

DRAFT

MINUTES – 26 NOVEMBER 2019



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 26 November 2019, commencing at 6.13pm.

PRESENT:

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

219A	Councillor Ken Jordan Councillor Chris Doohan It was resolved that apologies from Cr Jaimie Abbott, Cr Giacomo Arnott and Cr Sarah Smith be received and noted, and a leave of absence for Cr Glen Dunkley be noted.
220	Councillor Chris Doohan Councillor Ken Jordan It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 12 November 2019 be confirmed.
	There were no declaration of interest received.

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**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

222	Councillor Steve Tucker Councillor Chris Doohan It was resolved that Notice of Motion 1 and 2 be brought forward and dealt with prior to Item 1.
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NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 19/348191
EDRMS NO: PSC2017-00019**

BOOMERANG PARK

MAYOR: RYAN PALMER
COUNCILLOR: KEN JORDAN
COUNCILLOR: PAUL LE MOTTEE

THAT COUNCIL:

After listening to the community and the Raymond Terrace and Heatherbrae Implementation Panel:

- 1) Not proceed with the planning proposal for Boomerang Park.
 - 2) Identify areas in Raymond Terrace CBD area for much needed seniors living.
-

Councillor John Nell left the meeting at 6:22pm, prior to voting on the item. The meeting was adjourned at this time due to the lack of a quorum. Councillor John Nell returned to the meeting at 6:24pm and the meeting resumed at this time, with all attendees present.

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

223	Mayor Ryan Palmer Councillor Ken Jordan It was resolved that Council after listening to the community and the Raymond Terrace and Heatherbrae Implementation Panel: 1) Not proceed with the planning proposal for Boomerang Park. 2) Identify areas in Raymond Terrace CBD area for much needed seniors living.
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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 Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND REPORT OF: JANET MEYN – PROPERTY SERVICES SECTION MANAGER

BACKGROUND

Council, at its meeting of 26 February 2019, Minute 043 (**ATTACHMENT 1**), resolved to defer a decision on the planning proposal for Boomerang Park, Raymond Terrace until the Council meeting of 28 May 2019 to allow for the planning proposal to be discussed by the Raymond Terrace and Heatherbrae Implementation Panel, and for alternative sites to be investigated by the General Manager for seniors living in Raymond Terrace.

Prior to this, at the Council meeting of 28 July 2015, Minute 213 (**ATTACHMENT 2**) Council resolved to adopt a planning proposal for an area of approximately 4.5 Hectares within Boomerang Park. These investigations identified a number of constraints that required further consideration.

At this time, it is considered that other sites within Raymond Terrace close to the CBD would be more suitable and viable options for senior's living and should be investigated by Council. As part of the implementation of the Raymond Terrace and Heatherbrae Strategy and development of the Local Housing Strategy, Council is also completing detailed studies to support an increase in building heights and infill housing within proximity to the Raymond Terrace CBD. This may also provide suitable opportunities for seniors living.

ATTACHMENTS

- 1) Minute No 043 - 26 February 2019.
- 2) Minute No 213 - 28 July 2015.

MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**NOTICE OF RESCISSION****ITEM NO. 1****FILE NO: 19/42420****EDRMS NO: PSC2017-00020****PLANNING PROPOSAL FOR BOOMERANG PARK****COUNCILLOR:** PAUL LE MOTTEE
CHRIS DOOHAN
KEN JORDAN**THAT COUNCIL:**

Rescind its decision of 12 February 2019 on Item No. 4, Minute No. 21 Planning Proposal for Boomerang Park.

**ORDINARY COUNCIL MEETING - 26 FEBRUARY 2019
MOTION**

042	Councillor Paul Le Mottee Councillor Ken Jordan It was resolved that Council rescind its decision of 12 February 2019 on Item No. 4, Minute No. 21 Planning Proposal for Boomerang Park.
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Note: The Mayor ruled on the Point of Order, that emails be considered as a signature in relation to lodging rescission motions.

Note: Cr Arnott's Point of Order to speak on the matter further was declined by the Chair.

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 Ken Jordan, Paul Le Mottee and Sarah Smith.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott, John Nell and Steve Tucker.

The motion was carried on the casting vote of the Mayor.

MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**ORDINARY COUNCIL MEETING - 26 FEBRUARY 2019
MOTION**

043	<p>Mayor Ryan Palmer Councillor Ken Jordan</p> <p>It was resolved that Council defer the decision on the planning proposal for Boomerang Park until the Council meeting of the 28 May 2019 to allow for the planning proposal to be discussed and considered at the first Raymond Terrace and Heatherbrae Implementation Panel, and for alternative sites to be investigated by the General Manager for seniors living in Raymond Terrace.</p>
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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 Ken Jordan, Paul Le Mottee, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Jaimie Abbott, Giacomo Arnott and John Nell.

ATTACHMENTS

- 1) Ordinary Council Minutes from 12 February 2019 for Item No. 4.

MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019**

ITEM NO. 4

FILE NO: 19/15592
EDRMS NO: PSC2016-01186**PLANNING PROPOSAL FOR BOOMERANG PARK**REPORT OF: JANET MEYN - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) That Council not progress the planning proposal for the rezoning and reclassification of land located at Boomerang Park, Raymond Terrace.

Councillor Chris Doohan returned to the meeting at 6:49pm prior to voting.

**ORDINARY COUNCIL MEETING - 12 FEBRUARY 2019
MOTION**

021	Councillor Giacomo Arnott Councillor John Nell It was resolved that Council not progress the planning proposal for the rezoning and reclassification of land located at Boomerang Park, Raymond Terrace.
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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, Glen Dunkley, John Nell and Sarah Smith.

Those against the Motion: Cr Paul Le Mottee and Cr Chris Doohan.

Councillor John Nell left the meeting at 6:51pm.

BACKGROUND

The purpose of this report is to advise Council that there have been significant constraints identified which will adversely affect the reclassification and rezoning of the land and any potential profits from the sale of the land.

At the Council Meeting of 28 July 2015, Minute Number 213 (**ATTACHMENT 1**) Council resolved to adopt the planning proposal to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential, and reclassify the subject land from 'community' to 'operational', and forward the planning

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MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019**

proposal to the NSW Department of Planning and Infrastructure (Department) to request a Gateway determination. The proposed area is approximately 4.5 hectares and indicative lot yield was approximately 46 lots (**ATTACHMENT 2**).

The planning proposal was forwarded to the Department to assess as a Gateway determination. The Department requested further information and investigations to be undertaken.

DeWitt Consulting were engaged to undertake the investigations on behalf of Council and undertook extensive investigations. It was identified that there are significant constraints with the site with regards to Aboriginal Cultural Heritage, Asset Protection Zones and the Heritage Curtilage associated with the individual heritage items in Boomerang Park including the quarry and reservoir.

Taking into consideration the impacts of these constraints and the impact to the proposed development, it is considered that at this time that it is prudent to not proceed with the planning proposal for the proposed rezoning and reclassification as previously endorsed. Should Council resolved not to proceed with the planning proposal, Council officers will write to the Department and request that they do not progress any further with the planning proposal.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Infrastructure and Facilities	Build Council's civil and community infrastructure to support the community.

FINANCIAL/RESOURCE IMPLICATIONS

Based on the 2015 investigations, it was expected that future land sales as a result of the rezoning had the potential to yield approximately \$1.7m to Council, subject to the planning proposal proceeding and future land sales. Given the constraints identified in the recent report, this number would now need to be reconsidered, as the fees associated with this development will be substantially higher. There is no budget currently allocated for ongoing investigations. The investigations to date have cost within the vicinity of \$36,000.

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

MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019****LEGAL, POLICY AND RISK IMPLICATIONS**

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that community opposition to the planning proposal will delay the process.	High	Accept the recommendation.	Yes
There is a risk that the land is required for future recreation purposes.	Medium	Accept the recommendation.	Yes
There is a risk that the constraints on the site will demonstrably reduce the potential yield and the profitability of the development.	High	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal and future development of 4.5 hectares of Boomerang Park could provide significant social benefits, such as opportunities to provide a diversity of dwelling stock that would respond to housing affordability in Raymond Terrace.

During the preparation of the Boomerang Park Masterplan, significant community concern and opposition to the rezoning and reclassification was raised.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services Section.

Internal

- Corporate Services Group Manager.
- Property Services Section Manager.
- Commercial Investment Manager.
- Development Services Section.
- Facilities and Services Section.

External

- Community Consultation.
- DeWitt Consulting.

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MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019

- Insite Heritage.
- Firebird Consultants.
- John Carr Heritage.

OPTIONS

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

ATTACHMENTS

- 1) Boomerang Park Planning Proposal - Minute Number 213 - 28 July 2015.
- 2) Locality Map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019****ITEM 4 - ATTACHMENT 1 BOOMERANG PARK PLANNING PROPOSAL - MINUTE
NUMBER 213 - 28 JULY 2015.****MINUTES ORDINARY COUNCIL - 28 JULY 2015**

ITEM NO. 5

FILE NO: PSC2015-01000/538
TRIM REF NO: PSC2015-01301**PLANNING PROPOSAL - BOOMERANG PARK**REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal at (ATTACHMENT 1) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.
- 2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the *Environmental Planning and Assessment Act 1979* with a request for a Gateway Determination.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**Councillor Geoff Dingle
Councillor Peter Kafer

The amendment put was that Council:

- 1) Refuse the Planning Proposal at (ATTACHMENT 1) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.

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

Those for the Motion: Crs Geoff Dingle and Peter Kafer

Those against the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

The Motion was lost.

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COMMITTEE OF THE WHOLE RECOMMENDATION**

Councillor Paul Le Mottee
Councillor Chris Doohan

A motion was moved and seconded that Council:

- 1) Adopt the Planning Proposal at (**ATTACHMENT 1**) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land. With the following amendments:
 - a) Council reaffirm its position that the site is to be developed for seniors housing only.
 - b) Council register a restriction / covenant on the use of land to formalise it to only be used for seniors housing post gateway determination.
- 2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the *Environmental Planning and Assessment Act 1979* with a request for a Gateway Determination.

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

Those for the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Crs Geoff Dingle and Peter Kafer

The motion was carried.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

212 Councillor Geoff Dingle
Councillor Peter Kafer

- 1) Refuse the Planning Proposal at (**ATTACHMENT 1**) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.

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

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MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019****ITEM 4 - ATTACHMENT 1 BOOMERANG PARK PLANNING PROPOSAL - MINUTE NUMBER 213 - 28 JULY 2015.****MINUTES ORDINARY COUNCIL - 28 JULY 2015**

Those for the Motion: Crs Geoff Dingle and Peter Kafer

Those against the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

The motion was lost.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

	Councillor Peter Kafer Councillor Geoff Dingle
	Cr Kafer moved a motion of no confidence in Council.
	The motion was lost.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

213	Mayor Bruce MacKenzie Councillor Chris Doohan
	A motion was moved and seconded that Council:
	1) Adopt the Planning Proposal at (ATTACHMENT 1) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land. With the following amendments.
	a) Council reaffirm its position that the site is to be developed for seniors housing only.
	b) Council register a restriction / covenant on the use of land to formalise it to only be used for seniors housing post gateway determination.
	2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway Determination.

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

Those for the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

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Those against the Motion: Crs Geoff Dingle and Peter Kafer

The motion was carried.

BACKGROUND

The purpose of this report is to obtain Council's endorsement to submit the Planning Proposal at (ATTACHMENT 1) to the Department of Planning & Environment requesting a Gateway determination.

Subject land:	Part Lot 1 DP 1018979, 17E Irrawang Street, Raymond Terrace [see Locality Plan at (ATTACHMENT 2)]
Proponent:	Port Stephens Council (Facilities & Services Group)
Proposed changes:	Reclassify the subject land from 'Community' to 'Operational' Land; and Rezone the subject land from RE1 Public Recreation to R2 Low Density Residential
Area of land:	4.5 hectares (the total area of the park is 21.6 hectares)
Potential lot yield:	Approximately 46 lots

The Planning Proposal seeks to reclassify 4.5 hectares of Council owned land within Boomerang Park from 'community' land to 'operational' land pursuant to Clause 30 of the *NSW Local Government Act 1993*, and rezone the land from RE1 Public Recreation to R2 Low Density Residential pursuant to *Port Stephens Local Environmental Plan 2013* (PSLEP 2013) to allow the land to be developed for residential purposes.

The rezoning and reclassification has resulted from a resolution by Port Stephens Council on 25 November 2014 to adopt the Boomerang Park Masterplan and initiate the process to rezone and reclassify 4.5ha of the park to enable future residential development as identified in the adopted Masterplan.

The land forms part of Boomerang Park, which was first dedicated as a Public Reserve in 1837, following the preparation of a survey for the township of Raymond Terrace. This reserve was subsequently dedicated in September 1892 as a Recreation Reserve. The reserve became known as 'Boomerang Park' in 1914.

Boomerang Park currently accommodates the Raymond Terrace Senior Citizens Centre, the Raymond Terrace Before and After School Care (both fronting Irrawang Street) the Port Stephens All Breeds Dog Obedience Canine Club (fronting Kangaroo Street) and public amenities. A water tower is located in the centre of the park, on

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land owned by the Hunter Water Corporation. These uses are not within the area of the park proposed for residential development and will not be impacted by the proposal.

The part of the park proposed to be rezoned and reclassified (the site) has an area of 4.5 hectares and is of a triangular configuration [see Locality Plan at (ATTACHMENT 2)]. The site is predominately grassed and contains a small number of mature trees. The site is bounded by parkland to the west, mature trees to the northeast, by an historic (heritage listed) cemetery to the east and fronts Elizabeth Avenue to the South. On the opposite side of Elizabeth Avenue, is an established residential area zoned R2 Low Density Residential. The proposed residential zone is a logical extension to this adjoining zone.

The proposal seeks to accommodate residential development on land within close proximity to existing services and is not required for its current use as a public reserve. The proponent has advised that the site is no longer required for public recreation purposes as it is surplus to the community's needs. In accordance with the NSW Department of Planning and Environment, which recommends a standard of 2.83 hectares of open space per 1,000 residents, there is sufficient public open space within the Raymond Terrace Planning District, even with the proposed removal of 4.5ha of Boomerang Park. Currently, there is 16.94 hectares per 1,000 residents which will be reduced to 16.6 hectares per 1,000 residents should the planning proposal proceed.

As identified in the planning proposal at (ATTACHMENT 1), the following additional investigations will be required post Department of Planning Gateway determination, including:

- Preliminary contamination assessment in accordance with SEPP 55.
- Additional heritage information.
- Further threatened species assessment.

It is considered that the planning proposal has sufficient merit to proceed to gateway on the basis that the additional information will be submitted post-gateway. The planning proposal will not be exhibited until the additional information is provided.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services.

MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019

MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019

ITEM 4 - ATTACHMENT 1 BOOMERANG PARK PLANNING PROPOSAL - MINUTE NUMBER 213 - 28 JULY 2015.

MINUTES ORDINARY COUNCIL - 28 JULY 2015

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	10,500	Stage 1 Rezoning fees. The cost of processing this planning proposal will be covered by Rezoning Fees, in accordance with Council's Fees & Charges.

The future sale of land associated with the rezoning has the potential to yield approximately \$1.7m to Council, subject to the planning proposal proceeding and future land sales.

LEGAL, POLICY AND RISK IMPLICATIONS

The Planning Proposal will be processed in accordance with the plan making procedures in the *Environmental Planning and Assessment Act 1979*, the *Local Government Act 1993* and the Department of Planning's Practice Note PN 09-003 (12 June 2009) *Classification and reclassification of public land through a local environmental plan*.

A fact sheet outlining the process for rezoning and reclassification of land can be found at (ATTACHMENT 3).

Practice Note PN 09-003 (12 June 2009) Classification and reclassification of public land through a local environmental plan

The purpose of PN09-003 is to provide guidance on how to classify or reclassify public land through a local environmental plan.

In accordance with the practice note, Council must provide a Statement of Interest when the planning proposal is exhibited. The Statement of Interest seeks to:

- Identify land owned by Council proposed to be reclassified; and
- Allow the community the opportunity to assess the proposal with a full appreciation of all relevant information.

A copy of the Statement of Interest can be found at Attachment 8 to the Planning Proposal at (ATTACHMENT 1).

MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019****ITEM 4 - ATTACHMENT 1 BOOMERANG PARK PLANNING PROPOSAL - MINUTE NUMBER 213 - 28 JULY 2015.****MINUTES ORDINARY COUNCIL - 28 JULY 2015****Local Government Act 1993**

Reclassification of the site from 'community' to 'operational' land under the Local Government Act 1993 will allow Council to sell the land.

The proposed reclassification is to be the subject of a public hearing pursuant to section 29 of the *Local Government Act 1993* and *PN09-003*.

In accordance with the relevant legislation, the public hearing will be held after the exhibition period.

Section 117 Ministerial Direction 6.2 – Reserving Land for Public Purposes

This Direction requires the approval of the Director-General of the Department of Planning and Environment to remove the reservation of land for a public purpose. The reclassification of the subject land from community land to operational land will involve the revocation of the public reserve status of the subject land.

The proponent has advised that the removal of 4.5ha of open space will have a minimal overall impact on the provision of open space in the Raymond Terrace Planning District. There is currently 16.94ha of open space /1000 residents, and the proposal will reduce this to 16.6ha/1000 residents. This exceeds the NSW Department of Planning and Environment recommendations of 2.83 hectares of open space per 1000 residents

Port Stephens Local Environmental Plan 2013

The objectives of this planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Amend Part 2 Land classified, or reclassified, as operational land—interests changed, Schedule 4 Classification and reclassification of public land to include part of Lot 1 DP 1018979, 17E Irrawang Street, Raymond Terrace (**ATTACHMENT 2**) shows the part of the park that is subject to the reclassification.
- Amend Land Zoning Map Sheet LZN_002C for part of Lot 1 DP 1018979 from RE1 Public Recreation to R2 Low Density Residential.
- Amend Lot Size Map Sheet LSZ_002C from no minimum lot size to 500m².
- Amend Height of Building Map Sheet HOB_002C – from no maximum building height to 9 metres.

Heritage

Boomerang Park, including the former stone quarry and mature tree planting, is listed under Schedule 5 of the PSLEP 2013 as an item of Environmental Heritage. Further investigations, post-Gateway, are required and include the establishment of curtilage requirements to the former stone quarry and identification of significant trees for retention, in conjunction with an Arborist report.

An Aboriginal Heritage Information Management Systems web service search was undertaken over the subject land. No Aboriginal sites or places have been recorded

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in or near the subject land. Consultation with the Worimi Local Aboriginal Land Council will be undertaken following a gateway determination.

It is considered that there is sufficient justification for the planning proposal to proceed to gateway on the basis that the additional information will be submitted post-gateway. The planning proposal will not be exhibited until the additional information is provided.

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy identifies Raymond Terrace as a Major Regional Centre and projects 300 new dwellings in Raymond Terrace through infill development.

A key component of the LHRS is ensuring that most new development is located in close proximity to major centres and employment lands, maximising access to services and employment opportunities.

The planning proposal is consistent with the Strategy, as it will contribute to achieving the projected infill dwelling projections set for Raymond Terrace in an area that is close to employment opportunities and services.

The Lower Hunter over the next 20 years: A Discussion Paper

The Lower Hunter over the next 20 years: A Discussion Paper aims to facilitate discussion to feed into the development of a new Lower Hunter Regional Strategy. This Discussion Paper provides guiding planning principles for the Lower Hunter, such as providing a diversity of housing choices for different budgets and lifestyles. This planning proposal is considered to be consistent with those applicable planning principles listed in this Paper as a diverse range of housing types are permitted in the R2 Zone.

Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022) which states that Council should provide for a range of lot sizes and housing types to respond to demographic needs and affordability. The proposal will potentially add approximately 40 lots to the residential stock in Raymond Terrace.

Port Stephens Planning Strategy (PSPS)

The Planning Proposal is consistent with the directions adopted by the PSPS. The PSPS identifies Raymond Terrace as a Regional Centre that serves the needs of the wider LGA. It is an area of projected population growth, from 13,346 people in 2009 to 21,380 people in 2031. The Strategy identifies potential growth by infill development in the area encompassing Raymond Terrace – Heatherbrae – Nelsons Plains of 800 dwellings during the period 2011 – 2036. The proposed reclassification and rezoning will therefore provide infill residential development opportunities in accordance with the Strategy.

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MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019****ITEM 4 - ATTACHMENT 1 BOOMERANG PARK PLANNING PROPOSAL - MINUTE NUMBER 213 - 28 JULY 2015.****MINUTES ORDINARY COUNCIL - 28 JULY 2015****Boomerang Park Plan of Management**

The Boomerang Park Plan of Management was adopted in November 2000. The POM provides a framework to enable decisions in regards to the site to be made on a consistent and equitable basis.

The vision for Boomerang Park, as outlined in the POM, is as follows:

"To provide public open space that enables a wide range of recreational, cultural, conservational, educational and community based activities to be undertaken in a manner that adds to the scenic and social attributes of the Raymond Terrace planning district".

The Boomerang Park Masterplan seeks to facilitate the provision of new infrastructure and facilities that will contribute to the ongoing development, improvement and increased use of the park, in accordance with the vision.

The Boomerang Park Plan of Management will need to be updated to reflect the changes to Boomerang Park. The POM would cease to apply to the site as POMs do not apply to operational land.

Boomerang Park Masterplan

The Boomerang Park Masterplan was adopted by Council on 25 November 2014 and sets the proposed layout and form of the park and facilities. It seeks to enable greater community use and enjoyment of the park by expanding the opportunities for formal and informal use, at a range of scales.

The Masterplan identifies one parcel of land within the Park that is proposed to be further investigated for future reclassification and rezoning. The planning proposal is consistent with Council's resolution of 25 November 2014.

Draft Raymond Terrace & Heatherbrae Strategy 2015-2031

The draft Raymond Terrace & Heatherbrae Strategy was endorsed for public exhibition by Council at its meeting on 26 May 2015. The draft Strategy seeks to implement a quantity to quality approach to public open space, which recognises the limited operating budgets of regional Councils and the significant amount of public open space that they are required to maintain. With regards to Boomerang Park, the draft strategy includes the following Action:

Action No. 25 - Implementation of the Boomerang Park Masterplan which includes quality paths, play equipment, etc. This is subject to securing appropriate funding.

The Planning Proposal is consistent with the draft strategy, which is reflective of Council's endorsement of the Boomerang Park Masterplan.

It is noted that the draft Raymond Terrace and Heatherbrae Strategy will be placed on public exhibition in July 2015.

MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019

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ITEM 4 - ATTACHMENT 1 BOOMERANG PARK PLANNING PROPOSAL - MINUTE NUMBER 213 - 28 JULY 2015.

MINUTES ORDINARY COUNCIL - 28 JULY 2015

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that community are dissatisfied with the planning proposal process and outcome.	Low	Ensure adequate consultation is undertaken with the community and stakeholders in accordance with established policy and guidelines.	Yes
There is a risk that the land is required for recreation purposes.	Low	Council's Facilities & Services Group have advised that the site is surplus to the recreation needs of the community in accordance with the Department of Planning and Environment standards.	Yes
There is a risk that there is a perceived conflict of interest between Council as the proponent and Council as the consent authority.	Low	Ensure planning proposal is processed in accordance with the <i>Local Government Act 1993</i> , the <i>Environmental Planning and Assessment Act 1979</i> and LEP Practice Note PN09-003.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Additional housing in Raymond Terrace will have a positive economic impact consistent with Council's strategic plans in this area.

The planning proposal and future development of 4.5 hectares of Boomerang Park could provide significant social benefits, such as opportunities to provide a diversity of dwelling stock that would respond to housing affordability in Raymond Terrace.

During the preparation of the Boomerang Park Masterplan, significant concern and opposition to the rezoning was raised. Further information on Council's approach to consult with the community is outlined in the following sections.

The proposed residential use of the site is unlikely to have a significant impact on the environment.

A preliminary assessment of the ecological values of Boomerang Park and potential impacts of the proposed reclassification and rezoning has been undertaken. The area proposed to be developed for residential purposes is predominately cleared of vegetation, although approximately 86 native and exotic trees would potentially be

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MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019****ITEM 4 - ATTACHMENT 1 BOOMERANG PARK PLANNING PROPOSAL - MINUTE NUMBER 213 - 28 JULY 2015.****MINUTES ORDINARY COUNCIL - 28 JULY 2015**

removed, with some minor impacts expected to a number of threatened species and their habitats.

There is sufficient habitat for a range of native plant and animal species to be maintained or enhanced within Boomerang Park, provided that it is managed in accordance with the adopted Masterplan. Overall, the proposed residential development is considered to have relatively minor ecological impacts and to be of low risk to the values the park or adjacent areas, however these initial assumptions should be further examined through additional ecological surveys and assessments.

It is considered that the preliminary ecological investigations provide a sufficient level of detail for a gateway determination to be made. However, should the planning proposal be supported by the gateway, further ecological investigations will be required to more accurately determine the ecological impacts of the planning proposal.

CONSULTATION

Community consultation will be undertaken in accordance with the gateway determination. However, given the community's concern about the proposal, Council intends to undertake additional community consultation to that required by the 'gateway', including information sessions to provide further detailed response to the community during the exhibition period.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building 116 Adelaide Street, Raymond Terrace.
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace.
- Tomaree Library, Town Centre Circuit, Salamander Bay.
- Medowie Community Centre, Cnr of Medowie and Ferodale Streets, Medowie.

The planning proposal will also be available on Council's website.

In accordance with the *Local Government Act* – a Public Hearing is required for the reclassification of the site and will take place following the exhibition period, as legislated.

OPTIONS

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

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MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

ITEM 1 - ATTACHMENT 1 MINUTE NO 043 - 26 FEBRUARY 2019.

MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019

MINUTES ORDINARY COUNCIL - 12 FEBRUARY 2019

ITEM 4 - ATTACHMENT 1 BOOMERANG PARK PLANNING PROPOSAL - MINUTE
NUMBER 213 - 28 JULY 2015.

MINUTES ORDINARY COUNCIL - 28 JULY 2015

ATTACHMENTS

- 1) Planning Proposal - Boomerang Park. (Provided under separate cover)
- 2) Locality Plan. (Provided under separate cover)
- 3) Fact Sheet - Rezoning and Reclassification of Land. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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There being no further business the meeting closed at 7.10pm.

MINUTES ORDINARY COUNCIL - 28 JULY 2015

ITEM NO. 5

FILE NO: PSC2015-01000/538
TRIM REF NO: PSC2015-01301**PLANNING PROPOSAL - BOOMERANG PARK**REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal at (**ATTACHMENT 1**) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.
- 2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the *Environmental Planning and Assessment Act 1979* with a request for a Gateway Determination.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION****Councillor Geoff Dingle**
Councillor Peter Kafer

The amendment put was that Council:

- 1) Refuse the Planning Proposal at (**ATTACHMENT 1**) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.

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

Those for the Motion: Crs Geoff Dingle and Peter Kafer

Those against the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

The Motion was lost.

MINUTES ORDINARY COUNCIL - 28 JULY 2015**ORDINARY COUNCIL MEETING - 28 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Chris Doohan A motion was moved and seconded that Council: 1) Adopt the Planning Proposal at (ATTACHMENT 1) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land. With the following amendments: a) Council reaffirm its position that the site is to be developed for seniors housing only. b) Council register a restriction / covenant on the use of land to formalise it to only be used for seniors housing post gateway determination. 2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway Determination.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Crs Geoff Dingle and Peter Kafer

The motion was carried.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

212	Councillor Geoff Dingle Councillor Peter Kafer 1) Refuse the Planning Proposal at (ATTACHMENT 1) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

MINUTES ORDINARY COUNCIL - 28 JULY 2015

Those for the Motion: Crs Geoff Dingle and Peter Kafer

Those against the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

The motion was lost.

**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

	Councillor Peter Kafer Councillor Geoff Dingle Cr Kafer moved a motion of no confidence in Council. The motion was lost.
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**ORDINARY COUNCIL MEETING - 28 JULY 2015
MOTION**

213	Mayor Bruce MacKenzie Councillor Chris Doohan A motion was moved and seconded that Council: <ol style="list-style-type: none"> 1) Adopt the Planning Proposal at (ATTACHMENT 1) to rezone the subject land within Boomerang Park, from RE1 Public Recreation to R2 Low Density Residential and reclassify the subject land from 'community' to 'operational' land. With the following amendments. <ol style="list-style-type: none"> a) Council reaffirm its position that the site is to be developed for seniors housing only. b) Council register a restriction / covenant on the use of land to formalise it to only be used for seniors housing post gateway determination. 2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway Determination.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

MINUTES ORDINARY COUNCIL - 28 JULY 2015

Those against the Motion: Crs Geoff Dingle and Peter Kafer

The motion was carried.

BACKGROUND

The purpose of this report is to obtain Council's endorsement to submit the Planning Proposal at **(ATTACHMENT 1)** to the Department of Planning & Environment requesting a Gateway determination.

Subject land:	Part Lot 1 DP 1018979, 17E Irrawang Street, Raymond Terrace [see Locality Plan at (ATTACHMENT 2)]
Proponent:	Port Stephens Council (Facilities & Services Group)
Proposed changes:	Reclassify the subject land from 'Community' to 'Operational' Land; and Rezone the subject land from RE1 Public Recreation to R2 Low Density Residential
Area of land:	4.5 hectares (the total area of the park is 21.6 hectares)
Potential lot yield:	Approximately 46 lots

The Planning Proposal seeks to reclassify 4.5 hectares of Council owned land within Boomerang Park from 'community' land to 'operational' land pursuant to Clause 30 of the *NSW Local Government Act 1993*, and rezone the land from RE1 Public Recreation to R2 Low Density Residential pursuant to *Port Stephens Local Environmental Plan 2013* (PSLEP 2013) to allow the land to be developed for residential purposes.

The rezoning and reclassification has resulted from a resolution by Port Stephens Council on 25 November 2014 to adopt the Boomerang Park Masterplan and initiate the process to rezone and reclassify 4.5ha of the park to enable future residential development as identified in the adopted Masterplan.

The land forms part of Boomerang Park, which was first dedicated as a Public Reserve in 1837, following the preparation of a survey for the township of Raymond Terrace. This reserve was subsequently dedicated in September 1892 as a Recreation Reserve. The reserve became known as 'Boomerang Park' in 1914.

Boomerang Park currently accommodates the Raymond Terrace Senior Citizens Centre, the Raymond Terrace Before and After School Care (both fronting Irrawang Street) the Port Stephens All Breeds Dog Obedience Canine Club (fronting Kangaroo Street) and public amenities. A water tower is located in the centre of the park, on

MINUTES ORDINARY COUNCIL - 28 JULY 2015

land owned by the Hunter Water Corporation. These uses are not within the area of the park proposed for residential development and will not be impacted by the proposal.

The part of the park proposed to be rezoned and reclassified (the site) has an area of 4.5 hectares and is of a triangular configuration [see Locality Plan at **(ATTACHMENT 2)**]. The site is predominately grassed and contains a small number of mature trees. The site is bounded by parkland to the west, mature trees to the northeast, by an historic (heritage listed) cemetery to the east and fronts Elizabeth Avenue to the South. On the opposite side of Elizabeth Avenue, is an established residential area zoned R2 Low Density Residential. The proposed residential zone is a logical extension to this adjoining zone.

The proposal seeks to accommodate residential development on land within close proximity to existing services and is not required for its current use as a public reserve. The proponent has advised that the site is no longer required for public recreation purposes as it is surplus to the community's needs. In accordance with the NSW Department of Planning and Environment, which recommends a standard of 2.83 hectares of open space per 1,000 residents, there is sufficient public open space within the Raymond Terrace Planning District, even with the proposed removal of 4.5ha of Boomerang Park. Currently, there is 16.94 hectares per 1,000 residents which will be reduced to 16.6 hectares per 1,000 residents should the planning proposal proceed.

As identified in the planning proposal at **(ATTACHMENT 1)**, the following additional investigations will be required post Department of Planning Gateway determination, including:

- Preliminary contamination assessment in accordance with SEPP 55.
- Additional heritage information.
- Further threatened species assessment.

It is considered that the planning proposal has sufficient merit to proceed to gateway on the basis that the additional information will be submitted post-gateway. The planning proposal will not be exhibited until the additional information is provided.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services.

MINUTES ORDINARY COUNCIL - 28 JULY 2015

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	10,500	Stage 1 Rezoning fees. The cost of processing this planning proposal will be covered by Rezoning Fees, in accordance with Council's Fees & Charges.

The future sale of land associated with the rezoning has the potential to yield approximately \$1.7m to Council, subject to the planning proposal proceeding and future land sales.

LEGAL, POLICY AND RISK IMPLICATIONS

The Planning Proposal will be processed in accordance with the plan making procedures in the *Environmental Planning and Assessment Act 1979*, the *Local Government Act 1993* and the Department of Planning's Practice Note PN 09-003 (12 June 2009) *Classification and reclassification of public land through a local environmental plan*.

A fact sheet outlining the process for rezoning and reclassification of land can be found at **(ATTACHMENT 3)**.

Practice Note PN 09-003 (12 June 2009) Classification and reclassification of public land through a local environmental plan

The purpose of PN09-003 is to provide guidance on how to classify or reclassify public land through a local environmental plan.

In accordance with the practice note, Council must provide a Statement of Interest when the planning proposal is exhibited. The Statement of Interest seeks to:

- a) Identify land owned by Council proposed to be reclassified; and
- b) Allow the community the opportunity to assess the proposal with a full appreciation of all relevant information.

A copy of the Statement of Interest can be found at Attachment 8 to the Planning Proposal at **(ATTACHMENT 1)**.

MINUTES ORDINARY COUNCIL - 28 JULY 2015**Local Government Act 1993**

Reclassification of the site from 'community' to 'operational' land under the Local Government Act 1993 will allow Council to sell the land.

The proposed reclassification is to be the subject of a public hearing pursuant to section 29 of the *Local Government Act 1993* and *PN09-003*.

In accordance with the relevant legislation, the public hearing will be held **after** the exhibition period.

Section 117 Ministerial Direction 6.2 – Reserving Land for Public Purposes

This Direction requires the approval of the Director-General of the Department of Planning and Environment to remove the reservation of land for a public purpose. The reclassification of the subject land from community land to operational land will involve the revocation of the public reserve status of the subject land.

The proponent has advised that the removal of 4.5ha of open space will have a minimal overall impact on the provision of open space in the Raymond Terrace Planning District. There is currently 16.94ha of open space /1000 residents, and the proposal will reduce this to 16.6ha/1000 residents. This exceeds the NSW Department of Planning and Environment recommendations of 2.83 hectares of open space per 1000 residents

Port Stephens Local Environmental Plan 2013

The objectives of this planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Amend Part 2 Land classified, or reclassified, as operational land—interests changed, Schedule 4 Classification and reclassification of public land to include part of Lot 1 DP 1018979, 17E Irrawang Street, Raymond Terrace (**ATTACHMENT 2**) shows the part of the park that is subject to the reclassification.
- Amend Land Zoning Map Sheet LZN_002C for part of Lot 1 DP 1018979 from RE1 Public Recreation to R2 Low Density Residential.
- Amend Lot Size Map Sheet LSZ_002C from no minimum lot size to 500m².
- Amend Height of Building Map Sheet HOB_002C – from no maximum building height to 9 metres.

Heritage

Boomerang Park, including the former stone quarry and mature tree planting, is listed under Schedule 5 of the PSLEP 2013 as an item of Environmental Heritage. Further investigations, post-Gateway, are required and include the establishment of curtilage requirements to the former stone quarry and identification of significant trees for retention, in conjunction with an Arborist report.

An Aboriginal Heritage Information Management Systems web service search was undertaken over the subject land. No Aboriginal sites or places have been recorded

MINUTES ORDINARY COUNCIL - 28 JULY 2015

in or near the subject land. Consultation with the Worimi Local Aboriginal Land Council will be undertaken following a gateway determination.

It is considered that there is sufficient justification for the planning proposal to proceed to gateway on the basis that the additional information will be submitted post-gateway. The planning proposal will not be exhibited until the additional information is provided.

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy identifies Raymond Terrace as a Major Regional Centre and projects 300 new dwellings in Raymond Terrace through infill development.

A key component of the LHRS is ensuring that most new development is located in close proximity to major centres and employment lands, maximising access to services and employment opportunities.

The planning proposal is consistent with the Strategy, as it will contribute to achieving the projected infill dwelling projections set for Raymond Terrace in an area that is close to employment opportunities and services.

The Lower Hunter over the next 20 years: A Discussion Paper

The Lower Hunter over the next 20 years: A Discussion Paper aims to facilitate discussion to feed into the development of a new Lower Hunter Regional Strategy. This Discussion Paper provides guiding planning principles for the Lower Hunter, such as providing a diversity of housing choices for different budgets and lifestyles. This planning proposal is considered to be consistent with those applicable planning principles listed in this Paper as a diverse range of housing types are permitted in the R2 Zone.

Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022) which states that Council should provide for a range of lot sizes and housing types to respond to demographic needs and affordability. The proposal will potentially add approximately 40 lots to the residential stock in Raymond Terrace.

Port Stephens Planning Strategy (PSPS)

The Planning Proposal is consistent with the directions adopted by the PSPS. The PSPS identifies Raymond Terrace as a Regional Centre that serves the needs of the wider LGA. It is an area of projected population growth, from 13,346 people in 2009 to 21,380 people in 2031. The Strategy identifies potential growth by infill development in the area encompassing Raymond Terrace – Heatherbrae – Nelsons Plains of 800 dwellings during the period 2011 – 2036. The proposed reclassification and rezoning will therefore provide infill residential development opportunities in accordance with the Strategy.

MINUTES ORDINARY COUNCIL - 28 JULY 2015**Boomerang Park Plan of Management**

The Boomerang Park Plan of Management was adopted in November 2000. The POM provides a framework to enable decisions in regards to the site to be made on a consistent and equitable basis.

The vision for Boomerang Park, as outlined in the POM, is as follows:

"To provide public open space that enables a wide range of recreational, cultural, conservational, educational and community based activities to be undertaken in a manner that adds to the scenic and social attributes of the Raymond Terrace planning district".

The Boomerang Park Masterplan seeks to facilitate the provision of new infrastructure and facilities that will contribute to the ongoing development, improvement and increased use of the park, in accordance with the vision.

The Boomerang Park Plan of Management will need to be updated to reflect the changes to Boomerang Park. The POM would cease to apply to the site as POMs do not apply to operational land.

Boomerang Park Masterplan

The Boomerang Park Masterplan was adopted by Council on 25 November 2014 and sets the proposed layout and form of the park and facilities. It seeks to enable greater community use and enjoyment of the park by expanding the opportunities for formal and informal use, at a range of scales.

The Masterplan identifies one parcel of land within the Park that is proposed to be further investigated for future reclassification and rezoning. The planning proposal is consistent with Council's resolution of 25 November 2014.

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Action No. 25 - Implementation of the Boomerang Park Masterplan which includes quality paths, play equipment, etc. This is subject to securing appropriate funding.

The Planning Proposal is consistent with the draft strategy, which is reflective of Council's endorsement of the Boomerang Park Masterplan.

It is noted that the draft Raymond Terrace and Heatherbrae Strategy will be placed on public exhibition in July 2015.

MINUTES ORDINARY COUNCIL - 28 JULY 2015

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that community are dissatisfied with the planning proposal process and outcome.	Low	Ensure adequate consultation is undertaken with the community and stakeholders in accordance with established policy and guidelines.	Yes
There is a risk that the land is required for recreation purposes.	Low	Council's Facilities & Services Group have advised that the site is surplus to the recreation needs of the community in accordance with the Department of Planning and Environment standards.	Yes
There is a risk that there is a perceived conflict of interest between Council as the proponent and Council as the consent authority.	Low	Ensure planning proposal is processed in accordance with the <i>Local Government Act 1993</i> , the <i>Environmental Planning and Assessment Act 1979</i> and LEP Practice Note PN09-003.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Additional housing in Raymond Terrace will have a positive economic impact consistent with Council's strategic plans in this area.

The planning proposal and future development of 4.5 hectares of Boomerang Park could provide significant social benefits, such as opportunities to provide a diversity of dwelling stock that would respond to housing affordability in Raymond Terrace.

During the preparation of the Boomerang Park Masterplan, significant concern and opposition to the rezoning was raised. Further information on Council's approach to consult with the community is outlined in the following sections.

The proposed residential use of the site is unlikely to have a significant impact on the environment.

