

# DRAFT

## MINUTES – 23 JUNE 2020



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 23 June 2020, commencing at 5.35pm..

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

<b>106</b>	<b>Councillor John Nell</b> <b>Councillor Chris Doohan</b> It was resolved that the apology from Cr Steve Tucker be received and noted, and the leave of absence previously granted for Cr Jaimie Abbott be noted.
<b>107</b>	<b>Councillor Chris Doohan</b> <b>Councillor Sarah Smith</b> It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 9 June 2020 be confirmed.

	<p>Mayor Ryan Palmer declared a pecuniary conflict of interest in item 2. The nature of the interest is Mayor Palmer's family owns land adjacent to the subject site of the planning proposal.</p>
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	<p>Cr Paul Le Mottee declared a pecuniary conflict of interest in item 2. The nature of the interest is the Le Mottee Group undertakes survey work for the owner.</p>
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	<p>Cr Sarah Smith declared a pecuniary conflict of interest in item 5. The nature of the interest is Cr Smith's business has a contract with Port Stephens Council to clean the amenities at Birubi Point Surf Life Saving Club.</p>
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# INDEX

**SUBJECT****PAGE NO****MAYORAL MINUTES ..... 4**

1. LOVE NSW TRAVEL VOUCHER .....5

**COUNCIL REPORTS..... 7**

1. 16-2020-230-1 - 48359 - FOR DEVELOPMENT OF A NEW EDUCATIONAL ESTABLISHMENT BEING A TAFE NSW CONNECTED LEARNING CENTRE AT 1 CENTRAL AVENUE, SALAMANDER BAY NSW 2317 - LOT: 8 DP: 1239352 .....8
2. PLANNING PROPOSAL FOR 96, 98 & 100 PORT STEPHENS STREET, RAYMOND TERRACE.....44
3. DRAFT AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 – CHAPTER B1 TREE MANAGEMENT .....97
4. SMART CITY BLUEPRINT .....118
5. T22-2019 TOMAREE PENINSULA - CLEANING OF PUBLIC AMENITIES.....164
6. POLICY DEVELOPMENT: CLIMATE CHANGE POLICY .....168
7. POLICY REVIEW: LOCAL WEED PRIORITISATION POLICY.....178
8. POLICY REVIEW: INTERNAL REPORTING .....185
9. POLICY REVIEW: ENTERPRISE RISK MANAGEMENT .....210
10. REQUEST FOR FINANCIAL ASSISTANCE .....221
11. INFORMATION PAPERS .....225

**INFORMATION PAPERS ..... 226**

1. MAY 2020 CASH AND INVESTMENTS .....227
2. QUESTIONS ON NOTICE/QUESTIONS WITH NOTICE .....230
3. COUNCIL RESOLUTIONS .....232

# MAYORAL MINUTE



**MAYORAL MINUTE****ITEM NO. 1****FILE NO: 20/175434  
EDRMS NO: PSC2015-01024****LOVE NSW TRAVEL VOUCHER**

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**THAT COUNCIL:**

- 1) Advocate to the NSW Government for the implementation of a travel voucher (Love NSW Travel Voucher) of \$150+ per adult to apply to regional, rural and metropolitan accommodation in NSW. The program would be applied to by accommodation providers along the lines of the similar NSW Government program - Active Kids NSW.
  - 2) Write to the NSW Tourism Minister, the NSW Deputy Premier, the NSW Premier and the Member for Port Stephens to advocate for the program.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2020  
MOTION**

<b>108</b>	<b>Mayor Ryan Palmer</b> <b>Councillor Chris Doohan</b> It was resolved that Council: <ol style="list-style-type: none"><li>1) Advocate to the NSW Government for the implementation of a travel voucher (Love NSW Travel Voucher) of \$150+ per adult to apply to regional, rural and metropolitan accommodation in NSW. The program would be applied to by accommodation providers along the lines of the similar NSW Government program - Active Kids NSW.</li><li>2) Write to the NSW Tourism Minister, the NSW Deputy Premier, the NSW Premier and the Member for Port Stephens to advocate for the program.</li></ol>
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The motion was carried.

**BACKGROUND**

COVID-19 has significantly impacted the regional NSW visitor economy. The true extent of the economic and social impacts are yet to be realised, however, with an industry worth \$46.5 billion closed down for several months, both the short and long term effects will be significant.

The multiplier effects from tourism spending reach all sectors of the economy. Restarting the visitor economy will be a key driver on the social and economic recovery of NSW.

As part of this, Port Stephens will launch a new destination marketing campaign which will soon be followed by the Destination NSW 'Now's the time to love NSW' tourism recovery campaign.

To support this campaign and help kick-start the visitor economy, Council will advocate to the NSW State Government to implement a NSW travel voucher.

This voucher would be similar in concept to the NSW Active Kids Voucher, whereby residents over 18 years of age would be eligible for a \$150+ voucher, valid for a limited period, which could be used on accommodation in NSW rural, regional and metropolitan locations.

This spend and the flow on effects across the State would provide a significant boost in economic activity, local spending and employment.

### **ATTACHMENTS**

Nil.

# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: 20/163292  
EDRMS NO: 16-2020-230-1**

**16-2020-230-1 - 48359 - FOR DEVELOPMENT OF A NEW EDUCATIONAL ESTABLISHMENT BEING A TAFE NSW CONNECTED LEARNING CENTRE AT 1 CENTRAL AVENUE, SALAMANDER BAY NSW 2317 - LOT: 8 DP: 1239352**

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.16-2020-230-1 for construction of a new educational establishment, being a TAFE NSW Connected Learning Centre (CLC) at 1 Central Avenue, Salamander Bay subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.
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**ORDINARY COUNCIL MEETING - 23 JUNE 2020  
MOTION**

<b>109</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor John Nell</b></p> <p>It was resolved that Council approve Development Application No.16-2020-230-1 for construction of a new educational establishment, being a TAFE NSW Connected Learning Centre (CLC) at 1 Central Avenue, Salamander Bay subject to the Recommended Conditions of Consent contained in <b>(ATTACHMENT 3)</b>.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to present a development application to Council for determination (DA) 16-2020-230-1, for construction of a new educational establishment, being a TAFE NSW Connected Learning Centre (CLC) at 1 Central Avenue, Salamander Bay (Lot 8 DP: 1239352).

A locality plan is provided at **(ATTACHMENT 1)**.

The development application 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 development includes the construction of a new educational establishment, being a TAFE NSW Connected Learning Centre (CLC). The proposed CLC building would be built at grade, on a single level.

The height of the building would be 5.3 metres at the highest point. A parking area is proposed in the western extent of the site supporting 10 parking spaces, including 1 disabled accessible space. Building identification façade signage and a low blade wall sign is proposed on the Bagnall Beach Road frontage.

Landscaping comprising mature tree plantings and shrubs is proposed along the Bagnall Beach Road and Central Avenue frontages. Grassed areas are provided within the southern setback and the outdoor seating area.

The development requires minimal earthworks given the flat grade of the site.

The educational facility will include:

- Group learning areas
- Outdoor learning area
- Maker space
- Tech bar
- Media lounge
- Computer hub
- Print areas
- Social lounge for students
- Amenities.

The proposed education facility would accommodate, on average, 5 staff and 17 students at any one time. Hours of operation would typically be 8am – 6pm, Monday to Friday although consent is sought for 8am – 9pm Monday to Friday, and 9am – 5 pm Saturday and Sunday, to provide flexibility in the use of the building.

### Site Description

The subject site is identified as 1 Central Avenue, Salamander Bay (Lot 8 DP1239352). The site is currently vacant, having recently been created as a development lot under the subdivision of land for the Salamander Bay commercial precinct. The subject site is located on a corner lot between Central Avenue and Bagnall Beach Road.

The site is located within the Salamander Bay shopping centre precinct with commercial forms of development endemic to the locality. The public domain is well established, with a number of street trees planted along the periphery of the adjoining road reserves.

