:

- the sustainable growth of the Hunter;
- delivering the infrastructure and services required to cater for projected population growth and promote economic growth;
- regularly listening, monitoring and reporting on the projected and existing needs, and aspirations of Hunter communities;
- an implementation program that;
  - is updated and reported on annually; and
  - outlines all State planning and infrastructure commitments and actions;
- an infrastructure program that;
  - outlines infrastructure needs for the life of the regional plan;
  - outlines State infrastructure and emergency planning commitments, extending out 4-7 years; and
  - outlines annual reporting and benchmarking on infrastructure demands and delivery.

Pivotal to the State's commitment to the items raised above and reducing the uncertainty currently in place is a sustained commitment to an integrated and sustained governance model that:

- informs and empowers local governments and delivery agencies to focus and prioritise State investment where required.
- is regularly informed by transparent monitoring, reporting and evaluation, including annual State of the Region reporting on:
  - housing land supply, employment land supply, catchment management etc.;
- places organisations at the decision table that represent local communities and manage and deliver land use and infrastructure resources;
- includes effective representation from both State and Local government; and
- Enables opportunities unforeseen by the strategy to be capitalised on.

**2) Council Recommended Governance Model**Purpose and Scope

The implementation, monitoring and review of the Hunter Regional Plan relies on the wide range of organisations, skills, tools and strategies available within the region. Therefore, a commitment to a governance model that establishes and maintains collaborative arrangements to deliver outcomes and monitor delivery should be a centre piece of the Plan. This includes involving all levels of government Agencies in its delivery, monitoring and review. This scope however is depended on a plan that has clear direction and deliverables.

They also need to be capable of:

- annually reporting on its delivery;
- advising on infrastructure priorities and timing; and
- informing a four yearly review of the Plan to align with Council integrated reporting framework.

- provide the oversight and direction required to ensure the delivery the Hunter Regional Plan and other State and local government commitments within the region (this includes determining and prioritising objectives and actions);
- ensure emerging opportunities and challenges as well as new evidence collated through the delivery and monitoring phases of the program inform subsequent decision making;
- inform and enact current and future implementation tools and strategies (including a regional infrastructure plan, a regional conservation plan as well as local land use and infrastructure plans) to detail directions and commitments to be enacted over the subsequent 12-24 months to progress the delivery of the regional plan; and
- Reduce the complexity of implementation through reduction or removal of SEPP's with greater delegations back to Councils through planning consistency with the strategy.

**Figure 1. Governance – Connecting, Aligning and Empowering each component**



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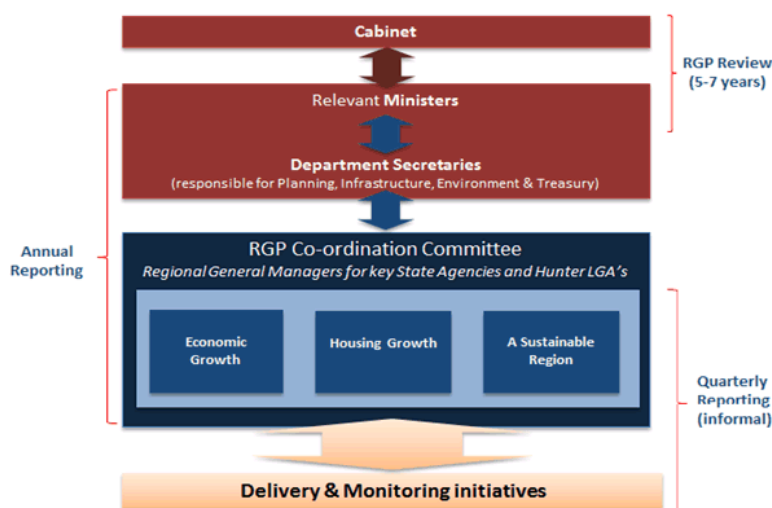
Membership

Committee membership should focus on combined State and local government representation, with the committee empowered to enhance decision making within the Hunter through shared knowledge and advocacy, allowing their respective organisations to make more informed and effective decisions.

The role of committee members would be to review and recommend plans, projects and actions to advance the regional plan through their respective organisational executive as appropriate.

It is recommended that State agency membership focus on agencies directly involved in the delivery and shaping of planning decisions within the region, reflecting a strong emphasis on progressing the implementation of regional planning within the Hunter.

**Figure 2. Potential Governance Model**



A sustained commitment to a meaningful governance process is required. This cannot be achieved if reliant on a non-statutory regional plan with ambiguous intent and insufficient direction on major issues impacting upon the Hunter. Therefore, it is recommended that the governance process be integrated into the finalised Joint Organisation model and its future recognition in State legislation. This has the additional advantages of utilising the governance process to give greater certainty to how a future Hunter JO will input into future regional planning strategies and decisions and advise the State on the needs and priorities for the region. It would also assist in ensuring all local governments within the Hunter are represented, whether by the JO or as an individual entities.

**ITEM 3 - ATTACHMENT 1 SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.**Operation and Effect

The Hunter Plans provide for multiple means of delivery and for alternate local outcomes to result where consistent with the strategic directions outlined in the Plan. However, to ensure this can occur, the Plan should:

- provide further detail on its role and operation in relation to other plans and strategies;
- accommodate the use of a range of current and future implementation strategies to be the means of further outlining short to medium term priorities and commitments; and
- enable local plans to establish the best way to deliver regional and State policy, having the capacity to take into account local context and circumstance.

As a result, the Hunter Regional Plan would have a very minor role in day to day operation and delivery, with other fit for purpose plans and tools fulfilling these roles. However, their intent and direction will align with and further the Hunter Regional Plan and ancillary strategies.

**ITEM 3 - ATTACHMENT 1 SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.****ATTACHMENT 2 - REGIONAL LANDSCAPES AND HUNTER CITY PRECINCTS**

An outline of the role of key communities and centres within the Port Stephens LGA and specific actions recommended for inclusion in the draft Plan.

**Raymond Terrace**

Raymond Terrace is the LGA's major regional centre. Its growth as a regional centre is attributed to its proximity to growing centres of employment, such as the RAAF Base Williamtown, Newcastle Airport and the industrial concentration of Tomago. Raymond Terrace has a range of regional level facilities, including a concentration of businesses, higher order retailing, employment opportunities and civic and professional services.

**Key Actions:**

- Rail connections to Newcastle
- Identify as a stand alone key regional centre, focussing on the needs of the LGA, rather than identifying it with Hunter City
- Contribution towards Place making initiatives including upgrades to William Street

**Heatherbrae and Tomago**

Tomago is the LGA's largest industrial precinct and is dominated by manufacturing activity, split between heavy and local light uses. Tomago is home to a conglomerate of local and global operations that service the region's local mining industries and export goods and services to the world based on its proximity to the Port of Newcastle. In June 2007, 351 hectares of land at Tomago was declared a state significant site.

Heatherbrae has more diverse industry types than Tomago. Due to its position on a major highway route, it has a mix of uses, from businesses catering for passing traffic to industrial land dominated by construction manufacturing uses. Due to the planned M1 – Pacific Highway bypass and an increase in population in nearby areas, it has been identified as the target area for bulky goods retailing.

**Key Actions:**

- Commitment to providing the M1 Pacific Motorway link road
- Identify Heatherbrae as a centre for bulky goods
- Include in global transport gateway

**Medowie**

Medowie is located in the geographical centre of Port Stephens LGA and has experienced significant growth due to proximity to Raymond Terrace and the RAAF Base Williamtown / Newcastle Airport and recent land release.

Rural residential development in the area is extensive and will continue to be part of its character. Land ownership in some parts of Medowie is also fragmented, presenting



**ITEM 3 - ATTACHMENT 1 SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.**

difficulties to the delivery of residential urban release areas. This presents an opportunity for accommodating some further rural residential development, while maintaining the environment ('a place of tall trees') and semi-rural character of the area.

The expansion of Medowie is limited by a number of factors, including environmentally significant lands, flood prone land, groundwater catchment areas for the Tomago Sandbeds, Grahamstown Dam and its drinking catchment, Department of Defence land (associated with the Salt Ash Air Weapons Range) and the RAAF Base Williamtown / Newcastle Airport.

Medowie has some unique demographics compared to the wider Port Stephens Local Government Area, such as:

- Has a higher percentage of children (0-14);
- A lower percentage of seniors (55+);
- A higher percentage of detached dwellings;
- A higher average household size;
- Full-time employment and householder incomes are higher in Medowie than the rest of the LGA; and
- The main employment industries are manufacturing and public administration/defence.

Key Actions:

- Not suitable for inclusion in boundaries of Hunter City

**Williamtown**

Newcastle Airport is a key economic driver for the Port Stephens Local Government Area and the Lower Hunter Region. The importance of this driver is recognised in various regional strategies and plans, including the Lower Hunter Regional Strategy which identifies this area as a specialised centre capable of generating 3000 jobs.

Recent developments within this precinct have included the a 2,600m<sup>2</sup> extension of the airport terminal to prepare it for international flights and the recently commenced upgrade works at RAAF Base Williamtown to cater for the introduction of the Joint Strike Fighter. These projects have created a renewed focus on development.

