

DRAFT

MINUTES – 25 OCTOBER 2016



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 25 October 2016, commencing at 5.38pm.

PRESENT:

Mayor B MacKenzie, Councillors C. Doohan, S. Dover, K. Jordan, P. Kafer, 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.

305	<p>Councillor John Nell Councillor John Morello</p> <p>It was resolved that the apology from Cr Paul LeMottee be received and noted.</p> <p>Note: Cr Geoff Dingle was granted leave of absence for the remainder of 2016 at the Council meeting held on 11 October 2016.</p>
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MINUTES ORDINARY COUNCIL - 25 OCTOBER 2016

306	Councillor Sally Dover Councillor John Morello It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 11 October 2016 be confirmed.
	There were no declaration of interest received.

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SUBJECT

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MAYORAL MINUTES

MAYORAL MINUTE**ITEM NO. 1****FILE NO: 16/439893
RM8 REF NO: PSC2005-3195****SAFETY CONCERNS ON TREE STUMPS AT NELSON BAY ROAD**

THAT COUNCIL:

- 1) Urgently write to the Department of Defence to express concerns on the safety surrounding the exposed tree 2ft. stumps on Nelson Bay Road at the entrance to the RAAF base, Williamtown.
-

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

307	Mayor Bruce MacKenzie Councillor Peter Kafer It was resolved that Council urgently write to the Department of Defence to express concerns on the safety surrounding the exposed tree 2ft. stumps on Nelson Bay Road at the entrance to the RAAF base, Williamtown.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the Mayoral Minute.

The Department of Defence has recently undertaken tree removal works on Nelson Bay Road and Medowie Road. These trees were removed to increase the clear zone as part of the runway extension. These works are not yet completed leaving tree stumps. There has been a delay in the removal of the stumps as they investigate options to ensure that there is no damage is caused to the optic fibre line which lay beneath many of these trees. The Defence contractors are determining the exact location and method to ensure damage does not occur.

The Defence contractors are also seeking advice on excavation with the investigation area for the removal of these stumps.

The Defence contractors project manager has been contacted but is unable to confirm an exact date when the stumps will be removed at this stage.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications in relation to this Mayoral Minute.

MAYORAL MINUTE**ITEM NO. 2****FILE NO: 16/442431
RM8 REF NO: PSC2009-00647****CALL FOR POLICY REVIEW OF SELLING VEHICLES ON ROADSIDE**

THAT COUNCIL:

- 1) Prepare a report to Council reviewing its policy in relation to selling vehicles on roadsides.
 - 2) The report be presented to Council at the Ordinary Council Meeting on 7 February 2017.
-

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

308	Mayor Bruce MacKenzie Councillor Peter Kafer It was resolved that Council: <ol style="list-style-type: none">1) Prepare a report to Council reviewing its policy in relation to selling vehicles on roadsides.2) The report be presented to Council at the Ordinary Council Meeting on 7 February 2017.
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BACKGROUND

The purpose of this report is to provide the background and context associated with Council's approach to the selling of vehicles on roadsides.

Council has a role in ensuring public areas (road verges and reserves) are maintained in a safe and aesthetically appropriate manner. The key road safety issues associated with vehicles being advertised for sale in road reserves are; pedestrian safety, driver distraction, reduced clear zones (the distance from the edge of the travel lane which should be kept clear of hazards), reduction of sight distance for vehicles exiting an intersection and the reduction of sight distance to the approach of pedestrian facilities, such as pedestrian crossings and refuges. Other visual impacts (albeit less significant and subjective) such as amenity issues for nearby residents are also considered.

Council receives public complaints in relation to vehicles advertised for sale on road verges and reserves, particularly in the areas where the numbers of vehicles for sale are excessive.

The interest of Council officers does not relate to individual vehicles advertised for sale in residential areas in front of the owner's place of residence. Rather, the concern is vehicles parked and advertised for sale on the edge of busy main roads or in the vicinity of high volume traffic control facilities and intersections and the creation of quasi car yards.

Council currently uses the provisions of its endorsed Parking Policy and guideline to assist in regulating the selling of vehicles on roadsides.

Council staff also manage vehicles advertised for sale in public places under s632 of the *Local Government Act 1993*. The offence is "*Acting contrary to notices erected by Council*" and comes with a \$110 Penalty Infringement Notice (PIN). In this regard Council has conducted a specific education campaign targeting this issue as well as a separate illegal (non-vehicle specific) advertising campaign on road reserves, issued numerous warnings and erected signs in a number of locations in the LGA where selling vehicles on the roadside has become a problem, advising the public they cannot continue the practice.

Rather than council staff simply being reactive and advising that vehicles cannot be offered for sale on road verges or reserves anywhere in the local government area, staff have been developing a new policy that would allow designated areas for people to sell their vehicles on public land.

This new policy would mean that Council would not require an application or fee from anyone wanting to advertise their vehicle on the roadside, provided they comply with the parameters outlined in the policy and only carry out the activity in the designated areas across the LGA. The new policy for selling vehicles on roadsides would outline the parameters for the selling of vehicles and includes the designated areas that would be suitable for this activity. These parameters may include:

The activity of parking a vehicle and advertising that vehicle for sale is enabled by this policy provided;

- a) *The intended sale of the vehicle is a private sale and not undertaken in any commercial capacity;*
- b) *The advertising sign must be plain colours and no larger than A3 size or the sign contained within the vehicle;*
- c) *The advertising sign is either in or adequately secured to the vehicle;*
- d) *The vehicle is parked at one of the following locations;*
 - i. *Directly outside the residence of the owner of the vehicle;*
 - ii. *Where the speed limit of the road is 60km/hr or less;*
 - iii. *Where there is no intersection, turning lane, roundabout or other transition or change in traffic condition for 50m;*

- iv. Where there is not more than one vehicle advertised for sale outside each premises; and*
- v. The vehicle is not parked where signage prohibits such.*
- e) Where the vehicle is parked at an approved location listed on Attachment A to this policy;*
- f) All vehicles must have current registration and be in a roadworthy condition.*
- g) All vehicles must be parked lawfully in accordance with the Road Rules 2008.*

Some possible designated areas for the sale of vehicles have been provided to Councillors under separate cover. These are just concepts at this stage – for information purposes. Further, these locations will require further consultation with the land owner/manager(s). These locations are still thought to be a suitable location for exposure. It is important such proposed areas and the new policy be placed on public exhibition to ensure nearby residents and/or businesses have the opportunity to put in a submission.

The draft policy would relate directly to parked vehicles that are advertised for sale in public places, as defined in the *Local Government Act 1993*, in the Port Stephens Local Government Area. These public places include Council reserves and public roads.

The draft policy would be further developed to allow vehicles to be advertised for private sale in such a manner that minimises the risk to other road users, prevents misuse of Council roads, parks and reserves and addresses a number of other concerns including the amenity impact on the community. The draft policy does not seek to manage vehicles advertised for private sale on privately owned land, nor would this policy address vehicles advertised for any type of commercial sale.

Should Council endorse this request to proceed with drafting the specific new policy for selling vehicles on roadsides, further internal consultation would be required. It is anticipated that all consultation, collating of information and report preparation could be finalised in time for Council's Ordinary Meeting scheduled to be held on 7 February 2017.

MERGER PROPOSAL IMPLICATIONS

There are no foreseen significant merger proposal implications other than investigating the extent of the problem in Newcastle or Dungog and identifying the exact locations where advertising vehicles on the roadside occurs. If Council was to merge with either Newcastle or Dungog, the policy would be reviewed accordingly.

ATTACHMENTS

- 1) Concept - Vehicles for Sale Parking - Lemon Tree Passage.
- 2) Concept - Vehicles for Sale Parking - Medowie
- 3) Concept - Vehicles for Sale Parking - Nelson Bay.
- 4) Concept - Vehicles for Sale Parking - Raymond Terrace.
- 5) Concept - Vehicles for Sale Parking - Shoal Bay.











MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 16/433766
RM8 REF NO: PSC2016-01952**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Sale of 8 Garuwa Street, Fingal Bay**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

309	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely Sale of 8 Garuwa Street, Fingal Bay.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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ITEM NO. 2

**FILE NO: 16/433780
RM8 REF NO: PSC2016-02356**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Sale of 9 Rosemount Drive, Raymond Terrace**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

310	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely Sale of 9 Rosemount Drive, Raymond Terrace.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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COUNCIL REPORTS

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2016

ITEM NO. 1

FILE NO: 16/387825
RM8 REF NO: PSC2006-0038

POLICY REVIEW - AIRCRAFT NOISE (ADMINISTRATIVE AMENDMENT)

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Port Stephens Aircraft Noise Policy (including guideline) shown at **(ATTACHMENT 1)**.
 - 2) Place the Port Stephens Aircraft Noise Policy (including guideline) as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
 - 3) Revoke the Port Stephens Aircraft Noise Policy dated 23 August 2011 Port Stephens Aircraft Noise Policy minute number 292 **(ATTACHMENT 2)**, should no submissions be received.
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ORDINARY COUNCIL MEETING - 25 OCTOBER 2016 MOTION

	Council did not move into Committee of the Whole during the meeting.
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ORDINARY COUNCIL MEETING - 25 OCTOBER 2016 MOTION

311	<p>Mayor Bruce MacKenzie Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Port Stephens Aircraft Noise Policy (including guideline) shown at (ATTACHMENT 1).2) Place the Port Stephens Aircraft Noise Policy (including guideline) as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Port Stephens Aircraft Noise Policy dated 23 August 2011 Port Stephens Aircraft Noise Policy minute number 292 (ATTACHMENT 2), should no submissions be received.
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BACKGROUND

The purpose of this report is to present proposed administrative amendments to the Port Stephens Aircraft Noise Policy (including guideline) for consideration and public exhibition following a review after its initial adoption on 23 August 2011.

The policy sets local policy direction for managing aircraft noise issues to:

- Protect RAAF Base Williamtown and Newcastle Airport;
- Protect the community;
- Respond to local circumstances and expectations;
- Exercise due care and diligence;
- Inform the public; and
- Promote cooperation.

It relates specifically to the following Council functions:

- Consideration of planning proposals (rezoning requests);
- Assessment of development applications; and
- Information management.

Minor administrative updates are proposed with no fundamental changes proposed to the existing policy position of Council.

Key updates include reference to: Port Stephens Local Environmental Plan 2013 (LEP 2013); Port Stephens Development Control Plan 2014 (DCP); Australian Standard 2021-2015 Acoustics – Aircraft noise intrusion – building siting and construction (AS2021-2015); and the Memorandum of Understanding (MOU) between Council and the Commonwealth (Department of Defence) 23 September 2015.

The policy is based on an Aircraft Noise Planning Area (ANPA) being a composite of the 2012 Australian Noise Exposure Forecast (2012 ANEF) and the 2025 Australian Noise Exposure Forecast (2025 ANEF). It is proposed to retain the ANPA as the basis for identifying land that is affected by aircraft noise.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implication for Council in considering the updated policy.

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

LEGAL, POLICY AND RISK IMPLICATIONSEnvironmental Planning and Assessment Act 1979 (NSW)

Council has a duty of care when it exercises its planning functions under the *Environmental Planning and Assessment Act 1979* (NSW) including for: consideration of planning proposals (rezoning requests); assessment of development applications; and information management (e.g. issuing planning certificates). Adopting the updated policy provides administrative updates with no substantial amendments of change in policy direction.

Aircraft Noise Planning Area

A key element of the policy recommended to be retained is the use of the ANPA as the basis for identifying land that is affected by aircraft noise. The ANPA is a composite of the 2025 ANEF and the former 2012 ANEF. The summary purpose of the ANPA in the Policy is to account for the future introduction of the Joint Strike Fighter Aircraft (i.e. the 2025 ANEF) and to continue to account for the ongoing operation of the Hornet aircraft (i.e. the 2012 ANEF) in making land use planning decisions. There is a legal risk to Council if it does not continue to consider the ongoing operation of the Hornet and its associated noise impacts. The use of the ANPA is also consistent with the recent MOU between Council and the Commonwealth Department of Defence regarding aircraft noise.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not have a policy approach to aircraft noise and land	High	Place the draft updated policy including guideline on public exhibition.	Yes

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2016

use planning.			
There is a risk that the ongoing operation of the Hornet aircraft will not be considered in making land use planning decisions.	High	Continue to include the ANPA as the basis for identifying land as affected by aircraft noise in relation to the policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no additional social, economic and environmental implications for council in exhibiting the draft updated policy.

MERGER PROPOSAL IMPLICATIONS

There are no merger proposal implications in exhibiting the draft updated policy.

CONSULTATION

Consultation will be undertaken by the Strategy and Environment Section to provide an opportunity for public and Defence comment on the policy.

Internal

Council's Development Assessment and Compliance Section (DAC) have reviewed the policy seeking a clear outline for referral requirements, with a view to reducing the number of development applications requiring referral to Defence. The referral matter raised by DAC is recommended to be dealt with during a separate process of review of the MOU in cooperation with Defence.

External

The policy including guidelines will be placed on public exhibition for a period of 28 days. It will also be referred to Defence for comment in accordance with the MOU. A working draft of the policy was provided to Defence for preliminary review with no objection received.

The policy, including any submissions, will be reported back to Council for consideration following public exhibition.

OPTIONS

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

ATTACHMENTS

- 1) Revised Port Stephens Aircraft Noise Policy (including guideline).
- 2) Port Stephens Aircraft Noise Policy 2010.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 REVISED PORT STEPHENS AIRCRAFT NOISE
POLICY (INCLUDING GUIDELINE)

Policy



FILE NO: PSC2006-0038

TITLE: PORT STEPHENS AIRCRAFT NOISE POLICY

POLICY OWNER: SECTION MANAGER, STRATEGY AND ENVIRONMENT

PURPOSE:

The purpose of this policy is to provide a framework for land use planning decisions and other Council programs relating to aircraft noise. It sets out principles to guide planning proposals, development assessment, provision of aircraft noise information and efforts to initiate aircraft noise amelioration programs. It sets out the basis for local policy directions for managing aircraft noise issues to:

- Protect the RAAF base Williamtown and Newcastle Airport;
- Protect the community;
- Respond to local circumstances and expectations;
- Exercise due care and diligence;
- Inform the public; and
- Promote cooperation.

The policy should be read in conjunction with the Port Stephens Aircraft Noise Guideline (consistency with the guideline constitutes consistency with the policy).

CONTEXT/BACKGROUND:

Aircraft noise is not a new issue for the LGA due to the community's long-standing coexistence with RAAF Base Williamtown, Newcastle Airport, and the Salt Ash Air Weapons Range. To limit aircraft noise impacts, Council has for many years applied controls on new development in aircraft noise affected areas. These controls are based on Australian Noise Exposure Forecast (ANEF) maps and *Australian Standard 2021-2015 – Acoustics - Aircraft noise intrusion – Building siting and construction* (AS 2021-2015). This policy sets out the basis and local policy directions for managing aircraft noise issues.

SCOPE:

The policy relates specifically to the following Council functions:

- Consideration of planning proposals (rezoning requests);
- Assessment of development applications; and



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Printed: 25/10/2016

Review Date: xx/xx/xxxx

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ITEM 1 - ATTACHMENT 1 REVISED PORT STEPHENS AIRCRAFT NOISE
POLICY (INCLUDING GUIDELINE)

Policy



- Information management (including planning certificates).

The policy affects those properties and landowners that are located within the Aircraft Noise Planning Area.

DEFINITIONS:

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

2012 ANEF	2012 Australian Noise Exposure Forecast. This forecast was made in 2003 and is based upon predicted conditions in 2012. It reflects the operation of existing Hawk and Hornet aircraft and is expected to continue to at least 2018.
2025 ANEF	2025 Australian Noise Exposure Forecast. This forecast was made on 10 August 2011 and is based on predicted conditions in 2025. It reflects the operation of Joint Strike Fighter combat aircraft after 2018 and the continued operation of the Hawk aircraft.
ANPA	Aircraft Noise Planning Area the area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the ANEF 20 contour on 'relevant ANEF maps' and includes land that is within ANEF contours of 20 and greater (note: the ANPA is a composite of the 2012 ANEF and the 2025 ANEF).
AS 2021-2015	<i>Australian Standard 2021-2015 – Acoustics - Aircraft noise intrusion – Building siting and construction.</i> This is a nationally recognised standard for development affected by aircraft noise.

POLICY STATEMENT:

The policy aims to:

- recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the national, State, regional and local levels;
- protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise;
- to ensure that aircraft noise impacts on the community are within acceptable limits;
- allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable;

Policy

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The logo for Port Stephens Council, featuring a stylized graphic of three overlapping curved shapes in yellow, blue, and green, followed by the text "PORT STEPHENS" in a bold, sans-serif font and "council" in a smaller, lowercase font below it.

ITEM 1 - ATTACHMENT 1 REVISED PORT STEPHENS AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE)

Policy



- ensure that planning and information management functions are exercised with a reasonable standard of care and diligence;
- facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions; and
- to promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

POLICY RESPONSIBILITIES:

- 1) Strategic Planning Team (policy review and planning proposal assessment).
- 2) Development and Compliance Team (development application assessment).

RELATED DOCUMENTS:

- 1) Environmental Planning and Assessment Act 1979 (NSW).
- 2) Local Planning Direction 3.5 Development Near Licensed Aerodromes
- 3) Port Stephens Local Environmental Plan 2013
- 4) Port Stephens Development Control Plan 2014
- 5) Port Stephens Aircraft Noise Guideline (Attached)

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RM8 container No	PSC2006-0038	RM8 record No	N/A
Audience	General		
Process owner	Strategy and Environment Section		
Author	Strategy and Environment Section Manager		
Review timeframe	Two years	Next review date	xx/xx/2018
Adoption date	23/08/2011		

<p>Policy</p> <p>WARNING: this is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au</p>			
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ITEM 1 - ATTACHMENT 1 REVISED PORT STEPHENS AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE)

Policy



VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	23/08/11	Group Manager, Sustainable Planning	N/A	292
1.1 (Draft)	25/10/16	Section Manager, Strategy and Environment	<p>Provide policy in corporate template.</p> <p>Amend title of previous 'Port Stephens Aircraft Noise Policy 2010' to 'Port Stephens Aircraft Noise Guideline' and attach as supporting document.</p> <p>Key updates include reference to: Port Stephens Local Environmental Plan 2013 (LEP 2013); Port Stephens Development Control Plan 2014 (DCP); Australian Standard 2021-2015 Acoustics – Aircraft noise intrusion – building siting and construction (AS2021-2015); and the Memorandum of Understanding (MOU) between Council and the Commonwealth (Department of Defence) 23 September 2015.</p>	N/A

Policy

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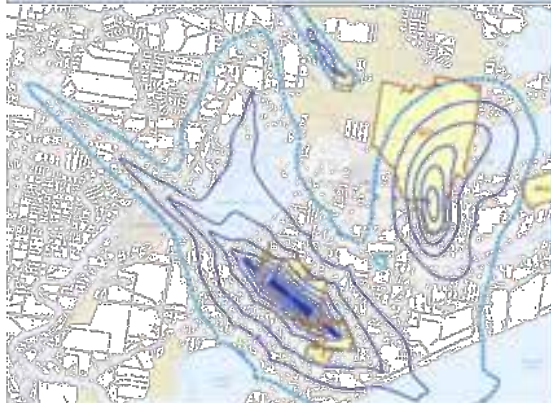
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ITEM 1 - ATTACHMENT 1 REVISED PORT STEPHENS AIRCRAFT NOISE
POLICY (INCLUDING GUIDELINE)



Port Stephens

Aircraft Noise Guideline



ITEM 1 - ATTACHMENT 1 REVISED PORT STEPHENS AIRCRAFT NOISE
POLICY (INCLUDING GUIDELINE)

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ITEM 1 - ATTACHMENT 1 REVISED PORT STEPHENS AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE)

Port Stephens Aircraft Noise Guideline

Summary

The policy (to be read in conjunction with this guideline) provides a framework for planning decisions and other Council programs relating to aircraft noise. It sets out principles that are to guide planning proposals, development assessment, provision of aircraft noise information and efforts to initiate aircraft noise amelioration programs.

The policy aims to:

- Recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the national, State, regional and local levels;
- Protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise;
- To ensure that aircraft noise impacts on the community are within acceptable limits;
- Allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable;
- Ensure that planning and information management functions are exercised with a reasonable standard of care and diligence;
- Facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions; and
- To promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

An aircraft noise planning area is defined based on Australian Noise Exposure Forecast maps. Within this area, the Guideline establishes principles based on relevant State planning directions, Australian Standards and current best practice aircraft noise amelioration programs. Whilst the Guideline seeks consistency with these general principles, it also provides guidance for the application of discretion. This allows decisions to respond to local circumstances and the merits of each case.

Detailed aircraft noise related development controls based on the policy are set out in Chapter B7 *Williamtown RAAF Base – Aircraft Noise and Safety* of the *Port Stephens Development Control Plan 2014*. These controls adopt the Building Site Acceptability principles outlined in AS 2021—2015 *Acoustics – Aircraft noise intrusion – Building siting and construction* but provide more definitive guidance regarding discretionary matters.

ITEM 1 - ATTACHMENT 1 REVISED PORT STEPHENS AIRCRAFT NOISE POLICY (INCLUDING GUIDELINE)

Port Stephens Aircraft Noise Guideline

Part 1: About the Policy

1.1 Purpose

The purpose of the policy including guideline is to guide Port Stephens Council when exercising its planning and other functions as they relate to aircraft noise. It relates specifically to the following Council functions:

- Planning proposals;
- Development assessment; and
- Information management.

It provides a framework for decision making that is generally consistent with national standards and State planning policies and directions, whilst also responding to local needs and expectations.

1.2 Principal aims

The policy has the following aims:

- To recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the local, national, State and regional levels—not only in terms of defence and air transport, but as a key generator of economic activity;
- To protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise;
- To ensure that aircraft noise impacts on the community are within acceptable limits;
- To allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable;
- To ensure that planning and information management functions are exercised with a reasonable standard of care and diligence;
- To facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that

enables people to make appropriate decisions; and

- To promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

1.3 Contents

The guideline is divided into 6 parts.

- **Part 1 About the policy** - outlines the policy's purpose, principal aims, and its relationship to other policies and plans.
- **Part 2 Policy context** - explains why a policy is necessary, introduces important noise concepts, defines the area within which the policy should be applied, outlines essential planning criteria and identifies the policy tools that will be used to implement the policy.
- **Part 3 Planning proposals** - outlines principles for the preparation of planning proposals, such as those relating to the rezoning of land. These principles are essentially concerned with preventing future encroachment of development into areas where it would be incompatible with existing and future airport operations.
- **Part 4 Cooperative mechanisms** - outlines cooperative mechanisms which help to promote mutually satisfactory outcomes for all interested stakeholders and ensure the burden is at the lowest extent possible for the benefit of the existing community.
- **Part 5 Noise information** - outlines principles and procedures relating to the collection and use of aircraft noise information. Whilst managing risk and liability is an important objective, of equal significance is the need to provide meaningful information to the public. This will help people to make decisions appropriate to their needs and sensitivity to aircraft noise.
- **Part 6 Reference material** - contains a glossary of words with special or technical

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Part 1: About the Policy

meanings, and a list of relevant publications.

1.4 Relationship to other policies

The policy including guideline:

- Outlines principles for planning proposals that are consistent with section 117 Direction 3.5 *Development Near Licensed Aerodromes* (dated 1 July 2009) made by the NSW Minister for Planning and the Environment under the *Environmental Planning and Assessment Act 1979* (NSW);
- Provides the rationale for aircraft noise related development controls contained in the *Port Stephens Local Environmental Plan 2013* and the *Port Stephens Development Control Plan 2014*;
- Adopts the building site acceptability principles outlined in Australian Standard AS 2021—2015 *Acoustics—Aircraft noise intrusion—Building siting and construction* but provides more definitive guidance regarding discretionary matters under the standard; and
- Supports the Memorandum of Understanding between Council and the Department of Defence which aims to ensure Defence is notified by Council of any application or planning proposal for properties wholly or partly within ANEF contours of 20 and greater and has the opportunity to make a submission with respect to any such matter notified to it in accordance with the MOU.

1.5 Explanation of terms

Terms used with special or technical meanings are explained in Part 6 *Reference material*.

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Part 2: Context

2.1 Introduction

Aircraft noise is not a new issue for the Port Stephens area, due to the community's longstanding co-existence with RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range (RAAF Williamtown-Newcastle Airport).

The RAAF Base was first established in 1941, and now plays an important role in supporting Australia's air combat capability. Civilian use of the airfield began in 1947 and today Newcastle Airport, which is located within the RAAF Base site, is a major regional airport undergoing rapid growth in passenger numbers. Newcastle Airport is managed by Newcastle Airport Ltd on behalf of Newcastle City Council and Port Stephens Council, which hold a lease over the airport site.

To limit aircraft noise impacts Port Stephens Council has for many years applied controls on new development in noise-affected areas. These controls are based on Australian Noise Exposure Forecast maps and compliance with Australian Standard AS 2021-2015 *Acoustics-Aircraft noise intrusion-Building siting and construction*.

The scheduled introduction of F-35 Lightning II Joint Strike Fighter combat aircraft after 2018 (to replace the current F/A-18 A/B Hornets) prompted the need for a complete review of the ANEF maps by the Department of Defence, as the new aircraft will produce different noise emissions and use the weapons range in different ways.

2.2 Why is the policy needed?

Protecting the airport

RAAF Williamtown-Newcastle Airport is a facility of fundamental significance at the local, national, state and regional levels. Its importance relates not only to defence and air transport, but also to its role as a key generator of economic activity in the Hunter region. Investment in military capability, airport infrastructure and the economic opportunities that cluster nearby are a very

important and growing element in the regional and local economy. For example, the Joint Strike Fighter will contribute an additional \$500 million investment in the region, with consequent job increases above the current 3,000 defence-related employees, as well as wider multiplier effects on regional employment and income. Accordingly, the importance of RAAF Williamtown-Newcastle Airport and its ongoing development need to be appropriately recognised and supported. The enormous public investment in the facility should be protected from factors that would constrain its future operation, performance and competitiveness.

Protecting the community

Whilst airports need to be protected from too close a relationship with the community they serve, so too does the community need to be protected from aircraft noise.

Aircraft noise is an inescapable by-product of aviation. Unless measures are taken to reduce the impacts of aircraft noise on nearby communities, there can be a wide range of undesirable social, economic and environmental consequences. These range between annoyance and irritation, interference with speech and social activities, interference with classroom learning, loss of relaxation and tranquillity, sleep disruption, health impacts and many others. Loss of amenity due to aircraft noise can have significant impacts on the local economy.

Managing the impacts of aircraft noise is a major challenge for the local government area. A clear policy framework is required that can promote aircraft noise outcomes that are acceptable to the community.

Responding to local circumstances and expectations

It is not feasible to exclude all noise-sensitive development from the vicinity of RAAF Williamtown-Newcastle Airport, since existing built-up areas are already subject to major noise issues. These examples emphasise the need for guidance regarding discretionary matters under AS 2021-2015 so as to acknowledge the existing situation.

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Exercising due care & diligence

Council has a duty to developers and landowners to exercise proper care when it exercises its planning functions. It is therefore essential that the planning controls intended to manage aircraft noise impacts are based on best practice and the most reliable factual information available.

Consequently, development proposals and requests for information that involve aircraft noise related matters should be considered with particular care and diligence. This requires clear criteria, consistent application of those criteria and sound record keeping practices.

Informing the public

Successful co-existence between RAAF Williamtown-Newcastle Airport and the local community presupposes that members of the public have access to aircraft noise information that is accurate and meaningful. This will help people make appropriate decisions about where to locate their homes and businesses, based on their particular needs and personal sensitivity to aircraft noise. In particular, poor information can lead to false expectations and highly negative responses to aircraft noise. Well thought out information strategies can avoid these problems.

Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and Environment and local community interest groups.

2.3 Aircraft Noise Exposure Forecasts

Australian Noise Exposure Forecasts

Aircraft noise exposure is a measure of the cumulative amount of aircraft noise likely to be experienced at a particular site on an

average day, taking into account factors such as noise intensity, duration and tonal qualities, as well as frequency of flights, type of aircraft and time of day. Computational processes are used to derive a single integrated measure that aims to reflect the average community response to aircraft noise. Aircraft noise exposure is widely used to guide decisions about locations that may be suitable for different activities.

The method used in Australia for measuring aircraft noise exposure is known as the Australian Noise Exposure Forecast system. It includes the following noise measures, which are usually illustrated on maps by noise exposure contours.

- ANEF - a noise exposure forecast for a particular time in the future or based on particular circumstances such as ultimate capacity. ANEF maps are the maps that are referenced in the parts of AS 2021-2015 that are applied to land use planning.
- ANEI - a noise exposure index based on data for a previous year where the exact numbers and types of aircraft which used the airport are known. ANEI maps are not referenced in the parts of AS 2021-2015 that are applied to land use planning.
- ANEC - a noise exposure concept depicting possible noise exposure levels based on a predetermined set of assumptions about airport use and operation. ANEC maps are not referenced in the parts of AS 2021-2015 that are applied to land use planning.

It is important to appreciate that ANEF values represent predicted noise exposure, not predicted noise level or intensity. They do not give any indication of the maximum sound level ($L(A)_{max}$) that may be experienced at a site.

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Part 2: Context

2.4 Aircraft Noise Planning Area

Drawing the line

Many areas of the local government area are subject to some level of aircraft noise; some parts experience much more aircraft noise than others. This raises the question as to where to draw the line between those areas where aircraft noise should be considered in planning and other decisions (the Aircraft Noise Planning Area or ANPA) and those areas where it need not.