The site is identified as Council operational land.

### Key Issues

The subject site is zoned B3 Commercial Core under the Port Stephens Local Environment Plan 2013 (LEP 2013). The proposed development meets the objectives of the B3 zone by contributing to the diversity of land uses that serve the needs of the local community, provide opportunities for tertiary learning and employment in an accessible location in the Salamander Bay area.

The development application was assessed against relevant controls and objectives as specified under applicable State Environmental Planning Policies (SEPP), LEP 2013 and the Port Stephens Development Control Plan 2014 (DCP 2014). The development is considered to be generally compliant with relevant controls and objectives.

A detailed assessment of the proposal against the provisions of Section 4.15 Environmental Planning and Assessment Act 1979 (EP&A Act) is provided at **(ATTACHMENT 2)**. The key issues associated with the proposal relates to the application being submitted as a 'Crown development application' and traffic and parking.

### Crown Development Applications

Clause 226(1) of the Environmental Planning and Assessment Regulation 2000 provides that a development carried out by a TAFE establishment (within the meaning of the Technical and Further Education Commission Act 1990) is a Crown development for the purposes of Division 4.6 of Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Section 4.43 of the EP&A Act provides the following with respect to Crown development applications:

1) A consent authority (other than the Minister) must not:

- a) refuse its consent to a Crown development application, except with the approval of the Minister, or
- b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

It is to be noted that no additional conditions of consent can be imposed from those contained in the Recommended Conditions of Consent (**ATTACHMENT 3**) without the approval of the applicant or Minister in accordance with Section 4.43(1) of the EP&A Act.

The Recommended Conditions of Consent (**ATTACHMENT 3**) have been provided to the applicant (TAFE) for approval. None of the Recommended Conditions of Consent that are included in this report have been disputed by the applicant.

#### Traffic and Parking

The DCP 2014 provides for the provision of parking for educational establishments on the basis of:

- 1 car space per employee
- 1 car space per 8 senior high school students
- 2 bike spaces per 20 employees and students

The proposed facility would accommodate, on average, 5 staff and 17 students on site at any one time. The development therefore generates the need for 5 spaces for staff and 3 spaces (rounded up) for students, a cumulative requirement for eight (8) spaces.

Ten (10) spaces in total, including one disabled space, are proposed, the development is therefore compliant with the DCP 2014 parking requirements. There is adequate room on site to accommodate 2 - 4 bike parking spaces as required. The requirement of bike parking has been included as a Recommended Condition of Consent (**ATTACHMENT 3**).

The site is located at the southwestern corner of the intersection of Bagnall Beach Road and Central Avenue. As Bagnall Beach Road is a divided dual carriageway, Central Avenue is the appropriate primary ingress/egress point for light vehicles. Vehicular ingress and egress for the site is proposed via a 6 metre wide driveway to Central Avenue.

A 6 metre wide driveway has also been provided along Bagnall Beach Road. The Bagnall Beach Road access is included primarily for heavy vehicle usage for the purpose of a Mobile Training Unit (MTU). Heavy vehicle ingress to the site is restricted to Central Avenue only and egress via Bagnall Beach Road. Retractable bollards have been positioned either side of the MTU parking and training area to avoid internal traffic conflicts when the MTU is parked on the site. Restrictions on heavy vehicle access have been included as part of the Recommended Conditions of Consent (**ATTACHMENT 3**).

Pedestrian access is via Bagnall Beach Road, being the primary frontage.

Traffic movements would be generally consistent with the use of the adjacent land as a commercial precinct. It is not anticipated these movements would unduly impact the local traffic environment.

Council's Traffic Engineer was satisfied with the proposed access arrangements and that the existing road network capacity could support the educational facility with no requirement for road upgrades.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Strong Economy, Vibrant Businesses, Active Investment	Support sustainable business development in Port Stephens.

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no anticipated financial or resource implications as a result of the proposed development.

<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		
External Grants	No		
Other	No		

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

The development application is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979.



<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
If Council fails to determine a Crown development application within the 70 day period prescribed by the regulations, the applicant may refer the application to the Hunter and Central Coast Regional Planning Panel.	Low	Approve the application as recommended. The assessment carried out details the merits of the proposed development.	Yes
There is a risk that if the application is refused the ability to provide a new educational facility in Salamander Bay 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 impact on the local Salamander Bay area and the broader community. The proposal will generate direct employment opportunities with flow on employment multipliers benefitting the local community and provide much needed tertiary education services to the area.

The development is consistent with surrounding developments and the objectives of B3 zoned land.

The development is not anticipated to have significant impact to the natural environment. The subject site is cleared of vegetation and the inclusion of landscaping and mature plantings will augment the environmental value of the site. Additionally, the Recommended Conditions of Consent (**ATTACHMENT 3**) require the installation of appropriate stormwater management systems ensuring the surrounding water quality and quantity leaving the subject site is in accordance with the DCP 2014.

### **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 and Contributions Officer. Each officer supported the application subject to the Recommended Conditions of Consent (**ATTACHMENT 3**).

### External

The application was referred to the NSW Police for comment in accordance with the Memorandum of Understanding (MOU) between Council and Police. No objections were received within 21 days, therefore it is assumed NSW Police raises no objection to the development application.

### Public Consultation

In accordance with the requirements of the Community Participation Plan, the development application was notified and advertised for a period of 14 days, ending 2 June 2020. During this period, 2 submissions were received in relation to the proposed development. 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.

## **TABLED DOCUMENTS**

Nil.

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

ITEM 1 - ATTACHMENT 1LOCALITY PLAN.





ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.



**APPLICATION REFERENCES**

<b>Application Number</b>	16-2020-230-1
<b>Development Description</b>	Educational establishment
<b>Applicant</b>	TAFE NSW
<b>Land owner</b>	Port Stephens Council
<b>Date of Lodgement</b>	06/05/2020
<b>Value of Works</b>	\$3,692,098.00
<b>Submissions</b>	Two

**PROPERTY DETAILS**

<b>Property Address</b>	1 Central Avenue SALAMANDER BAY
<b>Lot and DP</b>	LOT: 8 DP: 1239352
<b>88B Restrictions on Title</b>	Drainage easement (2m)
<b>Current Use</b>	Vacant
<b>Zoning</b>	B3 COMMERCIAL CORE
<b>Site Constraints</b>	Stormwater drainage requirement area Acid sulfate soils – class 3
<b>State Environmental Planning Policies</b>	State Environmental Planning Policy No. 55 – Remediation of Land; State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64); State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.****PROPOSAL**

This application proposes development of a new educational establishment, being a TAFE NSW Connected Learning Centre (CLC). The proposed CLC building would be built at grade, on a single level.

The height of the building would be 5.3 metres at the highest point. A parking area is proposed in the western extent of the site supporting 10 parking spaces, including one disabled accessible space. Building identification façade signage and a low blade wall sign is proposed on the Bagnall Beach Road frontage.

Landscaping comprising mature tree plantings and shrubs is proposed along the Bagnall Beach Road and Central Avenue frontages. Grassed areas are provided within the southern setback and the outdoor seating area.

The development requires minimal earthworks given the flat grade of the site.

The educational facility will include:

- Group learning areas;
- Outdoor learning area;
- Maker space;
- Tech bar;
- Media lounge;
- Computer hub;
- Print areas;
- Social lounge for students; and
- Amenities.

**Operational Details**

The proposed education facility would accommodate, on average, 5 staff and 17 students at any one time. Hours of operation would typically be 8am – 6pm, Monday to Friday although consent is sought for 8 am – 9pm Monday to Friday, and 9 am – 5 pm Saturday and Sunday, to provide flexibility in the use of the building.

**SITE DESCRIPTION**

The subject site is identified as 1 Central Avenue, Salamander Bay (Lot 8 DP1239352). The site is currently vacant, having recently been created as a development lot under the subdivision of land for the Salamander Bay commercial precinct. The subject site is located on a corner lot between Central Avenue and Bagnall Beach Road.

