

DRAFT

MINUTES – 28 AUGUST 2018



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 28 August 2018, commencing at 5.59pm.

PRESENT: Mayor R Palmer, Councillors J Abbott, G Arnott, 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 Section Manager.

258	Councillor Ken Jordan Councillor Giacomo Arnott It was resolved that the apology from Cr Chris Doohan be received and noted.
259	Councillor Jaimie Abbott Councillor Glen Dunkley It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 14 August 2018 be confirmed.

Cr Dunkley declared a less than significant non-pecuniary conflict of interest in Item 1. The nature of the interest is Cr Dunkley is a neighbour to a party involved in the site.

Cr Le Mottee declared a pecuniary conflict of interest in Item 1 and 2. The nature of the interest in Item 1 is that the Le Mottee Group prepared the planning proposal for the owner, and in Item 2, Cr Le Mottee acted as the spokesperson for SAFE EARS, this is a ten year program.

Cr Abbott declared a significant non-pecuniary conflict of interest in Item 2 and Information Paper 1. The nature of the interest is Cr Abbott's employment with the Department of Defence.

Cr Arnott declared a pecuniary conflict of interest in Item 2. The nature of the interest is as a property owner in the 2012 mapping zone.

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MAYORAL MINUTES

MAYORAL MINUTE**ITEM NO. 1****FILE NO: 18/188746
EDRMS NO: PSC2015-01024****SALT ASH BUSHFIRE**

THAT COUNCIL:

- 1) Acknowledge the tremendous efforts of the emergency services in their response to the recent Salt Ash bushfire that significantly impacted on the Tilligerry Peninsula from 17 to 20 August 2018.
-

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

260	Mayor Ryan Palmer Councillor Giacomo Arnott It was resolved that Council acknowledge the tremendous efforts of the emergency services in their response to the recent Salt Ash bushfire that significantly impacted on the Tilligerry Peninsula from 17 to 20 August 2018.
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BACKGROUND

On the morning of Friday 17 August 2018 a bushfire was identified burning in bushland in between Salt Ash and Oyster Cove townships.

By the end of the weekend, the fire had burnt over 2,000 hectares of the Tilligerry Peninsula and had impacted the townships of Salt Ash, Oyster Cove, Tanilba Bay, Mallabula and Lemon Tree Passage.

Through the outstanding efforts of the emergency services, including the NSW Rural Fire Service, NSW Fire and Rescue, National Parks & Wildlife Service and NSW Police, there was no loss of life and the only reported property damage was that of a caravan at the Tanilba Bay Golf Club.

The actions of several community organisations also need to be acknowledged. This includes the Tilligerry RSL and Club Lemon Tree who provided support to visitors who were isolated at Tanilba Bay and Lemon Tree Passage when Lemon Tree Passage Road was closed due to the fire; the Salt Ash Church of Christ which provided support to residents unable to return home due to closure of Lemon Tree Passage Road, and the numerous other businesses and community members who provided much needed assistance in supporting those in need.

Special thanks must also be passed on to the Newcastle Football Association, Tilligerry and Medowie Football Clubs for their assistance in ensuring that scheduled finals matches were able to be relocated and played out as scheduled.

Appreciation is also expressed to the many staff of Port Stephens Council who assisted the emergency services over the course of the fire event.

ATTACHMENTS

Nil.

MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 18/178833
EDRMS NO: PSC2016-03581**

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 1 on the Ordinary agenda namely **795 Medowie Road, Medowie**.
- 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 - 28 AUGUST 2018
MOTION**

261	<p>Councillor Ken Jordan Councillor Giacomo Arnott</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 1 on the Ordinary agenda namely 795 Medowie Road, Medowie.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

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

Councillor Glen Dunkley left the meeting at 6:10pm, in Open Council.
Councillor Paul Le Mottee left the meeting at 6:10pm, in Open Council.

ITEM NO. 1

FILE NO: 18/158167
EDRMS NO: 58-2017-12-1

PLANNING PROPOSAL 95A AND 97 STOCKTON STREET, NELSON BAY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (dated 29 May 2018) (**TABLED DOCUMENT**) to amend Schedule 1 of the *Port Stephens Local Environmental Plan 2013* to permit with consent development for the purposes of:
 - Storage premises on Lot 1, DP 200208 (97 Stockton Street, Nelson Bay); and
 - A recreation facility (indoor) on Lot 2, DP 200208 (95A Stockton Street, Nelson Bay).
 - 2) Forward the Planning Proposal to the NSW Department of Planning and Environment to seek a gateway determination and request delegated authority to make the Plan.
-

ORDINARY COUNCIL MEETING - 28 AUGUST 2018

MOTION

262	Councillor John Nell Councillor Giacomo Arnott It was resolved that Council take no action on the planning proposal at 95A and 97 Stockton Street, Nelson Bay.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Crs Ken Jordan, Sarah Smith and Steve Tucker.

The Motion was carried.

Councillor Jaimie Abbott left the meeting at 6:24pm, Open Council.
Councillor Giacomo Arnott left the meeting at 6:24pm, Open Council.

BACKGROUND

The purpose of this report is for Council to consider a Planning Proposal to amend Schedule 1 'Additional permitted uses' to the *Port Stephens Local Environmental Plan 2013* (LEP 2013) to permit with consent development for the purposes of:

- Storage premises on Lot 1, DP 200208 (97 Stockton Street, Nelson Bay).
- A recreation facility (indoor) on Lot 2, DP 200208 (95A Stockton Street, Nelson Bay).

A Locality Map is attached at **(ATTACHMENT 1)**.

The Planning Proposal notes that the amendments are necessary to facilitate these future uses (subject to development consent) and the future uses will likely utilise existing structures on the site **(TABLED DOCUMENT)**.

A summary of the Planning Proposal and property details are included below:

Date lodged:	19 July 2017
Proponent:	Le Mottee Group Pty Ltd
Subject properties:	97 Stockton Street, Nelson Bay LOT: 1 DP: 200208 95A Stockton Street, Nelson Bay LOT: 2 DP: 200208
Current zoning:	R2 Low Density Residential (ATTACHMENT 2) .
Site area:	Cumulative site area of the two (2) lots is approximately 1454m ²
Proposed additional land use(s):	Storage premises on Lot 1, DP 200208 (97 Stockton Street, Nelson Bay) and a recreation facility (indoor) on Lot 2, DP 200208 (95A Stockton Street, Nelson Bay).

Existing and current use

The subject land is currently zoned R2 Low Density Residential **(ATTACHMENT 2)** and supports two large existing sheds. A current approval exists on the site for a removal business and a storage business. The Planning Proposal describes the site as having a long history of commercial uses **(TABLED DOCUMENT)**, however the existing use does not match the current residential zoning, which has been in place since the commencement of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in 1980.

Purpose of the amendment

A rezoning is not proposed in this instance. The amendment to Schedule 1 of the LEP 2013 will enable additional uses under the current zoning and limit the additional land uses permissible on the subject site to:

- Storage premises on Lot 1, DP 200208.
- A recreation facility (indoor) on Lot 2, DP 200208.

The existing R2 Low Density Residential zone will be retained and will not prohibit future residential use, if desired. The additional land uses are not considered likely to pose a significant threat to the existing retail/commercial core in Nelson Bay town centre given the limited uses proposed and the scale of the sites.

Suitability of the subject land

The site is not identified for commercial purposes in any State or local land use planning strategies. Despite this, commercial uses have previously been carried out on the land. Given the historical uses of the site, the existing structures located on the site, and the limited uses that will be permitted, the proposed additional uses are considered appropriate.

The Planning Proposal seeks to maintain the ongoing use of the land consistent with the existing commercial uses on the site, while limiting the types of commercial purposes that may be carried out with consent. Limiting the additional uses will minimise adverse impacts and maintain the potential to develop the land for future residential use, in accordance with the character of the area, if desired.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council as a consequence of the recommendation of this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$5,250	Stage 1 Rezoning Fees paid 19 July 2017.
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 commercial uses on the site could negatively impact on other identified centres.	Low	Limiting the additional permitted land uses to storage premises and a recreation facility (indoor) within the R2 Low Density Residential Zone will assist in minimising potential adverse impacts. It is understood that commercial uses have existed on the site for an extended period of time with no demonstrable impact on the existing commercial centre in the locality.	Yes
There is a risk that the additional permitted use could compromise the residential use of the land.	Low	Given the residential zoning will not change, the potential exists for residential development of the site in the future.	Yes

Port Stephens Local Environmental Plan 2013

The site is currently zoned R2 Low Density Residential under the LEP 2013. The existing R2 zone that applies to the subject sites under the LEP 2013 will be retained.

The Planning Proposal will permit (with consent) specific additional land uses which are considered to have minimal potential for adverse impacts. By permitting only specific additional land uses and retaining the R2 zoning, potential development is limited to those land uses and will not result in a further extension of a business zone in the residential neighbourhood.

Limiting the land use negates potential negative social impacts associated with allowing other uses through a rezoning, and also facilitates potential future residential use to reflect population growth demands.

The proposed additional use on Lot 1, DP 200208 is defined by the LEP 2013 as:

“**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of

land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.”

Note: self-storage units are a type of storage premises and would be permitted with consent if the additional use of ‘storage premises’ is allowed.

The proposed additional use on Lot 2, DP 200208 is defined by the LEP 2013 as:

“**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.”

Environmental Planning and Assessment Act 1979

Under Part 3 of the EP&A Act, only the Minister or Council can initiate an amendment to a Local Environmental Plan. If Council resolves to proceed with the recommendation and adopt the Planning Proposal, it will be forwarded to the NSW Department of Planning and Environment for a gateway determination. This will include a request for the delegation of plan making functions.

Hunter Regional Plan 2036

Nelson Bay is identified as a 'strategic centre' in the Hunter Regional Plan, with the following priorities:

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

Whilst the site is not identified specifically in the Plan, the proposal would not be inconsistent with maintaining Nelson Bay as a hub for the Tomaree Peninsula because it will provide additional services and facilities in the locality. The proposal is similarly not inconsistent with maintaining the Nelson Bay town centre as the commercial and business centre on the peninsula, given the underlying zoning will remain residential and the additional permitted uses will be limited.

Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy (PSPS) provides a comprehensive planning strategy for the local government area. The PSPS identifies a number of key challenges and opportunities for Nelson Bay. The site is not specifically identified in

the PSPS, however the proposed additional permissible uses will enable the continuation of specific commercial activities on the site with limited impacts on the viability of the commercial land in Nelson Bay town centre, given the scale of the site and the limited uses that will be allowed.

Nelson Bay Town Centre and Foreshore Strategy 2012

The site is not within the boundary of the Nelson Bay Town Centre and Foreshore Strategy 2012, however given the commercial nature of the proposed additional permitted uses, the Strategy and the draft 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program (2017)' (Delivery Program) (exhibited from 21 February 2018 to 4 April 2018) have been considered. The site is less than 1km from the commercial core of the town centre, however it is considered the continuation of specific commercial activities on the site will have limited impacts on the viability of the commercial land in Nelson Bay town centre, given the scale of the site and the limited uses that will be allowed. This is not inconsistent with the aims and objectives of the 2012 Strategy and draft Delivery Program.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant environmental implications as a result of the Planning Proposal which concludes that the impacts related to the specific commercial activities can be addressed as part of any future development application.

There is also a positive social and economic impact identified through facilitating the sustainable use of the existing structures on the land and the provision of additional services in the neighbourhood.

CONSULTATION

Internal

Consultation was undertaken with internal stakeholders including the Development Assessment and Compliance Unit. No major concerns were identified with the Planning Proposal. All associated impacts are considered able to be dealt with during the assessment stage of any future development applications.

External

Community consultation and consultation with Government agencies will be undertaken in accordance with the gateway determination.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan 95A and 97 Stockton Street Nelson Bay.
- 2) Current Zoning Map 95A and 97 Stockton Street Nelson Bay.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Planning Proposal 95A and 97 Stockton Street, Nelson Bay.

ITEM 1 - ATTACHMENT 1
NELSON BAY.

LOCALITY PLAN 95A AND 97 STOCKTON STREET

Locality Plan - 95A & 97 Stockton Street Nelson Bay



DISCLAIMER

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SHEET LOCALITY

PORT STEPHENS
COUNCIL

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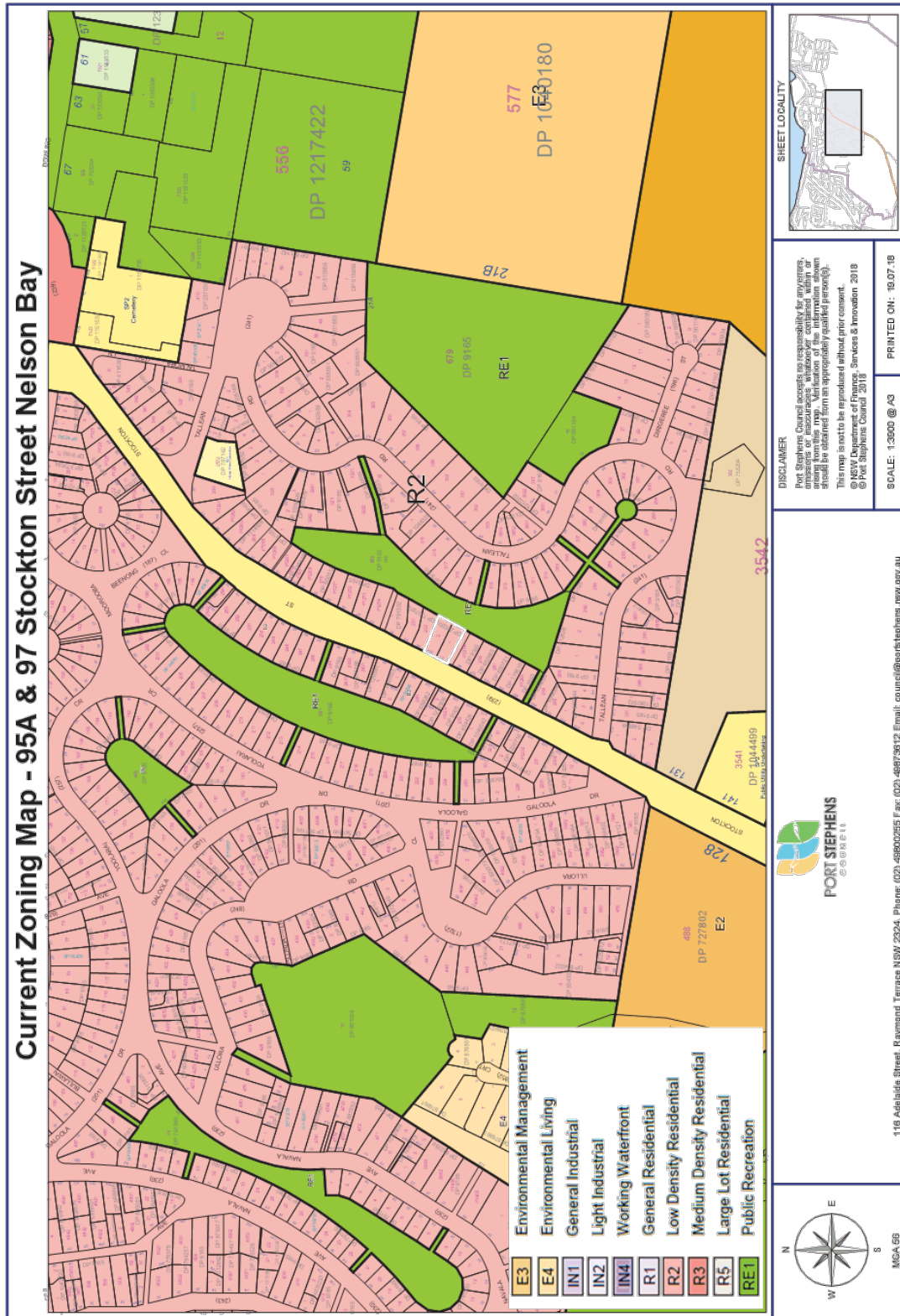
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ITEM 1 - ATTACHMENT 2
STREET NELSON BAY.

CURRENT ZONING MAP 95A AND 97 STOCKTON



MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

Councillor Glen Dunkley returned to the meeting at 6:25pm.

ITEM NO. 2

FILE NO: 18/159927
EDRMS NO: PSC2017-00019

DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN (AMENDMENT NO.8) - AMENDED AIRCRAFT NOISE PLANNING MAP

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit a draft amendment to the Aircraft Noise Planning Map in the Port Stephens Development Control Plan 2014 to reflect Australian Noise Exposure Forecast 2025 (only) **(ATTACHMENT 1)**.
 - 2) Exhibit the Amendment for 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000* (NSW).
-

ORDINARY COUNCIL MEETING - 28 AUGUST 2018 MOTION

263	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Exhibit a draft amendment to the Aircraft Noise Planning Map in the Port Stephens Development Control Plan 2014 to reflect Australian Noise Exposure Forecast 2025 (only) (ATTACHMENT 1).2) Exhibit the Amendment for 28 days in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW).
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek approval to place the draft Port Stephens Development Control Plan (Amendment No. 8) – Amended Aircraft Noise Planning Map (**ATTACHMENT 1**) on public exhibition for a minimum period of 28 days.

The amendment makes changes to the Port Stephens Development Control Plan 2014 (DCP) Chapter B7 Williamtown RAAF Base – Aircraft Noise and Safety to reflect the Aircraft Noise Exposure Forecast 2025 (2025 ANEF) (only).

The preparation of the proposed amendment follows a resolution of Council on 13 February 2018 to amend the Aircraft Noise Planning Area (ANPA) in the DCP to reflect the 2025 ANEF (only) in response to a Notice of Motion (**ATTACHMENT 2**).

The draft amendment replaces the ANPA (**ATTACHMENT 3**) with the 2025 ANEF (**ATTACHMENT 4**) and makes necessary consequential amendments to the relevant development controls in the DCP to refer only to the ANEF 2025.

The purpose of providing development controls for aircraft noise in the DCP is to ensure that it is adequately taken into consideration in the preparation and assessment of development applications.

Council currently takes a conservative approach by adopting an ANPA which includes the:

- 2025 ANEF (identifying the noise created by the flight paths of the future Joint Strike Fighter aircraft); and
- Former 2012 ANEF (identifying the noise created by the flight paths of the existing Hornet aircraft).

This facilitates the consideration of noise from both aircraft during development assessment as they have different flight paths, as shown in the comparison between (**ATTACHMENT 3**) and (**ATTACHMENT 4**). However under the Australian Standard 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction, it is established convention that there will only be one current ANEF for a given airport at any one time, which has been promulgated as the 2025 ANEF.

The Joint Strike Fighter will be gradually phased in to eventually replace the existing Hornet at RAAF Base Williamtown. It is likely that the noise impact from the Hornet will progressively become less relevant as the number of Hornets is reduced.

The Commonwealth Department of Defence has advised that the first two Joint Strike Fighter aircraft are scheduled to arrive at the Williamtown RAAF Base in December 2018. The timeframe for phased replacement of the Hornets requires confirmation.

A report will be prepared for consideration by Council following the exhibition of the proposed amendment to the DCP.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are minimal financial and resource implications in placing the proposed amendment to the DCP on exhibition.

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

LEGAL, POLICY AND RISK IMPLICATIONS

While there are planes still flying that underpin the ANEF 2012, Council has an obligation to assess that aircraft noise, and potentially a duty of care when issuing potential purchasers of the land with planning certificate (See *Port Stephens Shire Council v Booth & Ors*; *Port Stephens Shire Council v Gibson & Anor* [2005] NSWCA 323).

Given it is known that certain properties are currently affected by aircraft noise under ANEF 2012, and may be affected for some time, in adopting an amendment to the Aircraft Noise Planning Area Map, Council would need to consider insurance and liability risks. The legal, policy and risk implications of adopting the proposed amendment will be addressed in the report to Council following the exhibition period.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the public and the Department of Defence are not aware of the proposed amendment to the DCP.	Low	Place the draft DCP on exhibition for a period of 28 days in accordance with the provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW) and seek comment	Yes

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
		from the Department of Defence.	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social, economic or environmental implications associated with the exhibition of the draft amendment.

The social, economic and environmental implications of the proposed amendment to the DCP will be reviewed and addressed in a report to Council following the exhibition period.

CONSULTATION

Internal

Internal consultation with the Development Assessment and Compliance Section will be undertaken during the exhibition of the proposed amendment to the DCP.

External

The proposed amendment to the DCP is required to be publicly exhibited for at least 28 days under clause 18 of the *Environmental Planning and Assessment Regulation 2000*.

The draft amendment to the DCP will be forwarded to the Commonwealth Department of Defence for comment during public exhibition.

OPTIONS

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

ATTACHMENTS

- 1) Draft DCP.
- 2) Notice of Motion 13 February 2018.
- 3) Aircraft Noise Planning Area.
- 4) 2025 Australian Noise Exposure Forecast.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

B

GENERAL PROVISIONS

B General Provisions

The Parts listed below apply to all **land-use types** to which this Plan applies.