Council has a range of land strategies for this precinct including:

- Newcastle Airport Master Plan (Council is a shareholder of Newcastle Airport);
- Defence and Aircraft Related Employment Zone (DAREZ) lands, which relate to approximately 90ha of land zoned to accommodate commercial land uses to support the Newcastle Airport/RAAF Base Williamtown area. There is an existing master plan and consent for the development of this area, with limited development owing to a range of identified constraints;
- Williamtown Land Use Strategy (draft) is being finalised by council to examine the further release of commercial land to the south of the Airport.

**ITEM 3 - ATTACHMENT 1 SUBMISSION TO DRAFT HUNTER REGIONAL PLAN.**

In order to support the future development of this area, these strategies have identified a range of infrastructure requirements to assist in the development of these areas.

Major infrastructure items identified include:

- 1) Construction of a round-a-bout and connector road that would intersect with Cabbage Tree Road from DAREZ – estimated costs of \$5M plus;
- 2) Various drainage upgrade works with an estimated cost of \$10M including:
- 3) Dawson's Drain: 2.5km. The creation of an additional discharge point at the end of Dawson's Drain to alleviate increased stormwater run-off from development;
- 4) Nelson Bay Table Drain: 1.2km. Analysis suggests that this section is required to be widened to approximately 30 metres wide;
- 5) Middle Drain (Leary's Drain): 800m. Analysis suggests that Leary's Drain be widened to approximately 12 metres;
- 6) 14 Foot Drain: 2.2km. Analysis suggests that a number of minor upgrades will be required in addition to a number of conditioned works that are required through the Maria's Veggie Farm Development Approval; and
- 7) Moor's Drain: Analysis and anecdotal evidence suggests that maintenance works are required to assist with flooding management down stream of RAAF Base Williamtown stormwater management system.

In addition, due to the varying nature of the ownership and controls of the existing drainage lines within this area, Council has identified the potential need for the acquisition of drainage easements to enable future development. The cost to acquire lands for easements is very difficult to determine, however has historically ranged from hundreds of thousands to millions.

Given the regional importance of the future development of the Newcastle Airport and surrounds and the nature and costs of works involved, Council has identified that collaboration with regional and state bodies is critical for the provision of this infrastructure.

**Nelson Bay/ Tomaree Peninsula:**

Nelson Bay is the primary tourist and service centre of the Tomaree Peninsula and of Port Stephens Local Government Area. Nelson Bay contains a considerable amount of retail and commercial floorspace; however the nearby Salamander Centre has become the focus for weekly retail shopping as well as being the location of community facilities such as a library and community centre.

Nelson Bay is the entry point to the Port Stephens waterway for many tourists, and contains the highest concentration of tourist facilities in the area. The town experiences high seasonal variations in tourism.

The Tomaree Peninsula has a substantial residential population. Due to its attractiveness as a retirement destination, a significant proportion of the population is aging, with 40.4% over the age of 55 years.



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A key issue for Nelson Bay and the Tomaree Peninsula is achieving an appropriate balance between permanent residential and tourist accommodation.

Key Actions:

- ageing population – a commitment to providing better facilities and services for an aging population, including medical facilities (population must currently travel to Newcastle for higher order needs) and seniors living/ aged care.

## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

ITEM NO. 4

FILE NO: 16/280599  
RM8 REF NO: PSC2008-9317

### MEDOWIE FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

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

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Medowie Floodplain Risk Management Study and Plan.
  - 2) Endorse the utilisation of mobile pumps to reduce flood water inundation times in Abundance Road properties during flood events.
- 

Councillor John Morello left the meeting at 07:43pm during debate in Committee of the Whole.

Councillor John Morello returned to the meeting at 07:45pm during debate in Committee of the Whole.

Councillor John Nell left the meeting at 07:50pm during debate in Committee of the Whole.

Councillor John Nell returned to the meeting at 07:52pm during debate in Committee of the Whole.

#### ORDINARY COUNCIL MEETING - 22 MARCH 2016 COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Mayor Bruce MacKenzie</b> <b>Councillor Paul Le Mottee</b>  That the recommendation be adopted.
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#### ORDINARY COUNCIL MEETING - 22 MARCH 2016 MOTION

<b>069</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Adopt the Medowie Floodplain Risk Management Study and Plan.</li><li>2) Endorse the utilisation of mobile pumps to reduce flood water inundation times in Abundance Road properties during flood events.</li></ol>
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## **BACKGROUND**

The purpose of this report is to seek Council's adoption of the Medowie Floodplain Risk Management Study and Plan following public exhibition, and recommend the utilisation of mobile pumps during significant storm events to reduce the stormwater inundation of the properties on Abundance Road. The Medowie Floodplain Risk Management Study and Plan is shown as a **(TABLED DOCUMENT 1)**.

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

These five stages are:

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

The Medowie Floodplain Risk Management Study and Plan was created in accordance with the State Government's Floodplain Development Manual 2005 and was prepared by WMA Water consultancy firm.

On 25 August 2015, Council resolved to put the Medowie Floodplain Risk Management Study and Draft Plan on public exhibition. The consultation process included a drop-in session at Medowie Hall, a presentation and Questions and Answer (Q&A) session with the Medowie Progress Association as well as information provided by media release, public notice, web update and social media.

Nine submissions were received, with the majority of comments focussed on drainage works, management and maintenance. The Floodplain Risk Management Study and Draft Plan has been modified to separate out those proposed actions that relate to flooding (and are eligible for State Government funding under their Floodplain Management Grants Program) and those actions that relate to drainage (and will need to be funded through Council's works program, including section 94).

Council and Hunter Water Corporation (HWC) staff are engaged in a combined working group. This working group has been formed for, amongst other things, the development and implementation of joint long term strategy to resolve drainage and water quality issues in Campvale drainage catchment that will enable balanced growth in Medowie.

## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

In addition to the above noted working group, Hunter Water Corporation (HWC) has been involved in the preparation of the flood report through its participation on the Medowie Floodplain Risk Management Committee. HWC have emphasised throughout the process that it has an obligation to protect drinking water quality for its customers under the Australian Drinking Water Guidelines and that the Grahamstown Dam catchment (including the majority of the Medowie urban catchment) is a gazetted Catchment Area ('Special Area') under the *Hunter Water Act 1991* and the *Hunter Water Regulation 2010*. HWC have agreed to work with Council to find solutions that address flooding issues as well as water quality issues.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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 Medowie Floodplain Risk Management Study and Draft Plan 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		

Actions for the implementation of the Medowie Floodplain Risk Management Plan will be prioritised into Council's Delivery Program and Operational Plan.

High priorities include progressing the voluntary purchase of the property in the floodway, installation of the road flood depth indicators, enhancements to Council's Development Control Plan, minor property adjustments to prevent over floor flooding, investigation of the purchase of flood inundated land and improvements to the Campvale Drain and lateral drains.

Hunter Water Corporation is undertaking an options study for the future management of the Campvale flood waters to ensure compliance with the national drinking water guidelines. The options to be considered include diversion of flood flows away from Grahamstown Dam as well as extra treatment processes. Hunter Water expects that its preferred option will be determined by the end of 2016, with the development of

the business case and future incorporation into their IPART-approved price path to follow.

Floodwater inundation on Abundance Road properties has been highlighted in the Medowie Floodplain Risk Management Study and Plan as well as experienced in the last several floods. As there will be some time before the any long term works can commence to mitigate this flood water inundation, it is proposed that Council will utilise mobile pumps on these private properties during flood times. As this mitigation measure was not part of the Medowie Floodplain Risk Management Study and Plan recommendations a separate resolution of Council is provided.

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

*The Local Government Act 1993 (Section 733)* provides Council with a general exemption from liability with respect to flood liable land if the necessary studies and works are carried out in accordance with the State Government's Floodplain Development Manual 2005. The Medowie Floodplain Risk Management Study and Plan provides the framework and recommendation options to manage the full range of floodplain risks through effective measures that address existing, future and continuing risks.

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

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

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

<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 to adopt flood	High	Adopt Recommendations and adopt the Medowie Floodplain Risk Management Study and Plan.	Yes

**MINUTES ORDINARY COUNCIL - 22 MARCH 2016**

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

**SUSTAINABILITY IMPLICATIONS**

The Medowie Floodplain Risk Management Study and Plan aims to systematically reduce the impact of flooding and flood liability on individual owners in Medowie and reduce the private and public losses resulting from floods.

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

The implementation of the Medowie Floodplain Risk Management Study and Plan will also help local State Emergency Service personnel to better plan and respond to floods, and therefore reduce the overall community cost of these natural disasters.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

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

**CONSULTATION**

Nine submissions were received during the public exhibition period. The responses and associated recommendations to the issues raised by the submissions are shown at **(ATTACHMENT 1)**.

## **MINUTES ORDINARY COUNCIL - 22 MARCH 2016**

The implementation of the Medowie Floodplain Risk Management Study and Plan will undergo further consultation as part of the process for approval of Council's Delivery Program and Operational Plan.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Submissions received during the public exhibition period.

### **COUNCILLORS ROOM**

- 1) The Medowie Floodplain Risk Management Study and Plan.

### **TABLED DOCUMENTS**

- 1) The Medowie Floodplain Risk Management Study and Plan.

ITEM 4 - ATTACHMENT 1 SUBMISSIONS RECEIVED DURING THE PUBLIC EXHIBITION PERIOD.

ATTACHMENT 1

SCHEDULE OF SUBMISSIONS WITH ASSOCIATED RECOMMENDATIONS

The following table provides details of the submissions received as a result of the Medowie Floodplain Risk Management Study and Draft Plan that was created in accordance with the State Government's Floodplain Development Manual 2005 and was prepared by WMA Water consultancy firm.