The site comprises a regular shaped level allotment, cleared of vegetation, with an area of 1,946m<sup>2</sup>. The site has a frontage of 48m to Bagnall Beach Road and 35m to Central Avenue.

The site is located within the Salamander Bay Shopping Centre Precinct with commercial forms of development endemic to the locality. The public domain is well established, with a number of street trees planted along the periphery of the adjoining road reserves. The surrounding lots to the south and west are currently vacant, although identified for future commercial development, benefiting from previous subdivision works with road access and infrastructure readily available. To the east of the site, beyond Bagnall Beach Road are low density forms of residential development. Further south of the site is a free standing McDonalds premises, with grade parking and access via Town Centre Circuit. To the north of the site is a recently constructed service station. The site is identified as Operational Land under Council Controlled Land.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

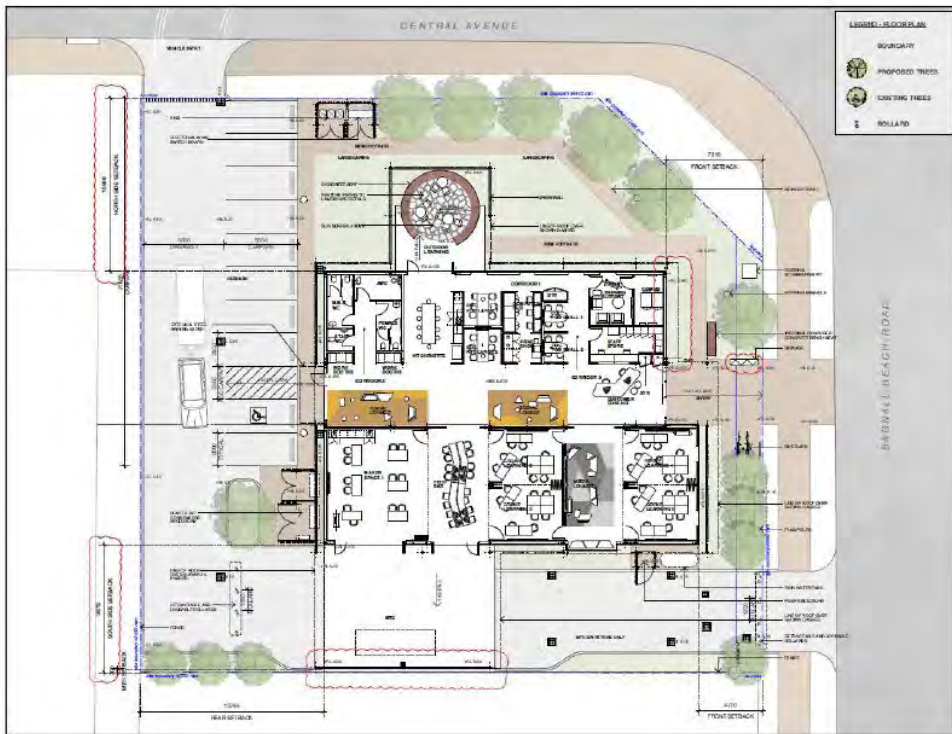


Figure 1: Proposed site layout



Figure 2: Aerial image of subject site



**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

**SITE INSPECTION**

A site inspection was carried out on 25 May 2020.

The subject site can be seen in photographs 1 and 2 below:



**Photograph 1: View from traffic lights facing north along Bagnall Beach Road, subject site on the left**



**Photograph 2: View of site from Bagnall Beach Road**

**PLANNING ASSESSMENT**

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

The application was assessed, and comments provided, by the following external agencies and internal specialist staff:

Internal

Development Engineer – Supported with conditions

Environmental Health – Supported with conditions

Building Surveyor - Supported with conditions

Development Contributions - Supported with conditions

*Comment:* All referral officers have supported the application with conditions.

External

NSW Police –The application was referred to the NSW Police. No objections were received within 21 days, therefore it is assumed NSW Police raises no objection to the DA.

**Environmental Planning and Assessment Act 1979**

Clause 226(1) of the Environmental Planning and Assessment Regulation 2000 provides that a development carried out by a TAFE establishment (within the meaning of the Technical and Further Education Commission Act 1990) is a Crown development.

As TAFE NSW is the applicant, this application is therefore Crown development for the purposes of Division 4.6 of Part 4 of the Environmental Planning and Assessment Act 1979.

***Section 4.33 – Determination of Crown development applications***

Section 4.43 EP&A Act provides the following with respect to Crown development applications:

- (1) A consent authority (other than the Minister) must not—*
  - (a) refuse its consent to a Crown development application, except with the approval of the Minister, or*
  - (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

The recommended conditions attached to this assessment report have been issued to the applicant (TAFE) for approval. No conditions have been imposed that have not been supported by the applicant.

It is to be noted that no additional conditions of consent can be imposed from those contained in the recommended conditions attached to this report without the approval of the applicant or Minister.

***Section 4.46 - Integrated development***

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals.

The proposal is not classified as integrated development as no other approvals or consents are required to facilitate the development.

***Section 4.15 - Matters for consideration***

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).



**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.*****Section 4.15(a)(i) - any environmental planning instrument***

An assessment has been undertaken against each of the applicable environmental planning instruments (EPI's), as follows:

**State Environmental Planning Policy No. 55 – Remediation of Land**

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.

A review of the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system. The land is not within an investigation area, there are no records of potentially contaminating activities occurring on the site, and the insert proposed use is not listed as a possible contaminating use, per Table 1 of the Guidelines.

The site has recently been the subject of a subdivision application to create the subject lot. On this basis, the potential for contamination or the need for remediation has been resolved at the subdivision stage. The land is therefore deemed suitable for the zoned purposes without the need for further remediation.

Therefore, the proposed development satisfies the requirements of SEPP No. 55.

**State Environmental Planning Policy (Koala Habitat Protection) 2019**

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. This Policy commenced on 1 March 2020.

The site is void of any koala feed trees or potential habitat. The site has been cleared of vegetation as part of previous subdivision works under the parent subdivision.

**State Environmental Planning Policy (Infrastructure) 2007**

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides a framework to simplify the approvals process for the delivery of infrastructure and also identifies a consultation process with relevant public authorities for certain development types.

While the proposed land use is not identified under clause 104 (traffic generating development) or Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), education establishments are identified as traffic generating development under clause 57 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).

The proposed education establishment is not anticipated to accommodate more than 50 students and therefore does not represent traffic generating development under clause 57 of the Education SEPP. The subject site does not front a classified road.

Consideration of potential traffic and access issues is assessed in the subsequent sections of this report.

**State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

Part 6, clause 52 of the Education SEPP outlines the statutory criteria for development permitted with consent for TAFE establishments. The proposal has been assessed against the relevant provisions below.

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

*(1) Development for the purpose of a TAFE establishment may be carried out by any person with development consent on land in a prescribed zone.*

By reference to clause 50 of the Education SEPP, prescribed zones include the B3 zone.

*(2) Development for a purpose specified in clause 56(1) may be carried out by any person with development consent on land within the boundaries of an existing TAFE establishment.*

There are no existing educational establishments on the site.

*(3) Development for the purpose of a TAFE establishment may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing TAFE establishment.*

Not applicable as the site is within a prescribed zone.

*(4) A TAFE establishment (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.*

The proposed TAFE facility will deliver positive social, intellectual and cultural outcomes for the community.

*(5) Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.*

The proposal is not classified as development that could be carried out without development consent under clause 53 of the Education SEPP.

*(6) Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing TAFE establishment.*

Not applicable to the proposal.

*(7) Development for the purpose of residential accommodation for students that is associated with a TAFE establishment may be carried out by any person with development consent on land within the boundaries of an existing TAFE establishment.*

Not applicable to the proposal.

The above assessment demonstrates the development is acceptable in the context of clause 52 of the Education SEPP and is permissible with the consent of Council.