Aircraft noise planning thresholds are usually defined in terms of ANEF values. Under AS 2021-2015 all building types are classed as being 'acceptable' where the ANEF value is less than 20. Below this value, there is usually no need for aircraft noise reduction measures. However, even below this threshold level, most complaints about aircraft noise in Australia originate from outside the ANEF 20 contour. ANEFs have certain limitations, and several alternatives have been raised for discussion. Not the least of these limitations is that ANEFs tend to reinforce the misconception that aircraft noise magically ends at the ANEF 20 contour (which it does not).

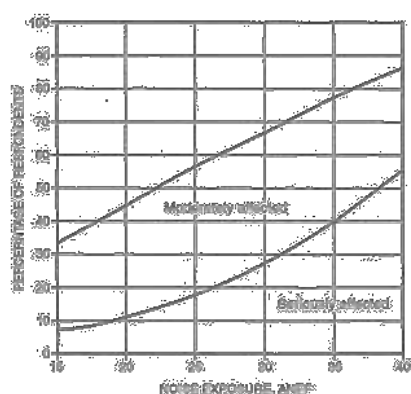


Figure 1: Relationship between ANEF level and community reaction in residential areas (Source: AS 2021-2015)

Available ANEF maps

ANEF maps for RAAF Williamtown-Newcastle Airport are produced by the Department of Defence. The following maps have been published in recent years:

- *RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF* - this forecast was made on 10th August 2011 and is based on predicted conditions in 2025. It reflects the operation of Joint Strike Fighter after 2018 and the continued operation of the Hawk; and
- *RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF* - this forecast was made in 2003 and is based on predicted conditions in 2012. It reflects the operation of existing Hawk and Hornet and is expected to continue until at least 2018.

It is an established convention that there will only be one current ANEF map for a given airport at any one time, this being the latest map endorsed by the relevant authority. However, application of that convention is problematical in the circumstances listed above. Omitting to have regard to the 2012 ANEF might amount to a failure to exercise reasonable care, in which case there would be the potential for liability. Accordingly, the Department of Defence have advised the prudent approach is to consider the 2012 ANEF map for such period as it continues to be relevant.

Aircraft Noise Planning Area

The ANPA defines the area within which aircraft noise should always be considered in planning and development decisions generally in accordance with this guideline.

The ANEF 20 level is adopted as the appropriate minimum planning threshold. The ANPA therefore comprises all properties that are wholly or partly within the ANEF 20 contour on the relevant planning area map, and so includes land within ANEF contours of 20 and higher.

The relevant planning area map is a composite of the 2025 ANEF and the 2012 ANEF. 2025 ANEF 2025 is the most recent ANEF map and 2012 ANEF is an earlier

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ANEF map that remains relevant to present or future circumstances.

A property-based approach has been adopted in defining the ANPA. If part of a property falls within the ANEF 20 contour, the entire property is defined to be within the ANPA. The information necessary to determine if a particular property is within the ANPA will be recorded on the Council's property database (refer to Part 5 *Noise information* of the policy). Although a property may be identified within the ANPA only that part of a site within the 20 ANEF contour would be subject to development control plan requirements relating to aircraft noise. No inference should be made that land outside the ANPA is not subject to aircraft noise. Such land is merely below the minimum noise exposure threshold adopted for planning purposes.

2.5 Planning criteria

There are three essential planning criteria that should be applied to all planning and development proposals within the Aircraft Noise Planning Area:

- Aircraft noise burden;
- Site suitability; and
- Aircraft noise reduction.

These criteria are critical to attaining progress on the two key objectives, namely to protect RAAF Williamtown-Newcastle Airport from encroachment by noise-sensitive activities, and to protect the community from adverse noise impacts.

Criteria	Purpose
Aircraft noise burden	Containing or reducing the aggregate aircraft noise problem
Site suitability	Putting the right activities in the right place ('prevention')
Aircraft noise reduction	Reducing noise through building construction measures ('cure')

Figure2: Planning Criteria

Aircraft noise burden

- A. The aircraft noise burden refers to the total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase.

The aircraft noise burden can be broken down into two distinct components.

- The *existing aircraft noise burden* comprises housing and other noise sensitive development that is already in existence. For such development, aircraft noise is an historical problem that cannot be dealt with by traditional planning policies. This is largely a Department of Defence problem. Council can, outside of its functions as a consent authority, advocate and call for co-operation from Department of Defence to achieve any reduction and such areas are kept to a minimum when considering operations.
- The *future aircraft noise burden* comprises housing and other development that is yet to be built. Aircraft noise is a planning problem that can be dealt with by zoning and other planning controls. Planning decisions should not make the future situation worse than that which currently exists. To do so would be contrary to the principle of intergenerational equity, which binds Council in its role as a consent authority and as a local council.

Site suitability

- B. Site suitability refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions and the sensitivity of that development to those conditions.

Site suitability provides a key criterion for deciding whether or not to permit or encourage particular activities in particular locations. It is about putting the right kinds of development in the right places, and represents 'prevention' rather than 'cure'. Where possible, achieving

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site suitability should have priority over aircraft noise reduction.

The currently recognised standard for site suitability is specified by Table 2.1 *Building Site Acceptability Based on ANEF Zones* in AS 2021-2015.

Aircraft noise reduction

- C. This refers to the reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing).

Aircraft noise reduction represents 'cure' rather than 'prevention'. It is the next best option when a development site is conditionally suitable. However, there are theoretical and practical limits to aircraft noise reduction. When applied to highly unsuitable sites, acceptable noise outcomes may not be possible.

The currently recognised standard for aircraft noise reduction is specified by Section 3 *Building Construction Against Aircraft Noise Intrusion*.

community, particularly in relation to minimising noise impacts and enable Council to advocate on behalf of the community

Information management

Information management relates to the way that information on aircraft noise is gathered, kept, used and distributed. It can promote a number of important objectives, such as ensuring due care and diligence, and providing accurate and useful information to the public.

When considered together, application of the above policy tools forms a holistic aircraft noise policy framework. This is illustrated in Figure 3 *Aircraft Noise Policy Framework*.

2.6 Policy tools

The tools or mechanisms that can be used to implement the policy are as follows:

Planning proposals

Planning proposals involve the preparation of plans relating to the future use and development of land. They are a critical tool for preventing an increase in the *future* aircraft noise burden.

Development assessment

Development assessment involves the regulation of development proposals under existing planning instruments. It is an important tool for containing growth in the *future* aircraft noise burden, but is often constrained by the limitations of historical zoning decisions.

Cooperative mechanisms

Cooperative mechanisms involve providing a forum for dialogue and feedback regarding the effects of aircraft operations on the local

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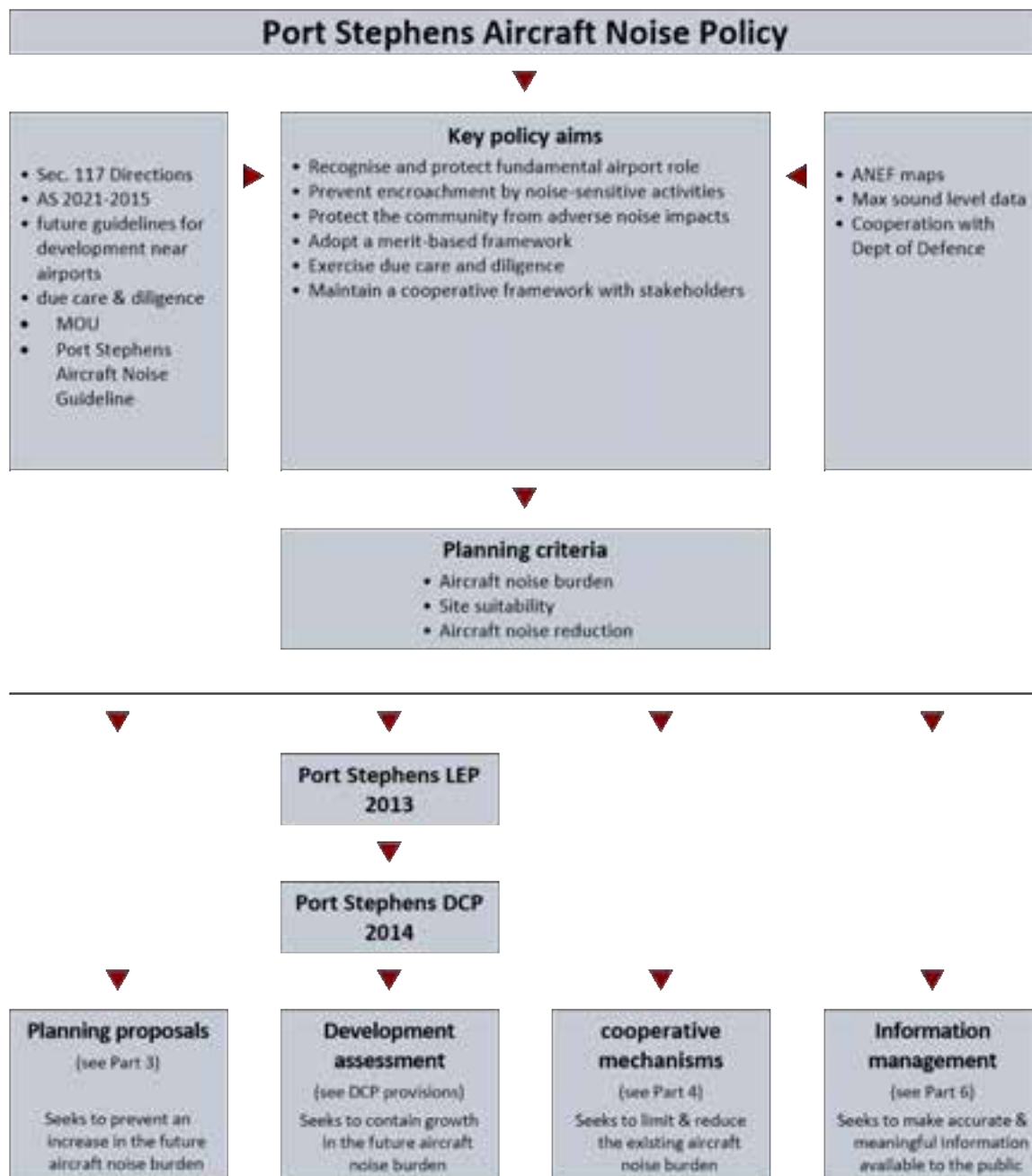


Figure 3: Aircraft Noise Policy Framework

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Part 3: Planning proposals

3.1 Role of planning proposals

A planning proposal refers to a proposal to alter the planning controls that operate under the *Port Stephens Local Environmental Plan 2013*. Planning proposals may relate to a broad strategic review of urban structure and settlement pattern within the Port Stephens area, a process commonly referred to as 'strategic planning'. Alternatively, they may involve consideration of a change of zoning for a specific land parcel, typically in response to a landowner's request. This latter type is commonly referred to as a 'rezoning request' or 'spot rezoning'.

Planning proposals usually cannot be used as a tool for reducing the *existing* aircraft noise burden. This is because the planning legislation allows the continued operation of 'existing uses' and other permitted land uses. However, they are of particular value in preventing an increase in the *future* aircraft noise burden. That is, planning proposals can be used to promote a future settlement pattern that, relative to the current situation, does not increase the number of people adversely affected by aircraft noise.

3.2 Statutory requirements

NSW Planning Directions

Under the *Environmental Planning and Assessment Act 1979* (NSW) a planning proposal must include documentation setting out the intended effect of the proposal and its justification. It must also be consistent with any relevant directions issued by the NSW Minister for Planning and the Environment under section 117 (or provide adequate justification for any inconsistency). Section 117 Direction 3.5 *Development near Licensed Aerodromes* applies to any planning proposal that will create, alter or remove a zone or provision relating to land in the vicinity of an aerodrome. Its objective in relation to aircraft noise is to ensure development for residential purposes or human occupation, if situated on land within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely

affected by aircraft noise. The Direction requires planning proposals to include provisions to ensure that development is consistent with AS 2021-2015. Regarding ANEF contours, it provides that a planning proposal must not rezone land:

- a. For residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by the Department of Defence, exceeds 25; or
- b. For schools, hospitals, churches and theatres where the ANEF exceeds 20; or
- c. For hotels, motels, offices or public buildings where the ANEF exceeds 30.

It also provides that a planning proposal must include a provision to ensure that development meets AS 2021-2015 regarding interior noise levels where it seeks to rezone land:

- a. For residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25; or
- b. For hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or
- c. For commercial or industrial purposes where the ANEF is above 30.

Port Stephens Local Environmental Plan 2013

The *Port Stephens Local Environmental Plan 2013* regulates land use in Port Stephens including provisions for zoning and development standards. Clause 7.5 *Development in areas subject to aircraft noise* has the following objectives in relation to aircraft noise:

- a. To prevent certain noise sensitive developments from being located near the RAAF Base Williamtown Airport and its flight paths;
- b. To assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation in noise sensitive buildings; and

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Part 3: Planning proposals

- c. To ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

The clause applies to development that:

- a. Is on land that:
- Is near the RAAF Base Williamtown Airport; and
 - Is in an ANEF contour of 20 or greater; and
- b. The consent authority considers is likely to be adversely affected by aircraft noise.

Before determining a development application for development to which this clause applies, the consent authority:

- Must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise; and
- Must consider the location of the development in relation to the criteria set out in Table 2.1 *Building Site Acceptability Based on ANEF Zones* in AS 2021-2015; and
- Must be satisfied the development will meet the indoor sound design levels shown in Table 3.3 *Indoor Design Sound Levels for Determination of Aircraft Noise Reduction* in AS 2021-2015.

The ANPA provides the spatial overlay within which planning proposals require detailed scrutiny. Planning proposals within that area need to be assessed in terms of the essential planning criteria identified in section 2.5:

- Aircraft noise burden;
- Site suitability; and
- Aircraft noise reduction.

Site suitability in terms of the acceptability criteria under AS 2021-2015 and ANEF contours are a key consideration. However, this approach can have limitations when applied to military airports, due to the very high maximum sound levels ($L(A)_{max}$) that can be produced by combat aircraft. In some locations, compliance with aircraft noise reduction levels specified by AS 2021-2015 may not be possible or practicable within ANEF contours that define 'acceptable' and 'conditionally acceptable' locations. This issue needs to be carefully addressed.

Planning proposals outside the ANPA may also require scrutiny. This is because it is based on medium-term noise forecasts (currently year 2025) yet planning proposals may initiate land use changes well beyond that planning horizon. Therefore, any foreseeable long-term changes that might have aircraft noise impacts over a wider area should also be considered (for example changes to aircraft types, flight paths or volume of traffic). This should be considered by way of suitable consultation with the airport operator.

3.3 Strategic approach

Protecting the long-term operation of RAAF Williamtown-Newcastle Airport, whilst also protecting the community from unacceptable aircraft noise impacts, requires a strategy that prevents encroachment of noise-sensitive development into incompatible noise-exposed locations. In some cases there is likely to be conflicts between this strategy and landowners' aspirations for rezoning of land for urban purposes. These conflicts should be resolved in favour of the overriding priority and importance of RAAF Williamtown-Newcastle Airport.

3.4 Principles

Where the principles apply

The following principles apply to planning proposals in respect of land that is:

- Within the ANPA; or
- Within 2 kilometres of the ANPA which has the potential to increase residential densities or other noise sensitive land uses; or
- Where the consent authority has been advised by Department of Defence that

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Part 3: Planning proposals

aircraft noise has the potential to adversely affect future development.

Aircraft noise burden

- A. A planning proposal should not result in an increase in the future aircraft noise burden. That is, it should not permit any intensification of development within the ANPA that would significantly increase the number of people or dwellings adversely affected by aircraft noise.

Site suitability

- B. In its preparation of broad settlement strategies for the Port Stephens area, the Council should give preference to land uses in the vicinity of RAAF Williamtown-Newcastle Airport that:

- Will be compatible with the future long-term operation and growth of that facility;
- Have a mutually beneficial relationship with activities undertaken within that facility; and
- Do not rely on aircraft noise reduction to achieve compatibility.

- C. A planning proposal should permit new development in a manner that is generally consistent with the building site acceptability criteria in AS 2021-2015. For example, a planning proposal should not:

- Rezone land for residential purposes where the ANEF level exceeds 25;
- Increase residential densities in areas where the ANEF level exceeds 25;
- Rezone land for schools, hospitals, churches and theatres where the ANEF exceeds 20; or
- Rezone land for hotels, motels, offices or public buildings where the ANEF exceeds 30.

- D. However, a planning proposal should not be supported if there is evidence that it would not be 'possible' or 'practicable' for development permitted under the proposal to meet the level of aircraft noise reduction specified by AS 2021-2015. Such decisions should have regard to an acoustic study prepared by a noise

control expert to establish the predicted maximum sound level $[L(A)_{max}]$ for the site in accordance with AS 2021-2015 and level of Aircraft Noise Reduction (ANR) required.

- E. For the purposes of satisfying D above Council will have regard for the predicted maximum sound level $[L(A)_{max}]$, as may be provided to Council from time to time by the Department of Defence to assist Council in its planning.

Aircraft noise reduction

- F. A planning proposal should not lessen existing requirements for aircraft noise reduction that apply under the *Port Stephens Local Environmental Plan 2013*.

Inconsistency with principles

- G. A planning proposal that is inconsistent with any of the above principles should not be prepared unless:

- It is justified by a planning strategy that considers the objectives of this policy;
- Meets requirements under NSW section 117 Direction 3.5 *Development near Licensed Aerodromes*; and
- The Council is satisfied that to do so would be both reasonable and in the public interest.

Consultation

- H. When preparing a planning proposal relating to land:

- Within the ANPA; or
- Within 2 kilometres of the ANPA.

The Council should consult with the Department of Defence and any stakeholder having a particular interest in the issue of aircraft noise.

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Part 4: Cooperative mechanisms

4.1 Extent of the aircraft noise burden

The extent of the aircraft noise burden is shown in the following table:

	ANEF Contour					
	20-25	25-30	30-35	35-40	>40	Total
2012 ANEF	1,649	522	49	8	1	2,229
2025 ANEF	911	244	77	26	12	1,270
Net Difference	-738	-278	+28	+18	+11	-959

Figure 4: Residential Sites Encompassed by ANEF Contours Before and After the Inclusion of the JSF Aircraft (Source: Environmental Impact Statement – Flying Operations of the F35A Lightning II Volume 2: RAAF Base Williamtown Table 8-10 Residential sites encompassed by ANEF contours before and after the inclusion of the F-35A aircraft)

4.2 Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and local community interest groups.

Members of the Council, acting as community leaders, can play an active role in advocating the case for programs including possible amelioration for the community to parliamentary members and Ministers.

Studies should be undertaken to more fully document the extent to which existing development is subject to unacceptable levels of aircraft noise. These should be

undertaken cooperatively by the Council and the Department of Defence.

Ideally a cooperative framework should be maintained in which all stakeholders can:

- Appreciate the strategic importance of the airport and its operational requirements;
- Appreciate the impacts that aircraft noise has on the local community, and the measures that might be needed to resolve those impacts;
- Ensure the local community burdened to the minimum extent possible from aircraft noise for the Department of Defence to undertake operations; and
- Contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

4.3 Memorandum of Understanding

Council entered into a Memorandum of Understanding (MOU) with the Commonwealth of Australia (represented by the Department of Defence) in September 2015. The purpose of the MOU is to set out expectations and understanding with respect to the exercise of planning functions by the Council for development of land within the ANPA.

Development Applications

Under the MOU Council acknowledges and agrees that, as a Consent Authority, it is required by section 79C(1) of the *Environmental Planning and Assessment Act 1979* (NSW) to take certain matters into account when assessing an application including but not limited to the following:

- The relevant provisions of the LEP;
- The relevant provisions of the DCP;
- The likely impacts of development proposed, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- The suitability of the site;
- Any submissions; and
- The public interest.

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Part 4: Cooperative mechanisms

Under the MOU, Council agrees to notify Defence of a relevant application made to Council and to take into account any submission made by Defence to the fullest extent possible.

Planning Proposals

Under the MOU Council agrees to use its best endeavours to comply with the following when preparing and considering a planning proposal which relates to land within the ANPA:

- Section 117 Direction 3.5 *Development near Licensed Aerodromes*; and
- This policy (in particular the principles contained in Part 3 *Planning proposals*).

Under the MOU Council is to notify Defence of a planning proposal which relates to land that is:

- Within the ANPA; or
- Within 2km of the ANPA which has the potential to increase residential densities or other noise sensitive land uses.

Council agrees to notify Defence of a relevant planning proposal made to Council and to take into account any submission made by Defence to the fullest extent possible.

4.4 Model programs

The Sydney and Adelaide Noise Amelioration Programs, which are now completed, are generally considered the best practice approach in Australia. Being civil airports, these programs were funded by an industry levy and have brought about significant improvements for noise sensitive buildings in high noise exposure zones. Funding for the up-grading of existing housing was set at a maximum of \$57,000 per dwelling (at that time). The approach taken was to provide amelioration at the following thresholds:

Threshold	Land use	Amelioration provided
>25 ANEI	Public buildings	Aircraft noise reduction
>30 ANEI	Dwellings	Aircraft noise reduction by: 35 dB(A) for sleeping areas and 30 dB(A) for living areas
>40 ANEI	Dwellings	Voluntary acquisition of property

Figure 5: Amelioration Thresholds for Sydney and Adelaide Programs

Note: Australian Noise Exposure Index (ANEI) is based on data for a previous year where the exact numbers and types of aircraft which used the airport are known.

Subject to appropriate justification, the Council should work with the Department of Defence and the community to frame an appropriate amelioration program based on the above model.

4.5 Consultative Committee

To promote the objectives of this Policy in cooperation with the Department of Defence, RAAF, the community and other stakeholders, the Council form a Consultative Committee - the Port Stephens Aircraft Noise Reference Panel - or sub-committee of the existing Airport Consultative Committee) to:

- Provide an interface between the community and the operators of the RAAF Base and Newcastle Airport;
- Provide a forum for dialogue and feedback regarding the effects of aircraft operations on the local community, particularly in relation to minimising noise impacts;
- Promote sharing of relevant information, such as that relating to aircraft noise, planning proposals, development trends, noise complaints and so forth; and
- Provide opportunities for all interested stakeholders to contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

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Port Stephens Aircraft Noise Guideline

Part 5: Noise information

5.1 Planning certificates

Planning certificates - advice under section 149(2)

The following aircraft noise information should be included on planning certificates as prescribed advice under section 149(2):

Where the property is within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- The land is subject to aircraft noise related development controls under the *Port Stephens LEP 2013* and Part B7 of the *Port Stephens DCP 2014*; and
- Relevant principles are set out in the *Port Stephens Aircraft Noise Policy*.

Note: This disclosure relates to the matter as to whether or not the council has adopted a policy to restrict the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation or any other risk (Item 7 of schedule 4 Environmental Planning and Assessment Act Regulation 2000 (NSW)).

Planning certificates - advice under s149(5)

The following aircraft noise information should be included on planning certificates as additional advice section 149(5):

Where the property is not located within the ANPA a statement should be made to the effect that:

- The land is not located within the ANPA under the *Port Stephens LEP 2013*;
- No inference should be made that the land is not subject to aircraft noise—it merely indicates that the level of aircraft noise exposure present on the land is below the threshold adopted for planning purposes;
- The land is likely to be affected by some level of aircraft noise, which may cause some persons serious annoyance from

time to time, particularly those with a higher sensitivity to noise; and

- Persons with particular noise requirements may need to consider aircraft noise reduction measures for the site.

Where the property is located within the ANPA a statement should be made to the effect that:

- The land is located within the ANPA under the *Port Stephens LEP 2013*;
- This indicates that the level of aircraft noise exposure present on the land is above the threshold adopted for planning purposes;
- The likely extent of aircraft noise exposure for the land is shown on ANEF maps which can be inspected at the office of the Council or on the Department of Defence internet site;
- ANEFs are used for planning purposes in determining the suitability of land for particular purposes;
- ANEFs do not give an indication of 'decibel' sound levels likely to be experienced at the site, and that information on this may be available at the office of the Council; and
- The land is likely to be affected by aircraft noise that may cause some persons serious annoyance.

Where the land is the subject of aircraft noise related requirements or conditions under development consent a statement should be provided to the effect that:

- Aircraft noise related requirements or conditions were imposed under development consent (give details of consent number);
- The consent may be inspected at the office of the Council;
- Closure of windows and doors is required in order to achieve the benefits of noise control measures; and
- Applicants should consider the need for independent professional advice as to

ITEM 1 - ATTACHMENT 1 REVISED PORT STEPHENS AIRCRAFT NOISE
POLICY (INCLUDING GUIDELINE)

Port Stephens Aircraft Noise Guideline

Part 5: Noise information

any supplementary aircraft noise reduction measures that might be needed to meet the applicant's particular needs or requirements.

5.2 Aircraft noise community information strategy

In collaboration with the Department of Defence, the Council should investigate preparing and implementing a community information strategy to provide meaningful aircraft noise information to the community. Such information would be readily interpreted by non-experts, and would be based on communication concepts rather than technical parameters. Information may include noise data received from Defence.

The overall aim should be to enable people to make more informed decisions about the noise environment likely to be experienced at particular locations and how that environment might be compatible or incompatible with their needs or objectives. The strategy could also address possible alternative delivery media. Such approaches have been discussed in the publications *Guidance Material for Selecting and Providing Aircraft Noise Information* (Department of the Environment and Heritage and Department of Transport and Regional Services, 2003) and *Expanding Ways to Describe and Assess Aircraft Noise*, (Department of Transport and Regional Services, 2000).

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Port Stephens Aircraft Noise Guideline

Part 6: Reference material

6.1 Glossary

Acceptability

What is acceptable is ultimately a value judgement that reflects community norms and expectations, as well as the level of available resources. AS 2021-2015 provides guidance as to acceptable aircraft noise outcomes, but wider public interest considerations and the particular circumstances of the case may also need to be considered.

Acoustic study

A study undertaken by a noise control expert that describes the noise conditions present at a site and identifies aircraft noise reduction measures required to achieve an acceptable noise environment. The study will also address related issues such as likely cost and practicability. Its purpose is to provide an adequate factual basis for planning and development decisions.

Aircraft noise burden

The total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase. Two components can be distinguished, each requiring different policy responses:

- The *existing aircraft noise burden*—housing and other development that is already in existence
- The *future aircraft noise burden*—housing and other development that is yet to be built.

Aircraft noise information

Information that describes existing or predicted future aircraft noise conditions or that enables the interpretation of such information.

Aircraft Noise Planning Area

The area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the ANEF 20 contour on 'relevant ANEF maps' and includes land that is within ANEF contours of 20 and greater.

Aircraft noise reduction

The reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing). The currently recognised standard for aircraft noise reduction is specified by Part 3 of AS 2021—2015.

Australian Noise Exposure Forecast (ANEF)

A single integrated measure of predicted future exposure to aircraft noise that aims to reflect the average community responses. It takes into account a wide variety of factors, such as noise intensity, duration and tonal qualities, as well as type of aircraft, frequency of flights and time of day. Forecasts are shown by contour lines on ANEF maps, and assist decisions regarding the suitability of development according to its sensitivity to aircraft noise.

AS 2021-2015

Australian Standard AS 2021-2015 *Acoustics - aircraft noise intrusion - building siting and construction*. This is a nationally recognised standard for development affected by aircraft noise.

The Council

Port Stephens Council

dB (decibels)

A logarithmic scale unit used to measure sound pressure levels. A sound level levels as high as 130 -140 dB can be felt as pain.

dB(A) (decibels on the A-weighted scale)

Decibels measured using a particular weighting scale that reflects the sensitivity of the human ear across the audible frequency range.

Department of Defence

The Commonwealth agency responsible for administering Australia's defence services.

Development

The use of land, the subdivision of land, the erection of a building, the carrying out of a work, the demolition of a building or work, and certain other regulated activities.

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Port Stephens Aircraft Noise Guideline

Part 6: Reference material

Development control plan (DCP)

A type of plan prepared under the *Environmental Planning and Assessment Act 1979* (NSW). DCPs provide more detail than a local environmental plan, and must be considered when development applications are determined.

Local environmental plan (LEP)

A type of planning instrument prepared under the *Environmental Planning and Assessment Act 1979* (NSW). LEPs provide the broad local framework for development assessment including objectives, urban structure, land use controls, approval criteria, and other matters.

Maximum sound level - $L(A)_{max}$

A measure of aircraft noise, being the highest instantaneous sound pressure level measured at a site during a single aircraft flight. It provides some indication of interference with speech, listening to television, sleeping or other common activities, but does not give any information about how long this level will last or how frequently it will occur.

Noise

The subjective response to sound, particularly any loud, annoying or unwanted sound. Psychological responses to sound are affected by a wide variety of factors. As these responses vary from person to person, there is no single universal measure of noise.

Planning certificate

A certificate issued under section 149 of the *Environmental Planning and Assessment Act 1979* (NSW) that provides information about planning and related matters for a specified parcel of land. Under conveyancing laws a planning certificate containing basic information must be attached to any contract for the sale of land.

Planning proposal

Proposals that involve the preparation of plans relating to the future use and development of land. They include both broad strategic reviews and the rezoning of individual properties.

Principle

A rule of conduct or action that is applied when implementing a policy. The principles set out in this policy serve to guide how decisions should be made.

RAAF

Royal Australian Air Force.

RAAF Williamtown-Newcastle Airport

The interrelated complex of defence, air transport and support facilities comprising RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range.

Relevant ANEF maps

Refers to the most recent ANEF map, and any earlier ANEF map that remains relevant to present or future circumstances. ANEF maps for RAAF Williamtown-Newcastle Airport are published by the Department of Defence and can be inspected at the office of the Council.

Site suitability

Refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions at that site, and the sensitivity of that development to those conditions. The currently recognised standard for site suitability is specified by Table 2.1 Building Site Acceptability Based on ANEF Zones in AS 2021-2015.

Sound

A pressure disturbance that travels through air. Sound is a physical phenomenon that can be objectively measured (see decibels). However, the way in which people perceive and react to sound is entirely subjective (see noise).