B General Provisions			
No	Part	This Part applies to development that:	Page
B1	Tree Management	<ul style="list-style-type: none"> is to remove or prune trees or other vegetation within non-rural areas 	B-15
B2	Natural Resources	<ul style="list-style-type: none"> is located on land or is within 500m of land that contains items of environmental significance, such as; threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity; or is seeking to use biodiversity offsets; or is located on land containing noxious weeds; or is located on land identified as koala habitat 	B-20
B3	Environmental Management	<ul style="list-style-type: none"> is located on land that contains acid sulfate soils; or has the potential to produce air pollution (such as dust or odour); or has the potential to produce adverse offensive noise; or is defined as or involves earthworks 	B-24
B4	Drainage and Water Quality	<ul style="list-style-type: none"> increases impervious surfaces; or requires connection to public drainage; or involves a controlled activity within 40m of waterfront land 	B-26
B5	Flooding	<ul style="list-style-type: none"> is situated within the flood planning area or at/or below the flood planning level 	B-34
B6	Essential Services	<ul style="list-style-type: none"> is not connected to essential services, being water, electricity, sewerage, stormwater drainage and suitable vehicular access 	B-38
B7	Williamstown RAAF Base - Aircraft Noise and Safety	<ul style="list-style-type: none"> is situated within the 2025 ANEF aircraft-noise planning-area, bird strike zone, extraneous lighting area or the Williamstown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map 	B-39
B8	Heritage	<ul style="list-style-type: none"> is situated on land that contains a heritage item or within a heritage conservation area 	B-49
B9	Road Network and Parking	<ul style="list-style-type: none"> has the potential to impact on the existing road network or creates demand for on-site parking 	B-51
B10	Social Impact	<ul style="list-style-type: none"> is deemed to have a significant social impact 	B-60

B7

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

B7 Williamtown RAAF Base – Aircraft Noise and Safety

Application		
This Part applies to development that is situated within the 2025 ANEF aircraft noise planning-area, bird strike zone, extraneous lighting area or the Williamtown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map		
Objectives		
B7.A	Site Acceptability	<ul style="list-style-type: none">To ensure development satisfies the requirements of PSLEP 2013 clause 7.5To ensure appropriate consideration is given to land burdened by aircraft noise
Requirements		
B7.1	<p>When development is located within the 2025 ANEF Aircraft Noise Planning Area (ANPA), which is identified by Figure BM (p. B-44) it is classified into one of the following classifications through referencing Figure BJ (p. B-41)</p> <ul style="list-style-type: none">Acceptable – no design measures required to reduce aircraft noise, orConditionally acceptable – design measures required, or<ul style="list-style-type: none">An acoustic report is required for the following:<ul style="list-style-type: none">to support development that is classified as conditionally acceptableto support subdivision of land and subsequent permissible development types by referencing Figure BJ (p. B-41) and Figure BK (p. B-42)Unacceptable – development is generally unacceptable. However, details submitted with a development application that demonstrate the following will be considered on a merit-based approach:<ul style="list-style-type: none">Development on a vacant pre-existing lot within the ANEF 25-30 noise contours that satisfies AS 2021 – Acoustics – Aircraft noise intrusion – Building siting and construction indoor noise requirements²⁰Replacement of a pre-existing dwelling in any of the ANEF noise contours satisfies the AS 2021 – Acoustics – Aircraft noise intrusion – Building siting and construction indoor noise requirements²⁰Development on land zoned B7 Business Park and adjacent to the Williamtown (Newcastle) Airport <p>Note: Part D15 - DAREZ provides site specific requirements for land zoned B7 Business Park and adjacent to the Williamtown Airport</p>	
Objective		
B7.B	Indoor Noise	To ensure acceptable levels of indoor noise in accordance with the relevant Australian Standards
Requirements		
B7.2	Development must satisfy the maximum internal sound levels specified in Figure BK (p. B-42) by providing an acoustic report	
B7.3	Noise attenuation levels that comply with Figure BK (p. B-42) are not considered to be reasonable or practicable for a dwelling when seeking to achieve noise reduction greater than:	

B-15

B7

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

	<ul style="list-style-type: none">• 35 dB(A) for sleeping areas• 30 dB(A) for habitable spaces	
Objective		
B7.C	Alterations & Additions	To facilitate alterations and additions of existing development within the 2025 ANEF ANPA
Requirements		
B7.4	Additions and/or alterations less than 40% of gross floor area of an existing building must be constructed to the same indoor sound levels as the existing building	
B7.5	Additions and/or alterations greater than 40% gross floor area of an existing building requires noise attenuation measures consistent to meet the indoor noise levels listed in Figure BK (p. B-42)	
Objective		
B7.D	Bird Strike	To ensure that the operational needs of the Williamtown RAAF Base are considered
Requirement		
B7.6	<p>When development is located within the bird strike zone, which is identified by Figure BN (p. B-45), the Department of Defence is notified and provided with a period of 14 days to provide a submission. After a period of 14 days, no response is deemed as a non-objection.</p> <ul style="list-style-type: none">• Group A – The following development types are avoided within 13km from airport runways<ul style="list-style-type: none">- Putrescible waste disposal sites• Group B – The following development types are avoided within 3km of an airport runway or provide measures that prevent food sources attracting wildlife within 8km of an airport runway<ul style="list-style-type: none">- Commercial fish processing- Artificial water bodies- Bird sanctuaries and fauna reserves- Sewer treatment facilities- Aquaculture- Turf farming- Animal farming that attracts birds/bats- Fruit farming- Fruit processing plants• Group C – The following development types within 3km of an airport runway should include measures to manage waste disposal<ul style="list-style-type: none">- Race tracks- Sports grounds- Fair grounds- Outdoor theatres- Dine-in restaurants	
Objective		
B7.7	Referral Requirements	To ensure that the operational needs of the Williamtown RAAF Base are considered
Requirements		

B-16

B7

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

B7.8	<p>When development deemed to be noise sensitive development is located within the 2025 ANEF ANPA, which is identified by Figure BM (p. B-44), the Department of Defence is notified and provided with a period of 14 days to provide a submission. After a period of 14 days, no response is deemed as a non-objection.</p> <p>Note: Figure AA: Notification Requirements (p. A-12) details general notification requirements to be administered by Council Officers</p>
B7.9	<p>When development seeks to penetrate the RAAF Base Williamtown Obstacle Limitations or Operations Surface or Procedures for Air Navigation Systems Operations Surface as identified by Figure BO (p. B-46) the Department of Defence is notified and provided with an opportunity for comment.</p> <p>Note: Development that does not seek to penetrate these surfaces has complied with the Commonwealth Department of Defence requirements of PSLEP 2013 clause 7.4 Airspace Operations</p> <p>Note: PSLEP 2013 clause 7.4 requires the consent authority to be provided with the Commonwealth's consideration of the Limitation or Operations Surface</p>
B7.10	<p>When development is proposed within the extraneous lighting boundaries as identified by Figure BP (p. B-47) and Figure BQ (p. B-48) the Department of Defence is notified and provided with a period of 14 days to provide a submission. After a period of 14 days, no response is deemed as a non-objection.</p> <p>Note: Figure AA: Notification Requirements (p. A-12) details general notification requirements to be administered by Council Officers</p>

Figure BJ: Building Site Acceptability based on **ANEF** Zone

Development Type	Acceptable	Conditionally Acceptable	Unacceptable
	ANEF Zone		
<ul style="list-style-type: none"> residential accommodation caravan parks 	<20	20 – 25	25>
<ul style="list-style-type: none"> tourist & visitor accommodation 	<25	25 – 30	30>
<ul style="list-style-type: none"> educational establishments 	<20	20 – 25	25>
<ul style="list-style-type: none"> respite day care centres health services facilities 	<20	20 – 25	25>
<ul style="list-style-type: none"> places of public worship entertainment facility information and education facility 	<20	20 – 30	30>
<ul style="list-style-type: none"> commercial premises 	<25	25 – 35	35>
<ul style="list-style-type: none"> general industry light industry 	<30	30 – 40	40>
<ul style="list-style-type: none"> heavy industry 	Acceptable in any ANEF Zone		

B7

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

Figure BK: Indoor Design Sound Levels

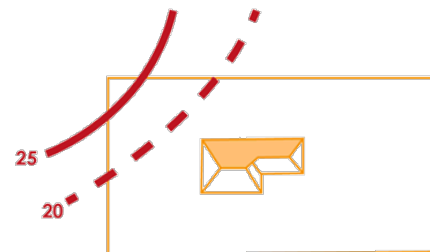
Development type	Indoor Design Average Maximum Sound Level <i>dB(A)</i>
residential accommodation & caravan parks	
• sleeping areas & dedicated lounges	50
• habitable room other than sleeping areas & dedicated lounges	55
• bathrooms, toilets & laundries	60
tourist and visitor accommodation	
• relaxing & sleeping	55
• social activities	70
• service activities	75
educational establishments	
• libraries & study areas	50
• teaching & assembly areas	55
• workshop areas & gymnasias	75
respite day care centres & health facilities	
• wards, theatres, treatment & consulting rooms	50
• laboratories	65
• service areas	75
public buildings	
• places of public worship	50
• entertainment facility	40
• information & education facility	50
commercial buildings, offices & retail premises	
• private offices & conference rooms	55
• drafting & open offices	65
• typing & data processing	70
• shops, supermarkets & showrooms	75
industrial	
• inspection, analysis & precision work	75
• light machinery, assembly & bench work	80
• heavy machinery, warehouse & maintenance	85

B-18

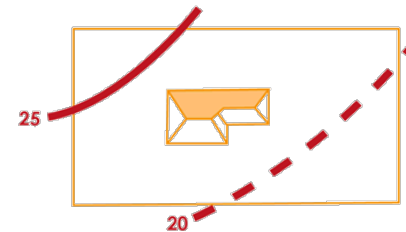
B7

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

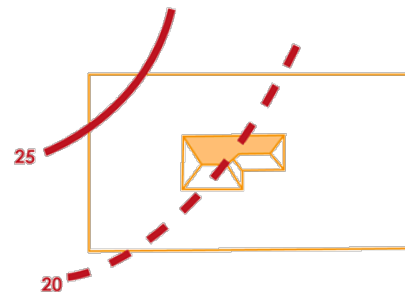
Figure BL: Illustration of Building Site Acceptability based on **ANEF** Zone



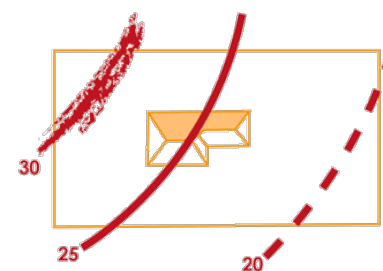
Acceptable - No design measures are required to reduce aircraft noise



Conditionally Acceptable - Design measures are required to reduce aircraft noise



Conditionally Acceptable - Design measures are required to reduce aircraft noise



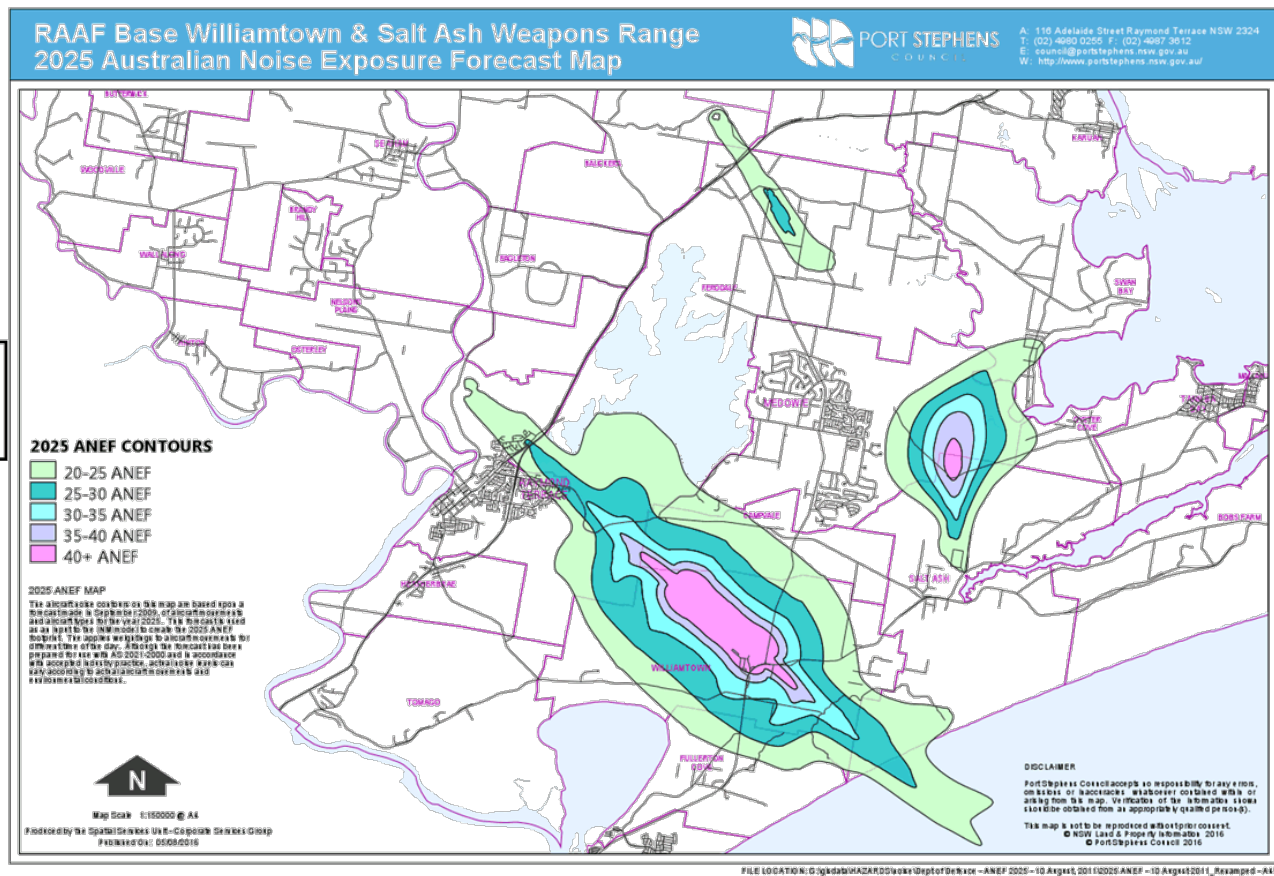
Where the contour line is placed over part of a building the higher contour will be applied

B-19

B7

Figure BM:
2025 ANEF
shown on the
RAAF Base
Williamtown &
Salt Ash
Weapons
Range 2025
Australian
Noise
Exposure
Forecast Map

**[NOTE: THIS IS THE
MAP PROPOSED TO
BE INSERTED INTO
THE DCP]**

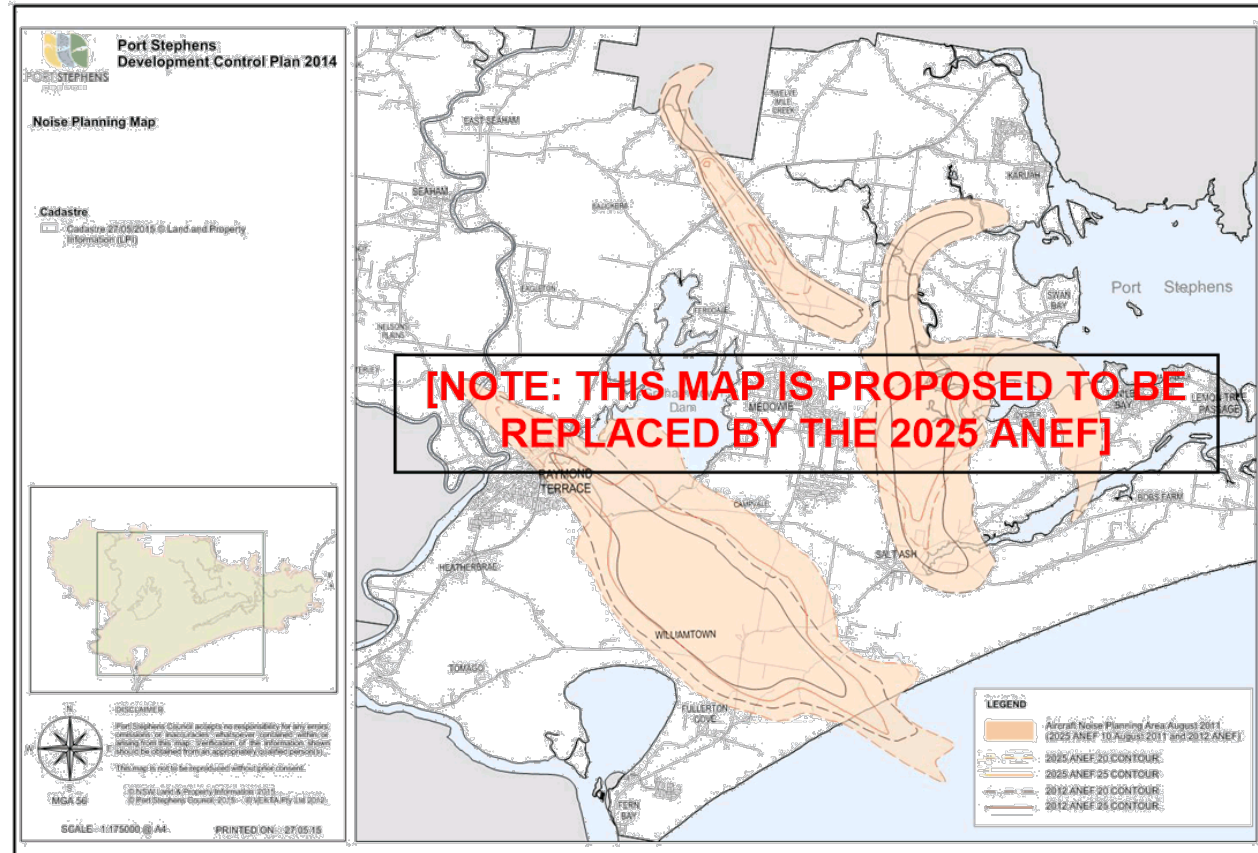


B-20

B7

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

Figure BM:
Aircraft Noise
Planning Map



B-21

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

PORT STEPHENS COUNCIL

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

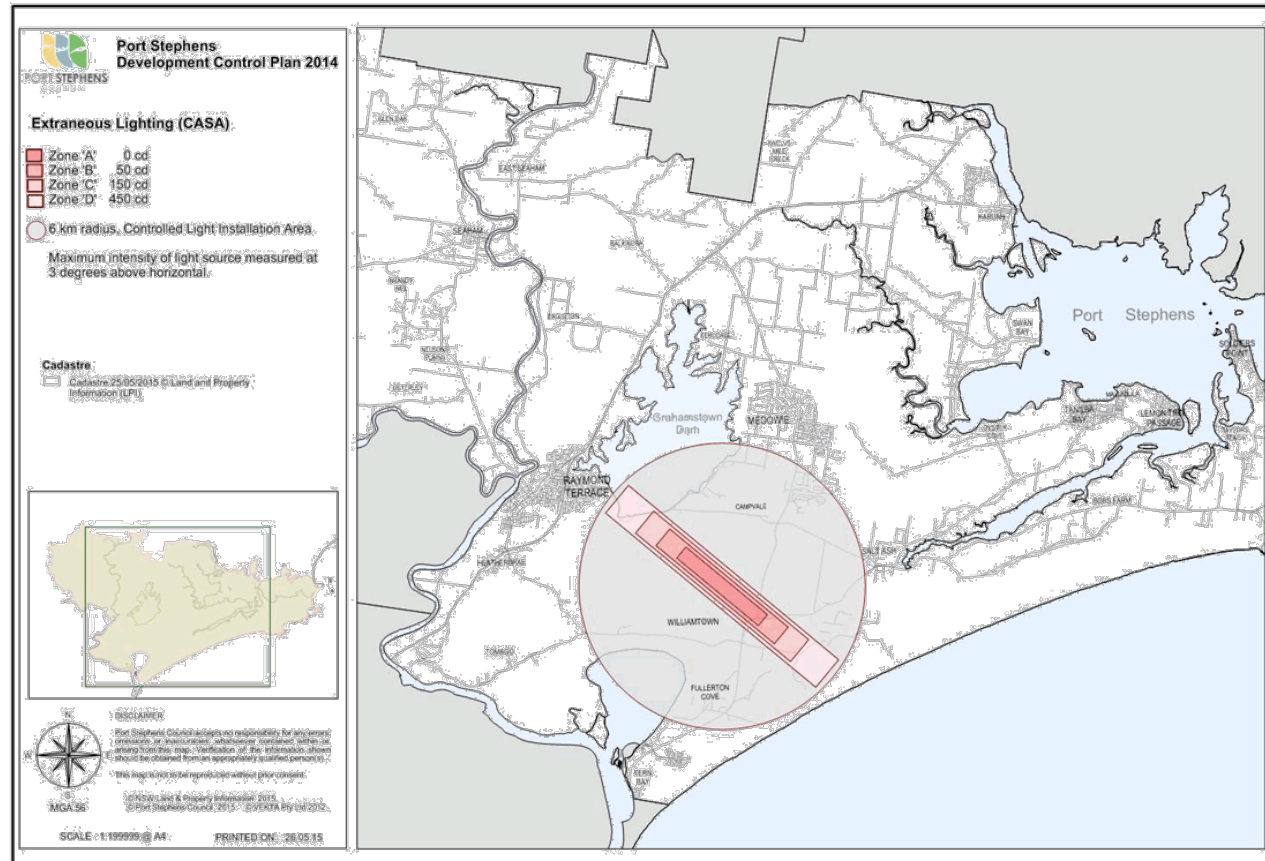
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PORT STEPHENS COUNCIL

B7

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

Figure BP:
Extraneous
Lighting Map 1

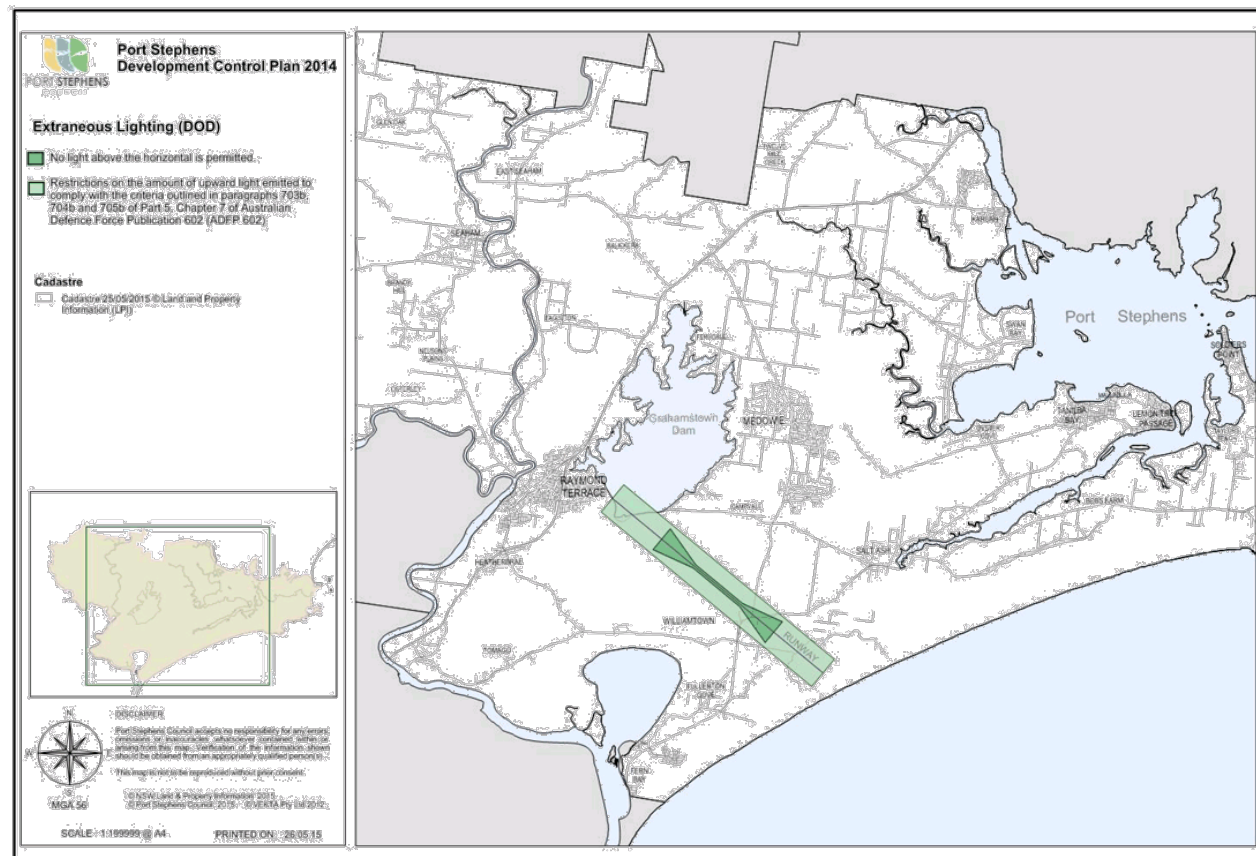


B-24

B7

WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY

Figure BQ:
Extraneous
Lighting Map



B-25

E1

GLOSSARY

E1 Glossary

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

1st, 2nd & 3rd order water courses means a watercourse order as classified under the Strahler System of ordering watercourses. They can be determined by the width of the Core Riparian Zone (**CRZ**) as follows:

Water course description	CRZ width
Any first order watercourse where there is a defined channel where water flows intermittently	10m
Any permanently flowing first order watercourse or any second order watercourse where there is a defined channel where water flows intermittently or permanently	20m
Any third order or greater watercourse and where there is a defined channel where water flows intermittently or permanently. Includes estuaries, wetland and any parts of rivers influenced by tidal waters	20-40m

2025 ANEF means the area of land subject to aircraft noise related **development** controls. It comprises all properties that are wholly or partly within the **ANEF** 20 contour on the RAAF Base Williamtown & Salt Ash Weapons Range 2025 Australian Noise Exposure Forecast Map and includes land that is within **ANEF** contours of 20 and greater.

