

DRAFT

MINUTES – 26 JUNE 2018



PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 26 June 2018, commencing at 5.48pm.

PRESENT:

Mayor R Palmer, Councillors J Abbott, G Arnott, C. Doohan, G Dunkley, K. Jordan, P. Le Mottee, J Nell, S Smith, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

| | |
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| | There were no apologies received. |
| 173 | Councillor Jaimie Abbott Councillor Chris Doohan It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 12 June 2018 be confirmed. |
| | There were no Declaration of Interests received. |

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MAYORAL MINUTES

MAYORAL MINUTE**ITEM NO. 1****FILE NO: 18/138448
EDMRS NO: PSC2015-01024****INVITATION TO THE DUKE AND DUCHESS OF SUSSEX TO VISIT PORT STEPHENS**

THAT COUNCIL:

- 1) Invite the Duke and Duchess of Sussex to Port Stephens during their Australian Visit in October 2018.
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
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| 174 | Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council invite the Duke and Duchess of Sussex to Port Stephens during their Australian Visit in October 2018. |
|------------|--|

BACKGROUND

The purpose of this report is to seek Council support to invite the Duke and Duchess of Sussex to Port Stephens during their Australian visit.

In October 2018, Prince Harry and his new wife, Meghan, Duchess of Sussex will be visiting Sydney to coincide with the Invictus Games, being held 20-27 October 2018.

It would be expected that whilst in Australia, they may take the time to extend their visit beyond the State's capital. Given Port Stephens' proximity to Sydney and its world famous natural beauty and reputation as a tourism destination, an invitation to Port Stephens may be realistically considered. It is noted that Maitland Council will also be extending an invitation to the Royal couple, which may increase the likelihood of a Hunter based visit.

Port Stephens is well positioned, being only a short direct flight from Sydney. Williamstown airport is just 30 minutes from our world famous marine park and equally famous dolphin, whale and koala populations.

The proposed visit would also be an economic boon for the region, both in terms of its short term effect (visitor numbers during the royal visit) and the longer term effect on the Port Stephens tourism brand with thousands of media articles promoting the destination to a worldwide audience.

The direct economic benefit of the proposed visit to Port Stephens would be expected to be in excess of \$1,000,000 however the ongoing economic benefits created by the international media coverage and exposure of the Port Stephens brand would very hard to put a price on.

This would be a once in a million opportunity for Port Stephens to showcase its incredibly diverse and unique product to a huge worldwide audience and would undoubtedly inspire more travellers to visit Port Stephens for years to come.

ATTACHMENTS

Nil.

MAYORAL MINUTE

ITEM NO. 2

**FILE NO: 18/138471
EDMRS NO: PSC2015-01024**

FUNDING SUPPORT FOR WEST WARD SPORTS COUNCIL

THAT COUNCIL:

- 1) Provide funding to the West Ward Sports Council of up to \$20,000 to fund 50% of the cost of the preparation of a Master Plan for King Park, Raymond Terrace, subject to the West Ward Sports Council resolving to fund the remaining 50% and/or any residual cost above.
-

ORDINARY COUNCIL MEETING - 26 JUNE 2018 MOTION

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| 175 | Mayor Ryan Palmer Councillor Ken Jordan It was resolved that Council provide funding to the West Ward Sports Council of up to \$20,000 to fund 50% of the cost of the preparation of a Master Plan for King Park, Raymond Terrace, subject to the West Ward Sports Council resolving to fund the remaining 50% and/or any residual cost above. |
|------------|--|

BACKGROUND

The purpose of this report is to seek Council support to provide funding to the West Ward Sports Council of up to \$20,000 to fund 50% of the cost of the preparation of a Master Plan for King Park, Raymond Terrace.

This is subject to the West Ward Sports Council resolving to fund the remaining 50% and/or any residual cost above.

While there is no allocated money at present this proposed project could be funded from Facilities & Services future projects funding source.

ATTACHMENTS

Nil.

MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 18/127254
EDRMS NO: PSC2016-03339**

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 in the Ordinary agenda namely ***Proposed Sale of Lots 8 and 9, 155 Salamander Way, Salamander 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 - 26 JUNE 2018
MOTION**

| | |
|-----|--|
| 176 | <p>Councillor Jaimie Abbott Councillor Sarah Smith</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 <i>Proposed Sale of Lots 8 and 9, 155 Salamander Way, Salamander Bay.</i>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: 18/127264
EDRMS NO: A2004-0888**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)i 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 **AGREEMENT FOR LEASE - 113 BEAUMONT STREET, HAMILTON**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

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| 177 | <p>Councillor Jaimie Abbott Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (d)i 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 AGREEMENT FOR LEASE - 113 BEAUMONT STREET, HAMILTON.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">• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.3) That the report remain confidential and the minute be released in accordance with Council's resolution. |
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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 18/108465
EDRMS NO: PSC2018-01095**

**AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014
- CHAPTER B5 FLOODING**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submission.
 - 2) Approve Port Stephens Development Control Plan 2014 (Amendment No. 3).
 - 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the *Environmental Planning & Assessment Regulation 2000*.
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
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| | The Mayor granted consent to withdraw Item 1 from the agenda. |
|--|---|

BACKGROUND

The purpose of this report is to seek Council approval for the Port Stephens Development Control Plan 2014 (Amendment No. 3) (DCP) which will replace Part B5 – Flooding and amend Section E – Schedules to provide greater clarity and consistency in the assessment of development proposed on flood prone land (**ATTACHMENT 1**).

The DCP aims to provide greater clarity and consistency for development applications (DAs) on flood prone land and to align Council's adopted policy framework, including Council's Floodplain Risk Management Policy (PSC2015-01399, Adopted 8 March 2016, Minute No: 054), and with State policies and guidelines. A summary of the amendments in the DCP is set out below.

On 27 March 2018, Council resolved to exhibit the draft DCP for 28 days, which occurred from 12 April 2018 to 10 May 2018, in accordance with the relevant planning legislation. One external submission was received, which is summarised in (**ATTACHMENT 2**).

The draft DCP provides performance and prescriptive criteria for development on flood prone land. Key amendments exhibited included:

- The introduction of Figure BI: Flooding – Flow Chart, to clearly identify the relationship between the NSW Floodplain Development Manual 2005 and Council's adopted policy framework.
- The introduction of Figure BJ: A Development Suitability Matrix based on flood hazard categories, which clearly identifies the appropriateness of development types in each flood hazard category, provides a summary of DA lodgement requirements, and required finished floor levels (FFL).
- The removal of the Flood Hazard Categories Cross Section diagram, which was identified as being difficult to interpret.
- A new requirement to obtain a Council Flood Certificate prior to lodging a DA, which will help deliver a more customer focused service by providing site specific flood information to inform planning decisions.
- New engineering requirements for livestock flood refuge mounds.
- New engineering requirements for sheds and garages proposed in floodways.
- Clearer application requirements for development proposed on flood prone land.
- Clearer and more concise provisions that are less open to interpretation, to provide applicants with greater certainty of DA outcomes when development is proposed on flood prone land.

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 foreseen financial or resource implications for Council as a consequence of the recommendation. The development of the draft DCP has been managed within the existing budget.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|------------------------------------|---------------|---------------------|--|
| Existing budget | Yes | | The DCP will be progressed under existing resources in accordance with Council's resolution. |
| Reserve Funds | Yes | | |
| Development Contributions (\$7.11) | Yes | | |
| External Grants | Yes | | |
| Other | Yes | | |

LEGAL, POLICY AND RISK IMPLICATIONSEnvironmental Planning & Assessment Act 1979 (EP&A Act)

The DCP has been prepared in accordance of the EP&A Act (Section 3.43).

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

The EP&A Regulation sets out requirements as to the form, structure, subject matter, exhibition, and making of the DCP. The table below shows how relevant requirements have been met.

| EP&A Regulation 2000 | Date | Comment |
|--|-------------------------------|---|
| Clause 16 requires a DCP to be a written statement, and may include supporting maps, plans, diagrams, illustrations and other materials. | April 2017 – March 2018. | The draft DCP was prepared internally to meet the requirements in clause 16 (1) and (2). |
| Clause 18 requires a draft DCP to be publicly exhibited for at least 28 days and notified in a newspaper. Clause 20 provides that any person may make written submissions to the Council during the exhibition period. | 12 April 2018 to 10 May 2018. | The draft DCP was exhibited for 28 days in accordance with clause 18, and submissions were accepted during the public exhibition period in accordance with clause 20. |
| Clause 21 provides that Council may approve a DCP following exhibition with such alterations as the Council thinks fit. | Current. | This Report seeks Council's approval for the draft DCP, as amended following exhibition (see summary of amendments below). |
| Clause 22 provides that a development control plan can be amended by a subsequent development control plan. | Current. | The relevant sections of the existing Port Stephens Development Control Plan 2014 will be replaced by the draft DCP, if approved. |

Local Government Act 1993

Under the *Local Government Act 1993*, Council is immune from flood risk liability if Council's policies and plans are prepared in accordance with the NSW Floodplain Development Manual 2005 (Section 733). The draft DCP amendment better aligns Council's flood management tools (including mapping and flood studies) with the NSW Floodplain Development Manual 2005.

Port Stephens Local Environmental Plan 2013 (the LEP)

The draft DCP gives effect to clause 7.3 of the LEP which applies to development proposed on flood prone land. The draft DCP amendment provides the information about flood hazards to determine whether land is flood prone and clause 7.3 of the LEP will apply.

Floodplain Risk Management Policy and Flood Hazard Maps

The draft DCP has been prepared to align with Council's Floodplain Risk Management Policy and associated maps. The DCP, Floodplain Risk Management Policy and Council's Flood Hazard Maps operate in conjunction to provide a framework for the assessment of flooding impacts during the planning and assessment of development on flood prone land. All of these documents have been prepared in accordance with the NSW Floodplain Development Manual 2005 in order to satisfy the *Local Government Act 1993* (see above).

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|---|-----------------------------------|
| There is a risk that the DCP is not adopted and development on flood prone land takes place without clear and consistent guidance aligned to existing Council policy and relevant state guidelines. | Medium | Adopt the DCP at (ATTACHMENT 1) . | Yes |
| There is a risk that Council approves inappropriate development on flood prone land. | Medium | Adopt the DCP at (ATTACHMENT 1) to provide a consistent decision making framework. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft DCP seeks to achieve the aims of Council's Floodplain Risk Management Policy which are to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property.

The draft DCP is consistent with the Floodplain Risk Management Policy as it recognises that flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding appropriate development and it seeks to ensure that economic costs which may arise from damage to property from flooding is not greater

than that which can reasonably be managed by the property owner and general community.

Development on flood prone land can have detrimental environmental implications. The draft DCP is consistent with the Floodplain Risk Management Policy as it aims to ensure that development on flood prone land does not have an unreasonable environmental impact by significantly altering flood behaviour.

CONSULTATION

Internal

The draft DCP has been prepared in collaboration with Council's Flooding and Drainage Engineers, Development Assessment Officers and Strategic Planners.

During the exhibition period, minor comments relating to spelling and readability were provided by Council's Engineering Services Unit. All proposed changes have been incorporated into the final DCP.

Other typographical errors were amended after exhibition, including amendments to the Glossary ensure consistent references throughout the document.

External

The matters in the submission as summarised in **(ATTACHMENT 2)** are beyond the scope of the exhibited draft DCP. The draft DCP does not relate to stormwater drainage which is distinct from flooding caused by natural events. In this regard, the submission was referred to the appropriate operational area for review and response.

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Development Control Plan 2014 - Part B5 Flooding.
- 2) Summary of Submission.

COUNCILLORS ROOM

- 1) Individual Submission.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1
2014 - PART B5 FLOODING.

PORT STEPHENS DEVELOPMENT CONTROL PLAN

B5

FLOODING

B5 Flooding

Application

This Part applies to all development on **Flood Prone Land**.

The Development Suitability Matrix Figure BJ (p. B-3) provides the required **finished floor level (FFL)** and **Development Application (DA)** lodgement requirements for certain development types in accordance with this Part, having regard for the **flood hazard maps** (available on Council's website).

Development other than that listed in Figure BJ is subject to a merit based assessment against the objectives of this Part and the **PSLEP 2013** (c7.3).

Objectives

| | | |
|------|-----------------------|--|
| B5.A | Flood Planning | <ul style="list-style-type: none"> To ensure development satisfies the provisions of the PSLEP 2013 (c7.3). To provide detailed controls for the assessment of DA's lodged on flood prone land in accordance with the <i>Environmental Planning and Assessment Act 1979</i>. To ensure flood risk is considered as early as possible in the planning and development process, based on the best available flood information. To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land. To recognise flood prone land as a valuable social, economic and environmental resource that should not be sterilised by inappropriate development. To ensure that the use and development of flood prone land includes risk consequences that are manageable. To implement the principles of the <i>NSW Government 'Floodplain Development Manual' 2005, Construction of Buildings in Flood Hazard Areas (Australian Building Codes Board)</i> and Council's <i>Floodplain Risk Management Policy</i> and <i>Flood Hazard Maps</i> as identified within Figure BI (p. B-2). |
|------|-----------------------|--|

Requirements – performance

| | | |
|------|---------------------|---|
| B5.1 | Risk to life | <p>The proposed development incorporates measures to manage risk to human life from flooding, including:</p> <ul style="list-style-type: none"> Evacuation access from an area affected by flooding to an area free of risk from flooding, and includes consideration of potential access restrictions; Warning times and procedures to make people aware of the need to evacuate; Consideration of the current and potential future occupants; Consistency with the most recent, Council adopted Flood Study or Floodplain Risk Management Study that has been undertaken for the site; and Consistency with Figure BJ (p. B-3): Development Suitability Matrix. |
|------|---------------------|---|

ITEM 1 - ATTACHMENT 1
2014 - PART B5 FLOODING.

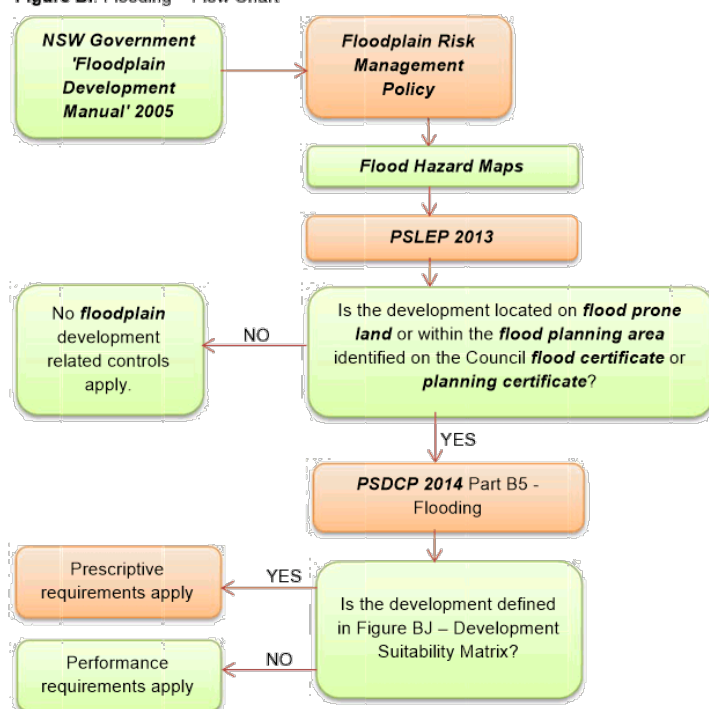
PORT STEPHENS DEVELOPMENT CONTROL PLAN

B5

FLOODING

| | | |
|------|--------------------------------|--|
| B5.2 | Risk to property | <p>The proposed development will not increase the potential individual or cumulative flood impacts on other development or properties that are likely to occur in the same floodplain. In determining any potential increase in flood impacts, Council will consider:</p> <ul style="list-style-type: none"> • Future (in the year 2100) flood levels and/or velocities including, but not limited to the 5% AEP flood event, 1% AEP flood event and probable maximum flood (PMF) events; • Loss of flood storage in the immediate floodplain; and • Consistency with the most recent, Council adopted flood study or Floodplain Risk Management Study that has been undertaken for the site. |
| B5.3 | Flood Hazard Capability | <p>The proposed development must be compatible with the flood hazard of the land or include mitigation measures or offsets to reduce the flood risk. In determining site compatibility, Council will consider:</p> <ul style="list-style-type: none"> • Depth of flood inundation on the site and the adjacent land; • Flow velocity on the site as well as upstream and downstream from the site; • Suitability of design so that the development does not become isolated by high hazard floodwaters; and • Consistency with the most recent, Council adopted flood study or Floodplain Risk Management Study that has been undertaken for the site. |