ISSUE	RAISED BY	RESPONSE
<b>Flood modification works</b> <ul style="list-style-type: none"> <li>Why can't water that causes excessive inundation be cost effectively directed away from affected properties and away from the Pumping Station? ie channelling flood water under Richardson Road? Suggest the drain be extended out under Richardson Road, this could be controlled by a flood gate. This should be assessed and budgeted as a parallel project as determining the best way to maintain water quality.</li> </ul>	Submission 5 Submission 7	<p>A primary focus of the study is peak flood levels and not necessarily the duration of flooding in the CDIA. The issue raised here pertains to the duration of ponding. The study did look at how the Campvale Drain might best be amended to improve the flow of runoff to the pumping station. In conjunction with this work, options were coarsely examined to drain water under Richardson Road. An initial assessment identified the following issues:</p> <ul style="list-style-type: none"> <li>Levels are an issue as is the cost of establishing a drainage channel.</li> <li>Land ownership and easement approvals.</li> <li>Little grade to drive the movement of floodwaters from the CDIA to downstream of Richardson Road.</li> <li>The impact the transferred flood water would have in the region downstream of Richardson Road.</li> </ul>
<b>Property modification measures</b> <ul style="list-style-type: none"> <li>Nil submissions</li> </ul>		
<b>Planning controls</b> <ul style="list-style-type: none"> <li>More subdivision and building produces more surface run-off, therefore document does need to be reviewed in the future.</li> </ul>	Submission 4	<p>An issue considered was the impact of upstream urbanisation leading to the loss of catchment storage and hence higher downstream flows and exacerbated flood levels. Overall it was found that due to the flood characteristic of the study area it was of greater benefit for upstream development to contribute to better CDIA drainage, than to implement per-property On-Site Detention works. In the Moffats Swamp catchment on the other hand, additional flow into this area was not considered an issue given the high level of adjoining property.</p>



ITEM 4 - ATTACHMENT 1 SUBMISSIONS RECEIVED DURING THE PUBLIC EXHIBITION PERIOD.

ISSUE	RAISED BY	RESPONSE
<ul style="list-style-type: none"> <li>Concerns about pollution to Campvale Drain by new developments installing septic tanks.</li> </ul>	Submission 4	<i>This study covers flooding and some aspects of drainage in the CDIA. It does not necessarily cover Water Quality issues such as those raised in the submission here.</i>
<ul style="list-style-type: none"> <li>The effect of volume increases as a result of development and the limited benefit of OSD especially with respect to controlling volumes of runoff should be strengthened. This may be an important recommendation with respect to methods of funding works to improve drainage in the CDIA. The Section 117(2) directions of the EP&amp;A Act section 4.3 6(b) indicates that a planning proposal must not contain provisions that apply to the flood planning area that permit development that will result in significant flood impacts to other properties. This clause is usually applied with respect to increases in flood levels or hazard however increases in flooding duration may also be considered to be a significant impact given the degree of public concern in the Medowie area.</li> </ul>	Submission 2	<p><i>The submission raises an excellent point however WMAwater's work on the study indicates that OSD would not be of benefit to the duration issue. This relates to the fact that OSD will tend to discharge over a period of 24 hours whereas the duration issue in the CDIA relates to several days if not weeks. Furthermore, the volume issue in the CDIA arguably relates to drainage and not flooding (where flooding is distinguished from drainage by the peak level reached).</i></p> <p><i>We would argue that additional development would not actually cause a significant flood impact on other property due to the relatively large overbank capacity of channels in the catchment.</i></p> <p><i>Our work identified that the best contribution new development could make to improving the CDIA duration issue was contributing to Campvale Drain improvements so as to increase the flow of runoff to the pumping station for relatively low levels of stage in the CDIA (6.5 mAHD and below).</i></p>
<p><b>Emergency warning and response actions</b></p> <ul style="list-style-type: none"> <li>Nil submissions</li> </ul>		
<p><b>Drainage works, management and maintenance</b></p>		
<ul style="list-style-type: none"> <li>Water quality impacts due to proposed removal of 'pinch' in Campvale Canal. Such an action would increase the quantity of potentially contaminated floodwaters pumped into Grahamstown Dam.</li> </ul>	Submission 8	<i>Removal of the pinch has the purpose of increasing flow to the pump station and hence this submission is accurate. The report suggests that HWC are best advised to do the work required (data collection, modelling, etc.) to establish what the water quality impact of increased pumping volume and reduced detention time will be.</i>
<ul style="list-style-type: none"> <li>Public health problem in allowing long-term ponding in CDIA.</li> </ul>	Submission 6	<i>The study focused on long term ponding in the CDIA assuming that it was not desirable from an amenity point of view. It is conceded that there are other issues associated with ponding and public health may be one of these.</i>

ITEM 4 - ATTACHMENT 1 SUBMISSIONS RECEIVED DURING THE PUBLIC EXHIBITION PERIOD.

ISSUE	RAISED BY	RESPONSE
<ul style="list-style-type: none"> <li>Investigate water storage options for the irrigation of local sports facilities</li> </ul>	Submission 1	<p>The study has examined storage options. An issue is the volume of storage required to have a positive impact on reducing flood affectation. It is difficult to achieve enough storage to have a significant impact on flooding.</p> <p>The study did not however examine how much water might be stored to be of benefit to irrigation demand for local sports facilities.</p> <p>Typical issues with such solutions to flooding are:</p> <ul style="list-style-type: none"> <li>Storing enough water to be of benefit – i.e. reducing flooding;</li> <li>Storing enough water in order to be able to supply water for irrigation purposes;</li> <li>Achieving a cost/benefit ratio from the built structure and land used for the storage facility. The cost includes the cost of building the storage, and the land required. The benefit is the combination of the reduction in flood damages plus the water not taken from reticulated supply.</li> </ul>
<ul style="list-style-type: none"> <li>Maintenance and clearing of the drain seems to be too thorough with little thought for the ecology. A more regular and considered maintenance program would be beneficial to all - Sustainable Management of Open Drainage Systems (Relevant to Medowie and Williamstown Flood strategies) Council's current program for maintaining open drainage systems is not sustainable and exacerbates the problem of drains that increase turbidity and water contamination. The methodology of herbicide spraying of the sides and drain proper gives an appearance that the drain system is clear but this approach cultivates and promotes woody weed growth and provides little if any mechanism to adsorb nitrogen content and assist in the breaking down of pathogens before they make to drinking water storage or river systems. Mechanical digging of the drains exacerbates bank collapse and silting leading to creasing risk of culvert and pipe system blocking up and transfer of weed seed into difficult locations to clean out plus increasing water turbidity.</li> </ul>	Submission 4 Submission 10	<p>This submission raises important points regarding water quality and the ecology of the open drains. The Report does not go into these details, but rather models the implementation of works and its effect on flood levels. If the option is selected to be undertaken further detailed design and environmental assessment would be required prior to works.</p>

ITEM 4 - ATTACHMENT 1 SUBMISSIONS RECEIVED DURING THE PUBLIC EXHIBITION PERIOD.

ISSUE	RAISED BY	RESPONSE
<ul style="list-style-type: none"> <li>Issues of access and easements should be discussed individually with owners for best practice outcome. Formulation of Maintenance Programs</li> </ul>	Submission 9	<i>Interpret this as one on one consultation being sought. Agree that a maintenance program is required to maintain drain a capacity throughout the study area.</i>
<ul style="list-style-type: none"> <li>Urge Council to implement options A2 and G (clearing of the Campvale Drain and lateral feeder drains) at the earliest possible timeframe - before next period of heavy rainfall - widen and deepened with removal of pinch point - Clean highly vegetated and silted channels - Open up silted Lateral Drains - Council investing necessary funds so flood water can exist in the Campvale Drain without backing up What is Council going to do to expedite the flow of flood water in Campvale Drain to reduce upstream flooding?</li> </ul>	Submission 3 Submission 5 Submission 6 Submission 7 Submission 9	<i>Take this as an endorsement of the current flood plan which does seek to action these very items.</i>
<ul style="list-style-type: none"> <li>Ponding is clearly an important issue to the community but does not fit the OEH floodplain management criteria for funding purposes so it is important that it be considered in light of how works required might be funded. Detailed assessment of costs verses improvement in ponding duration for various options are likely to be required before Council can make a considered determination on what works to do.</li> </ul>	Submission 2	<i>Certainly the study has produced indications of how ponding issue might be addressed but further analysis will be required in order for detailed works to planned and enacted.</i>
<b>General Comments</b>		
<ul style="list-style-type: none"> <li>Important to separate options which relate to floodplain management in accordance with NSW manual/OEH criteria from wider issue of ponding duration/ drainage issues within the CDIA. This will allow the document to be finalised before ponding issues are fully resolved as these should be proposed for further detailed investigations in line with the Medowie strategy and other planning documents.</li> </ul>	Submission 2	<i>Agree that such separation makes sense for this document which does primarily relate to flooding as per the NSW Floodplain Risk Management Program</i>
<ul style="list-style-type: none"> <li>The Study report is confusing to read. The same issues are covered in multiple sections and there is no up-front summary of conclusions or recommendations; nor is there a section that highlights new information that has resulted from the latest investigation when compared to the 2011 Flood Study.</li> </ul>	Submission 5	<i>A variety of issues are covered and it is agreed that the report is complex. In regard to a summary of conclusions we direct the reader to the Plan. This is a summary of actions based on the work of the Flood Study and Floodplain Risk Management Study.</i>
<ul style="list-style-type: none"> <li>Observation of Hunter Water top-up of Grahamstown Dam from sand-beds which thereby reduces the 'ponding' in the CDIA needs to be explored.</li> </ul>	Submission 4	<i>The report has not covered the issue of groundwater and how groundwater levels relate to the ability of the CDIA to absorb water and hence reduce the occurrence of ponding events.</i>

ITEM 4 - ATTACHMENT 1 SUBMISSIONS RECEIVED DURING THE PUBLIC EXHIBITION PERIOD.