Aboriginal Heritage Impact Permit (AHIP) means the statutory instrument that the NSW Office of Environment and Heritage issues under section 90 of the *National Parks and Wildlife Act 1974* to manage harm or potential harm to Aboriginal objects and places

arborist report means a technical report prepared by a **qualified arborist** that adequately assesses the health of a tree or other vegetation

access audit means an audit to establish how well a building performs in relation to access and ease of use by a wide range of potential users, including people with physical mobility and sensory impairments

access boundary means the boundary from which formal access to the site is achieved

Acid Sulfate Soils (ASS) means naturally occurring sediments and soils containing iron sulfides (principally pyrite) and their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation)

Note: **acid sulfate soils** has the same meaning under the **PSLEP 2013**

acid sulfate soil management plan means a management plan prepared in accordance with the **NSW ASS Manual**

acoustic report means a report carried out to detail the noise or vibration intrusion related to aircraft, railway, restaurants, childcare centres, industrial buildings and the like

active street frontage means a building for which all premises on the ground floor:

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CHECKLISTS

Checklists

The following reference tables, which are provided at the start of each Part, are replicated here to serve as checklists for applicants. Unlike the reference tables at the start of each Part, these check lists do not serve as a part of statutory Plan.

No	Part	This Part applies to development that:	Page	Tick
Section B General Provisions				
B1	Tree Management	<ul style="list-style-type: none"> is to remove or prune trees or other vegetation within non-rural areas 	B-15	
B2	Natural Resources	<ul style="list-style-type: none"> is located on land or is within 500m of land that contains items of environmental significance, such as; threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity; or 	B-20	
		<ul style="list-style-type: none"> is seeking to use biodiversity offsets; or 		
		<ul style="list-style-type: none"> is located on land containing noxious weeds; or 		
		<ul style="list-style-type: none"> is located on land identified as koala habitat 		
B3	Environmental Management	<ul style="list-style-type: none"> is located on land that contains acid sulfate soils; or 	B-24	
		<ul style="list-style-type: none"> has the potential to produce air pollution, such as dust or odour; or 		
		<ul style="list-style-type: none"> has the potential to produce adverse offensive noise; or 		
		<ul style="list-style-type: none"> is defined as or involves earthworks 		
B4	Drainage and Water Quality	<ul style="list-style-type: none"> increases impervious surfaces; or 	B-26	
		<ul style="list-style-type: none"> requires connection to public drainage; or 		
		<ul style="list-style-type: none"> involves a controlled activity within 40m of waterfront land 		
B5	Flooding	<ul style="list-style-type: none"> is situated within the flood planning area or at/or below the flood planning level 	B-34	
B6	Essential Services	<ul style="list-style-type: none"> is not connected to essential services, being water, electricity, sewerage, stormwater drainage and suitable vehicular access 	B-38	
B7	Williamtown RAAF Base – Aircraft Noise and Safety	<ul style="list-style-type: none"> is situated within the 2025 ANEF aircraft noise planning area, bird strike zone, extraneous lighting or the Williamtown RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map 	B-39	
B8	Heritage	<ul style="list-style-type: none"> is situated on land that contains a heritage item or within a heritage conservation area 	B-49	
B9	Road Network and Parking	<ul style="list-style-type: none"> has the potential to impact on the existing road network or creates demand for on-site parking 	B-51	
B10	Social Impact	<ul style="list-style-type: none"> is deemed to have a significant social impact 	B-60	
Section C Development Types				
C1	Subdivision	<ul style="list-style-type: none"> is defined as subdivision 	C-62	
C2	Commercial	<ul style="list-style-type: none"> is defined as commercial premises 	C-67	

NOTICES OF MOTION

MINUTES ORDINARY COUNCIL - 13 FEBRUARY 2018

Councillor Jaimie Abbott left the meeting at 7:19pm in Open Council.

NOTICE OF MOTION**ITEM NO. 1****FILE NO: 18/24094****EDRMS NO: PSC2006-0038****AIRCRAFT NOISE PLANNING MAP****COUNCILLOR: PAUL LE MOTTEE****THAT COUNCIL:**

- 1) Amend the Aircraft Noise Planning Map in DCP 2014 to reflect ANEF 2025.

**ORDINARY COUNCIL MEETING - 13 FEBRUARY 2018
MOTION**

025	Councillor Paul Le Mottee Councillor Chris Doohan It was resolved that Council amend the Aircraft Noise Planning Map in DCP 2014 to reflect ANEF 2025.
------------	--

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

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

**BACKGROUND REPORT OF: JEFFREY BRETAG – STRATEGIC PLANNING
COORDINATOR****BACKGROUND**

The Commonwealth Department of Defence prepares the Australian Noise Exposure Forecast (ANEF) contour map for the Williamstown RAAF base and surrounds.

Under the Australian Standard AS 2021-2015 *Acoustics – Aircraft noise intrusion – Building siting and construction*, only one ANEF contour map can apply for the purposes of the Standard.

MINUTES ORDINARY COUNCIL - 13 FEBRUARY 2018

In Port Stephens, the Department of Defence has prepared Australian Noise Exposure Forecast 2025 (ANEF 2025), which reflects the predicted operation of the new F-35 Joint Strike Fighter aircraft from Williamtown RAAF base.

It is understood the new F-35 Joint Strike Fighter planes will be phased in over time to replace the older F-18 Hornets at the Williamtown RAAF base. The timeframe for the introduction of the F-35s and the replacement of the F-18 Hornets is not known.

Currently there are no F-35 planes flying from the RAAF Base. All current aircraft noise from the RAAF base is consistent with previous ANEF 2012, which reflects the operation of the existing F-18 Hornet aircraft.

Because the F-18 Hornets will continue to fly until they are phased out, and the timing of their replacement is uncertain, Council has taken a conservative approach to planning for aircraft noise.

Under the Port Stephens Aircraft Noise Policy, the Aircraft Noise Planning Area Map (**Attachment 1**) includes noise contours from both:

- ANEF 2025 (F-35 Joint Strike Fighters).
- ANEF 2012 (F-18 Hornets).

The Aircraft Noise Planning Area Map guides the following Council functions:

- Consideration of planning proposals (rezoning requests).
- Assessment of development applications.
- Information management (including planning certificates issued under section 149 of the *Environmental Planning and Assessment Act 1979*).

The Aircraft Noise Planning Area Map serves a number of purposes for Council, for example, in the Port Stephens Development Control Plan 2014 (DCP), specific development objectives and controls apply within the Aircraft Noise Planning Area identified on the Aircraft Noise Planning Area Map.

Any amendment to only the DCP will not change the Council policy position under the Port Stephens Aircraft Noise Policy.

A conservative approach to aircraft noise presents some challenges for development, such as potentially increased costs for sites only subject to ANEF 2012.

However, while there are planes still flying in accordance with ANEF 2012, Council has an obligation to assess that aircraft noise, and potentially a duty of care when issuing potential purchasers of the land with section 149 planning certificates (See *Port Stephens Shire Council v Booth & Ors; Port Stephens Shire Council v Gibson & Anor* [2005] NSWCA 323).

MINUTES ORDINARY COUNCIL - 13 FEBRUARY 2018

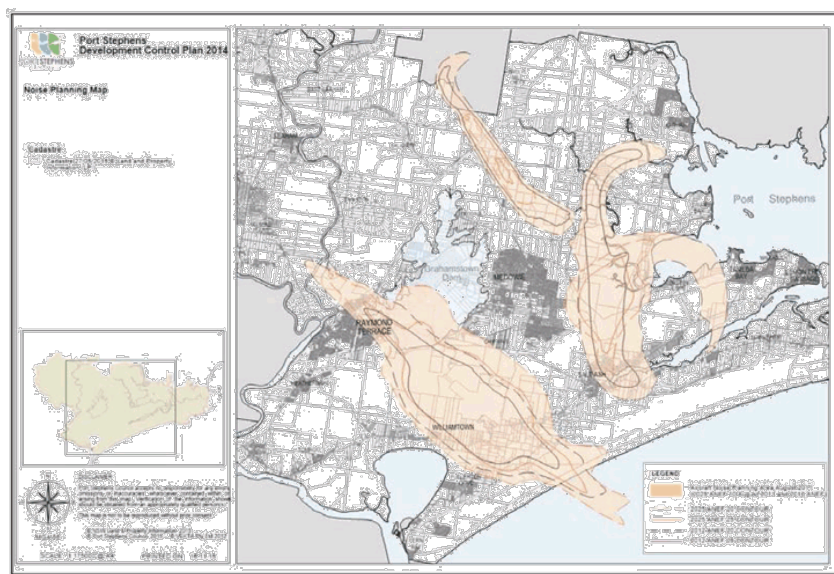
A less conservative approach may lead to exposure from legal challenge given it is known that certain properties are currently affected by aircraft noise under ANEF 2012, and may be affected for some time. In making any amendment to the Aircraft Noise Planning Area Map, Council would need to consider insurance and liability risks.

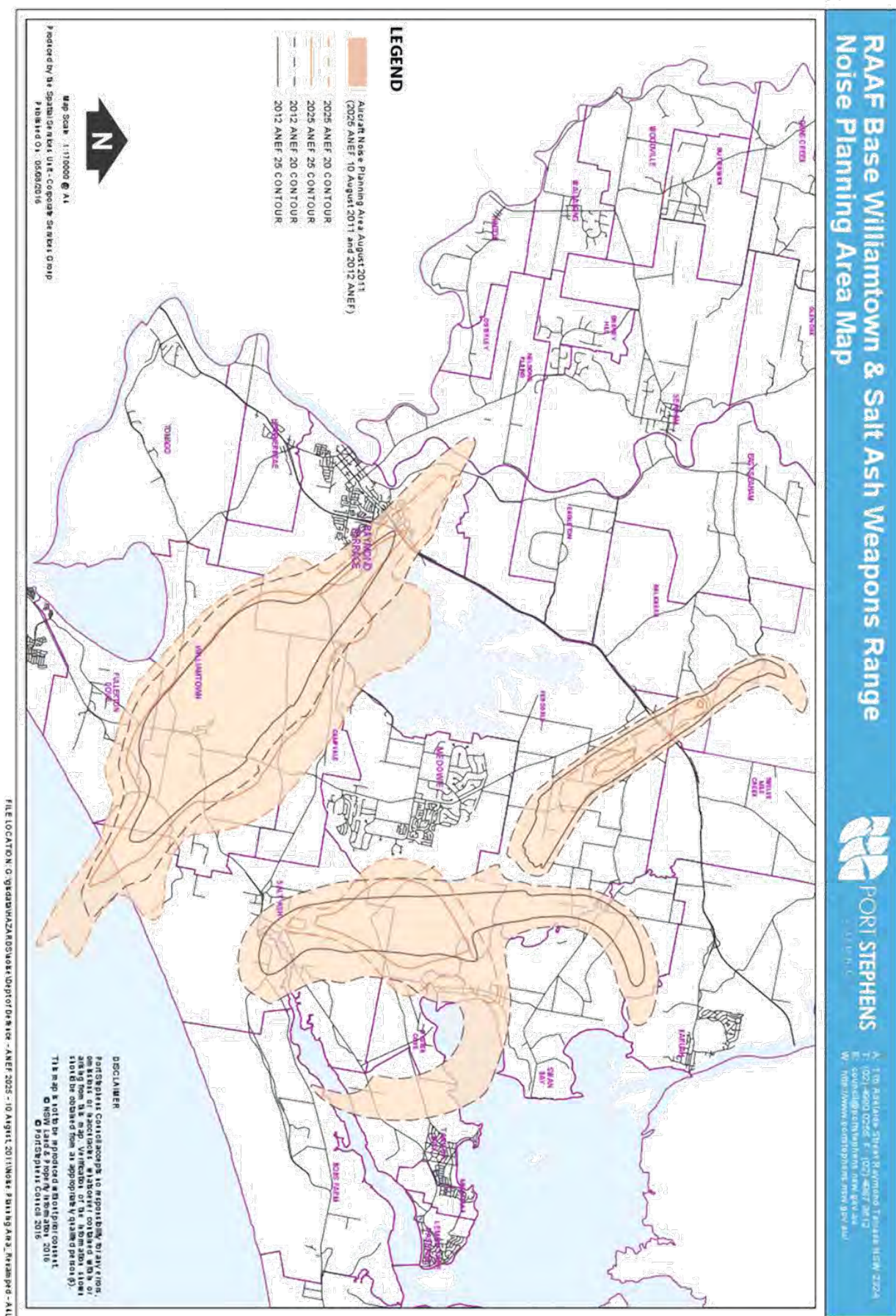
If the F-18 Hornets cease to fly, and are replaced entirely by the F-35 Joint Strike Fighters, Council will be able to refer only to ANEF 2025 when assessing aircraft noise.

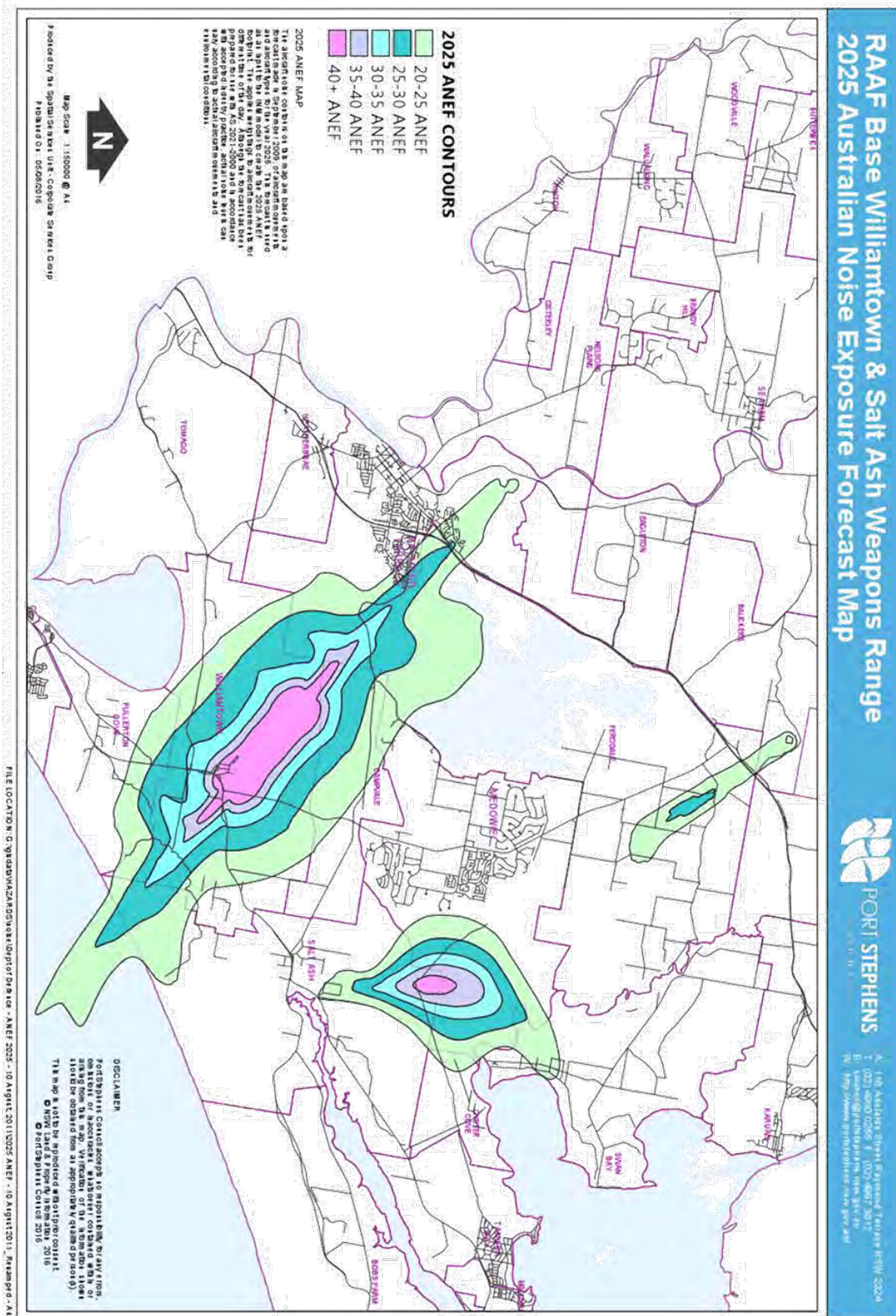
Port Stephens Aircraft Noise Policy is reviewed every two years. The current Policy will be reviewed in 2018 and reported to Council in February 2019.

ATTACHMENTS

- 1) Aircraft Noise Planning Area Map.







MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

Councillor Jaimie Abbott returned to the meeting at 6:31pm, in Open Council.
Councillor Giacomo Arnott returned to the meeting at 6:32pm, in Open Council.
Councillor Paul Le Mottee returned to the meeting at 6:32pm, in Open Council.

ITEM NO. 3

FILE NO: 18/164314
EDRMS NO: PSC2018-00056

PROPERTY SERVICES SECTION - SERVICE REVIEW

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Property Services Section and Holiday Parks service packages as outlined, to deliver the required level of service to meet the organisation's future needs.
-

ORDINARY COUNCIL MEETING - 28 AUGUST 2018 MOTION

264	Councillor John Nell Councillor Ken Jordan It was resolved that Council endorse the Property Services Section and Holiday Parks service packages as outlined, to deliver the required level of service to meet the organisation's future needs.
------------	---

BACKGROUND

The purpose of this report is to endorse the Property Services Section's service package.

The Property Services Section forms part of the Corporate Services Group within Council. The purpose of the group is 'To deliver valued corporate support services in the best possible way to drive organisational sustainability'. The Property Services Section has a purpose 'to deliver property services and business outcomes that contributes to the social, economic and financial sustainability of Council, the Government and the Community'.

The Service Packages within Property Services currently are:

- Investment and Asset Management;
- Land Acquisition and Development;
- Statutory Property;
- Holiday Parks operations, capital works and marketing and promotions.

With introduction of new legislation relating to Crown Lands and new business opportunities coming online through Council's partnership with Port Stephens Koalas to develop the Koala Sanctuary, the service levels in both Property Services and the Holiday Parks is increasing.

The new *Crown Land Management Act 2016* came into effect on 1 July 2018. Whilst this Act revoked 11 other Acts streamlining the legislation, the Act itself has increased Council's workload to deliver some services that Crown Lands previously provided. Council is now responsible for the extinguishment of Native Title of all Lots that they are the Land Manager. Additionally, Land Management Plans for all Crown Reserves that Council has responsibility for will need to be developed over a three year period. Property Services will be assisting Facilities and Services to develop the Plans and whilst there will be some funding made available from the State Government, it will not cover all the administrative costs and property research required to develop the Management Plans.

The introduction of the Koala Sanctuary Facility and associated businesses now brings to total five large accommodation businesses that Council operates within the Local Government Area. Undertaking the development of the new Plans of Management for the Crown Land Holiday Parks will enable Council to introduce new ways to manage our businesses more effectively. Emerging technology has an impact upon the Holiday Parks business and how we do business and the customer journey and the Holiday Park staff are currently developing and implementing new processes in this regard. To date, Holiday Parks Management have implemented a centralised call centre, new rostering and on call system.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Develop and encourage the capabilities and aspirations of a contemporary workforce.