A preliminary assessment of the ecological values of Boomerang Park and potential impacts of the proposed reclassification and rezoning has been undertaken. The area proposed to be developed for residential purposes is predominately cleared of vegetation, although approximately 86 native and exotic trees would potentially be

MINUTES ORDINARY COUNCIL - 28 JULY 2015

removed, with some minor impacts expected to a number of threatened species and their habitats.

There is sufficient habitat for a range of native plant and animal species to be maintained or enhanced within Boomerang Park, provided that it is managed in accordance with the adopted Masterplan. Overall, the proposed residential development is considered to have relatively minor ecological impacts and to be of low risk to the values the park or adjacent areas, however these initial assumptions should be further examined through additional ecological surveys and assessments.

It is considered that the preliminary ecological investigations provide a sufficient level of detail for a gateway determination to be made. However, should the planning proposal be supported by the gateway, further ecological investigations will be required to more accurately determine the ecological impacts of the planning proposal.

CONSULTATION

Community consultation will be undertaken in accordance with the gateway determination. However, given the community's concern about the proposal, Council intends to undertake additional community consultation to that required by the 'gateway', including information sessions to provide further detailed response to the community during the exhibition period.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building 116 Adelaide Street, Raymond Terrace.
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace.
- Tomaree Library, Town Centre Circuit, Salamander Bay.
- Medowie Community Centre, Cnr of Medowie and Ferodale Streets, Medowie.

The planning proposal will also be available on Council's website.

In accordance with the *Local Government Act* – a Public Hearing is required for the reclassification of the site and will take place following the exhibition period, as legislated.

OPTIONS

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

MINUTES ORDINARY COUNCIL - 28 JULY 2015

ATTACHMENTS

- 1) Planning Proposal - Boomerang Park. (Provided under separate cover)
- 2) Locality Plan. (Provided under separate cover)
- 3) Fact Sheet - Rezoning and Reclassification of Land. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 19/358909
EDRMS NO: `PSC2017-00019**

**AMEND THE DEVELOPMENT CONTROL PLAN (DCP) TO INCLUDE ADEQUATE
CAR PARKING REQUIREMENTS FOR MARINAS**

MAYOR: RYAN PALMER

THAT COUNCIL:

- 1) Amend the Port Stephens Development Control Plan 2014 to ensure adequate on-site car parking is required for marina development.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

224	Mayor Ryan Palmer Councillor Ken Jordan It was resolved that Council amend the Port Stephens Development Control Plan 2014 to ensure adequate on-site car parking is required for marina development.
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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 Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND REPORT OF: KATE DRINAN – DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER**

BACKGROUND

The Port Stephens Development Control Plan 2014 (DCP 2014) requires that development that has the potential to create demand for on-site parking provide parking in accordance with the DCP (Figure BT). For marina development, the car parking requirements are provided below:

- 0.6 spaces per wet berth
- 0.2 spaces per dry storage berth
- 0.2 spaces per swing mooring
- 0.5 spaces per marina employee

The above requirements are consistent with the RTA Guide to Traffic Generating Development. However these requirements do not consider the potential ancillary uses which may generate additional parking requirements.

Under the Port Stephens Local Environmental Plan 2013 (LEP 2013) a marina is defined as:

“A permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.”

The above definition can limit Council’s ability to require car parking for commercial or other components of a marina, noting that those components fall within the definition of marina and, as such, only the marina car parking requirements apply.

Given the nature of a marina and the varied uses that may be included under its definition, the DCP 2014 could be amended to require a parking demand study to accompany applications for marina developments and ensure adequate on-site car parking is provided for the marina and any of the proposed ancillary uses.

ATTACHMENTS

Nil.

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 19/309748
EDRMS NO: 16-2019-270-1**

**DA 16-2019-270-1 - 862 PATERSON ROAD WOODVILLE 2321 - LOT: 510 DP:
1150491**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application No.16-2019-270-1 for the demolition of the existing structures and construction of a new single storey dwelling and garage subject to the conditions contained in **(ATTACHMENT 3)**.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

	<p>RECOMMENDATION IS THAT COUNCIL:</p> <p>Item 1 was withdrawn with the consent of the Chairperson.</p>
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BACKGROUND

The purpose of this report is to present a development application (DA) to Council for determination. The subject DA relates to land located at 862 Paterson Road, Woodville (LOT: 510 DP: 1150491 ('the subject site')). A locality plan is provided in **(ATTACHMENT 1)**.

The development application was called to Council by Councillor Arnott, Councillor Jordan and Councillor Le Mottee **(ATTACHMENT 4)**.

Proposal

The applicant seeks approval for the demolition of existing structures on site and the construction of a new single storey dwelling and garage. Details of the proposal are as follows:

- Demolition of existing structures on site including the dilapidated Pomfrett's Cottage which is identified as an item of local heritage significance in the Port Stephens Local Environmental Plan 2013 (LEP 2013).

- Construction of a new single storey dwelling and garage. The proposed single storey dwelling is designed to be similar in style and proportions to a traditional cottage with a hipped roof, verandah, and timber cladding. The dwelling will also be separated into pavilions to reduce the scale as viewed from the street. A double carport/garage will be located at the rear of the property.

Site history

The subject site has a total area of 723 m², is generally flat and is zoned RU1 Primary Production. Access to the site is direct from Paterson Road.

The subject site is surrounded by similarly zoned RU1 lots, with the exception of the Iona Public School which is zoned SP2 - Special Activities. The Woodville School of Arts and Community Hall is located adjacent to the subject site. The lot sizes (with dwellings) in the immediate vicinity range from 5000 m² to 232,960 m².

The subject site currently contains a dwelling towards the front of the site and a Colorbond shed with an older shed and an outbuilding to the rear.

A site inspection accompanied by Council's building officers identified a number of concerns regarding the structural integrity of the current dwelling. The dwelling was on a significant lean, with compromised structural components. An internal investigation was determined to be too high risk due to concerns of potential collapse.



Photo 1: View of cottage from Clarence Town Road



Photo 2: View of cottage looking west

Key Issues

The key issues raised during the assessment of the application are outlined below. A detailed assessment of the development is contained at **(ATTACHMENT 2)**.

Heritage Impact

The subject site is located at 862 Paterson Road Woodville, which is listed as a locally significant archaeological site in the LEP. The listed site is specifically known as Pomfrett's Cottage (Slab Cottage).

The demolition of structures on a locally significant heritage site is permissible with consent, under Clause 5.10 of the LEP 2013, subject to an assessment against this clause.

In addition to Clause 5.10 of the LEP 2013, Council must also consider Section B8 of the Development Control Plan 2014 (DCP 2014). Section B8 of the DCP outlines the requirements relating to development proposals involving heritage. More specifically, this clause requires development applications that are likely to impact on the heritage significance of a heritage item, be accompanied by a heritage impact statement. This heritage impact statement must be consistent with the Biodiversity Conservation Division (formerly Office of Environment and Heritage) 'Statements of Heritage Impact' document and be prepared by a suitably qualified and experienced consultant. This consultant must be registered and listed on the NSW Office of Environment and Heritage Consultants Directory.

To address the relevant requirements in the LEP 2013 and the DCP 2014 mentioned above, a Statement of Heritage Impact ('the statement') has been completed by a heritage consultant listed on the NSW Office of Environment and Heritage Consultants Directory and was submitted to support the application.

An independent review of the statement was also conducted by Council's heritage advisor. This review has confirmed that the statement is considered to be an adequate assessment for the purposes of the Heritage Act 1977.

The following outlines the key points from that assessment.

Historical Significance

Pomfrett's Cottage was likely built prior to 1878 and may be associated with the early European settlement in the Woodville and Iona area. The dwelling is representative of a vernacular cottage of the 19th century, and is representative of the building type and building techniques used in the 1800s. The dwelling has a symmetrical façade, steep pitched roof, verandah, split slab walls and timber shingles.

An internal assessment of the dwelling was unable to be conducted, as the dwelling was considered structurally unsound with a collapse imminent. Given that an internal assessment of the dwelling could not be completed, it was not possible to accurately determine if the dwelling currently contains archaeological relics or items of significance. As such, the applicant will be required, as a condition of consent, to obtain an excavation permit from the Biodiversity Conservation Division (formerly Office of Environment and Heritage) prior to the commencement of any works. This ensures that if relics or items of significance are found during the demolition of the dwelling, they will be appropriately managed.

Social Significance

Pomfrett's Cottage is listed in the LEP 2013 as a locally significant archaeological site, and therefore is deemed to be of value to the community. This value and local significance however, is significantly diminished due to the current condition and imminent collapse of the cottage.

It was also determined that conservation of the dwelling would not be feasible due to the degree of deterioration of the structure. This deterioration would require a large amount of new fabric and building materials to restore. This would even further diminish the historical value. On the basis of the above, it has been deemed that it is appropriate to support the proposed demolition of the dwelling.

During the notification period, Council received a total of 5 submissions from the community. These submissions have been collated in the consultation section of this report.

In addition to the matters considered above, Clause B8 of the DCP also requires that the design of the proposed residence be complementary to the heritage significance of the area. This must also take into account the potential impact the design could have on the neighbouring Woodville School of Arts, which is also a locally listed heritage item in the LEP 2013. As such, the statement of heritage impact has provided strict design guidelines for the new residence to address this requirement. The design guidelines have been adopted and will be recommended as a condition of consent.

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

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have financial 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, POLICY AND RISK IMPLICATIONS

The development application is consistent with relevant planning instruments, flood development guidelines, the Environmental Planning and Assessment Act 1979 (EP&A Act), the Heritage Act 1977, Port Stephens Local Environment Plan 2013 (LEP 2013), and the Port Stephens Development Control Plan (DCP 2014).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if that the application is refused the applicant may appeal the determination.	Medium	Approve the application as recommended. The assessment carried out details the merits of the proposed development.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The dwelling to be demolished has value to the community and is identified as a local heritage item. Despite this, the dwelling is structurally unstable and the restoration works required would not be feasible due to the degree of deterioration of the structure. On this basis, the demolition of the structure is supported and conditions of consent are proposed to ensure the new dwelling is sympathetic to the sites historic past.

CONSULTATION

Internal

Consultation was undertaken with internal officers including Engineering Services, Strategic Planning (Heritage Advisor) and the Planning and Developer Relations team.

External

Referral to external agencies was not required.

Notification

In accordance with Council's notification requirements the DA was advertised and notified for a period of 14 days from 27 September 2019 to 11 October 2019. During the exhibition period 5 submissions were received.

The key issues raised within the submissions included; dwelling entitlement, historical value, cultural value, relationship and potential social and economic impact to the Woodville School of Arts. These issues have been addressed within the detailed assessment report contained at **(ATTACHMENT 2)**. The assessment of the application has determined that, subject to the recommended conditions of consent, the issues raised within the submissions have been addressed and the proposed development is recommended for approval.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Assessment Report. (Provided under separate cover)
- 3) Conditions of Consent.
- 4) Call to Council form.

COUNCILLORS ROOM

- 1) Development Plans.
- 2) Copy of Submissions.

Note: Any third party reports referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



118 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873812 Email: council@portstephens.nsw.gov.au



Proposed Condition of Consent

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. The development shall be carried out in accordance with the stamped approved plans and documentation as listed below, except where modified by any condition of this consent or as shown in red colour on the plans.
- 2.

Plan/Doc. Title	Plan Ref. No	Sheet.	Date	Drawn By
Architectural Plans	4073	2-8	17/7/19	Advantage

Note 1: In the event of any inconsistency between the:

- Approved plans and the conditions, the conditions will prevail; or
- Approved plans and supplementary documentation, the plans will prevail.

Note 2: The consent relates only to those works indicated as proposed on the approved plans. No assessment has been undertaken of those structures marked as existing, and this consent does not extend to include any such structures.

Note 3: The consent relates only to those works indicated as proposed on the approved plans. No assessment has been undertaken of those structures marked as existing, and this consent does not extend to include any such structures.

CONDITIONS THAT IDENTIFY OTHER APPROVALS REQUIRED

3. **A Construction Certificate is required prior to commencement of works** approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
4. **Prior to the commencement of works**, a Driveway Construction Application is to be lodged with Council as the Roads Authority.
5. **Prior to the issue of the Construction Certificate** a separate wastewater application for the installation of a waste treatment device/human waste storage facility shall be approved by Council. The wastewater management system proposed for the development shall be in accordance with Councils On-site Sewage Management Policy and the Local Government Act, 1993. The application is to be accompanied by full details of the proposed system and site assessment complying with the relevant section of the Development Assessment Framework (DAF).

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.**Proposed Condition of Consent**

6. **Prior to the commencement of works**, the person having the benefit of this consent shall contact Hunter Water Corporation (HWC) to ensure that the approved works do not impact upon existing or proposed HWC infrastructure. A copy of the information received by HWC shall be provided to Council within 10 days of receipt. Should HWC require modification to the approved development a Section 4.55 Modification Application and/or modified Construction Certificate Application should be lodged.

CONDITIONS THAT ARE PRESCRIBED

7. All building work shall be carried out in accordance with the requirements of the Building Code of Australia.
8. **Prior to the commencement of works**, a contract of insurance is to be in force in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act.
9. **Prior to the commencement of works**, for any residential building work within the meaning of the Home Building Act 1989, (the HB Act) except for Crown building works certified in accordance with section 6.28 of the Act, the principal certifying authority must provide to the Council (unless Council is the principal certifying authority) a written notice of:
- a. In the case where a principle contractor is required to be appointed, the name and licence number of the principal contractor and the name of the insurer by which the work is insured under the HB Act;
 - b. In the case of work to be done by an owner builder, the name of the owner-builder and their permit number if required under the HB Act.
10. Except in the case of work only carry out to the interior of a building or Crown building work certified in accordance with section 6.28 of the Act, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the principal certifying authority for the work, the name of any principle contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.
11. Where any excavation required for the development extends below the level of the base of a footing of a building, structure or work on adjoining land (including within a road or rail corridor), the person having the benefit of the consent must protect and support that building, structure or work from possible damage from the excavation, and where necessary underpin the building, structure or work to prevent any such damage.



Proposed Condition of Consent

12. All demolition works are to be carried out in accordance with Australian Standard AS 2601-2001. All waste materials are to be either recycled, or disposed of to a licenced waste facility.

Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility. Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATIONS OR CONSTRUCTION

13. **At least two days prior to the commencement of works**, the applicant shall submit to Council a "Notice of Commencement and Appointment of Principal Certifying Authority" form.
14. **Prior to the commencement of works**, the applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists.
15. **Prior to the commencement of work**, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time except with the agreement of the Principle Certifying Authority.
16. **Prior to the commencement of works**, a waste containment facility is to be established on site. The facility is to be regularly emptied, and maintained for the duration of works. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site shall be cleared of all building refuse and spoil immediately upon completion of the development.
17. **Prior to the commencement of works**, the property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking". Protection measures may include erosion and sedimentation controls as required. All protection measures are to be installed to the satisfaction of Council and must be regularly maintained for the duration of works and until the site is stabilised by vegetation or the like.
18. **Prior to the commencement of any works**, the applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977. This approval must be forwarded to the Principal Certifying Authority.



Proposed Condition of Consent

CONDITIONS TO BE SATISFIED DURING WORKS – SITE REQUIREMENTS

19. Unless otherwise approved by Council in writing, all general building/demolition work shall be carried out between the hours of:

- a. 7.00am to 5.00pm Monday to Friday
- b. 7.00am to 5.00pm Saturday

Any work performed outside the abovementioned hours or on a public holiday that may cause offensive noise, as defined under the Protection of the Environment Operations Act 1997, is prohibited.

20. A temporary toilet(s) shall be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided shall be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

21. No building materials, plant, equipment, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath or outside the boundaries of the development site unless approved by Council in writing. Where building activity cannot avoid occupation of the public road reserve, (such as, for the erection of hoarding, scaffolding, partial closure) separate approval from Council for the use of the road reserve is required.

22. Dust suppression is to be actively undertaken during works, through the use of wet-down water tankers or an alternative method which adequately prevents dust from affecting the amenity of the neighbourhood and the environment.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

23. **Immediately following the installation of any roof**, collected stormwater runoff shall be piped to an infiltrating raingarden in accordance with Council's standard Drawing S161. It is to be located in the landscaped area(s) with an overflow pipe connected to the existing easement/system.

24. **Prior to the issue of a Final Occupation Certificate**, the commitments listed in BASIX Certificate No. 1002671S (or an amended version of this certificate, or a replacement certificate particular to the approved development) are to be installed in the development. Should an amended or replacement certificate be issued, a copy is to be forwarded to the principle certifying authority immediately following its issue.

25. **Prior to the issue of any Occupation Certificate**, the applicant shall rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.

ITEM 1 - ATTACHMENT 3 CONDITIONS OF CONSENT.**Proposed Condition of Consent**

26. **Prior to occupying the development**, a driveway footway crossing is to be constructed in accordance the approved Driveway Construction Approval. A compliance certificate must also be obtained from the Roads Authority.
27. **Prior to occupying the development**, Council's Spatial Services Team should be contacted via email at: addressing@portstephens.nsw.gov.au to obtain correct property addressing details. Please state your Development Approval number and property address in order to obtain the correct house numbering.
- Note: any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.
28. **Prior to occupying the development**, a house address number shall be displayed in a prominent area, visible from the adjacent road.
29. **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent. No occupational use is permitted until the Principal Certifying Authority issues an Occupation Certificate.
- Note:** The Principal Certifying Authority must submit a copy of the Occupation Certificate to Council, with all associated documentation, within two days of it being issued.
30. **Prior to the issue of any Occupation Certificate**, an on-site sewage management system is to be installed and a satisfactory final inspection completed by Council.

CONDITIONS TO BE SATISFIED AT ALL TIMES

31. **At all times**, all collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.
32. **The design of the proposed development must comply** with the Statement of Heritage Impact Report titled *'Demolition and New Dwelling, 862 Paterson Road Woodville, prepared by Elizabeth Evans of Shillington Planning and Heritage* (dated July 2019).



PORT STEPHENS
COUNCIL

Proposed Condition of Consent

33. **Prior to the issue of the Construction Certificate** the following information shall be submitted to the Principle Certifying Authority and must be prepared and certified by a Chartered Professional Structural Engineer,
- Detailed structural engineering design of the proposed development, having regard for the SES Building Guidelines and ABCB Construction of Buildings in Flood Hazard Areas Standard, unless otherwise permitted by conditions of this consent. The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact from debris up to and including the 1% Annual Exceedance Probability (AEP) event. The 1% AEP flooding characteristics are 7.1metres AHD;
 - Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF). The PMF flooding characteristics are 8.9metres AHD and 1.5metres per second velocity;
 - Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property; and
 - Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.
34. The flood refuge area must comply with Section B5.3 of Port Stephens Councils Development Control Plan 2014.
35. The development shall incorporate all relevant construction or structural recommendations listed in the GCA Engineering Solutions '*Proposed new residence and garage, 862 Paterson Road, Woodville, Flood effects (reference number 19164S), dated 30 July 2019.*
36. The finished floor level of the dwelling is to be above the Flood Planning level (FPL). The FPL for this site is 7.6m AHD.
37. The finished floor level (FFL) of the garage is to be a minimum 6.7m AHD. The designated flood refuge area is to have a minimum FFL of 9.45m AHD.

PORT STEPHENS
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e council@portstephens.nsw.gov.au

DX 21406 | ABN 16 744 377 876

Call to Council form

Development Application

DEVELOPMENT APPLICATION (DA) CALL TO COUNCIL REQUEST

We (Mayor/Councillor/s)

Name:	Cr Arnott
Name:	Cr Le Mottee
Name:	Cr Jordan
request that DA number:	16-2019-270-1
for DA description:	Demolition of buildings & construction of and new dwelling
located at:	862 Paterson Rd Woodville

be reported to Council for determination.

REASON

Heritage concerns

SIGNATURE OF APPLICANT/S

Signature		Date	1	9	2019
Signature		Date	1	9	2019
Signature		Date	1	9	2019

PRIVACY

Port Stephens Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. **Purpose:** The purpose of this form is to enable Council to record the matter raised and taken appropriate action. **Intended recipients:** Council employees, contractors and other third parties where appropriate. **Supply:** Voluntary. **Consequence of Non Provision:** Council may not take action on the matter raised. **Storage and security:** This document will be placed on the relevant file and/or saved in Council's records management system in accordance with Council policy and relevant legislation. **Access:** Please contact Council on 02 4988 0255 to enquire how you can access information.

ITEM NO. 2

**FILE NO: 19/324404
EDRMS NO: 58-2018-25-1**

PLANNING PROPOSAL FOR 70, 70A, 70B, 70C LATITUDE DRIVE AND 4473 NELSON BAY ROAD, ANNA BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 to:
 - a. Regularise the existing approved use of land at Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 at 70, 70A, 70B and 70C Latitude Drive (known as the 'Latitude One Lifestyle Resort').
 - b. Enable the extension of the existing use to adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road (subject to development consent); and
 - c. Facilitate future subdivision of Lot 25 DP852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.
 - 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request authority to make the plan.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

225	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the Planning Proposal (ATTACHMENT 3) to amend the Port Stephens Local Environmental Plan 2013 to:<ol style="list-style-type: none">a. Regularise the existing approved use of land at Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 at 70, 70A, 70B and 70C Latitude Drive (known as the 'Latitude One Lifestyle Resort').b. Enable the extension of the existing use to adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road (subject to development consent); andc. Facilitate future subdivision of Lot 25 DP852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.
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MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

	2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway Determination and request authority to make the plan.
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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 Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to recommend that Council adopt a Planning Proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) to regularise the existing approved use of land at 70, 70A, 70B and 70C Latitude Drive, enable the extension of that use to adjoining land at 4473 Nelson Bay Road, and to facilitate the future subdivision of the adjoining land.

A locality map of the land the subject of the Planning Proposal is available at (**ATTACHMENT 1**) and a Strategic Planning Assessment Report (SPAR) for this Planning Proposal is available at (**ATTACHMENT 2**).

The Planning Proposal will regularise the approved existing use on the part of the site where an approved caravan park is located. The approved caravan park has 270 sites on which manufactured homes are currently located, or being installed and it is currently operating as a seniors living lifestyle resort. The current zoning of the site no longer permits this use and the development operates relying on existing use rights.

The Planning Proposal seeks to facilitate the extension of this use to part of an adjoining parcel, Lot 25 DP852410. Subject to development consent and further approvals, an additional 170 manufactured homes could potentially be accommodated on Lot 25 DP852410.

On 12 March 2019, Council resolved to prepare a planning proposal to amend the PSLEP 2013 to better plan for manufactured homes and caravan parks (Minute Number 045). That resolution responded to recent case law that potentially broadened the scope of the permissibility of this type of development. The Planning Proposal is not inconsistent with this resolution given the existing approved use of land. The Planning Proposal will facilitate the extension of this approved use and does not rely on the recent case law to enable the permissibility of manufactured homes on the site.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

The Planning Proposal will also facilitate the future subdivision of Lot 25 DP852410, enabling the part of the lot fronting Nelson Bay Road that is that not proposed to be used for the caravan park, to be excised.

Any expansion of the existing caravan park and future subdivision would be subject to future applications and assessment.

Should Council resolve to adopt the Planning Proposal, it will be forwarded to the NSW Department of Planning, Industry & Environment (DPIE) for a Gateway determination.

A summary of the Planning Proposal and property details are provided below.

Date Lodged:	17 October 2018
Proponent:	Ingenia Communities C/- ADW Johnson
Subject Site:	Lots 2 and 4 DP 39888; Lot 1 DP 1225542; Lot 2 DP 1204319; Lot 25 DP 852410
Total Area:	Total site area (all lots combined) is approximately 43ha, comprised of: Lot 2 DP 39888 approx. 10.3ha Lot 4 DP 39888 approx. 18.8ha Lot 1 DP 1225542 approx. 0.5ha Lot 2 DP 1204319 approx. 0.7ha Lot 25 DP 852410 approx. 13.2ha
Current Use:	Approved development on Lots 2 and 4 DP 398888; Lot 2 DP 1204319 and Lot 1 DP 1225542 consists of a caravan park with 270 sites, on which manufactured homes have been installed. This development was approved under a historic zoning and currently operates relying on existing use rights. Lot 25 DP 852410 is not included in the land subject to the caravan park approval. A single dwelling house is currently located on this lot.
Intended Use:	The purpose of the Planning Proposal is to regularise the existing approved use of Lots 2 and 4 DP 398888; Lot 2 DP 1204319 and Lot 1 DP 1225542 and to facilitate the future extension of that use to the adjoining Lot 25 DP 852410. The Planning Proposal also seeks to enable the future subdivision of Lot 25 DP 852410 which currently contains a dwelling fronting Nelson Bay Road.
Current Zoning:	RU2 Rural Landscape
Current Minimum Lot Size:	The minimum lot size that currently applies to all of the site is 20ha.

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

Proposed amendment to PSLEP 2013:	<p>The PSLEP 2013 will be amended to regularise the existing, approved use of Lots 2 and 4 DP 398888; Lot 2 DP 1204319 and Lot 1 DP 1225542 and to facilitate the future extension of that use to the adjoining Lot 25 DP 852410.</p> <p>The amendments will also enable the future subdivision of Lot 25 DP 852410 so as to permit a minimum lot of approximately 8,000m² to be created fronting Nelson Bay Road.</p> <p>The necessary amendments to the PSLEP 2013 to achieve these outcomes will be identified in consultation with DPIE, should a Gateway determination be issued.</p>
Residential Lot Yield:	<p>Lot 25 DP 852410 is proposed to create 1 additional lot with capacity for approximately 170 sites on which manufactured homes could be installed.</p>

Development Application (DA16-2009-257)

On 13 July 2010, Council approved a development application (DA16-2009-257-1) for a caravan park on the land now known as 70, 70A, 70B and 70C Latitude Drive, Anna Bay. At that time the land was zoned 1(a) Rural Agriculture zone and caravan parks were permissible with consent (under the Port Stephens Local Environmental Plan 2000).

The Local Government Act 1993 and Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 permits the installation of moveable dwellings in approved caravan parks, including manufactured homes, without further Council approval. The consent has been modified over time and the site currently has 270 caravan sites on which manufactured homes are being installed.

The PSLEP 2013 zoned the land RU2 Rural Landscape zone, which does not permit caravan parks. The development on the site relies on the existing consent to operate.

Suitability of the site

The subject land is considered suitable for the proposed future use given that part of the land is already utilised for this use. The residual land (Lot 25 DP 852410) that will accommodate an extension of the caravan park (subject to development consent) is relatively unconstrained and, based on preliminary investigations, it is considered that constraints relating to ecology, acid sulphate soils, and flood prone land can be resolved should the Planning Proposal receive a Gateway determination to proceed.

This site can be distinguished from typical residential developments as it can provide a wide range of community facilities and services for future residents due to an existing development on a neighbouring lot. These include a community bus service, a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas.

The site also offers opportunity to contribute to the targets and directions set by the Greater Newcastle Metropolitan Plan 2036 (GNMP) for new residential development in Port Stephens. The GNMP projects 11,050 new dwellings for Port Stephens by 2036. To support a changing population and dwelling needs, the GNMP sets a 60% target for new dwellings in the existing urban areas (infill) by 2036. The Plan also highlights the need for more variety of housing types and densities, and the provision of access to transport and community services and facilities for local communities.

The Planning Proposal will also respond to the need for increased variety of housing types and densities as identified by the GNMP. More specifically, the subject site provides opportunity for a particular type of medium density infill development which includes access to (bus) transport, and a wide range of community services and facilities. The Planning Proposal will also facilitate dwelling types that are suitable for seniors and will contribute to the housing choices available in the area.

The subject site is considered suitable for the outcomes of the Planning Proposal based on the land being relatively unconstrained, the availability and quality of community facilities and services, and the provision of an existing community bus service which connects the site with nearby town centres.

Servicing

Significant public infrastructure works, including a new access road to the subject land and upgrade of the Nelson Bay Road and Latitude Drive intersection, has been carried out as part of the current development consent. Consultation with service providers will be undertaken should the Planning Proposal receive a Gateway determination to proceed.

Contamination

Previous assessment of contamination in the vicinity undertaken as part of the development application process for the existing consent indicates that there is potential for contamination due to historic sand mining activities. Further assessment of the potential for contamination will be undertaken should the Planning Proposal receive a Gateway determination to proceed.

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		Stage 1 fees of \$11,200 (incl. GST)
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications for Council as a result of the recommendation of this report.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the DPIE will refuse the Planning Proposal at Gateway.	Low	Adopt the recommendations of this Report.	Yes
There is a risk that the Planning Proposal will result in outcomes inconsistent with the Port Stephens Planning Strategy 2011 (PSPS) because the Planning Proposal is not identified for development in the PSPS and it is inconsistent with some of the principles and directions in the PSPS.	Medium	Assess the Planning Proposal in accordance with the guidance issued by DPIE for planning proposals that may not be consistent with State or local strategic plans and policies. See assessment of strategic and site specific merit assessment below and the Strategic Planning Assessment Report for the Planning Proposal (ATTACHMENT 2).	Yes

Environmental Planning and Assessment Act 1979

The Planning Proposal is being processed in accordance with Part 3 of the EP&A Act. Should Council resolve to adopt the Planning Proposal, it will be forwarded to DPIE for a Gateway determination, including a request for authority to make the plan.

Hunter Regional Plan 2036 (2016)

The Hunter Regional Plan (HRP) sets priorities and provides direction for regional planning decisions. It focuses on new housing and jobs, and targets growth in strategic centres and renewal corridors close to transport to deliver social and economic benefits.

The HRP is applicable to the area, but the subject site is not located in an identified or emerging growth area identified in the HRP. The land is not located in a centre and some external services such as shops for day-to-day needs are a short drive away in nearby Anna Bay, Salamander Bay, and Nelson Bay.

However, the Planning Proposal is generally consistent with the visions and goals of the HRP. The proposal will make efficient use of the land, as it provides housing choice (including for seniors) with easy access to a range of community facilities and services within a lifestyle village setting.

Anna Bay Strategy and Town Plan (2008)

The Anna Bay Strategy and Town Plan guides the management of future population growth and the building of neighbourhoods in Anna Bay. It establishes a context and policy direction for future rezoning requests and development controls in the Anna Bay area. It also integrates the location, timing and funding for community facilities and infrastructure.

The subject land is not located within the Anna Bay town centre and therefore many of the key strategic directions outlined in the strategy are not relevant. The Planning Proposal is considered to support the vision established in the Strategy for Anna Bay as a small and vibrant town with a mix of retail and office space for local and visitor patronage. The proposed development will provide for additional residents within proximity of Anna Bay, resulting in patronage to the commercial uses within the town centre.

Port Stephens Planning Strategy (2011)

The Port Stephens Planning Strategy 2011 (PSPS) provides a comprehensive planning strategy for the Port Stephens LGA and was developed to inform the adoption of the PSLEP 2013. The Strategy identifies that medium density housing areas should be located where residents have good access to services and not in isolated locations to avoid the creation of social disadvantage.

The subject land is centrally located within a short drive from the town centres of Anna Bay (3.2km), Nelson Bay (8km), and the retail centre of Salamander Bay (5.6km). The caravan park is required to provide a community bus service for residents under the existing development consent. This service offers regular trips to surrounding retail centres, connects with existing public bus services, and is likely to be able to service an expanded development footprint.

In addition, and unlike typical residential developments, the existing caravan park provides high quality community facilities for residents. These include a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas. The Planning Proposal provides the opportunity for the sharing of these facilities and potentially new facilities within future development. Because of the quality and variety of the facilities, the distance of the site from town centres is unlikely to result in an outcome where residents are at social disadvantage or feel isolated.

The PSPS acknowledges that medium density housing should, where practicable, be located according to principles in the PSPS which guide the application of new residential zones. These principles include locating medium density housing within a five minute walk of a centre or a five minute walk of a bus stop with frequent services to major centre or within a ten minute walk of Raymond Terrace or another town centre. As mentioned in the above, the existing caravan park provides residents with a community bus service and in combination with existing public bus services, is likely to provide a reasonable level of service.

The Planning Proposal is inconsistent with some of the principles and directions in the PSPS relating to medium density housing, however given the availability of a wide range of community services and facilities in existing development in combination with the existing community bus service linking residents to surrounding town centres, the proposal is considered to respond adequately to the PSPS directions.

State Environmental Planning Policy No 21—Caravan Parks (SEPP 21)

SEPP 21 applies to caravan parks or camping grounds, this includes moveable dwellings (such as manufactured homes) where they are located in a caravan park. This SEPP may apply to future development applications on the subject site, depending on the potential amendments made to the PSLEP 2013.

SEPP 21 provides matters for consideration when development consent is granted for a caravan park, including a caravan park that includes manufactured homes. These matters include site suitability, location and character, and whether necessary community facilities and services are available.

The Planning Proposal is considered to be consistent with the aims and objectives of the SEPP relating to the provision of community facilities, the protection of the environment in the vicinity of the land, and the orderly and economic development of the land used for long term residents. The proposal is also likely to be generally consistent with the matters listed for consideration during the assessment of any future development application.

State Environmental Planning Policy No 36—Manufactured Home Estates (SEPP 36)

SEPP 36 provides for manufactured home estates to be carried out in zones where caravan parks are permissible and where the land is not otherwise excluded by the SEPP. Schedule 2 of SEPP 36 lists categories of excluded land, including land in Port Stephens that is not zoned for an urban use and not identified as suitable for urban development in a strategy endorsed by DPIE.

SEPP 36 does not currently apply to the site given the current zoning does not permit caravan parks, the current zone is not for urban purposes, and the site is not identified in an endorsed strategy as suitable for urban development.

Should the Planning Proposal receive a Gateway determination, it is proposed to consult with DPIE on the specific amendments to the PSLEP necessary to achieve the intended outcomes and the application of SEPP 36 to future development applications.

Port Stephens Local Environmental Plan 2013

The PSLEP 2013 zones the land RU2 Rural Landscape, which does not permit caravan parks. The current development on the site relies on the existing consent to operate and an extension of that use to the adjoining parcel would not be permissible under the current zoning.

Similarly the existing minimum lot size that applies to the land would not permit Lot 25 DP 852410 to be subdivided so as to excise the land fronting Nelson Bay Road.

There are a number of potential amendments that could be made to the PSLEP to facilitate the outcomes of the Planning Proposal. As outlined above, some mechanisms may relate to the application of State policies. Other potential amendments include site specific local provisions to permit and regulate additional uses.

DPIE provides guidance to councils that it is not necessary to identify the specifics of amendments to a local environmental plan prior to a Gateway determination if the objectives and outcomes have been identified.

Should the Planning Proposal receive a Gateway determination, it is proposed to consult with DPIE on the specific amendments to the PSLEP necessary to achieve the intended outcomes.

Assessment and Recommendation

As noted above, the subject site is not identified in State and local planning strategies for urban development. DPIE provides general guidance for assessing planning proposals that may not be consistent with State or local strategic plans and policies (Planning Proposals – a guide to preparing planning proposals, 2018) (DPIE Guide).

The assessment requires consideration of both the strategic merit and site-specific merits of a proposal:

(a) Strategic merit

The DPIE Guide specifies that Planning Proposal is considered to have strategic merit if it gives effect to relevant State strategies and local strategies that have been endorsed by DPIE, or responds to a change in circumstances that have not been considered by existing strategic plans.

As outlined above, the Planning Proposal is not consistent with State or local planning strategies, however it is considered to demonstrate strategic merit as it responds to a change in circumstances that has not been recognised by existing strategic plans.

The existing approved development is currently underway and includes a substantial investment in new infrastructure such as roads, services, and community infrastructure. The Planning Proposal would facilitate efficient use of this investment, including the community facilities and services located within the existing approved development site.

While the Planning Proposal does not demonstrate consistency with the medium density housing principles in the PSPS, the existing approved development includes a wide range of community facilities and services for residents which typical medium residential developments do not provide. Therefore, the principles of the PSPS can be considered more relevant to medium density residential development housing types that are not operating under land lease arrangements with substantial on-site facilities and services for residents.

These facilities and services and the nature of the manufactured homes that have been installed under the existing approval can also be distinguished from the caravan parks with moveable dwellings that were more predominant at the time the PSPS 2011 was prepared. The HRP similarly does not identify or address the range of modern housing typologies under land lease arrangements that have become more prevalent in coastal areas such as Port Stephens.

Given these changes since the preparation of the PSPS in 2011, and the changes in the housing market that are not reflected in the HRP, the Planning Proposal is considered to have strategic merit as it will respond appropriately by ensuring the orderly and economic use and development of land, consistent with the objects of the EP&A Act.

(b) Site-specific merit of the Proposal

The DPIE Guide requires a Planning Proposal to be assessed having regard to site-specific criteria as follows.

1. The natural environment

The land is relatively clear from environmental constraints. Parts of Lot 25 DP 852410 are significantly degraded from previous use (sand mining) and current earthworks. The environmental values that remain on site can be protected and kept outside the proposed development footprint and these matters can be addressed at the development application stage. The Planning Proposal provides a balance between housing and conservation outcomes and is unlikely to result in significant adverse impacts on the natural environment.

2. The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

The existing uses of land in the vicinity of the site include a limited number of single dwellings, dual occupancies, rural land, a trotting track, a golf course with a driving range, and vegetated sites.

Land to the north of the subject site consists of vacant vegetated land zoned E2 Environmental Conservation pursuant to the PSLEP. All other land to the south, east and west is zoned RU2 Rural Landscape pursuant to the PSLEP.

Directly adjoining the site to the east and south is land used for rural residential purposes, consisting of dwellings, dual occupancies and associated outbuildings on large lots. To the west of the subject site (at the rear of the rural residential properties) is land which contains cleared and vegetated areas and areas used for rural industry.

There are no unacted-on consents for approved uses in the vicinity of the site and the likely future uses of the land in the vicinity are expected to remain as per the current uses given there are no current planning proposals for that land. The surrounding land is also not identified in a State or local strategy for future land use changes.

Proposed vegetation management areas on the southern and eastern boundaries of Lot 25 DP 852410 will also create a buffer between any future development on that lot and land in the vicinity of the proposal.

The Planning Proposal is not expected to have a negative effect on land in the vicinity of the proposal.

3. The services and infrastructure that are or will be available to meet demands from the proposal.

Existing public utility services, (road) infrastructure, and community facilities and services associated within the site of the existing approved use can be extended to service a proposed extension on to Lot 25 DP 852410 (subject to development consent).

The site can provide a wide range of existing community facilities for future residents which are not available in typical medium residential developments. Demands for services and infrastructure from the proposal can therefore be met efficiently and to a high standard.

Given the Planning Proposal's ability to demonstrate both strategic merit and site-specific merits, it is considered appropriate for the Planning Proposal to proceed for a Gateway Determination.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic

The Planning Proposal is likely to deliver a range of social and economic benefits, including:

- Additional housing choices in the Anna Bay area and the Port Stephens LGA.
- Employment through construction and the long term employees within the lifestyle village.
- Increased retail and service industry patronage for nearby town centres.
- Efficient use of (private) community facilities and services provided at the existing approved caravan park.

Environmental

The land is partially cleared and Lot 25 DP 852410 is predominately vacant, comprising grassland and scattered vegetation towards the southern and eastern periphery. Sand extraction has previously occurred over part of the lot, resulting in a heavily disturbed area.

A Vegetation Management Plan (VMP) was prepared for Lot 25 DP 852410 which proposes vegetation management areas totalling approximately 3.6ha, adjacent to the southern and eastern boundaries of the lot.

CONSULTATION

Internal

Internal consultation was undertaken with the Natural Resources, Development Engineering, Traffic Engineering, Drainage & Flooding teams.

Further detailed investigations will be required should the Planning Proposal receive a Gateway Determination to proceed, including further ecological assessments.

External

External consultation was undertaken with the DPIE to discuss possible amendments to the PSLEP 2013 to implement the outcomes the Planning Proposal seeks to achieve. The Department supports the approach taken in the Planning Proposal to outline the objectives and outcomes of the proposed amendment in the PSLEP 2013 and for the matter to be determined in accordance with any Gateway determination.