Clause 57 relates to educational establishments being traffic generating development. Educational establishments with a capacity of 50 or more students are considered to be traffic generating development and require Transport for NSW to be notified of the development. The proposal does not provide for 50 or more students, and therefore does not trigger the thresholds for traffic generating development. No referral to Transport for NSW is required for this application.

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

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) sets out planning controls for advertising and signage in NSW. The SEPP requires signage to be compatible with the future character of an area, provide effective communication in suitable locations and be of high quality design and finish.

The matters for consideration for SEPP No. 64 include Clause 3, which outlines the objectives of the SEPP and Schedule 1, which provides an assessment framework to determine if the proposed signage scheme is acceptable in terms of its impacts. An assessment of the proposed signage scheme against SEPP No. 64 matters for consideration is outlined in the table below.

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

Matter for consideration	Assessment comment
Clause 3 – Aims and objectives	<p>The proposed signage is considered to meet the aims and objectives of the SEPP in that it:</p> <ul style="list-style-type: none"> <li>• is compatible with the desired visual amenity of the commercial precinct within which the site is situated;</li> <li>• complements the overall theme of the development;</li> <li>• is considered to be in the best location for effective communication with users of the educational facility; and</li> <li>• to be constructed of high quality materials.</li> </ul>
<b>Schedule 1 - Assessment criteria</b>	
<p><i>1 Character of the area</i></p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The proposed signage scheme is compatible with the character of the locality, being zoned for commercial purposes.</p>
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposed signage is consistent with the objectives for signage under the PSCDCP 2014, noting however there is no specific theme for this locality.</p>
<p><i>2 Special areas</i></p> <p>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?</p>	<p>The proposed signage does not detract from any areas of environmental or cultural importance or nearby residential or recreational areas.</p>
<p><i>3 Views and vistas</i></p> <p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed signage does not obscure or compromise important views, dominate the skyline or reduce the quality of any views or vistas.</p> <p>The proposed signage has no impact on existing signage in close proximity to the site.</p>
<p><i>4 Streetscape, setting or landscape</i></p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p>	<p>The signage scheme is considered to be acceptable in terms of scale, height, and appearance.</p> <p>The proposed signage will contribute to the visual interest of the area through its integration with the built form and uncluttered appearance. The signage appropriately identifies the users of the site.</p> <p>An integrated whole-site approach to advertising has been adopted.</p> <p>The proposal does not screen unsightliness.</p> <p>No.</p>

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

<p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>No.</p>
<p><i>5 Site and building</i></p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed signage is compatible with, and complements, the overall scale, proportion, design and character of the development.</p>
<p><i>6 Associated devices and logos with advertisements and advertising structures</i></p> <p>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?</p>	<p>No.</p>
<p><i>7 Illumination</i></p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>Whilst not specified in the applications, a condition has been imposed that low impact lighting will be provided to illuminate the signage at night. It is unlikely adjacent residential development will be impacted by the lighting.</p>
<p><i>8 Safety</i></p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>Safety would not be compromised by the location, size or nature of the proposed signage.</p> <p>The signage located at the vehicular entrance to the site will not impact on sight lines.</p> <p>The signage located at the vehicular entrance to the site will not impact on sight lines.</p>

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

Port Stephens Local Environmental Plan 2013 (LEP)

**Clause 2.3 – Zone Objectives and Land Use Table**

The proposed development is defined as an educational establishment which is permissible with consent in the B3 – Commercial Core zone. Additionally, by virtue of the prevailing provisions of the State Environmental Planning Policy (Educational Establishments) 2017 (clause 8), educational establishments are permitted with consent in the B3 – Commercial Core zone.

The development addresses the objectives of the zone by contributing to the diversity of land uses that serve the needs of the local community, provide opportunities for learning and employment and facilitates the growth as a regional centre.

**Clause 4.3 – Height of Buildings**

The proposed development has a maximum height of 5.3 metres, which is below the maximum permissible building height of 15 metres specified on the Height of Buildings Map.

**Clause 5.10 – Heritage conservation**

The site does not support any items of heritage significance, nor is the site located within a heritage conservation area.

An online search submitted with the application from the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) with no buffer confirms that there are no sites of Aboriginal heritage located in, on or near the site.

**Clause 7.1 – Acid Sulfate Soils**

The subject land is mapped as containing potential Class 3 acid sulfate soils. Given the flat nature of the site, works are not expected to be required more than 1 metre below natural ground level. No extraction of ground water or lowering of the watertable is required or anticipated, therefore it is not expected that acid sulfate soils would be encountered during works.

As a precautionary measure a condition has been included requiring an ASS Management Plan to be implemented if ASS are discovered during construction work.

**Clause 7.2 – Earthworks**

The application proposes earthworks on the site to achieve a level building platform through the use of balanced cut and fill. Earthworks are minor in nature and are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place. No material is proposed to be imported or exported from the subject site and accordingly, the development accords with the requirements of this clause.

**Clause 7.3 – Flood Planning**

The proposed development is located on land mapped as being partially affected by the PMF event along the Bagnall Beach Road frontage. The education building has been sited predominantly outside of the flood hazard, which accords with the requirements of this clause. In addition, the applicant has submitted a civil design plans that demonstrate the development will not be adversely impacted in a 1% ARI flood event, or create significant negative impacts on the local flooding characteristics.

**Clause 7.6 – Essential Services**

The subject site is 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 Councils requirements. The subject land also maintains direct access to Bagnall Beach Road and Central Avenue, meeting the requirements of this clause.

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.*****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.

The proposed SEPP seeks to provide a state-wide planning framework to guide the remediation of land, including: outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly lists remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under the SEPP No.55 discussion elsewhere within this report. The subject site has been identified as suitable for the proposed development and further investigation in respect to contamination is not warranted in this instance.

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

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

**Chapter B1 – Tree Management**

The proposal will require the removal of one (1) street tree due to the size and location of the driveway on Bagnall Beach Road. A condition has been imposed that any removed street trees are to be replanted or replaced to ensure there is not net loss of trees in the public domain.

**Chapter B2 – Natural Resources**

The site is not located on land, or is within 500m of land, that contains items of environmental significance; such as threatened species or communities, listed migratory species, wildlife corridors, wetlands or riparian corridors and has the potential to impact biodiversity.

The site is not in proximity to land that contains koala habitat.

The environmental significance of the site is considered low, with no biodiversity offsets required.

**Chapter B3 – Environmental Management****Acid Sulfate Soils**

The objective of this DCP Chapter is to ensure that developments do not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. As detailed within clause 7.1 discussion above, the proposed development could be undertaken, subject to conditions of consent, without resulting in adverse impact to ASS. In this regard the development is consistent with the objective and requirements of the DCP.

**Noise**

The proposed land use is not considered an offensive noise emitting land use. The hours of operation are within standard business times. The separation of the site from any nearby sensitive receivers limits the opportunity for any loss amenity with regard to noise emissions as a result of the proposal.

**Earthworks**

As discussed at clause 7.2 above the proposed development involves minor earthworks for the purpose of establishing driveways and a building platform and excavation for footings.

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements outlined in Councils DCP relating to earthworks.

Waste

To ensure ongoing waste is managed responsibly, the development includes a waste storage area catering for commercial waste. External Waste and recycling collection will be by commercial waste collection services. Commercial cleaning services will collect internal waste for onsite, external storage with 240 litre bins for general waste, general recycling and larger format recycling of materials.

Conditions of consent should be imposed that require waste from demolition and building works to be separated into recyclable and non-recyclable materials, the reuse of materials on-site where possible, and the disposal of all other materials at an approved facility.

**Chapter B4 – Drainage and Water Quality**

A stormwater management plan was submitted with the application and includes adequate quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification and a condition of consent has been included requiring the provision of detailed engineering plans, prior to the commencement of works.

**Chapter B5 – Flooding**

The subject land is mapped as being partially within the Flood Planning Area. Following from the discussion against clause 7.3 of the PSLEP above, the proposed development is acceptable in this regard.