FINANCIAL/RESOURCE IMPLICATIONS

To deliver on the projects noted earlier in the report it has become clear that some structural realignment is required to ensure that key corporate systems are evolved, supported and maintained in the best possible way. It is proposed to remove the Holiday Parks from the Property Services Section and making it its own Section. Both areas require specialist leadership, and having the Property Services Section Manager spend two or more days at the Holiday Parks has an impact on the delivery of some of the larger Property Projects and management of the Investment Portfolio, which delivers a significant revenue stream to Council.

The proposed changes will deliver an annual saving of \$87,000.

There is no increase in EFT proposed.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy implications. The table below outlines the risks.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if there is not specialised leadership within the Property Section and the Holiday Parks that the businesses will not be as profitable and efficient.	Low	Accept the recommendations.	Yes
There is a risk that inadequate service levels may lead to poor customer experiences.	Low	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development of the Koala Sanctuary will provide a unique experience within the LGA and in particular at Treescape, and has the potential to be an international drawcard for the region. It is essential that all the Holiday Parks operated by Council are managed effectively and efficiently to ensure adequate returns to Council. Additionally, the Commercial Portfolio and large building assets owned by Council require effective asset and commercial management to obtain adequate returns to reinvest into the community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services Section (including the Holiday Parks) to obtain their feedback on the current services provided and future need.

Internal

As an internal service provider, levels of service were agreed to with the Council's senior leadership team. This ensures that the services provided and the projects delivered by the Property Services Section enable the organisation to deliver services valued by our community in the best possible way.

External

As an internal service provider external consultation is conducted as part of the Community Strategic Planning process.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4**FILE NO: 18/168934
EDRMS NO: PSC2011-02657****SIX-MONTHLY REPORT JANUARY TO JUNE 2018 AGAINST PORT STEPHENS
COUNCIL DELIVERY PROGRAM 2013-2017****REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Six-Monthly Report January to June 2018 on the progress of Council's Delivery Program 2013-2017.
-

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

265	Councillor Glen Dunkley Councillor Jaimie Abbott It was resolved that Council adopt the Six-Monthly Report January to June 2018 on the progress of Council's Delivery Program 2013-2017.
------------	--

BACKGROUND

The purpose of this report is to provide to Council and the community an update of the progress of Council with respect to the principal activities of its Delivery Program 2013-2017.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

This Six-Monthly Report (**TABLED DOCUMENT 1**) is generated from a combination of Council's CAMMS strategy software, information and data provided from across Council's operations. There are no financial or resource implications in providing this report.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Section 404(5) of the *Local Government Act 1993* stipulates that: "The General Manager must ensure that regular progress reports are provided to the Council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months."

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not adopt the Six-Monthly Report January to June 2018 placing Council in breach of legislation leading to reputational loss.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

Council's Delivery Program has been formulated according to principles of access, equity and social justice to contribute to the Community Strategic Plan, which has goals for the community of Port Stephens encompassing social, economic and environmental implications. The report reflects consideration of those implications and key result measures.

CONSULTATION

The Six-Monthly Report January to June 2018 has been compiled from information and data provided from across Council's operations and reviewed by the Executive Team of Council.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Six Monthly Report January to June 2018.

ITEM NO. 5**FILE NO: 18/169565
EDRMS NO: PSC2017-00063****PORT STEPHENS COUNCIL COMMUNITY SATISFACTION SURVEY 2018
REPORT****REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the Port Stephens Council Community Satisfaction Survey Report 2018
(TABLED DOCUMENT 1).
-

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

266	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council receive the Port Stephens Council Community Satisfaction Survey Report 2018 (TABLED DOCUMENT 1).
------------	---

BACKGROUND

The purpose of this report is to provide to Council the outcomes of the survey of a sample of residents of the Port Stephens local government area (LGA) pertaining to facilities, services and general perceptions of Port Stephens Council's performance.

The community satisfaction survey comprised general facilities, services and communications. A separate survey is conducted targeting active library users. Data from separate surveys conducted regarding users of children's services and development application services is also noted in the Community Satisfaction Survey Report 2018.

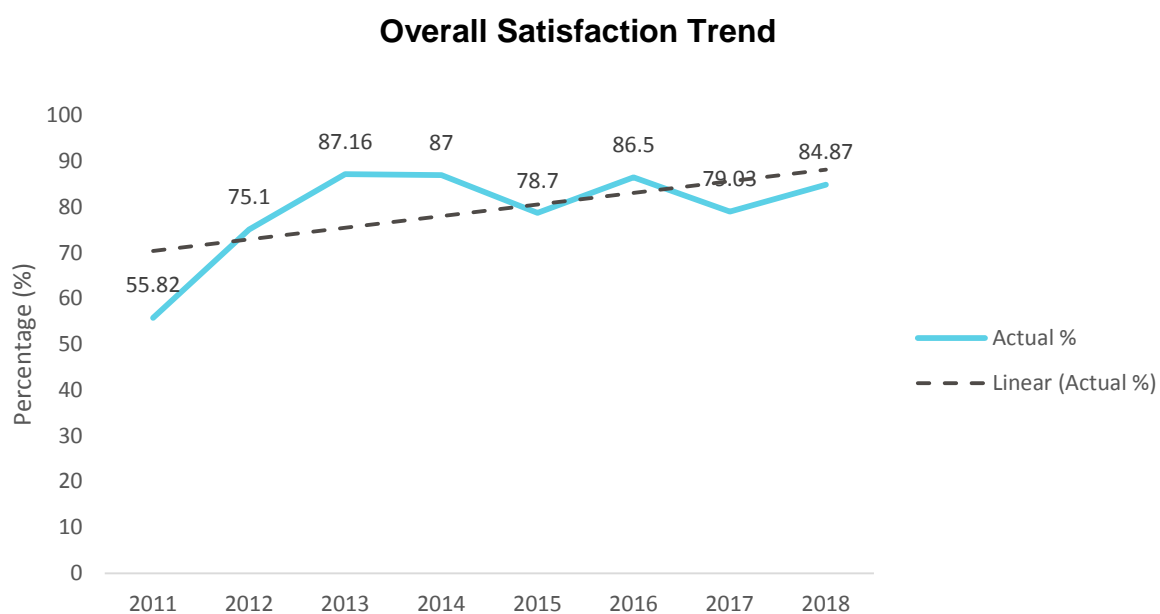
To determine statistical validity, with 95% confidence, 1,052 survey responses were required. The total responses received in 2018 was 1,352, being 300 more than in 2017.

Of the 1,352 responses, 1,236 answered the geo-demographic questions and these results showed there was a skew towards those residing in the east of the Local Government Area (LGA). This geographical skew continues a long established trend for more responses from more densely settled areas of the LGA.

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

There was also a skew towards older residents completing the survey reflecting that younger demographics may not have participated.

The overall satisfaction with Council's services was 85%, which is up from 2017 levels of 79%. Trend details are shown in the graph below.



COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

The community satisfaction survey is routinely conducted as part of Council's commitment to continuous improvement and to ensure Council's services are at an acceptable level.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Although community satisfaction surveys are not mandated by legislation, the Office of Local Government recommends in its Integrated Planning and Reporting Manual (page 32) such surveys as a valuable tool to gauge the community's views on how councils are performing in such areas as service delivery of facilities and governance.

Port Stephens Council commenced formal community satisfaction surveys in 2007 using external providers, until 2011 when as a result of the sustainability review process the decision was made to continue the survey but to conduct it in house. Since then the survey methodology has been enhanced to expand the reach of the survey.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the statistical sample could be inadequate to support the findings in Survey Report.	Low	The National Statistical Service recommended response rate for the Port Stephens population should be 1,052 with a confidence level of 95% - the actual response was 1,352.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Port Stephens Council conducts its operations across the spectrum of social, economic and environmental indicators. The 2018 Community Satisfaction Survey was designed to ensure that Council is aware of the level of community satisfaction with all aspects of its operations. The Report (**TABLED DOCUMENT 1**) demonstrates overall satisfaction but also where there are opportunities to enhance Council's operations and service delivery.

CONSULTATION

To ensure that the opportunity to participate was afforded to the largest number of residents and/or service users, the following channels were employed:

- email out to > 9,000 residents;
- email out to > 5,000 active library users;
- Facebook and Twitter;
- Media releases, promotion and advertisements in the Port Stephens Examiner;
- Promotion on Council's website, Council libraries, the Administration Building and Council's newsletter InforMe; and

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

- Hard copies of survey instruments provided at Council libraries, the Administration Building and upon request.

The survey design was reviewed prior to commencement.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Port Stephens Council Community Satisfaction Survey Report 2018.

ITEM NO. 6**FILE NO: 18/143022
EDRMS NO: PSC2017-01586****SERVICE REVIEW - VOLUNTEER MANAGEMENT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Volunteers Management service package as outlined, to deliver the required level of service to meet the organisation's future needs.
-

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

267	Councillor Glen Dunkley Councillor Sarah Smith It was resolved that Council endorse the Volunteers Management service package as outlined, to deliver the required level of service to meet the organisation's future needs.
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BACKGROUND

The purpose of this report is to endorse the Volunteers Management service package.

The Volunteers Management is part of the Community Services Section and the Facilities and Services Group. The vision of Volunteers Management is providing opportunities for people to have meaningful engagement in their local community.

Port Stephens has a population of 71,000 with 700 registered Council volunteers. By way of comparison, Newcastle City Council has a population of 160,000 with 350 registered Council volunteers. Creation and management of a framework to govern all Council volunteers is provided by the Volunteers Coordinator (1 FTE). It includes:

- Recruitment and registration of volunteers.
- Reward and recognition for volunteers.
- Training and development of volunteers.
- Governance and management frameworks.
- Guidelines and resources.
- Hall and park forums.

- Fees and charges.

In most cases volunteers and 355c committees are directly managed by other council teams. The Volunteers Management service review has shown that:

- 1) There is no standard practice for how Council takes over management of a hall facility when a 355c hall committee disbands.
- 2) The 355c committee model for parks groups limits growth in volunteer numbers through the formality and governance requirements of 355c of the *Local Government Act 1993 (NSW)*.
- 3) Port Stephens Council is "*the last bastion*" of 355c committees in local government with most other councils moving towards a focus on Landcare and informal working groups for their activities.
- 4) Learning and development for volunteers is largely limited to governance and compliance matters. There is a growing demand for a renewed focus on natural resource management skills development, social networking and peer support.
- 5) Parks committees are calling for more support from Council staff to help plan and resource projects. A reduction of volunteers willing to take on governance roles in committees, an ageing volunteer workforce and a growing trend in short term/project specific volunteering are driving this demand.
- 6) Financial governance requirements for parks and cemetery committees are onerous given these committees manage small sums of money yet are required to account for this money in the same manner as committees with large budgets.
- 7) There is no clear direction as to whether parks and cemetery committees' purpose is to provide hands on assistance with the maintenance of public spaces or to accumulate money with a view to directing Council's strategic asset management planning for parks and cemeteries.

The recommendations from the service review, to be deployed over a two year period in continued consultation with volunteers and 355c Committees are to:

- 1) Make no changes to 355c committees where the primary purpose is the management of bookings and financial aspects of Council facilities. This includes sports councils, hall committees, and other financial committees.
- 2) Make no changes to non-financial 355c committees where the sole purpose is an advisory role to Council.
- 3) Make no changes to how volunteers are managed directly by staff (eg Libraries, Visitors Information Centre, Public Domain and Services Section).
- 4) Initiate alternative options for hall facility management where there is no community management or where committees' capabilities are limited and do not meet Council requirements. This includes liaising with primary users to take on the role of booking agent or, leasing the hall to a tenant with provisions for community use or, commercial management of the facility.
- 5) Disband 355c committee model of operation for parks and cemetery committees over time and establish groups of Council volunteers working on Council land that report to the Parks Team of the Public Domain and Services Section.

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

- 6) Establish a new paid position to support the growth in parks and cemetery groups to enable these groups to formulate site specific action plans and to be the linchpin between the groups and other Council teams.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Diversity	Support volunteers to deliver appropriate community services.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendations from the service review do not result in any financial gain to Council's operational budget. Existing funding arrangements for 355c committees will be retained with disbanded parks and cemetery committees pooling their annual subsidy to be used for on the ground works within the financial year. Accounting for these funds will move from a committee Treasurer and the associated paper based process to Council's job number system and financial reporting tools. Committees with banked savings will be consulted on how best to allocate these funds to local projects that align with Council's Strategic Asset Management Plan.

Funding for a new position to support parks and cemetery groups is reliant on a new funding source being determined and will result in an increased call on general revenue with existing resources or future income streams. The start date for the proposed new position will be determined by the take up of the parks and cemetery group model by existing 355c committees and aspiring and as yet unformed groups.

For clarity, the existing financial subsidy allocated to eligible 355c committees will not be used to fund the proposed new support role.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	95,000	One new FTE salary package and resource budget. Funding source to be determined through existing budgetary processes.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting this recommendation.

As committees disband or change purpose further reports to Council will be forthcoming to endorse such changes as required by section 355c of the *Local Government Act 1993*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the recommendation will lead to existing volunteers feeling ignored resulting in volunteer disengagement.	Low	Adopt the recommendation and manage all feedback through existing communication channels.	Yes
There is a risk that adopting the recommendation will lead to existing volunteers feeling ignored resulting in volunteer disengagement.	Low	Adopt the recommendation and manage all feedback through existing communication channels.	Yes
There is a risk that not adopting the recommendation will lead to fewer volunteers as fewer people are attracted to the 355c committee model of volunteering.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will create more opportunities for volunteers to participate in parks, Landcare and cemetery improvement projects which in turn build a sense of community wellbeing and value to the local environment.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section. The consultation formed part of the cyclical service review process.

Internal

Consultation using interviews, surveys, presentations and desk top analysis has involved the following internal stakeholders:

- 1) Staff who supervise or have direct contact with volunteers.
- 2) Volunteers of Council:
 - a. Park forums (March and July 2017, March and July 2018).
 - b. Hall forums (July 2017 and July 2018).
 - c. Cemetery committee engagement (May 2018.)
 - d. Park committee engagement (May 2018).
 - e. Community engagement workshop (November 2017).
 - f. Volunteer surveys and direct submissions.
 - g. "Cashless trial" with a 355c committee.
- 3) Consultative Committee.
- 4) Senior Management.
- 5) Executive Leadership Team.
- 6) Two way conversations with Councillors on 17 July and 21 August 2018.

External

Consultation using interviews and surveys has involved the following external stakeholders:

- 1) Users of Council's parks and reserves.
- 2) Regular users of Council's halls.
- 3) 21 other council's with volunteers and 355c committees.
- 4) Hunter Volunteer Centre.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 7

**FILE NO: 18/141245
EDRMS NO: PSC2017-00180**

DISSOLUTION OF TOMAREE MULTI-PURPOSE CENTRE MANAGEMENT COMMITTEE (A 355C COMMITTEE OF PORT STEPHENS COUNCIL)

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Dissolve the Tomaree Multi-purpose Centre Management Committee (a 355c committee of Port Stephens Council).
 - 2) Authorises the Mayor and General Manager to sign and affix the seal of Council to the Deed of Dissolution of Committee and Termination of Agreement.
 - 3) Transfer ownership of all purchased miscellaneous items and equipment installed over the 20 year period to the NSW Minister Department of Education in the care of Tomaree High School for the continued use of the facility by Tomaree High School and the broader community.
-

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

268	<p>Councillor Steve Tucker Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Dissolve the Tomaree Multi-purpose Centre Management Committee (a 355c committee of Port Stephens Council).2) Authorises the Mayor and General Manager to sign and affix the seal of Council to the Deed of Dissolution of Committee and Termination of Agreement.3) Transfer ownership of all purchased miscellaneous items and equipment installed over the 20 year period to the NSW Minister Department of Education in the care of Tomaree High School for the continued use of the facility by Tomaree High School and the broader community.
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BACKGROUND

The purpose of this report is to dissolve the Tomaree Multipurpose Centre Management Committee (a 355c committee of Port Stephens Council) ("the Committee").

The Multi-purpose Centre ("the Centre") was a significant joint venture with the NSW Department of Education and Training (DET) for the enhancement of a proposed school gymnasium at the Tomaree Education Centre. The project commenced with discussions with DET in 1993 and by 1999 the Centre had been realised in conjunction with the new school campus. Council's contribution to the project was \$601,000 which allowed for an additional 480sqm building to be constructed providing storage areas, raked seating, a larger stage/performance space, kiosk/kitchen area, meeting room and an enhanced entry/foyer/reception area.

Given Council's financial contribution, a Joint Use Agreement ('the Agreement') was prepared which stipulated that Council retained some management of the Centre to ensure it remained available for community use outside of school hours. The Committee was formed as a 355(c) Committee of Council in 1998, with representatives on the committee from Tomaree High School, DET, Council and the community. Council resolved not to allocate any funding to the Committee due to its ability to generate significant income. However, the Committee was required to submit annual financial statements to Council.

The term of the Agreement was to conclude twenty years from the date of the Final Certificate. There is no clear documentation showing the date of the Final Certificate, however given the Minister for DET was forwarded to Council under cover of DET letter dated 29 September 1998, it is assumed the date was prior to this. Twenty years from this date would be 29 September 2018.

A Deed of Dissolution of Committee and Termination Agreement ("the Deed") has been drafted by DET's legal representatives and reviewed by Council's legal services. In this Deed, are the following terms for Council's notation:

- Section 4 states the Parties agree to make all reasonable efforts to facilitate the preparation of an appropriate media release or event to celebrate the achievements and long duration of the Committee under the joint management of the Parties.
- Schedule 1 – Stocktake lists items identified as recent purchases and as agreed in the minutes of 11 April 2018 will be transferred to ownership of Tomaree High School upon dissolution of the Agreement. These are outlined below, having been purchased in 2016 showing a depreciation over the five year period:

Item	Purchase price (\$)	Current value (\$)
Roband pie warmer	668.40	401.20
Yamaha Mixer	3026.36	1815.60

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Item	Purchase price (\$)	Current value (\$)
Fridge with bottom unit	2350.00	1410.00
Goldstein dishwasher	3014.00	1808.40

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Planning and Partnerships.	Support volunteers to deliver appropriate community services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from adopting the recommendation.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Agreement has been drafted by the DET's legal representatives and reviewed by Council's legal services.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the recommendations will affect Council's reputation as the 355(c) has resolved to dissolve the Committee according to the Agreement signed on 29 September 1998.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Centre will continue to be maintained and managed by Tomaree High School, under ownership of DET. The hall will also continue to be available for use for the community outside of school hours. This ensures the original objectives that Council stipulated in the Joint Use Agreement will continue. Community use is important for recreational, educational, cultural and economic outcomes for the Tomaree Peninsula.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section. The objective of the consultation was to ensure that parties involved in the original Joint Use Agreement were in agreeance for the Committee to be dissolved at the conclusion of the twenty year timeframe.

Internal

Council's Legal Services Team has reviewed all documents relating to the Agreement.

External

The Tomaree High School Business Manager has represented the school's interests in the preparation of the Agreement.

The Agreement has been prepared by Hickson's Lawyers and reviewed by Council's Legal Services Team

The Committee met on 11 April 2018 and resolved to formally dissolve the committee. Representatives from Council, including the Mayor, were present at this meeting and informed the Committee that Council did not wish to retain the purchased miscellaneous items and the equipment installed over the years, post dissolution.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 8

**FILE NO: 18/161905
EDRMS NO: PSC2005-2640**

POLICY REVIEW: OUTDOOR TRADING POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Outdoor Trading Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Outdoor Trading 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 Outdoor Trading Policy dated 25 November 2014 (Minute Number 321), should no submissions be received.
- 4) Rescind all fees and charges for Temporary Footway Structures under Council's Fees and Charges 2018-2019.

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

269	<p>Councillor Giacomo Arnott Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Outdoor Trading Policy shown at (ATTACHMENT 1).2) Place the Outdoor Trading 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 Outdoor Trading Policy dated 25 November 2014 (Minute Number 321), should no submissions be received.4) Rescind all fees and charges for Temporary Footway Structures under Council's Fees and Charges 2018-2019.
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BACKGROUND

The purpose of this report is to seek Council's endorsement to place the Outdoor Trading Policy on public exhibition and adopt should no submissions be received **(ATTACHMENT 1)**.

The Outdoor Trading policy relates to:

- Footway dining areas in Port Stephens.
- Street trading in local, charitable and community organisations.
- Temporary structures on the footway (Road Reserve).

As noted in the policy, the purpose is to:

- Regulate the use of the public footway area to avoid nuisance, inconvenience or reduction of safety to the public.
- Ensure that safe access is maintained on footpaths at all times for pedestrians including the users of wheelchairs and mobility aids.
- Create a cosmopolitan, alfresco dining/café atmosphere in appropriate areas of Port Stephens.
- Provide an opportunity for local charitable and community organisations to operate casual street stalls.
- Provide retailers with an opportunity to integrate commercial activities into pedestrian areas.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

The recently adopted Port Stephens Council Fees and Charges 2018-2019 does show an applicable fee and charge for temporary footway structures. In previous years the income gained from outdoor trading was in the order of \$30,000. This income was used to contribute towards the maintenance of Raymond Terrace and Nelson Bay central business districts.

Under a previous Council's Notice of Motion dated 14 February 2017, Minute No. 024:

"It was resolved that Council rescind all fees and charges relating to Footway Dining Licences" (**ATTACHMENT 2**).

This decision was made to help reduce the cost of running a business in this economic climate.

It is proposed under the review of this policy that Council continues to waiver the fee provision of Outdoor Trading to reduce the costs of small business, until the central business districts (CBD) business economy improves.

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

LEGAL, POLICY AND RISK IMPLICATIONS

While the proposed fee under the Outdoor Trading Policy is zero, any outdoor trader will still be required to apply to Council under this policy. This will allow Council to co-ordinate the use of the space as well as ensure that each applicant has the appropriate insurances to undertake and activity on the road reserve.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that a public liability risk will occur on Council's road reserve leading to leading to litigation.		While the fee is proposed to be for free, Outdoor Traders will still have to apply and relevant insurances are to be submitted to Council for final permits to be offered.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are financial and resource implications involved in the participation of the Outdoor Dining Trial however, these do not fall over and above implications incurred as a result of the current policy. This includes resourcing to authorise permits and manage permit compliance and deliver business engagement initiatives. The streamlining of the process may however allow for time savings in these areas.