Figure BI: Flooding – Flow Chart



B5

FLOODING

Figure BJ: Development Suitability Matrix

| Development types | | HH FW | LH FW | HH Overland Flow Path | | LH Overland Flow Path | | HH Flood Storage | | LH Flood Storage | | HH Flood Fringe | | LH Flood Fringe | | Minimal Risk Flood Prone | | |
|-------------------|--|----------|----------|--------------------------|------|--------------------------|------|---------------------|-----|---------------------|-----|--------------------|--|--------------------|----|-----------------------------|----|--|
| | | DA | DA | FFL | DA | FFL | DA | FFL | DA | FFL | DA | FFL | DA | FFL | DA | FFL | DA | |
| A | Residential accommodation | | | 1+2 | 7+11 | 1+2 | 7+11 | 1+2 | 7 | 1+2 | 7 | 1+2 | 7 | 1+2 | 7 | | | |
| B | Subdivision (increasing opportunity for residential accommodation) | | | 1 | 7+11 | 1 | 7+11 | 1 | 7 | 1 | 7 | 1 | 7 | 1 | 7 | | | |
| C | Commercial premises and industrial premises | | | 1+3 | 7+11 | 1+3 | 7+11 | 1+3 | 7 | 1+3 | 7 | 1+3 | 7 | 1+3 | 7 | | | |
| D | Garages, open car parking spaces and carports | | | 4 | 7+11 | 4 | 7+11 | 4 | 7 | 4 | 7 | 4 | 7 | 4 | 7 | | | |
| E | Farm buildings | 7+10 | 7+10 | 3 | 7+11 | 3 | 7+11 | 3 | 7 | 3 | 7 | 3 | 7 | 3 | 7 | | | |
| F | Driveways and access | | | 5 | 7+11 | 5 | 7+11 | 5 | 7 | 5 | 7 | 5 | 7 | 5 | 7 | | | |
| G | Fill | 7+9 | 7+9 | - | 7+11 | - | 7+11 | - | 7+8 | - | 7+8 | - | 7 | - | 7 | | | |
| H | Development vulnerable to emergency response and critical infrastructure ¹ | | | 6 | 7+11 | 6 | 7+11 | 6 | 7 | 6 | 7 | 6 | 7 | 6 | 7 | 6 | 7 | |
| 1 | Minimum FFL for development that is a habitable room is the flood planning level | | | | | | | | | | | | Key DA DA lodgement requirements FFL Minimum finished floor level FW Floodway HH High Hazard LH Low Hazard DC Development Controls Unsuitable for land use Flood related DC apply Flood related DC do not apply | | | | | |
| 2 | Minimum FFL for residential development is not a habitable room is the 1% AEP flood level plus 0.5m at 50 years from application date. This is the adaptable minimum floor level | | | | | | | | | | | | | | | | | |
| 3 | Minimum FFL for non-residential development that is not a habitable room is the 5% AEP flood level at 50 years from application date. This is the onsite wastewater level | | | | | | | | | | | | | | | | | |
| 4 | Minimum FFL of the current day 1% AEP flood level. This is the current day 1% AEP flood level | | | | | | | | | | | | | | | | | |
| 5 | Minimum FFL of the 1% AEP flood level or the flood immunity of the connecting public road. | | | | | | | | | | | | | | | | | |
| 6 | Minimum FFL of the probable maximum flood (PMF) level. | | | | | | | | | | | | | | | | | |
| 7 | Statement of Environmental Effects addressing Chapter B5 and Council Flood Certificate issued within 12 months of DA lodgement. | | | | | | | | | | | | | | | | | |
| 8 | Flood Study (unless Clause B5.13 is applicable) | | | | | | | | | | | | | | | | | |
| 9 | Fill for livestock flood refuge uses only. A flood study is required, unless Clause B5.12 is applicable. | | | | | | | | | | | | | | | | | |
| 10 | Farm buildings must comply with Clause B5.4. | | | | | | | | | | | | | | | | | |
| 11 | Site based overland flow report (see Clause B5.13 and definitions in DCP). | | | | | | | | | | | | | | | | | |

¹ E.g. educational establishment, childcare facility, seniors housing, group homes, evacuation centres, health services facility or other development deemed vulnerable

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - PART B5 FLOODING.

B5

FLOODING

| Requirements – prescriptive | | | |
|-----------------------------|------------------------|---|---|
| | Development type | Standard requirements | |
| B5.4 | A, C, D, E, F and H | Flood compatible design | <ul style="list-style-type: none"> Development must be of a flood compatible design and construction and shall meet the applicable requirements contained within the Construction of Buildings in Flood Hazard Areas (Australian Building Codes Board). A DA for a farm building must: <ul style="list-style-type: none"> Be designed to meet the on-site waste water level (5% AEP flood level); and Be accompanied by a structural report if it is located within a floodway. |
| B5.5 | A, B, C, D, E, F and H | Finished floor level and finished surface | <ul style="list-style-type: none"> Development must meet the minimum FFL specified in Figure BJ (p.B-3). The finished surface of open space car parking, carports and driveways should be designed having regard to vehicle stability, including consideration of depths and velocity during inundation by flood waters. |
| B5.6 | A, B, C and D | Ongoing flood adaptation | A reduced planning horizon of 50 years from the date of determination will be accepted where the design includes an adaptable finished floor level (i.e. the future raising of the building). |
| B5.7 | A | Minor alterations and additions to existing residential accommodation | Where proposed alterations and additions to existing residential accommodation is less than 40% of the gross floor area of the existing residential accommodation , and does not involve a net increase in the number of bedrooms, Council will consider a FFL lower than the flood planning level (FPL) , but not lower than the existing floor level. Any additional flood risk must include mitigation measures to reduce the overall flood risk of the development. |
| B5.8 | F | Driveways and access | <ul style="list-style-type: none"> Access from the building envelope to the public road is to have a minimum finished access level of: <ul style="list-style-type: none"> The flood immunity of the connecting public road; or The current day 1% AEP flood event level for the site. Earthworks must satisfy the objectives of B3.F of the DCP and PSLEP 2013 (c7.2). <p>Note: Impacts on local drainage and localised flooding should be considered and addressed. Driveways should be designed and constructed in accordance with Councils standard design drawings.</p> |
| B5.9 | A, B, C and H | Fencing | <ul style="list-style-type: none"> Fencing on flood prone land should be stable in events up to the current day 1% AEP flood event and not obstruct the flow of floodwater. Fencing in a floodway should not include non-permeable materials or fencing types that could restrict or redirect flood waters. |

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - PART B5 FLOODING.

B5

FLOODING

| B5.10 | B | Subdivision | Subdivision that creates the ability to erect a dwelling under the PSLEP 2013 (c4.2B) is to indicate building envelopes above the FPL and comply with the requirements of B5.8 and B5.11 of this Part. | | | | | | | | | | | | |
|--|---|--------------------------------------|---|---------------|---|---|--------|---|-------|---|-------|--|--------|---|--------|
| B5.11 | A, C, G and H | Emergency onsite flood refuge | <p>If evacuation egress to flood free areas cannot be achieved via a route that is flood free in the current day 1% AEP flood event or is a Low Hazard Flood Area, Council will consider the DA provided that it includes an onsite flood refuge meeting the following criteria:</p> <ul style="list-style-type: none">• Is located above the PMF level;• Is intrinsically accessible to all people on the site, plainly evident and self-directing;• Is accessible in sufficient time for all occupants with fail safe access and no reliance on elevators;• Has unobstructed external access for emergency boats during flooding;• Caters for the number of persons that could reasonably be expected on-site at any one time (approx. 2m² per person);• Provides adequate shelter from the storm and has natural lighting and ventilation; and• Contains sufficient clean water, a first aid kit, portable radio with spare batteries and a torch with spare batteries. <p>Note: If a flood refuge is required, the DA must be accompanied by a structural report.</p> | | | | | | | | | | | | |
| B5.12 | G | Livestock flood refuge mound | <p>A flood study is required for fill for the purpose of a livestock flood refuge mound, unless it is demonstrated that the following criteria can be met:</p> <p>i) The volume/size and location of the livestock flood refuge mound adheres to the following:</p> <table><tr><th>Size of mound</th><th>Distance from nearest property boundary</th></tr><tr><td>20m x 20m (at current day 1% AEP flood level and 0.5m below the current day 1% AEP flood level)</td><td>> 180m</td></tr><tr><td>20m x 20m (1.0m below the current day 1% AEP flood level)</td><td>> 40m</td></tr><tr><td>20m x 20m (1.5m below the current day 1% AEP flood level)</td><td>> 25m</td></tr><tr><td>40m x 40m (at current day 1% AEP flood level, 0.5m below the current day 1% AEP flood level and 1.0m below the current day 1% AEP flood level)</td><td>> 830m</td></tr><tr><td>40m x 40m (1.5m below current day 1% AEP flood level)</td><td>> 170m</td></tr></table> | Size of mound | Distance from nearest property boundary | 20m x 20m (at current day 1% AEP flood level and 0.5m below the current day 1% AEP flood level) | > 180m | 20m x 20m (1.0m below the current day 1% AEP flood level) | > 40m | 20m x 20m (1.5m below the current day 1% AEP flood level) | > 25m | 40m x 40m (at current day 1% AEP flood level, 0.5m below the current day 1% AEP flood level and 1.0m below the current day 1% AEP flood level) | > 830m | 40m x 40m (1.5m below current day 1% AEP flood level) | > 170m |
| Size of mound | Distance from nearest property boundary | | | | | | | | | | | | | | |
| 20m x 20m (at current day 1% AEP flood level and 0.5m below the current day 1% AEP flood level) | > 180m | | | | | | | | | | | | | | |
| 20m x 20m (1.0m below the current day 1% AEP flood level) | > 40m | | | | | | | | | | | | | | |
| 20m x 20m (1.5m below the current day 1% AEP flood level) | > 25m | | | | | | | | | | | | | | |
| 40m x 40m (at current day 1% AEP flood level, 0.5m below the current day 1% AEP flood level and 1.0m below the current day 1% AEP flood level) | > 830m | | | | | | | | | | | | | | |
| 40m x 40m (1.5m below current day 1% AEP flood level) | > 170m | | | | | | | | | | | | | | |

ITEM 1 - ATTACHMENT 1
2014 - PART B5 FLOODING.

PORT STEPHENS DEVELOPMENT CONTROL PLAN

B5

FLOODING

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| | | | <p>Note: Interpolation between the values listed above should be based on the length of the mound perpendicular to the direction of flow, followed by the depth below the current day 1% AEP flood event level.</p> <p>ii) The size of the mound must have regard to the agricultural capacity of the land. The design and size of the mound shall be determined by the NSW Department of Primary Industries –Agriculture. 2009, 'Primefacts: Livestock flood refuge mounds'.</p> |
| B5.13 | A, B, C, D, E G and H | All other types of fill and development | <ul style="list-style-type: none"> A flood study is required for all development types identified on land as 'unsuitable for land use' in Figure BJ (p.B-3), flood prone land subject to further investigation on Council's flood hazard maps (unless specified otherwise by Council) or if Council deems it necessary. A flood study is required for fill located in flood storage areas unless: <ul style="list-style-type: none"> The net volume of fill does not exceed the lesser of 20% or 2000m³ of the flood volume of the lot in the 1% AEP flood event in the year 2100 (this includes consideration of previous fill volumes); and It is demonstrated that the fill does not adversely affect local drainage patterns of all events up to the 1% AEP flood event in the year 2100. Fill in flood storage areas greater than the abovementioned volume can be offset by flood storage. Offsetting can be achieved through consolidation of lots and/or assigning an 'easement to flood land' on the compensatory lot/s. Compensatory lots must be located within the zone of influence of the proposed fill (as demonstrated by the flood study) or adjacent to the proposed fill and be of the same hazard category of the subject site. A site based overland flow report must be submitted for development located within a designated overland flow path. The purpose of this report is to demonstrate that the development: <ul style="list-style-type: none"> Will not result in material increase in flood level or flood hazard upstream, downstream or surrounding properties; and Will provide acceptable management of flood risk with appropriate development levels to ensure the safety of people. |
| B5.14 | A, C, D, E and H | Electrical features | <ul style="list-style-type: none"> All incoming main power service equipment, including all metering equipment, and all electrical fixtures, such as power points, light fittings, switches, heating, ventilation and other service facilities must be located above the FPL, or where possible above the PMF. Where the above cannot be achieved, the following features shall be used: |

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - PART B5 FLOODING.

B5

FLOODING

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| | | | <ul style="list-style-type: none"> - Electrical cabling is not to be installed within walls, or chased into walls; and - Any circuit containing switches, power points or any other electrical fitting that are located below the FPL, shall connect to the power supply through an individual Residual Current Device (RCD), located in the meter box. |
| B5.15 | A, C, D, E and H | Potentially hazardous and/ or polluting material | <ul style="list-style-type: none"> • The storage of hazardous or potentially hazardous materials, potentially polluting material or material that could be washed from site and cause harm downstream must be stored above the FPL with appropriate bunding. • Items that may wash away during flood events (e.g. rainwater tanks, hot water tanks, gas cylinders, shipping containers) must be elevated above the 1% AEP flood event level in the year 2100 (without freeboard) or anchored to resist buoyancy and impact forces. |
| B5.16 | A, C, D, E and H | Development in areas that become a floodway in the PMF | Structures located in areas which become a floodway in the PMF must be accompanied by a structural report . |

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - PART B5 FLOODING.

E1

GLOSSARY

Amendments to Part E1 – Glossary

1. Amended definitions

Replace the listed existing definitions with the listed amendments in Part E1:

| Existing | Amended |
|---|---|
| 1% Annual Exceedance Probability (AEP) means the 1% flood, since its Annual Exceedance Probability is 1%, or as having a return period of 100 years. This term is also commonly referred to as the 100-year flood. | 1% AEP flood event is the design flood based on statistical analysis of flood and rainfall data that has a 1% probability of being equalled or exceeded within any year. |
| Annual Exceedance Probability (AEP) means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. For example, if a peak flood discharge of 500 m ³ /s has an AEP of 5%, it means that there is a 5% chance (that is one-in-20 chance) of a 500 m ³ /s or larger event occurring in any one year (see ARI). | Annual Exceedance Probability (AEP) means the chance of a flood of a given or larger size occurring in any one year (for example, the 1% AEP flood event has a 1% chance of occurring every year; the 5% AEP flood event has a 5% chance of occurring every year). |
| flood compatible materials means: [Table in glossary identifying a) building component, b) flood compatible material, c) building component and d) flood compatible material.] | flood compatible design refers to all proposed development on flood prone land must be of a flood-resistant design and construction. The design must take into account the hydrostatic actions, hydrodynamic actions, debris actions, wave actions, erosion and scour. Materials used for structural purposes and located below the flood planning level must: <ul style="list-style-type: none"> • Be capable of resisting damage, deterioration, corrosion or decay; • Consider the amount of time that the material is likely to be in contact with flood water; and • Consider the amount of time it will take for the material to dry out. Note: Materials should be consistent with the: <ul style="list-style-type: none"> • <i>Construction of Buildings in Flood Hazard Areas – Standard</i>, Australian Building Codes Board; and • <i>Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas</i>, Hawkesbury-Nepean Floodplain Management Steering Committee, 2006. |
| flood fringe areas means areas that are undated by flood, but which do not experience a strong current. | flood fringe area is the remaining land in the flood planning area after the floodway area and flood storage area have been defined. |
| flood planning area means the Flood Planning Area identified on the PSLEP 2013 Flood Planning Map. | flood planning area is the land inside the extent of the flood planning level . |
| flood planning horizon means the year 2100 | planning horizon refers to the length of time into the future for the risk to be managed. In floodplain risk management this includes consideration of climate change impacts and the planning horizon is typically 2100. |
| Flood Planning Level (FPL) means the level of a 1:100 Average Recurrent Interval (ARI) plus 0.5 metre freeboard Note: flood planning level has the same meaning as in the PSLEP 2013 | flood planning level (FPL) is the level of the 1% AEP flood event in the year 2100 plus 0.5 metre freeboard, except for overland flooding areas where a freeboard of 0.3 metre is applied. The area of land below the FPL is subject to flood-related development controls. |
| floodplain development manual means the | NSW Floodplain Development Manual 2005 |

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - PART B5 FLOODING.