ISSUE	RAISED BY	RESPONSE
<ul style="list-style-type: none"> <li>In extreme events 'holding ponds' do overflow rendering them useless.</li> </ul>	Submission 4	<i>It is agreed that an issue with holding basins (smaller storage structures) is that during extreme events their volume can often be overwhelmed by the volume of runoff. A further issue is that floods often happen during periods of wet and such basins can then be full when the event begins, thus negating any potential for positive impact on reducing flood affectation.</i>
<ul style="list-style-type: none"> <li>Peak flood levels and Inundation were both identified in the October 2011 Flood Study. Latest study does not consistently give equal weight to both of these issues.</li> </ul>	Submission 5	<i>This latest study the Floodplain Risk Management Study and Plan takes the levels and inundation extents generated by the flood study and uses these to determine flood damages, flood risks and other derivative products. The work of the flood study is then central to the work documented herein. It is true however that often in the process of the study, drainage in the CDIA, being an issue of enormous interest to various community members, has been an issue focused on.</i>

## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

ITEM NO. 5

FILE NO: 16/285443  
RM8 REF NO: 16/262841

### FORMATION OF FLOODPLAIN ADVISORY PANEL

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

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Floodplain Advisory Panel Terms of Reference as at **(ATTACHMENT 1)**.
- 2) Nominate two Councillors for the Core Floodplain Advisory Panel.

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Councillor Peter Kafer returned to the meeting at 08:04pm.

#### ORDINARY COUNCIL MEETING - 22 MARCH 2016 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p><b>Mayor Bruce MacKenzie</b> <b>Councillor Ken Jordan</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Adopt the Floodplain Advisory Panel Terms of Reference as at <b>(ATTACHMENT 1)</b>.</li><li>2) Mayor Bruce MacKenzie and Councillor Paul Le Mottee be nominated as Council's delegates on the Core Floodplain Advisory Panel.</li></ol>
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#### ORDINARY COUNCIL MEETING - 22 MARCH 2016 MOTION

<b>070</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Adopt the Floodplain Advisory Panel Terms of Reference as at <b>(ATTACHMENT 1)</b>.</li><li>2) Mayor Bruce MacKenzie and Councillor Paul Le Mottee be nominated as Council's delegates on the Core Floodplain Advisory Panel.</li></ol>
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## **BACKGROUND**

The purpose of this report is to recommend the formation of a Floodplain Advisory Panel. The proposed Floodplain Advisory Panel will streamline existing floodplain advisory committees and hence reduce time staff spend on this process.

The proposed Floodplain Advisory Panel will advise all flood/floodplain management studies/plans undertaken in the Port Stephens Local Government Area (PSC LGA). This Floodplain Advisory Panel will replace the existing arrangements where each flood/floodplain management study/plan has its own separate committee with differing members.

To ensure that local representation is present, the Floodplain Advisory Panel will still be accompanied by Local Floodplain Advisory Representatives who have a particular interest in specific catchments being investigated.

The establishment of a Floodplain Advisory Panel satisfies the first formal step in the Floodplain Risk Management Process as outlined by the NSW Floodplain Development Manual (2005). This is also a requirement of the funding agreement set by the funding agency for flood studies. The funding agency is the Office of Environment and Heritage. The formation of the Floodplain Advisory Panel will improve the efficiency of the current Floodplain Management Committees and encourage a consistent approach to floodplain management.

Streamlining the formation of the Floodplain Advisory Panel will:

- Ensure consistency with the State Government's Floodplain Development Manual (2005).
- Reduce the administration time associated with forming and managing several unrelated committees and advisory groups.
- Enable committee members to be familiar and focused on the possible outcomes of the floodplain management process.
- Encourage consistency of floodplain management across the LGA.

## **Role of the Committee**

The committee has an advisory role and the main objective is to assist Council in the development and implementation of a flood studies and floodplain management plan. The membership of the panel is to provide a balanced representation of stakeholders such as agencies, groups and individuals affected by or coordinating floodplain risk management.

## **Structure**

The Floodplain Advisory Panel will consist of the Core Members and Local Representatives. The Core Members will provide an advisory role for all flood studies and floodplain risk management plans. The Local Representatives are additional members who have specific knowledge of the catchments under investigation.

### **Core Members of the Floodplain Advisory Panel**

It is proposed the Core Members would be formed once the Terms of Reference have been adopted. Expressions of interest will be advertised for the nomination of community members with selection criteria as detailed in the Terms of Reference. The Core Members will be re-formed within the first year of a new elected Council.

Local Representatives will be selected at the commencement of the floodplain risk management process for each catchment. Local Representatives will be selected following the advertisement of expressions of interest. It is intended that Local Representatives will be consistent throughout all stages of the floodplain risk management process (i.e. flood study and floodplain risk management study and plan) for the catchment they have nominated to represent

### **Frequency**

Floodplain Advisory Panel will meet twice a year with additional meetings called when required.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Formalising the Floodplain Advisory Panel will result in more effective use of staff time and resources. Staff will spend less time administering separate committees for each catchment and will streamline the notification and attendance of community members to participate in the floodplain risk management process.

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

The formation of Floodplain Advisory Panel as proposed by this report is consistent with the NSW Floodplain Development Manual (2005) and the Floodplain Management of Australia: Best Practice Principals and Guidelines (2000).

The Panel will be established to provide advice to Council on current and emerging issues relating to floodplain management. The group is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating additional work to be carried out by Council.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Formalising the Floodplain Advisory Panel will support a consistent and sustainable approach to floodplain management within the Local Government Area. The participation of community members and the involvement of various stakeholders ensure the development of floodplain management plans is reflective of community needs, provides for sustainable management of floodplains and assists State Emergency Services personnel to better plan responses to floods, and therefore reduce the overall community cost to these natural disasters

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

There are no anticipated implications with the recommendations.

## **CONSULTATION**

Expressions of interest for community members and catchment specific representatives will be advertised in the local paper. Formalisation of the opportunity to participate in the Floodplain Advisory Panel will ensure awareness of the opportunities by the current community.

Public consultation with the wider community will also be undertaken throughout the duration of the floodplain risk management process for each catchment including continuing public exhibition at each stage of the floodplain risk management process. All Councillors will be notified and have the opportunity to attend any of the Floodplain Advisory Panel meetings.

The State Government's Office of Environment and Heritage has been consulted about the formalisation of the Floodplain Advisory Panels.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Formation of Floodplain Advisory Panel - Terms of Reference

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.



**ITEM 5 - ATTACHMENT 1  
TERMS OF REFERENCE****FORMATION OF FLOODPLAIN ADVISORY PANEL -****TERMS OF REFERENCE – FLOODPLAIN ADVISORY PANEL****Purpose**

The Floodplain Advisory Panel (the Panel) has been established to provide advice on the development and implementation of Floodplain Risk Management Studies and Plans throughout Port Stephens Council.

**Objectives**

The objectives of the Panel include, but are not limited to:

- Provide a link between Council and the local Community for flooding issues
- Assist in the collection of necessary information
- Identify objectives and strategies related to the improvement of the management of the floodplain
- Provide input into known flood behaviour as part of the flood study process
- Co-ordinate with water management boards, emergency management boards and other advisory bodies.
- Provide a forum for discussion of issues (technical, social, environmental and cultural) relevant to the development and implementation of Flood Studies and Floodplain Risk Management Studies and Plans.
- Ensure that Floodplain Risk Management Studies and Plans are undertaken in accordance with the State Government's Floodplain Development Manual.

**Terms of Reference**

The Panel provides advice as requested by Council to assist the Floodplain Risk Management Process. The Panel has an advisory role and will not have a formal role in decision making, policy direction or delegating additional work to be carried out by Council as part of the Floodplain Risk Management Process.

**Structure**

The Floodplain Advisory Panel will consist of the Core Members and Local Representatives. The Core Members will provide an advisory role for all flood studies and floodplain risk management studies (and plans) conducted across PSC LGA. The Local Representatives are additional members who have specific knowledge of the subject catchment.

Figure 1 depicts the proposed composition of the Floodplain Advisory Panel.