Council is currently part of the NSW Outdoor Dining Trial (the 'Trial'). This is an initiative developed by the Office of the NSW Small Business Commissioner (OSBC), in partnership with Service NSW, NSW Liquor and Gaming and participating councils. The trial is part of NSW Government's *Easy To Do Business* initiative and will run from September 2017 to December 2018.

The trial will result in a state wide Outdoor Dining Policy, enabling small food-based businesses to expand their operations, bringing vibrancy to local communities, boosting local economies and providing additional jobs.

The key benefits include:

- A streamlined, simplified self-assessment process for outdoor dining approval.
- The development of an online application and approval process.
- Two business day approval.
- Streamlined approval for boundary changes to on-premises (restaurant) liquor license.
- Fee-Free Trial (includes all partners; Council, Service NSW and NSW Liquor and Gaming).
- Cutting red tape for small businesses and local councils.
- Reform of complex legislation, regulations and codes.

The Trial will be assessed by the NSW Small Business Commissioner (OSBC) in terms of the increase in the numbers of tables and chairs and through consultation with participating Councils and businesses. These measures will inform the development of a state-wide outdoor dining policy.

All cafés, restaurants and other food-based businesses in Council's Trial area, who wish to apply for outdoor dining, will use the self-assessment application to address and comply with five permit requirements.

The Business Concierge at Service NSW will review and process all applications and ensure they are complete. This approval process is proposed to occur within two business days. In addition, the applying business will also be able to serve alcohol under the interim authorisation process if the business has an existing on-premises liquor license.

Council's role will be to approve the final application and issue the permit. When the permit is issued, these businesses will be able to operate outdoor dining as an ancillary use to an existing food-based business.

Council will continue to undertake compliance checks and audits in line with current arrangements. Checks and audits of outdoor dining permits are undertaken on demand and as required by Council's Rangers.

A digital application process is currently under development by Service NSW, and until this is complete an online application form process is in place.

CONSULTATION

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

Internal

- Public Domain and Services
- Development Assessment and Compliance

External

- External consultation will be undertaken through the public exhibition process.
- The Council resolution to place this policy on public exhibition will aid in the consultation. It should be noted however that this policy has been in place for at least 10 years.

In accordance with local government legislation the draft Outdoor Dining Policy will go on public exhibition from Friday 31 August 2018 to Saturday 28 September 2018 for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Outdoor Trading Policy.
- 2) NOM Fees and Charges - Footway Dining Licences.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 OUTDOOR TRADING POLICY.

Policy



FILE NO: PSC2005-2640
TITLE: OUTDOOR TRADING POLICY
POLICY OWNER: CIVIL ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 To ensure that Council acts consistently and without bias to regulate the use of the public footway area to avoid nuisance, inconvenience or reduction of safety to the public. Regulate the use of the public footway area to avoid nuisance, inconvenience or reduction of safety to the public.
- 1.2 To ensure that safe access is maintained on footpaths at all times for pedestrians including the users of wheelchairs and mobility aids.
- 1.3 To facilitate the appropriate use of footpaths and public areas for the purposes of outdoor trading including outdoor dining activities and the promotion of business activity. Create a cosmopolitan, alfresco dining/café atmosphere in appropriate areas of Port Stephens.
- 1.4 Provide an opportunity for local charitable and community organisations to operate casual street stalls.
- 1.5 Provide retailers with an opportunity to integrate commercial activities into pedestrian areas.

2. CONTEXT/BACKGROUND:

- 2.1 Council has authority to regulate the use of footways within Council road reserves. This policy replaces 3 separate, existing policies covering the use of footways for footway/alfresco dining, for street trading by organisations and casual street stalls and for the installation or erection of temporary structures. The policies replaced are:
 - Footway dining areas in Port Stephens.
 - Street trading in local, charitable and community organisations.
 - Temporary structures on the footway (Road Reserve).
- 2.2 The policy must be read in conjunction with:
 - The Footway Dining: Procedures and Guidelines Manual and the related Deed of Licence.
 - The Conditions and Procedures Manual: Temporary Structures on the Footway (Road Reserves) in Port Stephens.
 - Casual Street Stalls – General Conditions.
- 2.3 Approval may also be subject to local or specific Development Control Plan conditions or to agreements and conditions formed by the local Chamber of Commerce and Industry or other organisations and approved by Council.

Policy

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ITEM 8 - ATTACHMENT 1 OUTDOOR TRADING POLICY.

Policy



3. SCOPE:

- 3.1 Council has authority to grant approval and regulate the use of the footway in accordance with the *Roads Act 1993* and the *Local Government Act 1993*.

4. DEFINITIONS:

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

Footway	That part of a road as is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).
Outdoor Dining Area	A restaurant that is the subject of an approval under Section 125 of the <i>Roads Act 1993</i> .
Road Reserve	The entire right-of-way devoted to public travel, including footways, shoulders, verges and carriageways – the whole width between adjacent property boundaries.
Casual Street Stalls	Used by charity organisations and locals in the community for the selling of goods and services in a public place and are a great way of promoting and raising funds for your charity, selling raffle tickets, and many other events.

5. POLICY STATEMENT:

- 5.1 Port Stephens Council seeks to create a cosmopolitan, alfresco dining/café atmosphere in appropriate areas of Port Stephens and to increase the tourism potential of the local government area.
- 5.2 Port Stephens Council provides the opportunity for local charitable and community organisations to operate casual street stalls, while ensuring that pedestrians and local businesses are not adversely affected.
- 5.3 Port Stephens Council regulates the use of temporary structures on the footway, providing retailers with an opportunity to integrate commercial activities into pedestrian areas. This will increase exposure of specific commercial activities and gives the opportunity for improved business viability.

6. POLICY RESPONSIBILITIES:

- 6.1 Council will continue to charge an annual fee for outdoor dining licences and for temporary structures on the footway, in order to cover the cost of administering approvals and monitoring these activities. These fees are contained in Council's Fees & Charges. No fee is charged by Council for the approval process for casual street stalls for charitable and

Policy

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ITEM 8 - ATTACHMENT 1 OUTDOOR TRADING POLICY.

Policy



community organisations. Council currently does not charge an annual fee for outdoor dining licences and for temporary structures on the footway, though an application is still required to check appropriate insurances and space management.

- 6.2 Appropriate use of footways makes a significant contribution to the quality of public places. Council seeks to assist in the creation of a vibrant business community by implementation of a fair and equitable outdoor trading policy.
- 6.3 Appropriate use of the footway assists the viability of business and allows business operators to display goods for sale and information for potential customers.
- 6.4 Appropriate regulation of footway trading activities will ensure that the footway is available for safe pedestrian access and is free of obstructions and hazards.

7. RELATED DOCUMENTS:

- 7.1 *Local Government Act 1993*
- 7.2 *Roads Act 1993*
- 7.3 *Commonwealth Disability Discrimination Act 1992*
- 7.4 *Companion Animals Amendment (Outdoor Dining Areas) Act 2010*
- 7.5 *Smoke Free Environment Act 2000*
- 7.6 *Liquor Act 2007*
- 7.7 *Food Act 2003*
- 7.8 *Work Health and Safety Act and Regulations 2011*
- 7.9 Port Stephens Council Development Control Plan 2014
- 7.10 Advertising Signs in Road Reserves Policy
- 7.11 Smoke Free Outdoor Areas Policy
- 7.12 Footway Dining – Procedures and Guidelines
- 7.13 Conditions and Procedures Manual – Temporary Structures on the Footway (Road Reserve) in Port Stephens

Policy

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Policy



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EDRMS container No	PSC2005-2640	EDRMS record No	18/175852
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	June 2020
Adoption date	25/11/2014		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25/11/2014	Civil Assets Manager	Adopted by Council	321
2		Civil Assets Planning Manager	Reviewed and updated in new Policy template. Removal of Civil in the Policy Owner 1.1 Reworded to improve purpose. 1.3 Reworded and additional points added as 1.4 and 1.5. 4.1 Additional information in Definition. 6.1 Changed in policy due to NOM (Min No. 024) 14 February 2017.	

Policy

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ITEM 8 - ATTACHMENT 2 NOM FEES AND CHARGES - FOOTWAY DINING LICENCES.**MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017****NOTICE OF MOTION****ITEM NO. 9****FILE NO: 17/16002****RM8 REF NO: PSC2005-2640****FEES AND CHARGES - FOOTWAY DINING LICENCES****COUNCILLOR: MAYOR BRUCE MACKENZIE****THAT COUNCIL:**

- 1) Rescind all fees and charges relating to Footway Dining licences.

Councillor Geoff Dingle left the meeting at 06:49pm, prior to voting on the matter.
Councillor Geoff Dingle returned to the meeting at 06:53pm, prior to voting on the matter.

**ORDINARY COUNCIL MEETING - 14 FEBRUARY 2017
MOTION**

024	Mayor Bruce MacKenzie Councillor Sally Dover It was resolved that Council rescind all fees and charges relating to Footway Dining licences.
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BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER**BACKGROUND**

The purpose of this report is to provide information in relation to the fees charged for footway dinning.

Footway dinning is governed under the Outdoor Trading Policy adopted by Council on the 25th November 2014, Minute Number 321 (**ATTACHMENT 1**). This policy also provides governance for street trading and casual street stalls. Through the implementation of the policy:

- Port Stephens Council seeks to create a cosmopolitan, alfresco dining/café atmosphere in appropriate areas of Port Stephens and to increase the tourism potential of the local government area.

ITEM 8 - ATTACHMENT 2 NOM FEES AND CHARGES - FOOTWAY DINING LICENCES.**MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017**

- Port Stephens Council provides the opportunity for local charitable and community organisations to operate casual street stalls, while ensuring that pedestrians and local businesses are not adversely affected.
- Port Stephens Council regulates the use of temporary structures on the footway, providing retailers with an opportunity to integrate commercial activities into pedestrian areas. This will increase exposure of specific commercial activities and gives the opportunity for improved business viability.

Fees are charged for the provision of outdoor dining in accordance with this Policy and the Council adopted Fees and Charges. The fee charged is based on a square meter rate. The income varies annually and is in the order of \$18,000. This income is used to contribute funding for:

- Maintenance cleaning of the CBD pavers.
- Slip resistance coating on the Nelson Bay CBD pavers.
- Street sweeping of CBD's.

This income is only a contribution in comparison to the overall expenditure for these maintenance activities. The deletion of footway dining income would result in a reduction of cleaning CBD's such as Nelson Bay and Raymond Terrace.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications associated with this Notice of Motion.

ATTACHMENTS

- 1) Outdoor Trading Policy.

ITEM 8 - ATTACHMENT 2 NOM FEES AND CHARGES - FOOTWAY DINING LICENCES.

ITEM 9 - ATTACHMENT 1 OUTDOOR TRADING POLICY.

Port Stephens
C·O·U·N·C·I·L

POLICY

Adopted: 25/11/2014
Minute No: 321
Amended:
Minute No:

FILE NO: PSC2005-2640

TITLE: OUTDOOR TRADING POLICY

RESPONSIBLE OFFICER: CIVIL ASSETS MANAGER

BACKGROUND

Council has authority to regulate the use of footways within Council road reserves. This policy replaces 3 separate, existing policies covering the use of footways for footway/alfresco dining, for street trading by organisations and casual street stalls and for the installation or erection of temporary structures.

The policies replaced are:

1. Footway dining areas in Port Stephens
2. Street trading by local, charitable and community organisations
3. Temporary structures on the footway (Road Reserve)

The policy must be read in conjunction with:

- *The Footway Dining: Procedures and Guidelines Manual* and the related *Deed of Licence*.
- *The Conditions and Procedures Manual: Temporary Structures on the Footway (Road Reserves) in Port Stephens*
- *Casual Street Stalls – General Conditions*

Approval may also be subject to local or specific Development Control Plan conditions or to agreements and conditions formed by the local Chamber of Commerce and Industry or other organisations and approved by Council.

OBJECTIVE

- 1) To ensure that Council acts consistently and without bias to regulate the use of the public footway area to avoid nuisance, inconvenience or reduction of safety to the public.
- 2) To ensure that safe access is maintained on footpaths at all times for pedestrians including the users of wheelchairs and mobility aids.

ITEM 8 - ATTACHMENT 2 NOM FEES AND CHARGES - FOOTWAY DINING LICENCES.

MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017

ITEM 9 - ATTACHMENT 1 OUTDOOR TRADING POLICY.

- 3) To facilitate the appropriate use of footpaths and public areas for the purposes of outdoor trading including outdoor dining activities and the promotion of business activity

PRINCIPLES

- 1) Council has authority to grant approval and regulate the use of the footway in accordance with the Roads Act 1993 and the Local Government Act 1993

POLICY STATEMENT

Through implementation of this policy:

- 1) Port Stephens Council seeks to create a cosmopolitan, alfresco dining/café atmosphere in appropriate areas of Port Stephens and to increase the tourism potential of the local government area.
- 2) Port Stephens Council provides the opportunity for local charitable and community organisations to operate casual street stalls, while ensuring that pedestrians and local businesses are not adversely affected.
- 3) Port Stephens Council regulates the use of temporary structures on the footway, providing retailers with an opportunity to integrate commercial activities into pedestrian areas. This will increase exposure of specific commercial activities and gives the opportunity for improved business viability.

RELATED POLICIES

- 1) Advertising signs in road reserves policy
- 2) Smoke free outdoor areas policy
- 3) Footway Dining – Procedures and Guidelines
- 4) Conditions and Procedures Manual – Temporary structures on the footway (road reserve) in Port Stephens
- 5) Port Stephens Council Development Control Plan

SUSTAINABILITY IMPLICATIONS

Council will continue to charge an annual fee for outdoor dining licences and for temporary structures on the footway, in order to cover the cost of administering approvals and monitoring these activities. These fees are contained in Council's Fees & Charges. No fee is charged by Council for the approval process for casual street stalls for charitable and community organisations.

SOCIAL IMPLICATIONS

Appropriate use of footways makes a significant contribution to the quality of public places. Council seeks to assist in the creation of a vibrant business community by implementation of a fair and equitable outdoor trading policy.

ECONOMIC IMPLICATIONS

ITEM 8 - ATTACHMENT 2 NOM FEES AND CHARGES - FOOTWAY DINING LICENCES.

MINUTES ORDINARY COUNCIL - 14 FEBRUARY 2017

ITEM 9 - ATTACHMENT 1 OUTDOOR TRADING POLICY.

Appropriate use of the footway assists the viability of business and allows business operators to display goods for sale and information for potential customers.

ENVIRONMENTAL IMPLICATIONS

Appropriate regulation of footway trading activities will ensure that the footway is available for safe pedestrian access and is free of obstructions and hazards.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act 1993
- 2) Roads Act 1993
- 3) Commonwealth Disability Discrimination Act 1992
- 4) Companion Animals Amendment (Outdoor Dining Areas) Act 2010
- 5) Smoke Free Environment Act 2000
- 6) Liquor Act 2007
- 7) Food Act 2003
- 8) Work Health and Safety Act and Regulations 2011
- 9) Port Stephens Council Development Control Plan 2013

IMPLEMENTATION RESPONSIBILITY

- 1) Civil Assets Section

PROCESS OWNER

- 1) Civil Assets Engineer

REVIEW DATE

- 1) Once in a term of Council

ITEM NO. 9

**FILE NO: 18/166480
EDRMS NO: PSC2005-2646**

POLICY REVIEW: BUS SHELTER POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions.
 - 2) Endorse the revised Bus Shelter Policy shown at **(ATTACHMENT 1)**.
 - 3) Revoke the Bus Shelter Policy dated 14 November 2014 (Minute No. 319).
-

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

270	<p>Councillor Glen Dunkley Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions.2) Endorse the revised Bus Shelter Policy shown at (ATTACHMENT 1).3) Revoke the Bus Shelter Policy dated 14 November 2014 (Minute No. 319).
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BACKGROUND

The purpose of this report is to note the public submissions received and seek Council's adoption of the Bus Shelter Policy as shown in **(ATTACHMENT 1)**. During the public consultation period two submissions were received **(ATTACHMENT 2)**.

The two submissions received raised valid points about the physical and aesthetic design of bus shelters with the goal to have a standardised shelter across the Local Government Area as well as promoting materials that reduce vandalism or graffiti. One submission made note of a number of shelters that should be replaced. While Council staff agrees with these points, these points do not change the intent or content of this Policy.

One of the submissions made note that the existing policy does not work as the community is unaware if Council or another entity is the owner of the asset. Hence there is uncertainty who to report an issue to. The submission made note of a simple solution and Council staff agree to the implementation of this. This submission also makes note that the Bus Shelter Policy should refer to the Public Arts Policy so the Policy has been amended to include the Public Arts Policy.

As noted in the report to Council on the 26 June 2018 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 2018-2021
Infrastructure and Facilities	Plan civil and community infrastructure to support the community.

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 the 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

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
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
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 being built on Council road reserves than would otherwise have been 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 from the benefits of having a bus shelter, but it 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 went on public exhibition from Friday 29 June 2018 to Friday 27 July 2018 for 28 days. As noted in the background of this report two submissions were received. The information received in the submissions does not change the intent or content of the policy.

OPTIONS

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

ATTACHMENTS

- 1) Bus Shelter Policy.
- 2) Bus Shelter Policy Submission Summary.

COUNCILLORS ROOM

- 1) Submissions in Full.

TABLED DOCUMENTS

Nil.

Policy



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

1. PURPOSE:

- 1.1 The Bus Shelter Policy purpose is to allow community groups to provide bus shelters for the community and 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 Council's 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 9 - 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.

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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.
- 7.6 Public Arts Policy and Guidelines.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2005-2646	EDRMS record No	18/142224
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 9 - 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 & 7.6 - Additional Related Documents. 7.3 – Removal of Related Document.	
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Policy

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No.	Author of submission	Comment	Council response
1	Port Stephens Graffiti Action Team	<ul style="list-style-type: none"> • Suitable bus shelters for removal of graffiti are those that are largely glass with narrow metal supports and aluminium seats. • Bus Shelters are in important part of the street furniture and part of the public domain that is now under review by Council. • Bus shelters should be consistent throughout the area. • Colour of bus shelters be standardised. 	<p>The submission has been received and noted. At present Council does not have an adopted standardised bus shelter design, though as part of future planning documentation it is proposed that a number of standardised shelters be chosen that are sympathetic to the area neighbouring conditions.</p>
2	Port Stephens Resident	<ul style="list-style-type: none"> • Future bus shelters should be a standard bus shelters comprising of mostly glass with narrow metal supports and aluminium seats. • All older bus shelters be standardised. • Council recognize the bus shelters are an important part of our streetscape. • Commercial advertising to be limited on all bus shelters. • Community Groups to display a contact number so maintenance can be reported. • A public art policy link to be made to Bus Shelter Policy. 	<p>The submission has been received and noted. At present Council does not have an adopted standardised bus shelter design, though as part of future planning documentation it is proposed that a number of standardised shelters be chosen that are sympathetic to the area neighbouring conditions.</p> <p>It is proposed that bus shelters that are not owned by Council do have contact details on the shelter to help transport users make reports on the condition of the shelter.</p> <p>Policy changed to make reference to the public arts policy.</p>

ITEM NO. 10**FILE NO: 18/171916
EDRMS NO: A2004-0984****CODE OF CONDUCT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Code of Conduct adopted on 25 October 2016, Minute No.315 and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.
 - 2) Adopt the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, as tabled.
-

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

271	Councillor Paul Le Mottee Councillor John Nell It was resolved that Council: <ol style="list-style-type: none">1) Revoke the Code of Conduct adopted on 25 October 2016, Minute No.315 and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.2) Adopt the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, as tabled.
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BACKGROUND

The purpose of this report is to provide this procedural review of Code of Conduct (the 'Code') for Council's consideration.

In accordance with section 440 (7) of the *Local Government Act 1993*, Council must review its Code of Conduct and make adjustments as required, within 12 months after the ordinary election.

The Code has been reviewed as required, with very minor updates to sections 3.13 and 8.15.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to review its Code of Conduct within 12 months after an ordinary election. The last ordinary election was held in September 2017, therefore the existing Code must be considered by Council by September 2018.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications from the recommendation.

CONSULTATION

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

Internal

- Consultation has occurred with the General Manager.

External

- Nil. It should be noted that the Office of Local Government is currently reviewing the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. Consultation with councils occurred late 2017.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Code of Conduct.
- 2) Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

ITEM NO. 11

**FILE NO: 18/178664
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. Croquet and Petanque Club Raymond Terrace – Ward Funds Cr Ken Jordan - \$500 donation towards operational costs.

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

272	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Ward Funds to the following:</p> <ol style="list-style-type: none">a. Croquet and Petanque Club Raymond Terrace – Ward Funds Cr Ken Jordan - \$500 donation towards operational costs.
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Cr Ken Jordan and Cr Steve Tucker called for a division.

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

Those against the Motion: Cr Giacomo Arnott.

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 Grants and Donations Policy gives Councillors a wide discretion either to grant or to refuse any requests.

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

Council's Grants and Donations 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 Projects Funds
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

Croquet and Petanque Club Raymond Terrace.	Community sporting club.	\$500	Donation towards operating costs.
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
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.

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

Councillor Jaimie Abbott left the meeting at 7:13pm, in Open Council.

ITEM NO. 12

FILE NO: 18/178795
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 28 August 2018.

No:	Report Title	Page:
1	Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade Sub-Committee inquiry into the management of PFAS contamination in and around Defence bases.	101
2	Mayor and Councillors' Expense Report 1 July 2017 to 30 June 2018	116
3	Designated Persons' Return	119

ORDINARY COUNCIL MEETING - 28 AUGUST 2018 MOTION

273	<p>Councillor Sarah Smith Councillor Steve Tucker</p> <p>It was resolved that Council receives and notes the Information Paper – item 1 listed below being presented to Council on 28 August 2018.</p> <hr/>
	<p>No: Report Title</p> <p>1 Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade Sub-Committee inquiry into the management of PFAS contamination in and around Defence bases.</p>

Councillor Jaimie Abbott returned to the meeting at 7:14pm, in Open Council.

ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION

274	<p>Councillor John Nell Councillor Glen Dunkley</p> <p>It was resolved that Council receives and notes the Information Papers – items 2 and 3 listed below being presented to Council on 28 August 2018.</p> <hr/> <p>No: Report Title</p> <p>2 Mayor and Councillors' Expense Report 1 July 2017 to 30 June 2018.</p> <p>3 Designated Persons' Return.</p>
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INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 18/177070
EDRMS NO: PSC2012-03300**

**SUBMISSION TO THE JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,
DEFENCE AND TRADE SUB-COMMITTEE INQUIRY INTO THE MANAGEMENT
OF PFAS CONTAMINATION IN AND AROUND DEFENCE BASES.**

REPORT OF: TIMOTHY CROSDALE - GROUP MANAGER DEVELOPMENT
SERVICES
GROUP: DEVELOPMENT SERVICES

BACKGROUND

On 6 July 2018, Council provided a submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade PFAS Sub-Committee (the 'Committee') inquiry into the Commonwealth Government's management of per- and polyfluoroalkyl substances (PFAS) contamination in and around Defence bases (the 'Inquiry').

Council's submission endeavoured to express the concerns that the community have experienced with the management of PFAS around RAAF Base Williamtown. Key matters raised related to the coordination of the response between the Federal and State Government and the submission made a range of suggestions for improvement in this approach. In addition, the Inquiry provided an opportunity for Council to again advocate on the community's behalf for the consideration of further compensation and buy back of properties located within the Williamtown Management Area.

The submission was informed by Council's involvement with the Williamtown Community Reference Group, as well as the significant feedback that Council have received from the various affected community members in and around Williamtown. This included the results of a number of community and business surveys completed within the Williamtown Management Area by Council since 2015. In addition, the submission detailed Council's efforts to assist the Williamtown community through the recently adopted rate sub category for residential and farmland areas within the Williamtown Management Area.

The submission was formally considered, accepted and authorised for publication on 13 July 2018 and was made available to the public on the Inquiry web page at: [Joint Foreign Affairs Defence and Trade Inquiry into PFAS Submissions.](#)

Council's submission is provided at **(ATTACHMENT 1)**.

On 24 July 2018, the Committee held a public hearing for the Inquiry at Williamtown. The General Manager appeared at the public hearing to address the Terms of Reference of the Inquiry and to answer questions from the Committee.

The Committee canvassed Council's views as detailed in the submission made to the Inquiry. A number of matters for further information were raised through Council's appearance at the hearing in which clarification was sought. Council provided a response in relation to the specific matters requested at the public hearing on 30 July 2018.

ATTACHMENTS

- 1) Port Stephens Council Submission to the Inquiry.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1

PORT STEPHENS COUNCIL SUBMISSION TO THE INQUIRY.



Mr James Rees
Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
PFAS Sub-Committee
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Mr Rees,

Re: Joint Standing Committee on Foreign Affairs, Defence and Trade PFAS Sub-Committee Inquiry Commonwealth Government's management of per- and polyfluoroalkyl substances (PFAS) contamination in and around Defence bases

Port Stephens Council (Council) is appreciative to the Joint Standing Committee on Foreign Affairs, Defence and Trade PFAS Sub-Committee for the opportunity to make a submission to the Inquiry into the Commonwealth Government's management of per- and polyfluoroalkyl substances (PFAS) contamination in and around Defence bases (the Inquiry).

Royal Australian Air Force (RAAF) Base Williamtown is located within the Port Stephens Local Government Area (LGA) and has been a high profile location in relation to the issue of PFAS contamination at Defence force bases.

Council's role since the emergence of this issue has been to facilitate information with the community through working with the NSW Government and Department of Defence (DoD). In 2015, Council made a submission to the Senate Foreign Affairs, Defence and Trade References Committee's inquiry into the Contamination of Australia's Defence Force facilities and other Commonwealth, state and territory sites in Australia (2015 Inquiry). As outlined in Council's submission to the 2015 Inquiry, there was, and continues to be, significant concern, frustration and anger within the community surrounding the RAAF Base Williamtown in relation to the management of this issue.

Whilst it is acknowledged that there has been progress to the responses from the DoD and whole of Government in relation to this issue, there remains a great deal of uncertainty within the community. In its representations to Council, the community surrounding the RAAF Base Williamtown maintain that certainty in terms of compensation and / or buy back of land affected by contamination within the Williamtown Management Area should be a central aspect of any further management of this issue by the Commonwealth.

PORT STEPHENS COUNCIL

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ITEM 1 - ATTACHMENT 1 PORT STEPHENS COUNCIL SUBMISSION TO THE INQUIRY.

Moreover, Council notes that the Terms of Reference for this Inquiry are essentially the same as that for the 2015 Inquiry. Again, whilst there has been further progress in a range of areas associated with the management of this issue, it requested that the Commonwealth seek to implement direct compensation measures to provide greater certainty to the community surrounding RAAF Base Williamtown.

As outlined in our submission below, along with a commitment from DoD and the Commonwealth to direct compensation to affected landholders, Council encourages any improvement measures in the communications between levels of government and the community on this issue to make this more timely, simple and direct.

Council provides the following feedback in relation to the specific points in the Terms of Reference, in the order in which they are tabled.

a) the extent of contamination in and around Defence bases, including water, soil, other natural assets and built structures;

Since the 2015 Inquiry, DoD has been completing a range of studies and investigations into contamination around RAAF Base Williamtown. It is noted that the scope and timing of the investigation program has been long and undertaken in the context of unclear and changing expectations and guidance on the relevant limits to define areas affected by PFAS. Unfortunately, information in terms of what land may be potentially contaminated has not been disclosed to Council or the community in a coordinated and systematic way.

In relation to the testing program in a broader context, Council makes the general observation that it has been slow, confusing and complicated. Anecdotal feedback received by Council staff at community sessions and via customer service channels suggests that these shortcomings have made it difficult for the community to understand what is required in regard to the testing and what the likely impacts on their properties and health may be. Various community members have articulated to Council that this could prove to be the most catastrophic event to occur in their lives and the response that testing could take months, or even longer, has not been appropriate in their view.

The process of identifying the extent of contamination off RAAF Base Williamtown has been primarily left with the NSW Environment Protection Authority (NSW EPA), on the basis of testing and advice developed by the Commonwealth. This separation of responsibilities has further contributed to the lack of a consistent and coordinated dissemination of this critical information to Council or the community. At a number of critical times through the investigation process the lack of a coordinated and clear definition of the extent of contamination has created significant uncertainty and distrust within the community, including:

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- The initial identification of the Williamtown and Surrounds Investigation Area (Investigation Area) in September 2015 identified areas that were potentially affected by PFAS contamination without information on the full extent and potential harm of identified contamination.
- The Investigation Area was substantially increased to the Williamtown Management Area on the basis of further sampling. This increase in extent was a significant change to that established in 2015, which in effect substantially increased the number of additional properties potentially affected by PFAS contamination.

On this basis, it has been difficult to understand the extent of the contamination, due to the results not being communicated in a consistent manner. Coupled with this, the guidelines to determine the definition of whether contamination exists, and related health risks, was undertaken concurrently with the investigation process. This has meant that there was no clear guidance at the outset of the investigation program as to what constituted contamination, and the related health effects. This remains an area of significant community angst and is an ongoing issue for Council in liaising with the community around this matter.

In addition to this, the NSW EPA have advised that the land is not identified as contaminated in relation to relevant NSW legislation and established management and mitigation requirements. This creates significant disconnect and confusion, particularly in cases where landowners have been advised their land is contaminated, without the formal requirements for remediation and mitigation works under the relevant NSW legislation. This disconnect only serves to create further confusion and concern for the community.

b) the response of, and coordination between, agencies of the Commonwealth Government, including, but not limited to, the Department of Prime Minister and Cabinet, the Department of Health, the Department of the Environment and Energy, the Department of Defence and the Australian Defence Force;

In its submission to the 2015 Inquiry, Council detailed a range of issues with the communication and coordination of the management of this issue from DoD as outlined below.

Council officers were first briefed on the issue from DoD in 2012. This briefing was confidential in nature and the next information received by Council was via a letter from DoD dated 20 May 2013 outlining the results of stage one of the investigation initiated the previous year.

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The letter stated that detectable levels of Perflurooctane sulfonate (PFOS) and Perfluorooctanoic acid (PFOA) were found in on-site and off-site surface water and drain sediments at RAAF Base Williamtown. It also stated off-site ground water samples showed no detectable PFOS or PFOA. The letter alerted Council officers to the issue but indicated that, at that early stage, further research was needed to understand the possible risks. The initial advice did not indicate immediate cause for alarm and that further investigations were underway. A further follow up email from DoD requested the matter be kept confidential by Council.

Council received subsequent correspondence in 2014 advising that the stage two research was underway. Council received a report in August 2015 after which it was considered by Council there was enough information to pass on to Councillors and the public after the NSW EPA and DoD had completed press releases.

Council considers there were a number of key process gaps which amounted to a communication breakdown in the DoD in articulating this information to Council.

These gaps included:

- The initial instruction made to Council staff that the matter was confidential in nature, an instruction staff honoured.
- The piecemeal nature of the information flow from DoD to Council after the initial briefing.
- The failure to produce, or failure to provide to Council, a community information flyer which Council staff were advised at the initial briefing was to be compiled and distributed by DoD to residents nearby RAAF Base Williamtown. A search of Council records indicates no flyer and/or enquires from the public were received about such a document.
- The advice, again provided to Council staff at the 2012 briefing that a government agency stakeholder group would be established where the issue would be further progressed. Council received no further correspondence regarding the stakeholder group.

Since this time Council acknowledges that there have a range of responses from various Commonwealth Departments which the Committee would be aware. Specifically Council recognise that the establishment of a dedicated Senior Defence Officer at RAAF Base Williamtown has been an important step in ensuring that this issue is prioritised and actioned whilst the base continues to perform its critical functions in the protection national interests.

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In the context of the ongoing assessment and investigation the Commonwealth's response has been largely undertaken by DoD and Department of Health. This has been in relation to undertaking the investigation process and also the establishment of relevant health based guidance values for PFAS. The establishment of interim health guidance in June 2016, some 9 months after the declaration of the Investigation Area, through to the adoption of the current guidelines in April 2017, is an indication of a lack of coordination between the agencies of the Commonwealth.

In consideration that the issue of potential contamination was effectively known from 2012, the five (5) year delay in the establishment of relevant guidance on risk based values for PFAS contamination is a major deficiency in the Commonwealth's response to this matter. As established previously in this submission, this misalignment on timing and consistency of advice to the community on this matter continues to be of significant concern to the community.

In order to rectify these issues and improve the process going forward, Council strongly urges the Commonwealth to establish an appropriately defined and resourced body with the authority to genuinely coordinate between agencies of the Commonwealth in relation to the management of this issue. These coordinating powers should also be extended to a range of regulatory powers to ensure not only consistency in the definition of the extent of contamination but to enforce the corrective actions to remediate and mitigate impacts.

c) communication and coordination with state and territory governments, local councils, affected local communities and businesses, and other interested stakeholders;

In Council's experience, while there has been a willingness on many fronts to work together, consultation and coordination between the relevant agencies and stakeholders has been disjointed and cumbersome in places.

The community has expressed to Council its frustration in relation to not knowing who to contact in certain situations. Put simply, many affected or potentially affected residents have reported the impression they are 'getting the run around' from agencies including DoD.

The chain of command and hierarchy across government agencies during project deployment was not clear. With a large number of agencies involved, from Council's perspective it appeared as though the community and agencies were confused as to who does what. For example, the Office of Chief Scientist issued media releases on similar content areas before the EPA, which was confusing for the community. It was apparent from a Council perspective that there were too many players, too many subcommittees and no clear and defined leadership and ultimate accountability.

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Further, no clear strategies or project plan exists that Council has seen spanning the entire scope of works across various agencies. There has also been concern about the relationship between regulator and polluter, which has been seen in some quarters as being too close, while the legislative capacity for the NSW Government to regulate the Commonwealth is seen to be insufficient.

Council again suggests the appointment of a coordinated, staffed body which is seen to be independent of government to allow for the necessary actions to be determined and allocated ensuring each agency knows exactly what is expected of it.

Council also has concerns that the agencies with lead communication responsibility are also those furthest removed from the public, meaning they were somewhat out of touch with the needs of the local community. In its submission to the 2015 Inquiry, Council identified a range of specific deficiencies in relation to consultation between government and the community, particularly in the initial stages this issue becoming public.

From Council's viewpoint, the main focus remains with the contamination issue directly rather than the broader long term strategic issues and impacts on livelihoods. Again it is requested that the Commonwealth seek direct action in relation to financial assistance, impacts on property values, and remediation of contaminated land as a matter of priority. This is of critical importance to the community.

As it is not the lead or regulatory agency in this matter, Council's primary role has been to represent the interests of the community, the provision of information via various channels, and to convey residents' concerns to DoD, the NSW EPA and other agencies via the various reference groups. Council does not have an active role in the investigation and management of this issue however the General Manager is Council's representative on the Williamstown Contamination Investigation Community Reference Group (WCICRG).

Whilst it is acknowledged the WCICRG provides an appropriate forum for the coordination and communication of government responses, it remains a forum established and administered by the NSW Government, and there have been a number of issues in relation to misalignment in release of information by DoD outside of this established process. This again contributes to a general sense of lack of alignment and genuine collaboration between levels of Government in managing this issue.

(d) the adequacy of health advice and testing of current and former defence and civilian personnel and members of the public exposed in and around Defence bases identified as potentially affected by contamination;

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Council's observation of the health advice and testing is that it is been slow and not clearly rolled out. The wellbeing of Port Stephens residents is critically important and this includes all the implications of the contamination that are now being raised including psychological and socioeconomic. Residents have articulated to Council on many occasions that it's the cruelty of uncertainty and time delays that is hardest for them to deal with.

It is also understood that there had been a delay to the implementation of broad scale blood testing owing to lack of clarity on the intent and value of this approach from a medical / epidemiological perspective. Regardless of these broader matters for consideration, the ability to provide responsive and effective guidance to the community that may have been exposed to PFAS contamination is a key community need and should be prioritised into the future to provide ongoing advice and guidance.

(e) the adequacy of Commonwealth and state and territory government environmental and human health standards and legislation, and any other relevant legislation;

Since the 2015 Inquiry Council understands that a significant amount of work has been undertaken by various Commonwealth and State organisations concerning environmental and human health related criteria relating to perfluorinated chemicals. This work has resulted in the establishment of final environmental, ecological and Health Based Guidance Values (HBGV) in April 2017.

Whilst Council does not express a view on the adequacy of the adopted guidance we believe that the Commonwealth must ensure that continued scientific work is undertaken in this area. We believe it is critically important that the nationally adopted guidelines continue to be evaluated against national and international standards, studies and scientific advances and where appropriate are amended to reflect those advances.

Council also believes that there is a need for the Commonwealth to continue to provide to the community accessible and meaningful information, in plain language, on environmental and human health standards and what that means for affected residents.

In relation to other legislation, it appears that DoD is a self-regulating entity without oversight from an independent environmental regulator. The lack of any connection between Commonwealth and state legislative provisions relating to significant pollution and contamination situations on Commonwealth land has contributed to the current inadequately managed situation. In addition, this will also affect a coordinated and regulated approach to remediation and mitigation works both on and off RAAF Base Williamstown.

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Council believes there are very real opportunities to improve the legislative link between the Commonwealth and the states to ensure environmental pollution and contamination incidents are appropriately managed.

Specifically;

- Consideration should be given to the appointment of a Commonwealth environmental regulator and implementation of an environmental regulatory framework overseeing DoD activities on Commonwealth land. This regulator should have the necessary provisions to enforce specific remediation and mitigation measures to be implemented for contaminated land similar to the provisions of relevant NSW legislation.
- Consideration should be given to a comprehensive review of Commonwealth and state legislation relating to mandatory notifications to environmental agencies across all states when pollution and contamination incidents result from Commonwealth activities.
- Consideration should be given to a comprehensive review of legislative provisions to allow state-based environmental agencies (i.e. NSW EPA) to have a greater regulatory role in environmental and contamination incidents where incidents have originated from Commonwealth land. This review must consider a broader regulatory role for the state environmental agencies in the investigation and management of pollution and contamination situations where the pollution and contamination has caused significant impacts off Commonwealth land.

(f) remediation works at the bases; and

Council understands that DoD are implementing a range of mitigation works at RAAF Base Williamstown. This includes a number of treatment plants focussed on treatment of contaminated surface waters at RAAF Base Williamstown prior to the movement of this water off base. Whilst these measures are acknowledged, it is understood that there may still be gaps in treatment for potentially contaminated water draining from RAAF Base Williamstown. Council urges DoD to close these treatment gaps to provide greater confidence in the community that contamination is no longer draining from the base.

Council also acknowledges that DoD have implemented trial treatment plants to treat potentially contaminated groundwater. Whilst it is appreciated that this is highly technical in nature and therefore largely trial based at this stage, Council urges DoD to continue to expedite this process and seek to expand the treatment process to as many places as necessary outside of RAAF Base Williamstown.

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Despite progress with these treatment measures, there remains the current issue of an extended period of time to implement these measures across land located within the Williamstown Management Area off RAAF Base Williamstown. This further contributes to the anxiety in the community as well as leaves a broad management issue within the Williamstown Management Area that is affecting other agencies, including Council in the management of their assets in this area.

A specific example of this is the impact on routine drainage maintenance undertaken by Council. At present the open drains surrounding RAAF Base Williamstown are owned and managed by NSW Office of Environment and Heritage (OEH), Council and some private property owners. A significant role of Council is the routine maintenance of surface water drains under its control. The type of maintenance work performed can include the removal of vegetation and sediments.

Council has significant concerns relating to the continued movement of potentially contaminated water through the open drain network either through further contaminated groundwater movement (which in many instances is directly connected to the open drains) and the lack of remediation of potentially contaminated land. These concerns relate to a potential increased risk to residents and to Council staff involved in the maintenance and the additional financial costs associated with assessment, removal, transport and disposal of contaminated materials through these activities.

Prior to any open drain maintenance works within the Williamstown Management Area, Council undertakes testing of the sediments at the base of the open drain, the water and the embankment. If there is an unsafe presence of PFAS, the spoil/vegetation is removed and disposed of at licenced landfills. To date this testing has not shown any unsafe detectable PFAS and hence the material has not left the site.

To date the cost of testing and assessment to Council has been in the order of \$30,000 though it should be noted that required drainage maintenance works have been very minimal. A typical annual testing maintenance program would far exceed \$30,000. Moreover, if spoil material was required to leave the site, the cost to Council could exceed \$150,000. These are significant additional costs to Council as part of regular drain maintenance activities.

ITEM 1 - ATTACHMENT 1 PORT STEPHENS COUNCIL SUBMISSION TO THE INQUIRY.

Furthermore, Council is currently preparing future open drain maintenance plans in the Williamstown Management Area. These works need to meet the obligations under the "PFAS National Environmental Management Plan – January 2018". It should be noted that the "PFAS National Environmental Management Plan – January 2018" has deemed PFAS contaminated material as Dangerous Goods Class 9 which has resulted in spoil material having to leave the site. This will further exacerbate the requirement for Council to remove spoil material from these maintenance activities and will result in an increase in open drain maintenance costs measured in the \$100,000s.

(g) what consideration has been given to understanding and addressing any financial impact to affected businesses and individuals.

In Council's view, not enough has been done by the Commonwealth to understand and support affected residents particularly in relation to compensation, the opportunity for land acquisition and other financial impacts. There continues to be an urgent need for a coordinated approach by relevant authorities.

In lieu of any feedback sought by the Commonwealth, in 2015 Council distributed a business survey to gauge the impacts of the contamination issue on businesses within the then Investigation Area. The survey was emailed and mailed to around 3,000 registered businesses and property owners within the Investigation area. Over 50% of businesses surveyed indicated that they have been impacted by PFAS contamination, of which, over 25% indicated were of a major or significant impact.

These statistics should be considered in the context of the specific responses provided by survey respondents in relation to the impacts created with PFAS contamination around RAAF Base Williamstown, such as:

"As a result of the closure we were unable to harvest oysters from our finishing off oyster leases in the affected area during our prime sales period for approx. 5-6 weeks. This has caused loss of income and considerable expense. Because of the closure we were unable to move stock to other oyster leases resulting in a bank up of oysters on affected leases. Extra infrastructure was required to be built to cater for these oysters. We were also put into a position of having to sell semi mature stock at a lesser price from other oyster leases in order to keep our business operating."

ITEM 1 - ATTACHMENT 1 PORT STEPHENS COUNCIL SUBMISSION TO THE INQUIRY.

Moreover, the feedback from residents has been that the financial assistance that has been on offer is not sufficient. Council was advised by fishermen soon after the Federal financial assistance package was announced that they could not win an income at all and the government's initial response was that their fishing license fees would be waived. Whilst a nice gesture, the reality is the fisherman could not fish anyway, and waiving the fishing license did little in real terms.

In addition to business impacts, many residents have raised the issue around the impact of the contamination on land values and the ability for residents to relocate out of the Williamstown Management Area.

The NSW Valuer General has conducted two reviews of land values in the area surrounding RAAF Base Williamtown. Firstly within the Investigation Area in June 2016 where the Valuer-General determined land values had declined on average 15%. Secondly within the Williamtown Management Area in May 2018 where the Valuer-General determined that those properties that were added to the expanded management area had declined on average 15%. This is a significant impact to the value of assets within the Williamtown Management Area.

With regard to financial assistance and the potential for compensation, while Defence has publicly said that as polluter it would pay, there has been to Council's knowledge no formal commitment or communication of this to residents. Timing of potential compensation payment remains the key issue for most affected residents.

Residents have also expressed confusion around mixed messages in relation to matters like insurance and banking/mortgage issues. Anecdotally, Council is aware that some insurance companies are advising residents that they would not be able to rebuild if something was happen to their dwelling while this uncertainty exists. Council has also had reports of lending authorities advising they wouldn't enable properties within the contaminated area to be used as security at this time.