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Port Stephens Aircraft Noise Guideline

Part 6: Reference material

6.2 Relevant publications

Final Environmental Impact Statement for Flying Operations of the F-35A Lightning II (comprised of *Draft Environmental Impact Statement for Flying Operations of the F-35A Lightning II*, Coffey for Australian Government Department of Defence, Defence Materiel Organisation, EPBC Reference 2010/5747, July 2014; and *Draft Environmental Impact Statement Supplementary Report for Flying Operations of the F-35A Lightning II* prepared by Coffey for Australian Government Department of Defence, Defence Materiel Organisation, EPBC Reference 2010/5747, April 2015

Airservices Australia (1999). *The Australian Noise Exposure Forecast System and Associated Land Use Compatibility Advice for Areas in the Vicinity of Airports*. Airservices Australia, Canberra.

Department of Defence (2009). *Operation of the JSF Aircraft as New Air Combat Capability (NACC) at RAAF Base Williamtown and Salt Ash Air Weapons Range Public Environment Report*. Report prepared by Sinclair Knight Merz.

Department of Defence (2009). *RAAF Base Williamtown & Saltash Air Weapons Range 2025 ANEF Summary Report*. Report prepared by GHD Pty Ltd.

Department of Infrastructure, Transport, Regional Development and Local Government (2009). *Safeguards for airports and the communities around them*. Discussion Paper. DITRDLG, Canberra.

Department of Infrastructure, Transport, Regional Development and Local Government (2009). *National Aviation Policy White Paper*. Chapter 14: Minimising the impact of aircraft noise.

Department of the Environment and Heritage and Department of Transport and Regional Services (2003). *Guidance Material for Selecting and Providing Aircraft Noise Information*. DEH & DOTARS, Canberra.

Department of Transport and Regional Services (2000). *Expanding Ways to*

Describe and Assess Aircraft Noise. DOTARS, Canberra.

Department of Transport and Regional Services (2003). *Going Beyond Noise Contours: Local Approaches to Land Use Planning Around Smaller Australian Airports*. DOTARS, Canberra.

Newcastle Airport Ltd (2007). *Newcastle Airport Masterplan*. NAL, Williamtown NSW.

NSW Minister for Planning (2009). *Direction 3.5: Development near Licensed Aerodromes*. Made under section 117 of the Environmental Planning and Assessment Act 1979, and dated 1 July 2009.

Queensland Government (2002). *State Planning Policy 1/02 Guideline: Development in the Vicinity of Certain Airports and Aviation Facilities*. Dept of Local Government and Planning, Brisbane.

Queensland Government (2002). *State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities*. Dept of Local Government and Planning, Brisbane.

Standards Australia (2000). *Australian Standard AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction*. Standards Australia, Homebush NSW.

WA Planning Commission (2004). *Aircraft Noise Insulation for Residential Development in the Vicinity of Perth Airport*. WAPC, Perth.

WA Planning Commission (2004). *Statement of Planning Policy No. 5.1: Land use Planning in the Vicinity of Perth Airport*. WAPC, Perth.

Appendix 1: RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF map

Appendix 2: RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF map

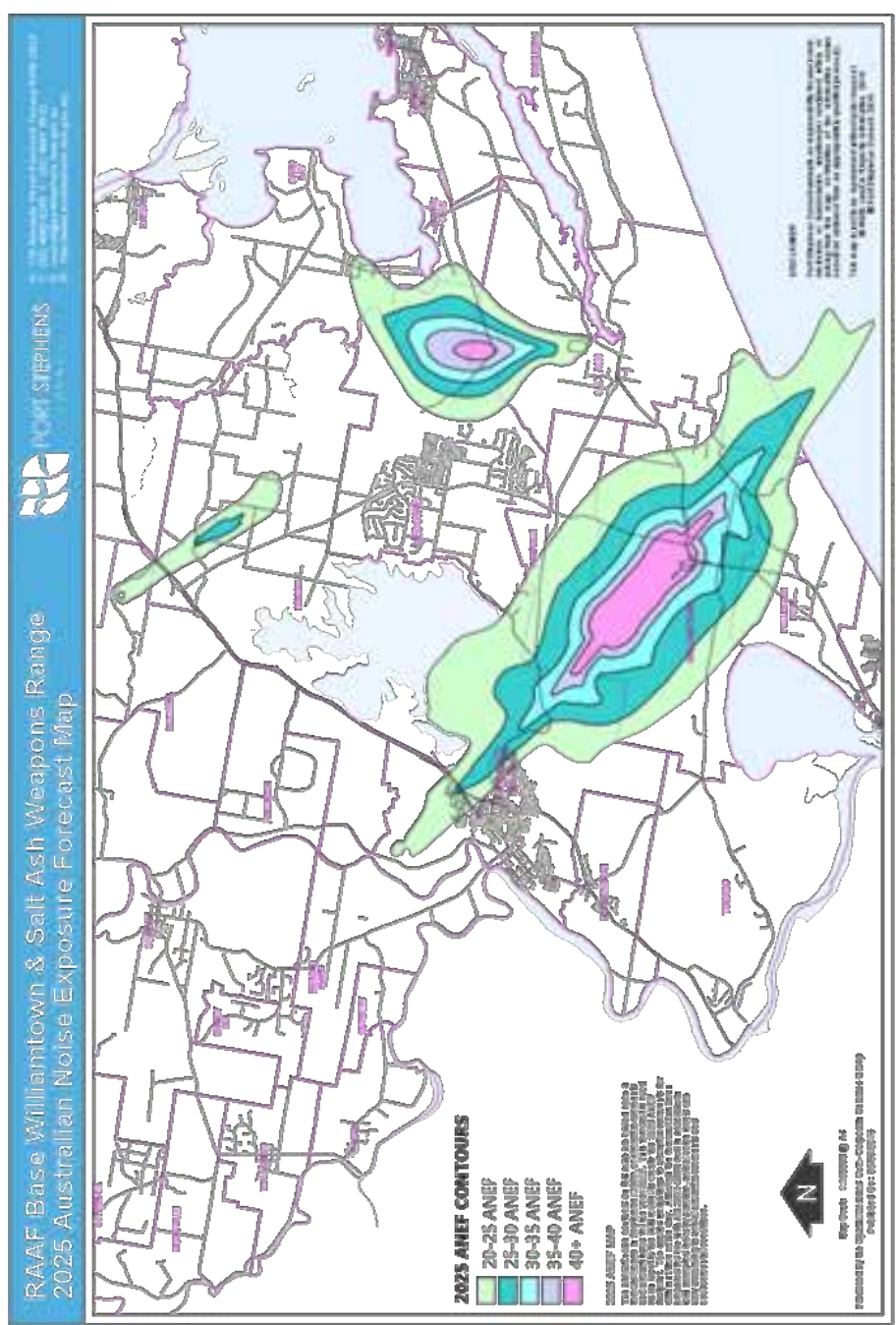
Appendix 3: Aircraft Noise Planning Area

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Port Stephens Aircraft Noise Guideline

Part 6: Reference material

Appendix 1: 2025 ANEF

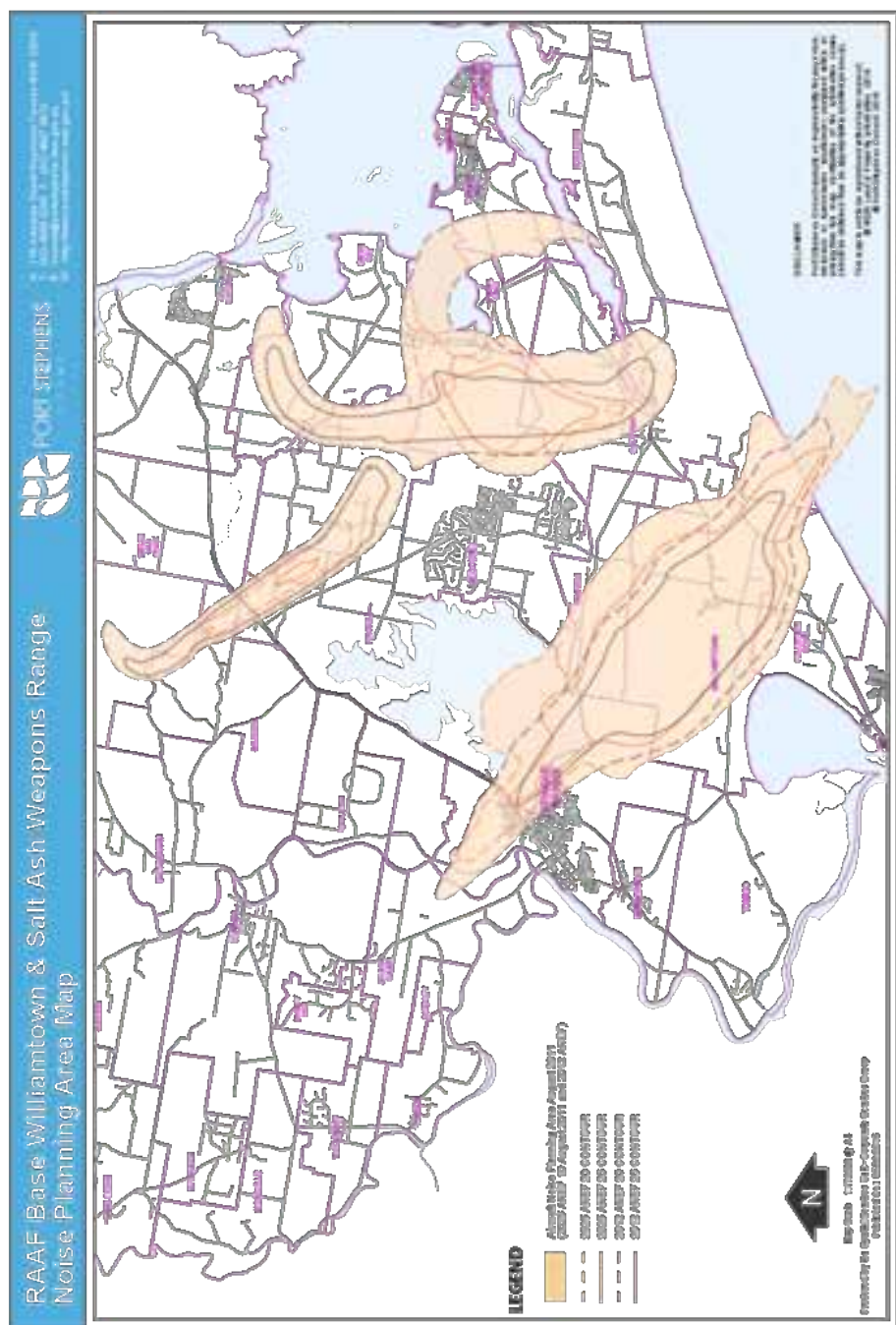


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Port Stephens Aircraft Noise Guideline

Part 6: Reference material

Appendix 3: Aircraft Noise Planning Areas

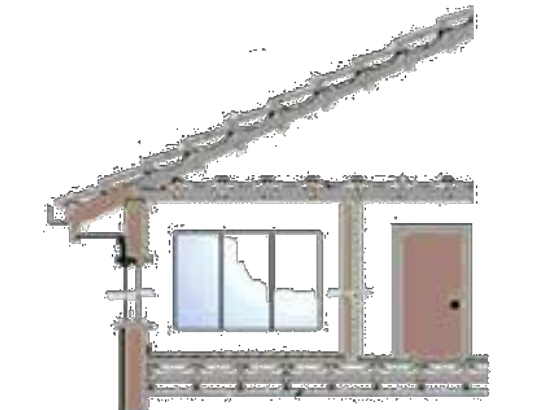
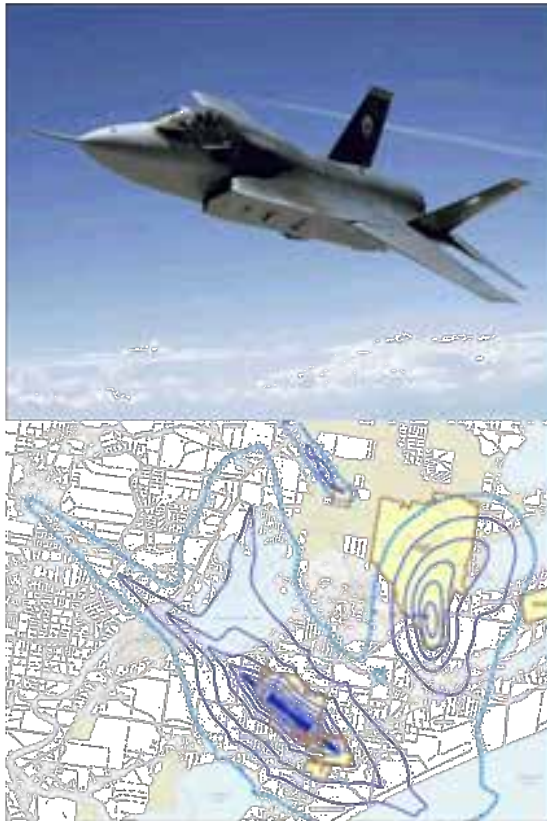


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Port Stephens Aircraft Noise Guideline

Part 6: Reference material

Version	Date	Amendments
1.0	23/08/11	Initial adoption
1.1 (draft)	25/10/16	<ul style="list-style-type: none"> - Amend title from 'Aircraft Noise Policy 2010' to 'Port Stephens Aircraft Noise Guideline'. - Add description of PS LEP 2013 provisions (p. 9-10). - Add section on MOU (p. 12-13). - Update various references to title of other policies e.g. to AS 2021-2000 to AS 2021-2015, DCP 2007 to DCP 2014, PS LEP 2000 to PS LEP 2013. - Various minor edits and changes e.g. to wording, font etc. - Improved resolution of maps at appendices.



Port Stephens

Aircraft Noise Policy 2010

Notified September 2011



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Summary

The Policy provides a framework for planning decisions and other Council programs relating to aircraft noise. It sets out principles that are to guide planning proposals, development assessment, provision of aircraft noise information and efforts to initiate aircraft noise amelioration programs.

The Policy aims to:

- recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the national, State, regional and local levels
- protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise
- to ensure that aircraft noise impacts on the community are within acceptable limits
- allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable
- ensure that planning and information management functions are exercised with a reasonable standard of care and diligence
- facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions
- to promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

An aircraft noise planning area is defined based on Australian Noise Exposure Forecast (ANEF) maps. Within this area, the Policy establishes principles based on relevant State planning directions, Australian Standards and current best practice aircraft noise amelioration programs. Whilst the Policy seeks consistency with these general principles, it also provides guidance for the application of discretion. This allows decisions to respond to local circumstances and the merits of each case.

Detailed aircraft noise related development controls based on the Policy are set out in Chapter B15 of the *Port Stephens Development Control Plan 2007*. These controls adopt the Building Site Acceptability principles outlined in AS 2021—2000, but provide more definitive guidance regarding discretionary matters under that Standard.

Part 1: About this Policy

1.1 Purpose

The purpose of this Policy is to guide Port Stephens Council when exercising its planning and other functions as they relate to aircraft noise.

The Policy relates specifically to the following Council functions:

- planning proposals
- development assessment
- information management.

The Policy provides a framework for decision making that is generally consistent with national standards and State planning policies and directions, whilst also responding to local needs and expectations.

1.2 Principal aims

The Policy has the following aims:

- to recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the local, national, State and regional levels—not only in terms of defence and air transport, but as a key generator of economic activity
- to protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise
- to ensure that aircraft noise impacts on the community are within acceptable limits
- to allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable
- to ensure that planning and information management functions are exercised with a reasonable standard of care and diligence
- to facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions
- to promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

1.3 Contents of this Policy

The Policy is divided into 6 Parts.

- **Part 1 About this Policy** - outlines the Policy's purpose, principal aims, and its relationship to other policies and plans.
- **Part 2 Policy context** - explains why the Policy is necessary, introduces important noise concepts, defines the area within which the Policy should be applied, outlines essential planning criteria and identifies the policy tools that will be used to implement the Policy.
- **Part 3 Planning proposals** - outlines principles for the preparation of planning proposals, such as those relating to the rezoning of land. These principles are essentially concerned with preventing future encroachment of development into areas where it would be incompatible with existing and future airport operations.
- **Part 4 Cooperative mechanisms** - outlines cooperative mechanisms which help to promote mutually satisfactory outcomes for all interested stakeholders and ensure the burden is at the lowest extent possible for the benefit of the existing community.
- **Part 5 Noise information** - outlines principles and procedures relating to the collection and use of aircraft noise information. Whilst managing risk and liability is an important objective, of equal significance is the need to provide meaningful information to the public. This will help people to make decisions appropriate to their needs and sensitivity to aircraft noise.
- **Part 6 Reference material** - contains a glossary of words with special or technical meanings, and a list of relevant publications.

1.4 Relationship to other policies etc.

The Policy:

- outlines principles for planning proposals that are consistent with section 117 Direction 3.5 Development near Licensed Aerodromes (dated 1 July 2009) made by the NSW Minister for Planning under the *Environmental Planning and Assessment Act 1979*
- provides the rationale for aircraft noise related development controls contained in the *Port Stephens Local Environmental Plan 2000* (clause 38A) and the

Port Stephens Aircraft Noise Policy 2010

Part 1: About this Policy

Port Stephens Development Control Plan 2007 (Chapter B15).

- adopts the Building Site Acceptability principles outlined in Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*, but provides more definitive guidance regarding discretionary matters under that Standard

1.5 Explanation of terms

Terms used in the Policy with special or technical meanings are explained in Part 6: Glossary.

Part 2: Policy context

2.1 Introduction

Aircraft noise is not a new issue for the Port Stephens area, due to the community's longstanding co-existence with RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range ('RAAF Williamtown-Newcastle Airport').

The RAAF Base was first established in 1941, and now plays an important role in supporting Australia's air combat capability. Civilian use of the airfield began in 1947, and today Newcastle Airport, which is located within the RAAF Base site, is a major regional airport undergoing rapid growth in passenger numbers. Newcastle Airport is managed by Newcastle Airport Ltd on behalf of Newcastle City Council and Port Stephens Council, which hold a lease over the Airport site.

To limit aircraft noise impacts, Port Stephens Council has for many years applied controls on new development in noise-affected areas. These controls are based on Australian Noise Exposure Forecast (ANEF) maps and compliance with Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* ('AS 2021—2000').

The scheduled introduction of F-35 Lightning II Joint Strike Fighter combat aircraft after 2018 (to replace the current F/A-18 A/B Hornets) prompted the need for a complete review of the ANEF maps by the Department of Defence, as the new aircraft will produce louder noise emissions than their predecessors, and will use the weapons range in different ways.

2.2 Why is the Policy needed?

Protecting the airport

RAAF Williamtown-Newcastle Airport is a facility of fundamental significance at the local, national, State and regional levels. Its importance relates not only to defence and air transport, but also to its role as a key generator of economic activity in the Hunter Region. Investment in military capability, airport infrastructure and the economic opportunities that cluster nearby are a very important and growing element in the regional and local economy.

For example, the Joint Strike Fighter will contribute an additional \$500 million investment in the region, with consequent job increases above the current 3,000 defence-related employees, as well as wider multiplier effects on regional employment and income.

Accordingly, the importance of RAAF Williamtown-Newcastle Airport and its ongoing development need to be appropriately recognised and supported. The enormous public investment in the facility should be protected from factors that would constrain its future operation, performance and competitiveness.

Protecting the community

Whilst airports need to be protected from too close a relationship with the community they serve, so too does the community need to be protected from aircraft noise.

Aircraft noise is an inescapable by-product of aviation. Unless measures are taken to reduce the impacts of aircraft noise on nearby communities, there can be a wide range of undesirable social, economic and environmental consequences. These range between annoyance and irritation, interference with speech and social activities, interference with classroom learning, loss of relaxation and tranquillity, sleep disruption, health impacts and many others. Loss of amenity due to aircraft noise can have significant impacts on the local economy.

Managing the impacts of aircraft noise is a major challenge for the Port Stephens local government area. A clear policy framework is required that can promote aircraft noise outcomes that are acceptable to the community.

Responding to local circumstances and expectations

It is not feasible to exclude all noise-sensitive development from the vicinity of RAAF Williamtown-Newcastle Airport, since existing built-up areas are already subject to major noise issues. These examples emphasise the need for guidance regarding discretionary matters under AS 2021—2000 so as to acknowledge the existing situation.

Exercising due care & diligence

Council has a duty to developers and landowners to exercise proper care when it exercises its planning functions. It is therefore essential that the planning controls intended to manage aircraft noise impacts are based on best practice and the most reliable factual information available.

Consequently, development proposals and requests for information that involve aircraft noise related matters should be considered with particular care and diligence. This requires clear criteria, consistent application of those criteria, and sound record keeping practices.

Informing the public

Successful co-existence between RAAF Williamtown-Newcastle Airport and the local community presupposes that members of the public have access to aircraft noise information that is accurate and meaningful. This will help people make appropriate decisions about where to locate

Part 2: Policy context

their homes and businesses, based on their particular needs and personal sensitivity to aircraft noise. In particular, poor information can lead to false expectations and highly negative responses to aircraft noise. Well thought out information strategies can avoid these problems.

Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and local community interest groups.

2.3 What is aircraft noise?

Australian Noise Exposure Forecasts (ANEF)

Aircraft noise exposure is a measure of the cumulative amount of aircraft noise likely to be experienced at a particular site on an average day, taking into account factors such as noise intensity, duration and tonal qualities, as well as frequency of flights, type of aircraft and time of day. Computational processes are used to derive a single integrated measure that aims to reflect the average community response to aircraft noise. Aircraft noise exposure is widely used to guide decisions about locations that may be suitable for different activities.

The method used in Australia for measuring aircraft noise exposure is known as the Australian Noise Exposure Forecast (ANEF) system. It includes the following noise measures, which are usually illustrated on maps by noise exposure contours.

- ANEF—a noise exposure forecast for a particular time in the future or based on particular circumstances such as ultimate capacity. ANEF maps are the maps that are referenced in the parts of AS 2021-2000 that are applied to land use planning.
- ANEI—a noise exposure index based on data for a previous year where the exact numbers and types of aircraft which used the airport are known. ANEI maps are not referenced in the parts of AS 2021-2000 that are applied to land use planning.
- ANEC—a noise exposure concept depicting possible noise exposure levels based on a predetermined set of assumptions about airport use and operation. ANEC

maps are not referenced in the parts of AS 2021-2000 that are applied to land use planning.

It is important to appreciate that ANEF values represent predicted noise exposure, not predicted noise level or intensity. They do not give any indication of the maximum sound level ($L(A)_{max}$) that may be experienced at a site.

2.4 Aircraft Noise Planning Area

Drawing the line

Many areas of the Port Stephens local government area are subject to some level of aircraft noise. Yet, clearly, some parts experience much more aircraft noise than others. This raises the question as to where to draw the line between those areas where aircraft noise should be considered in planning and other decisions (the 'Aircraft Noise Planning Area'), and those areas where it need not.

Aircraft noise planning thresholds are usually defined in terms of ANEF values. Under AS 2021-2000, all building types are classed as being 'acceptable' where the ANEF value is less than 20. Below this value, there is usually no need for aircraft noise reduction measures. However, even below this threshold level, most complaints about aircraft noise in Australia originate from outside the ANEF 20 contour (see Figure 1).

ANEFs have certain limitations, and several alternatives have been raised for discussion (Department of Transport and Regional Services, 2003). Not the least of these limitations is that ANEFs tend to reinforce the misconception that aircraft noise magically ends at the ANEF 20 contour, which it does not.

The Commonwealth Government is currently reviewing its policy on development near airports, and is seeking to develop an enhanced national framework (Department of Infrastructure, Transport, Regional Development and Local Government, 2009). Until such time as this is introduced, ANEFs and AS 2021-2000 represent the best available means, and the most commonly applied method, to define a planning threshold.

Part 2: Policy context

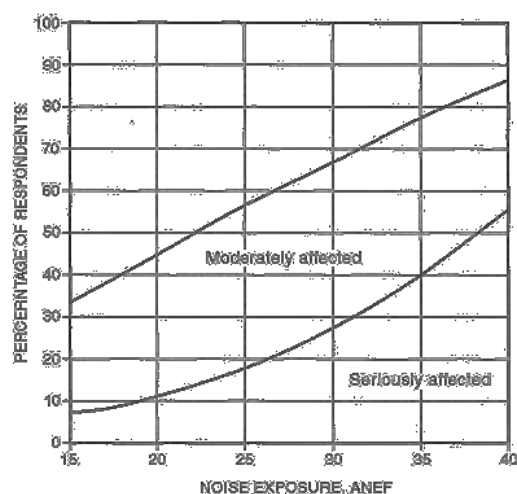


Figure 1: Relationship between ANEF level and community reaction in residential areas
Source: AS 2021-2000.

Available ANEF maps

ANEF maps for RAAF Williamtown-Newcastle Airport are produced by the Department of Defence. The following maps have been published in recent years:

- **RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF**—this forecast was made on 10th August 2011, and is based on predicted conditions in 2025. It reflects the operation of Joint Strike Fighter combat aircraft after 2018 and the continued operation of the Hawk aircraft. (See **Appendix 1**).
- **RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF**—this forecast was made in 2003, and is based on predicted conditions in 2012. It reflects the operation of existing Hawk and Hornet aircraft and is expected to continue until at least 2018. (See **Appendix 2**).

It is an established convention that there will only be one current ANEF map for a given airport at any one time, this being the latest map endorsed by the relevant authority. However, application of that convention is problematical in the above circumstances. Omitting to have regard to the 2012 ANEF map might amount to a failure to exercise reasonable care, in which case there would be the potential for liability. Accordingly, the Department of Defence have advised the prudent approach is to consider the 2012 ANEF map for such period as it continues to be relevant.

Aircraft Noise Planning Area

The Aircraft Noise Planning Area defines the area within which aircraft noise should always be considered in planning and development decisions, generally in accordance with this Policy.

The ANEF 20 level is adopted as the appropriate minimum planning threshold. The Aircraft Noise Planning Area therefore comprises all properties that are wholly or partly within the ANEF 20 contour on the relevant planning area map, and so includes land within ANEF contours of 20 and higher. The relevant planning area map is a composite of the 2025 ANEF and the 2012 ANEF, as provided by the Department of Defence, as ANEF2025 is the most recent ANEF map, and ANEF2012 is an earlier ANEF map that remains relevant to present or future circumstances. A property-based approach has been adopted in defining the Aircraft Noise Planning Area (See **Appendix 3**). That is, if part of a property falls within the ANEF 20 contour, the entire property is defined to be within the Aircraft Noise Planning Area.

The information necessary to determine if a particular property is within the Aircraft Noise Planning Area will be recorded on the Council's property database (refer to Part 5 of the Policy).

Although a property may be identified within the Aircraft Noise Planning Area, only that part of a site within the 20 ANEF contour would be subject to Development Control Plan requirements relating to aircraft noise.

No inference should be made that land outside the Aircraft Noise Planning Area is not subject to aircraft noise. Such land is merely below the minimum noise exposure threshold adopted for planning purposes.

Part 2: Policy context

2.5 Planning criteria

There are three essential planning criteria that should be applied to all planning and development proposals within the Aircraft Noise Planning Area:

- Aircraft noise burden
- Site suitability
- Aircraft noise reduction.

These criteria are critical to attaining progress on the two key objectives of this Policy, namely to protect RAAF Williamstown-Newcastle Airport from encroachment by noise-sensitive activities, and to protect the community from adverse noise impacts.

Criteria	Purpose
Aircraft noise burden	Containing or reducing the aggregate aircraft noise problem
Site suitability	Putting the right activities in the right place ('prevention')
Aircraft noise reduction	Reducing noise through building construction measures ('cure')

Aircraft noise burden

- A. The aircraft noise burden refers to the total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase.

The aircraft noise burden can be broken down into two distinct components.

- The *existing aircraft noise burden* comprises housing and other noise sensitive development that is already in existence. For such development, aircraft noise is an historical problem that cannot be dealt with by traditional planning policies. This is largely a Department of Defence problem. Council can, outside of its functions as a consent authority, advocate and call for Co-operation from Department of Defence to achieve any reduction and such areas are kept to a minimum when considering operations.

- The *future aircraft noise burden* comprises housing and other development that is yet to be built. Aircraft noise is a planning problem that can be dealt with by zoning and other planning controls. Planning decisions should not make the future situation worse than that which currently exists. To do so would be contrary to the principle of Intergenerational equity, which binds Council in its role as a consent authority and as a local council.

Site suitability

- B. Site suitability refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions at that site, and the sensitivity of that development to those conditions.

Site suitability provides a key criterion for deciding whether or not to permit or encourage particular activities in particular locations. It is about putting the right kinds of development in the right places, and represents 'prevention' rather than 'cure'. Where possible, achieving site suitability should have priority over aircraft noise reduction.

The currently recognised standard for site suitability is specified by Table 2.1 in AS 2021-2000.

Aircraft noise reduction

- C. This refers to the reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing).

Aircraft noise reduction represents 'cure' rather than 'prevention'. It is the next best option when a development site is conditionally suitable. However, there are theoretical and practical limits to aircraft noise reduction. When applied to highly unsuitable sites, acceptable noise outcomes may not be possible.

The currently recognised standard for aircraft noise reduction is specified by Part 3 of AS 2021-2000.

2.6 Policy tools

The tools or mechanisms that can be used to implement the Policy are as follows:

Planning proposals

Planning proposals involve the preparation of plans relating to the future use and development of land. They are a critical tool for preventing an increase in the *future* aircraft noise burden.

Part 2: Policy context

Development assessment

Development assessment involves the regulation of development proposals under existing planning instruments. It is an important tool for containing growth in the *future* aircraft noise burden, but is often constrained by the limitations of historical zoning decisions.