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

**FORMATION OF FLOODPLAIN ADVISORY PANEL -**

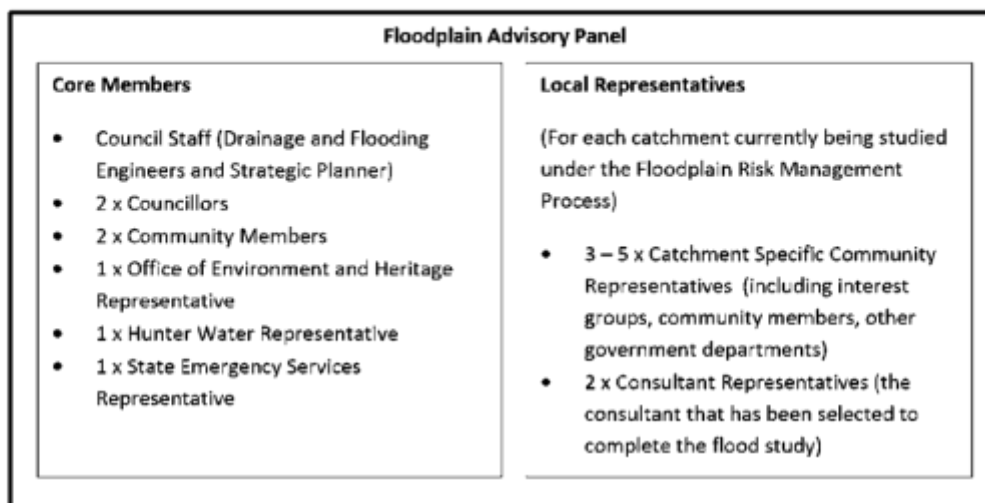


Figure 1 - Composition of the Floodplain Advisory Panel

The number of Catchment Specific Community Representatives will be determined on an 'as needs' basis by Council Staff at the commencement of each floodplain management study.

**Administration**

Council staff will administer the panel. Minutes will be taken of each meeting.

Council staff (i.e. Assets Section Manager or their delegate) will chair the meetings.

**Formation of the Panels**

The Core Floodplain Advisory Panel will be formed once the terms of reference have been adopted. Expressions of interest will be advertised in the local newspaper for the nomination of Community Members. Advisory bodies included in the Core Floodplain Advisory Panel will nominate their respective representatives.

Local Representatives will be determined at the commencement of the floodplain risk management process for each catchment. Catchment Specific Community Representatives will be selected following the advertisement of expressions of interest in the local newspaper. It is intended that Catchment Specific Community Representatives will be consistent throughout all stages of the floodplain risk management process (i.e. flood study and floodplain risk management study and plan) for the catchment they have nominated to represent.

For catchments in which the floodplain risk management process has begun, Local Representatives will be selected at the commencement of the next stage of the floodplain risk management process.

Following determination of the Local Representatives, the Floodplain Advisory Panel for the relating catchment will be formed.

**Terms**

**ITEM 5 - ATTACHMENT 1  
TERMS OF REFERENCE****FORMATION OF FLOODPLAIN ADVISORY PANEL -**

The Core Floodplain Advisory Panel will be reformed every four years (in line with Council general elections).

**Selection of Panel Members**

Selection of community representatives will be based on the following:

- A broad interest and knowledge of floodplain management issues across the LGA (for Core Panel members);
- A specific interest and knowledge of floodplain management of the subject catchment (for Catchment Specific Community Representatives);
- Demonstrated ability to represent broad community interests; and
- Demonstrated commitment /availability to attend meetings.

Community Members of the Core Panel and the Catchment Specific Community Representatives will be determined following review of the received nominations. The Assets Section Manager (or their delegate) will review the submissions and recommend the most appropriate Panel members to the General Manager.

**Frequency**

Floodplain Advisory Panels will meet twice a year. Additional meetings may be called to discuss catchment specific issues in which the Core Floodplain Advisory Panel and the relevant Local Floodplain Advisory Representatives will attend.

**Technical Sub-Panel**

A Technical Sub-Panel will be established in parallel with the Floodplain Advisory Panel for each studies catchment. The purpose of the Technical Sub-Panel is to provide technical assistance to enable the panel to fulfil its advisory role to council efficiently, confident that studies and option assessments are technically adequate and the options proposed are practical and feasible. Members of the Technical Sub-Panel include Council Staff, an OEH Representative and Consultant Representatives.

The Technical Sub-Panel will meet independent of the Floodplain Advisory Panel to discuss technical aspects of the studies.

**Responsibilities**

Reports to the Group Manager of Facilities and Services

**Conflicts of Interest**

Panel members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted

**MINUTES ORDINARY COUNCIL - 22 MARCH 2016****ITEM NO. 6****FILE NO: 16/282727  
RM8 REF NO: PSC2015-03141****PORT STEPHENS COUNCIL INTEGRATED PLANS 2013-2023 AND RESOURCE STRATEGY 2013-2026****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Integrated Plans 2013-2023 and the draft Resource Strategy 2013-2026 for public exhibition, as outlined in this report.
  - 2) Place the draft Integrated Plans 2013-2023 and the draft Resource Strategy 2013-2026 on public exhibition from 1 to 30 April 2016 and invite submissions.
- 

**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Paul Le Mottee Councillor Steve Tucker</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
MOTION**

<b>071</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  It was resolved that Council: <ol style="list-style-type: none"><li>1) Endorse the draft Integrated Plans 2013-2023 and the draft Resource Strategy 2013-2026 for public exhibition, as outlined in this report.</li><li>2) Place the draft Integrated Plans 2013-2023 and the draft Resource Strategy 2013-2026 on public exhibition from 1 to 30 April 2016 and invite submissions.</li></ol>
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**BACKGROUND**

The purpose of this report is to seek Council's endorsement to place the draft Integrated Plans 2013-2023 and the draft Resource Strategy 2013-2026 on public exhibition for the period 1 to 30 April 2016 and to invite submissions, in accordance with Section 404(4) of the *Local Government Act 1993*.

Exhibition requirements:

As there are no changes to the Community Strategic Plan 2013-2023 nor to the Delivery Program 2013-2017, these do not require public exhibition; however for the convenience of the members of the community the draft Operational Plans 2016-2020 are placed in a single document with the two other elements to demonstrate the integrated nature of these plans. The Resource Strategy comprises the draft Long Term Financial Plan 2016-2026, the Workforce Strategy 2013-2017 and the draft Strategic Asset Management Plan 2016-2026. There are no changes to the Workforce Strategy so it will not be placed on public exhibition.

Documents:

The draft Fees and Charges 2016-2017 form part of the draft Long Term Financial Plan 2016-2026; however for ease of reference by the community these are contained in a separate document and are reported separately to Council.

The draft Strategic Asset Management Plan 2016-2026 for the first time contains the long term infrastructure planning elements, and includes the town centres strategy. Individual asset management plans – previously included in the documents but not required to be exhibited – will be placed on Council's website and summaries are included in the draft Strategic Asset Management Plan 2016-2026 for each asset category.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</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**

Council is required to adopt the Long Term Financial Plan 2016-2026 before 30 June in each year and cannot expend funds or charge fees unless the process, including public exhibition and consideration of submissions is undertaken.

<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	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

Section 405 of the *Local Government Act 1993* requires Council to have an Operational Plan and to publicly exhibit a draft; and to consider submissions received before adopting its Operational Plan. The legislation requires a detailed one year Operational Plan (2016-2017) however at Port Stephens Council plans are developed in detail for four years on a rolling basis, so the draft Operational Plans are for 2016-2020. The draft Operational Plans document contains the draft Statement of Revenue Policy and the draft Statement of Waste Management, together with the draft budget summary.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that failure to follow the exhibition process will result in Council being unable to fund its operations.	Low	Place the draft Integrated Plans 2013-2023; the draft Long Term Financial Plan 2016-2026 and the draft Strategic Asset Management Plan 2016-2026 on exhibition for 28 days.	Yes
There is a risk that failure to follow the exhibition process will result in loss of reputation.	Low	Place the draft Integrated Plans 2013-2023; the draft Long Term Financial Plan 2016-2026 and the draft Strategic Asset Management Plan 2016-2026 on exhibition for 28 days.	

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The draft Integrated Plans 2013-2023 have been formulated having regard to the principles of social equity and justice. They contain elements that address considerations of social implications throughout the Plans but especially in the actions associated with the Focus Area 'Our Citizens' and 'Our Lifestyle'. The plans

associated with the Focus Areas of 'Our Economy' and 'Our Environment' address the economic and environmental implications.

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

The draft Integrated Plans and draft Resource Strategy are for the last year of the current Council's term. Should the merger not proceed the incoming PSC as a stand-alone Council would need the whole suite of integrated planning documents to be reviewed and a new delivery program and operational plan, together with the resource strategy to be formulated.

If the merger proposal was to proceed these documents would be in place until the new entity was formed and then it would develop a new community strategic plan, delivery program and operational plan and resource strategy. These documents would be developed in consultation with the community having regard to what is already in place.

