

# NOTICE OF ORDINARY MEETING

## 9 JUNE 2020



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: J Abbott, G Arnott, C Doohan, G Dunkley, K Jordan, P Le Mottee, J Nell, S Smith, S Tucker.

### SCHEDULE OF MEETINGS

TIME	ITEM	VENUE
5:30pm:	Public Access (if applied for)	Council Chambers
Followed by:	Ordinary Meeting	Council Chambers

### Please Note:

In accordance with the NSW Privacy and Personal Information Protection Act 1998, you are advised that all discussion held during the Open Council meeting is public information. This will include any discussion involving the Mayor, a Councillor, staff member or a member of the public. All persons present should withhold from making public comments about another individual without seeking the consent of that individual in the first instance. Should you have any questions concerning the privacy of individuals at the meeting, please speak with the Governance Section Manager or the General Manager prior to the meeting.

Please be aware that Council webcasts its Open Council meetings via its website. All persons should refrain from making any defamatory remarks. Council accepts no liability for any defamatory remarks made during the course of the Council meeting.

For the safety and wellbeing of the public, no signs, placards or other props made from material other than paper will be permitted in the Council Chamber. No material should be larger than A3 in size.

Food and beverages are not permitted in the Council Chamber.

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## **BUSINESS**

- 1) Prayer - We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.
- 2) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 3) Apologies.
- 4) Confirmation of Minutes. Ordinary Meeting of 12 May 2020.
- 5) Disclosure of Pecuniary Interest or Non-Pecuniary Interest.
- 6) Mayoral Minute (if submitted).
- 7) Council reports.
- 8) Information papers.
- 9) Notices of motion.

## **PRINCIPLES FOR LOCAL GOVERNMENT**

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

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

### **Guiding principles for Council**

#### **1. Exercise of functions generally**

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

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

#### **2. Decision-making**

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

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



### 3. Community participation

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

#### **Principles of sound financial management**

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

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

#### **Integrated planning and reporting principles that apply to Council**

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

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

## PORT STEPHENS COMMUNITY STRATEGIC PLAN

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (3 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into four focus areas:

**OUR COMMUNITY** – Port Stephens is a thriving and strong community respecting diversity and heritage.

**OUR PLACE** – Port Stephens is a liveable place supporting local economic growth.

**OUR ENVIRONMENT** – Port Stephens' environment is clean and green, protected and enhanced.

**OUR COUNCIL** – Port Stephens Council leads, manages and delivers valued community services in a responsible way.

## BUSINESS EXCELLENCE

Port Stephens Council is a quality and a customer service focused organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on nine (9) principles.

These outcomes align with the following Business Excellence principles:

- 1) Clear direction and mutually agreed plans enable organisational alignment and focus on achievement of goals.
- 2) Understanding what customers and other stakeholders value, now and in the future, enables organisational direction, strategy and action.
- 3) All people work in a system. Outcomes are improved when people work on the system and its associated processes.
- 4) Engaging people's enthusiasm, resourcefulness and participation improves organisational performance.
- 5) Innovation and learning influence the agility and responsiveness of the organisation.
- 6) Effective use of facts, data and knowledge leads to improved decisions.
- 7) Variation impacts predictability, profitability and performance.
- 8) Sustainable performance is determined by an organisation's ability to deliver value for all stakeholders in an ethically, socially and environmentally responsible manner.
- 9) Leaders determine the culture and value system of the organisation through their decisions and behaviour.

## MEETING PROCEDURES SUMMARY

**Starting time** – All meetings must commence within 30 minutes of the advertised time.

**Quorum** – A quorum at Port Stephens Council is six (6).

### **Declarations of Interest**

**Pecuniary** – Councillors who have a pecuniary interest must declare the interest, not participate in the debate and leave the meeting.

**Non-Pecuniary** – Councillors are required to indicate if they have a non-pecuniary interest, should a Councillor declare a significant non-pecuniary they must not participate in the debate and leave the meeting. If a Councillor declares a less than significant non-pecuniary they must state why no further action should be taken. Councillors may remain in the meeting for a less than significant non-pecuniary.

**Confirm the Minutes** – Councillors are able to raise any matter concerning the Minutes prior to confirmation of the Minutes.

**Public Access** – Each speaker has five (5) minutes to address Council with no more than two (2) for and two (2) against the subject.

### **Motions and Amendments**

**Moving Recommendations** – If a Committee recommendation is being moved, ie been to a Committee first, then the motion must be moved and seconded at Council prior to debate proceeding. A Councillor may move an alternate motion to the recommendation.

**Amendments** – A Councillor may move an amendment to any motion however only one amendment or motion can be before Council at any one time, if carried it becomes the motion.

**Seconding Amendments** – When moving an amendment, it must be seconded or it lapses.

**Incorporating Amendments** – If a motion has been moved and the mover and seconder agree with something which is being moved as an amendment by others, they may elect to incorporate it into their motion or amendment as the case may be.

**Voting Order** – When voting on a matter the order is as follows:

1. Amendment (If any)
2. Foreshadowed Amendments – (If any, and in the order they were moved)
3. Motion

**NB – Where an amendment is carried, there must be another vote on the amendment becoming the motion.**

**Voting** – an item is passed where a majority vote for the subject. If the voting is tied the Chairperson has a second (casting) vote which is used to break the deadlock.

**Closed Session** – There must be a motion to close a meeting. Prior to voting on the motion the chairperson will invite the gallery to make representations if they believe the meeting shouldn't be closed. Then Councillors vote on the matter. If adopted the gallery should then be cleared and the matter considered in closed session. Any decision taken in session closed is a resolution. There must be a motion to reopen the Council meeting to the public. If decision occurred in 'closed session', the meeting is advised of the resolution in 'open session'.

**Procedural Motion** – Is a motion necessary for the conduct of the meeting, it is voted on without debate, eg defer an item to the end of the meeting (however, to defer an item to another meeting is not a procedural motion), extend the time for a Councillor to speak etc.

**Points of Order** – when any of the following are occurring or have occurred a Councillor can rise on a 'Point of Order', the breach is explained to the Chairperson who rules on the matter.

A Point of Order can be raised where:

1. There has been any non-compliance with procedure, eg motion not seconded etc.
2. A Councillor commits an act of disorder:
  - a) Contravenes the Act, any Regulation in force under the Act, the Code of Conduct or this Code.
  - b) Assaults or threatens to assault another Councillor or person present at the meeting.
  - c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or address or attempts to address the Council or Committee on such a motion, amendment or matter.
  - d) Insults or makes personal reflections on or imputes improper motives to any other Councillor, any staff member or alleges a breach of Council's Code of Conduct.
  - e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into disrepute.

## **Declarations of Conflict of Interest – Definitions**

**Pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in Clause 7 of the Code of Conduct.

**Non Pecuniary interests** are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Code of Conduct. These commonly arise out of family or personal relationships or involvement in sporting, social or other cultural groups and associations and may include an interest of financial nature.

The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interest in such a matter.

The political views of a Councillor do not constitute a private interest.



## Form of Special Disclosure of Pecuniary Interest

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

### Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the PORT STEPHENS COUNCIL

to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (eg is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	

<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Mayor/Councillor's signature \_\_\_\_\_

Date \_\_\_\_\_

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]





## Declaration of Interest form

Agenda item No. \_\_\_\_\_

Report title \_\_\_\_\_

Mayor/Councillor \_\_\_\_\_ declared a

Tick the relevant response:

<input type="checkbox"/>	<b>pecuniary</b> conflict of interest
<input type="checkbox"/>	<b>significant</b> non pecuniary conflict of interest
<input type="checkbox"/>	<b>less than significant</b> non- pecuniary conflict of interest

in this item. The nature of the interest is \_\_\_\_\_

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**If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)**

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**OFFICE USE ONLY:** (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at \_\_\_\_\_pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at \_\_\_\_\_ pm.

Mayor/Councillor left the Council meeting at \_\_\_\_\_ pm.

Mayor/Councillor returned to the Council meeting at \_\_\_\_\_ pm.

# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: 20/63358  
EDRMS NO: DA16-2019-616-1**

**DEVELOPMENT APPLICATION 16-2019-616-1 FOR PROPOSED FOOD AND DRINK PREMISES - MCDONALDS RESTURANT AT 795 MEDOWIE ROAD, MEDOWIE (LOT:1 DP:1215257)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application No.16-2019-616-1 for a Food and Drink Premises (McDonald's Restaurant), subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

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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 795 Medowie Road, Medowie (Lot: 1 DP: 1215257, ('the subject site')). A locality plan is provided in **(ATTACHMENT 1)**.

The DA is being reported to Council for determination, in accordance with the Development Applications to be Reported to Council Policy, as the development is located on land which is owned by Port Stephens Council.

Proposal

The application proposes a new McDonalds Restaurant and will comprise of a free standing building with a total gross floor area (GFA) 425m<sup>2</sup>. The proposal will include:

- Dining capacity of 90 people
- McCafe outlet
- Playground
- A drive-through facility, including 2 separate servery bays and 2 waiting bays
- Signage
- A loading bay
- Accessible toilets.

Landscaping will be provided along the boundary of the site, which will provide appropriate treatment and coverage to the car park and building. The development will provide a range of signage that will include business identification signage, including an 8 metre high pylon sign, safety signage and wayfinding signs.

The development will be accessed via Peppertree Road and Muir Street with a 2-way internal driveway. The application proposes 45 on site car parking spaces.

The applicants proposed hours of operation are 24 hours, 7 days a week, with drive-through only between 11pm to 5am. Deliveries will be restricted to 7am to 10pm, 7 days a week.

The McDonald's Restaurant will have an average of 12 staff on site at any given time and a minimum of 3 staff at all times.

The building will also provide appropriate floor waste, grease traps, mechanical ventilation and associated plant machinery for the preparation of serving food. Toilets for patrons will be provided and accessed from inside the store.

#### Site Description

The subject site is identified as Lot: 1 DP: 1215257, 795 Medowie Road, Medowie and measures 5.3 hectares in size with an irregular shape, as identified on the Locality Plan (**ATTACHMENT 1**).

The proposed development will occupy only the south eastern section of the allotment. The site is split into 3 distinct sections by Muir Street and Peppertree Road. The topography of the overall site falls generally to the west and south. To the east of Peppertree Road the site is vacant and grassed, while the area to the west of the site, the land is heavily vegetated. The surrounding development is predominantly a mixture of commercial, retail and residential.

The site has been the subject of 2 recent development application approvals for subdivision including DA16-2018-789-1, which sought consent for a 1 into 5 lot Torrens title subdivision, and DA16-2019-445-1 for the erection of a commercial premises and a further 1 into 4 lot subdivision of the site. The proposed development is located on Lot 1 as approved under DA 16-2019-445-1 by the Hunter Central Coast Regional Planning Panel (HCCRPP).

Other developments across the broader 795 Medowie Road site include an approved service station, vehicle workshop and food and drink premises (DA 16-2019-339-1) located to the east of the proposal and approved by Council in December 2019. A commercial building (DA 16-2019-284-1) located to the north of the proposal was approved by Council in August 2019. A further application to the north includes a food and drink premises (restaurant) and 2 commercial tenancies (DA 16-2020-136-1) and is currently under assessment by Council with the determining authority being the HCCRPP.

## Key Issues

### Noise

A noise assessment has been submitted with the application which assesses potential operational noise emissions including noise from light vehicles, truck deliveries and mechanical plant, on the basis of a 24 hour operation. The results of the noise assessment demonstrate that emissions from the development would not exceed the maximum allowable level for both day and night time operation. As such, there is no sleep disturbance anticipated to occur as a result of 24 hour operation of the development.

The assessment also included modelling of noise emissions associated with the construction of the development. The modelling identifies that predicted noise emissions levels may be above the applicable construction management levels. As such, the noise assessment recommends management measures to reduce potential impacts on surrounding receivers.

The report suitably demonstrates that provided the noise control recommendations are followed there will be minimal adverse impact to residential acoustic amenity. Subject to the Recommended Conditions of Consent contained within **(ATTACHMENT 3)** requiring compliance with the recommendations of the noise assessment, the proposed development is not anticipated to result in an unacceptable level of noise emission.

Notwithstanding, to limit potential impacts on the local amenity, Council officers recommended that the restaurant only operate the seating areas between 5am and 11pm, after which only the drive-through facility will be operational. Further, deliveries will be limited to between 7am and 10pm, 7 days a week. This is detailed in the Recommended Conditions of Consent **(ATTACHMENT 3)**.

### Traffic

The Traffic Impact Assessment (TIA) submitted with the application considers cumulative traffic generation as a result of the proposed McDonalds and DA16-2019-445-1, which includes a commercial development and subdivision, as discussed in the Site Description section in this report.

Following review of the TIA by Council's traffic engineer, it was identified that the existing intersection arrangement of Medowie Road and Muir Street would not adequately cater for the additional traffic movements predicted as a result of the proposal combined with DA16-2019-445-1 which is for the erection of a commercial premises and a 1 into 4 lot subdivision of the site. In response to this matter, the applicant has provided preliminary plans indicating that a channelised right hand turn lane from Medowie Road into Muir Street could be accommodated in the existing road verge.

Subject to the Recommended Conditions of Consent contained within **(ATTACHMENT 3)** requiring the upgrade of the Medowie Road and Muir Street intersection, the road network is capable of handling the additional traffic volume generated by the development.

#### Litter Management

A Litter Management Strategy was submitted by the applicant and is provided within the Waste Management Plan. The Litter Management Strategy includes actions to prevent littering and ensure regular collection of litter is undertaken. The key actions include:

- Maintain McDonald's 'litterman' branding for use on and around the Medowie site.
- Identify a litter patrol area in consultation with Council, whereby crew can safely patrol and pick up litter.
- Installation of litter traps in car park to minimise pollutants from entering the storm water drainage system.
- Installation of digital menu boards to minimise waste to landfill from updating menus.
- Anti-litter logos on packaging.
- Crew and management training on implementation of the McDonald's litter program.

A condition of consent is recommended requiring the development to operate in accordance with the Waste Management Strategy.

#### Conclusion

The subject site is Zoned B2 Local Centre under the Port Stephens Local Environmental Plan 2013 (LEP 2013). The proposed development meets the objectives of the B2 Local Centre in that the proposal will provide retail and business opportunities that serves the needs of people that live in the community. The development will also encourage employment opportunities in the Medowie town centre.

The proposed development is consistent with the relevant environmental planning instruments applicable to the subject site including:

- Section 4.15 of the Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy No 55 - Remediation of Land and State Environmental Planning Policy Infrastructure (2007)
- State Environmental Planning Policy No 44 – Koala Habitat Protection
- State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)
- Port Stephens Local Environmental Plan 2013 (LEP 2013)
- Port Stephens Development Control Plan 2014 (DCP 2014).

The key issues arising through the assessment of the application have been satisfactorily addressed and supported by sufficient mitigation measures as provided within the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**. Accordingly, the proposed development supports and promotes the public interest, and is recommended for approval.

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Thriving and Safe Place to Live	Support the amenity and identity of Port Stephens. Enhance public safety, health and liveability through the use of Council's regulatory controls and services.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The application could potentially be challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.12)	Yes		Development levy to be paid to Council based on a percentage relating to the Capital Investment Value (CIV) of the development.
External Grants	No		
Other	No		

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

The development application, subject to the Recommended Conditions of Consent **(ATTACHMENT 3)** is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979. A detailed assessment against these requirements are contained within the Planners Assessment Report provided at **(ATTACHMENT 2)**.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that a third party or the applicant may appeal the determination In the Land and Environment Court.	Low	Approve the application in line with the recommendation.	Yes
There is a risk that if the application is refused the ability to provide new commercial development in Medowie will not be realised.	Low	Approve the application as recommended.	Yes.

### **SUSTAINABILITY IMPLICATIONS**

Includes social, economic, and environmental implications.

The proposed development is anticipated to have positive social and economic impacts through the creation of viable employment and economic opportunities during both the construction of the development and future operation.

The development is consistent with anticipated and existing surrounding developments, and the objectives of Zone B2 Local Centre. The subject site is cleared of vegetation and will not have a significant impact on the natural environment.

The development has been designed with consideration to Crime Prevention Through Environmental Design (CPTED) principles and incorporates night lighting, appropriate car park design, site and building layout and CCTV cameras to assist in crime deterrence and prevention. Furthermore, a condition is within the Recommended Conditions of Consent (**ATTACHMENT 3**) requiring the development operate through drive-through service only, between the hours of 11pm and 5am to further reduce the likelihood of antisocial behaviour.

The proposal improves local access to toilet facilities and a condition is within the Recommended Conditions of Consent (**ATTACHMENT 3**) requiring that toilet facilities be made accessible to patrons of the development.

The height, bulk and scale of the proposed building responds to the surrounding development, which is mixed use including retail and commercial.



## **CONSULTATION**

Consultation with key stakeholders has been undertaken, including through the public notification and advertising process.

### Internal

The application was referred to Councils Development Engineer, Building Surveyor, Environmental Health Officer, Natural Resource Officer, Vegetation Management Officer, and Contributions Officer. Each internal staff member assessed the relevant portion of the original application and where necessary requested additional information.

Following receipt of amended plans and additional information, the application was referred back to the internal staff members for review. No objections were raised by any internal staff to the amended design and relevant conditions have been incorporated into the Recommended Conditions of Consent provided at **(ATTACHMENT 3)**.

### External

Consultation was undertaken with Hunter Water Corporation, Department of Defence, NSW Police and Transport for NSW. Responses received raised no objection, subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

### Public Consultation

In accordance with the requirements of the DCP 2014, the development application was notified and advertised for a period of 14 days, ending 16 October 2019. A total of 57 submissions were received, including 3 submissions in support of the proposal. The issues raised in the submissions have been addressed in detail in the Planners Assessment Report provided at **(ATTACHMENT 2)**.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Locality Plan. [↓](#)
- 2) Planners Assessment Report. [↓](#)
- 3) Recommended Conditions of Consent. [↓](#)

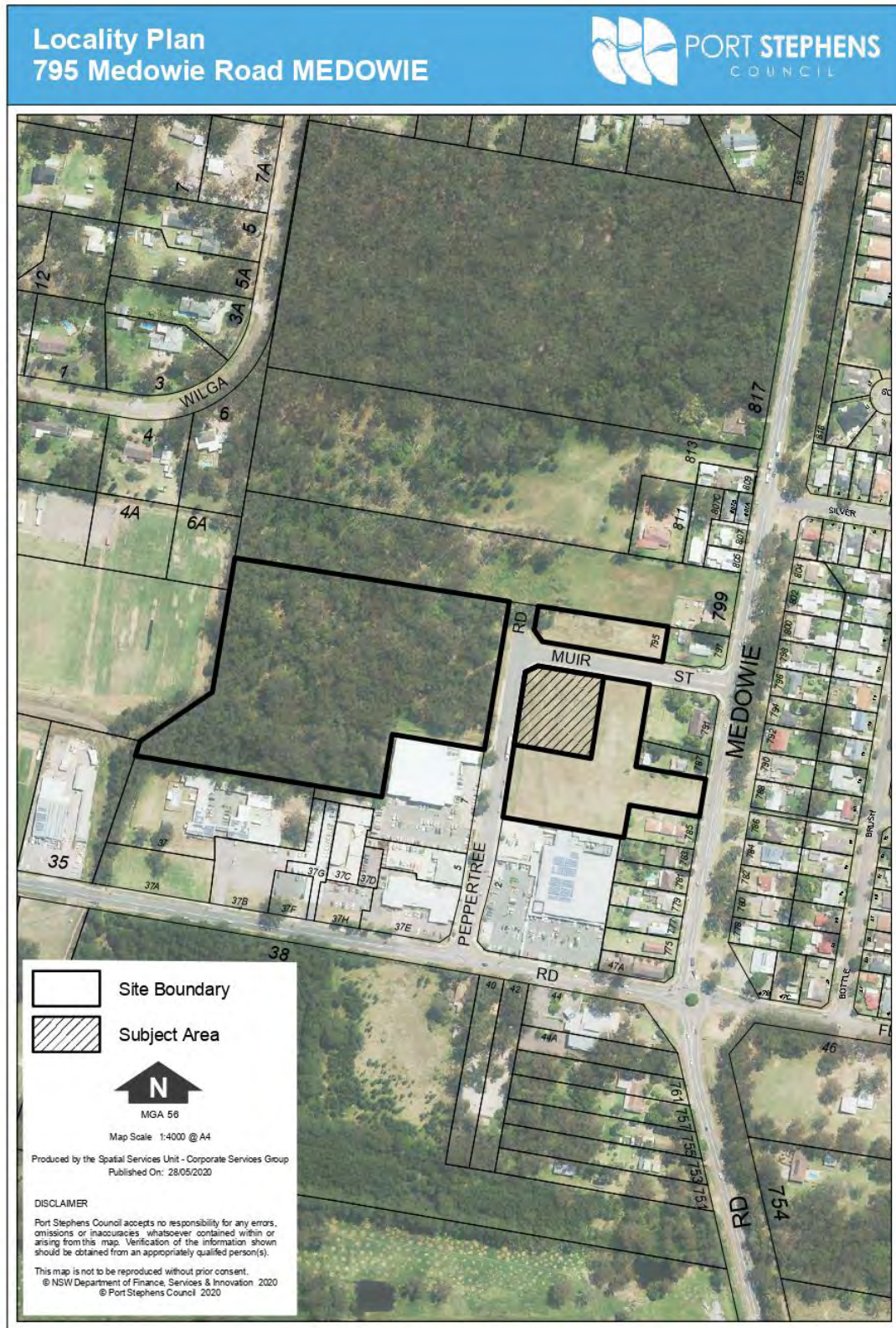
**COUNCILLORS ROOM**

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

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

**TABLED DOCUMENTS**

Nil.



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





## APPLICATION REFERENCES

<b>Application Number</b>	16-2019-616-1
<b>Development Description</b>	Food and drink premises - McDonalds Restaurant
<b>Applicant</b>	ELTON CONSULTING
<b>Land owner</b>	Port Stephens Council
<b>Date of Lodgement</b>	25/09/2019
<b>Value of Works</b>	\$3,500,000.00
<b>Submissions</b>	57

## PROPERTY DETAILS

<b>Property Address</b>	795 Medowie Road MEDOWIE
<b>Lot and DP</b>	LOT: 1 DP: 1215257
<b>Current Use</b>	Vacant land
<b>Zoning</b>	B2 LOCAL CENTRE / PART R2 LOW DENSITY RESIDENTIAL / PART RE1 PUBLIC RECREATION
<b>Site Constraints</b>	<p>Height of buildings – 8m</p> <p>Acid Sulfate Soils – Class 5</p> <p>LEP - Wetlands</p> <p>Drinking Water Catchment</p> <p>Bush Fire Prone Land</p> <p>Koala Habitat – Preferred habitat linking area over marginal habitat, preferred habitat buffer over cleared land, preferred koala habitat, preferred habitat buffer over marginal habitat.</p> <p>High Environmental Value Mapping (OEH)</p> <p>Biodiversity Values Map (OEH)</p> <p>SEPP (Vegetation in Non-Rural Areas)</p> <p>Height Trigger Map – RAAF Base Williamtown</p> <p>Bird Strike – RAAF Base Williamtown</p> <p>Prime Agricultural Land (Classes 1-3).</p>

Hunter Water Special Areas  
 Stormwater Drainage Problem Areas  
 Flood Prone Land (PMF)  
 Low Hazard Flood Fringe Area  
 Low Hazard Flood Storage Area  
 High Hazard Flood Storage Area  
 High Hazard Floodway Area  
 Flood Planning Area

## PLANNERS PRE-ASSESSMENT CHECKLIST

### 1. SITE DESCRIPTION

The subject site is defined as Lot: 1 DP: 1215257, 795 Medowie Road, Medowie and measures 5.3 ha in size with an irregular shape. The topography of the site falls in a westerly direction.

The lot is physically divided into 3 areas by the recently constructed Muir Street and Peppertree Road. To the east of Peppertree Road the site is vacant and cleared, the west of the site contains dense vegetation.

The site area subject to the development includes proposed Lot 1 as approved under DA 16-2019-445-1, as shown in **Figure 1** below (diagonal hashing denotes the area subject to development). The area covers 3,914m<sup>2</sup> of cleared land and holds frontage to Peppertree Road to the north and Muir Street to the west.

The site immediately adjoins the existing Medowie Local Centre to the south west, which comprises a mix of retail/business uses, including several food and drink premises and a Coles and Woolworths supermarket. Recreation land (Boyd Oval) is located to the west. Low density residential is located to the south, east and north. Land to the north at 799 and 813 Medowie Road holds consent for a two into 39 lot Torrens title subdivision and land to the east at 791 Medowie Road holds consent for the construction of an eight unit multi-dwelling housing development.

The land identified as 795 Medowie Road forms part of a larger site that is currently vacant and identified for future commercial and residential land uses. This land holds a number of recent commercial development approvals, which is discussed further in the following section of this report.

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**Figure 1:** Satellite image Overview of Site – Diagonal hashing denotes the area subject to development.

A site inspection was carried out on 16 October 2019. The subject site can be seen in the images below:



**Image 1:** Proposed Location of development (viewed from corner of Muir Street and Pepper Tree Road)



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**Image 2:** Proposed location of development (viewed from Pepertrree Road)



**Image 3:** View south east toward existing commercial development (viewed from Peppertree Road)

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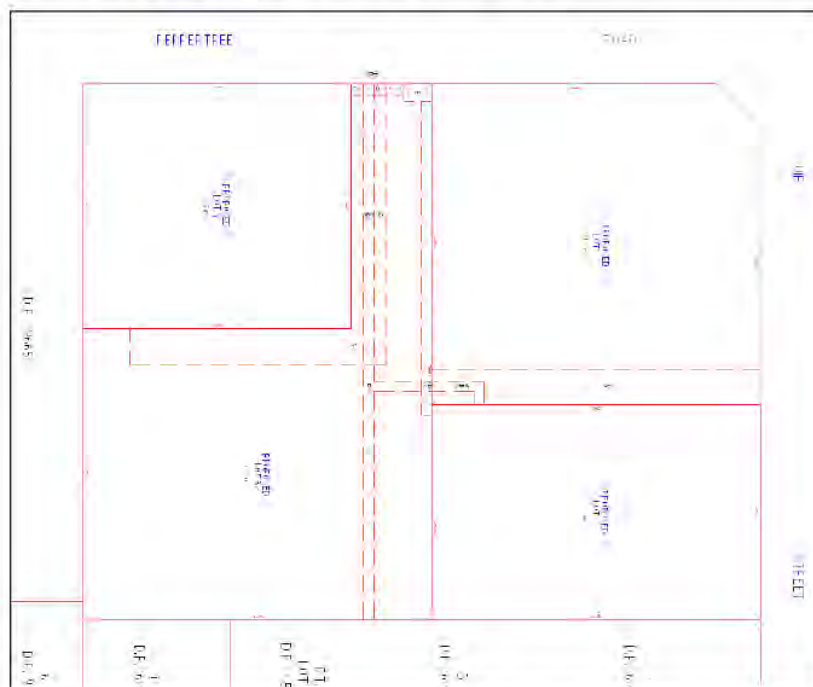
16-2019-616-1

## 2. SITE HISTORY

The site is currently vacant and has previously been subject to a rezoning via the amendment of the LEP (Amendment No. 26), which rezoned the land from R2 Low Density Residential to B2 Local Centre. The objective of the rezoning was to facilitate potential commercial development of the land consistent with the Medowie Planning Strategy.

The site has been the subject of two recent development application approvals for subdivision, including DA16-2018-789-1, which sought consent for a 1 into 5 lot Torrens title subdivision, and DA16-2019-445-1 for the erection of a commercial premises and a further one into four lot subdivision of the site. The proposed development is located on Lot 1 as approved under DA 16-2019-445-1. The approved subdivision plan is detailed below in **Figure 2**, detailing the portion of 795 Medowie Road that is associated with this proposed development. The remaining 3 lots approved under DA 16-2019-445-1 by the Hunter and Central Coast Regional Planning Panel (HCCRPP) are to include three buildings, which include commercial tenancies, a medical centre, retail premises (pharmacy) and childcare centre, as illustrated in the overall site plan in **Figure 3**.

Other developments across the broader 795 Medowie Road site include an approved service station, vehicle workshop and food and drink premises (DA 16-2019-339-1) located to the east of the proposal and approved by Council in December 2019. A commercial building (DA 16-2019-284-1) located to the north of the proposal was approved by Council in August 2019. A further application to the north includes a food and drink premises (restaurant) and two commercial tenancies (DA 16-2020-136-1) and is currently under assessment by Council with the determining authority being the Hunter and Central Coast Regional Planning Panel.



**Figure 2:** Approved plan of Subdivision (DA16-2019-445-1) identifying the subject site as proposed Lot 1.



### 3. DEVELOPMENT PROPOSAL

The proposed works include the following key elements:

- Development plans are provided at **Figures 4 and 5** below.

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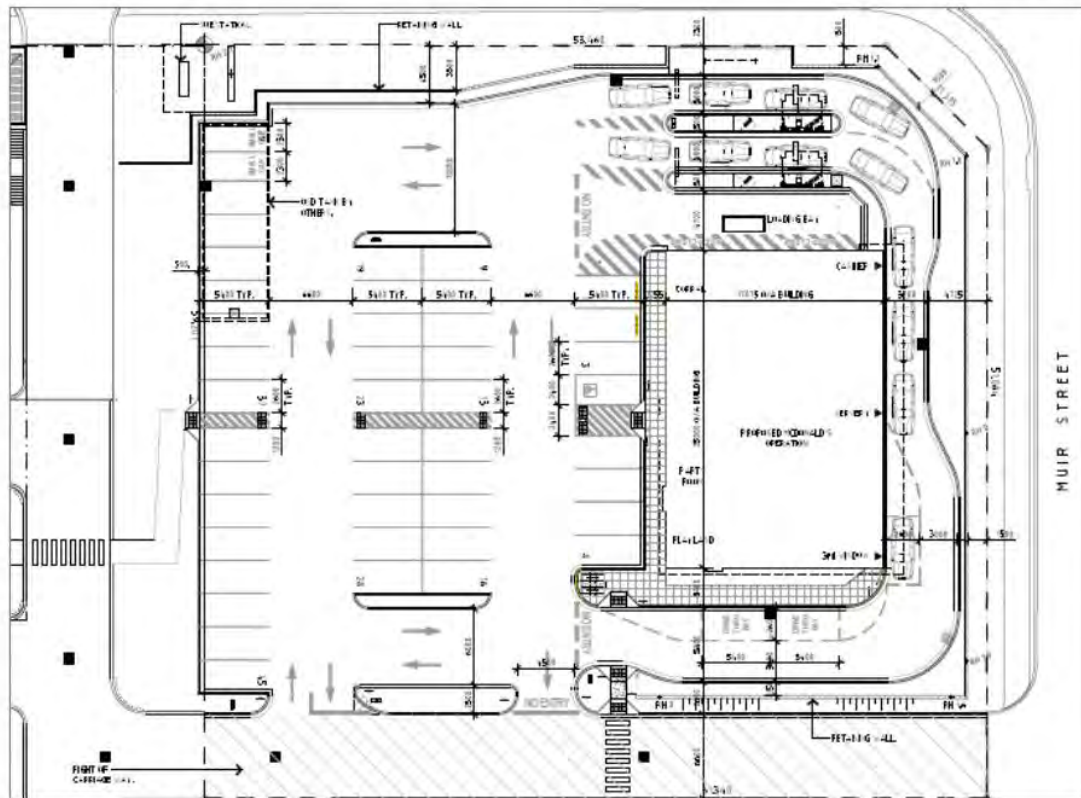


Figure 4: Proposed Site Plan



Figure 5: Proposed Elevation Plans

**4. PLANNING ASSESSMENT****Internal Referrals**

The proposed development was referred to the following internal specialist staff. The comments of the listed staff have been used to carry out the assessment against the S4.15 Matters for Consideration below.

**Development Engineer**

A stormwater management plan was provided with the Development Application and progressive responses to Council comments have been addressed by the applicant and the parent subdivision DA (16-2019-445-1). The stormwater management strategy and proposed stormwater design has been carried out to current Council DCP, technical specifications and industry standards.

The Traffic Impact Assessment has been submitted and assessed as a part of DA16-2019-445-1, the mixed use retail development on the overall site. The traffic effects and the road network have been assessed as a part of the larger site, which included the proposed McDonalds Development. In consideration of the above factors and noting the recommendations within the traffic report for the parent subdivision DA (16-2019-445-1), the road network can sustain the proposed McDonald's to an adequate level of service subject to conditions of consent.

**Building Surveyor**

Plans show that BCA compliance can be achieved. No DA building issues were identified and standard conditions are recommended to be included.

**Vegetation Management**

The Vegetation Management Officer requested additional information, seeking an amended landscaping plan that depicted 30% canopy coverage over the car park and the provision for street trees. The applicant provided amended plans which shows canopy coverage at 33% and the street tree layout is now satisfactory. The provided plans are consistent with the DCP.

**Natural Resources**

The vegetation on Lot 4 has previously been removed and substantially modified due to construction associated with the approved subdivision under DA16-2018-789-1 and as such ecological assessment is not required due to the development being deemed low risk for containing threatened species. A biodiversity and a flora and fauna assessment is not necessary to accompany the application.

**Environmental Health**

The Environmental Health Officer confirmed that subject to conditions the proposal is satisfactory with regard to the relevant food standards, acoustics, odour and waste.

**External Referrals****Hunter Water Corporation (HWC)**

The proposal is located within a drinking water catchment and as such, water quality modelling was referred to HWC for review. HWC requested additional information with regard to deficiencies with stormwater modelling inputs. Following the submission of addition information, HWC confirmed the

## ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

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proposal could demonstrate a Neutral or Beneficial Effect (NorBE) on water quality. HWC made no objection in relation to the proposal, subject to Council's consideration of the adequacy of the proposed gross pollutant traps and filters used in the applicants modelling. In this regard, Council's development engineers assessed the gross pollutant traps and filters as being adequate for the proposed development

#### NSW Police

The application was referred to NSW Police, in accordance with Councils Memorandum of Understanding with NSW Police. In response, no specific issues were raised in relation to the application.

#### Department of Defence

The application was referred to the Department of Defence as the proposal is located with the Bird strike Group B area. The site is located outside the 2025 Australian Noise Exposure Forecast for RAAF Base Williamtown. Defence made no objection to the proposal, subject to standard bird strike conditions to manage the storage of organic waste.

#### Transport for NSW (TfNSW)

Council is the consent authority for the development and the roads authority for public roads in the area, however the application was referred to TfNSW as Traffic Generating Development in accordance with SEPP (Infrastructure) 2007. TfNSW raised no objection to the proposal subject to Council being satisfied that the proposal will not have a significant impact on the safety and efficiency of the classified road network in the assessment of the application. As discussed in this report, Council considers that development is satisfactory with regard to traffic impacts.

### **4.1. *Environmental Planning and Assessment Act 1979***

#### **4.1.1. *Section 4.46 - Integrated development***

The proposed development is not identified as an integrated development.

#### **4.1.2 *Section 4.14 - Consultation and development consent—certain bush fire prone land***

The subject site is identified as being bushfire prone land. Development proposals on bushfire prone land are to comply with the NSW Rural Fires Service document 'Planning for Bushfire Protection 2006' (PBP).

The proposed food and drink premises is not categorised as a 'special fire protection purpose', therefore the proposal is not identified as an Integrated development. It is noted 'Planning for Bushfire Protection 2019' is to be used for development applications to develop bushfire prone land which are lodged from 1 March 2020. This application was lodged prior to the 1 March 2020 therefore, the application has been considered with regard to PBP 2006.

Given the site is identified as bushfire prone, a Bushfire Threat Assessment (BTA) was required as a part of the application. This report has assessed the proposed food and drink premises against the requirements of Section 4.14 of the Environmental Planning and Assessment Act 1979 and AS3959 (2009) Building in Bushfire-Prone Areas and Planning for Bush Fire Protection (2006). The BTA finds that the proposed building would be subject to a maximum Bushfire Attack Level (BAL) of 19, for the western elevation and recommends construction requirements that include compliance with Planning for Bush Fire Protection.

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Subject to conditions of consent requiring that the development comply with the recommendations of the BTA and PBP, the development satisfies the requirements of Section 4.14.

#### 4.1.3 Section 4.15 - Matters for Consideration

##### 4.1.3.1 Section 4.15(a)(i) - any environmental planning instrument

#### State Environmental Planning Policies

##### State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development.

It is noted that the subject site is not listed as contaminated land on the NSW EPA website, nor has previous record of contamination in Council's system.

The subject site has undergone previous contamination assessments across the broader site of 795 Medowie Road, which did not find any evidence of contamination.

On this basis, the land is unlikely to be subject to contamination and does not warrant further investigation. It is considered that the requirements of SEPP 55 are satisfied and that the subject land is suitable for the proposed food and drink premises use.

##### State Environmental Planning Policy No 44 – Koala Habitat Protection

The site is above 1 hectare in area and is identified as koala habitat. However, no vegetation is being removed as part of this proposal and clearing impacts have been assessed under previous development applications for subdivision.

##### State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)

The definition of signage under SEPP 64 includes business identification signs. The proposed development includes identification signage in the form of a number of wall, fascia, menu boards, directional signage, flag pole, pylon sign, banner and information signs.

The pylon sign is proposed towards the front of the property along Peppertree Road. The sign will be internally illuminated and will have the dimensions of 4.343m x 3.5m. This sign will display the wording 'M' being the current McDonald's logo and '24 Hours'. Directly under the logo will be two smaller circular signs with the wording 'McCafe' and 'PlayPlace'. The signage will be double sided.

Part 2 of the SEPP states that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) That the signage is consistent with the objectives of the Policy as set out clause 3 (1) (a), and
- (b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

An assessment against the SEPP 64 matters for consideration is included in the table below.

1. Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality	The site is a part of a mixed-use development intended to
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	<p>in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area</p>	<p>be developed as a commercial precinct.</p> <p>The signage proposal is consistent with the commercial precinct objectives for the area. The recently approved mixed use development (DA16-2019-445-1) will also set the standard for the commercial character of the Medowie Commercial Centre.</p>
2. Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal is within a newly subdivided Medowie commercial precinct and will not impact on the amenity or visual quality of the area given the existing commercial nature of the site.
3. Views and vistas	Does the proposal obscure or compromise important views?	No, the proposal is located within a commercial area.
	Does the proposal dominate the skyline and reduce the quality of vistas?	No, the proposal is a part of a mixed use development, is single storey and is located within an existing commercial area.
	Does the proposal respect the viewing rights of other advertisers?	The proposal is part of a final development proposed in the mixed use precinct. The application has considered each development proposed in the locality which include a medical centre and pharmacy, childcare centre and smaller retail buildings. The 8m pylon

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		sign proposed for the site will not impact on any views or vistas.
4.Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signs are of an appropriate scale and form, the largest signs will be the pylon sign and the business identification signs 2.1m wide at awnings, 2.4m "PlayPlace" sign (hanging), and a 2m wide McCafe sign.
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will assist the general public in identifying the business.
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No clutter exists in the surrounding area.
	Does the proposal screen unsightliness?	The building is of a new construction, no unsightliness exists.
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The overall height of the pylon sign is 8m, no tree canopies are located nearby. The proposal will be above the proposed building, but will assist in identifying to the proposal for the main road.
	Does the proposal require ongoing vegetation management?	No.
5. Site and building	Is the proposal compatible with scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is consistent with other fast food restaurants found in the LGA.
	Does the proposal respect important features of the site or building, or both?	Yes, the signage serves as an important component of the proposal and does not detract from the proposed building.

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	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is consistent with other fast food premises and commercial proposals.
6. Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Yes, backlighting is proposed to enable identification of the site.
7. Illumination	Would illumination result in unacceptable glare?	The site is located within an existing commercial precinct and will not result in unacceptable glare.
	Would illumination affect safety for pedestrians, vehicles or aircraft?	No, signage will improve safety.
	Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed signage is located towards the Pepper Tree street frontage.
	Can the intensity of the illumination be adjusted, if necessary?	No, the signage will be low level and will have no adverse impact on surrounding land use.
	Is the illumination subject to a curfew?	No, operational hours are proposed for 24 hours.
8. Safety	Would the proposal reduce the safety for any public road?	No, the proposed signage is illumination only.
	Would the proposal reduce the safety for pedestrians or bicyclists?	No, the proposed signage seeks to improve safety, direction and security to the community.
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs do not create hidden areas.

As demonstrated in the table above, the proposed signage is acceptable having regard to SEPP 64 requirements and the nature of the development.

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**Port Stephens Local Environmental Plan 2013 (LEP)****Clause 2.3 – Zone Objectives and Land Use Table**

The proposed development is defined as a Food and Drink Premises and is permissible with consent in Zone B2 Local Centre.

The development addressed the objectives of the zone as it will provide business opportunities to the community and encourage employment opportunities in accessible locations, to meet the needs of the growing Medowie population.

**Clause 4.3 - Height of buildings**

The Height of Buildings Map of PSLEP 2013 provides for a maximum height limit of 8m. The proposal complies with this requirement as the maximum height of building is 6.1m, complying with the 8m height limit.

One pylon business identification sign is proposed with a height of 8m, in compliance with this clause.

**Clause 7.1 – Acid sulfate soils**

The subject site is identified as containing Class 5 Acid Sulfate Soils. Clause 7.1 of the LEP requires that a management plan be submitted for any works below natural ground level. It is unlikely that the required site will penetrate below the natural ground surface, given the site is to be filled and retained under the parent DA. The proposal is acceptable having regard to this clause.

**Clause 7.3 – Flood Planning**

The objectives of this clause are to minimise flood risk to life and property and avoid significant adverse impacts on flood behaviour and the environment, while allowing development on land that is compatible with the flood hazard.

The western half of the subject site, is located within flood prone land including high hazard storage, low hazard storage, low hazard fringe, high hazard floodway. However, the area subject to development under this application is located to the east of the flood hazard and is not identified as flood prone land. Furthermore, the development will not impact the drainage patterns or flood behaviour of the flood prone land in the vicinity. On this basis, the proposal is considered consistent with the requirements of this clause.

**Clause 7.2 – Earthworks**

The proposal involves minimal earthworks as the site is to be filled and retained as part of the parent subdivision approval to create a level building platform. A condition is recommended that requires any fill used on the site to be VENM, which would ensure there would be no contamination as a result of earthworks. The proposal satisfies the requirements of this clause.

**Clause 7.4 - Airspace operations**

The objective of this clause is to ensure that the operation of the RAAF Base Williamtown is not compromised by proposed development that penetrates the Limitation or Operations Surface.

The Defence Height Trigger Map for RAAF Base Williamtown identifies the height constraint for the subject land as “*Structures higher than 45m require assessment.*” Based on the height details provided within the application documentation, the proposed structures will not infringe the Obstacle Limitations Surface (OLS) for RAAF Base Williamtown. Accordingly, it is considered that the proposal is consistent with the requirements of this clause.

**Clause 7.6 - Essential services**

The subject site will be serviced by reticulated water, electricity and sewer, which is to be provided, as per the conditions of consent for the parent subdivision DA (16-2019-445-1). The proposal also includes adequate stormwater management procedures. The proposal will be ensured access to Muir Street and Peppertree Road via a right of way as detailed on the proposed Plan of Subdivision lodged with the parent DA for the overall site proposed lot 4 (DA16-2019-445-1). The proposal is acceptable having regard to the requirements of this clause.

**Clause 7.8 – Drinking water catchments**

The applicant has noted that water quality improvement measures are not wholly included within the scope of this DA and is addressed as a part of the mixed use and subdivision development known as DA16-2019-445-1. However, a stormwater drainage plan and design has been prepared for the McDonalds proposal which also includes measures to manage water quality.

The proposed development falls within the Grahamstown Dam Special Area as declared under the *Hunter Water Regulation 2015*. A Stormwater Management Report (ADW Johnson, November 2019) was submitted with DA16-2019-445-1. The report outlined measures for the treatment of water and waste water so as to not impact on quality and quantity of water entering drinking water storages.

The application was referred to Hunter Water Corporation (HWC) for comment in accordance with Section 51 of the *Hunter Water Act 1991*. In response, HWC noted that the development could achieve neutral or beneficial effect (NorBE) on water quality and Council's water quality stripping targets. HWC made no objection in relation to the proposal, subject to Council's consideration of the adequacy of the proposed gross pollutant traps and filters used in the applicants modelling. In this regard, Council's development engineers assessed the gross pollutant traps and filters as being adequate for the proposed development.

**4.1.3.2 Section 4.15(a)(ii) - any draft environmental planning instrument that is or has been placed on public exhibition**

The proposed Remediation of Land SEPP is intended to repeal and replace State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No.55). The draft SEPP, which was exhibited from 25 January to 13 April 2018, is currently under consideration.

State Environmental Planning Policy Koala Habitat Protection replaces SEPP 44 – Koala Habitat Protection (SEPP 44). The policy intent of SEPP 44 has been retained in the Koala Habitat Protection SEPP and the former SEPP was repealed when the new SEPP commenced on 1 March 2020, however this application was lodged prior to the SEPP being gazetted.

Consideration has been given to koala habitat protection under the SEPP 44 discussion elsewhere within this report. The proposal does not propose the removal of any vegetation as the area subject to development has already been substantially modified and cleared of vegetation under previous development consents. On this basis, there is no impact expected to occur to koala habitat as a result of the proposal.

**4.1.3.3 Section 4.15(1)(a)(iii) – Provisions of any development control plan****Port Stephens Development Control Plan 2014**

Having regard for the matters of consideration detailed in Section 4.15(a)(iii) of the Environmental Planning & Assessment Act 1979, the following summary of the evaluation of the proposal pursuant to the relevant provisions of the Port Stephens Development Control Plan 2014 (DCP) is detailed and responded to below:

**Section A.11 – Notification and Advertising**

In accordance with the requirements of chapter A.11, the development application was notified for a period of 14 days with notification period from 2 October 2019 to 16 October 2019. A total of 57 submissions were received, including 3 submissions in support of the proposal. The issues raised in the submissions have been addressed in detail further in this report.

**Section B - General Controls****Chapter B3 – Environmental Management****Acid Sulfate Soils**

As stated in the discussion against Clause 7.1 of the LEP above, the site is mapped as containing potential Class 5 Acid Sulfate Soils (ASS). The site is not located within 500m of adjacent Class 1, 2, 3 or 4 land, therefore an Acid Sulfate Soils Management Plan is not required in this instance.

**Air Quality**

It is not expected that the proposal will have a significant impact on surrounding premises from any potential odours associated with activities undertaken on the site. A condition has been recommended that the use and occupation of the premises is not to give rise to the emission of any 'air impurity', as defined under the Protection of the Environment Operations Act 1997 (NSW), including any odours, that interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receivers. A further condition has been recommended requiring the mechanical exhaust system comply with the relevant Australian standards.

**Noise**

A Noise Assessment has been submitted from Muller Acoustic Consultants (dated April 2019). The assessment has quantified potential operational emissions pertaining to customer generated noise, including light vehicles, truck deliveries and mechanical plant, on the basis of a 24 hour operation. The results of the Noise Assessment demonstrate that emissions from the proposal would not exceed the maximum allowable level for both day and night time operation. As such, there is no sleep disturbance anticipated to occur as a result of 24 hour operation of the development.

The assessment also included modelling of noise emissions associated with the construction of the development. The modelling identifies that predicted noise emissions levels may be above the applicable construction management levels. As such, the Noise Assessment recommends management measures to reduce potential impacts on surrounding receivers.

The report suitably demonstrates that provided the noise control recommendations of the report are followed there will be minimal adverse impact to residential acoustic amenity. Subject to conditions requiring compliance with the recommendations of the Noise Assessment the proposed development is deemed to be appropriate from an acoustic aspect.

Notwithstanding, to limit potential impacts on the local amenity, Council officers recommended that the restaurant only operate the seating areas between 5am and 11pm, after which only the drive-through facilitate will be operational. A further condition is recommended to limit deliveries to between 7am and 10pm, 7 days a week.

**Earthworks**

Refer to Clause 7.2 discussion elsewhere in this report. Subject to the implementation of sediment and erosion controls during demolition and construction the proposed development is considered consistent with the requirements of Part B3 of the DCP. A condition is included that requires any fill used on the site to be VENM, which would ensure there would be no contamination as a result of earthworks.

**Chapter B4 – Drainage and Water Quality**

The site will be mostly impervious area with landscaping proposed along the street frontage and the site boundaries. The site is not within the Flood Planning Area, though the site may be affected by larger events from the local catchment.

In accordance with DCP Section B4.3, on-site detention / on-site infiltration is to be sized so that the post-development flow rate and volume equals the predevelopment flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event provided by either underground chambers, surface storage.

The applicant submitted detention calculations and modelling for water quality in line with these requirements. In addition to this, stormwater plans and sediment and erosion management were submitted in support of the application. Council's Engineering Section considered that these documents adequately satisfied the requirements of Part B4 for DA purposes. Conditions of consent are included to secure the drainage and water quality measures in accordance with Chapter B.4 and Council Specifications.

**Chapter B6 – Essential Services**

As discussed elsewhere in this report, the subject site will be serviced by reticulated water, electricity, and sewer. In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Council's requirements. Access to Peppertree Road and Muir Street will be via a right of carriageway.

**Chapter B7 – Williamtown RAAF Base – Aircraft Noise and Safety**

The site is located within an area recognised as Bird Strike Group B. Considering the proposed development is not listed as being a development that should be avoided, no further action is therefore required. Defence have provided comments regarding waste management and Defence acknowledges the subject site is outside of the 2025 Australian Noise Exposure Forecast for RAAF Base Williamtown. However, it is likely the subject site will experience some level of aircraft noise.

**Chapter B9 – Road Network and Parking****Traffic Impacts**

Medowie Road is a major collector road servicing the region. It provides a connection between the arterial road network at Nelson Bay Road at Williamtown to the south and Medowie Road at Ferodale to the north.

Medowie Road is a two-lane sealed road. Kerb, gutter and footpath is provided on the western side of the road across the development frontage, while the eastern side of the road is built to rural standards, with a concrete dish drain and grassed footway.

The traffic impacts of the proposal have been assessed as a part of the parent subdivision DA (16-2019-445-1). The application was supported by a Traffic Impact Assessment. The TIA concluded that the proposal and the additional traffic generated will not result in the road network capacity thresholds being reached in both 2019 and 2029.

Following review of the TIA by Council's traffic engineer, it was identified that the existing intersection arrangement of Medowie Road and Muir Street would not adequately cater for the additional traffic movements predicted as a result of the proposal combined with the parent subdivision and commercial development. In response to this matter, the applicant has provided preliminary plans indicating that a channelised right hand turn lane from Medowie Road into Muir Street could be accommodated in the existing road verge.

Subject to a recommended condition for the submission of detailed plans for the required intersection upgrades, it is considered the road network is capable of handling the additional traffic volume generated by the development.

**Access**

Vehicular access to the site will be provided from Muir Street and Peppertree Road. The driveway from Muir Street will be two-way and will be compliant with the Australian Standards for Parking Facilities – Part 1: Off Street Car Parking and Part 2: Off Street Commercial Vehicle Facilities, AS 2890.1:2004 and AS 2890.2: 2002. The applicant has confirmed that larger B99 vehicles (larger 4wd, sedans, truck, van etc) will be able to exit the drive-through, the proposed aisle widths are in accordance with AS 2890.1:2004 for two way circulation. The two-way aisles provide for efficient circulation and reduce the time and length of travel for vehicles accessing parking spaces. A loading

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bay will be provided for the McDonald's. Service vehicles will include garbage collection and deliveries. The McDonald's will be serviced by vehicles ranging in size up to small semi-trailers. The application accommodates that service vehicles can enter and exit in a forward direction.

#### Car parking

For restaurants, cafés and take-away drink premises the DCP parking requirement is one space per 25m<sup>2</sup> GFA. The proposed McDonalds restaurant has a GFA of 425m<sup>2</sup>, triggering a demand for 17 parking spaces. The development provides 45 on site car parking spaces, including 1 accessible car park.

The applicant has noted however that the RMS "Guide to Traffic Generating Developments" includes the following rates for drive-in take-away food outlets with on-site seating and drive-through facilities: Greater of one space per two seats (internal) or one space per three seats (internal plus external).

With 90 internal seats proposed, 45 spaces would be required. The proposed provision of 45 spaces for McDonald's therefore satisfies the RMS parking requirement and complies with the on-site car parking requirements of the DCP.

### **Section C Development Types**

#### **Chapter C2 – Commercial**

The proposal is for a food and drink premises and as such, the provisions of Chapter C2 are applicable to the proposed development. Assessment against Chapter C2 is provided in the table below.