Cooperative mechanisms

Cooperative mechanisms involve providing a forum for dialogue and feedback regarding the effects of aircraft operations on the local community, particularly in relation to minimising noise impacts and enable Council to advocate on behalf of the community

Information management

Information management relates to the way that information on aircraft noise is gathered, kept, used and distributed. It can promote a number of important objectives, such as ensuring due care and diligence, and providing accurate and useful information to the public.

When considered together, application of the above policy tools forms a holistic aircraft noise policy framework. This is illustrated in **Figure 2**.

Port Stephens Aircraft Noise Policy 2010

Part 2: Policy context

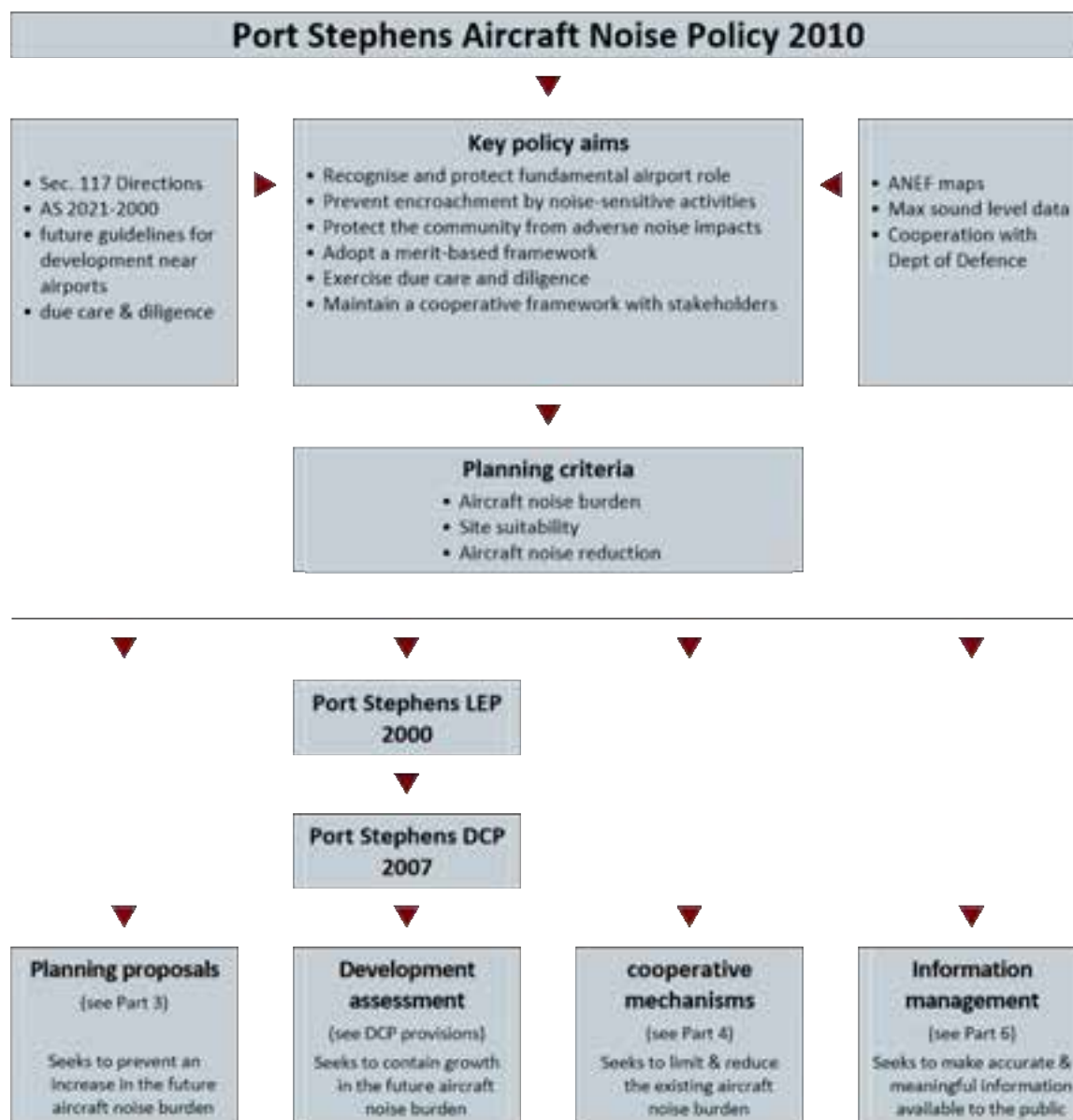


Figure 2: Aircraft noise policy framework

Part 3: Planning proposals

3.1 Role of planning proposals

A planning proposal refers to a proposal to alter the planning controls that operate under the *Port Stephens Local Environmental Plan*. Planning proposals may relate to a broad strategic review of urban structure and settlement pattern within the Port Stephens area, a process commonly referred to as 'strategic planning'. Alternatively, they may involve consideration of a change of zoning for a specific land parcel, typically in response to a landowner's request. This latter type is commonly referred to as a 'rezoning request' or 'spot rezoning'.

Planning proposals usually cannot be used as a tool for reducing the *existing* aircraft noise burden. This is because the planning legislation allows the continued operation of 'existing uses' and other permitted land uses. However, they are of particular value in preventing an increase in the *future* aircraft noise burden. That is, planning proposals can be used to promote a future settlement pattern that, relative to the current situation, does not increase the number of people adversely affected by aircraft noise.

3.2 Statutory requirements

Under the (NSW) *Environmental Planning and Assessment Act 1979*, a planning proposal must include documentation setting out the intended effect of the proposal and its justification. It must also be consistent with the *Lower Hunter Regional Strategy*, and any relevant section 117 Directions issued by the Minister for Planning.

Alternatively, it must provide suitable justification to support any inconsistency.

Section 117 Direction 3.5, 'Development near Licensed Aerodromes' (dated 1 July 2009) applies to any planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. It includes the objective:

to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

3.3 Strategic approach

Protecting the long-term operation of RAAF Williamstown-Newcastle Airport, whilst also protecting the community from unacceptable aircraft noise impacts, requires a strategy that prevents encroachment of noise-sensitive development into incompatible noise-exposed locations. In some cases there is likely to be conflicts between this strategy and landowners' aspirations for rezoning of land for urban purposes. These conflicts should be resolved in favour of the overriding priority and importance of RAAF Williamstown-Newcastle Airport.

The Aircraft Noise Planning Area (refer to section 2.4) provides the spatial overlay within which planning proposals require detailed scrutiny. Planning proposals within that area need to be assessed in terms of the essential planning criteria identified in section 2.5:

- aircraft noise burden
- site suitability
- aircraft noise reduction.

Site suitability in terms of the acceptability criteria under AS 2021-2000 and ANEF contours are a key consideration. However, this approach can have limitations when applied to military airports, due to the very high maximum sound levels - $L(A)_{max}$ - that can be produced by combat aircraft. In some locations, compliance with aircraft noise reduction levels specified by AS 2021-2000 may not be possible or practicable within ANEF contours that define 'acceptable' and 'conditionally acceptable' locations. This issue needs to be carefully addressed.

Planning proposals outside the Aircraft Noise Planning Area may also require scrutiny. This is because it is based on medium-term noise forecasts (currently 2025), yet planning proposals may initiate land use changes well beyond that planning horizon. Therefore, any foreseeable long-term changes that might have aircraft noise impacts over a wider area should also be considered (for example, changes to aircraft types, flight paths or volume of traffic). This should be considered by way of suitable consultation with the airport operator.

Part 3: Planning proposals

3.4 Principles

Where the principles apply

The following principles apply to planning proposals in respect of land that is:

- within the Aircraft Noise Planning Area, or
- within 2 kilometres of the Aircraft Noise Planning Area which has the potential to increase residential densities or other noise sensitive land uses;
- where the consent authority has been advised by Department of Defence that aircraft noise has the potential to adversely affect future development.

Aircraft noise burden

- A. A planning proposal should not result in an increase in the future aircraft noise burden. That is, it should not permit any intensification of development within the Aircraft Noise Planning Area that would significantly increase the number of people or dwellings adversely affected by aircraft noise.

Site suitability

- B. In its preparation of broad settlement strategies for the Port Stephens area, the Council should give preference to land uses in the vicinity of RAAF Williamstown-Newcastle Airport that:
- will be compatible with the future long-term operation and growth of that facility
 - have a mutually beneficial relationship with activities undertaken within that facility
 - do not rely on aircraft noise reduction to achieve compatibility.
- C. A planning proposal should permit new development in a manner that is generally consistent with the Building Site Acceptability Criteria in AS 2021-2000. For example, a planning proposal should not:
- rezone land for residential purposes where the ANEF level exceeds 25
 - increase residential densities in areas where the ANEF level exceeds 25
 - rezone land for schools, hospitals, churches and theatres where the ANEF exceeds 20
 - rezone land for hotels, motels, offices or public buildings where the ANEF exceeds 30.

- D. However, a planning proposal should not be supported if there is evidence that it would not be 'possible' or 'practicable' for development permitted under the proposal to meet the level of aircraft noise reduction specified by AS 2021-2000. Such decisions should have regard to an acoustic study prepared by a noise control expert to establish the predicted maximum sound level $[L(A)_{max}]$ for the site in accordance with AS 2021-2000 and level of Aircraft Noise Reduction (ANR) required.
- E. For the purposes of satisfying "D" above Council will have regard for the predicted maximum sound level $[L(A)_{max}]$, as may be provided to Council from time to time by the Department of Defence to assist Council in its planning.

Aircraft noise reduction

- F. A planning proposal should not lessen existing requirements for aircraft noise reduction that apply under the *Port Stephens Local Environmental Plan 2000*.

Inconsistency with principles

- G. A planning proposal that is inconsistent with any of the above principles should not be prepared unless:
- it is justified by a planning strategy that considers the objectives of this Policy
 - meets requirements under Section 117 Direction 'Development near Licensed Aerodromes'.
 - the Council is satisfied that to do so would be both reasonable and in the public interest.

Consultation

- H. When preparing a planning proposal relating to land:
- within the Aircraft Noise Planning Area, or
 - within 2 kilometres of the Aircraft Noise Planning Area,

the Council should consult with the Department of Defence and any stakeholder having a particular interest in the issue of aircraft noise.

Part 4: Cooperative mechanisms

4.1 Extent of the additional burden

The Public Environment Report for the Introduction of the Joint Strike Fighter (Department of Defence, 2009) includes considerable information about the likely noise impacts of the new military aircraft on the existing community, including consideration of likely health, social and economic consequences. As it was prepared as part of the process in promulgating ANEF2025 it references ANEC levels, there being a number of conceptual ANEC maps prepared as part of that process. It should be noted the ANEC concept maps differ from the final ANEF maps on which acceptability is determined under the AS2021-2000

Figure 3 below, which is derived from the Public Environment Report, indicates that almost 3,500 existing lots are located within the area generally equivalent to the Aircraft Noise Planning Area, and that over 1,500 of these are located in areas classed as 'unacceptable' for dwellings under AS 2021-2000 (that is, with an ANEC value exceeding 25).

Of these, 312 lots occur within areas with an ANEC value exceeding 30. Such lots are likely to experience severe noise impacts. The actual extent of impacts would need to be assessed in more detail by reference to other measures of aircraft noise, such as maximum sound levels - $L(A)_{max}$ as this is a critical determinant of the amount of aircraft noise reduction needed, and its practicality.

The extent to which these lots are used for residential or other purposes, or are vacant land, is not known. This and other information would need to be obtained in order to determine the likely extent.

Figure 3 Number of lots within Australian Noise Exposure Concept contours for Joint Strike Fighter Base Case

ANEC	Number of lots	Cumulative lots
55-60	2	2
50-55	10	12
45-50	5	17
40-45	24	41
35-40	42	83
30-35	229	312
25-30	1224	1536
20-25	1937	3473

Source: derived from Dept of Defence (2009), Table 6-14, p. 109.

Note: Australian Noise Exposure Concepts depict possible noise exposure levels based on a predetermined set of assumptions about airport use and operation.

Note: Section 4.1 is based upon the Public Environment Report for the Introduction of the Joint Strike Fighter (Department of Defence 2009). This section is effectively superseded following the promulgation of 2025 ANEF of 10th August 2011.

4.2 Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and local community interest groups.

- Members of the Council, acting as community leaders, can play an active role in advocating the case for programs including possible amelioration for the community to parliamentary members and Ministers.
- Studies should be undertaken to more fully document the extent to which existing development is subject to unacceptable levels of aircraft noise. These should be undertaken cooperatively by the Council and the Department of Defence.

Ideally a cooperative framework should be maintained in which all stakeholders can:

- appreciate the strategic importance of the airport and its operational requirements
- appreciate the impacts that aircraft noise has on the local community, and the measures that might be needed to resolve those impacts
- ensure the local community burdened to the minimum extent possible from aircraft noise for the Department of Defence to undertake operations
- contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

Part 4: Cooperative mechanisms

4.3 Model programs

The Sydney and Adelaide Noise Amelioration Programs, which are now completed, are generally considered the best practice approach in Australia. Being civil airports, these programs were funded by an industry levy, and have brought about significant improvements for noise sensitive buildings in high noise exposure zones. Funding for the upgrading of existing housing was set at a maximum of \$57,000 per dwelling.

The approach taken was to provide amelioration at the following thresholds:

Threshold	Land use	Amelioration provided
>25 ANEI	Public buildings	Aircraft noise reduction
>30 ANEI	Dwellings	Aircraft noise reduction by: <ul style="list-style-type: none"> • 35 db(A) - sleeping areas • 30 db(A) - living areas
>40 ANEI	Dwellings	Voluntary acquisition of property

Note: Australian Noise Exposure Index (ANEI) is based on data for a previous year where the exact numbers and types of aircraft which used the airport are known.

Subject to appropriate justification, the Council should work with the Department of Defence and the community to frame an appropriate amelioration program based on the above model.

- provide opportunities for all interested stakeholders to contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

4.4 Consultative Committee

To promote the objectives of this Policy in cooperation with the Department of Defence, RAAF, the community and other stakeholders, the Council form a Consultative Committee - the Port Stephens Aircraft Noise Reference Panel - or sub-committee of the existing Airport Consultative Committee):

- provide an interface between the community and the operators of the RAAF Base and Newcastle Airport
- provide a forum for dialogue and feedback regarding the effects of aircraft operations on the local community, particularly in relation to minimising noise impacts
- promote sharing of relevant information, such as that relating to aircraft noise, planning proposals, development trends, noise complaints and so forth

Part 5: Noise information

5.1 Planning certificates

Planning certificates—advice under s.149(2)

D. The following aircraft noise information should be included on planning certificates as prescribed advice under section 149(2):

Where the property is within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- the land is subject to aircraft noise related development controls under the *Port Stephens LEP 2000* and Part B15 of the *Port Stephens DCP 2007*
- relevant principles are set out in the *Port Stephens Aircraft Noise Policy 2010*.

Note: This disclosure relates to the matter as to whether or not the council has adopted a policy to restrict the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation or any other risk. (Item 7 of Schedule 4, EP&A Regulation 2000).

Planning certificates—advice under s.149(5)

E. The following aircraft noise information should be included on planning certificates as additional advice [section 149(5)]:

Where the property is not located within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- the land is not located within the Aircraft Noise Planning Area under the *Port Stephens LEP 2000*
- no inference should be made that the land is not subject to aircraft noise—it merely indicates that the level of aircraft noise exposure present on the land is below the threshold adopted for planning purposes
- the land is likely to be affected by some level of aircraft noise, which may cause some persons serious annoyance from time to time, particularly those with a higher sensitivity to noise
- persons with particular noise requirements may need to consider aircraft noise reduction measures for the site.

Where the property is located within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- the land is located within the Aircraft Noise Planning Area under the *Port Stephens LEP 2000*
- this indicates that the level of aircraft noise exposure present on the land is above the threshold adopted for planning purposes
- the likely extent of aircraft noise exposure for the land is shown on Australian Noise Exposure Forecast maps which can be inspected at the office of the Council or on the Department of Defence Internet site
- Australian Noise Exposure Forecasts are used for planning purposes in determining the suitability of land for particular purposes (refer to *Port Stephens Aircraft Noise Policy 2010*)
- Australian Noise Exposure Forecasts do not give an indication of 'decibel' sound levels likely to be experienced at the site, and that information on this may be available at the office of the Council
- the land is likely to be affected by aircraft noise that may cause some persons serious annoyance.

Where the land is the subject of aircraft noise related requirements or conditions under a development consent, a statement should be provided to the effect that:

- aircraft noise related requirements or conditions were imposed under a development consent (give details of consent number)
- the consent may be inspected at the office of the Council
- closure of windows and doors is required in order to achieve the benefits of noise control measures
- applicants should consider the need for independent professional advice as to any supplementary aircraft noise reduction measures that might be needed to meet the applicant's particular needs or requirements.

5.2 Aircraft noise community information strategy

G. In collaboration with the Department of Defence, the Council investigate preparing and implementing a community information strategy to provide meaningful aircraft noise information to the community. Such information would be readily interpreted by non-experts, and would be based on communication

Part 5: Noise information

concepts rather than technical parameters. Information may include noise data received from Defence.

The overall aim should be to enable people to make more informed decisions about the noise environment likely to be experienced at particular locations, and how that environment might be compatible or incompatible with their needs or objectives. The strategy could also address possible alternative delivery media. Such approaches have been discussed in the following publications:

- Department of the Environment and Heritage and Department of Transport and Regional Services (2003). *Guidance Material for Selecting and Providing Aircraft Noise Information*. DEH & DOTARS, Canberra.
- Department of Transport and Regional Services (2000). *Expanding Ways to Describe and Assess Aircraft Noise*. DOTARS, Canberra.

Part 6: Reference material

6.1 Glossary

Acceptability

What is acceptable is ultimately a value judgement that reflects community norms and expectations, as well as the level of available resources. AS 2021-2000 provides guidance as to acceptable aircraft noise outcomes, but wider public interest considerations and the particular circumstances of the case may also need to be considered.

Acoustic study

A study undertaken by a noise control expert that describes the noise conditions present at a site and identifies aircraft noise reduction measures required to achieve an acceptable noise environment. The study will also address related issues such as likely cost and practicability. Its purpose is to provide an adequate factual basis for planning and development decisions.

Aircraft noise burden

The total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase. Two components can be distinguished, each requiring different policy responses:

- the *existing aircraft noise burden*—housing and other development that is already in existence
- the *future aircraft noise burden*—housing and other development that is yet to be built.

Aircraft noise information

Information that describes existing or predicted future aircraft noise conditions, or that enables the interpretation of such information.

Aircraft Noise Planning Area

The area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the ANEF 20 contour on 'relevant ANEF maps' and includes land that is within ANEF contours of 20 and greater.

Aircraft noise reduction

The reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing). The currently recognised standard for aircraft noise reduction is specified by Part 3 of AS 2021—2000.

Australian Noise Exposure Forecast (ANEF)

A single integrated measure of predicted future exposure to aircraft noise that aims to reflect the average

community responses. It takes into account a wide variety of factors, such as noise intensity, duration and tonal qualities, as well as type of aircraft, frequency of flights and time of day. Forecasts are shown by contour lines on ANEF maps, and assist decisions regarding the suitability of development according to its sensitivity to aircraft noise.

AS 2021—2000

Australian Standard AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction. This is a nationally recognised standard for development affected by aircraft noise.

the Council

Port Stephens Council

dB (decibels)

A logarithmic scale unit used to measure sound pressure levels. A sound level levels as high as 130 -140 dB can be felt as pain.

dB(A) (decibels on the A-weighted scale)

Decibels measured using a particular weighting scale that reflects the sensitivity of the human ear across the audible frequency range.

Department of Defence

The Commonwealth agency responsible for administering Australia's defence services.

Development

The use of land, the subdivision of land, the erection of a building, the carrying out of a work, the demolition of a building or work, and certain other regulated activities.

Development control plan (DCP)

A type of plan prepared under the *Environmental Planning and Assessment Act 1979*. DCPs provide more detail than a local environmental plan, and must be considered when development applications are determined.

Local environmental plan (LEP)

A type of planning instrument prepared under the *Environmental Planning and Assessment Act 1979*. LEPs provide the broad local framework for development assessment, including objectives, urban structure, land use controls, approval criteria, and other matters.

Maximum sound level - $L(A)_{max}$

A measure of aircraft noise, being the highest instantaneous sound pressure level measured at a site during a single aircraft flight. It provides some indication of interference with speech, listening to television, sleeping or other common activities, but does not give any information about how long this level will last or how frequently it will occur.

Part 6: Reference material

Noise

The subjective response to sound, particularly any loud, annoying or unwanted sound. Psychological responses to sound are affected by a wide variety of factors. As these responses vary from person to person, there is no single universal measure of noise.

Planning certificate

A certificate issued under section 149 of the *Environmental Planning and Assessment Act 1979* that provides information about planning and related matters for a specified parcel of land. Under conveyancing laws a planning certificate containing basic information must be attached to any contract for the sale of land.

Planning proposal

Proposals that involve the preparation of plans relating to the future use and development of land. They include both broad strategic reviews and the rezoning of individual properties..

Principle

A rule of conduct or action that is applied when implementing a policy. The principles set out in this Policy serve to guide how decisions should be made.

RAAF

Royal Australian Air Force.

RAAF Williamtown-Newcastle Airport

The interrelated complex of defence, air transport and support facilities comprising RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range.

Relevant ANEF maps

Refers to the most recent ANEF map, and any earlier ANEF map that remains relevant to present or future circumstances. ANEF maps for RAAF Williamtown-Newcastle Airport are published by the Department of Defence, and can be inspected at the office of the Council.

Site suitability

Refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions at that site, and the sensitivity of that development to those conditions. The currently recognised standard for site suitability is specified by Table 2.1 in AS 2021-2000.

Sound

A pressure disturbance that travels through air. Sound is a physical phenomenon that can be objectively measured (see decibels). However, the way in which people perceive and react to sound is entirely subjective (see noise).

6.2 Relevant publications

Airservices Australia (1999). *The Australian Noise Exposure Forecast System and Associated Land Use Compatibility Advice for Areas in the Vicinity of Airports*. Airservices Australia, Canberra.

Department of Defence (2009). *Operation of the JSF Aircraft as New Air Combat Capability (NACC) at RAAF Base Williamtown and Salt Ash Air Weapons Range Public Environment Report*. Report prepared by Sinclair Knight Merz.

Department of Defence (2009). *RAAF Base Williamtown & Saltash Air Weapons Range 2025 ANEF Summary Report*. Report prepared by GHD Pty Ltd.

Department of Infrastructure, Transport, Regional Development and Local Government (2009). *Safeguards for airports and the communities around them*. Discussion Paper. DITRDLG, Canberra.

Department of Infrastructure, Transport, Regional Development and Local Government (2009). *National Aviation Policy White Paper*. Chapter 14: Minimising the impact of aircraft noise.

Department of the Environment and Heritage and Department of Transport and Regional Services (2003). *Guidance Material for Selecting and Providing Aircraft Noise Information*. DEH & DOTARS, Canberra.

Department of Transport and Regional Services (2000). *Expanding Ways to Describe and Assess Aircraft Noise*. DOTARS, Canberra.

Department of Transport and Regional Services (2003). *Going Beyond Noise Contours: Local Approaches to Land Use Planning Around Smaller Australian Airports*. DOTARS, Canberra.

Newcastle Airport Ltd (2007). *Newcastle Airport Masterplan*. NAL, Williamtown NSW.

NSW Minister for Planning (2009). Direction 3.5: *Development near Licensed Aerodromes*. Made under section 117 of the Environmental Planning and Assessment Act 1979, and dated 1 July 2009.

Queensland Government (2002). *State Planning Policy 1/02 Guideline: Development in the Vicinity of Certain Airports and Aviation Facilities*. Dept of Local Government and Planning, Brisbane.

Queensland Government (2002). *State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities*. Dept of Local Government and Planning, Brisbane.

Part 6: Reference material

Standards Australia (2000). *Australian Standard AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction*. Standards Australia, Homebush NSW.

WA Planning Commission (2004). *Aircraft Noise Insulation for Residential Development in the Vicinity of Perth Airport*. WAPC, Perth.

WA Planning Commission (2004). *Statement of Planning Policy No. 5.1: Land use Planning in the Vicinity of Perth Airport*. WAPC, Perth.

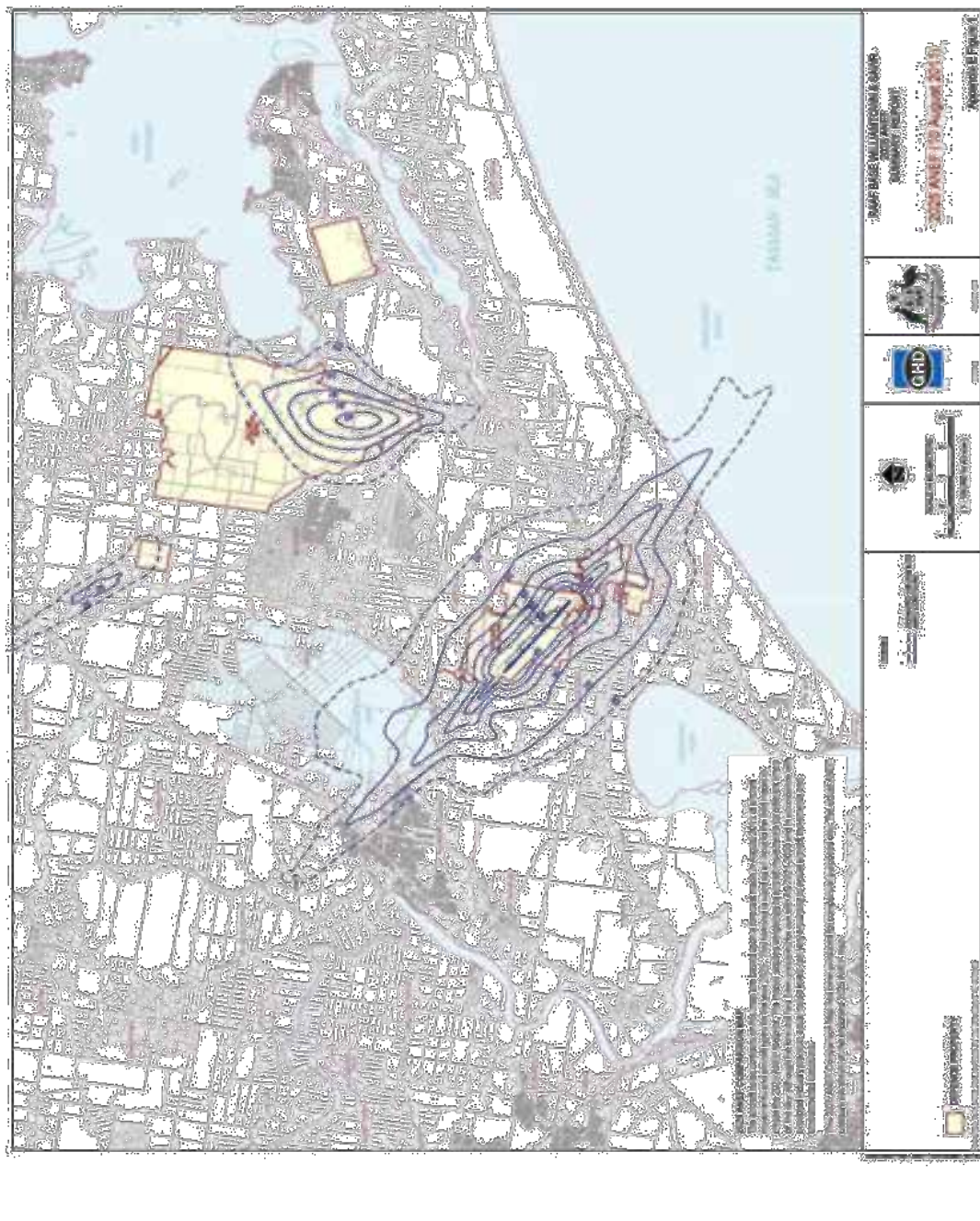
**Appendix 1: RAAF Base Williamstown & Salt Ash
Weapons Range 2025 ANEF map**