### **CONSULTATION**

- 1) The draft Operational Plans 2016-2020, the draft Strategic Asset Management Plan 2016-2026 and the draft Long Term Financial Plan 2016-2026 have been developed in consultation with staff across Council.
- 2) Input from Councillors was sought at a workshop held on 16 February 2016.
- 3) Community input will be considered by Council at its meeting on 24 May 2016 prior to formal adoption of the suite of plans and strategies.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Draft Integrated Plans 2013-2023. (Provided under separate cover)
- 2) Draft Long Term Financial Plan 2016-2026. (Provided under separate cover)
- 3) Draft Strategic Asset Management Plan 2016-2026. (Provided under separate cover)

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

**ITEM NO. 7****FILE NO: 16/282784  
RM8 REF NO: PSC2015-02145****PORT STEPHENS COUNCIL FEES AND CHARGES 2016-2017****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Port Stephens Council Fees and Charges 2016-2017 for public exhibition, as outlined in the report.
  - 2) Place the draft Port Stephens Council Fees and Charges 2016-2017 on public exhibition for the period from 1 to 30 April 2016 and invite submissions.
- 

**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor John Nell Councillor Sally Dover</b>  That Council: <ol style="list-style-type: none"><li>1) Adopt the recommendation.</li><li>2) Make the first MLAK key free to disabled persons.</li></ol>
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**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
MOTION**

<b>072</b>	<b>Councillor Ken Jordan Councillor Steve Tucker</b>  <ol style="list-style-type: none"><li>1) Endorse the draft Port Stephens Council Fees and Charges 2016-2017 for public exhibition, as outlined in the report.</li><li>2) Place the draft Port Stephens Council Fees and Charges 2016-2017 on public exhibition for the period from 1 to 30 April 2016 and invite submissions.</li><li>3) Make the first MLAK key free to disabled persons.</li></ol>
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**BACKGROUND**

The purpose of this report is to seek Council's endorsement to place the draft Fees and Charges 2016-2017 on public exhibition under Section 610F of the *Local*



## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

*Government Act 1993*; and to invite submissions that would be considered at its meeting on 24 May 2016. The Fees and Charges are part of the draft Long Term Financial Plan 2016-2026 but are exhibited as a separate document for the convenience of the community to make submissions.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will reduce its underlying deficit to break even in 2015-2016 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

### FINANCIAL/RESOURCE IMPLICATIONS

Council is required to ensure that its process including public exhibition is carried out prior to adopting fees and charges for the following year. The draft Fees and Charges 2016-2017 must be adopted prior to 30 June each year: no charges can be made until this occurs. A 2.3% (CPI) increase has been applied to most fees where they are charged at Council's discretion and rounding applied.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to exhibit the fees and charges it intends to put in place under Section 610F of the *Local Government Act 1993*.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that failure to follow the exhibition process will result in loss of revenue.	Low	Place the draft Fees and Charges 2016-2017 on public exhibition for the period 1 to 30 April 2016 and invite submissions.	Yes
There is a risk that failure to follow the exhibition process will result in loss of reputation.	Low	Place the draft Fees and Charges 2016-2017 on public exhibition for the period 1 to 30 April 2016 and invite submissions.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The implications are economic: Council derives around a third of its revenue from fees and charges so it is imperative that the proposed fees are adopted within the statutory timeframe that is prior to 30 June 2016.

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

Should the merger proceed, the Fees and Charges would apply until the new entity undertook a review and rationalised/harmonised fees and charges. Should the merger not proceed, the adopted fees and charges would apply for financial year 2016-2017.

### **CONSULTATION**

- 1) Responsible officers across Council have reviewed the fees and charges, including researching and benchmarking with other councils; and determining issues such as affordability.
- 2) Input from Councillors was sought at a workshop held on 23 February 2016.
- 3) The community of Port Stephens will be consulted and invited to make submissions should Council agree to the recommendation in this report.

### **OPTIONS**

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

## **ATTACHMENTS**

- 1) Port Stephens Council draft Fees and Charges 2016-2017. (Provided under separate cover)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM NO. 8**

**FILE NO: 16/282500  
RM8 REF NO: PSC2015-02692**

**LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA NATIONAL CONGRESS  
AND BUSINESS EXPO. 2016**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the attendance of Mayor Bruce MacKenzie and Cr Ken Jordan at the Local Government Professionals Australia National Congress and Business Expo. 2016 to be held from Wednesday 4 May - Friday 6 May 2016 at the Gold Coast Convention Centre.
  - 2) Allow a "one-off" increase of the conference allowance under the Policy for Mayor Bruce MacKenzie and Cr Ken Jordan to attend the conference.
- 

**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell</b> <b>Councillor John Morello</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Adopt the recommendation.</li><li>2) Councillors Le Mottee and Morello be registered for attendance at the conference and a 'one-off" increase of the conference allowance be provided.</li></ol>
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**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
MOTION**

<b>073</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the attendance of Mayor Bruce MacKenzie and Cr Ken Jordan at the Local Government Professionals Australia National Congress and Business Expo. 2016 to be held from Wednesday 4 May - Friday 6 May 2016 at the Gold Coast Convention Centre.</li><li>2) Allow a "one-off" increase of the conference allowance under the Policy for Mayor Bruce MacKenzie and Cr Ken Jordan to attend the</li></ol>
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## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

	conference.
3)	Councillors Le Mottee and Morello be registered for attendance at the conference and a 'one-off' increase of the conference allowance be provided.

### BACKGROUND

The purpose of this report is to inform Council of the Local Government Professionals Australia National Congress and Business Expo. 2016 to be held from Wednesday 4 May - Friday 6 May 2016 at the Gold Coast Convention Centre.

The Conference Program is shown at **(ATTACHMENT 1)**.

The Conference is open to all Councillors.

As Councillors would be aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Councils area.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
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

The costs associated with registration, travel and accommodation would be covered from the existing budget, subject to an individual Councillor not exceeding the conference budget limits in the Policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	3950	\$1975 registration costs per person. Travel & accommodation shall be additional to this cost.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$3,500 per year under the Policy.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Port Stephens Council will not be represented on matters at the conference.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens community. Information received will be disseminated to the appropriate members of the community and relevant Council staff.

**NCC AND PSC MERGER PROPOSAL IMPLICATIONS**

This will have no implications on the proposed merger as the event is in May 2016.

**CONSULTATION**

Nil.

**OPTIONS**

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

**ATTACHMENTS**

- 1) LG Professionals Australia Congress and Business Expo. May 2016 Programme.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.



ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.



The 2016 LG Professionals Australia Congress & Business Expo will explore the concepts and key trends around the changing face of local government and reform, over two innovative and engaging days from 4-6 May, 2016.

Congress will provide practical tools and resources to help you manage change at the coal face of your organisation.

Register now, and create a culture of change in your organisation, and a commitment to empowering employees with the techniques that lead to the creation of a new organisational capability. Early bird closes 11 April 2016.

#### WHY SHOULD YOU ATTEND?

The only thing constant is change. Local government is a changing and evolving sector with challenges such as reforms, rate capping, ageing infrastructure, new codes of conduct for elected officials, workforce demands and skill shortages.

#### WHO SHOULD ATTEND?

Anyone who manages relationships or advocates for change at organisational or community level; you could be a CEO / GM / Team Leader or Manager, Project Manager or Councillor.

Be **inspired** by new approaches and compelling case studies to enact change, personally and professionally.

Be **empowered** to face this change with a fresh, new perspective and practical tools and techniques.



Thank you to our 2016 Principal Partner Jardine Lloyd Thompson (JLT).  
Be sure to visit them in the Business Expo.





ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.



## THE LOCATION



**Gold Coast** is a buzzing city, home to Surfer's Paradise. Discover award-winning restaurants, bars, festivals, endless golden beaches and more.

**ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.**



## KEYNOTE PRESENTERS

Our key note speakers will share their personal and professional recollections and advice for delegates on adapting to, and succeeding, in a changing world.

Be empowered to face change with a fresh, new perspective and practical tools and techniques.



**Dr Peter Ellyard**



**Barrie Cassidy**



**Rabia Siddique**

### **Dr Peter Ellyard**

Reflecting on the overall theme and challenges explored at Congress, Peter's presentation will focus on The Future of Local Government – fast forward 2030 – what can Local Government expect? Dr Peter Ellyard is Australia's most prominent futurist. He is also a strategist, speaker and author. Peter is particularly known for his highly original, challenging and inspirational ideas on shaping the future, and for his motivational addresses on future-making. Peter is a graduate of Sydney University and of Cornell University (Ph.D). He is currently Chairman of the Preferred Futures Institute, which he founded in 1991, where he assists individuals, families, organisations, communities and nations to chart and implement visions and strategies to ensure success in an emerging, twenty-first century integrated, interdependent, global society.

### **Barrie Cassidy**

After more than 45 years as a journalist, Barrie has certainly earned the title of veteran. He will share stories of change and challenges from decades working in Australian Politics. Barrie Cassidy is one of Australia's most experienced political journalists, having covered federal politics since the late 1970s. In the late 1980s, Barrie was senior press secretary and political adviser to Prime Minister, Bob Hawke. He has worked as political correspondent for ABC TV News and the 7.30 Report and currently hosts the popular Sunday morning political discussion program *Insiders*.

### **Rabia Siddique**

Rabia shares her stories of courage and determination from her changing and diverse career as a criminal and human rights lawyer, a retired British Army officer, a former terrorism and war crimes prosecutor, a professional speaker, trainer, MC, facilitator and published author. Rabia touches the hearts of all who hear her speak and leaves a lasting impression - inspiring her audience to want to be the best version of themselves. Rabia's experiences as a former terrorist and war crimes prosecutor, international humanitarian, retired British Army officer, hostage survivor and mother of triplets have given her valuable insights on how to make the most of our lives and our businesses. Her commitment to equality, justice and authentic leadership defines her and sets her apart as a sincere, charismatic and remarkable individual.

ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.