<b>Requirement</b>	<b>Assessment</b>
<b>C2.A – Height</b>	
Building height is provided in accordance with the Local Environmental Plan Clauses 4.3 and 5.6	<p>The site has a maximum building height of 8m in Zone B2 as identified under the LEP height of buildings map.</p> <p>The building has a maximum building height of 6.1m, complying with the 8m height limit.</p> <p>The proposed pylon sign has a maximum height of 8m height limit. The signage is of an appropriate scale within the context of the existing streetscape.</p>
<b>C2.B – Site Frontage and Setbacks</b>	
<i>Front Setback and Façade Articulation:</i>	
<p>Development is built to the front property line for the ground and first floor</p> <p>Parts of a building may give variation in setback to provide design articulation</p>	<p>The development is located 6.6m from the front property boundary. The proposed setback from the street is required to support the drive-through element around the restaurant building. The proposed DCP variation is not considered to result in adverse impacts to the streetscape, when considering the established character of the precinct which is largely characterised by standalone buildings, with generous setbacks utilised to incorporate ancillary car parking.</p>
<i>Side Setback</i>	
Development should be built to the side boundary to maximise continuous active	The site is not built to the side boundary. However, as no continuous active street frontage is present due to

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street frontage, except where side access is provided	the location of the site, the variation of the control is considered appropriate in this instance.
<b>C2.C – Building Form and Massing</b>	
<i>Amenity</i>	
Building mass does not result in unreasonable loss of amenity to adjacent properties or the public domain	Based on the size of the land and placement of the building, the development will not generate unreasonable loss of amenity. The development is located within a commercial precinct and incorporates acoustic and air quality treatment measures to ensure the impact of the development is reduced.
<i>Proportions</i>	
Building proportion is complimentary to the form, proportions and massing of existing building patterns	The proposed building proportion is reflective of the use proposed and is complimentary to the changing nature of the surrounding area as the Medowie Town Centre. The proposed development incorporates an appropriate building presentation and signage scheme as an integrated approach to site development, including landscaped setbacks along both street frontages. The proposed built form will not adversely impact the visual character of the street.
<b>C2.D – Facades</b>	
<i>Materials</i>	
Building facades use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting	<p>The proposed building includes a range of materials and design elements to provide articulation to each façade and frontage. The materials used in the building design are of a high quality and the proposed landscaping contributes to the streetscape.</p> <p>The building façade will include a variety of architectural elements/ treatments which aligns with the character of the Medowie town centre.</p>
<i>Active Street Frontage</i>	
Development incorporates Crime Prevention through Environmental Design (CPTED) principles by providing passive surveillance to public spaces through building design and orientation.	<p>Various design measures have been incorporated in the building design to reduce any potential anti-social behaviour. The proposal has considered risk and opportunities through optimised design and passive and active surveillance. The design affords natural surveillance by the strategic placement of physical features. Clear sight lines are provided along Muir Street and Pepper Tree Road.</p> <p>The development will install 24/7 Closed Circuit Television (CCTV) video surveillance throughout the development in both internal and external areas.</p> <p>LED Lighting will be installed around any potential concealment points.</p> <p>The proposed development has been designed to clearly delineate public spaces that are used for congregation and areas that are not. This will ensure</p>

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	<p>that any potential intruders or people who are not customers will stand out and be easily identified.</p> <p>The development will also use robust materials including graffiti resistant materials and fixed rubbish bins to mitigate against potential malicious damage. Any graffiti will be repaired/removed by staff or contractors, immediately following occurrence, which is recommended as a condition of consent.</p> <p>The development of the site for the purpose of a 24 hour McDonalds Operation has been designed with CPTED principals in consideration. The building incorporates appropriate night lighting, car park design, building layout and landscaping as well as CCTV cameras.</p>
<b>C2.E Awnings</b>	
Awnings – To ensure continuous awnings along pathways to provide shelter where most pedestrian activity occurs. To ensure	Awnings are provided at the entry and exit of the building and drive-through zones. The height and location of the awnings are also appropriate.
<b>C2.F Building entries</b>	
To provide clear access points	The corner of the site is splayed, a signage strategy and wayfinding strategy is proposed to assist with access identification.
<b>C2.G Building Facilities and Services</b>	
To appropriately locate building facilities and services that do not adversely impact on the public domain.	Plant equipment is located on the roof, setback from the building lines. Accessible toilets are provided for patrons of the McDonald's operation.
<b>C2.H Public Art</b>	
Commercial development with a capital investment value over \$2 million and that provides frontage to the public domain shall incorporate public art.	Public art will be conditioned as a part of this consent. A combined proposal with DA16-2019-445-1 and the subject DA has been discussed with Council's Public Art Committee. The location will be negotiated further and will likely be positioned towards the street frontage of Peppertree Road.
<b>C2.J – Landscaping</b>	
<i>Landscaping Coverage</i>	
Landscaping is provided as follows: 10% of the site area consisting of deep soil planting 30% shading over car park areas	The development proposes a total of 33% cover over car park areas and 10% of the site consist of deep soil planting.
<i>Landscaping Dimensions</i>	
To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.	All areas included in the landscaped area calculations meet the minimum dimensions.
<i>Landscaping Qualities</i>	

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Landscape works incorporate adequate screening from the street and adjacent neighbours	The proposed landscaping provides for suitable screening for adjacent properties.
Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed development's buildings and pavement areas	The proposed landscaping has been designed to reflect the scale and use of the proposed development.
<b>Chapter C8 Signage</b>	
C8.A General Signage is to be integrated with the building façade.  The following types of signage are generally not supported:  Flashing signs; Roof Signs; Vehicular signs where the primary use of the vehicle is for advertising; above awning signs; Anchored balloons or airborne signs; Inflatable signs; and Hoarding signs	The signage proposed consists of business identification, wayfinding and warning signs necessary for ordered and effective operation of the business. Signage above awning is proposed, however this will be integrated along the building façade.

**4.1.3.4 Section 4.15(1)(a)(iia) – any planning agreement or draft planning agreement entered into under section 7.4**

There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.

**4.1.3.5 Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

The EP&A Regulations requires the consent authority to consider the provisions of the National Construction Code – Building Code of Australia (BCA). Should the application be approved, recommended conditions of consent have been provided requiring compliance with the BCA.

**4.1.3.6 Section 4.15 (1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Social and Economic Impacts

Consideration of the potential social and economic impacts of the applicant's proposal has been made. It is noted that issues were also raised in the public submissions. Concerns include (but are not limited to):

- a) Anti-social behaviour
- b) Crime and security risks & hours of operation
- c) Traffic
- d) Waste management & pollution
- e) Loss of business to existing food premises
- f) Health & obesity issues
- g) Noise and lighting
- h) The buildings design and suitability within the streetscape

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- i) Reducing employment opportunities for local people
- j) Site water management
- k) The proximity of the proposed McDonald's to other existing operations.

It is noted that the development is seeking 24 hour trade and many of the submissions received noted this as an issue. The applicant has submitted a Crime Risk Assessment, as required by the DCP. The proposal has also been referred to NSW Police for comment, who did not raise any specific issues in relation to the application.

The applicant's Plan of Management includes strategies for the management of litter and graffiti, acoustics, traffic and parking impacts which have been separately discussed in this report.

It is considered that the site can be appropriately managed, subject to the imposition of conditions relating to Crime Prevention Through Environmental Design (CPTED) and the Plan of Management. Furthermore, a condition is recommended requiring the development operate through drive-through service only, between the hours of 11pm and 5am, to further reduce the likelihood of antisocial behaviour.

The proposal improves local access to toilet facilities and a condition has been recommended requiring that toilet facilities be made accessible to patrons of the development.

The proposed development of a food and drink premises on the site is anticipated to have an ongoing positive social and economic impact on the local Medowie area and the broader community.

The identified positive impacts are summarised below:

- The proposal will generate direct employment opportunities with flow on employment multipliers benefitting the local community;
- The proposal will provide services to the area, satisfying the daily needs of the surrounding residents, workers and visitors;
- The proposal will result in economic benefits associated with the construction works;
- The proposal is consistent with the strategic planning intent for commercial development in the Medowie town centre.

#### Impacts on the Built Environment

The proposed building design incorporates both building colours and materials that are sympathetic to the natural environment and existing commercial area. The building access points are clear, with signage provided within the site. The building responds to its future context and provides a sound contribution the streetscape. There are no significant views that will be impacted by the development.

The height, bulk and scale of the proposed building responds to the surrounding current and future development, which is characterised as mixed use. The building is a single storey structure which reduces the massing and scale of the building to the public interface. The height of the building will maintain the modest scale and character of the surrounding context. Overall, the design provides sufficient articulation and is of a height, bulk and scale that is appropriate when considering the surrounding local context.

#### Impacts on the Natural Environment

The proposal incorporates appropriate measures to ensure no adverse impact on the natural environment. No clearing is proposed and appropriate erosion control and water quality measures will prevent adverse impacts during construction. Therefore, the proposed development will not result in any unreasonable impact on the natural environment.

#### **4.1.3.7 Section 4.15(1)(c) the suitability of the site for the development**

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The site is not subject to any known risk or hazard that would render it unsuitable for the proposed development. The development will not have detrimental impacts on the natural or built environments.

The proposal will encourage employment opportunities in the area. The development will not result in any significant environmental impacts and any impacts can be adequately mitigated through appropriate management.

It is therefore considered that the site is suitable for the proposed development. The overall design is complementary to the existing built form of the locality and is compliant with Council's requirements.

#### 4.1.3.8 Section 4.15(1)(d) – Any submissions

In accordance with the requirements of chapter A.11, the development application was notified for a period of 14 days with notification period from 2 October 2019 to 16 October 2019. A total of 57 submissions were received, including 3 submissions in support of the development. The issues raised in the submissions have been addressed in this report. The following table provides a summary of the matters raised and a response to those issues.

#### Analysis of Submissions

Issued Raised	Comment
<b>Traffic</b> - High volumes of traffic discourages pedestrian activity - Traffic congestion would be worsened by the proposed development, particularly in relation to car movements - Increased traffic movements would be dangerous to pedestrian - 24 hour operation will further exacerbate traffic impacts	A TIA was prepared as a part of a separate development application (DA16-2019-445-1) for the mixed use development on the overall site. The TIA considered the proposed mixed use development (which takes into account the provision of a fast food restaurant) and its impact on the surrounding road network. The report concludes that the proposal and additional traffic generated will not result in the capacity of the surrounding road network being reached. The report was reviewed by Council's Engineering officers who confirmed an adequate level of service could be maintained, subject to conditions relating to the upgrade of Medowie Road and Muir Street intersection.
<b>Noise</b> - Noise from the development would impact nearby residences	An Acoustic Report has been prepared by Muller Acoustic Consultants. The noise impact assessment included noise monitoring with noise loggers at 29 sensitive receiver locations. The assessment found that compliance with the appropriate noise limits was achieved with the development as proposed, subject to acoustic treatment. During construction the acoustic report demonstrated that provided the noise control recommendations of the report are followed there will be minimal adverse impact residential acoustic amenity.

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<b>Crime &amp; Anti-Social Behaviour</b> - The congregation of people in these areas could cause vandalism and crime and anti-social behaviour.	<p>A Crime Prevention Through Environmental Design (CPTED) Statement was submitted in support of the application.</p> <p>The statement details a number of measures that are to be implemented to address the key CPTED principles of surveillance, access control, territorial reinforcement and space management, comprising of:</p> <ul style="list-style-type: none"> <li>• Appropriate lighting;</li> <li>• Car park design and layout;</li> <li>• Site and building layout;</li> <li>• Landscaping; and</li> <li>• CCTV surveillance.</li> </ul> <p>Implementation of the measures detailed in the statement will create an environment that will dissuade offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur.</p> <p>In addition, the proposal was referred to NSW Police for comment. In response, no specific issues were raised in relation to the application.</p>
<b>Competition and impact on local businesses</b> - There is no need for a fast food restaurant - The increased competition will impact local traders	<p>The proposed development represents the orderly and economic development of the land and demonstrates compliance with strategic outcomes for the Medowie Town Centre and the applicable DCP controls for the site and development.</p> <p>Competition is not a factor to be considered in determining the application.</p>
<b>Stormwater Management</b>	<p>A stormwater management plan has been submitted as a part of this application. The proposed stormwater drainage plan collects overland flow at various pits over the DA Site and conveys the flows to Councils system. Primary drainage infrastructure servicing the overall site is to be prepared by the developer of the parent subdivision.</p>
<b>Pollution/Litter generated from the development.</b>	<p>A waste management plan has been submitted which addressed both the construction and operational stage of the development. The plan has proposed waste minimisation measures during the operation of the facility. In addition to this, the management of the site will ensure minimal impact on the public domain.</p>
<b>Proximity to other McDonald Restaurants</b>	<p>The commercial viability of an additional McDonald's restaurant within the Port Stephens area is not a matter of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.</p>
<b>Neighbourhood Amenity</b> - The proposal would impact the rural aspect of the area	<p>The proposed development has been designed to best respect the amenity of adjoining residential properties. This includes the provision of acoustic attenuation measures, the implementation of air quality and odour control measures and the provisions of landscaping along the site boundaries.</p>

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- The proposal would impact nearby residential properties	Further, the site forms part of the Medowie Town Centre Masterplan, identified in the Medowie Planning Strategy, which envisages the area as a mixed use precinct.
<b>Health &amp; Obesity</b>	Obesity is not a matter of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.
<b>Site Suitability &amp; Design</b> - The site is not suitable due to safety concerns surrounding the proposal - The site is not suitable given the proximity of residential land adjacent the development	The site is suitable for the proposed development given that the use is permissible within Zone B2, the food and drink premises will not have detrimental impacts on the natural or built environments. As there are no significant physical, ecological or social constraints on the site that would preclude the development of a food and drink premises, the site is suitable for the proposed development.

**4.1.3.9 4.15 (1)(e) Public Interest**

The proposed development will not detract from the character of the existing streetscape nor will it undermine any of the social or economic values of the site or surrounding area. The proposal is considered to be consistent with the objectives of the relevant zone and not have an unreasonable impact upon adjoining properties. The development does not raise any significant general public interest issues beyond matters already addressed in this report.

**4.1.4 Section 7.11 – Contribution towards provision or improvement of amenities or services (developer contributions)**

The development is not subject to s7.11 contributions, however, as the cost of works is above \$100,000, it will be subject to s7.12 levy as per the Fixed Development Contributions Plan 2006.

A condition of consent has been recommended for the payment of s7.12 contribution fees.

**DETERMINATION**

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



## RECOMMENDED CONDITIONS OF CONSENT

### 1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

1. **Approved plans and documentation** – Development must be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan/Doc. Title	Name of plan	Prepared by	Date
A042 Issue E	Overall Site Plan	Richmond Ross	6.05.2020
A062 Issue G	Proposed Site Plan	Richmond Ross	6.05.2020
A101 Issue B	Floor Plan	Richmond Ross	19.08.2019
A201 Issue B	Front & Side Building Elevations	Richmond Ross	19.08.2019
A202 Issue B	Drivethru Elevations	Richmond Ross	19.08.2019
A801 Issue G	Site Signage Plan	Richmond Ross	11.05.2020
A805 Issue E	Pylon Sign	Richmond Ross	11.05.2020
A806 & A807 Issue B	Signage Details	Richmond Ross	19.08.2019
101, Issue D	Landscape Plan	Site Image	8.05.2020
501, Issue D	Landscape Details & Planting	Site Image	8.05.2020
502, Issue C	Landscape Specification & Details	Site Image	24.01.2020
C101, Issue E	Concept Drainage Plan	Richmond Ross	6.05.2020
C301, Issue D	Concept Erosion & Sediment Plan	Richmond Ross	6.05.2020
C310, Issue B	Erosion & Sediment Control Details	Richmond Ross	19.08.2019

Document	Prepared by	Date
Plan of Management	McDonald's Australia Ltd	August 2019
Site Waste Minimisation & Management Plan	McDonald's Australia Ltd	August 2019

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

### PORT STEPHENS COUNCIL

118 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





2. **Outdoor lighting** – All lighting must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.
3. **Roof mounted equipment** – All roof mounted equipment such as air conditioning units, service pipes and vents etc., required to be installed must be concealed within the external walls of the development or adequately screened so as not to be visible from a public place.

## 2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

4. **Servicing** – The subdivision approved as part of DA16-2019-445-1 is to be registered, with documentary evidence of the lodgement for registration of a survey plan with NSW Government Land & Property Information. The evidence must be submitted to Council prior to the issuing of any Construction Certificate for the proposed development.
5. **Civil engineering plans** – Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, access ways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

**Note.** Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

6. **Stormwater/drainage plans** – Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).

Details demonstrating compliance must be provided to the Certifying Authority.

**Note.** Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

7. **Stormwater system Operation and Maintenance Procedure Plan** – An Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal.

Details demonstrating compliance must be provided to the Certifying Authority.

8. **Soil, erosion, sediment and water management** – An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.



9. **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roads Act Approval Certificate under Section 138B of the *Roads Act 1993*. The following information must be provided to Council as the Roads Authority with the Roads Act application:
  - a) Detailed civil engineering plans indicating line-marking and traffic management for a channelised right hand turning lane on Medowie Road and directing traffic to Muir Street.
10. **Garbage Room** – Rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, must be designed and constructed in accordance with the approved plans and the following:
  - a) The room must be constructed of solid material, cement rendered and trowelled to a smooth even surface;
  - b) The floor must be impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room; and
  - c) Garbage rooms must be vented to the external air by natural or mechanical ventilation.
 Details demonstrating compliance must be provided to the Certifying Authority.
11. **Construction Environment Management Plan** – A Construction Environment Management Plan (CEMP) must be submitted to and approved by to the Certifying Authority. The required CEMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, noise and dust management, traffic management and environmental management
12. **Public Art** – Public Art Approval is to be obtained from Council's Public Art Committee. Public Art is to be in accordance with Councils Public Art Policy and Guidelines for the approval and installation of public art in Port Stephens.
13. **Mechanical exhaust system** – Mechanical exhaust system(s) must comply with AS 1668 'The use and Ventilation and Air Conditioning in Buildings' Parts 1 and 2 (including exhaust air quantities and discharge location points).  
  
Details demonstrating compliance must be provided to the Certifying Authority.
14. **Hunter Water Corporation approval** – A Section 49 Application under the *Hunter Water Act 1991* must be lodged with Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.
15. **Food premises** – The design, construction and fit-out of the food premises and/or food storage area must comply with all applicable Acts, Regulation, codes and standards including:
  - a) the *Food Act 2003*;
  - b) the *Food Regulation 2004*;
  - c) The food Standards Australia and New Zealand, Food Standards Code 3.2.3 and Food standards and Equipment;
  - d) AS 1668 'The Use of Ventilation and Air Conditioning in Buildings'; and
  - e) AS 4674 'Design, Construction and Fitout of Food Premise





Details demonstrating compliance must be provided to the Certifying Authority.

16. **Section 7.12 development contributions** – A monetary contribution is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning & Assessment Act 1979* and the Port Stephens Council Fixed Development Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and outlined in the table below.

Capital Investment Value	Levy Rate (% of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Development Contributions Plan. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a Registered Associate member or above, of the Australian Institute of Quantity Surveyors.

This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

Payment of the above amount must apply to Development Applications as follows:

- a) **Prior to issue of the Construction Certificate.**

17. **Long service levy** – In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any works that cost \$25,000 or more.

### 3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

18. **Public liability insurance** – The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.

Evidence of this Policy must be provided to Council and the Certifying Authority.

19. **Notice of Principal Certifying Authority appointment** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:

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- a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the Registered number and date of issue of the relevant development consent;
  - d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
  - e) if the PCA is an accredited certifier, their accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
  - f) a telephone number on which the PCA may be contacted for business purposes.
20. **Notice commencement of work** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 104 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
- a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the Registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the Principal Certifying Authority to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
21. **Sign of PCA and contact details** – A sign must be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
  - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
  - c) the name, address and telephone number of the Principal Certifying Authority.
- The sign must be maintained while the work is being carried out and must be removed upon the completion of works.
22. **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*, construction or subdivision works approved by this consent must not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
  - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the *EP&A Act 1979*; and
  - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
23. **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.





An awning is to be erected that would sufficiently prevent any substance from the construction work falling onto public property. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

24. **Soil erosion and sediment control** – Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

25. **All weather access** – 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.

26. **Rubbish generated from the development** – Where not already available, 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 must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.

#### 4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

27. **Construction hours** – All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
28. **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must 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.

29. **Noise** – The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operation Act 1997* and must comply with the NSW Noise Policy for Industry 2017.



Noise management and mitigation measures be adopted during noise intensive construction activities to limit impact on surrounding receivers. Construction noise must be managed in accordance with the Construction Recommendations Part 7 of the Noise Assessment, No. MAC190876RP1, prepared by Robin Heaton & Oliver Muller dated 29 August 2019.

30. **Compliance with BCA** – All building work must be carried out in accordance with the requirements of the Building Code of Australia.
31. **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.  
If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:
- preserve and protect the building from damage; and
  - if necessary, underpin and support the building in an approved manner; and
  - give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

32. **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:
- Immediately following the installation of any roof, collected stormwater runoff shall be diverted through a first flush system before being piped to the existing stormwater easement/system.
33. **Placement of fill** – Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.
- Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.
34. **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.





Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

35. **Soil, erosion, sediment and water management** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.
36. **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the nearest property boundary.
37. **Delivery register** – The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered.

This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

38. **Fill material** – The only fill material that may be received at the development site is: Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act (POEO Act 1997)*; or

Excavated natural material (ENM) within the meaning of the *POEO Act 1997*; or  
Any other waste-derived material the subject of a resource recovery exemption under s.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

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

Any fill, soil, mulch and plant brought onto the site must be certified as free of weeds and weed seeds.



### 5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

39. **Occupation Certificate required** – An Occupation Certificate must be obtained prior to any use or occupation of the development.

The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.

40. **Geotechnical Compliance Certificate** – A Certificate of Compliance prepared by a qualified Geotechnical Engineer must be provided to the Principal Certifying Authority stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction.

This certificate must accompany the Works as Executed plans.

41. **Fire Safety Certificates** – A Fire Safety Certificate must be provided to the PCA in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.

42. **Bushfire safety** – The site is located within a bushfire prone area. Certification from a suitably qualified BPAD Bushfire Consultant must be provided to certify that the construction of the development complies with:

The Bushfire Report provided with the DA titled Bushfire Assessment Report, by Newcastle Bushfire Consulting and dated 22.12.2019.

The latest version of NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006".

43. **Public Art** – Public art is to be installed in accordance with the Public Art Approval.

44. **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.

45. **Footpath crossing construction** – A footpath crossing and driveway must be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.

**Note:** A Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of such works.



## ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



46. **Stormwater/drainage works** – All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.

The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.

47. **Works as Executed Plans and Report** – Works As Executed Plan must be prepared and provided to the Principal Certifying Authority in accordance with Council's Infrastructure Specifications confirming all stormwater drainage systems are constructed in accordance with the approved plans/documentation.

48. **Rectification damage to public infrastructure** – The applicant must rectify any new damage to public infrastructure to the satisfaction of the Council as the Roads Authority.

49. **Completion of Roads Act Approval works** – All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.

50. **Directional traffic flow signs** – All driveways must be suitably signposted and directional arrows painted on the internal driveways. All signs must be maintained in good repair at all times.

51. **Street tree planting** – All street trees must be planted in accordance with the approved Street Tree Planting plan (as required under the landscape plan prepared by Site Image, dated 24.01.2020).

52. **Completion of landscape works** – All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.

53. **Car parking requirements** – A minimum of 45 car parking spaces including 1 disabled car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.

54. **Loading/unloading facilities** – Loading /unloading facilities must be constructed in accordance with the approved plans. The extent of the loading bay must be permanently marked on the pavement surface.

55. **Mechanical exhaust system** – A Certificate of Compliance prepared by a qualified Engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the Building Code of Australia and AS1668 'The use and Ventilation and Air Conditioning in must be provided to the Certifying Authority.

Certification must be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.

56. **Food premises** – Council must be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the

Page 10 of 14



completed fit out is to be conducted prior to the sale of food. A 'Food Business Registration form can be found on Council's website.

57. **Construction to be in accordance with Acoustic Report** – Certification is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Assessment Report No. MAC190876RP1, prepared by Robin Heaton & Oliver Muller dated 29 August 2019.

## 6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

58. **Display of goods on footpath** – No goods are to be displayed outside the confines of the building.
59. **Manoeuvring of vehicles** – All vehicles must enter and exit the site in a forward direction.
60. **Removal of graffiti** – The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
61. **Hours of operation** – The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday – Sunday/Public Holidays	24 hours

The development shall operate via drive-through service only between the hours of 11pm and 5am, 7 days a week.

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

62. **Loading to occur on site** – All loading and unloading operations are to be carried out wholly within the building/site and in accordance with the approved plans.

The loading dock (if provided) must be used for loading and unloading operations in connection with the approved use.

The loading dock will only be operational between the hours of 7am and 10pm, 7 days a week.

63. **Plan of Management** – The proposal shall be operated in accordance with the approved Plan of Management (except as modified by the conditions of this consent).

The Plan of Management shall be updated in accordance with the conditions of this consent, prior to the commencement of the use.





64. **Parking – Signage (loading docks)** – Proposed parking areas, service bays, truck docks, driveways and turning areas must be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
65. **Approved signage maintenance** – The approved signs must be maintained in a presentable and satisfactory state of repair.  
The level of illumination and/or lighting intensity used to illuminate the sign/s must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.
66. **Parking areas to be kept clear** – At all times, the loading, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.
67. **Fire Safety Schedule** – At all times, a copy of the Fire Safety Schedule and Fire Safety Certificate must be prominently displayed in the building and a copy forwarded to the Commissioner of New South Wales Fire Brigades in accordance with the *Environmental Planning & Assessment Regulations 2000*.
68. **Maintenance of Landscaping** – Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.  
  
If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.
69. **Amenity** – The business must be conducted, and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
70. **Odour** – The use and occupation of the premises is not give rise to the emissions of any 'air impurity' as defined under the protection of the Environment Operations Act 1997 (NSW), that interferes unreasonably with amenity of the neighbouring premises and/or other sensitive receivers.  
  
Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.
71. **Noise** – The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the Protection of The Environment Operations Act 1997 (NSW).



72. **Waste water treatment devices** – All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective.

A maintenance schedule must be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control Legislation.

73. **Toilet Facilities** – Toilet facilities must be made available to patrons of the development during hours of operation of the internal serving area.

74. **Waste disposal** – The building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves) at any time.

Waste disposal and management is to be carried out in accordance with the approved Site Waste Minimisation & Management Plan, prepared by Mc Donald's Australia Ltd and dated August 2019.

#### **Advice Note(s):**

- (1) **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables.
- (2) **Premise standard** – It is the Applicants responsibility to ensure compliance with the requirements of the *Disability Discrimination Act 1992* (DDA).  
**Note:** Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA.
- (3) **Disability Discrimination Act** – The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act.
- (4) **Regulated premises inspections** – The premises will be incorporated in Council's Surveillance Program and will be subject to ongoing annual inspections.
- (5) **Aboriginal archaeological deposit** – In the event of any Aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Biodiversity Conservation Division (BCD) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by BCD to proceed.
- (6) **Signage** – You are advised that any proposed advertising signs that are not shown on the approved plans, or classified as exempt development, are subject to a separate Development Application to Council.



- (7) **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

**ITEM NO. 2**

**FILE NO: 20/128691  
EDRMS NO: 58-2019-5-1**

**PLANNING PROPOSAL FOR 96, 98 & 100 PORT STEPHENS STREET,  
RAYMOND TERRACE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the planning proposal (**ATTACHMENT 3**) to amend the Land Zoning Map, Lot Size Map and Height of Building Map under the Port Stephens Local Environmental Plan 2013 at 96, 98 and 100 Port Stephens Street, Raymond Terrace (Lot 1 DP194796, Lot 1 DP194754 and Lot 1 DP 195285) to rezone the land from R2 Low Density Residential to B3 Commercial Core, increase the maximum building height from 9 metres to 15 metres and remove minimum lot size provisions.
- 2) Forward the planning proposal to the NSW Department of Planning, Infrastructure and Environment for a Gateway determination and request authority to make the plan.

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**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 the development of 96, 98 and 100 Port Stephens Street, Raymond Terrace, for commercial uses consistent with the identification of the subject land as a catalyst site in the Raymond Terrace and Heatherbrae Strategy.

A map showing the location of the subject land is provided at (**ATTACHMENT 1**) and a Strategic Planning Assessment Report is provided at (**ATTACHMENT 2**).

The subject land is currently zoned R2 Low Density Residential and the planning proposal seeks to rezone the land to B3 Commercial Core to enable future commercial development as part of the Raymond Terrace town centre. The Raymond Terrace and Heatherbrae Strategy identifies the subject land as a catalyst site suitable for future commercial use to contribute towards the revitalisation of the Raymond Terrace town centre.



A summary of the planning proposal and property details is provided below:

Date lodged:	19 September 2019
Proponent:	Bamreta Pty Ltd (c/o Monteath and Powys Pty Ltd)
Subject land:	96 Port Stephens Street (Lot 1 DP 194796) 98 Port Stephens Street (Lot 1 DP 194754) 100 Port Stephens Street (Lot 1 DP 195285)
Total area:	2,000m <sup>2</sup> (approximate)
Current zoning:	R2 Low Density Residential
Proposed zoning:	B3 Commercial Core
Current maximum building height:	9 metres
Proposed maximum building height:	15 metres
Current minimum lot size:	500m <sup>2</sup>
Proposed minimum lot size:	No minimum lot size
Relevant local strategy:	Raymond Terrace and Heatherbrae Strategy
Key issues:	Town centre revitalisation: The subject land is identified as a catalyst site in the Raymond Terrace and Heatherbrae Strategy.
	Flooding: The subject land is in a high hazard flood risk category. A flood report will be required at development application stage.
	Heritage: The subject land is in the Raymond Terrace Heritage Conservation Area. The design of any future commercial development will need to respond to heritage planning controls.

#### Purpose of the amendment

The purpose of the planning proposal is to amend the LEP 2013 to enable the development of the site for commercial uses consistent with its identification as a catalyst site in the Raymond Terrace and Heatherbrae Strategy. The planning proposal will extend the commercial uses of the Raymond Terrace town centre to the site. The proposed amendments are consistent with other commercial zoned land in the Raymond Terrace town centre.

### Existing and surrounding uses

The site is currently a vacant hard stand area and has previously been used as a car park. The site is located on the southwest corner of the roundabout intersection of Port Stephens Street and Glenelg Street, Raymond Terrace. Nearby surrounding uses include squash courts, residential dwellings, a shopping centre and supermarket, Raymond Terrace War Memorial Park (ANZAC Park), the Raymond Terrace Bowling Club, Raymond Terrace Community Health Centre and Service NSW. Between the site and William Street are 2 residential dwellings and a range of commercial uses.

The site is within the Raymond Terrace Heritage Conservation Area, however there are no items of heritage significance located on the land. Nearby heritage items of local significance include the Raymond Terrace War Memorial Park (ANZAC Park) and the Canary Island Date Palms (Adam Place) on Port Stephens Street.

### Suitability of the subject land

The site is considered suitable for a commercial zoning given its proximity to the Raymond Terrace town centre and surrounding land uses. It is identified as a catalyst site in the Raymond Terrace and Heatherbrae Strategy, suitable for future commercial uses to revitalise the town centre. Commercial development on the site will provide the opportunity for positive economic outcomes and employment opportunities, and will reinforce the role of Raymond Terrace as a strategic centre in Port Stephens and the Hunter region.

The site is identified as flood prone and is within a high hazard floodway risk category, similar to other land in the Raymond Terrace town centre that is zoned and developed for commercial uses. Commercial uses on the site are considered suitable given there are a number of examples of commercial development in the Raymond Terrace town centre that are also within a high hazard flood risk category that demonstrate appropriate management of flood risks. Therefore risks are likely to be able managed through design details at the development application stage.

The site is located in the Raymond Terrace Heritage Conservation Area under the LEP 2013 and the design of any future commercial development will need to respond to heritage planning controls.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
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.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Stage 1 planning proposal fee.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that future development on the site will be subject to high flood risk resulting in the development being unviable.	Medium	Adopt the recommendations of this report (a flood report will be required at development application stage to demonstrate flood risks have been appropriately managed).	Yes
There is a risk that redevelopment of the site will not occur if the current R2 Low Density Residential zoning is retained resulting in the development being unviable.	Medium	Adopt the recommendations of this report.	Yes

**Environmental Planning and Assessment Act 1979**

The planning proposal is being processed in accordance with Part 3 of the Environmental Planning and Assessment Act 1979 (NSW). Should Council resolve to adopt the planning proposal it will be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination, including a request for authorisation to make the plan.

### Port Stephens Local Environmental Plan 2013

The planning proposal seeks to amend the LEP 2013 by rezoning the land from R2 Low Density Residential to B3 Commercial Core, increasing the maximum building height from 9 metres to 15 metres, and removing minimum lot size provisions. The proposed amendments are consistent with the provisions that apply to other land zoned for commercial purposes in the Raymond Terrace town centre.

The planning proposal and a potential commercial development on the site is consistent with the objectives of the proposed B3 Commercial Core zone:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximize public transport patronage and encourage walking and cycling.
- To facilitate the growth of Raymond Terrace as a centre.

Under the B3 Commercial Core zone there will be flexibility to accommodate a wide range of future commercial uses on the site to meet market demand and support the Raymond Terrace town centre (subject to development consent).

Existing provisions of the LEP 2013 require detailed heritage assessment (clause 5.10) and consideration of flood risks (clause 7.3) for certain development applications and these will continue to apply to the site and any future development applications.

### Regional Plans

The planning proposal is consistent with the vision and goals outlined in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036. It will reinforce the role of Raymond Terrace as a strategic centre identified by those regional plans by encouraging commercial development and creating opportunities for local employment. Further technical information can be provided at the development application stage to respond to specific regional plan directions to provide resilience to natural hazards such as flooding.

### Draft Port Stephens Local Strategic Planning Statement

The draft Port Stephens Local Strategic Planning Statement (LSPS) was considered by Council on 11 February 2020 and endorsed for public exhibition. The planning proposal is consistent with the LSPS priorities to support the growth of employment areas and make business growth easier. Further technical information can be provided at development application stage in order to address the LSPS priority to plan for improved hazard resilience, including flooding.



### Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy 2011 (PSPS) identifies Raymond Terrace as the regional centre for Port Stephens and seeks to enhance its commercial role. It acknowledges that flooding can be a relevant issue and provides that new development should be assessed on a case-by-case basis with regard to flooding. Proceeding with the planning proposal is consistent with the outcomes of the PSPS subject to flooding matters being addressed at development application stage.

### Raymond Terrace and Heatherbrae Strategy 2015-2031

The planning proposal is consistent with the goals of the Raymond Terrace and Heatherbrae Strategy 2015-2031 to promote a competitive economy and to provide the opportunity for positive economic outcomes and job creation in Raymond Terrace.

The planning proposal will implement the following directions and actions:

- Promote catalyst sites for commercial development to underpin William Street as the main street of activity.
- Facilitate the development of catalyst sites.
- Explore the possibilities for activating catalyst sites.

Rezoning the site will complete actions in the Raymond Terrace and Heatherbrae Strategy and will enable Council to continue implementation of the Raymond Terrace Heatherbrae Strategy.

### Port Stephens Development Control Plan 2014

Future development on the site will be subject to the provisions of the Port Stephens Development Control Plan 2014 (DCP 2014) including development controls for flooding, parking, heritage and commercial development.

Flood risk is a key consideration and the DCP 2014 provides that new buildings or structures within a high hazard floodway category are not supported unless accompanied by a flood report, which will be provided at development application stage. Although the DCP 2014 does not encourage development within a floodway, an application may be considered where it is demonstrated to have specific community benefits that do not relate to the provision of housing. In this instance the subject land is a catalyst site and the planning proposal seeks to enable development for commercial uses.

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The planning proposal seeks to deliver positive social and economic benefits for Raymond Terrace by facilitating the commercial development of a catalyst site and providing additional employment opportunities. A future commercial development may provide employment opportunities similar to the nearby Commonwealth Department of Defence administration centre at the corner of William Street and King Street and create the opportunity for positive flow-on effects to surrounding businesses. Economic benefits will also be generated from employment during the construction phase.

There are no significant environmental implications in proceeding with the planning proposal. Any future development application will need to respond to flood risk and address the requirements of the LEP 2013 and the DCP 2014 including the submission of a flood report. There are a number of precedent commercial developments in the same flood risk category in the town centre that have managed to adequately address this risk.

## **CONSULTATION**

### Internal

Internal consultation was undertaken with the Flooding and Drainage unit and Natural Resources unit.

The matters raised by the Flooding and Drainage unit can be addressed through additional detailed information at the development application stage.

The Natural Resources unit advise that no ecological information is required to support the planning proposal.

### External

Consultation with the community and public authorities will be undertaken in accordance with any Gateway determination issued.

It is anticipated that the planning proposal will be exhibited for 14 days, subject to a Gateway determination.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Locality Plan. [↓](#)
- 2) Strategic Planning Assessment Report. [↓](#)
- 3) Planning Proposal. [↓](#)
- 4) Maps. [↓](#)

## **COUNCILLORS ROOM**

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

## **TABLED DOCUMENTS**

Nil.









Our Ref: 58-2019-5-1

### 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).

<b>Application No.</b>	58-2019-5-1
<b>Applicant Name</b>	Bamreta Pty Ltd (c/o Monteath and Powys Pty Ltd)
<b>Applicant Address</b>	PO Box 2270 DANGAR NSW 2302
<b>Site Location Details</b>	Lot 1 DP 194796; Lot 1 DP 194754; Lot 1 DP 195285 - 96, 98 and 100 Port Stephens Street RAYMOND TERRACE.
<b>Proposal Summary</b>	Amend Port Stephens Local Environmental Plan 2013 (LEP 2013) to rezone the site from R2 Low Density Residential to B3 Commercial Core, increase the maximum building height from 9m to 15m and remove the site from the Raymond Terrace Heritage Conservation Area.
<b>Eligible for Planning Proposal Preparation?</b>	Yes
<b>Adequate Information?</b>	Yes
<b>Planning proposal to be prepared?</b>	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 with the application, the LEP amendment proposal is considered to have sufficient merit to warrant preparation of a planning proposal by Council.

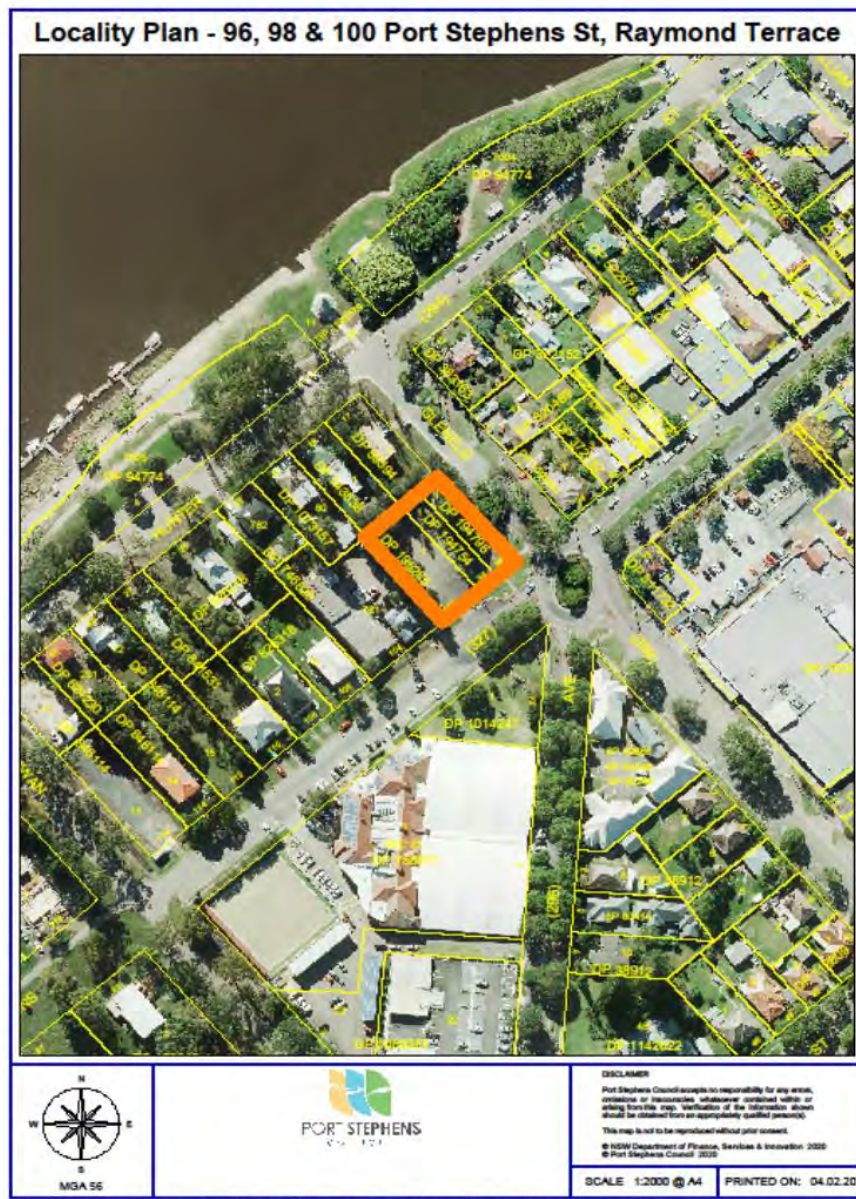
It is recommended that a planning proposal be prepared for the LEP amendment proposal and lodged with the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination.

**PRE-LODGEMENT MATTERS**

<b>Matter</b>	<b>Comment</b>
1. Consistency with the Raymond Terrace & Heatherbrae Strategy	The planning proposal will need to set out the relationship of the site to the surrounding land.
2. Options to amend LEP 2013	The planning proposal will need to establish the range of potential options for amending the LEP 2013 to achieve the intended outcome.
3. Relationship to surrounding land	The planning proposal will need to consider the relationship of the site to the surrounding land.
4. Site characteristics	The planning proposal should address flood risk in relation to the proposed change in land use planning controls.
5. Social and economic effects	The planning proposal needs to discuss potential social and economic effects.

**INTERNAL REFERRALS**

<b>Internal Body</b>	<b>Referral Response</b>
Development Engineers	<p>Flooding – The Williamstown/Salt Ash Floodplain Risk Management Study and Plan (BMT WBM 2017) identifies a Flood Planning Level of 5.8m AHD and High Hazard Floodway category for the site.</p> <p>The planning proposal will need to demonstrate it is in accordance with the floodplain risk management plan for the area and the Floodplain Development Manual 2005 or that the provisions of the planning proposal that are inconsistent with Ministerial Direction 4.3 Flood Prone Land are of minor significance, taking into consideration flooding data and the social and economic benefits of the proposal.</p> <p>The planning proposal will need to address concern that future development within a floodway may result in significant changes to the floodplain as well as posing a significant risk to life of potential occupants living within the floodway.</p> <p>Traffic - No objection to the proposed rezoning. There will be a requirement for a traffic impact assessment, addressing the traffic generating nature of the specific development, to accompany any future development application</p>
Natural Resources	The vegetation on the site is considered unlikely to constitute any significant features or constraints that cannot be resolved at the DA stage. The planning proposal is supported for proceeding without further ecological survey or information.



## INFORMATION ASSESSMENT

TABLE 1 – STRATEGIC MERIT ASSESSMENT

Assessment of technical information

Information	Applicable	Lodged	Adequacy
<b>Considerations under s3.33(2) of the EP&amp;A Act</b>			
Statement of objectives or intended outcomes of the proposed instrument.	Yes	Yes	Adequate. The submitted planning proposal includes the objective to rezone the land to B3 Commercial Core, increase the height limit to 15m.
Explanation of the provisions that are to be included in the proposed instrument.	Yes	Yes	Adequate. The submitted planning proposal adequately describes the intended changes to the mapping in the PSLEP 2013.
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. The submitted planning proposal makes reference to the identification of the land as a "catalyst site" in the Raymond Terrace and Heatherbrae Strategy. The Port Stephens Local Strategic Planning Statement was in draft form at the time the planning proposal was submitted.
Maps containing sufficient detail to indicate the substantive effect of the proposed instrument.	Yes	No	The maps included in the information lodged for the LEP amendment request do not adequately identify the substantive effect of the proposed instrument. New maps have been drafted for the planning proposal prepared by Council.



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. The submitted planning proposal does not include details of the community consultation that is proposed to be undertaken. Community consultation requirements can be set by a Gateway determination and are included in the planning proposal.
Projected timeline of the plan making process	Yes	Yes	The submitted planning proposal does not include details of the project timeline describing the plan making process. A projected timeframe for completing the planning proposal can be set by a Gateway determination and is included in the Council planning proposal.
<b>Strategic Planning Context and Strategic Merit</b>			
Assessment of consistency with the Hunter Regional Plan and Greater Newcastle Metropolitan Plan.	Yes	Yes	Adequate. The submitted planning proposal provides general consideration of consistency with the role of Raymond Terrace as a strategic centre in regional plans.
Assessment of consistency with relevant Council strategy (or strategies).	Yes	Yes	Adequate. The submitted planning proposal provides general consideration of consistency with the Raymond Terrace and Heatherbrae Strategy and role of Raymond Terrace in the Port Stephens Planning Strategy.

Information	Applicable	Lodged	Adequacy
<b>Site-Specific Merit</b>			
Does the proposal have site-specific merit, having regard to the natural environment (including known significant environmental values, resources or hazards)?	Yes	Yes	Adequate. The submitted planning proposal acknowledges the location of the site within a high hazard flood category based on information available at the time. It lists the reasons why the potential impact of flooding is reduced for the site and why commercial development should proceed. Further information may be required following a Gateway determination.
Does the proposal have site-specific merit, having regard to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal?	Yes	Yes	Adequate. The submitted planning proposal acknowledges the identification of the land as a catalyst site and its location in the town centre. It provides limited discussion on surrounding land uses.
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	Adequate. The site is within an existing urban area serviced by reticulated sewer and water infrastructure. Consultation will be undertaken with Hunter Water Corporation following Gateway.

Information	Applicable	Lodged	Adequacy
<b>Site Description/Context</b>			
Aerial photographs	Yes	Yes	Adequate.
Site photos	N/A	No	Site photos are not required for the LEP amendment request.

TABLE 2 – SEPP ASSESSMENT

Assessment against State Environmental Planning Policies (SEPP's)

SEPP	Overview	Applicable	Consistency
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. The submitted planning proposal considers this SEPP and advises the NSW Environmental Protection Agency database confirms of no applicable notices or declarations. A preliminary contamination report can be provided following a Gateway determination.
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	Adequate. The submitted planning proposal relates to land identified within the Coastal Zone Combined Footprint. The submitted planning proposal adequately considers this SEPP.

TABLE 3 – MINISTERIAL DIRECTION ASSESSMENT

Assessment against Ministerial Directions

Ministerial Direction		Overview	Applicable	Consistency
<b>1. Employment and Resources</b>				
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	Adequate. The submitted planning proposal will encourage employment growth on a catalyst site in a strategic centre.
<b>2. Environment and Heritage</b>				
2.2	Coastal Management	<p>Applies to land within a coastal zone, as defined in the <i>Coastal Management Act 2016</i>.</p> <p>The direction seeks to protect and manage coastal areas of NSW. 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.</p>	Yes	Adequate. The planning proposal LEP relates to land within the coastal zone. The submitted planning proposal is consistent with this direction.

Ministerial Direction	Overview	Applicable	Consistency
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	<p>Insufficient information and justification is provided in the submitted planning proposal to adequately assess consistency with this direction.</p> <p>Removal of the site from the Raymond Terrace Heritage Conservation Area as proposed in the submitted planning proposal is not supported.</p> <p>Under the Council planning proposal the site will remain in the Raymond Terrace Heritage Conservation Area. The location of the site in the Raymond Terrace Heritage Conservation Area does not prevent the land being used as a catalyst site or its consideration for rezoning. The design of any future commercial development will need to respond heritage planning controls at development application stage.</p>

Ministerial Direction		Overview	Applicable	Consistency
<b>3. Housing, Infrastructure and Urban Development</b>				
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 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).	Yes	Adequate. The submitted planning proposal is consistent with this direction because it will make commercial land available in close proximity to existing residential areas.
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 submitted planning proposal seeks to introduce provisions into LEP relating to urban land and provides some discussion of consistency with this direction.



Ministerial Direction		Overview	Applicable	Consistency
<b>4. Hazard and Risk</b>				
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. The site is mapped as potentially containing low risk category acid sulfate soils. The existing provisions of the LEP are suitable to manage any potential risk. The submitted planning proposal adequately addresses this 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 Department of Planning and Environment (or nominated delegate).	Yes	Adequate. The submitted planning proposal provides limited discussion on the reasons why inconsistency with this direction is of minor significance. However, the planning proposal is assessed as suitable for a Gateway determination because the intended commercial zoning may accommodate a development designed and constructed to be commensurate with flood risk, similar to other existing commercial developments on flood prone land in Raymond Terrace. The land is also identified as a catalyst site in a strategic centre with potential social and economic benefits from its redevelopment.

Ministerial Direction		Overview	Applicable	Consistency
<b>5. Regional Planning</b>				
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 submitted planning proposal will seek to reinforce the role of Raymond Terrace as a strategic centre.

TABLE 4 –TECHNICAL CONTENT ASSESSMENT

Assessment of technical information (note: no supporting technical studies are considered necessary prior to a Gateway determination for this planning proposal).

Information	Applicable	Lodged	Adequacy
<b>Environmental Considerations</b>			
Acid sulphate soil assessment	Yes	No	An acid sulphate soil assessment is not required to enable preparation of an initial planning proposal.
Flood impact assessment	Yes	No	The potential flood risk can be further addressed through the provision of additional information following a Gateway determination. This information will need to demonstrate that the proposed planning controls are acceptable for the site and that measures can be put in place for future development to manage flood risk.
Contamination assessment	Yes	No	A preliminary contamination report can be provided following Gateway if required.
<b>Social and cultural considerations</b>			
Heritage impact assessment	Yes	No	The site is within and will remain within the Raymond Terrace Heritage Conservation Area. The design of any future commercial development will need to respond to heritage planning controls at development application stage.

Information	Applicable	Lodged	Adequacy
<b>Infrastructure considerations</b>			
Utility servicing assessment	Yes	No	A utility servicing assessment is not required to enable preparation of an initial planning proposal.

**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:**

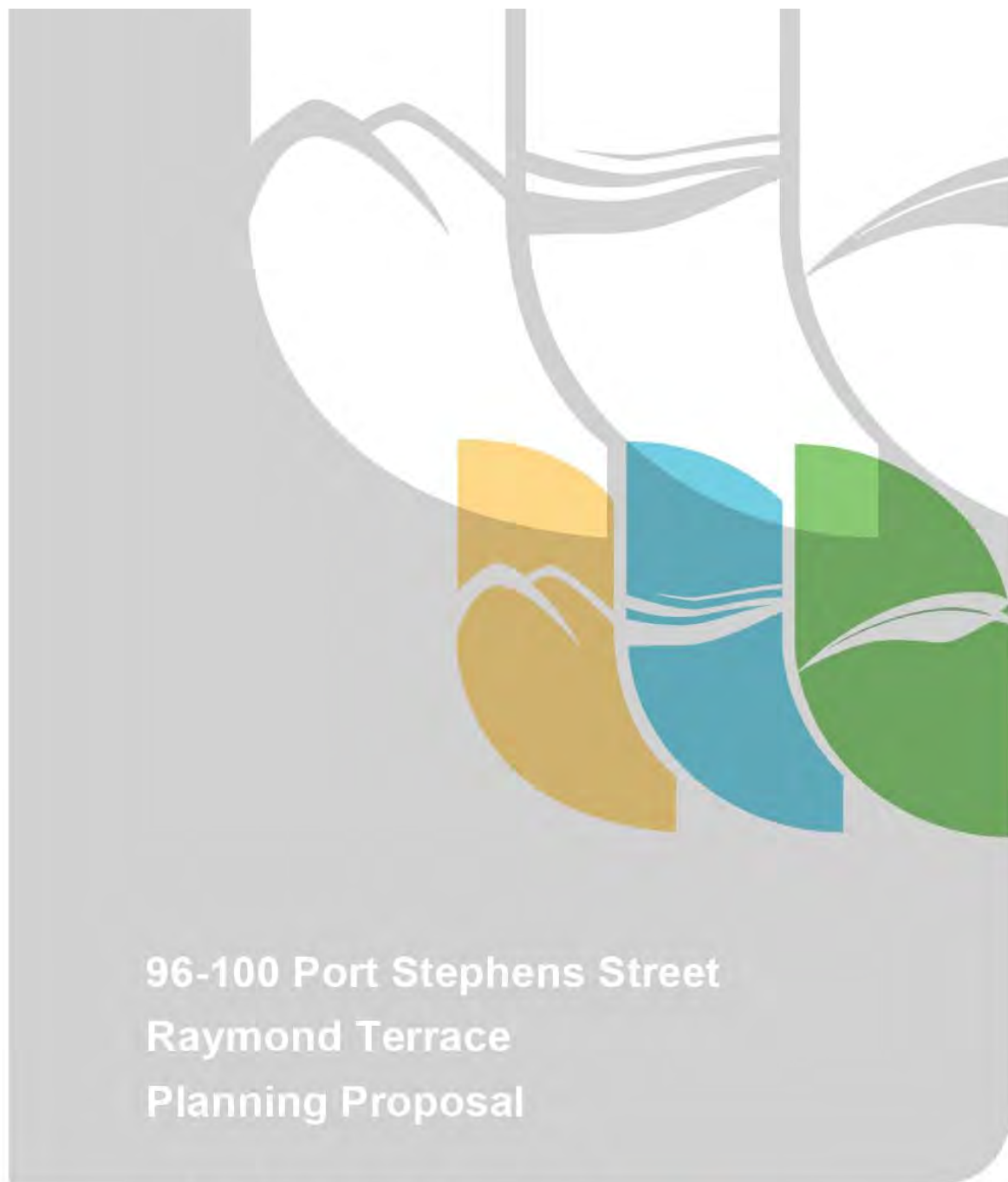
**Report reviewed by:**

**Matthew Borsato**

Senior Strategic Planner

**Elizabeth Lamb**

Strategic Planning Coordinator



96-100 Port Stephens Street  
Raymond Terrace  
Planning Proposal

**Proposed amendment to Port Stephens Local  
Environmental Plan 2013**

Lot 1 DP 194796 (96 Port Stephens Street)  
Lot 1 194754 (98 Port Stephens Street)  
Lot 1 DP 195285 (100 Port Stephens Street)  
Raymond Terrace



## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

**FILE NUMBERS**

**Council:** 58-2019-5-1

**Department:** To be provided at Gateway determination.

**SUMMARY**

**Subject land:** Lot 1 DP 194796 (96 Port Stephens Street)  
Lot 1 DP 194754 (98 Port Stephens Street)  
Lot 1 DP 195285 (100 Port Stephens Street)

**Proponent:** Bamreta Pty Ltd (c/o Monteath and Powys Pty Ltd)

**Proposed changes:** Amend the mapping in the Port Stephens Local Environmental Plan 2013 to:

- Rezone the subject land from R2 Low Density Residential to B3 Commercial Core
- Amend the maximum building height for the subject land from 9m to 15m
- Remove minimum lot size provisions for the subject land (consistent with other commercially zoned land).

**Area of subject land:** 2,000m<sup>2</sup> (approximate)

**SITE**

The site has an area of 2,000m<sup>2</sup> and is currently used as a hard stand area/car park. It is located in the town centre of Raymond Terrace, on the southwest corner of the roundabout intersection of Port Stephens Street and Glenelg Street.

Nearby surrounding land uses include squash courts, residential dwellings, a supermarket and carpark, Raymond Terrace War Memorial Park (ANZAC Park), the Raymond Terrace Bowling Club, the Community Health Centre, and Service NSW. Between the site and William Street (the main street) along Port Stephens Street are a range of commercial premises and business uses, and two residential dwellings.

There are some medium to large individual trees located on the periphery of the site.

The site is identified as flood prone, similar to other land in the Raymond Terrace town centre that is zoned and developed for commercial uses.

The site is within the Raymond Terrace Heritage Conservation Area however there are no items of heritage significance located on the land. Nearby heritage items, listed as being of local significance, include the Raymond Terrace War Memorial Park (ANZAC Park) on the opposite side of Port Stephens Street and the Canary Island Date Palms (Adam Place) along Port Stephens Street.

The Raymond Terrace and Heatherbrae Strategy identifies the land as a 'catalyst site' and suitable for redevelopment to revitalise the town centre.

Raymond Terrace has a prominent role locally and in the region, and is recognised as a strategic centre in local and regional plans.