**Chapter B6 – Essential Services**

Reticulated water, electricity and sewer are available to the subject site. In addition, an acceptable stormwater management plan has been submitted and the land achieves direct access to a public road.

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

While the development is not classified as traffic generating development under the ISEPP, the Education SEPP classifies education establishments with the capacity of accommodating 50 or more students a day to be traffic generating development. Given the facility has a capacity less than 50 students, the proposal is not classified as traffic generating development.

Traffic movements would be during core hours and would be generally consistent with the use of the adjacent land as a commercial precinct. It is not anticipated these movements would unduly impact the local traffic environment.

Council's Traffic Engineer was satisfied the existing road network capacity could support the educational facility with no requirement for road upgrades.

Parking

Section B9 of the DCP provides for the provision of parking for educational establishments on the basis of:

- 1 car space per employee
- 1 car space per 8 senior high school students
- 2 bike spaces per 20 employees and students



**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

The proposed facility would accommodate, on average, 5 staff and 17 students on site at any one time. The development therefore generates the need for 5 spaces for staff and 3 spaces (rounded up) for students, a cumulative requirement for eight (8) spaces.

Ten (10) spaces in total, including one disabled space, are proposed, the development is therefore compliant with parking requirements under Section B9.

There is adequate room on site to accommodate 2 - 4 bike parking spaces as required. The requirement of bike parking has been included as a condition of consent.

Access

The site is located at the southwestern corner of the intersection of Bagnall Beach Road and Central Avenue. As Bagnall Beach Road is a divided dual carriageway, Central Avenue is the appropriate primary ingress/egress point for light vehicles. Vehicular ingress and egress for the site is proposed via a 6 metre wide driveway to Central Avenue.

A 6 metre wide driveway has also been provided along Bagnall Beach Road. The Bagnall Beach Road access is included primarily for heavy vehicle usage for the purpose of a Mobile Training Unit (MTU). Heavy vehicle ingress to the site is restricted to Central Avenue only and egress via Bagnall Beach Road. Retractable bollards have been positioned either side of the MTU parking and training area to avoid internal traffic conflicts when the MTU is parked on the site. Restrictions on heavy vehicles access have been recommended as part of the conditions of consent.

Pedestrian access is via Bagnall Beach Road, being the primary frontage.

Council's Traffic Engineer raised no objection to the proposed access arrangements.

**Chapter B10 – Social Impact**

Educational establishments are not a listed form of development for which a Social Impact Assessment is required. Development is unlikely to have an adverse social impact.

**Chapter C8 – Signage**

Reference	Control	Assessment
Objective C8.A	<b>General</b>	Signage has been assessed under SEPP 64.
Requirement C8.1-8.3	<ul style="list-style-type: none"> <li>To ensure signage is complimentary to its surroundings</li> </ul>	The proposed signage scheme is consistent with the requirements of C8.1-8.3.

**Chapter D8 - Salamander Bay Shopping Centre**

The aim of this Chapter is to provide planning principles that provide further guidance to the development of the Salamander Bay Shopping Centre Precinct.

Reference	Control	Assessment
D8.1	Identity Hub – Sense of identity for a unified community and commercial precinct	The proposed development is a viable use of commercial land within the precinct and will allow for provision community service options. The development of an education facility within the precinct will reinforce the locality as a local hub for transport, community retail and service needs.
D8.2	Integration – Ensure future development integrates with and enhances the precinct	The development will provide a new modern built form in the precinct. The use of the site for an education facility is an efficient use of the site that visually, socially and



**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

		economically integrates with the Salamander Bay Shopping precinct.
D8.3	Connectivity – integrated pedestrian and road network	Pedestrian and bicycle paths along Bagnall Beach Road and Central Avenue will be retained and provide connectivity to the site. Council's Traffic Engineer has confirmed the road network can support the traffic generation anticipated for the site.
D8.5	Friendly – Development respects surroundings and users of the development	The proposal is compatible with surrounding land uses and has been designed to minimise adverse environmental and amenity impact, particularly to the adjoining lands and residential neighbours.
D8.6	Environment – Ensure development protects local ecology	The site is located away from ecologically sensitive areas and there are no anticipated impacts on the local ecology.
D8.7	Safety – Development designed to ensure safety of neighbours and users of the development	Pedestrian and bicycle paths are present on both Bagnall Beach Road and Central Avenue development frontages. The proposed development achieves safe and efficient vehicle and pedestrian movements internally throughout the site. The siting of the development will not compromise safety or connectivity between developments within the precinct.
D8.8	Community – Development supports and is consistent with community activities	The site is strategically located and its location enables easy access for the community to utilise the services offered. Furthermore, the proposed development will generate employment opportunities within the local community in addition to providing education facilities that will serve the needs of the people who live in the surrounding area.
D8.9	Aesthetics – Designed with human scale in mind and provide holistic approach to precinct	<p>The proposed built form will positively impact upon the visual amenity and built character of the area given:</p> <ul style="list-style-type: none"> <li>- The proposed built form is of an appropriate scale and bulk suitable for the area and the main road location;</li> <li>- The building is adequately setback from both road frontages reinforcing the desired streetscape of the precinct;</li> <li>- The development is of a high quality design and would complement the streetscape through innovative use of materials and complementary landscaping arrangement; and</li> <li>- New proposed landscaping elements will 'green' the site and add to the visual interest of the area.</li> </ul>
D8.10	Economic Development – Ensure future development economic advantages to community	The proposal will allow for the efficient use of the land for educational purposes. This allows long-term future growth, facilitating the provision of additional education services to the local community. The increased availability of tertiary education options will improve the ability of the commercial precinct to provide for the needs of the local community

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

		and attract visitors from a wider catchment area. The additional students attracted to the locality will deliver positive impacts to the economic viability precinct.
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***Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

The Environmental Planning and Assessment Regulations 2000 (EP&A Regs) 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.

***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

The proposed development of an education facility on the site is anticipated to have an ongoing positive social and economic impact on the local Salamander Bay 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 development will be compliant with relevant disability standards, and will meet the needs of people with physical disabilities, sensory disabilities and intellectual disabilities;
- The proposal will provide much needed tertiary education services to the area;
- The development will attract students to the area;
- The proposal will result in economic benefits associated with the construction works; and
- The proposal is consistent with the planning intent for commercial development in the precinct.

Impacts on the Built Environment

The proposed building is of a high quality design and will have a positive impact on the streetscape. The building is in keeping with the commercial nature of the surrounding development and the development reflects the transitional nature of the surrounding locality, which has resulted in the development of commercial land uses in the locality in recent years.

The proposed development would not adversely impact on the public domain in terms of public recreational opportunities, public spaces surrounding the subject site or pedestrian linkages.

Impacts on the Natural Environment

The site is cleared of substantial vegetation as a result of the recent subdivision of the land. No impacts to flora and fauna are predicted as a result of the development.

The site would be landscaped as an element of the project, establishing an improvement to the natural environment.

On balance the proposal does not result in a significant impact to the natural environment as demonstrated in this assessment report.

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

The site is suitable for the proposed development given the proposed use is permissible in the B3 (Commercial Core Zone) and complies with PSLEP and DCP. The proposed development of an

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

educational establishment in this location is considered to be a compatible land use given the commercial development nearby and the residential housing to the east.

The education facility 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 proposed development, the site is deemed suitable for a new educational establishment building and ancillary services to provide a TAFE Connected Learning Centre (CLC).

***Section 4.15(1)(d) any submissions made in accordance with this act or the regulations*****Public Submissions**

The application was exhibited from 19 May 2020 to 2 June 2020, in accordance with the provisions of the Port Stephens Council Community Participation Plan.

Two submissions were received during the notification period, which included one submission in support of the proposal. A second submission raised some concerns, however still provided in-principal support for the application.