## KEYNOTE PRESENTERS



Professor Mark Evans



Dan Gregory



Professor Graham Sansom

### Dan Gregory

Dan will share insight into developing an agile, adaptive and innovative cultures within large organisations so that they can lead revolutionary change, not just "manage" it. Dan is a captivating speaker whose business acumen is matched by a rapier wit and rare human insight gained during a three year sabbatical working on the UK and US stand-up comedy circuits. A regular on ABC TV's The Gruen Transfer and morning news programs, Dan is the founder and CEO of The Impossible Institute™, a Research and Training organisation that advises management on what truly drives their customers and employees. Dan helps business create engagement at every level and customer touchpoints, identifies the things that pull our strings, builds team and departmental collaboration into a productive KPI not some touchy feely "nice to have" and helps organisations innovate and lead with intention and meaning.

### Professors Mark Evans and Graham Sansom

#### Navigating change and managing the challenges of reform

Mark Evans is the Director of the Institute for Governance and Policy Analysis and Professor of Governance at the University of Canberra. He was previously Director of York MPA and professional training programs at the University of York, UK. Between 1998 and 2009, he played a central strategic role in the development of the department's graduate school and the creation of three successful interdisciplinary research centres: York MPA and professional training programs.

Graham Sansom is an Adjunct Professor at the University of Technology, Sydney. Until recently he was Director of the UTS Centre for Local Government and also the Australian Centre of Excellence for Local Government. From 1994-98 he was CEO of the Australian Local Government Association. Graham has many years' experience in local and state government, having held senior positions with local Councils, a regional organisation of Councils, and state agencies in NSW and WA. As a Canberra-based consultant from 1989 to 1994, he worked with local government in all states.



ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.



## KEY SESSIONS AND THEMES



### DEBATE

What are Local Government's main challenges for change? Amalgamation/ reform Rate capping Unfunded mandates Change and the digital economy – challenges for Councils and how to embrace new technologies to drive engagement.



### BREAK OUT SESSION

Theory of Change and relevance for the public sector. How humans deal with change personally and professionally. This session is designed to deliver a solid understanding of Change Management.



### INTERNATIONAL BREAKOUT SESSION

How different countries have addressed the changes facing their local government.

### International panel circuit - UK, Canada, Australia, New Zealand

- The relationship of local governments with senior levels of government in their respective country and the main services that their local governments deliver.
- How local governments are funded (revenue sources) in comparison to senior levels of government.
- The top three key pressures that local governments have been experiencing over the last five years and why.
- The key pressures that local governments are likely to experience in the next five to ten years and what they have done (and will do) to address these demands.

Representatives from each country will also share their advice on lessons learned, some of their success stories and some recommendations for improvements.



## DID YOU KNOW?

The 2016 LG Professionals Australia National Council Membership allows up to five staff to attend Congress at a heavily discounted rate? Reward your hard working team with the ultimate professional development experience available in Australian local government.

[www.lgprofessionalsaustralia.org.au/become-a-member.html](http://www.lgprofessionalsaustralia.org.au/become-a-member.html)

ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.



## CONGRESSPLUS

More than 10 million visitors flock to the Gold Coast each year to visit the iconic Surfers Paradise beach, the tranquil and lush green Hinterland, theme parks, and great restaurants and shopping.



## PARTNERS' TOURS

### Thursday 5 May 2016

Retrace the steps of Bernard O'Reilly, one of Australia's most incredible heroes. Go on safari in the Mt Tamborine Rainforest. Head underground and visit the Glow Worms. Bring your camera and capture the best moments with an on-board professional photographer.

\$135 per person  
(includes all meals).

### Friday 6 May 2016

Scenic Hot Air Ballooning over the Gold Coast. Full buffet champagne breakfast at the award winning Chelos Restaurant at the Mercure Gold Coast Resort.

\$220 per person Coach pick up from hotel at 4:40am, return approximately 9:30am to hotel.

### Friday 6 May 2016

Two hour cruise around the Gold Coast's iconic Broadwater. Sweet Sensation Masterclass at Palazzo Versace, followed by High Tea. Seafood lunch on board the cruise.

\$140 per person Pick up at 11:30am and return approximately 4:15pm to hotels.

## STUDY TOUR

Join the private, guided tour of the brand new, multi-million dollar Gold Coast Health and Knowledge Precinct, and the 2018 Commonwealth Games™ athletes village and sports venues. \$110 per person, 9am to 4:30pm Coach departs from Convention Centre at 9am and returns guests at 4.30pm.



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AND BUSINESS EXPO. MAY 2016 PROGRAMME.



## CONGRESSPLUS

Social Evening | Dreamworld

Thursday 5 May 2016

Master your Kung Fu moves, race the all-new Skadoosh Bumper Cars, meet Kung Fu Panda PO, and conquer one of Dreamworld's Big 9 Thrill Rides, Pandamonium, the ride that's so awesome, it operates on two modes...the 'not-so-crazy' and the 'seriously crazy'.

\$160 per person

Coach pick up from Gold Coast Convention Centre at 6:30pm, return to hotels after 10pm.

— The 2016 Gala Dinner will be held at the Gold Coast Convention Centre —



## Register for Congress

Register online or download a registration form at  
[www.lgprofessionalsaustralia.org.au](http://www.lgprofessionalsaustralia.org.au)

Enquiries: Kirsty Frew  
07 5562 0164 | [registration@destinationconference.com.au](mailto:registration@destinationconference.com.au)

ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.



## PROGRAMME OUTLINE

### DAY ONE: WEDNESDAY 4 MAY

9:00am – 4:30pm	<b>Study Tour</b> Gold Coast highlight and Commonwealth Games study tour
2.00pm	<b>Registrations open</b> Registration Desk
5.00pm	<b>AGM</b>
6.00pm	<b>Welcome Reception</b> For registered Congressplus delegates

### DAY TWO: THURSDAY 5 MAY

7.00am	<b>Breakfast</b> Women in Local Government Networking Breakfast (Sponsored by JLT)
9.00am	<b>Opening Presentation</b> Welcome to the country and Official opening
9.30am	<b>Keynote Presentation: Barrie Cassidy</b> After more than 45 years as a journalist, Barrie has certainly earned the title of veteran. He shares stories of change and challenges from decades in Australian Politics.
10.30am	<b>Morning Tea</b>
11.00am	<b>Debate</b> <i>What are Local Government's main challenges for change?</i> <i>Apolitical leadership</i>  <b>MC:</b> Barrie Cassidy  Topics include: <ul style="list-style-type: none"><li>• Amalgamation/reform</li><li>• Rate capping</li><li>• Unfunded mandates</li></ul>
	<b>Panel Members invited:</b> <ul style="list-style-type: none"><li>• Dr. Shayne Silcox – National President, LG Professionals Australia</li><li>• Mayor Troy Pickard – President, Australian Local Government Association</li><li>• Professor Mark Evans – University of Canberra</li><li>• Hon. Alannah McTiernan (ALP)</li><li>• Dr. Kathy Alexander, Former CEO, City of Melbourne</li></ul>
12.00pm	<b>Lunch</b> Exhibition hall
1.00pm	<b>Breakout Session 1</b> Theory of Change – how humans deal with change personally. Featuring LG Professionals NSW CEO Annalisa Haskell on the Change Management Toolkit, for Local Government.



ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.



## PROGRAMME OUTLINE

1:00pm

### Breakout Session 2

International Breakout session – How different countries have addressed the changes facing their local government.

Presenters include Kim Ryley (UK), Simon Farbrother (Canada).

Presenters will provide insight on;

- The relationship between local governments and other levels of government in their country and the services they deliver.
- Funding sources in comparison to other levels of government.
- The top pressures local governments have faced over the last few years.
- The pressures local governments are likely to experience in the future and how they are preparing for them.

1.00pm

### Breakout Session 3

Change and the digital economy – challenges for Councils

3.00pm

### Afternoon tea

3.30pm

### Keynote Presentation

International Q & A panel, Global Trends and Change (International)

Panel Chair: Dennis Hovenden.

CAMA President – Don MacLellan (Canada)

SOLGM President - Barbara McKerrrow – (NZ)

LG Professionals Australia President - Shayne Silcox (Australia)

SOLACE President – (UK, TBC)

The panel will address the following questions:

- The relationship between local and other levels of government and the services they provide.
- Funding sources.
- Top three pressures in recent years and why.
- The key pressures over the next 5 – 10 years and how to respond.

Dennis Hovenden will also announce LG Professionals Australia's International Strategy.

### SOCIAL PROGRAM

8 am – 5pm

### Partners tour

Mt Tamborine Rainforest and Glow worms tour

6.30pm

### Social Evening

For registered Congressplus delegates - Dreamworld

Bus departs at 6:30pm.



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AND BUSINESS EXPO. MAY 2016 PROGRAMME.



## PROGRAMME OUTLINE

### DAY THREE: FRIDAY 6 MAY

7.00am	<b>Breakfast</b> International breakfast for all practitioners MC Dennis Hovenden For registered Congressplus delegates
9.00am	<b>Keynote Presentation:</b> Dan Gregory A how-to on developing agile, adaptive and innovative cultures within large organisations so that they can lead revolutionary change, not just "manage" it.
10.00am	<b>Keynote Presentation:</b> Rabia Siddique Rabia shares her stories of courage and determination from her changing and diverse career as a criminal and human rights lawyer, a retired British Army officer, a former terrorism and war crimes prosecutor, a professional speaker, trainer, MC, facilitator and published author.
11.00am	<b>Morning tea</b> Exhibition hall (opportunity to learn more about LG Professionals Australia)
11.30am	<b>Keynote Presentation:</b> Mark Evans and Graham Sansom Navigating change and managing the challenges of reform Personal and professional recollections & advice for delegates
12.30pm	<b>Lunch</b> Exhibition hall
1.30pm	<b>Breakout Sessions:</b>

**Breakout Session 1**  
Management Challenge – career growth and strategy in a changing and evolving economy.  
Facilitator: LG Professionals SA CEO Taryn Sexton

**Breakout Session 2**  
Mayors and CEOs – how to navigate political landscapes for practitioners. Getting the balance right, negotiation the landscape, and what the purpose and skills sets of each role are.