Figure 1. Site location



Figure 2. Broader site location

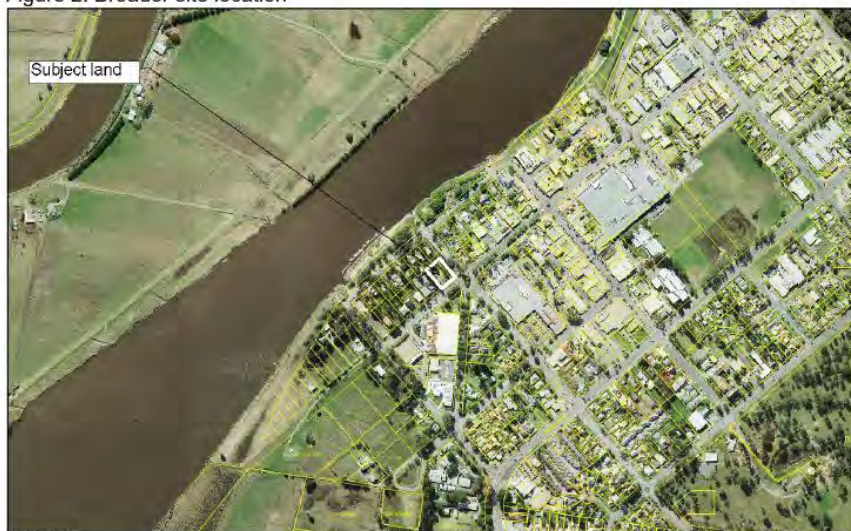




Figure 3. Site and surrounding uses

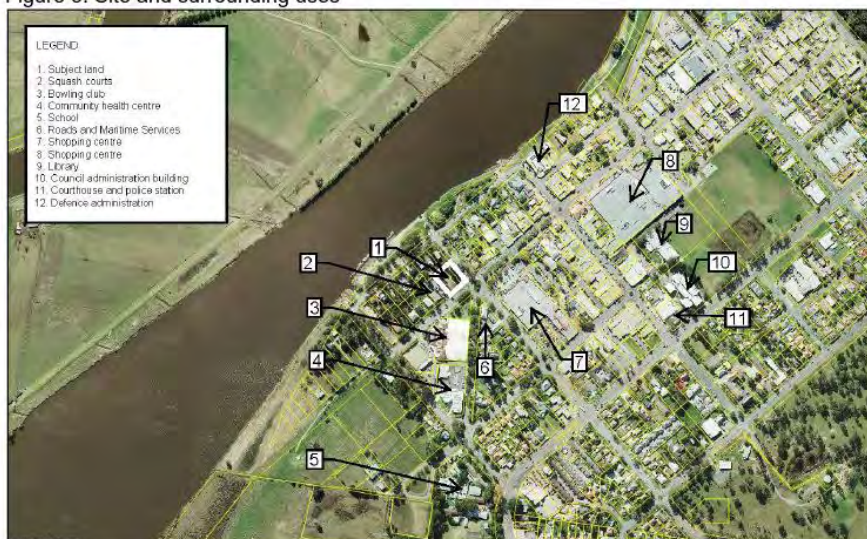


Figure 4. Site photo





## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

**PART 1 – Objectives or intended outcomes**

The objective of the planning proposal is to amend the Port Stephens Local Environmental Plan 2013 (LEP 2013) to enable the redevelopment of the site for commercial uses consistent with the Raymond Terrace and Heatherbrae Strategy.

**PART 2 – Explanation of provisions**

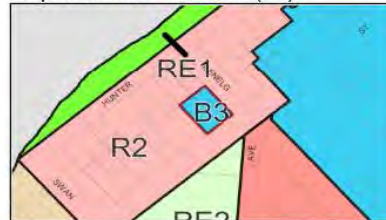
The objective of the planning proposal will be achieved by the following amendments to the LEP 2013:

- Amending the Land Zoning Map for the site from R2 Low Density Residential to B3 Commercial Core.
- Amending the Height of Building Map for the site from 9m to 15m.
- Amending the Lot Size Map for the site from 500m<sup>2</sup> to remove minimum lot size provisions (consistent with other commercial-zoned land in the LEP 2013).

Existing Land Use Zone (R2)



Proposed Land Use Zone (B3)



Existing Height of Building (9m)



Proposed Height of Building (15m)

Existing Minimum Lot Size (500m<sup>2</sup>)

Proposed Minimum Lot Size (N/A)



**PART 3 – Justification****Section A – Need for the planning proposal****Q1. Is the planning proposal a result of any strategic study or report?**

Yes. The planning proposal is the result of the identification of the land as a 'catalyst site' suitable for future commercial uses in the Raymond Terrace and Heatherbrae Strategy. A key action in the Strategy is to promote catalyst sites for commercial development to underpin William Street and town centre economic activity (Action 3). A key direction is for Council to facilitate the development of catalyst sites (Direction 2.3).

The Greater Newcastle Metropolitan Plan and the Hunter Regional Plan identify Raymond Terrace as a strategic centre. Facilitating the development on the site will assist in reinforcing its prominent role locally and in the region.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

This section seeks to provide a summary of the available options to achieve the objective of the planning proposal. The preferred means is to rezone the site to B3 Commercial Core and to increase the permitted building height to 15m (Option 1).

**1. Rezone the site to B3 Commercial Core and increase the permitted height of building to 15m**

This is the preferred means of achieving the objective of the planning proposal because this option provides the greatest flexibility for the catalyst site because it will permit, with development consent, the widest range of potential commercial land uses in the B3 Commercial Core Zone.

The objectives of the B3 Commercial Core Zone align closely with the identification of the land as a catalyst site and the opportunity it provides to reinforce and encourage development in Raymond Terrace town centre. The objectives of the B3 Commercial Core zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community
- To encourage appropriate employment opportunities in accessible locations
- To maximise public transport patronage and encourage walking and cycling
- To facilitate the growth of Raymond Terrace as a regional centre.

This option includes amending the permitted height of building map from 9m to 15m and removing minimum lot size provisions.

**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.****2. Amend Schedule 1 Additional Permitted Uses of PSLEP 2013 to incorporate identified land uses and increase the permitted height of building to 15m.**

This option would identify specific additional uses for the site and retain the current R2 Low Density Residential Zone.

This option provides more certainty as to the proposed future use on the catalyst site and avoids the risk of rezoning land so as to permit (with development consent) a potential increase in residential density on flood prone land because residential flat buildings would be permitted under some commercial zonings.

Potential additional permitted uses consistent with a catalyst site could include one, or a combination of, the following:

- Business premises
- Office premises
- Hotel or motel accommodation
- Serviced apartments
- Public administration buildings

This option is not preferred because it provides limited flexibility for the future use of the site as a number of other uses in the B3 Commercial Core could also be considered compatible on a catalyst site. The proposed commercial use of the land would also be inconsistent with the objectives of the underlying R2 Low Density Residential zone.

This option includes specifying a permitted height of 15m and removing minimum lot size provisions in Schedule 1.

**3. Retain the existing R2 Low Density Residential Zone**

This option retains the existing R2 Low Density Residential zone. It is not preferred because it severely limits the ability to develop the land as a catalyst site that can contribute to revitalising the town centre.

**Section B – Relationship to strategic planning framework****Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan?****Hunter Regional Plan 2036**

Yes. The planning proposal is consistent with the vision of the Hunter Regional Plan to create the leading regional economy in Australia. It aligns with Goal 1 of the Hunter Regional Plan and Direction 6 to grow the economy of Port Stephens. The planning proposal supports these outcomes by encouraging the redevelopment of a catalyst site in a regional strategic centre.

Figure 5. Hunter Regional Plan



The Hunter Regional Plan describes strategic centres as the largest centres of activity and employment in the region, containing significant clusters of professional, retail, health and education services that are forecast to be major drivers of the economy in the future. Reinforcing and encouraging development in strategic centres will help sustain their functions and create jobs closer to home (Hunter Regional Plan page 14). The planning proposal will reinforce this role for Raymond Terrace and encourage commercial redevelopment on the site and create the opportunity for more jobs.

The planning proposal is also consistent with the local government narrative for the Port Stephens area specified in the Hunter Regional Plan. The narrative reiterates the role of Raymond Terrace as a strategic centre and lists the following priorities for Raymond Terrace:

- Support its role as the main service centre in Port Stephens, and in providing a range of facilities for surrounding communities, including retailing, government, civic and professional services.

## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

- Investigate increasing social, transport and economic connections to surrounding communities and centres across the Greater Newcastle area.

The planning proposal contributes to achieving these priorities. It will facilitate the redevelopment of a local catalyst site and support the role of Raymond Terrace as the main service centre in Port Stephens. It provides the opportunity to add to, and or support, retailing, government, civic and professional services by encouraging the redevelopment of the site for commercial use. New employees in a future commercial building would provide additional customers for other town centre businesses.

#### Greater Newcastle Metropolitan Plan

The planning proposal is consistent with the vision of the Greater Newcastle Metropolitan Plan for Australia's newest and emerging economic and lifestyle city. Raymond Terrace is within the metro frame and is one of the main strategic centres contributing to the provision of local housing and job opportunities in the region.

Figure 6. Greater Newcastle Metropolitan Plan



The planning proposal aligns with Outcome 1 of the Greater Newcastle Metropolitan Plan to create a workforce skilled and ready for the new economy, including Strategy 9 to plan for jobs closer to homes in the metro frame. The following description is provided in the Greater Newcastle Metropolitan Plan:

*“Greater Newcastle has a range of well-established strategic centres across its metropolitan area which have the potential to accommodate significant growth in the economy and become important residential, employment and entertainment precincts.*



## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

*Cessnock, Central Maitland, Kurri Kurri and Raymond Terrace are emerging city centres that provide convenient access to jobs for the rapidly expanding surrounding communities. They also contain the highest diversity of economic activity, in addition to providing a wide range of services and historic civic functions. These strategic centres will continue to play a critical role in the economic development for the metro core and metro frame.*

*Increasing the numbers of jobs within and near the emerging city centres will assist in meeting the goals in the Hunter Regional Plan, and reduce work related travel and congestion across the metropolitan area. Planning for jobs closer to homes becomes vital as the surrounding population grows, especially in the metro frame.*

*To support job growth, there is a need to attract new business investment that builds on existing strengths of these centres and to leverage opportunities in industries experiencing growth, including health and higher education. This will reinforce economic resilience of Greater Newcastle through maintaining a high diversity of employment.*

*An adequate supply of commercial office space for business is required in city centres, and will need to be monitored by Council's to meet growing demand. Additionally, flexibility for businesses in surrounding residential zones, and the growth of shared work spaces will respond to changing workplace demand."*

In summary, the planning proposal will reinforce the role of Raymond Terrace as a strategic centre, encourage commercial redevelopment on the site, and create the opportunity for more jobs on a catalyst site.

#### **Assessment Criteria**

a) *Does the proposal have strategic merit? Will it:*

- *give effect to the relevant regional plan outside of Greater Sydney region, the relevant district plan; or*
- *Give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- *Responding to a change in circumstance s, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

Yes. The planning proposal has strategic merit because it will encourage development and employment within a strategic centre recognised in the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan. It seeks to encourage the redevelopment of a catalyst site in the Raymond Terrace and Heatherbrae Strategy.

b) *Does the proposal have site-specific merit, having regard to the following?*

- *the natural environment (including known significant environmental values, resources or hazards); and*

**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.**

- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- *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.*

There are no significant environmental values on the site. It is currently used as a hard stand area and car park. There are some individual trees located on the periphery of the site.

The site is prone to flooding, similar to many other sites zoned and used for commercial purposes in Raymond Terrace. Other existing and recent commercial developments in the town centre demonstrate that a feasible flood design solution can be achieved. Further technical investigation of flooding on the site, relevant to the intended commercial zoning, can be provided following a Gateway determination to demonstrate appropriate design outcomes can be achieved to manage flood risk.

The existing use of the site is as a hard stand area or car park. It is located in close proximity to the town centre and any future development would provide occupants with access to goods, services, entertainment and public transport. It is situated on a corner at a roundabout intersection. Surrounding land uses include squash courts, residential dwellings, a supermarket and carpark, Raymond Terrace War Memorial Park (ANZAC Park) and the Raymond Terrace Bowling Club. There is existing commercial development along Port Stephens Street to the north.

The site is in an existing serviced town centre with good levels of public infrastructure. Consultation on servicing a future commercial development on the site will be undertaken with Hunter Water Corporation following any Gateway determination.

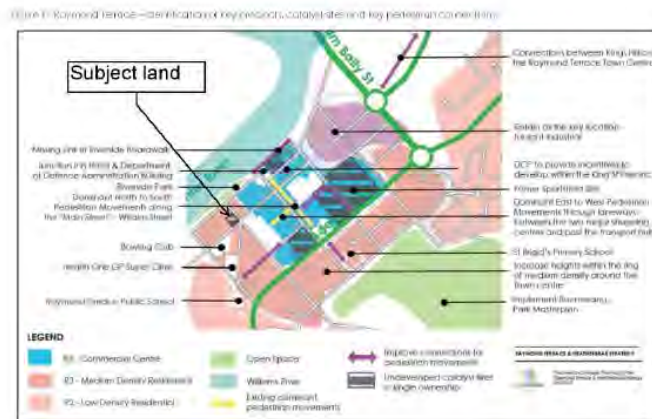


**Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?**

**Raymond Terrace and Heatherbrae Strategy 2015-2031**

Yes. The planning proposal will give effect to the Raymond Terrace and Heatherbrae Strategy which identifies the land as a catalyst site.

Figure 7. Raymond Terrace and Heatherbrae Strategy



The Raymond Terrace and Heatherbrae Strategy sets four overarching goals:

1. A competitive economy with regional services, including transport, health, justice, government, commercial, retail, industrial and entertainment.
2. A city of housing choices with homes that meet our needs and lifestyles with a focus on providing for affordable accommodation, which includes seniors living and student accommodation.
3. A great place to live with quality public and private spaces that are accessible.
4. A resilient city with clear directions for improved social, environmental and economic outcomes.

The planning proposal aligns with these goals by promoting a competitive economy and providing the opportunity for positive economic outcomes and job creation in Raymond Terrace.

**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.**

The Planning Proposal will implement the applicable directions and actions of the Raymond Terrace and Heatherbrae Strategy in particular:

- Promote catalyst sites for commercial development to underpin William Street as the main street of activity (Action 3)
- Facilitate the development of catalyst sites (Direction 2.3)
- Explore the possibilities for activation of undeveloped sites including those identified as catalyst sites (Action 28).

The planning proposal is consistent with the outcomes described for catalyst sites in the Raymond Terrace and Heatherbrae Strategy, including facilitating redevelopment for commercial purposes.

**(Draft) Port Stephens Local Strategic Planning Statement**

The planning proposal aligns with the following planning priorities of the draft Port Stephens Local Strategic Planning Statement:

- Planning Priority 1 Support the growth of major employment areas; and
- Planning Priority 2 Make business growth easier

Further technical information in relation to flood risks can be provided following any gateway determination to demonstrate the proposal can satisfy Planning Priority 6 Improve resilience to hazards and climate change.

**Port Stephens Community Strategic Plan**

The planning proposal aligns with the strategic direction of the Port Stephens Community Strategic Plan to create a thriving and safe place to live and the accompanying delivery program to provide land use plans, tools, and advice that sustainably support the community. The planning proposal seeks to achieve these outcomes by encouraging the redevelopment a catalyst site in the Raymond Terrace and Heatherbrae Strategy and contributing towards the revitalisation of Raymond Terrace.

**Port Stephens Planning Strategy 2011**

The Port Stephens Planning Strategy was developed at the time that the Lower Hunter Regional Strategy was in place (the Lower Hunter Regional Strategy has now been replaced by the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan). The Port Stephens Planning Strategy identifies Raymond Terrace as the regional centre for Port Stephens and seeks to enhance its commercial role. It acknowledges that flooding is an issue in the town centre, however, each proposal should be assessed on its merits on a case by case basis (Port Stephens Planning Strategy, page 70).

**Port Stephens Commercial and Industrial Lands Study**

The Port Stephens Commercial and Industrial Lands Study was completed to inform the preparation of the Port Stephens Planning Strategy and the Port Stephens LEP 2013.

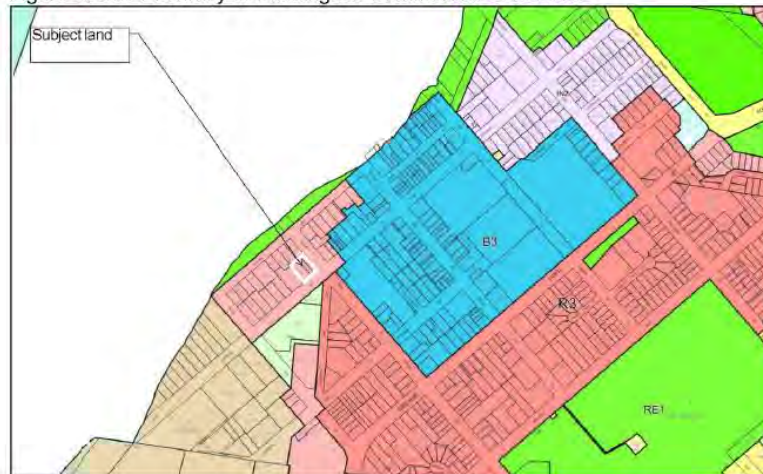
The Commercial and Industrial Lands Study identifies Raymond Terrace as major centre, being a concentration of business, higher order retailing, employment, and

## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

professional services and generally including civic functions and facilities. It identifies the centre as a focal point for subregional road and transport networks and acknowledges the town centre may service a number of districts. It describes Raymond Terrace as hosting a broad range of industries. It includes the largest amount of government activity in the LGA and a large proportion of business services. The centre provides activities that serve the region, including activities that may be accessed infrequently.

Proceeding with the planning proposal will be a minor addition (2,000m<sup>2</sup>) to the overall area of existing commercially zoned land in the centre (260,000m<sup>2</sup>) on a directly identified catalyst site. The location of the site in relation to existing B3 Core land in Raymond Terrace is shown in the following figure.

Figure 8. Site Proximity to Existing B3 Commercial Core Zone



Commercial development of the site as an outcome of the planning proposal has the potential to act as one of a series of catalysts identified in the Raymond Terrace and Heatherbrae Strategy for the revitalisation of Raymond Terrace and will support existing businesses.

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Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Table 1 – Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
<p><b>SEPP 55 Remediation of Land</b></p> <p>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</p>	<p>This SEPP requires a planning authority to consider the potential for contamination and remediation in a planning proposal.</p> <p>The proponent submits that a search of the NSW Environmental Protection Authority website database confirms that no notices or declarations have been issued for the site under the <i>Contaminated Land Management Act 1997 (NSW)</i>. Consistency with this SEPP can be demonstrated through a preliminary report provided after a Gateway determination.</p> <p><b>The consistency of the planning proposal with this SEPP can be confirmed by undertaking a preliminary investigation following a Gateway determination.</b></p>
<p><b>SEPP (Coastal Management) 2018</b></p> <p>The aim of this SEPP is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.</p>	<p>This SEPP applies because the land is within the Coastal Zone.</p> <p>This SEPP has limited application to the planning proposal. The site is currently used as a car park and is located within an existing developed strategic centre, and is not located on waterfront land.</p> <p>The potential future development of the land as a result of the planning proposal is unlikely to have any impact on the coastal zone or the environment. Further consideration of the provisions of this SEPP are suitable to address with a future development application.</p> <p><b>The planning proposal is consistent with this SEPP.</b></p>

Is the planning proposal consistent with applicable Ministerial Directions?

Table 2 – Relevant Ministerial Directions


Ministerial Direction	Consistency and Implications
<b>1. EMPLOYMENT AND RESOURCES</b>	
<p><b>1.1 Business and Industrial Zones</b></p> <p>The objectives of this direction are to: encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified centres.</p>	<p>This direction applies because the planning proposal will affect land within an existing or proposed business zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The direction relevantly provides that a planning proposal must:</p> <ul style="list-style-type: none"> <li>• give effect to the objectives of this direction</li> <li>• retain the areas and locations of existing business and zones</li> <li>• not reduce the total potential floor space area for employment uses and related public services in business zones</li> <li>• ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning, Infrastructure and Environment.</li> </ul> <p>The planning proposal is consistent with this direction because it facilitates the redevelopment of a catalyst site in the Raymond Terrace and Heatherbrae Strategy and supports the role of Raymond Terrace as a strategic centre.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<b>2. ENVIRONMENT AND HERITAGE</b>	
<p><b>2.2 Coastal Management</b></p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	<p>This direction applies because the land is within the Coastal Zone.</p> <p>The direction provides that a planning proposal must not rezone land which would enable increased development or more intensive land-use on land that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan. The site is identified as flood prone. Flooding is addressed separately in the response to Direction 4.3 Flood Prone Land.</p> <p><b>Any inconsistency of the planning proposal in relation to enabling increased development on flood prone land is addressed separately in the response to Direction 4.3 Flood Prone Land.</b></p>


## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

<p><b>2.3 Heritage Conservation</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>This direction applies because the planning proposal is seeking to amend land use planning controls for a site that is within the Raymond Terrace Heritage Conservation Area.</p> <p>The heritage values of the site are limited. It is currently used as a car park. Any future development as a result of the planning proposal can address the heritage development controls and respond to the location of the site within the Raymond Terrace Heritage Conservation Area.</p> <p><b>Any inconsistency of the planning proposal with this direction is of minor significance and able to be resolved through applicable heritage development controls that will apply to any future development application.</b></p>
<p><b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b></p>	
<p><b>3.1 Residential Zones</b></p> <p>The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p>	<p>This direction applies because the planning proposal will affect land within an existing residential zone.</p> <p>The intention is to develop the land for commercial use.</p> <p>The planning proposal is consistent with this direction because it will make commercial land available that is in close proximity to existing residential areas.</p> <p><b>The planning proposal is consistent with this direction.</b></p>



## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

<p><b>3.4 Integrating Land Use and Transport</b></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.</p>	<p>This direction applies because the planning proposal will alter a zone relating to urban land by seeking to rezone the site from R2 Low Density residential to B3 Commercial Core.</p> <p>The planning proposal is consistent with this direction because it seeks to rezone a catalyst site within a strategic centre from low density residential to commercial use. The planning proposal gives effect to, and is consistent with the aims, objectives and principles of <i>Improving transport choice – Guidelines for planning and development</i> and <i>The right Place for Business and Services – Planning Policy</i>. A new commercial development on the site will encourage greater use of walking, cycling and public transport in the Raymond Terrace town centre and encourage jobs close to existing housing.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<p><b>4. HAZARD AND RISK</b></p>	
<p><b>4.1 Acid Sulfate Soils</b></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p>Acid sulfate soil maps in the LEP 2013 indicate the site may contain Class 4 acid sulfate soils. Class 1 is the highest risk and Class 5 is the lowest risk.</p>  <p>The risk from acid sulfate soils as a result of the planning proposal is low. The land is within an existing urban area and town centre. The provisions of Clause 7.1 <i>Acid sulfate soils</i> of LEP 2013 will apply to any future development and suitable to manage this issue.</p> <p><b>The planning proposal is consistent with this direction.</b></p>

<p><b>4.3 Flood Prone Land</b></p> <p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Policy and the principles of the Floodplain Development Manual 2005 and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>This direction applies because the planning proposal seeks to change the zoning of flood prone land. It relevantly requires that:</p> <ul style="list-style-type: none"> <li>• A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>)</li> <li>• A planning proposal must not contain provisions that apply to the flood planning areas which: <ul style="list-style-type: none"> <li>– permit development in floodway areas;</li> <li>– permit development that will result in significant flood impacts to other properties;</li> <li>– permit a significant increase in the development of that land; or</li> <li>– are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.</li> </ul> </li> </ul> <p>Extensive areas in the Raymond Terrace town centre, including the site are categorised as within a high hazard floodway by the <i>Williamstown/Salt Ash Floodplain Risk Management Study and Plan 2017</i>. The location of the site in relation to flood category and is shown in the following figure (red is high hazard floodway, orange is high hazard flood storage, green is low hazard flood fringe). The site is on the edge of the designated high hazard floodway.</p>  <p>The planning proposal is inconsistent with this direction because it seeks to permit development within an identified floodway area.</p> <p>The intended zoning of the site is commercial and a commercial development on the site could be designed and constructed to be commensurate with flood risk, similar to other existing and recent commercial developments on flood prone land in the Raymond Terrace town centre that demonstrate a feasible flood design solution can be achieved.</p>
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## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

	<p>The inconsistency with this direction is of minor significance because of the potential social and economic benefits to the Raymond Terrace town centre from the development of a catalyst site for commercial use in a strategic centre. There will be additional employment with flow on effects to other businesses.</p> <p>Further technical information on the characteristics of flooding at the site to determine more precisely the boundary of the high hazard floodway and the feasibility of potential design solutions for future commercial development can be provided following a Gateway determination.</p> <p><b>The inconsistency of the planning proposal with this direction is considered to be of minor significance and can be further investigated following a Gateway determination.</b></p>
<b>5. REGIONAL PLANNING</b>	
<p><b>5.10 Implementation of Regional Plans</b></p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in Regional Plans.</p>	<p>This direction applies because the planning proposal seeks to rezone land in a strategic centre identified in the Hunter Regional Plan.</p> <p>The planning proposal is consistent with this description because it will reinforce the role of Raymond Terrace as a strategic centre and encourage commercial redevelopment on the site and create the opportunity for more jobs. It aligns with Goal 1 of the Hunter Regional Plan to create the leading regional economy in Australia and Direction 6 to grow the economy of Port Stephens. The planning proposal supports these outcomes by encouraging the redevelopment of a catalyst site in a strategic centre.</p> <p><b>The planning proposal is consistent with this direction because it seeks to promote development and employment in a strategic centre identified in the Hunter Regional Plan. It seeks to achieve the overall intent of the Hunter Regional Plan and does not undermine the achievement of its vision, land use strategy, goals directions or actions.</b></p>

## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

**Section C – Environmental, social and economic impact****Q5. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The site is not mapped on the Biodiversity Values Map and does not contain any preferred Koala habitat. The site is a paved hard stand area carpark, with some native and other planted trees on the periphery of the site.

**Q6. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The site is identified as flood prone land and is categorised as high hazard floodway by the Williamstown/Salt Ash Floodplain Risk Management Study and Plan.

Extensive areas within the Raymond Terrace town centre are prone to flooding and developed for commercial uses. This includes developments within the high hazard floodway and flood storage categories. Sites with similar characteristics and flood levels have been suitably developed to manage flood risk, for example along Port Stephens Street, north of William Street. This indicates the potential feasibility of developing the site whilst providing potential associated social and economic benefits for the Raymond Terrace town centre.

If the LEP 2013 is amended as proposed, future development on the site will also be subject to flood related development assessment considerations. This includes the matters for consideration listed in 4.15 *Evaluation of the Environmental Planning and Assessment Act 1979 (NSW)* being:

- the provisions of LEP 2013 (including clause 7.3 *Flood planning*)
- the provisions of Port Stephens Development Control Plan 2014 (Chapter B5 Flooding)
- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
- the suitability of the site for the development
- any submissions
- the public interest.

The potential flood risk can be addressed through the provision of additional information following a Gateway determination, to demonstrate that the proposed amendments LEP 2013 are acceptable for the site and that measures can be put in place to manage flood risk with a potential future commercial development.

**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.****Q7. Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal is likely to have positive social and economic effects. It will reinforce the role of Raymond Terrace as a strategic centre, contribute to its revitalisation, encourage redevelopment of the site for commercial purposes and create the opportunity for more jobs on a catalyst site. A commercial development could provide employment opportunities of a similar scale to the nearby Commonwealth Department of Defence administration centre on the corner of William Street and King Street.

**Section D – State and Commonwealth interests****Q8. Is there adequate public infrastructure for the planning proposal?**

There is adequate general public infrastructure to support the planning proposal. There are a range of government and private services already available within the Raymond Terrace town centre. This includes public transport, roads, utilities, health, education and emergency services. Consultation will be undertaken with Hunter Water Corporation in relation to sewer and water services.

**Q9. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The planning proposal will be referred to the following public authorities for consultation following a Gateway determination:

- Hunter Water Corporation on the ability to provide sewer and water services.
- NSW Department of Planning and Environment (Biodiversity and Conservation Division) to comment on flooding.

**PART 4 – Mapping**

The following LEP 2013 current and proposed maps are provided as a separate attachment:

- Current Zoning Map LZN\_6400\_COM\_LZN\_002C\_020\_20190424
- Proposed Draft Zoning Map – Map Amendment to Land Zoning Map – Sheet LZN\_6400\_COM\_LZN\_002C\_020\_20200124 from R2 Low Density Residential to B3 Commercial Core Zone
- Current Lot Size Map LSZ\_6400\_COM\_LSZ\_002C\_020\_20190424
- Proposed Draft Lot Size Map – Map amendment to Lot Size Map – Sheet LSZ\_6400\_COM\_LSZ\_002C\_020\_20200124 from 500m to not applicable
- Current Height of Building Map 6400\_COM\_HOB\_002C\_020\_20190424
- Proposed Draft Height of Buildings Map – Map amendment to Height of Buildings Map – Sheet 6400\_COM\_HOB\_002C\_020\_20200124 from 9m to 15m

## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

**PART 5 – Community consultation**

Community consultation will be undertaken in accordance with a Gateway determination.

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

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

It is proposed to place the planning proposal will on public exhibition for 28 days.

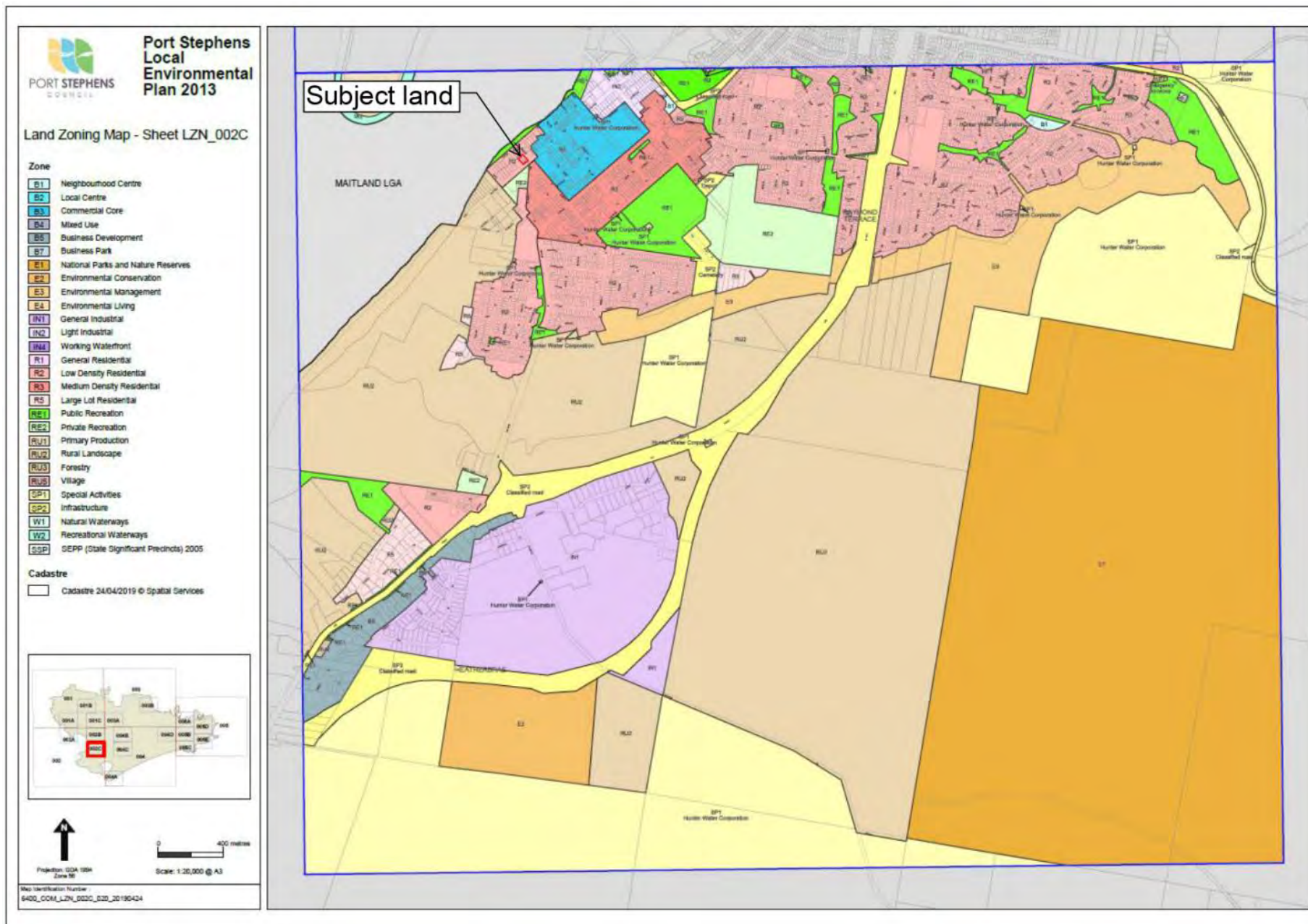
**PART 6 – Project timeline**

The following timetable is estimated for the planning proposal in year 2020:

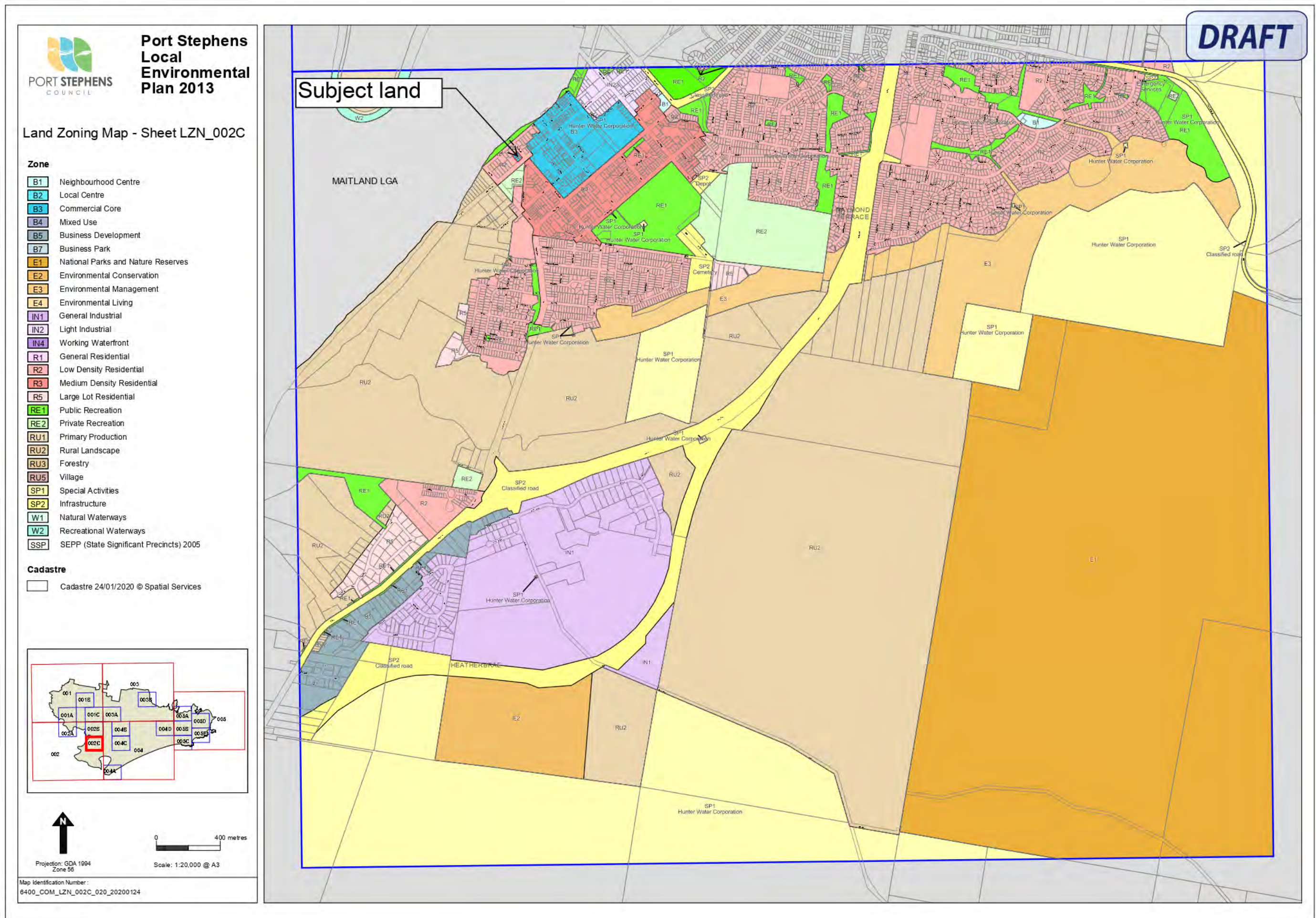
	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Gateway determination</b>								
<b>Additional information</b>								
<b>Public authority consultation</b>								
<b>Public exhibition</b>								
<b>Address submissions</b>								
<b>Post exhibition Council report</b>								
<b>Finalise the plan</b>								



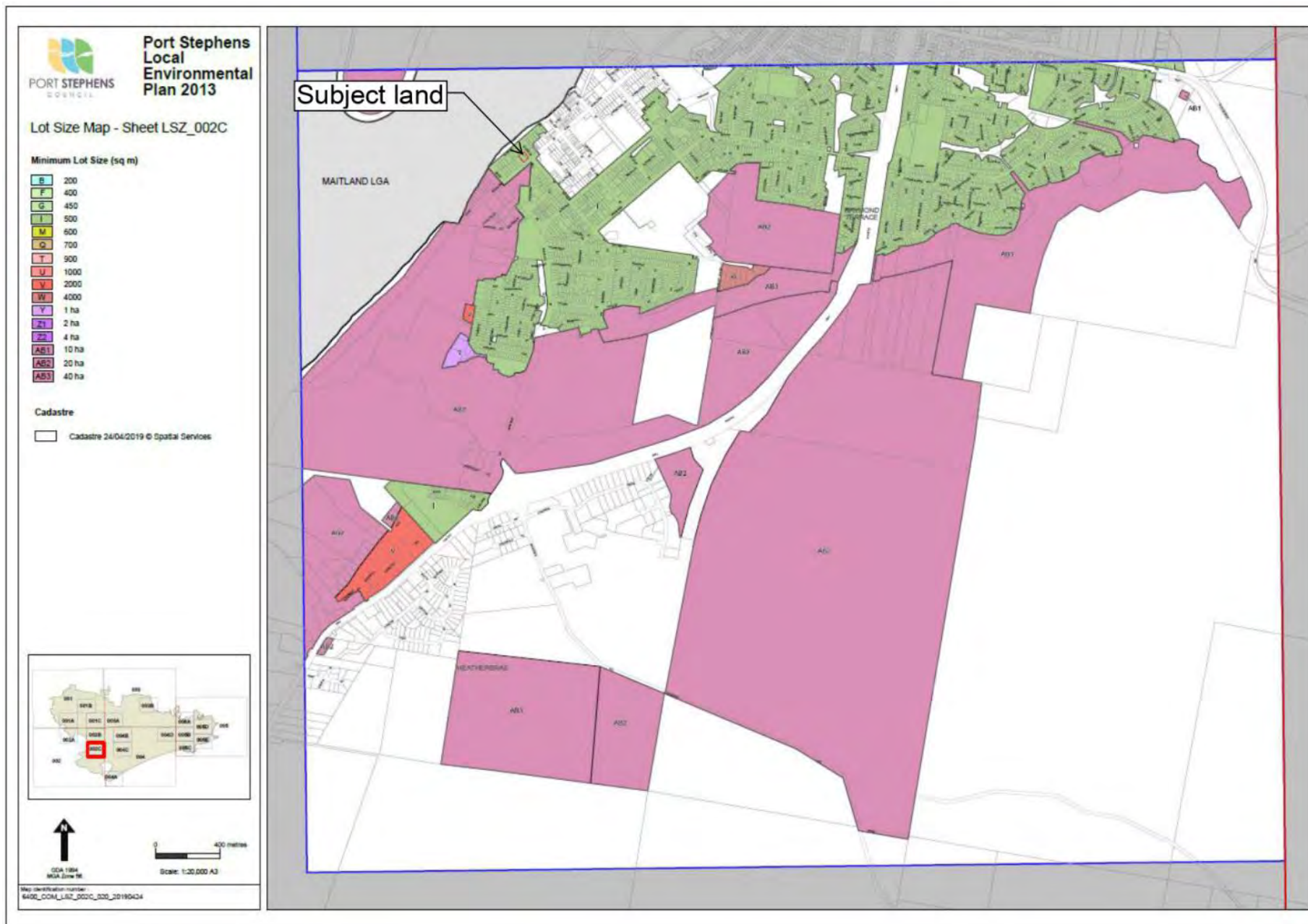
**ITEM 2 - ATTACHMENT 4      MAPS.**



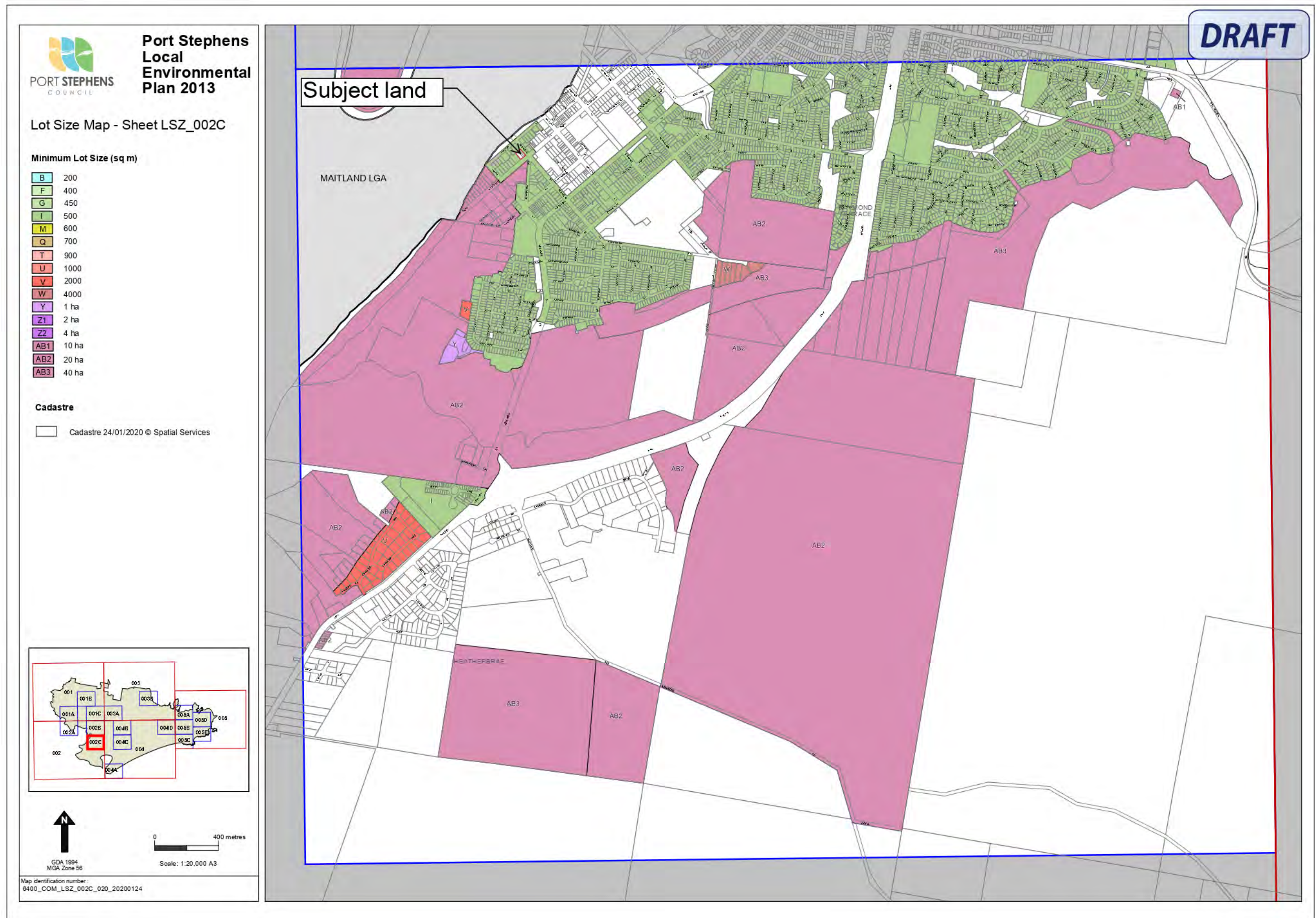




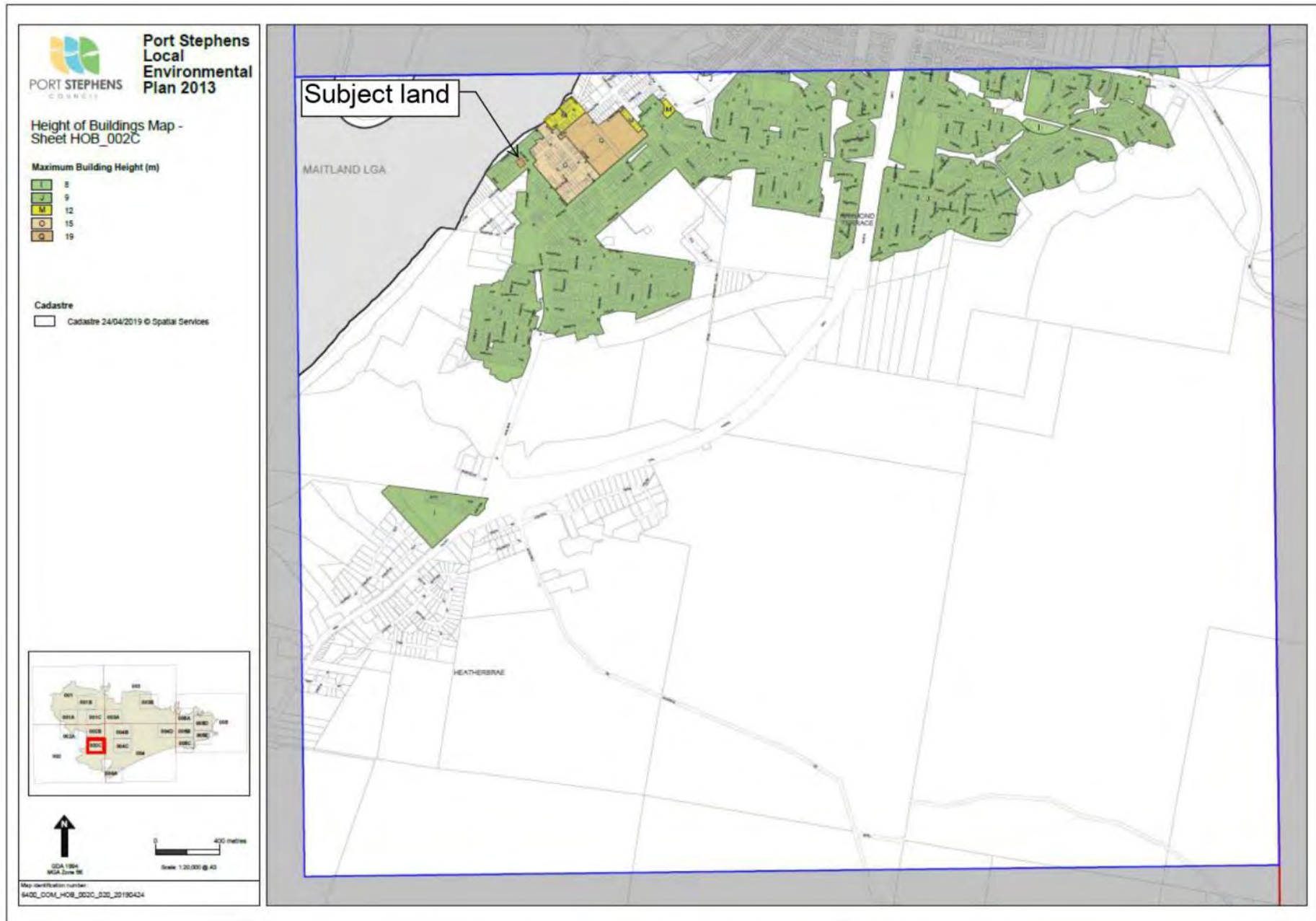








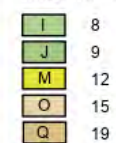







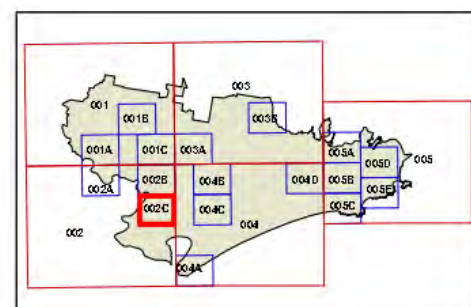
Height of Buildings Map -  
Sheet HOB\_002C

Maximum Building Height (m)



**Cadastre**

 Cadastre 24/01/2020 © Spatial Services



GDA 1994  
MGA Zone 56

0 400 metres

Scale: 1:20,000 @ A3

Map identification number :  
6400\_COM\_HOB\_002C\_020\_20200124

**DRAFT**

Subject land

MAITLAND LGA

FRUMON

HEATHERBRAE



**ITEM NO. 3**

**FILE NO: 19/394764  
EDRMS NO: PSC2020-00816**

**FINAL INTEGRATED PLANNING AND REPORTING DOCUMENTS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the community submissions received and responses in relation to the draft Integrated Planning and Reporting documents and draft Fees and Charges 2020-2021 (**ATTACHMENT 1**).
- 2) Note the recommendations made relating to changes to the Integrated Planning and Report documents, being the Delivery Program 2018 to 2021 including the Operational Plan 2020 to 2021, Long Term Financial Plan 2020 to 2030, Strategic Asset Management Plan 2020 to 2030, Workforce Plan 2018 to 2021 and the Fees and Charges 2020-2021 (**ATTACHMENTS 2, 3 ,4, 5 and 6**).
- 3) Adopt the Integrated Planning and Report documents, being the Delivery Program 2018 to 2021 including the Operational Plan 2020 to 2021, Long Term Financial Plan 2020 to 2030, Strategic Asset Management Plan 2020 to 2030, Workforce Plan 2018 to 2021 and the Fees and Charges 2020-2021 with amendments as provided in (**ATTACHMENTS 2, 3 , 4, 5 and 6**).
- 4) Make the rates and charges for 2020-2021 in accordance with (**ATTACHMENT 7**)
- 5) Authorises the General Manager to secure loan funding up to \$10 million for the Raymond Terrace depot redevelopment and ancillary works as detailed in the Long Term Financial Plan.
- 6) Authorise the Mayor and General Manager to affix the Council seal and sign all documents necessary to secure the loan.

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**BACKGROUND**

The purpose of this report is to provide to Council a report and information on community submissions received and the impacts of COVID-19 on the draft integrated planning and reporting documents and fees and charges proposed for 2020-2021, along with making the rates and charges for 2020-2021.

The proposed rates and charges reflect those included in the Statement of Revenue Policy contained in the Operational Plan 2020-2021. Legislation requires the rates to be calculated using 1 July 2019 base date land values.

The Integrated Planning and Report documents consist of the Delivery Program 2018 to 2021 including the Operational Plan 2020 to 2021, Long Term Financial Plan 2020 to 2030, Strategic Asset Management Plan 2020 to 2030, Workforce Plan 2018 to 2021. The Fees and Charges 2020-2021 are also a key resource.

The Statement of Revenue Policy and Statement of Waste Management are also included within the Operational Plan.

### COVID-19

It is acknowledged that when the 2020 to 2021 Integrated Planning and Reporting documents went on exhibition, they were originally prepared at a point in time well before global pandemic COVID-19 began to impact Port Stephens. As a result, and as raised in community submissions, we have reviewed and adjusted some of the plans and projects to reflect as best we can these impacts. Like all organisations, communities and individuals we have and continue to adjust our thinking and planning to respond to the COVID-19 crisis.

As it is difficult to precisely forecast exactly how far reaching the effects of COVID-19 are, we prepared, planned and reviewed our budget, works and service delivery with our community's best interest at heart. We have committed to delivering our services in the best ways, whilst remaining flexible and agile to respond as required during these challenging times.

### Public Exhibition and Submissions

The Integrated Planning and Reporting documents and Fees and Charges were officially on public exhibition from Friday 17 April until Friday 15 May 2020, however the documents were posted on Council's website from Wednesday 15 April 2020.

Exhibition of the documents and inviting submissions was promoted through:

- 2 Public Notices in the weekly local newspaper
- Council's Website
- Media Release
- Social Media
- Council's Engagement HQ Newsletter.

Submissions could be made in the following ways:

- By email through [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)
- By mail.

Council received 16 submissions on the draft documents.

Council values the time taken by community members in reviewing the documents and providing submissions. As some of the submissions were lengthy, not every point raised has been listed, with key issues summarised as shown in **(ATTACHMENT 1)**. Councillors have been provided with a full set of un-redacted submissions available in the Councillors Room for their consideration. For privacy and consistency reasons, full submissions have not been publicly made available.

Submissions have been reviewed by the Executive Team, relevant Section Managers and staff for major issues. A number of topics were recurring across the submissions relating to:

- Foreshore Drive, Corlette - completion of the culvert and road works (10 submissions)
- Fees and Charges - High childcare fees (4 submissions)
- Updating plans, services and works - as a result of COVID-19 including what has been completed or deferred (2 submissions)
- Prioritisation of works - across the Local Government area (2 submissions)
- Volunteers contribution - valuable and should increase numbers (2 submissions).

Recommended changes to the documents where deemed appropriate from community submission and administrative corrections are detailed within **(ATTACHMENTS 2, 3, 4, 5 and 6)**.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide a strong ethical governance structure.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Due to the evolving COVID-19 situation forecasting the financial implications has been considerably difficult. As best as possible at the time of writing this Council report in May 2020, the potential impacts have been considered in the Standard scenario of the Long Term Financial Plan. This scenario sees a bottom line impact of a deficit of \$4.4 million in 2020-2021. This financial projection has been based on some of the worst case implications of the close down due to COVID-19. The predicted deficit is considered appropriate only for the 2020-2021 financial year and every endeavour will be taken to improve this result throughout the year.

The ongoing financial impacts of COVID-19 will be reported through Council's quarterly budget review and annual reporting processes.

In terms of the changes made to the Integrated Planning and Reporting documents and Fees and Charges following a review of submissions and administrative corrections, these are shown in **(ATTACHMENTS 2, 3, 4, 5 and 6)**.

The Independent Pricing and Regulatory Tribunal (IPART) has set the rate peg for 2020-2021 at 2.6%. Rates and charges income must be collected in a timely manner to ensure cash flow to fund Council operations.

The latest Ministerial edict issued in May 2020 has set the outstanding rates and charges interest rate at 0% to apply to 31 December 2020. It will then revert to 7% p.a for the period of 1 January 2021 to 30 June 2021.