The submissions received during the exhibition period have been detailed in the table below:

No.	Author of submission	Comment	Council response
1	Community Group	Supported application	N/A
2	Community Group	Dispute applicant request for exemption from development contributions.  Failure to consider Planning Principles.	Council has included a s7.12 condition for the payment of development contributions. This has been supported by the applicant.  The proposal satisfies the Planning Principles contained in DCP Section D8 as demonstrated in this assessment report.

***Section 4.15(1)(e) the public interest***

The proposal would make sound economic use of commercially zoned land and with appropriate control measures, the proposed development is not expected to result in adverse harm to the natural or built environment. Given the merit of the design, suitability of the site for an education facility and the absence of any significant adverse environmental impacts; the DA is considered to be in the public's interest and worthy of Council's support.

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

The application proposes the construction of a TAFE educational establishment. It is noted that the subject site is recently created and a search of previous consents confirms that no s7.11 contribution has been applied in the creation of the lot.

The development would not be subject to s7.11 contributions. However Section 1.5 of the Fixed Local Infrastructure Contribution Plan outlines that all development which is not subject to s7.11 is subject to s7.12 contributions, unless exempted under a Ministerial Direction or carried out by or on behalf of Council. It is noted that the proposed development does not trigger any exemptions under the applicable contribution plan for educational establishments.

It is noted that the Applicant indicates in the SoEE that the development is exempt under Council's Contribution Plan, however this reference is to the old contribution plan, which was repealed and replaced by the current plan on 1 January 2020. Therefore, the proposal does not warrant exemption for the application from s7.12 contributions. As such condition for the payment of s7.12 contributions

**ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

has been recommended. The imposition of this condition has been supported by the applicant under the Crown DA provisions of Section 4.43 EP&A Act.

**DETERMINATION**

The application is recommended to be approved by the Elected Council, subject to conditions of consent provided in the notice of determination.

RYAN FALKENMIRE

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

**SCHEDULE 1 – 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 reference/ drawing no.	Name of plan	Prepared by	Date
TM-DA00 – Rev. B	Locality Plan	Brewster Hjorth Architects	28/05/20
TM-DA01– Rev. B	Site/Roof Plan	Brewster Hjorth Architects	28/05/20
TM-DA02– Rev. B	Floor Plan	Brewster Hjorth Architects	28/05/20
TM-DA03 – Rev. B	Elevations	Brewster Hjorth Architects	28/05/20
TM-DA04 – Rev. B	Sections	Brewster Hjorth Architects	28/05/20
TAFE CLC Tomaree - 01	Landscape Plan	Taylor Brammer	29/01/20

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

- (2) **Separate approval for signs** – A separate development application for any proposed signs additional to those signs approved as part of this development consent, must be provide to, and approved by, the Consent Authority or under the provision of the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* if applicable prior to the erection or display of any such signs.
- (3) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Crown Certificate.
- (4) **Sign on building** – Except in the case of work only carried out to the interior of a building, a sign must be erected in a prominent position on the site showing the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.

The sign must be maintained while the work is being carried out and is to be removed when the work is completed.

- (5) **Tree removal/pruning** – The street tree identified for replanting along Bagnall Beach Road must be replanted prior to occupation of the building.

If the tree is damaged during works, it must be replaced with a like for like equivalent in accordance with Council's Tree Technical Specifications. The replacement tree must be selected and planted to the satisfaction of Council's Vegetation Management Officer.

**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



ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (6) **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'.
- (7) **Reflectivity** - The reflectivity of glass externally must not exceed 20%. Details demonstrating compliance must be provided to the Crown Certifier.
- (8) **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.
- (9) **Design quality of development** - The approved design (including an element or detail of that design) or materials finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building without the approval of Council.

**2.0 – Prior to Commencement of Works**

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

- (1) **Potential acid sulfate soils** - A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Crown Certifier.

The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.

- (2) **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 Crown Certifier.

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

- (3) **Stormwater/drainage plans** - A detailed stormwater drainage plan is to be submitted to the Crown Certifier for a system capable of catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event. The detailed plans are to be in accordance with Council's Infrastructure Specification as well as the current Australian Rainfall and Runoff guidelines using the current Hydrologic Soil Mapping data for Port Stephens available from Council, and include the following information:
  - a) On-Site Stormwater Detention / Infiltration with supporting calculations;
  - b) An emergency overland flow path for major storm events, that is directed to the public drainage system;

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Page 2 of 11

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- c) Conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties);
- d) Detailed pavement finished surface levels, to ensure stormwater runoff catchment and its direction into the detention system;
- e) Metal kerb adaptors (or alternative) within the kerb adjacent to each approved lot not serviced by an inter-allotment drainage line, extended to within the boundaries of each respective property by a 100mm SN8 grade pipe;
- f) Interallotment drainage connections if required; and
- g) Water quality control devices that comply with the requirements of the Port Stephens Development Control Plan.

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 Crown Certifier.

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

- (4) **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 Crown Certifier.

- (5) **Retaining walls** – All retaining walls must be designed and certified by a suitably qualified Structural Engineer in accordance with Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Crown Certifier.

- (6) **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 Crown Certifier.

- (7) **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 Roadworks Permit under Section 138B of the *Roads Act 1993*.

- (8) **Parking areas and loading bays** - Loading bays are to be provided in accordance with AS2890 Part 2 'Parking Facilities'.

Details demonstrating compliance must be provided to the Crown Certifier.

- (9) **Construction Environmental Management Plan** - A Construction Environmental Management Plan (CEMP) is to be submitted to and approved by the Crown Certifier.

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Page 3 of 11



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



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.

- (10) **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 Crown Certifier.

- (11) **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 Crown Certifier.

- (12) **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 Occupation of Building.**

- (13) **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.

- (14) **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,

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Page 4 of 11



ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



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 the Crown Certifier.

- (15) **Sign of 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;

The sign must be maintained while the work is being carried out and must be removed upon the completion of works.

- (16) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Crown Certifier. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.

- (17) **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).

- (18) **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.

- (19) **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.

- (20) **Protection of trees /existing street trees** – Protection of trees to be retained must be in accordance with AS490 'Protection of Trees on Development Sites'.

### 3.0 - During Work

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

- (1) **Construction hours** – All work (including delivery of materials) must be restricted to the hours of 7.00am to 5.00pm Monday to Sunday inclusive. Work is not to be carried out on Public Holidays.

Error! Reference source not found.

Page 5 of 11

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (2) **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.
- (3) **Compliance with BCA** – All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (4) **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 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:
  - a) preserve and protect the building from damage; and
  - b) if necessary, underpin and support the building in an approved manner; and
  - c) 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.
- (5) **Building height** – A survey report prepared by a Registered Surveyor confirming that the building height complies with the approved plans or as specified by the development consent, must be provided to the Crown Certifier prior to the development proceeding beyond frame stage.
- (6) **Survey report** – The building must be set out by a Registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans must be provided to the Crown Certifier prior to the pouring of concrete.
- (7) **Construction Management Plan implementation** – All management procedures and systems identified in the approved Construction Environmental Management Plan must be implemented and carried out during the entire construction period of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (8) **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:
  - a) Connected an existing stormwater drainage easement/system/street.
- (9) **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.

Error! Reference source not found.

Page 6 of 11



ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



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.

- (10) **Location of stockpiles** – Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.
- (11) **Tree protection measures** – All trees to be retained must be protected in accordance with AS4970 'Protection of Trees on Development Sites' for the duration of construction.
- (12) **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.
- (13) **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.
- (14) **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.

- (15) **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 Crown Certifier.

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

#### 4.0 - Prior to Occupation of Building

The following conditions of consent shall be complied with prior to occupation or commencement of use.

Error! Reference source not found.

Page 7 of 11

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (1) **Fire Safety Certificates** - A Fire Safety Certificate must be provided to the Crown Certifier in accordance with the requirements of the *Environmental Planning & Assessment Regulation 2000*.
- (2) **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 Crown Certifier.
- (3) **Footpath crossing construction** - A footpath crossing and driveway must be constructed in accordance with this consent 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.