Council understands that it has limited ability and resources to effect significant measures to assist in mitigating the financial impact to residents and businesses. Notwithstanding, Council has resolved to create a sub-category in the rating system for 2018-2019 that effectively provides up to a 50% reduction in rates for affected residents and farmland. In order to implement this, the approximate \$100,000 reduction in rates levied from the Williamtown Management Area will be provided for by the remaining ratepayers of Port Stephens. Whilst Council submits that this gesture provides some level of relief to the community, this is not significant in terms of the overall impacts to business and value of land for the community within the Williamtown Management Area.

ITEM 1 - ATTACHMENT 1 PORT STEPHENS COUNCIL SUBMISSION TO THE INQUIRY.

The financial impacts of PFAS contamination are not only evident on existing residents and businesses, but are also having a significant impact on future land use within the Williamstown Management Area. Newcastle Airport is located on RAAF Base Williamstown and is a regionally significant transport infrastructure as well as employer. In addition, Newcastle Airport is undergoing a period of unprecedented growth and expansion with not only flying operations and aviation services but also through the development of tourism and business related developments in the surrounding area.

In recognition of the importance of the future development of Newcastle Airport and associated industries to the Port Stephens region, in 2008 Council created a Defence and Airport Related Enterprise Zone (DAREZ), which is an approximate 90ha of land specifically zoned to encourage specific industry and commercial development which has been progressively developed since that time. The DAREZ lands and surrounds are particularly valuable to the future economic development of the region with the continued expansion of Newcastle Airport, and also the expected increase in servicing and infrastructure associated with the introduction of the Joint Strike Fighter at RAAF Base Williamstown from 2020.

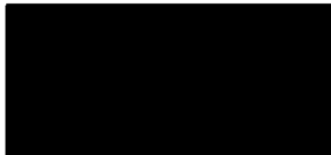
The financial impacts associated with the PFAS contamination on the future development of this area are generally twofold:

- Pursuant to *State Environmental Planning Policy No 55 Contamination (SEPP 55)*, the current EPA position is that the land is not contaminated. Given there is no broad formal classification of contaminated land within the Williamstown Management Area, Council refers all development applications to the NSW EPA for assessment. Whilst Council agrees that this is an important process in terms of mitigating further risk of contamination spread through new development, it also generally increases the costs of development within this area on the basis of additional resources for assessments and, in many cases, additional mitigation and controls required as part of the approved development.
- A regional drainage solution is required to realise the full development of the DAREZ area and surrounding land. From studies completed in 2014, an option has been identified for Council to undertake relatively modest augmentation works to the existing open drain system to remove this development constraint and facilitate the development of this critical area. The declaration of the Investigation Area and subsequent Williamstown Management Area, coupled with the large uncertainties in the movement and management of PFAS contamination within the drainage system, places the future development of this area under significant uncertainty. Fully developed, the DAREZ and surrounds is expected to provide billions of dollars in economic impact and jobs to Port Stephens and the region.

ITEM 1 - ATTACHMENT 1 PORT STEPHENS COUNCIL SUBMISSION TO THE INQUIRY.

Council again thanks the Joint Committee for the opportunity to provide this information for consideration as part of the Inquiry. If the Joint Committee requires further information, please contact my office of (02) 4980 0246 or by email at wayne.wallis@portstephens.nsw.gov.au.

Yours sincerely



**Wayne Wallis
GENERAL MANAGER**

6 July 2018

Telephone enquiries
(02) 4988 0246
Please quote file no: PSC2013-02086

ITEM NO. 2

**FILE NO: 18/176864
EDRMS NO: PSC2015-02258**

MAYOR AND COUNCILLORS' EXPENSE REPORT 1 JULY 2017 TO 30 JUNE 2018

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

BACKGROUND

The purpose of this report is to provide an account of the accumulated expenses of the Mayor and Councillors incurred in accordance with the Payment of Expenses and Provision of Facilities to Councillors Policy for the period 1 July 2017 to 30 June 2018.

ATTACHMENTS

- 1) Mayor and Councillors' expense report 1 July 2017 to 30 June 2018.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Mayor and Councillors' expense report 1 July 2017 to 30 June 2018.

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018
ITEM 2 - ATTACHMENT 1 MAYOR AND COUNCILLORS' EXPENSE REPORT 1 JULY 2017 TO 30 JUNE 2018.

Councillors Expenses Report 1 July 2017 to 30 June 2018

			Mayor Ryan Palmer	Cr Jamie Abbott	Cr Giacomo Arnott	Cr Chris Doohan	Cr Glen Dunkley	Cr Ken Jordan	Cr Paul Le Mottee	Cr John Neil	Cr Sarah Smith	Cr Steve Tucker	Former Mayor Bruce MacKenzie	Former Cr Sally Dover	Former Cr John Morello	Former Cr Geoff Dingle	Former Cr Peter Kaler	TOTALS
Total Council Meetings Attended (15 held)			14	13	15	12	13	12	15	14	13	13						
		Limits as per policy																
Councillor Mobile Rental	802.123	75% up to \$200 per month													\$31.00			\$31.00
Councillor Mobile Calls	803.123		\$377.00	\$739.00	\$551.00	\$338.00			\$1,003.00		\$466.00		\$670.00		\$477.00	\$100.00		\$4,721.00
Councillor Landline Phone Rental	804.123					\$62.00												\$62.00
Councillor Landline Phone Calls	805.123														\$259.00			\$259.00
Councillor Fax Rental	807.123																	\$0.00
Councillor Fax Calls	808.123																	\$0.00
Councillor Internet	806.123	75% up to \$80 per month	\$218.00	\$644.00		\$218.00			\$328.00						\$286.00	\$109.00		\$1,803.00
Councillor Intrastate Travel Expenses	801.123	\$7,000 per year	\$1,837.00	\$2,663.00		\$1,360.00	\$3,865.00	\$703.00	\$1,983.00	\$3,972.00	\$2,765.00	\$3,452.00		\$1,475.00	\$473.00	\$302.00		\$24,850.00
Councillor Intrastate out of pocket expenses	809.123																	\$0.00
Councillor Interstate Travel (out of NSW)	810.123																	\$0.00
Councillor Interstate Accommodation (out of NSW)	811.123																	\$0.00
Councillors Intrastate Accommodation	812.123																	\$0.00
Councillor Conferences	814.123	\$3,000 per year (excluding LGNSW Annual Con.)	\$10,980.00	\$5,985.00		\$122.00	\$5,488.00	\$1,189.00	\$3,369.00	\$3,392.00	\$1,687.00	\$1,157.00			\$283.00			\$33,652.00
Councillor Training	815.123		\$893.00	\$526.00	\$526.00	\$825.00	\$880.00	\$770.00	\$825.00	\$354.00	\$526.00	\$825.00						\$6,950.00
Councillor Partner Expenses	816.123	Mayor \$1,000 per year Cr \$500 per year (excluding LGNSW Annual Con.)	\$350.00	\$55.00		-\$195.00	\$118.00	\$265.00	\$118.00	\$118.00		\$118.00			-\$210.00			\$737.00
Councillor Computers	817.123	\$4,000 per term	\$2,227.00	\$1,798.00	\$3,490.00	\$2,638.00		\$3,632.00	\$3,527.00	\$161.00		\$2,863.00						\$20,336.00
Councillor Stationary	818.123	\$300 per year	\$131.00	\$71.00	\$119.00	\$148.00	\$71.00	\$477.00	\$71.00	\$160.00	\$71.00	\$260.00						\$1,579.00
Councillor Awards/Ceremonies/Dinners	819.123		\$1,259.00	\$907.00	\$88.00	\$652.00	\$420.00	\$243.00	\$250.00	\$251.00	\$111.00	\$610.00		\$27.00				\$4,818.00
Councillor Child Care Costs	820.123	\$2,000 per term				\$1,338.00												\$1,338.00
Councillor Communications Bundle	821.123	75% up to \$100 per month landline 75% up to \$100 per month mobile					\$1,183.00	\$2,491.00	\$603.00	\$1,667.00		\$1,629.00		\$573.00				\$8,146.00
TOTALS			\$18,272.00	\$13,388.00	\$4,774.00	\$7,506.00	\$12,025.00	\$9,770.00	\$12,077.00	\$10,075.00	\$5,626.00	\$10,914.00	\$670.00	\$2,075.00	\$1,599.00	\$511.00	\$0.00	\$109,282.00
Councillor Allowances		Mayor \$61,430 p.a. Cr \$ - \$19,310 p.a.	\$47,258.73	\$15,223.13	\$15,223.13	\$20,480.04	\$15,223.13	\$19,310.04	\$19,310.04	\$19,310.04	\$15,223.13	\$19,310.04	\$10,238.00	\$5,568.00	\$5,568.00	\$7,177.00	\$7,113.00	\$241,535.45
TOTALS			\$65,530.73	\$28,611.13	\$19,997.13	\$27,986.04	\$27,248.13	\$29,080.04	\$31,387.04	\$29,385.04	\$20,849.13	\$30,224.04	\$10,908.00	\$7,643.00	\$7,167.00	\$7,688.00	\$7,113.00	\$350,817.45

**NOTE: Current Council term commenced in September 2017. Former Mayor and Councillors expenses are for July to September 2017.

ITEM NO. 3

**FILE NO: 18/176730
EDRMS NO: PSC2018-01339**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to advise Council of new Council staff who have submitted their Designated Persons' Return/s (Return).

In accordance with Section 450A of the *Local Government Act 1993*, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who has submitted Return/s:

- Strategic Planner (PSC043)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' return.

GENERAL MANAGERS REPORTS

**WAYNE WALLIS
GENERAL MANAGER**

ITEM NO. 1

**FILE NO: 18/112732
EDRMS NO: PSC2018-00057**

ORGANISATION STRUCTURE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the organisational structure as shown in **(ATTACHMENT 2)**.
- 2) Endorse the four senior staff positions in the structure consisting of General Manager, Group Manager Corporate Services, Group Manager Development Services and Group Manager Facilities and Services.

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

275	<p>Councillor Steve Tucker Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the organisational structure as shown in (ATTACHMENT 2).2) Endorse the four senior staff positions in the structure consisting of General Manager, Group Manager Corporate Services, Group Manager Development Services and Group Manager Facilities and Services.
------------	--

BACKGROUND

The purpose of this report is to seek endorsement by Council of the organisational structure.

The current structure was initially adopted by Council on 25 June 2013 Minute No. 1 **(ATTACHMENT 1)** and has been modified at various times by Council in determination of Service Reviews. Current senior staff positions are the General Manager, Group Manager Corporate Services, Group Manager Facilities and Services and Group Manager Development Services.

Council delivers a diverse range of more than 300 services which have been grouped into 68 discrete service packages. They are delivered under the following organisation structure:

- General Manager's Office responsible for provision of strategic leadership and governance.
- Corporate Services Group responsible for internal service provision.
- Development Services Group responsible for enabling balanced growth.
- Facilities and Services Group responsible for external service delivery.

Recently the Workforce Plan was reviewed as part of the Community Strategic Planning process. During this review it was determined by the Executive Leadership Team, and agreed by Council, that the structure continues to be appropriate to deliver on the service the needs of the community into the foreseeable future.

Port Stephens Council operates a rolling program of Service Reviews across all services which ensures that changes required to the structure are implemented in a timely way and presented to Council when required.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Develop and encourage the capabilities and aspirations of a contemporary workforce.

FINANCIAL/RESOURCE IMPLICATIONS

The Service Review program ensures that savings are identified through efficiencies in service delivery and these savings are returned to the organisation and reinvested in improved service delivery.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Funds have been allocated in the 2018-2019 budget to fund salaries under the organisation structure.
Reserve Funds	No	Nil	
Developer Contributions (\$7.11)	No	Nil	
External Grants	No	Nil	
Other	No	Nil	

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 332 of the *Local Government Act 1993*, Council is required to determine an organisation structure and to identify positions within the structure that are deemed to be senior staff. A senior staff position is one where:

- The total remuneration package is to be at least equal to or greater than that (within the meaning of Part 3B of the *Statutory and Other Offices Remuneration Act 1975*) payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*.
- Senior staff are to be employed under performance based fixed-term contracts not less than 12 months and not exceeding five years. These are standard contracts determined by the Office of Local Government.
- Council is required to publish the total package value of senior staff's employment contracts in the annual report.

Section 333 of the Act, provides that the structure may be re-determined by the Council from time to time. It must be reviewed and may be re-determined within 12 months after any ordinary election of the Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Organisation structure unsuitable to support strategic direction.	Low	Workforce Plan. Rolling program of Sustainability Reviews. Australian Business Excellence Framework. Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The organisation structure assists Council to ensure it is delivering valued services to its community and supports the Delivery Program in the Community Strategic Plan.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Organisation Development Section through the Integrated Planning and Reporting process to ensure the Workforce Plan and the resulting structure is appropriate to deliver objectives of the current Community Strategic Plan.

Internal

- Executive Leadership Team

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

- Section Managers
- Staff
- Consultative Committee

External

- Community
- Relevant Unions

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Council Structure July 2013.
- 2) Port Stephens Council Structure August 2018.
- 3) Port Stephens Council 2018 Organisation Structure.

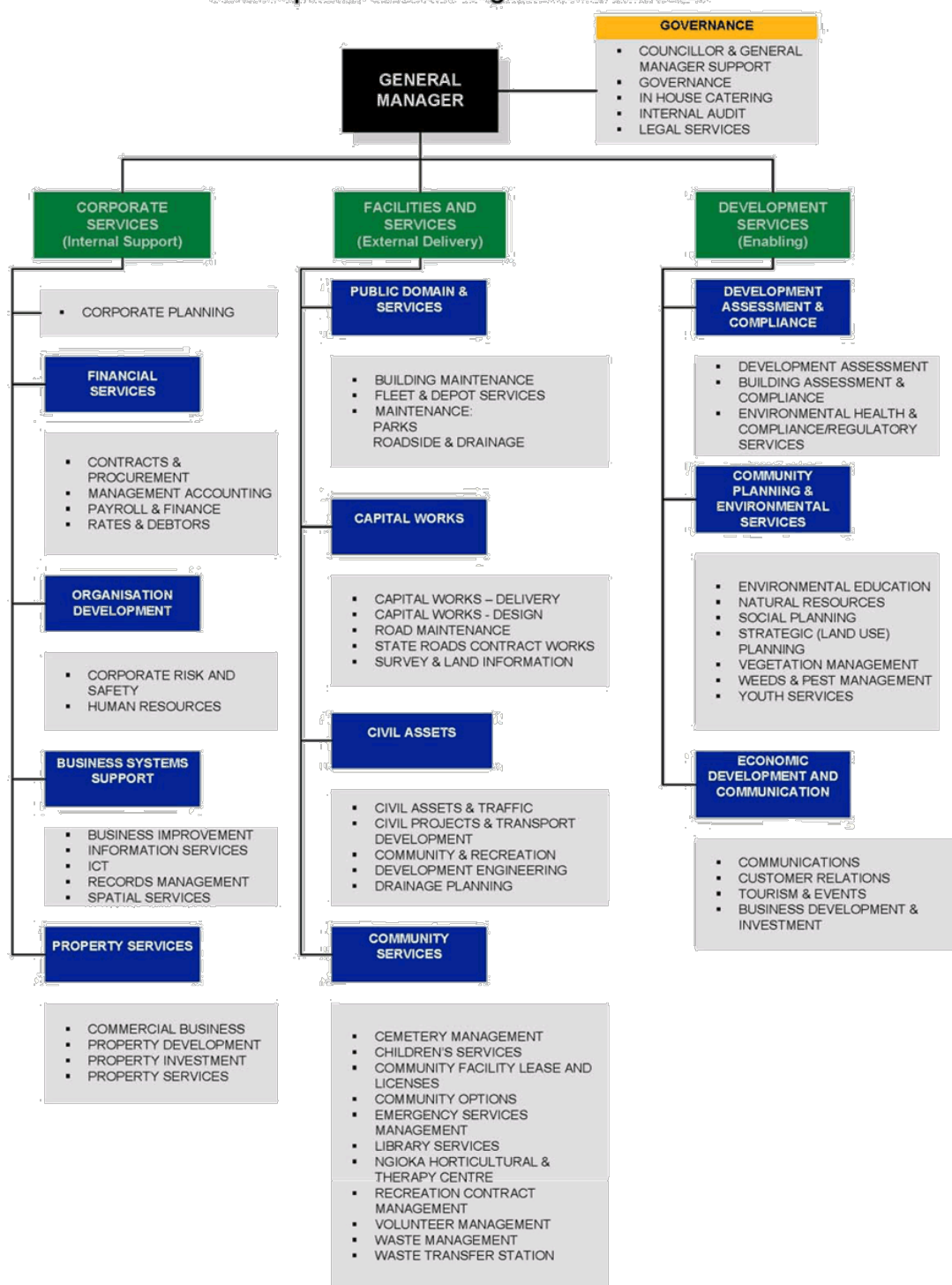
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

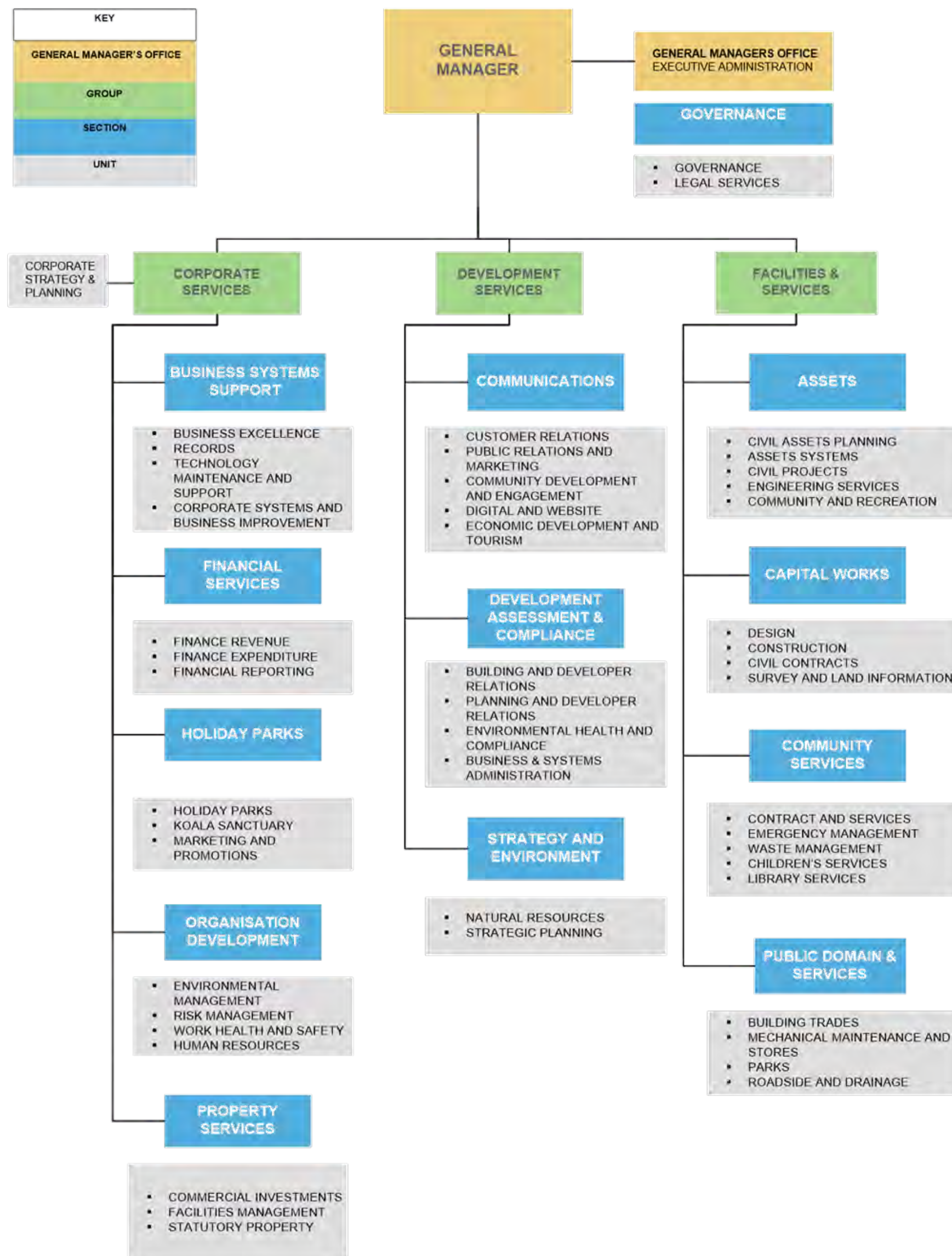
Port Stephens Council Organisation Structure

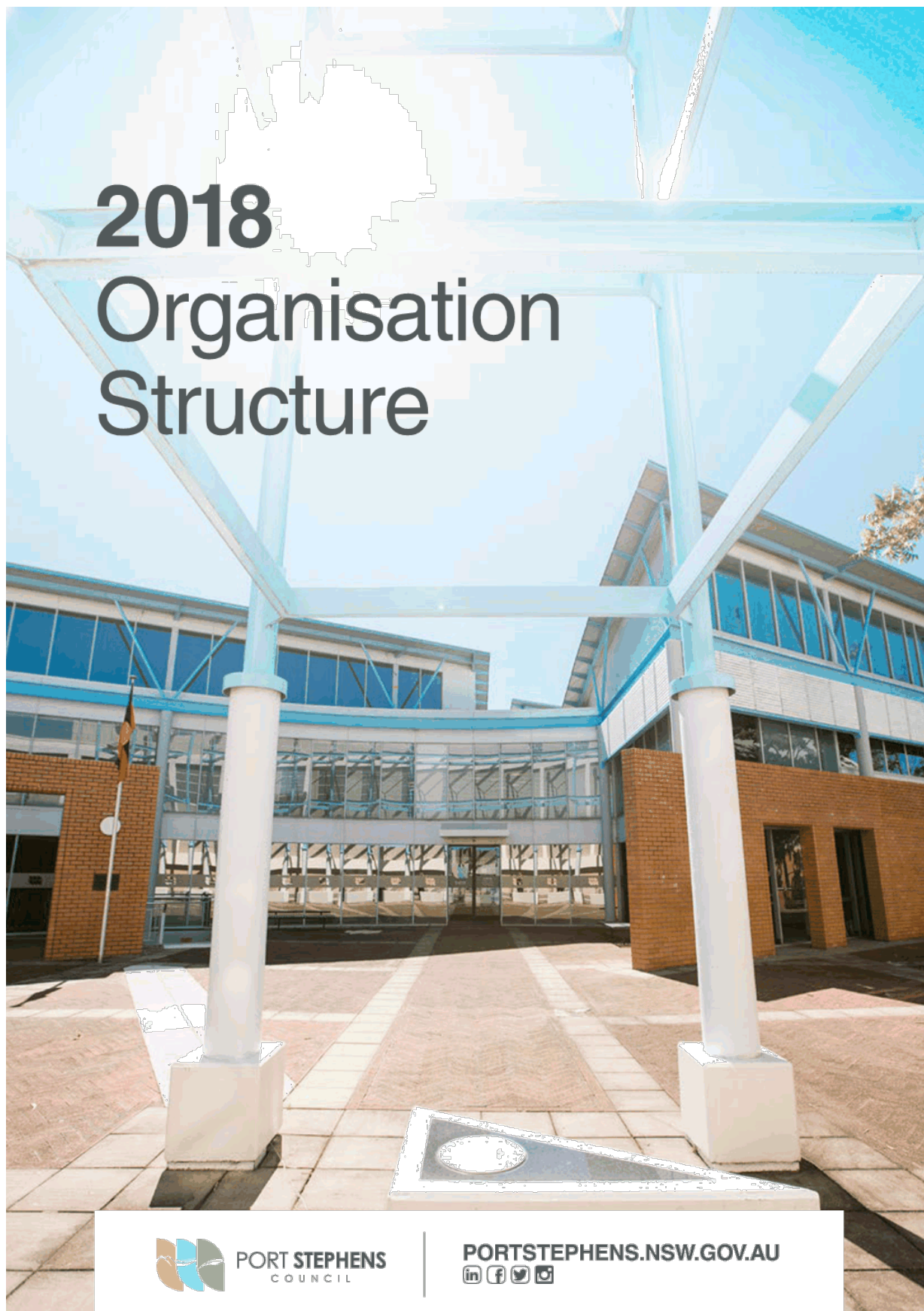


July 2013

Structure 1 July 2013.vsd

Port Stephens Council Organisation Structure







4 | Organisation overview

6 | General Manager

General Manager's Office
Governance

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10 Business Systems Support
11 Financial Services
12 Holiday Parks
13 Organisation Development
14 Property Services

16 | Development Services

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19 Development Assessment
and Compliance
20 Strategy and Environment

22 | Facilities and Services

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25 Capital Works
26 Community Services
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Organisation overview

Port Stephens Council has legislative responsibility for many functions and activities that are relevant to our local community. These activities relate to matters that are fundamental to people’s lives and impact strongly on their quality of life. The Port Stephens Community has created a vision of ‘A great lifestyle in a treasured environment’ for all residents, businesses and visitors.