**Breakout Session 3**  
Strategies for Change – Managing change against the backdrop of austerity measures. Doing more with less, staying accountable, agile and innovative Focus on Rate capping research by Brian Dollery.  
Facilitator – Professor John Martin

ITEM 8 - ATTACHMENT 1 LG PROFESSIONALS AUSTRALIA CONGRESS  
AND BUSINESS EXPO. MAY 2016 PROGRAMME.



## PROGRAMME OUTLINE

3.30pm	<b>Afternoon tea</b>
4.00pm	<b>Keynote Presentation</b> Peter Ellard – The Future of Local Government – fast forward 2030 Reflecting on the overall theme and challenges explored at Congress, Peter's presentation will focus on The Future of Local Government – fast forward 2030 – what can Local government do.
6.30pm	<b>Gala Dinner</b> Registered Congressplus delegates

### SOCIAL PROGRAM

4:30am – 9:30am	<b>Partners Tour</b> Scenic Hot Air Ballooning over the Gold Coast; or
11:30 – 4:30pm	<b>Partners tour</b> Gold Coast Canal Cruise and Palazzo Versace Masterclass
6:45pm	<b>Gala Dinner</b> Gold Coast Convention centre

**ITEM NO. 9**

**FILE NO: 16/277153  
RM8 REF NO: PSC2015-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:-
  - a. Mayoral Funds – Endeavour Foundation – Donation towards 2016 Super Endeavour Rally raising dust for dollars - \$500.
  - b. Mayoral Funds – Karuah Progress Association – Donation towards costs for the lost highway music festival - \$5,000.
  - c. Mayoral Funds – Raymond Terrace Athletics Club – Donation towards cost for the NSW team to compete at the 2016 Australian Junior Championships - \$500.
  - d. Mayoral Funds – Port Stephens Suicide Prevention Network – Donations towards costs for short training courses about suicide intervention skills- \$1,000.
  - e. Central Ward Funds – Cr Chris Doohan - Birubi Surf Life Saving Club – Donation towards replacement flags and protective hats to support Nippers programme - \$500.
  - f. West Ward Funds – Cr Peter Kafer - Anglican Parish Raymond Terrace – Donation towards cost involved with Milo Table Feeding the Homeless Program - \$500.
  - g. West Ward Funds – Cr Peter Kafer – Raymond Terrace RSL Sub-branch – Donation towards costs associated with hiring sound system for Anzac Day Service 2016 - \$500.
  - h. West Ward Funds – All Councillors – Lakeside Dance Challenge – Donation towards costs associated with a new dance eisteddfod at Irrawang High School - \$2000.

**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 22 MARCH 2016  
MOTION**

<b>074</b>	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>  It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Mayor and Ward Funds to the following:- <ul style="list-style-type: none"><li>a. Mayoral Funds – Endeavour Foundation – Donation towards 2016 Super Endeavour Rally raising dust for dollars - \$500.</li><li>b. Mayoral Funds – Karuah Progress Association – Donation towards costs for the lost highway music festival - \$5,000.</li><li>c. Mayoral Funds – Raymond Terrace Athletics Club – Donation towards cost for the NSW team to compete at the 2016 Australian Junior Championships - \$500.</li><li>d. Mayoral Funds – Port Stephens Suicide Prevention Network – Donations towards costs for short training courses about suicide intervention skills- \$1,000.</li><li>e. Central Ward Funds – Cr Chris Doohan - Birubi Surf Life Saving Club – Donation towards replacement flags and protective hats to support Nippers programme - \$500.</li><li>f. West Ward Funds – Cr Peter Kafer - Anglican Parish Raymond Terrace – Donation towards cost involved with Milo Table Feeding the Homeless Program - \$500.</li><li>g. West Ward Funds – Cr Peter Kafer – Raymond Terrace RSL Sub-branch – Donation towards costs associated with hiring sound system for Anzac Day Service 2016 - \$500.</li><li>h. West Ward Funds – All Councillors – Lakeside Dance Challenge – Donation towards costs associated with a new dance eisteddfod at Irrawang High School - \$2000.</li></ul>
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**BACKGROUND**

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy gives Councillors a wide discretion either to grant or to refuse any requests.

Council's Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

The requests for financial assistance are shown below:-

**WEST WARD – Councillors Jordan, Kafer & Le Mottee**

Anglican Parish Raymond Terrace	Donation towards cost involved with Milo Table Feeding the Homeless Program.	\$500
Raymond Terrace RSL Sub-branch	Donation towards costs associated with hiring sound system for Anzac Day Service 2016.	\$500
Lakeside Dance Challenge	Donation towards costs associated with a new dance eisteddfod at Irrawang High School.	\$2000

**CENTRAL WARD – Councillors Dingle, Doohan & Tucker**

Birubi Surf Life Saving Club	Donation towards replacement flags and protective hats to support Nippers programme.	\$500
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**MAYORAL FUNDS – Mayor MacKenzie**

Endeavour Foundation	Donation towards 2016 Super Endeavour Rally raising dust for dollars.	\$500
Karuah Progress Association	Donation towards costs for the lost highway music festival.	\$5,000
Raymond Terrace	Donation towards cost for the NSW team to	\$500

**MINUTES ORDINARY COUNCIL - 22 MARCH 2016**

Athletics Club	compete at the 2016 Australian Junior Championships.	
Port Stephens Suicide Prevention Network	Donations towards costs for short training courses about suicide intervention skills	\$1,000

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</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**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	10,500	Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

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

The policy interpretation required is whether the Council believes that:

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

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may set a precedent when	Low	Adopt the recommendations.	Yes

## MINUTES ORDINARY COUNCIL - 22 MARCH 2016

allocating funds to the community and an expectation those funds will always be available.			
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### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

### NCC AND PSC MERGER PROPOSAL IMPLICATIONS

There are no implications for the proposed merger.

### CONSULTATION

- 1) Mayor
- 2) Councillors
- 3) Port Stephens Community

### OPTIONS

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

### ATTACHMENTS

Nil.

### COUNCILLORS ROOM

Nil.

### TABLED DOCUMENTS

Nil.

### ORDINARY COUNCIL MEETING - 22 MARCH 2016 COMMITTEE OF THE WHOLE RECOMMENDATION

075	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>  It was resolved that Council move out of Committee of the Whole.
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# NOTICES OF MOTION



## **MINUTES ORDINARY COUNCIL - 22 MARCH 2016**

Mayor Bruce MacKenzie returned to the meeting at 08:19pm, in Open Council.  
Councillor Paul Le Mottee returned to the meeting at 08:19pm, in Open Council.

### **NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 16/283716**  
**RM8 REF NO: PSC2011-02442**

### **AMENDMENTS TO THE WORKING TOGETHER POLICY**

**COUNCILLOR: KEN JORDAN**

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#### **THAT COUNCIL:**

- 1) Amend the Working Together and Provision of Information policy and replace with the process that Councillors are to deal with the General Manager only. No Councillor is to make contact with any staff member directly.

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Councillor Peter Kafer left the meeting at 08:29pm, in Open Council prior to voting.  
Councillor John Nell left the meeting at 08:29pm, in Open Council prior to voting.  
Councillor Geoff Dingle left the meeting at 08:29pm, in Open Council prior to voting.

### **ORDINARY COUNCIL MEETING - 22 MARCH 2016**

#### **MOTION**

	<p><b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b></p> <p>That Council amend the Working Together and Provision of Information policy and replace with the process that Councillors are to deal with the General Manager only. No Councillor is to make contact with any staff member directly.</p>
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The motion on being put was lost.

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

### **BACKGROUND**

Council first adopted the Working Together and Provision of Information Policy ('Policy') on 24 September 2013 to provide a framework for the Mayor, Councillors and staff to work cooperatively together. The Policy has been reviewed and endorsed by Council each year since the original adoption. This Policy supports the Code of Conduct.

## **MINUTES ORDINARY COUNCIL - 22 MARCH 2016**

It is important that the Policy be in place to ensure all council officials are aware of their roles and responsibilities under the Code of Conduct.

The current Policy provides a detailed list of council officers that can be contacted by Councillors and those officers that are able to make contact with the Mayor and Councillors. During the absence of any council officer, contact can be made with the person acting in a nominated role. Contact with the person in the acting capacity ceases upon return of the permanent officer occupying the role.

The Mayor and Councillors can only make contact with a council officer on the approved list. Any contact outside the limits of the Policy may result in a Code of Conduct complaint.

Council officers are required to respond to a request from the Mayor or a Councillor in line with Council's Customer Service Charter.

The Policy also caters for a working relationship with those Councillors who are a Council delegate on a 355C Committee.

The current Policy enables all situations to be managed by responsible officers, therefore a change to the current Policy is not considered warranted at this time and could cause unnecessary delays in responding to community requests.

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

There are no implications associated with the merger proposal.

### **ATTACHMENTS**

Nil.

There being no further business the meeting closed at 8.31pm.