**Appendix 2: RAAF Base Williamstown & Salt Ash
Weapons Range 2012 ANEF map**

Appendix 3: Aircraft Noise Planning Area

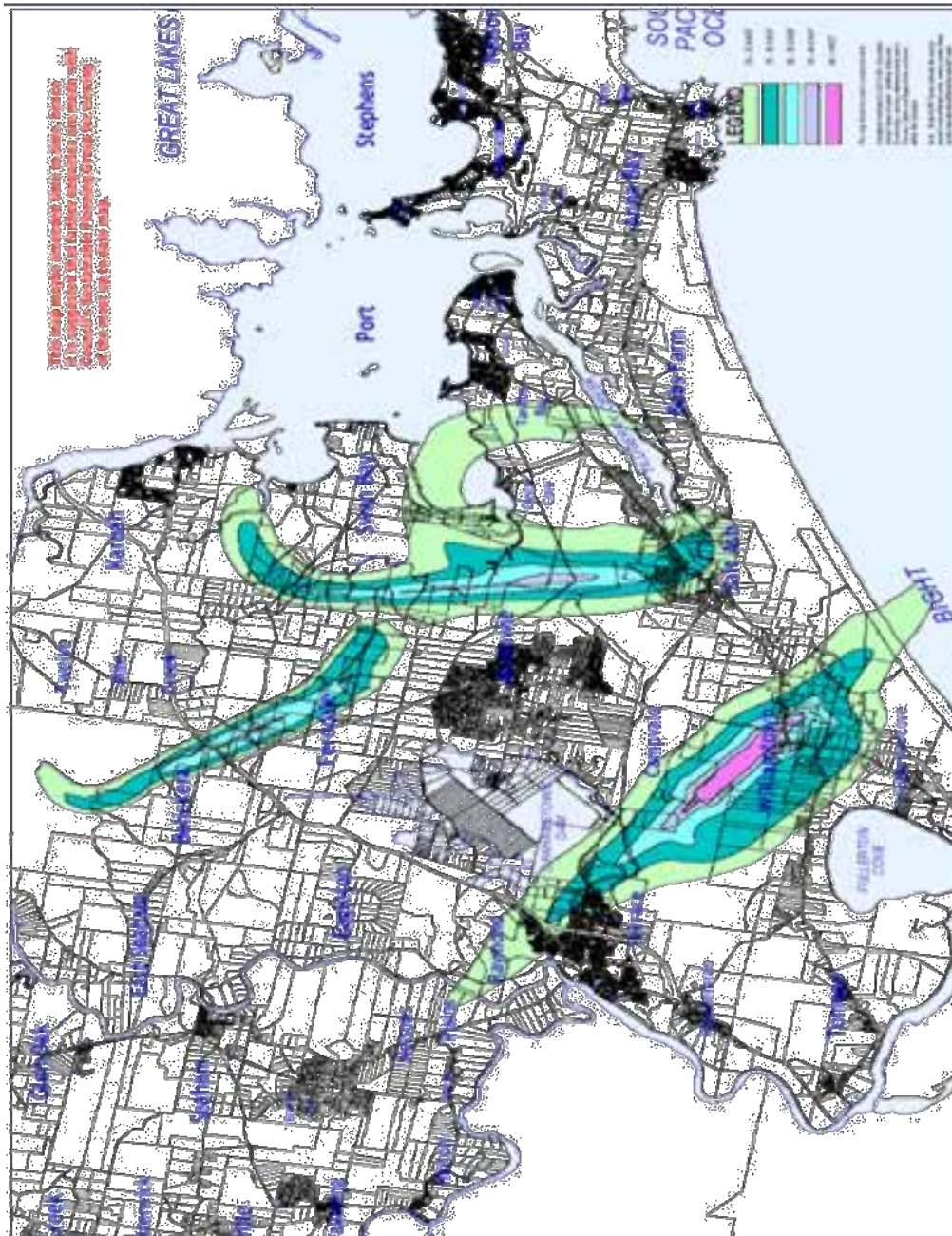
Part 6: Reference material

Appendix 1: RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF map



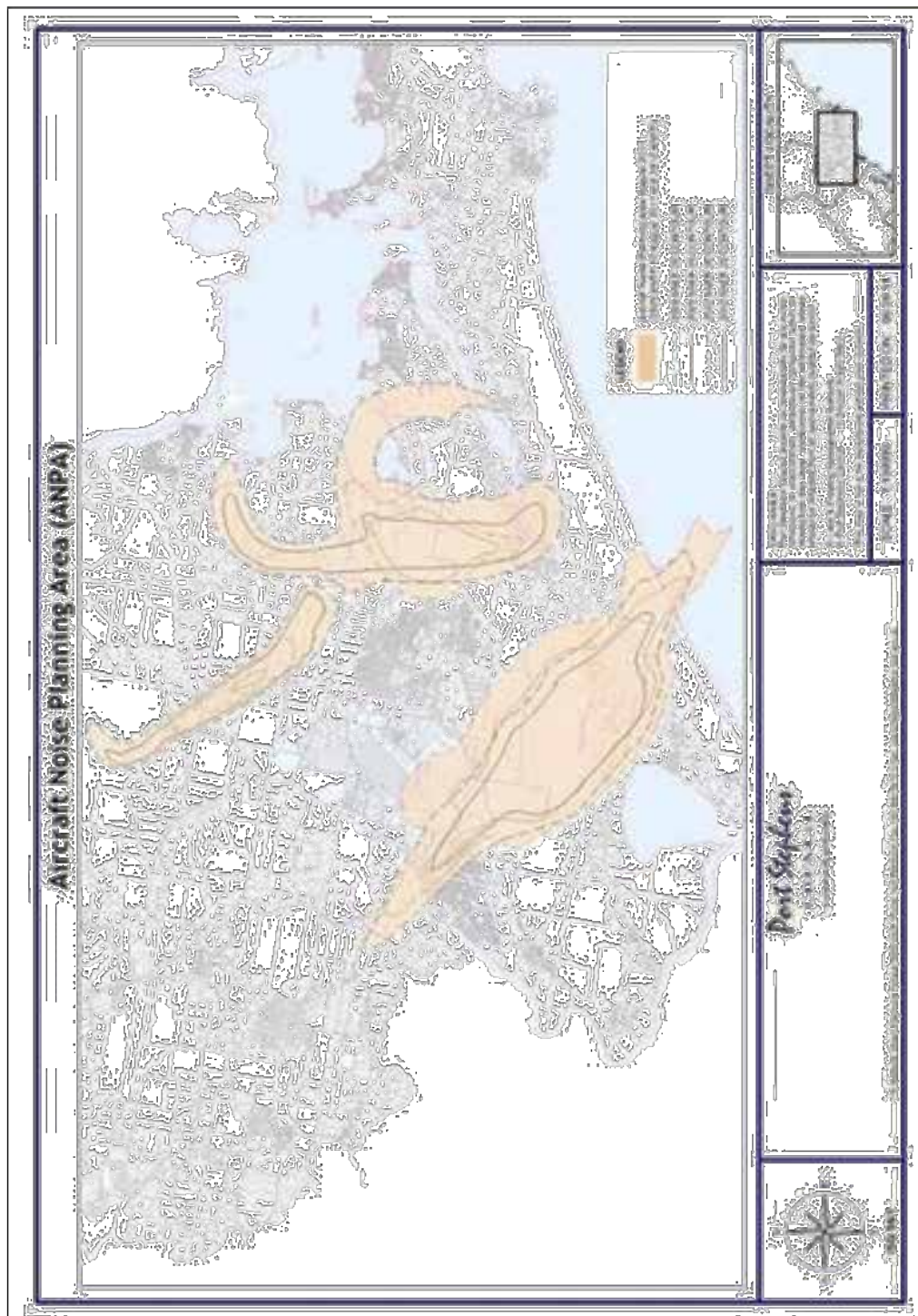
Part 6: Reference material

Appendix 2: RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF map



Part 6: Reference material

Appendix 3: Aircraft Noise Planning Area



ITEM NO. 2

**FILE NO: 16/418518
RM8 REF NO: PSC2005-4386**

**HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN SUBMISSION FOR
CERTIFICATION**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Hunter Estuary Coastal Zone Management Plan.
 - 2) Place the Hunter Estuary Coastal Zone Management Plan, as amended on public exhibition for a period of 28 days and should no submissions be received, the plan be adopted as amended, without a further report to Council.
-

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

312	<p>Councillor Peter Kafer Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Hunter Estuary Coastal Zone Management Plan.2) Place the Hunter Estuary Coastal Zone Management Plan, as amended on public exhibition for a period of 28 days and should no submissions be received, the plan be adopted as amended, without a further report to Council.
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BACKGROUND

The purpose of this report is to provide an overview of the 2016 revision of the Hunter Estuary Coastal Zone Management Plan (2009) and endorse the revised report for public exhibition with a view to eventual submission to the Minister for Planning for certification.

The purpose of the current review is to improve the alignment of the plan with provisions of Part 4A of the Coastal Protection Act 1979. It is proposed that the current Coastal Protection Act 1979 be replaced by a new Coastal Management Act 2016. If submitted for certification prior to the end of 2016 the Hunter Estuary Coastal Zone Management Plan (provided in **(ATTACHMENT 1)** and hence forth referred to as the plan) will be assessed under the original guidelines of the Coastal Protection

Act 1979 and if approved will enable councils to be eligible for consideration of implementation funding.

The timing of Councils endorsement is critical to allow Council and its partner Councils, Newcastle and Maitland to submit the plan for endorsement to the Minister for Planning by the end of 2016.

The partner Councils have faced challenging timeframes resulting from the Office of Environment and Heritage (OEH) advice in September that the Hunter Estuary Plan may be eligible for certification. The Hunter Estuary Technical Working Party made up of the partner Councils as well as stakeholders including Hunter Water, Local Land Services and OEH then met in late September to commence and undertake the review. A revised draft report for exhibition was finished on the 12 October 2016.

The restrictions regarding state government funding only being available for works that are consistent with a certified Coastal Zone Management Plan were only confirmed in July 2016, with the opening of the latest round of Coast and Estuary Grants.

Implementation of the plan is heavily reliant on external funding which will be severely limited if certification is not received.

If this opportunity is missed, it will take a number of years to revise the plan to meet the new Coastal Management Act 2016. This has implications for partner councils Newcastle and Maitland and flow on effects for stakeholder groups and Local Land Services working with these councils.

The plan provides for improved co-ordination and resource sharing across the estuary and an avenue for Council to request funding for the implementation of management actions under the Estuary Grants Program such as:

- refining the estuarine and riparian vegetation mapping to allow improved planning and assessment;
- the planning and implementation of water quality improvement programs and water sensitive urban design;
- community education.

The original Plan was adopted by Port Stephens Council on the 13 October 2009, Newcastle City Council on the 6 October 2009 and Maitland City Council on 13 October 2009. The original vision, guiding principles and objectives remain as they were when established through the original consultation program. A copy of these is provided in **(ATTACHMENT 2)**. The review has concentrated on the plan's strategies, actions, timeframes and responsibilities components (section 3.6). A summary of the revisions and changes is located in the **(ATTACHMENT 3)**.

The 2016 revisions have made very little change to Council's current roles, responsibilities and activities under the plan.

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2016

The working party has reviewed the actions, timeframes and responsibilities to reflect works completed and to ensure their ongoing relevance. A summary of changes is located in the **(ATTACHMENT 3)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Environmental Sustainability.	Develop and implement catchment and biodiversity programs. Continue to implement initiatives that reduce Council's greenhouse gas emissions.

FINANCIAL/RESOURCE IMPLICATIONS

The implementation of the management strategies contained within the plan rely heavily on an integrated approach by all the relevant key stakeholders. This will be facilitated through the ongoing work of the Hunter Estuary Technical Working Party. Council is represented at these meetings by the Natural Resources Co-ordinator.

Some strategies/actions have identified Council as the lead agency and represent the direct responsibility of local government. The implementation of these projects will follow the normal process of prioritisation within council's work plans as per available funding and resources.

Many actions require additional funding from external sources prior to commencement. There is the potential that council may apply for implementation funding and contract other agencies such as Local Land Services to run the implementation.

Endorsement of the plan does not represent a commitment to funding or resourcing.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	Yes		Enables application for NSW Government funding
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Following public exhibition and any revisions by the working group the plan must be endorsed by Port Stephens, Newcastle and Maitland City Councils prior to being submitted for certification.

Not submitting the plan for certification restricts partner Councils' opportunities to apply for funding.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
That coastal management implementation funding from the NSW Government for actions contained within the plan will not be accessible by partner Councils	Medium	Progress with endorsement pathway for the plan to be submitted for certification	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Hunter Estuary is one of the largest estuaries in NSW and arguably the most complex from a land use and administrative perspective covering three local government areas. The plan is a strategic and long term plan developed through a specifically designed and legislated framework. It aims to provide guidance for achieving a sustainable estuary in the future while giving balanced consideration to environmental, social and economic demands on the river system and its extensive catchment area. Without such documents leverage for external funding is not possible and councils are left with the bill.

The extensive consultation undertaken during its development ensures it is reflective of the values and the desires of the community.

MERGER PROPOSAL IMPLICATIONS

The revision of the plan has been undertaken in partnership with officers from Newcastle Council. The previous report was endorsed by Newcastle City Council on the 6 October 2009. Reports are concurrently going before both Newcastle and Maitland City Council to endorse the revisions.

The current plan is bounded by the Port Stephens and Dungog LGA boundaries. A merger would provide the opportunity to apply implementation actions and seek funding for activities in the upper catchment of the Hunter River.

CONSULTATION

Consultation with key stakeholders for the development of the original plan was undertaken by BMT WBM consultants. Community and stakeholder consultation underpinned the development of the values, objectives and priorities of the plan. The purpose was to ensure the plan was representative of all those involved and interested in the estuary.

Consultation was undertaken in 2 phases:

- Phase 1 – To establish key values and issues. These were considered against the available technical information and used to draft the plans objectives.
- Phase 2 – Revision of the draft objectives and the discussion of potential options to address them.

The final draft of the plan was on exhibition from 6 July until 3 August 2009. Only four submissions were received and some relatively minor amendments made.

With councils endorsement in accordance with local government legislation the 2016 revision of the plan will go on public exhibition for 21 days.

Internal

Relevant internal council staff have reviewed and provided comment on the strategies and actions of the plan.

External

Departmental and councils representative met on the 27 September to collectively review the plan from a regional context.

OPTIONS

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

ATTACHMENTS

- 1) Hunter Estuary Coastal Zone Management Plan (2016). (Provided under separate cover)
- 2) Vision, Principles & Objectives.
- 3) Summary of Revisions.

COUNCILLOR ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 2 VISION, PRINCIPLES & OBJECTIVES.**ATTACHMENT A Hunter Estuary Coastal Zone Management Plan,
Vision, Guiding Principles & Objectives****Vision**

“The community, industry and government working together towards a productive, economically viable and ecologically sustainable Hunter Estuary, recognising social, cultural and environmental values”

Guiding Principles

- A.** Natural Environment and Processes - To protect, enhance, maintain and restore the environment of the Hunter Estuary, its associated ecosystems, ecological processes and biological diversity, and its water quality
- B.** Heritage - To protect and conserve the Aboriginal and European heritage of the Hunter Estuary
- C.** ESD and Integrated Planning - To provide for integrated planning and management of the Hunter Estuary in accordance with the principles of ecologically sustainable development
- D.** Aesthetics and Access – To ensure continuing public access and preservation of the amenity of the Hunter Estuary
- E.** Community involvement - To recognise the role of the community, as a partner with the government, in resolving issues relating to the protection and effective management of the Hunter Estuary

Objectives

- 1. To protect and enhance estuarine biodiversity, particularly Endangered Ecological Communities (as listed under the NSW Threatened Species and Conservation Act 1995, NSW Fisheries Management Act 1994) and other key habitats
- 2. To increase appropriate native riparian vegetation along the Hunter Estuary
- 3. To prevent catchment and point source pollutants from compromising social, environmental and economic values of the Hunter Estuary
- 4. To optimise management of flood mitigation works and other flow control structures to enhance environmental values without compromising intended function
- 5. To minimise further bank erosion throughout the Hunter Estuary and remediate existing erosion sites, where appropriate
- 6. To provide opportunity for effective and inclusive stakeholder involvement in the management of the Hunter Estuary environment.
- 7. To acquire knowledge relevant to environmental management about the Hunter Estuary, on a priority basis

ITEM 2 - ATTACHMENT 2 VISION, PRINCIPLES & OBJECTIVES.

8. To achieve consistency and integration between the Hunter Estuary Coastal Zone Management Plan and other strategic environmental planning and Natural Resource Management instruments and programs
9. To adopt catchment wide development assessment practices that consider and address cumulative impacts on the Hunter Estuary
10. To ascertain the impacts of past works and activities on the tidal hydraulics of the Hunter Estuary
11. To encourage development that maintains and enhances landscape values, opportunities for recreation and ecological functions of the Hunter Estuary
12. To prevent mobilisation of contaminated sediment and groundwater contamination from impacting on environmental processes within the Hunter Estuary
13. To reduce the catchment sediment load to the Hunter Estuary
14. To fulfil all requirements of international environmental management treaties and relevant conservation legislation in regard to the Hunter Estuary
15. To prevent environmental weeds and pests from compromising the social, ecological and economic values of the Hunter Estuary
16. To facilitate the adaptation of estuarine communities to projected climate change
17. To adopt a consistent approach to foreshore land rehabilitation and conservation along the Hunter Estuary
18. To minimise environmental consequences of changes to flow and salinity regimes from upstream activities
19. To reduce the environmental impacts of the accumulation and migration of recent sediments within the Hunter Estuary
20. To prevent further exposure of Potential Acid Sulfate Soils and to reduce the extents of Actual Acid Sulfate Soils around the Hunter Estuary
21. To increase appropriate public access and amenity to the Hunter Estuary and wetlands, recognising sensitive habitats
22. To enhance the scenic quality of the Hunter Estuary
23. To facilitate appropriate reuse of sediment dredged from the Estuary
24. To minimise the environmental impacts of commercial sand and gravel extraction on the Hunter Estuary
25. To protect and conserve Aboriginal and European heritage objects, places and landscapes

ITEM 2 - ATTACHMENT 3 SUMMARY OF REVISIONS.

ATTACHMENT B Hunter Estuary Coastal Zone Management Plan – Summary of Revisions

Numerous changes have been made throughout the plan to reflect departmental name changes and changes in supporting strategic plans such as the transition from the Catchment Action Plan to the Hunter Local Strategic Plan (1.8.1) and Councils Integrated Planning and reporting framework (1.8.3). The below provides a summary of the major changes/additions particularly pertaining to the plans' strategies and actions.

1.4 Coastal Zone Management Planning Requirements

This section has been expanded to provide further information regarding the development of this plan and its relationship to the Coastal Zone Management Planning Requirements. Appendix B was added to the plan to outlining how it addresses Part 4A of the Coastal Protection Act 1979 and the supporting Guidelines for Preparing Coastal Zone Management Plans (OEH, 2013).

Deletions

References to the Hunter Coast and Estuary Management Committee have been removed as the committee no longer exists. The role of reviewing the plans implementation is now filled by the Hunter Estuary Technical Working Party which contains representatives of each council, State Government, Newcastle Port and the community.

The following 2 sections were deleted

- 'Recommended Quick Win Strategies' (originally 3.5) this section outlined strategies focusing on onground works that could be undertaken without significant levels of preceding research and assessment. Many have been completed, hence this section is out of date.
- 'Concurrent Initiatives' (originally 3.6) This section covered other planning initiatives that were underway at the time of writing the plan (2009) and is therefore out of date.

	Strategy Name	Actions	Regional Status	Revisions
1	Establish and/or modify local planning guidelines and controls to allow appropriate assessment and consideration of estuarine habitats and biodiversity as a part of any future development within the estuary and its surrounds	<p>1.1 Investigate opportunities to develop compatible landuse zonings and/or LEP mapping overlays (particularly near LGA boundaries) along the foreshore for each of the Local Government Areas in consultation with the community and government authorities.</p> <p>1.2 Investigate new LEP provisions relating to the protection of the estuary identified by LEP overlays.</p> <p>1.3 Organise a series of workshops to be attended by planning departments from each of the Council's aimed at establishing a unified and consistent approach to environmental planning on lands surrounding the Hunter Estuary.</p> <p>1.4 Create a "checklist of considerations" for all future development that allows assessing officers to identify and assess (via guidelines) potential impacts on estuarine processes (see Appendix A for example). In addition to statutory obligations, the checklist should make reference to scientific literature, as appropriate, to help with the assessment process. Seek DoP input during creation of the checklist and guidelines.</p> <p>1.5 Continually update and improve the checklist and associated assessment guidelines following monitoring, benchmarking and ongoing research.</p> <p>1.6 Councils should identify the key estuary management issues that need to be addressed by the DG's environmental assessment report which accompanies state significant listings, concept plans and project applications.</p> <p>1.7 Based on habitat mapping (Strategy 3) and the Conservation and Rehabilitation Masterplan (Strategy 6), along with other new information, update and/or prepare new DCPs (or similar) to introduce site specific, or estuary specific controls to restrict future development within the areas of the estuary and its surrounds. DCP documents should incorporate buffers, offsets and considerations, and numerical controls, such as boundary set-backs, which could minimise impacts on key habitats and biodiversity through development restrictions.</p>	<p>1.1, 1.2, 1.3 and 1.4 – Local Environmental Plans developed for all three Councils using the standard instrument supplied by Department of Planning and Environment. Planning meeting held to discuss intention of zoning along estuary, appropriate zones applied as per decisions by each Council, guidelines/checklists developed as required for heads of consideration. The PSC Standardised LEP was developed in 2013</p> <p>1.5, 1.6, 1.7 – Ongoing.</p>	<ul style="list-style-type: none"> • Status update included in the comments section • Timeframe Change – Ongoing • The additions of "and Rehabilitation" to 1.7
2	Investigate opportunities to protect key habitats and significant existing vegetation stands through rezoning to a more appropriate conservation zone	<p>2.1 Overlay the mapping undertaken in Strategy 3 with current zoning and land ownership maps</p> <p>2.2 Identify locations where current zonings are inadequate for conservation of existing vegetation and habitat areas.</p> <p>2.3 Identify options for protection of key habitats and significant vegetation stands including voluntary conservation measures alongside zoning options</p> <p>2.4 Coordinate among councils to establish a consistent approach.</p> <p>2.5 As appropriate, recommend alternative conservation agreements for areas of key habitat and existing</p>	<p>2.1 – Mapping of estuarine habitat undertaken in Newcastle City Council area, yet to be undertaken for whole of estuary.</p> <p>2.2 – Zonings of estuarine area addressed as required when Local Environmental Plans developed by each Council.</p> <p>2.3 – On-going as projects arise.</p> <p>2.4 - Planning meeting held to discuss intention of zoning along estuary prior to development of Council's Local</p>	<ul style="list-style-type: none"> • Timeframe Change – Ongoing • Wording of "2.4. Organise a meeting/workshop for Council planners from each of the three Councils to determine a consistent approach for habitat conservation zoning" updated

ITEM 2 - ATTACHMENT 3 SUMMARY OF REVISIONS.

	Strategy Name	Actions	Regional Status	Revisions
		vegetation in consultation with the community and government authorities.	Environmental Plans. 2.5 - On-going process as land becomes available for environmental project work or provided to National Parks and Wildlife to conserve.	
3	Map estuarine and riparian vegetation to determine habitat potential, health and location, and extents of estuary-related Endangered Ecological Communities	<p>3.1 Engaged an ecology consultant</p> <p>3.2 Collated all available mapping of estuarine vegetation. Sources may include Councils, Wetland Care Australia, OEH, DPI Fisheries, HLLS.</p> <p>3.3 Acquired the most recent available aerial photography (see sources above). Where appropriate photography was not available, arranged for new air photographs to be taken.</p> <p>3.4 Mapped estuarine vegetation to community level based on air photo interpretation. Using accepted remote sensing and ground truthing techniques to categorise habitat potential and health. Identified all EECs.</p> <p>3.5 Developed GIS maps for use by planners and others from Councils, DPI Fisheries, OEH etc</p> <p>3.6 Identify gaps in mapping</p> <p>3.7 Cross reference estuarine vegetation mapping with key recreation sites (eg fishing, boating) to identify areas of potential conflict or degradation. Appropriate mitigation measures should be implemented to minimise impacts on vegetation and EECs.</p> <p>3.8 Cross reference estuarine vegetation mapping with key bank erosion sites (refer Strategy 8) to help with multi-objectives rehabilitation prioritisation.</p>	3.1 – 3.7 - Mapping undertaken for Newcastle City Council area, yet to be undertaken for whole of estuary, grant funding dependent.	<ul style="list-style-type: none"> • Timeframe Change – Ongoing • Added councils to lead agency • Funding opportunities updated. • Grammar updated to reflect progress. • Action 3.6 added
4	Develop an integrated predictive numerical model of the Hunter Estuary, incorporating hydrodynamics, water quality and sediment transport processes, as necessary	<p>4.1 Investigate existing data and models and consider engaging consultant for establishing/integrating a model (complete)</p> <p>4.2 Oversee the model development, ensuring that it is calibrated to an appropriate standard</p> <p>4.3 Determine a range of scenarios that need to be assessed by the model</p> <p>4.4 Use the model to assess options / scenarios</p> <p>4.5 Link outputs from the model to a conceptual or more detailed water quality, sediment transport and ecological model to evaluate consequences on the broader estuarine processes, including algal dynamics and more holistic ecological responses.</p> <p>4.6 Maintain the model, updating as appropriate when new information and data becomes available.</p> <p>4.7 Investigation, development, and implementation of water quality monitoring of the estuary and incorporating it into the model.</p> <p>4.8 Develop Centralised database and open access website.</p>	<p>4.1-4.2 – Model being prepared by Hunter Water with direction from the technical sub-committee.</p> <p>4.3 – 4.7 – Yet to be determined.</p>	<ul style="list-style-type: none"> • Timeframe Change – Model to be completed by late 2018 • Hunter Water to fund initial model. • Original actions of 4.5 and 4.6 have been combined. • Addition of new actions 4.7 and 4.8
5	Identify all structures within the estuary that are interfering with fish passage, and then replace and rehabilitate on a priority basis	<p>5.1 Conduct an audit of all estuarine waterways within the Hunter, and establish which barriers continue to impede fish passage. Refer to previous audits on barriers to fish passage conducted by DPI-Fisheries.</p> <p>5.2 Establish a prioritisation for removal of barriers in the Hunter Estuary based on i) the potential value of rehabilitation (eg the extent of habitat restored), ii) the expected costs of removal / modification of the barrier, and iii) other consequences of the works (eg inundation of private lands etc).</p> <p>5.3 Implement remediation measures at barriers on the basis of the priorities developed at Step 5.2, and through consideration of DPI-Fisheries' NSW-wide audit and funding opportunities</p>	5.1-5.3 – Investigation of fish barriers undertaken by Department of Primary Industries – Fisheries and prioritised for any necessary works. Projects being undertaken systematically across the estuary according to prioritisation.	<ul style="list-style-type: none"> • Timeframe Change – Ongoing. • Removal of location specific references so as not to limit works. • Remove reference to old departmental programs eg "Bring Back the Fish". • Removal of specific funding referneces in the comments • Addition of comment that "A revised priority list of structures is soon to be released by

ITEM 2 - ATTACHMENT 3 SUMMARY OF REVISIONS.