To achieve this vision, our goal is to develop a high performing organisation focused on our purpose of “delivering services valued by our community in the best possible way”. We want to be recognised by our community as a leading local government authority and as an employer of choice. The vision for the organisation is “engaged people, working together, delivering valued services”.

Our Business Operating System has been developed to provide clear guidelines to staff, Councillors and the community on how Council governs and how the community can participate in its governance. Governance is an important part of effective local government in today’s environment and it impacts not only the Council, but the community it serves. Good governance is seen as critical to ensuring that Council meets its legal and ethical responsibilities; and decisions are made in the interests of the stakeholders. Our Business Operating System also ensures staff:

- have clear direction and an understanding of how everyone contributes to the big picture;
 - have a focus on our customers;
 - are implementing best practice;
 - are doing their best every single day.
- Council delivers a diverse range of more than 300 services which have been grouped into 68 discrete service packages. These are delivered under the following organisation structure and business model:
- **General Manager’s Office** responsible for provision of strategic leadership;
 - **Corporate Services Group** responsible for internal service provision;
 - **Development Services Group** responsible for enabling balanced growth; and
 - **Facilities and Services Group** responsible for external service delivery.
- Council routinely considers its structure as part of the ongoing review of its services and facilities to ensure the structure is aligned to the strategic direction and business requirements of the organisation.



General Manager's Office

As the interface between the governing body of elected Councillors, which sets the strategy and monitors the performance of Council, and the administrative body of council, headed by the General Manager, which implements the decisions of the governing body, the General Manager's Office plays a pivotal role in the organisation.

In implementing the decisions of the governing body, the purpose of the General Manager's Office is to "provide strategic leadership and direction to the organisation to align a high performance, values based culture".



General Manager's Office
Executive Administration

Governance

- Governance
- Legal services



Corporate Services

The Corporate Services Group is a major provider of organisation wide internal services to support Council in the delivery of its services to the Port Stephens community.

A key role of the Group is working closely with the community to set the strategic directions for the organisation and delivery of internal services.

Our purpose is to deliver valued corporate support services in the best possible way to drive organisational sustainability.



- Corporate Services
 - Corporate Strategy and Planning
- Business Systems Support
 - Business Excellence
 - Records
 - Information and Communication Technologies
 - Corporate Systems and Business Improvement
- Financial Services
 - Finance Revenue
 - Finance Expenditure
 - Financial Reporting
- Holiday Parks
 - Holiday Parks
 - Koala Sanctuary
 - Marketing and Promotions
- Organisation Development
 - Environmental Management
 - Risk Management
 - Work Health and Safety
 - Human Resources
- Property Services
 - Commercial Investments
 - Facilities Management
 - Statutory Property

Business Systems Support

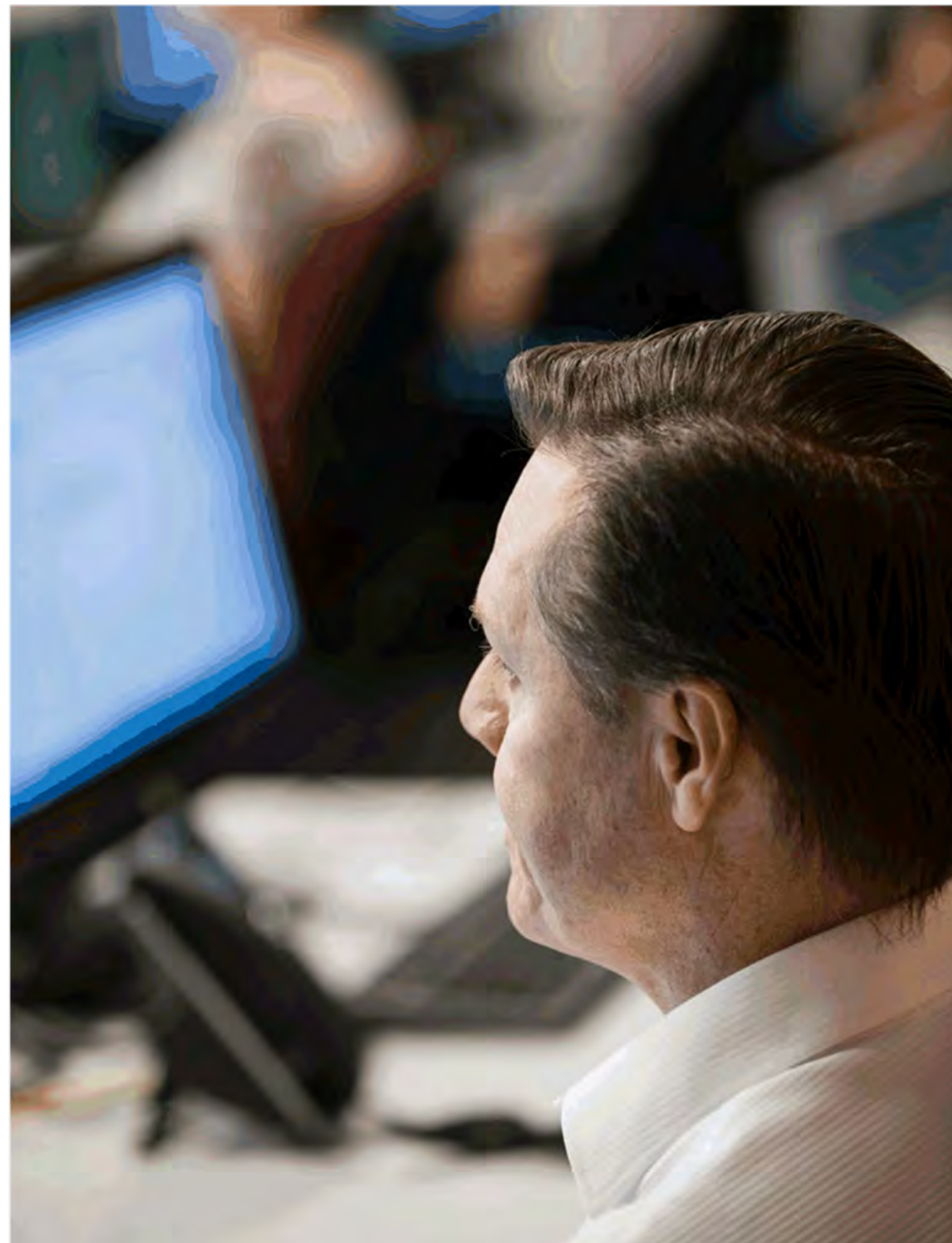
Our service units

- Business Excellence
- Records
- Information and Communication Technologies
- Corporate Systems and Business Improvement

The Business Systems Support Section is responsible for providing enabling business systems to assist our customers deliver valued services in the best possible way. Our mantra of “any device, anywhere, anytime” helps us to stay customer focused.

A key role of the Section is to provide sustainable business systems solutions; support and data management services to assist our customers find efficiencies in how they operate.

Our purpose is to deliver valued business systems support services in the best possible way to drive organisational sustainability.



Financial Services

Our service units

- Finance Expenditure
- Finance Revenue
- Financial Reporting

The Financial Services Section is responsible for providing financial and related services to the organisation to monitor short term financial performance and long term financial planning.

A key role of the Section is to ensure the organisation remains financially sustainable by delivering recurrent (operating) revenue sufficient to cover an efficient operating expense base including depreciation.

Our purpose is to make numbers count.



Holiday Parks

Our service units

- Holiday Parks
- Koala Sanctuary
- Marketing and Promotions

The Holiday Parks Section is responsible for management of Council's commercial Holiday Parks.

A key role of the Section is to ensure the return to the organisation of non-rate revenue to minimise rate increases to the community.

Our purpose is to deliver tourist accommodation and associated services and business outcomes which contribute to the social, economic and financial sustainability of Council, the Government and the Community.

Organisation Development

Our service units

- Environmental Management
- Human Resources
- Risk Management
- Work Health and Safety

The Organisation Development Section exists as an internal service provider to support the combined leadership team and staff in matters relating to human resource management, learning and development, environmental management, work health and safety and corporate risk management.

A key role of the Section is to develop and implement the Workforce Plan to ensure Council has the capacity and capability to deliver efficient, effective, safe and responsive services to the community.

Our purpose is to support our internal customers to deliver best value services to the community.



Property Services

Our service units

- Commercial Investments
- Facilities Management
- Statutory Property

The Property Services Section is responsible for management of Council's commercial and operational assets including, investment properties and the Administration Building, developing and selling/leasing operational land and managing all facets of statutory property services required for the delivery of Council works programs.

A key role of the Section is to ensure the return to the organisation of non-rate revenue to minimise rate increases.

Our purpose is to deliver property services and business outcomes, that contributes to the social, economic and financial sustainability of Council, the Government and the Community.



Development Services

The Development Services Group is the major provider of external and internal services to enable the sustainable growth and development of the Port Stephens community.

A key role of the Group is to work collaboratively with stakeholders to facilitate the ongoing development of Port Stephens.

Our purpose is to deliver services valued by our community in the best possible way to enable balanced growth.

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Development Services

Communications

- Customer Relations
- Public Relations and Marketing
- Community Development and Engagement
- Digital and Website
- Economic Development and Tourism

Development Assessment and Compliance

- Building and Developer Relations
- Planning and Developer Relations
- Environmental Health and Compliance
- Business and Systems Administration

Strategy and Environment

- Natural Resources
- Strategic Planning

Organisation Structure 17

Communications

Our service units

- Community Development and Engagement
- Customer Relations
- Digital and Website
- Economic Development and Tourism
- Public Relations and Marketing

The Communications Section is responsible for providing the community with the opportunity to be informed about Council operations through the delivery of effective engagement, public relations, online and customer services.

A key role of the Section is to provide professional advice, tools and services required by colleagues to ensure informing the community is factored into everything we do.

Our purpose is to develop trust and understanding in Council and help our community to influence outcomes that affect them.



Development Assessment and Compliance

Our service units

- Building and Developer Relations
- Business and Systems Administration
- Environmental Health and Compliance
- Planning and Developer Relations

The Development Assessment and Compliance Section is responsible for providing a range of town planning, building certification, environmental health, and regulatory services for the community.

A key role of the Section is to manage the built environment through development assessment and certification, carrying out ranger services and environmental health / education programs to increase public safety.

Our purpose is to deliver a variety of local services that enable the sustainable growth and development of our community.

Strategy and Environment

Our service units

- Natural Resources
- Strategic Planning

The Strategy and Environment Section is responsible for the development, review and oversight of Council's Strategic Land Use, Infrastructure, Social and Natural Resource Management Planning.

A key role of the Section is to deliver and manage the strategic plans established under the Community Strategic Plan, and to shape how planning outcomes are delivered across the local government area.

Our purpose is to provide specialised advice and direction across the organisation which informs and guides Councils decision making process to deliver the best possible outcomes for the community now and into the future.



Facilities and Services

The Facilities and Services Group is the major provider of external services to meet the present and future needs of the Port Stephens community.

A key role of the Group is the delivery of quality infrastructure and community services to the people of Port Stephens.

Our purpose is to deliver facilities and services that are valued by our customers in the best possible way.



Assets

- Civil Assets Planning
- Assets Systems
- Civil Projects
- Engineering Services
- Community and Recreation

Capital Works

- Design
- Construction
- Civil Contracts
- Survey and Land Information

Community Services

- Contract and Services
- Emergency Management
- Waste Management
- Children's Services
- Library Services

Public Domain and Services

- Building Trades
- Mechanical Maintenance and Stores
- Parks
- Roadside and Drainage

Assets

Our service units

- Assets Systems
- Civil Assets Planning
- Civil Projects
- Community and Recreation
- Engineering Services

The Assets Section is responsible for the ownership and sustainable management of Council's Civil and Community and Recreation facilities.

A key role of the Section is to provide asset management services through asset system and data delivery, building and engineering development, planning, flooding and drainage design investigation, project engineering, traffic management and road safety to internal and external stakeholders.

Our purpose is to deliver asset management services valued by our customers.



Capital Works

Our service units

- Civil Contracts
- Construction
- Design
- Survey and Land Information

The Capital Works Section is responsible for roads maintenance, project management, survey and design, and construction services for the infrastructure provided by Port Stephens Council.

A key role of the Section is to maintain and improve the quality of transport infrastructure throughout Port Stephens by ensuring the assets provided to Council are of both a high quality and fit for purpose.

Our purpose is to build Council's civil and community infrastructure and deliver state road infrastructure services which support community activities.



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Community Services

Our service units

- Children's Services
- Contract and Services
- Emergency Management
- Library Services
- Waste Management

The Community Services Section delivers front line community, cultural, recreation and waste services.

A key role of the Section is to ensure that the services delivered to the community are done in accordance with contracts and industry standards, within budget and to the satisfaction of the customers.

Our purpose is to help people have fun, be healthy and imagine new ways of living in community.

Public Domain and Services

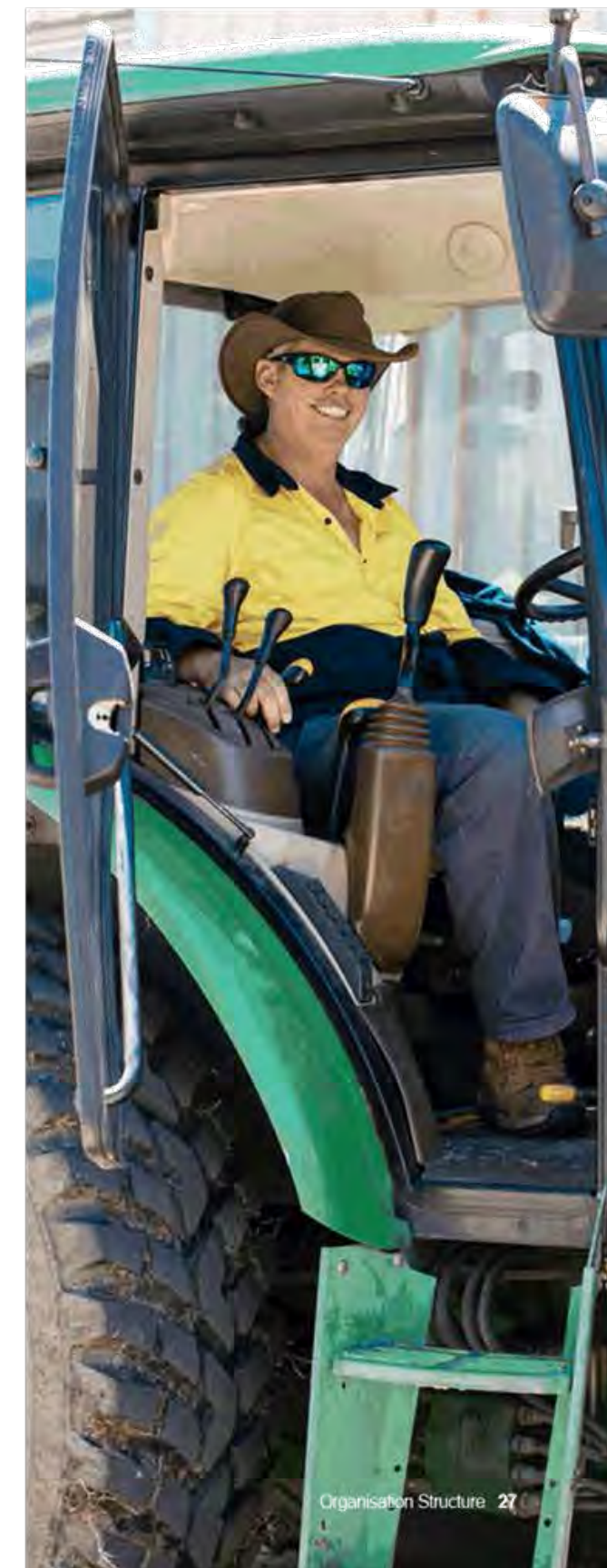
Our service units

- Civil Contracts
- Construction
- Design
- Survey and Land Information

The Public Domain & Services Section is a primary service provider responsible for maintenance and services for the majority of community facilities provided by Port Stephens Council.

A key role of the Section is to complete scheduled and reactive maintenance of Port Stephens Council Assets.

Our purpose is to deliver maintenance services for Council assets.



Organisation Structure 27

ITEM 1 - ATTACHMENT 3 PORT STEPHENS COUNCIL 2018 ORGANISATION STRUCTURE.



PORT STEPHENS
COUNCIL

e council@portstephens.nsw.gov.au | p 02 4888 0255
116 Adelaide Street | PO Box 42 Raymond Terrace NSW 2324
PORTSTEPHENS.NSW.GOV.AU    

NOTICES OF MOTION

NOTICE OF MOTION**ITEM NO. 1****FILE NO: 18/183914
EDRMS NO: PSC2017-00019****TREE REPLACEMENT****COUNCILLOR: JOHN NELL**

THAT COUNCIL:

- 1) Requests the General Manager to provide a report to Council detailing costing and funding options for the replacement of the Tallowwood trees, a Forest Giant and the large Gum trees from Bagnall Beach Road, both Landcom Estates, with slender small Water Gums.
-

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

276	Councillor John Nell Councillor Giacomo Arnott It was resolved that Council requests the General Manager provide funding options for the replacement of the Tallowwood trees, a Forest Giant and the large Gum trees from Bagnall Beach Road, both Landcom Estates, with slender small Water Gums.
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**BACKGROUND REPORT OF: PETER MATWIJOW - PUBLIC DOMAIN &
SERVICES SECTION MANAGER****BACKGROUND**

The Tallowwood trees, Forest Giant and large Gum trees have been removed as they have been causing damage to Council's infrastructure and posing risks to the public. Council has removed approximately 50 trees to date with a further 200 earmarked for removal over the next few years due to the damage they will also cause. Council has a tree species planting list however in this situation, given the limited space between the kerb and the footpath, other species will need to be considered.

The cost to replace the trees, including labour is approximately \$300 per tree. Therefore, the total cost to replace all trees is approximately \$75,000. Replacement is currently to be funded through the Roadside and Drainage Unit's recurrent budget over the next four to five years. It should be noted this cost does not include removal of the trees which is approximately \$1,500 per tree.

If the Special Rate Variation is successful then this program could be accelerated and completed within two years.

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 – 28 AUGUST 2018 MOTION

277	Councillor Giacomo Arnott Councillor Ken Jordan It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Communications Section Manager
Public Relations and Marketing Coordinator
Digital Marketing and Social Media Officer

MINUTES ORDINARY COUNCIL - 28 AUGUST 2018**CONFIDENTIAL****ITEM NO. 1****FILE NO: 18/166837
EDRMS NO: PSC2016-03581****795 MEDOWIE ROAD, MEDOWIE****REPORT OF: JANET MEYN - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****ORDINARY COUNCIL MEETING - 28 AUGUST 2018
MOTION**

278	Councillor Sarah Smith Councillor Glen Dunkley It was resolved that Council amend the reference to the intended use in the Confidential Resolution Minute No.115 of 9 May 2017 as detailed in the report to be “service station and any other permitted land use”.
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ORDINARY COUNCIL MEETING – 28 AUGUST 2018
MOTION

279	Councillor Steve Tucker Councillor John Nell It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 7.31pm.