Further consultation with community and State 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

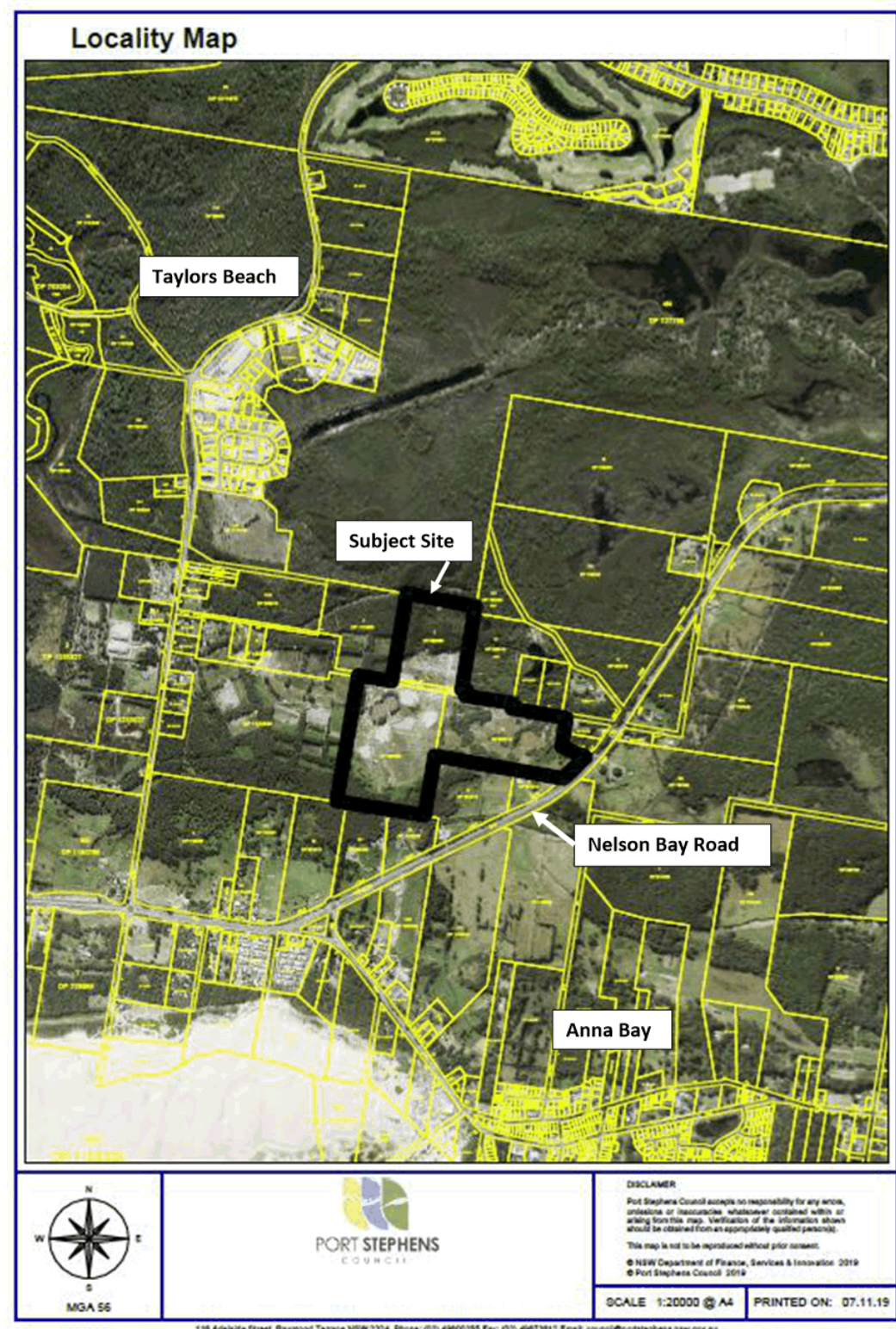
- 1) Locality Map.
- 2) Strategic Planning Assessment Report (SPAR).
- 3) Planning Proposal. (Provided under separate cover)

COUNCILLORS ROOM

Note: All relevant technical studies referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.



ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).



Our Ref: 58-2018-25-1

STRATEGIC PLANNING ASSESSMENT REPORT

Assessment of written request made to the Council by a person for the preparation of a planning proposal under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Application No.	58-2018-25-1
Applicant Name	INA Latitude One P/L
Applicant Address	Level 9 115 Pitt Street, Sydney NSW 2000
Site Location Details	Lot 2 & 4 DP 398888; Lot 2 DP 1204319; Lot 1 DP 1225542; Lot 25 DP 852410 – 70, 70A, 70B & 70C Latitude Drive and 4473 Nelson Bay Road, ANNA BAY.
Proposal Summary	Amend LEP2013 to regularise the existing approved use of land at Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 at 70, 70A, 70B and 70C Latitude Drive respectively, and to enable the extension of the existing use to adjoining Lot 25 DP 852410 at 4473 Nelson Bay Road, Anna Bay (subject to development consent), and to facilitate future subdivision of Lot 25 DP 852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.
Eligible for Planning Proposal Preparation?	Yes
Adequate Information?	Yes
Planning proposal to be prepared?	Yes

The application has been reviewed to determine whether it sufficiently addresses the requirements for preparation of a planning proposal under the EP&A Act and guidelines issued under s3.33(3) of the EP&A Act.

RECOMMENDATION

Based on the information lodged for the application, the LEP amendment proposal is considered to have sufficient merit to warrant preparation of a planning proposal by Council.

It is recommended that a planning proposal be prepared for the LEP amendment proposal and lodged with the NSW Department of Planning and Environment for Gateway Determination.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

Internal Body	Referral Response
	<ul style="list-style-type: none"> The proposed development area is mainly located outside the flood prone land area, however, an emergency evacuation plan will be required for this development. A Stormwater Strategy will be required. Any subsequent application seeking intensification of the site will need to be supported by a detailed traffic impact assessment. The PP has been updated to address these comments. Any matters can be dealt with, if required, after a Gateway determination.

INFORMATION ASSESSMENT

TABLE 1 – STRATEGIC MERIT ASSESSMENT

Assessment of technical information

Information	Applicable	Lodged	Adequacy
Considerations under s3.33(2) of the EP&A Act			
Statement of objectives or intended outcomes of the proposed instrument	Yes	Yes	Adequate
Explanation of the provisions that are to be included in the proposed instrument	Yes	Yes	Adequate; the specific amendment to the PSLEP 2013 is to be determined in consultation with DPIE, should a Gateway determination be issued.
Justification for the objectives, outcomes and provisions of the proposed instrument, and whether it will give effect to, or is a product of, a local planning priority or action in an endorsed local strategic planning statement.	Yes	Yes	Adequate
Maps containing sufficient detail to indicate the substantive effect of the proposed instrument	N/A	N/A	Maps indicating the substantive effect of the proposed instrument are not required. The proposed instrument will be determined in consultation with DPIE, should a Gateway determination be issued, at which time Maps can be provided.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

Information	Applicable	Lodged	Adequacy
Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument	Yes	Yes	Adequate
Projected timeline of the plan making process	Yes	Yes	Adequate
Strategic Planning Context and Strategic Merit			
Assessment of consistency with relevant regional plan(s) (including any exhibited draft plan(s)).	Yes	Yes	The assessment of consistency with relevant regional plans, as contained in the LEP amendment request information, is considered adequate in the circumstances of the case.
Assessment of Consistency with the Hunter Regional Plan 2036 (2016)			
The PP demonstrates consistency with the following directions and actions:			
<u>Direction 6: Grow the Economy of Mid Coast and Port Stephens</u>			
<ul style="list-style-type: none"> Action 6.3 Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economies. Action 6.5 Plan for and provide infrastructure and facilities that support the ageing population. 			
<u>Direction 21: Create a Compact Settlement</u>			
<ul style="list-style-type: none"> Action 21.1 Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages. Action 21.2 Focus development to create compact settlements in locations with established services and infrastructure. Action 21.4 Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values. Action 21.6 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations. Action 21.7 Promote new housing opportunities in urban areas to maximise the use of existing infrastructure. 			
Assessment of consistency with relevant district plan(s) (including any exhibited draft plan(s)).	N/A	N/A	The assessment of consistency with relevant district plans, as contained in the LEP amendment request information, is considered adequate in the circumstances of the case.

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Information	Applicable	Lodged	Adequacy
Assessment of Consistency with the Greater Newcastle metropolitan Plan			
The site offers opportunity to contribute to the targets and directions set by the Greater Newcastle Metropolitan Plan 2036 (GNMP) for new residential development in Port Stephens. The PP responds to the need identified in the GNMP for more variety of housing types and densities, and the provision of access to transport and community services and facilities for local communities.			
Assessment of consistency with relevant corridor plan(s) (including any exhibited draft plan(s)).	N/A	N/A	No corridor plans (including any exhibited draft plan(s)) apply to the proposed instrument.
Assessment of consistency with relevant precinct plan(s) (including structure plans and master plans and any exhibited draft plan(s)).	N/A	N/A	No precinct plans (including any exhibited draft plan(s)) apply to the proposed instrument.
Assessment of consistency with relevant Council strategy (or strategies) endorsed by the NSW Department of Planning, Industry and Environment, including an endorsed local planning strategic statement.	Yes	Yes	The assessment of consistency with relevant Council strategies, as contained in the LEP amendment request information, is considered adequate in the circumstances of the case.
Assessment of Consistency with Local strategies and Policies			
<u>Port Stephens Planning Strategy (PSPS) 2011 (not endorsed by DPIE)</u>			
The Planning Proposal is inconsistent with some of the principles and directions in the PSPS relating to medium density housing.			
However, given the availability of a wide range of community services and facilities in existing development in combination with the existing community bus service linking residents to surrounding town centres, the proposal is considered to respond adequately to the PSPS directions.			
Site-Specific Merit			
Does the proposal have site-specific merit, having regard to the natural environment (including known significant environmental values, resources or hazards)?	Yes	Yes	The assessment of the site-specific merit regarding the natural environment, as contained in the LEP amendment request information, is considered adequate in the circumstances of the case.
Does the proposal have site-specific merit, having regard to the existing uses, approved uses, and	Yes	Yes	The assessment of the site-specific merit regarding the existing uses, approved uses, and likely future uses of land

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

Information	Applicable	Lodged	Adequacy
likely future uses of land in the vicinity of the proposal?			near the proposal, as contained in the LEP amendment request information, is considered adequate in the circumstances of the case.
Does the proposal have site-specific merit, having regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?	Yes	Yes	The assessment of the site-specific merit regarding the availability of services and infrastructure to meet the demands of the proposal, as contained in the LEP amendment request information, is considered adequate in the circumstances of the case. Any additional information and studies would be investigated and submitted post-gateway, should it be deemed acceptable.
Site Description/Context			
Aerial photographs	Yes	Yes	The aerial photographs included in the information lodged for the LEP amendment request adequately describe the site and context.
Site photos	Yes	Yes	Site photos provided within the Preliminary Site Investigation (Contamination) report are considered adequate.

TABLE 2 – SEPP ASSESSMENT (DELETE WHERE NECESSARY)

Assessment against State Environmental Planning Policies (SEPP's)

SEPP	Overview	Applicable	Consistency
SEPP No. 21 - Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the <i>Local Government Act 1993</i> , are also permitted. The policy ensures that	Yes	The LEP amendment proposal relates to a movable dwelling proposal, caravan park or camping ground. It is considered that certain matters within the SEPP will be handled under a

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

SEPP	Overview	Applicable	Consistency
	development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years		Development Application; these matters do not preclude the proposed amendment. The information lodged for the proposal demonstrates consistency with the SEPP.
SEPP No. 36 - Manufactured Home Estates	Helps establish well-designed and properly serviced manufactured home estates in suitable locations.	SEPP 36 does not currently apply to the site given the current zoning does not permit caravan parks, the current zone is not for urban purposes, and the site is not identified in an endorsed strategy as suitable for urban development. This SEPP may apply to future development applications on the subject site, depending on the potential amendments made to the PSLEP 2013.	Should SEPP 36 be relevant, the Planning proposal is considered to be consistent with the aims and strategies of this SEPP.
SEPP No. 44 - Koala Habitat Protection	Encourages the conservation and management of natural vegetation areas that provide	Yes	According to the study information for the LEP amendment proposal, the site contains koala

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

SEPP	Overview	Applicable	Consistency
	habitat for koalas to ensure permanent free-living populations will be maintained over their present range.		<p>habitat/potential koala habitat.</p> <p>An investigation of the site by an appropriately qualified person in accordance with the Guidelines for Koala Habitat Assessment presented in Appendix 6 of the CKPoM will be provided at the post-Gateway stage.</p> <p>The information lodged for the proposal demonstrates consistency with the SEPP.</p>
SEPP No. 55 - Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.	Yes	<p>There is the potential for the site to contain contaminated land.</p> <p>The information lodged for the proposal demonstrates consistency with the SEPP.</p>
SEPP (Coastal Management) 2018	Promotes an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the <i>Coastal Management Act 2016</i> .	Yes	<p>The LEP amendment proposal relates to land identified within the Coastal Zone Combined Footprint.</p> <p>The information lodged for the proposal demonstrates</p>

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

SEPP	Overview	Applicable	Consistency
			consistency with the SEPP.
SEPP (Rural Lands) 2008	Contains rural planning principles and rural subdivision principles, which must be taken into consideration before developing rural land. Provides for rural land to be subdivided below the minimum lot size for subdivision for the purpose of primary production.	Yes	<p>The LEP amendment proposal relates to land within an existing rural zone.</p> <p>The planning proposal takes into consideration the Rural Planning Principles under Clause 8.</p> <p>The information lodged for the proposal demonstrates consistency with the SEPP.</p>

Conclusion

The PP has adequately demonstrated consistency with the relevant State Environmental Planning Policies.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

TABLE 3 – MINISTERIAL DIRECTION ASSESSMENT

Assessment against Ministerial Directions

Ministerial Direction	Overview	Applicable	Consistency
1. Employment and Resources			
1.2 Rural Zones	Provides for protection of the agricultural production value of rural land by requiring planning proposals to be justified by a relevant strategy or study if they seek to rezone rural zoned land to a residential, business, industrial, village or tourist zone or increase the permissible density of rural (except RU5) zoned land.	Yes	Adequate This Planning Proposal report gives due consideration to the objectives of this direction. As outlined elsewhere in this report, it is considered that the site does not currently present any potential agricultural values.
1.5 Rural Lands	Applies to planning proposals relating to land where the SEPP (Rural Lands) 2008 applies. By requiring consistency with the rural planning principles and rural subdivision principles of SEPP (Rural Lands) 2008, or justification under a relevant strategy, the direction seeks to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.	Yes	Adequate The site is considered to have limited agricultural production value taking into consideration historic land practices (sand mining and bulk earthworks) and current uses of the site. The Rural Planning and Subdivision Principles listed in SEPP (Rural Lands) 2008 have been addressed.
2. Environment and Heritage			
2.2 Coastal Management	Applies to land within a coastal zone, as defined in the <i>Coastal Management Act 2016</i> . The direction seeks to protect and manage coastal areas of NSW.	Yes	The LEP amendment proposal relates to land within the coastal zone. The information lodged for the

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Ministerial Direction	Overview	Applicable	Consistency	
	Proposals must include provisions that give effect to and are consistent with the objects of the <i>Coastal Management Act 2016</i> , the Coastal Management Manual and Toolkit, Coastal Design Guidelines and any relevant Coastal Management Program certified by the Minister.		proposal demonstrates consistency with the direction.	
2.3	Heritage Conservation	Requires relevant planning proposals to contain provisions to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Yes	According to the study information for the LEP amendment proposal, the site does not contain any heritage items/places. The Port Stephens Local Environmental Plan 2013 contains provisions that facilitate the conservation of heritage. The information lodged for the proposal demonstrates consistency with the direction.
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	Applies to planning proposals affecting existing or proposed residential zoned land or other zoned land upon, which significant residential development is or will be permitted. Requires relevant planning proposals to include provisions that encourage housing development, ensures	Yes	The LEP amendment proposal relates to land upon which significant residential development will be permitted. The information lodged for the proposal demonstrates

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Ministerial Direction	Overview	Applicable	Consistency
	satisfactory arrangements for servicing infrastructure and will not reduce the permissible residential density of land; unless it is suitably justified under a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		consistency with the direction.
3.2 Caravan Parks and Manufactured Home Estates	Applies to planning proposals that seek to identify suitable zones and/or locations and/or provisions for caravan parks or manufactured home estates (excludes certain land reserved or dedicated under the <i>Crown Lands Act 1989</i> and <i>National Parks and Wildlife Act 1974</i>). Provides for a variety of housing types and opportunities for caravan parks and manufactured home estates, through application of requirements for relevant planning proposals.	Depending on the potential amendments to the PSLEP 2013, SEPP 36 may apply to future development applications (refer to SEPP 36 elsewhere in this report).	Should SEPP 36 be relevant, the Planning proposal is considered to be consistent with the direction.
3.4 Integrating Land Use and Transport	Requires planning proposals, which seek to create, alter or remove a zone or provision relating to urban land (including land zoned for residential, business, industrial, village or tourist purposes), to be consistent with the aims, objectives and principles of 'Improving Transport	Yes	Adequate The information lodged for the proposal demonstrates consistency with the direction. A detailed traffic impact assessment

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

Ministerial Direction	Overview	Applicable	Consistency
	Choice – Guidelines for planning and development' and 'The Right Place for Business and Services – Planning Policy' or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)..		can be provided post-gateway.
4. Hazard and Risk			
4.1	Acid Sulfate Soils	Requires the provisions of planning proposals must be consistent with the Acid Sulfate Soils Planning Guidelines and other such relevant provisions provided by the Director-General of the Department of Planning, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes
			The site is mapped as containing Acid Sulfate Soils and the proposed LEP amendment is likely to affect Acid Sulfate Soils. Further studies into the impacts on acid sulfate soil can be provided post-gateway. Council planners agree that this is appropriate. The information lodged for the proposal demonstrates consistency with the direction.
4.3	Flood Prone Land	Applies requirements for planning proposals that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-compliance is of minor significance in the opinion of the Secretary of the NSW	Yes
			The land subject of the LEP amendment proposal potentially contains flood prone land within the meaning of the NSW Government's 'Floodplain

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

Ministerial Direction	Overview	Applicable	Consistency
	Department of Planning and Environment (or nominated delegate).		Development Manual 2005'. The information lodged for the proposal demonstrates consistency with the direction.
4.4 Planning for Bushfire Protection	Applies requirements for planning proposals affecting land mapped as being bushfire prone land (or land in proximity to such land); except where the Commissioner of the NSW Rural Fire Service has issued written advice to Council that, notwithstanding the noncompliance with the requirements; the NSW Rural Fire Service does not object to progression of the planning proposal.	Yes	The LEP amendment proposal relates to bushfire prone land. Appropriate consultation will be undertaken should Gateway determination be issued. The information lodged for the proposal demonstrates consistency with the direction.
5. Regional Planning			
<u>Note:</u> Directions 5.5 – 5.8 have been repealed.			
5.10 Implementation of Regional Plans	Requires that planning proposals be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	Yes	The Hunter Regional Plan 2036 (HRP) applies to the LEP amendment proposal. The information lodged for the proposal demonstrates consistency with the direction.

Conclusion

The PP has demonstrated consistency with the relevant Ministerial Directions.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

TABLE 4 – TECHNICAL CONTENT ASSESSMENT

Assessment of technical information

Information	Applicable	Lodged	Adequacy
Traffic and Transport Considerations			
Traffic impact assessment	Yes	No	A traffic impact assessment is not required to enable preparation of a planning proposal and seeking Gateway Determination. A Traffic impact assessment can be undertaken post-Gateway determination.
Environmental Considerations			
Bushfire hazard assessment	Yes	No	A bushfire hazard assessment is not required to enable preparation of an initial planning proposal and seeking Gateway Determination.
Acid sulphate soil assessment	Yes	Yes	An acid sulphate soil assessment is required for the proposal. The LEP amendment request information includes an acid sulphate soil assessment. The assessment is adequate for the purposes of preparing an initial planning proposal. Further assessment of acid sulfate soils across Lot 25 DP852410 can be undertaken post-Gateway determination.
Flora assessment	Yes	Yes	A flora assessment is not required to enable preparation of an initial planning proposal and seeking Gateway Determination. A flora assessment report is included in the Planning Proposal. Further assessments can be undertaken post-Gateway determination.
Fauna assessment	Yes	Yes	A fauna assessment is not required to enable preparation of an initial planning proposal and seeking Gateway Determination. A fauna assessment report is included in the Planning

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

Information		Applicable	Lodged	Adequacy
				Proposal. Further assessments can be undertaken post-Gateway determination.
Stormwater management analysis		Yes	No	A stormwater management analysis is not required to enable preparation of an initial planning proposal and seeking Gateway Determination.
				Council planners acknowledge that engineers have advised that an updated stormwater management plan needs to be prepared and lodged with the proposal. However, based on the preliminary stage of the proposal, it is considered that this level of information is not needed prior to gateway, should it be granted.
Flood impact assessment		Yes	No	It is expected that additional studies would be provided. A flood impact assessment is not required to enable preparation of an initial planning proposal and seeking Gateway Determination.
Contamination assessment		Yes	Yes	A contamination assessment is required for the proposal. The LEP amendment request information includes a contamination assessment. The assessment is adequate for the purposes of preparing an initial planning proposal.
Urban Design Considerations				
Site plan		N/A	Yes	A site plan is not required to enable preparation of an initial planning proposal and seeking Gateway Determination.
				A Concept Plan for future development of Lot 25 is provided and is adequate for assessment of the Planning Proposal. Modified, more detailed Site Plans can be developed post-Gateway determination.
Economic considerations				

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT (SPAR).

Information	Applicable	Lodged	Adequacy
Agricultural land suitability assessment	N/A	No	<p>An agricultural land suitability assessment is not required to enable preparation of an initial planning proposal and seeking Gateway Determination.</p> <p>The suitability of the current rural zoned land is also considered elsewhere in this report.</p>

Note:

This report has been prepared on the basis of information submitted at the time of lodgement of the LEP amendment request and in consideration of the planning requirements applying at the time of assessment.

Report prepared by:

Report reviewed by:

Rogé Kempe

Strategic Planner

Elizabeth Lamb

Strategic Planning Co-ordinator

ITEM NO. 3

**FILE NO: 19/328983
EDRMS NO: 58-2019-4-1**

PLANNING PROPOSAL FOR 2179 PACIFIC HIGHWAY, HEATHERBRAE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 3**) to amend the Land Zoning Map and Minimum Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 2179, 2199, 2207, 2209 and 2213 Pacific Highway, Heatherbrae (Lot 4211 DP 747474, Lot 53 DP 534043, Part Lot 513 DP 587997, Part Lot 512 DP 587997 and Lot 511 DP 587997) to rezone the land from RU2 Rural Landscape to B5 Business Development and remove development standards for minimum lot size.
- 2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination and request authority to make the plan.

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

226	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the Planning Proposal (ATTACHMENT 3) to amend the Land Zoning Map and Minimum Lot Size Map under the Port Stephens Local Environmental Plan 2013 at 2179, 2199, 2207, 2209 and 2213 Pacific Highway, Heatherbrae (Lot 4211 DP 747474, Lot 53 DP 534043, Part Lot 513 DP 587997, Part Lot 512 DP 587997 and Lot 511 DP 587997) to rezone the land from RU2 Rural Landscape to B5 Business Development and remove development standards for minimum lot size.2) Forward the Planning Proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination and request authority to make the plan.
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MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

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, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to recommend that Council adopt a Planning Proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 (LEP 2013) to enable commercial development at 2179, 2199, 2207, 2209 and 2213 Pacific Highway, Heatherbrae. A locality plan is provided at (**ATTACHMENT 1**).

The subject site is currently zoned RU2 Rural Landscape and the Planning Proposal seeks to rezone the land to B5 Business Development. The Planning Proposal is responding to a direction from the Raymond Terrace and Heatherbrae Strategy 2015-2031, to facilitate Heatherbrae as a key destination for bulky goods.

The recommendation has been informed by the attached strategic planning assessment report (**ATTACHMENT 2**).

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

Date Lodged:	23 August 2019 (Revised 10 October 2019)
Proponent:	Perception Planning Pty Ltd on behalf of the landowners
Subject Property:	2179 Pacific Highway, Heatherbrae Lot 4211 DP 747474, 2199 Pacific Highway, Heatherbrae Lot 53 DP 534043, 2207 Pacific Highway, Heatherbrae Part Lot 513 DP 587997, 2209 Pacific Highway, Heatherbrae Part Lot 512 DP 587997, and 2213 Pacific Highway, Heatherbrae Lot 511 DP 587997.
Site Area:	~ 5.9ha (59,361sqm)
Current Zoning:	RU2 Rural Landscape
Proposed Zoning:	B5 Business Development
Current Minimum Lot Size:	20 Hectares
Proposed Minimum Lot Size:	No minimum lot size

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

Supporting Studies	<ul style="list-style-type: none">• Planning Proposal (Perception Planning Pty Ltd, 10 October 2019)• Raymond Terrace and Heatherbrae Economic Study (Hill PDA (on behalf of PSC), 2012)• Port Stephens Commercial and Industrial Lands Study (SGS (on behalf of PSC), 2010)• Traffic Impact Assessment (Intersect Traffic 2019)
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Existing and surrounding land uses

The land subject to the Planning Proposal is located within Heatherbrae and adjoins the Pacific Highway (**ATTACHMENT 1**). The subject site comprises multiple lots and part lots that are currently used for residential purposes. The part lots which are excluded from this Planning Proposal serve rural purposes and are currently used for livestock grazing. The existing development includes residential dwellings, with some home businesses in operation, and farm sheds. The subject site has been largely cleared with any native vegetation limited to landscaped areas around the dwellings.

The surrounding land contains a mixture of residential, rural, commercial and industrial uses. Heatherbrae has historically been characterised as a major service centre for the Pacific Highway with a range of commercial development including hotels, service stations, take-away food premises and more recently bulky goods premises. The planned M1 Pacific Motorway extension to Raymond Terrace will bypass Heatherbrae and is expected to reduce traffic volumes and may reduce demand for the existing service industry. A bulky goods retail precinct would respond to this changing market and could facilitate increased commerce in Heatherbrae. This is consistent with the overall direction of Council's adopted Raymond Terrace and Heatherbrae Strategy 2015-2031.

Purpose of the amendment

The Planning Proposal seeks to amend the LEP 2013 to facilitate the development of bulky goods premises in Heatherbrae.

In 2012, Council commissioned the Raymond Terrace and Heatherbrae Economic Study (Hill PDA Study) which identified an additional demand for bulky goods within Heatherbrae. Currently, this demand is being met by stores outside of the Port Stephens Local Government Area (LGA) such as Rutherford and Kotara.

The Hill PDA Study, as well as the earlier Port Stephens Commercial and Industrial Lands Study (2010), have identified Heatherbrae as the most suitable location for bulky goods premises in the LGA. The Raymond Terrace and Heatherbrae Strategy 2015-2031 was informed by these studies and identified suitable land for rezoning on the western side of the Pacific Highway, north of the subject site (**ATTACHMENT 4**).

Suitability of the subject land

The subject site is located just outside the land identified for rezoning in the Raymond Terrace and Heatherbrae Strategy, however the site is considered appropriate to achieve the direction of the strategy to provide adequate land to facilitate bulky goods development in Heatherbrae.

The subject site is considered to be suitable for commercial development given that it is relatively unconstrained, within proximity of Raymond Terrace and located adjacent to the Pacific Highway. Furthermore, while the land is currently zoned RU2 Rural Landscape, it is located opposite land already zoned B5 Business Development.

Proponent Justification

The Planning Proposal has demonstrated consistency with regional, district and local plans. The rezoning is consistent with the Hunter Regional Plan as it will help grow the economy of Port Stephens by providing additional employment lands within an existing employment cluster. It is also consistent with the Greater Newcastle Metropolitan Plan as it will provide employment within proximity of Raymond Terrace, a strategic centre.

The rezoning will achieve Direction 1.1 of the Raymond Terrace and Heatherbrae Strategy; to grow a more regionally competitive centre by providing lands to strengthen the retail offering of Raymond Terrace and facilitating Heatherbrae as a destination for bulky goods. Additionally, the Planning Proposal will respond to the planned M1 extension that will bypass Heatherbrae by providing alternative retail opportunities that could progress Heatherbrae from a service centre into a destination for bulky goods.

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	5,600	Stage 1 Planning Proposal Fees
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications for Council as a result of the recommendation of this report.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the DPIE will refuse the Planning Proposal at Gateway.	Low	Adopt the recommendations of this report.	Yes
There is a risk that there is insufficient land available in Heatherbrae to attract bulky goods premises to satisfy demand in the locality.	Medium	Adopt the recommendations of this report.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic

The Planning Proposal is expected to deliver a range of social and economic benefits to the existing and future community, including:

- Employment through construction jobs to carry out subdivision and building works, as well as ongoing employment through retail and transport jobs to service the future commercial development.
- Reduced need for residents to travel for bulky retail shopping.
- Increased commercial opportunities for businesses within the LGA.
- Increased expenditure within the LGA.
- Strengthening of Heatherbrae as a retail destination for bulky goods.

Compatibility with Surrounding Land Uses

The land subject to the Planning Proposal is surrounded by several businesses in existing rural, recreational and business zones along the Pacific Highway. The land adjoining the site to the south is a horse stud farm including associated outbuildings and sheds. A caravan park adjoins the site to the north. Surrounding land uses on the other side of the Pacific Highway from the site include a food and drink premise, a caravan dealership and a bulky goods centre with hardware and other shops. The rezoning would complement the businesses on the land already zoned B5 Business Development opposite the site. The applicant has indicated that the likely future uses of the site would consist of similar bulky goods development. It is considered that future uses of the site are not likely to conflict with the operation of the adjoining stud farm or caravan park and site specific measures to minimise any impacts could be addressed at the development application stage.

Traffic

Access to the site is from the Pacific Highway and the proponent has undertaken initial consultation with Roads and Maritime Services (RMS) to prepare a Traffic Impact Assessment. The Traffic Impact Assessment identifies that intersection upgrades may be required to support future development on the site. It is noted that the construction of the Heatherbrae bypass and further consultation with RMS will specify the appropriate traffic studies and works to be undertaken following a Gateway determination.

Environmental

The site contains a number of isolated trees, which Council officers have identified as koala feed trees. The proponent has confirmed a preliminary ecological assessment will be undertaken to address the Port Stephens Comprehensive Koala Plan of Management (CKPOM) should the Planning Proposal receive a Gateway determination to proceed. Any required offsetting to address the CKPOM is likely to be minor. It is likely this can be resolved at subdivision stage and would not impede a rezoning.

CONSULTATION

Internal

Internal consultation was undertaken with the Natural Resources and Development Engineering units. Matters identified are of minor significance and may be resolved post Gateway determination.

External

Consultation with the community and State Government agencies will be undertaken in accordance with the Gateway determination. It is anticipated that the Planning Proposal will be exhibited for 28 days post Gateway determination.

OPTIONS

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

ATTACHMENTS

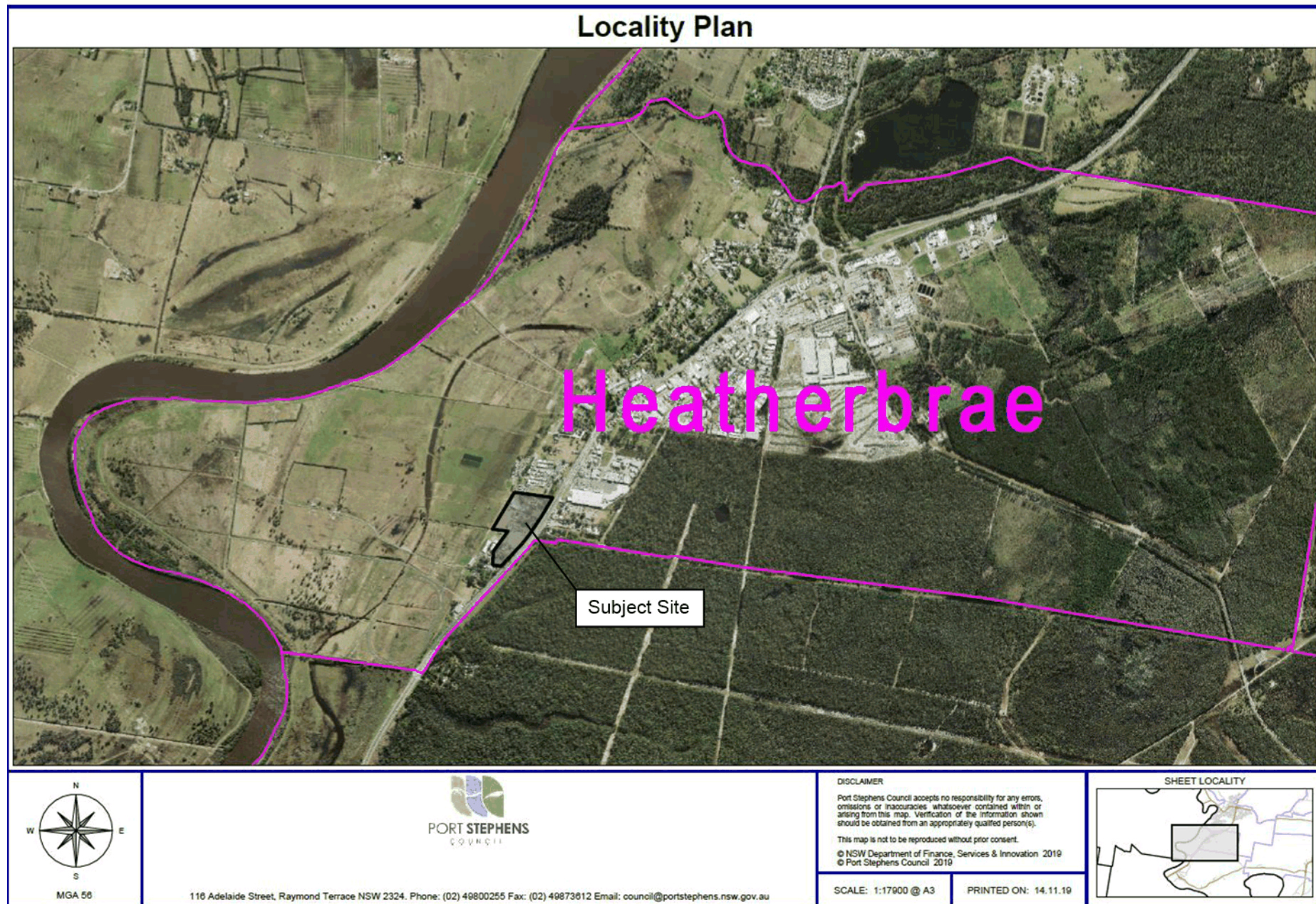
- 1) Locality Plan.
- 2) Assessment Report.
- 3) Planning Proposal. (Provided under separate cover)
- 4) Strategic Zoning Map.

COUNCILLORS ROOM

Note: All relevant technical studies referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.



ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.



Our Ref: 58-2019-4-1

11 October 2019

STRATEGIC PLANNING ASSESSMENT REPORT

Assessment of written request made to the Council by a person for the preparation of a planning proposal under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Application No.	58-2019-4-1
Applicant Name	Perception Planning Pty Ltd
Applicant Address	260 Maitland Road, Mayfield, NSW 2304
Site Location Details	2179, 2199, 2207, 2209, 2213 Pacific Highway, Heatherbrae, NSW, 2324 (Lot 4211, DP 747474, Lot 53, DP 534043 and Pt Lot 513, Pt Lot 512 & Lot 511, DP 587997).
Proposal Summary	To amend RU2 - Rural landscape land to B5 - Business Development and to amend the minimum lot size from AB2 - 20Ha to no minimal lot size.
Eligible for Planning Proposal Preparation?	Yes
Adequate Information?	Yes
Planning proposal to be prepared?	Yes

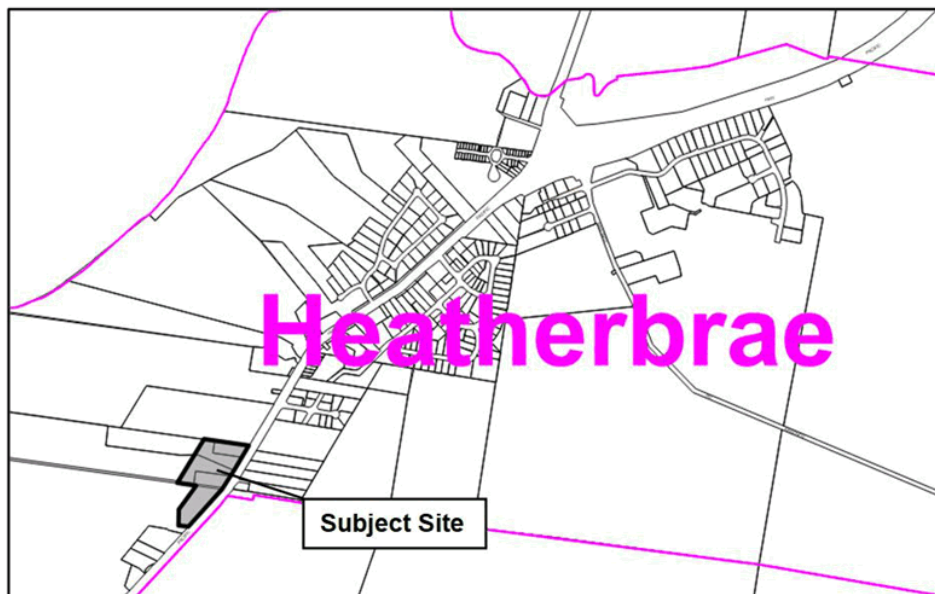
The application has been reviewed to determine whether it sufficiently addresses the requirements for preparation of a planning proposal under the EP&A Act and guidelines issued under s3.33(3) of the EP&A Act.

RECOMMENDATION

Based on the information lodged for the application, the rezoning request is considered to have sufficient merit to warrant preparation of a planning proposal by Council.

It is recommended that a planning proposal be prepared for the rezoning request and lodged with the NSW Department of Planning and Environment for Gateway determination.

SITE IDENTIFICATION PLAN



PRE-LODGE MENT MATTERS

Matter	Comment
1. Heatherbrae Bypass	The Planning Proposal (PP) is seeking to facilitate Heatherbrae as a destination for bulky goods. This industry would not rely on a direct frontage to the Pacific Highway like much of the service industry within the area.
2. Pacific Highway Access	The applicant has had preliminary consultations with RMS with the intention of conducting further traffic studies.
3. Flooding	The subject land is flood prone but above the flood planning area.

INTERNAL REFERRALS

Internal Body	Referral Response
Development Engineers	Future Consideration: Traffic analysis of impacts on intersections, identification of any necessary infrastructure upgrades required to maintain existing levels of service. The management of stormwater on the site (water quantity and quality) and the drainage layout / easements etc. can be dealt with at the appropriate development application stage.
Natural Resources	Site contains koala feed trees that may need to be offset at subdivision stage (max offset of 20 trees). Lot 511 DP 587997 contained 3 large hollow bearing trees with evidence of nesting in one tree. An appropriate survey will need to be conducted to ensure no significant impact occurs on a

ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.

Internal Body	Referral Response
	possible threatened species. This can likely be resolved at subdivision stage through retention of hollow bearing trees. Overall the site contains minimal constraint with some ecological attributes that can be dealt with at rezoning stage. The PP has been updated to address these comments.

INFORMATION ASSESSMENT**TABLE 1 – STRATEGIC MERIT ASSESSMENT**

Assessment of technical information

Information	Applicable	Lodged	Adequacy
Considerations under s3.33(2) of the EP&A Act			
Statement of objectives or intended outcomes of the proposed instrument	Yes	Yes	Adequate
Explanation of the provisions that are to be included in the proposed instrument	Yes	Yes	Adequate
Justification for the objectives, outcomes and provisions of the proposed instrument	Yes	Yes	Adequate
Maps containing sufficient detail to indicate the substantive effect of the proposed instrument	Yes	Yes	Adequate.
Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument	Yes	Yes	Adequate
Projected timeline of the plan making process	Yes	Yes	Adequate
Strategic Planning Context			
Assessment of consistency with relevant regional plan(s)	Yes	Yes	Adequate.
Assessment of Consistency with the Hunter Regional Plan			
The PP has demonstrated consistency with the following directions and actions:			
<ul style="list-style-type: none"> Direction 6 Grow the economy of Midcoast and Port Stephens; Direction 23 Grow centres and renewal corridors Action 23.5 Focus commercial and retail development within existing centres and transport hubs and ensure that locations for new centres are integrated with existing or planned residential development; do not undermine existing centres; encompass high quality urban design; and consider transport and access requirements (p.58); 			

ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.