- (4) **Directional traffic flow signs** - Heavy vehicle ingress is restricted to Central Avenue and egress via the Bagnall Beach Road driveway.

Light vehicle ingress and egress is via Central Avenue.

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.

- (5) **Geotechnical Compliance Certificate** - A Certificate of Compliance prepared by a qualified Geotechnical Engineer must be provided to the Crown Certifier 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.
- (6) **Tree planting** - All trees must be planted in accordance with the approved Landscape Plan approved as part of this consent.
- (7) **Completion of landscape works** - All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.
- (8) **Car parking requirements** - A minimum of 10 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.
- (9) **Bicycle requirements** - Bicycle parking racks to accommodate 4 bicycles must be installed in accordance with the approved plans.
- (10) **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.

Error! Reference source not found.

Page 8 of 11



ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (11) **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.
- (12) **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 Crown Certifier.

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.

### 5.0 – Ongoing Use

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

- (1) **Display of goods on footpath** – No goods are to be displayed outside the confines of the building.
- (2) **Maneuvering of vehicles** – All vehicles must enter and exit the site in a forward direction.
- (3) **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.
- (4) **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	8am – 9pm
Tuesday	8am – 9pm
Wednesday	8am – 9pm
Thursday	8am – 9pm
Friday	8am – 9pm
Saturday	9am – 5pm
Sunday and Public Holidays	9am – 5pm

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.

- (5) **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.

Error! Reference source not found.

Page 9 of 11

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- (6) **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.
- (7) **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'.
- (8) **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.
- (9) **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*.
- (10) **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.
- (11) **Waste management and collection** – Arrangements for the placement of the garbage bins at the kerbside for weekly collection and must ensure the return of the bins to the garbage room as soon as practicable after collection.
- (12) **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.

**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) **Dividing fences** – The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Error! Reference source not found.

Page 10 of 11



ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

- (3) **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.
- (4) **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.
- (5) **Regulated premises inspections** – The premises will be incorporated in Council's Surveillance Program and will be subject to ongoing annual inspections.
- (6) **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.
- (7) **Flood information is subject to change** – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to the commencement of works, Council should be contacted to verify the currency of the flood information.
- (9) **Works near/adjoining electricity network assets** – There are underground electricity network assets adjacent to the proposed development in Bagnall Beach Road and Central Avenue. Any works undertaken adjacent to Ausgrid underground assets / Ausgrid assets must be undertaken with care in accordance with Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables.
- (10) **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.
- (11) **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.

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Page 11 of 11

Councillor Paul Le Mottee left the meeting at 5:57pm prior to item 2.  
Mayor Ryan Palmer left the meeting at 5:57pm prior to item 2.

The Deputy Mayor chaired the meeting in the absence of the Mayor.

**ITEM NO. 2**

**FILE NO: 20/164773**  
**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, Industry and Environment for a Gateway determination and request authority to make the plan.
- 

**ORDINARY COUNCIL MEETING - 23 JUNE 2020**  
**MOTION**

<b>110</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Glen Dunkley</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Adopt the planning proposal (<b>ATTACHMENT 3</b>) 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 unrestricted and remove minimum lot size provisions.</li></ol>
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## MINUTES ORDINARY COUNCIL - 23 JUNE 2020

- |  |  |
|--|--|
|  | 2) Forward the planning proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination and request authority to make the plan. |
|--|--|

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

Those for the Motion: Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

### 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

**MINUTES ORDINARY COUNCIL - 23 JUNE 2020**

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:	<p>Town centre revitalisation: The subject land is identified as a catalyst site in the Raymond Terrace and Heatherbrae Strategy.</p> <p>Flooding: The subject land is in a high hazard flood risk category. A flood report will be required at development application stage.</p> <p>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.</p>

**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.



Subject land



DISCLAIMER

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

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**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**



**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.

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

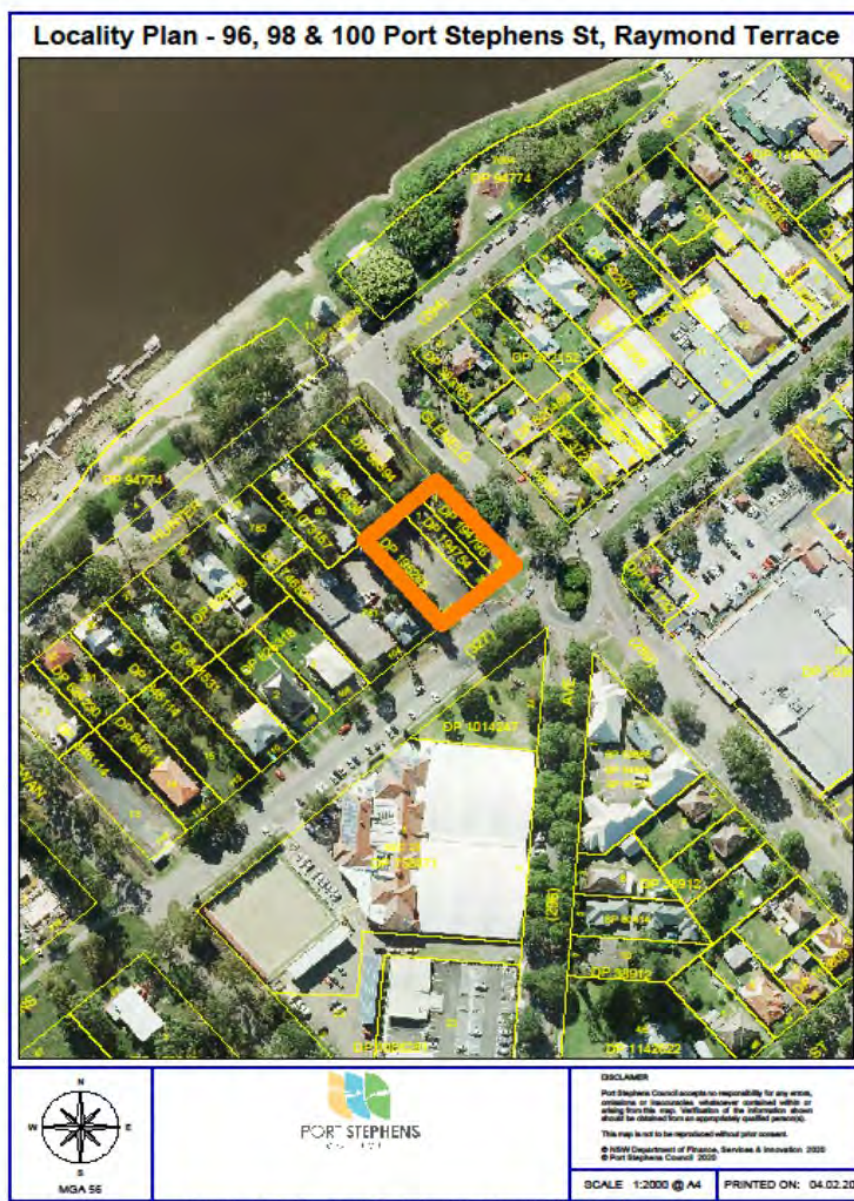
**PRE-LODGEMENT MATTERS**

<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.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.



## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

## 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.

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

<b>Information</b>	<b>Applicable</b>	<b>Lodged</b>	<b>Adequacy</b>
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.

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

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.



**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

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.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

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.

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

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.

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

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>

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

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.

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

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.



**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

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.

## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

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.