E1

GLOSSARY

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| manual relating to the development of flood liable land for the purposes of section 733 of the Local Government Act 1993 | refers to the State Government manual relating to the development of flood liable land for the purposes of section 733 of the <i>Local Government Act 1993</i> . |
| flood risk management plan means a study and subsequent plan to understand flood risk, assess how it can be managed and implement projects to reduce the threat to the community | Floodplain Risk Management Plan is developed from the Floodplain Risk Management Study and details how flood prone land within the study areas is to be managed. The primary aim of the Plan is to reduce the flood hazard and risk to people and property in the existing community and to ensure future development is controlled in a manner consistent with flood hazard now and in the future. The Plan consists of prioritised and costed measures for implementation. |
| <p>flood study means a comprehensive technical investigation of flood behaviour that defines the variation over time of flood levels, extent and velocity for flood events of various severities up to and including the PMF event. It covers the entire floodplain catchment, with particular emphasis on the area under consideration.</p> <p>Note:</p> <ul style="list-style-type: none"> • A Flood Study must be prepared by a suitably qualified consultant. This must analyse measures that would reduce the danger to a low hazard and not have a detrimental impact on other property owners or public property. • Flood Studies must provide controls where necessary to prevent the discharge of pollution during floods. This is in compliance with the "Environment & Health Protection Guidelines - On-site Sewage Management for Single Households" dated January 1998 and published by the state government. | <p>flood study is a comprehensive technical investigation of flood behaviour that defines the variation over time of flood levels, extent and velocity for flood events of various severities up to and including the PMF event. It covers the entire floodplain catchment, with particular emphasis on the area under consideration. The flood study will:</p> <ol style="list-style-type: none"> Be certified by a chartered Professional Engineer who is recognised under the Engineers Australia's National Engineering Register (NER), who has experience in hydraulics and floodplain management; Be a comprehensive document that includes numerical flood modelling of the proposed development area; Ensure that the extent of the study adequately assesses all flooding characteristics and impacts of the development in the area; Be consistent with any existing flood study or Floodplain Risk Management Plan undertaken for Council for the subject site. Where there is deviation from the Council adopted studies, the flood study must detail and justify the deviations; Be consistent with the NSW Floodplain Development Manual 2005 and the current version of Australian Rainfall and Runoff and determine the existing flooding characteristics and assess the impacts of the proposal, including assessment of design flood events including 10% AEP, 5% AEP, 1% AEP and PMF for existing conditions, 2050 and 2100; and Assess cumulative flood storage impacts, flood levels, velocity (including direction), hazard and hydraulic categories. |
| flood storage areas means floodplain areas that are important for the temporary storage of floodwaters during a flood | flood storage areas are those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation. |
| floodway means the part of a floodplain specifically designed to carry flood flows and ideally capable of containing the flood event | floodway refers to land that is a pathway taken by major discharges of floodwaters, the partial obstruction of which would cause a significant redistribution of floodwaters, or a significant |

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - PART B5 FLOODING.

E1

GLOSSARY

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| | increase in flood levels. Floodways are often aligned with natural channels, are usually characterised by deep and relatively fast flowing water, and have major damage potential. |
| freeboard means the height above the flood planning level used to compensate for the effects such as wave action and localised hydraulic behaviour. Note: freeboard has the same meaning as in the Building Code of Australia | freeboard means the height above the 1% AEP flood event level. It is used as a safety margin to compensate for uncertainties such as wave action, localised hydraulic behaviour (e.g. flow path blockages caused by natural and urban debris such as trees, 'wheelie' bins, cars, containers) and changes in rainfall patterns and ocean water levels as a result of the changing climate. |
| habitable room means a room --other than a bathroom, laundry, water closet or the like --which is designed, constructed or adapted for the activities normally associated with domestic living, such as a lounge room or living room | habitable room as defined by the NSW Floodplain Development Manual 2005 and the current Building Code of Australia means: a) In a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, music room, television room, sewing room, study/ office, playroom, family room, home theatre room, and sunroom, bedroom or workroom. b) In an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damages in the event of a flood. Note: the habitable room definition excludes areas such as a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods. |
| overland flow path means low-lying natural drainage paths, open space floodway channels, road reserves , pavement expanses or any other flow paths that can convey flows after heavy rainfall | overland flow path are the areas of inundation by local runoff rather than inundation created by overbank flows discharging from a watercourse. |
| Probable Maximum Flood (PMF) means the largest could that could conceivably occur within a catchment | Probable Maximum Flood (PMF) refers to the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation, and where applicable, snow melt, coupled with the worst flood producing catchment conditions. |

2. Deleted definitions

Delete the following definitions in Part E1

Average Recurrence Interval (ARI) means the long-term average number of years between the occurrence of a flood as big as (or larger than) the selected event. For example, floods with a discharge as greater as (or greater than) the 20yr **ARI** design flood will occur on average once every 20 years. **ARI** is another way of expressing the likelihood of occurrence of a flood event.

flood emergency response plan means a plan that includes preparedness measures, conduct during flood events (e.g. evacuation) and coordination with the Port Stephens Local Emergency Management Committee and the Port Stephens State Emergency Service.

flood risk management report means a report that outlines how the proposed **development** will alter the **floodplain** and the extent and change in the **flood hazard** for the area, the potential impacts of the proposed works on other **floodplain** users and the future or ongoing risk a community may be exposed to as a result of new **development** on the **floodplain**.

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - PART B5 FLOODING.

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Note:

- A **Flood Risk Management Report** must be prepared by a suitably qualified consultant. This must analyse measures that would reduce the danger to a low hazard and not have a detrimental impact on other property owners or public property.
- **Flood Risk Management Reports** must provide controls where necessary to prevent the discharge of pollution during floods. This is in compliance with the "Environment & Health Protection Guidelines - On-site Sewage Management for Single Households" dated January 1998 and published by the state government.

floodway means the part of a **floodplain** specifically designed to carry flood flows and ideally capable of containing the flood event

storage area means an area where flood waters are temporarily stored during flood events, such as **on-site detention** basins

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 - PART B5 FLOODING.**E1****GLOSSARY****3. New definitions**

adaptable finished floor level is the **1% AEP flood event** level plus 0.5m at 50 years from determination date.

area free of risk from flooding means land above the **probable maximum flood (PMF)**.

AHD (Australian Height Datum) means the setting of the mean sea level as zero elevation. Mean sea level was determined from observations recorded by 30 tide gauges around the Australian continent for the period 1966-1968.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

finished access level is the completed level of the driveway following construction, from the building envelope to the public road.

Finished Floor Level (FFL) is the completed floor level of the premises following construction.

flood certificate means a Council prepared flood certificate not more than 12 months old.

flood hazard maps includes the visual representation of the flood hazard and hydraulic categories referenced in Council's **Floodplain Risk Management Policy**. The maps are available on Council's website.

flood immunity refers to a building or structure that will not be directly affected by flooding during a flood event.

flood prone land refers to land that is likely to be inundated by the **PMF**.

flood prone land subject to further investigation refers to the area of land susceptible to flooding where a comprehensive technical investigation of flood behaviour (to define the variation over time of flood levels, extent, velocity, flood hazard and the flood planning level up to and including the **PMF** has not yet been carried out. Land designated as **flood prone land subject to further investigation** on Council's **flood hazard maps** will be considered as **High Hazard Flood Storage** (unless satisfactory evidence is provided to demonstrate otherwise).

flood volume refers to the volume of water occupying a site at the peak of a flood event. The **1% AEP flood volume** is the difference between the peak flood height in the **1% AEP flood event** and the natural surface level.

Floodplain Risk Management Policy refers to Council's adopted policy outlining the management of risk associated with flooding on lands across the Local Government Area in accordance with State Government's Flood Prone Land Policy and **NSW Floodplain Development Manual 2005**.

Floodplain Risk Management Study is a study of the risks across the floodplain and evaluates management options for both existing and proposed development. A floodplain risk management study needs to be developed in accordance with the principles and guidelines contained in the NSW Floodplain Management Manual.

high hazard flood area is the area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - PART B5 FLOODING.

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livestock flood refuge mound is an artificial mound of land that provides temporary refuge for livestock during flood events.

low hazard flood area is the area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety.

minimal risk flood prone land refers to land on the floodplain that is above the **FPL**. This means that there are no flood-related development controls that apply to residential development, but critical emergency response and recovery facilities, such as evacuation centres and vulnerable development types, such as aged care and child care facilities, may not be appropriate in this location.

on-site refuge means a convenient access to flood free ground. In general, it is not acceptable to rely on refuge provided by or on other **development** sites. In all cases where on site refuge is provided, it is to be both intrinsically accessible to all people on the site and an integrated part of the **development** (e.g. a second storey with stair access). The route to the refuge is to be fail safe, plainly evident and self-directing.

On-site waste water level is the 5% AEP flood event level at 50 years from determination date (**Note:** there is no 0.5m freeboard in this instance).

site-based overland flow report is a report certified by a chartered Professional Engineer who is recognised under the Engineers Australia's National Engineering Register (NER), who has experience in hydraulics and floodplain management, demonstrating that the development:

- i. Will not result in a material increase in flood level or flood hazard on upstream, downstream or surrounding properties; and
- ii. Will provide acceptable management of flood risk with appropriate development levels to ensure the safety of people.

The **site based overland flow report** must consider, as a minimum:

- i. existing or created **overland flow paths** and make due provision in the design of the site stormwater system;
- ii. preserving existing overland flow paths as far as practical;
- iii. a range of flood events, including the **1% AEP flood event**;
- iv. designs to ensure that the maximum overland flow velocity at the **1% AEP flood event** should not exceed 1.5m/s and depths not exceed 250mm;
- v. Designs to ensure that the impacts of the proposed development on localised flood hazards are mitigated and surrounding properties (upstream and downstream) are not adversely affected; and
- vi. the latest advice from Australian Rainfall and Runoff: A Guide to Flood Estimation.

Structural Report is a report certifying the structural stability of the structure. The **Structural Report** is to be prepared by a Chartered Professional Engineer recognised under the Engineers Australia's National Engineering Register (NER) in the area of practice of Structural Engineering. The Report must certify that the proposed structural components can withstand the forces of floodwater up to the **PMF**, including hydrostatic pressure, the hydrodynamic pressure, the impact of debris and buoyancy forces.

ITEM 1 - ATTACHMENT 1 PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - PART B5 FLOODING.

E2

ACRONYMS

4. Deleted acronyms

Delete the following acronym in Part E2:

ARI Average Recurrence Interval

5. New acronyms

Insert the following acronym in Part E2:

FFL Finished Floor Level

ITEM 1 - ATTACHMENT 2 SUMMARY OF SUBMISSION.**Attachment 2 – Summary of Submission.**

| No. | Author of Submission | Comment | Council Response |
|-----|----------------------|--|---|
| 1. | Resident | Concerns about stormwater drainage infrastructure. | This is a current operational matter and the submission was referred to the appropriate operational area for review and response. |

ITEM NO. 2

FILE NO: 18/113211
EDRMS NO: PSC2015-03964

POLICY REVIEW: ENVIRONMENT POLICY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and note the submission.
 - 2) Adopts the Environment Policy shown at **(ATTACHMENT 1)**.
 - 3) Revoke the Environment Policy dated 8 March 2016 (Minute No. 051).
-

ORDINARY COUNCIL MEETING - 26 JUNE 2018
COMMITTEE OF THE WHOLE RECOMMENDATION

| | |
|--|--|
| | Councillor Giacomo Arnott Councillor John Nell That the recommendation be adopted. |
|--|--|

The motion on being put was lost.

ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION

| | |
|------------|--|
| 178 | Councillor John Nell Councillor Sarah Smith It was resolved that Council: <ol style="list-style-type: none">1) Receives and note the submission.2) Adopts the Environment Policy shown at (ATTACHMENT 1).3) Revoke the Environment Policy dated 8 March 2016 (Minute No. 051). |
|------------|--|

BACKGROUND

The purpose of this report is to provide Council with the comments received following public exhibition of the Environment Policy ('Policy') for 28 days between 19 April 2018 and 17 May 2018 and for Council to adopt the Policy.

One submission was received in support of the Policy. The submission made a number of observations, as well as suggestions for the way in which the Policy can be applied by Council.

A summary of the submission is contained in **(ATTACHMENT 2)**, and has been referred to the appropriate operational areas within Council for attention where specific references are made to Council decisions and/or ongoing assessments. No further amendment to the Policy is required as a result of the submission.

The Policy provides direction for Council's approach to environmental performance. Environmental performance is improved when beneficial environmental impacts are increased and adverse environmental impacts and risks are reduced.

The Environment Policy is a foundation document for Council's Environmental Management System (EMS), consistent with ISO 14001:2015, an internationally accepted standard adopted by all levels of Australian government, and widespread throughout the private sector. Council's EMS forms part of the Integrated Risk Management System (IRMS).

The Policy has been reviewed and whilst no substantial amendments are recommended, the Policy has been adapted since being placed on exhibition to ensure consistency with Council's Policy template.

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. |

This Policy also has strong linkages to Delivery Program item 5.1.3 Manage risks across Council, specifically Operational Plan item 5.1.3.1 Manage an Environmental Management System for Council operations.

FINANCIAL/RESOURCE IMPLICATIONS

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

| Source of Funds | Yes/No | Funding (\$) | Comment |
|------------------------|---------------|---------------------|---|
| Existing budget | Yes | | The preparation of the Policy was managed within existing budget resources. |

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Policy outlines Council's commitment to meet its statutory responsibilities under environmental legislation. Whilst Council's approach to environmental risk is influenced by this Policy, the Integrated Risk Management Policy provides the overall direction on systematic management of risk.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

A healthy natural environment is critical to the people of Port Stephens as it provides essential environmental services such as clean air, clean water and healthy soils.

In turn this supports ecological, cultural, recreational, economic and aesthetic values.

The Policy outlines Council's commitment to maintaining a healthy natural environment for the Port Stephens community. The Policy also states a commitment to the principles of ecologically sustainable development and the requirement to integrate social, environmental and economic factors through the Integrated Planning and Reporting Framework to enable holistic and sustainable planning for the future.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section.

Internal

Council's Environmental Management System (EMS) Manager, Organisational Development Section, was consulted to ensure that the Environment Policy remains relevant to the needs of the EMS.

External

The Policy was placed on public exhibition in accordance with local government legislation for 28 days from 19 April 2018 to 17 May 2018.

One submission was received in relation to the Policy, with the matters raised included as **(ATTACHMENT 2)**.

OPTIONS

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

ATTACHMENTS

- 1) Environment Policy.
- 2) Summary of Submission.

COUNCILLORS ROOM

- 1) Copy of submission.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2015-03964

TITLE: ENVIRONMENT POLICY

POLICY OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

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

2. CONTEXT/BACKGROUND:

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

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

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

2.4 The four principles underpinning ESD are:

1. Precautionary principle
2. Intergenerational equity
3. Conservation of biological diversity and ecological integrity

Policy

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Policy



4. Improved valuation, pricing and incentive mechanisms

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

3. SCOPE:

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

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

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

4. DEFINITIONS:

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

| | |
|--|---|
| Biological Diversity and Ecological Integrity | The variety of life forms, the different plants, animals and microorganisms, the genes they contain and the ecosystems they form. |
| Ecologically Sustainable Development (ESD) | Effective integration of economic and environmental considerations in decision-making processes. |
| Improved Valuation, Pricing and Incentive Mechanisms | Environmental factors should be included in the valuation of assets and services. |
| Intergenerational Equity | That the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. |

Policy

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Policy



Precautionary Principle If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

5. POLICY STATEMENT:

- 5.1 Council ensures a healthy natural environment is maintained for the wellbeing of the Port Stephens community.
- 5.2 Council is committed to empowering its employees to assume accountability and responsibility for the continuous improvement of its environmental performance by creating and promoting a culture of participation and by providing a robust process for monitor and review.
- 5.3 Council is committed to the four principles of Ecologically Sustainable Development.
- 5.4 Council meets all its statutory responsibilities under environmental legislation.

Policy

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ITEM 2 - ATTACHMENT 1 ENVIRONMENT POLICY.

Policy



6. POLICY RESPONSIBILITIES:

6.1 Strategy and Environment Section is responsible for monitoring, reviewing and providing advice on the Policy.

6.2 Implementation of and compliance with the Environment Policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the Policy is implemented throughout the organisation.