Information	Applicable	Lodged	Adequacy
<ul style="list-style-type: none"> Action 24.1 Locate new employment land so that it does not conflict with surrounding residential uses; and Action 26.3 Protect existing and planned major infrastructure corridors and sites, including inter-regional transport routes like the M1 Pacific Motorway and the railway, port and airports, to support their intended functions. 			
Assessment of consistency with relevant district plan(s)	Yes	Yes	Adequate
Assessment of Consistency with the Greater Newcastle metropolitan Plan			
The PP has demonstrated consistency with the following strategies and actions:			
<ul style="list-style-type: none"> Strategy 8 Address changing retail consumer demand; Strategy 9 Plan for jobs closer to homes in the Metro Frame; and Action 2.2 Work with Port Stephens and Newcastle City Councils to align local plans to protect transport corridors and ensure proposed changes in land uses minimise the cumulative impact on the operation of the road network. 			
Assessment of consistency with relevant Council strategy (or strategies) endorsed by the NSW Department of Planning and Environment	Yes	Yes	Adequate
Assessment of Consistency with Local strategies and Policies			
Port Stephens Planning Strategy (PSPS) 2011 (not endorsed by DPIE)			
The PSPS identifies Heatherbrae as an enterprise corridor and seeks to identify Heatherbrae as the key destination for bulky goods premises within the Port Stephen Local Government Area. The PP is consistent with the direction of the PSPS as the rezoning will permit bulky goods development.			
Raymond Terrace and Heatherbrae Strategy (RT&HS) 2015-2031 (not endorsed by DPIE)			
Directions 1.1 and 2.1 of RT&HS identify Heatherbrae to support bulky goods development. The PP is consistent with the direction of the RT&HS as the rezoning will permit bulky goods development.			
Site Description/Context			
Aerial photographs	Yes	Yes	Adequate
Site photos	Yes	Yes	Site photos provided within the Traffic Impact Assessment are adequate.

ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.

TABLE 2 – SEPP ASSESSMENT

Assessment against State Environmental Planning Policies (SEPP's)

SEPP	Overview	Applicable	Consistency
SEPP No. 44 - Koala Habitat Protection	Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Yes	Adequate. It is appropriate for a Preliminary Ecological Assessment to be undertaken post-Gateway to address the Port Stephens CKPoM for rezoning proposals.
SEPP No. 55 - Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.	Yes	Adequate. It is appropriate for a contamination assessment to be undertaken post-Gateway, if required.
SEPP (Primary Production and Rural Development) 2019	Aims to facilitate the orderly economic use and development of lands for primary production.	Yes	Adequate.

Conclusion

The PP has adequately demonstrated consistency with the relevant State Environmental Planning Policies.

TABLE 3 – MINISTERIAL DIRECTION ASSESSMENT

Assessment against Ministerial Directions

Ministerial Direction	Overview	Applicable	Consistency
1. Employment and Resources			
1.1 Business and Industrial Zones	<p>Applies to planning proposals affecting existing or proposed business or industrial zone land.</p> <p>By requiring consistency with the objectives of the direction, retention of areas of business and industrial zoned land, protection of floor space potential, and/or justification under a relevant strategy/study; the direction seeks to protect employment land in business and industrial zones, encourage employment growth in suitable locations and support the viability of identified centres.</p>	Yes	<p>Adequate.</p> <p>The PP will encourage employment growth in a suitable location, and will protect and support an existing employment cluster.</p>
1.2 Rural Zones	<p>Provides for protection of the agricultural production value of rural land by requiring planning proposals to be justified by a relevant strategy or study if they seek to rezone rural zoned land to a residential, business, industrial, village or tourist zone or increase the permissible density of rural (except RU5) zoned land.</p>	Yes	<p>Adequate.</p> <p>The PP is inconsistent with this direction, but it is of minor significance due to its consistency with the Greater Newcastle Metropolitan Plan and the relevant local strategy.</p>
1.5 Rural Lands	<p>Applies to planning proposals relating to land where the SEPP (Rural Lands) 2008 applies.</p> <p>By requiring consistency with the rural planning principles and rural subdivision principles of SEPP (Rural Lands) 2008, or justification under a relevant strategy, the direction seeks to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	Yes	<p>Adequate.</p> <p>The PP is inconsistent with this direction, but it is of minor significance due to its consistency with the Greater Newcastle Metropolitan Plan and the relevant local strategy.</p>
2. Environment and Heritage			
2.3 Heritage Conservation	Requires relevant planning proposals to contain provisions	Yes	Adequate.

ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.

Ministerial Direction	Overview	Applicable	Consistency	
	to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.		No known heritage items are located on site.	
3. Housing, Infrastructure and Urban Development				
3.4	Integrating Land Use and Transport	Requires planning proposals, which seek to create, alter or remove a zone or provision relating to urban land (including land zoned for residential, business, industrial, village or tourist purposes), to be consistent with the aims, objectives and principles of 'Improving Transport Choice – Guidelines for planning and development' and 'The Right Place for Business and Services – Planning Policy' or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)..	Yes	Adequate. The PP has demonstrated consistency against the Guidelines for Planning and Development and the Right Place for Business and Services Planning Policy.
4. Hazard and Risk				
4.1	Acid Sulfate Soils	Requires the provisions of planning proposals must be consistent with the Acid Sulfate Soils Planning Guidelines and other such relevant provisions provided by the Director-General of the Department of Planning, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes	Adequate. It is appropriate for this to be addressed during the development application stage.
4.3	Flood Prone Land	Applies requirements for planning proposals that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-compliance is of minor significance in the opinion of the Secretary of the NSW	Yes	Adequate. The land subject to rezoning is above the 1/100 event.

ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.

Ministerial Direction		Overview	Applicable	Consistency
		Department of Planning and Environment (or nominated delegate).		
4.4	Planning for Bushfire Protection	Applies requirements for planning proposals affecting land mapped as being bushfire prone land (or land in proximity to such land); except where the Commissioner of the NSW Rural Fire Service has issued written advice to Council that, notwithstanding the noncompliance with the requirements; the NSW Rural Fire Service does not object to progression of the planning proposal.	Yes	Adequate. It is appropriate for the Bushfire Assessment Report to be provided during the development application stage.
5. Regional Planning				
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Applies requirements to planning proposals that affect land that is traversed by the Pacific Highway to (inter-alia) protect the function of the highway and manage commercial and retail development along the highway; except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate) non-compliance with the requirements of the direction is considered to be of minor significance.	Yes	Adequate. The inconsistency has been demonstrated to be minor and the applicant has consulted with Roads and Maritime Services (RMS) in the preparation of the PP.
<u>Note:</u> Directions 5.5 – 5.8 have been repealed.				
5.10	Implementation of Regional Plans	Requires that planning proposals be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	Yes	Adequate. The PP has demonstrated consistency with the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan.
Conclusion				
The PP has demonstrated consistency with the relevant Ministerial Directions.				

ITEM 3 - ATTACHMENT 2 ASSESSMENT REPORT.

TABLE 4 – TECHNICAL CONTENT ASSESSMENT

Assessment of technical information

Information	Applicable	Lodged	Adequacy
Traffic and Transport Considerations			
Traffic impact assessment	Yes	Yes	Adequate
			RMS may require a traffic impact statement and study should a Gateway determination be issued or prior to the issue of development consent.
Traffic Impact Statement	RMS will require a traffic impact statement post-gateway.	No	Adequate
Environmental Considerations			
Bushfire hazard assessment	Yes	No	A bushfire hazard assessment is not required to enable preparation of an initial planning proposal seeking Gateway determination.
Acid sulphate soil assessment	Yes	No	An acid sulphate soil assessment is not required to enable preparation of an initial planning proposal seeking Gateway determination.
Ecological Assessment	Yes	No	A preliminary ecological assessment will be provided following a Gateway determination.

Note:

This report has been prepared on the basis of information submitted at the time of lodgement of the LEP amendment request and in consideration of the planning requirements applying at the time of assessment.

Report prepared by:

Gemma Wallace

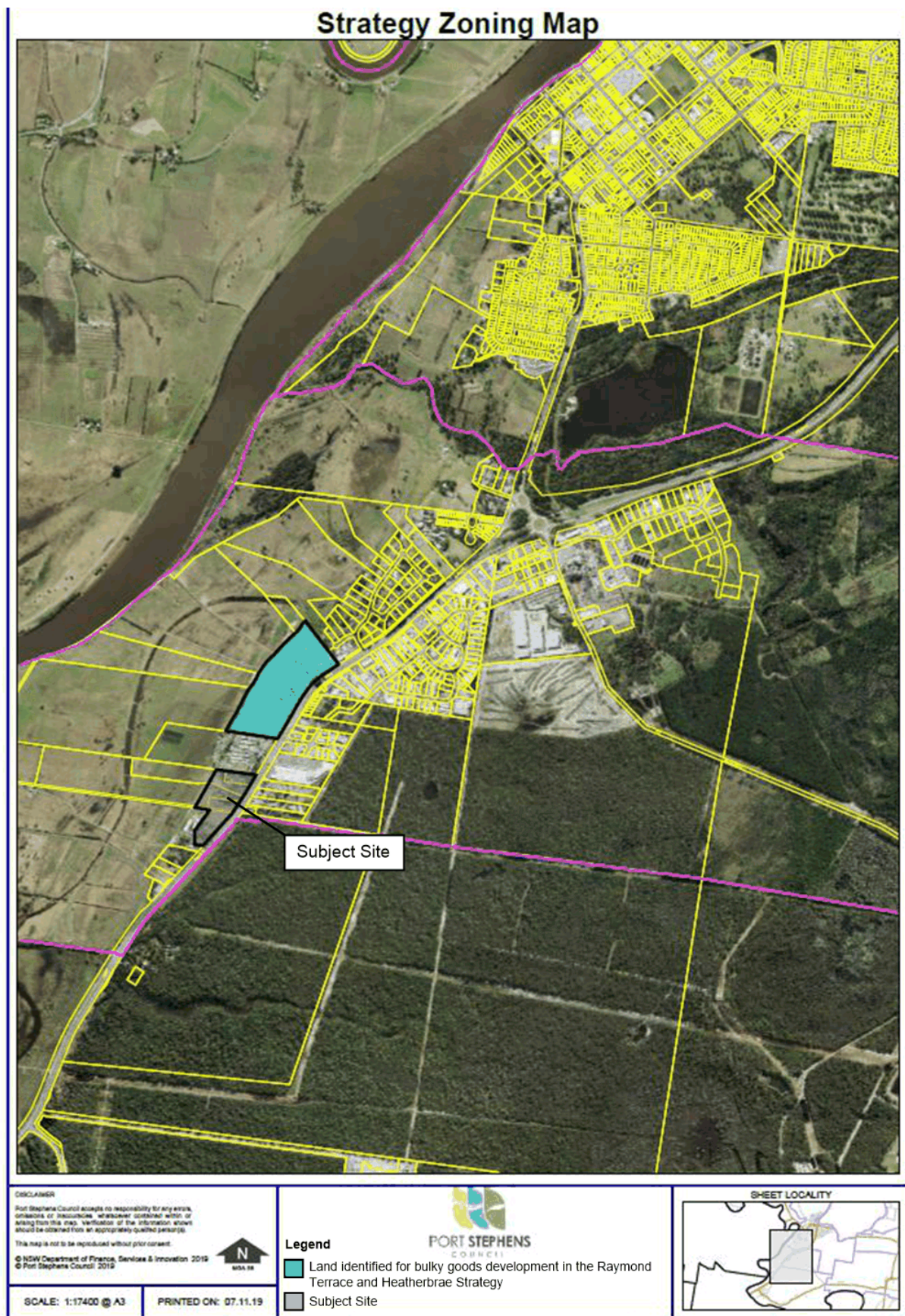
Strategic Planner

Report reviewed by:

Elizabeth Lamb

Strategic Planning Co-ordinator

ITEM 3 - ATTACHMENT 4 STRATEGIC ZONING MAP.



ITEM NO. 4

**FILE NO: 19/349657
EDRMS NO: PSC2014-01768**

COMMUNITY ENGAGEMENT STRATEGY

REPORT OF: STEVEN BERNASCONI - COMMUNICATIONS SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition of the Draft Community Engagement Strategy (**ATTACHMENT 3**).
 - 2) Endorse the Community Engagement Strategy (**ATTACHMENT 1**).
 - 3) Revoke the Community Engagement Policy adopted by Council on 26 June 2018, Minute No. 179 (**ATTACHMENT 2**).
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

227	<p>Councillor Chris Doohan Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the exhibition of the Draft Community Engagement Strategy (ATTACHMENT 3).2) Endorse the Community Engagement Strategy (ATTACHMENT 1).3) Revoke the Community Engagement Policy adopted by Council on 26 June 2018, Minute No. 179 (ATTACHMENT 2).
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BACKGROUND

The purpose of this report is to provide submissions received during the public exhibition of the draft Community Engagement Strategy (the draft strategy) and to endorse the final version of the Community Engagement Strategy (**ATTACHMENT 1**).

The draft strategy includes two distinct sections, being Section 1 – ‘Our Community Engagement Approach’ and Section 2 – ‘Community Participation Plan’.

Section 1 of the draft strategy provides the model by which all community engagement activities are considered and deployed for all of Council's activities. This section ensures compliance with the Local Government Act 1993.

Section 2 is a new requirement under the Environmental Planning and Assessment Act 1979 (EP&A Act). A Community Participation Plan outlines how and when Council, as a planning authority, engages the community across its planning functions. The purpose of the Community Participation Plan is to provide a single document that the community can access that sets out all of Council's community participation requirements under the planning legislation, including all minimum mandatory exhibition timeframes for both strategic and statutory matters.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Communication and Engagement	Provide a voice for the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or 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, POLICY AND RISK IMPLICATIONS

The Community Engagement Strategy will replace the current Community Engagement Policy which was last adopted by Council on 26 June 2018, Minute No. 179 (**ATTACHMENT 2**).

Adopting the recommendations ensures compliance with the Local Government Act 1993 relating to community engagement strategies.

Adopting the recommendations will also ensure compliance with the Environment and Planning Assessment Act 1979 - Division 2.6.

The Community Participation Plan will replace Chapter A.11 – Development Notification in the current Port Stephens Development Control Plan 2014 (DCP 2014) that currently applies to statutory planning matters. As a result, the Community Participation Plan contains the same notifications required as those provided in the DCP 2014, with the exception of the following:

- Strata subdivisions will not be notified to adjoining properties.
- Torrens/community subdivisions of 10 or less lots will be notified to adjoining properties.
- Torrens/community subdivisions of more than 10 lots will be notified to adjoining properties and advertised.
- Wholesale Supplies and Heavy Industrial Storage establishments will require notification to adjoining properties.

Amendments to the Port Stephens Development Control Plan 2014 (DCP 2014) will be completed and reported to Council, following the adoption of the Community Engagement Strategy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Environment and Planning Assessment Act 1979 if it does not have a Community Participation Plan adopted by 1 December 2019.	Low	Adopt recommendations	Yes
There is a risk that Council may be exposed to reputation damage if Council does not have a clear and comprehensive approach to community engagement that aligns with Local Government Act 1993 requirements.	Low	Adopt recommendations	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations ensures that Council will continue to follow best practice when consulting and informing the community about land use planning and general local government activities. Informed and engaged communities builds social cohesion through awareness and trust.

There are no significant economic or environmental implications resulting from the adoption of the recommendations.

CONSULTATION

Following Council's endorsement of the draft strategy on 8 October 2019, the draft strategy was placed on public exhibition for 28 days from 9 October 2019 to 6 November 2019. Submissions were invited via email and post and a notification was placed in the Port Stephens Examiner.

A total of 8 submissions were received in response to the exhibition of the draft strategy. It is noted that 5 submissions were received outside of the exhibition period, however have been included. A summary and response to the submissions can be found at **(ATTACHMENT 3)**

In response to the submissions the following changes were made to the Community Engagement Strategy:

- Relationship and Respect (page 4) text added: "We will close the loop with our community and report back on the engagement process." The inclusion of this statement reflects contemporary practice of Council to ensure the outcomes of engagement processes are reported back through a variety of means including Council's website, online engagement portals and reporting to Council.
- Section 2 of the Community Engagement Strategy that will require notification of Electricity Generating Works.

OPTIONS

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

ATTACHMENTS

- 1) Community Engagement Strategy.
- 2) Community Engagement Policy.
- 3) Summary of Submissions.

COUNCILLORS ROOM

1) Copy of Submissions.

TABLED DOCUMENTS





Nil.



PORT STEPHENS
COUNCIL

Engaging with our community

Community Engagement Strategy

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1 Port Stephens Council

About this strategy

The Community Engagement Strategy reflects Port Stephens Council's commitment to involving our community in effective engagement that actively shapes and influences the future of the Port Stephens area.

This Strategy will support us in undertaking quality engagement to ensure our community are informed and we understand what matters most to our community now and into the future.

This Strategy is divided into two distinct parts:

Section 1: Our community engagement approach and principles across a range of Council functions. This section is required under section 402 of the Local Government Act 1993: The council must establish and implement a strategy (its community engagement strategy), based on social justice principles, for engagement with the local community when developing the community strategic plan.

Section 2: Community participation plan. This section is a new requirement under the Environmental Planning and Assessment Act 1979 (EP&A Act). These changes now provide a single document where the community can access all of Council's community participation requirements under the planning legislation, including all minimum mandatory requirements. It sets out how and when we will engage the community across our planning functions under the EP&A Act.

Delivering a best practice approach to engagement means:

- ensuring our community has better access to and understanding of information
- increased participation, allowing for a range of voices to be heard
- stronger community connections and trust.

Why do we need to engage?

- efficient and effective spending and resource allocation
- identification of solutions for complex problems
- social cohesion and reduced conflict
- reduction of unplanned risks
- improved services that meet community needs
- strengthened governance and accountability

Section 1

Our community engagement approach



Our community engagement approach

Engaging with the community is one of the guiding principles for councils under section 8A of the Local Government Act 1993 and is an important part of local democracy.

Our core principles for engagement

Relationships and respect	
What this means	How do we do this
<ul style="list-style-type: none"> We act with transparency and honesty in a way that values strong relationships and builds trust with our community and stakeholders. Good engagement helps us to identify shared values, benefits and outcomes. We will close the loop with our community and report back on the engagement process. 	<ul style="list-style-type: none"> We will say what we are doing, maintain ongoing partnerships and deliver regular updates to our stakeholders and community. We cultivate a culture of information sharing to ensure information is accurate and informed. We respect people's time and will listen to our community. We will accurately define the community's role in the decision making process.
Inclusive and enabling	
What this means	How do we do this
<ul style="list-style-type: none"> We believe good decisions are grounded in information and input from many sources. We will allow for a range of voices to be heard, not just those who are loud, angry or powerful. 	<ul style="list-style-type: none"> We will actively seek to ensure a range of views are represented. We engage appropriately and in a variety of formats to address barriers to participation. We will make our information easy to understand, consistent and timely.
Transparency and the right to participation	
What this means	How do we do this
<ul style="list-style-type: none"> Community input and feedback is recognised as enhancing the quality of our decision making processes. The community has the right to access information, be consulted and actively participate in planning and decision making that affects them. 	<ul style="list-style-type: none"> We make decisions in an open and transparent way. Information is timely, clear and relevant. We work towards consistent standards and report back on decisions made. We build our community's capacity to contribute through education and empowerment practices.
Continuous Improvement	
What this means	How do we do this
<ul style="list-style-type: none"> Engagement is a rapidly changing field. We recognise the need to adapt to ensure more effective engagement outcomes. 	<ul style="list-style-type: none"> New and innovative solutions will be sought to better listen to and communicate with our community. We will evaluate the work we do to improve our practice. We will use technology to ensure better access and more opportunity to engage.

How we engage

Community engagement model



Engagement is led by both the organisation and the community. The type of engagement is dependent on the nature of the relationships, activities and goals.



Source: International Association of Public Participation

International Association of Public Participation Spectrum (IAP2 Spectrum)

The IAP2 Spectrum is an internationally regarded tool to select the level of participation in any community engagement program. The Spectrum shows that differing levels of participation are required depending on the goals, time frames, resources and levels of concern in the decision to be made.

Increasing the level of public impact 
Level of community influence over decisions 

Inform	Consult	Involve	Collaborate	Empower
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making and/or developed budgets in the hands of the public.
We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into decisions to the maximum extent possible.	We will implement what you decide.

Figure 1: IAP2 Public Participation Spectrum. Source: International Association of Public Participation.

What this looks like at Port Stephens Council

Engagement design

Engagement can take many forms and there is no one size fits all approach. In some cases we are guided by legislation. In other cases we seek informed feedback on a particular plan, policy or project. Each project's level of engagement will be determined by assessing:

- objectives, scope and context of the project (including legislative requirements)
- level of impact including risk and complexity
- level of interest and influence on decisions to be made
- level of resources available including time and budget.

Key elements of engagement design:



Community engagement plans are tailored to the needs of each project. Our approach reflects the social justice principles of equity, access and participation. At all levels of engagement, our objective is to ensure our community can easily access balanced, timely and accurate information on our projects and programs.

Table 1 provides a snapshot of the types of activities and projects undertaken in the framework. The framework is not limited to the example projects and engagement techniques contained in the table.

Refer to Section 2 of this document for statutory decision making obligations and timeframes under the EP&A Act.

ITEM 4 - ATTACHMENT 1 COMMUNITY ENGAGEMENT STRATEGY.

Table 1

IAP 2 Level	Description	Engagement techniques examples	Project type examples
Inform	<ul style="list-style-type: none"> share balanced information to increase awareness and understanding one way process can clarify level of impact and help build relationships 	<ul style="list-style-type: none"> advertising newsletters fact sheets displays media website 	<ul style="list-style-type: none"> maintenance, renewal of capital works changes to local activity policy updates
Consult	<ul style="list-style-type: none"> community views and feedback are sought we will listen and acknowledge your concerns 	<ul style="list-style-type: none"> focus groups workshops surveys polls one-on-one meetings public exhibition and hearings plus Inform activities 	<p>Key social planning and strategic documents, for example:</p> <ul style="list-style-type: none"> youth strategy plans of management public domain plans masterplans new policies with broad impact
Involve	<ul style="list-style-type: none"> work with the community throughout the process to ensure your priorities and aspirations are reflected in the decision 	<ul style="list-style-type: none"> advisory committees workshops world cafes community visioning workshops town centre implementation panels plus inform and consult activities 	<ul style="list-style-type: none"> Community Strategic Plan and Operational Plan <p>Other examples:</p> <ul style="list-style-type: none"> placemaking projects early development infrastructure and capital works projects like playgrounds and recreation facilities
Collaborating	<ul style="list-style-type: none"> actively working with community to ensure their aspirations and priorities strongly influence the outcome shared responsibility for decision making 	<ul style="list-style-type: none"> community reference group design workshops advisory committees plus Inform and Consult activities 	<ul style="list-style-type: none"> S355 Advisory Committees
Empowering	<ul style="list-style-type: none"> decision making is in the hands of the community particularly useful in engaging under represented or marginalised groups 	<ul style="list-style-type: none"> project teams 	<ul style="list-style-type: none"> community development programs

Inclusive engagement

We know there are some groups in our community that are harder to reach and less likely to participate in engagement activities. Council is committed to using inclusive methods and settings to make it easy for all of our community to participate. Some of these harder to reach groups identified in Port Stephens are:

- Aboriginal and Torres Strait Islander
- people with a disability
- young people
- young families / primary carers

Barriers such as language, physical ability, digital comprehension, lack of time and social isolation are considered in engagement planning.

Key strategies for inclusive engagement:

- adaptation of methods
- make it fun
- go to where the people are and targeted outreach
- make it as easy as possible for people — choose appropriate locations and accessible venues
- provide incentives

Section 2

Community participation plan



Community participation plan

It is a statutory requirement for councils in New South Wales to prepare a Community Participation Plan that sets out how and when it will undertake community participation when exercising relevant planning functions under the EP&A Act.

How is community participation carried out

The Community Participation Plan specifies requirements including notification and public exhibition. This can include:

- Giving written notice to neighbours, individual landowners or occupiers;
- Advertising in a local newspaper notice; and
- Making documents publicly available online.

Other methods may be used for notification and exhibition on a case by case basis and depending on statutory requirements.

If the exhibition period is due to close on a weekend or public holiday we may extend the exhibition to finish on the first available work day. In accordance with the planning legislation, the period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

Plans or applications cannot be made or determined until after the minimum period of public exhibition. If a longer timeframe is placed on public exhibition, the matter cannot be determined until after the specified period.

Making a submission

The community can participate during public exhibition by making a submission. The planning legislation sets out some requirements for submissions. In addition to these requirements, when making a submission to Council, the submission should be:

- Received on or before the last day of the nominated timeframe for exhibition;
- Made in writing (through the mail, email or hand delivered to Council);
- Contain the name and address (or email address) of the person making the submission;
- Include the application number for reference (for development applications) or the name of the exhibited planning matter; and
- Include a statement of objection or support and reasons.

Community participation requirements

Under the EP&A Act, the following minimum community participation requirements apply to local planning functions:

Table 2

Mandatory timeframes	Minimum community participation requirement
Division 1 — Schedule 1 to the EP&A Act	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subjects to a gateway determination	28 days or as specified by the Gateway Determination
Draft development control plans	28 days
Draft contributions plans	28 days
Division 2 — Schedule 1 to the EP&A Act	
Development Application for designated development	28 days
Environmental Impact Statement obtained under Division 5.1 (An Environmental Impact Statement prepared for certain development such as state significant development.)	28 days
Re-exhibition of any amended application or matter referred to above	The period (if any) determined by the person or body responsible for publicly exhibiting the application or matter.

Exhibition timeframes are measured in calendar days and include weekends.

Development applications

Table 3 outlines Council's minimum notification requirements for development applications. Where there is an inconsistency between the notification requirements of this Community Participation Plan and legislative requirements, the legislative requirements will prevail.

Table 3 Community Participation Categories (Refer to Appendix A for details)

Exhibition types Type	Requirements
A	Not Notified Development. Council may at its discretion decide to notify any of this type of development that may significantly impact on the amenity of adjoining land owners.
B	Advertised Development, written notification in accordance with 'type B' requirements and an advertisement published in the local newspaper. Development Application (DA) information published on DA Tracker At Council's discretion, additional advertisements may be placed in newspapers and/or through such other mechanisms as may be appropriate to ensure that the public is reasonably aware of the proposal. Council may also at its discretion decide not to advertise development.
Not included in Table 1	Notified Development. A 14 day notification period will apply for development types not included in Appendix A. Written notification will be sent to all owners of land directly adjoining or opposite the development site. Additional owners and occupiers may be notified at the discretion of Council staff. Council may at its discretion decide not to notify development where impacts on adjoining land owners are considered minor in nature.

Modification Applications

The need or otherwise to notify an application to modify a development consent will be undertaken in accordance with the requirements of the Act and Regulations or at the discretion of Council in consideration of the nature of the modifications proposed.

Appendix A — Exhibition periods

Development category	Exhibition types	
	A	B
Rural Development		
Agriculture		
Farm buildings		
Forestry		
Residential Accommodation		
Dwelling — single storey		
Residential ancillary (sheds, pools, etc.)		
Rural worker's dwellings		
Secondary dwellings		
Subdivision (all types of subdivision)		
Strata Subdivision		
More than ten Torrens or Community title lots		
Tourist and visitor accommodation		
Caravan parks / Camping grounds		
Commercial development		
Home business / occupation		
Entertainment facilities		
Function centres		
Sex services premises / Home occupation (sex services)		
Restricted premises		
Community and entertainment facilities		
Places of public worship		
Recreation facility (major)		
Industrial Development		
General industry		
Industrial retail outlets		
Industrial training facilities		
Light industry		
Storage premises		
Warehouse or distribution centres		
Freight transport facilities		
Miscellaneous		
Boatshed		
Environmental Facilities / Environmental Protection works		
Moorings / Mooring Pens		
Signage — other than advertising structures		
Extractive industries / open cut mines		
Electricity Generating Works		
Air transport facility		
Airstrip		
Cemetery / crematorium / mortuaries		
Correction centre		
Helipad		
Marinas		
Passenger transport facilities		
Port facilities		



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ITEM 4 - ATTACHMENT 2 COMMUNITY ENGAGEMENT POLICY.

Policy



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

1. PURPOSE:

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

2. CONTEXT/BACKGROUND:

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

3. SCOPE:

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

4. DEFINITIONS:

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

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

Policy

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Policy



5. POLICY STATEMENT:

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

6. POLICY RESPONSIBILITIES:

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

7. RELATED DOCUMENTS:

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

Policy

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Policy

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EDRMS container No	PSC2014-01768	EDRMS record No	18/126533
Audience	Councillors, Staff and Community		
Process owner	Communications Section Manager		
Author	Community Development and Engagement Coordinator		
Review timeframe	Two years	Next review date	June 2020
Adoption date	22 September 2007		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	22 September 2007	Communications Section Manager		392
2	14 July 2015	Communications Section Manager	Significant rewrite of Policy following creation of CD&E unit.	192
3	13 February 2018	Communications Section Manager	Wording changes as outlined in Council Report 13 February 2018.	011
4	26 June 2018	Communications Section Manager	Transfer Policy into the new policy template. Minor wording changes as a result of submission during public exhibition period.	179

Policy

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ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

Submitter	Comment	Council response
Tomaree Ratepayers and Residents Association Inc.	Concern raised with specific Development Application approval previously granted and tokenistic engagement.	<p>Although the concern does not directly relate to the Community Engagement Strategy (or associated CPP), it should be noted that Council considers all community concerns during the assessment of development applications, as required under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).</p> <p>All submissions relating to development are addressed in the assessment reports and, where necessary, designs deemed are amended to reflect the community views.</p>
	Strategy (Section 1) is too narrowly focussed on specific projects. Would like to see more Council process included, specifically, publication of submissions, recording and reporting and evaluating public input.	<p>Section 1 is focussed on our community engagement approach and principles across a range of Council functions and not solely on specific projects.</p> <p>The CES commits specifically to 'report back on decisions made' on page 4 within the core principles. Council has amended the CES to include an additional statement '<i>We will close the loop with our community and report back on the engagement process</i>'.</p> <p>(Page 4 - Relationships and Respect)</p>
	A comprehensive engagement strategy should make reference to the Council meeting Cycle, Webcast of Council meetings and Councillors availability to the public.	<p>It is Council's view that all of the relevant and important elements of the current Community Engagement Policy have been included and, where necessary, expanded in the draft Strategy.</p> <p>The webcasting of Council meetings and Council meeting cycle is contained in Councils Code of Meeting process, a statutory document.</p> <p>Councillors contact details are available on Council's website and they can be contacted at any time.</p>
	Section 1 content is appropriate, however is almost entirely a statement of high level aims and objectives.	This Strategy is intended to be a high level document to guide the approach for community engagement. To deliver the CES, Council will continue to utilise a number of operational processes, systems and techniques.
	The benefits of Council and the Community working together, ie Shared leadership and action could be emphasised.	It is Council's view that the CES sufficiently recognises these benefits.

ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

Submitter	Comment	Council response
	Inclusive and enabling (P4). There needs to be practical provisions to ensure all interested parties and organisations are contacted and there is sufficient time to read and understand the material. Concern expressed with current Council procedure not allowing enough time.	<p>It is in Council's view that the CES sufficiently commits to the provisions of timely information and processes.</p> <p>In addition to the project specific consultation approach outlined in the CES, Council regularly meets with key stakeholders to brief and seek feedback on projects and key documents.</p> <p>In addition to the tailored engagement process, key policy and strategy documents are placed on public exhibition for a minimum of 28 days to allow for reading and understanding.</p>
	Request to publish all submission made as part of an engagement process.	The management of publishing submissions is not addressed in this CES.
	Education is important to increasing community understanding.	This is embedded within the core principles for engagement within the Strategy.
	Engagement Design (P7). The submission accepts the design approach within the Strategy, however notes that in the past Development Applications have resulted in not enough advertising or time.	<p>The engagement design in Section 1 does not refer to processes for development applications. This is outlined in the CPP contained in Section 2. The prescribed notification periods are considered appropriate to allow for community comment.</p> <p>Schedule 1 of the EP&A Act states the appropriate notification period of 14 days. Although it is noted that the CPP includes a small number of minor development types that will not require notification, the vast majority of development will be notified for 14 days.</p> <p>More complex applications including designated development and nominated integrated development are required to be notified for a period longer than the standard 14 days.</p> <p>It is therefore considered that Council is following the legislative requirements for notification.</p>
	Inclusive Engagement (P9). Commended the intentions of this section. Noting that of equal importance is ensuring input from key community organisations.	Inclusive engagement is a commitment to giving equal opportunities for participation. This includes the continued relationship with our important community organisations.

ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

Submitter	Comment	Council response
	The table at Appendix A of the plan lists only development types which are not to be notified to neighbours and those with an advertising requirement. All development types not listed in the table are to be notified. This is not transparent as readers won't know what these development types are.	<p>The intention of outlining notification requirements in this manner is to display this information in a concise and easy to understand manner.</p> <p>Providing a comprehensive list of land uses (as provided in the PSLEP) will result in an extended list that could create unnecessary complexity and potential confusion.</p>
	Notification should extend beyond adjoining lots to at least two lots on all sides.	<p>This is not a legislative requirement and Council does not see benefit in the extension of notification to a wider area.</p> <p>Council can, at its discretion, notify more widely in circumstances where impacts resulting from development are likely to affect a wider area.</p>
	Secondary dwellings should be advertised development.	<p>Secondary dwellings typically do not result in significant impacts to amenity of adjoining owners as they are limited in size by planning controls. Secondary dwellings therefore do not warrant notification or advertising in most instances. Council may still choose to notify this type of development at its discretion where significant impacts to adjoining neighbours may occur.</p> <p>It is also noted that secondary dwellings can be complying development under the SEPP (Affordable Rental Housing) 2009, which does not require notification of adjoining land owners.</p>
	The notification and advertising requirements relating to strata subdivisions and subdivisions of up to 10 lots are not sufficient as these developments can have significant impacts to neighbours.	<p>As strata subdivision can only be undertaken over existing structures, it is considered that the consultation undertaken as part of the buildings would have already taken into account any impacts relating to amenity, traffic or other relevant planning matters.</p> <p>Development applications proposing subdivisions of less than 10 lots will be notified for a period of 14 days under the CPP provisions. These types of development are generally not of a scale large enough to result in significant impacts to the local community.</p> <p>Council may still choose to advertise this type of development at its discretion where significant impacts to adjoining neighbours may occur.</p>

ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

Submitter	Comment	Council response
	Warehouse and Distribution Centres should be in type B to be consistent with Freight transport facilities.	<p>Freight transport facilities are generally of a much larger scale than a warehouse and distribution centre and include bulk handling activities and may mainly involve loading and unloading of vehicles.</p> <p>Warehouse and distribution centres are generally of a much smaller scale and therefore are less likely to result in significant impacts to the locality.</p> <p>Council may still choose to advertise this type of development at its discretion where significant impacts to adjoining neighbours may occur.</p>
	Applications for industrial developments within land not zoned for industrial use should be notified.	<p>Development applications that propose industrial development on land not zoned for this type of development is prohibited and cannot be considered by Council.</p> <p>In rare circumstances, this type of development may rely on existing use rights and Council holds discretion to notify these development where impacts to adjoining lots may be significant.</p>
	Boatshed, Electricity generating works, Environmental Facilities / Environmental Protection works and Moorings / Mooring Pens should be type B.	<p>Boat Sheds are defined as structures used for the storage and maintenance of boats and must be associated with a dwelling or non-profit organisations. This is different from the Boat Building And Maintenance Facilities that involve works on an industrial scale. It is therefore considered that Boat Sheds would generally not have a significant impact on adjoining development or the wider community.</p> <p>Environmental Facilities includes structures such as walking tracks, seating, shelters board walks and observation decks. The reasoning behind the request to notify these types of development is unclear as these would in most instances have a positive impact on the community. Similarly, Environmental Protection Works are aimed at restoring the natural environment that will have a positive impact on the community. It is therefore considered that not notifying these is appropriate.</p> <p>Mooring and mooring pens are defined as free standing piles or sets of piles for the mooring of vessels. These definitions are separate from the definition of Marina. As the impacts resulting</p>

ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

Submitter	Comment	Council response
		<p>from these are relatively minor, it is considered that not notifying these is reasonable.</p> <p>The CPP will be amended to include Electricity Generating Works into Category B that will require notification for 14 days. It is noted that the vast majority of domestic solar arrays are either exempt of complying development, which will result in only larger electricity generating works requiring development consent. It is also noted that larger scale projects will either be Designated Development or State Significant Infrastructure that take precedence over the CPP provisions.</p>
Soldiers Point Community Group Inc.	Concern raised with specific Development Application approval previously granted and tokenistic engagement.	<p>Although the concern does not directly relate to the Community Engagement Strategy (or associated CPP), it should be noted that Council considers all community concerns during the assessment of development applications, as required under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).</p> <p>All submissions relating to development are addressed in the assessment reports and, where necessary, designs deemed are amended to reflect the community views.</p>
	Request for documents to be provided at Council Chambers and Tomaree Library.	<p>Documents are currently available in hardcopy on request at both the Council Chambers and the relevant libraries during the exhibition of planning proposals and strategies.</p> <p>Due to the large volume of development applications notified by Council, it is impractical and unsustainable to provide hardcopies of these. Council does provide all relevant information on its website during the notification/exhibition periods.</p>
	Request for designated computer in Council chambers foyer to access DA tracker.	<p>It is considered that appropriate public access to computers are provided at the Raymond Terrace and Tomaree Libraries. Staff are available to support when required.</p> <p>Council is open to suggestions on how to improve this service.</p>
	Concerns were raised in regards to Council not currently following due process. It was requested	<p>The Community Engagement Strategy (CES) reflects Port Stephens Council's commitment to involving our community in effective and quality engagement.</p>

ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

Submitter	Comment	Council response
	that Council adhere to the principles put forward in the Strategy.	
Resident	Concern raised with specific Development Application approval previously granted and tokenistic engagement.	<p>Although the concern does not directly relate to the Community Engagement Strategy (or associated CPP), it should be noted that Council considers all community concerns during the assessment of development applications, as required under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).</p> <p>All submissions relating to development are addressed in the assessment reports and, where necessary, designs deemed are amended to reflect the community views.</p>
	Concerns were raised in regards to Council not currently following due process. It was requested that Council adhere to the principles put forward in the Strategy.	The Community Engagement Strategy (CES) reflects Port Stephens Council's commitment to involving our community in effective and quality engagement.
Resident	Concern raised with specific Development Application approval previously granted and tokenistic engagement.	<p>Although the concern does not directly relate to the Community Engagement Strategy (or associated CPP), it should be noted that Council considers all community concerns during the assessment of development applications, as required under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).</p> <p>All submissions relating to development are addressed in the assessment reports and, where necessary, designs deemed are amended to reflect the community views.</p>
Resident	Concerns were raised in regards to Council not currently following due process. It was requested that Council adhere to the principles put forward in the Strategy.	The Community Engagement Strategy (CES) reflects Port Stephens Council's commitment to involving our community in effective and quality engagement.
	Concern raised with specific Development Application approval previously granted and tokenistic engagement.	Although the concern does not directly relate to the Community Engagement Strategy (or associated CPP), it should be noted that Council considers all community concerns during the assessment of development applications, as

ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

Submitter	Comment	Council response
		<p>required under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).</p> <p>All submissions relating to development are addressed in the assessment reports and, where necessary, designs deemed are amended to reflect the community views.</p>
Resident	Suggestion to utilise a range of methods to engage people. Specific suggestion to host local public meetings across Port Stephens.	The CES outlines a range of approaches and methods to engagement.
	It should be mandatory that exhibition periods closing on a weekend or public holiday are extended to finish on the first available work day.	There is no legislative requirement for notification / exhibition periods to end on a work day.
	Currently insufficient opportunity to comment	Noted. The CES commits to timely and accurate communications and engagement.
Resident	Concern raised with specific Development Application approval previously granted and tokenistic engagement. <i>(duplicated from submission 1)</i>	<p>Although the concern does not directly relate to the Community Engagement Strategy (or associated CPP), it should be noted that Council considers all community concerns during the assessment of development applications, as required under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).</p> <p>All submissions relating to development are addressed in the assessment reports and, where necessary, designs deemed are amended to reflect the community views.</p>
	Strategy (Section 1) is too narrowly focussed on specific projects. Would like to see more Council process included, specifically, publication of submissions, recording and reporting and evaluating public input. <i>(duplicated from submission 1)</i>	<p>Section 1 is focussed on our community engagement approach and principles across a range of Council functions and not solely on specific projects.</p> <p>The CES commits specifically to 'report back on decisions made' on page 4 within the core principles. Council has amended the CES to include an additional statement '<i>We will close the loop with our community and report back on the engagement process</i>'.</p> <p>(Page 4 - Relationships and Respect)</p>

ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

Submitter	Comment	Council response
	A comprehensive engagement strategy should make reference to the Council meeting Cycle, Webcast of Council meetings and Councillors availability to the public. <i>(duplicated from submission 1)</i>	<p>It is Council's view that all of the relevant and important elements of the current Community Engagement Policy have been included and, where necessary, expanded in the draft Strategy.</p> <p>The webcasting of Council meetings and Council meeting cycle is contained in Councils Code of Meeting process, a statutory document.</p> <p>Councillors contact details are available on Council's website and they can be contacted at any time.</p>
	Section 1 content is appropriate, however is almost entirely a statement of high level aims and objectives. <i>(duplicated from submission 1)</i>	This Strategy is intended to be a high level document to guide the approach for community engagement. To deliver the CES, Council will continue to utilise a number of operational processes, systems and techniques.
	All consultation session should allow for collective discussions and Q&A.	Council staff plan and select methods based on the engagement outcomes defined. This is done on a project by project basis based on best practice and other project constraints.
	The table at Appendix A of the plan lists only development types which are not to be notified to neighbours and those with an advertising requirement. All development types not listed in the table are to be notified. This is not transparent as readers won't know what these development types are. <i>(duplicated from submission 1)</i>	<p>The intention of outlining notification requirements in this manner is to display this information in a concise and easy to understand manner.</p> <p>Providing a comprehensive list of land uses (as provided in the PSLEP) will result in an extended list that could create unnecessary complexity and potential confusion.</p>
	Notification should extend beyond adjoining lots to at least two lots on all sides. <i>(duplicated from submission 1)</i>	<p>This is not a legislative requirement and Council are of the position there is no benefit.</p> <p>Council can, at its discretion, notify more widely in circumstances where impacts resulting from development are likely to affect a wider area.</p>
	Notification should extend beyond adjoining lots to at least two lots on all sides.	This is not a legislative requirement and Council are of the position there is no benefit.