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**

OLG Circular 20-12 "Modification of statutory requirements in response to COVID-19 pandemic" if required at Council's discretion allows Councils to extend adoption and implementation dates. Given that Council has been operating in changed business arrangements due to Public Health Orders we see no reason to divert from ordinary legislative requirements. The reason being so that Council has a budget to implement from 1 July and that Council does not suffer further financial impacts from delay in collection of rates and charges.

The Integrated Planning and Reporting Guidelines for NSW Local Government require that Councils review their Delivery Program and update the Long Term Financial Plan each year when preparing the Operational Plan.

Ordinarily, Section 405 of the Local Government Act requires that before the beginning of each financial year Council must have adopted a detailed plan for the year ahead and place the plan on public exhibition considering submissions prior to adoption – it is recommended Council proceed with this existing timeframe.

Section 610 of the Local Government Act requires Council to place the fees and charges on public exhibition, considering submissions prior to adoption.

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

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the Operational Plan and Long Term Financial Plan which include the Budget for 2020-2021 is not adopted in the timeframe required to implement the budget and raise rates and charges from 1 July 2020.	High	Adopt the recommendations.	Yes
There is a risk that failure to make and serve the rate notices by 1 August 2020 will defer the due date of first instalment payment to 30 November 2020 adversely affecting cash flow.	High	Council will make rates and serve notices before 1 August 2020.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Rates and charges income is necessary for Council to deliver the services outlined in the Delivery Program and Operational Plan. As required by the Local Government Act the Integrated Planning and Reporting documents and the Fees and Charges 2020-2021 were developed and reviewed in accordance with the principles of equity and social justice. They contain key directions/themes which expand the social, economic and environmental sections of the Community Strategic Plan 2018-2028.

Council has already considered the economic implications for the community in the redistribution of its funding to support our community in the wake of COVID-19. The PSC2020 projects have been adjusted to reflect what we forecast can be achieved out in 2020 to 2021.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Office of the Group Manager Corporate Services in reviewing community submissions and revising the documents.

Internal

- Council Briefings– Two Way Briefings have been held with Council pre and post exhibition process to discuss the content and changes to the documents.
- Executive Team, Relevant Section Managers and Staff meetings– Meetings have been held across the organisation to discuss changes proposed to the documents



post exhibition. This has included detailed input from the sections responsible for Finance, Human Resources and Assets.

### External

The documents were placed on exhibition for 28 days as outlined under the background in this report.

16 submissions have been received as outlined in (**ATTACHMENT 1**).

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Summary of Submissions. [↓](#)
- 2) Changes to the Integrated Planning and Reporting Documents/Fees and Charges 2020-2021. [↓](#)
- 3) PSC 2020 projects amendments. [↓](#)
- 4) Workforce Plan changes. [↓](#)
- 5) Long Term Financial Plan changes. [↓](#)
- 6) Long Term Financial Plan Changes. [↓](#)
- 7) Making of Rates 2020-2021 Schedule of Rates and Charges. [↓](#)

### **COUNCILLORS ROOM**

- 1) Submissions.

### **TABLED DOCUMENTS**

Nil.

## ITEM 3 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

ATTACHMENT 1 – ANALYSIS OF SUBMISSIONS ON the DRAFT INTEGRATED PLANNING & REPORT DOCUMENTS AND DRAFT FEES AND CHARGES 2020-2021

No.	Author of submission	Comment	Council response
			Council values the community's detailed responses to the draft Integrated Planning and Reporting documents and Fees and Charges 2020-2021. Whilst Council has attempted to capture the key issues raised, not every comment has been addressed directly in the summary.
1	NSW Farmers Associations (EDRMS 20/115246)	<p><u>Fees &amp; Charges – Rates</u></p> <p>General letter to local Councils regarding annual rate setting. Landholders are currently receiving notification of new land valuations. There are concerns that this will result in an increase in local government rates. NSW Farmers Associations requests Council consider potential impact on potential rate increase and request Council consider –</p> <p>a) Existing rating subcategories. Creating or further utilising rating subcategories could assist in addressing inconsistency in land valuations within a category. This could assist in levelling rate increases across the farmland sector to promote fair and equitable rating. This would apply any rate increases more evenly across the farmland sector, rather than landholders with particularly high land valuation increases, such as near regional centres, experiencing dramatic rate increases.</p> <p>b) A base amount. This is an optional way to recover rating revenue, and we encourage councils to use it as a fair and equitable way to recover at least 30 percent of general rate income. We recommend a base amount of approximately 45 percent for residential ratepayers to account for their increased</p>	<p>Council has for many years adopted a 35% base amount across its main rate categories and aligned the farmland and residential rate structures. As a result, the small number of farmland properties in Port Stephens LGA, of which there are approximately 490, represent 2.7% of the land value of the LGA but are levied only 1.97% of the rating burden. Respondent referred to public exhibition of rating structure proposed for 2020-2021 on Council's website.</p> <p>No action.</p>

## ITEM 3 - ATTACHMENT 1

## SUMMARY OF SUBMISSIONS.

		access to and utilisation of services and amenities. For the farming sector, we suggest a smaller base amount to reflect their reduced utilisation and access to these services.	
2	Customer (EDRMS 20/141497)	<p><u>Fees &amp; Charges – Children's Services</u></p> <p>Fees for Before &amp; After School Care and Vacation Care higher than a 'For Profit Centre' with same ratings.</p> <p>Credit card declined fee is too much, a better way would be to charge 10% of a transaction fee to a maximum of \$12.</p>	<p>All businesses have different operating costs in relation to such items as salaries and rents. Council conducts annual benchmark exercises to learn what other services provide for their fee. Council is aware that our price for Vacation Care is higher and as a result has not increased the cost for a day of Vacation Care or Pupil Free Day in 2020-2021.</p> <p>Credit Card decline fees reflect the cost of processing such a transaction.</p> <p>No action</p>
3	Customer (EDRMS 20/141502)	<p><u>Fees &amp; Charges – Children's Services</u></p> <p>The Administration fee in relation to other fees seems very high. The range for the hourly rate for the care is 8-15d so the percentage for admin fees would be ranging from almost 20% to 10% of this. There is already separate payment for enrolling and separate levies for the Educator on top of this. Is there really this much ongoing work and cost is involved? Maybe a weekly gap would be reasonable?</p>	<p>It may seem a significant increase from \$1.45 to \$1.50 per hour for the Administration levy however this amount is required to cover the costs of operating a Family Day Care Coordination unit. Day Care Educators are registered with an Approved Provider. By Law that Approved Provider must employ 1 Coordinator for every 15 Educators providing care for families. We believe that the fairest way to charge the fee is to base it on the amount of care each child uses, therefore it is a fee charged on hours of care.</p> <p>No action</p>
4	Resident / Customer (EDRMS 20/141507)	<p><u>Fees &amp; Charges – Children's Services</u></p> <p>The administration charges of \$1.50 per hour, are set too high. It's a charge of \$12 minimum a day, when a child attends 1 day or many, we are still emailed weekly. Don't understand how</p>	<p>Response as above.</p> <p>No action</p>

## ITEM 3 - ATTACHMENT 1

## SUMMARY OF SUBMISSIONS.

		this fee can be acceptable or justified.	
5	Customer (EDRMS 20/141509)	<p><u>Fees &amp; Charges – Children's Services</u></p> <p>Hefty increase in fees for Before &amp; Afters School Care / Vacation Care Fees.</p>	<p>Annual fee increases are necessary to ensure financial sustainability of our services. Council aims to keep increases to a minimum and has managed to keep Vacation Care and Pupil Free Day Care fees at the same level as last year in order to assist families who need this full day care. Paying for a full day session of care is considerably more expensive than sessions of Before and After School Care.</p> <p>No action.</p>
6	Resident 20/142132	<p><u>Strategic Asset Management Plan – Capital Works Plan and the Capital Works Plan Plus.</u></p> <p>Any plans written in the past are not going to meet the needs of residents in a COVID-19 world. These lists of spending reflect the vision of the times in which they were written. They are based on a very different economic situation and forecast. For example - the income stream from holiday parks and tourism, once presumed to be a certainty, has been massively reduced.</p> <p>The Capital Works list should be amended to provide the basic services and community support, relevant to the challenges of the present. The list needs to be reviewed frequently and adapted to reflect a plan for economic and social recovery in the future.</p> <p>Council staff .... know what works are urgent and what can wait.</p>	<p>Council's Capital Works Program will always change with any new additional grants and availability of contractors / resources. The timing of works within the financial year has been adjusted following impacts from the pandemic, though the future works are to continue as planned in the SAMP. Noting as the Federal and State Governments stimulus packages are announced the Capital Works Program will change. At the time of writing this, Council has not yet been notified of the stimulus package outcomes.</p> <p>No action.</p>
7	Resident (EDRMS 20/142552)	<p><u>General</u></p> <ul style="list-style-type: none"> <li>• Large documents only available online for comment</li> <li>• Majority of rates being paid by Tomaree ratepayers is unfair, with more expended in West</li> </ul>	<p>IPR documents were only able to viewed online due to COVID-19 restrictions.</p>

## ITEM 3 - ATTACHMENT 1

## SUMMARY OF SUBMISSIONS.

		<p>Ward on 'special projects' then East Ward.</p> <ul style="list-style-type: none"> <li>• East Ward needs more attention following COVID crisis as the tourism industry has been decimated</li> <li>• Questions not allocating funding to finish Foreshore Drive culvert for the next 10 years.</li> <li>• Concern over funds spent on Medowie "Sports" Club versus roads and drainage (11 pages on Capital Works Plus) which is unfunded</li> </ul>	<p>Where possible, Council aims to evenly spend monies across the Local Government Area. Though from time to time monies are directed into centralised areas to address required works on an asset OR when funding is gained for specific assets and programs.</p> <p>No action.</p>
		<p><u>Delivery Plan and Financial Plans</u></p> <p>Page 12 - Key Priorities – where is Stage 2 of Foreshore Drive culvert work?</p>	<p>Not all of Council's Road projects are captured in this section, as this is a sample across the Local Government area.</p> <p>In regard to Foreshore Drive, recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of allocated funds. Council agrees that the culvert needs replacing and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p>Action – minor amendment to documents, refer Attachment 2.</p>
		<p><u>Strategic Asset Management Plan – Capital Works Program and Capital Works Plan Plus</u></p> <ul style="list-style-type: none"> <li>• Formatting of attachments– different colour for each year</li> <li>• Plus Plan – state that these are unfunded and depend on grants.</li> <li>• Foreshore Drive Stage 2 – not listed for the next 10 years. Unforgivable, with pinchpoint unsafe as only half job (Stage 1) done. Questions Mustons Road 2024-25 entry over Foreshore Drive which is a</li> </ul>	<p>Foreshore Drive – refer comment above.</p> <p><u>Priority of projects in SAMP.</u></p> <p>The prioritisation of Capital Works is not only based on the condition of the asset, legislative requirements to updating asset, reduce risk to users, meet the Community's needs, etc, to name a few, but also the ability to gain funds/grants to undertake works. A large percentage of the future works are tied to funding arrangements that limit</p>



		<p>critical tourism link. Suggest a boardwalk over the difficult bits.</p> <ul style="list-style-type: none"> <li>•All Abilities Anna Bay &amp; amenities Iris Moore Reserve- no longer on Capital Works Plus?</li> <li>•Bagnalls Beach Reserve carpark sealing –where on list?</li> <li>•Aquatic Centre \$15M bring into Capital Works list – is this a double entry in Capital Works plus?</li> <li>•Conroy Park/Sandy Point Revetment – bring another staging into Capital Works plan</li> <li>•Soldier Point Foreshore revetment - priority over Kangaroo Point revetment</li> <li>•Port Stephens Yacht Club remediation work – priority</li> <li>•Victoria Parade overhead bridge – lower priority than other projects in Nelson Bay Public Domain Plan</li> <li>•69 Victoria Parade – query community consultation being done</li> <li>•Donald Street carpark (page 252) demolition – needs to be deleted as completed</li> <li>•Park and Ride investigation – bring into Capital Works Plan</li> <li>•Parking meters and sensors - (page 252) update to reflect Council decision “Smart Parking”</li> <li>•Shoal Bay Parking Anzac Park \$90K – bring to Capital Works Plan</li> <li>•Shoal Bay continuation of pathway via cantilevered walkway – where is this listed? Dangerous area and important</li> <li>•Anna Bay Multipurpose Community &amp; Recreation facility – where is this planned for?</li> <li>•Port Stephens Youth Centre – should be brought forward or alternative accommodation found</li> <li>•Magnus Street to Victoria Parade drainage assets – include stormwater drainage in planning</li> </ul>	<p>how the funding monies are to be spent. This does lead to works to be planned in an order not aligned to the Community's priorities. Though this comment can be dependent on where you live. The alternative is to not accept the funding and reduce the number of projects that will be delivered in any one year.</p> <p>There are a number of individual project questions that are easily explained in person as this conversation will stimulate additional questions. Council staff are more than happy to meet to answer the asset questions.</p> <p><u>All abilities playground.</u> Council is still committed to work with the community (within existing resources) to scope this project. Once scope and value is known the project will be reintroduced into the SAMP Works Plus Program.</p> <p><u>Additional items.</u> Additional item are valid, although they have not yet been scoped or detailed to add them into the SAMP. These items will be reviewed over the next 6 months for future programs and funding options.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>
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		<ul style="list-style-type: none"> <li>• Corlette foreshore – where is provision for improvement to drainage outlets?</li> <li>• Shared pathways (Tomaree, Anna &amp; Fingal Bay) a higher priority</li> <li>• Shared pathway (Frost Rd to Salamander Way) clear of debris</li> <li>• Pathway entry page 257 – details required</li> <li>• Shared pathway entry Foreshore Drive at \$931K seems underestimated</li> <li>• Pavement rehabilitation should include from Bagnall Beach Reserve, Morna Point Road and side roads to Robinson Reserve</li> <li>• Include: Terramby Road to Lamam Street access steps; Bartlett Cycleway at Bagnall Beach Reserve link to Vantage Estate</li> <li>• Roy Wood Reserve and Fly Point amenities block replacement – left off the list and are priorities. Is Fly Point listed as “Neil Carroll Park”</li> <li>• Ocean Parade toilet block – why spend \$130K on removal, leave.</li> <li>• One Mile amenities – it’s popular area why 2025-2026</li> <li>• Concern over disability access in a number of amenities</li> <li>• Conroy Park amenities – reprioritise before 2029-30</li> <li>• Are all reserves in the PAMP on the Capital Works list?</li> </ul> <p>Additions:</p> <ul style="list-style-type: none"> <li>• Tomaree Peninsula &amp; Lemon Tree foreshore - shade covers for picnic tables</li> <li>• Roy Wood Reserve – replacement BBQs</li> <li>• One Mile carpark - improvement and signage</li> <li>• Victoria Park/Shoal Bay Road – space for coffee facility</li> <li>• Nelson Bay Community Hall – upgrade PA and presentation equipment</li> <li>• Offleash dog park – additional at Tomaree and fully fencing others. Bagnalls Beach reserve cycleway should have dogs on</li> </ul>	
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		leads (not off leads as in Council map)	
		<u>Workforce Plan</u> <ul style="list-style-type: none"> <li>•Fund a Landcare and Parks volunteer coordinator –existing Volunteer coordinator has enough to do</li> <li>•Employ more apprentices and trainees to support youth employment</li> <li>•Younger workers assisting ageing volunteer groups with heavy work</li> <li>•Increase Parks (grounds) and Environmental staff, less administrative staff</li> <li>•Need additional staff commensurate with new developments (eg. maintenance at Vantage estate) and future subdivisions.</li> </ul>	<p>Good comments raised in terms of the Workforce Plan, however many of these comments are regarding operational activities being undertaken as general Council business.</p> <p>In terms of employing more apprentices and trainees, Council's pool of apprentices, cadets and trainees comprises 20 people.</p> <p>No action.</p>
8	Resident (EDRMS 20/142561)	<u>Strategic Asset Management Plan – Capital Works Plan and the Capital Works Plan Plus</u> <p>Took three months of road closure to put some small speed humps in Foreshore Drive ... little bridge on the drive has not been fixed.. looks ready to collapse... requesting that funding for this dangerous situation, Foreshore Drive culvert be included in the next financial year Capital works program.</p> <p>What happened to Conroy Park and the beach? It seems progress has stopped.... request that funding be made to either place sand stone near the footpath to stop this dangerous act (parking on the grassed area) or place the copper logs back there.</p>	<p><u>Foreshore Drive.</u> Recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of allocated funds. Council agrees that the culvert needs replacing and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p><u>Conroy Park.</u> Works are to continue in winter months of 2020 following approval of project technical details from the funding body.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>
9	Resident 20/142677	<u>Strategic Asset Management Plan – Capital Works Plan and the Capital Works Plan Plus</u> <p>Foreshore Drive Culvert requires urgent action now... very dangerous section of the roadway.</p>	<p><u>Foreshore Drive.</u> Recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of allocated funds. Council agrees that the culvert needs replacing</p>

## ITEM 3 - ATTACHMENT 1

## SUMMARY OF SUBMISSIONS.

		<p>Council will need to find funds to do this work in next year's budget.</p> <p>Council could now be in a position of being sued if a terrible accident happens through lack of DUTY OF CARE and being fully aware of the problems.</p>	<p>and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>
10	Resident 20/142911	<p><u>Strategic Asset Management Plan – Capital Works Plan and the Capital Works Plan Plus</u></p> <p>Request Stage 2 funding for the culvert on Mambo Creek Road be included into next years Capital Works program.</p> <p>This road has been in a terrible state for as long as I can remember.</p> <p>This road is a disgrace and very dangerous to motorists, pedestrians and cyclists.</p> <p>The culvert is particularly dangerous.</p> <p>This is an essential link road which is long overdue for a major upgrade.</p>	<p><u>Foreshore Drive.</u> Recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of allocated funds. Council agrees that the culvert needs replacing and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>
11	Resident 20/142914	<p><u>Strategic Asset Management Plan – Capital Works Plan and the Capital Works Plan Plus</u></p> <p>Request Stage 2 funding for the dangerous Foreshore Drive culvert to be included in the next financial year Capital Works program.</p>	<p><u>Foreshore Drive.</u> Recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of allocated funds. Council agrees that the culvert needs replacing and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>
12	Resident 20/142949	<p><u>Strategic Asset Management Plan – Capital Works Plan and the Capital Works Plan Plus</u></p> <p>Foreshore Drive/Culvert Dangerous section of the road needs full attention.</p>	<p><u>Foreshore Drive.</u> Recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of</p>

## ITEM 3 - ATTACHMENT 1

## SUMMARY OF SUBMISSIONS.

			<p>allocated funds. Council agrees that the culvert needs replacing and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>
13	Resident 20/143002	<p><u>Strategic Asset Management Plan – Capital Works Plan and the Capital Works Plan Plus</u></p> <p>Request that Port Stephens Council include the necessary funding in the next financial year's budget... for Stage 2 of the above (Dangerous Foreshore Drive Culvert).</p> <p>This "driveway" is a busy one... and will continue to be dangerous until the roadway is altered to cater for them.</p>	<p><u>Foreshore Drive.</u> Recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of allocated funds. Council agrees that the culvert needs replacing and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>
14	Resident 20/143209	<p><u>Strategic Asset Management Plan – Capital Works Plan and the Capital Works Plan Plus</u></p> <p>Dismay... that the reopening (Foreshore Drive Salamander Bay) produced a patched up road surface.</p> <p>The portion of the road in desperate need of repair (the disintegrating culvert section) remains completely untouched. If this work was outsourced to an outside contractor then the Council should not be wasting ratepayers money by paying them... If the work was done by Council staff then heads should roll... 'What was the scope of works contracted?'</p> <p>The road is heavily used by residents.</p> <p>The situation at the culvert remains dangerous to users.</p>	<p><u>Foreshore Drive.</u> Recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of allocated funds. Council agrees that the culvert needs replacing and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>



## ITEM 3 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.

15	Resident 20/143255	<p><u>Strategic Asset Management Plan – Capital Works Plan and the Capital Works Plan Plus</u></p> <p>Understand that at this stage there is no funding available for the Stage 2 dangerous Foreshore Drive culvert....concerns me as a ratepayer and frequent user of this road.</p> <p>Maybe Council is unaware of the volume of users on this road besides cars and utes. It is only a matter of time before someone is going to be seriously injured or killed.</p> <p>We need urgent consideration to upgrade this stretch of road.</p>	<p><u>Foreshore Drive</u>. Recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of allocated funds. Council agrees that the culvert needs replacing and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>
16	TRRA - 20/143261	<p><u>Summary</u></p> <ul style="list-style-type: none"> <li>• For transparency, as some plans prepared prior to COVID-19, note that changes are likely, request that any significant changes be presented before Council prior to implementation.</li> <li>• Standard 2.6% rate increase seemed reasonable, however not in a position to comment considering pandemic</li> <li>• Businesses and some residents welcome no increase due to current impacts</li> <li>• Urge Council to prepare new projected results with the latest information (option of no rate increases Year 1)</li> <li>• How is the Marketing pricing calculated?</li> <li>• Recommend Capital Works Programs (funded and unfunded) is grouped by locality and given a priority</li> <li>• Capital Works lists need to be updated with what has been completed.</li> </ul>	<ul style="list-style-type: none"> <li>• Council will be briefed on changes to the documents, which are also outlined in Attachment 2 of the Council report.</li> <li>• Revised financials have been prepared – refer Attachment 2, 5 and 6.</li> </ul>
		<p><u>Fees and Charges</u></p> <ul style="list-style-type: none"> <li>• Pleased to see that this year has a column showing the current charge</li> </ul>	<p><u>Marketing pricing</u> - the marketing policy is based on the comparison and benchmarking of other suppliers in the private and public sector.</p>

## ITEM 3 - ATTACHMENT 1

## SUMMARY OF SUBMISSIONS.

		<ul style="list-style-type: none"> <li>• Nothing in document to show how the price increases have been calculated.</li> <li>• The DP/OP presents scenarios for increases to user fees and charges as 2.2% Conservative and 2.5% for the Standard and Strategic. It is unclear which rate has been applied. We note the common sense approach of rounding off the increase. It seems unusual that 2.5% has been suggested rather than 2.6% value for rate increases.</li> <li>• Marketing pricing is not explained – is this benchmarked with other Councils / suppliers? Does market price include the true cost including the cost of depreciation of assets and represent a reasonable return on investment?</li> <li>• In the case of Holiday Parks is the market price fair and does not disadvantage private suppliers of accommodation?</li> <li>• In the past Council have addressed individual ad hoc requests for charge reviews and we ask that this remain the case for any future requests for reductions in charges following COVID-19</li> </ul>	<p>True cost and holiday parks - Yes, the market price set is designed to cover all cost structures including that of future capital replacements. The financial performance and return on investment is reported on each year in Councils annual report.</p> <p>No action.</p>
		<p><u>Workforce Plan</u></p> <ul style="list-style-type: none"> <li>• Employment Costs – significant and increasing expense to Council. Council is forced to rely on other funding sources then general rates.</li> <li>• Implementing the Workforce Plan page 18 – volunteers are valuable and numbers should be increased to support Council when now under financial stress.</li> <li>• Core Business Functions page 22 – change Development Services Group definition to 'enabling ecologically sustainable growth'</li> <li>• Values and Capability Framework page 36 – include under Core Capabilities, Relationships, 'other sections'</li> </ul>	<p>Comments noted.</p> <p>The number of Council Service Packages to be updated to the current status.</p> <p>Values and Capability Framework part of a bigger Local Government capability framework. Collaboration is bigger than just other Sections</p> <p>No action.</p>

		rather than just 'collaborate with others'	
		<p><u>Strategic Asset Management Plan</u></p> <ul style="list-style-type: none"> <li>• Introduction - Document should be broken into localities lists and include the action items from recent local strategic plans.</li> <li>• Fit for the Future Program page 13 – Infrastructure Backlog ratio - Council performing well</li> <li>• Condition of Assets page 14 to 15-When an asset is due for replacement it should be the full replacement cost that will have been spent.</li> <li>• Infrastructure backlog page 16- welcome importance of community input in aligning spending with expectations of asset services. This type of feedback should be formalised and cautions use of community satisfaction survey in representing this.</li> <li>• Critical Assets page 23 – note not publicly listed.</li> <li>• Environmental sustainability page 24 – endorse statements made in SAMP and urges Council to consider ESD projects that require more than 'minimal capital investment'</li> <li>• Halloran Way Raymond Terrace: Drainage/flood works p 47-56, 252 &amp; 254– hope that these aren't required as consequence of the approval of a housing development by Councillors following recommendation of refusal.</li> <li>• Park &amp; Ride p79-85 – Disappointing there are no formal plans. Council has an obligation to find an alternative location asap.</li> <li>• Fingal Bay Link Road p 81-85 – There should be a note that RMS is now looking at other possible routes rather the route mentioned.</li> </ul>	<p><u>Priority of projects in SAMP and to be shown in locality.</u> The prioritisation of Capital Works is not only based on the condition of the asset, legislative requirements to updating asset, reduce risk to users, meet the Community's needs, etc, to name a few, but also the ability to gain funds/grants to undertake works. A large percentage of the future works are tied to funding arrangements that limit how the funding monies are to be spent. This does lead to works to be planned in an order not aligned to the Community's priorities. Though this comment can be dependent on where you live. The alternative is to not accept the funding and reduce the number of projects that will be delivered in any one year.</p> <p>There are a number of project questions that are easily explained in person as this conversation will stimulate additional questions. Council staff are more than happy to meet to answer the asset questions.</p> <p>Action – Minor amendments to document, refer Attachment 2.</p>

		<ul style="list-style-type: none"> <li>• Trees p 91-92 – Management of trees needs to be reviewed. Welcome trial of proactive inspections for Raymond Terrace and Nelson Bay. Suggest establishing at least an inventory of all new trees planted and any that Council is required to inspect.</li> <li>• Operational Land p 211 – Following strong community opposition to sale of 109 Foreshore Drive, this Lot should be removed from the 'Active' list.</li> </ul> <p>Attachment 2:</p> <ul style="list-style-type: none"> <li>• Lagoons Estate Nelson Bay – Has a solution been found for the drainage improvements and is it within the budgeted figures? Is there a risk of additional funds required to complete or additional legal costs if works delayed/ineffective? Newcastle Herald stated Council has deadline to December 2020, why is it budgeted for 2021-22?</li> <li>• Church St Nelson Bay – clarify rehabilitation works whether east or west side?</li> </ul> <p>Attachment 3:</p> <ul style="list-style-type: none"> <li>• Car park, Nelson Bay Town Centre – Donald Street carpark demolition (\$600K) and new at grade car park (\$810K) have been completed and should be removed.</li> <li>• Car park, Nelson Bay foreshore, 69 Victoria Parade – surprised that this project is included as at grade as site is sloping.</li> <li>• Smart Parking, Nelson Bay – various items now appear to be funded separately as per Council resolution 12/5/2020</li> <li>• Magnus St Nelson Bay- haven't heard of proposed for \$800K overflow pipe drainage before?</li> <li>• Apex Park \$1.2m implementation of master plan – should this be removed if masterplan works now complete?</li> </ul>	
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		<ul style="list-style-type: none"> <li>Cost estimates relating to Nelson Bay Foreshore need to be clarified.</li> <li>Support project to Town Entrance signage replacement \$750K asap.</li> </ul>	
		<p><u>Delivery Program and Operational Plan</u> Key Priorities page 8-17</p> <ul style="list-style-type: none"> <li>Funding investigations - support funding investigations for Gateway, location and town signage projects</li> <li>Key Road Projects – Stage 2 works absent for Foreshore Drive to replace the culvert (dangerous) and needs addressing. Not in Capital Works programs either.</li> <li>Placemaking – endorses statement</li> <li>Port Stephens 2020 projects - modified by Council minutes 14 April 2020 Support these cuts/deferrals and imagine similar measures for some items in the Capital Works program</li> </ul> <p>Effectiveness Measures</p> <ul style="list-style-type: none"> <li>Support measures to maintain emergency services and increasing Environment actions from the baseline</li> </ul> <p>Resourcing Strategies</p> <ul style="list-style-type: none"> <li>Long Terms Financial Plan – cannot comment on potential significant changes because of the pandemic without updated revenue and expense figures.</li> </ul>	<p>Comments noted.</p> <p><u>Foreshore Drive</u> - recently completed roadworks along Foreshore Drive did not include replacement of the mambo wetlands culvert. This culvert is of high environmental significance and replacement was well outside the reach of allocated funds. Council agrees that the culvert needs replacing and will continue to explore alternate grant funding sources until sufficient funds are obtained to undertake this necessary upgrade.</p> <p>Action – Minor amendments to document, refer Attachment 2</p> <p><u>Port Stephens 2020 projects</u> List has been adjusted to reflect completed, deferred and Mayoral Minute of 14 April 2020.</p> <p>Action – Amendments to document, refer Attachment 2 and 3.</p>
		<p><u>Long Term Financial Plan</u></p> <ul style="list-style-type: none"> <li>p 13 - supports policy about intergenerational equity</li> <li>p 21 - not opposed to some borrowings over the short period for projects providing they have sound business cases.</li> <li>p 23 – Local Government Superannuation fund deficiency – It is unclear if this fund is still open to new</li> </ul>	<p><u>The Local Government Superannuation Defined Benefits Scheme</u> is not open to new employees. The financial performance of the industry super fund is publicly available on the Local Government Super website. Any increase in the funds deficiency will not be known until the annual actuary</p>

**ITEM 3 - ATTACHMENT 1****SUMMARY OF SUBMISSIONS.**

		employees or is closed and has not enough funds to meet obligations. Has this shortfall increased over recent months?	assessment is performed by the Trustees.  No action.
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## ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

## ATTACHMENT 2 - SUMMARY OF CHANGES TO THE INTEGRATED PLANS AND FEES AND CHARGES 2020 - 2021

Number of Change	Document title and page number (public exhibition copy)	Summarised key issues incorporated in the Integrated Plans and Fees and Charges	Recommended changes to Integrated Plans and Fees and Charges
	<i>All Integrated Plans including Fees and Charges</i>		
1.		Administrative correction – formatting.	Delete the word 'draft' from the front page of all Integrated Plan documents including the Fees and Charges.
	<i>Delivery Program and Operational Plans (DP/OP)</i>		
2.	4	Administrative correction -  General Manager's message updated to	Delete all of the original wording in the section ' <b>From the General Manager</b> ' and replace with -  "It cannot be denied that we are in the midst of challenging times. While the year we've come from and the year ahead have been unprecedented, the one thing that we can predict is that change is a constant and that there will always be challenges that we face as

### ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

		<p>reflect impacts of COVID 19.</p> <p>a community. The role of Council during these periods of rapid and widespread change remains constant — to provide the services our community needs in the best possible way.</p> <p>The 2020 to 2021 Integrated Planning and Reporting (IPR) documents were originally prepared well before global pandemic COVID-19 began to impact Port Stephens and will be adjusted to reflect these impacts.</p> <p>It is difficult to precisely forecast exactly how far reaching the effects of COVID-19 are, but we prepare, plan and review our budget, works and service delivery with our community's best interest at heart, and it is no different during a crisis. We are committed to delivering our services in the best ways, while remaining flexible and agile if and when any challenges are thrown our way.</p> <p>As a result of redistribution of funding to support our community in the wake of COVID-19, the PSC2020 projects (page 16) have been adjusted to reflect what we forecast can be achieved out in 2020 to 2021.</p> <p>There are many other exciting projects set to commence during the delivery period.</p> <p><b>Koala Sanctuary Port Stephens</b></p> <p>A partnership between Council, the NSW Government and Port Stephens Koalas, the Koala Sanctuary represents a profitable tourist opportunity as part of a billion-dollar industry that is set to reinvigorate during 2020-2021. It will also provide care to a protected species that faces many of its own hurdles at this time.</p> <p><b>Birubi Point Aboriginal Place Tourism Interchange</b></p> <p>The Tourism Interchange at Gan Gan Road, Anna Bay, will break ground in 2020-2021 thanks to \$5.4 million from the NSW Government's Growing Local Economies Fund. This project will create a unique visitor experience and improve the lives of locals, while respecting the value and significance of this incredible piece of Australia coastline.</p> <p><b>Raymond Terrace Town Centre improvements</b></p> <p>\$750,000 toward a William Street upgrade and streetscape improvements will create new and enhanced spaces for people. Improvements better connect pedestrians from the town centre to the riverfront.</p>
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### ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

			<p>Council considered public submissions made during the exhibition of the draft documents and made some adjustments to the financials featured in the Long Term Financial Plan (LTFP). I thank the community sincerely for its participation in this process.</p> <p>Throughout the 2020 to 2021 delivery period, we will report to Council and the community on how we have delivered what we said we would do via our 6-monthly and annual reports. We'll report on financial impacts through our quarterly review budget process.</p> <p>Another significant change since the draft plans were exhibited is the postponement of Local Government elections until September 2021. Council will review the Community Strategic Plan (CSP) following the election and during this process will work together with our community on mapping Port Stephens' future and our continued recovery.</p> <p>Our resilience as an organisation and as a community gives me great pride. In spite of the massive challenges we face during 2020 to 2021, I know we'll continue to work together to ensure Port Stephens remains the best place in Australia to live, work and play."</p>
3.	8 & 9	Administrative correction - Key Priorities 2018 to 2021, Airport DAREZ Drainage environment approval updated to reflect current status.	<p>Delete all the original wording of "<b>Airport DAREZ drainage environmental approval</b>" and replace with</p> <p>"Council is seeking to support the re-establishment of a direct discharge point from Dawson's Drain to Fullerton Cove in order to facilitate future development in the Williamtown area.</p> <p>Council has been very active in advocating to State and Federal Government for more support on this issue through the Special Activation Precinct (SAP) process.</p> <p>It is anticipated that this discharge point will alleviate local flooding issues and support economic development around the Newcastle Airport.</p> <p>Council welcomes the recent announcement of the Williamtown SAP that will facilitate significant economic development in this area. Council will continue to proactively work with the NSW Government to facilitate development in this area."</p>
4.	9	Administrative correction – Key Priorities 2018 to	<p>Delete words shown as struck out text and replace with text highlighted in yellow below.</p> <p>"Council is leading the <del>design and development</del> of a purpose-built tourism interchange <b>reception centre</b> at Anna Bay — the entrance to the Birubi Point Aboriginal Place and the</p>

## ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

		2021, Birubi Information Centre, updated to reflect COVID-19 impacts on the project timeline.	Worimi Conservation Lands. With more than 120,000 visitors each year accessing Worimi Conservation Lands and the Stockton sand dunes, the demand for the interchange is unquestionable. Council has partnered with Worimi Conservation Lands Board of Management, Worimi Local Aboriginal Land Council, NSW Crown Lands, NSW National Parks and Wildlife Service and tourism operators to plan for, fund and deliver an interchange at the intersection of Gan Gan Road and the 4WD access to the sand dunes. In September 2019, the Development Application for the Birubi Information Centre was approved with project initiation, design and further approvals are underway in 2019 to 2020. Commencement of construction is proposed in 2020/2021 as a result of COVID-19 disruptions, however we remain flexible and agile to respond as required during these challenging times"
5.	9	Administrative correction – Key Priorities 2018 to 2021, Cycleways and footpaths, updated to reflect COVID-19 impacts on the project timeline.	Delete words shown as struck out text and replace with text highlighted in yellow below.  "Over the period Council <del>intends to investigate an</del> has accelerated cycleway and footpath construction program in accordance with this plan, with the majority of proposed projects identified completed for Anna Bay. And Projects identified in Tilligerry and Raymond Terrace areas have been deferred due to the impact of COVID19, and we envisage these will be carried out as part of Council's 2020 to 2021 capital works program."
6.	11	Administrative correction – Key Priorities 2018 to 2021, Events, updated to reflect COVID-19 impacts on Events.	Insert the following text at the end of the Events section:  "Whilst a number of events have been postponed as a result of COVID-19 disruptions, we remain flexible and agile to the facilitation of events across Port Stephens into the future"
7.	12	Administrative correction – Key Priorities 2018 to 2021, Key road projects, updated to reflect COVID-19	Delete words shown as struck out text and replace with text highlighted in yellow below.  <ul style="list-style-type: none"> <li>• "Church Street, Nelson Bay — Council proposes to reconstruct the road pavement along the full length of Church Street over the period to improve the ride quality and pavement strength, as well as minor drainage improvements and pedestrian</li> </ul>



### ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

		impacts on the project timelines.	<p>accessibility. The remaining works, from the end of the previous section to the roundabout at Government Road, are planned for construction during 2020 to 2021.</p> <ul style="list-style-type: none"> <li>• Fairlands Road, Medowie — Council will be rehabilitating the full length of the Fairlands Road including road widening and drainage improvements. Project initiation and design will commence in 2020 to 2021 while construction is scheduled for the 2021 to 2022 financial year.</li> <li>• Fingal Bay Link Road (estimated at \$100 million) — The State Government has committed to funding this project, with Roads and Maritime Services Transport NSW leading the planning and delivery of the project. Transport NSW are currently undertaking project due diligence reviewing options analysis and consultation.</li> <li>• Tanilba Road, Mallabula — Council will be reconstructing Tanilba Road from Bay Street to The Parkway Ave North including pavement widening, kerb and gutter construction, and drainage upgrades. Project initiation and design has been deferred to commence in 2020 to 2021 while construction is scheduled for the 2021 to 2022 financial year.</li> <li>• Tomaree Road, Shoal Bay — Council is continuing with the full reconstruction of Tomaree Road between Marine Drive and Verona Road. This is to include pavement widening, kerb and gutter and footpath construction, and drainage upgrades, utilising Council funding as well as Road to Recovery funds. Construction of stage 1 from Rigney Street to Fingal Street occurred in 2019-2020, with stage 2 (remaining works) to be completed when funding permits in 2020 – 2021.</li> <li>• Warren Street, Seaham — rehabilitation and widening of the existing road pavement from Seaham Park to Duncan Street, utilising from Council funding as well as Roads and Maritime Services Regional Roads funding. Project initiation and design will commence in 2020 to 2021 while construction is scheduled for the 2021 to 2022 financial year.</li> <li>• Duns Creek Road- Council will begin to undertake road safety improvements on Duns Creek Road including sealing of sections thanks to Federal Blackspot funding supplementing Council's PS2020 funds. Works will include widening, sealing, addition of guardrail and correction of superelevation on curves. Planning is to commence in 2020 with major roadworks planned for the 2021 to 2022 financial year.</li> <li>• Swan Bay Road- Council will continue to widen and seal Swan Bay Road towards Morten Road during 2020 to 2021 including safety improvements to culverts along Swan Bay Road. Council is also progressing with the sealing of the unsealed end of</li> </ul>
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## ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

			<p>Swan Bay Road with acquisitions and service relocations to allow for future roadworks."</p> <p>As outlined in the changes above, the Fairlands Road, Medowie road project has been deleted from this Delivery Program as it will no longer be conducted in the 2018-2021 period. This item is included in the Strategic Asset Management Plan in 2028-2029.</p> <p>As outlined in the changes above, the Warren Street, Seaham road project has been deleted from this Delivery Program as it will no longer be conducted in the 2018-2021 period. This item is included in the Strategic Asset Management Plan in 2022-2023.</p>
8.	13	<p>Administrative correction –</p> <p>Key Priorities 2018 to 2021, Koala Sanctuary, updated to reflect current status.</p>	<p>Delete words shown as struck out text and replace with text highlighted in yellow below.</p> <p>"Completion of the project is scheduled for early <del>mid</del> 2020 <del>with an opening scheduled for late 2020.</del>"</p>
9.	13	<p>Administrative correction –</p> <p>Key Priorities 2018 to 2021, Medowie Multi-Purpose Community Centre, updated to reflect COVID-19 impacts on the project timelines.</p>	<p>Delete words shown as struck out text and replace with text highlighted in yellow below.</p> <p>"Construction of a new multi-purpose community centre at Medowie reached practical completion in December 2019. <del>Council is negotiating with a third party operator although final fit-out and engagement of an operator will see the centre open 2020</del> regarding operating in the near future."</p>
10.	15	<p>Administrative correction -</p> <p>Key Priorities 2018 to 2021, Strategic</p>	<p>Delete words shown as struck out text and replace with text highlighted in yellow below.</p> <p>"Council is completing a range of long term strategies to provide an integrated approach to housing through the review of the Port Stephens Planning Strategy 2011 (PSPS). A Local</p>



### ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

		Planning updated to reflect current status.	<p>Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) <b>have been</b> are being prepared to replace the PSPS as part of the review.</p> <p>Under the Hunter Regional Plan 2016 and Greater Newcastle Metropolitan Plan 2018, the Department of Planning, Industry and Environment committed to preparing guidelines to assist councils in preparing local housing strategies to implement the Regional Plan.</p> <p><del>Over the period,</del> Council <b>has</b> will undertaken <b>n</b> the necessary strategic planning to guide the supply of a mix of housing and development types including for rural residential development in Port Stephens. This will ensure a clear position on urban development across the local government is well defined to meet the future needs of the Port Stephens local government area.</p> <p>In 2019-2020 <b>T</b>he LSPS has been completed and the LHS will be completed <b>adopted</b> in 2020.-2021."</p>
11.	15	<p>Administrative correction-</p> <p>Key Priorities 2018 to 2021, Williamtown Management Area updated to reflect current status.</p>	Addition of wording "Council will continue to monitor the implementation of the Department of Defence PFAS contamination remediation program."
12.	16	Public submission No -Port Stephens 2020 Projects, updated to reflect adoption of items in Mayoral Minute 14 April 2020 which	Delete words shown as struck out text and replace with text highlighted in yellow as shown in ATTACHMENT 3.

**ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.**

		affect Port Stephens 2020 projects.	
13.	23	Administrative correction – Volunteer services is part of the Human Resources service package.	Delete “Volunteer Services” from “Human Resources/Volunteer Services under the column Service Package in Operational Plan C1.5.1.
14.	23	Administrative correction –  Supporting planning and management of Aboriginal Places will occur as part of Operational Plan action C2.1.1	Delete “Support the planning and management of Aboriginal Places in Port Stephens” Operational Plan Action relating to Delivery Program Objective C2.1 as this action is now included in Operational Plan Action C2.1.1.
15.	26	Administrative correction –  Developing the Port Stephens Koala Sanctuary will occur as part of the Operational Plan action L2.2.4	Delete “Develop the Port Stephens Koala Sanctuary” Operational Plan Action relating to Delivery Program Objective P1.1 as this action is now included in Operational Plan Action L2.2.4.
16.	28	Administrative correction – updating correct service package title.	Delete “Planning” from “Civil Assets Planning” under Service Package in Operational Plan Action P2.1.2.

**ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.**

17.	28	Administrative correction - updating correct service package title.	Delete "Planning" from "Civil Assets Planning" under Service Package in Operational Plan Action P2.1.3.
18.	29	Administrative correction - updating correct service package title.	Delete "Survey and Land Information" and replace with "Survey and Design" under Service Package in Operation Plan Action P2.2.1.
19.	29	Administrative correction - updating correct service package title.	Delete "Design and Project Management" and replace with "Survey and Design" under Service Package in Operation Plan Action P2.2.2.
20.	30	Administrative correction - updating correct service package title.	Delete "Design and" from Design and Project Management" under Service Package in Operation Plan Action P2.2.3.
21.	36	Administrative correction - updating correct service package title.	Delete "Waste Services" and replace with "Waste Management" under Service Package in Operation Plan E.2.1.1.
22.	36	Administrative correction –  Implementing the coastal, estuary and foreshore management projects will occur as part of the	Delete "Implement coastal, estuary and foreshore management projects" Operational Plan Action relating to Delivery Program Objective E3.1 as this action is now included in Operational Plan Action E3.1.1.

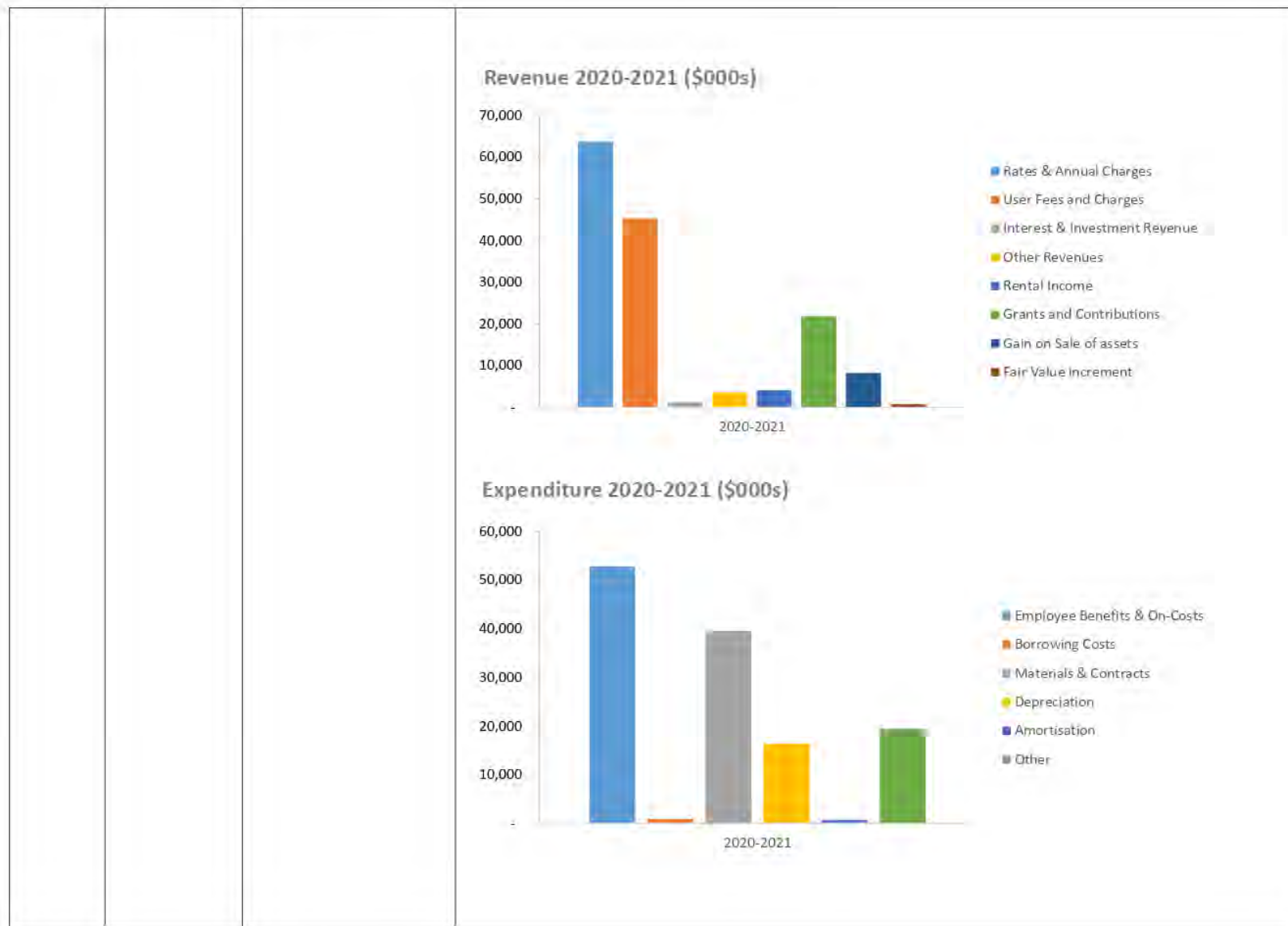
**ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.**

		Operational Plan action E3.1.1	
23.	37	Administrative correction –  Developing an emergency response coastal management plan for priority coastal areas will occur as part of the Operational Plan action E3.1.1	Delete “Develop an emergency response coastal management plan for priority coastal area” Operational Plan Action relating to Delivery Program Objective E3.1 as this action is now included in Operational Plan Action E3.1.1.
24.	41	Administrative correction – updated to reflect current status	Delete “office” from, 2 <sup>nd</sup> dot point “Corporate systems and data management project office” under the column What we Deliver relating to Operation Plan Action L.1.4.2.
25.	43	Administrative correction.	Remove “s” from “Promote a customer first organisations” under Delivery Program Objective L3.1.
26.	44	Administrative correction – Managing Council's digital services will occur as part of the Operational Plan action L3.2.1	Delete “Manage Council's digital services” Operational Plan Action relating to Delivery Program Objective L3.2 as this action is now included in Operational Plan Action L3.2.1.
27.	62	Public submission – Council prepare projected results with latest information as	Delete “PROJECTED RESULTS” table and replace with the following:

**ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.**

		a result of COVID-19. Snapshot of Long Term Financial Plan amended	<p>"The LTFP 2020-2030 presents financial forecasts associated with the following scenarios. The standard scenario is based on COVID-19 impacts including reduction in income from Holiday Parks, car parking revenue and dividend from the Airport."</p> <table> <tr> <th>Projected Result</th><th>Conservative</th><th>Standard (*)</th><th>Strategic</th></tr> <tr> <td>2020-2021</td><td>553,688</td><td>(4,376,263)</td><td>630,760</td></tr> <tr> <td>2021-2022</td><td>(143,950)</td><td>451,973</td><td>82,760</td></tr> <tr> <td>2022-2023</td><td>(333,037)</td><td>701,085</td><td>70,522</td></tr> <tr> <td>2023-2024</td><td>(824,687)</td><td>702,143</td><td>(225,812)</td></tr> <tr> <td>2024-2025</td><td>(574,677)</td><td>1,480,153</td><td>240,962</td></tr> <tr> <td>2025-2026</td><td>(1,241,798)</td><td>1,373,920</td><td>(188,827)</td></tr> <tr> <td>2026-2027</td><td>(1,602,573)</td><td>1,610,000</td><td>(289,043)</td></tr> <tr> <td>2027-2028</td><td>(1,738,528)</td><td>2,106,966</td><td>(141,539)</td></tr> <tr> <td>2028-2029</td><td>(1,970,650)</td><td>2,545,433</td><td>(66,144)</td></tr> <tr> <td>2029-2030</td><td>(3,177,736)</td><td>2,049,510</td><td>(939,204)</td></tr> </table>	Projected Result	Conservative	Standard (*)	Strategic	2020-2021	553,688	(4,376,263)	630,760	2021-2022	(143,950)	451,973	82,760	2022-2023	(333,037)	701,085	70,522	2023-2024	(824,687)	702,143	(225,812)	2024-2025	(574,677)	1,480,153	240,962	2025-2026	(1,241,798)	1,373,920	(188,827)	2026-2027	(1,602,573)	1,610,000	(289,043)	2027-2028	(1,738,528)	2,106,966	(141,539)	2028-2029	(1,970,650)	2,545,433	(66,144)	2029-2030	(3,177,736)	2,049,510	(939,204)
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28.	72	Public submission – Council prepare projected results with latest information as a result of COVID-19. Budget Summary amended	<p>Delete graphs under "Revenue 2020-2021" and "Expenditure 2020-2021" and replace with the following:</p> <p>"Revenue and Expenditure for 2020-2021 reflects the forecasted impacts of COVID-19 pandemic, however as the pandemic continues to evolve we will remain flexible and agile to respond as required, with financial impacts and adjustments reported to Council through the Quarterly Budget Review and Annual Reporting process."</p>																																												

# ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.





**ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.**

	<i>Strategic Asset Management Plan</i>						
29.	235	Public Submission – Project explanation/ clarification	<p>Change of title to better explain the intent of works.</p> <p>Delete the project title "Seabreeze Estate Drainage: Drainage improvement works in the Seabreeze Estate catchment and Dowling Street Area" and replace with "Nelson Bay stormwater reuse project" as shown below.</p> <table border="1"> <tr> <td>2021/2022</td><td>Drainage Assets</td><td>Nelson Bay stormwater reuse project</td><td>\$500,000</td></tr> </table>	2021/2022	Drainage Assets	Nelson Bay stormwater reuse project	\$500,000
2021/2022	Drainage Assets	Nelson Bay stormwater reuse project	\$500,000				
30.	237	Administrative correction.  Change in Attachment 2: Capital Works Program 2020 – 2030.	<p>Additional funding gained since the draft program was compiled has resulted in a number of projects being moved. Item was previously Spencer Park and is being changed to Mallabula Sports Complex.</p> <p>Replace "Spencer Park" with "Mallabula Sports Complex" in 2021/2022 Attachment 2: Capital Works Program as shown below.</p> <table border="1"> <tr> <td>2021/2022</td><td>Playgrounds</td><td>Playground Assets – Mallabula Sports Complex - Replacement</td><td>\$150,000</td></tr> </table>	2021/2022	Playgrounds	Playground Assets – Mallabula Sports Complex - Replacement	\$150,000
2021/2022	Playgrounds	Playground Assets – Mallabula Sports Complex - Replacement	\$150,000				
31.	243	Administrative correction.  Change in Attachment 2: Capital Works Program 2020 – 2030.	<p>Additional funding gained since the draft program was compiled has resulted in a number of projects being moved. Item was previously Mallabula Sports Complex and is being changed to Feeney Park.</p> <p>Replace "Mallabula Sports Complex" with "Feeney Park" in 2024/2025 Attachment 2: Capital Works Program as shown below.</p> <table border="1"> <tr> <td>2024/2025</td><td>Playgrounds</td><td>Playground Assets - Feeney Park - Replacement</td><td>\$150,000</td></tr> </table>	2024/2025	Playgrounds	Playground Assets - Feeney Park - Replacement	\$150,000
2024/2025	Playgrounds	Playground Assets - Feeney Park - Replacement	\$150,000				

# ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

32.	248	Administrative correction.  Change in location in Attachment 2: Capital Works Program 2020 – 2030.	Additional funding gained since the draft program was compiled has resulted in a number of projects being moved. Item was previously Feeney Park and is being changed to Fingal Bay Foreshore.  Replace "Feeney Park" with "Fingal Bay Foreshore" in 2028/2029 Attachment 2: Capital Works Program as shown below. <table><tr><td>2028/2029</td><td>Playgrounds</td><td>Playground Assets – Fingal Bay Foreshore - Replacement</td><td>\$150,000</td></tr></table>	2028/2029	Playgrounds	Playground Assets – Fingal Bay Foreshore - Replacement	\$150,000		
2028/2029	Playgrounds	Playground Assets – Fingal Bay Foreshore - Replacement	\$150,000						
33.	250	Administrative correction.  Duplication in Attachment 2: Capital Works Program 2020 – 2030.	Due to duplication of this item in both 2023-2024 and 2029-2030 the duplicated item has been replaced with Dutchmans Beach.  Replace "Kittyhawk Park" with "Dutchmans Beach" in Attachment 2: Capital Works Program 2020 – 2030 as shown below. <table><tr><td>2029/2030</td><td>Playgrounds</td><td>Playground Assets – <u>Dutchmans Beach</u> - Replacement</td><td>\$80,000</td></tr></table>	2029/2030	Playgrounds	Playground Assets – <u>Dutchmans Beach</u> - Replacement	\$80,000		
2029/2030	Playgrounds	Playground Assets – <u>Dutchmans Beach</u> - Replacement	\$80,000						
34.	252	Public submissions - Donald Street Carpark works have been completed and should be deleted in Attachment 3: Capital Works Plan Plus	Delete the below projects from Attachment 3: Capital Works Plus Plan as they have been completed. <table><tr><td>Carparking</td><td>Donald Street East - New at-grade carpark. Design &amp; construct at grade car parking</td><td>\$810,000</td></tr><tr><td>Carparking</td><td>Donald Street East - Demolish existing structure.</td><td>\$600,000</td></tr></table>	Carparking	Donald Street East - New at-grade carpark. Design & construct at grade car parking	\$810,000	Carparking	Donald Street East - Demolish existing structure.	\$600,000
Carparking	Donald Street East - New at-grade carpark. Design & construct at grade car parking	\$810,000							
Carparking	Donald Street East - Demolish existing structure.	\$600,000							
35.	262	Public submission/s - Foreshore Drive, Corlette culvert not in	This project was initially proposed to replace the existing culvert with another culvert. To meet environmental needs, the proposed project now includes a bridge structure and hence the increase in preliminary estimate.  Insert the following item in Attachment 3: Capital Works Plus Plan:						

**ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.**

		Capital Works program	<table><tr><td>Pavement Assets</td><td>Foreshore Drive, Corlette – Culvert Replacement</td><td>\$1,600,000</td></tr></table>	Pavement Assets	Foreshore Drive, Corlette – Culvert Replacement	\$1,600,000
Pavement Assets	Foreshore Drive, Corlette – Culvert Replacement	\$1,600,000				
	Workforce Plan					
36.	22	Administrative correction – number of service packages updated to reflect current status	Delete words shown as struck out text and replace with text highlighted in yellow below. “Council delivers a diverse range of more than 300 services which have currently been grouped into 62 60 service packages. The number of service packages are amended as we progress with the service review program”.			
37.	22-24	Administrative correction – number of service packages updated to reflect current status	Delete the table which details the services delivered by Council and replace with table as referred to in ATTACHMENT 4.			
	Fees and Charges					
38.	82 & 83	Administrative correction - due to recent changes to the advertising requirements for development applications.	Insert text “up to a maximum of” in front of the dollar amounts listed below for the following fees specified under Notification and Advertising Fees: <ul style="list-style-type: none"><li>• \$1,105.00, Advertising pursuant to Council Community Participation Plan (CPP)</li><li>• \$1,105.00, Re-Advertising pursuant to Council Community Participation Plan (CPP)</li><li>• \$1,105.00, Advertising fee for Advertised Development</li><li>• \$2,220.00 Advertising fee for Designated Development</li><li>• \$1,105.00 Advertising fee for Prohibited Development</li></ul>			

**ITEM 3 - ATTACHMENT 2      CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.**

39.	52 & 53	Administrative correction – Halls & Community Centres Carpet Cleaning fees updated to reflect correct GST to be applied to the fee	Insert text "(Correct GST to be applied)" after the text "Maximum carpet cleaning fee is \$200.00" and "Maximum cleaning fee is \$85.00 per hour".
40.	76	Administrative correction – Rezoning and Reclassification Miscellaneous fees updated to reflect correct Pricing Policy	Delete text "Free (zero priced)" and replace with text "full cost pricing".
41.	81	Administrative correction – GST is not applicable subsequent to advice given by and external specialist	Delete dollar amounts "\$2,727.27" and "\$272.73" referred to regarding the fee 'Additional fee for referral of other development to a design review panel'.

## ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

	Long Term Financial Plan																																														
42.	4	Public submission – Council prepare projected results with latest information as a result of COVID-19. Projected results amended	<p>Delete "Projected Result" table and replace with the following table and words:</p> <table> <tr> <th>Projected Result</th><th>Conservative</th><th>Standard (*)</th><th>Strategic</th></tr> <tr> <td>2020-2021</td><td>553,688</td><td>(4,376,263)</td><td>630,760</td></tr> <tr> <td>2021-2022</td><td>(143,950)</td><td>451,973</td><td>82,760</td></tr> <tr> <td>2022-2023</td><td>(333,037)</td><td>701,085</td><td>70,522</td></tr> <tr> <td>2023-2024</td><td>(824,687)</td><td>702,143</td><td>(225,812)</td></tr> <tr> <td>2024-2025</td><td>(574,677)</td><td>1,480,153</td><td>240,962</td></tr> <tr> <td>2025-2026</td><td>(1,241,798)</td><td>1,373,920</td><td>(188,827)</td></tr> <tr> <td>2026-2027</td><td>(1,602,573)</td><td>1,610,000</td><td>(289,043)</td></tr> <tr> <td>2027-2028</td><td>(1,738,528)</td><td>2,106,966</td><td>(141,539)</td></tr> <tr> <td>2028-2029</td><td>(1,970,650)</td><td>2,545,433</td><td>(66,144)</td></tr> <tr> <td>2029-2030</td><td>(3,177,736)</td><td>2,049,510</td><td>(939,204)</td></tr> </table> <p>"The Standard scenario projected results has been changed due to economic impact of COVID 19."</p>	Projected Result	Conservative	Standard (*)	Strategic	2020-2021	553,688	(4,376,263)	630,760	2021-2022	(143,950)	451,973	82,760	2022-2023	(333,037)	701,085	70,522	2023-2024	(824,687)	702,143	(225,812)	2024-2025	(574,677)	1,480,153	240,962	2025-2026	(1,241,798)	1,373,920	(188,827)	2026-2027	(1,602,573)	1,610,000	(289,043)	2027-2028	(1,738,528)	2,106,966	(141,539)	2028-2029	(1,970,650)	2,545,433	(66,144)	2029-2030	(3,177,736)	2,049,510	(939,204)
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**ITEM 3 - ATTACHMENT 2      CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.**

43.	14	Public submission – Council prepare projected results with latest information as a result of COVID-19. Projected results and explanatory notes amended	<p>Insert the following words :</p> <p><b>“COVID 19</b></p> <p>The economic impacts of COVID 19 are factored into the Standard Scenario. The projected result assumes that income and expenditure will return to normal levels from the 2022 financial year onwards.”</p>
44	19	Administration correction - Update 5.3.3 Future Loan Strategies wording	<p>Delete all wording under heading ‘5.3.3 Future loan strategies’ and replace with the following:</p> <p>“Based on the current SAMP and delivery plan a loan has been factored in the year 2022 to fund the upgrade of Council’s Raymond Terrace depot redevelopment and ancillary works to the value of \$10M. Proceeds from royalties will be used to repay the loan over a period of 20 years. No other new loans, which are directly related to Council, are scheduled under any scenario. This is because of the increased activity that occurred in 2020 because of favourable interest rates, which has satisfied Councils risk appetite between lending capacity and infrastructure delivery. However, loan funding will be assessed as a viable funding source for any new projects that are presented to Council.</p> <p>Council’s loan portfolio includes its consolidated portion of Newcastle Airport Partnership (NAP) and Greater Newcastle Aerotropolis Partnership (GNAP). Newcastle Airport is currently expanding which may require either entity to borrow funds in their own right to deliver infrastructure related projects. Any new debt would then be consolidated and displayed in Councils annual financial report.”</p>



## ITEM 3 - ATTACHMENT 2 CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.

45.	35	Public submission – Council prepare projected results with latest information as a result of COVID-19. Projected results amended	<p>Delete “Projected Result” table and replace with the following table:</p> <table> <tr> <th>Projected Result</th><th>Conservative</th><th>Standard (*)</th><th>Strategic</th></tr> <tr> <td>2020-2021</td><td>553,688</td><td>(4,376,263)</td><td>630,760</td></tr> <tr> <td>2021-2022</td><td>(143,950)</td><td>451,973</td><td>82,760</td></tr> <tr> <td>2022-2023</td><td>(333,037)</td><td>701,085</td><td>70,522</td></tr> <tr> <td>2023-2024</td><td>(824,687)</td><td>702,143</td><td>(225,812)</td></tr> <tr> <td>2024-2025</td><td>(574,677)</td><td>1,480,153</td><td>240,962</td></tr> <tr> <td>2025-2026</td><td>(1,241,798)</td><td>1,373,920</td><td>(188,827)</td></tr> <tr> <td>2026-2027</td><td>(1,602,573)</td><td>1,610,000</td><td>(289,043)</td></tr> <tr> <td>2027-2028</td><td>(1,738,528)</td><td>2,106,966</td><td>(141,539)</td></tr> <tr> <td>2028-2029</td><td>(1,970,650)</td><td>2,545,433</td><td>(66,144)</td></tr> <tr> <td>2029-2030</td><td>(3,177,736)</td><td>2,049,510</td><td>(939,204)</td></tr> </table>	Projected Result	Conservative	Standard (*)	Strategic	2020-2021	553,688	(4,376,263)	630,760	2021-2022	(143,950)	451,973	82,760	2022-2023	(333,037)	701,085	70,522	2023-2024	(824,687)	702,143	(225,812)	2024-2025	(574,677)	1,480,153	240,962	2025-2026	(1,241,798)	1,373,920	(188,827)	2026-2027	(1,602,573)	1,610,000	(289,043)	2027-2028	(1,738,528)	2,106,966	(141,539)	2028-2029	(1,970,650)	2,545,433	(66,144)	2029-2030	(3,177,736)	2,049,510	(939,204)
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46.	36	Public submission – Council prepare projected results with latest information as a result of COVID-19. Projected results and notes amended	<p>Insert the following paragraph after the sentence “This Model also attempts to meet all the benchmarks over the set timeframe with a view that continued improvement program strategies will be delivered”.</p> <p>“The economic impacts of COVID 19 are factored into the Standard Scenario. The projected result assumes that income and expenditure will return to normal levels from the 2022 financial year onwards”.</p>																																												

**ITEM 3 - ATTACHMENT 2      CHANGES TO THE INTEGRATED PLANNING AND REPORTING DOCUMENTS/FEES AND CHARGES 2020-2021.**

47.	39	Public submission – Council prepare projected results with latest information as a result of COVID-19. Projected results amended	Delete table titled “ <b>9. Financial Statements – Standard Scenario</b> , Standard Scenario – Income Statement” and replace with the table in Attachment 5.
48.	40	Public submission – Council prepare projected results with latest information as a result of COVID-19. Projected results amended	Delete table titled “ <b>9.1 Standard Scenario – Balance Sheet</b> ” and replace with the table in Attachment 6.

## ATTACHMENT 3

## Port Stephens 2020 Projects

The PSC2020 works were adopted by Council on 27 August 2019 and refined on 24 September 2019 and further adjusted on 14 April 2020.

Prior to COVID-19 The these projects were scheduled to be completed across Port Stephens for during 2020. We anticipate the projects which aren't finalised in the calendar year 2020 will be carried out in the 2020-2021 financial year, however we remain flexible and agile to respond as required during these challenging times. The status of these projects will be provided in Council's Six monthly and Annual reports with monthly updates also available on Council's website.

The status of the projects as at May 2020 is shown below.

## East Ward

Subtotal: \$5.058 4.658 million

- Amenities replacement — George Reserve, Salamander Bay \$150,000. (Deferred to FY2020-2021)
- Foreshore improvements — Conroy Park, Corlette \$178,000. (Planned to commence June 2020 and complete in July 2020)
- Amenities replacement — Little Beach, Nelson Bay \$180,000. (Deferred to FY2020-2021)
- Revetment work — Soldiers Point, \$200,000. (Deferred to FY2020-2021)
- Ancillary works (paths / drainage) — Shoal Bay Foreshore, Shoal Bay \$550,000 \$400,000. (Deferred to FY2020-2021)
- Road upgrade — Foreshore Drive, Corlette \$400,000. (Completed)
- Stage 1 East Donald Street Carpark demolition and at grade car parking including amenities replacement — Nelson Bay \$1.4 million. (Completed)
- Tomaree Sports Complex amenities replacement — Salamander Bay \$2 1.75 million. (Deferred to FY2020-2021)

## Central Ward

- Town centre improvements — Anna Bay \$350,000 180,000. (Completed)
- Town centre improvements (including amenities) — Medowie \$450,000 \$300,000. (Completed)
- Shared pathway — Waropara Road, Medowie \$500,000. (Stage 1 completed, Stage 2 FY202-2021)
- Shared pathway — Avenue of the Allies, Tanilba Bay \$700,000 600,000. (Deferred to FY2020-2021)
- Shared pathway — Gan Gan Road (missing links) Anna Bay \$700,000. (Completed)
- Shared pathway — Lemon Tree Passage road, Mallabula to Lemon Tree Passage (missing link) \$800,000. (Deferred to FY2020-2021)
- Shared pathway — Medowie Road (Ferodale Road to South Street) Medowie \$850,000. (Deferred to FY2020-2021)



## ITEM 3 - ATTACHMENT 3 PSC 2020 PROJECTS AMENDMENTS.

- Skate park relocation and upgrade – Tilligerry Peninsula - \$230,000. (Deferred to FY2020-2021)
- Soccer and Athletics Club Amenities Upgrades - Mallabula Sports Complex - \$200,000. (Complete)
- Multisport Court facility – Mallabula Sports Complex - \$150,000. (Deferred to FY2020-2021)
- Peace Park, Tanilba Bay – BBQ installation - \$20,000. (Deferred to FY2020-2021)

Subtotal: \$4.95 4.53 million

#### West Ward

- Amenities replacement — Longworth Park, Karuah \$120,000. (Deferred to FY2020-2021)
- Bus interchange — Seaham \$250,000. (Deferred to FY2020-2021)
- Shared pathway — levee bank, Raymond Terrace \$300,000. (Deferred to FY2020-2021)
- Road upgrade — Mustons Road, Karuah \$500,000. (Deferred to FY2020-2021)
- Shared paths — Fern Bay \$1-million 830,000. (Deferred to FY2020-2021)
- Town Centre improvements (road upgrade and streetscape) – William Street, Raymond Terrace \$1-million 750,000. (Deferred to FY2020-2021)
- Road upgrades — Duns Creek Road, Forest Road, Swan Bay Road \$1 million. (Deferred to FY2020-2021)
- Amenities/clubhouse upgrade — Stuart Park, Hinton \$1.2 million. (Deferred to FY2020-2021)
- A number of smaller maintenance requirements have also been identified.

Subtotal: \$5.37 4.95 million

#### Ancillary Minor Works

- Tree Works Karuah & Raymond Terrace — \$70,000. (Partially complete)
- Bill Strong irrigation — \$70,000. (Deferred to FY2020-2021)
- Nelson Bay Tennis Club Lighting — \$50,000. (Complete)
- Supporting park infrastructure for Medowie Skate Park — \$30,000. Medowie playground fencing — \$20,000. (Deferred to FY2020-2021)
- Raymond Terrace dog park — \$40,000. (Deferred to FY2020-2021)
- Lemon Tree Passage Road roundabout beautification (Avenue of Allies) — \$20,000. (Deferred to FY2020-2021)
- Nelson Bay Road/Port Stephens Drive roundabout entrance beautification — \$50,000. (Deferred to FY2020-2021)
- Salt Ash Hall outside toilet — \$70,000. (Planned for completion June 2020)
- Event signage Nelson Bay Road, Nelson Bay — \$20,000. (Deferred to FY2020-2021)
- King Park irrigation — \$60,000. (Deferred to FY2020-2021)

Subtotal: \$500,000

Grand total: \$15.878 14.638 million

These projects will be funded from Reserve Funds, Developer Contributions (\$7.11) and loan funding as outlined in the Council report of 27 August 2019.

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## ATTACHMENT 4 – CHANGES TO WORKFORCE PLAN

Group	Service Packages	No.
<b>Office of the General Manager</b>		
<b>General Managers Office</b>	Office of General Manager/Executive Administration	1
<b>Governance Section</b>	Office of the Governance Section Manager	2
	Legal Services	3
	Enterprise Risk Management	4
<b>Corporate Services</b>		
<b>Office of the Group Manager</b>	Office of the Group Manager Corporate Services	5
	Corporate Reporting	6
<b>Organisation Support Services</b>	Office of the Organisation Support Services Section Manager	7
	Human Resources	8
	Workplace Development	9
	Corporate Systems and Data Project Management	10
	Data and Information Maintenance and Support	11
	ICT Maintenance and Support	12
<b>Financial Services</b>	Office of the Financial Services Section Manager	13
	Financial Expenditure	14
	Financial Reporting	15
	Financial Revenue	16
	Financial Acquisitions	17
<b>Holiday Parks</b>	Office of the Holiday Parks Section Manager	18
	Marketing and Promotions	19
	Holiday Parks (Park Operations)	20
<b>Property Services</b>	Office of the Property Services Section Manager	21
	Commercial Investments	22
	Facilities Management	23
<b>Development Services</b>		
<b>Office of the Group Manager</b>	Office of the Group Manager Development Services	24
<b>Development Assessment and Compliance</b>	Office of the Development Assessment and Compliance Section Manager	25
	Building and Developer Relations	26
	Business and Systems Administration	27
	Environmental Health and Compliance	28
	Planning and Developer Relations	29
<b>Communications</b>	Office of the Communications Section Manager	30
	Community Development and Engagement	31
	Customer Relations	32
	Public Relations and Marketing	33
<b>Strategy and Environment</b>	Office of the Strategy and Environment Section Manager	34
	Natural Resources	35
	Strategic Planning	36
	Economic Development and Tourism	37
<b>Facilities and Services</b>		
<b>Office of the Group Manager</b>	Office of the Group Manager Facilities and Services (including Business Systems & Administration)	38
<b>Assets</b>	Office of the Assets Section Manager	39
	Assets Systems	40
	Civil Assets	41
	Civil Projects	42
	Community and Recreation	43
	Engineering Services	44
		44
<b>Capital Works</b>	Office of the Capital Works Section Manager	45
	Construction	46
	Survey and Design	47
	Project Management	48
<b>Community Services</b>	Office of the Community Services Section Manager	49
	Children's Services	50
	Contract and Services	51
	Emergency Management	52
	Library Services	53
	Waste Management	54
<b>Public Domain and Services</b>	Office of the Public Domain and Services Section Manager	55
	Building Trades	56
	Mechanical Maintenance and Stores	57
	Parks	58
	Roads	59
	Roadside and Drainage	60

Friday, 22 May 2020



## 9. Financial Statements – Standard Scenario

Standard Scenario – Income Statement										
INCOME STATEMENT										
For the period ended 30 June										
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Revenue</b>										
Rates & Annual Charges	63,648	66,788	68,612	70,481	72,397	74,360	76,373	78,436	80,551	82,718
User Fees and Charges	45,282	50,301	51,696	53,622	55,008	56,921	58,391	59,891	61,938	63,544
Interest & Investment Revenue	1,213	1,018	1,045	1,109	1,229	1,215	1,349	1,471	1,595	1,727
Other Revenues	3,572	3,643	3,716	3,791	3,866	3,944	4,023	4,103	4,185	4,269
Rental Income	4,093	4,216	4,342	4,472	4,606	4,745	4,887	5,034	5,185	5,340
Operating Grants and Contributions	12,408	12,681	12,960	13,245	13,529	13,818	14,112	14,412	14,718	15,029
Capital Grants and Contributions	9,523	9,394	6,773	6,908	7,047	7,188	7,331	7,478	7,628	7,780
Gain on Sale of assets	8,272	250	250	250	250	250	250	250	250	250
Fair Value Increment	810	1,114	1,148	1,182	1,218	1,254	1,292	1,331	1,371	1,412
<b>Total Revenue</b>	<b>148,821</b>	<b>149,406</b>	<b>150,541</b>	<b>154,760</b>	<b>158,850</b>	<b>163,397</b>	<b>167,714</b>	<b>172,115</b>	<b>177,134</b>	<b>181,791</b>
<b>Operating Expenses</b>										
Employee Benefits & On-Costs	52,755	54,255	55,810	57,417	59,086	60,818	62,614	64,478	66,414	68,417
Borrowing Costs	893	816	995	869	572	518	573	505	450	404
Materials & Contracts	39,466	42,467	42,969	44,043	45,794	46,939	48,113	49,315	51,298	52,581
Depreciation	16,385	16,870	17,392	17,938	17,982	17,997	18,372	18,583	18,728	19,029
Amortisation	707	721	733	743	751	759	765	770	775	778
Other	19,406	19,877	20,360	20,854	21,360	21,879	22,410	22,954	23,511	24,082
<b>Total Operating Expenses</b>	<b>129,612</b>	<b>135,006</b>	<b>138,258</b>	<b>141,864</b>	<b>145,546</b>	<b>148,909</b>	<b>152,846</b>	<b>156,606</b>	<b>161,176</b>	<b>165,290</b>
<b>Operating Surplus / (Deficit)</b>	<b>19,209</b>	<b>14,400</b>	<b>12,283</b>	<b>12,897</b>	<b>13,305</b>	<b>14,488</b>	<b>14,868</b>	<b>15,509</b>	<b>15,958</b>	<b>16,500</b>
Other Comprehensive Income	-	-	-	-	-	-	-	-	-	-
<b>Total Comprehensive Income</b>	<b>19,209</b>	<b>14,400</b>	<b>12,283</b>	<b>12,897</b>	<b>13,305</b>	<b>14,488</b>	<b>14,868</b>	<b>15,509</b>	<b>15,958</b>	<b>16,500</b>
<b>Net Operating Result before Capital Grants</b>	<b>9,686</b>	<b>5,006</b>	<b>5,510</b>	<b>5,988</b>	<b>6,258</b>	<b>7,301</b>	<b>7,537</b>	<b>8,031</b>	<b>8,331</b>	<b>8,720</b>
<b>Adjustments for Underlying Result</b>										
Gain on Sale of assets	(8,272)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)	(250)
Fair value increases & royalties	(2,008)	(2,336)	(2,109)	(2,179)	(2,253)	(2,327)	(2,404)	(2,482)	(2,564)	(2,647)
NAP Profit	(3,782)	(4,756)	(4,647)	(5,007)	(5,181)	(5,567)	(5,442)	(5,310)	(5,898)	(6,023)
Local election costs	-	560	-	-	650	-	-	-	750	-
NAP dividend	-	2,228	2,196	2,150	2,255	2,217	2,169	2,118	2,177	2,249
<b>Underlying result</b>	<b>(4,376)</b>	<b>452</b>	<b>701</b>	<b>702</b>	<b>1,480</b>	<b>1,374</b>	<b>1,610</b>	<b>2,107</b>	<b>2,545</b>	<b>2,050</b>

## 9.1 Standard Scenario – Balance Sheet

## STATEMENT OF FINANCIAL POSITION

As at 30 June:

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>ASSETS</b>										
<b>Current Assets</b>										
Cash and Cash Equivalents	20,729	22,074	25,271	31,287	30,587	37,257	43,352	49,561	56,197	65,746
Investments	21,289	21,289	21,289	21,289	21,289	21,289	21,289	21,289	21,289	21,289
Receivables	12,134	12,977	13,327	13,705	14,063	14,480	14,858	15,245	15,692	16,101
Inventories	7,546	7,546	7,546	7,546	7,546	7,546	7,546	7,546	7,546	7,546
<b>Total Current Assets</b>	<b>61,697</b>	<b>63,886</b>	<b>67,433</b>	<b>73,827</b>	<b>73,486</b>	<b>80,573</b>	<b>87,045</b>	<b>93,641</b>	<b>100,725</b>	<b>110,683</b>
<b>Non Current Assets</b>										
Infrastructure, Property, Plant & Equipment	1,003,829	1,022,672	1,026,987	1,031,719	1,037,122	1,043,203	1,049,969	1,057,176	1,064,832	1,069,894
Right of Use Asset	3,560	2,703	2,420	1,627	843	3,789	3,030	2,271	2,506	1,747
Inventories	10,030	10,530	11,030	11,530	12,030	12,530	13,030	13,530	14,030	14,530
Investment Properties	37,147	38,262	39,410	40,592	41,810	43,064	44,356	45,686	47,057	48,469
Intangibles	6,337	6,417	6,484	6,542	6,590	6,632	6,667	6,697	6,722	6,744
<b>Total Non Current Assets</b>	<b>1,060,903</b>	<b>1,080,583</b>	<b>1,086,331</b>	<b>1,092,010</b>	<b>1,098,395</b>	<b>1,109,217</b>	<b>1,117,051</b>	<b>1,125,361</b>	<b>1,135,148</b>	<b>1,141,385</b>
<b>Total Assets</b>	<b>1,122,601</b>	<b>1,144,469</b>	<b>1,153,764</b>	<b>1,165,836</b>	<b>1,171,881</b>	<b>1,189,790</b>	<b>1,204,096</b>	<b>1,219,002</b>	<b>1,235,872</b>	<b>1,252,068</b>
<b>LIABILITIES</b>										
<b>Current Liabilities</b>										
Trade & Other Payables	7,104	7,644	7,734	7,928	8,243	8,449	8,660	8,877	9,234	9,465
Lease liabilities	832	748	820	848	761	715	749	686	778	815
Borrowings	3,276	3,329	2,409	7,748	1,521	1,545	1,568	1,356	1,239	533
Provisions	13,351	13,439	12,951	14,115	14,022	14,740	15,178	15,573	16,116	16,424
<b>Total Current Liabilities</b>	<b>24,563</b>	<b>25,161</b>	<b>23,914</b>	<b>30,639</b>	<b>24,547</b>	<b>25,449</b>	<b>26,155</b>	<b>26,491</b>	<b>27,367</b>	<b>27,238</b>
<b>Non Current Liabilities</b>										
Lease liabilities	2,728	1,955	1,600	779	82	3,073	2,281	1,585	1,728	933
Borrowings	20,342	27,012	24,603	16,855	15,335	13,790	12,222	10,866	9,627	9,094
Provisions	1,159	2,133	3,153	4,174	5,224	6,295	7,389	8,501	9,633	10,786
<b>Total Non Current Liabilities</b>	<b>24,228</b>	<b>31,100</b>	<b>29,357</b>	<b>21,809</b>	<b>20,640</b>	<b>23,159</b>	<b>21,891</b>	<b>20,952</b>	<b>20,988</b>	<b>20,813</b>
<b>Total Liabilities</b>	<b>48,791</b>	<b>56,260</b>	<b>53,271</b>	<b>52,447</b>	<b>45,187</b>	<b>48,608</b>	<b>48,046</b>	<b>47,443</b>	<b>48,355</b>	<b>48,051</b>
<b>Net Assets</b>	<b>1,073,809</b>	<b>1,088,209</b>	<b>1,100,492</b>	<b>1,113,389</b>	<b>1,126,694</b>	<b>1,141,182</b>	<b>1,156,050</b>	<b>1,171,559</b>	<b>1,187,517</b>	<b>1,204,017</b>
<b>EQUITY</b>										
Accumulated Surplus	664,793	679,193	691,475	704,371	717,677	732,164	747,033	762,543	778,501	795,000
Asset Revaluation Reserves	409,017	409,017	409,017	409,017	409,017	409,017	409,017	409,017	409,017	409,017
<b>Total Equity</b>	<b>1,073,809</b>	<b>1,088,209</b>	<b>1,100,492</b>	<b>1,113,389</b>	<b>1,126,694</b>	<b>1,141,182</b>	<b>1,156,050</b>	<b>1,171,559</b>	<b>1,187,517</b>	<b>1,204,017</b>

# ITEM 3 - ATTACHMENT 7 MAKING OF RATES 2020-2021 SCHEDULE OF RATES AND CHARGES.

## ATTACHMENT 7 - SCHEDULE OF RATES AND CHARGES 2020-2021

- 1) Make ordinary rates in accordance with the following schedule for 2020-2021 using 1 July 2019 base date land values.

Ordinary Rates				
Category	Sub-category	Ad Valorem Rate in \$	Base Amount \$	% of yield from base amount
Residential	Williamstown Primary Zone	0.1373	\$193.00	39%
Residential	Williamstown Secondary Zone	0.206	\$289.50	41%
Residential	Williamstown Broader Zone	0.2471	\$347.40	40%
Residential	Residential	0.2746	\$386.00	35%
Farmland	Williamstown Primary Zone	0.1373	\$193.00	30%
Farmland	Williamstown Secondary Zone	0.206	\$289.50	27%
Farmland	Williamstown Broader Zone	0.2471	\$347.40	26%
Farmland	Farmland	0.2746	\$386.00	21%
Business	n/a	0.7625	\$1,638.00	35%
Mining	n/a	0.7625	n/a	n/a

- 2) Levy on behalf of Hunter Local Land Services a catchment contribution at the rate determined by the Service for 2020-2021 on all rateable land with a land value of \$300 or more in the defined catchment area. The defined catchment area is shown on the Hunter Local Land Services Contribution Area map.
- 3) Fix the interest rate to apply to overdue rates and charges in 2020-2021 at the maximum rate as determined by the Minister for Local Government.
- 4) Make the following annual Domestic Waste Management Charges and Waste Management Charges for 2020-2021. All rateable assessments that are undeveloped (ie. have no buildings erected upon them) will be levied either a Domestic Waste Management Charge or a Waste Management Charge. All developed rateable assessments (ie. have a building/s erected upon them) will be levied either a Domestic Waste Management Service Charge or a Waste Management Service Charge in addition to the Domestic Waste Management Charge/Waste Management Charge.

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Domestic Waste Management (s496 Local Government Act, 1993)	6-63	Domestic Waste Management Charge	All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Service Charge (7-73).	\$91.00 per assessment

ITEM 3 - ATTACHMENT 7  
RATES AND CHARGES.

## MAKING OF RATES 2020-2021 SCHEDULE OF

Waste Management Charge (s501 Local Government Act, 1993)	6-64	Waste Management Charge	All rateable land categorised as Mining or Business. All rateable land categorised as Farmland except land that is levied a s501 Additional Farm Waste Management Charge (6-65). All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Charge (6-63). All non-rateable land that uses the Domestic Waste Management Service.	\$91.00 per assessment
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**ITEM 3 - ATTACHMENT 7 MAKING OF RATES 2020-2021 SCHEDULE OF RATES AND CHARGES.**

Charge type	Charge code	Charge name	Land category charge applies to	Amount of charge
Waste Management Charge ( <i>s501 Local Government Act, 1993</i> )	6-65	Additional Farm Waste Management Charge	All rateable land categorised as Farmland where more than one assessment is held in the same ownership and those assessments are operated as a single farming entity, then the Waste Management Charge (6-64) is to be levied on the first assessment and this Additional Farm Waste Management Charge (6-65) is to be levied on the second and subsequent assessments.	\$1.00 per assessment
Domestic Waste Management ( <i>s496 Local Government Act, 1993</i> )	7-73 or 10-73	Domestic Waste Management Service Charge	All developed rateable land categorised as Residential or Farmland, whether occupied or unoccupied. All non-rateable land that uses the Domestic Waste Management Service.	\$452.00 per dual 240 litre or 360 litre (recycling only) bin service
Waste Management Charge ( <i>s501 Local Government Act, 1993</i> )	7-74 or 19-74	Waste Management Service Charge	All developed rateable land categorised as Mining or Business, whether occupied or unoccupied.	\$452.00 per dual 240 litre or 360 litre (recycling only) bin service
Waste Management Charge ( <i>s501 Local Government Act, 1993</i> )	3-74	Waste Service Charge – Additional Red Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$250.00 per additional waste (red lid) bin
Waste Management Charge ( <i>s501 Local Government Act, 1993</i> )	4-74 or 18-74	Waste Service Charge – Additional Yellow Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$150.00 per additional recycling (yellow lid) bin

**ITEM NO. 4**

**FILE NO: 20/24311  
EDRMS NO: PSC2005-3551**

**DISSOLUTION OF SIX 355C COMMITTEES AND CHANGE OF OPERATION OF  
THREE 355C COMMITTEES**

REPORT OF: ZOE PATTISON - ORGANISATION SUPPORT SECTION  
MANAGER

GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Dissolve the following six 355c committees of Council as of 30 June 2020, and close related committee bank accounts:
    - a. Boat Harbour Parks and Reserves Committee
    - b. Fingal Bay Parks and Reserves Committee
    - c. Mallabula Parks and Reserves Committee
    - d. Mambo Wanda Wetlands, Reserves and Landcare Committee
    - e. Raymond Terrace Parks, Reserves and Tidy Towns Committee
    - f. Tilligerry Landcare Group.
  - 2) Change the Anna Bay/Birubi Community Hall and Landcare Group (355c committee) to the Anna Bay Hall Committee and adopt the amended Appendix to the 355c Committee Terms of Reference (**ATTACHMENT 1**).
  - 3) Change the Corlette Headland and Hall Committee to Corlette Hall Committee and adopt the amended Appendix to the 355c Committee Terms of Reference (**ATTACHMENT 1**).
  - 4) Change the Hinton School of Arts, Parks and Foreshore Committee to Hinton School of Arts Committee and adopt the amended Appendix to the 355c Committee Terms of Reference (**ATTACHMENT 1**).
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**BACKGROUND**

The purpose of this report is to recommend that Council dissolve six 355c committees and amend the function on 3 committees.

The volunteer management service review was adopted by Council on 26 August 2018, Minute No. 267 (**ATTACHMENT 2**) with a 2 year implementation period.

One outcome of the service review was to “disband the 355c committee model of operation for park and cemetery committees over time and establish groups of Council volunteers working on Council land”. The primary reasons for this change are to reduce administrative workload on volunteers and have a models that enables volunteering to expand.



Earlier this year, the abovementioned 6 park committees resolved to dissolve as 355c committees of Council and change to the new model of operation, and the 3 combined committees resolved to operate as hall facility management committees only.

All 6 dissolving park committees intend to establish volunteer groups under Council, with members of the former 355c committee to be registered as members of the 6 new volunteer groups.

The 3 combined hall/ park committees resolved to amend their operation to hall management committees only, and amended their Appendix to the Terms of Reference, bank account name, email and promotional material.

Council staff and volunteers have committed to working cooperatively and collaboratively over the coming months whilst transitioning to this new model for on-ground volunteering.

### **COMMUNITY STRATEGIC PLAN**

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

### **FINANCIAL/RESOURCE IMPLICATIONS**

Bank accounts held by the 6 dissolving park committees will be closed prior to 30 June 2020, with remaining funds to be transferred to Council and be available for use by the newly formed groups until 30 June 2021 (following a consultation and approval process).

Any minor assets of Council held by the dissolving park committees (eg tools and equipment) will be transferred to the new park groups. Park groups under the new model do not receive an annual operating subsidy. Instead, the equivalent financial allocation will be retained and pooled, and utilised for resourcing of activities for these groups. Funds will not be rolled over from year to year. Park groups are still able to apply for eligible internal and external grants to support their work in the community, as they would have done as a 355c committee.

Funds currently held in the 3 hall/park committee bank accounts will remain for continued hall management purposes, with required changes to the bank account name and signatories.

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

**ORDINARY COUNCIL - 9 JUNE 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal or policy impediments to accepting the recommendations. Council is able to endorse changes to 355c committees under section 355c of the Local Government Act 1993.

This is the final report to Council with regard to the implementation of the volunteer management service review adopted by Council on 26 August 2018.

Since then, 14 park and 2 cemetery committees have dissolved, and 5 combined hall/park committees have changed to hall facility management committees only. New park and cemetery groups have been, and will be, established under the new model for all but one of these former committees (Tomaree Cemeteries).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not accepting the recommendations will affect Council's reputation as these committees have resolved to dissolve and change to the new model of operation.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Expansion and improved satisfaction in on-ground volunteering in Port Stephens is being hampered by the 355c committee model as outlined in the volunteer management service review. By transitioning to the new group model, the administrative workload of volunteers will be reduced and volunteer engagement and satisfaction will improve. There will be more opportunities for volunteers to participate in on-ground working bee activities in our parks and reserves which will in turn will build a sense of community wellbeing and value to the local environment.

## **CONSULTATION**

Consultation with key stakeholders was undertaken by the Organisation Support Section. Consultation both within Council and with the community is vital for key governance documents such as this to ensure requirements are met in the operation of community volunteers under the Local Government Act 1993.

### Internal

Extensive engagement and consultation with staff and Councillors occurred in 2015 with the development of the 355c Committee Terms of Reference and Appendix template, and throughout 2018 as part of the service review process.

### External

The above engagement and consultation also occurred with volunteers and committees, in addition to other council and volunteer organisations.

For the committees referred to specifically in this report, the Volunteers Coordinator engaged extensively through phone conversations, email correspondence and meeting attendance.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Hall Committee Appendices. [↓](#)
- 2) Minute No. 267 - 26 August 2018. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 4 - ATTACHMENT 1 HALL COMMITTEE APPENDICIES.**

**APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE**

<b>Item 1</b>	<b>Name of committee</b>	<b>Anna Bay Hall Committee</b>
<b>Item 2</b>	Purpose of committee	6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.
<b>Item 3</b>	Functions delegated by Council to committee  (Objectives)	<ol style="list-style-type: none"> <li>1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard.</li> <li>2. Undertake the functions of: <ul style="list-style-type: none"> <li>▪ arranging bookings for hire of the hall;</li> <li>▪ receiving and banking fees and charges;</li> <li>▪ arranging cleaning; and</li> <li>▪ providing reports to Council on maintenance requirements.</li> </ul> </li> <li>3. Liaise with Council as to the development, planning and management of Anna Bay Hall.</li> <li>4. Make recommendations to Council on appropriate fees and charges for the use of the facility.</li> <li>5. Provide forward works priorities to Council for consideration and planning of future works.</li> <li>6. Encourage and support the community and/or community groups, to participate in programs benefiting Anna Bay.</li> <li>7. Be an avenue through which Council can engage with the community on matters that affect them.</li> </ol>
<b>Item 4</b>	Restrictions on functions delegated	<p>Any works undertaken will be with the knowledge and approval of the Community and Recreation Coordinator and/or Building Trades Coordinator.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
<b>Item 5</b>	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> <li>▪ Local Government Act 1993</li> <li>▪ Work Health and Safety Act 2011</li> <li>▪ Privacy and Personal Information Protection Act 1998</li> <li>▪ State Records Act 1998</li> <li>▪ PSC 355c Committee Terms of Reference and Appendix</li> <li>▪ PSC Code of Conduct</li> <li>▪ PSC Code of Meeting Practice</li> <li>▪ PSC Access to Information Policy</li> <li>▪ PSC Procurement Policy</li> <li>▪ PSC WHS Statement of Commitment</li> </ul>
<b>Item 6</b>	Term of Committee	September of Council Election each four years. Council to readopt Terms of Reference within three months following election.

## ITEM 4 - ATTACHMENT 1 HALL COMMITTEE APPENDICIES.

Item 7	Maximum number and make up of committee members	Up to fifty (50) General Members.
Item 8	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> <li>▪ Chairperson</li> <li>▪ Vice Chairperson</li> <li>▪ Treasurer</li> <li>▪ Secretary</li> </ul> <p>Up to five (5) Advisory Members</p>
Item 9	Councillors	As resolved by Council
Item 10	Council employees	<p>Corporate Services Group  Organisation Support Section Manager  Organisation Support Section  Governance Section  Community and Recreation Coordinator  Building Trades Coordinator  Parks Coordinator  Volunteers Coordinator  Finance Coordinator  Facilities and Services Senior Business Support Advisor  Community and Recreation Asset Officer</p>
Item 11	Name of financial institution and type of account/s	National Australia Bank Business Account
Item 12	Name of any account operated by the committee	To be amended to Anna Bay Hall Committee, a 355c committee of Port Stephens Council
Item 13	Reporting	<p><b>Financial Record Keeping and Reporting</b></p> <ol style="list-style-type: none"> <li>1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix.</li> <li>2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> <li>a) All committees are covered under Council's Australian Business Number (16744377876).</li> <li>b) Committees are responsible for administering the requirements of GST legislation, that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office.</li> <li>c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).</li> <li>d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO.</li> </ol> </li> </ol>

Item 13 cont..	Reporting	<p>3. The Treasurer shall be responsible for ensuring:</p> <ul style="list-style-type: none"> <li>a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager.</li> <li>b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee.</li> <li>c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ul style="list-style-type: none"> <li>i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income, expenditure, GST and reconciliations in a simple format.</li> <li>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</li> <li>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</li> </ul> </li> <li>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</li> <li>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</li> <li>f) Issuing of tax invoices.</li> <li>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include: <ul style="list-style-type: none"> <li>▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year.</li> <li>▪ copies of documentation supporting all increases and decreases in any investment accounts.</li> </ul> </li> </ul> <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p>
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Item 13 cont..	Reporting	<p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <ol style="list-style-type: none"> <li>Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</li> <li>All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</li> <li>All committees are required to advise Council of the details of the persons who are authorised signatories of the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</li> <li>All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</li> <li>The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</li> </ol> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. The financial year shall be the period from the 1 January to 31 December.</p> <p><b>General Reporting</b></p> <ol style="list-style-type: none"> <li>Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include: <ul style="list-style-type: none"> <li>Minutes of AGM and Account Signatories.</li> <li>Committee Annual Report - a brief summary of activities and projects undertaken by the committee between 1 January and 31 December, and proposed projects and activities.</li> <li>Updated list of all Members.</li> </ul> </li> </ol>
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<b>Item 13 cont..</b>	Reporting	<p>2. Recommendations for Fees and Charges to be forwarded to Council by 1<sup>st</sup> December each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration. This information is required to be forwarded to Council's Responsible Officer for Volunteers prior to 31 March each year.</p> <ul style="list-style-type: none"> <li>▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year"</i>.</li> <li>▪ Notification to Council should also include a brief description of the type of use on those occasions, eg birthday party, family reunion etc.</li> </ul>
<b>Item 14</b>	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>355(c) Committee Terms of Reference adopted by Council 27 October 2015, Minute No 322. Amended Terms of Reference adopted at Council Meeting 9 May 2017, Minute No 106.</p> <p>Schedule to Constitution for Anna Bay Reserves, Hall and Tidy Towns Committee adopted 23 October 2003, Minute No 454.</p> <p>Appendix for Anna Bay/Birubi Community Hall and Landcare Group adopted at Council Meeting 9 May 2017, Minute No 106. Amended to Anna Bay Hall Committee 9 June 2020, Minute No. ....</p>
<b>Item 15</b>	Additional clauses or amendments to Terms of Reference or Appendix To be listed in full – body of terms of Reference not to be altered	<p>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> <li>▪ Water usage charges</li> <li>▪ Electricity charges</li> <li>▪ Cleaning costs</li> <li>▪ Agreed contribution to repairs and maintenance</li> </ul> <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> <li>▪ Council rates</li> <li>▪ Standing charges for water</li> <li>▪ Sewerage charges</li> <li>▪ Waste collection</li> <li>▪ Structural maintenance and repairs</li> </ul>

**ITEM 4 - ATTACHMENT 1 HALL COMMITTEE APPENDICIES.**

**APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE**

<b>Item 1</b>	<b>Name of committee</b>	<b>Corlette Hall Committee</b>
<b>Item 2</b>	Purpose of committee	6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.
<b>Item 3</b>	Functions delegated by Council to committee  (Objectives)	<ol style="list-style-type: none"> <li>1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard.</li> <li>2. Undertake the functions of: <ul style="list-style-type: none"> <li>▪ arranging bookings for hire of the hall;</li> <li>▪ receiving and banking fees and charges;</li> <li>▪ arranging cleaning; and</li> <li>▪ providing reports to Council on maintenance requirements.</li> </ul> </li> <li>3. Liaise with Council as to the development, planning and management of Corlette Hall.</li> <li>4. Make recommendations to Council on appropriate fees and charges for the use of the facility.</li> <li>5. Provide forward works priorities to Council for consideration and planning of future works.</li> <li>6. Encourage and support the community and/or community groups, to participate in programs benefiting Corlette.</li> <li>7. Be an avenue through which Council can engage with the community on matters that affect them.</li> </ol>
<b>Item 4</b>	Restrictions on functions delegated	<p>Any works undertaken will be with the knowledge and approval of the Community and Recreation Coordinator and/or Building Trades Coordinator.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
<b>Item 5</b>	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> <li>▪ Local Government Act 1993</li> <li>▪ Work Health and Safety Act 2011</li> <li>▪ Privacy and Personal Information Protection Act 1998</li> <li>▪ State Records Act 1998</li> <li>▪ PSC 355c Committee Terms of Reference and Appendix</li> <li>▪ PSC Code of Conduct</li> <li>▪ PSC Code of Meeting Practice</li> <li>▪ PSC Access to Information Policy</li> <li>▪ PSC Procurement Policy</li> <li>▪ PSC WHS Statement of Commitment</li> </ul>
<b>Item 6</b>	Term of Committee	September of Council Election each four years. Council to readopt Terms of Reference within three months following election.

## ITEM 4 - ATTACHMENT 1 HALL COMMITTEE APPENDICIES.

<b>Item 7</b>	Maximum number and make up of committee members	Up to fifty (50) General Members.
<b>Item 8</b>	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> <li>▪ Chairperson</li> <li>▪ Vice Chairperson</li> <li>▪ Treasurer</li> <li>▪ Secretary</li> </ul> <p>Up to five (5) Advisory Members</p>
<b>Item 9</b>	Councillors	As resolved by Council
<b>Item 10</b>	Council employees	<p>Corporate Services Group  Organisation Support Section Manager  Organisation Support Section  Governance Section  Community and Recreation Coordinator  Building Trades Coordinator  Parks Coordinator  Volunteers Coordinator  Finance Coordinator  Facilities and Services Senior Business Support Advisor  Community and Recreation Asset Officer</p>
<b>Item 11</b>	Name of financial institution and type of account/s	National Australia Bank Business Cheque Account and Investment Account
<b>Item 12</b>	Name of any account operated by the committee	To be amended to Corlette Hall Committee, a 355c committee of Port Stephens Council
<b>Item 13</b>	Reporting	<p><b>Financial Record Keeping and Reporting</b></p> <ol style="list-style-type: none"> <li>1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix.</li> <li>2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> <li>a) All committees are covered under Council's Australian Business Number (16744377876).</li> <li>b) Committees are responsible for administering the requirements of GST legislation, that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office.</li> <li>c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).</li> <li>d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO.</li> </ol> </li> </ol>

Item 13 cont..	Reporting	<p>3. The Treasurer shall be responsible for ensuring:</p> <ul style="list-style-type: none"> <li>a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager.</li> <li>b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee.</li> <li>c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ul style="list-style-type: none"> <li>i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income, expenditure, GST and reconciliations in a simple format.</li> <li>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</li> <li>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</li> </ul> </li> <li>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</li> <li>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</li> <li>f) Issuing of tax invoices.</li> <li>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include: <ul style="list-style-type: none"> <li>▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year.</li> <li>▪ copies of documentation supporting all increases and decreases in any investment accounts.</li> </ul> </li> </ul> <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p>
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Item 13 cont..	Reporting	<p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <ol style="list-style-type: none"> <li>Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</li> <li>All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</li> <li>All committees are required to advise Council of the details of the persons who are authorised signatories of the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</li> <li>All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</li> <li>The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</li> </ol> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. The financial year shall be the period from the 1 January to 31 December.</p> <p><b>General Reporting</b></p> <ol style="list-style-type: none"> <li>Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include: <ul style="list-style-type: none"> <li>Minutes of AGM and Account Signatories.</li> <li>Committee Annual Report - a brief summary of activities and projects undertaken by the committee between 1 January and 31 December, and proposed projects and activities.</li> <li>Updated list of all Members.</li> </ul> </li> </ol>
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<b>Item 13 cont..</b>	Reporting	<p>2. Recommendations for Fees and Charges to be forwarded to Council by 1<sup>st</sup> December each year.</p> <ul style="list-style-type: none"> <li>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</li> <li>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</li> </ul> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration. This information is required to be forwarded to Council's Responsible Officer for Volunteers prior to 31 March each year.</p> <ul style="list-style-type: none"> <li>▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year"</i>.</li> <li>▪ Notification to Council should also include a brief description of the type of use on those occasions, eg birthday party, family reunion etc.</li> </ul>
<b>Item 14</b>	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>355(c) Committee Terms of Reference adopted by Council 27 October 2015, Minute No 322. Amended Terms of Reference adopted at Council Meeting 9 May 2017, Minute No 106.</p> <p>Schedule to Constitution Corlette Headland and Hall Committee adopted 23 July 2002, Minute No. 291.</p> <p>Schedule to Constitution for Corlette Headland and Hall Committee adopted 22 July 2014, Minute No. 190.</p> <p>Appendix to 355(c) Committee Terms of Reference for Corlette Headland and Hall Committee adopted 9 May 2017, Minute No. 106. Amended to Corlette Hall Committee 9 June 2020, Minute No. ....</p>
<b>Item 15</b>	Additional clauses or amendments to Terms of Reference or Appendix To be listed in full – body of terms of Reference not to be altered	<p>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> <li>▪ Water usage charges</li> <li>▪ Electricity charges</li> <li>▪ Cleaning costs</li> <li>▪ Agreed contribution to repairs and maintenance</li> </ul> <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> <li>▪ Council rates</li> <li>▪ Standing charges for water</li> <li>▪ Sewerage charges</li> <li>▪ Waste collection</li> <li>▪ Structural maintenance and repairs</li> </ul>

**ITEM 4 - ATTACHMENT 1 HALL COMMITTEE APPENDICIES.****APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE**

<b>Item 1</b>	<b>Name of committee</b>	<b>Hinton School of Arts Committee</b>
<b>Item 2</b>	Purpose of committee	6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.
<b>Item 3</b>	Functions delegated by Council to committee  (Objectives)	<ol style="list-style-type: none"> <li>1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard.</li> <li>2. Undertake the functions of: <ul style="list-style-type: none"> <li>▪ arranging bookings for hire of the hall;</li> <li>▪ receiving and banking fees and charges;</li> <li>▪ arranging cleaning; and</li> <li>▪ providing reports to Council on maintenance requirements.</li> </ul> </li> <li>3. Liaise with Council as to the development, planning and management of Hinton School of Arts.</li> <li>4. Make recommendations to Council on appropriate fees and charges for the use of the facility.</li> <li>5. Provide forward works priorities to Council for consideration and planning of future works.</li> <li>6. Encourage and support the community and/or community groups, to participate in programs benefiting Anna Bay.</li> <li>7. Be an avenue through which Council can engage with the community on matters that affect them.</li> </ol>
<b>Item 4</b>	Restrictions on functions delegated	<p>Any works undertaken will be with the knowledge and approval of the Community and Recreation Coordinator and/or Building Trades Coordinator.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
<b>Item 5</b>	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> <li>▪ Local Government Act 1993</li> <li>▪ Work Health and Safety Act 2011</li> <li>▪ Privacy and Personal Information Protection Act 1998</li> <li>▪ State Records Act 1998</li> <li>▪ PSC 355c Committee Terms of Reference and Appendix</li> <li>▪ PSC Code of Conduct</li> <li>▪ PSC Code of Meeting Practice</li> <li>▪ PSC Access to Information Policy</li> <li>▪ PSC Procurement Policy</li> <li>▪ PSC WHS Statement of Commitment</li> </ul>
<b>Item 6</b>	Term of Committee	September of Council Election each four years. Council to readopt Terms of Reference within three months following election.

## ITEM 4 - ATTACHMENT 1 HALL COMMITTEE APPENDICIES.

<b>Item 7</b>	Maximum number and make up of committee members	Up to fifty (50) General Members.
<b>Item 8</b>	Executive and Advisory members	<p>Three (3) to four (4) Executive Members:</p> <ul style="list-style-type: none"> <li>▪ Chairperson</li> <li>▪ Vice Chairperson</li> <li>▪ Treasurer</li> <li>▪ Secretary</li> </ul> <p>Up to five (5) Advisory Members</p>
<b>Item 9</b>	Councillors	As resolved by Council
<b>Item 10</b>	Council employees	<p>Corporate Services Group  Organisation Support Section Manager  Organisation Support Section  Governance Section  Community and Recreation Coordinator  Building Trades Coordinator  Parks Coordinator  Volunteers Coordinator  Finance Coordinator  Facilities and Services Senior Business Support Advisor  Community and Recreation Asset Officer</p>
<b>Item 11</b>	Name of financial institution and type of account/s	<p>Commonwealth Bank  Society Cheque Account</p>
<b>Item 12</b>	Name of any account operated by the committee	To be amended to Hinton School of Arts Committee, a 355c committee of Port Stephens Council
<b>Item 13</b>	Reporting	<p><b>Financial Record Keeping and Reporting</b></p> <ol style="list-style-type: none"> <li>1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix.</li> <li>2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> <li>a) All committees are covered under Council's Australian Business Number (16744377876).</li> <li>b) Committees are responsible for administering the requirements of GST legislation, that is charging GST on taxable supplies and correctly identifying input tax credits claimable from the Australian Taxation Office.</li> <li>c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).</li> <li>d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by the ATO.</li> </ol> </li> </ol>

Item 13 cont..	Reporting	<p>3. The Treasurer shall be responsible for ensuring:</p> <ul style="list-style-type: none"> <li>a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager.</li> <li>b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee.</li> <li>c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements may choose to report quarterly instead of monthly.) <ul style="list-style-type: none"> <li>i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income, expenditure, GST and reconciliations in a simple format.</li> <li>ii. The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.</li> <li>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</li> </ul> </li> <li>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</li> <li>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</li> <li>f) Issuing of tax invoices.</li> <li>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include: <ul style="list-style-type: none"> <li>▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year.</li> <li>▪ copies of documentation supporting all increases and decreases in any investment accounts.</li> </ul> </li> </ul> <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p>
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Item 13 cont..	Reporting	<p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <ul style="list-style-type: none"> <li>a) Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</li> <li>b) All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</li> <li>c) All committees are required to advise Council of the details of the persons who are authorised signatories of the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</li> <li>d) All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</li> <li>e) The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</li> </ul> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. The financial year shall be the period from the 1 January to 31 December.</p> <p><b>General Reporting</b></p> <ul style="list-style-type: none"> <li>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include: <ul style="list-style-type: none"> <li>▪ Minutes of AGM and Account Signatories.</li> <li>▪ Committee Annual Report - a brief summary of activities and projects undertaken by the committee between 1 January and 31 December, and proposed projects and activities.</li> <li>▪ Updated list of all Members.</li> </ul> </li> </ul>
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Item 13 cont..	Reporting	<p>2. Recommendations for Fees and Charges to be forwarded to Council by 1<sup>st</sup> December each year.</p> <p>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</p> <p>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</p> <p>3. Uninsured Casual Hirers - Committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration. This information is required to be forwarded to Council's Responsible Officer for Volunteers prior to 31 March each year.</p> <ul style="list-style-type: none"> <li>▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year"</i>.</li> <li>▪ Notification to Council should also include a brief description of the type of use on those occasions, eg birthday party, family reunion etc.</li> </ul>
Item 14	Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution	<p>355(c) Committee Terms of Reference adopted by Council 27 October 2015, Minute No 322. Amended Terms of Reference adopted at Council Meeting 9 May 2017, Minute No 106.</p> <p>Schedule to Constitution for Hinton School of Arts Committee adopted 27 March 2001, Minute No. 137. Amended to Hinton School of Arts, Parks &amp; Foreshore Committee at Council meeting 25 September 2012, Minute No, 237.</p> <p>Appendix for Hinton School of Arts, Parks &amp; Foreshore Committee adopted by Council 27 March 2018, Minute No. 068. Amended to Hinton School of Arts Committee 9 June 2020, Minute No. ....</p>
Item 15	Additional clauses or amendments to Terms of Reference or Appendix To be listed in full – body of terms of Reference not to be altered	<p>Clause 16 – Halls</p> <p>The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> <li>▪ Water usage charges</li> <li>▪ Electricity charges</li> <li>▪ Cleaning costs</li> <li>▪ Agreed contribution to repairs and maintenance</li> </ul> <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> <li>▪ Council rates</li> <li>▪ Standing charges for water</li> <li>▪ Sewerage charges</li> <li>▪ Waste collection</li> <li>▪ Structural maintenance and repairs</li> </ul>



**MINUTES ORDINARY COUNCIL - 28 AUGUST 2018****ITEM NO. 6****FILE NO: 18/143022  
EDRMS NO: PSC2017-01586****SERVICE REVIEW - VOLUNTEER MANAGEMENT**

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

**RECOMMENDATION IS THAT COUNCIL:**

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

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

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

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

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

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

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

**MINUTES ORDINARY COUNCIL - 28 AUGUST 2018**

- Fees and charges.