7. RELATED DOCUMENTS:

- | | |
|--|---------------------------------------|
| 7.1 Local Government Act 1993 | 7.7 Heritage Policy |
| 7.2 Port Stephens Council Community Strategic Plan | 7.8 Integrated Risk Management Policy |
| 7.3 Asset Management Policy | 7.9 On-Site Sewage Management Policy |
| 7.4 Commercial Operators Policy | 7.10 Pricing Policy |
| 7.5 Compliance Policy | 7.11 Procurement Policy |
| 7.6 Economic Development Policy | 7.12 Property Investment Policy |
| | 7.13 Social Impact Policy |

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| | | | |
|---------------------------|--|-------------------------|-----------|
| EDRMS container No | PSC2015-03964 | EDRMS record No | |
| Audience | Councillors, staff and community | | |
| Process owner | Strategy and Environment Section Manager | | |
| Author | Environmental Strategist | | |
| Review timeframe | Two years | Next review date | June 2020 |
| Adoption date | 8 March 2016 | | |

Policy

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Issue Date: 26/06/2018

Review Date: June 2020

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Policy

**VERSION HISTORY:**

| Version | Date | Author | Details | Minute No. |
|---------|--------------|--|---|------------|
| 1.0 | 8 March 2016 | Environmental Strategist / Environmental Management System Officer | Original Policy | 051 |
| 2.0 | 26 June 2018 | Environmental Strategist | Policy adapted to new Policy Template. No Amendments. | TBA |

Policy

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ITEM 2 - ATTACHMENT 2 SUMMARY OF SUBMISSION.**ATTACHMENT 2: Summary of Submission (Environment Policy)**

Number of submissions received: 1

| No. | Author of submission | Comment | Council response |
|-----|---|---|--|
| 1 | Mambo Wanda Wetlands Conservation Group | Suggestion for the need to ensure Council decision making is consistent with State Government Strategies (including the Lower Hunter Regional Strategy 2006 and the Hunter Regional Plan 2036) | Noted. Not specific to the content of the Environment Policy. |
| | | Support for the continuation of Council's work to analyse and map koala 'hub' areas (local source populations). | Noted. No action. Not specific to the content of the Environment Policy. |
| | | The submission notes dissatisfaction with Council's historical decision to sell part of Stoney Ridge Reserve (Fleet St, Salamander Bay) noting it's conservation value. | Noted. No action. Not specific to the content of the Environment Policy. |
| | | Noted Council's current consideration of the sale of a block of land on Foreshore Drive, Salamander Bay. | Noted. No action. Not specific to the content of the Environment Policy. |
| | | The submission notes dissatisfaction with Council's approach to development assessment, leading to the 'gradual degradation of important fauna corridors'. | Noted. No action. Not specific to the content of the Environment Policy. |
| | | Support for the principles of ESD (ecologically sustainable development) as outlined in the Environment Policy | Noted. No action. |
| | | Support for Council's consideration of valuing natural assets, noting the complexity of such an approach. Suggestion to include environmental assets in the Strategic Asset Management Plan using the | Noted. Referred to the appropriate operational area within Council for consideration. Not specific to the content of the Environment Policy. |

ITEM 2 - ATTACHMENT 2 SUMMARY OF SUBMISSION.

| | | | |
|--|--|--|--|
| | | SEEA (UN System of Environmental Economic Accounting). | |
|--|--|--|--|

ITEM NO. 3

**FILE NO: 18/112082
EDRMS NO: PSC2014-01768**

POLICY REVIEW: COMMUNITY ENGAGEMENT POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and note the submission.
 - 2) Adopts the revised Community Engagement Policy (**ATTACHMENT 1**).
 - 3) Revoke the current Community Engagement Policy dated 14 July 2015 (Minute number 192).
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|------------|---|
| 179 | <p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receives and note the submission.2) Adopts the revised Community Engagement Policy (ATTACHMENT 1).3) Revoke the current Community Engagement Policy dated 14 July 2015 (Minute number 192). |
|------------|---|

BACKGROUND

The purpose of this report is to recommend the revised Community Engagement Policy (the Policy) (**ATTACHMENT 1**) that has been on public exhibition be adopted by Council.

At its meeting of 13 February 2018 it was resolved that Council place the draft Policy on public exhibition for a period of 28 days. The public exhibition closed on 21 March 2018 and a single submission was received.

Port Stephens Council is committed to giving our community the opportunity to have a voice and influence the future of their Local Government Area (LGA).

Effective community consultation facilitates better access to information and greater understanding in the community. Ultimately it builds stronger relationships and grows community trust in what Council does.

Key elements of the Policy and associated supporting materials include:

- A clear framework for the timely dissemination of accurate information to the community through a variety of channels including digital technologies.
- Consistent processes to involve the community at different levels of engagement.
- Processes to strengthen reporting on community engagement outcomes.
- Processes to strengthen providing feedback to the community.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The cost of implementing the Community Engagement Policy will be carried out within budgets and there are no financial or resources implications related to the adoption of the Policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy and risk implications in updating this policy and guidelines as they show that Council is committed to community engagement by keeping the document current to reflect the contemporary needs of the Port Stephens community.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|----------------------------|-----------------------------------|
| There is a risk that Council's reputation may be damaged as a result of decisions made in relation to an out of date policy. | Low | Adopt the recommendations. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

A comprehensive community engagement program supports Council's purpose to deliver services valued by our community to meet current and future social, economic and environmental needs.

Participation and inclusion of our community in the framing of key decisions for the LGA strengthens ownership and commitment of the community to the decision making process and helps engender positive outcomes.

CONSULTATION

Communications Section staff have engaged with key stakeholders both internal and external.

Internal

Comments received during the exhibition period have been reviewed and assessed by Council's Communications Section staff.

External

The public exhibition closed on 21 March 2018 and a single submission was received, with a summary provided in **(ATTACHMENT 2)**.

Following the public exhibition period a number of minor administrative amendments to the Policy have been made.

OPTIONS

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

ATTACHMENTS

- 1) Community Engagement Policy.
- 2) Summary of Submission.

COUNCILLORS ROOM

- 1) Submission.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 COMMUNITY ENGAGEMENT POLICY.

Policy



FILE NO: PSC2014-01768
TITLE: COMMUNITY ENGAGEMENT POLICY
POLICY OWNER: COMMUNICATIONS SECTION MANAGER

1. PURPOSE:

- 1.1 Port Stephens Council is committed to involving our community in activities that actively shape and influence the future of the area.
- 1.2 Council benefits from positive consultation with its community and other stakeholders. The process facilitates better access to and understanding of information, increased participation, raised awareness and strengthened community.

2. CONTEXT/BACKGROUND:

- 2.1 This policy continues Council's commitment to community engagement. It has been developed following a review of the **previously endorsed** policy (14 July 2015, Minute No. 192).
- 2.2 It is based on the principles that:
 - good decisions are based on information and views from many sources; and
 - the people of Port Stephens have the right to access information, provide feedback, be consulted and actively participate in planning and decision-making.

3. SCOPE:

- 3.1 To encourage community understanding, involvement and informed opinion about future plans for the community by:
 - encouraging active community participation and engagement in the development of decisions for planning, substantial development assessments, policy making and infrastructure growth and other operational and strategic matters as defined by Council; and
 - establishing consistent methods of timely and accurate dissemination and gathering of information about issues of significant public interest.

4. DEFINITIONS:

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

Community Engagement Community engagement involves our community in activities that actively shape and influence the future of the area.

Policy

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Policy



5. POLICY STATEMENT:

- 5.1 Council provides leadership and commitment to information, consultation and active participation of the community in planning and decision-making.
- 5.2 Consultation activities provide opportunities for individual community members and/or community interest groups to contribute and be heard.
- 5.3 The role of the community in participating in engagement, Councillors in factoring engagement outcomes into their decision making and Council staff in embedding engagement into their work are clear to all and consultation objectives are well defined.
- 5.4 Consultation is undertaken as early in the process as possible to allow for effective community engagement and a range of options and solutions to emerge.
- 5.5 Information provided by Council during consultation is objective, accurate, accessible and clearly articulated.
- 5.6 Council records the use it makes of information received through feedback, public consultation and active participation.
- 5.7 Council undertakes regular evaluation of its performance in providing information, consultation and in engaging with the community.
- 5.8 Council report the outcomes of the consultation process to the community.
- 5.9 Council will use agreed protocols and procedures to guide staff and Councillors in community engagement.

6. POLICY RESPONSIBILITIES:

- 6.1 Community Development and Engagement Coordinator for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993
- 7.2 Environmental Planning and Assessment Act 1979
- 7.3 Port Stephens Code of Conduct
- 7.4 Port Stephens Community Strategic Plan

Policy

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| EDRMS container No | PSC2014-01768 | EDRMS record No | 18/126509 |
| Audience | Councillors, Staff and Community | | |
| Process owner | Communications Section Manager | | |
| Author | Community Development and Engagement Coordinator | | |
| Review timeframe | Two years | Next review date | February June 2020 |
| Adoption date | | | |

VERSION HISTORY:

| Version | Date | Author | Details | Minute No. |
|---------|-------------------|--------------------------------|--|------------|
| V1 | 22 September 2007 | Communications Section Manager | | 392 |
| V2 | 14 July 2015 | Communications Section Manager | Significant rewrite of Policy following creation of CD&E unit | 192 |
| V3 | 13 February 2018 | Communications Section Manager | Wording changes as outlined in Council Report 13 February 2018 | 011 |
| V4 | 26 June 2018 | Communications Section Manager | Transfer policy into the new policy template. Minor wording changes as a result of submission during public exhibition period. | TBA |

Policy

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ITEM 3 - ATTACHMENT 2 SUMMARY OF SUBMISSION.

Community Engagement Policy – Submission table

| No. | Author of submission | Comment | Council response |
|-----|----------------------|--|------------------------------------|
| 1 | Resident | Improvement suggestions with implementation of the policy. | Minor wording amendment in policy. |

ITEM NO. 4

**FILE NO: 18/99313
EDRMS NO: PSC2005-2646**

POLICY REVIEW: BUS SHELTER POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Bus Shelter Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Bus Shelter 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 Bus Shelter Policy dated 25 November 2014 (Minute Number 319), should no submissions be received.

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|------------|---|
| 180 | <p>Councillor Giacomo Arnott Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Bus Shelter Policy shown at (ATTACHMENT 1).2) Place the Bus Shelter 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 Bus Shelter Policy dated 25 November 2014 (Minute Number 319), should no submissions be received. |
|------------|---|

BACKGROUND

The purpose of this report is to review the existing Bus Shelter Policy as shown in **(ATTACHMENT 1)** and place on public exhibition. The intent of the Bus Shelter policy is to allow community groups to provide bus shelters for the Port Stephens community and that the revenue gained through advertising on these bus shelters will be used by community groups for their purposes such as providing the Community with services.

The provision of shelters at bus stops plays an important part in increasing public transport patronage in Port Stephens and improving the comfort of existing bus passengers. This Policy seeks to ensure consistency and equity in the provision of bus shelters across the Local Government Area.

This Policy requires that community groups enter into a formal agreement with Council. The agreement shall document who is responsible for the installation and ongoing maintenance of the shelter, who will benefit from the advertising rights and who will own the shelter at the end of the agreement. Each agreement will vary, depending on the needs and abilities of the organisation involved.

This review updates the existing policy into the current policy format to ensure conformity across Council's range of policy documents. The existing bus shelter policy works well hence there are no material changes to the content of the original policy.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

This policy review will not require any additional budget or resources for the provision of bus shelters. Requests for bus shelters under this policy are currently less than one per year and costs can be covered by the existing administration budget.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|----------------------------------|---------------|---------------------|---|
| Existing budget | Yes | | The frequency of this activity is small and is covered within normal recurrent administration budget. |
| Reserve Funds | No | | |
| Developer Contributions (\$7.11) | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|---|-----------------------------------|
| There is a risk that Council will fail to meet legislative requirements for policy review resulting in community dissatisfaction. | Low | Adopt the recommendation. | Yes |
| There is a risk that bus shelters will not meet the requirements of the community in terms of type, safety, accessibility and placement resulting in reduced public transport patronage. | Low | Ensure that all new bus shelters meet Council's Infrastructure Specifications. | Yes |
| There is a risk that community group fail to maintain the bus shelters resulting in unsafe shelters for bus users. | Low | Adopt the recommendation and ensure that the responsibilities of Council and community group supplying the shelter are clear in the agreement. Council also monitors the condition of all bus shelters. | Yes |
| There is a risk that the advertising on the bus shelter is considered inappropriate to the community at large or by Council resulting in reputation damage to Council. | Low | Ensure that the agreement between Council and community group that manages the bus shelter specifies the type of advertising that is not offensive or against the vision or values of the organisation. | Yes |

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|--|-----------------------------------|
| There is a risk that the installation or maintenance of the shelter may not be conducted in a safe manner in accordance with Council's WHS obligations resulting in injury or death of persons conducting the works. | High | Ensure that those that are carrying out the installation and maintenance are aware of the WHS and Council's requirements and that this requirement is documented through the agreement with Council. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The continuing provision of bus shelters by community service groups will allow a much reduced impact on Council finances had Council alone been responsible for the installation and maintenance of the shelters.

Past agreements have resulted in a greater number of bus shelters built on Council road reserves than would otherwise be achievable, benefiting public transport users overall. Most agreements to date have resulted in the bus shelter being handed over to Council after 10 to 15 years of service.

Community groups utilise the advertising income to maintain the shelters as well as providing their existing services to the Community. Not only does the community gain the benefits of having a bus shelter, but also has the positive experience of receiving the services supplied by the community group.

CONSULTATION

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

Internal

- Traffic Engineer.
- Civil Assets Engineer.

External

- External consultation will be undertaken through the public exhibition process.

In accordance with local government legislation the draft Bus Shelter Policy will go on public exhibition from Friday 29 June 2018 to 27 July 2018 for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Bus Shelter Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 BUS SHELTER POLICY.

Policy



FILE NO: PSC2005-2646
TITLE: BUS SHELTER POLICY
POLICY OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 The Bus Shelter Policy **purpose of this policy** is to allow community groups to provide bus shelters for the community and ~~that the revenue gained through advertising on these bus shelters will be used by community groups for their purposes such as providing the Community with services~~ to allow advertising on the bus shelter as a revenue source. **The inclusion of advertising on bus shelters is a way for Council and community groups to fund the capital cost and maintain the shelter.**
- 1.2 This policy and related documents will also allow the display of advertising on bus shelters in accordance with Councils document: *Advertising on Bus Shelters in Port Stephens – Term of Agreement* **seeks to ensure consistency and equity in the provision of bus shelters across the Local Government Area.**

2. CONTEXT/BACKGROUND:

- 2.1 The provision of shelters at bus stops plays an important part in increasing public transport patronage in Port Stephens and providing shelter and comfort of existing bus passengers. ~~This policy seeks to ensure consistency and equity in the provision of bus shelters across the Local Government Area.~~
- 2.2 Installation of the privately funded shelters has generally been initiated by the organisations involved and has resulted in more shelters being installed than would otherwise be the case if Council funding alone were relied upon.

3. SCOPE:

- 3.1 Council is responsible for controlling and monitoring activities being undertaken in its road reserves.
- 3.2 Council provides public transport infrastructure to the community such as bus shelters and seating.
- 3.3 Community groups can assist Council in the provision of bus shelter infrastructure within the road reserve as mutually agreeable.
- 3.4 Council will have clear and consistent guidelines regarding the provision of transport related infrastructure by other bodies or organisations.

Policy

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ITEM 4 - ATTACHMENT 1 BUS SHELTER POLICY.

Policy



4. DEFINITIONS:

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

Bus Shelter a roofed structure for people to wait under at a bus stop

5. POLICY STATEMENT:

- 5.1 Council's intent is for community groups to provide bus shelters for the Port Stephens community and to use the revenue gained from advertising on the shelters to pay for the capital cost and ongoing maintenance costs.
- 5.2 Council's requirements and priorities for the provision of bus shelters are to be assessed as part of the Capital Works Program.
- 5.3 Priority for the provision of transport infrastructure shall be determined based on an assessment of:
 - The level of demand for a facility, both existing and potential future demand
 - The existing standard of transport infrastructure in the vicinity.
- 5.4 Once priorities are confirmed, expressions of interest for the supply and erection of appropriately designed bus shelter structures will be sought through Council's normal procurement process.
- 5.5 Community groups will retain ownership and associated advertising rights of any bus shelters constructed by them and will be required to enter into a formal agreement with Council.
- 5.6 Council reserves the right to favour offers from external providers that will promote community involvement and enhance community ownership of public infrastructure.
- 5.7 Bus shelters shall conform to Council Design requirements and shall be compliant with the Commonwealth Disability Discrimination Act.

6. POLICY RESPONSIBILITIES:

- 6.1 Civil Asset Planning Manager is responsible for complying with implementing, monitoring, evaluating and reviewing the policy.

Policy

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Policy



7. RELATED DOCUMENTS:

- 7.1 Roads Act 1993
- 7.2 Local Government Act 1993
- 7.3 Code of Conduct
- 7.4 Signage Policy
- 7.5 Sustainable Procurement

CONTROLLED DOCUMENT INFORMATION:

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| EDRMS container No | PSC2005-2646 | EDRMS record No | |
| Audience | Community, Assets Section, Civil Assets, Staff and General Manager | | |
| Process owner | Assets Section Manager | | |
| Author | Civil Assets Planning Manager | | |
| Review timeframe | Two years | Next review date | April 2020 |
| Adoption date | | | |

VERSION HISTORY:

| Version | Date | Author | Details | Minute No. |
|---------|-------------|-------------------------------|---------|------------|
| 1 | 25 Nov 2014 | Civil Assets Planning Manager | Adopted | 319 |

Policy

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ITEM 4 - ATTACHMENT 1 BUS SHELTER POLICY.