ITEM 4 - ATTACHMENT 3 SUMMARY OF SUBMISSIONS.

Submitter	Comment	Council response
	<i>(duplicated from submission 1)</i>	Council can, at its discretion, notify more widely in circumstances where impacts resulting from development are likely to affect a wider area.
Mambo-Wanda Wetlands Conservation Group	Concerns were raised in regards to Council not currently following due process. It was requested that Council adhere to the principles put forward in the Strategy.	The Community Engagement Strategy (CES) reflects Port Stephens Council's commitment to involving our community in effective and quality engagement.
	Reference to Council operational matters not relating to the CES.	Noted, not related to feedback on the CES.
	Needs to contain at least broad principles about the modes and channels of engagement.	Broad principles and modes (techniques) are addressed on Page 4, 6 and 8 of the Strategy.

ITEM NO. 5

FILE NO: 19/352598
EDRMS NO: PSC2019-03593-002

**PSC2020 PROPOSED COMMUNITY PROJECTS - CENTRAL WARD
AMENDMENT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the public exhibition period **(ATTACHMENT 1)**.
 - 2) Formally vote budget allocations for the PSC2020 Community Projects - Central Ward Amendments.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

228	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the public exhibition period (ATTACHMENT 1).2) Formally vote budget allocations for the PSC2020 Community Projects - Central Ward Amendments.
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BACKGROUND

The purpose of this report is to inform Council of the submissions received during the Public Exhibition of the PSC2020 Proposed Community Projects – Central Ward Amendments as resolved at the Ordinary Meeting of Council held on 24 September 2019 (Minute No 168) **(ATTACHMENT 2)** and to seek Council's adoption of the recommendation.

During the public exhibition, 4 submissions were received relating to the projects listed in the Central Ward Amendment.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications as a result of the submission received.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	\$600,000	Other Bank Loans

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal, policy or risk implications as a result of the submissions received.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that submissions received during the public exhibition period are not presented to Council leading to community dissatisfaction.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no social, economic and environmental implications as a result of the submissions received.

CONSULTATION

In accordance with local government legislation the PSC2020 Proposed Community Projects – Central Ward Amendment went on public exhibition for 28 days from 2 October 2019 to 30 October 2019.

OPTIONS

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

ATTACHMENTS

- 1) Summary of submissions.
- 2) Minute No 168 - 24 September 2019.

COUNCILLORS ROOM

- 1) Copy of un-redacted submissions.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

PSC2020 Proposed Community Projects - Central Ward Amendment - Council Meeting 26 November 2019 – public submissions

No.	Author of submission	Comment	Council response
1	Resident	<p>Project support - Soccer Athletics club refurbishment, multisport court and Peace Park BBQ upgrade</p> <p>Relocation of Mallabula skate park – concerns raised with potential relocation away from Mallabula, impact on youth and anti-social behaviour linked to relocation.</p>	<p>Project support – noted.</p> <p>Relocation of Mallabula skate park - The current location of the Mallabula skate park does not provide for passive surveillance, community awareness or integration with other support facilities such as amenities. The future location for this asset is yet to be determined and would be subject to a further community consultation process.</p>
2	Lemon Tree Passage Parks, Reserve and Landcare Group	<p>Major works priority over minor works / maintenance – concerns with additional infrastructure</p> <p>Lack of consultation – request for further consultation and community involvement.</p>	<p>Major works priority over minor works / maintenance – Council allocates funding for the repair and maintenance of assets on an annual basis. This program is informed by asset condition, recurring maintenance costs and asset functionality. These factors are considered as part of capital works projects and future costs are within Councils capacity to address.</p> <p>Lack of consultation – The original project list was exhibited and discussed at community information sessions. The further project list was developed by the ward Councillors subject to further discussion and consultation with community groups. The list has been publically exhibited for comment and returned to Council.</p>
3	Tilligerry Landcare Group	<p>Lack of consultation – request for further consultation and community involvement.</p>	<p>Lack of consultation – The original project list was exhibited and discussed at community information sessions. The further project list was developed by the ward Councillors subject to further discussion and consultation with community groups. The list has been publically exhibited</p>

ITEM 5 - ATTACHMENT 1

SUMMARY OF SUBMISSIONS.

		<p>Relocation of Mallabula skate park – preference for existing location. Notes requirement for public amenities to support asset.</p> <p>Multipurpose sports court – concerns raised with need for the facility. Citing other maintenance priorities in the local area.</p> <p>Peace Park plan – supportive of the project. Seeking an expanded scope to cover additional log barriers, turfing and delineation of car parking area.</p> <p>Soccer club building toilet refurbishment – supportive of the project and cite the need for sewer connection.</p>	<p>for comment and returned to Council.</p> <p>Relocation of Mallabula skate park – The current location of the Mallabula skate park does not provide for passive surveillance, community awareness or integration with other support facilities such as amenities. The future location for this asset is yet to be determined and would be subject to a further community consultation process.</p> <p>Multipurpose sports court – This type of facility has been discussed at the Mallabula Sports Council and has been listed on the Mallabula Sports Complex masterplan for an extended period. The use of the areas sports facilities for less formal sporting pursuits will provide activities for residents and visitors in the teenage to adult age bracket.</p> <p>Peace Park plan – support for the project is noted. The expanded scope may be explored into the future however this work remains unfunded at present.</p> <p>Soccer club building toilet refurbishment – support for the project is noted and a sewer connection for the facility is included within the project scope.</p>
4	Tilligerry Community Association	<p>Town centre works – disappointment with rescindment however acknowledging the need for roadworks and pathways</p> <p>Skate park relocation – request for future location and further community consultation</p>	<p>Town centre works – noted.</p> <p>Skate park relocation – The current location of the Mallabula skate park does not provide for passive surveillance, community awareness or integration with other support facilities such as amenities. The future location for this asset is yet to be determined and would be</p>

ITEM 5 - ATTACHMENT 1

SUMMARY OF SUBMISSIONS.

		<p>subject to a further community consultation process if funding were approved.</p> <p>Soccer and athletics club refurbishment – request for shipping container removal, improved landscaping and sewer connection</p> <p>Multipurpose sports court – concerns raised with usage, costs associated with maintenance and public visibility</p> <p>Peace Park BBQ – generally supportive of the works</p>	<p>Soccer and athletics club refurbishment – Council will work with the club to replace shipping container storage with club as on other projects. Landscaping will be included as budget permits. A sewer connection for the facility is included within the project scope.</p> <p>Multipurpose sports court – This type of facility has been discussed at the Mallabula Sports Council and has been listed on the Mallabula Sports Complex masterplan for an extended period. The use of the areas sports facilities for less formal sporting pursuits will provide activities for residents and visitors in the teenage to adult age bracket.</p> <p>Peace Park BBQ – support noted.</p>
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MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019**ITEM NO. 8****FILE NO: 19/305894
EDRMS NO: A2004-1312****PSC2020 PROPOSED COMMUNITY PROJECTS - CENTRAL WARD
AMENDMENT****REPORT OF: ADAM STEWART - CIVIL ASSETS PLANNING MANAGER
GROUP: FACILITIES & SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Submit the amended Central Ward projects listed below for public exhibition and invite submissions.
- 2) Should no submissions be received as a result of the public exhibition, the amended Central Ward projects will be endorsed and funding sourced as outlined within report endorsed by Council at its meeting of 27 August 2019 (Minute No. 209).

Councillor John Nell left the meeting at 6:27pm prior to voting on the item.
Councillor John Nell returned to the meeting at 6:28pm prior to voting on the item.

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019
MOTION**

168	Councillor Steve Tucker Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Submit the amended Central Ward projects listed below for public exhibition and invite submissions.2) Should no submissions be received as a result of the public exhibition, the amended Central Ward projects will be endorsed and funding sourced as outlined within report endorsed by Council at its meeting of 27 August 2019 (Minute No. 209).
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BACKGROUND

The purpose of this report is to request endorsement to amend the Central Ward project list identified within the report endorsed by Council at its meeting of 27 August 2019 (Minute No. 209) (**ATTACHMENT 1**).

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Council considered a Notice of Motion regarding various community projects at its meeting of 25 June 2019 and the subsequent public engagement and consultation program has reiterated the community's desire for these works to be undertaken. The project list put forth for the Central Ward, and particularly the Tilligerry Peninsula was still being discussed between Central Ward Councillors and the community leading up to the 27 August 2019 Council meeting. Subject to this consultation the Central Ward Councillors have requested the following amendments be made to the endorsed project list.

b) Central Ward

Rescinded:

- Town Centre Works – Lemon Tree Passage/Tanilba Bay \$600,000.

Amended to:

- Skate park relocation and upgrade – Tilligerry Peninsula - \$230,000.
- Soccer and Athletics Club Amenities Upgrades - Mallabula Sports Complex - \$200,000.
- Multisport Court facility – Mallabula Sports Complex - \$150,000.
- Peace Park, Tanilba Bay – BBQ installation - \$20,000.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

FINANCIAL/RESOURCE IMPLICATIONS

The funding strategy will be in accordance with the report endorsed by Council at its meeting of 27 August 2019 (Min. No.209).

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not complete these projects then community expectations will not be met.	Low	That Council endorses the amended project list for exhibition.	Yes

MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

This asset renewal program will see numerous works completed to meet the expectations of many communities.

CONSULTATION

Consultation has been undertaken as part of the information sessions during July 2019 as well as between the Central Ward Councillors and the community thereafter.

OPTIONS

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

ATTACHMENTS

- 1) Minute No. 209 - 28 August 2019. [1](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6**FILE NO: 19/315137
EDRMS NO: PSC2013-00406****POLICY REVIEW: ON SITE SEWAGE MANAGEMENT**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised On-site Sewage Management Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised On-site Sewage Management Policy 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 On-site Sewage Management Policy, dated 22 November 2016 Minute No: 339, should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

229	Councillor Chris Doohan Councillor Ken Jordan It was resolved that Council adopt items 6 to 9 as a multi vote.
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**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

230	Councillor Ken Jordan Councillor Paul Le Mottee It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised On-site Sewage Management Policy shown at (ATTACHMENT 1).2) Place the revised On-site Sewage Management Policy 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 On-site Sewage Management Policy, dated 22 November 2016 Minute No: 339, should no submissions be received.
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BACKGROUND

The purpose of this report is to advise Council on the revised On-site Sewage Management Policy ('policy') and recommend the revised policy be placed on public exhibition.

The revised policy continues to provide a formal framework for the management and regulation of on-site sewage systems in the Port Stephens local government area (LGA). The revised policy aim is to minimise any potential for environmental damage and risk to public health.

Following the review there have been no significant changes to the revised policy or supporting guideline document. There have been only minor changes made to formatting and minor legislative amendments. No major changes to the On-site Sewage Management Policy are required as the policy is considered by many in the industry as 'best practice'.

The regulation of on-site sewage management systems involves managing on-site sewage management systems (OSMS) that are not operating under a licence issued by the NSW Environment Protection Authority (EPA). Council does not regulate the 4 sewage treatment plants (STPs) operated by Hunter Water Corporation (HWC).

The Local Government Act and subordinate regulation are the key legislative instruments utilised for regulation of these systems. All owners and operators of functioning on-site sewage management systems are required to obtain an 'Approval to Operate' for each system. Additionally, the installation, alteration or construction of a system of sewage management is an activity that requires the prior approval of Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Environmental Sustainability.	Reduce the community's environmental footprint.

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy and risk implications in reviewing existing policies and determining the appropriateness and relevance of a policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not having an updated On-site Sewage Management Policy may result in Council making decisions not in line with current legislative provisions and best practice.	Medium	Adopt recommendations.	Yes
There is a risk that the environment and public health may be compromised from poorly operating on-site sewage management systems.	Medium	Adopt recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The revised policy will continue to provide stakeholders with a clear framework for the consistent, timely and effective management of existing and proposed on-site sewage management systems in the un-sewered areas of Port Stephens. The community expectations regarding protection of the environment and waterways will be met through implementation of the revised policy.

There are no additional costs associated with the implementation of the revised policy. The OSMS program is neutrally funded through collection of scheduled fees linked to the approval to operate (annual renewal) and applications for new installations. These fees are reviewed annually.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Environmental Health and Compliance Section.

Internal

The internal stakeholders include the environmental health staff that will implement the policy on a day to day basis. The review included discussions with the applicable staff to ensure the policy was achieving what it was intended to do.

The Executive Team has also been consulted to seek management endorsement.

External

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

OPTIONS

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

ATTACHMENTS

- 1) Revised On-site Sewage Management Policy.

COUNCILLORS ROOM

- 1) Port Stephens Council On-site Sewage Management Guidelines.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 REVISED ON-SITE SEWAGE MANAGEMENT POLICY.

Policy



FILE NO: PSC2013-00406

TITLE: ON-SITE SEWAGE MANAGEMENT POLICY

POLICY OWNER: DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to provide Council with a formal framework for the management and regulation of on-site sewage systems in the Port Stephens local government area (LGA).

2. CONTEXT/BACKGROUND:

- 2.1 Within the Port Stephens LGA there are approximately 4800 on-site sewage management systems. The effective and successful management of domestic, commercial and industrial wastewater systems within the un-sewered areas of Port Stephens is a non-discretionary role of Council to ensure protection of the area's pristine waterways, preserve the diverse environment, maintain public health and mitigate the risk to public health.
- 2.2 The Local Government Act 1993 and subordinate regulation are the key legislative instruments utilised for regulation of these systems.
- 2.3 All owners and operators of functioning on-site sewage management systems are required to obtain an 'Approval to Operate' for each system (annually or otherwise determined based on risk). Additionally, the installation, alteration or construction of a new on-site sewage management system is an activity that requires the prior approval of Council.
- 2.4 Council first adopted an On-Site Sewage Management Policy in 1999 with a subsequent reviews in 2004, 2012 and 2016. The policy should be read in conjunction with Councils On-Site Sewage Management Guidelines (the guidelines) which clarify standard operating requirements for the effective management of existing and new on-site sewage management systems.
- 2.5 Key components of Councils On-Site Sewage Management Program include:
- a. approval to operate an on-site sewage management system.
 - b. approval to install an on-site sewage management system.
 - c. on-site sewage management system inspection program.
 - d. education, advice and complaints.
 - e. pollution and incident investigation.

Policy

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ITEM 6 - ATTACHMENT 1 REVISED ON-SITE SEWAGE MANAGEMENT POLICY.

Policy



- 2.6 This policy has been developed to define Council's role in the effective regulation of on-site sewage management systems in Port Stephens in order to preserve the area's waterways, community health and the environment. The policy supports a systematic approach to sustainable land use planning, site assessment, system design and installation and ensures accountability by owners and operators for the correct operation and maintenance of on-site sewage management systems.
- 2.7 The policy also assists Council in the prioritising **prioritisation** of resources for the efficient regulation and monitoring of on-site sewage management systems and facilitates coordinated data collection, system approval, monitoring and environmental assessment.
- 2.8 This policy recognises that Council has a non-discretionary role to consider the medium to long term impacts that on-site sewage management systems can have on the environment, public health, tourism and industry. The policy and associated guidelines have been developed with consideration to ecologically sustainable development principles, catchment management, productive re-use of resources and protection of public health. It is also recognised that the future development of land without access to reticulated sewer will continue and that this development can only be permitted with an appropriate level of planning and regulation by Council.
- 2.9 The policy and guidelines provide stakeholders with a clear framework for the consistent, timely and effective management of existing and proposed on-site sewage management systems in the un-sewered areas of Port Stephens. The community expectations regarding protection of the environment and waterways will be met through implementation of this policy.
- 2.10 For the majority of property owners, developers and installation companies seeking to develop land in areas identified as a low or medium risk (within the guidelines) this policy will provide a simpler, cost effective and timely process for submitting and receiving an approval for the installation of a system of sewage management.
- 2.11 The development of land or the installation of new systems in areas identified as high and very high hazard will be subject to a level of scrutiny commensurate with the prescribed hazard class. It has been shown that the appropriate management of developments involving on-site sewage management early in the development process provides better performance outcomes and minimises impacts.

3. SCOPE:

- 3.1 Council's non-discretionary role for the regulation of on-site sewage management systems involves those with a capacity to treat less than 2500 equivalent persons or <750kL per day or systems that are not operating under a licence issued by the **Office of Environment and Heritage (OEH) NSW Environment Protection Authority**. Council regulates all systems

Policy

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ITEM 6 - ATTACHMENT 1 REVISED ON-SITE SEWAGE MANAGEMENT POLICY.

Policy



within the LGA except 4 sewage treatment plants (STPs) operated by the Hunter Water Corporation (HWC).

4. DEFINITIONS:

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

Council	For the purposes of this policy refers to Port Stephens Council.
DCP	Development Control Plan within the meaning of the Environmental Planning and Assessment Act.
Ecological Sustainable Development	Development that improves the quality of life, both now and for the future, in a way that maintains the ecological processes on which life depends.
LGA	Local Government Area.
On-site sewage management system	Any facility that stores, treats and/or disposes of sewage and wastewater on-site.

5. POLICY STATEMENT:

5.1 This policy applies to owners and operators of all permanent on-site sewage management systems in the Port Stephens LGA that do not directly discharge human effluent and trade wastes to a Hunter Water Corporation sewer and are not specifically regulated under an environment protection licence of the Office of Environment and Heritage. The systems covered by this policy include a wide range of public, commercial, industrial and domestic sewage management facilities.

6. POLICY RESPONSIBILITIES:

6.1 Coordinator, Environmental Health and Compliance – reviewing the policy and effective implementation of PSC on-site sewage management guidelines.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council On-Site Sewage Management Policy Guidelines (2016)
- 7.2 Port Stephens Council On-Site Sewage Management Development Assessment Framework (DAF)
- 7.3 Port Stephens Council On-Site Sewage Management Technical Manual
- 7.4 The Local Government Act 1993
- 7.5 The Local Government (General) Regulations 2005
- 7.6 Protection of the Environment and Operations Act 1997
- 7.7 Environmental Planning and Assessment Act 1979

Policy

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ITEM 6 - ATTACHMENT 1 REVISED ON-SITE SEWAGE MANAGEMENT POLICY.

Policy

**CONTROLLED DOCUMENT INFORMATION:**

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EDRMS container No	PSC2013-00406	EDRMS record No	TBA
Audience	Staff, installers, consultants, general public		
Process owner	Coordinator Environmental Health and Compliance Development Assessment and Compliance Section Manager		
Author	Coordinator Environmental Health and Compliance		
Review timeframe	2 years	Next review date	November 2021
Adoption date	19 October 2004		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
V1	19/10/2004	Manager Environmental Services	Policy approved by Council	375
V2	28/09/2012	Manager Development Assessment and Environmental Health	Policy amended	010
V2.1	22/11/2016	Coordinator Environmental Health and Regulation	Clearer reference to associated guidelines and modified to new template.	339

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ITEM 6 - ATTACHMENT 1
POLICY.

REVISED ON-SITE SEWAGE MANAGEMENT

Policy



V3	26/11/2019	Coordinator Environmental Health and Compliance	<p>2.4 Council first adopted an On-Site Sewage Management Policy in 1999 with a subsequent reviews in 2004, 2012 and 2016.</p> <p>2.7 The policy also assists Council in the prioritising prioritisation of resources for the efficient regulation and monitoring of on-site sewage management systems and facilitates coordinated data collection, system approval, monitoring and environmental assessment.</p> <p>3.1 Council's non-discretionary role for the regulation of on-site sewage management systems involves those with a capacity to treat less than 2500 equivalent persons or <750kL per day or systems that are not operating under a licence issued by the Office of Environment and Heritage (OEHS) NSW Environment Protection Authority. Council regulates all systems within the LGA except 4 sewage treatment plants (STPs) operated by the Hunter Water Corporation (HWC).</p> <p>5.1 This policy applies to owners and operators of all permanent on-site sewage management systems in the Port Stephens LGA that do not directly discharge human effluent and trade wastes to a Hunter Water Corporation sewer and are not specifically regulated under an environment protection licence of the Office of Environment and Heritage.</p>	TBA
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ITEM 6 - ATTACHMENT 1 REVISED ON-SITE SEWAGE MANAGEMENT POLICY.

Policy



			<p>7.2 Port Stephens Council On-Site Sewage Management Development Assessment Framework (DAF)</p> <p>7.3 Port Stephens Council On-Site Sewage Management Technical Manual 2005</p> <p>7.4 The Local Government Act 1993</p> <p>7.5 the local government (general) regulations.</p>	
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ITEM NO. 7

**FILE NO: 19/316138
EDRMS NO: PSC2013-00406**

POLICY REVIEW: COMPLIANCE POLICY

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Compliance Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Compliance 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 Compliance Policy dated 28 March 2017, Minute No 065, should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

231	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Compliance Policy shown at (ATTACHMENT 1).2) Place the revised Compliance 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 Compliance Policy dated 28 March 2017, Minute No 065, should no submissions be received.
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BACKGROUND

The purpose of this report is for the consideration and exhibition of the revised Compliance Policy (the policy) **(ATTACHMENT 1)**.

Council has an obligation to respond appropriately to customer complaints regarding a wide range of topics and relevant legislation. Due to the miscellaneous nature of compliance matters a broad approach is required and this approach needs to be documented, simple and user friendly such that common sense prevails in its application.

In 2017, Council adopted the current policy that uses the NSW Ombudsman Enforcement Guideline for Local Councils as its framework. Since then, the policy and general approach has been working well.

This review was conducted to ensure the policy continues to align with current legislation and organisational requirements.

There is no change to the intent of the policy and all changes made are administrative corrections or to assist with clarity to the reader.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial/resource implications as the implementation of the policy will continue to be implemented as part of ongoing operations.

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 positive legal, policy and risk implications in reviewing and updating existing policies to assist in facilitating more accurate and robust decision making.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of making poor decisions as a result of an outdated policy.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy addresses the above implications and provides Council with an effective tool for dealing with compliance matters. The policy also seeks to regulate and protect the community in a fair and equitable manner.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Environmental Health and Compliance team.

Internal

In the initial development of this policy the Environmental Health and Compliance team consulted within the Development Assessment and Compliance Section (Planning and Developer Relations and Building and Developer Relations) as well as the Strategy and Environment team.

The Executive Team has also been consulted to seek management endorsement.

External

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

OPTIONS

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

ATTACHMENTS

- 1) Revised Compliance Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 REVISED COMPLIANCE POLICY.

Policy



FILE NO: PSC2013-00406
TITLE: COMPLIANCE POLICY
POLICY OWNER: DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER

1. PURPOSE:

1.1 The purpose of this policy is to outline Port Stephens Council's general approach to compliance and enforcement. The policy relates to the regulation of development activity, pollution control, regulation of parking, natural resource management, environmental health, the control over the keeping of animals and other regulatory issues within Council's area of responsibility as listed in the community strategic plan.

2. CONTEXT/BACKGROUND:

2.1 As compliance is a challenging area with typically high levels of community interest, a policy is required to set the framework to assist staff and provide clarity for the community. The policy was first developed in 2007 and has been updated/amended a number of times since. The policy provides the context around council officers using their discretion and factors to consider when handling compliance matters.

3. SCOPE:

3.1 This policy provides guidance for all compliance related matters in the Port Stephens local government area. The policy particularly applies to, or is useful for persons that are the subject of a compliance investigation, the complainant/submission maker, the general public and Council staff.

3.2 The NSW Ombudsman's Enforcement Guidelines for Council's have been used as the basis of framing this policy and for developing operational procedures to address compliance issues.

4. DEFINITIONS:

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

Discretion	Discretion relates to a Council officers consideration in deciding whether to take enforcement action or not, or what extent of action to take.
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Policy

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ITEM 7 - ATTACHMENT 1 REVISED COMPLIANCE POLICY.

Policy



Principles

The considerations and value to which Council staff consider any compliance matter against as mentioned in this policy.

Risk based approach

In a public and environmental context, risk is measured in terms of the likelihood of an event occurring and the risk of harm to human health and the environment.

5. POLICY STATEMENT:

5.1 Council will carry out its compliance responsibilities in a fair and equitable manner **to ensure:**

- a) ~~Council will ensure~~ The relevant principles **details** are considered in compliance investigations and decisions are made in an environmentally and socially responsible manner.
- b) The initiation of a process of education and creation of awareness within the community in relation to the reasons for and importance of compliance.
- c) The investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approval, notices, licences or breaches of legislation which Council is responsible for enforcing.
- d) Cooperation with other Government Agencies responsible for enforcing legislation that relates to unlawful activities within Port Stephens.
- e) ~~To~~The establish **ment of** clear guidelines for the exercise of discretion in dealing with action requests or complaints about unlawful activity and to assist Council staff.
- f) Council ~~will consider~~s the guiding principles/~~considerations~~ in **Appendix 1** to assist Council staff in meeting the above policy statements to act promptly, consistently and effectively to allegations of unlawful activity.

6. POLICY RESPONSIBILITIES:

- 6.1 The policy is implemented primarily via the ~~Manager Development Assessment and Compliance~~ **Environmental Health and Compliance Coordinator.**
- 6.2 All Council staff that deal with written or verbal requests or complaints alleging unlawful activity are responsible for following the policy framework.
- 6.3 All formal notifications of alleged unlawful activity will be lodged in Councils customer request system and directed to the responsible officer.

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Policy

**7. RELATED DOCUMENTS:**

- 7.1 Local Government Act 1993
- 7.2 Environmental Planning and Assessment Act 1979
- 7.3 Protection of the Environment Operations Act 1997
- 7.4 Roads Act 1993
- 7.5 Companion Animals Act 1998
- 7.6 Public Health Act 2010
- 7.7 Swimming Pools Act 1992
- 7.8 Rural Fires Act 1997
- 7.9 Road Transport Act 2013
- 7.10 Food Act 2003
- 7.11 Impounding Act 1993
- 7.12 Weeds Act **Biodiversity Conservation Act 2016**

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No	PSC2013-00406	EDRMS record No	TBA
Audience	Council staff, the general public.		
Process owner	Development Assessment and Compliance Section Manager		
Author	Environmental Health and Compliance Coordinator		
Review timeframe	Two years	Next review date	September 2021
Adoption date	28/08/2007		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
V1	28/08/2007	Manager Development and Building	Policy adopted by Council	235

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Version	Date	Author	Details	Minute No.
V2	26/11/2013	Manager Development Assessment and Compliance	Amended	344
V2.1	28/03/2017	Development Assessment and Compliance Section Manager	Updated to new template	065
V3	TBA	Development Assessment and Compliance Section Manager	<p>Minor punctuation and grammatical changes throughout including to: 2.1, 3.1, 3.2, 5.1a, 5.1e, 5.1f.</p> <p>6.1 Deleted Manager Development Assessment and Compliance and replaced with Environmental Health and Compliance Coordinator.</p> <p>7.12 Deleted Weeds Act and replaced with Biodiversity Conservation Act 2016.</p>	TBA

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Policy



APPENDIX 1 - COMPLIANCE GUIDING PRINCIPLES / CONSIDERATIONS

Education Awareness and Cooperation

Council will educate the community in relation to regulatory issues and their responsibilities in this regard, taking a proactive role in obtaining cooperation with the community to minimise the occurrence of non-compliances.

Council will encourage the public to try to resolve problems as they arise or come to notice and before they escalate into significant issues.

Whilst prior warning is encouraged prior to pursuing a development or environmental compliance matter, this is assessed on a case by case basis e.g. on the impacts and severity of alleged offence.

Council's response

Council's regulatory role requires that it identifies and responds appropriately to unlawful activities that it has responsibility for regulating. In some instances, using a risk based framework, no further investigation or action may be an appropriate response. If a decision is made not to investigate a complaint beyond a certain stage, the decision and the reasons for it must be recorded and appropriately documented.

Based on the circumstances of the alleged offence, Council will respond in a way that reflects public interest, resource implications and whether the compliance issue poses a significant risk to public safety, health or to the environment.

All action requests or complaints about alleged unlawful activities should be acknowledged at the earliest opportunity and in any event no later than 7 business days. The response should indicate that Council is investigating the complaint and that a report will be forwarded as soon as possible and no later than a further 28 business days. As soon as possible and within a further 28 business days, a further report should be forwarded to the complainant indicating progress in the matter and where applicable council's decision. It is noted that some compliance matters, by their nature require an exhaustive and lengthy process of information gathering and reporting, hence there is an expectation some compliance matters will be ongoing.

Councils Approach

Council will ensure confidentiality and respect privacy requirements when dealing with matters of compliance.

The Council will ensure procedural fairness in matters dealing with non-compliance.

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Policy



Council will act in a manner that is impartial and objective when investigating matters of alleged non-compliance.

Anonymous Complaints

These are complaints made by persons that do not wish to identify themselves but they are required to identify the issue. The complainants need to provide sufficient information to enable Council to identify the activity, its location and nature. In some cases anonymous complaints are not able to be investigated as the follow up action is not able to be reported back to the complainant.

Using Discretion

In regulatory matters, discretion relates to Council's discretion in deciding whether to take enforcement action or not. Council must exercise this discretion in the context of its broad regulatory responsibilities, and experience and the merits of the particular case.

Prioritising unlawful activity

Council uses a risk based approach in assessing compliance matters and priorities.

Applying a risk based approach enables Port Stephens Council to make informed regulatory decisions that ensure its compliance focus is on the biggest risks to the public.

As a means to assist in screening and prioritising complaints, council utilises the following methodology. The methodology is not intended to be exhaustive but is guide to ensure the efficient use of Council resources when considering a response to a compliance issue, given the urgency or seriousness of the complaint. Not all complaints will warrant immediate or extensive investigation.

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ITEM 7 - ATTACHMENT 1 REVISED COMPLIANCE POLICY.

Policy



Compliance Methodology/Considerations Principles

CRITICAL Response time within one (1) business day	MODERATE Response time within seven (7) business days	MINOR Response time within twenty eight (28) business days
Nature <ul style="list-style-type: none"> Requires immediate action The issue is so urgent it needs to be attended to now. 	Nature <ul style="list-style-type: none"> Important but not urgent. The non-compliance does not involve any life threatening issue. It is not critical that the issue be resolved immediately. 	Nature <ul style="list-style-type: none"> Needs attention but is not urgent May escalate to moderate if left unaddressed. In some cases (but not always) it may be resolved without any regulatory intervention.
Public safety/health issue <ul style="list-style-type: none"> Can involve significant public safety issues, likelihood or serious injury or death. 	Public safety/health issue <ul style="list-style-type: none"> Can include moderate, actual or potential public safety issues. 	Public safety/health issues <ul style="list-style-type: none"> Public safety aspects are minimal or unlikely.
Environmental harm <ul style="list-style-type: none"> May involve significant pollution or environmental harm. 	Environmental harm <ul style="list-style-type: none"> Can include moderate or potentially serious impacts on the environment. 	Environmental harm <ul style="list-style-type: none"> Environmental harm is minimal or unlikely.
Examples <ul style="list-style-type: none"> Actions that have or are likely to result in some human harm Can include criminal acts and significant civil breaches. Can include environmental issues that result in long term significant impacts. 	Examples <ul style="list-style-type: none"> Situations that if left could adversely affect human health, safety or the environment over time. 	Examples <ul style="list-style-type: none"> Aesthetic issues Breach of regulation but no immediate or likely adverse impacts Can include neighbour disputes Minor localised issues Technical breaches of legislation.
Possible responses <ul style="list-style-type: none"> Immediate investigation and action. Some remedy or restoration may be necessary. Intervention may include some legal instruments (may include stop work, prohibition, injunction, clean up order, etc.). <p>The last resort is typically court action.</p>	Possible responses <ul style="list-style-type: none"> Depending on the particular issue, it may be necessary to gather evidence immediately. Investigations, actions and intervention may be required. Some remedy or restoration may be necessary. Education and awareness may be an option. Warnings may be issued. Stop work orders, clean up notices, infringement notices and other legal instruments may be required. 	Possible responses <ul style="list-style-type: none"> Investigations/enquiries. Written warning/advice. Follow up actions. Education and awareness may be an option. Remediation/compensation may be required. Legal measures would rarely be used for minor compliance issues, however infringement notices may be used in some cases. <p>No action may be acceptable.</p>

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Policy



Considerations when considering **determining** compliance action

Council will consider a range of factors when deciding the extent to which a matter will be investigated and enforced. The considerations below guide the decision making of Council staff.

Technical breach

Is a minor breach of a regulatory instrument that does not result in any material damage or impact on human health or the environment? It relates primarily to administrative matters, which are in themselves illegal however due to the nature no regulatory action is required.

Jurisdiction

Is the matter in question within the jurisdiction of Council? Is there another body that is a more appropriate regulatory agency to investigate and deal with the matter?

Permissibility

Is the activity or work permissible with or without consent? If the activity is permissible with consent, is there a consent in place? Would consent have been obtained regardless if it was sought? Is the proposal of the scale similar to exempt or complying development?

Is it possible to determine from the information available to Council whether the activity or work is permissible without consent or whether all conditions of consent are being complied with?

Timing issues

Is the complaint premature eg does it relate to some unfinished aspect of work that is still in progress? Has too much time elapsed since the events, the subject of the complaint, took place?

Magnitude of offence

Is the complaint trivial, frivolous or vexatious? Is the activity having a significant detrimental effect on the environment or does it constitute a risk to public health or safety? Are there enforcement measures necessary to ensure compliance and bring about the best environmental outcome? The potential or actual risk of environmental harm caused by the incident. When was the unlawful activity carried out and for how long? Why is it so urgent now when/if it has been ongoing before with no action?

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Policy



Tangible impact

How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the area? Would consent have been given to the party if it had been sought for this particular issue? Can the breach be easily remedied?

Pattern of behavior

Does the complaint indicate the existence of a systemic problem, eg if the complaint is one of a series, could there be a pattern to the conduct or a more wide spread problem? Has the person, the subject of the complaint, received a previous warnings? Is contrition or remorse shown? Cooperation with the Council by the offender and their willingness to commit to appropriate remedial actions.

Voluntary actions by the offender to mitigate any impacts

Are there any particular circumstances of hardship affecting the complainant, or the person the subject of the complaint?

Resource constraints

Does the complaint have special significance in terms of Council's existing priorities? Are there significant resource implications in relation to an investigation and any subsequent enforcement action? Is there any precedent which may be set by not taking action?

Public interest

Is there a potential for a conflict of interest in the investigation or reaction to a complaint? What action would be reasonable and proportionate in this case given the circumstances? What would be in the public interest?

Alternative approaches

Would an educative approach be more appropriate than a coercive approach? What are the costs and the benefits of taking a formal enforcement action, as opposed to taking informal or no action?

Likelihood of success

What are the chances of success if the proposed enforcement action was challenged in Court? Is there a Draft Planning Instrument or policy on exhibition that would make the unauthorised use legal?

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ITEM NO. 8

**FILE NO: 19/339816
EDRMS NO: PSC2015-00487**

POLICY DEVELOPMENT: REZONING REQUEST POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Rezoning Request Policy (**ATTACHMENT 1**).
 - 2) Place the draft Rezoning Request Policy on public exhibition for 28 days and should no submissions be received, the policy be adopted without a further report to Council.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

232	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the draft Rezoning Request Policy (ATTACHMENT 1).2) Place the draft Rezoning Request Policy on public exhibition for 28 days and should no submissions be received, the policy be adopted without a further report to Council.
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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 Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council approval to exhibit the draft Rezoning Request Policy (the 'policy').

Rezoning requests are requests to amend the Port Stephens Local Environmental Plan 2013 and are accompanied by a planning proposal that has been prepared in accordance with guidelines issued by the NSW Department of Planning, Industry & Environment (DPIE).

The draft policy is part of a business improvement project that has been undertaken seeking to standardise processes, reduce assessment timeframes, and streamline rezoning procedures.

The draft policy aims to improve the quality of the information supporting a rezoning request submitted to Council in order to reduce requests for further information during the assessment. Furthermore, the draft policy is intended to provide a framework for clearer upfront advice on rezoning requests prior to lodgement.

Specifically, the draft Rezoning Request Policy has been prepared to:

- reflect recent changes in the DPIE guidelines for rezonings (Planning Proposals – a guide to preparing planning proposals).
- standardise the format of rezoning requests and information requirements.
- standardise Council processes and procedures.

A Rezoning Request Guide (**TABLED DOCUMENT 1**), including a planning proposal template, will be published to assist proponents in preparing rezoning requests and supporting studies. Upfront information requirements aim to reduce the time taken from lodgement to finalisation of rezonings.

The draft policy seeks to reduce processing timeframes by enabling rezoning requests that are consistent with adopted Council strategies to be forwarded to the DPIE for a Gateway determination under delegated authority. Where Council has already adopted a strategy that supports the land use change, the rezoning request will be submitted for assessment by the State government without a further Council report. Note all other rezoning requests will be reported to Council prior to State assessment and every planning proposal will be reported to Council for a final decision. Councillors will be notified when all rezoning requests are lodged via the Councillor newsletter.

The draft policy will also promote more efficient processing of rezoning requests and streamline processes by enabling minor matters to be consolidated and progressed as a single planning proposal.

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 financial or resource implications as the process changes can be funded within the current budget.

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, policy, or risk implications.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that rezoning requests are lodged that are inconsistent with DPIE guidelines and contain inadequate information for assessment.	Medium	Adopt the recommendations of this report.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy enables efficient assessment and processing of rezoning requests in accordance with the planning legislation and relevant State guidelines. No changes are proposed that impact notification and public exhibition requirements under the planning legislation and overall social impacts are considered to be positive.

CONSULTATION

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

Internal

Internal stakeholders have been consulted, including staff that review and assess rezoning requests in the Engineering Services, Natural Resources, and Planning and Developer Relations units. The Community Development and Engagement unit was also consulted.

External

In accordance with local government legislation the draft Rezoning Request Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Draft Rezoning Request Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Rezoning Request Guide.

Policy



FILE NO: PSC2019-03541

TITLE: REZONING REQUEST POLICY

POLICY OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

1.1 The purpose of this Policy is to provide a framework for the process and assessment of requests to amend the Port Stephens Local Environmental Plan 2013 (LEP 2013) (Rezoning Requests).

2. CONTEXT/BACKGROUND:

2.1 Part 3 of the Environmental Planning and Assessment Act 1979 (the Act) enables Council to prepare and make amendments to the LEP 2013. Generally, amendments consist of changes to zoning, but may also include changes to development standards, or other matters in the LEP 2013 that regulate the use of land.

2.2 When Council is initially requested to amend the LEP 2013 (a Rezoning Request), the Act enables Council to require the provision of studies or other information in order to assess the request. This Policy sets out the process and minimum requirements for Rezoning Requests.

2.3 Before the LEP 2013 can be amended, a Planning Proposal is required to be prepared setting out the justification for the proposed change and an explanation of the intended effect (Planning Proposal). The NSW Department of Planning, Industry & Environment (DPIE) requires Planning Proposals to be prepared in accordance with their published guidelines ([Planning Proposals – a guide to preparing Planning Proposals](#)). This Policy is consistent with DPIE requirements.