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

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

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

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

**MINUTES ORDINARY COUNCIL - 28 AUGUST 2018**

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

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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

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

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

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

## MINUTES ORDINARY COUNCIL - 28 AUGUST 2018

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

**CONSULTATION**

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

**MINUTES ORDINARY COUNCIL - 28 AUGUST 2018**Internal

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

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

External

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

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

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil

**ITEM NO. 5**

**FILE NO: 20/140440  
EDRMS NO: T08-2020**

**T08-2020 REFURBISHMENT OF LAKESIDE AND TOMAREE AQUATIC CENTRES**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 5 on the Ordinary Council agenda namely T08-2020 REFURBISHMENT OF LAKESIDE AND TOMAREE AQUATIC CENTRES.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
  - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
  - ii) In particular, the report includes confidential pricing information in respect of the T08-2020 REFURBISHMENT OF LAKESIDE AND TOMAREE AQUATIC CENTRES.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision in accordance with Clause 179 of the Local Government (General) Regulation 2005.
- 5) That Council reject all tender submissions for this tender.

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**BACKGROUND**

The purpose of this report is to reject all tender submissions for the tender: T08-2020 Refurbishment of Lakeside and Tomaree Aquatic Centres, as all proposals exceeded the budgetary constraints for this project and specification. Council's existing budget for the project is \$680,000, all comparative tenders received were priced above this amount.

The tender was advertised from 18 March 2020 and closed on 15 April 2020 at 2pm, with a total of 7 submissions received at the close of the tender period. A summary is included at **(ATTACHMENT 1)**.



**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maintain strong financial sustainability.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are significant financial implications if this tender is awarded.

The lowest valued tender submission exceeded the final budget reserved for this project. There was an additional funding expectation from Belgravia Leisure who are the incumbent managing operators of both the Aquatic Centres.

At project initiation, a funding commitment from Belgravia Leisure of \$180,000 was confirmed.

As a result of the COVID-19 pandemic and economic downturn impact, this sum has not been realised from this external source of funding, which renders this project in its current project scope, financially unviable.

Estimated project cost	\$814,000
Budgeted project cost	\$775,000
Revised Budget available	\$595,000 (May 2020, post COVID-19 review)

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no significant legal, policy and risk implications.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the funding for this project is not viable from existing and external funding sources.	High	Request additional funding from Port Stephens Council (due to COVID-19 Financial restrictions, this is not possible nor supported)	No

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Services and Capital Works Section.

Developing project scope, brief in line with community expectations

**Internal**

- Team Leader - Structures and Landscapes - project scoping and definition.
- Community and Recreation Asset Officer - asset maintenance.
- Community and Recreation Coordinator – funding from external sources.

**External**

- Belgravia Leisure - project scoping and definition

**OPTIONS**

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

**ATTACHMENTS**

- 1) CONFIDENTIAL T08-2020 Refurbishment of Lakeside and Tomaree Aquatic Centres - Weighted criteria methodology summary

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 6****FILE NO: 20/137075  
EDRMS NO: A2004-0242****QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2020****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the discretionary changes to the adopted budget as detailed in **(ATTACHMENT 1)** presented as the 2019-2020 Quarterly Budget Review Statement - March 2020.

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**BACKGROUND**

The purpose of this report is to amend the budget by bringing to Council's attention the proposals and issues that have an impact on the 2019-2020 budget, which are detailed in the Quarterly Budget Review Statement – March 2020. This statement sets out the details of variations between Council's original budget and the proposed budget as part of the March 2020 Quarterly Budget Review.

The COVID-19 pandemic has had a significant impact on Council's financial position, with lengthy, detailed analysis across all financial operations undertaken to achieve a level of clarity. The pandemic situation continues to evolve and adjustments to Council's operations may be required to ensure Council's financial health.

Council considered its Integrated Strategic Plans on 14 April 2020 and these plans include the budget estimates for the 2019-2020 financial year.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maintain strong financial sustainability.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council's anticipated underlying result is as follows:

	<b>Surplus (\$)</b>	<b>Deficit (\$)</b>
Budget 2019 - 2020	674,000	
September review	673,000	
December review	944,000	
March review		1,398,000

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**

As can be seen in the Profit and Loss statement within the Quarterly Budget Review (**ATTACHMENT 1**), Council has entered a precarious financial situation which will need to be managed carefully to ensure minimal risk to the organisation and community. There is significant risk attached should Council fail to adapt and adhere to the predicted financial outlook.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the underlying operating result may remain in a deficit for an unforeseeable amount of time.	High	The Long Term Financial Plan will be reviewed regularly to ensure expenditure remains sensible and that revenue is monitored closely.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Council's budget is fundamental for operational sustainability and to the provision of facilities and services to the community. There is a clear budget deficit as a result of the COVID-19 pandemic and this will need to be carefully managed with conservative expenditure at least until the financial outlook improves.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Financial Services Section to discuss the overall financial result for the quarter.

### Internal

- General Manager.
- Executive Team.

- Council at its meeting of 14 May 2020.
- Audit Committee at its meeting of 28 May 2020.

Formal communication and meetings have been held and the recommendation to submit the Quarterly Budget Review for March 2020 to Council for formal adoption was recommended.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) 2019-2020 QBR Report - March 2020. [↓](#)

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.





*"A great lifestyle in a treasured environment"*

**2019 – 2020  
Quarterly Budget Review Statement  
March 2020**

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**1) Executive Summary**

This quarterly budget review has been compiled during period of great uncertainty, not only for Council but for the industry as a whole. While many possible scenarios have and will continue to be modelled, the following summary best represents the current situation as well as it is known.

Financial performance is generally measured through three primary statements. Each are discussed in detail in the attached report. A summary of the predicted outcomes are provided as follows:

**Profit & Loss Statement – operating budget**

Original budget – expected result	\$674k surplus
September 2019 review	\$673k surplus
December 2019 review	\$944k surplus
March 2020 review	(\$1,398k) deficit

The decline of 2,342k is principally due to:

**Reduced income from –**

Holiday Parks	\$2,900k
Parking meters	\$151k
Property sale certificates	\$130k
Investment income	\$213k
Sand extraction royalties / rents	\$650k
	Totalling \$4,044k

**Reduced expenditure from –**

Holiday Parks	\$960k
IT, legal and organisational	\$550k
	Totalling \$1,510k

**Capital Works Program – capital budget**

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

## ITEM 6 - ATTACHMENT 1 2019-2020 QBR REPORT - MARCH 2020.

	Gross	Contribution	Net
Original budget – total spend	\$21,138k	\$5,865k	\$15,273k
September 2019 review	\$69,899k	\$21,395k	\$48,504k
December 2019 review	\$71,119k	\$22,122k	\$48,997k
March 2020 review	\$67,902k	\$23,435k	\$44,467k

The decline of 4,530k is principally due to:

**Reduced program**

IT savings	\$709k
Fleet savings	\$1,157k
PSC2020 deferral	\$4,235k
	\$6,101k

Increased property budget	\$587k
Increased grants – recreation and cultural	\$1,100k
	\$4,414k

The overall program at \$67.9 million is still the largest capital works program ever undertaken by Council.

**Cash Flow**

Original budget – cash projected	\$56,599k
September 2019 review	\$28,239k
December 2019 review	\$27,176k
March 2020 review	\$27,564k

The slight improvement in the anticipated cash position to 30<sup>th</sup> June 2020 is due to the reductions made to discretionary operating expenditure, the reduction to the capital works program for projects deferred being offset by reduced operating income in rates and user charges.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

## **2) Introduction**

Clause 203(1) of the *Local Government (General) Regulation 2005* requires Council's responsible accounting officer to prepare and submit a Quarterly Budget Review Statement (QBRS) to Council. The QBRS must show, by reference to the estimated income & expenditure that is set out in the operational plan, a revised estimate of income and expenditure for the year.

It also requires the QBRS to include a report by the responsible accounting officer as to whether or not the statement indicates Council to be in a satisfactory financial position, with regard to Council's original budget.

Council's operational plan sets out the achievements, goals and revenue policy, including estimates of income and expenditure. The QBRS plays an important role in monitoring Council's progress against the plan and ongoing management of the annual budget.

The QBRS is the mechanism whereby Councillors and the community are informed of Council's progress against the operational plan (original budget) and the recommended changes and reasons for major variances.

The QBRS is composed of the following components:

- Responsible Accounting Officer Statement
- Income & Expenses Budget Review Statement
- Capital Budget Review Statement
- Cash Flow Statement Review
- Budget Review Contracts and Other Expenses

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRS.

### **3) Responsible Accounting Officer's Statement**

The Regulations require that a budget review statement must include or be accompanied by a report as to whether or not the Responsible Accounting Officer (RAO) believes that the QBRS indicates that Council's financial position is satisfactory, having regard to the original estimate of income and expenditure. If Council's financial position is considered by the RAO to be unsatisfactory, then recommendations for remedial action must be included.

The following statement is made in accordance with clause 203(2) of the *Local Government (General) Regulations 2005*.

It is my opinion that the Quarterly Budget Review Statement for Port Stephens Council for the quarter ended 31/03/2020 indicates that Council's projected financial position will not be satisfactory at year-end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure. Efforts have been made to limit discretionary operating expenditure but this is likely to have little impact this late in the financial year. Given the extraordinary circumstances and forced government closures it is considered appropriate to maintain current levels of service and run a deficit budget for the short term.

Name: Tim Hazell

Responsible Accounting Officer, Port Stephens Council

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRS.

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## 4) Income &amp; Expenses Budget Review Statement

Consolidated Income Statement	2020 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2020 Revised Budget	2020 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Rates and Annual Charges	59,087	-	852	-	-	59,939	59,820
User Charges & Fees Income	41,675	-	(695)	4,930	(3,157)	42,753	30,238
Interest & Investment Income	1,421	-	(80)	(69)	(213)	1,059	519
Other Income	6,287	-	606	12	(650)	6,255	4,567
Grants and Cont.	12,356	-	(251)	(21)	(32)	12,052	7,921
Grants and Cont.(Capital)	5,866	7,656	7,874	727	1,313	23,435	9,884
Fair value gains	787	-	-	-	-	787	-
Net Gain on Sale	250	-	1,500	-	-	1,750	1,130
<b>Total Revenue</b>	<b>127,729</b>	<b>7,656</b>	<b>9,806</b>	<b>5,579</b>	<b>(2,739)</b>	<b>148,030</b>	<b>114,079</b>
Employee Costs	46,786	-	703	1,167	(14)	48,642	37,769
Borrowing Costs	767	-	1	133	-	902	459
Materials & Contracts	40,103	-	(50)	1,775	(1,634)	40,194	26,146
Other Expenses	14,387	-	(206)	2,347	(62)	16,466	14,111
Depreciation & Impairment	16,003	-	-	205	-	16,208	12,200
<b>Total Expenditure</b>	<b>118,046</b>	<b>-</b>	<b>448</b>	<b>5,627</b>	<b>(1,710)</b>	<b>122,411</b>	<b>90,685</b>
<b>Operating Surplus/(Deficit) after capital grants</b>	<b>9,682</b>	<b>7,656</b>	<b>9,358</b>	<b>(48)</b>	<b>(1,029)</b>	<b>25,619</b>	<b>23,394</b>
<b>Operating Surplus/(Deficit) before capital grants</b>	<b>3,817</b>	<b>-</b>	<b>1,484</b>	<b>(775)</b>	<b>(2,342)</b>	<b>2,184</b>	<b>13,510</b>
Less: Net Gain on sale	(250)	-	(1,500)	-	-	(1,750)	(1,130)
Less: Fair value (gains) / losses	(787)	-	-	-	-	(787)	-
Less: Newcastle Airport incl GNAP	(4,092)	-	-	1,046	-	(3,046)	(2,082)
Add: NAP Dividend	1,985	-	15	-	-	2,000	2,000
<b>Underlying Operating Surplus/(Deficit)</b>	<b>674</b>	<b>-</b>	<b>(1)</b>	<b>271</b>	<b>(2,342)</b>	<b>(1,398)</b>	<b>12,298</b>

## Notes:

1. Revised Budget = Original Budget +/- approved budget changes in previous quarters.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

## ITEM 6 - ATTACHMENT 1 2019-2020 QBR REPORT - MARCH 2020.

Council's original operating budget for 2019-2020 was incorporated as part of the Integrated Plans and was adopted by Council on 26 June 2019.

This statement sets out the details of variations between Council's original operating budget and the revised budget as part of the March Quarterly Budget Review. This has altered from an original projected underlying surplus of \$673,000 to a deficit of \$1.4m.

Note that for budgetary changes: **F** = favourable budget change, **U** = unfavourable budget change.

REVENUE	Budget Change	
	\$'000	F/U
<b>Rates and Annual Charges</b>	-	-
A cash flow adjustment has been made due to the projected impact from COVID 19 however; no adjustment has been made to the projected income for the year.		
<b>User Charges and Fees</b>	3,157	U
User charges and fees have decreased due to the following reasons <ul style="list-style-type: none"> <li>• Closure of the Holiday Parks – \$2.9m</li> <li>• Reduction in parking meter income – \$151k</li> <li>• Reduction in property sale certificate income – \$130k</li> </ul>		
<b>Grants and Contributions provided for Operating Purposes</b>	32	U
Operating grants and contributions have decreased due to environmental protection grants being carried over to next financial year to the value of \$94k. This has been offset by new grants for rock fishing awareness and illegal dumping.		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

## ITEM 6 - ATTACHMENT 1 2019-2020 QBR REPORT - MARCH 2020.

<b>Interest and Investment Revenue</b>	<b>213</b>	<b>U</b>
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Interest income has reduced due to cuts in the official cash rate by the RBA.

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<b>Other Revenues</b>	<b>650</b>	<b>U</b>
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Other revenue has decreased primarily due to a revision in rent and delays in the receipt of royalties.

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<b>Grants and Contributions provided for Capital Purposes</b>	<b>1,313</b>	<b>F</b>
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Capital grants & contributions have increased primarily due to the following items:

- New recreation and culture amenity upgrade grants - \$1.1m
- New environmental protection grants – \$122k
- New road transport grants – \$150k

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<b>Net Gains from the Disposal of Assets</b>	<b>-</b>	<b>-</b>
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No change.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBR.

## ITEM 6 - ATTACHMENT 1 2019-2020 QBR REPORT - MARCH 2020.

EXPENDITURE	\$'000	Budget Change F/U
<b>Employee Benefits and On-Costs</b>	<b>14</b>	<b>F</b>
Employee benefits and on-costs have decreased primarily due to: <ul style="list-style-type: none"> <li>Reduction in staffing costs due to COVID-19</li> </ul>		
<b>Borrowing Costs</b>	<b>-</b>	<b>-</b>
No change.		
<b>Materials and Contracts</b>	<b>1,634</b>	<b>F</b>
Materials and contracts have been decreased in the following areas: <ul style="list-style-type: none"> <li>Holiday Park closures - \$960k</li> <li>IT, Legal &amp; Human Resources - \$550k</li> <li>Community &amp; Development - \$30k</li> <li>Environmental protection costs have been carried over to next financial year - \$94k</li> </ul>		
<b>Other Expenses</b>	<b>62</b>	<b>F</b>
Other expenses have been decreased in the following areas: <ul style="list-style-type: none"> <li>Levies to Crown Lands have been reduced due to the Holiday Park closures</li> </ul>		
<b>Depreciation, Amortisation and Impairment</b>	<b>-</b>	<b>-</b>
No change.		

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

## 5) Capital Budget Review Statement

Consolidated - Summary	2020 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2020 Revised Budget	2020 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Grants and Cont.(Capital)	5,866	7,656	7,874	727	1,313	23,435	9,884
<b>Total Receipts</b>	<b>5,866</b>	<b>7,656</b>	<b>7,874</b>	<b>727</b>	<b>1,313</b>	<b>23,435</b>	<b>9,884</b>
Capital Equipment & Contracts	21,138	18,785	29,476	1,220	(3,817)	66,802	31,474
Property Acquisition & Development	-	-	500	-	600	1,100	1,048
<b>Total Payments</b>	<b>21,138</b>	<b>18,785</b>	<b>29,976</b>	<b>1,220</b>	<b>(3,217)</b>	<b>67,902</b>	<b>32,522</b>
<b>Capital Surplus/(Deficit)</b>	<b>(15,273)</b>	<b>(11,129)</b>	<b>(22,102)</b>	<b>(493)</b>	<b>4,530</b>	<b>(44,467)</b>	<b>(22,638)</b>

This statement sets out the details of variations between Council's original capital budget and revised capital budget. There are budgetary changes proposed which result in a net decrease in the capital program to the value of \$4.5m.

Note that for budgetary changes: **F** = favourable budget change, **U** = unfavourable budget change.

INCOME	\$'000	Budget Change F/U
<b>Capital Grants &amp; Contributions</b>	<b>1,313</b>	<b>F</b>

Capital grants & contributions have increased primarily due to the following items:

- New recreation and culture amenity upgrade grants - \$1.1m
- New environmental protection grants – \$122k
- New road transport grants – \$150k

## ITEM 6 - ATTACHMENT 1 2019-2020 QBR REPORT - MARCH 2020.

EXPENDITURE	\$'000	Budget Change F/U
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<b>Property Acquisition and Development</b>	<b>600</b>	<b>U</b>
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Property acquisition and development expenses have increased due to the commercial development at 795 Medowie Road.

<b>Capital Equipment and Contracts</b>	<b>3,817</b>	<b>F</b>
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Capital materials and contracts have been decreased in the following areas:

- Fleet upgrades – \$1.1M
- Library book replacement – \$61k
- IT and Admin Building upgrades – \$720k
- Waste transfer station upgrades - \$95k
- Road and town centre upgrades – \$2.4m
- Drainage works – \$280k
- Open space upgrades - \$1.2m

Capital materials and contracts have been increased in the following areas due to grant income or brought forward due to timing:

- Holiday Parks - \$400k
- Foreshore erosion improvements – \$122k
- Road black spot projects – \$150k
- Drainage works - \$500k
- Sports amenity upgrades – \$850k

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.



## ITEM 6 - ATTACHMENT 1 2019-2020 QBR REPORT - MARCH 2020.

The capital works program by section is as follows:

Consolidated - Detailed	2020 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2020 Revised Budget	2020 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Capital Funding</b>							
Capital Grants & Contributions	5,866	7,656	7,874	727	1,313	23,435	9,884
<b>Total Capital Funding</b>	<b>5,866</b>	<b>7,656</b>	<b>7,874</b>	<b>727</b>	<b>1,313</b>	<b>23,435</b>	<b>9,884</b>
<b>Capital Expenditure</b>							
<b>Corporate Services Group</b>							
<b>Commercial Property Reserve &amp; Cluster Plan</b>							
Fingal Bay Holiday Park	519	-	295	-	(409)	405	273
Halifax Holiday Park	2,705	-	(634)	-	(55)	2,016	1,895
Shoal Bay Holiday park	2,243	-	(118)	-	(244)	1,881	1,737
Thou Walla Sunset Retreat	-	-	348	-	(243)	105	44
TreEscape	395	-	6,249	-	1,354	7,998	5,408
Office and Chambers	-	-	-	-	-	-	-
Property Development	-	-	500	-	600	1,100	1,049
Property Section Manager	-	-	-	-	-	-	-
Property Investments	-	-	1,921	-	(13)	1,908	1,919
<b>Commercial Property Total</b>	<b>5,862</b>	<b>-</b>	<b>8,560</b>	<b>-</b>	<b>990</b>	<b>15,412</b>	<b>12,325</b>
Business Improvement Technology	650	491	-	-	(709)	432	269
<b>Corporate Services Group Total</b>	<b>6,512</b>	<b>491</b>	<b>8,560</b>	<b>-</b>	<b>281</b>	<b>15,844</b>	<b>12,594</b>

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

**ITEM 6 - ATTACHMENT 1      2019-2020 QBR REPORT - MARCH 2020.**

Consolidated - Detailed	2020 Original Budget	Budget revotes & carry forwards	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	2020 Revised Budget	2020 YTD Actuals
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Facilities and Services</b>							
<b>Assets</b>							
Fleet Maintenance	1,394	-	486	-	(1,157)	723	648
Drainage and Flooding	1,330	320	(1,030)	-	223	843	1,000
<b>Assets Total</b>	<b>2,724</b>	<b>320</b>	<b>(544)</b>	<b>-</b>	<b>(934)</b>	<b>1,566</b>	<b>1,648</b>
<b>Community Services</b>							
Domestic Waste Management	-	377	-	-	(95)	282	8
Library Services	250	-	-	-	(62)	188	185
<b>Community Services</b>	<b>250</b>	<b>377</b>	<b>-</b>	<b>-</b>	<b>(157)</b>	<b>470</b>	<b>193</b>
<b>Capital Works</b>							
Capital Works Construction	6,149	17,597	21,960	1,220	(2,407)	44,519	18,087
<b>Capital Works Total</b>	<b>6,149</b>	<b>17,597</b>	<b>21,960</b>	<b>1,220</b>	<b>(2,407)</b>	<b>44,519</b>	<b>18,087</b>
<b>Facilities and Services Total</b>	<b>9,123</b>	<b>18,294</b>	<b>21,415</b>	<b>1,220</b>	<b>(3,498)</b>	<b>46,555</b>	<b>19,928</b>
Newcastle Airport	5,503	-	-	-	-	5,503	-
<b>Total Capital Expenditure</b>	<b>21,138</b>	<b>18,785</b>	<b>29,976</b>	<b>1,220</b>	<b>(3,217)</b>	<b>67,902</b>	<b>32,522</b>
<b>Net Outlay</b>	<b>15,273</b>	<b>11,129</b>	<b>22,102</b>	<b>493</b>	<b>(4,530)</b>	<b>44,467</b>	<b>22,638</b>

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

## 6) Reserve Balances

7) This statement sets out the budgeted reserve balances and funding source changes.

Reserves	Opening Balance	Original Transfers in / (out)	Rollover Transfers	Transfers between	Budget Revision Sept Qtr	Budget Revision Dec Qtr	Budget Revision Mar Qtr	Closing
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Developer contributions	19,827	3,837	(190)	(17,970)	-	-	(319)	5,185
Domestic Waste	6,537	(602)	(1,613)	(145)	-	-	24	4,201
Crown Reserves	3,160	(5,125)	(240)	2,800	1,838	(80)	(1,013)	1,341
Specific Purpose Unexpended Grants Reserve	148	1,663	(526)	-	(395)	-	(37)	853
Administration Building Reserve	764	(161)	-	-	-	-	-	604
Asset Rehabilitation Reserve	842	(330)	(842)	25	29	280	328	332
Commercial Properties Reserve	2,735	1,191	-	(116)	(6,076)	-	2,421	155
Drainage Reserve	-	(946)	(320)	-	1,280	-	(13)	0
Election Reserve	200	200	-	-	-	-	-	400
Fleet Reserve	21	372	-	-	(486)	-	1,153	1,060
IT Reserve	-	(166)	(491)	-	-	-	709	52
Other Waste Services Reserve	767	(295)	(216)	145	(60)	-	71	412
Parking Meters Reserve	160	112	-	300	-	-	-	572
Roads / Environmental Reserve	-	-	-	-	-	-	-	-
Unexpended Loan Funds Reserve	-	13,628	(2,428)	(2,000)	(8,718)	-	589	1,071
Federal Assistance Grant in Advance Reserve	3,393	(3,393)	-	-	-	-	-	-
Ward Funds Reserve	19	-	(166)	116	-	-	50	19
Unspent Insurance Proceeds Reserve	-	138	(138)	-	-	-	-	-
Repealed Funds Reserve	25	(250)	(3,476)	16,845	(9,454)	(1,400)	854	3,144
Newcastle Airport	16,669	(9,458)	-	-	-	-	-	7,211
Sustainable energy and water reserve	125	-	-	-	-	-	-	125
Community Loans	200	-	-	-	-	-	-	200
Section 355C committees	728	-	-	-	-	-	-	728

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

**ITEM 6 - ATTACHMENT 1      2019-2020 QBR REPORT - MARCH 2020.**

<b>Total</b>	<b>56,322</b>	<b>416</b>	<b>(10,645)</b>	<b>-</b>	<b>0</b>	<b>(22,042)</b>	<b>(1,200)</b>	<b>4,815</b>	<b>27,665</b>
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The changes in funding sources are due to the changes in the capital works program. In addition, a portion of the Birubi Tourism Interchange funding has been swapped between the crown and repealed funds reserve.

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

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## ITEM 6 - ATTACHMENT 1 2019-2020 QBR REPORT - MARCH 2020.

7) Cash Flow Statement (Consolidated)	Original Budget	Revotes & Carried Forward	Budget Revision Sept	Budget Revision Dec	Budget Revision Mar	Revised Budget
Cash Flows from Operating Activities	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Receipts:</b>						
Rates and Annual Charges	58,559	-	852	-	(1,800)	57,611
User Charges & Fees Income	41,682	-	(695)	4,930	(3,157)	42,760
Interest & Investment Revenue Received	1,421	-	(80)	(69)	(213)	1,059
Other	6,297	-	621	12	(650)	6,280
Grants and Contributions	16,063	7,656	7,623	706	1,281	33,328
<b>Payments:</b>						
Employee Benefits & On-Costs	(48,815)	-	(703)	(1,167)	14	(50,671)
Borrowing Costs	(767)	-	(1)	(133)	-	(901)
Materials & Contracts	(40,133)	-	50	(1,775)	1,634	(40,224)
Other	(10,255)	-	206	(2,347)	62	(12,334)
<b>Net Cash provided (or used in) Operating Activities</b>	<b>24,052</b>	<b>7,656</b>	<b>7,873</b>	<b>157</b>	<b>(2,829)</b>	<b>36,909</b>
<b>Cash Flows from Investing Activities</b>						
<b>Receipts:</b>						
Proceeds from disposal of Property Plant & Equipment	250	-	-	-	-	250
Proceeds from development & land sales	-	-	1,800	-	-	1,800
<b>Payments:</b>						
Purchase of Infrastructure, Property Plant & Equipment	(21,138)	(18,785)	(29,976)	(1,220)	3,217	(67,902)
<b>Net Cash provided (or used in) Investing Activities</b>	<b>(20,888)</b>	<b>(18,785)</b>	<b>(28,176)</b>	<b>(1,220)</b>	<b>3,217</b>	<b>(65,852)</b>
<b>Cash Flows from Financing Activities</b>						
<b>Receipts:</b>						
Proceeds from borrowings	6,500	-	4,500	-	-	11,000
<b>Payments:</b>						
Repayment of Borrowings & Advances	(3,302)	-	(1,428)	-	-	(4,730)
<b>Net Cash provided (or used in) Financing Activities</b>	<b>3,198</b>	<b>-</b>	<b>3,072</b>	<b>-</b>	<b>-</b>	<b>6,270</b>
Net Increase/(Decrease) in Cash & Cash Equivalents	6,362	(11,129)	(17,231)	(1,063)	388	(22,673)
plus: Cash & Investments - beginning of year (*)	50,237	-	-	-	-	50,237
<b>Cash &amp; Investments - end of the year</b>	<b>56,599</b>	<b>(11,129)</b>	<b>(17,231)</b>	<b>(1,063)</b>	<b>388</b>	<b>27,564</b>

\* - opening balance adjustment made to reflect 30 June 2019 actual closing balance

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

### **Cash Flow Statement Funding Reconciliation**

The 'Recommended Changes to Budget' in the March QBR constitute an overall decrease in Council's Cash Flow position by \$388k (favourable) after the use of internal reserves and external funding sources are factored in.

PSC is clearly solvent based on the current and estimated cash position from the review changes. PSC's current cash position as per the March investment report was \$34m.

### **8) Budget Review Contracts and Other Expenses**

Councillors are currently made aware of tenders of \$250,000 or more in accordance with legislation. However, Councillors should be made aware of other material contracts entered into by Council and details of other expenses that are of particular interest. To this end, a contract listing and details of legal fees and consultancy expenses are included in the QBRS.

Part A lists contracts (other than employment contracts and contracts entered into from Council's preferred suppliers list) that:

- Were entered into during the quarter ending 31/03/2020; and
- Have a value equal to or more than \$50,000.

Part B of the report shows expenditure year to date at 31/03/2020 for:

- Consultancies
- Legal fees

For the purposes of this report, a consultancy is defined as a person or organisation engaged under contract on a temporary basis to provide recommendation or high level specialist or professional advice to assist decision making by management.

**Part A**  
**Contracts Listing**

Contractor	Contract Details and Purpose	Contract Value Inc GST	Commencement date	Contract end date	Budgeted (Y/N)
GLEESON CIVIL ENGINEERING PTY LTD	Mt Kanwary Public School - Carpark Upgrade	185,502.24	08/01/2020	31/05/2020	Y
CREATIVE RECREATION SOLUTIONS PTY	Supply and Construct Multicourt - Fern Bay	165,296.44	13/01/2020	31/03/2020	Y
ARA ELECTRICAL HIGH VOLTAGE SERVICES	Upgrade Street Lighting - Jimmy Scott Bridge Seaham	98,909.80	08/01/2020	31/03/2020	Y
TRACT CONSULTANTS PTY LTD	Raymond Terrace Public Domain Plan	87,450.00	20/02/2020	30/06/2020	Y
REINO INTERNATIONAL PTY LTD	Upgrading of 17 Parking Meters	86,328.00	04/03/2020	31/03/2020	Y
COLAS NEW SOUTH WALES PTY LTD	Tomaree Road Shoal Bay - Supply Deliver and Lay	83,742.29	03/02/2020	30/06/2020	Y
ALL KERBS & CONCRETE PTY LTD	Salt Ash Roundabout Upgrade - Concrete Path Vardon Road, Fern Bay - Supply Deliver and Lay	65,566.45	23/01/2020	30/06/2020	Y
DOWNER EDI WORKS PTY LTD	Nelson Bay Carpark Demolition - T15-2019 - Variation to the contract	64,880.42	20/02/2020	27/03/2020	Y
INTEGRATED CONSTRUCTION EQUIPMENT PTY	Variation order 02 - T13-2019 Koala Sanctuary	62,431.60	28/01/2020	3/03/2020	Y
UNDERCOVER CANVAS PTY LTD	Variation Order 08 - Koala Sanctuary T10-2019 Chan	61,798.00	24/03/2020	31/10/2020	Y
NORTH CONSTRUCTION & BUILDING PTY LTD	Salt Ash Roundabout Upgrade - Surveying Day Work	60,167.25	24/03/2020	31/10/2020	Y
DE WITT CONSULTING	2019 Engagement Survey	59,430.80	03/02/2020	30/06/2020	Y
HEWITT ASSOCIATES PTY LTD		51,700.00	10/01/2020	3/02/2020	Y

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.



**Part B****Consultancy & Legal Expenses**

Expense	Expenditure YTD (\$)	Budgeted (Y/N)
Consultancies	510,541	Y
Legal Fees	311,076	Y

A breakdown of expenditures is as follows:

**Consultancies**

Bushland regeneration	49,950
Development cont.	48,864
Smart City	45,909
Coaching	40,500
Service Review	22,000
Flooding	20,801
Plans of management	27,600
WHS program	13,011
Drainage	23,998
African Violet	14,900
IT systems	24,506
Place management	5,716
Heritage program	5,496
Annual report	5,950
Other	161,340

**Legal Fees**

Litigation	252,740
General	58,509

This document forms part of Port Stephens Council's Quarterly Budget Review Statement for the quarter ended 31/03/2020 and should be read in conjunction with other documents in the QBRs.

**ITEM NO. 7****FILE NO: 20/105244  
EDRMS NO: PSC2005-4245****TEMPORARY SOCIAL HOUSING AT COUNCIL'S HOLIDAY PARKS****REPORT OF: KIM LATHAM - HOLIDAY PARKS SECTION MANAGER  
GROUP: CORPORATE SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the report.
- 

**BACKGROUND**

At the Ordinary Council Meeting of 14 April 2020, Council requested staff investigate the use of the holiday parks (ensuite cabins) to provide emergency crisis accommodation on a temporary basis to people affected by the COVID-19 pandemic (**ATTACHMENT 1**). The initial request from the Rotary Club of Salamander suggested Council may be in a position to assist community service providers with cabin accommodation in Council's holiday parks while they remain closed as a result of the public health order released on Thursday 26 March 2020.

Council officers have contacted several state government departments and community support services to better understand the requirements that surround these situations and to discuss support options that may be available. Advice received to date from Hume Housing, the community housing provider that delivers housing assistance in the Port Stephens LGA, confirms that most current clients are in need of short term accommodation in the hope of establishing a rental history and ongoing housing through normal rental channels.

Council can offer emergency accommodation should it be required until the current Public Health Order is revoked and holiday/caravan parks can return to normal operations.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Community Partnerships	Assist community service providers to effectively deliver services in the region.

**FINANCIAL/RESOURCE IMPLICATIONS**

Financial implications from adopting this recommendation would be moderate with a commercial risk to Council should we provide emergency accommodation with COVID-19 restrictions predicted to be lifted within weeks. The weekly tariffs paid by community service providers in return for emergency accommodation is significantly less than the Holiday Parks low season rates.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal implications associated with this recommendation, however, there are risk implications associated with Council's reputation should the recommendation not be adequately considered. Further risks identified include the restrictive nature of accommodation within Councils Holiday Parks.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk to Council's reputation if support is not provided if requested.	Low	Adopt the recommendation.	Yes
There is a risk that guests placed at our Holiday Parks by support services may find the Park rules restrictive.	Low	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The temporary nature of the accommodation that the Holiday Parks do not provide Hume Housing's clients with the necessary rental history that they need to obtain more permanent accommodation in the future.

There may be broader economic implications should the Holiday Parks fail to realise or recover our expected commercial return once COVID-19 restrictions are lifted and Holiday Parks return to normal business operations.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Holiday Parks Section to pursue this recommendation.

### Internal

- Community Development and Engagement.
- Communications Section.
- Financial Services Section Manager.

### External

- Salvation Army.
- Hume Housing.
- Department of Community and Justice.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Minute No. 044 - 14 April 2020. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 14 APRIL 2020****MAYORAL MINUTE****ITEM NO. 1****FILE NO: 20/84124  
EDRMS NO: PSC2015-01024****COVID-19 PORT STEPHENS RECOVERY RESPONSE****THAT COUNCIL:**

- 1) Support and endorse the following:
  - a. Acknowledge the profound affect the COVID-19 is having and will continue to have on the Port Stephens Community.
  - b. Commit to unwavering support of the Port Stephens Community through the response, recovering and restart of the Port Stephens community and economy.
  - c. Local procurement:
    - i. An extra 10% weighting towards local businesses through Council's procurement process until 30 June 2021.
    - ii. A commitment to pay local Port Stephens supplier invoices within 7 days.
  - d. Financial hardship:
    - i. Provide an easy to use online platform for individuals and businesses to register their intent to claim financial hardship on rates, licences, fees and leases.
    - ii. Provide a 12 month interest free period for outstanding rates in Q4 2020 and Q1 2021 where hardship arrangements have been claimed with no debt recovery during this period.
  - e. Kerbside pickup:
    - i. Investigate the provision of 1 additional free kerbside pickup for green waste, between 14 April 2020 to 30 June 2021.
  - f. Grants program:
    - i. Realign Port Stephens Council grants program to fund programs that support individuals and organisations through the COVID-19 crisis. This would be to support those suffering and support initiatives to restart Port Stephens.
    - ii. Note that Council's grants program, including Ward and Mayoral funds, is \$300,000 per annum.
  - g. Business and tourism support package:
    - i. Reaffirm Council's commitment of up to \$500,000 for business support, marketing and events package.
  - h. Library services:
    - i. Investigate the expansion of E-Library services through our partners at Newcastle Library.
    - ii. Not charge library late fees until 30 June 2021.

**MINUTES ORDINARY COUNCIL - 14 APRIL 2020**

- i. Community services:
  - i. The annual rent for the Tomaree Neighbourhood Centre Inc. of \$11,300 be waived for 12 months, to be funded by Library Services operations.
- j. Community commitments:
  - i. Reaffirm support for the 24/7 deliveries for supermarkets & essential suppliers across Port Stephens.
  - ii. Support the introduction of dedicated public car parking spaces at Port Stephens pharmacies and medical facilities.
  - iii. Support the easing of restrictions to allow cafes and restaurants to trade now through take away and delivery only.
  - iv. Reaffirm support for the closures of public spaces across Port Stephens to slow the spread of COVID-19.
- k. Holiday Parks:
  - i. Investigate the use of our holiday parks (ensuite cabins) as a facility to temporarily house the most vulnerable in our community during the COVID-19 crisis. This would be whilst the State Government has directed them to be closed for non-essential purposes.
  - ii. Acknowledge the NSW Health Department advice that holiday travel is not essential travel and must not be undertaken.
- l. Boat Ramps:
  - i. Investigate, with Emergency Services, the opening of public boat ramps to Port Stephens residents only from 27 April 2020.
- m. Community Response Plan:
  - i. Request the General Manager to prepare a Community Recovery plan for future Council consideration.
- n. PS 2020 Projects:
  - i. That the following PS 2020 projects be identified for deferral or reduction to assist Council's financial position during the COVID-19 crisis:

Nelson Bay Event Signage	\$20,000 project deferred
Shoal Bay Drainage, Amenities and Pathway	\$150,000 from budget
Tomaree Sports Complex	\$250,000 from budget
Anna Bay Town Centre	\$170,000 from budget
Medowie Town Centre	\$150,000 from budget
Avenue of the Allies	\$100,000 from budget
Raymond Terrace Town Centre Improvements	\$250,000 from budget
Fern Bay Shared Pathway	\$170,000 from budget
<b>Total</b>	<b>\$1,260,000</b>

**MINUTES ORDINARY COUNCIL - 14 APRIL 2020****ORDINARY COUNCIL MEETING - 14 APRIL 2020  
MOTION**

<b>044</b>	<p><b>Mayor Ryan Palmer</b> <b>Councillor Glen Dunkley</b></p> <p>It was resolved that Council support and endorse the following:</p> <ul style="list-style-type: none"><li>a. Acknowledge the profound affect the COVID-19 is having and will continue to have on the Port Stephens Community.</li><li>b. Commit to unwavering support of the Port Stephens Community through the response, recovering and restart of the Port Stephens community and economy.</li><li>c. Local procurement:<ul style="list-style-type: none"><li>i. An extra 10% weighting towards local businesses through Council's procurement process until 30 June 2021.</li><li>ii. A commitment to pay local Port Stephens supplier invoices within 7 days.</li></ul></li><li>d. Financial hardship:<ul style="list-style-type: none"><li>i. Provide an easy to use online platform for individuals and businesses to register their intent to claim financial hardship on rates, licences, fees and leases.</li><li>ii. Provide a 12 month interest free period for outstanding rates in Q4 2020 and Q1 2021 where hardship arrangements have been claimed with no debt recovery during this period.</li></ul></li><li>e. Kerbside pickup:<ul style="list-style-type: none"><li>i. Investigate the provision of 1 additional free kerbside pickup for green waste, between 14 April 2020 to 30 June 2021.</li></ul></li><li>f. Grants program:<ul style="list-style-type: none"><li>i. Realign Port Stephens Council grants program to fund programs that support individuals and organisations through the COVID-19 crisis. This would be to support those suffering and support initiatives to restart Port Stephens.</li><li>ii. Note that Council's grants program, including Ward and Mayoral funds, is \$300,000 per annum.</li></ul></li><li>g. Business and tourism support package:<ul style="list-style-type: none"><li>i. Reaffirm Council's commitment of up to \$500,000 for business support, marketing and events package.</li></ul></li><li>h. Library services:<ul style="list-style-type: none"><li>i. Investigate the expansion of E-Library services through our partners at Newcastle Library.</li><li>ii. Not charge library late fees until 30 June 2021.</li></ul></li><li>i. Community services:</li></ul>
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## MINUTES ORDINARY COUNCIL - 14 APRIL 2020

	i. The annual rent for the Tomaree Neighbourhood Centre Inc. of \$11,300 be waived for 12 months, to be funded by Library Services operations.
	j. Community commitments:
	i. Reaffirm support for the 24/7 deliveries for supermarkets & essential suppliers across Port Stephens.
	ii. Support the introduction of dedicated public car parking spaces at Port Stephens pharmacies and medical facilities.
	iii. Support the easing of restrictions to allow cafes and restaurants to trade now through take away and delivery only.
	iv. Reaffirm support for the closures of public spaces across Port Stephens to slow the spread of COVID-19.
	k. Holiday Parks:
	i. Investigate the use of our holiday parks (ensuite cabins) as a facility to temporarily house the most vulnerable in our community during the COVID-19 crisis. This would be whilst the State Government has directed them to be closed for non-essential purposes.
	ii. Acknowledge the NSW Health Department advice that holiday travel is not essential travel and must not be undertaken.
	l. Boat Ramps:
	i. Investigate, with Emergency Services, the opening of public boat ramps to Port Stephens residents only from 27 April 2020.
	m. Community Response Plan:
	i. Request the General Manager to prepare a Community Recovery plan for future Council consideration.
	n. PS 2020 Projects:
	i. That the following PS 2020 projects be identified for deferral or reduction to assist Council's financial position during the COVID-19 crisis:
	Nelson Bay Event Signage \$20,000 project deferred
	Shoal Bay Drainage, Amenities and Pathway \$150,000 from budget
	Tomaree Sports Complex \$250,000 from budget
	Anna Bay Town Centre \$170,000 from budget
	Medowie Town Centre \$150,000 from budget
	Avenue of the Allies \$100,000 from budget
	Raymond Terrace Town Centre \$250,000 from budget
	Improvements
	Fern Bay Shared Pathway \$170,000 from budget
	<b>Total \$1,260,000</b>

The motion was carried.

**MINUTES ORDINARY COUNCIL - 14 APRIL 2020****ORDINARY COUNCIL MEETING - 14 APRIL 2020  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council reaffirm Council's commitment to the PS2020 Projects, acknowledging our promises to the community that these projects would be undertaken, and acknowledging the fact that construction work is one of the best ways to stimulate an economy, keep people in jobs, and allow families to put food on the table, and that it would be an absolute disgrace for Council to pull this funding when the community and local economy need it the most.</p>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 14 APRIL 2020  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott Mayor Ryan Palmer</b></p> <p>That Council support and endorse the following:</p> <ul style="list-style-type: none"><li>a. Acknowledge the profound affect the COVID-19 is having and will continue to have on the Port Stephens Community.</li><li>b. Commit to unwavering support of the Port Stephens Community through the response, recovering and restart of the Port Stephens community and economy.</li><li>c. Local procurement:<ul style="list-style-type: none"><li>i. An extra 10% weighting towards local businesses through Council's procurement process until 30 June 2021.</li><li>ii. A commitment to pay local Port Stephens supplier invoices within 7 days.</li></ul></li><li>d. Financial hardship:<ul style="list-style-type: none"><li>i. Provide an easy to use online platform for individuals and businesses to register their intent to claim financial hardship on rates, licences, fees and leases.</li><li>ii. Provide a 12 month interest free period for outstanding rates in Q4 2020 and Q1 2021 where hardship arrangements have been claimed with no debt recovery during this period.</li></ul></li><li>e. Kerbside pickup:<ul style="list-style-type: none"><li>i. Investigate the provision of 1 additional free kerbside pickup for green waste, between 14 April 2020 to 30 June 2021.</li></ul></li></ul>
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**MINUTES ORDINARY COUNCIL - 14 APRIL 2020**

- f. Grants program:
  - i. Realign Port Stephens Council grants program to fund programs that support individuals and organisations through the COVID-19 crisis. This would be to support those suffering and support initiatives to restart Port Stephens.
  - ii. Note that Council's grants program, including Ward and Mayoral funds, is \$300,000 per annum.
- g. Business and tourism support package:
  - i. Reaffirm Council's commitment of up to \$500,000 for business support, marketing and events package.
- h. Library services:
  - i. Investigate the expansion of E-Library services through our partners at Newcastle Library.
  - ii. Not charge library late fees until 30 June 2021.
- i. Community services:
  - i. The annual rent for the Tomaree Neighbourhood Centre Inc. of \$11,300 be waived for 12 months, to be funded by Library Services operations.
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- l. Boat Ramps:
  - i. Investigate, with Emergency Services, the opening of public boat ramps to Port Stephens residents only from 27 April 2020.
- m. Community Response Plan:
  - i. Request the General Manager to prepare a Community Recovery plan for future Council consideration.
- n. PS 2020 Projects:

**MINUTES ORDINARY COUNCIL - 14 APRIL 2020**

	<p>i. That the following PS 2020 projects be identified for deferral or reduction to assist Council's financial position during the COVID-19 crisis:</p> <table data-bbox="478 403 1244 795"> <tr> <td>Nelson Bay Event Signage</td><td>\$20,000 project deferred</td></tr> <tr> <td>Shoal Bay Drainage, Amenities and Pathway</td><td>\$150,000 from budget</td></tr> <tr> <td>Tomaree Sports Complex</td><td>\$250,000 from budget</td></tr> <tr> <td>Anna Bay Town Centre</td><td>\$170,000 from budget</td></tr> <tr> <td>Medowie Town Centre</td><td>\$150,000 from budget</td></tr> <tr> <td>Avenue of the Allies</td><td>\$100,000 from budget</td></tr> <tr> <td>Raymond Terrace Town Centre Improvements</td><td>\$250,000 from budget</td></tr> <tr> <td>Fern Bay Shared Pathway</td><td>\$170,000 from budget</td></tr> <tr> <td><b>Total</b></td><td><b>\$1,260,000</b></td></tr> </table> <p>o. Council will allow one volunteer at a time to enter the Ngioka Centre, in order to maintain and tend to numerous plants and systems in place.</p>	Nelson Bay Event Signage	\$20,000 project deferred	Shoal Bay Drainage, Amenities and Pathway	\$150,000 from budget	Tomaree Sports Complex	\$250,000 from budget	Anna Bay Town Centre	\$170,000 from budget	Medowie Town Centre	\$150,000 from budget	Avenue of the Allies	\$100,000 from budget	Raymond Terrace Town Centre Improvements	\$250,000 from budget	Fern Bay Shared Pathway	\$170,000 from budget	<b>Total</b>	<b>\$1,260,000</b>
Nelson Bay Event Signage	\$20,000 project deferred																		
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Fern Bay Shared Pathway	\$170,000 from budget																		
<b>Total</b>	<b>\$1,260,000</b>																		

The amendment was lost.

**BACKGROUND**

To date, Council has continued its operations to ensure as little disruption to community services as possible, while ensuring the health and wellbeing of employees and members of the public.

The community and our employees are being provided with regular updates on the emerging COVID-19 situation, as well as key messaging surrounding personal hygiene, social distancing and leave arrangements available to staff should they or Council be directly impacted by the pandemic.

Council staff are maintaining regular contact with NSW Health representatives to ensure a consistent approach and that the requests of NSW Health and Emergency Services are being met. In an emergency management context, Council has provided copies of our emergency management plan and provided details of Council facilities that could be used if required by the Department of Health. The Local Emergency Management Committee has been holding regular meetings and is prepared to respond as directed.

Council's internal Business Continuity Pandemic Response Team has been convened and is meeting regularly to ensure business continuity across the organisation. This team has revised its emergency pandemic response plan for each section of Council to ensure a consistent approach across all of Council's services. Section managers and coordinators have implemented arrangements to enable those staff with the capacity to undertake meaningful work from home, to do so.

**MINUTES ORDINARY COUNCIL - 14 APRIL 2020**

Council will continue to implement reasonable and pragmatic approaches to compliance for selected matters as they arise throughout this time. This includes adherence to NSW Government directives and changing legislation to enable truck deliveries to supply shops and retailers with essential goods at all times to support communities.

The following specific information is provided to assist Council deliberation on the Mayoral minute:

c. Local procurement

- i. Council's current policy provides for a local preference price differential of the annual rate peg factor, currently 2.6%, in favour of Port Stephens based suppliers. This can be extended to 12.6% for the duration of the crisis with a sunset clause of 30 June 2021.
- ii. All local suppliers are currently paid on a 7 term payment term and this will continue to be Council's practice.

d. Financial hardship

- i. Access to financial hardship forms and assistance is now available on-line and will be communicated widely through the on-line platform.
- ii. Council's current Debt Recovery and Hardship Policy provides for interest to be written off where financial hardship has been granted – the policy will continue to be applied as required.

e. Kerbside pickup

- i. The provision of 1 additional free green waste collection will be further investigated.
- ii. That the cost of the subsidy would be funded from the Waste Management Fund.

f. Grants program

- i. Council's current normal grant program will be reviewed to ensure that it aligns to providing support to individuals and organisations coming out of the current COVID-19 crisis. This will commence in the new 2020/2021 financial year.

g. Business and tourism support package

- i. The extent and timing of the provision of a business support package is continuing to be fine-tuned as the COVID-19 crisis unfolds and will be considered within available cash flow forecasts.

h. Library services

- i. E-library expansion will be further investigated and costed.
- ii. Council has currently extended the book return time and it is considered appropriate to provide a moratorium on imposing late fees until June 2021.

i. Community services

- i. The annual rental for the Tomaree Neighbourhood and Community Centre is approximately \$11,300.

**MINUTES ORDINARY COUNCIL - 14 APRIL 2020**

- ii. Rental from tenants helps to fund the operations of the library service.
- k. Holiday Parks
  - i. Further investigation into the alternate use of the Holiday Park accommodation or a version of social housing will be made and a further report presented to Council.
- l. Boat Ramps
  - i. There has been significant feedback from fisherman on the continued use of Council's boat ramps for recreational purposes. This has been balanced with the need to deter visitors to the region for non-essential purposes. A review following the school holiday period can be undertaken.
- m. Community Response Plan
  - i. A community response plan is being prepared that undertakes a COVID-19 pandemic social impact assessment which informs Council's immediate response and long term rebuilding approach to community wellbeing. This plan will be reported to Council in due course for endorsement.
- n. PS 2020 Projects
  - i. Re-scoping the identified reduced PS 2020 projects will be undertaken.

**ATTACHMENTS**

Nil.

**ITEM NO. 8****FILE NO: 20/141815  
EDRMS NO: PSC2016-00354****POLICY REVIEW: TOURISM POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the submissions received during the public exhibition period **(ATTACHMENT 2)**.
  - 2) Endorse the revised Tourism Policy **(ATTACHMENT 1)**.
  - 3) Revoke the Tourism Policy dated 11 July 2017 (Minute No. 165).
- 

**BACKGROUND**

The purpose of this report is to present to Council the submissions received during the public exhibition period and to seek Council adoption of the revised Tourism Policy (the 'policy') **(ATTACHMENT 1)**.

Council resolved at its meeting on 25 February 2020 **(ATTACHMENT 3)** to place the revised Tourism Policy on public exhibition for a period of 28 days as required under the Local Government Act (1993).

During the public exhibition period, 2 submissions were received as outlined in the summary of submissions provided at **(ATTACHMENT 2)**.

There are no recommended changes to the policy based on the submissions received.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Strong Economy, Vibrant Businesses, Active Investment	Support and deliver services that attract sustainable visitation to Port Stephens.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications as a result of this recommendation.

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



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

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

The revised policy supports Council's commitment to the growth and sustainability of the Port Stephens Visitor Economy.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without the Tourism Policy in place there will be a negative impact on Council's core services and brand resulting in impacts to the visitor economy.	Low	Adopt the recommendations.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Tourism is an important part of the development of vibrant and sustainable local communities which contributes to the community social fabric. The attraction, procurement and facilitation of tourism within Port Stephens has become an important way for Council to support and encourage local economic development, leading to infrastructure and facility improvements.

Poorly managed tourism can result in impacts on the community and our natural assets. Council has an important role in identifying opportunities, providing support and resources to ensure tourism is conducted in a safe and environmentally sustainable way.

## **CONSULTATION**

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

### Internal

The Executive Team has been consulted to seek management endorsement.

### External

The policy was placed on public exhibition from 5 March 2020 to 2 April 2020. Copies were made available at Council's Administration Building, Raymond Terrace and Tomaree libraries and on Council's website. Public notice of the exhibition was placed in the local newspaper.

During this period, 2 submissions were received as outlined in the summary of submissions provided at **(ATTACHMENT 2)**.

Based on the responses to the matters raised in the submissions no further amendments to the exhibited policy are recommended **(ATTACHMENT 1)**.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Revised Tourism Policy. [↓](#)
- 2) Summary of submissions. [↓](#)
- 3) Council Minutes - 25 February 2020. [↓](#)

### **COUNCILLORS ROOM**

- 1) Copy of submissions.

### **TABLED DOCUMENTS**

Nil.

Policy



FILE NO: PSC2016-00354

TITLE: TOURISM POLICY

POLICY OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

**1. PURPOSE:**

- 1.1 This policy outlines Councils commitment to and role in achieving, a vibrant and sustainable tourism industry in Port Stephens place supporting local economic growth. This policy also outlines the critically important role that tourism plays in the broader economy of Port Stephens.
- 1.2 This policy supports the Port Stephens Community Strategic Plan to deliver processes and services which deliver benefit to tourism in Port Stephens and clarifies Councils commitment to working with the community, industry, and all layers of government to ensure an innovative and collaborative approach to sustainable tourism growth to deliver on the communities' vision of a great lifestyle in a treasured environment.