Policy



| | | | | |
|---|--|-------------------------------|---|--|
| 2 | | Civil Assets Planning Manager | Created in New Policy Template & Global Review with following changes 1.2 & 1.2 – Reworded to improve purpose 2.1 – Removal of sentence 7.1 & 7.2 - Additional Related Document 7.3 – Removal of Related Document | |
|---|--|-------------------------------|---|--|

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ITEM NO. 5

**FILE NO: 18/108908
EDRMS NO: PSC2017-03014**

**PORT STEPHENS COUNCIL INTEGRATED PLANS 2018-2028 INCLUDING FEES
AND CHARGES 2018-2019 AND MAKING OF RATES AND CHARGES 2018-2019**

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submissions received **(TABLED DOCUMENT 1)** and recommendations **(TABLED DOCUMENT 2 and 2a)** relating to the draft Community Strategic Plan 2018-2028, Delivery Program and Operational Plans 2018-2021, Long Term Financial Plan 2018-2028, Strategic Asset Management Plan 2018-2028, Workforce Plan 2018-2021 (Integrated Plans) and the Fees and Charges for 2018-2019.
- 2) Adopt the Integrated Plans and the Fees and Charges for 2018-2019 as amended **(TABLED DOCUMENTS 3-8)**.
- 3) Make the rates and charges for 2018-2019 in accordance with **(TABLED DOCUMENT 9)**.

Councillor Jaimie Abbott left the meeting at 6:26pm in Open Council, prior to voting.
Councillor Jaimie Abbott returned to the meeting at 6:27pm in Open Council, prior to voting.

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|------------|--|
| 181 | <p>Councillor John Nell Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receives and notes the submissions received (TABLED DOCUMENT 1) and recommendations (TABLED DOCUMENT 2 and 2a) relating to the draft Community Strategic Plan 2018-2028, Delivery Program and Operational Plans 2018-2021, Long Term Financial Plan 2018-2028, Strategic Asset Management Plan 2018-2028, Workforce Plan 2018-2021 (Integrated Plans) and the Fees and Charges for 2018-2019.2) Adopt the Integrated Plans and the Fees and Charges for 2018-2019 as amended (TABLED DOCUMENTS 3-8), including the addition of the 'Pound/Shelter animal' statutory fee and amendments to the Tomaree Library and Community Centre wording in the Fees and |
|------------|--|

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

| | |
|--|---|
| | Charges 2018-2019 as outlined in (ATTACHMENT 1) of the Supplementary Information. 3) Make the rates and charges for 2018-2019 in accordance with (TABLED DOCUMENT 9) . |
|--|---|

BACKGROUND

The purpose of this report is to provide to Council a report and information on submissions received relating to the draft Integrated Plans and Fees and Charges proposed for 2018-2019 and to make the rates and charges for 2018-2019. The proposed rates and charges reflect those included in the Statement of Revenue Policy contained in the Operational Plan 2018-2019. Legislation requires the rates to be calculated using 1 July 2016 base date land values.

The Integrated Plans consist of the Community Strategic Plan 2018-2028, the Delivery Program and Operational Plans 2018-2021, Workforce Plan 2018-2021, Strategic Asset Management Plan 2018-2028 and the Long Term Financial Plan 2018-2028. The Fees and Charges 2018-2019 are also a key resource.

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

Draft Integrated Plans and Fees and Charges public exhibition process April 2018

Whilst changes were made to the Integrated Plans and Fees and Charges following a review of submissions and administrative corrections, on the whole, the changes at this stage do not have a financial or resourcing impact. The changes are shown in Tabled Documents 2 and 2a.

Draft Operational Plan 2018-2021 - Amended Statement of Revenue Policy (Williamstown Management Area – sub category) and additional Fee and Charge public exhibition process (May/June 2018)

Because of Council's desire to provide rate relief for the Williamstown Management Area these amendments were exhibited between 24 May 2018 and 21 June 2018, with the financial implications considered as part of the Council report on 22 May 2018.

Any submissions received will be provided to Council as supplementary information at this meeting.

Making the rates and charges 2018-2019

There were no submissions relating to the original rates and charges for 2018-2019 as exhibited in the Statement of Revenue Policy in the Operational Plan 2018-2019 in April 2018.

The Independent Pricing and Regulatory Tribunal (IPART) has set the rate peg for 2018-2019 at 2.3%. Rates and charges income must be collected in a timely manner to ensure cash flow to fund Council operations.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|----------------------------------|--------|--------------|--|
| Existing budget | Yes | | Levy and collection functions are within existing operational budget. Electronic publication is within existing operational budget. |
| Reserve Funds | No | | |
| Developer Contributions (\$7.11) | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

Under section 402(5) and (6) of the *Local Government Act 1993* (Local Government Act) following an ordinary election of Councillors, Council must review the Community Strategic Plan (CSP) before 30 June, with the draft plan to be placed on public exhibition for 28 days and submissions received considered by Council before the plan is adopted.

Under section 403 of the Local Government Act Council is required to review and have a resourcing strategy to implement the strategies established by the Community Strategic Plan that the Council is responsible for.

Under section 404(3) and (4) of the Local Government Act Council must establish a new Delivery Program after each election of Council for the 4 years (3 years this term) commencing on 1 July with the draft program to be placed on public exhibition for 28 days and submissions received considered by Council before the program is adopted.

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

Under section 405 of the Local Government Act Council must have an operational plan adopted before the beginning of the year detailing the activities to be engaged in. Council is required to place its Operational Plan on public exhibition for 28 days and consider submissions received during that period prior to adoption of the final plan.

These plans must be adopted by Council prior to 30 June in any given year.

Under section 610F of the Local Government Act Council is required to place on public exhibition its proposed fees and charges for a period of 28 days and consider any submissions received. The Fees and Charges must be adopted by 30 June in any given year.

Sections 532-543 of the Local Government Act specify the requirements to make rates and charges in any given year. The legislation requires rates and charges to be made annually by Council resolution and serviced by 1 August. Council must obtain Independent Pricing and Regulatory Tribunal (IPART) approval to exceed the rate pegging limit.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|---|-----------------------------------|
| There is a risk that the Integrated Plans are not adopted in the timeframe required by legislation, leading to breach of legislation and loss of reputation. | Low | Council adopt the Integrated Plans before 30 June 2018. | Yes |
| There is a risk that the Fees and Charges are not adopted in the timeframe required by legislation, leading to breach of legislation, loss of reputation and revenue. | Low | Council adopt the Fees and Charges before 30 June 2018. | Yes |
| There is a risk that failure to make and serve rate notices by 1 August 2018 will defer the due date of first instalment payment to 30 November 2018 adversely affecting cash flow. | High | Council will make rates and serve notices before 1 August 2018. | Yes |

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|---|-----------------------------------|
| There is a risk that income may exceed the rate pegging limit. | Low | Notional income calculated prior to levy. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Rate and charge income is necessary for Council to deliver the services outlined in the Delivery Program and Operational Plans. As required by the Local Government Act the Integrated Plans and the Fees and Charges for 2018-2019 were developed and reviewed in accordance with the principles of equity and social justice. They contain key directions/themes which expand the social, economic and environmental sections of the Community Strategic Plan 2018-2028.

CONSULTATION

A two stage consultation of the Integrated Plans and Fees and Charges was developed and implemented.

Internal

Following the Stage One informal community consultation, further two way briefings were held with Councillors and workshops with the Executive Leadership Team and the Combined Leadership Team to incorporate feedback into reviewing the Integrated Plans and Fees and Charges.

Following public exhibition, submissions have been reviewed internally with the Integrated Plans and Fees and Charges amended accordingly based on issues categorised as an item 'B' (**refer TABLED DOCUMENTS 1, 2 and 2a**).

External

Stage One consultation (October to December 2017)

This was an informal process utilising a discussion paper to assist in drafting of the revised Community Strategic Plan for 2018-2028. The community was consulted through four community associations' briefings, three listening posts and attendance at a business lunch and three markets.

Stage one results:

- 1,100 visitors to EHQ (52 downloaded the CSP discussion paper)
- 64 completed online surveys

- 15 written responses
- 4 handwritten surveys
- Facebook comments
- Verbal feedback

Feedback from these consultations confirmed that the community still valued the same or similar matters as articulated in the previous Community Strategic Plan and was generally supportive of the proposed Community Strategic Plan and revised structure into four focus areas.

More specific feedback from this consultation included:

- Ecologically sustainable development should be formally recognised as a key commitment;
- Town centres need attention to make them more attractive to visitors and residents;
- Need for more public amenities and pathways for walkers and cyclists;
- Infrastructure should be first with proper planning;
- Much greater priority needs to be given to place making and strategic planning of our urban centres; and
- Our Governance (now Our Council) was preferred over Our Leadership as a focus area.

Stage Two (April 2018)

Stage One feedback and inclusion of Councillor priorities were included in the development of the draft Integrated Plans. On 27 March 2018 Council endorsed the draft Integrated Plans and Fees and Charges to be placed on public exhibition, with exhibition commencing on 28 March 2018 and concluding on 30 April 2018.

As part of the legislative process to consult on the Integrated Plans, Council was required to develop a comprehensive Community Engagement Plan.

In terms of consultation, financial and staff resources were concentrated towards:

- Three Council to Community (Ward) information sessions – Raymond Terrace, Nelson Bay and Medowie;
- Four local information sessions - Seaham, Anna Bay, Tilligerry and Fern Bay; and
- Two round table discussion groups.

Both Councillors and senior staff were present at the information sessions, with staff facilitating the round table discussion groups. The sessions provided the community with a range of options to discuss the documents during the course of the public exhibition period.

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

The timing of the public exhibition and consultation period did pose challenges in terms of the fixed legislative deadlines, school holidays and public holiday periods, however the exhibition period ran longer than the standard 28 days to accommodate for this. Information sessions were also spread across the month of April and held at a consistent time of 4.30 to 6.30pm to allow greater flexibility for people to attend after school and work.

Media and promotion included:

- Notice of public exhibition in the Council Notices section of the Port Stephens Examiner;
- Paid advertisements of the information sessions in the Port Stephens Examiner;
- Facebook:
 - numerous paid (sponsored) posts on Facebook targeted to the local area;
 - shared posts to community organisation Facebook sites where known; and
 - numerous organic (non-paid) posts.
- Electronic distribution of a fact sheet to Council's 355c committees, community groups and community associations by email (where known);
- Distribution of media releases, leading to some radio station interest;
- Hard copies of the documents were made available at Council's libraries, and administration building, with hard copy sets provided to key community groups;
- Electronic copies of the documents were made available on Council's website; and
- Presentations, where possible, at Council advisory committees and community groups.

The following table summarises attendance at the information sessions and discussion groups:

| Local information sessions | Date | Numbers | Councillors | Staff |
|-----------------------------------|-------------|----------------|--------------------|--------------|
| Seaham | 4 April | nil | 1 | 8 |
| Tilligerry | 12 April | 20 | 2 | 5 |
| Anna Bay | 19 April | 29 | 3 | 6 |
| Fern Bay | 23 April | 1 | 3 | 6 |

| Council to Community information sessions | Date | Numbers | Councillors | Staff |
|--|-------------|----------------|--------------------|--------------|
| Raymond Terrace | 9 April | 11 | 3 | 8 |
| Nelson Bay | 11 April | 25 | 3 | 10 |
| Medowie | 18 April | 4 | 3 | 8 |

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

| Discussion groups | Date | Numbers |
|-------------------|----------|----------------------------------|
| Salamander Bay | 13 April | no bookings (canceled) |
| Anna Bay | 19 April | 7 people (additional meeting) |
| Raymond Terrace | 20 April | 4 people |

The information sessions were an opportunity for community members to have informative discussions with Councillors and staff, creating a greater understanding of the documents, what they mean and how Council conducts its operations.

Summary of Submissions

Council received a varied range of submissions from across the Local Government Area. This report acknowledges the effort by the community to participate in this complex process. As some submissions were lengthy, not every point raised has been listed, with key issues summarised as shown in **(TABLED DOCUMENT 1)**. Councillors have been provided with a full set of the submissions for their consideration. For privacy and consistency reasons, full submissions have not publicly been made available.

Each submission has been reviewed by the Executive Team, Section Managers and relevant staff for major issues and coded in order to direct further action. The key issues outlined in **(TABLED DOCUMENT 1)** have been categorised as follows:

- A - already covered in the draft documents
- B - not in the draft documents and are to be included
- C - not Council's direct responsibility, is an advocacy role
- D - not feasible within the existing budget
- O - an operational activity undertaken as part of general Council business

There were 66 external submissions received, of which 53 were from individuals and 13 from organisations. Many submissions were generated from the information sessions, with 12 submissions from youth at a Council supported Youth Week event. Five submissions were received from staff relating to administrative corrections.

A number of topics were recurring across the submissions relating to:

- Special Rate Variation
- Height increases
- Drainage
- Roads
- Anna Bay
- Cycleways and pathways

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

- Ecologically Sustainable Development (ESD). (Council's current Environment policy defines ESD as 'effective integration of economic and environmental considerations in decision making processes')
- Readability of the documents

As a significant number of matters raised related to operational matters, responses will be provided to the authors following Council consideration of the submissions.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

- 1) Submissions.

TABLED DOCUMENTS

- 1) Tabled Document 1 - Key Issues Summary.
- 2) Tabled Document 2 - Summary of changes to the Integrated Plans and Fees and Charges 2018-2019.
- 3) Tabled Document 2a - Holiday Park Capital Works changes to Attachment 2 of the Strategic Asset Management Plan.
- 4) Tabled Document 3 - Community Strategic Plan 2018-2028.
- 5) Tabled Document 4 - Delivery Program and Operational Plans 2018-2021.
- 6) Tabled Document 5 - Long Term Financial Plan 2018-2028.
- 7) Tabled Document 6 - Strategic Asset Management Plan 2018-2028.
- 8) Tabled Document 7 - Workforce Plan 2018-2021.
- 9) Tabled Document 8 - Fees and Charges for 2018-2019.
- 10) Tabled Document 9 - Schedule of Rates and Charges 2018-2019.

ITEM NO. 6**FILE NO: 18/124588
EDRMS NO: PSC2010-05244****FINANCIAL ASSISTANCE - SCHOOL CANTEENS****REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Continue to fund the annual food inspection of school canteens by Ward Funds.
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|------------|--|
| 182 | Councillor Paul Le Mottee Councillor Ken Jordan It was resolved that Council continue to fund the annual food inspection of school canteens by Ward Funds. |
|------------|--|

BACKGROUND

The purpose of this report is to allow the current Council the opportunity to review the financial assistance provided to schools' (public and non-public schools) across the Port Stephens Council local government area. This practice was last reviewed in 2010.

As part of Council's regulatory functions, it conducts inspections of all food businesses' in NSW, including school canteens to ensure compliance with the *Food Act 2003*, *Food Regulations 2004* and the Food Standards Code. Council conducts inspection of school canteens to ensure the appropriate standards are being met.

School canteens are categorised as P3 under Councils surveillance regime, and warrant only one inspection per year. This category is not charged an annual administration fee (\$390) that is applicable to other high risk premises such as takeaway food shops and restaurants, but is still levied with a fee when an inspection is carried out (\$124) to cover Council's surveillance costs. The fee is considered to be a valid business cost of any food related business.

Council's fees and charges are set at \$124 per inspection currently, which covers the costs of staff to conduct the inspection and provide the necessary approval in accordance with the Standards. Council currently inspects 23 schools.

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 budgeted income for 2017-2018 to conduct the inspection is \$2,852. If Council is of the view that the fees should be waived or otherwise, an alternative means of funding will be required to cover the costs.