	Strategy Name	Actions	Regional Status	Revisions
				DPI."
6	Develop a Hunter Estuary Conservation and Rehabilitation Masterplan that provides clear priorities for implementation for future conservation and rehabilitation	<p>6.1 Compiled, reviewed and collated conservation plans and initiatives (eg GGBF, LHRBS), along with current habitat and EEC mapping - convert to GIS format where required</p> <p>6.2 Summarised ecological values, conservation status and existing policy / legislation for the areas mapped</p> <p>6.3 Prepared a practical map based Masterplan showing current on-ground works and identifying priority areas for future works including areas that require further consultation with stakeholders.</p> <p>6.4 Use the agreed Masterplan to direct future conservation works (through HLLS initiatives and other avenues) as well as rehabilitation works. This would include specific habitat areas, as well as connections (green corridors) between habitats.</p>	<p>6.1 – 6.3 – Masterplan created by Local Land Services- Hunter to show works undertaken to date and mapped for the estuary.</p> <p>6.4 – 6.5 – Meeting held by Local Land Services - Hunter with key estuary organisations. Prioritisation for future conservation works being developed into the Masterplan.</p>	<ul style="list-style-type: none"> • Strategy wording changed from "Develop an estuary wide conservation Masterplan that provides clear priorities for implementation for future conservation and rehabilitation, and should be considered as part of future land rezoning & PVPs" to reflect the current name of the Masterplan avoid repetition from other strategies (1&2) • Grammar updated to reflect progress. • Funding opportunities updated • Timeframe Change – Ongoing • Council moved from lead to support agency • Action 6.5 removed "Council planners to reference the Masterplan when considering land rezoning, and the formation of DCP controls. CMA to reference Masterplan when negotiating PVPs with landholders" as already captured in strategy 1 & 2.
7	Incorporate the objectives of the CZMP into the Plan of Management for the newly created Hunter Wetlands National Park (incorporating the former Hexham Swamp and Kooragang Nature Reserves) and assist with support to implementation	<p>7.1 Stakeholders kept informed of progress in the development of a HWNP POM.</p> <p>7.2 Encouraged relevant staff to review the draft Hunter Estuary Coastal Zone Management Plan and be familiar with the final document</p> <p>7.3 Supplied relevant staff with a copy of the Hunter Estuary Coastal Zone Management Study and Plan once finalised</p> <p>7.4 Ensured OEHL staff were involved in development of the Conservation and Rehabilitation Masterplan for the hunter Estuary (Strategy 6) so that the HWNP can be included as appropriate.</p> <p>7.5 Support the implementation of the HWNP POM.</p>	<p>7.1 – 7.4 – A Hunter Wetlands National Park: Draft Plan of Management has been completed and is in the final stage of the review process which includes information on important park values and provides direction for future management.</p>	<ul style="list-style-type: none"> • Addition of "and assist with support to implementation" added to the strategy to reflect its ongoing nature. • Addition of action 7.5 as per above • Grammar updated to reflect progress and changes to document and departmental titles. • Timeframe Change – Ongoing
8	Prioritise bank erosion sites with consideration to assets (built and natural), infrastructure, River Styles condition and recovery potential, rates of recession, land tenure / use and vegetation, and implement strategies to redress erosion, on a priority basis	<p>8.1 Collate all available mapping of erosion hotspots for the Hunter Estuary - sources will include mapping by MHL 2003 and GHD (2006). The MHL 2015/16 River bank condition assessment has been revised.</p> <p>8.2 Undertake ground-truthing, survey, historical air photo review and aerial reconnaissance / surveillance to update/ confirm mapping</p> <p>8.3 Identify built and environmental assets at risk from erosion at all individual hotspot locations</p> <p>8.4 Work with RMS to establish signage and other mechanisms to manage and restrict 'slow tow' activities that cause excessive boat wash.</p> <p>8.5 Establish monitoring program to determine recession rates at hotspots, and calculate timeframes for expected compromise of asset.</p> <p>8.6 Prioritise sites for rehabilitation works based on assets at risk, timeframe for expected asset compromise, costs of works, availability of alternative asset management options and land tenure</p> <p>8.7 Undertake works on a prioritised basis, subject to funding availability</p> <p>8.8 Monitor the impact of the migration of sediment slugs within the hunter estuary as it pertains to bank erosion and hydrology.</p>	<p>8.1, 8.2 – Boating erosion targeted through a number of years of surveys in the Williams and a year in the Morpeth to Raymond Terrace reach of the Hunter. Works and improvements suggested for the Williams. Any future review of these sites or the rest of the estuary is grant funding dependent.</p> <p>8.3 – OEHL maintains flood mitigation works to protect built assets.</p> <p>8.4 – 8.7 – Responsibility of these actions needs to be established. Works to be undertaken on a needs basis and in the main is grant funding dependent.</p>	<ul style="list-style-type: none"> • Clarification that council is only the lead agency on its own land. • Addition of RMS as the lead agency • 8.1 updated to reflect revision of condition assessment • 8.3 expanded to include "environmental assets. • 8.8 changed from general bank erosion monitoring to monitoring specific to the sediment slug. This is to encapsulate what was originally strategy 25 and consolidate all actions pertaining to bank erosion. • Timeframe Change – Ongoing • Grammar updated to reflect progress and changes to document and departmental titles.
9	Support volunteers and environmental group participation, including Aboriginal Land	<p>9.1 Maintain databases of volunteer groups working on Hunter Estuary</p> <p>9.2 Establish regular communication with group leaders</p>	<p>9.1 – Essentially developed during the development of the Masterplan</p> <p>9.2- 9.6 – Undertaken as part of projects, grant funding dependent</p>	<ul style="list-style-type: none"> • Clarification that Port Stephens Council is only the lead agency on its own land. • 9.6 addition that volunteers will also be acknowledged in publications

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	Strategy Name	Actions	Regional Status	Revisions
	Management Teams, in revegetation of riparian zones-where appropriate include opportunities to improve public access.	9.3 Distribute Conservation and Rehabilitation Masterplan to the groups 9.4 Hold an annual workshop for estuary related groups, use this opportunity to outline priorities and resources 9.5 Continue to provide financial assistance and resources to volunteer organisations working within the estuary and immediate catchment that are seeking additional project resources 9.6 Acknowledge the contributions of volunteers in publications and with certificates of appreciation, printed sun proof clothing etc.		<ul style="list-style-type: none"> Grammar updated to reflect progress and changes to document and departmental titles. Timeframe Change – Ongoing Funding Opportunities updated
10	Build on existing riparian vegetation guidelines to encourage consistency across the estuary landscape and differing land tenures	10.1 Prepare riparian revegetation guidelines and fact sheets specific to the Hunter Estuary to promote optimum habitat, ecological corridor, erosion control and scenic amenity benefits through rehabilitation of riparian areas. Environmental weeds and pests should be considered as part of the guidelines. 10.2 Implement revegetation programs using the riparian revegetation guidelines. Programs can be implemented through volunteer groups/ green teams and/or direct landholder involvement schemes 10.3 Monitor and evaluate rehabilitation works implemented under the plans, and update / modify the guidelines as necessary based on practical outcomes of its application.	10.1- 10.3 – State government best practice guidelines followed when undertaking works in riparian areas. Works are grant funding dependent.	<ul style="list-style-type: none"> Removal of councils from lead to support agency Grammar updated to reflect progress and changes to document and departmental titles. Timeframe Change - Ongoing
11	Introduce an environmental planning requirement for all new development to achieve no net increase in pollutant runoff loads, through best practice stormwater management	11.1 Organise a meeting/workshop for Council planners from each of the three Councils to determine the best way of introducing a consistent policy / development controls across all three LGAs aimed at controlling pollution from future development. 11.2 Assess existing Council stormwater runoff / WSUD guidelines, plans and policies. Modify guidelines (or prepare new as required) that requires new development to achieve either no net increase in pollutant loads, or a reduction in TSS / TP / TN of 80% / 60% / 45%, whichever is the more stringent, compared to existing development conditions (excluding exempt and complying development). 11.3 The Policies should use MUSIC or similar modelling by developers to demonstrate compliance. Councils should become familiar with MUSIC to help assess the development applications, or should outsource this review. 11.4 Planning and implementation of water sensitive urban design (WSUD).	11.1 – Meeting yet to be undertaken 11.2 – 11.3 – Each Council have requirements either under their manual of engineering standards or development control plans that require stormwater to meet this strategies guidelines. Councils require modelling either through MUSIC or similar to demonstrate compliance for development in discussion with Council engineers.	<ul style="list-style-type: none"> Acknowledgment of the marine debris program added to the comments Addition of 11.4 in acknowledge of the importance of WSUD to the success of the strategy. Timeframe Change – Ongoing Grammar updated to reflect progress, changes to departmental titles and standard practice.
12	Through the Hunter Coast and Estuary Management Committee (or similar), host an on a needs basis inter-governmental panel / forum with senior administrators and agency staff to stream-line co-ordinated and integrated decision-making	12.1 Identify relevant high level government department representatives 12.2 Arrange an inaugural meeting and establish meeting schedules, terms of reference etc. 12.3 Organise regular meetings to guide decisions related to the estuary. 12.4 Keep minutes and publish an annual report.	The Local Land Services – Hunter undertook an inter-governmental forum to discuss the progression of the Masterplan. Future meetings will be undertaken in accordance with this strategy on a needs basis as issues arise.	<ul style="list-style-type: none"> Addition of the phase "on a needs basis" to the strategy. Timeframe Change - Ongoing
13	Raise public awareness of the values of the Hunter Estuary including its international significance and sustainable use of the estuary through targeted	13.1 Consider developing a logo for the Hunter Estuary education program 13.2 Consider undertaking a survey to establish level of reference etc. 13.3 Compile existing resources for community consultation regarding the estuary. Sources will include DPI Fisheries, each council, RMS, OEH and HLLS. 13.4 Identify the target audience and key messages including international significance (Ramsar listing and	This strategy is yet to be undertaken and is grant funding dependent. Various education programs are currently undertaken through Councils including topics of stormwater quality, stream management, erosion, litter management and marine debris.	<ul style="list-style-type: none"> Addition of "including its international significance" to the strategy. 13.4 - replaced 'Keep minutes and key messages' with an action more suitable for the strategy 13.9 additional action to allow consistent reporting across the estuary

ITEM 2 - ATTACHMENT 3 SUMMARY OF REVISIONS.

	Strategy Name	Actions	Regional Status	Revisions
	community education	<p>Kushiro affiliation) and issue of marine debris</p> <p>13.5 Develop a broad education program for the estuary and its catchments including a variety of communication mediums such as brochures, DVDs, guided tours and an interactive web site.</p> <p>13.6 Deliver the education program</p> <p>13.7 Monitor the success of the education program through follow-up surveys</p> <p>13.8 Modify / update the program as necessary</p> <p>13.9 Produce Hunter Estuary Report Card based on data from monitoring, modelling and research</p>		<ul style="list-style-type: none"> Timeframe Change – Ongoing Changes to departmental titles.
14	Improve land use practices throughout the catchment to minimise soil erosion and improve water quality	<p>14.1 Implement quick win erosion control strategies such as improved stock management practices and revegetation through existing initiatives and programs</p> <p>14.2 Address creek and gully erosion within the catchments, through rehabilitation works</p> <p>14.3 Research best practice sustainable farming practices and identify pilot farms for trials of more sustainable approaches</p> <p>14.4 Where pilot study sites show success in sustainable farming trials, provide incentives to encourage this approach on a wider scale.</p> <p>14.5 Prevent and remediate soil erosion in areas that are affected by on-going recreational activities, particularly along riverbanks (e.g. boating)</p> <p>14.6 Prioritise compliance activities such as audits and corrective actions for development sites</p> <p>14.7 Undertake works to improve water quality</p>	<p>14.1 – 14.5 – Projects undertaken in association with landholders by Local Land Services and advice from the Department of Primary Industries – Agriculture. Actions are dependent on grant funding.</p> <p>14.6 – Discussions for assistance in management of boat erosion on going with Roads and Maritime Service.</p> <p>14.7 – Action undertaken on needs basis particularly in relation to customer requests.</p>	<ul style="list-style-type: none"> Addition of "and improve water quality" to the strategy to reflect the key outcome of minimising soil erosion Removed 14.2 "Address creek and gully erosion within the catchments, through rehabilitation works" 14.7 addition of new action to incorporate water quality specific works that may be separate to erosion. Timeframe Change – Ongoing Changes to departmental titles. Funding Opportunities updated
15	Develop incentive mechanisms to promote and facilitate the adoption of sustainable agricultural practices that generate a commercial and environmental benefit	<p>15.1 Continue to support the vegetation conservation</p> <p>15.2 Liaise with DPI (Agriculture) to initiate pilot sustainable farming trial sites</p> <p>15.3 Promote sites that are shown to be working to encourage uptake at other sites.</p>	This strategy is on-going.	<ul style="list-style-type: none"> 15.3 Consolidation of description Timeframe Change – Ongoing Funding Opportunities updated Grammar updated to reflect progress, changes to departmental titles and standard practice
16	Conservation of key habitat and significant vegetation should be undertaken through the Biobanking scheme or through preparation and implementation of individual conservation agreements	<p>16.1 Identify key habitats and significant vegetation stands under private ownership that would be suitable for conservation through Biobanking and conservation agreements.</p> <p>16.2 Undertake an education program specifically targeting owners of identified lands promoting participation in the Biobanking scheme and preparation of voluntary conservation agreements.</p> <p>16.3 Consult with potential support agencies and work towards developing a list of other possible incentive mechanisms as offsets for conservation of private lands, including rate exemptions, HLLS grants (for fencing etc), voluntary conservation agreements with HLLS and OEH, and Environmental Stewardship schemes.</p> <p>16.4 Implement agreements and incentives on a priority basis, subject to agreement by landholders.</p>	To be undertaken following completion of the Masterplan.	<ul style="list-style-type: none"> Replacement of terminology; Property Vegetation Plans with conservation agreements, to reflect current programs. 16.1 Removal of the reference to the Masterplan to allow works to allow work under other avenues. Timeframe Change – Ongoing Changes to departmental titles.
17	Undertake estuarine and related habitat restoration through physical works, revegetation and or alternative management practices of assets and infrastructure	<p>17.1 Develop a data base of relevant information for potential sites, such as ownership, fauna species, vegetation communities etc</p> <p>17.2 Ensure local, regional, national and international values are considered when undertaking estuarine rehabilitation.</p> <p>17.3 Undertake a multi criteria assessment for prioritising rehabilitation sites utilise existing tools, and establish an agreed forward restoration works program.</p> <p>17.4 Lobby NSW and Commonwealth Governments for funding of works, especially urgent restoration works.</p>	<p>17.1 – 17.4 - Yet to be undertaken.</p> <p>17.5 – Various projects are being undertaken subject to grant funding throughout the estuary, strategy 17.2 is considered when rehabilitation works are undertaken.</p> <p>17.6 – Considered as appropriate on a case by case basis.</p>	<ul style="list-style-type: none"> 17.7 Addition of action to directly recognise the RAMSWR sites Timeframe Change – Ongoing Changes to departmental titles.

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	Strategy Name	Actions	Regional Status	Revisions
		17.5 Implement rehabilitation / restoration works on a priority basis, subject to funding availability, using volunteer groups / indigenous green teams, where appropriate. 17.6 Establish agreements (eg, under the NPW Act 1974 or Nature Conservation Trust Act 2001) over rehabilitated lands, as appropriate, to ensure long-term conservation of rehabilitation sites 17.7 Manage Ramsar sites in accordance with their international significance.		
18	Develop a plan of all public access points along the Hunter Estuary, review those which coincide with sensitive habitats, and formalising those with highest recreational usage / value (where appropriate), to provide on-going and undiminished access to the river	18.1 Refer to available existing habitat mapping (eg HBOC Avian Study) and mapping to be completed in Strategy 3 to identify important areas. 18.2 Undertake a field-based audit of existing formal and informal access to the water throughout the estuary, on both public and private lands. Characterise the usage of each access location (ie volume, purpose, etc). 18.3 Overlay access mapping with habitat mapping to determine critical points of conflict. 18.4 Prepare and implement a plan that aims to relocate existing access points within important habitat areas to alternative sites, and formalises existing high usage locations that are not already formalised, providing that any environmental and social issues can be addressed.	Yet to be undertaken.	<ul style="list-style-type: none"> Timeframe Change - Ongoing Changes to departmental titles.
19	Support and participate in research programs and run these programs in partnership with major stakeholders on a case by case basis	19.1 Meet with academics to discuss opportunities for university students 19.2 Prepare research plans and funding applications for proposed research projects and submit to relevant approval authority (ie. Within council or HLLS) 19.3 Advertise through normal university research project mechanisms 19.4 Select students for research projects and implement 19.5 Follow up research by using results to inform future management	19.1 – 19.5 – undertaken on an opportunistic basis. Current projects applicable include the model, bank erosion and estuary status report card.	<ul style="list-style-type: none"> Timeframe Change – Ongoing Changes to departmental titles. Funding Opportunities updated
20	Investigate impacts arising from climate change and potential adaptations	20.1 Review government policy, guidelines and legislation regarding climate change adaptation and appropriate strategic planning responses. 20.2 Based on the outcomes of existing research (eg federal Case Study) and further investigations (eg Strategy 4) into the impacts of climate change on the estuary and surrounding lands, investigate opportunities to cater for expected impacts through strategic planning and asset management initiative, including for example: <ul style="list-style-type: none"> land title restrictions restrictive and positive covenants establishing larger riparian setbacks (e.g. to ensure that saltmarsh can respond to sea level rise) Changes to infrastructure design to ensure that the ecological response to climate change can be accommodated (eg. culverts under roads to allow saltmarsh to migrate and re-colonise elsewhere). 20.3 Organise a meeting/workshop for Council planners from each of the three Councils to determine a consistent approach incorporating climate change provisions into Council planning frameworks. It is recognised that while the approach should be consistent, individual responses by each Council may differ, given the differing expected impacts of climate change across the three LGAs.	20.1 – Council policy and plans guided by government legislation. 20.2 – Hunter Councils have undertaken climate change risk and adaptation reports for the region in 2009-10. 20.3 – Workshop essentially undertaken through Hunter Councils climate change risk and adaptation project. Further will be undertaken on a needs basis.	<ul style="list-style-type: none"> Strategy wording changed from " Introduce planning controls for climate change impacts. " t broaden the capacity for works that address climate change Grammar updated to reflect progress, changes to departmental titles and standard practice
21	Undertake a critical review of the salinity trading scheme, the Hunter River Water Sharing Plan and upstream activities in terms of environmental	21.1 Undertake a review of the salinity trading scheme in line with legislative review schedule. 21.2 Undertake a review of the Hunter River Water Sharing Plan in line with legislative review schedule. 21.3 Implement improvements to the existing salinity trading scheme and Water Sharing Plan based on the reviews	Reviews undertaken	<ul style="list-style-type: none"> Timeframe Change – Ongoing Updated original actions. Original actions below; <i>21.1 Undertake a comprehensive review of available scientific literature on environmental flows and impacts on</i>

ITEM 2 - ATTACHMENT 3 SUMMARY OF REVISIONS.

	Strategy Name	Actions	Regional Status	Revisions
	consequences of water discharges and offtakes			<p><i>estuaries. It is understood that determination of environmental flows for estuaries has been considered in other Australian states (notably Victoria), as well as overseas (notably South Africa).</i></p> <p>21.2 <i>Compile and analyse available data from the salinity trading scheme and extraction activities. Consider impacts on wetlands, estuarine vegetation, groundwater dependent ecosystems, aquatic fauna and other relevant ecological communities.</i></p> <p>21.3 <i>Assess opportunities to improve the salinity trading scheme and Water Sharing Plan based on outcomes of the review, and as appropriate, by simulation of numerical models of estuarine response (for example the model developed in Strategy 4).</i></p> <p>21.4 <i>Recommend changes to the existing salinity trading scheme and Water Sharing Plan for improving environmental outcomes to the estuary. Recommend appropriate monitoring programs to quantify outcomes from the schemes.</i></p>
22	Undertake assessments for contaminated sediments in the Lower Hunter Estuary	<p>22.1 Compile available sediment sampling results from sources including:</p> <ul style="list-style-type: none"> EIS Study by URS for BHP site on the south arm Lower Throsby Creek Honors Study <p>22.2 Identify data gaps</p> <p>22.3 Design monitoring and risk assessment program or call for proposals for suitable consultant</p> <p>22.4 Undertake monitoring</p> <p>22.5 Undertake risk assessment</p> <p>22.6 Recommend risk treatment options</p> <p>22.7 Consider for inclusion in the estuary report card</p>	Yet to be undertaken in a formal process, however some individual projects have been completed	<ul style="list-style-type: none"> Strategy wording changed from "Undertake a risk assessment for contaminated sediments in the Lower Hunter Estuary" to broaden the scope. Comments section updated 22.7 Adding of action to link result collection in with Estuary reporting Timeframe Change - Ongoing
23	Where appropriate, reuse sediment dredged from the Estuary	<p>23.1 Organisations that undertake capital and maintenance dredging (and related activities) within the Hunter Estuary and surrounds are required to liaise with the relevant government agencies to determine possible options for reuse of dredged material, including the reuse of clean sand for nourishment of Stockton Beach.</p> <p>23.2 In issuing licences and approvals for dredging and related activities, the relevant government agencies shall consider the potential impacts on the Hunter Estuary and surrounding beaches.</p>	On-going on a needs basis	<ul style="list-style-type: none"> Expanded the location description within the strategy from the Port of Newcastle to the Estuary. Comments section updated Timeframe Change – Ongoing Lead agency changed to Newcastle City Council. Wording updated to reflect progress, changes to departmental titles and standard practice
24	To identify and conserve	24.1 Compile and review previous Aboriginal and European heritage studies within the Hunter Estuary and	24.1 - OEH maintains the Aboriginal	<ul style="list-style-type: none"> Timeframe Change – Ongoing

ITEM 2 - ATTACHMENT 3 SUMMARY OF REVISIONS.

	Strategy Name	Actions	Regional Status	Revisions
	heritage objects, places and landscapes in the Hunter Estuary	<p>undertake searches of the relevant databases to identify site locations within the Hunter Estuary.</p> <p>24.2 Carry out a gap analysis of information from the previous studies and database searches and undertake additional studies if required to develop the predictive model (refer Action 24.3).</p> <p>24.3 Develop a predictive model of Aboriginal site locations for the Hunter Estuary.</p> <p>24.4 Supported the development of the Hexham and Kooragang Cultural Heritage Management Plan</p> <p>24.5 Based on the findings of the literature review and predictive model, develop an overarching strategic Heritage Management Plan for the Hunter Estuary. The management plan should identify areas of high heritage value and outline appropriate management measures to protect and conserve heritage values. Consultation will be undertaken with the Aboriginal community during the preparation of the plan.</p> <p>24.6 Implement the management measures outlined in the plan and review the plan at the interval specified within the plan.</p>	<p>Heritage Information Management System, system can be accessed prior to undertaking works.</p> <p>24.2 – 24.6 – yet to be undertaken</p>	<ul style="list-style-type: none"> • Wording updated to reflect progress, changes to departmental titles and standard practice • Funding Opportunities updated
25	Review the impact of the accumulation/migration of sediments within the Hunter Estuary			This strategy was removed and encapsulated in strategy 8 action 8.8

ITEM NO. 3

**FILE NO: 16/406112
RM8 REF NO: PSC2009-02488**

POLICY REVIEW - DEBT RECOVERY AND HARDSHIP

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Debt Recovery and Hardship Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the draft Debt Recovery and Hardship Policy, as amended, on public exhibition for a period of 28 days and should no submission be received, the policy be adopted as amended, without a further report to Council.
 - 3) Revoke the Debt Recovery and Hardship Policy dated 25 November 2014 (Min No. 315), shown at **(ATTACHMENT 2)**, should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

313	<p>Councillor Peter Kafer Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the amendments to the Debt Recovery and Hardship Policy shown at (ATTACHMENT 1).2) Place the draft Debt Recovery and Hardship Policy, as amended, on public exhibition for a period of 28 days and should no submission be received, the policy be adopted as amended, without a further report to Council.3) Revoke the Debt Recovery and Hardship Policy dated 25 November 2014 (Min No. 315), shown at (ATTACHMENT 2), should no submissions be received.
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BACKGROUND

The purpose of this report is to present recommended amendments to the current Debt Recovery and Hardship Policy, last reviewed by Council 25 November 2014, Minute No. 315.

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2016

The policy prescribes Council's processes for recovering overdue rates, charges, fees and other debts, as well as controlling credit and its processes for assessing ratepayer and debtor hardship and the mechanisms for providing assistance.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Costs associated with the policy review are covered in the 2016-2017 Corporate Services Group budget.

All legal costs incurred in debt collection are recovered from the debtor as part of the collection process.

For approximately 14 years Council has provided a deferral option for aged pensioners who meet hardship eligibility criteria. Presently, there are six rate assessments with a deferral in place out of a total of 5,906 pensioner rate assessments.

55% of the cost of pensioner rate concessions, including backdated concessions, is reimbursed to Council by government subsidy. The net costs of backdated pensioner rate concessions were \$13,500 last year.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Costs associated with the review of this policy are covered in the budget of the Group Manager Corporate Services. Ongoing costs associated with the implementation of the policy are managed through Council's budget process.
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2016

Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Clause 207 of the *Local Government (General) Regulation 2005* requires Council to collect or recover all money payable to it promptly.

Sections 567,577 and 601 of the *Local Government Act 1993* empower Council to provide hardship assistance in specific circumstances.

The adoption of a policy prescribing the debt recovery and hardship processes promotes efficiency, consistency and transparency.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that unstructured credit control and debt recovery processes may result in higher outstanding debts.	High	Adopt the revised policy.	Yes
There is a risk that the billing and debt recovery action that does not follow statutory and consistent processes may be rejected by the courts.	High	Adopt the revised policy.	Yes
There is a risk that absence of hardship provisions may be considered harsh by the community and Office of Local Government (OLG).	Medium	Adopt the revised policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Debt Recovery and Hardship Policy is a public statement of Council's commitment to a fair, consistent approach to debt collection and hardship assistance.

The hardship provisions provide practical financial assistance to financially vulnerable ratepayers and debtors, which is consistent with Council's charter of social justice and equity.

MERGER PROPOSAL IMPLICATIONS

There are no known merger proposal implications with the review of this policy.

CONSULTATION

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

Internal

Financial Services Section Manager.
Finance and Revenue Coordinator.
Revenue Staff.

External

In accordance with local government legislation the revised policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Debt Recovery and Hardship Policy.
- 2) Existing Debt Recovery and Hardship Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 3 - ATTACHMENT 1 REVISED DEBT RECOVERY AND HARDSHIP
POLICY.**

Policy



FILE NO: PSC2009-02488

TITLE: DEBT RECOVERY AND HARDSHIP

POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER

PURPOSE:

The purpose of this policy is to ensure:

- Efficient and effective processes for collection of outstanding debts;
- Provision of a decision making framework for assessment of financial hardship applications;
- Statutory requirements are met for recovery of rates, charges, fees and other debts; and
- Debts are recorded in Council's accounting system.

CONTEXT/BACKGROUND:

This document prescribes Council procedures to recover monies that become overdue for rates, charges, fees and other debts and assistance to ratepayers and debtors experiencing financial hardship.

SCOPE:

This policy has been written considering the following principles:

- Council has a responsibility to recover monies owing to it in a timely, efficient and effective manner to fund its operations.
- All people will be treated fairly and consistently.
- All matters will be considered confidentially.
- Genuine financial hardship will be recognised and people treated with respect and compassion in considering their circumstances.

DEFINITIONS:

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

30 day trading account A sundry debtor account wherein Council extends credit to the debtor to be paid in full monthly in arrears.

Aged pensioner A person verified by Centrelink as receiving an aged pension

Policy

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and holding a pensioner concession card.

Legal action	Debt recovery action taken under the <i>Civil Procedure Act 2005</i> or <i>Local Government Act 1993</i> .
Letter of demand	Correspondence sent to a ratepayer or debtor formally requesting payment.
Recovery action	Making contact with a ratepayer or debtor to request payment of overdue amounts.

POLICY STATEMENT:

1) Part 1 - Recovery of rates and charges

a) Rates and charges notice

A rates and charges notice will be sent in July each year payable in four instalments due on 31 August, 30 November, 28 February, and 31 May. An instalment notice will be sent 30 days before instalments two, three, and four are due.

b) Overdue instalment notices

An overdue instalment notice will be sent 21 days after the due date for all unpaid assessments over \$25.

Overdue instalment notices will include:

- Debt details;
- A request to pay within 14 days;
- Option of repayment arrangement;
- Notice of referral to Council's debt collection agency if the overdue amount exceeds \$700 and remains unpaid; and
- Instruction to disregard notice if complying with a repayment arrangement.

c) Recovery action – referral to debt collection agency

14 days after issue of the overdue instalment notice unpaid assessments over \$700 with no repayment arrangement in place will be referred to Council's debt collection agency.

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d) Recovery action – debt collection agency procedures

Council's debt collection agency will issue a letter of demand in relation to each debt advising:

- Council has referred the debt for collection;
- Payment is required within seven days of the date of the letter;
- If unpaid, legal action will be commenced; and
- The minimum amount in legal costs that will be added to the ratepayer's assessment if legal action is commenced.

The debt will escalate to the following stages only if it remains unpaid:

- Nine days after the date of the letter a statement of liquidated claim will be prepared, filed with the court and issued for service;
- After the statutory period following service, judgment will be obtained;
- Further action will be commenced to recover the debt including writ of execution and garnishee orders.

e) Arrangements to repay overdue rates and charges

A ratepayer may enter into a weekly, fortnightly or monthly arrangement to repay overdue rates and charges with Council or Council's debt collection agency subject to the following conditions:

- The overdue amount must be paid in full within 12 months.
- Normal interest charges apply, unless written off under hardship provisions of this policy at part 4.
- Council's Finance Officer - Revenue may enter into a longer term repayment arrangement if in that Officer's opinion a ratepayer's financial circumstances warrant this.
- A ratepayer dissatisfied with a decision of the Finance Officer - Revenue may have that decision reviewed by the Finance Officer - Revenue Team Leader.
- Ratepayers will be advised at the time of making a repayment arrangement that if the arrangement is dishonoured recovery action will recommence without further notice.
- Where an arrangement has been dishonoured, a new arrangement cannot be accepted until a payment is received to show good faith.
- Where legal action has commenced, arrangements must be in the form of a court instalment order.
- Extensions of time beyond three months without any payment will not be acceptable.
- Where a supplementary rates and charges notice is issued in the latter part of the year and where an arrangement is made for payment of the rates within six months of the due date, interest will be written off provided payment of one half of the amount due is made within three months and the balance is paid within six months.

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2) Part 2 – Recovery of sundry debtor accounts

a) Sundry debtor invoices and statements

Sundry debtor accounts and invoices will be created when information becomes available and printed and posted weekly. The payment due date will be 30 days after the invoice issue. A statement will be issued within seven days of month's end.

b) Overdue sundry debtors

The following process applies to recovery of overdue sundry debtor accounts:

- If unpaid by the due date a second and then a third monthly statement will be forwarded as a reminder.
- If full payment is not received after issue of the second statement then an overdue sundry debtor account letter requesting payment or the making of a satisfactory arrangement to pay will be sent to the debtor.
- The overdue sundry debtor account letter will advise that the recovery of the overdue account will be referred to Council's debt collection agency if the account is not paid within 14 days. Section 355(b) committees, sporting clubs and government agencies will not be referred to the debt collection agency.

c) Overdue sundry debtors – aged pensioners

If a sundry debtor account is a charge on the land ie kerb and gutter, or foot paving, and it is payable by an aged pensioner, the aged pensioner may apply to Council to have the account deferred against their estate subject to the hardship provisions of this policy and provided they have already deferred their rates against their estate.

d) Recovery action – suspension of credit facilities

If the account is a recurring account, eg waste tipping fees, and any part remains unpaid for more than 60 days, further credit to that debtor account may be withdrawn until the overdue amount is paid. The process of suspending credit facilities will be:

- A letter of demand will be posted to the debtor advising of the overdue amount, required payment date, 30 day payment terms and advising that non payment will result in the account being suspended with fees required up front to continue to use Council services;
- After the required payment date a second letter will be posted to the debtor advising that the account has been suspended and debt referred to Council's debt collection agency;
- After payment of the overdue amount or commencement of a satisfactory repayment arrangement, credit facilities may be resumed; and
- If payment terms are breached again Council may cancel credit facilities.

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e) Recovery action – referral to debt collection agency

14 days after issue of the recovery notice as described in 2 b) above, Council will refer overdue accounts to its debt collection agency.

f) Recovery action – debt collection agency procedures

Council's debt collection agency will issue a letter of demand in relation to each debt advising:

- Council has referred the debt for collection;
- Payment is required within seven days of the date of the letter;
- If unpaid, legal action will be commenced; and
- The minimum amount in legal costs that will be added to the ratepayer's account if legal action is commenced.

The debt will escalate to the following stages only if it remains unpaid:

- Nine days after the date of the letter a statement of liquidated claim will be prepared, filed with the court and issued for service.
- After the statutory period following service, judgment will be obtained; and
- Further action will be commenced to recover the debt including writ of execution and garnishee orders.

g) Arrangements to repay sundry debtor accounts

A debtor may enter into a weekly, fortnightly or monthly arrangement to repay overdue accounts with Council or Council's debt collection agency subject to the following conditions:

- The overdue amount must be paid in full within 12 months.
- Council's Finance Officer - Revenue may enter into a longer term repayment arrangement if in that Officer's opinion a debtor's financial circumstances warrant this.
- A debtor dissatisfied with a decision of the Finance Officer - Revenue may have that decision reviewed by the Finance Officer - Revenue Team Leader.
- Debtors will be advised at the time of making a repayment arrangement that if the arrangement is dishonoured recovery action will recommence without further notice.
- Where an arrangement has been dishonoured, a new arrangement cannot be accepted until a payment is received to show good faith.
- Where legal action has commenced, arrangements must be in the form of a court instalment order.
- Extensions of time beyond three months without any payment will not be acceptable.