**2. CONTEXT/BACKGROUND:**

- 2.1 Port Stephens Council recognises the economic, environmental and social benefits that a vibrant and sustainable tourism industry provides through increased employment, investment, and infrastructure. Council has a clear understanding of the broader context of the tourism industry and the significant impact it can have on both attracting visitors and delivering a high quality visitor experience.
- 2.2 Port Stephens is recognised as one of the key regional tourism destinations in NSW and attracts a broad range of domestic and international visitors each year. In 2017/2018/2019, Port Stephens welcomed in excess of 2,00,000 2,500,000 domestic visitor nights, 660,000 917,000 day visitors and 427,000 175,000 international visitor nights. These visitors spend an estimated \$621 million (or almost \$1.7 million per day) across the LGA and bringing over \$372 million in visitor spend and directly employing employed approximately 4,700 2,140 people.
- 2.3 Tourism in Port Stephens is no longer looked at in terms of a single focus industry. The and the relatively new term of the Visitor Economy takes into account broader economic activity than that which has historically has been defined as 'tourism and events'. It includes the direct and indirect impacts resulting from a visitor travelling outside their usual environment for a holiday, leisure, events, business, convention and exhibition, retail, education to visiting friends and relatives or for short term employment in NSW. It includes intrastate, interstate and international visitors (VEAP 2012).



## Policy



Council's investment in building a diverse and resilient Visitor Economy links directly The Port Stephens Community and Strategic Plan objective 4.1.1: To Provide processes and services which deliver benefit to tourism in Port Stephens. This includes event sponsorship and licensing, destination marketing and visitor servicing.

2.4 This policy aligns with Federal and State government priorities which identify tourism as a key economic driver.

2.5 Local Government has an integral role in supporting these strategies through the development of quality tourism experiences; the provision of local services and infrastructure; and providing leadership and direction to industry through effective collaborations and partnerships.

### 3. SCOPE:

3.1 Port Stephens Council will support and foster visitor economy partnerships between community, industry and government stakeholders. Council will act as the facilitator for industry driven change and innovation that aligns with councils values and vision. In order to achieve this, Council will:

- a) provide ongoing financial support to Destination Port Stephens to allow the organisation to undertake Destination Marketing activities, leverage grant funding and drive sustainable visitation and visitor spend
  - b) develop and implement strategic plans to guide the sustainable growth of the visitor economy
  - c) build trust and understanding in the strategic value of the visitor economy
  - d) build partnerships with Newcastle Airport, neighbouring councils and key stakeholders
  - e) encourage the development of high quality tourism products and experiences
  - f) attract and sponsor a diverse range of events which reduce seasonal fluctuations, promote the Port Stephens brand and create economic, social and environmental benefits across the LGA
  - g) plan for and provide quality infrastructure and facilities designed to meet the needs of visitors now and well into the future.
- Administer an integrated event licensing process to reduce the complexity of process for event organisers and reduce costs, manage risk and manage reputation across Council.
  - Deliver visitor servicing strategies aimed at increasing the quality of the visitor experience.
  - Maintain productive relationships with Destination NSW, Tourism Australia, Tourism Hunter and the North Coast Destination Network.

### 4. DEFINITIONS:

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





## Policy



## Visitor Economy

The visitor economy takes into account broader economic activity than that which has historically been defined as 'tourism and events'. It includes the direct and indirect impacts resulting from a visitor travelling outside their usual environment for a holiday, leisure, events, business, conventions and exhibitions, retail, education, to visit friends and relatives or for short-term employment in NSW. It includes intrastate, interstate and international visitors.

**5. POLICY STATEMENT:**

- 5.1 Council will provide leadership and coordination ~~role~~ to ensure that relevant stakeholders are effectively engaged and working together to deliver agreed ~~upon~~ actions and outcomes ~~in the Destination Management Plan~~.
- 5.2 Council will encourage a collaborative and strategic approach to the conservation of the natural assets on which the visitor economy depends whilst supporting investment in the development of quality tourism product which encourages overnight visitor spend, positively impact the visitor experience, promotes awareness of Port Stephens and drive ~~the construction of new, and upgrade of~~ investment in new and existing facilities and infrastructure.

**6. POLICY RESPONSIBILITIES:**

- 6.1 The ~~Tourism and Events Unit~~ Economic Development and Tourism Unit is responsible for monitoring, reviewing and providing advice on the policy across the organisation.

**7. RELATED DOCUMENTS:**

- 7.1 [Visitor Economy Action Plan](#)
- 7.2 [Economic Development Strategy](#) Economic Development and Tourism Strategy
- 7.3 [Tourism 2020](#)
- 7.4 [Port Stephens Destination Management Plan](#) Sydney Surrounds North Destination Management Plan

**CONTROLLED DOCUMENT INFORMATION:**

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Policy



<b>EDRMS container No</b>	PSC2016-00354	<b>EDRMS record No</b>	TBA
<b>Audience</b>	Community		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Tourism and Events Coordinator Economic Development and Tourism Coordinator		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	TBA
<b>Adoption date</b>	11 July 2017		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	11/7/2017	Tourism and Events Coordinator	Original policy.	165



Policy



2.0	TBA	Economic Development and Tourism Coordinator	<p>1.1 - added 'place supporting local economic growth' and deleted 'tourism industry in Port Stephens'.</p> <p>1.2 - deleted 'to deliver on the communities' vision of a great lifestyle in a treasured environment.'</p> <p>2.2 - added '2018/2019' and deleted '2017'; added '2,500,000' and deleted '2,000,000'; added '917,000' and deleted '660,000'; added '175,000' and deleted '127,000'; added 'These visitors spend an estimated \$621 million (or almost \$17 million perday) across the LGA and' and deleted 'bringing over \$372 million in visitor spend and' and added 'employed' and deleted 'employing' and added '2140' and deleted 1,700.</p> <p>2.3 – Deleted 'and the relatively new term'.</p> <p>2.4 – Deleted 'Councils investment in building a diverse and resilient Visitor Economy links directly the Port Stephens Community and Strategic Plan objective 4.1.1: To Provide processes and services which deliver benefit to tourism in Port Stephens. This includes event sponsorship and licensing, destination marketing and visitor servicing.'</p> <p>3.1 added 'a) 'strategic and financial support to Destination Port Stephens' and deleted 'ongoing financial support to Destination Port Stephens to allow the organisation to undertake Destination Marketing activities, leverage grant funding</p>	TBA
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Policy

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Policy



			<p>and drive sustainable visitation and visitor spend" and added 'b) Develop and implement strategic plans to guide the sustainable growth of the visitor economy'; and added 'c) Build trust and understanding in the strategic value of the visitor economy'; and added 'd) Build partnerships with Newcastle Airport, neighboring councils and key stakeholders'; and added 'e) Encourage the development of high quality tourism products and experiences'.</p> <p>Deleted bullet points - 'Administer an integrated event licensing process to reduce the complexity of process for event organisers and reduce costs, manage risk and manage reputation across Council.' And "Deliver visitor servicing strategies aimed at increasing the quality of the visitor experience." And 'Maintain productive relationships with Destination NSW, Tourism Australia, Tourism Hunter and the North Coast Destination Network.'</p> <p>5.1 Deleted 'role' and in the Destination Management Plan'.</p> <p>5.2 Deleted 'the construction of new, and upgrade of', and added 'investment in new and'.</p> <p>6.1 Added 'Economic Development and Tourism Unit' and deleted 'Tourism and Events Unit'.</p> <p>7. Related Documents – added 'Economic Development and Tourism Strategy' and deleted 'Economic Development</p>	
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Policy

Warragul, the local government, is a member of the Victorian Local Government Association (VLGA) and the Victorian Local Government Association (VLGA) is a member of the Victorian Local Government Association (VLGA).



Policy



			Strategy'. Added 'Sydney Surrounds North Destination Management Plan' and deleted 'Port Stephens Destination Management Plan'.	
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Policy

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## ITEM 8 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.

Tourism Policy: Submissions Table

No.	Author of submission	Comment	Response
1.	Tomaree Ratepayers and Residents Association Inc	a. Protect and enhance the character of Port Stephens urban tourist centres b. Improve the appearance of the gateways to the Port Stephens Tourist Destination	a: The enhancement of the tourism centres has been identified through local area planning strategies and public domain plans and does not form part of the tourism policy framework. b: The Port Stephens local Strategic Planning Statement includes an action to investigate support for the tourist and visitor economy along the Nelson Bay Road corridor. Any infrastructure investment in gateways will be subject to processes and consultation separate to the Tourism Policy.
2.	Resident	a. Adopt the same policy in Broome WA to close these Air BNB's. b. Close down Air BNB's in residential areas to keep old fashion residential/suburban areas sacracant. c. Limit the area where Air BNB's are allowed to operate to the town centre and the number of Air BNB's allowed in a town. d. Employ full time overnight security agents to close the noise of parties, people gathering on streets outside these establishments down at 10 pm, (10 pm to 7 am) Monday to Sunday. e. The council need to organise a double access road from Nelson	a-d,g and h: On 3 April 2020 the State government repealed the (uncommenced) Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2020. The regulation would have introduced a mandatory Code of Conduct for short term rental accommodation and was due to commence on 10 April 2020. It is understood that the commencement of the Code of Conduct and related planning instruments has been delayed until the second half of this year. The Code of Conduct required a premises register of short term rental accommodation properties to be established. The

No.	Author of submission	Comment	Response
		<p>Bay and suburbs to the M1, so that residents can escape if needs be if numbers are allowed to increase.</p> <p>f. Increase the hospital facilities in case of emergencies i.e. balcony's falling down, fights or pandemics, if numbers are allowed to increase.</p> <p>g. Many residents who have excellent hearing cannot afford take the owners/mangers of Air BNB's to mediation as they would more than likely to be made to pay their legal costs. See legislation regarding Air BNB's.</p> <p>h. The applicant also included a range of issues and experiences surrounding AirBNB and / or holiday lettings on the Tomaree Peninsula</p>	<p>Department of Planning, Industry &amp; Environment (DPIE) has advised that: "in response to concerns over an industry-led register proposed as part of the public exhibition material, the register will instead be Government-led". The register is being developed by DPIE.</p> <p>The amendments to strata legislation took effect on 10 April 2020. These amendments enable the development of by-laws that prohibit short-term rentals where the lot is not the host's principal place of residence.</p> <p>Council would expect this to help alleviate issues raised in this submission.</p> <p>Council has also made a submission to the Minister for Customer Service and Minister of Planning and Public Spaces to:</p> <p>Support the recently exhibited draft State Environmental Planning Policy (Short-term Rental Accommodation) 2019 (draft policy), including:</p> <p>That short term rental accommodation (STRA) not be exempt development if more than 2 persons/bedroom or 12 persons per dwelling (whichever is the lesser) are accommodated; and</p>

## ITEM 8 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.

No.	Author of submission	Comment	Response
			<p>That STRA not be exempt development if a dwelling is let to unrelated parties at one time; Request that the draft policy be amended to restrict outdoor use of STRA after 10pm that the draft policy be introduced prior to the Christmas holiday period.</p> <p>e: The duplication of Nelson Bay Road has been identified and funding allocated by the NSW Government. Preliminary planning works on the duplication of the road are underway.</p> <p>f: Port Stephens HealthOne (previously known at the Tomaree Hospital) is currently under redevelopment. The NSW Government has invested \$8 million into this facility which will expand the services currently offered by the hospital.</p>

**MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2020****ITEM NO. 1****FILE NO: 20/7559  
EDRMS NO: PSC2016-00354****POLICY REVIEW: TOURISM POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Tourism Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Tourism 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 Tourism Policy dated 11 July 2017, Minute Number 165, should no submissions be received.

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**ORDINARY COUNCIL MEETING - 25 FEBRUARY 2020  
MOTION**

<b>033</b>	<b>Councillor Ken Jordan Councillor Paul Le Mottee</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the revised Tourism Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the revised Tourism 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.</li><li>3) Revoke the Tourism Policy dated 11 July 2017, Minute Number 165, should no submissions be received.</li></ol>
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The Motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council approval to exhibit the revised Tourism Policy (the revised policy).

If adopted, the revised policy would replace the current Tourism Policy.

**ITEM NO. 9**

**FILE NO: 20/147127  
EDRMS NO: PSC2008-1759**

**POLICY REVIEW: PARKS AND ROADSIDE MEMORIALS POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Parks and Roadside Memorials Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Parks and Roadside Memorials 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 Parks and Roadside Memorials Policy dated 10 July 2018 (Minute No. 208, should no submissions be received).

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**BACKGROUND**

The purpose of this report is to gain Council's endorsement of the revised Parks and Roadside Memorial Policy (the 'policy') shown at **(ATTACHMENT 1)**.

The purpose of the policy is to provide a framework that documents Council's position on memorials such as crosses, plaques and the placement of tributary items such as flowers, cards and photographs erected on roadsides, as well as memorials such as seats, plantings and plaques within parks.

The revised policy has converted the previously adopted 2018 policy into Council's new policy format.

Council does receive requests from individuals or organisations for the installation of memorial plaques or for the donation of park furniture or the planting of trees in memory of a deceased person/s. The policy has been enacted a number of times in the assessment of new and existing memorials. The policy has also been used for relocation, removal and the downsizing of a number of memorials in or road reserves in a number of locations. All with positive outcomes for Council and the families involved.

Following the Parks and Roadside Memorials Policy and the associated assessment process allows Council Officers to ensure memorials are appropriately applied and monitored. This assessment also allows for a period of mourning and avoidance of anniversaries and birthdays when making contact with families in relation to downsizing, relocations or removals.



**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Infrastructure and Facilities	Maintain the Council's civil and community infrastructure to support the community.

**FINANCIAL/RESOURCE IMPLICATIONS**

The full cost of a park memorial installation is borne by the applicant with the Public Domain and Services Section completing installation and maintenance for the life of the asset. Roadside memorials are to be installed by the applicant in line with the Guideline for Assessment of Roadside Memorials.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council has an obligation to ensure that items within our parks and road reserves are installed safely and the memorials do not place the public in danger. It should be noted that Council does not encourage the placement of memorials within the road reserve. The placement and visiting of a memorial near moving traffic can be considered dangerous at some locations along the road reserve.

Under section 138 of the roads Act 1993, a person must not:

- Erect a structure or carry out work in, on or over a public road.
- Dig up or disturb the surface of a public road.
- Remove or interfere with a structure, work or tree on a public road, other than with the consent of the appropriate road authority.

While the memorial object and the act of placing a memorial within the road reserve can be considered a risk, this policy does recognise the social and community benefit of memorials if undertaken as per the attached guidelines.

There are no policy or legislation issues for memorials in our parks and foreshores.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that non-conforming memorials such as distracting non-frangible objects are placed in our road reserve leading to general driving public being placed in danger.	Medium	Adopt the policy so that memorials are consistent and placed in safe locations away from moving traffic.	Yes
There is a risk that Council's reputation may be impacted by removal of roadside memorials if not dealt with in a respectful manner leading to reputation risk to Council.	Low	Adopt the policy so that if any memorial is required to be moved, removed or resized a process is followed that allows for respect for the mourning family.	Yes
There is a risk that Council will not have a consistent approach to the implementation of park memorials leading to Council being provided with various assets/objects of differing size and type in our parklands.	Low	Adopt the policy and apply the reference guidelines to allow a consistent approach to managing memorials	Yes
There is a risk that Council will have too many assets within parks and reserves leading to increased pressure on maintenance budgets.	Low	Adopt the policy and apply the reference guidelines to allow a consistent approach to managing memorials.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

A behavioural study conducted into previous memorial policies outlines the effects of driver behaviour in the presence of roadside memorials. The study suggests policies allowing the use of memorials helps grieving loved ones, and at the same time, if employed correctly, may also help the driving public understand the objective risk of driving and promote safer driving. The study also revealed memorial use might endanger drivers in the case where distraction is evident and memorials have been allowed to remain present.

Essentially studies have revealed:

- Memorials are more likely to slow some drivers down.
- Memorials are more likely to make some drivers more cautious possibly reducing crashes and crash related costs to the community.
- Incorrectly placed memorials may distract some drivers.
- Drivers prefer policy supporting memorial use.

Overall, drivers appeared to support roadside memorials and reported more positive influences than negative effects.

The continued assessment and regulation of parks and roadside memorials is used to place new or move existing memorials to a safe location. Safe locations increase the distance of persons who may view, visit or maintain a memorial away from moving traffic.

The Parks and Roadside Memorials Policy will assist Council to manage the road corridor by providing a safe clear zone for errant vehicles. Additionally, the placement of memorials outside the clear zone assists roadside mowing contractors to carry out their works without obstruction.

Park memorials are a way of recognising the community's connection with their local parks and reserves. This connection can range from local to state or even sometimes national in their significance and park memorials can help educate the public about significant people and events within the community.

## **CONSULTATION**

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

### Internal

Public Domain and Services Section.

### External

External consultation will be undertaken through the public exhibition process.

In accordance with local government legislation the draft Parks and Roadside Memorial 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 Parks and Roadside Memorials Policy. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil

## ITEM 9 - ATTACHMENT 1 REVISED PARKS AND ROADSIDE MEMORIALS POLICY.

## Policy



**FILE NO:** PSC2008-1759

**TITLE:** PARKS AND ROADSIDE MEMORIALS POLICY

**OWNER:** ASSETS SECTION MANAGER

**1. PURPOSE:**

- 1.1 To establish a framework that provides Council's position on memorials such as crosses, plaques and the placement of tributary items such as flowers, cards and photographs erected on roadsides, as well as memorials such as seats, plantings and plaques within parks.

**2. CONTEXT/BACKGROUND:**

- 2.1 Requests for memorials are becoming more prevalent with the changing cultural practices relating to the memorialisation of the deceased.
- 2.2 Roadside memorials symbolically mark a location where a person has died as a result of a motor vehicle crash or other road related incident. Structures such as crosses, or objects **seats and garden beds** or objects such as wreaths, cards, photographs and ornaments are often placed as close as possible to the location of the crash.
- 2.3 Park memorials are a way of recognising the community's connection with parks. Memorials may add to the cultural and heritage value to the landscape and can help educate the public about significant people and events connected with parks and reserves.

**3. SCOPE:**

- 3.1 The placement of roadside memorials is a matter for individual families. Council respects the wishes of families wanting to place memorials and will provide sympathetic advice for people making enquiries of this nature.
- 3.2 Road Reserve
- 3.2.1 Council does not encourage the placement of roadside memorials and tributary items, and will not install or maintain memorials on behalf of families or individuals. However, this policy does recognise the social and community benefit of memorials and will approve them if undertaken safely as per the Roadside Memorials Assessment Process, Assessment of Roadside Memorials Guideline and Assessment Template.



ITEM 9 - ATTACHMENT 1      REVISED PARKS AND ROADSIDE MEMORIALS  
POLICY.

## Policy



### 3.2.2 Roadside memorials include:

- a) crosses
- b) wreaths
- c) cards
- d) photographs
- e) ornaments.

### 3.3 Parks

3.3.1 Council provides a framework which allows families or individuals to place memorials within Council owned or managed parks and reserves. The placement of memorials within Councils Parks and Reserves will be managed in accordance with Park Memorials Guideline and the Park Memorials Application Process.

### 3.3.2 Park Memorials include:

- a) seats
- b) seats with plaque
- c) trees
- d) trees with plaque.

## 4. DEFINITIONS:

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

Memorial	An object established in memory of a person or event.
Plaque	A flat tablet of metal, stone or other appropriate material, which includes text and/or images, which commemorate a person or an event and/or provide historical text or information relevant to its location. Such tablet to be affixed to an object, building or pavement.

## 5. STATEMENT:

5.1 Council recognises the social and community benefits of memorials in our parks and roads.

Council shall:

5.2 Recognise the deep emotions attached to memorials and to be sensitive in dealing with the issues regarding their location within or adjacent to Council's parks and roads.



ITEM 9 - ATTACHMENT 1 REVISED PARKS AND ROADSIDE MEMORIALS POLICY.

## Policy



- 5.3 Provide consistent information on the placement, modification, relocation or removal of memorials.
- 5.4 Limit Council's exposure to the potential road safety and public liability risks. memorials.
- 5.5 Follow the relevant guideline in the assessment of memorials.

### 6. RESPONSIBILITIES:

- 6.1 Civil Assets Planning Coordinator—Responsible for the overall implementation of the policy for roadside memorials.  
The key position/s responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy are the Civil Assets Manager and Community and Recreation Coordinator.
- 6.2 Community and Recreation Coordinator—Responsible for the overall implementation of the policy for park memorials.

### 7. RELATED DOCUMENTS:

- 7.1 Assets Management Policy.
- 7.2 Guideline – Assessment of Roadside Memorials.
- 7.3 Roadside Memorials Assessment.
- 7.4 Guideline – Assessment of Park Memorials.





## ITEM 9 - ATTACHMENT 1 REVISED PARKS AND ROADSIDE MEMORIALS POLICY.

Policy

**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 intranet, <b>MyPort</b> .			
<b>EDRMS container No.</b>	PSC2015-01000	<b>EDRMS record No.</b>	18/94493
<b>Audience</b>	Community, Public Domain and Services, Assets Section and Corporate Risk Management		
<b>Process owner</b>	Assets Section Manager		
<b>Author</b>	Assets Section Manager		
<b>Review timeframe</b>	2 years	<b>Next review date</b>	July 2022
<b>Adoption date</b>	28/01/03		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	28/01/03	Phil Buchan	Roadside Tributes and Memorials Policy	24
2	14/09/10	Assets Section Manager	Roadside Memorials Policy	280
3	08/09/15	Assets Section Manager	Updated Roadside Memorials Policy to incorporate Brand Identity Style Guide V1.0 and introduced parks memorials into the previous Roadside Memorials Policy	268
4	24/04/18	Assets Section Manager	Global Review and updated to policy to new Policy Template. 3.3.2 - Removal of Plaques 7 - Addition of 7.1 and Removal of Assessment and Maintenance of Roads Policy & Assessment and Maintenance of Footpath and Cycleways Policy.	095



# ITEM 9 - ATTACHMENT 1 REVISED PARKS AND ROADSIDE MEMORIALS POLICY.

## Policy



			Following Public Exhibition 1 Submission was received and comments noted. No change to content of policy however formatted to reflect new template.	
5	10/07/18	Assets Section Manager	Endorsed by Council at Ordinary Meeting 10/07/18	208
6		Assets Section Manager	Global Review and updated policy to new Policy Template. 2.2 – Removal of 'or objects' and replaced with new wording "seats and garden beds". 5.4 – Removal of the word 'memorials'. 6.1 – Updated to reflect new template wording. 7.4 – Addition of 'Guideline – Assessment of Park Memorials' added into the Related Documents	



**ITEM NO. 10**

**FILE NO: 20/149031  
RM8 REF NO: A2004-0284**

## **CODE OF MEETING PRACTICE REVIEW**

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

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### **RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Code of Meeting Practice shown at **(ATTACHMENT 1)**.
- 2) Place the revised Code of Meeting Practice on public exhibition for a period of 28 days, allowing 42 days for submissions to be received.
- 3) Approve the Code of Meeting Practice as publicly exhibited, should no submissions be received, without a further report to Council.
- 4) Revoke the Code of Meeting Practice dated 28 May 2019, Minute No. 113, should no submissions be received.

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## **BACKGROUND**

The purpose of this report is to provide Council with the revised Code of Meeting Practice (the Code).

The Port Stephens Council Code of Meeting Practice is based on the Model Code of Meeting Practice released by the Office of Local Government.

The Code applies to meetings of the Council and Committees of Council where members are all elected members. The model code also applies to boards of joint organisations and county councils.

Council first adopted the Code on 28 May 2019, which included mandatory provisions and some non-mandatory. Council is also able to include supplementary clauses.

The majority of the amendments to the Code relate to changes in numbering of paragraphs, referencing and updating numbering in line with Council's corporate style guide.

The key amendments are:

- 1) Clause 3.1 - makes provision for Council to amend its meeting cycle by resolution without the need to amend the Code of Meeting Practice, which requires 42 days public exhibition. (Note: A separate report will be tabled with Council to set the meeting frequency, time, date and place of the meetings. This was the process prior to the 2018 Code of Meeting Practice).

- 2) Clause 3.2 - makes provision for meetings to be cancelled where there is no operational business to be transacted. This can occur given Council's current meeting cycle of twice a month.

Should Council adopt clauses 3.1 and 3.2, it would still be required to meet at a minimum of 10 times a year in different months.

- 3) Clause 3.10 – amends the number of days' notice required to lodge a notice of motion prior to the meeting from 7 to 10. At present, Council officers do not have sufficient time to research and prepare the background information for a notice of motion to ensure the business paper is provided to Council within the required timeframes.
- 4) Clause 8.1 – amends the way in which Council sets its order of business of the Council business paper. A separate report will be tabled similar to clause 3.1.

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The financial and resource implications are within the existing budget.

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

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

Council is required to adopt a new Code of Meeting Practice based on the model Code to ensure it meets all legislative requirements in relation to conducting a meeting of the Council and a committee meeting of Council.

Section 361 of the Local Government Act 1993, requires Council to publicly exhibit the Code for a period of 28 days and allow 42 days for submissions to be received from the community.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may be in breach of the Local Government Act 1993 and Local Government (General) Regulation 2005 should it not adopt a Code of Meeting Practice.	Low	Adopt the recommendations.	Yes.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are limited sustainability implications associated with this report.

### **CONSULTATION**

#### Internal

- Executive Team.

#### External

The revised Code of Meeting Practice is required to be publicly exhibited for a period of 28 days and allow 42 days for submissions to be received from the community. Public exhibition will take place at Council's library network, the Administration Building and be available from Council's website.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Revised Code of Meeting Practice [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.







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## **1 INTRODUCTION**

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

## **2 MEETING PRINCIPLES**

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

3.1 — Ordinary meetings of the Council will be held on the following occasions:

3.1.1 — The second and fourth Tuesday of each month.

3.1.2 — The meetings will commence at 5.30pm unless Public Access is held. On these occasions the meetings will commence immediately after Public Access.

3.1.3 — Meetings will be held in the Council Chamber at 116 Adelaide Street, Raymond Terrace.

3.1.4 — Council may resolve to hold Council meetings across the local government area. On these occasions Council will publicly notify the community of the location and time on its website.

3.1 The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

3.2 Despite clauses 3.1, 3.4, 3.7 and 3.17, an ordinary meeting may be cancelled if there are no operational reports to be considered by Council. The General Manager must inform the Mayor should this situation arise. The Mayor may, after consultation with each Councillor, as far as practicable, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

#### Extraordinary meetings

3.2 3.3 If the Mayor receives a request in writing, signed by at least two (2) 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) 14 days after receipt of the request. The Mayor can be one 1 of the two 2 Councillors requesting the meeting.

**Note: Clause 3.2 3.3 reflects section 366 of the Act.**

#### Notice to the public of council meetings

3.3 3.4 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

**Note: Clause 3.3 3.4 reflects section 9(1) of the Act.**

## ITEM 10 - ATTACHMENT 1 REVISED CODE OF MEETING PRACTICE

3.4 **3.5** For the purposes of clause ~~3.3~~ **3.4**, notice of a meeting of the Council and of a committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.5 **3.6** For the purposes of clause ~~3.3~~ **3.4**, notice of more than ~~one~~ **(1)** **1** meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.6 **3.7** The General Manager must send to each Councillor, at least ~~three~~ **(3)** **3** days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause ~~3.6~~ **3.7** reflects section 367(1) of the Act.**

~~3.7~~ **3.8** The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause ~~3.7~~ **3.8** reflects section 367(3) of the Act.**

Notice to councillors of extraordinary meetings

~~3.8~~ **3.9** Notice of less than ~~three~~ **(3)** **3** days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

**Note: Clause ~~3.8~~ **3.9** reflects section 367(2) of the Act.**

Giving notice of business to be considered at council meetings

3.9 **3.10** A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~seven~~ **10** business days before the meeting is to be held.

3.10 **3.11** A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

3.11 **3.12** If the General Manager considers that a notice of motion submitted by a Councillor for consideration at an ordinary meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.

3.12 **3.13** A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted



operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:

- (a) Prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the Council, or
- (b) By written notice sent to all Councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the Council to such a date specified in the notice, pending the preparation of such a report.

#### Questions with notice

- 3.13 3.14 A Councillor may, by way of a notice submitted under clause 3.9 3.10, ask a question for response by the General Manager about the performance or operations of the Council.
- 3.14 3.15 A Councillor is not permitted to ask a question with notice under clause 3.13 3.14 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.
- 3.15 3.16 The General Manager or their nominee may respond to a question with notice submitted under clause 3.13 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

#### Agenda and business papers for ordinary meetings

- 3.16 3.17 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- 3.17 3.18 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
  - (a) All matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
  - (b) If the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) All matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) Any business of which due notice has been given under clause 3.9 3.10.
- 3.18 3.19 Nothing in clause 3.17 3.18 limits the powers of the Mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.19 3.20 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting

of the Council.

- 3.20 **3.21** Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- (a) Identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) States the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.20 3.21 reflects section 9(2A)(a) of the Act.**

- 3.21 **3.22** The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.22 **3.23** Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council.

**Note: Clause 3.22 3.23 reflects section 9(2) and (4) of the Act.**

- 3.23 **3.24** Clause 3.22 3.23 does not apply to the business papers for items of business that the General Manager has identified under clause 3.20 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.23 3.24 reflects section 9(2A)(b) of the Act.**

- 3.24 **3.25** For the purposes of clause 3.22 3.23, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

**Note: Clause 3.24 3.25 reflects section 9(3) of the Act.**

- 3.25 **3.26** A copy of an agenda, or of an associated business paper made available under clause 3.22 3.23, may in addition be given or made available in electronic form.

**Note: Clause 3.25 3.26 reflects section 9(5) of the Act.**



## ITEM 10 - ATTACHMENT 1 REVISED CODE OF MEETING PRACTICE

Agenda and business papers for extraordinary meetings

- 3.26 **3.27** The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.27 **3.28** Despite clause 3.26 **3.27**, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
- (a) A motion is passed to have the business considered at the meeting, and
  - (b) The business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 3.28 **3.29** A motion moved under clause 3.27 **3.28** (a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.29 **3.30** Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.27 **3.28** (a) can speak to the motion before it is put.
- 3.30 **3.31** A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27 **3.28** (b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.34 **3.32** Prior to each ordinary meeting of the Council, the General Manager may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the Council and meetings of committees of the Council.
- 3.32 **3.33** Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.33 **3.34** The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.
- 3.35 **3.35** Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or committee meeting at which the item of business is to be considered.
- 3.36 **3.37** Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

**4 PUBLIC FORUMS (Public Access)**

- 4.1 The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting and/or other matters at the discretion of the Mayor. Public forums may also be held prior to extraordinary Council meetings and meetings of committees of the Council.
- 4.2 Public forums are to be chaired by the Mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by 12.00 noon on the Monday before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, if applicable, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than ~~two~~ **2** items of business on the agenda of the Council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The Mayor or their delegate may refuse an application to speak at a public forum. The Mayor or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than ~~two~~ **2** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting, with the total number of speakers at any one meeting being 12.
- 4.8 If more than the permitted number of speakers' apply to speak 'for' or 'against' any matter, those permitted to speak will be determined by the order the applications were received by Council.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any matter, the Mayor or their delegate may, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
- 4.10 Council may require approved speakers at the public forum to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs by 2pm the day of the public forum. The Mayor or their delegate may refuse to allow such material to be presented.
- 4.11 The Mayor or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed ~~five~~ **5** minutes to address the Council. This time is to be strictly enforced by the chairperson.

- 4.13 Speakers at public forums must not digress from the item on the agenda, if applicable, of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, will be regulated by the chairperson.
- 4.16 Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
- 4.17 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the Council, speakers at public forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this Code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the Mayor or their delegate may refuse further applications from that person to speak at public forums for such a period as the Mayor or their delegate considers appropriate.
- 4.23 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how



## ITEM 10 - ATTACHMENT 1 REVISED CODE OF MEETING PRACTICE

the conflict of interest was managed by the Councillor who made the declaration.

**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council.**

## 5 COMING TOGETHER

### Attendance by councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of committees of the Council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 A councillor cannot participate in a meeting of the Council or of a committee of the Council unless personally present at the meeting.
- 5.3 Where a Councillor is unable to attend ~~one~~ 1 or more ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.
- 5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.6 A Councillor's civic office will become vacant if the councillor is absent from ~~three (3)~~ 3 consecutive ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.6 reflects section 234(1)(d) of the Act.**

- 5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least ~~two (2)~~ 2 days' notice of their intention to attend.

### The quorum for a meeting

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- 5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office. The quorum for Port Stephens Council is 6.

**Note: Clause 5.8 reflects section 368(1) of the Act.**

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.

**Note: Clause 5.9 reflects section 368(2) of the Act.**

- 5.10 A meeting of the Council must be adjourned if a quorum is not present:
- (a) At the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) Within half an hour after the time designated for the holding of the meeting, or
  - (c) At any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) By the chairperson, or
  - (b) In the chairperson's absence, by the majority of the Councillors present, or
  - (c) Failing that, by the General Manager.
- 5.12 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the Council or at an extraordinary meeting called under clause 3.2 **3.3**.

Entitlement of the public to attend council meetings

- 5.15 Everyone is entitled to attend a meeting of the Council and committees of the Council. The Council must ensure that all meetings of the Council and committees of the Council are open to the public.



**Note: Clause 5.15 reflects section 10(1) of the Act.**

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.17 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a committee of the Council if expelled from the meeting:
- (a) By a resolution of the meeting, or
  - (b) By the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.17 reflects section 10(2) of the Act.**

**Note: Clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.**

Webcasting of meetings

- 5.18 All meetings of the Council and committees of the Council are to be webcast on the Council's website.
- 5.19 Council will audio visual record (livestream) all Council meetings held in the Council Chamber at 116 Adelaide Street, Raymond Terrace.
- 5.20 Any meetings held outside the Council Chambers at 116 Adelaide Street, Raymond Terrace, will be either audio visual recording or an audio recording, and made available on Council's website following the meeting.
- 5.19 5.21 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 5.22 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 5.23 A recording of each meeting of the Council and committee of the Council is to be retained on the Council's website for a minimum of 12 months or to the limit of Council's Information Technology storage capacity, whichever is greater. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the general manager and other staff at meetings

- 5.22 5.24 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.

**Note: Clause 5.22 5.24 reflects section 376(1) of the Act.**

- 5.23 5.25 The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.23 5.25 reflects section 376(2) of the Act.**

- 5.24 5.26 The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

**Note: Clause 5.24 5.26 reflects section 376(3) of the Act.**

- 5.25 5.27 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

## **6 THE CHAIRPERSON**

### The chairperson at meetings

- 6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the Mayor and the Deputy Mayor (if any) are absent, a councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the Mayor and Deputy Mayor

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) By the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
  - (b) By the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 6.5 If, at an election of a chairperson, two-(2) 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) Arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) Then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.



- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the Council:
- (a) Any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) Every Councillor present must be silent to enable the chairperson to be heard without interruption.

**7 MODES OF ADDRESS**

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

**8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

- 8.1 The general order of business for an ordinary meeting of the Council shall be:

- 1. Opening meeting
- 2. Prayer
- 3. Acknowledgement of the Worimi People of Port Stephens
- 4. Apologies and applications for a leave of absence by Councillors
- 5. Confirmation of minutes
- 6. Disclosures of interests
- 7. Mayoral minute(s), if submitted
- 8. Motions to close meeting to the public
- 9. Reports to Council
- 10. General Manager reports
- 11. Notices of motions
- 12. Rescission Motions
- 13. Confidential matters
- 14. Conclusion of the meeting

- 8.1 At a meeting of the Council, the general order of business is as fixed by resolution of the Council.

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: If adopted, Part 13 allows Council to deal with items of business by exception.**

- 8.3      Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

## **9      CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

### Business that can be dealt with at a Council meeting

- 9.1      The Council must not consider business at a meeting of the Council:
- (a)      Unless a Councillor has given notice of the business, as required by clause 3.10, and
  - (b)      Unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2      Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a)      Is already before, or directly relates to, a matter that is already before the Council, or
  - (b)      Is the election of a chairperson to preside at the meeting, or
  - (c)      Subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d)      Is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the Council.
- 9.3      Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a)      A motion is passed to have the business considered at the meeting, and
  - (b)      The business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.4      A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5      A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

### Mayoral minutes

- 9.6      Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.7      A mayoral minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a mayoral minute without the motion being seconded.

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- 9.8 A recommendation made in a mayoral minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of committees of council

- 9.12 The recommendations of a committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 9.13 If in a report of a committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 **3.10** and 3.13 **3.14**.
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.
- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.



- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

## **10 RULES OF DEBATE**

### Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

### Notices of motion

- 10.2 A Councillor who has submitted a notice of motion under clause 3-9 **3.10** is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under clause 3-9 **3.10** wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (a) Any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) The chairperson may defer consideration of the motion until the next meeting of the Council.

### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

### Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If

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the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than ~~one~~ (1) motion and ~~one~~ (1) proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.



- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than ~~five-(5)~~ 5 minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than ~~five-(5)~~ 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
- (a) If the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
  - (b) If at least ~~two-(2)~~ 2 Councillors have spoken in favour of the motion or amendment and at least ~~two-(2)~~ 2 Councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this code, remain silent while another Councillor is speaking.



- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 11 VOTING

### Voting entitlements of councillors

- 11.1 Each Councillor is entitled to ~~one (1)~~ 1 vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

- 11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

### Voting at council meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- 11.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

- 11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.

- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.

- 11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this Code.

- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Voting on planning decisions

- 11.12 **11.10** The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council committee (including, but not limited to a committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.13 **11.11** For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.
- 11.14 **11.12** Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 **11.13** Clauses 11.12–11.14 11.10–11.12 apply also to meetings that are closed to the public.

**Note: Clauses 11.12–11.15 11.10–11.13 reflect section 375A of the Act.**

**Note: The requirements of clause 11.12 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.**

**12 COMMITTEE OF THE WHOLE**

- 12.1 The Council may resolve itself into a committee to consider any matter before the Council.

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 10.20–10.30 limit the number and duration of speeches.**

- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

**13 DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single

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resolution.

- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Code of Conduct.

**14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**Grounds on which meetings can be closed to the public

- 14.1 The Council or a committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) Personnel matters concerning particular individuals (other than Councillors),
  - (b) The personal hardship of any resident or ratepayer,
  - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
  - (d) Commercial information of a confidential nature that would, if disclosed:
    - (i) Prejudice the commercial position of the person who supplied it, or
    - (ii) Confer a commercial advantage on a competitor of the Council, or
    - (iii) Reveal a trade secret,
  - (e) Information that would, if disclosed, prejudice the maintenance of law,
  - (f) Matters affecting the security of the Council, Councillors, Council staff or Council property,
  - (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of the Council's Code of Conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The Council or a committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) Are substantial issues relating to a matter in which the Council or committee is involved, and
- (b) Are clearly identified in the advice, and
- (c) Are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) A person may misinterpret or misunderstand the discussion, or
- (b) The discussion of the matter may:
  - (i) Cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
  - (ii) Cause a loss of confidence in the Council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**



- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.24 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) It becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) The Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) Should not be deferred (because of the urgency of the matter), and
    - (ii) Should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 2pm the day before the meeting at which the matter is to be considered.
- 14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two 2 speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom

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to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.

- 14.15 The General Manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than two 2 speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five 5 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the Council or a committee of the Council is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) The relevant provision of section 10A(2) of the Act,
  - (b) The matter that is to be discussed during the closed part of the meeting,
  - (c) The reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.20 reflects section 10D of the Act.**



Resolutions passed at closed meetings to be made public

- 14.21 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

**15 KEEPING ORDER AT MEETINGS**Points of order

- 15.1 A Councillor may draw the attention of the chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

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- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this Code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- (a) Contravenes the Act or any regulation in force under the Act or this code, or
  - (b) Assaults or threatens to assault another Councillor or person present at the meeting, or
  - (c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
  - (d) Insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct, or
  - (e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.
- 15.12 The chairperson may require a Councillor:
- (a) To apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
  - (b) To withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
  - (c) To retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than ~~fifteen (15)~~ 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the committee of the Council.
- 15.15 Clause 15.14, does not limit the ability of the Council or a committee of the Council to resolve to expel a person, including a Councillor, from a Council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a committee of the Council without the prior authorisation of the Council or the committee.
- 15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.

- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

## **16 CONFLICTS OF INTEREST**

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

## **17 DECISIONS OF THE COUNCIL**

### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

**Note: Clause 17.1 reflects section 371 of the Act.**

- 17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

### Rescinding or altering council decisions

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by ~~three (3)~~ 3 Councillors if less than ~~three (3)~~ 3 months has elapsed since the resolution was passed, or the motion was lost.



**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within ~~three (3)~~ **3** months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause ~~3.10~~ **3.11** with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager no later than 5pm of the day after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

Recommitting resolutions to correct an error

- 17.12 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) To correct any error, ambiguity or imprecision in the Council's resolution, or
- (b) To confirm the voting on the resolution.
- 17.13 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.12(a), the Councillor is to propose alternative wording for the resolution.
- 17.14 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.12(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.15 A motion moved under clause 17.12 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12 can speak to the motion before it is put.
- 17.16 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12.

- 17.17 A motion moved under clause 17.12 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

### **18 TIME LIMITS ON COUNCIL MEETINGS**

- 18.1 Meetings of the Council and committees of the Council are to conclude no later than 9pm.
- 18.2 If the business of the meeting is unfinished at 9pm, the Council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 9pm, and the Council does not resolve to extend the meeting, the chairperson must either:
- (a) Defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
  - (b) Adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
- (a) Individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) Publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

### **19 AFTER THE MEETING**

#### Minutes of meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

**Note: Clause 19.1 reflects section 375(1) of the Act.**

- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:
- (a) Details of each motion moved at a council meeting and of any amendments moved to it,
  - (b) The names of the mover and seconder of the motion or amendment,
  - (c) Whether the motion or amendment was passed or lost, and
  - (d) Such other matters specifically required under this code.



- 19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

**Note: Clause 19.3 reflects section 375(2) of the Act.**

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 19.5 reflects section 375(2) of the Act.**

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The Council and committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 19.8 reflects section 11(1) of the Act.**

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the Council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

**Note: Clause 19.12 reflects section 335(b) of the Act.**

**20 COUNCIL COMMITTEES**Application of this Part

- 20.1 This Part only applies to committees of the Council whose members are all Councillors.

Council committees whose members are all councillors

- 20.2 The Council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 20.4 The quorum for a meeting of a committee of the Council is to be:
- (a) Such number of members as the Council decides, or
  - (b) If the Council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least ~~three (3)~~ **3** days before each meeting of the committee, a notice specifying:
- (a) The time, date and place of the meeting, and
  - (b) The business proposed to be considered at the meeting.
- 20.7 Notice of less than ~~three (3)~~ **3** days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:
- (a) Has been absent from ~~three (3)~~ **3** consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or

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- (b) Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the Council are members of the committee.

Non-members entitled to attend committee meetings

20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

- (a) To give notice of business for inclusion in the agenda for the meeting, or
- (b) To move or second a motion at the meeting, or
- (c) To vote at the meeting.

Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the Council must be:

- (a) The Mayor, or
- (b) If the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
- (c) If the Council does not elect such a member, a member of the committee elected by the committee.

20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

20.15 Subject to any specific requirements of this code, each committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.

20.17 Voting at a Council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

20.19 If a committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

20.21 The provisions of the Act and this code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

Minutes of council committee meetings

20.22 Each committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) Details of each motion moved at a meeting and of any amendments moved to it,
- (b) The names of the mover and seconder of the motion or amendment,
- (c) Whether the motion or amendment was passed or lost, and
- (d) Such other matters specifically required under this code.

20.23 The minutes of meetings of each committee of the Council must be confirmed at a subsequent meeting of the committee.

20.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

- 20.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.27 The confirmed minutes of a meeting of a committee of the Council must be published on the Council's website. This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of committees of the Council on its website prior to their confirmation.

## **21 IRREGULARITIES**

- 21.1 Proceedings at a meeting of a Council or a Council committee are not invalidated because of:
- (a) A vacancy in a civic office, or
  - (b) A failure to give notice of the meeting to any Councillor or committee member, or
  - (c) Any defect in the election or appointment of a Councillor or committee member, or
  - (d) A failure of a Councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or committee meeting in accordance with the Council's Code of Conduct, or
  - (e) A failure to comply with this Code.

**Note: Clause 21.1 reflects section 374 of the Act.**



## 22 DEFINITIONS

the Act	means the Local Government Act 1993.
act of disorder	means an act of disorder as defined in clause 15.11 of this code.
amendment	in relation to an original motion, means a motion moving an amendment to that motion.
audio recorder	any device capable of recording speech.
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code.
this code	means the council's adopted code of meeting practice.
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1.
councillor	means a councillor elected to Port Stephens Council, including the mayor, unless the mayor is defined in another capacity within this code.
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in New South Wales.
day	means calendar day.
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion.
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment.
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion.
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.
planning decision	means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.
performance improvement order	means an order issued under section 438A of the Act.



quorum	means the minimum number of councillors or committee members necessary to conduct a meeting.
the Regulation	means the Local Government (General) Regulation 2005.
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time.
year	means the period beginning 1 July and ending the following 30 June.

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Version	Date	Author	Details	Minute No.
1.0	28 May 2019	Governance Section Manager	Adoption of the model Code of Conduct.	113
1.1		Governance Section Manager	Reviewed the Code, format numbering to align with corporate style guide and updated version control. 3.1, 3.1.1 to 3.1.4 – delete. 3.1 & 3.2 – insert new clauses. 3.2 to 3.36 – renumber to 3.3 to 3.37 and update reference clauses. 3.10 – replace 7 days with 10 days. 4.3 – amend 12.00 noon to read 12 noon. 8.1 – delete. 8.1 – insert new clause. Update definitions to include 'councillor'.	

**ITEM NO. 11**

**FILE NO: 20/151393  
EDRMS NO: PSC2017-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Ward Funds to the following:-
  - a. Tomaree Business Chamber – East Ward Funds - \$2000 donation towards landscaping at the Donald Street East Car Park in Nelson Bay.

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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

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:

**EAST WARD – Councillors Abbott, Dunkley and Nell**

Tomaree Business Chamber.	A not for profit organisation representing the business community of Nelson Bay and the Tomaree Peninsula in Port Stephens.	\$2000	Donation towards landscaping at the Donald Street East Car Park in Nelson Bay.
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**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
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.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may set a precedent when 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. 12**

**FILE NO: 20/151406**  
**EDRMS NO: PSC2017-00015**

**INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 9 June 2020.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Report on LGNSW Tourism Conference - 16-18 March 2020	304
2	Annual Designated Persons, Pecuniary Interest Returns for 2020 to 2021	307
3	Questions on Notice/Questions with Notice	310
4	Designated Persons' Return	312
5	Council Resolutions	313

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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 20/135676  
EDRMS NO: PSC2017-02841**

**REPORT ON LGNSW TOURISM CONFERENCE - 16-18 MARCH 2020**

REPORT OF: COUNCILLOR PAUL LE MOTTEE  
GROUP: GENERAL MANAGER'S OFFICE

**BACKGROUND**

The purpose of this report is to provide information on the Local Government NSW (LGNSW) Tourism Conference held from 16 to 18 March 2020 and attended by Mayor Ryan Palmer and Cr Paul Le Mottee.

The 2020 LGNSW Tourism Conference was set down for mid-March 2020 in the town of Jindabyne, a town rich in history and folklore and nestled at the bottom of the Kosciusko National Park. It is a town that, in normal times, the town of Jindabyne sees more visitors in winter than probably anywhere else in Australia. During the warmer months it is also extremely busy as bushwalkers, cyclists, lovers of fishing, campers and 4wd drivers congregate in or around Jindabyne.

The nearest airport is the Snowy Mountains Airport some 25 minutes' drive from Jindabyne. However, the Mayor and I drove down in 1 vehicle for the sake of the economy and for an increased chance to study both the original Snowy Scheme and the Snowy 2 Scheme currently under construction, as these schemes provide a great deal of renewable energy as well as consistent irrigation for the Murrumbidgee irrigation scheme.

Ordinarily, Jindabyne would have been a great place for a Tourism Conference. Unfortunately, by the time the conference commenced, it was probably the only conference in Australia still being conducted.

The program for the conference was prepared in the middle of 2019 and had a number of fairly conventional topics. With the extreme bushfire scenarios that panned out in late 2019 and early 2020, much of the focus of the conference was shifted on how to recover from the bushfire crisis. Again, even though the bushfire crisis was extremely recent, the effects of COVID-19 were already well and truly the biggest concern for most attendees. This had the effect of altering the focus of the attendees and many of the speakers. However, much was still learned and the following is one of the most valuable things an operator can learn:

The owner and operator of a South Coast Caravan Park that has cabins, camping and, obviously, caravans found herself in a situation where the fire suddenly and unexpectedly cut them off from anywhere. No chance of escape except into the water. The operator and her husband realised they were in this predicament and she wondered what they were going to do! Her husband pointed out that they did write an

Emergency Evacuation Plan with a whole bunch of steps in it and they should probably get it out and see what it said. That turned out to be a life saver.

By writing a document in a calm situation in the cold light of day, even if it turns out not to be perfect and doesn't include every conceivable scenario, it can be the basis of any emergency action and quickly adjusted to suit. It will remind you to do a whole heap of things that you would probably not think to do when faced with an actual event. It would be my recommendation that the Council relates this story to every Tourism operator in the local government area as well as Destination Port Stephens and the Rural Fire Service.

The conference dinner that night is usually a great source of information as attendees swap ideas and experiences. Unfortunately, by that time, everyone was trying to keep 1.5 metres away from everyone else and the event was somewhat subdued.

The morning of the second day was a bus trip to 1 of 3 possible destinations. The Mayor and I turned down the opportunity to attend the Silver Brumby Distillery thinking that some might not see the worth in such a visit and, instead, attended the Crackenback Resort. Had we realised just how important distilleries had become, almost overnight, in the manufacture of hand sanitiser, we may have chosen the distillery but we were about 2 weeks too early to know of this use for distilleries.

The Crackenback Resort is located along the Alpine Way about 10 minutes drive from Thredbo. It is an extremely good example of how resorts don't have to be seasonal. During the winter months, the resort is pretty close to 100% occupancy. Guests stay at the resort and are picked up by a bus every morning and driven a short distance to the Ski tube (an underground train that takes people directly to the ski slopes of Perisher and then Blue Cow) or to Thredbo, depending on their preference. For the remainder of the year, the resort is a mecca for cyclists, fishers, bushwalkers, those seeking some time for serenity, kayakers, rock climbers and cavers.

Many of these activities are available in Port Stephens and the lesson for me is that Council, Destination Port Stephens and operators really need to start promoting some of those activities that are often better outside of peak season. Cycling (especially mountain biking) and bushwalking are hot and uncomfortable activities in summer but are really enjoyable the rest of the year. It's the same with many other activities that don't involve being in the water. Councillor Nell has been a long standing ambassador for these types of activities and I think Council should assist in helping the operators and Destination Port Stephens implement these kinds of activities.

The afternoon of the second day saw the number of attendees dwindle as the fear of COVID-19 and the previous night's tightening of rules relating to maximum numbers at gatherings caused people to leave early. Nonetheless, the afternoon provided some interesting speakers and their experiences during the recent bushfire crisis.

There was subsequent discussion calling for ideas as to what recovery might look like when the pandemic was over, but in view of the fact nobody knew when, or how the pandemic might end, no significant ideas resonated with the exception of one idea that had its origins from the bushfire crisis rather than the COVID-19 crisis, but seemed even more relevant to the COVID-19 crisis, and that was the phrase 'Holiday here this year!' and the badging that goes with that. I had actually started using it but when lockdown got to the point people were meant to stay home, I took it down but I will use again as soon as it is appropriate to do so.



## **ATTACHMENTS**

Nil.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM NO. 2**

**FILE NO: 20/138223  
EDRMS NO: PSC2020-02093**

**ANNUAL DESIGNATED PERSONS, PECUINARY INTEREST RETURNS FOR  
2020 TO 2021**

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

**BACKGROUND**

The purpose of this report is to advise Council of the persons designated for the submission of pecuniary interest returns for the period 1 July 2020 to 30 June 2021.

Elected Members

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

General Manager's Office

General Manager  
Governance Section Manager  
Legal Services Manager  
Lawyer (2)

Corporate Services Group

Commercial Investments Manager  
Corporate Analyst  
Facilities Manager  
Financial Services Section Manager  
Group Manager Corporate Services  
Holiday Parks Section Manager  
Marketing and Promotions Manager  
Organisation Support Section Manager  
Property Services Section Manager

Development Services Group

Building and Developer Relations Coordinator  
Communication Section Manager  
Development Assessment and Compliance Section Manager  
Development Compliance Officer  
Development Planner (3)  
Economic Development and Tourism Coordinator  
Environmental Health and Compliance Coordinator  
Environmental Health Officer (2)  
Environmental Health Team Leader  
Environmental Planner  
Group Manager Development Services  
Health and Building Surveyor (4)  
Natural Resources Coordinator  
Planning and Developer Relations Coordinator  
Planning and Developer Relations Coordinator  
Principal Building Surveyor  
Principal Planner  
Principal Strategic Planner  
Ranger (3)  
Ranger Team Leader and Compliance  
Senior Building Surveyor (3)  
Senior Development Planner (2)  
Senior Environmental Health Officer  
Senior Environmental Planner (2)  
Senior Ranger  
Senior Strategic Planner (2)  
Senior Strategic Planner – Growth and Infrastructure  
Strategic Planner (4)  
Strategic Planning Coordinator  
Strategy and Environment Section Manager  
Vegetation Manager Officer  
Waste Compliance and Strategy Coordinator

Facilities & Services Group

Assets Section Manager  
Capital Works Section Manager  
Community Services Section Manager  
Group Manager Facilities & Services  
Public Domain and Services Section Manager

**ATTACHMENTS**

Nil.



**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 3****FILE NO: 20/142693  
EDRMS NO: PSC2020-00993****QUESTIONS ON NOTICE/QUESTIONS WITH NOTICE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****BACKGROUND**

The purpose of this report is to provide a response to Questions taken on Notice in accordance with the Code of Meeting Practice.

<b>Item:</b>	1
<b>Councillors:</b>	Cr Giacomo Arnott
<b>Date of Ordinary Council meeting:</b>	12 May 2020
<b>Question on Notice:</b>	Outline what travel the Nelson Bay Diggers Club proposes to take, which leads to the financial assistance.
<b>Response:</b>	The money is to assist the club in transporting members, many of which are retired and in their 80s, to other clubs when they play bowls.

<b>Item:</b>	2
<b>Councillors:</b>	Cr Giacomo Arnott
<b>Date of Ordinary Council meeting:</b>	12 May 2020
<b>Question on Notice:</b>	What is the AICD 'Making Decisions under Pressure' course?
<b>Response:</b>	Facilitated by the Australian Institute of Company Directors this was a round table discussion with Newcastle Policy Chief Inspector Gerard Lawson on working in high-pressure environments and being able to trust your ability to make quick decisions with limited time and information.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 4**

**FILE NO: 20/63415  
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:

- Senior Building Surveyor – Fire (PSC480).