It should be noted that this cost is currently funded from Ward Funds.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required under the *Food Act 2003*, to conduct the inspection of school canteens and is able to recover the costs within the Food Authority's recommended fee range. Council's fees are well within this range.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|--|-----------------------------------|
| There is a risk that school canteens will be non-compliant without the annual inspections. | Low | Ensure annual inspections are conducted. | No |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Council officers.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7**FILE NO: 18/132410
EDRMS NO: PSC2017-00178****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Ward Funds to the following:
 - a. Milo's Table – Cr Arnott rapid response - \$500 donation towards homeless food service operating costs.
 - b. Irrawang High School – Cr Arnott rapid response - \$500 donation towards the running of the School Breakfast Club.
 - c. Raymond Terrace Community PBL – Cr Arnott rapid response - \$500 donation towards the 2018 PBL Awards.
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|------------|---|
| 183 | Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Ward Funds to the following: <ol style="list-style-type: none">a. Milo's Table – Cr Arnott rapid response - \$500 donation towards homeless food service operating costs.b. Irrawang High School – Cr Arnott rapid response - \$500 donation towards the running of the School Breakfast Club.c. Raymond Terrace Community PBL – Cr Arnott rapid response - \$500 donation towards the 2018 PBL Awards. |
|------------|---|

BACKGROUND

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

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

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

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

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

The requests for financial assistance are shown below:

WEST WARD – Councillors Arnott, Jordan and Le Mottee

| | | | |
|--------------------------------|--|---|-------|
| Milo's Table. | A homeless food service provided by the Red Eye Café. | Donation towards the homeless food service operating costs. | \$500 |
| Irrawang High School. | NSW State high school. | Donation towards running the School Breakfast Club. | \$500 |
| Raymond Terrace Community PBL. | Positive Behaviour for Learning (PBL) is a school-wide behaviour initiative. It engages a whole school systems approach to address problem behaviour and reduce its effects on student outcomes and on the school community overall. | Donation towards 2018 PBL Awards. | \$500 |

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8**FILE NO: 18/127255
EDRMS NO: PSC2017-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 26 June 2018.

| No: | Report Title | Page: |
|------------|--|--------------|
| 1 | May 2018 Cash and Investments | 79 |
| 2 | Annual Designated Persons - Pecuniary Interest Returns 2018-2019 | 83 |

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| 184 | Councillor Glen Dunkley Councillor Chris Doohan | | | | | | | | |
|-----|--|-------|--------------|-------|---|-------------------------------|----|---|--|
| | It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 26 June 2018. | | | | | | | | |
| | <table><tr><th>No:</th><th>Report Title</th><th>Page:</th></tr><tr><td>1</td><td>May 2018 Cash and Investments</td><td>79</td></tr><tr><td>2</td><td>Annual Designated Persons - Pecuniary Interest Returns 2018-2019</td><td>83</td></tr></table> | No: | Report Title | Page: | 1 | May 2018 Cash and Investments | 79 | 2 | Annual Designated Persons - Pecuniary Interest Returns 2018-2019 |
| No: | Report Title | Page: | | | | | | | |
| 1 | May 2018 Cash and Investments | 79 | | | | | | | |
| 2 | Annual Designated Persons - Pecuniary Interest Returns 2018-2019 | 83 | | | | | | | |

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 18/119964
EDRMS NO: PSC2017-00180**

MAY 2018 CASH AND INVESTMENTS

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 31 May 2018.

ATTACHMENTS

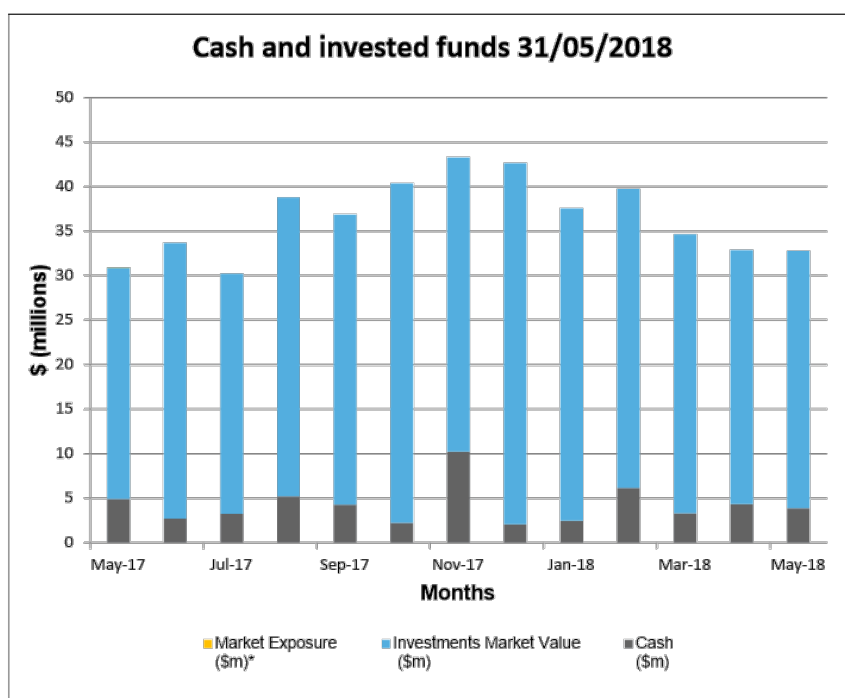
- 1) May 2018 Cash and Investments.

ITEM 1 - ATTACHMENT 1 MAY 2018 CASH AND INVESTMENTS.
CASH AND INVESTMENTS HELD AS AT 31 MAY 2018

| ISSUER | BROKER | RATING* | DESC. | YIELD % | TERM DAYS | MATURITY | AMOUNT INVESTED | MARKET VALUE |
|--|-------------|---------|-------|---------|-----------|-----------|-----------------|--------------|
| TERM DEPOSITS | | | | | | | | |
| AUSWIDE BANK LTD | CURVE | BBB | TD | 2.62% | 182 | 4-Jun-18 | 2,500,000 | 2,500,000 |
| NATIONAL AUSTRALIA BANK | RIM | AA- | TD | 2.07% | 33 | 12-Jun-18 | 1,000,000 | 1,000,000 |
| BANANA COAST CREDIT UNION | CURVE | NR | TD | 2.85% | 369 | 13-Jun-18 | 750,000 | 750,000 |
| COMMONWEALTH BANK | CBA | AA- | TD | 2.58% | 300 | 27-Jun-18 | 1,000,000 | 1,000,000 |
| SUNCORP | SUNCORP | A+ | TD | 2.61% | 210 | 3-Jul-18 | 1,500,000 | 1,500,000 |
| POLICE CREDIT UNION (SA) | FARQUHARSON | NR | TD | 2.75% | 218 | 13-Jul-18 | 600,000 | 600,000 |
| COMMONWEALTH BANK | CBA | AA- | TD | 2.55% | 356 | 25-Jul-18 | 2,250,000 | 2,250,000 |
| POLICE CREDIT UNION (SA) | FARQUHARSON | NR | TD | 2.90% | 365 | 2-Aug-18 | 750,000 | 750,000 |
| COMMONWEALTH BANK | CBA | AA- | TD | 2.61% | 361 | 27-Aug-18 | 1,000,000 | 1,000,000 |
| AMP BANK LTD | FIIG | A | TD | 2.60% | 205 | 19-Sep-18 | 1,500,000 | 1,500,000 |
| AUSTRALIAN MILITARY BANK | CURVE | NR | TD | 2.65% | 364 | 5-Oct-18 | 900,000 | 900,000 |
| COMMONWEALTH BANK | CBA | AA- | TD | 2.59% | 365 | 9-Oct-18 | 500,000 | 500,000 |
| AUSWIDE BANK LTD | FARQUHARSON | BBB | TD | 2.65% | 363 | 10-Oct-18 | 1,350,000 | 1,350,000 |
| AMP BANK LTD | CURVE | A | TD | 2.65% | 272 | 25-Oct-18 | 1,500,000 | 1,500,000 |
| COMMONWEALTH BANK | CBA | AA- | TD | 2.56% | 335 | 4-Nov-18 | 1,250,000 | 1,250,000 |
| AMP BANK | RIM | A+ | TD | 2.75% | 365 | 14-Nov-18 | 400,000 | 400,000 |
| CREDIT UNION AUSTRALIA | FARQUHARSON | BBB | TD | 2.65% | 349 | 29-Nov-18 | 1,000,000 | 1,000,000 |
| WESTPAC BANKING CORPORATION | WESTPAC | AA- | TD | 2.56% | 371 | 13-Dec-18 | 1,200,000 | 1,200,000 |
| COMMONWEALTH BANK | CBA | AA- | TD | 2.62% | 365 | 20-Dec-18 | 1,400,000 | 1,400,000 |
| BANANA COAST CREDIT UNION | IMPERIUM | NR | TD | 2.75% | 365 | 20-Dec-18 | 600,000 | 600,000 |
| WESTPAC BANKING CORPORATION | WESTPAC | AA- | TD | 2.64% | 363 | 23-Jan-18 | 2,000,000 | 2,000,000 |
| COMMONWEALTH BANK | CBA | AA- | TD | 2.63% | 365 | 2-Mar-19 | 1,000,000 | 1,000,000 |
| AMP BANK | RIM | A+ | TD | 2.75% | 365 | 14-May-19 | 1,000,000 | 1,000,000 |
| AMP BANK | IMPERIUM | A+ | TD | 2.95% | 370 | 29-May-19 | 1,000,000 | 1,000,000 |
| POLICE CREDIT UNION (SA) | RIM | NR | TD | 2.90% | 365 | 30-May-19 | 1,000,000 | 1,000,000 |
| SUB TOTAL (\$) | | | | | | | 28,950,000 | 28,950,000 |
| INVESTMENTS TOTAL (\$) | | | | | | | 28,950,000 | 28,950,000 |
| CASH AT BANK (\$) | | | | | | | 3,852,346 | 3,852,346 |
| TOTAL CASH AND INVESTMENTS (\$) | | | | | | | 32,802,346 | 32,802,346 |
| CASH AT BANK INTEREST RATE | | | | 1.75% | | | | |
| BBSW FOR PREVIOUS 3 MONTHS | | | | 2.03% | | | | |
| AVG. INVESTMENT RATE OF RETURN | | | | 2.64% | | | | |
| 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 1 MAY 2018 CASH AND INVESTMENTS.
CASH AND INVESTMENTS BALANCE

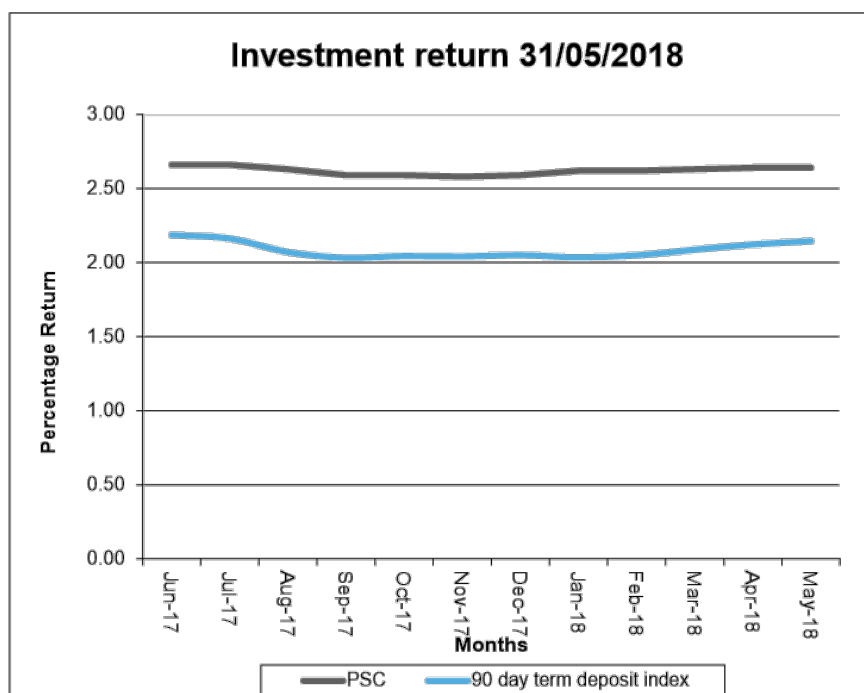
| Date | Cash (\$m) | Investments Market Value (\$m) | Market Exposure (\$m)* | Total Funds (\$m) |
|--------|------------|--------------------------------|------------------------|-------------------|
| May-17 | 4.894 | 26.014 | 0.003 | 30.912 |
| Jun-17 | 2.685 | 31.000 | - | 33.685 |
| Jul-17 | 3.232 | 27.000 | - | 30.232 |
| Aug-17 | 5.201 | 33.600 | - | 38.801 |
| Sep-17 | 4.271 | 32.600 | - | 36.871 |
| Oct-17 | 2.230 | 38.150 | - | 40.380 |
| Nov-17 | 10.214 | 33.050 | - | 43.264 |
| Dec-17 | 2.043 | 40.600 | - | 42.643 |
| Jan-18 | 2.472 | 35.100 | - | 37.572 |
| Feb-18 | 6.152 | 33.600 | - | 39.752 |
| Mar-18 | 3.296 | 31.350 | - | 34.646 |
| Apr-18 | 4.334 | 28.550 | - | 32.884 |
| May-18 | 3.852 | 28.950 | - | 32.802 |



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

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

| Date | 90 day term deposit index | PSC |
|--------|---------------------------|------|
| Jun-17 | 2.1860 | 2.66 |
| Jul-17 | 2.1627 | 2.66 |
| Aug-17 | 2.0703 | 2.63 |
| Sep-17 | 2.0324 | 2.59 |
| Oct-17 | 2.0442 | 2.59 |
| Nov-17 | 2.0411 | 2.58 |
| Dec-17 | 2.0501 | 2.59 |
| Jan-18 | 2.0356 | 2.62 |
| Feb-18 | 2.0492 | 2.62 |
| Mar-18 | 2.0877 | 2.63 |
| Apr-18 | 2.1224 | 2.64 |
| May-18 | 2.1454 | 2.64 |



ITEM NO. 2

**FILE NO: 18/119277
EDRMS NO: PSC2018-01339**

ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST RETURNS 2018-2019

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

BACKGROUND

The purpose of this report is to advise Council of the persons designated for the submission of Pecuniary Interest Returns for the period 1 July 2018 to 30 June 2019.

Councillors

Mayor Ryan Palmer
Cr Jaimie Abbott
Cr Giacomo Arnott
Cr Christopher Doohan
Cr Glen Dunkley
Cr Kenneth Jordan
Cr Paul Le Mottee
Cr John Nell
Cr Sarah Smith
Cr Steve Tucker

General Manager's Office

General Manager
Governance Manager
Legal Services Manager
Lawyer

Corporate Services Group

Business Systems Support Section Manager
Facilities Coordinator
Financial Services Section Manager
Group Manager Corporate Services
Holiday Parks Operations Manager
Investment and Asset Manager
Land Acquisition and Development Manager
Marketing and Promotions Manager
Organisation Development Section Manager
Property Development Coordinator
Property Officer

Property Services Section Manager

Development Services Group

Building and Developer Relations Coordinator
Bushland Management Officer
Cadet Environmental Health Officer
Cadet Planner
Communication Section Manager
Development Assessment and Compliance Section Manager
Development Compliance Officer
Development Contributions Officer
Development Planner (3)
Economic Development Project Officer
Environment Health and Compliance Project Officer
Environmental Health and Compliance Coordinator
Environmental Health Officer (2)
Environmental Health Team Leader
Group Manager Development Services
Health and Building Surveyor (5)
Natural Resources Coordinator
Planning and Developer Relations Coordinator (2)
Principal Strategic Planner
Ranger (3)
Ranger Team Leader Ranger and Compliance
Ranger Team Leader and Compliance
Senior Building Surveyor (3)
Senior Development Planner (2)
Principal Planner
Senior Environmental Health Officer
Environmental Health Officer
Senior Environmental Planner
Senior Health and Building Survey Fire Safety
Senior Health and Building Surveyor Swim
Senior Ranger
Senior Social Planning Officer
Senior Strategic Planner (2)
Social Planning Officer
Strategic Planner (4)
Strategic Planning Coordinator
Strategy and Environment Section Manager
Economic Development and Tourism Coordinator
Vegetation Management Officer
Waste Compliance and Strategy Coordinator

Facilities & Services Group

Assets Section Manager
Building Trades Coordinator
Building Trades Team Leader Carpentry
Building Trades Team Leader Electrical
Building Trades Team Leader Painting
Building Trades Team Leader Plumbing
Capital Works Section Manager
Childrens Services Coordinator
Civil Assets Planning Manager (2)
Civil Projects Engineer
Community and Recreation Asset Officer
Community and Recreation Coordinator
Community Services Section Manager
Coordinator - Roadside and Drainage
Development Engineer (2)
Engineering Services Manager
Facilities and Services Officer (4)
Fleet and Depot Services Coordinator
Fleet Management Supervisor
Group Manager Facilities and Services
Library Services Manager
Parks Programs Coordinator
Public Domain and Services Manager
Roads Maintenance Supervisor
Senior Community and Recreation Planning Officer
Senior Development Engineer
Senior Drainage and Flooding Engineer
Traffic Engineer
Waste Management Coordinator

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 18/123868
EDRMS NO: PSC2017-00019**

PROPOSED SALE OF 109 FORESHORE DRIVE, SALAMANDER BAY

COUNCILLOR: RYAN PALMER

THAT COUNCIL:

- 1) Sell the parcel of land located at 109 Foreshore Drive, Salamander Bay with the proceeds of the sale going to the Tomaree Sports Complex Masterplan.
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|--|---|
| | The Mayor withdrew Notice of Motion Item 1 from the agenda. |
|--|---|

**BACKGROUND REPORT OF: CARMEL FOSTER – GROUP MANAGER
CORPORATE SERVICES**

BACKGROUND

This Notice of Motion is re-presented to Council following its deferral pending community consultation at the Council meeting held on 22 May 2018.