2.4 The use of delegated authority provides an opportunity for effective and timely decision making in relation to Rezoning Requests, however, it is appropriate that Council is informed of the exercise of delegated authority. In all circumstances, Council may request staff delegation be withdrawn and a Rezoning Request be reported to Council.

2.5 In all circumstances, a final amendment to the LEP 2013 will be reported to Council for adoption prior to being made.

3. SCOPE:

3.1 This Policy applies to all Rezoning Requests.

Policy

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ITEM 8 - ATTACHMENT 1 DRAFT REZONING REQUEST POLICY.

Policy



3.2 This Policy applies to the administration and exercise of Council's functions under Division 3.4 of Part 3 of the Act.

4. DEFINITIONS:

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

Lodgement	Lodgement of a Rezoning Request occurs on the date the relevant fee is paid, or if no fee is charged, on the date the Rezoning Request is submitted in accordance with the Port Stephens Rezoning Request Guide.
Planning Proposal	A report prepared in accordance with the DPIE's Planning Proposals – a guide to preparing Planning Proposals and the the Port Stephens Rezoning Request Guide setting out the justification for the proposed change to the LEP 2013 and an explanation of the intended effect.
Rezoning Request	A formal request for Council to amend the LEP 2013, received from a third party (eg landowner or consultant) and prepared in accordance with the Port Stephens Rezoning Request Guide.

5. POLICY STATEMENT:

5.1 This Policy aims to ensure Rezoning Requests are processed in a consistent, timely and efficient manner.

5.2 A Rezoning Request must be lodged in accordance with the Port Stephens Rezoning Request Guide. Requests that are not lodged in accordance with the Guide will not be accepted for lodgement.

5.3 Council is notified of all lodged Rezoning Requests via PS Newsletter to the Mayor/Councillors.

5.4 Proponents will be notified following a preliminary assessment of the Planning Proposal against the criteria and requirements set out in the DPIE's [Planning Proposals – a guide to preparing Planning Proposals](#) and a Strategic Planning Assessment Report will be prepared.

5.5 Rezoning Requests that are consistent with adopted Council policies and strategies will be forwarded to the DPIE for a Gateway Determination under delegated authority. All other Rezoning Requests will be reported to Council. The Group Manager Development Services and/or Strategy and Environment Section Manager, at their discretion, may also report any Rezoning Requests to Council.

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Policy



- 5.6 Council will be notified of all Rezoning Requests prior to being forwarded to DPIE under delegated authority via PS Newsletter to the Mayor/Councillors.
- 5.7 All final amendments to the LEP 2013 will be reported to Council for adoption prior to being made.
- 5.8 The community can access all Rezoning Requests via a link on Council's website to the DPIE 'LEPs Online System' <http://leptracking.planning.nsw.gov.au/>.
- 5.9 Rezoning Requests for minor matters will be consolidated and progressed as a single Planning Proposal forwarded to the DPIE under delegated authority periodically. Minor matters likely to be considered appropriate for inclusion are set out in the Port Stephens Rezoning Request Guide and include administrative amendments such as zone boundary adjustments and mapping updates to correct errors.

6. POLICY RESPONSIBILITIES:

- 6.1 The Strategy and Environment Section is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the Policy.

7. RELATED DOCUMENTS:

- 7.1 Environmental Planning and Assessment Act 1979.
- 7.2 Port Stephens Local Environmental Plan 2013.
- 7.3 NSW Department of Planning, Industry & Environment's [Planning Proposals – a guide to preparing Planning Proposals](#).
- 7.4 NSW Department of Planning, Industry & Environment's [Local Environmental Plans – a guide to preparing local environmental plans](#).
- 7.5 Port Stephens Rezoning Request Guide.

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EDRMS container No	PSC2019-03541	EDRMS record No	TBA
Audience	Council, Development Services Group and public		
Process owner	Strategy and Environment Section Manager		
Author	Strategic Planning Coordinator		

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Policy



Review timeframe	Two years	Next review date	September 2021
Adoption date	TBA		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	9/9/2019	Strategic Planning Coordinator.	New Policy. First draft.	TBA

Policy

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ITEM NO. 9

**FILE NO: 19/348579
EDRMS NO: PSC2009-02488**

POLICY REVIEW: HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY

REPORT OF: KIM LATHAM - HOLIDAY PARKS SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Holiday Parks Major Event Sponsorship and Promotions Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Holiday Parks Major Event Sponsorship and Promotions Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be endorsed, without a further report to Council.
 - 3) Revoke the Holiday Parks Event Sponsorship and Promotions Policy dated 14 May 2019, Minute No 091, should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

233	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Holiday Parks Major Event Sponsorship and Promotions Policy shown at (ATTACHMENT 1).2) Place the revised Holiday Parks Major Event Sponsorship and Promotions Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be endorsed, without a further report to Council.3) Revoke the Holiday Parks Event Sponsorship and Promotions Policy dated 14 May 2019, Minute No 091, should no submissions be received.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the amendments to the Holiday Parks Sponsorship and Promotions Policy (the 'policy').

Council, at its meeting on the 14 May 2019, Minute No 091 (**ATTACHMENT 2**) endorsed a new policy that provides a process for Port Stephens Holiday Parks to assess one off requests for in-kind support, usually in the form of providing an accommodation donation at any of the 5 holiday parks under its control.

Amendments to this policy now seeks to include and clarify how Port Stephens Holiday Parks supports major Council event sponsorships through the provision of a maximum of 250 room nights per annum.

Sponsorship is a common business function across all industry sectors. In a Council setting, corporate sponsorship is the mechanism which allows Council to support initiatives with the potential to generate economic benefit as well as reputation benefit or community benefit for Port Stephens.

The amended policy provides a transparent framework into how the Holiday Parks Section of Council assesses sponsorship requests and how Council will promote the existence of sponsorship opportunities.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maximise non-rate revenue and investment to support Council services.

FINANCIAL/RESOURCE IMPLICATIONS

The policy has no known financial or resource implications and any activities will continue to be carried out in line with existing budgets.

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

The policy provides an equitable framework through which Council can provide sponsorship and is written in accordance with Council's Sponsorship Policy, the Local Government Act 1993 and Sponsorship in the public sector – A guide to developing policies and procedures for both receiving and granting sponsorship; Independent Commission Against Corruption (ICAC), May 2006.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the recommendations will affect Council's reputation.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy provides the framework to ensure equitable and timely decisions are made by Council with regard to sponsorship arrangements while at the same time ensuring community expectations are met.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Holiday Parks Section to ensure the policy aligns with Council's objectives.

Internal

- Marketing and Promotions Manager.
- Group Manager Corporate Services.
- Governance Section Manager.

External

In accordance with local government legislation the draft Holiday Parks Major Event Sponsorship and Promotions Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Holiday Parks Major Event Sponsorship and Promotions Policy.
- 2) Minute No 091 - 14 May 2019.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 9 - ATTACHMENT 1 REVISED HOLIDAY PARKS MAJOR EVENT
SPONSORSHIP AND PROMOTIONS POLICY.

Policy



FILE NO: PSC2009-02488

TITLE: HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND
PROMOTIONS POLICY

POLICY OWNER: HOLIDAY PARKS SECTION MANAGER

1. PURPOSE:

1.1 This policy provides clarity around how the Port Stephens holiday parks support major Council event sponsorships through the provision of a maximum of 250 room nights per annum.

1.2 This policy also provides clarity around the means in which Port Stephens Beachside holiday parks allocate a one off request for in-kind support, usually in the form of providing an accommodation donation at any of the 5 holiday parks under its control.

2. CONTEXT/BACKGROUND:

2.1 Port Stephens is a tourism and hospitality mecca that attracts 100,000s of visitors annually to experience the many natural attractions that this region has to offer.

2.2 Operating five 5 holiday parks that offer a variety of accommodation experiences including beachside holidays, unique retreats and nature escapes, Port Stephens Beachside holiday parks are well renowned and highly desired established parks.

2.3 The holiday parks include Fingal Bay Holiday Park, Halifax Holiday Park, Shoal Bay Holiday Park, Port Stephens Treescape Koala Sanctuary and Thou walla Sunset Retreat.

2.4 Current major sponsorship investment for events in Port Stephens is provided by Council's Economic Development and Tourism unit. Funds are used as seed funding to grow new events, expand existing events and also provide assistance to cover the relevant fees and charges associated with holding events on Council owned or managed land. Other assistance is provided in the form of in-kind marketing and communications support.

2.5 There has been an increasing demand for additional support for major events in the form of discounted or complimentary accommodation for officials, VIPs and competitors.

2.6 To facilitate this strategy, Port Stephens holiday parks has developed a formal major sponsorship assessment and approval process which clearly articulates the benefits provided in a fair and transparent manner.

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ITEM 9 - ATTACHMENT 1 REVISED HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY.

Policy



2.7 Additionally, Port Stephens Beachside holiday parks receive numerous unsolicited requests for **minor** in-kind accommodation donations from organisations and individuals to use as raffle prizes, giveaways and industry familiarisations.

2.8 Additionally Some organisations, such as media outlets, **travel industry and trade organisations** make **unsolicited** approaches to offer contra advertising opportunities using an accommodation donation provided in-kind.

3. SCOPE:

3.1 Major event sponsorship approaches are received either via Council's Economic Development and Tourism unit or directly to Port Stephens holiday parks.

3.2 Usually, major event sponsorship approaches are made for in-kind accommodation support are:

- a) included within a major event proposal based on the duration of the event.
- b) for persons associated with the major event including, but not limited to, VIPs, players, coaches, team management and officials, event organisers and other support staff.
- c) outline relevant sponsorship cooperative media and promotional opportunities between both organisations.

3.3 Usually **minor** unsolicited approaches made for in-kind accommodation donations are:

- a) between 1-7 nights
- b) used to raise much needed funds for charity groups as prizes in raffles, trivia nights and other fundraising events
- c) industry familiarisation (usually 1-2 nights) requests can be last minute due to schedule changes and itinerary alterations
- d) media contra advertising opportunity requests are usually received in advance and provide targeted organisational promotional exposures.

4. DEFINITIONS:

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

SPONSORSHIP

A commercial relationship between Port Stephens Beachside holiday parks and a third party (organisation, group or individual), governed by written agreement. Sponsorship involves provision of one off non-financial (in-kind)

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ITEM 9 - ATTACHMENT 1 REVISED HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY.

Policy



accommodation support in return for mutually agreed economic or reputational benefits.

5. POLICY STATEMENT:

5.1 Port Stephens Beachside holiday parks is committed to playing a role within the promotion of the region by supporting those organisations, industry and media who provide suitable brand exposures.

5.2 Criteria for providing major event sponsorship support in the form of discounted or complimentary accommodation

5.2.1 All requests for major event sponsorship support is considered via:

- a) the sponsorship assessment matrix (**ATTACHMENT 1**) and weighted against essential criteria
- b) assessments to include use of REMPLAN Tourism Economic Impact Summary report

5.3 One off major event sponsorship support partners Development and Tourism unit.

5.3.1 Port Stephens holiday parks will only enter into major event sponsorship with reputable organisations and groups. Any organisation or group that has the potential to involve Port Stephens holiday parks in controversial issues or exposure to adverse criticism will not be considered.

5.3.2 No Mayor/Councillor or Port Stephens Council employee, or members of their families are to receive personal benefit from one off in-kind accommodation support.

5.4 Approval of major event sponsorship support

5.4.1 Major event sponsorship support requests are approved by Port Stephens Holiday Parks Section Manager on receipt of outcomes of assessment and recommendations from the Marketing and Promotions Manager.

5.5 Criteria for providing one off requests for minor in-kind accommodation support.

5.5.1 All requests for one off minor in-kind accommodation support is considered on a case-by-case basis. To be eligible to apply the following criteria's must be met:

- a) requests must be in writing stating the nature of support required
- b) requests must outline details of fundraising activities, what is the Industry familiarisation's purpose or the Contra value to Beachside Port Stephens holiday parks

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**ITEM 9 - ATTACHMENT 1 REVISED HOLIDAY PARKS MAJOR EVENT
SPONSORSHIP AND PROMOTIONS POLICY.**

Policy



- c) requests must outline any reputational return to Beachside Port Stephens holiday parks to raise parks profile.

5.6 One off minor in-kind accommodation support partners

- 5.6.1 Port Stephens Beachside holiday parks will only enter into one off minor in-kind support with reputable organisation and groups. Any organisation or group that has the potential to involve Port Stephens Beachside holiday parks in controversial issues, or expose to adverse criticism will not be considered.

- 5.6.2 No Mayor/Councillor or Port Stephens Council employee, or members of their families, are to receive personal benefit from one off minor in-kind accommodation support.

5.7 Approval of one off minor in-kind accommodation support

- 5.7.1 One off minor in-kind accommodation support requests are approved by the Holiday Parks Section Manager on receipt of a recommendation from the Marketing and Promotions Manager proposing the in-kind support.

6. POLICY RESPONSIBILITIES:

- 6.1 The Holiday Parks Section Manager has overall responsibility for the implementation of this policy.
- 6.2 Applications for sponsorship may be received and coordinated at coordinator level, if relevant to their role at Council. In all cases, consultation with the relevant section and group manager must occur prior to agreement being entered into.
- 6.3 The relevant section manager is responsible for reporting sponsorship requests over \$20,001 ~~\$40,001~~ to Council for endorsement.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Code of Conduct.
- 7.2 Port Stephens Council Sponsorship Policy.
- 7.3 Local Government Act 1993.
- 7.4 Sponsorship in the public sector – A guide to developing policies and procedures for both receiving and granting sponsorship; Independent Commission Against Corruption (ICAC), May 2006.

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ITEM 9 - ATTACHMENT 1 REVISED HOLIDAY PARKS MAJOR EVENT SPONSORSHIP AND PROMOTIONS POLICY.

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EDRMS container No	PSC2009-02488	EDRMS record No	19/102621
Audience	Event organisers, community organisations and the Port Stephens Community.		
Process owner	Holiday Parks Section Manager.		
Author	Holiday Parks Section Manager.		
Review timeframe	2 years	Next review date	
Adoption date	14 May 2019		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	14 May 2019	Marketing and Promotions Manager	New policy.	091

Policy

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**ITEM 9 - ATTACHMENT 1 REVISED HOLIDAY PARKS MAJOR EVENT
SPONSORSHIP AND PROMOTIONS POLICY.**

Policy



2		Marketing and Promotions Manager	<p>Updated title to include 'major event'.</p> <p>1.1 – new paragraph.</p> <p>1.2 Inserted 'also' and removed 'Beachside'.</p> <p>2.2 – Updated 'five' to '5'.</p> <p>Added paragraphs 2.4 – 2.6 and updated consecutive paragraph numbering.</p> <p>2.3 – Remove reference to 'Treescape', replace with 'Port Stephens Koala Sanctuary'.</p> <p>2.7 – Removed reference to 'Beachside' – inserted 'additionally' and 'minor'.</p> <p>2.8 – Removed 'additionally' and added 'travel industry and trade organisations' and 'unsolicited'.</p> <p>Added paragraphs 3.1 and 3.2 and updated consecutive paragraph numbering.</p> <p>3.3 – inserted 'minor'.</p> <p>4.1 – removed 'Beachside'</p> <p>5.1 – removed 'Beachside'</p> <p>Added paragraphs 5.2 – 5.4 and updated consecutive paragraph numbering.</p> <p>5.5 – added 'minor'.</p> <p>5.5.1 – added 'minor'.</p> <p>5.5.1b) – removed 'Beachside' added 'Port Stephens'.</p> <p>5.5.1c) - removed 'Beachside' added 'Port Stephens'.</p> <p>5.6 – Added 'minor'.</p> <p>5.6.1 - removed 'Beachside', added 'minor'.</p> <p>5.6.2 – added 'minor'.</p> <p>5.7 – added 'minor'.</p>	
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**ITEM 9 - ATTACHMENT 1 REVISED HOLIDAY PARKS MAJOR EVENT
SPONSORSHIP AND PROMOTIONS POLICY.**

Policy



			5.7.1 – added 'minor'. 6.3 – removed '\$20,001' and replaced with '\$40,001' in line with Corporate Sponsorship policy.	
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ATTACHMENT 1

Sponsorship Assessment Matrix



Organisations Name						
Sponsorship Dates (if applicable)						
Sponsorship Requested						
Sponsorship Details						
Essential Criteria					Yes or No	Comments
Is the sponsorship proposed for PSBHP's Peak Periods? <i>[Peak periods, School & Public Holidays]</i>	This Section Left Intentionally Blank				NO	
Is the sponsorship consistent with PSBHP Business Objectives?					YES	
Is sponsorship proposed for an event to be held within the Port Stephens LGA?					YES	
Is the event funded by other sponsorship parties?					NO	
Has this Organisation requested sponsorship from PSBSHP previously?					NO	
Has the Organisation ever received sponsorship from PSBSHP previously?					NO	
Does this sponsorship go toward the marketing of PSBHP as a sponsor?					YES	
Are there any potential conflicts of interest in relation to providing this sponsorship?					NO	
Investment	1	2	3	4	Score	
Amount of FOC sponsorship accommodation nights requested	21 + nights	14 - 20 nights	7 - 13 nights	0 - 6 nights	4	
Marketing Opportunities					Yes or No	
Digital Reach : Potential use of PSBSHP's Logos hyperlinked on websites	This Section Left Intentionally Blank				YES	
Digital Reach : Potential Social media mentions (Facebook, Twitter, Instagram, LinkedIn, YouTube)					YES	
Digital Reach : Potential Broadcast coverage inclusion (Free to air TV, paid, radio)					YES	
Digital Reach : Potential inclusion in event EDM mailouts					YES	
Printed Reach : Potential Print media coverage (Event program, Newspaper, Magazine, Journal)					YES	
Printed Reach : Potential insert of PSBSHP's Marketing Materials in Welcome packs Event displays etc					YES	
Event Announcements : Opportunities to promote PSBSHP's throughout event					YES	
Potential Visitation Outcomes	1	2	3	4	Score	
Exposure Numbers from LGA (Local residents)	< 100	100 - 250	250 - 500	> 500	4	
Exposure Numbers from region (Day trippers)	< 50	50 - 150	150 - 300	> 300	4	
Exposure Numbers from outside region (Tourists)	< 50	50 - 100	100 - 200	> 200	4	
Sponsorship Outcomes	1	2	3	4	Score	
What are the Promotional Exposures for Beachside Holiday Parks like?	None	Low	Medium	High	4	
Will this generate Economic Benefit through increased visitation to PSBSHP's?	None	Low	Medium	High	4	
Will this sponsorship enhance the profile and image of Beachside Holiday Parks?	None	Low	Medium	High	4	
Will the sponsorship result in BHP brand awareness opportunities?	None	Low	Medium	High	4	
Any Strategic Benefit Outcomes	1	2	3	4	Score	
Aligns to PSBHP Operational Plan L 2.2.1 & L 2.2.4 (Maximise Council's Non rate revenues)	1	2	3	4	4	
Will this sponsorship strengthen Council's ties to the local community?	1	2	3	4	4	
Total (Out of a possible 100)					100	

Sponsorship Assessment Score
100.00%

Sponsorship Assessment Score Weightings
< 64% Application does not meet the Assessment Criteria
65% > 74% Review Application [Additional information requested from Applicant Includes results of REMPLAN Tourism Impact Summary Report]
75% > Support Application [Includes results of REMPLAN Tourism Impact Summary Report]

	Weightings	Ratings	Weighted Scores
Essential Criteria	32	32	100.00%
Investment	4	4	100.00%
Marketing Opportunities	28	28	100.00%
Potential Visitation Outcomes	12	12	100.00%
Sponsorship Outcomes	16	16	100.00%
Strategic Benefits	8	8	100.00%
TOTAL	100	100	100.00%

MINUTES ORDINARY COUNCIL - 14 MAY 2019**ITEM NO. 6****FILE NO: 19/108969
EDRMS NO: PSC2009-02488****POLICY: HOLIDAY PARKS SPONSORSHIP AND PROMOTIONS POLICY****REPORT OF: KIM LATHAM - HOLIDAY PARKS SECTION MANAGER
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the draft Holiday Parks Sponsorship and Promotions Policy shown at **(ATTACHMENT 1)**.
- 2) Place the draft Holiday Parks Sponsorship and Promotions Policy on public exhibition for a period of 28 days and should no submissions be received, the Policy be endorsed, without a further report to Council.

ORDINARY COUNCIL MEETING - 14 MAY 2019**MOTION**

091	Councillor Chris Doohan Councillor Sarah Smith It was resolved that Council: <ol style="list-style-type: none">1) Endorse the draft Holiday Parks Sponsorship and Promotions Policy shown at (ATTACHMENT 1).2) Place the draft Holiday Parks Sponsorship and Promotions Policy on public exhibition for a period of 28 days and should no submissions be received, the Policy be endorsed, without a further report to Council.
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BACKGROUND

The purpose of this report is to seek Council's endorsement of the draft Holiday Parks Sponsorship and Promotions Policy (the 'Policy').

This is a new Policy which provides a process for Port Stephens Beachside Holiday Parks to assess one off requests for in-kind support, usually in the form of providing an accommodation donation at any of the five holiday parks under its control.

Sponsorship is a common business function across all industry sectors. In a Council setting, corporate sponsorship is the mechanism which allows Council to support initiatives with the potential to generate economic benefit as well as reputation benefit or community benefit for Port Stephens.

MINUTES ORDINARY COUNCIL - 14 MAY 2019

The Policy provides a transparent framework into how the Holiday Parks Section of Council assesses sponsorship requests and how Council will promote the existence of sponsorship opportunities.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maximise non-rate revenue and investment to support Council services.

FINANCIAL/RESOURCE IMPLICATIONS

The Policy has no known financial or resource implications and any activities will continue to be carried out in line with existing budgets.

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

The Policy provides an equitable framework through which Council can provide sponsorship and is written in accordance with Council's Sponsorship Policy, the *Local Government Act 1993* and *Sponsorship in the public sector – A guide to developing policies and procedures for both receiving and granting sponsorship; Independent Commission Against Corruption (ICAC), May 2006*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may enter into sponsorship arrangements without a formal framework in place, leading to financial and reputational loss.	Low	Adopt the recommendations.	Yes

MINUTES ORDINARY COUNCIL - 14 MAY 2019**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Policy provides the framework to ensure equitable and timely decisions are made by Council with regard to sponsorship arrangements while at the same time ensuring community expectations are met.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Holiday Parks Section to ensure the Policy aligns with Council's objectives.

Internal

- Holiday Parks Section Manager.
- Marketing and Promotions Manager.
- Group Manager Corporate Services.
- Governance Section Manager.

External

- In accordance with local government legislation the draft Holiday Parks Sponsorship and Promotions Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Draft Holiday Parks Sponsorship and Promotions policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 14 MAY 2019**ITEM 6 - ATTACHMENT 1 DRAFT HOLIDAY PARKS SPONSORSHIP AND PROMOTIONS POLICY.**

Policy



FILE NO: PSC2009-02488
TITLE: HOLIDAY PARKS SPONSORSHIP AND PROMOTIONS POLICY
POLICY OWNER: HOLIDAY PARKS SECTION MANAGER

1. PURPOSE:

1.1 This policy provides clarity around the means in which Port Stephens Beachside Holiday Parks allocates one off requests for in-kind support, usually in the form of providing an accommodation donation at any of the five holiday parks under its control.

2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens is a tourism and hospitality mecca that attracts 100,000's of visitors annually to experience the many natural attractions that this region has to offer.
- 2.2 Operating five Holiday Parks that offer a variety of accommodation experiences including Beachside Holidays, Unique Retreats and Nature Escapes, Port Stephens Beachside Holiday Parks are well renowned and highly desired established parks.
- 2.3 The Holiday Parks include Fingal Bay Holiday Park, Halifax Holiday Park, Shoal Bay Holiday Park, Port Stephens Treescape and Thou walla Sunset Retreat.
- 2.4 Port Stephens Beachside Holiday Parks receives numerous unsolicited requests for in-kind accommodation donations from organisations and individuals to use as raffle prizes, giveaways and industry familiarisations.
- 2.5 Additionally some organisations, such as media outlets, make approaches to offer Contra advertising opportunities using an accommodation donation provided in-kind.

3. SCOPE:

- 3.1 Usually unsolicited approaches made for in-kind accommodation donations are:
- a) between 1-7 nights;
 - b) used to raise much needed funds for charity groups as prizes in raffles, trivia nights and other fundraising events;
 - c) industry familiarisation (usually 1-2 nights) requests can be last minute due to schedule changes and itinerary alterations;
 - d) media Contra advertising opportunity requests are usually received in advance and provide targeted organisational promotional exposures.

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MINUTES ORDINARY COUNCIL - 14 MAY 2019**ITEM 6 - ATTACHMENT 1
PROMOTIONS POLICY.****DRAFT HOLIDAY PARKS SPONSORSHIP AND**

Policy

**4. DEFINITIONS:**

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

SPONSORSHIP

A commercial relationship between Port Stephens Beachside Holiday Parks and a third party (organisation, group or individual), governed by written agreement. Sponsorship involves provision of one off non-financial (in-kind) accommodation support in return for mutually agreed economic or reputational benefits.

5. POLICY STATEMENT:

5.1 Port Stephens Beachside Holiday Parks is committed to playing a role within the promotion of the region by supporting those organisations, industry and media who provide suitable brand exposures.

5.2 Criteria for providing one off requests for in-kind accommodation support.

5.2.1 All requests for one off in-kind accommodation support is considered on a case-by-case basis. To be eligible to apply the following criteria's must be met:

- a) requests must be in writing stating the nature of support required;
- b) requests must outline details of fundraising activities, what is the Industry familiarisation's purpose or the Contra value to Beachside Holiday Parks;
- c) requests must outline any reputational return to Beachside Holiday Parks to raise parks profile.

5.3 One off In-kind accommodation support partners

5.3.1 Port Stephens Beachside Holiday Parks will only enter into one off in-kind support with reputable organisation and groups. Any organisation or group that has the potential to involve Port Stephens Beachside Holiday Parks in controversial issues, or expose to adverse criticism will not be considered.

5.3.2 No Mayor/Councillor or Port Stephens Council employee, or members of their families, are to receive personal benefit from one off in-kind accommodation support.

5.4 Approval of One off In-kind accommodation support

5.4.1 One off in-kind accommodation support requests are approved by the Holiday Parks Section Manager on receipt of a recommendation from the Marketing and Promotions Manager proposing the in-kind support.

Policy

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Page: 2 of 4

MINUTES ORDINARY COUNCIL - 14 MAY 2019

ITEM 6 - ATTACHMENT 1 DRAFT HOLIDAY PARKS SPONSORSHIP AND PROMOTIONS POLICY.

Policy



6. POLICY RESPONSIBILITIES:

- 6.1 The Holiday Parks Section Manager has overall responsibility for the implementation of this policy.
- 6.2 Applications for sponsorship may be received and coordinated at coordinator level, if relevant to their role at Council. In all cases, consultation with the relevant section and group manager must occur prior to agreement being entered into.
- 6.3 The relevant section manager is responsible for reporting sponsorship requests over \$20,001 to Council for endorsement.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Code of Conduct.
- 7.2 Port Stephens Council Sponsorship Policy.
- 7.3 *Local Government Act 1993*.
- 7.4 *Sponsorship in the public sector – A guide to developing policies and procedures for both receiving and granting sponsorship; Independent Commission Against Corruption (ICAC), May 2006.*

Policy

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MINUTES ORDINARY COUNCIL - 14 MAY 2019

ITEM 6 - ATTACHMENT 1 DRAFT HOLIDAY PARKS SPONSORSHIP AND PROMOTIONS POLICY.

Policy



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EDRMS container No	PSC2009-02488	EDRMS record No	19/102621
Audience	Event organisers, community organisations and the Port Stephens Community.		
Process owner	Holiday Parks Section Manager.		
Author	Holiday Parks Section Manager.		
Review timeframe	Two years	Next review date	
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1		Marketing and Promotions Manager	New policy.	

Policy

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ITEM NO. 10**FILE NO: 19/176472
EDRMS NO: PSC2018-03650****ANNUAL REPORT 2018 TO 2019**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Annual Report Financial Year 2018-2019 (**ATTACHMENTS 1 AND 2**).
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

234	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council adopt the Annual Report Financial Year 2018-2019 (ATTACHMENTS 1 AND 2).
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BACKGROUND

The purpose of this report is to present to Council and the community the Annual Report 2018-2019. The Annual Report is in 2 volumes:

- Volume 1 is the report of activities and operations of Council for the financial year to 30 June 2019, reporting on statutory requirements and Council's achievements in implementing its Delivery Program (**ATTACHMENT 1**).
- Volume 2 is the audited financial statements of Council to 30 June 2019 (**ATTACHMENT 2**).

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Volume 1 of the Annual Report contains a summary of Council's financial performance, capital expenditure and governance across the whole of Council's operations. As at 30 June 2019, Council achieved its organisational target of an underlying financial surplus.

Volume 2 of the Annual Report 2018-2019 contains the audited accounts of Council.

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

The Annual Report has been prepared in accordance with section 428(1), section 428(2) and section 428(3) and 428(4) of the Local Government Act 1993.

The Annual Financial Reports were adopted by Council at its meeting of 12 November 2019, Minute 206 (**ATTACHMENT 3**).

Section 428(5) of the Local Government Act 1993 states:

"A copy of the Council's annual report must be posted on the council's website and provided to the Minister and such other persons and bodies as the regulations may require. A copy of a Council's annual report may be provided to the Minister by notifying the Minister of the appropriate URL link to access the report on the Council's website."

Subject to adoption of the Annual Report by Council, Officers will place the Annual Report 2018-2019 on Council's website and in Council libraries and advise the Office of Local Government.

Section 428A(1) states:

"The annual report of a council in the year in which an ordinary election of councillors is to be held must include a report (a state of the environment report) as to the state of the environment in the local government area."

A State of the Environment report is not required for 2018-2019.

Circular No 19-28 / 05 November 2019 / A663364 additionally outlines that Councils:

- “should ensure they report performance against targets, outcomes, efficiency and cost effectiveness over time.”
- include reporting on councillor professional development training.

Volume 1 of the Annual Report provides Council's performance against its 6 main result measures over time and reports on the outcomes of the Delivery Program for 2018-2019 including the effectiveness of its Operational Plan actions, efficiencies in business operations and financial sustainability since 2012. The statutory statements contained within the Annual Report also report on councillor professional development training.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that failure to provide the Annual Report within the legislated timeframe could lead to reputational loss and a breach of the Local Government Act 1993.	Low	Council adopts the Annual Report 2018-2019 Volumes 1 and 2.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Annual Report 2018-2019 provides information on Council's performance and achievements across a range of social, economic and environmental factors, outlining the principal activities of Council which are based on the 4 pillars of sustainability. Council is committed to transparent reporting and accountability to our community.

Council continues to achieve its high targets for key metrics of service delivery, governance, risk management and financial sustainability and is considered by the Office of Local Government “Fit for the Future”. Our employee engagement score continues to be high for any organisation, particularly in the local government sector, at 68% but is just short of our ambitious target of 70% engagement. Our community satisfaction score of 76% is also considered high in the local government sector. In 2018-2019 Council shifted the target to 80% satisfaction as part of our commitment to continuous improvement.

The key result measures underpin everything that Council does, and by balancing these metrics Council ensures that:

- 'we deliver on what we say we're going to do'.
- the community is satisfied with the level of service provided.
- the right practices and governance are in place.
- Council has an appropriate risk maturity.
- we have engaged employees who deliver on what we say we're going to do.
- Council is financially sustainable.

These key result measures (metrics) are:

Service Delivery:

- Target: > 95% Integrated Plans delivered on time.
- Achievement: 97.8% of Operational Plan actions on track.

Community Satisfaction

- Target: > 80% Community Satisfaction.
- Achievement: 76.2% overall community satisfaction score (Source: 2019 Community Satisfaction Survey).

Employee Engagement

- Target: > 70% employee engagement.
- Achievement: 68% (Source: AON Hewitt 2018).

Governance

- Target: > 95% Governance Health Check.
- Achievement: 98.1% (as at June 2019).

Risk Management

- Target: > 80% Risk Management Maturity score.
- Achievement: 86% (Actual in 2019).

Financial Sustainability

- Target: underlying financial surplus.
- Achievement: underlying financial surplus of \$1.003M.

CONSULTATION

Compilation of the Annual Report 2018-2019 has occurred in consultation with the following key stakeholders:

Internal

- Executive Team.
- Section Managers.
- Council Officers.

Information was gathered from across Council to compile the Annual Report 2018-2019.

External

- Office of Local Government.

If adopted by Council, the Annual Report 2018-2019 will be placed on Council's website, with the appropriate web link advised to the Office of Local Government and hard copies distributed to Council's libraries and the State Library of New South Wales.

OPTIONS

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

ATTACHMENTS

- 1) Annual Report Volume 1. (Provided under separate cover)
- 2) Annual Report Volume 2. (Provided under separate cover)
- 3) 2018-19 Annual Financial Statements - Minute 206 - 12 November 2019.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 10 - ATTACHMENT 3 2018-19 ANNUAL FINANCIAL STATEMENTS -
MINUTE 206 - 12 NOVEMBER 2019.****MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019****ITEM NO. 2****FILE NO: 19/333522
EDRMS NO: PSC2017-00180****2018-2019 ANNUAL FINANCIAL STATEMENTS****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the 2018-2019 Annual Financial Statements (**ATTACHMENT 1**) and accept the Auditor's reports, as submitted by the Audit Office of New South Wales; and
- 2) Place the 2018-2019 Annual Financial Statements on public exhibition, with submissions accepted until 5pm on 19 November 2019 in line with legislation.

**ORDINARY COUNCIL MEETING - 12 NOVEMBER 2019
MOTION**

206	Councillor Ken Jordan Councillor Jaimie Abbott It was resolved that Council: <ol style="list-style-type: none">1) Adopt the 2018-2019 Annual Financial Statements (ATTACHMENT 1) and accept the Auditor's reports, as submitted by the Audit Office of New South Wales; and2) Place the 2018-2019 Annual Financial Statements on public exhibition, with submissions accepted until 5pm on 19 November 2019 in line with legislation.
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BACKGROUND

The purpose of this report is to advise Council that the 2018-2019 Annual Financial reports have been prepared in accordance with Australian Accounting Standards, the Local Government Act 1993 and associated regulations and the Local Government Code of Accounting Practice.

The Annual Financial reports have been reviewed by Council's Auditors (The Audit Office of New South Wales) and the Audit Committee. This report is to formally present Council's Annual Financial reports for the year ended 30 June 2019, together with the Auditor's Report, to the public in accordance with sections 418 and 419 of the Local Government Act 1993.

**ITEM 10 - ATTACHMENT 3 2018-19 ANNUAL FINANCIAL STATEMENTS -
MINUTE 206 - 12 NOVEMBER 2019.****MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019**

Included with the Annual Financial reports is a holiday parks and investment property report which shows the financial result for all holiday parks operated by Council, together with the financial result for Council's investment property portfolio and the Newcastle Airport.

A summary of the key points of the 2018-2019 Annual Financial Reports is shown at **(ATTACHMENT 2)** to assist with legibility.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

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, POLICY AND RISK IMPLICATIONS

There are no known legal or policy implications. The risk implications are listed in the table below.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Annual Financial Statements will not be adopted by Council and contravene legislation.	Low	That Council adopt the Annual Financial Statements and submit for public exhibition.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Completion of the Annual Financial reports provides Council with the information needed to facilitate prudent financial management decision making which will have a positive impact on the community.

**ITEM 10 - ATTACHMENT 3 2018-19 ANNUAL FINANCIAL STATEMENTS -
MINUTE 206 - 12 NOVEMBER 2019.****MINUTES ORDINARY COUNCIL - 12 NOVEMBER 2019****CONSULTATION**

Consultation with key stakeholders has been undertaken by the Financial Services Section.

The Annual Financial Statements, including the Auditor's reports, have been circulated separately to Councillors for their information and a two way conversation was also held with one of the auditors in attendance to discuss the reports.

Internal

- Senior Leadership Team.
- Audit Committee.

External

- The Audit Office of New South Wales.

Public notice of the presentation of the audited Annual Financial Statements was advertised in the Port Stephens Examiner from 30 October 2019 and copies of the Annual Financial Statements have been made available at the Council Administration Building, Raymond Terrace Library, Tomaree Library, Mobile Library and on Council's website.

Submissions from the public on the audited Annual Financial Statements will be accepted for 7 days after this Council meeting from 13 November 2019 to 19 November 2019.

OPTIONS

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

ATTACHMENTS

- 1) 2018-2019 Annual Financial Statements.
- 2) Key discussion points.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 11**FILE NO: 19/136424
EDRMS NO: PSC2014-00882****UPDATE TO TERMS OF REFERENCE FOR THE PORT STEPHENS BEACHSIDE
HOLIDAY PARKS HOLIDAY VAN CONSULTATIVE COMMITTEE****REPORT OF: KIM LATHAM - HOLIDAY PARKS SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Port Stephens Beachside Holiday Parks
Holiday Van Consultative Committee Terms of Reference **(ATTACHMENT 1)**.
-

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

235	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council endorse the amendments to the Port Stephens Beachside Holiday Parks Holiday Van Consultative Committee Terms of Reference (ATTACHMENT 1) .
------------	--

BACKGROUND

The purpose of this report is to adopt the revised Terms of Reference for the Port Stephens Beachside Holiday Parks Holiday Van Consultative Committee which has been updated to Council's new template.

The Port Stephens Beachside Holiday Parks Holiday Van Consultative Committee comprises Council staff and elected representatives from the Council managed Crown Holiday Parks. The purpose of the Committee is to represent and inform the holiday van owners who hold occupancy agreements with Council to reside in mobile dwellings within Shoal Bay Holiday Park, Halifax Holiday Park and Fingal Bay Holiday Park.

The dissolution of the Port Stephens Holiday Park Reserve Trust due to the new Crown Land Management Act 2016 coming into effect on 1 July 2018 means that Council are now recognised as Land Managers for our Crown Holiday Parks under the terms of the Local Government Act 1993 and are responsible for the approval of any changes to the Terms of Reference.

The revised terms of reference are detailed at **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maximise non-rate revenue and investment to support Council services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from accepting the recommendations.

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

The Port Stephens Beachside Holiday Parks Consultative Committee Terms of Reference has been reviewed by Council's legal services.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the recommendation will be detrimental to effective and timely communication between Council and the Crown Holiday Park Holiday Van Owners.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no known implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Holiday Parks Section.

Internal

- Council's Legal Services Team has reviewed all documents relating to the Terms of Reference.
- Holiday Park Managers.

External

- Holiday Van Consultative Committee representatives.

OPTIONS

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

ATTACHMENTS

- 1) Revised Terms of Reference.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Terms of Reference



PORT STEPHENS BEACHSIDE HOLIDAY VAN CONSULTATIVE COMMITTEE

1. PURPOSE

- 1.1 The purpose of the Holiday Van Consultative Committee is to provide a forum for meaningful discussion, facilitating appropriate consultation and engagement with holiday van owners toward the implementation stages of development and change occurring across the Fingal Bay, Shoal Bay and Halifax Holiday Parks.
- 1.2 To ensure that **Holiday Van Owners'** concerns and issues are understood and accurately presented to the **Committee** for discussion.
- 1.3 To improve communication and act as an information channel between **Holiday Van Owners**, the **Council** and **Park Management**.
- 1.4 To act in a way that improves communication channels between **Holiday Van Owners** and **Park Management**.
- 1.5 To provide a forum for open discussion. Issues are to be of a collective nature only.
- 1.6 To consider relevant information to be circulated in the Quarterly Holiday Van Newsletter.

2. CONTEXT / BACKGROUND

- 2.1 Port Stephens Beachside Holiday Parks Consultative Committee was established in April 2014 to ensure an appropriate channel of communication was formed between **Council** and **Holiday Van Owners** at Fingal Bay, Shoal Bay and Halifax.
Under the *Crown Land Management Act (2016)* Council is recognised as the **Crown Land Manager** and as such has a responsibility to manage **Crown Lands** for the purposes for which the land is reserved or dedicated.
- 2.2 The *Holiday Parks Long Term Casual Occupancy Act (2002)* makes provision for the **Park Owner** to establish a consultative committee for its **Holiday Parks**. The formation of any such committee is at the discretion of the Council. It is also the right of the Council to determine procedural issues including the extent of representation on the Committee.