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3) Part 3 – Credit control

a) Terms of payment – 30 day accounts

All accounts with Council will be strictly 30 days trading terms, without exceptions. Council will open credit accounts in accordance with this policy.

b) Terms of payment – credit accounts

No credit account will be opened unless a 30 day trading application form has been completed and returned. Council will conduct a reference check on the applicant, verifying references provided by the applicant, before a credit account is offered.

c) Terms of payment – one off usage

No company or individual will be extended credit for one off use of:

- Room hire;
- Hall hire;
- Community centre bookings;
- Holiday park bookings;
- Council stores;
- Sporting field use;
- Enrolment fees;
- Tipping fees;
- Vehicle repairs; and
- Sundry sales including documents, copying and plant.

Council will invoice government departments that provide a purchase order. All other one off usages must be paid for in advance or at the time of usage to avoid difficulties in locating debtors and recovering fees. Council's receipts satisfy the requirements of a tax invoice for business debtors.

Council will extend credit and allow payment plans for animal impounding fees and sustenance fees at the discretion of the Coordinator Environmental Health and Compliance to avoid hardship.

d) Terms of payment – deposits and progress payments

For private works Council will provide a written quote for the proposed work to cover estimated costs for the work. For work to proceed, Council requires written authorisation from the client and proof of identity. For work valued at more than \$1,000 a 10% deposit will be required before work commences. For work valued at more than \$10,000 Council will require agreed progress payments at various stages.

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e) Judgment debts and credit history

Credit reporting agencies access some court records relating to debt recovery. Specifically, they access details of all default judgments and record these on the individual's credit history, in some cases for five years. If a statement of liquidated claim is served and the debtor:

- Makes no payment in the next 28 days;
- Doesn't pay the amount claimed, including legal costs;
- Doesn't apply for a court instalment order to pay off the amount claimed, including legal costs; and
- Doesn't lodge a notice of defence with the court disputing the claim;

then the debtor will be liable to incur a default judgment. It is these default judgments, where a debtor has not responded to a statement of claim that may be included in an individual's credit history.

If the debt has been paid in full, Council will upon request, write a letter to the debtor confirming that the debt has been repaid in full which may then be presented as proof of payment. Credit reporting agencies will not remove from an individual's credit history the existence of a default judgment because it assists users of their reports with credit risk assessment.

Debtors may sometimes ask for Council to consent to the filing of a notice of discontinuance or to have judgment set aside to have the default judgment removed from their credit history. The process requires a notice of motion to have judgment set aside and then a notice of discontinuance. Council will not have judgment set aside or issue a notice of discontinuance in these circumstances. A notice of discontinuance is a remedy for correcting a claim that was issued in error, before judgment is entered by the court. A debtor has no right to have a default judgment erased upon payment of the debt. The debtor had the opportunity to avoid default judgment when they were issued with the statement of claim and judgment warning letter. A default judgment is a valid court judgment.

Council does not report debts to any credit reporting agencies, and is under no obligation to assist debtors to delete factually correct court judgment history.

4) **Part 4 – Hardship provisions**

a) Defer payment of rates and charges – aged pensioners

Aged pensioners who satisfy the eligibility criteria may make application to defer the payment of rates and charges and property related sundry debtor accounts against their estate. If

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granted, payment of the rates, charges, interest and property related sundry debts will be deferred until any of the following occurs:

- Death of the ratepayer; or
- Sale of the property; or
- The ratepayer ceases to occupy the property as their principal place of living and rents the property out.

The criteria used to determine eligibility for deferral will be:

- The ratepayer must be an aged pensioner as defined by Centrelink in receipt of a pensioner rate concession in relation to the property; and
- The property must be the ratepayer's principal place of living, and
- The property must be used for residential or farming purposes only, and
- The property can have no more than a single dwelling house or residential unit erected upon it, and
- The total amount of rates and charges (net of pensioner concession) payable must be more than 8% of the age pension of an individual (if the ratepayer is an individual) or 8% of the age pension of a couple (if the ratepayer is a couple) at the date of the initial application.

An initial application form must be completed and lodged with Council and determined by the Finance Revenue Coordinator. A ratepayer dissatisfied with a decision of the Finance Revenue Coordinator may have that decision reviewed by the Hardship Panel established under this policy. The Hardship Panel may approve an application for deferral if it believes the circumstances of the ratepayer warrant this even if the eligibility criteria have not been met. A letter of determination will be issued to the ratepayer. If an application is refused, the ratepayer will be provided with reasons for the refusal.

After approval, a letter will be posted out annually to the ratepayer with a copy to sign and return to continue the deferral. The purpose of the annual letter will be to confirm that the ratepayer continues to own and occupy the property, is still alive, and is aware of and agrees to the deferral. Deferral will continue once granted without the need to satisfy the 8% criteria again, provided that the ratepayer continues to own and occupy the property. Where the ratepayer ceases to occupy the rateable property and the property becomes rented a repayment timeframe for the deferred rates and charges will be negotiated by the Finance Officer - Revenue. A person dissatisfied with a decision of the Finance Officer - Revenue may have that decision reviewed by the Finance Officer - Revenue Team leader.

Interest charges accrue in respect of deferred rates and charges at the rate determined under the *Local Government Act*. No deferred rates, charges or interest will be written off under this policy.

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b) Writing off of accrued interest

The Finance Officers – Revenue and Finance Officer - Revenue Team Leader have delegated authority to write off small amounts of interest that have accrued on rates and charges where the person was unable to pay the rates and charges when they became due and payable for reasons beyond their control. The Finance Revenue Coordinator has delegated authority to write off an unspecified amount of interest.

Ratepayers seeking to have interest written off under hardship provisions must submit the prescribed application form to be considered by the Finance Revenue Coordinator. Accrued interest on rates and charges may be written off where payment of the accrued interest would cause the person hardship. A person dissatisfied with a decision of the Finance Revenue Coordinator may have that decision reviewed by the Hardship Panel. The Hardship Panel may request the ratepayer to come to an interview if it is necessary to understand the issues causing hardship.

c) Hardship resulting from a general revaluation of the Port Stephens Local Government Area

In accordance with section 601 of the *Local Government Act* a ratepayer who suffers substantial hardship as the consequence of the making and levying of a rate on the most recent valuation, may apply to Council for relief. Assistance will only be available in the first year new valuations are used to calculate rates.

The criteria used to determine eligibility:

- Rates payable must be more than 3% of the gross household income; and
- The applicant must be an owner and occupier of the property to which the rates relate and the dwelling must be the applicant's sole or principal place of living; and
- The ordinary rate increase must be more in percentage terms than the amount determined by Council at each revaluation. The ordinary rate increase is calculated as the ordinary rates payable for the new rating year (being the first year in which new valuations are used) minus the ordinary rates payable in the previous rating year increased by the allowed ratepegging increase for the year; (eg rates 2014-2015 \$900 minus rates 2013-2014 \$700 plus 2.8% ratepegging increase (\$719.60) = \$180.40).

Applications must be submitted on the prescribed application form. Assistance will be calculated as follows:

- One half of the ordinary rate increase up to a maximum of \$200 (eg \$180.40 increase x 0.5 = \$90.20. \$500 increase x 0.5 = \$200 max).
- No assistance will be given for domestic waste management charges, Hunter Catchment Contribution or special rates.

Policy

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- The maximum amount of assistance in aggregate for all ratepayers will be \$20,000.

Applications will be considered in the order in which they are received by Council. No further applications will be considered once the aggregate amount of assistance has been granted. Applications will be considered by the Finance Officer - Revenue Team Leader. A ratepayer dissatisfied with a decision of the Finance Officer - Revenue Team Leader may have that decision reviewed by the Hardship Panel established under this policy. If an application is refused, the applicant will be provided with reasons for the refusal.

d) Fees and charges

The Coordinator Environmental Health and Compliance may consider hardship matters relating to animal impounding and sustenance fees. Assistance may be provided in the form of allowing additional time to pay or waiving the fees in cases of hardship. A customer dissatisfied with a decision of the Coordinator Environmental Health and Compliance may have that decision reviewed by the Hardship Panel established under this policy. Applicants under this section will be made aware that fees and charges in relation to animal impounding increase on a daily basis and will accrue during the review period. Council will not consider hardship applications in relation to animal registration fees or the costs of microchipping or veterinarian fees and charges.

e) Hardship panel

A panel comprising the Finance Revenue Coordinator, Senior Social Planning Officer and a representative from Corporate Services will determine applications for assistance referred to it and review decisions as necessary.

f) Referral of matters to hardship panel

The General Manager or Mayor may refer any Council matter involving financial hardship of a ratepayer or resident to the Hardship Panel for consideration and advice.

g) Privacy

In accordance with the Privacy Code of Practice and Council's Privacy Management Plan, personal information collected as a consequence of this policy will only be used for the purpose of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any other person unless Council is required by law to do so or authorised to do so by the person to whom that personal information relates.

5) Part 5 – Sale of land for unpaid rates or charges

Where rates or charges for a property are overdue for more than five years the land is liable to be sold under Section 713 of the *Local Government Act 1993*.

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The process in compliance with the requirements of ss713-726 of the *Local Government Act 1993* will generally be as follows:

- Each September outstanding rate assessments will be reviewed to identify all land liable to be sold.
- Land titles will be searched and all persons with an interest in the land will be notified of Council's intention.
- A report will be prepared for Council to consider offering the land for sale by public auction.
- A date will be set for the public auction.
- A real estate agent will be appointed to conduct the sale.
- Notice of the auction will be published in accordance with s715 of the Act and given to all persons with an interest in the land.
- Contracts for sale will be prepared.
- The real estate agent will market the land.
- Reserve prices will be established.
- All land will be offered for sale by public auction unless all overdue amounts are paid in full prior to auction.
- On auction day a deposit of 10% in cash or bank cheque will be payable by the successful bidder.
- If the land is not sold at auction the land may be sold by private treaty, subject to the restrictions contained in s716 of the Act.
- All costs associated with the sale must be met from sale proceeds.
- Sale proceeds will be applied as required by the Act.
- The land will be conveyed free of debts to the extent provided by the Act.
- Council will hold any surplus proceeds for persons having estates or interests in the land immediately before the sale according to their respective estates and interests; and
- Council will pay the balance of the purchase money or any part of the balance to or among the persons who are, in its opinion, clearly entitled to it.

6) Part 6 –Pensioner rate concessions

The following prescribes how Council will grant concessions to pensioners:

a) Eligibility for pensioner concessions

In all situations where an eligible pensioner has assumed full and sole responsibility for the paying of rates, notwithstanding the nature of the ownership of the property, Council agrees to grant the full pensioner concession under Section 577 of the Act. The presentation of a Pensioner Concession Card will be accepted by Council as a sufficient test to meet the hardship requirements of the Act under these circumstances.

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ITEM 3 - ATTACHMENT 1 REVISED DEBT RECOVERY AND HARDSHIP POLICY.**Policy****b) Backdating of pensioner concessions**

Where an eligible pensioner applies for a concession Council will backdate that concession for up to two years prior to the current year (ie a maximum total of three years including the current year) provided that:

- The pensioner was at all times eligible for the concession; and
- The pensioner provides a statutory declaration that the rateable property was their sole or principal place of living for all of the period that the concession is claimed for.

7) Part 7 – Social implications

- a) Council has a charter under the *Local Government Act 1993* to raise funds for local purposes by imposing rates, charges and fees fairly. A policy that prescribes Council's process of collecting debts facilitates consistency and promotes fairness.
- b) The hardship provisions of this policy empower Council to provide practical financial assistance to financially vulnerable ratepayers and debtors, which is consistent with Council's charter of social justice and equity.
- c) The provisions of this revised policy are largely unaltered from the previous policy which had been in place for nine years and provided assistance for many ratepayers in terms of interest reductions, pension rebate extensions, deferral of rates for financially disadvantaged aged pensioners, rate reductions for low income ratepayers following general revaluations, provision of interest free loans to ratepayers experiencing financial hardship with on-site sewage management system upgrades and rate reductions for oyster farmers affected by water contamination.

POLICY RESPONSIBILITIES:

- 1) The Finance Revenue Coordinator is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.
- 2) The Finance Officer - Revenue Team Leader and Finance Officer - Revenue are responsible for complying with the policy.

RELATED DOCUMENTS:

- 1) Pensioner Rate Rebates.
- 2) Pensioner Interest Charges.
- 3) Waiving of Interest Charges.
- 4) Interest on Overdue Rates.
- 5) Interest Charges on Supplementary Rate Levies.
- 6) *Local Government Act 1993* - specifically sections 564, 567, 577, 601, 712 and 713-726.
- 7) Code of Conduct.

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CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2009-02488	RM8 record No	16/391420
Audience	Council staff and Community		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	XX/XX/2018
Adoption date	28/08/2007		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/08/2007	Financial Services Section Manager	Policy adopted.	235
2.0	14/12/2010	Financial Services Section Manager	Revised policy adopted.	404
3.0	11/12/2012	Financial Services Section Manager	Revised policy adopted.	338
4.0	25/11/2014	Financial Services Section Manager	Revised policy adopted.	315

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Policy



5.0	23/08/2016	Financial Services Section Manager	<p>Reviewed and formatted into the new template.</p> <p>Position titles updated to reflect organisational chart.</p> <p>Increased minimum threshold for commencing rates legal action from \$500 to \$700 due to increasing legal costs.</p> <p>Added definitions.</p> <p>Added code of conduct to related documents.</p>	
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**ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP
POLICY.**

Port Stephens
C·O·U·N·C·I·L

POLICY

Adopted: 28/08/2007
Minute No: 235
Amended: 14/12/2010
Minute No: 404
Amended: 11/12/2012
Minute No: 338
Amended: 25/11/2014
Minute No: 315

FILE NO: PSC2005-0828

TITLE: DEBT RECOVERY AND HARDSHIP POLICY

REPORT OF: FINANCIAL SERVICES MANAGER

BACKGROUND

This document prescribes Council procedures to recover monies that become overdue for rates, charges, fees and other debts and assistance to ratepayers and debtors experiencing financial hardship.

OBJECTIVE

- 1) The objectives of this policy are to ensure:
 - Efficient and effective processes for collection of outstanding debts;
 - Provision of a decision making framework for assessment of financial hardship applications;
 - Statutory requirements are met for recovery of rates, charges, fees and other debts; and
 - Debts are recorded in Council's accounting system.

PRINCIPLES

- 1) This policy has been written considering the following principles:
 - Council has a responsibility to recover monies owing to it in a timely, efficient and effective manner to fund its operations;
 - All people will be treated fairly and consistently;
 - All matters will be considered confidentially; and
 - Genuine financial hardship will be recognised and people treated with respect and compassion in considering their circumstances.

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.**POLICY STATEMENT****1) Part 1 – Recovery of Rates and Charges****1. Rates and Charges Notice**

A rates and charges notice will be sent in July each year payable in four instalments due on 31 August, 30 November, 28 February and 31 May. An instalment notice will be sent 30 days before instalments 2, 3 and 4 are due.

2. Overdue Instalment Notices

An overdue instalment notice will be sent 21 days after the due date for all unpaid assessments over \$25.

Overdue instalment notices will include:

- Debt details;
- A request to pay within 14 days;
- Option of repayment arrangement;
- Notice of referral to Council's debt collection agency if the overdue amount exceeds \$500 and remains unpaid; and
- Instruction to disregard notice if complying with a repayment arrangement.

3. Recovery Action – Referral to Debt Collection Agency

14 days after issue of the overdue instalment notice unpaid assessments over \$500 with no repayment arrangement in place will be referred to Council's debt collection agency.

4. Recovery Action Debt Collection Agency Procedures

Council's debt collection agency will issue a letter of demand in relation to each debt advising:

- Council has referred the debt for collection;
- Payment is required within 7 days of the date of the letter;
- If unpaid, legal action will be commenced; and
- The minimum amount in legal costs that will be added to the ratepayer's assessment if legal action is commenced.

The debt will escalate to the following stages only if it remains unpaid:

- 9 days after the date of the letter a statement of liquidated claim will be prepared, filed with the court and issued for service;
- After the statutory period following service, judgment will be obtained;
- Further action will be commenced to recover the debt including writ of execution and garnishee orders.

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.**5. Arrangements to Repay Overdue Rates and Charges**

A ratepayer may enter into a weekly, fortnightly or monthly arrangement to repay overdue rates and charges with Council or Council's debt collection agency subject to the following conditions:

- The overdue amount must be paid in full within 12 months;
- Normal interest charges apply, unless written off under hardship provisions of this policy at part 4;
- Council's Collections Officer may enter into a longer term repayment arrangement if in that Officer's opinion a ratepayer's financial circumstances warrant this;
- A ratepayer dissatisfied with a decision of the Collections Officer may have that decision reviewed by the Revenue Team Leader;
- Ratepayers will be advised at the time of making a repayment arrangement that if the arrangement is dishonoured recovery action will recommence without further notice;
- Where an arrangement has been dishonoured, a new arrangement cannot be accepted until a payment is received to show good faith;
- Where legal action has commenced, arrangements must be in the form of a court instalment order;
- Extensions of time beyond 3 months without any payment will not be acceptable; and
- Where a supplementary rates and charges notice is issued in the latter part of the year and where an arrangement is made for payment of the rates within 6 months of the due date, interest will be written off provided payment of one half of the amount due is made within 3 months and the balance is paid within 6 months.

2) Part 2 –Recovery of Sundry Debtor Accounts**1. Sundry Debtor Invoices and Statements**

Sundry debtor accounts and Invoices will be created when information becomes available and printed and posted weekly. The payment due date will be 30 days after the invoice issue. A statement will be issued within 7 days of month's end.

2. Overdue Sundry Debtors

The following process applies to recovery of overdue sundry debtor accounts:

- If unpaid by the due date a second and then a third monthly statement will be forwarded as a reminder;
- If full payment is not received after issue of the second statement then an overdue sundry debtor account letter requesting payment or the making of a satisfactory arrangement to pay will be sent to the debtor;
- The overdue sundry debtor account letter will advise that the recovery of the overdue account will be referred to Council's debt collection agency if the account is not paid within 14 days. Section 355(b) committees, sporting clubs and government agencies will not be referred to the debt collection agency.

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.Overdue Sundry Debtors – Aged Pensioners

If a sundry debtor account is a charge on the land i.e. kerb and gutter, cycleways or foot paving, and it is payable by an aged pensioner, the aged pensioner may apply to Council to have the account deferred against their estate subject to the hardship provisions of this policy and provided they have already deferred their rates against their estate.

3. Recovery Action – Suspension of Credit Facilities

If the account is a recurring account, e.g. waste tipping fees and any part remains unpaid for more than 60 days, further credit to that debtor account may be withdrawn until the overdue amount is paid. The process of suspending credit facilities will be:

- A letter of demand will be posted to the debtor advising of the overdue amount, required payment date, 30 day payment terms and advising that non payment will result in the account being suspended with fees required up front to continue to use Council services;
- After the required payment date a second letter will be posted to the debtor advising that the account has been suspended and debt referred to Council's debt collection agency;
- After payment of the overdue amount or commencement of a satisfactory repayment arrangement, credit facilities may be resumed; and
- If payment terms are breached again Council may cancel credit facilities.

4. Recovery Action – Referral to Debt Collection Agency

14 days after issue of the recovery notice as described in 2 above, Council will refer overdue accounts to its debt collection agency.

5. Recovery Action – Debt Collection Agency Procedures

Council's debt collection agency will issue a letter of demand in relation to each debt advising:

- Council has referred the debt for collection;
- Payment is required within 7 days of the date of the letter;
- If unpaid, legal action will be commenced; and
- The minimum amount in legal costs that will be added to the ratepayer's account if legal action is commenced.

The debt will escalate to the following stages only if it remains unpaid:

- 9 days after the date of the letter a statement of liquidated claim will be prepared, filed with the court and issued for service;
- After the statutory period following service, judgment will be obtained; and
- Further action will be commenced to recover the debt including writ of execution and garnishee orders.

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.**7. Arrangements to Repay Sundry Debtor Accounts**

A debtor may enter into a weekly, fortnightly or monthly arrangement to repay overdue accounts with Council or Council's debt collection agency subject to the following conditions:

- The overdue amount must be paid in full within 12 months;
- Council's Collections Officer may enter into a longer term repayment arrangement if in that Officer's opinion a debtor's financial circumstances warrant this;
- A debtor dissatisfied with a decision of the Collections Officer may have that decision reviewed by the Revenue Team Leader;
- Debtors will be advised at the time of making a repayment arrangement that if the arrangement is dishonoured recovery action will recommence without further notice;
- Where an arrangement has been dishonoured, a new arrangement cannot be accepted until a payment is received to show good faith;
- Where legal action has commenced, arrangements must be in the form of a court instalment order; and
- Extensions of time beyond 3 months without any payment will not be acceptable.

3) Part 3 – Credit Control**1. Terms of Payment – 30 Day Accounts**

All accounts with Council will be strictly 30 days trading terms, without exceptions. Council will open credit accounts in accordance with this policy.

2. Terms of Payment – Credit Accounts

No credit account will be opened unless a 30-day trading application form has been completed and returned. Council will conduct a reference check on the applicant, verifying references provided by the applicant, before a credit account is offered.

3. Terms of Payment – One Off Usage

No company or individual will be extended credit for one-off use of:

- Room hire;
- Hall hire;
- Community centre bookings;
- Holiday park bookings;
- Council stores;
- Sporting field use;
- Enrolment fees;
- Tipping fees;
- Vehicle repairs; and
- Sundry sales including documents, copying and plant.

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.

Council will invoice government departments that provide a purchase order.

All other one off usage must be paid for in advance or at the time of usage to avoid difficulties in locating debtors and recovering fees. Council's receipts satisfy the requirements of a tax invoice for business debtors.

Council will extend credit and allow payment plans for animal impounding fees and sustenance fees at the discretion of the Co-ordinator Environmental Health and Compliance to avoid hardship.

4. Terms of Payment – Deposits and Progress Payments

For private works Council will provide a written quote for the proposed work to cover estimated costs for the work. For work to proceed, Council requires written authorisation from the client and proof of identity. For work valued at more than \$1,000 a 10% deposit will be required before work commences. For work valued at more than \$10,000 Council will require agreed progress payments at various stages.

5. Judgment Debts and Credit History

Credit reporting agencies access some court records relating to debt recovery. Specifically they access details of all default judgments and record these on the individual's credit history, in some cases for 5 years. If a statement of liquidated claim is served and the debtor:

- Makes no payment in the next 28 days, and
- Doesn't pay the amount claimed, including legal costs, and
- Doesn't apply for a court instalment order to pay off the amount claimed, including legal costs, and
- Doesn't lodge a notice of defence with the court disputing the claim,

Then the debtor will be liable to incur a default judgment. It is these default judgments, where a debtor has not responded to a statement of claim that may be included in an individual's credit history.

If the debt has been paid in full, Council will upon request, write a letter to the debtor confirming that the debt has been repaid in full which may then be presented as proof of payment. Credit reporting agencies will not remove from an individual's credit history the existence of a default judgment because it assists users of their reports with credit risk assessment.

Debtors may sometimes ask for Council to consent to the filing of a notice of discontinuance or to have judgment set aside to have the default judgment removed from their credit history. The process requires a notice of motion to have judgment set aside and then a notice of discontinuance. Council will not have judgment set aside or issue a notice of discontinuance in these circumstances. A notice of discontinuance is a remedy for correcting a claim that was issued in error, before judgment is entered by the court. A debtor has no right to have a default judgment erased upon payment of the debt. The debtor had the opportunity to avoid default judgment when they were

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.

issued with the statement of claim and judgment warning letter. A default judgment is a valid court judgment.

Council does not report debts to any credit reporting agencies, and is under no obligation to assist debtors to delete factually correct court judgment history.

4) Part 4 – Hardship Provisions**1. Defer Payment of Rates and Charges – Aged Pensioners**

Aged pensioners who satisfy the eligibility criteria may make application to defer the payment of rates and charges and property related sundry debtor accounts against their estate. If granted, payment of the rates, charges, interest and property related sundry debts will be deferred until any of the following occurs:

- Death of the ratepayer; or
- Sale of the property; or
- The ratepayer ceases to occupy the property as their principal place of living and rents the property out.

The criteria used to determine eligibility for deferral will be:

- The ratepayer must be an aged pensioner as defined by Centrelink in receipt of a pensioner rate concession in relation to the property; and
- The property must be the ratepayer's principal place of living, and
- The property must be used for residential or farming purposes only, and
- The property can have no more than a single dwelling house or residential unit erected upon it, and
- The total amount of rates and charges (nett of pensioner concession) payable must be more than 8% of the age pension of an individual (if the ratepayer is an individual) or 8% of the age pension of a couple (if the ratepayer is a couple) at the date of the initial application.

An initial application form must be completed and lodged with Council and determined by the Accounting and Revenue Co-ordinator. A ratepayer dissatisfied with a decision of the Accounting and Revenue Co-ordinator may have that decision reviewed by the Hardship Panel established under this policy. The Hardship Panel may approve an application for deferral if it believes the circumstances of the ratepayer warrant this even if the eligibility criteria have not been met. A letter of determination will be issued to the ratepayer. If an application is refused, the ratepayer will be provided with reasons for the refusal.

After approval, a letter will be posted out annually to the ratepayer with a copy to sign and return to continue the deferral. The purpose of the annual letter will be to confirm that the ratepayer continues to own and occupy the property, is still alive and is aware of and agrees to the deferral. Deferral will continue once granted without the need to satisfy the 8% criteria again, provided that the ratepayer continues to own and occupy the property. Where the ratepayer ceases to occupy the rateable property and the property becomes rented a repayment timeframe for the deferred rates and charges

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.

will be negotiated by the Collections Officer. A person dissatisfied with a decision of the Collections Officer may have that decision reviewed by the Revenue Team leader.

Interest charges accrue in respect of deferred rates and charges at the rate determined under the Local Government Act. No deferred rates, charges or interest will be written off under this policy.

2. Writing Off of Accrued Interest

The Collections Officer, Revenue Team Leader and Revenue Officers have delegated authority to write off small amounts of interest that have accrued on rates and charges where the person was unable to pay the rates and charges when they became due and payable for reasons beyond their control. The Accounting and Revenue Coordinator has delegated authority to write off an unspecified amount of interest.

Ratepayers seeking to have interest written off under hardship provisions must submit the prescribed application form to be considered by the Accounting and Revenue Coordinator. Accrued interest on rates and charges may be written off where payment of the accrued interest would cause the person hardship. A person dissatisfied with a decision of the Accounting and Revenue Coordinator may have that decision reviewed by the Hardship Panel. The Hardship Panel may request the ratepayer to come to an interview if it is necessary to understand the issues causing hardship.

3. Hardship Resulting from a General Revaluation of the Port Stephens Local Government Area

In accordance with section 601 of the Local Government Act a ratepayer who suffers substantial hardship as the consequence of the making and levying of a rate on the most recent valuation, may apply to Council for relief. Assistance will only be available in the first year new valuations are used to calculate rates.

The criteria used to determine eligibility:

- Rates payable must be more than 3% of the gross household income; and
- The applicant must be an owner and occupier of the property to which the rates relate and the dwelling must be the applicant's sole or principal place of living; and
- The ordinary rate increase must be more in percentage terms than the amount determined by Council at each revaluation. The ordinary rate increase is calculated as the ordinary rates payable for the new rating year (being the first year in which new valuations are used) minus the ordinary rates payable in the previous rating year increased by the allowed ratepegging increase for the year; (eg. rates 2014-2015 \$900 minus rates 2013/2014 \$700 plus 2.8% ratepegging increase (\$719.60) = \$180.40).

Applications must be submitted on the prescribed application form. Assistance will be calculated as follows:

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.

- One half of the ordinary rate increase up to a maximum of \$200
 - (eg. \$180.40 increase x 0.5 = \$90.20. \$500 increase x 0.5 = \$200 max);
- No assistance will be given for domestic waste management charges, Hunter Catchment Contribution, or special rates;
- The maximum amount of assistance in aggregate for all ratepayers will be \$20,000.

Applications will be considered in the order in which they are received by Council. No further applications will be considered once the aggregate amount of assistance has been granted. Applications will be considered by the Revenue Team Leader. A ratepayer dissatisfied with a decision of the Revenue Team Leader may have that decision reviewed by the Hardship Panel established under this policy. If an application is refused, the applicant will be provided with reasons for the refusal.

4. Fees and Charges

The Coordinator Environmental Health and Compliance may consider hardship matters relating to animal impounding and sustenance fees. Assistance may be provided in the form of allowing additional time to pay or waiving the fees in cases of hardship. A customer dissatisfied with a decision of the Coordinator Environmental Health and Compliance may have that decision reviewed by the Hardship Panel established under this policy. Applicants under this section will be made aware that fees and charges in relation to animal impounding increase on a daily basis and will accrue during the review period. Council will not consider hardship applications in relation to animal registration fees, or the costs of microchipping or veterinarian fees and charges.

5. Hardship Panel

A Panel comprising the Accounting and Revenue Co-ordinator, Senior Social Planning Officer and a representative from Corporate Services will determine applications for assistance referred to it and review decisions as necessary.

6. Referral of Matters to Hardship Panel

The General Manager or Mayor may refer any Council matter involving financial hardship of a ratepayer or resident to the Hardship Panel for consideration and advice.

7. Privacy

In accordance with the Privacy Code of Practice and Council's Privacy Management Plan, personal information collected as a consequence of this policy will only be used for the purpose of assessing eligibility under the Policy and will not be used for any other purpose or disclosed to any other person unless Council is required by law to do so or authorised to do so by the person to whom that personal information relates.

5) **Part 5 – Sale of Land for Unpaid Rates or Charges**

Where rates or charges for a property are overdue for more than 5 years the land is liable to be sold under Section 713 of the Local Government Act 1993.

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.