In accordance with the Code of Meeting Practice and the Council resolution of 22 May 2018 (**ATTACHMENT 1**), a formal resolution is required to finalise the Notice of Motion, should it be withdrawn or otherwise.

The Mayor has advised of his intention to withdraw the Notice of Motion.

The recent community engagement program undertaken received significant interest from the community.

Council heavily promoted an online survey, via its online communication tool – EngagementHQ, which was well supported by a broad cross section of the community. Additionally, Council received a number of written submissions and other related correspondence via a number of sources.

In total, Council received 271 survey responses, 226 copies of a pro forma letter, a petition containing 366 signatures and 35 individual written submissions.

The survey responses resulted in 172 responses against the selling of the land and 94 responses supporting its sale.

All 226 pro forma letters were opposed to the land sale, as were 365 signatures, with a lone signatory in support.

Of the 35 written submissions, all were opposed to the sale of the land.

A Summary of Submissions received from the community is shown at **(ATTACHMENT 2)**.

Lot 95 DP26610 at 109 Foreshore Drive, Salamander Bay, is a stand-alone parcel and was created along with 55 other lots in DP26610 along Foreshore Drive (formerly known as Soldiers Point Road) when the Plan of Subdivision was registered on 6 March 1956. It was first surveyed in July 1944, when the road was dedicated to the public. A Detail Survey Plan is shown at **(ATTACHMENT 3)**.

The allotment of land adjoining Lot 95 is part of a larger parcel of land running along the entire frontage of the newly created lots, providing public access to the waterfront and shown on the Plan of Subdivision as "Public Garden Recreation Space". This larger parcel of land also includes seven additional access points provided to the public from Foreshore Drive to the waterfront.

The earliest edition of the Certificate of Title showing the Estate in Fee Simple being the owner of Lot 95 as The Council of the Shire of Port Stephens was issued on 18 November 1977. This indicates that the ownership of this particular parcel of land has been in Council hands for circa 41 years.

When the *Local Government Act* was enacted in 1993 (Local Government Act), the land was classified as "Operational" and has remained that way for the past 25 years.

Under Council's Acquisition and Divestment of Land Policy, land deemed to be surplus includes all real property whether vacant or improved. Land may not be sold by Council unless it is classified as "Operational Land" under section 25 of the Local Government Act.

Section 377 (1) (h) of the Local Government Act requires a specific resolution of Council to dispose of land. The decision cannot be delegated.

At least one formal market valuation undertaken by a valuer, registered to value such property, is required to be commissioned prior to all property divestments.

If Council resolves to sell the parcel of land, a valuation will be obtained, a Contract for Sale will be prepared and the property will be advertised for sale through Real Commercial.

ATTACHMENTS

- 1) Resolution of Council 22 May 2018.
- 2) Summary of Submissions.
- 3) Detail Survey Plan.

MINUTES ORDINARY COUNCIL - 22 MAY 2018**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 18/95905****EDRMS NO: PSC2017-00019****PROPOSED SALE OF 109 FORESHORE DRIVE, SALAMANDER BAY****COUNCILLOR: RYAN PALMER****THAT COUNCIL:**

- 1) Sell the parcel of land located at 109 Foreshore Drive, Salamander Bay with the proceeds of the sale going to the Tomaree Sports Complex Masterplan.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

| | |
|--|---|
| | Mayor Ryan Palmer Councillor Ken Jordan That Council sell the parcel of land located at 109 Foreshore Drive, Salamander Bay with the proceeds of the sale going to the Tomaree Sports Complex Masterplan. |
|--|---|

**ORDINARY COUNCIL MEETING - 22 MAY 2018
AMENDMENT**

| | |
|------------|--|
| 141 | Councillor Giacomo Arnott Councillor John Nell It was resolved that Council defer Notice of Motion item 1 for a site inspection and conduct public consultation. |
|------------|--|

The amendment on being put became the motion, which was put and carried.

**BACKGROUND REPORT OF: CARMEL FOSTER – GROUP MANAGER
CORPORATE SERVICES**

MINUTES ORDINARY COUNCIL - 22 MAY 2018**BACKGROUND**

Lot 95 DP26610 at 109 Foreshore Drive, Salamander Bay (**white area in ATTACHMENT 1**), is a stand-alone parcel and was created along with 55 other lots in DP26610 along Foreshore Drive (formerly known as Soldiers Point Road) when the Plan of Subdivision (**ATTACHMENT 2**) was registered on 6 March 1956. It was first surveyed in July 1944, when the road was dedicated to the public.

The allotment of land adjoining Lot 95 is part of a larger parcel of land running along the entire frontage of the newly created lots, providing public access to the waterfront and shown on the Plan of Subdivision as "Public Garden Recreation Space". This larger parcel of land also includes seven additional access points provided to the public from Foreshore Drive to the waterfront. The access points are identified by white circles (**ATTACHMENT 3**).

The earliest edition of the Certificate of Title showing the Estate in Fee Simple being the owner of Lot 95 as The Council of the Shire of Port Stephens was issued on 18 November 1977. This indicates that the ownership of this particular parcel of land has been in Council hands for circa 41 years.

When the *Local Government Act* was enacted in 1993 (Local Government Act), the land was classified as "Operational" and has remained that way for the past 25 years.

Under Council's Acquisition and Divestment of Land Policy, land deemed to be surplus includes all real property whether vacant or improved. Land may not be sold by Council unless it is classified as "Operational Land" under section 25 of the Local Government Act.

Section 377 (1) (h) of the Local Government Act requires a specific resolution of Council to dispose of land. The decision cannot be delegated.

At least one formal market valuation undertaken by a valuer, registered to value such property, is required to be commissioned prior to all property divestments.

If Council resolves to sell the parcel of land, a valuation will be obtained, a Contract for Sale will be prepared and the property will be advertised for sale through Real Commercial.

ATTACHMENTS

- 1) Locality Map.
- 2) Plan of Subdivision.
- 3) Access Points.



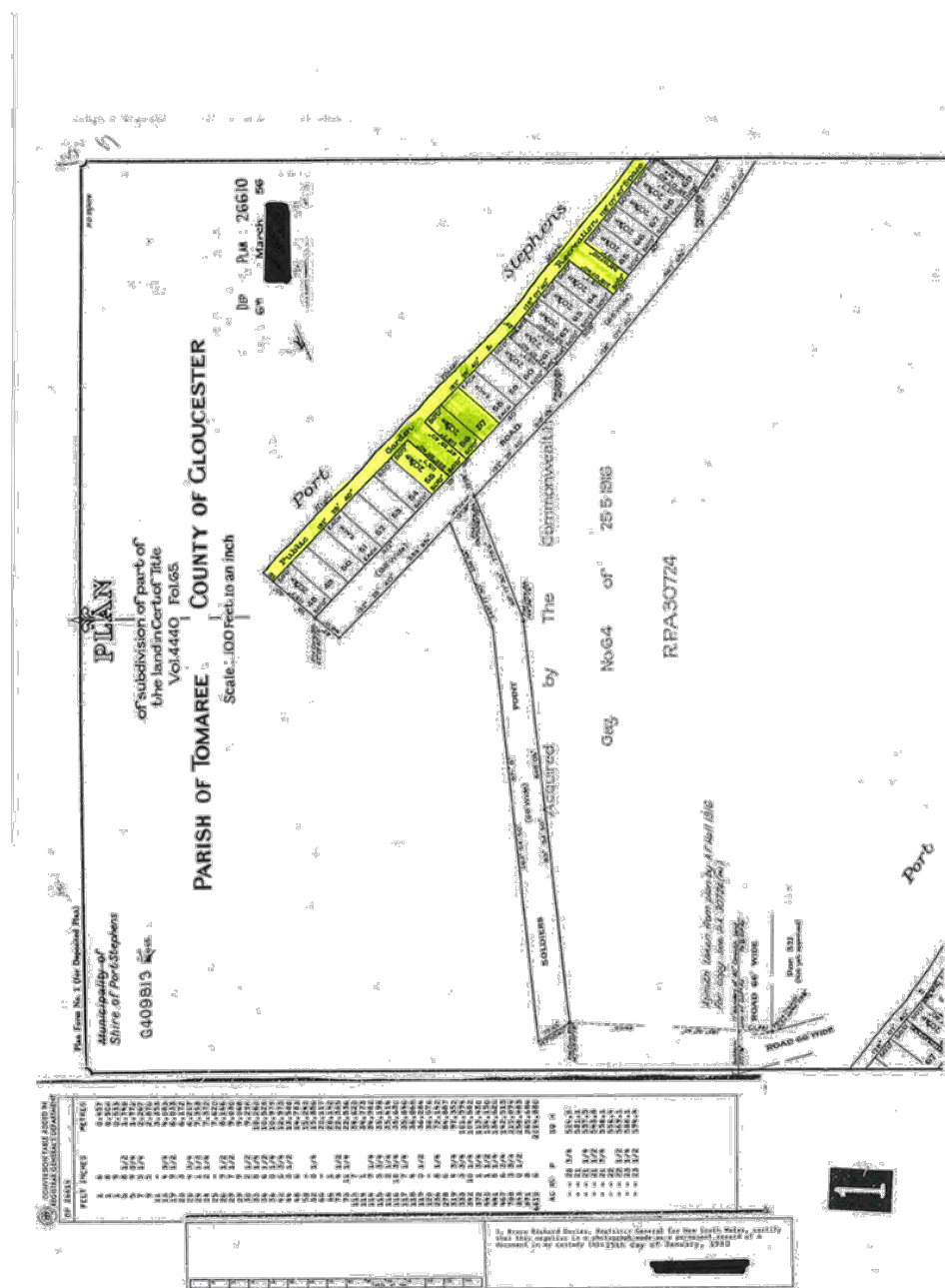
ITEM 1 - ATTACHMENT 1

RESOLUTION OF COUNCIL 22 MAY 2018.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

ITEM 1 - ATTACHMENT 2

PLAN OF SUBDIVISION.



MINUTES ORDINARY COUNCIL - 26 JUNE 2018

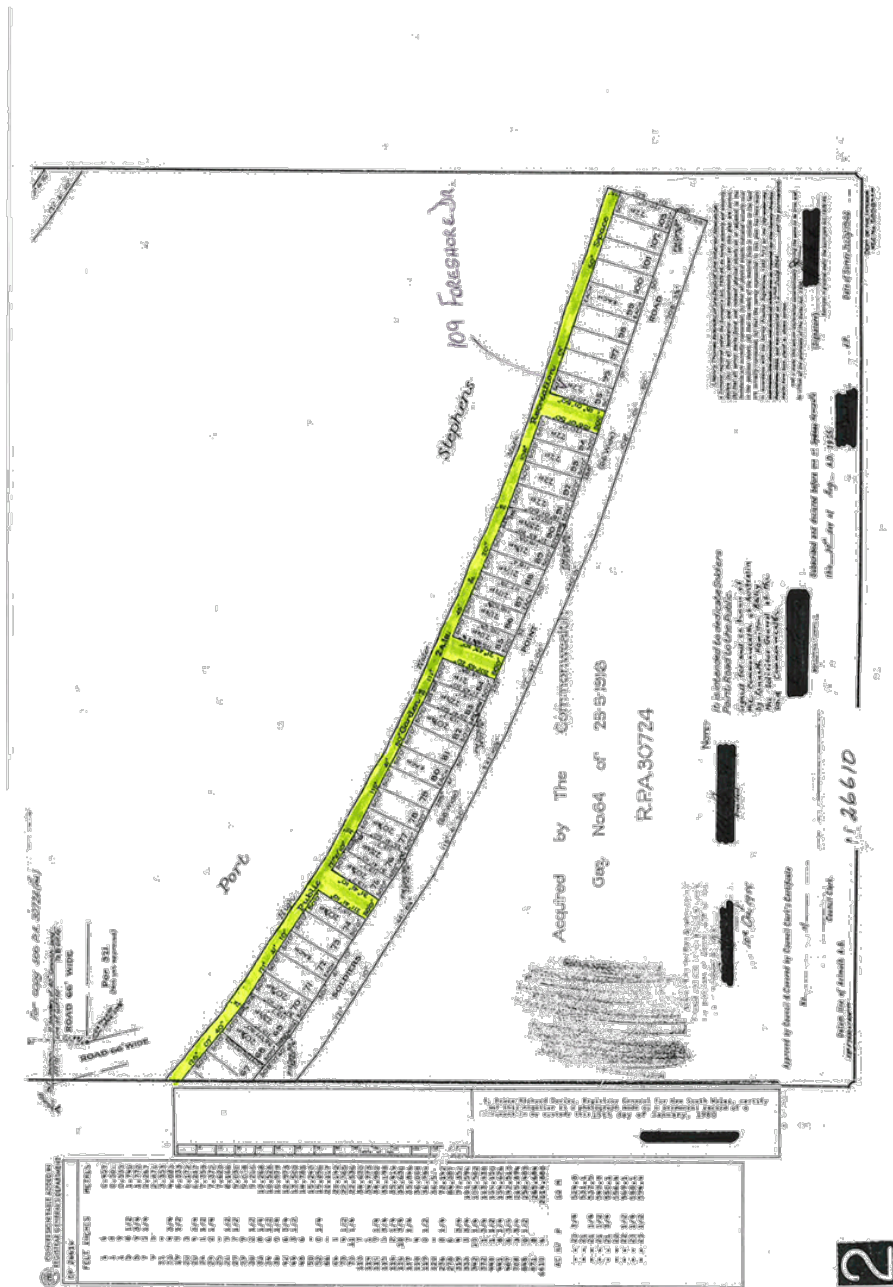
ITEM 1 - ATTACHMENT 1

RESOLUTION OF COUNCIL 22 MAY 2018.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

ITEM 1 - ATTACHMENT 2

PLAN OF SUBDIVISION.





ITEM 1 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.**Submission Summary**

Notice of Motion – Proposed Sale of 109 Foreshore Drive, Salamander Bay

| Received from | Issues raised | Response |
|---|--|---|
| 226 Port Stephens Residents | <p>A pro forma letter was received outlining the following objections to the sale:</p> <p>This block is used year-round by families, dog walkers, kayakers, fishermen and swimmers, providing access to Salamander Bay for everyone, especially those needing safe parking, eg families with young children, the disabled and elderly.</p> <p>It is an important green corridor for koalas and other wildlife that wander over from Mambo Wetlands and through to the beach.</p> <p>If sold, only one privileged individual will use this block which has been used by hundreds of residents and holidaymakers for more than 30 years. This land is so close to Mambo Wetlands and that's why koalas as well as locals frequent the area. We want it classified for community use.</p> <p>The environment and community value of this land, once lost can never be replaced.</p> | The issues raised have been reviewed and referred to the appropriate section. |
| Petition from Mambo-Wanda Wetlands Conservation Group | <p>The petition asked:</p> <p>Do you agree with the</p> | The contents of the petition have been noted and referred to the |

ITEM 1 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.

| | | |
|-----------|--|---|
| | <p>sale of 109 Foreshore Drive, Salamander Bay, with profits of the sale being allocated to the Tomaree Sports Complex redevelopment?</p> <p>Yes – 1 signature No – 365 signatures</p> | appropriate section. |
| Residents | <p>Area known to be inhabited by koalas. Concerns around land being flood prone.</p> | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | <p>Removal of community recreational area. Restricted access to beach. Area known to be inhabited by koalas.</p> | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | <p>Sale proceeds would not contribute a viable amount towards Sports Complex. Removal of trees. Land provides off street parking for community. Area known to be inhabited by koalas. Lack of community awareness.</p> | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | <p>Area known to be inhabited by koalas/interference to koala habitat.</p> | The issues raised have been reviewed and referred to the appropriate section. |
| Residents | <p>Concerns for flora and fauna/wildlife corridor on site. Concerns around land being flood prone. Removal of community recreational area.</p> | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | <p>Removal of community recreational area. No community consultation. Relocation of standpipe and associated roadworks. Reduced access and usage.</p> | The issues raised have been reviewed and referred to the appropriate section. |

ITEM 1 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.

| | | |
|-----------|---|---|
| Resident | Concerns about koala population/habitat. | The issues raised have been reviewed and referred to the appropriate section. |
| Residents | Concerns about koala population/habitat. Objection to sale. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Removal of community recreational area. Concerns about koala population/habitat. Restricted access to beach. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Copy of the Member for Port Stephens' Facebook post advising of the issue and encouraging people to write a submission. | Noted. |
| Resident | Removal of koala habitat. Land should be reclassified to Community Land. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Removal of community recreational area. Concerns about koala population/habitat. Restricted access to beach. Removal of trees. Relocation of stormwater drain and associated costs. Cosmetics of area. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Concerns about flora and fauna present on site. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Concerns about koala population/habitat. Removal of community recreational area. Concerns around land being flood prone. Sale proceeds would not contribute a viable amount towards Sports Complex. Impact on tourists/visitor numbers to the area. | The issues raised have been reviewed and referred to the appropriate section. |