3. SCOPE

- 3.1 The scope of operation of this **Committee** is to actively promote discussion on agenda matters with the view of improving the quality and financial viability of the **Holiday Parks** and amenity of holiday van owners, in keeping with the objectives set out in the approved **Plans of Management**.

4. DEFINITIONS

- 4.1 "Park Owner" means Council.

ITEM 11 - ATTACHMENT 1 REVISED TERMS OF REFERENCE.

Terms of Reference



- 4.2 "Council" means Port Stephens Council and the officers of Council.
- 4.3 "Crown Lands" means NSW Government Department Industry, and the officers of Crown Lands.
- 4.4 "Crown Land Manager" means Council in its capacity as managers of Crown reserves.
- 4.5 "Committee" means the Port Stephens Holiday Van Consultative Committee.
- 4.6 "Holiday Parks" means Fingal Bay, Shoal Bay and Halifax Holiday Parks.
- 4.7 "Park Management" means the appointed Council personnel responsible for the strategic and operational management of Port Stephens Beachside Holiday Parks.
- 4.8 "Holiday van" means a holiday van or caravan as defined in the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.
- 4.9 "Holiday Van Owner" means a person or persons who own a holiday van and who has the right to occupy a site under a current occupation agreement.
- 4.10 "Plans of Management" means the plans approved by the Minister for the purpose of managing key objectives, strategies and performance targets established for the management of a Holiday Park on Council land or Crown reserve.
- 4.11 Port Stephens Caravan and Campers Association - "PSCCA" means the association representing holiday van owners within the holiday parks.

5. AUTHORITY

- 5.1 The **Committee** may formulate recommendations and submit same to Council for its consideration and determination. There is no decision making authority delegated by the **Council** to the **Committee**.

6. TERM

- 6.1 The commencement date of the Holiday Van Consultative Committee was April 2014 and is ongoing.

7. MEMBERSHIP

- 7.1 Membership of the **Committee** will comprise 10 members:

7.1.1 **Park Management** – 5 appointed representatives:

- Holiday Park Section Manager or delegate;
- Administration Officer or delegate;
- Manager, Halifax Holiday Park;
- Manager, Shoal Bay Holiday Park; and
- Manager, Fingal Bay Holiday Park.

7.1.2 **Holiday Van Owner** – 5 elected representatives:

- Halifax (1);
- Shoal Bay (1); and

ITEM 11 - ATTACHMENT 1 REVISED TERMS OF REFERENCE.

Terms of Reference



- Fingal Bay (3) – North Precinct – includes Amaroo, Toowoan, Karloo Gooyah and Yatamah Streets, South Precinct – includes 7 vans in Pinaroo (23-35 on South boundary), Muraban, Kalyan, Rumaïy, Orana Streets (#18-42) and West Precinct – includes Pinaroo (2-75 excludes 7 vans in South precinct), Orana (#2-16), Quandong Extension & Nowrainie Streets.
- 7.2 **Holiday Van Owner** representatives will be elected through elections conducted across the 3 **Holiday Parks**. If a **Holiday Van Owner** representative resigns their position on the **Committee**, a new delegate will be sought through an expression of interest. If a **Holiday Van Owner** representative is unable to attend any one meeting of the **Committee** a nominated delegate, preferably from the same precinct, or a **PSCCA** member or a current **Holiday Van Owner** in the park as approved by the Chairperson may attend in their place.
- 7.3 The 5 **Holiday Van Owner** representatives will be elected from the 5 established electorates:
 - 7.3.1 **Halifax** (representing all occupants on Halifax Holiday Park);
 - 7.3.2 **Shoal Bay** (representing all occupants on Shoal Bay Holiday Park);
 - 7.3.3 **Fingal Bay** – A minimum of 2 and a maximum of 3 representatives to represent Fingal Bay Holiday Park as a whole.
- 7.4 **Elections**
 - 7.4.1 All **Holiday Van Owners** will be provided with the opportunity to nominate a van owner to represent their electorate to which they belong, as detailed in 7.1.2 above.
 - 7.4.2 A **Holiday Van Owner** may nominate in one electorate only.
 - 7.4.3 Nominators must supply, along with their nomination form:-
 - 7.4.3.1 A short description of their background (half an A4 page maximum) and reasons for wanting to be elected to this **Committee**; and
 - 7.4.3.2 A current head and shoulders photograph which will be published with the ballot paper to enable holiday van owners to make a considered choice when voting for their representative.
 - 7.4.4 Nominations will be called giving 28 days notice of closure of nominations.
 - 7.4.5 Within 7 working days of the closure of nominations, **Holiday Van Owners** will be provided with details of those who have nominated and receive a ballot paper for return to Port Stephens Beachside Holiday Park Management, PO Box 147 Nelson Bay 2315, within 28 days of the date of issue.
 - 7.4.6 Should multiple nominations not be received in any one electorate, the individual who has nominated will be declared the representative for that electorate.
 - 7.4.7 If the vote for any one position is tied, then the representative will be decided by a random draw of names.
 - 7.4.8 Holiday van owners will be given one vote per site occupancy agreement to elect a representative for their electorate.
 - 7.4.9 The ballot process will be supervised and conducted by the nominated Returning Officer (Council's Public Officer).
 - 7.4.10 Within 2 working days of the close of the ballot, Park Management will advise **Holiday Van Owners** in that precinct of the successful elected Holiday Van Representatives for the **Committee**.

ITEM 11 - ATTACHMENT 1 REVISED TERMS OF REFERENCE.

Terms of Reference



- 7.4.11 If no nominations are received, the **Committee** Chairperson may approach an individual **Holiday Van Owner** and recommend appointment to the vacant position to **Committee** to fill the casual vacancy until the next election period.

7.5 Term of Committee Members

- 7.5.1 **Committee** members will be elected for a 2 year term.
- 7.5.2 During the first term of office (no earlier than 18 months from the **Committee** commencing) an election will be held for 2 of the members with an election for the remaining 3 to be held the following year (at the end of the 2 year term). This will ensure continuity of membership.
- 7.5.3 The **Committee** will actively seek nominees for vacant positions as they become available.
- 7.5.4 A **Committee** member may resign at any time with notification in writing to the Chairperson.
- 7.5.5 **Committee** members may be re-elected for consecutive terms.

8 ROLES AND RESPONSIBILITIES

- 8.1 The **Committee** will be chaired by Council's Holiday Parks Section Manager or nominated delegate.
The Administration Officer or delegates role is to provide advice and general knowledge to the **Committee** members.
The **Holiday Park** Managers or delegates roles are to provide advice and recommendations on the agenda items and to provide input and direction to ensure transparency and that all information is true and relevant.
The **Holiday Van Owners** representatives roles are to ensure they provide appropriate consultation and engagement with **Holiday Van Owners** regarding development and change occurring across the **Holiday Parks**.
- 8.2 Members of the **Committee** are expected to:
- 8.2.1 Have a good understanding of the **Committee's** position within the **Council's** governance framework;
- 8.2.2 Understand the regulatory and legislative requirements **Council** appropriate to **Council** and **Crown Lands**;
- 8.2.3 Ensure effective communication exists between the **Committee**, **Park Management** and key stakeholders; and
- 8.2.4 Provide professional competency to be able to meet the objectives of the **Committee**.
- 8.3 All **Committee** members are required to uphold the **Council's** values and behaviours, which are considered to be core requirements of Council. All **Committee** members are expected to demonstrate the following values and behaviours in their dealings with each other and with the **Holiday Parks** community:
- 8.3.1 *Respect* – the individual, the environment and our culturally diverse community.
We will treat everyone fairly with equity of opportunity and access for all.
- 8.3.2 *Integrity* - The **Committee** members will be honest in all that we do.

ITEM 11 - ATTACHMENT 1 REVISED TERMS OF REFERENCE.

Terms of Reference



- 8.3.3 *Teamwork* - **Committee** members will work within a network of people for the betterment of the community.
- 8.3.4 *Excellence* - **Committee** members will strive to excel at everything we do. We will aim for the highest standard of quality to achieve best value for our community and customers.
- 8.3.5 *Safety* - **Committee** members will strive for a safer community. We do not put ourselves, or others at risk of injury and we will report hazards and make them safe.

8.4 Code of Conduct

- 8.4.1 **Committee** members are bound by the terms and conditions of **Council's** Code of Conduct.
- 8.4.2 **Committee** members must declare any conflicts of interest at the start of each meeting. Details of any conflicts of interest must be appropriately minuted.
- 8.4.3 Where members or invitees at **Committee** meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from **Committee** deliberations on the issue where the conflict of interest may exist.

8.5 Induction

- 8.5.1 **Park Management** will ensure that new **Committee** members receive relevant information and briefings on their appointment to assist them to meet their **Committee** responsibilities.

8.6 Performance Assessment

- 8.6.1 The Chair of the **Committee** will initiate an annual review of the performance of the **Committee**. The review will be conducted on a self-assessment basis (unless otherwise determined by the **Committee**), with appropriate input from relevant stakeholders, as determined by the **Committee** members.

9 ADMINISTRATION ARRANGEMENTS

9.1 Meeting practices and cycles

- 9.1.1 Unless otherwise specified in this Terms of Reference and in accordance with any Local Government or Crown Lands legislative requirements, the **Committee** will determine its meeting practice, processes and protocols.
- 9.1.2 The **Committee** will meet on the 3rd Friday of February, May, August and November of each year.
- 9.1.3 Extra-Ordinary meetings of the **Committee** may be convened only at the discretion of **Council**.
- 9.1.4 Meetings will be held at a time and date that is suitable for the majority of **Committee** members.
- 9.1.5 Meeting duration shall not exceed a maximum of 1½ hours unless determined otherwise by the **Committee**.

Terms of Reference



- 9.1.6 To reach a quorum for the **Committee** at least 3 of the elected **Committee** members must be present and at least 3 **Park Management** representatives. If for any reason a quorum is not reached the meeting will be rescheduled.
- 9.1.7 Meeting Attendance - **Committee** members are expected to attend all **Committee** meetings.
- 9.1.8 Each participating member of the **Committee** shall meet all costs of their individual participation and attendance at **Committee** meetings.
- 9.1.9 Where a **Committee** member fails to attend 3 successive meetings without submitting a satisfactory explanation, a casual vacancy will be declared.
- 9.1.10 Persons other than **Committee** members/alternates/**Council** or **Crown Land** Officers shall not be permitted to attend meetings unless by invitation of the **Committee** Chairperson.
- 9.1.11 A suitable meeting place and facilities will be made available by **Council** for the purpose of conducting the **Committee** meetings.
- 9.1.12 Where a **Committee** member is unable to attend a meeting, a nominated delegate preferably from the same precinct, or a **PSCCA** member or a current **Holiday Van Owner** in the park as approved by the Chairperson may attend in their place.

9.2 Secretariat

- 9.2.1 **Park Management** will provide the Secretariat to the **Committee**.

9.3 Agenda and minutes

- 9.3.1 Any **Committee** member may submit Agenda items.
- 9.3.2 A reminder of the date of the next meeting and the closing date for receipt of Agenda items will be sent by the Secretariat to all **Committee** members in advance of the next meeting
- 9.3.3 Agenda items shall be forwarded to the Secretariat at least 7 days prior to the next meeting.
- 9.3.4 Representatives submitting items should ensure the content is given in sufficient detail to assist members to understand the issues raised or by providing additional supporting information.
- 9.3.5 The Secretariat will ensure the Agenda for each meeting and supporting papers are circulated to members in sufficient time (at least 3 working days) before the meeting.
- 9.3.6 Circulation of the Agenda will be by electronic means as determined by the **Committee**.
- 9.3.7 **Park Management** at its discretion will approve/disapprove items submitted for inclusion in any Agenda. There will be no general business permitted at the meeting.
- 9.3.8 Only Agenda items of a collective nature will form the basis for discussion at **Committee** meetings – items of an individual nature ie items that relate to an individual **Holiday Van Owner** will not form discussion at **Committee** meetings.
- 9.3.9 Any additional information, which comes to hand after the preparation of Agenda papers, may be tabled at the meeting. The Secretariat will distribute papers to the **Committee** representatives prior to the **Committee** meeting where possible.

ITEM 11 - ATTACHMENT 1 REVISED TERMS OF REFERENCE.

Terms of Reference



9.3.10 **Minutes** - A formal record of the **Committee** meetings, including action responsibilities, shall be prepared by the Secretariat and circulated to all **Committee** members within 1 week of the meeting.

9.3.11 Any comments shall be submitted to the Secretariat within 1 week of circulation.

9.3.12 The final record draft will be settled by the Chairperson, circulated to all the members and published within the Beachside Holiday Parks website and **Council's** central electronic records system (EDRMS).

9.4 Voting

9.4.1 Matters under consideration by the **Committee** will be determined by consensus whenever possible. In the event that consensus cannot be achieved, an item is adopted by the **Committee** where a majority of members vote for the subject. If the voting is tied the Chairperson has a second (casting) vote which is used to break the deadlock.

9.5 Recordkeeping

9.5.1 The Secretariat will be responsible for minute taking and appropriate record keeping in line with **Council** policy.

10. **CONFIDENTIALITY**

10.1 Members listed in this Terms of Reference may become acquainted with or have access to confidential and/or sensitive information. Members should not disclose such information to any other party unless specifically authorised to do so and should not make improper use of any information.

10.2 **Council** has a common law and statutory obligation to protect the privacy and confidentiality of some information that may be shown to **Committee** Members. It is expected that **Committee** Members will accept and maintain the confidentiality of information so designated. Matters of a confidential nature will be identified during the meeting however if a member is unsure the confidentiality of the matter should be checked with the Chairperson.

10.3 Letters from individuals addressed to **Council** will not be provided to the **Committee** nor will **Council** representatives provide names and addresses of any correspondence directed to **Council**.

11. **INTELLECTUAL PROPERTY**

11.1 The **Committee** acknowledges and agrees:

11.1.1 It is important for **Council** to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.

11.1.2 The **Committee** has a duty to observe and help protect **Council's** intellectual property by not copying or supplying such property without the express permission of **Council** or the copyright owner.

ITEM 11 - ATTACHMENT 1 REVISED TERMS OF REFERENCE.

Terms of Reference



- 11.1.3 **Council** retains ownership of all intellectual property created by Members in the course of their **Committee** work.
- 11.1.4 **Council** will acknowledge the **Committee** if publishing or reproducing a copy of Holiday Van Consultative Committee research, including images and historical data.
- 11.2 The Holiday Van Consultative **Committee** will refer to the Secretariat any questions relating to intellectual property rights or the use of another organisation's document.

12. MEDIA

- 12.1 Any media liaison associated with the activities of the **Committee** shall be undertaken in accordance with **Council's** protocols and with the approval of the **Committee**.
- 12.2 **Council** authorises delegated staff to make public statements on its behalf however other than designated **Council** staff **Committee** members are not permitted to make public statements on behalf of the **Committee** or **Council** including any media interviews and written material for publications eg the local newspaper, social media or radio.

13. REVIEW

- 13.1 The Terms of Reference will be reviewed at the first meeting each calendar year and recommendations made to Council of suggested changes, for its determination. Any changes to the **Committee** Terms of Reference must be approved by **Council**.

14. OTHER MATTERS

- 14.1 Dispute Resolution - Should issues arise about a **Committee** member continuing their representation on the **Committee**, the member's views will be sought with the aim of resolving the issue. Initially this will be the responsibility of the Chairperson of the **Committee**.

If after a genuine attempt to resolve the issue the Chairperson considers that the **Committee** members appointment should be reviewed the matter will be referred to **Council** Senior Management to assist in conciliating the matter.

The **Committee** Member may wish to have a support person during this process.

If conciliation is unsuccessful and a decision is made to discontinue representation, the **Committee** Member will be verbally informed of the decision with subsequent written confirmation from **Council** provided.

- 14.2 In carrying out its functions the **Committee** will be guided by existing processes and policies of **Council**.

15. MEETING CODE OF COOPERATION

ITEM 11 - ATTACHMENT 1 REVISED TERMS OF REFERENCE.

Terms of Reference



- We start on time and finish on time.
- We focus on the strategic intent of the item.
- We ensure that people attending meetings are provided with guidance and support.
- We consider the risks and opportunities of each item.
- We are prepared to have open and honest conversations about an issue even if it is uncomfortable.
- We all participate fully and are prepared to challenge each other.
- We use improvement tools that enhance meeting efficiency and effectiveness.
- We actively listen to what others have to say, seeking first to understand then to be understood.
- We consider the deployment of actions and programs through appropriate frameworks and
- communicate the consensus view through appropriate channels.
- We follow up on the actions we are assigned responsibility for and complete them on time.
- We give and receive open and honest feedback in a constructive manner.
- We use data to make decisions (whenever possible).
- We determine issues arising by consensus or refer to the Chair for consideration.
- We strive to continually improve our meeting process and build time into each agenda for reflection and learning.
- We will promote best practice, keeping open minds, combining our experiences and shared learnings to inform our deliberations.

16. RELATED DOCUMENTS

- *Local Government Act 1993;*
- *Crown Land Management Act (2016);*
- *Holiday Parks Long Term Casual Occupancy Act (2002);*
- *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;*
- *Port Stephens Council's Code of Conduct.*

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
EDRMS container No		EDRMS record No	
Audience			
Process owner	Holiday Park Administration officer		
Author	Holiday Park Administration officer		

TERMS OF REFERENCE OCTOBER 2019

1

ITEM 11 - ATTACHMENT 1 REVISED TERMS OF REFERENCE.

Terms of Reference



Review timeframe	First meeting of the year	Next review date	February 2021
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details
1	This is the date of adoption by group or committee	Holiday Park Administration officer	Include detail of changes to document

ITEM NO. 12

**FILE NO: 19/363335
EDRMS NO: PSC2019-02834**

WARD BOUNDARY REVIEW

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission received in relation to the Ward boundary review summarised at **(ATTACHMENT 1)**.
- 2) Adopt the new Ward Boundaries as shown at **(ATTACHMENT 2)**.
- 3) Notify the NSW Electoral Commission, the Australian Bureau of Statistics and the Office of Local Government of the new Ward Boundaries.
- 4) Publicly notify the community of the Ward boundary changes through the Council website, social media and the Port Stephens Examiner.

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

236	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submission received in relation to the Ward boundary review summarised at (ATTACHMENT 1).2) Adopt the new Ward Boundaries as shown at (ATTACHMENT 2).3) Notify the NSW Electoral Commission, the Australian Bureau of Statistics and the Office of Local Government of the new Ward Boundaries.4) Publicly notify the community of the Ward boundary changes through the Council website, social media and the Port Stephens Examiner.
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BACKGROUND

The purpose of this report is to provide feedback to Council following public exhibition of the Ward Boundary proposal.

Council considered a report at its meeting on 10 September 2019, shown at **(ATTACHMENT 3)**, in relation to ensuring Ward Boundaries across the local government area are kept under review in accordance with the Local Government Act 1993, and appropriate action is taken, when necessary, to re-align the ward boundaries.

At the meeting of 10 September 2019 (Minute No 222) Council resolved to:

1. Endorse the Ward boundaries changes so that Karuah, Swan Bay and Twelve Mile creek move to Central Ward from West Ward, that Ferodale be split along Medowie Road, with those east of this road moving to Central ward and those west of this road remaining in West Ward, and that Boat Harbour remain in Central Ward.
2. Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the NSWEC.

Following approval of the NSW Electoral Commission (NSWEC) Council commenced public exhibition.

As a result of the public exhibition 1 submission was received and a summary is shown at **(ATTACHMENT 1)**. The submission proposes that the suburb of Campvale be transferred from West Ward to Central Ward. This would increase the variance between the Wards to 7.80%. Under the proposal endorsed by Council the variance is 7.52%.

The Ward elector number projections for the Council endorsed proposal is shown at **(ATTACHMENT 4)** and the Campvale proposal is shown at **(ATTACHMENT 5)**.

It is recommended that Council proceed with the option endorsed at its meeting on 10 September 2019, and that the Campvale proposal be considered with any future Ward boundary review – this will allow the proposal to be publicly exhibited for broad community input.

The new Ward Boundaries will not come into effect until the September 2020 local government election.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

All financial and resource implications have been allocated through existing budget.

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

Section 211 of the Local Government Act 1993 requires Council to keep its Wards under review and to take action should the variance be greater than 10% between the highest and lowest ward elector numbers.

Consultation of the proposed changes forms part of Council's legal responsibilities under the Local Government Act 1993.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will be in breach of the Local Government Act 1993 if the Ward boundary review is not conducted.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The review of the Ward boundaries will correct the current imbalance that exists between Wards, and provide an improved community representation from the elected Council.

CONSULTATION

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

Internal

- 1) Council considered the Ward boundary review proposal at its meeting on 10 September 2019.

External

- 1) Consultation was undertaken with the NSW Electoral Commission and the Australian Bureau Statistics following Council's endorsement of the proposal, prior to the public exhibition period.
- 2) Public exhibition commenced from 26 September 2019 to 24 October 2019, with the close of submissions on 7 November 2019. Public exhibition was conducted through the Port Stephens Examiner, Council's library network, the website and social media forums.
- 3) A community engagement session was held on the Karuah Community Centre on 10 October 2019 from 4.00pm to 5.30pm. There was no attendees at this session.
- 4) A direct mail out to the 1881 property owners of the affected by the changes. This included a Fact Sheet on how the changes would affect the ratepayers.
- 5) The Governance Section received 2 general telephone enquiries as a result of the mail out.

OPTIONS

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

ATTACHMENTS

- 1) Submission summary.
- 2) Proposed Ward boundary changes.
- 3) Minute No 222 - 10 September 2019.
- 4) Ward elector number projections for the Council endorsed option.
- 5) Ward elector number projections for the Campvale proposal.

COUNCILLORS ROOM

- 1) Un-redacted submission.

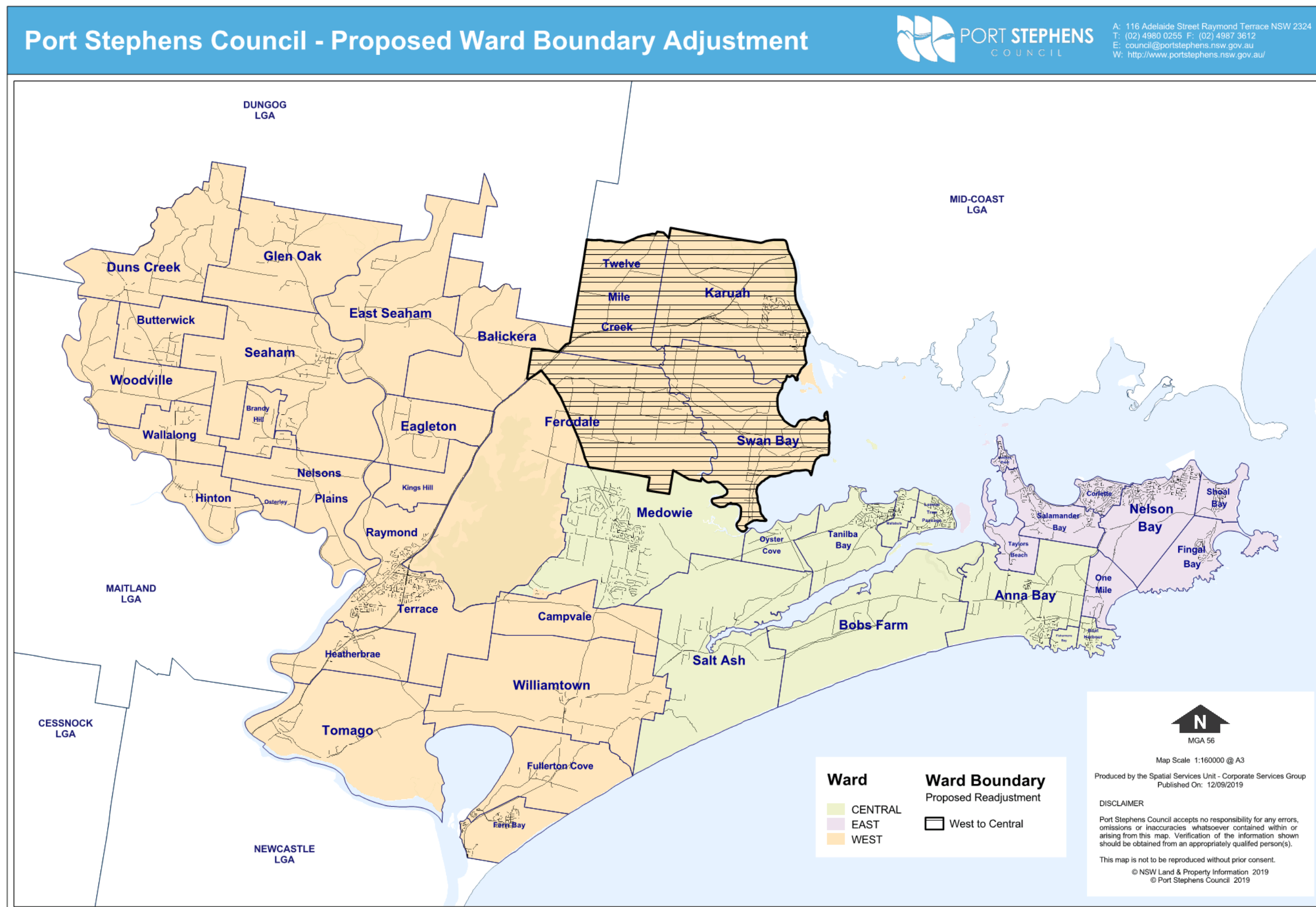
TABLED DOCUMENTS

Nil.

ITEM 12 - ATTACHMENT 1 SUBMISSION SUMMARY.

Ward Boundary Review submission

No.	Author of submission	Comments	Council response
1	Resident	<ol style="list-style-type: none">1. Consideration be given to the suburb of Campvale being included in Central Ward, as residents are more likely to attend Council briefing at Medowie than travel to other location.2. Residents of Campvale are impacted on the performance of Campvale Drain which are typically addressed by Central Ward Councillors.3. That the population of Campvale is less than half of 1% of Port Stephens, therefore the amendment should not impact on the 10% variation requirement.	<ol style="list-style-type: none">1. Residents across Port Stephens are welcome to attend any public meetings/events convened by Council irrespective of the Ward they reside in.2. Residents of Port Stephens are welcome to approach the Mayor or any Councillor to discuss Council matters.3. If Council was of the mind to include Campvale in Central Ward, the proposed variance of 7.52% would increase to 7.80%.



FILE LOCATION: G:\projects\Ward Boundary Readjustment\2019

MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019**ITEM NO. 5****FILE NO: 19/232547
EDRMS NO: PSC2019-02834****WARD BOUNDARY REVIEW**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Ward boundaries changes in accordance with Option 1 shown at **(ATTACHMENT 2)**.
- 2) Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the Electoral Commission NSW.

**ORDINARY COUNCIL MEETING - 10 SEPTEMBER 2019
MOTION**

222	<p>Councillor Giacomo Arnott Councillor Jaimie Abbott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Endorse the Ward boundaries changes so that Karuah, Swan Bay and Twelve Mile creek move to Central Ward from West Ward, that Ferodale be split along Medowie Road, with those east of this road moving to Central ward and those west of this road remaining in West Ward, and that Boat Harbour remain in Central Ward.2. Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the NSWEC.
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BACKGROUND

The purpose of this report is to consider the options available as a result of the Ward boundary review within the Port Stephens local government area. This review is required in preparation for the 2020 local government election.

The last review was conducted in 2015 and came into effect at the next ordinary local government election, which was held in 2017.

MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019

Section 211 of the Local Government Act 1993 (the 'Act') requires Council to keep its ward boundaries under review and ensure the variance between the ward with the highest number of electors and the lowest number of electors is not in excess of 10%. The elector numbers are reviewed on a monthly basis from data accessed from the NSW Electoral Commission.

The data shows that there have been significant increases in elector numbers before and after each Federal, State and local government election since 2016. In 2016 prior to the Federal election, the elector numbers across the local government area increased around 500 and again after the election just over 400. At the 2017 local government election there was an increase, however not at the same rate as the Federal election. The 2019 NSW State election again produced an increase before and after the election. The elector numbers significantly increased at the Federal election 2019 by around 300.

Based on the data to July 2019, the current variance is around 12%. Council is therefore required to review ward boundaries to ensure the new boundaries are in place for the 2020 local government election.

Two (2) options have been identified for Council's consideration. In identifying the options available, Council is required to meet legislative requirements and may consider other factors such as:

- 1) Must ensure compliance with section 211 of the Act, meeting the 10% variance rule.
- 2) Must ensure compliance with section 210 and 210A of the Act, which requires consideration of boundaries of appropriate subdivisions and census districts.
- 3) Consider appropriate representation across each ward.
- 4) Maintaining central hubs within each ward, ie Raymond Terrace, Medowie and Nelson Bay.
- 5) Consider the geographical size of each ward.
- 6) Transferring a whole suburb from one ward to another, therefore no suburb is split between 2 wards.

The 2 options identified to meet the criteria above are:

Option 1

Transfer the suburb of Boat Harbour (817 electors) from Central Ward to East Ward. Transfer the suburbs of Ferodale, Karuah, Swan Bay and Twelve Mile Creek from West Ward to Central Ward (1508 electors). The elector number projections are shown at **(ATTACHMENT 1)**. The mapped proposal for Option 1 is shown at **(ATTACHMENT 2)**.

MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019Option 2

Transfer suburbs of Ferodale, Karuah, Swan Bay and Twelve Mile Creek from West Ward to Central Ward (1508 electors). The projections are shown at **(ATTACHMENT 3)**. The mapped proposal for Option 2 is shown at **(ATTACHMENT 4)**.

Option 1 is the recommended option as it provides the best outcome over the long term with respect to elector numbers and meeting the obligations of section 211 of the Act. It is anticipated Option 1 would not require Council to conduct a further ward boundary review until approximately 2029, whereas Option 2 may require a further review around 2025.

The review also considered reversing the 2015 ward boundary changes, however due to the growth in the Fern Bay area this was not a viable option, as it would result in a variance in excess of 10%.

The proposal has taken into account growth, including known planning proposals.

The proposed timeframe for the ward boundary review is:

Date	Purpose
20 August 2019.	Two way conversation.
10 September 2019.	Report to Council to endorse an option.
19 September 2019.	Commence public exhibition with submissions closing 31 October 2019.
26 November 2019.	Report to Council to consider submissions, if any, and adoption of final option.
9 December 2019.	Deadline to advise the NSW Electoral Commission of changes.

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 will be advertising and community consultation sessions where the community will be invited to comment on the ward boundary proposal. These costs will be met within the existing budget.

MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019

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

Section 211 of the Act requires Council to keep its wards under review and to take action should the variance be greater than 10% between the highest and lowest ward elector numbers.

The Act requires Council to take action and correct the variance should it continue to exist after the first year of a new Council term.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will be in breach of the Local Government Act 1993 if the ward boundary review is not conducted.	Low	Adopt the recommendation.	Yes
There is a risk that there will be an imbalance between wards at the next local government election.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The review of the ward boundaries will correct the current imbalance that exists between wards and provide an improved representation by the elected Council to the community.

CONSULTATION

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

MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019Internal

Consultation has been undertaken with the General Manager and planning staff as part of the review.

A two way conversation was held with Council on 20 August 2019.

External

Council will place the proposal on public exhibition for a period of 28 days and allow 42 days for submissions to be lodged.

Consultation sessions will be held in Karuah and Boat Harbour to engage with the local communities and provide further information and answer questions on the proposal.

Council will consult with the NSW Electoral Commission, Office of the Local Government and the Australian Statistician as part of the process.

OPTIONS

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

ATTACHMENTS

- 1) Option 1 - elector number projections.
- 2) Option 1 - boundary changes map.
- 3) Option 2 - elector number projections.
- 4) Option 2 - boundary changes map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 12 - ATTACHMENT 3 MINUTE NO 222 - 10 SEPTEMBER 2019.

MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019

ITEM 5 - ATTACHMENT 1 OPTION 1 - ELECTOR NUMBER PROJECTIONS.

Ward elector number projections - Option 1

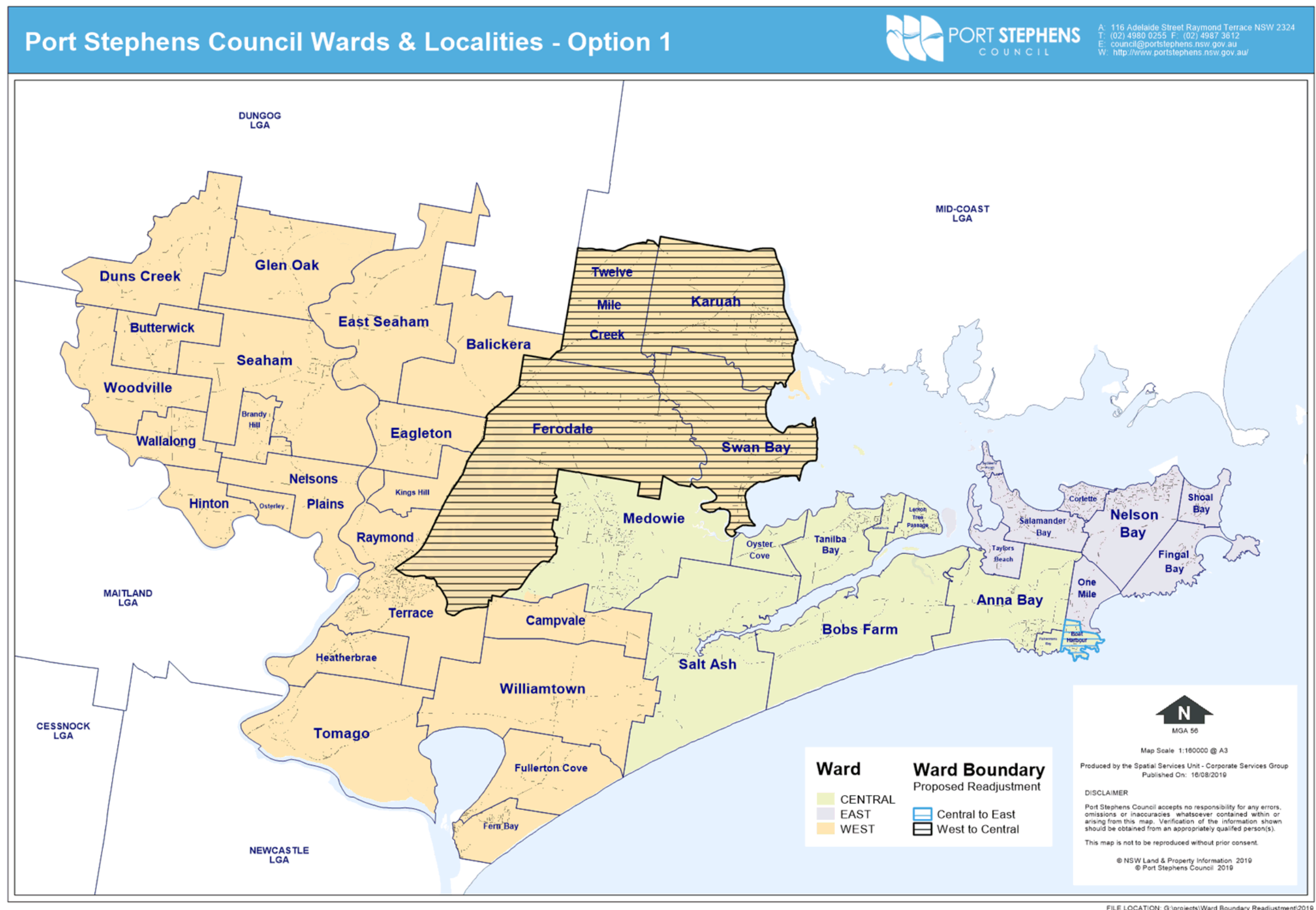
Option 1

Year	East Ward	Central Ward	West Ward	Total	Variance
Current	17689	17651	20062	55402	2411 (12.01%)
Karuah, Swan Bay , Ferodale, Twelve Mile Ck		1508	-1508		
Boat Harbour	817	-817	0		
	18506	18342	18554	55402	212 (1.14%)

Projections

2019	18506	18342	18554	55402	212 (1.14%)
2020	18706	18542	18954	56202	412 (2.17%)
2021	18906	18742	19354	57002	612 (3.16%)
2022	19106	18942	19754	57802	812 (4.11%)
2023	19306	19142	20154	58602	1012 (5.02%)
2024	19506	19342	20454	59302	1112 (5.43%)
2025	19706	19542	20854	60102	1312 (6.29%)
2026	19906	19742	21254	60902	1512 (7.11%)
2027	20106	19942	21654	61702	1712 (7.90%)
2028	20306	20142	22054	62502	1912 (8.66%)
2029	20506	20342	22454	63302	2112 (9.40%)
2030	20706	20542	22854	64102	2312 (10.11%)

Denotes Ward with highest
number of electors



ITEM 12 - ATTACHMENT 3 MINUTE NO 222 - 10 SEPTEMBER 2019.
MINUTES ORDINARY COUNCIL - 10 SEPTEMBER 2019
ITEM 5 - ATTACHMENT 3 OPTION 2 - ELECTOR NUMBER PROJECTIONS.