The process in compliance with the requirements of ss713-726 of the Local Government will generally be as follows:

- Each September outstanding rate assessments will be reviewed to identify all land liable to be sold;
- Land titles will be searched and all persons with an interest in the land will be notified of Council's intention;
- A report will be prepared for Council to consider offering the land for sale by public auction;
- A date will be set for the public auction;
- A real estate agent will be appointed to conduct the sale;
- Notice of the auction will be published in accordance with s715 of the Act and given to all persons with an interest in the land;
- Contracts for sale will be prepared;
- The real estate agent will market the land;
- Reserve prices will be established;
- All land will be offered for sale by public auction unless all overdue amounts are paid in full prior to auction;
- On auction day a deposit of 10% in cash or bank cheque will be payable by the successful bidder;
- If the land is not sold at auction the land may be sold by private treaty, subject to the restrictions contained in s716 of the Act;
- All costs associated with the sale must be met from sale proceeds;
- Sale proceeds will be applied as required by the Act;
- The land will be conveyed free of debts to the extent provided by the Act;
- Council will hold any surplus proceeds for persons having estates or interests in the land immediately before the sale according to their respective estates and interests; and
- Council will pay the balance of the purchase money or any part of the balance to or among the persons who are, in its opinion, clearly entitled to it.

6) Part 6 – Pensioner Rate Concessions

The following prescribes how Council will grant concessions to pensioners:

1. Eligibility for Pensioner Concessions

In all situations where an eligible pensioner has assumed full and sole responsibility for the paying of rates, notwithstanding the nature of the ownership of the property, Council agrees to grant the full pensioner concession under Section 577 of the Act. The presentation of a Pensioner Concession Card will be accepted by Council as a sufficient test to meet the hardship requirements of the Act under these circumstances.

2. Backdating of Pensioner Concessions

Where an eligible pensioner applies for a concession Council will backdate that concession for up to 2 years prior to the current year (i.e. a maximum total of 3 years including the current year) provided that:

- The pensioner was at all times eligible for the concession; and

ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP POLICY.

- The pensioner provides a statutory declaration that the rateable property was their sole or principal place of living for all of the period that the concession is claimed for.

RELATED POLICIES

- 1) The following policies were incorporated into this policy

The following policies were incorporated into earlier versions of this policy:

- Debt Recovery Policy;
- Pensioner Rate Rebates;
- Pensioner Interest Charges;
- Waiving of Interest Charges;
- Interest on Overdue Rates; and
- Interest Charges on Supplementary Rate Levies.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

- 1) Council has a charter under the Local Government Act to raise funds for local purposes by imposing rates, charges and fees fairly. A policy that prescribes Council's process of collecting debts facilitates consistency and promotes fairness;
- 2) The hardship provisions of this policy empower Council to provide practical financial assistance to financially vulnerable ratepayers and debtors, which is consistent with Council's charter of social justice and equity;
- 3) The provisions of this revised policy are largely unaltered from the previous policy which had been in place for 9 years and provided assistance for many ratepayers in terms of interest reductions, pension rebate extensions, deferral of rates for financially disadvantaged aged pensioners, rate reductions for low income ratepayers following general revaluations, provision of interest free loans to ratepayers experiencing financial hardship with on-site sewage management system upgrades and rate reductions for oyster farmers affected by water contamination.

ECONOMIC IMPLICATIONS

Nil.

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

- 1) *Local Government Act 1993*, and specifically sections 564, 567, 577, 601, 712 and 713-726.

**ITEM 3 - ATTACHMENT 2 EXISTING DEBT RECOVERY AND HARDSHIP
POLICY.**

IMPLEMENTATION RESPONSIBILITY

- 1) Corporate Services Group – Financial Services Section.

PROCESS OWNER

- 1) Tim Hazell – Financial Services Manager.

REVIEW DATE

- 1) 30 November 2016.

ITEM NO. 4

**FILE NO: 16/418745
RM8 REF NO: PSC2005-1592**

POLICY REVIEW - PUBLIC ACCESS TO RECORDS AFTER 30 YEARS

REPORT OF: ZOE PATTISON - BUSINESS SYSTEMS SUPPORT SECTION
MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Public Access to Records after 30 Years Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the Public Access to Records after 30 Years Policy, as amended, on public exhibition for a period of 28 days and, should no submissions be received, the policy be adopted, as amended, without a further report to Council.
 - 3) Revoke the Public Access to Records after 30 Years Policy dated 14 October 2014, Minute No. 266 **(ATTACHMENT 2)**, should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

314	<p>Councillor Peter Kafer Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Public Access to Records after 30 Years Policy shown at (ATTACHMENT 1).2) Place the Public Access to Records after 30 Years Policy, as amended, on public exhibition for a period of 28 days and, should no submissions be received, the policy be adopted, as amended, without a further report to Council.3) Revoke the Public Access to Records after 30 Years Policy dated 14 October 2014, Minute No. 266 (ATTACHMENT 2), should no submissions be received.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Public Access to Records after 30 Years Policy.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Resources required to review this policy are covered within the existing Business Systems Support Section budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

This policy meets Council requirements under Part 6 of the *State Records Act 1998* and provides an alternative method of access to Council information. A review of the relevant legislation(s) was also conducted. This included the *State Records Act 1998* and the *Government Information (Public Access) Act 2009*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's administrative processes remain outdated.	Low	Adopt amendments to the policy and update Council's Policy register. Communicate to all staff.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

MERGER PROPOSAL IMPLICATIONS

There are no known merger proposal implications with the review of this policy.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Business Systems Support Section. This included discussions between the Business Systems Support Manager, the Governance Manager as well as the Information Services Coordinator.

Internal

- Governance Manager.
- Executive Leadership Team.

External

In accordance with local government legislation the revised policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Public Access to Records After 30 Years Policy.
- 2) Public Access to Records After 30 Years Policy - 14 October 2014.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1
30 YEARS POLICY.

REVISED PUBLIC ACCESS TO RECORDS AFTER

Policy



FILE NO: PSC2005-1592

TITLE: PUBLIC ACCESS TO RECORDS AFTER 30 YEARS

POLICY OWNER: BUSINESS SYSTEMS SUPPORT SECTION MANAGER

PURPOSE:

This policy allows for the public to have greater access to records older than 30 years. This means the public are not required to request these records through a Government Information (Public Access) request.

CONTEXT/BACKGROUND:

The *State Records Act 1998* promotes the principles of accountability and access by requiring public sector office(s), including local government Councils, to create full and accurate records of their business and administrative transactions, and ensuring that records of significant value are preserved. Councils will ensure that all records of continuing value are considered for public access in due course and in accordance with the Attorney General's 'Guidelines on Making Access Directions under Part 6 of the *State Records Act 1998*'.

SCOPE:

This policy relates to all person(s) who request either personal information or a record from Port Stephens Council that is deemed older than 30 years. A record is taken to be 30 years old, when 30 years have elapsed since it came into existence or since the original record of which it is a copy came into existence.

The fact that a record is not open to public access under this Act does not affect any entitlement to obtain access to information contained in the record under the *Government Information (Public Access) Act 2009*.

DEFINITIONS:

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

Disclose Make information available and release or provide access to information.

Exercise A function includes perform a duty.

Policy

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Issue Date: 16/05/2000

Printed: 21/09/2016

Review Date: xx/xx/2018

Page: 1 of 5

ITEM 4 - ATTACHMENT 1**REVISED PUBLIC ACCESS TO RECORDS AFTER 30 YEARS POLICY.**

Policy



Person	Includes an agency, the government or another jurisdiction (including a jurisdiction outside Australia) and an agency of the government of another jurisdiction.
Public Office	An office established or continued for a public purpose by or under the provisions of a legislative instrument.
Personal Information	Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Record	Any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.
OPA	Open to Public Access.
CPA	Closed to Public Access.

POLICY STATEMENT:

The policy is intended to outline the access provisions of the *State Records Act, 1998* and to explain the rights and obligations of Council and the public, under Part 6 of the Act.

- 1) Assessment as to whether records should be open or closed to public access will be made on the basis of the known or likely contents of a series, group or class of records, not on an individual record basis.
- 2) Criteria for an OPA direction include public interest, whether similar records are already available, OPA precedents, appropriate elapse of time and whether the records are already public knowledge or are available elsewhere. An OPA direction will remain in force until it is revoked.
- 3) Criteria for a CPA direction include whether the information has been provided under an expectation of confidentiality, information protected under other legislation, unreasonable disclosure of sensitive personal information, safety and security. A CPA direction will remain in force for the period (up to five years) specified in the direction and will be reviewed every five years.

Policy

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Issue Date: 16/05/2000

Printed: 21/09/2016

Review Date: xx/xx/2018

Page: 2 of 5

ITEM 4 - ATTACHMENT 1 REVISED PUBLIC ACCESS TO RECORDS AFTER 30 YEARS POLICY.

Policy



- 4) Application for access to records must be in writing, specifying that access be requested under s.54 of the *State Records Act* and detailing the records to which access is required.
- 5) No fee will be payable for Public Access requests.
- 6) Council will notify applicants of its access decision on their requested record/s in writing.
- 7) Documentation of Access Directions will contain sufficient detail to help meet Council's statutory obligations under the *State Records Act 1998*.

A CPA direction does not affect an individual's entitlement to access a record under the *Government Information (Public Access) Act 2009*.

POLICY RESPONSIBILITIES:

- 1) Information Services Coordinator - Responsible for the implementation and review of this Policy.

RELATED DOCUMENTS:

- 1) *State Records Act 1998* No 17 (Part 6).
- 2) *Government Information (Public Access) Act 2009*.

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2005-1592	RM8 record No	16/419489
Audience	Port Stephens community and Council employees		
Process owner	Information Services Coordinator		
Author	Information Services Coordinator		
Review timeframe	Two years	Next review date	# 2018
Adoption date	16 May 2000		

Policy

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Issue Date: 16/05/2000

Printed: 21/09/2016

Review Date: xx/xx/2018

Page: 3 of 5

ITEM 4 - ATTACHMENT 1**REVISED PUBLIC ACCESS TO RECORDS AFTER 30 YEARS POLICY.****Policy****VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	16/5/2000	Information Services Coordinator		267
2.0	24/6/2003	Information Services Coordinator		245
3.0	24/7/2007	Information Services Coordinator		198
4.0	27/9/2011	Information Services Coordinator		344
5.0	14/10/2014	Information Services Coordinator		266

Policy

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Issue Date: 16/05/2000

Printed: 21/09/2016

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ITEM 4 - ATTACHMENT 1
30 YEARS POLICY.

REVISED PUBLIC ACCESS TO RECORDS AFTER

Policy



6.0	21/09/2016	Information Services Coordinator	<p>Definition of scope, namely what constitutes which documents are available under the <i>State Records Act 1998</i> and the <i>Government Information (Public Access) Act 2009</i> inserted.</p> <p>Scope to include legislative direction for access to records under 30 years old (<i>Government Information (Public Access) Act 2009</i> inserted.</p> <p>The relevant legislation being <i>State Records Act 1998</i> No 17 current version for 15 January 2016 inserted.</p> <p>Formatted in accordance with PSC Policy template released May 2016.</p> <p>Note: no change in legislation since policy last reviewed in 2014.</p>	
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Policy

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Issue Date: 16/05/2000

Printed: 21/09/2016

Review Date: xx/xx/2018

Page: 5 of 5

ITEM 4 - ATTACHMENT 2 PUBLIC ACCESS TO RECORDS AFTER 30 YEARS
POLICY - 14 OCTOBER 2014.

Port Stephens
C·O·U·N·C·I·L

POLICY

Adopted: 16/05/2000
Minute No: 267
Amended: 24/06/2003
Minute No: 245
Amended: 24/07/2007
Minute No: 198
Amended: 27/09/2011
Minute No: 344
Amended: 14/10/2014
Minute No: 266

FILE NO: PSC2005-1592

TITLE: PUBLIC ACCESS TO RECORDS AFTER 30 YEARS

REPORT OF BUSINESS SYSTEMS SUPPORT SECTION MANAGER

BACKGROUND

The *State Records Act, 1998* promotes the principles of accountability and access by requiring public sector offices, including local government Council's, to create full and accurate records of their business and administrative transactions, and ensuring that records of significant value are preserved. Council's will ensure that all records of continuing value are considered for public access in due course and in accordance with the Attorney General's 'Guidelines on Making Access Directions under Part 6 of the State Records Act 1998'.

OBJECTIVE

- 1) The Policy is intended to outline the access provisions of the *State Records Act, 1998* and to explain the rights and obligations of Council and the public, under Part 6 of the Act.

PRINCIPLES

- 1) All Council records are classed as being in an 'Open Access Period' 30 years after a record was created.
- 2) The 'Open Access Period' means that the public has a right to request access to any records once it falls into this period, without the need to submit a Government Information (Public Access) request.
- 3) Granting of access to records in the 'Open Access Period' is not automatic.

**ITEM 4 - ATTACHMENT 2 PUBLIC ACCESS TO RECORDS AFTER 30 YEARS
POLICY - 14 OCTOBER 2014.**

- 4) An evaluation of the requested record/s will be undertaken by Council staff and a determination of Open to Public Access (OPA) or Closed to Public Access (CPA) will be made. This is known as an Access Direction.
- 5) This Policy does not require Council to keep all records permanently to enable future public access. Council is entitled to destroy records in accordance with the State Records Authority of NSW – Local Government General Disposal Authority.

POLICY STATEMENT

- 1) Assessment as to whether records should be open or closed to public access will be made on the basis of the known or likely contents of a series, group or class of records, not on an individual record basis.
- 2) Criteria for an OPA direction include public interest, whether similar records are already available, OPA precedents, appropriate elapse of time and whether the records are already public knowledge or are available elsewhere. An OPA direction will remain in force until it is revoked.
- 3) Criteria for a CPA direction include whether the information has been provided under an expectation of confidentiality, information protected under other legislation, unreasonable disclosure of sensitive personal information, safety and security. A CPA direction will remain in force for the period (up to five years) specified in the direction and will be reviewed every five years.
- 4) Application for access to records must be in writing, specifying that access be requested under s.54 of the *State Records Act* and detailing the records to which access is required.
- 5) No fee will be payable for Public Access requests.
- 6) Council will notify applicants of its access decision on their requested record/s in writing.
- 7) Documentation of Access Directions will contain sufficient detail to help meet Council's statutory obligations under the *State Records Act 1998*.
- 8) A CPA direction does not affect an individual's entitlement to access a record under the *Government Information (Public Access) Act 2009*.

RELATED POLICIES

- 1) Access to Information Policy.

**ITEM 4 - ATTACHMENT 2 PUBLIC ACCESS TO RECORDS AFTER 30 YEARS
POLICY - 14 OCTOBER 2014.**

SUSTAINABILITY IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

This Policy allows the public greater access to records for those records older than 30 years. This means they are not required to request these records through a Government Information (Public Access) request.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

- 1) Part 6, *State Records Act 1998 (NSW)*;
- 2) *Government Information (Public Access) Act 2009*.

IMPLEMENTATION RESPONSIBILITY

- 1) Information Services Coordinator.

PROCESS OWNER

- 1) Information Services Coordinator.

REVIEW DATE

- 1) 14 October 2016.

ITEM NO. 5

**FILE NO: 16/433389
TRIM REF NO: A2004-0984**

CODE OF CONDUCT REVIEW

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Replace the Council Charter (**ATTACHMENT 1**) within the Code of Conduct with the new Principles for Local Government shown at (**ATTACHMENT 2**).
 - 2) Maintain the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW adopted on 9 February 2016.
-

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

315	<p>Councillor Peter Kafer Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Replace the Council Charter (ATTACHMENT 1) within the Code of Conduct with the new Principles for Local Government shown at (ATTACHMENT 2).2) Maintain the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW adopted on 9 February 2016.
------------	--

BACKGROUND

The purpose of this report is to inform Council of the need to replace the Council Charter with the new Principles for Local Government in the Code of Conduct (Code) and maintain the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures).

The recent introduction of the *Local Government (Governance and Planning) Act 2016* requires the Code to be amended to include the new Principles for Local Government. The new legislation came into force from 23 September 2016.

The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW have not be amended and remain in place as adopted by Council on 9 February 2016.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications will be covered under the existing budget provisions.

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 comply with the *Local Government Act 1993* and as such the Code should be modified to reflect the amendment.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the <i>Local Government Act 1993</i> should the Code not be amended to reflect the legislative changes.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications from this recommendation.

MERGER PROPOSAL IMPLICATIONS

There are no implications for the merger proposal from this report.

CONSULTATION

Internal

Consultation has occurred with the General Manager, Executive Leadership Team and the Senior Leadership Team to advise that the *Local Government Act 1993* has been amended.

External

The Code of Conduct is a statutory document and communication has been received from the Office of Local Government on the associated amendments to the Act.

OPTIONS

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

ATTACHMENTS

- 1) Current Council Charter.
- 2) Principles for Local Government.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 CURRENT COUNCIL CHARTER.**COUNCIL CHARTER**

The *Local Government Act 1993* set the Charter for all Local Government Councils in New South Wales. Port Stephens Council endorses this Charter and also has adopted Values for the organisation. The Council Charter and Values are set out below:

(1) A council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

(2) A council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action.

PRINCIPLES FOR LOCAL GOVERNMENT

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

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

Guiding principles for Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

- (a) recognise diverse local community needs and interests.

ITEM 5 - ATTACHMENT 2 PRINCIPLES FOR LOCAL GOVERNMENT.

- (b) consider social justice principles.
- (c) consider the long term and cumulative effects of actions on future generations.
- (d) consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.
- (3) Community participation

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

Principles of sound financial management

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

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

Integrated planning and reporting principles that apply to Council

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

- (a) identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) identify strategic goals to meet those needs and aspirations.

ITEM 5 - ATTACHMENT 2 PRINCIPLES FOR LOCAL GOVERNMENT.

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

MINUTES ORDINARY COUNCIL - 25 OCTOBER 2016**ITEM NO. 6****FILE NO: 16/433785
RM8 REF NO: PSC2016-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 25 October 2016.

No:	Report Title	Page:
1	Cash and Investments held as at 30 September 2016	141
2	Local Government Act 1993 - Council Charter	145

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

316	Councillor Peter Kafer Councillor John Morello It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 25 October 2016. <table><tr><th>No:</th><th>Report Title</th></tr><tr><td>1</td><td>Cash and Investments held as at 30 September 2016</td></tr><tr><td>2</td><td>Local Government Act 1993 - Council Charter</td></tr></table>	No:	Report Title	1	Cash and Investments held as at 30 September 2016	2	Local Government Act 1993 - Council Charter
No:	Report Title						
1	Cash and Investments held as at 30 September 2016						
2	Local Government Act 1993 - Council Charter						

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 16/424708
RM8 REF NO: PSC2006-6531**

CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 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 30 September 2016.

MERGER PROPOSAL IMPLICATIONS

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

ATTACHMENTS

- 1) Cash and Investments held at 30 September 2016.
- 2) Monthly cash and investments balance September 2015 to September 2016.
- 3) Monthly Australian Term Deposit Index September 2015 to September 2016.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

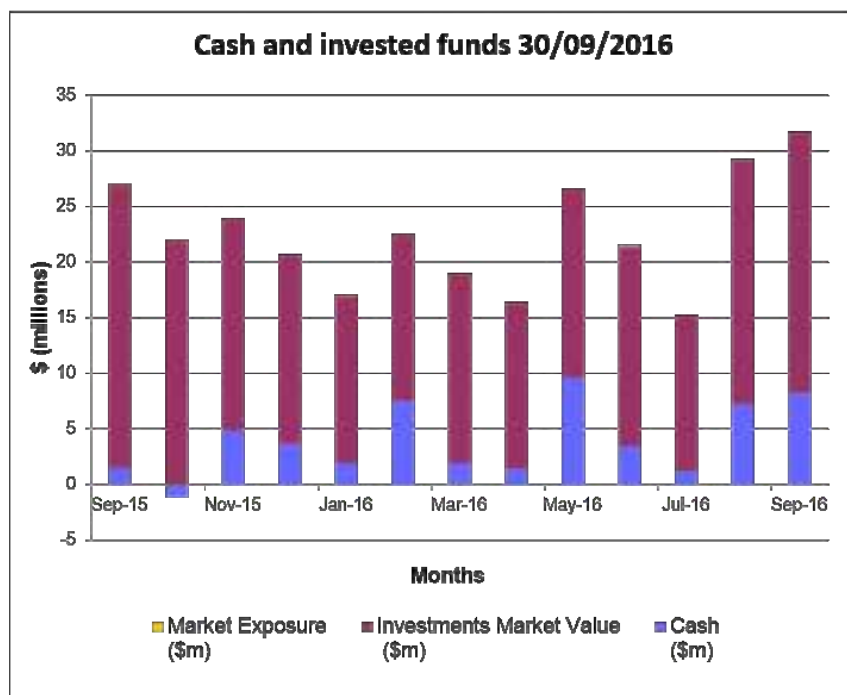
Nil.

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 30 SEPTEMBER 2016.
CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2016

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
COMMONWEALTH BANK	CBA	AA-	TD	2.78%	125	5-Oct-16	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.56%	58	19-Oct-16	2,000,000	2,000,000
ARAB BANK AUSTRALIA	RIM	NR	TD	3.00%	147	19-Oct-16	1,000,000	1,000,000
BANK OF QUEENSLAND	BOQ	A-	TD	3.00%	168	2-Nov-16	2,000,000	2,000,000
BANK OF SYDNEY	CURVE	NR	TD	3.15%	259	16-Nov-16	2,000,000	2,000,000
BANK OF QUEENSLAND	BOQ	A+	TD	3.00%	195	14-Dec-16	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.63%	112	14-Dec-16	2,000,000	2,000,000
ME BANK	ME BANK	BBB+	TD	2.70%	90	21-Dec-16	2,000,000	2,000,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	3.05%	231	11-Jan-17	1,000,000	1,000,000
ANZ	ANZ	AA-	TD	2.70%	147	25-Jan-17	2,000,000	2,000,000
ANZ	ANZ	AA-	TD	2.70%	161	8-Feb-17	2,000,000	2,000,000
AMP BANK	CURVE	A+	TD	2.75%	174	8-Mar-17	1,500,000	1,500,000
AMP BANK	FARQUHARSON	A+	TD	3.00%	364	17-May-17	2,000,000	2,000,000
SUB TOTAL (\$)							22,500,000	22,500,000
OTHER INVESTMENTS								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	997,977
SUB TOTAL (\$)							1,017,877	997,977
INVESTMENTS TOTAL (\$)							23,517,877	23,497,977
CASH AT BANK (\$)							8,288,654	8,288,654
TOTAL CASH AND INVESTMENTS (\$)							31,806,531	31,786,632
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.85%				
AVG. INVESTMENT RATE OF RETURN				2.53%				
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
SEPTEMBER 2015 TO SEPTEMBER 2016.**
CASH AND INVESTMENTS BALANCE

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
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
Mar-16	2.038	16.984	0.034	19.055
Apr-16	1.469	14.990	0.028	16.487
May-16	9.650	16.990	0.028	26.668
Jun-16	3.526	17.990	0.028	21.544
Jul-16	1.277	13.998	0.020	15.294
Aug-16	7.269	21.998	0.020	29.287
Sep-16	8.289	23.498	0.020	31.807

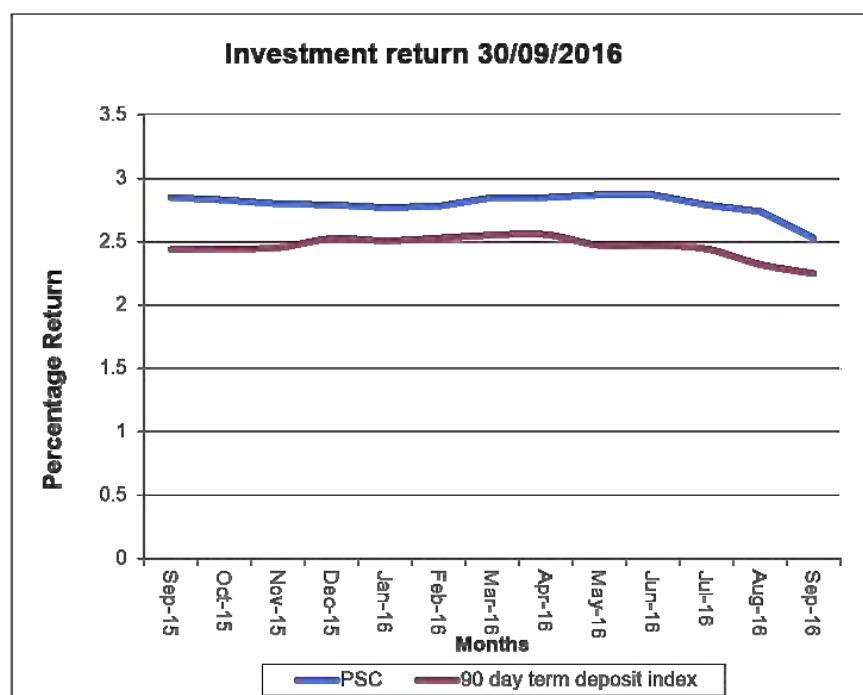


*Market exposure is the difference between the face value of an investment and its current market value

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

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
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
Mar-16	2.5539	2.85
Apr-16	2.5578	2.85
May-16	2.4730	2.87
Jun-16	2.4727	2.87
Jul-16	2.4442	2.79
Aug-16	2.3210	2.74
Sep-16	2.2495	2.53



ITEM NO. 2

FILE NO: 16/429486
RM8 REF NO: PSC2010-04019

LOCAL GOVERNMENT ACT 1993 - COUNCIL CHARTER

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

BACKGROUND

The purpose of this report is to inform Council of changes to the council charter.

As Council is aware the *Local Government Act 1993* (Act) is under review and Phase 1 of the review has been released. The amendments to the Act will come into force over a period of time. The council charter (**ATTACHMENT 1**) has been revoked and replaced with the Principles for Local Government (**ATTACHMENT 2**).

The council charter is included in a number of Council's corporate documents, which will now be updated to reflect the amendments to the Act – including the Council business paper.

Other amendments now in force are:

- new purposes for local government;
- new roles and responsibilities for mayors, councillors and governing bodies;
- new functions of general managers;
- a clarification of the role of administrators and temporary administrators;
- an extension to the delegation power of a council to include the acceptance of tenders by the general manager for services, where those services are not currently provided by council staff;
- a clarification that a mayor elected by councillors does not continue to hold mayoral office if they cease to hold office as a councillor;
- the term of office for a mayor elected by councillors will be increased to two years;
- all councillors, including mayors, are required to take an oath or affirmation of office;
- the organisational structure of a council is to be determined by:
 - The governing body of the council, in consultation with the general manager, for senior staff positions; and
 - The general manager, for the remainder of the positions in the organisation structure.
- expenses and facilities policies are to be adopted by a council within 12 months of the term of a new council, instead of annually. Amendments to this policy are no longer required to be specifically notified to the Office of Local Government.

- the commencement of election count back provisions has been deferred until a date prescribed for that purpose (section 291A). Any casual vacancies occurring in the office of a councillor following the 2016 ordinary elections will be required to be filled at a by-election held in accordance with section 291 of the LGA where otherwise required to be filled; and
- the Phase 1 reforms that appoint the Auditor-General as the auditor of all councils come into force on 1 October 2016. Transition arrangements, including for new councils, for the 2015-2016 and 2016-2017 financial periods are set out in Schedule 8 of the LGA and in the *Local Government (General) Regulation*.

MERGER PROPOSAL IMPLICATIONS

There are no implications arising from this report.

ATTACHMENTS

- 1) Council Charter.
- 2) Principles for Local Government

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

COUNCIL CHARTER

(1) A council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

(2) A council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action.

PRINCIPLES FOR LOCAL GOVERNMENT

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

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

Guiding principles for Council

(1) Exercise of functions generally

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

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

(2) Decision-making

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

- (a) recognise diverse local community needs and interests.

ITEM 2 - ATTACHMENT 2 PRINCIPLES FOR LOCAL GOVERNMENT

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

(3) Community participation

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

Principles of sound financial management

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

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

Integrated planning and reporting principles that apply to Council

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

- (a) identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) identify strategic goals to meet those needs and aspirations.

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

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 25 OCTOBER 2016 MOTION

317	Councillor Peter Kafer Councillor Ken Jordan It was resolved that Council Move into confidential session.
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The following Council officers were present for the Confidential Session:

Communications Section Manager
Acting Public Relations and Marketing Coordinator

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 16/412605
RM8 REF NO: PSC2016-01952**

SALE OF 8 GARUWA STREET, FINGAL BAY

**REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

318	<p>Mayor Bruce MacKenzie Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Resolve to sell 8 Garuwa Street, Fingal Bay to the purchaser identified in the report, on the terms and conditions detailed in the report.2) Authorise the Mayor and General Manager to affix the Council Seal and execute all documents related to the sale.3) Authorise the General Manger to negotiate any minor variations to the standard terms and conditions of sale should they arise.
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CONFIDENTIAL**ITEM NO. 2****FILE NO: 16/416780
RM8 REF NO: PSC2016-02356****SALE OF 9 ROSEMOUNT DRIVE, RAYMOND TERRACE****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****ORDINARY COUNCIL MEETING - 25 OCTOBER 2016
MOTION**

319	Mayor Bruce MacKenzie Councillor Ken Jordan It was resolved that Council: <ol style="list-style-type: none">1) Resolve to sell 9 Rosemount Drive, Raymond Terrace to the purchaser identified on the terms and conditions detailed in this report.2) Resolve to extinguish the Restriction On The Use Of Land noted on the Title.3) Authorise the Mayor and the General Manager to affix the Council Seal and sign all documents relevant to the sale and the release/extinguishment of the Restriction On The Use Of Land.
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**ORDINARY COUNCIL MEETING – 25 OCTOBER 2016
MOTION**

320	Councillor Chris Doohan Councillor Ken Jordan It was resolved that Council Move out of confidential session.
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There being no further business the meeting closed at 5.52pm.