ITEM 1 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.

| | | |
|----------|--|---|
| Resident | Concerns about koala population/habitat. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Concerns around neighbouring parcels being reclassified and sold. Restricted access to beach. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Removal of community recreational area. Concerns around wildlife on site. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Impact on sale of property due to sale of site. | The issue raised has been reviewed and referred to the appropriate section. |
| Resident | Concerns around drainage easement and flooding on site.- Site is a wildlife corridor. Priority should be given to reconstruct and repair roads in the LGA. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Removal of community recreational area. Lack of community consultation. Sale will restrict access to waterfront. Committing of funds to a project that has no DA and is unfunded. Sale proceeds would not contribute a viable amount towards Sports Complex. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Concerns about koala population/habitat. Sale will impede view of waterfront. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Removal of community recreational area. Concerns about koala population/habitat. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Contribution to a "proposed" and "unfunded" Sports Complex. | The issues raised have been reviewed and referred to the appropriate section. |

ITEM 1 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.

| | | |
|----------|--|---|
| | Restricted access to beach. Concerns about koala population/habitat. | |
| Resident | Sale proceeds would not contribute a viable amount towards Sports Complex. Reduction in "green spaces" along the coast. Concerns around koala habitat. Block unsuitable for development due to proximity to sea level. Compliance with NSW Government guidelines when developing in coastal areas. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Removal of community asset. Removal of safe parking for community. Concern about fauna inhabiting the area. Reclassify land to Community Land. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Concerns around koala habitat/corridor. Funds should not be used for capital works. Removal of community asset. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Concern on the back of sale of Mambo Wetlands. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Area known as habitat for koalas. Concerns around flora and fauna on site. Sale will impede view of waterfront. Removal of community recreational area. | The issues raised have been reviewed and referred to the appropriate section. |

ITEM 1 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.

| | | |
|---|--|---|
| Resident | Land is used as a park on a daily basis. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Concern on the back of sale of Mambo Wetlands. | The issues raised have been reviewed and referred to the appropriate section. |
| Residents | Land used to access the waterfront. Concern around koalas inhabiting the area. Concerns around drainage and flooding on site. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Land provides access to waterfront for residents, visitors and koalas. Reclassify land as Community Land. | The issues raised have been reviewed and referred to the appropriate section. |
| Resident | Concerns around flooding on site. Land is a koala corridor. Land is used as a recreational space. Rezone to Community Land. | The issues raised have been reviewed and referred to the appropriate section. |
| Tomaree Residents and Ratepayers Association Inc. | Access to waterfront for residents. Important corridor for koala population. Valuable view corridor from the passing road network. Natural open space with potential for recreational facilities. Site is unsuitable for development. Concerns regarding drainage and clearing of vegetation. Sale proceeds would not contribute a viable amount towards Sports Complex. | The issues raised have been reviewed and referred to the appropriate section. |
| Mambo Wetlands Conservation Group | Non-compliance with Council's provisional Environment Policy. Non-compliance with | The issues raised have been reviewed and referred to the appropriate section. |

ITEM 1 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.

| | |
|--|--|
| | <p>State Government policy as expressed in the Lower Hunter Regional Strategy (LHRS) 2006-31. Non-compliance with the latest State Government Coastal Protection Legislation. Council's potential sale of 109 Foreshore Drive compromises the State Government attempts to buy back Mambo.</p> |
|--|--|



NOTICE OF MOTION**ITEM NO. 2****FILE NO: 18/123883
EDRMS NO: PSC2017-00019****RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY****COUNCILLOR: JOHN NELL**

THAT COUNCIL:

- 1) Request the General Manager to reclassify Lot 95 in Deposited Plan 26610 at 109 Foreshore Drive, Salamander Bay, directly opposite the Mambo Wetland, from Operational to Community Land.
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|--|---|
| | Councillor John Nell Councillor Giacomo Arnott That Council request the General Manager to reclassify Lot 95 in Deposited Plan 26610 at 109 Foreshore Drive, Salamander Bay, directly opposite the Mambo Wetland, from Operational to Community Land. |
|--|---|

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
AMENDMENT**

| | |
|------------|---|
| 185 | Councillor Steve Tucker Councillor Chris Doohan It was resolved to defer Notice of Motion 2 for a period of 12 months to explore funding options for the Tomaree Sports Complex Masterplan. |
|------------|---|

The amendment on being put became the motion, which was put and carried.

**BACKGROUND REPORT OF: CARMEL FOSTER – CORPORATE SERVICES
GROUP MANAGER****BACKGROUND**

This Notice of Motion has been reported back to Council following the deferral at its meeting on 22 May 2018.

Council received a number of written submissions and other related correspondence in relation to the sale and reclassification of this property which are documented in the summary of submissions attached to Notice of Motion Item 1 Proposed Sale of 109 Foreshore Drive, Salamander Bay.

Lot 95 DP26610 at 109 Foreshore Drive, Salamander Bay is a stand-alone parcel of 557 sq. metres in area (**white area page 3 in ATTACHMENT 1**). It is classified "Operational Land" and zoned Residential R2. The parcel was created along with 55 other lots in DP26610 along Foreshore Drive (formally known as Soldiers Point Road) when the Plan of Subdivision was registered on 6 March 1956. It was first surveyed in July 1944, when the road was dedicated to the public.

Lot 104 DP26610 at 29 Foreshore Drive is classified as "Community Land", is zoned Public Recreation RE1 and comprises a total land area of 7,590 sq. metres. Part of this parcel adjoins Lot 95 and continues along the entire frontage of the 55 Lots in this subdivision. It is recorded on the Plan of Subdivision as "Public Garden Recreation Space". It is also identified on the Council GIS system as the "Bob Cairns Reserve". Further to the East is another significant parcel of "Community Land" and identified as the "Joe Redman Reserve".

ATTACHMENTS

- 1) Council Resolution 22 May 2018.

MINUTES ORDINARY COUNCIL - 22 MAY 2018**NOTICE OF MOTION****ITEM NO. 2****FILE NO: 18/98922****EDRMS NO: PSC2017-00019****RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY****COUNCILLOR: JOHN NELL****THAT COUNCIL:**

- 1) Request the General Manager to reclassify Lot 95 in Deposited Plan 26610 at 109 Foreshore Drive, Salamander Bay, directly opposite the Mambo Wetland, from Operational to Community Land.

**ORDINARY COUNCIL MEETING - 22 MAY 2018
MOTION**

| | |
|------------|--|
| 142 | Councillor John Nell Councillor Giacomo Arnott It was resolved that Council defer Notice of Motion item 2. |
|------------|--|

**BACKGROUND REPORT OF: CARMEL FOSTER – CORPORATE SERVICES
GROUP MANAGER****BACKGROUND**

Lot 95 DP26610 at 109 Foreshore Drive, Salamander Bay is a stand-alone parcel of 557 sq. metres in area (**white area in ATTACHMENT 1**). It is classified "Operational Land" and zoned Residential R2. The parcel was created along with 55 other lots in DP26610 along Foreshore Drive (formally known as Soldiers Point Road) when the Plan of Subdivision was registered on 6 March 1956. It was first surveyed in July 1944, when the road was dedicated to the public.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

Lot 104 DP26610 at 29 Foreshore Drive is classified as "Community Land", is zoned Public Recreation RE1 and comprises a total land area of 7,590 sq. metres. Part of this parcel adjoins Lot 95 and continues along the entire frontage of the 55 Lots in this subdivision. It is recorded on the Plan of Subdivision as "Public Garden Recreation Space". It is also identified on the Council GIS system as the "Bob Cairns Reserve". Further to the East is another significant parcel of "Community Land" and identified as the "Joe Redman Reserve".

ATTACHMENTS

- 1) Locality Map.



NOTICE OF MOTION**ITEM NO. 3****FILE NO: 18/115346
EDRMS NO: PSC2014-01123****PORT STEPHENS INTERNATIONAL WOMEN'S DAY SCHOLARSHIP****COUNCILLOR: SARAH SMITH**

THAT COUNCIL:

- 1) To celebrate 2019 International Women's Day, contribute \$1,000 from each Ward Fund, to provide three scholarships of \$1,000 each for women aged 16 and older in the Port Stephens Local Government Area.
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|------------|--|
| 186 | Councillor Sarah Smith Councillor Jaimie Abbott It was resolved that Council celebrate 2019 International Women's Day, contribute \$1,000 from each Ward Fund, to provide three scholarships of \$1,000 each for women aged 16 and older in the Port Stephens Local Government Area. |
|------------|--|

**BACKGROUND REPORT OF: STEPHEN CROWE – COMMUNICATIONS
SECTION MANAGER****BACKGROUND**

The inaugural Port Stephens International Women's Day (IWD) scholarship program was held in 2018. The program was well received, with scholarships announced on International Women's Day at the Salamander Bay Rotary Club IWD lunch.

This program was initially proposed by former Councillor Sally Dover and was designed to encourage women in the Port Stephens Local Government Area (LGA) to achieve their goals and to support their valuable contribution to our communities.

It is proposed to offer three scholarships of \$1,000 each for women across arts and culture, environment, business, community, health and sport – during 2019.

The awardees would again be announced at the Salamander Bay Rotary Club IWD lunch on Friday 8 March 2019.

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 4****FILE NO: 18/130741
EDRMS NO: PSC2017-00019****PAID PARKING - VICTORIA PARADE, NELSON BAY****COUNCILLOR: RYAN PALMER**

THAT COUNCIL:

- 1) That Council provide free and untimed parking along Victoria Parade, Nelson Bay outside of peak periods and weekends. This excludes the off street parking which would remain paid and timed.
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|------------|--|
| 187 | Mayor Ryan Palmer Councillor Sarah Smith It was resolved that Council provide free and untimed parking along Victoria Parade, Nelson Bay outside of peak periods and weekends. This excludes the off street parking which would remain paid and timed. |
|------------|--|

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER**BACKGROUND**

The parking meters along Nelson Bay Foreshore were installed to help promote vehicular turnover and to raise income to fund Nelson Bay CBD maintenance and additional foreshore infrastructure.

The income gained in 2016-2017 was \$490,000 and the predicted income for 2017-2018 is \$600,000. It should be noted that some of the parking meters are on Crown land and this income is required to be spent on NSW crown lands, such as those under care and control of Council.

The proposed fees and charges recently advertised through the Community Strategic Plan are proposed as:

Off-Peak A - 4P & 8P \$3.00 per hour Monday to Friday.

Off-Peak B - 4P & 8P \$4.00 per hour Saturday, Sunday and Public Holidays.

| |
|--|
| MINUTES ORDINARY COUNCIL - 26 JUNE 2018 |
|--|

Peak - 4P & 8P \$4.00 per hour Monday to Sunday for the period 00:00am 27 December – 00:00am 26 January.

Under this proposed Notice of Motion, the Off-Peak A would be no longer applicable. This would result in a loss of revenue of approximately \$30-40K per annum.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 5

**FILE NO: 18/131592
EDRMS NO: PSC2017-00019**

MULTI STOREY CAR PARK, NELSON BAY CBD

COUNCILLOR: RYAN PALMER
JOHN NELL
GLEN DUNKLEY
SARAH SMITH
JAIMIE ABBOTT

THAT COUNCIL:

- 1) Prepare a report into the feasibility of building a multi storey car park within the Nelson Bay CBD, incorporating commercial development.
-

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

| | |
|------------|---|
| 188 | Mayor Ryan Palmer Councillor Glen Dunkley It was resolved that Council prepare a report into the feasibility of building a multi storey car park within the Nelson Bay CBD, incorporating commercial development. |
|------------|---|

BACKGROUND REPORT OF: JOHN MAREITCH – ASSET SECTION MANAGER

BACKGROUND

The indicative desktop estimate to build a multistorey car park for 200 spaces is at a minimum \$8,000,000.

This figure is based on the site being ready for construction and does not include any joint use such as any commercial development.

The impact that the joint commercial development and any method of recoupment of capital costs will need to be examined.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 6

**FILE NO: 18/132667
EDRMS NO: PSC2017-00019**

AUSTRALIAN BROADCASTING CORPORATION (ABC)

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Recognise the unique role that ABC Newcastle and ABC Upper Hunter play as community resources in the daily lives of all Hunter residents.
 - 2) Acknowledge the role that the ABC plays as the Hunter's emergency network in times of disaster such as the April 2015 super storm.
 - 3) Acknowledge that the ABC holds a unique place as one of the great institutions of Australia's way of life and that it does so because it is a public broadcaster owned by the nation as a public service.
 - 4) Acknowledge that for the ABC to continue to play this central role in the lives of ordinary Australians – and particularly – the residents of Port Stephens, it is essential that the ABC remain in public hands.
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**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

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| 189 | Councillor Giacomo Arnott Councillor John Nell It was resolved that Council: <ol style="list-style-type: none">1) Acknowledge that the Prime Minister has committed to keeping the ABC in public ownership.2) Recognise the unique role that ABC Newcastle and ABC Upper Hunter play as community resources in the daily lives of all Hunter residents.2) Acknowledge the role that the ABC plays as the Hunter's emergency network in times of disaster such as the April 2015 super storm.3) Acknowledge that the ABC holds a unique place as one of the great institutions of Australia's way of life and that it does so because it is a public broadcaster owned by the nation as a public service.4) Acknowledge that for the ABC to continue to play this central role in the lives of ordinary Australians – and particularly – the residents of Port Stephens, it is essential that the ABC remain in public hands. |
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**BACKGROUND REPORT OF: STEPHEN CROWE – COMMUNICATIONS
SECTION MANAGER**

BACKGROUND

The Australian Broadcasting Corporation (ABC) is Australia's public broadcaster, funded by the federal government but independent of Government or politics. For more than 85 years, the ABC has been providing the Australian public with free and independent journalism across a growing range of platforms, from radio and television to online, mobile and social media.

ABC Newcastle, was the first regional station in Australia outside a capital city, while ABC Upper Hunter began broadcasting in 1964. On a daily basis, both stations provide the Hunter community with up-to-date and locally produced news, weather, traffic, rural information and features, and continue to be valued by a large number of listeners.

In recent times, the ABC has also established itself as the emergency broadcaster, providing critical information to communities during times of flood, fire, storms and more.

In the Hunter region, this was particularly evident during the 'Pasha Bulker' storm of 2008 and the 'April Super Storm' of 2015, where the ABC became a central point for the State Emergency Service to disseminate life-saving information.

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the *Local Government Act 1993*, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 26 JUNE 2018 MOTION

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| 190 | Councillor Paul Le Mottee Councillor Chris Doohan It was resolved that Council move into confidential session. |
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The following Council officers were present for the Confidential Session:

Stephen Crowe, Communications Manager
Kate Bennett, Public Relations and Marketing Coordinator
Norm Barnes, Property Development Coordinator - left the meeting after confidential item 1.

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 18/14020
EDRMS NO: PSC2016-03339**

PROPOSED SALE OF LOTS 8 AND 9, 155 SALAMANDER WAY, SALAMANDER BAY

**REPORT OF: PETER MOELLER - INVESTMENT AND ASSET MANAGER
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

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| 191 | <p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Rescind the resolution to sell Proposed Lot 403, 155 Salamander Way, Salamander Bay Item No. 1 Minute No. 373 dated 13 December 2016.2) Resolves to sell Proposed Lots 8 and 9 in Council's commercial land subdivision at 155 Salamander Way, Salamander Bay on the confidential terms and conditions disclosed in this report.3) Authorise the General Manager to negotiate variations to contract conditions as required, excluding the sale price of the lots.4) Authorise the Mayor and the General Manager to affix the Council Seal and sign all documents necessary to exchange contracts and settle the sales. |
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MINUTES ORDINARY COUNCIL - 26 JUNE 2018**CONFIDENTIAL****ITEM NO. 2****FILE NO: 18/126403
EDRMS NO: A2004-0888****LEASE - 113 BEAUMONT STREET, HAMILTON****REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER****GROUP: CORPORATE SERVICES****ORDINARY COUNCIL MEETING - 26 JUNE 2018
MOTION**

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| 192 | Councillor Chris Doohan Councillor Glen Dunkley It was resolved that Council: <ol style="list-style-type: none">1) Note the new Lease Agreement for 113 Beaumont Street, Hamilton by the Commonwealth Bank of Australia.2) Authorise the Mayor and General Manager to sign and affix the Seal of Council to the lease documentation, including documentation relating to any further option periods following execution of the lease documents by the tenants. |
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**ORDINARY COUNCIL MEETING – 26 JUNE 2018
MOTION**

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| 193 | Councillor Giacomo Arnott Councillor Steve Tucker It was resolved that Council move out of confidential session. |
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There being no further business the meeting closed at 7.45pm.