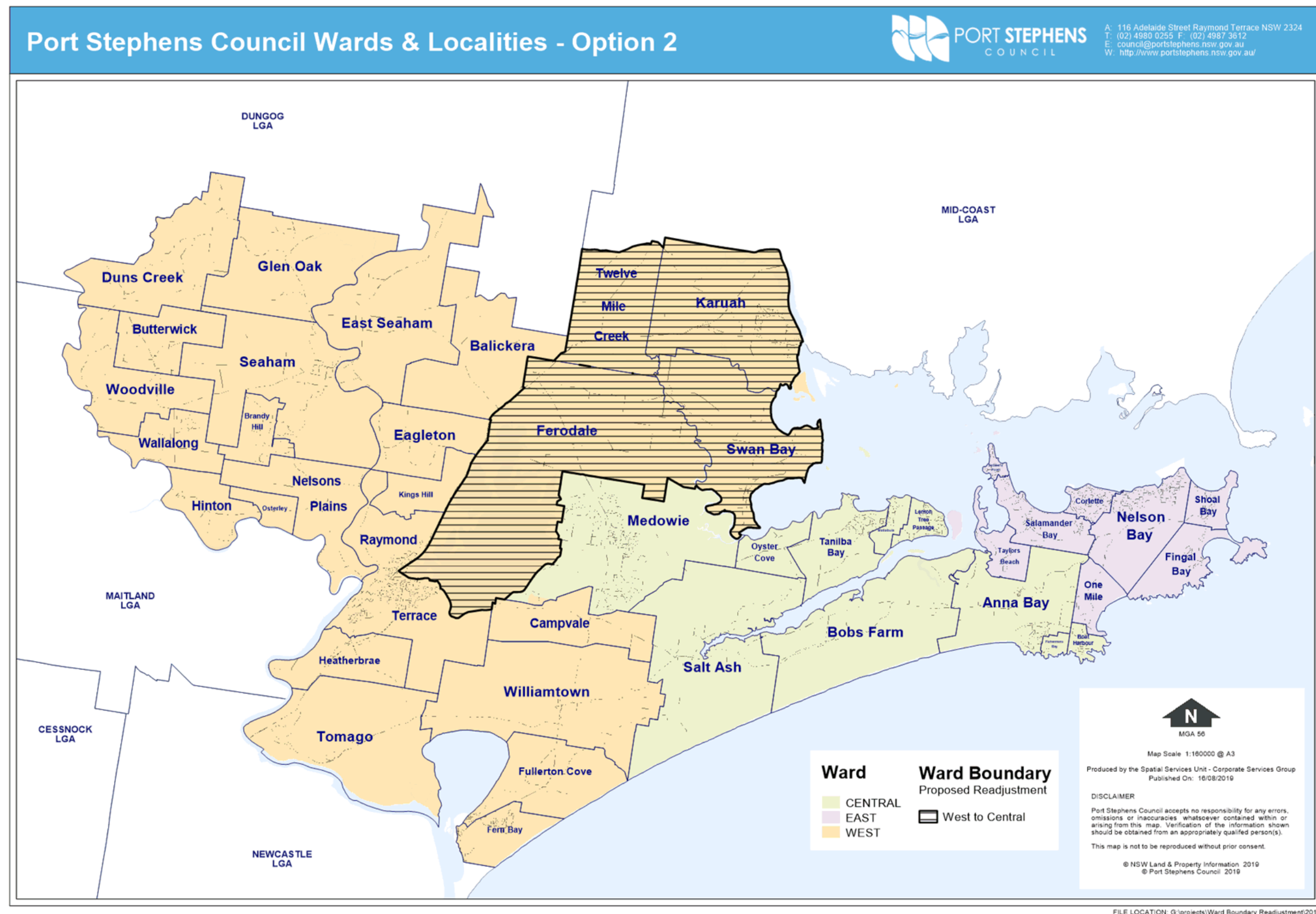
Ward elector number projections - Option 2

Option 2

Year	East Ward	Central Ward	West Ward	Total	Variance
Current	17689	17651	20062	55402	2411 (12.01%)
Karuah, Swan Bay , Ferodale, Twelve Mile Ck		1508	-1508		
	17689	19159	18554	55402	1470 (7.67%)

Projections					
2019	17689	19159	18554	55402	1470 (7.67%)
2020	17889	19359	18994	56242	1470 (7.59%)
2021	18089	19559	19394	57042	1470 (7.51%)
2022	18289	19759	19794	57842	1505 (7.60%)
2023	18489	19959	20194	58642	1905 (9.43%)
2024	18689	20159	20594	59442	1905 (9.25%)
2025	18889	20359	20994	60242	2105 (10.02%)

Denotes Ward with highest number of electors



ITEM 12 - ATTACHMENT 4 WARD ELECTOR NUMBER PROJECTIONS FOR THE COUNCIL ENDORSED OPTION.
Council endorsed option

Year	East Ward	Central Ward	West Ward	Total	Variance
Current Karuah, Swan Bay , Ferodale (east of Meadowie Road), Twelve Mile Ck	17689	17651	20062	55402	2411 (12.01%)
		1476	-1476		
	17689	19127	18586	55402	1438 (7.52%)

Projections

2019	17689	19127	18586	55402	1438 (7.52%)
2020	17889	19327	18986	56202	1438 (7.44%)
2021	18089	19527	19386	57002	1438 (7.36%)
2022	18289	19727	19786	57802	1497 (7.56%)
2023	18489	19927	20186	58602	1697 (8.40%)
2024	18689	20127	20586	59402	1897 (9.21%)
2025	18889	20327	20986	60202	2097 (9.99%)
2026	19089	20527	21386	61002	2297 (10.74%)

Denotes Ward with
highest number of
electors

ITEM 12 - ATTACHMENT 5 WARD ELECTOR NUMBER PROJECTIONS FOR THE CAMPVALE PROPOSAL.
Campvale option

Year	East Ward	Central Ward	West Ward	Total	Variance
Current Karuah, Swan Bay , Ferodale (east of Meadowie Road), Twelve Mile Ck Campvale	17689	17651	20062	55402	2411 (12.01%)
		1476 60	-1476 -60		
	17689	19187	18526	55402	1498 (7.80%)

Projections

2019	17689	19187	18526	55402	1498 (7.80%)
2020	17889	19387	18986	56262	1498 (7.72%)
2021	18089	19587	19326	57002	1498 (7.64%)
2022	18289	19787	19726	57802	1498 (7.57%)
2023	18489	19987	20126	58602	1637 (8.13%)
2024	18689	20187	20526	59402	1837 (8.94%)
2025	18889	20387	20926	60202	2037 (9.73%)
2026	19089	20587	21326	61002	2237 (10.48%)

Denotes Ward with
highest number of
electors

ITEM NO. 13**FILE NO: 19/359593
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 Mayor and Ward Funds to the following:-
 - a. Lions Club of Soldiers Point – Mayoral funds - \$3000 donation towards funding for a koala mural and artwork project outside the koala sanctuary.

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

237	<p>Mayor Ryan Palmer Councillor Ken Jordan</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:-</p> <ol style="list-style-type: none">a. Lions Club of Soldiers Point – Mayoral funds - \$3000 donation towards funding for a koala mural and artwork project outside the koala sanctuary.
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BACKGROUND

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

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019

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:

MAYORAL FUNDS – Mayor Palmer

Lions Club of Soldiers Point.	An organisation that takes an active interest in the civic, cultural, social and moral welfare of the community.	\$3000	Donation towards funding for a koala mural and artwork project outside the koala sanctuary
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Support financially creative and active communities.

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.

ITEM NO. 14**FILE NO: 19/364235
EDRMS NO: PSC2017-00015****INFORMATION PAPERS**

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

RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 26 November 2019.

No:	Report Title	Page:
1	Submission on the Activation Precincts SEPP	240
2	Financial Services Service Review	244
3	October 2019 Cash and Investments	245
4	Report on the LGNSW Annual Conference 2019	248
5	Report on the NSW Coastal Conference 2019	254
6	Designated Persons' Return	256
7	Council Resolutions	257

**ORDINARY COUNCIL MEETING - 26 NOVEMBER 2019
MOTION**

238	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 26 November 2019.</p> <hr/> <p>No: Report Title:</p> <p>1 Submission on the Activation Precincts SEPP 2 Financial Services Service Review 3 October 2019 Cash and Investments 4 Report on the LGNSW Annual Conference 2019 5 Report on the NSW Coastal Conference 2019 6 Designated Persons' Return 7 Council Resolutions</p>
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INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 19/339997
EDRMS NO: PSC2013-03874**

SUBMISSION ON THE ACTIVATION PRECINCTS SEPP

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

BACKGROUND

The purpose of this report is to inform Council of the submission made on the Explanation of Intended Effect (EIE) for the Activation Precincts State Environmental Planning Policy (SEPP), exhibited by the NSW Department of Planning, Industry and Environment (DPIE) from 20 September 2019 to 20 October 2019. Councillors have been previously briefed on the SEPP via the Councillor Newsletter.

Council's submission on the EIE for the SEPP was submitted to DPIE on 17 October 2019 (**ATTACHMENT 1**).

Council's submission expresses strong support for the declaration of Newcastle Airport, the Defence and Aerospace Related Employment Zone (DAREZ), and surrounding land at Williamstown as an Activation Precinct under the SEPP and notes Council has been advocating for economic growth and development to support the aerospace and defence industry cluster at Williamstown for a number of years.

The submission identifies that Newcastle Airport and the surrounding land satisfies the criteria specified for Activation Precincts and that the Airport has been recognised as a global gateway with regional economic significance in the State Government's Greater Newcastle Metropolitan Plan.

The submission notes that a declaration as an Activation Precinct can facilitate fast track planning and delivery of infrastructure to unlock growth and investment in Williamstown.

ATTACHMENTS

1) Submission on Activation Precincts SEPP.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Executive Director, Compliance, Industry and Key Sites
NSW Department of Planning, Industry and Environment
GPO BOX 39
Sydney NSW 2000

Dear Sir/Madam

Re: Submission on the EIE for the Activation Precincts SEPP

Thank you for the opportunity to provide a submission on the Explanation of Intended Effect (EIE) for an Activation Precincts State Environmental Planning Policy (SEPP).

The aims of the proposed SEPP are strongly supported, in particular the establishment of a streamlined planning framework for development within a Special Area Precinct (SAP) in order to facilitate economic development and job creation in regional NSW.

Council strongly supports the declaration of Newcastle Airport, the Defence and Aerospace Related Employment Zone (DAREZ), and surrounding land at Williamstown as a SAP and has been advocating and planning for growth and development in Williamstown for a number of years.

Williamstown satisfies the five core components of a Special Activation Precinct specified in the EIE:

1. *Government-led studies* – Council, the State and Commonwealth governments have already completed several strategic and technical studies and reports related to the land around Newcastle Airport which identify opportunities for development and economic growth as well as some of the land use planning constraints.
2. *Fast track planning* – Access to a fast track planning process will facilitate investment in the precinct and expedite the positive outcomes for Williamstown identified in the State Government's Greater Newcastle Metropolitan Plan.
3. *Government-led development* – A number of studies have been prepared which justify government intervention to co-ordinate development at Williamstown. A co-ordinated approach will ensure the full benefits of a nationally significant industry cluster around the Airport can be realised.

| Page 1

PORT STEPHENS COUNCIL

116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

Phone: 02 4980 0255
Email: council@portstephens.nsw.gov.au

www.portstephens.nsw.gov.au
ABN 16 744 377 876

4. *Infrastructure investment* – The infrastructure catalysts that will significantly accelerate development in the precinct and support the growth of a successful specialised industry cluster include drainage works, roads and road upgrades, servicing and public domain treatments for the Newcastle Airport and surrounds.
5. *Business concierge* – A business concierge co-ordinated by State government will assist in attracting investment and ensure a successful specialised industry cluster supported by surrounding development.

Williamstown has been recognised as a global gateway with regional economic significance in the Greater Newcastle Metropolitan Plan. Williamstown is the nation's main fighter pilot training base. Newcastle Airport exceeds 1.2 million passengers per year and the planned Defence and Airport Related Employment Zone has the potential to unlock billions of dollars in economic growth around the Airport. This will establish the Hunter region as a major national and international centre for the aerospace and aviation industry. There is also the potential to unlock land for appropriate airside industries and development such as State and regionally significant freight opportunities.

The unique economic strengths of Williamstown already contribute significant economic benefits to the Hunter region and beyond, and the designation of Williamstown as a SAP will provide further opportunities to grow jobs, investment and development in our local government area, the Hunter region and NSW. The proposed SAP planning process, including Government led infrastructure delivery and economic development initiatives, are critical to expediting the forecasted growth, investment and development in Williamstown.

Council also welcomes a SAP declaration and planning process being undertaken in partnership with local councils and the community. Council would welcome any opportunities to participate in a SAP planning process for Williamstown, including:

- The process of determining the boundaries of a SAP prior to declaration;
- Identifying infrastructure requirements;
- Identifying land use zones, preparing land use tables and development standards; and
- Masterplanning and preparation of design guidelines.

In relation to technical aspects of the proposed SEPP, clarification is sought on the effect of a SAP declaration on any existing planning proposals and development applications within the boundaries of a SAP. We request the SEPP include transitional arrangements for current planning proposals and development applications to ensure consistency with the planning undertaken as a result of a SAP declaration.

Should you wish to discuss this matter, please contact Elizabeth Lamb, Strategic Planning Co-ordinator on 4980 0293 or by email on elizabeth.lamb@portstephens.nsw.gov.au

Tim Crosdale
Group Manager Development Services

10 October 2019

Telephone enquiries
(02) 4980 0293

ITEM NO. 2

**FILE NO: 19/351769
EDRMS NO: PSC2018-03978**

FINANCIAL SERVICES SERVICE REVIEW

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

BACKGROUND

The purpose of this report is to advise Council of the primary outcome arising from the Financial Services Service Review.

The Financial Services Service Review was scheduled to commence in 2018, however the work required for the Long Term Financial Plan and Special Rate Variation application prompted a delay. The service review then proceeded in early 2019 with the key aim of better servicing our customer's needs. It was found that the formation of a team which would centralise purchasing and manage contracts, tendering and procurement would be an effective resolution to this aim.

The Finance Acquisitions Unit will operate this centralised purchasing model whilst the wider Financial Services Section will continue with its current structure and positions.

As outlined at the two way conversation on 12 November 2019, the Finance Acquisitions Unit has been endorsed and the recruitment process will be finalised early 2020.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 19/356384
EDRMS NO: PSC2006-6531**

OCTOBER 2019 CASH AND INVESTMENTS

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

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 October 2019.

ATTACHMENTS

- 1) October 2019 Cash and Investments.
- 2) October 2019 Cashflow Report.

ITEM 3 - ATTACHMENT 1 OCTOBER 2019 CASH AND INVESTMENTS.

CASH AND INVESTMENTS HELD AS AT 31 OCTOBER 2019								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ICBC	RIM	A	TD	2.83%	377	13-Nov-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.86%	453	27-Nov-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.87%	399	11-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	391	18-Dec-19	1,000,000	1,000,000
AMP BANK ***	IMPERIUM	A+	TD	2.70%	241	2-Jan-20	1,000,000	1,000,000
AMP BANK ***	IMPERIUM	A+	TD	2.70%	248	9-Jan-20	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	412	9-Jan-20	1,000,000	1,000,000
AUSTRALIAN MILITARY BANK	LAMINAR	NR	TD	3.01%	420	22-Jan-20	1,000,000	1,000,000
AMP BANK ***	IMPERIUM	A+	TD	2.40%	182	28-Jan-20	2,000,000	2,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	362	5-Feb-20	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	359	19-Feb-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.50%	245	19-Feb-20	1,000,000	1,000,000
MYSTATE BANK	IMPERIUM	BBB	TD	1.74%	127	19-Feb-20	500,000	500,000
AMP BANK ***	IMPERIUM	A+	TD	2.95%	373	13-Mar-20	1,000,000	1,000,000
WESTPAC	WESTPAC	AA-	TD	1.72%	154	25-Mar-20	1,000,000	1,000,000
ICBC	RIM	A	TD	2.93%	509	1-Apr-20	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	CURVE	AA-	TD	1.60%	183	14-Apr-20	1,000,000	1,000,000
ARAB BANK	RIM	BB+	TD	2.97%	502	15-Apr-20	1,500,000	1,500,000
BOC	CURVE	A	TD	2.88%	512	28-Apr-20	1,000,000	1,000,000
JUDO BANK	LAMINAR	NR	TD	2.70%	369	13-May-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.65%	375	9-Jun-20	1,000,000	1,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	525	5-Aug-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.05%	362	26-Aug-20	800,000	800,000
WESTPAC	WESTPAC	AA-	FRTD	1.98%	368	15-Sep-20	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	FIIG	AA-	TD	1.50%	365	13-Oct-20	1,000,000	1,000,000
AUSTRALIAN MILITARY BANK	FARQUHARSON	NR	TD	1.65%	635	30-Jun-21	1,000,000	1,000,000
AUSWIDE BANK	CURVE	BBB	TD	1.75%	727	28-Sep-21	1,000,000	1,000,000
ICBC	IMPERIUM	A	TD	1.62%	729	13-Oct-21	1,000,000	1,000,000
AUSWIDE BANK	IMPERIUM	BBB	TD	1.65%	731	13-Oct-21	500,000	500,000
*** Please note - AMP Bank's Standard and Poor's long term rating has been downgraded to BBB+ since placement of Term Deposits								
SUB TOTAL (\$)							29,300,000	29,300,000
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					2,000,000	2,006,450
TCORP LONG TERM GROWTH FUND	TCORP	AAA					500,000	497,803
ME BANK 31 DAY NOTICE ACCOUNT	CURVE	BBB	AC	1.55%	31	18-Nov-19	1,500,000	1,500,000
INVESTMENTS TOTAL (\$)							33,300,000	33,304,253
CASH AT BANK (\$)							4,086,283	4,086,283
TOTAL CASH AND INVESTMENTS (\$)							37,386,283	37,390,536
CASH AT BANK INTEREST RATE				1.30%				
BBSW FOR PREVIOUS 3 MONTHS				0.99%				
AVG. INVESTMENT RATE OF RETURN				2.56%				
TD = TERM DEPOSIT								
AC = AT CALL CASH ACCOUNT								
FRTD = FLOATING RATE TERM DEPOSIT (0.98% ABOVE RBA CASH RATE)								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

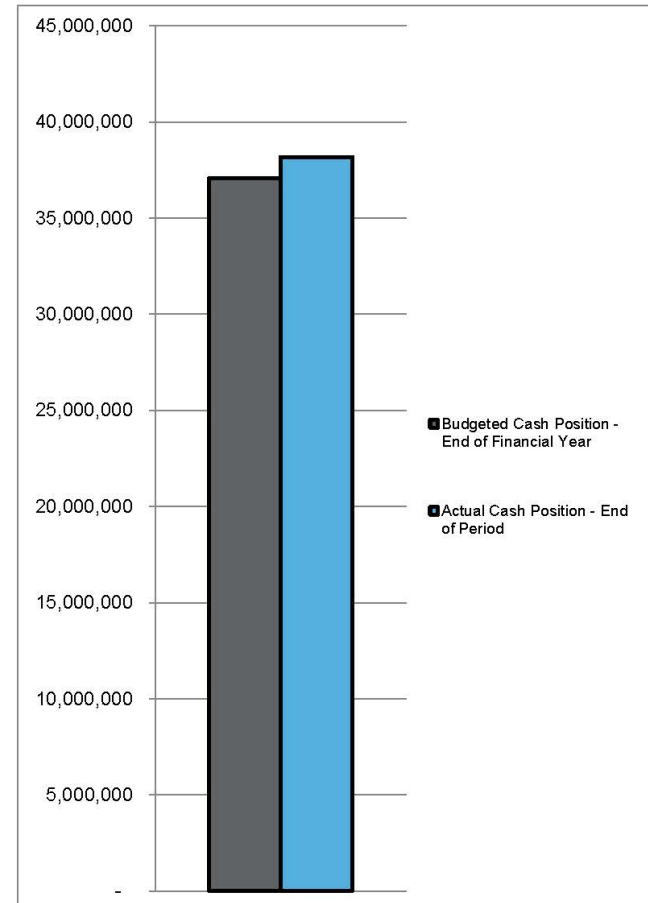


Cash flow analysis 31/10/2019

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2019
Closing Cash and Investment 31 October 2019
Movement in cash

	YTD	Notes
Opening Cash and Investment 1 July 2019	35,484,953	
Closing Cash and Investment 31 October 2019	38,188,312	
Movement in cash	2,703,358	
Movement in cash represented by:		
<u>Operating Activities</u>		
Receipts from ratepayers, customers and government authorities	39,340,849	
Payments to suppliers & employees	(30,001,236)	
Interest received	354,781	
Interest paid	(156,313)	
Total	9,538,081	
<u>Investing Activities</u>		
Receipts from sale of Infrastructure, Property, Plant & Equipment	7,977	
Payments for Property, Plant & Equipment	(12,958,009)	
Total	(12,950,032)	
<u>Financing Activities</u>		
Payment of loans	15,115,308	
Receipt of new loans	(9,000,000)	
Total	6,115,308	
Total Cash Movement	2,703,358	
Plus: Opening Cash and Investment 1 July 2019	35,484,953	
Closing Cash and Investment 31 October 2019	38,188,312	
Budgeted Cash Movement for the Financial Year	1,604,047	
Plus Opening Cash and Investment 1 July 2019	35,484,953	
Budgeted Cash and Investment Position 30 June 2020	37,089,000	
In front / (behind) on budget	1,099,312	1

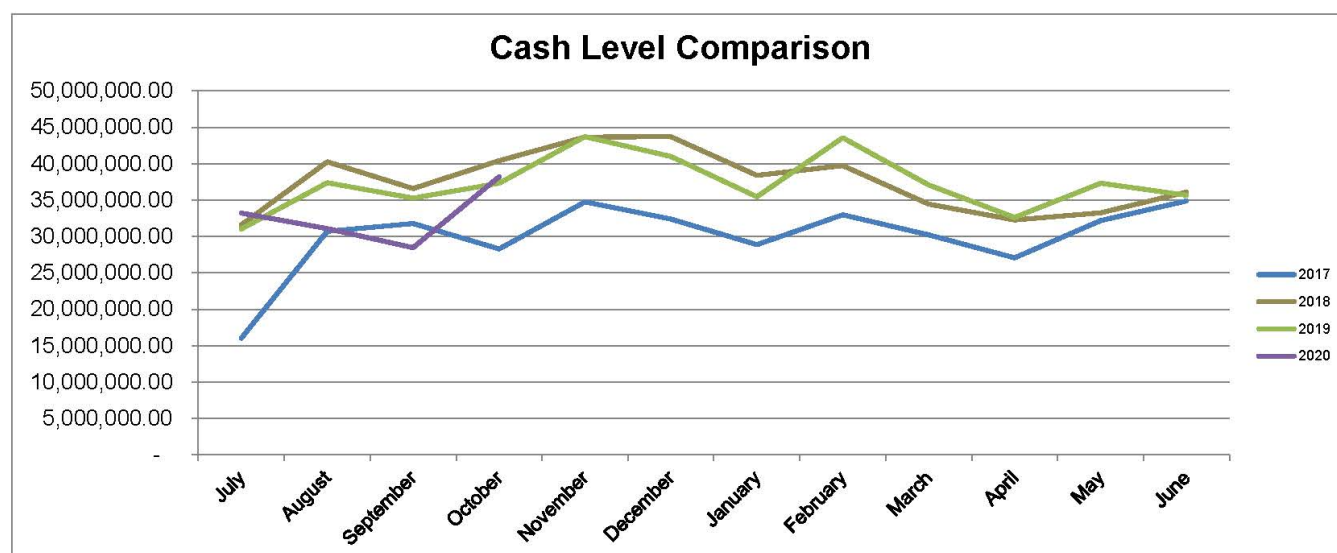


Notes

- 1 Council's cash position is up on the budgeted year end position by \$1.1M predominately due to the following reasons:
- Loans have since been received on the 1st of October for capital work projects and has since replenished the cash position.
 - Receipt of dividend from Newcastle airport this month.

Significant future cash inflows expected in next few months include various 2020 grants and 2nd quarter rates instalment.

Significant future cash outflows expected in next few months include: upgrade to 437 Hunter Street Newcastle, Koala Sanctuary, Robinson Reserve redevelopment, Riverside park seawall replacement, Tomaree road upgrade, Nelson Bay Croquet Club new court expansion, Halifax amenities upgrade, Nelson bay Marina sand clearing and plant purchases.



ITEM NO. 4

**FILE NO: 19/360747
EDRMS NO: PSC2017-02839**

REPORT ON THE LGNSW ANNUAL CONFERENCE 2019

REPORT OF: GIACOMO ARNOTT - COUNCILLOR
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to provide an overview of the 2019 Local Government NSW Annual Conference held on 14-16 October 2019 at Warwick Farm. The conference was attended by Mayor Ryan Palmer, Councillors Giacomo Arnott, Jaimie Abbott, Paul Le Mottee and Steve Tucker and the General Manager.

From 14-16 October 2019 hundreds of local government delegates from across the State converged on Warwick Farm in Sydney's west to attend the annual Local Government NSW conference.

Uniting the whole sector, Local Government NSW works to provide a voice to every council, big or small, coastal or country, populous or with a smaller population.

Caring for every council and giving it a voice has been the goal of Local Government NSW's President, Cr Linda Scott from the City of Sydney, and the work that Linda has been doing and what she has achieved has had a measurable and practical impact on our financial position and has allowed us to make more informed decisions.

Cr Linda Scott has made herself known to our area, visiting us in 2019 and spending some time outlining LGNSW's priorities and listening to our concerns and thoughts. We even got a photo with Cr Linda Scott that ended up on the rolling slideshow above the main stage at the conference, to the delight of Port Stephens Council's delegates.

Throughout the weekend, LGNSW with the assistance of the Australian Electoral Commission, conducted an election for the LGNSW Board President, Vice-Presidents, Treasurer and Directors.

The election resulted in Cr Linda Scott being re-elected to lead LGNSW by a landslide - clearly the work that LGNSW is doing had an impact on people's voting choices through the weekend.

The main purpose of the conference is to vote on motions and policy positions provided by councils throughout the year. Those motions that are carried by the conference become the platform that LGNSW will advocate for going forward.

The positions adopted by LGNSW this year reflect the growing voice that communities around NSW have, particularly around issues relating to future land use and the environment.

The first of Port Stephens Council's motions to the conference was around the management of derelict sites, such as the 'eyesore' on Gan Gan Road, Anna Bay. Cr Le Mottee clarified the aim of this motion for the conference, noting that its aim is to give councils power to manage these sorts of sites without needing to spend years and tens of thousands of dollars in the courts. This motion was passed by the conference.

Port Stephens Council's second motion was also carried by the conference. This motion calls on the NSW Government to directly fund ongoing councillor professional development costs. At the moment, councils are required to fund professional development opportunities for councillors, and with the NSW Government recently making parts of this training mandatory, it means the cost of implementing this is shifted to councils. It makes sense that these costs should be funded by the State.

A number of other important and relevant motions were discussed by the conference, which are outlined below.

The very first substantive motion that the conference dealt with was around a desire to see the State and Federal Governments provide funding to assist local communities in dealing with the effects of the ongoing drought. This position was supported by the conference and is something that is having an impact on the whole Hunter region.

An issue that has been plaguing the local government sector for years, is that of waste. The State Government has taken steps to make it more difficult for councils, including Port Stephens, to effectively recycle materials without significant financial burdens. The conference recognised these difficulties, supporting a number of motions calling on the State Government to support our sector's efforts to properly deal with waste and to be able to recycle better.

A motion was discussed around rates in council areas that were merged by the State Government in the last few years. This is an issue that Port Stephens could have easily been dealing with too, had it not been for the huge efforts of our community, the previous Council, and our State Member for Port Stephens, Kate Washington. Port Stephens Council was integral in having the proposed merger of our Council stopped by pointing out the fact that our rates would be increased to be in line with those in Newcastle, a proposal that would have had a huge impact on families in our area.

An issue raised by Blue Mountains City Council is a situation where consent can currently be granted for a development, and then the consent can sit dormant for decades until one day, a developer suddenly decides to act on the consent. Blue Mountains Council asked that the system be reformed with a view to stopping this from being able to happen without contemporary planning and environmental standards being considered, as well as the views of the present community.

Another motion that is directly relevant to our operations here in Port Stephens was a motion submitted by Wingercarribee Shire Council, asking that the State Government review the developer contributions system in NSW, with the aim of reducing the financial burden placed on councils in providing infrastructure to support population growth and/or the changing needs of communities. This is a very reasonable proposal and is one that would assist us in Port Stephens, with a growing population and communities demanding more of Council.

Hay Shire Council submitted a motion calling for the State Government to install a network of electronic water quality and level sensors throughout NSW river systems, to provide real time data to better assist government agencies with better management of these systems, especially in times of drought or water quality emergencies. With the Hunter River starting at Raymond Terrace, and a multitude of other rivers and tributaries in our local government area, this sort of data would be invaluable to Council and to authorities responsible for maintaining and protecting our river systems.

A motion from Ryde City Council called for LGNSW to support the United Service Union's campaign for 10 days domestic violence leave for local government employees. This motion was passed - however here in Port Stephens, the Award passed in 2018 by staff includes a stronger provision for domestic violence leave than that supported by the conference. This is provided for due to the emphasis that Port Stephens Council places on its staff, particularly around flexibility.

It is a quirk of the local government sector that Councillors and Mayors are not paid superannuation. Despite the fact that for some, being an elected representative is a full time job, superannuation is not paid, and this can have a huge impact on the variety and quality of candidates who consider putting their names forward for election. A motion was submitted by Newcastle City Council, calling on the State and Federal Governments to amend legislation to ensure that local government representatives are able to be paid superannuation, as every other Australian has been since 1991. This motion was supported.

There is a growing concern in Australia and internationally, that the use of glyphosate products used in weed management, such as Roundup, can have a health impact on those using the products, and people and animals who are in the vicinity of these products when they are used. Newcastle City Council submitted a motion that was supported, requesting that the NSW Government conduct a scientific review of using these products. The safety of our staff and our community is paramount, so it's vital

that the State Government commit to this review immediately and release the results to all councils.

Blue Mountains City Council provided a number of fantastic motions to this conference, including one calling on all Councils to investigate how they can advance the aim of achieving carbon neutrality in as much of the sector as possible. This would be a meaningful, practical way of combating climate change and supporting our Council's aim of being more environmentally conscious.

An issue that was only recently discussed by Port Stephens Council and dismissed as a stunt and unnecessary is that of whether we are in a climate emergency. The combined decision of every council in NSW is that yes - we are in a climate emergency. Local Government NSW carried a motion from Ryde City Council, declaring a climate emergency and calling on the State Government to join in on this action and make clear to the people of NSW, that we are in a state that understands the ongoing changes occurring in our climate and the need to take immediate action to stem the impacts of climate change.

A contentious motion provided by Shoalhaven City Council, was whether domestic cats should be confined to the house of their owner and/or an appropriate meshed cat run, and no longer be free to wander. Following a very spirited debate, the conference adopted this position. Supporters of this position noted the damage that domestic cats do to native animals in our community, as well as the fact that cats should clearly be indoor animals. The motion will now become an advocacy point for LGNSW.

Ryde City Council are clearly attuned to the needs of their community, with so many great motions - including one calling on the State Government to make changes to the Smoke-Free Environment Act 2000, to enable rangers to issue fines and penalty notices equivalent to those able to be issued by NSW Health, for people found to be smoking in a smoke-free area. Ensuring that this legislation allows Rangers to issue fines will reduce the amount of people displaying immense rudeness to their local community by smoking in smoke-free zones, and will help make our public places safer and reduce the risks to our children of inhaling second-hand smoke. A very sound policy position that hopefully the State Government acts fast to adopt.

The lack of women in elected roles in local government was a focus of the conference with a number of motions, including the one on superannuation, making note of the low participation rate of women when it comes to our sector. Shellharbour City Council found support from the conference for 2 motions aimed at information sessions targeted at women who are considering running for their local council, as well as for the introduction of a 'Women in Local Government' mentoring program in NSW. Both of these measures would go a long way to encouraging increased participation from women in local government, and move us towards a level of representation that reflects the demographics of the general population.

Lismore City Council proposed a motion calling on the Federal Government to urgently increase the rate of Newstart and Youth Allowance by at least \$100 per week, in order to address the low quality of life many people receiving these allowances - and their families - currently endure. It was also made clear that an increase of this magnitude would increase disposable income in NSW by a massive \$1.2billion. This is an obvious action that needs to be taken and it should be done sooner rather than later.

At present councils are required to make certain announcements in a local newspaper. Wagga Wagga City Council proposed that this requirement be removed. The conference did not support this position, which affirms the local government sector's support for local newspapers and the overall publishing industry. If councils removed this requirement, significant, consistent funds would be pulled away from local newspaper jobs, and ratepayers would find it more difficult to find and access important information from councils.

Liverpool City Council proposed an interesting motion that most people would probably think is already the case and standard practice. They requested that the NSW Government change the Local Government Act 1993, to ensure that a person wishing to nominate for a particular Council area must either be a resident or a ratepayer. This makes perfect sense, as people who don't live in our Council area can't possibly understand the challenges of the people who do live here. This could even be extended to ensure that any councillor who leaves a local government area during their term is required to disclose it to a public council meeting so the public is aware.

This conference made some important decisions that will remain in place until the next lot of Councillors are in place and elected at the 2020 Local Government Elections. The next group of Councillors elected in NSW could decide to change, improve, or reject some of these positions - but hopefully by then, a lot of what LGNSW has been advocating for will have been met and achieved.

The combined NSW Local Government sector has confidence in LGNSW's President, Cr Linda Scott, to deliver on these policy positions and to support our sector going forward. Well done to Linda and all others elected.

You can view the full list of motions here: <https://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference-2019/local-government-nsw-annual-conference>

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

**FILE NO: 19/361863
EDRMS NO: PSC2017-02840**

REPORT ON THE NSW COASTAL CONFERENCE 2019

REPORT OF: JOHN NELL - COUNCILLOR
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to provide Council with feedback on the 28th Annual NSW Coastal Conference held at the Crowne Plaza Terrigal Pacific from 30 October 2019 until 1 November 2019. The Conference theme "Connecting Coast, Catchment and Community", promoted the concept that coastal protection starts in the catchment and needs community support to succeed.

The NSW Coastal Conference has grown to be one of the most successful coastal industry events in the country. It brings together over 250 delegates from a diverse range of fields, such as, coastal, estuarine and marine management, science and research, education, planning, policy and law; as well as representatives from government, private sector and community groups.

The talk by Associate Professor William Glamore from the University of NSW (UNSW), Sydney discussing the effects of rising sea levels on "Climate change in estuaries, moving beyond the high tide", was particularly interesting. A publication from the UNSW (Heimhuber *et al.*, 2019) showed that estuaries typically exhibit complex tidal dynamics due to the combined effects of friction, entrance restrictions and tidal wave resonance, due to these complexities, estimating the impacts of sea level rise within estuaries is difficult. Previously, it had been assumed that estuary tide levels match those in the oceans but this simple assumption gives misleading answers.

In the case of long coastal rivers such as the Hunter River, the king tide level in the upper reaches may be up to 0.5 m higher, due to the high tide water flowing back and meeting up with the next high tide. In addition, there will be an effect in the Williams River Weir, where the high tides are blocked. This effect of sea level rise on substantially increased king tide levels and their concomitant effect on flood levels in the Hunter Valley needs to be investigated.

However, as the shape of the Port together with the variations in water depths makes predicting tidal changes rather challenging, thus this estuary needs to be modelled and studied separately, to accurately predict the effect of rising sea levels in the Port.

Reference:

Heimhuber, V., Glamore, W., Ataupah, J., Bishop M., Dominguez, G., Scanes, P., Rahman, P., Rainer, D. & Miller, B. 2019. Module 3 - *Physical responses to climate change; Climate Change in Estuaries*. Viewed 2 November 2019, <<http://estuaries.wrl.unsw.edu.au/index.php/climate-change/risk-assessment-guide/module-3/module-3-full/>>.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

**FILE NO: 19/329316
EDRMS NO: PSC2019-02300**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to table Designated Persons' Return/s (return) submitted by new Council employees.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all new employees are required to submit a return within 3 months of commencement. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Cadet Town Planner (PSC438)
- Strategic Planner (PSC959)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 7

**FILE NO: 19/189301
EDRMS NO: PSC2017-00105**

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform Elected Members of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

Note that at the time of preparing these reports there were no outstanding matters relating to the Development Services Group.

ATTACHMENTS

- 1) Corporate Services Group report.
- 2) Facilities & Services Group report.
- 3) General Manager's Office report.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.


Outstanding	Division:	Corporate Services	Date From:	26/09/2017
Action Sheets			Date To:	12/11/2019
Report			Printed:	Monday, 18 November 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Meyn, Janet	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	31/12/2019	28/03/2018	
13 066		Foster, Carmel				18/66656
15 Nov 2019 - Property Services is waiting to receive update from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/06/2018	Foster, Carmel	RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY	10/12/2019	27/06/2018	
2		Foster, Carmel				18/138953
18 Oct 2019 – This matter is to be brought back to Council in December 2019. No action until then.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/07/2018	Meyn, Janet	398 CABBAGE TREE ROAD, WILLIAMTOWN	31/12/2019		
2 221		Foster, Carmel				18/151411
15 Nov 2019 - The lease has been executed and is being sent to solicitors for registration.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/08/2018	Meyn, Janet	Proposed Partial Road Closure - The Close, Raymond Terrace for future Development of Terrace Central Shopping Centre	24/12/2019	15/08/2018	
1 254		Foster, Carmel				18/179364
15 Nov 2019 - Property Services is progressing with the sale of the closed road to the adjoining land owner.						

ITEM 7 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.


Outstanding	Division:	Corporate Services	Date From:	26/09/2017
			Date To:	12/11/2019
Action Sheets Report			Printed:	Monday, 18 November 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 3	Ordinary Council 12/02/2019	Meyn, Janet Foster, Carmel	King Street, Raymond Terrace Easements	31/05/2020	14/02/2019	19/39843
15 Nov 2019 - Property Services is waiting for the Office of Local Government to advise what additional information is required.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 26/02/2019	Meyn, Janet Foster, Carmel	PLANNING PROPOSAL FOR BOOMERANG PARK	31/12/2019	27/02/2019	19/54534
15 Nov 2019 - Property Services continues to investigate options for the site.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1 099	Ordinary Council 14/05/2019	Meyn, Janet Foster, Carmel	DEBT RECOVERY	24/12/2019	15/05/2019	19/136619
15 Nov 2019 - Debt recovery is underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 5 109	Ordinary Council 28/05/2019	Meyn, Janet Foster, Carmel	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	31/03/2020	29/05/2019	19/148388
15 Nov 2019 - Property Services is currently reviewing the draft Gazette.						

ITEM 7 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.


Outstanding	Division:	Corporate Services	Date From:	26/09/2017
Action Sheets			Date To:	12/11/2019
Report			Printed:	Monday, 18 November 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	30/06/2020	29/05/2019	
6		Foster, Carmel				19/148388
110						
15 Nov 2019 - Property Services is awaiting a status update from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2019	Meyn, Janet	Naming of Reserve - Bower Reserve, Medowie	31/12/2019	12/06/2019	
3		Foster, Carmel				19/160026
121						
15 Nov 2019 - The application has been lodged with the Office of Local Government. The Property team is following statutory process for the naming of reserves.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Meyn, Janet	Sale of 2 Jessie Road, Anna Bay (formerly Anna Bay Oval)	31/12/2019		
1		Foster, Carmel				19/186501
158						
15 Nov 2019 - Contracts have exchanged.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Meyn, Janet	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	24/12/2019		
7		Foster, Carmel				19/200498
169						
15 Nov 2019 - Property Services is waiting for formal documentation from AGL.						

ITEM 7 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.


Outstanding	Division:	Corporate Services	Date From:	26/09/2017
Action Sheets			Date To:	12/11/2019
Report			Printed:	Monday, 18 November 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/09/2019	Meyn, Janet	PCYC LEASE - 42 WILLIAM STREET, RAYMOND TERRACE	31/12/2019	25/09/2019	
5		Foster, Carmel				19/321198
165						
15 Nov 2019 – An amended lease has been prepared by Council's Lawyers and sent to Lessee for review.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/10/2019	Meyn, Janet	EASEMENT TO DRAIN WATER - KINGSLEY DRIVE AND CORYULE STREET, BOAT HARBOUR	24/12/2019	9/10/2019	
1		Foster, Carmel				19/331292
191						
15 Nov 2019 – Property Services is proceeding with all land owners.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2019	Meyn, Janet	SALE OF PART 13 SCHOOL DRIVE, TOMAGO	31/01/2020	13/11/2019	
1		Foster, Carmel				19/364714
217						
15 Nov 2019 - Council to prepare three contracts for Sale.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2019	Meyn, Janet	SALE OF PART 9B DIEMARS ROAD, SALAMANDER BAY	31/01/2020	13/11/2019	
2		Foster, Carmel				19/364714
218						
15 Nov 2019 - Council has deferred decision pending outcome of two way conversation scheduled for 19 November 2019.						

ITEM 7 - ATTACHMENT 2 FACILITIES & SERVICES GROUP REPORT.


Outstanding	Division:	Facilities & Services	Date From:	26/09/2017
Action Sheets			Date To:	12/11/2019
Report			Printed:	Monday, 18 November 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/02/2018	Maretich, John	SPORTS GROUND IRRIGATION SYSTEMS	28/04/2020	14/02/2018	
2		Kable, Gregory				18/32353
026						
7 Nov 2019 - This will be reported back to Council as part of the Strategic Asset Management Plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Kable, Gregory	Lease of grounds of 43, 45, 47 and 47A Tanilba Avenue Tanilba Bay (Lot 238, Lot 270 and Lot 271 DP753194, Lot 342 DP704442) to Calvary Retirement Communities Hunter-Manning Limited ACN 102625212.	28/02/2020	28/03/2018	
14		Kable, Gregory				18/66656
067						
6 Nov 2019 - Once approval from Crown Lands comes through it then has to go to both the Worimi Land Council and the NSW Local Aboriginal Council as both have land claims on this parcel of land.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/04/2018	Maretich, John	BOBS FARM DRAINAGE	31/12/2020	11/04/2018	
2		Kable, Gregory				18/75830
084						
7 Nov 2019 - Currently examining funding options to determine if Council can adopt these as public assets.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Maretich, John	ROCK REVETMENT AT KANGAROO POINT, SOLDIERS POINT	31/07/2020		
2		Kable, Gregory				19/186501
155						
7 Nov 2019 - Council staff will seek to identify grant funding opportunities for this project.						

ITEM 7 - ATTACHMENT 2 FACILITIES & SERVICES GROUP REPORT.



Outstanding	Division:	Facilities & Services	Date From:	26/09/2017
			Date To:	12/11/2019
Action Sheets Report			Printed:	Monday, 18 November 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/09/2019	Maretich, John	PSC2020 Proposed Community Projects - Central Ward Amendment	30/11/2019	25/09/2019	
8 168		Kable, Gregory				19/321198
7 Nov 2019 - Public exhibition closed on 30 October 2019 with 4 submissions received. A Council report has been prepared and will go to the Ordinary Meeting on 26 November 2019.						

MINUTES ORDINARY COUNCIL - 26 NOVEMBER 2019



Outstanding	Division:	General Manager's Office	Date From:	26/09/2017
			Date To:	12/11/2019
Action Sheets			Printed:	Monday, 18 November 2019
Report				

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/09/2019	Wickham, Tony	WARD BOUNDARY REVIEW	30/11/2019		
5		Wallis, Wayne				19/307531
222						

13 Nov 2019 - Included in the Council meeting agenda for 26 November 2019.

There being no further business the meeting closed at 7.15pm.