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Returns.

**ITEM NO. 5**

**FILE NO: 20/34980  
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.

At the time of preparing this report there were no matters outstanding in the General Manager's Office.

## **ATTACHMENTS**

- 1) Corporate Services Group report. [↓](#)
- 2) Development Services Group report. [↓](#)
- 3) Facilities & Services Group report. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

## ITEM 5 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



<b>Outstanding</b>	<b>Division:</b>	Corporate Services	<b>Date From:</b>	26/09/2017
<b>Action Sheets</b>			<b>Date To:</b>	12/05/2020
<b>Report</b>			<b>Printed:</b>	Monday, 1 June 2020

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	30/06/2020	28/03/2018	
13 066		Foster, Carmel				18/66656
22 May 2020 - Awaiting Minister's approval to proceed with compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/06/2018	Foster, Carmel	RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY	1/08/2020	27/06/2018	
2		Foster, Carmel				18/138953
27 Mar 2020 - Awaiting further information on grants for the funding of the Tomaree Sports Complex.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Meyn, Janet	King Street, Raymond Terrace Easements	30/06/2020	14/02/2019	
3		Foster, Carmel				19/39843
22 May 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	30/06/2020	29/05/2019	
5 109		Foster, Carmel				19/148388
22 May 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						



## ITEM 5 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



<b>Outstanding</b>	<b>Division:</b>	Corporate Services	<b>Date From:</b>	26/09/2017
<b>Action Sheets</b>			<b>Date To:</b>	12/05/2020
<b>Report</b>			<b>Printed:</b>	Monday, 1 June 2020

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						
22 May 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

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	30/06/2020		
7		Foster, Carmel				19/200498
169						
22 May 2020 - Legal negotiations over contractual terms are ongoing.						

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	30/06/2020	9/10/2019	
1		Foster, Carmel				19/331292
191						
22 May 2020 - Owners have now signed and produced their titles. Documents have been lodged for registration with NSW Land Registry Services.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Meyn, Janet	1 CENTRAL AVENUE, SALAMANDER BAY (LOT 8)	26/05/2020	11/12/2019	
1		Foster, Carmel				19/388450
267						
22 May 2020 - Final lease documents are with Local Government Legal awaiting final execution.						

## ITEM 5 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.



**Outstanding**      **Division:** Corporate Services      **Date From:** 26/09/2017  
**Action Sheets**      **Date To:** 12/05/2020  
**Report**      **Printed:** Monday, 1 June 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	RENEWAL OF OPTUS LEASE - 9 TARRANT ROAD, SALAMANDER BAY	1/06/2020	12/02/2020	
1 027		Foster, Carmel				20/39141
22 May 2020 - Final lease documents have been signed and are being returned to Optus legal representatives for registration of the leases.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	COMPULSORY ACQUISITION OF PART 879 SWAN BAY ROAD, SWAN BAY FOR ROAD WIDENING PURPOSE	25/02/2021	12/02/2020	
2 028		Foster, Carmel				20/39141
22 May 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	PROPOSED SALE OF LOT 7, CENTRAL AVENUE, SALAMANDER BAY	25/02/2021	12/02/2020	
3 029		Foster, Carmel				20/39141
14 May 2020 - Draft contract to be prepared and issued to the purchaser.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/04/2020	Meyn, Janet	Acquisition of part 863 Swan Bay Road, Swan Bay	30/06/2020		
1 061		Foster, Carmel				20/92585
22 May 2020 - Property Services has negotiated a purchase of the land with the owner, and Council has approved the purchase. Contracts have been issued, awaiting exchange.						



## ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.



<b>Outstanding</b>	<b>Division:</b>	<b>Development Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets</b>			<b>Date To:</b>	<b>12/05/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 1 June 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Drinan, Kate	Development Application 16-2019-270-1 for the demolition of existing structures and construction of a new single storey dwelling and garage at 862 Paterson Road, WOODVILLE Lot:510 DP:1150491	30/07/2020	12/02/2020	
1		Crosdale, Timothy				20/39141
006						
29 May 2020 - Council resolved to defer this item. A further report is scheduled for Council in July 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Bernasconi, Steven	PORT STEPHENS ANNUAL AWARDS POLICY	30/06/2020	12/02/2020	
4		Crosdale, Timothy				20/39141
29 May 2020 - Further information has been requested from Councillors via PS newsletter. This feedback will inform the revised guidelines which is scheduled for final completion in June 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Peart, Steven	Climate Change	31/07/2020	26/02/2020	
2		Crosdale, Timothy				20/50488
29 May 2020 - The Climate Action Policy is identified on the Natural Resources program of work for 2020-2021. The policy is scheduled for reporting to Council in July 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/03/2020	Peart, Steven	Tree Moratorium	31/07/2020	11/03/2020	
2		Crosdale, Timothy				20/64059
055						
29 May 2020 - Review Tree DCP Amendment and prepare a report back to Council. Scheduled for completion July 2020.						

## ITEM 5 - ATTACHMENT 3 FACILITIES &amp; SERVICES GROUP REPORT.



<b>Outstanding</b>	<b>Division:</b>	<b>Facilities &amp; Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets</b>			<b>Date To:</b>	<b>12/05/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 1 June 2020</b>

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.	30/06/2020	28/03/2018	
14 067		Kable, Gregory				18/66656
28 May 2020 - Signed lease received from Crown Lands to be signed by Calvary Care. Written consent has been received from NSW Local Aboriginal Land Council.						

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	
2 084		Kable, Gregory				18/75830
28 May 2020 - Proposing to adopt these as Council Assets and to maintain within existing maintenance budgets. Will report to Council in 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Maretich, John	ROCK REVETMENT AT KANGAROO POINT, SOLDIERS POINT	1/07/2021		
2 155		Kable, Gregory				19/186501
28 May 2020 - Council staff will seek to identify grant funding opportunities for this project which is currently unfunded. This project is considered a lower priority compare to other foreshore projects.						



## ITEM 5 - ATTACHMENT 3 FACILITIES &amp; SERVICES GROUP REPORT.



**Outstanding**      **Division:**      Facilities & Services      **Date From:**      26/09/2017  
**Action Sheets**      **Date To:**      12/05/2020  
**Report**      **Printed:**      Monday, 1 June 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Exemption for environmental approvals for non-maintenance road improvement works	30/06/2020	11/12/2019	
2		Kable, Gregory				19/388450
259						
28 May 2020 - Currently compiling information to form part of letter to the NSW State Government requesting an exemption for environmental approvals for non-maintenance road improvement works that occur in coastal management (or buffer) areas.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure	8/12/2020	11/12/2019	
6		Kable, Gregory				19/388450
264						
28 May 2020 - Consultant has been engaged to undertake an energy efficient study. Consultant is nearing completion of site inspections of our community assets.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	26/03/2021	11/12/2019	
7		Kable, Gregory				19/388450
265						
28 May 2020 - Feasibility report will be prepared with the Waste Management Strategy.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Maretich, John	Indoor Sports Facility	30/06/2021	26/02/2020	
4		Kable, Gregory				20/50488
042						
28 May 2020 - Undertake community consultation and needs analysis as per the background of the NOM. Noting that COVID 19 has made this consultation difficult for this project.						

## ITEM 5 - ATTACHMENT 3 FACILITIES &amp; SERVICES GROUP REPORT.



<b>Outstanding</b>	<b>Division:</b>	<b>Facilities &amp; Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets</b>			<b>Date To:</b>	<b>12/05/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 1 June 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/04/2020	Maretich, John	Policy Development: Public Property Encroachment Policy	31/07/2020	15/04/2020	
6		Kable, Gregory				20/92585
053						
28 May 2020 - Comments from Public Exhibition have been received and will be reported back to Council 14 July 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/05/2020	Maretich, John	Smart Parking Infrastructure Program	30/10/2020	14/05/2020	
7		Kable, Gregory				20/138521
28 May 2020 - Council staff have commenced negotiation to establish an agreement with the supplier. Concurrently working at achieving the regulatory approval for the parking scheme. Council staff have commenced a review on the existing parking timeframes (in the Nelson Bay Town Centre) to be able to provide a more coherent and standardised approach.						



# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 20/134662  
EDRMS NO: PSC2017-00019**

**NAMING OF PATHWAY, GAN GAN ROAD, ANNA BAY**

**COUNCILLOR:** CHRIS DOOHAN

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**THAT COUNCIL:**

- 1) Name and celebrate the newly constructed pathway along Gan Gan Road (Nelson Bay Road to James Patterson Street) Anna Bay, the 'Shirley O'Brien Way'.

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

**BACKGROUND**

The late Shirley O'Brien served as a Councillor on Port Stephens Council between 2008 and 2012. In addition to work as a Councillor, Shirley O'Brien was a very active member of a number of community groups and one of the founding members of the Birubi Surf Life Saving Club.

In Shirley O'Brien's term of Council, she was Council's delegate on the following committees:

- Aboriginal Strategic Committee.
- Anna Bay, Birubi Point Reserves, Hall and Tidy Towns Committee.
- Bobs Farm Public Hall Committee.
- Fern Bay Public Hall, Reserves and Tidy Towns Committee.
- Port Stephens Adult Choir Committee.
- Port Stephens Sister Cities Committee.
- Williamtown Public Hall Committee.
- Strategic Cultural Committee.
- Medowie Floodplain Management Committee.

The NSW Geographical Names Act 1966 empowers the Geographic Naming Board (GNB) as the body responsible for overseeing the formal naming of places. The GNB Place Naming Policy sets out the rules and regulations that apply to such applications.

Relative to this Notice of Motion, the policy states that 'personal names, including those of persons still living, may be used for built features e.g. pavilions and grandstands etc., however these features are not formally assigned by the GNB and are not covered by the Act.' As such, the formal naming of a pavement asset such as a footpath would not be generally supported by GNB.

As an alternative to the above process, Council may name assets or projects by dedication in an informal manner (such as sporting fields, community buildings, footpaths, boardwalks etc.). Although the GNB Policy does not strictly apply in this instance, it does provide guidance as to what information should be considered when assessing commemorative naming requests. The GNB Policy offers the following guidelines regarding association or contribution for naming:

- Two or more terms of office on the governing local government council.
- Twenty or more years association with a local community group or service club.
- Twenty or more years of association or service with a local or state government or organisation.
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community.
- The death of a person within a place is not solely to be considered sufficient justification for commemoration.
- Local residents of note.

## **ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 20/135397  
EDRMS NO: PSC2017-00019**

**CODE OF MEETING PRACTICE**

**COUNCILLOR:** GIACOMO ARNOTT

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**THAT COUNCIL:**

- 1) Amend its Code of Meeting Practice to include:
  - a. clause 11.11 from the Office of Local Government's recommended clauses for a code of meeting practice, reading:

"All voting at council meetings (including meetings that are closed to the public) must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."
- 2) Amend its Code of Meeting Practice to remove:
  - a. clauses 11.6 to 11.9 and 11.13, per the recommendation from the Office of Local Government, if clause 11.11 is included.

---

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

**BACKGROUND**

Council at its meetings on 13 August 2019 (**ATTACHMENT 1**) and 10 December 2019 (**ATTACHMENT 2**), considered Notices of Motion (NOM) worded the same as this item.

Council's adopted Code of Meeting Practice is based on the Model Code of Conduct (Model Code) released by the Office of Local Government late 2018.

Whilst the Model Code is predominantly mandatory, a number of clauses within the Model Code are optional. Those referenced in this NOM were optional clauses.

Rather than adopt clause 11.11 (as detailed in the NOM) Council determined to retain clauses 11.6 to 11.9 and 11.13.

An extract of clauses 11.6 to 11.9 and 11.13 from the adopted Code of Meeting Practice is shown below:

- 11.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.9 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.

The outcome of the NOM, should it be adopted, would mean that a division is required for all Council resolutions.

Should Council amend the Code of Meeting Practice, 28 days public exhibition will be required with up to 42 days required to allow for submissions to be received.

## **ATTACHMENTS**

- 1) Previous Notice of Motion 13 August 2019. [↓](#)
- 2) Previous Notice of Motion 10 December 2019. [↓](#)

**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019****NOTICE OF MOTION****ITEM NO. 2****FILE NO: 19/204007****EDRMS NO: A2004-0284****CODE OF MEETING PRACTICE****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Amend its Code of Meeting Practice to include:
  - a. clause 11.11 from the Office of Local Government's recommended clauses for a code of meeting practice, reading:

“All voting at council meetings (including meetings that are closed to the public) must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.”
- 2) Amend its Code of Meeting Practice to remove:
  - a. clauses 11.6 to 11.9 and 11.13, per the recommendation from the Office of Local Government, if clause 11.11 is included.

**ORDINARY COUNCIL MEETING - 13 AUGUST 2019  
MOTION**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Amend its Code of Meeting Practice to include:<ol style="list-style-type: none"><li>a. clause 11.11 from the Office of Local Government's recommended clauses for a code of meeting practice, reading:<p style="margin-left: 40px;">“All voting at council meetings (including meetings that are closed to the public) must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.”</p></li></ol></li><li>2) Amend its Code of Meeting Practice to remove:<ol style="list-style-type: none"><li>a. clauses 11.6 to 11.9 and 11.13, per the recommendation from the Office of Local Government, if clause 11.11 is included.</li></ol></li></ol>
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**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019**

The motion was lost.

Cr Giacomo Arnott and Cr John Nell called for a division.

Those for the Motion: Cr Giacomo Arnott.

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

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

Council adopted the current Code of Meeting Practice at its meeting of 28 May 2019. A copy of the Council resolution is shown at **ATTACHMENT 1**.

The adopted Code of Meeting Practice is based on the Model Code of Conduct (Model Code) released by the Office of Local Government late 2018.

Whilst the Model Code is predominantly mandatory, a number of clauses within the Model Code are optional. Those referenced in this Notice of Motion were optional clauses.

Rather than adopt clause 11.11 (as detailed in the Notice of Motion) Council determined to retain clauses 11.6 to 11.9 and 11.13.

An extract from the adopted Code of Meeting Practice is shown below for clauses 11.6 to 11.9 and 11.13:

- 11.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.9 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.

**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019**

- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.

The resulting outcome of the Notice of Motion, should it be adopted, would be for a division to be recorded for all Council resolutions.

**ATTACHMENTS**

- 1) Council meeting minute extract 28 May 2019 - Code of Meeting Practice.

**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019**

**ITEM 2 - ATTACHMENT 1      COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.**

**MINUTES ORDINARY COUNCIL - 28 MAY 2019****ITEM NO. 9****FILE NO: 19/130590  
EDRMS NO: A2004-0284****POLICY REVIEW: CODE OF MEETING PRACTICE**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submission.
- 2) Endorse the Revised Code of Meeting Practice shown at (TABLE DOCUMENT 1).
- 3) Revoke the Code of Meeting Practice dated 12 December 2017, Min. No. 329.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
MOTION**

<b>113</b>	<b>Councillor Giacomo Arnott Councillor Chris Doohan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Receive and note the submission.</li><li>2) Endorse the Revised Code of Meeting Practice shown at (TABLE DOCUMENT 1).</li><li>3) Revoke the Code of Meeting Practice dated 12 December 2017, Min. No. 329.</li></ol>
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Councillor Jaimie Abbott left the meeting at 6:17pm and did not return to the meeting.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council:  <ol style="list-style-type: none"><li>1) Edit clause 4.12 to read, in full:<ul style="list-style-type: none"><li>▪ <b>From:</b></li><li>▪ "Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforce by the chairperson."</li></ul></li></ol>
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**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019****ITEM 2 - ATTACHMENT 1      COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.****MINUTES ORDINARY COUNCIL - 28 MAY 2019**

	<ul style="list-style-type: none"><li>• <b>To:</b></li><li>• "Each speaker will be allowed five minutes to address the Council. Speakers attending on behalf of an organisation speaking about an issue relevant to their organisation will be allowed ten minutes to address the Council. This time is to be strictly enforce by the chairperson."</li></ul> <p>2) Insert optional clause 11.11 from the model code of meeting practice, which reads:</p> <ul style="list-style-type: none"><li>• "All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."</li></ul> <p>3) Insert new clause 10.22(a), which will read:</p> <ul style="list-style-type: none"><li>• "On items relating to Council's finances, Councillors will be automatically granted an additional five minutes speaking time on top of the five minutes as allowed in clause 10.22, to a total of ten minutes, if they request extra time."</li></ul> <p>4) Amend 8.1 - order of meeting business, as follows:</p> <ul style="list-style-type: none"><li>• Move number 3 (acknowledgement of Worimi people) to become number 2, and drop number 2 (prayer) down to number 3.</li></ul> <p>5) Insert optional clause 20.24, which reads:</p> <ul style="list-style-type: none"><li>• "All voting at meetings of committees of the council, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."</li></ul>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b></p> <p>1) That Council edit clause 4.12 to read, in full:</p> <ul style="list-style-type: none"><li>• <b>From:</b></li><li>• "Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforce by the chairperson."</li><li>• <b>To:</b></li><li>• "Each speaker will be allowed five minutes to address the Council. Speakers attending on behalf of an organisation speaking about an issue relevant to their organisation will be allowed ten minutes to address the Council. This time is to be strictly enforce by the chairperson."</li></ul>
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**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019**

**ITEM 2 - ATTACHMENT 1      COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.**

**MINUTES ORDINARY COUNCIL - 28 MAY 2019**

The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council insert optional clause 11.11 from the model code of meeting practice, which reads: "All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council insert new clause 10.22(a), which will read: "On items relating to Council's finances, Councillors will be automatically granted an additional five minutes speaking time on top of the five minutes as allowed in clause 10.22, to a total of ten minutes, if they request extra time."
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council amend 8.1 - order of meeting business, as follows: Move number 3 (acknowledgement of Worimi people) to become number 2, and drop number 2 (prayer) down to number 3.
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The amendment lapsed without a seconder.

**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019****ITEM 2 - ATTACHMENT 1 COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.****MINUTES ORDINARY COUNCIL - 28 MAY 2019****ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council insert optional clause 20.24, which reads: "All voting at meetings of committees of the council, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."
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The amendment lapsed without a seconder.

The original motion on being put was carried.

**BACKGROUND**

The purpose of this report is to provide Council with the Code of Meeting Practice (the 'Code') following the public exhibition period from 21 March to 18 April 2019, allowing up to 2 May 2019 for submissions to be received, as required by the Local Government Act 1993.

As a result of the public exhibition, one submission was received. A summary of the submission is shown at (ATTACHMENT 1).

As Council is aware amendments to the Local Government Act 1993 in August 2016 provided for a model code of meeting practice for all local councils in NSW. In December 2018, the Office of Local Government released the new model Code of Meeting Practice.

The Code applies to meetings of the Council and Committees of Council where the membership comprises all elected members. The model code also applies to boards of joint organisations and county councils.

Council is required to adopt a new Code of Meeting Practice based on the model Code by 14 June 2019, and may enhance the Code, however, any supplementary clauses cannot be inconsistent with the model Code.

The new Code contains mandatory and non-mandatory provisions. The majority of the Code is the same or similar to Council's existing Code of Meeting Practice. Webcasting of Council meetings is mandatory under the model Code. A number of the non-mandatory provisions have been incorporated into the Code.

A copy of the Code is shown at (TABLE DOCUMENT 1).



## MINUTES ORDINARY COUNCIL - 13 AUGUST 2019

ITEM 2 - ATTACHMENT 1 COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.

## MINUTES ORDINARY COUNCIL - 28 MAY 2019

The Code is provided for Council's consideration.

## COMMUNITY STRATEGIC PLAN

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

## FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications are within the 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

Council is required to adopt a new Code of Meeting Practice based on the model Code to ensure it meets all legislative requirements in relation to conducting a meeting of the Council and a committee meeting of Council. The new Code must be adopted by 14 June 2019.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act 1993 should it not adopt a new Code of Meeting Practice and the model Code of Meeting Practice will automatically come into force.	Low	Adopt the recommendations.	Yes.

**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019**

**ITEM 2 - ATTACHMENT 1      COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.**

**MINUTES ORDINARY COUNCIL - 28 MAY 2019**

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are limited sustainability implications associated with this report.

**CONSULTATION**

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

Internal

- General Manager
- Mayor

External

The new Code of Meeting Practice was publicly exhibited from 21 March 2019 to 18 April 2019, with submissions received up to 2 May 2019 as required by the Local Government Act 1993.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Submission summary

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Draft Code of Meeting Practice.

## MINUTES ORDINARY COUNCIL - 13 AUGUST 2019

## ITEM 2 - ATTACHMENT 1 COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.

## MINUTES ORDINARY COUNCIL - 28 MAY 2019

## ITEM 9 - ATTACHMENT 1 SUBMISSION SUMMARY

## Submission for the Code of Meeting Practice

Author	Comment	Council response
1 Tomaree Ratepayers and Residents Association (TRRA)	The TRRA's submission makes the following comments: 1. Notes the revised Code is mostly mandated by the NSW State Government under the provisions of the model Code and it contains optional content.	1. Noted – the model Code of Meeting Practice contains both mandatory and non-mandatory clauses.
	2. Notes that Council is able to enhance the Code subject to the enhancements not being inconsistent with the model Code.	2. Noted.
	3. Meeting schedules, notices - that Council consider amending the current meeting cycle from two Council meetings to the practice of holding alternate meeting as committee of the whole meetings and a full Council meeting respectively, as the TRRA is of the view it allows Councilors and the community greater opportunity to consider and seek feedback on matters.	3. The current meeting cycle is considered appropriate at this time.
	4. Public Forums - that most of Section 4 Public Forums is mandatory with some discretion to set limits and timeframes. It is noted that the Mayor has been substituted for the General Manager and that a maximum number of speakers has been set at 12. Further, that clause 4.12 sets a speaking limit of 5 minutes for individuals with no mention of a limit for those representing an organisation. It is suggested that a limit of 10 minutes should be set for organisations.	4. The submission indicates that most of Section 4 – Public Forums is mandatory however the entire section is non-mandatory in the model Code. Council has elected to include Section 4 in its Code and is able to make amendments to the non-mandatory provisions as advised by the Office of Local Government in its Circular No. 18-45, 18 December 2018. Amendments cannot be made to the mandatory provisions of the Code.

## MINUTES ORDINARY COUNCIL - 13 AUGUST 2019

## ITEM 2 - ATTACHMENT 1 COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.

## MINUTES ORDINARY COUNCIL - 28 MAY 2019

## ITEM 9 - ATTACHMENT 1 SUBMISSION SUMMARY

		<p>5. Webcast - TRRA have concerns about the limitations of Council's minimalist approach to webcasting and the length of time webcast recordings are retained on the website. The TRRA call on Council to investigate options to enhance the value of the webcast as an 'after the event' resource, such as a facility that would provide an online meeting agenda that a viewer can click on to go straight to that point of the recording.</p>	<p>5. Council's existing webcasting has been introduced to allow members of the public to access Council meetings whenever and wherever they wish, without the need to be present in person - the current system achieves this outcome. It also provides access to agenda items in written on line form as the meeting progresses - this facility is also available post the meeting. Viewers have the option of viewing the recording and/or the written agenda during the webcast.</p>
		<p>6. Record of voting - that Council should include non-mandatory clauses 11.11 and 20.24 of the model Code which requires all resolutions of Council to have the names of those who voted for and against the motion recorded in the minutes.</p> <p>7. Expulsion from meetings - notes the provision of expulsion from meetings, and welcomes Council's approach to require a resolution to expel a councillor from a meeting.</p>	<p>6. The Local Government Act 1993 requires Council to record the names of those who voted for and against all planning decisions. The recording of who voted for and against all other resolutions is currently at the discretion of Council.</p> <p>7. Council had 2 options in terms of expulsion from a meeting - to give the Mayor the sole discretion to expel anyone (including a councillor) from a meeting for disorder or to give the Mayor the discretion to expel anyone (other than a councillor) from a meeting for disorder. Council elected the latter provision.</p>
		<p>8. Rescission motions - TRRA notes that Council did not adopt the non-mandatory clause to allow a rescission motion to be dealt with at the same meeting (cl. 17.12 of the model Code), however Council adopted the non-mandatory clause to allow a resolution to be</p>	<p>8. Council's current practice has been to require a rescission motion to be lodged and presented to the next Ordinary Council meeting, on this basis the draft Code was put forward for consideration.</p> <p>Clause 17.12 of the model Code, as opposed to</p>

## MINUTES ORDINARY COUNCIL - 13 AUGUST 2019

ITEM 2 - ATTACHMENT 1 COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.

## MINUTES ORDINARY COUNCIL - 28 MAY 2019

ITEM 9 - ATTACHMENT 1 SUBMISSION SUMMARY

		<p>recommitted to correct an error. Further, the TRRA state that there are both pros and cons for allowing a rescission motion at the same meeting. The TRRA believe that Council should explain its reasoning on the matter before it is resolved.</p>	<p>Council's draft Code, states: 17.12 <i>Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:</i></p> <p>(a) a notice of motion signed by three councillors is submitted to the chairperson, and (b) a motion to have the motion considered at the meeting is passed, and (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.</p> <p>Council's draft Code of Meeting Practice enables a resolution to be recommitted to correct an error (clause 17.12).</p>
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**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****NOTICE OF MOTION****ITEM NO. 1****FILE NO: 19/375363  
EDRMS NO: A2004-0284****CODE OF MEETING PRACTICE****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Amend its Code of Meeting Practice to include:
  - a. clause 11.11 from the Office of Local Government's recommended clauses for a code of meeting practice, reading:

"All voting at council meetings (including meetings that are closed to the public) must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."
- 2) Amend its Code of Meeting Practice to remove:
  - a. clauses 11.6 to 11.9 and 11.13, per the recommendation from the Office of Local Government, if clause 11.11 is included.

Councillor Chris Doohan returned to the meeting at 7:43pm.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019  
MOTION**

	<b>Councillor Giacomo Arnott Councillor John Nell</b>  <b>That Council:</b>  1) Amend its Code of Meeting Practice to include: <ol style="list-style-type: none"><li>a. clause 11.11 from the Office of Local Government's recommended clauses for a code of meeting practice, reading:<p style="margin-left: 40px;">"All voting at council meetings (including meetings that are closed to the public) must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."</p></li></ol> <li>2) Amend its Code of Meeting Practice to remove:<ol style="list-style-type: none"><li>a. clauses 11.6 to 11.9 and 11.13, per the recommendation from the Office of Local Government, if clause 11.11 is included.</li></ol></li>
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**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

Cr Arnott moved a motion for a division. The motion lapsed without a seconder.

The motion was lost.

**ORDINARY COUNCIL MEETING - 10 DECEMBER 2019  
AMENDMENT**

	<b>Councillor Paul Le Mottee</b> <b>Councillor Ken Jordan</b>
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	That the Notice of Motion be deferred until after February 2021.
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Cr Arnott moved a motion for a division. The motion lapsed without a seconder.

The motion was lost.

Cr Arnott recorded his vote against amendment.

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

Council at its meeting on 13 August 2019 considered a Notice of Motion (NOM) worded the same as this item. A copy of the previous NOM is shown at **(ATTACHMENT 1)**.

Council's adopted Code of Meeting Practice is based on the Model Code of Conduct (Model Code) released by the Office of Local Government late 2018.

Whilst the Model Code is predominantly mandatory, a number of clauses within the Model Code are optional. Those referenced in this NOM were optional clauses.

Rather than adopt clause 11.11 (as detailed in the NOM) Council determined to retain clauses 11.6 to 11.9 and 11.13.

An extract from the adopted Code of Meeting Practice is shown below for clauses 11.6 to 11.9 and 11.13:

- 11.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

- 11.8    When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.9    When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.
- 11.13   For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.

The outcome of the NOM, should it be adopted, would mean that a division is required for all Council resolutions.

Should Council amend the Code of Meeting Practice, 28 days public exhibition will be required with up to 42 days required to allow for submissions to be received.

**ATTACHMENTS**

- 1) Previous Notice of Motion - 13 August 2019

**ITEM 2 - ATTACHMENT 2      PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****ITEM 1 - ATTACHMENT 1      PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019****MINUTES ORDINARY COUNCIL - 13 AUGUST 2019****NOTICE OF MOTION****ITEM NO. 2****FILE NO: 19/204007****EDRMS NO: A2004-0284****CODE OF MEETING PRACTICE****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Amend its Code of Meeting Practice to include:
  - a. clause 11.11 from the Office of Local Government's recommended clauses for a code of meeting practice, reading:

"All voting at council meetings (including meetings that are closed to the public) must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."
- 2) Amend its Code of Meeting Practice to remove:
  - a. clauses 11.6 to 11.9 and 11.13, per the recommendation from the Office of Local Government, if clause 11.11 is included.

**ORDINARY COUNCIL MEETING - 13 AUGUST 2019  
MOTION****Councillor Giacomo Arnott  
Councillor John Nell****That Council:**

- 1) Amend its Code of Meeting Practice to include:
  - a. clause 11.11 from the Office of Local Government's recommended clauses for a code of meeting practice, reading:

"All voting at council meetings (including meetings that are closed to the public) must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."
- 2) Amend its Code of Meeting Practice to remove:
  - a. clauses 11.6 to 11.9 and 11.13, per the recommendation from the Office of Local Government, if clause 11.11 is included.

**ITEM 2 - ATTACHMENT 2      PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****ITEM 1 - ATTACHMENT 1      PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019****MINUTES ORDINARY COUNCIL - 13 AUGUST 2019**

The motion was lost.

Cr Giacomo Arnott and Cr John Nell called for a division.

Those for the Motion: Cr Giacomo Arnott.

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

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

Council adopted the current Code of Meeting Practice at its meeting of 28 May 2019. A copy of the Council resolution is shown at **ATTACHMENT 1**.

The adopted Code of Meeting Practice is based on the Model Code of Conduct (Model Code) released by the Office of Local Government late 2018.

Whilst the Model Code is predominantly mandatory, a number of clauses within the Model Code are optional. Those referenced in this Notice of Motion were optional clauses.

Rather than adopt clause 11.11 (as detailed in the Notice of Motion) Council determined to retain clauses 11.6 to 11.9 and 11.13.

An extract from the adopted Code of Meeting Practice is shown below for clauses 11.6 to 11.9 and 11.13:

- 11.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.9 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this Code.

**ITEM 2 - ATTACHMENT 2      PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.**

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

**ITEM 1 - ATTACHMENT 1      PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019**

**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019**

- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council committee.

The resulting outcome of the Notice of Motion, should it be adopted, would be for a division to be recorded for all Council resolutions.

**ATTACHMENTS**

- 1) Council meeting minute extract 28 May 2019 - Code of Meeting Practice.

**ITEM 2 - ATTACHMENT 2      PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****ITEM 1 - ATTACHMENT 1      PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019****MINUTES ORDINARY COUNCIL - 13 AUGUST 2019****ITEM 2 - ATTACHMENT 1      COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.****MINUTES ORDINARY COUNCIL - 28 MAY 2019****ITEM NO. 9****FILE NO: 19/130890  
EDRMS NO: A2004-0284****POLICY REVIEW: CODE OF MEETING PRACTICE****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submission.
- 2) Endorse the Revised Code of Meeting Practice shown at (TABLE DOCUMENT 1).
- 3) Revoke the Code of Meeting Practice dated 12 December 2017, Min. No. 329.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
MOTION**

<b>113</b>	<b>Councillor Giacomo Arnott Councillor Chris Doohan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Receive and note the submission.</li><li>2) Endorse the Revised Code of Meeting Practice shown at (TABLE DOCUMENT 1).</li><li>3) Revokes the Code of Meeting Practice dated 12 December 2017, Min. No. 329.</li></ol>
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Councillor Jaimie Abbott left the meeting at 8:17pm and did not return to the meeting.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council:  <ol style="list-style-type: none"><li>1) Edit clause 4.12 to read, in full:<ul style="list-style-type: none"><li>▪ From:</li><li>▪ "Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforce by the chairperson."</li></ul></li></ol>
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**PORT STEPHENS COUNCIL****167****PORT STEPHENS COUNCIL****168****PORT STEPHENS COUNCIL****254**



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	<ul style="list-style-type: none"><li>• To:</li><li>• "Each speaker will be allowed five minutes to address the Council. Speakers attending on behalf of an organisation speaking about an issue relevant to their organisation will be allowed ten minutes to address the Council. This time is to be strictly enforced by the chairperson."</li></ul> <p>2) Insert optional clause 11.11 from the model code of meeting practice, which reads:</p> <ul style="list-style-type: none"><li>• "All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."</li></ul> <p>3) Insert new clause 10.22(a), which will read:</p> <ul style="list-style-type: none"><li>• "On items relating to Council's finances, Councillors will be automatically granted an additional five minutes speaking time on top of the five minutes as allowed in clause 10.22, to a total of ten minutes, if they request extra time."</li></ul> <p>4) Amend 8.1 - order of meeting business, as follows:</p> <ul style="list-style-type: none"><li>• Move number 3 (acknowledgement of Wirimi people) to become number 2, and drop number 2 (prayer) down to number 3.</li></ul> <p>5) Insert optional clause 20.24, which reads:</p> <ul style="list-style-type: none"><li>• "All voting at meetings of committees of the council, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."</li></ul>
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<p><b>Councillor Giacomo Arnott</b></p> <p>1) That Council edit clause 4.12 to read, in full:</p> <ul style="list-style-type: none"><li>• From:</li><li>• "Each speaker will be allowed five minutes to address the Council. This time is to be strictly enforced by the chairperson."</li><li>• To:</li><li>• "Each speaker will be allowed five minutes to address the Council. Speakers attending on behalf of an organisation speaking about an issue relevant to their organisation will be allowed ten minutes to address the Council. This time is to be strictly enforced by the chairperson."</li></ul>
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**ITEM 2 - ATTACHMENT 2      PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****ITEM 1 - ATTACHMENT 1      PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019****MINUTES ORDINARY COUNCIL - 13 AUGUST 2019****ITEM 2 - ATTACHMENT 1      COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.****MINUTES ORDINARY COUNCIL - 28 MAY 2019**

The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council insert optional clause 11.11 from the model code of meeting practice, which reads: "All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council insert new clause 10.22(a), which will read: "On items relating to Council's finances, Councillors will be automatically granted an additional five minutes speaking time on top of the five minutes as allowed in clause 10.22, to a total of ten minutes, if they request extra time."
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The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT**

	<b>Councillor Giacomo Arnott</b>  That Council amend 8.1 - order of meeting business, as follows: Move number 3 (acknowledgement of Worimi people) to become number 2, and drop number 2 (prayer) down to number 3.
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The amendment lapsed without a seconder.

**ITEM 2 - ATTACHMENT 2      PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.****MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019****ITEM 1 - ATTACHMENT 1      PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019****MINUTES ORDINARY COUNCIL - 13 AUGUST 2019****ITEM 2 - ATTACHMENT 1      COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.****MINUTES ORDINARY COUNCIL - 28 MAY 2019****ORDINARY COUNCIL MEETING - 28 MAY 2019  
AMENDMENT****Councillor Giacomo Arnott**

That Council insert optional clause 20.24, which reads: "All voting at meetings of committees of the council, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded."

The amendment lapsed without a seconder.

The original motion on being put was carried.

**BACKGROUND**

The purpose of this report is to provide Council with the Code of Meeting Practice (the 'Code') following the public exhibition period from 21 March to 18 April 2019, allowing up to 2 May 2019 for submissions to be received, as required by the Local Government Act 1993.

As a result of the public exhibition, one submission was received. A summary of the submission is shown at (ATTACHMENT 1).

As Council is aware amendments to the Local Government Act 1993 in August 2016 provided for a model code of meeting practice for all local councils in NSW. In December 2018, the Office of Local Government released the new model Code of Meeting Practice.

The Code applies to meetings of the Council and Committees of Council where the membership comprises all elected members. The model code also applies to boards of joint organisations and county councils.

Council is required to adopt a new Code of Meeting Practice based on the model Code by 14 June 2019, and may enhance the Code, however, any supplementary clauses cannot be inconsistent with the model Code.

The new Code contains mandatory and non-mandatory provisions. The majority of the Code is the same or similar to Council's existing Code of Meeting Practice. Webcasting of Council meetings is mandatory under the model Code. A number of the non-mandatory provisions have been incorporated into the Code.

A copy of the Code is shown at (TABLE DOCUMENT 1).

## ITEM 2 - ATTACHMENT 2 PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.

## MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019

## ITEM 1 - ATTACHMENT 1 PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019

## MINUTES ORDINARY COUNCIL - 13 AUGUST 2019

## ITEM 2 - ATTACHMENT 1 COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.

## MINUTES ORDINARY COUNCIL - 28 MAY 2019

The Code is provided for Council's consideration.

## COMMUNITY STRATEGIC PLAN

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

## FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications are within the 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

Council is required to adopt a new Code of Meeting Practice based on the model Code to ensure it meets all legislative requirements in relation to conducting a meeting of the Council and a committee meeting of Council. The new Code must be adopted by 14 June 2019.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act 1993 should it not adopt a new Code of Meeting Practice and the model Code of Meeting Practice will automatically come into force.	Low	Adopt the recommendations.	Yes.

**ITEM 2 - ATTACHMENT 2      PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.**

**MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019**

**ITEM 1 - ATTACHMENT 1      PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019**

**MINUTES ORDINARY COUNCIL - 13 AUGUST 2019**

**ITEM 2 - ATTACHMENT 1      COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.**

**MINUTES ORDINARY COUNCIL - 28 MAY 2019**

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are limited sustainability implications associated with this report.

**CONSULTATION**

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

Internal

- General Manager
- Mayor

External

The new Code of Meeting Practice was publicly exhibited from 21 March 2019 to 18 April 2019, with submissions received up to 2 May 2019 as required by the Local Government Act 1993.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Submission summary

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Draft Code of Meeting Practice.

## ITEM 2 - ATTACHMENT 2 PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.

## MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019

## ITEM 1 - ATTACHMENT 1 PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019

## MINUTES ORDINARY COUNCIL - 13 AUGUST 2019

## ITEM 2 - ATTACHMENT 1 COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.

## MINUTES ORDINARY COUNCIL - 28 MAY 2019

## ITEM 9 - ATTACHMENT 1 SUBMISSION SUMMARY

Submission for the Code of Meeting Practice

1	Yorssane Ratepayers and Residents Association (TRRA)	The TRRA's submission makes the following comments: 1. Notes the revised Code is mostly mandated by the NSW State Government under the provisions of the model Code and it contains optional content. 2. Notes that Council is able to enhance the Code subject to the enhancements not being inconsistent with the model Code. 3. Meeting schedules, notes - that Council consider unending the current meeting cycle from two Council meetings to the practice of holding a alternate meeting as committee of the whole meetings and a full Council meeting respectively, as the TRRA is of the view it allows Councilors and the community greater opportunity to consider and seek feedback on matters. 4. Public Forums - that most of Section 4 Public Forums is mandatory with some discretion to set limits and frequencies. It is noted that the Mayor has been substituted for the General Manager and that a maximum number of speakers has been set at 12. Further, that clause 4.12 sets a speaking limit of 5 minutes for individuals with no mention of a limit for those representing an organisation. It is suggested that a limit of 10 minutes should be set for organisational ones.	1. Noted - the model Code of Meeting Practice contains both mandatory and non-mandatory clauses. 2. Noted. 3. The current meeting cycle is considered appropriate at this time. 4. The submission indicates that most of Section 4 - Public Forums is mandatory however the entire section is non-mandatory in the model Code. Council has elected to include Section 4 in its Code and is able to make amendments to the non-mandatory provisions as advised by the Office of Local Government in its Circular No. 18-45, 18 December 2018. Amendments cannot be made to the mandatory provisions of the Code.
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## ITEM 2 - ATTACHMENT 2 PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.

## MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019

## ITEM 1 - ATTACHMENT 1 PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019

## MINUTES ORDINARY COUNCIL - 13 AUGUST 2019

## ITEM 2 - ATTACHMENT 1 COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.

## MINUTES ORDINARY COUNCIL - 28 MAY 2019

## ITEM 9 - ATTACHMENT 1 SUBMISSION SUMMARY

	<p>6. Webcast: TRRA have concerns about the limitations of Council's minimalist approach to webcasting and the length of time webcast recordings are retained on the website. The TRRA call on Council to investigate options to enhance the value of the webcast as an 'after the event' resource, such as a facility that would provide an online meeting agenda that a viewer can click on to go straight to that point of the recording.</p>	<p>5. Council's existing webcasting has been introduced to allow members of the public to access Council meetings whenever and wherever they wish, without the need to be present in person - the current system achieves this outcome. It also provides access to agenda items in written on line form as the meeting progresses - this facility is also available post the meeting. Viewers have the option of viewing the recording and/or the written agenda during the webcast.</p>
	<p>8. Record of voting - that Council should include non-mandatory clauses 11.11 and 20.24 of the model Code which require all resolutions of Council to have the names of those who voted for and against the motion recorded in the minutes.</p> <p>7. Expulsion from meetings - notes the provision of expulsion from meetings, and welcomes Council's approach to require a resolution to expel a councillor from a meeting.</p>	<p>6. The Local Government Act 1993 requires Council to record the name of those who voted for and against all planning decisions. The recording of who voted for and against all other resolutions is currently at the discretion of Council.</p> <p>7. Council had 2 options in terms of expulsion from a meeting - to give the Mayor the sole discretion to expel anyone (including a councillor) from a meeting for disorder or to give the Mayor the discretion to expel anyone (other than a councillor) from a meeting for disorder. Council elected the latter provision.</p>
	<p>8. Rescission motions - TRRA notes that Council did not adopt the non-mandatory clause to allow a rescission motion to be dealt with at the same meeting (cl. 17.12 of the model Code), however Council adopted the non-mandatory clause to allow a resolution to be</p>	<p>8. Council's current practice has been to require a rescission motion to be lodged and presented to the next Ordinary Council meeting, on this basis the draft Code was put forward for consideration. Clause 17.12 of the model Code, as opposed to</p>

ITEM 2 - ATTACHMENT 2 PREVIOUS NOTICE OF MOTION 10 DECEMBER 2019.

MINUTES ORDINARY COUNCIL - 10 DECEMBER 2019

ITEM 1 - ATTACHMENT 1 PREVIOUS NOTICE OF MOTION - 13 AUGUST 2019

MINUTES ORDINARY COUNCIL - 13 AUGUST 2019

ITEM 2 - ATTACHMENT 1 COUNCIL MEETING MINUTE EXTRACT 28 MAY 2019 - CODE OF MEETING PRACTICE.

MINUTES ORDINARY COUNCIL - 28 MAY 2019

ITEM 9 - ATTACHMENT 1 SUBMISSION SUMMARY

		<p>recommitted to correct an error. Further, the TRRA states that there are both pros and cons for allowing a resolution motion at the same meeting. The TRRA believe that Council should explain its reasoning on the matter before it is resolved.</p>	<p>Council's draft Code, states: 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:</p> <p>(a) a notice of motion signed by three councillors is submitted to the chairperson, and</p> <p>(b) a motion to have the motion considered at the meeting is passed, and</p> <p>(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.</p> <p>Council's draft Code of Meeting Practice enables a resolution to be recommitted to correct an error (clause 17.12).</p>
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**NOTICE OF MOTION**

**ITEM NO. 3**

**FILE NO: 20/147787  
EDRMS NO: PSC2017-00019**

**ADVERTISING OF PUBLIC NOTICES**

**COUNCILLOR:** GIACOMO ARNOTT

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**THAT COUNCIL:**

- 1) Resume advertising in the Port Stephens Examiner of public notices, to the same degree and level as was the case prior to the 'operational decision' to change Council's advertising on 30 April 2020.

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**BACKGROUND REPORT OF: STEVEN BERNASCONI – COMMUNICATIONS  
SECTION MANAGER**

**BACKGROUND**

On Friday 17 April 2020 the Minister for Local Government, the Hon. Shelley Hancock announced a suite of regulatory changes to the Local Government regulations to enable Councils to redirect resources to enable delivery of essential services during the COVID 19 pandemic. Concurrently the Department of Planning Industries and Environment (DPIE) amended the Environmental Planning and Assessment regulations to require council's to publish development applications and planning proposal notifications on their website.

Within those changes were 2 items that improved how documents and council notices are made available to all people directly via the council website. Specific to this notice of motion are the regulatory changes that removed "the requirement for council notices to be advertised in newspapers and instead allow/require the relevant notice to be published on the council's website".

On Thursday 30 April 2020, the Mayor and Councillors attended a COVID 19 business continuity briefing with the Executive Team. In this briefing the regulatory changes relating to advertising council notices in local newspapers was explained to the Mayor and Councillors.

Prior to this time Council was required to advertise notices of development applications on exhibition, as well as some other notices, in a newspaper circulating within the local government area. This regulation had been in place since the 1990s, when the communication landscape was very different. No one had the internet at home, computer literacy was low and people certainly did not carry the internet around in their pockets as we do today with smartphones.

The world has changed immensely since that time and is continuing to change faster than ever before. The global pandemic currently being faced has forced yet more change and people are all pivoting where they can.

Like so many organisations, Council's revenue has been affected due to COVID-19 and Council is seizing every opportunity to save and redirect money for our community. Council, like everyone, is doing its best in the current circumstances. As a result of these changes, Council has committed to being more open and more transparent than ever before. Where before we ticked the box, Council is now going the extra mile.

Previously, notices were published on a Thursday in a local weekly newspaper, which does not go to every resident or ratepayer. Now, all Council notices are in one place on Council's website, accessible from the homepage or at [www.portstephens.nsw.gov.au/publicexhibitions](http://www.portstephens.nsw.gov.au/publicexhibitions).

Previously, Council did not send notices directly to people in the community. Now, people can call us and staff can send them these notices by mail or email.

Previously, notices were not made available at our libraries. Now, they are available at all Council libraries, where our friendly staff can also help people to use the computers.

Previously, Council spent about \$90,000 every year to advertise the legislated notices, plus any other events or activities. Now, Council notices are communicated using existing resources. The money saved has been redirected to our COVID-19 response, improving communications and achieving Council's operational objectives.

As always, people can register to become a member of Council's online 'Have Your Say' engagement hub, where they can get informed about everything that's happening at Council.

## **ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 4**

**FILE NO: 20/150620  
EDRMS NO: PSC2017-00019**

**DELEGATIONS: GENERAL MANAGER**

**COUNCILLOR: GIACOMO ARNOTT**

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**THAT COUNCIL:**

- 1) Acknowledge its ongoing commitment to improving transparency, and being held accountable for the decisions of elected representatives.
- 2) Notes that the General Manager made a decision to cut Council's public information advertisements in the Port Stephens Examiner on 30 April 2020.
- 3) Agrees that elected representatives should be held accountable and be responsible for all decisions relating to transparency.
- 4) Amend Port Stephens Council's delegations, as follows:
  - a. The General Manager or their delegate is restricted in exercising delegation in any matters that may reduce transparency of Council decisions, matters, or information.

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

**BACKGROUND**

Council at its meeting on 18 December 2018 adopted the Instrument of Delegations to the General Manager (**ATTACHMENT 1**).

Section 335 of the Local Government Act 1993 (the Act), makes provision for the functions of the General Manager – these are statutory functions of the General Manager.

**Section 335 - The general manager of a council has the following functions**

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,

- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

In addition to the statutory functions of the role, the Council may delegate others functions of Council by way of an Instrument of Delegation to enable the General Manager to carry out the function of the Council under sub-clause 335(g). The General Manager is then able to sub-delegate those functions to staff.

The General Manager is responsible for the day-to-day management of Council and is required to ensure the Council complies with any legislative provisions conferred by any Act.

The proposed Notice of Motion at item 4 seeks to limit the General Manager's delegations, therefore effectively making it impractical for the General Manager to meet the obligations of Section 335 of the Act. The proposed amendment to the delegations is too broad and difficult to enact, should Council be of the mind to adopt the Notice of Motion. If adopted, this may delay service delivery to the community should a report to Council be required and may invoke legal action against Council for such delays. The changes may also be in conflict with other legislative provisions that require the General Manager to act lawfully – with some having a view that the action has reduced the transparency of Council.

On Friday 17 April 2020 the Minister for Local Government, the Hon. Shelley Hancock announced a suite of regulatory changes to the Local Government regulations to enable Councils to redirect resources to enable delivery of essential services during the COVID 19 pandemic.

The Local Government Act 1993 and the Local Government (General) Regulation 2005 were amended to improve the way public notice is given to the community. Previously council notices were required to be advertised in a newspaper circulating in the local government area. The amendment now requires Council to place its notices on the Council website.

This legislative provision increases the transparency of Council's activities and functions by providing access to the information freely on its website – accessible by ratepayers and residents at home and through Council's library network, whilst saving the ratepayer considerable costs by removing paid advertising.

Previously, notices were published on a Thursday in a local weekly newspaper, which does not go to every resident or ratepayer. Now, all Council notices are in one place on Council's website, accessible from the homepage or at [www.portstephens.nsw.gov.au/publicexhibitions](http://www.portstephens.nsw.gov.au/publicexhibitions).

Previously, Council did not send notices directly to people in the community. Now, people can call us and staff can send them these notices by mail or email.

Previously, notices were not made available at our libraries. Now, they are available at all Council libraries, where our friendly staff can also help people to use the computers.

Previously, Council spent about \$90,000 every year to advertise the legislated notices, plus any other events or activities. Now, Council notices are communicated using existing resources. The money saved has been redirected to our COVID-19 response, improving communications and achieving Council's operational objectives.

## **ATTACHMENTS**

- 1) General Manager's Delegations. [↓](#)





## INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Tuesday, 11 December 2018 the Port Stephens Council ("Council") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("General Manager"), being at the date of this instrument Wayne Wallis, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
  - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
  - 2.b **Excluding** those Functions:
    - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
    - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, **excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

### 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

## ITEM 4 - ATTACHMENT 1 GENERAL MANAGER'S DELEGATIONS.

7. These delegations and authorities are subject to, and are to be exercised in accordance with:

- a.a the requirements of the relevant Legislation;
- a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
- a.c any resolution or policy, procedure or budget adopted from time to time by the Council.

8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.

9. In this delegation:

- o **"Functions"** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
- o **"Legislation"** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
- o **"LG Act"** means the *Local Government Act 1993* as amended.

### Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
N/A	N/A
Part B – General Limitations	
N/A	

### Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
NSW Government - Planning &	Making of Local Environmental	Sunday, 14 October 2012

Infrastructure	Plans - Authority to exercise the functions of the Minister for Planning and Infrastructure under Section 59 of the Environmental Planning and Assessment Act 1979 that are delegated to Port Stephens Council by instrument of delegation dated 14 October 2012, following receipt of a Written Authorisation to Exercise Delegation. In exercising the Minister's function under section 59, Council officers must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".	
Roads and Maritime Services (RMS)	Roads and Maritime Services delegations - Section 50 - The RMS delegates to councils constituted under the Local Government Act 1993 listed in Schedule 1 and 2 respectively ("delegates") the functions of RMS set out in Schedule 3 ("the functions") subject to the limitations set out in Schedule 4 and authorises delegates to sub-delegate the functions to the persons in Schedule 5 ("sub-delegates") subject to the limitations in Schedule 4.	Monday, 31 October 2011

**Schedule 3: Policy Authorities**

Code	Policy Authority	Conditions / Limitations (if
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		any)
CP014 - Media Policy	Authority to issue media releases and to provide supporting factual information and comment in accordance with the Media Policy and associated Management Directive.	N/A
CP017 - Annual leave	Authority to approve annual leave applications for staff within his/her section.	N/A
CP018 - Sick/carer's leave	Authority to approve staff applications for sick or carer's leave within his/her section.	N/A
CP019 - Other leave	Authority to approve staff applications for other leave including but not limited to: long service leave, parental leave, bereavement/compassionate leave or career break, in accordance with any corporate processes.	N/A
CP020 - Overtime/leave in lieu	Authority to approve the allocation and payment of overtime, leave in lieu and payment of meal allowances and travelling time to staff within his/her section.	N/A
CP021 - Authorise scheduled training	Authority to approve the attendance of staff within his/her section at scheduled training courses or seminars.	N/A
CP022 - Authorised scheduled training	Authority to approve attendance of staff within his/her Group to attend unscheduled training courses or seminars.	N/A
CP023 - Unscheduled training	Authority to approve attendance of staff within his/her Section to attend unscheduled training courses or seminars.	N/A
CP024 - Examination leave	Authority to approve examination and study leave for staff within his/her area of responsibility, in accordance with any corporate processes.	N/A
CP025 - Approve	Authority to approve timesheets for staff	N/A

timesheets	within his/her area of responsibility.	
CP026 - Approve flexi time	Authority to approve flexi time leave for staff within his/her area of responsibility.	N/A
CP028 - Rostered days off and rostering working times	Authority to approve variations to rostered day off patterns and rostered working times.	N/A
CP030 - Social Media Spokesperson	Authority to act as a social media spokesperson for the purpose of representing Council's position on matters of policy, and to provide information on Council's activities within their area or responsibility.	N/A
CP031 - Speak to the Media	Authority to act as a spokesperson for Council for the purposes of representing Council's position on matters of policy, and to provide factual background information on Council's administration and operations within their area of responsibility.	N/A
CP032 - Transfer of vote within a program maximum \$10,000	Authority to transfer a vote within a budget program up to a maximum of \$10,000.	N/A
CP033 - Write off bad debts up to \$10,000	Authority to write off bad debts to an amount of \$10,000 in any one instance.	N/A
CP033A - Write off rate or charges up to \$10,000	Authority to write off rate or charges to an amount of \$10,000 in any one instance.	N/A
CP034 - Appoint & replace Group Managers	Authority to appoint and replace Group Managers in accordance with the current structure and staff establishment numbers and after consultation with Council.	N/A
CP037 - Written and oral communications	Authority to carry out administrative actions, including written and oral communication, necessary to perform the duties and functions of the position.	N/A

CP041 - Authority to sign contracts for sale	Authority to sign contracts of sale in accordance with the Resolution of Council to buy or sell land.	N/A
CP043 - Authority to endorse cheques, bills and promissory notes	Authority to solely endorse cheques, bills and promissory notes payable to the Order of the Council in accordance with the duties and functions of the delegates position.	N/A
CP044 - Authority to enter into a contract	Authority to sign and enter into a contract on behalf of Council.	N/A
CP065 - Authority to use purchasing card	Authority to use purchasing card to pay suppliers within your area of responsibility and within the approved budget.  Note: General Manager and Group Managers only.	N/A
CP069 - Authority to approve purchase orders	Authority to approve purchase orders within your area of responsibility and within the approved budget.  Note: General Manager and Group Managers only.	N/A

Pursuant to a Resolution of the Council at its meeting of Tuesday, 11 December 2018.

  
Ryan Palmer

Mayor

Date: Tuesday, 11 December 2018

Review date: Wednesday, 30 September 2020

**General Manager's acknowledgement of Delegations of Authority**

I Wayne Wallis, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.



General Manager of Port Stephens Council

Date: 18/12/2018

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