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

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:**

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**Matthew Borsato**

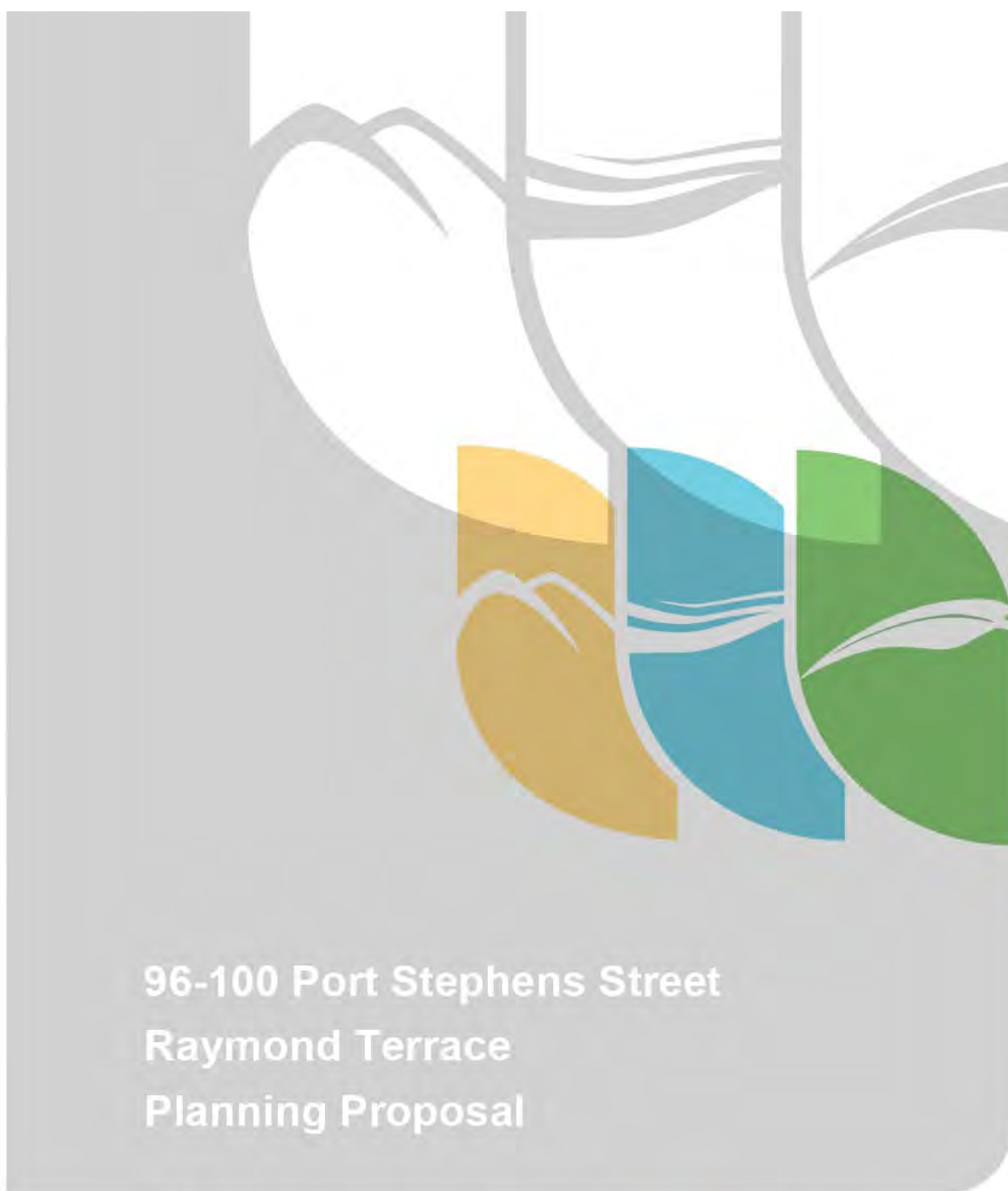
Senior Strategic Planner

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**Elizabeth Lamb**

Strategic Planning Coordinator

ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.



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



1

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

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

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

**SUMMARY**

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**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**

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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.

Figure 1. Site location

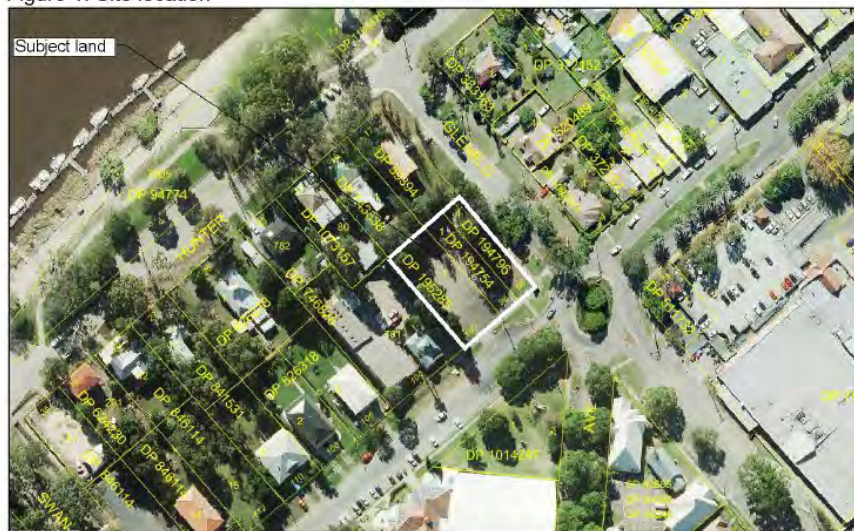
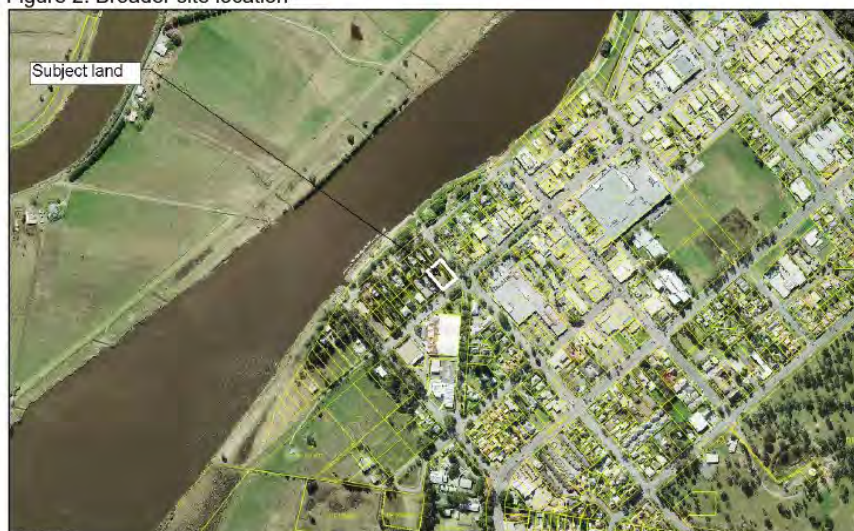


Figure 2. Broader site location





ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

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**

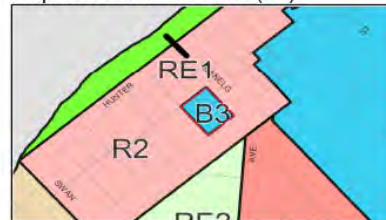
The objective of the planning proposal will be achieved by the following amendments to the LEP 2013:

- 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)



**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.****PART 3 – Justification**

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**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.



ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

**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.

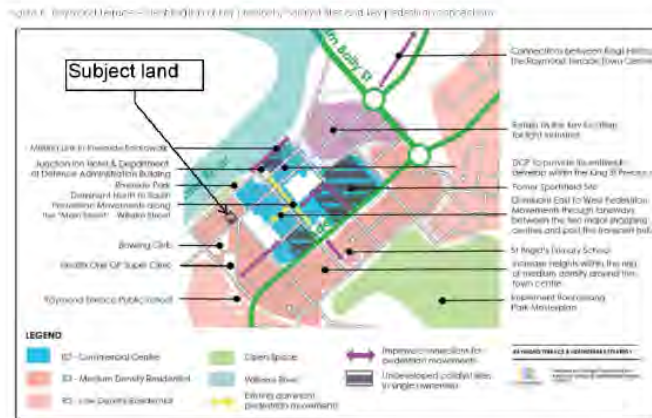
ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

**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

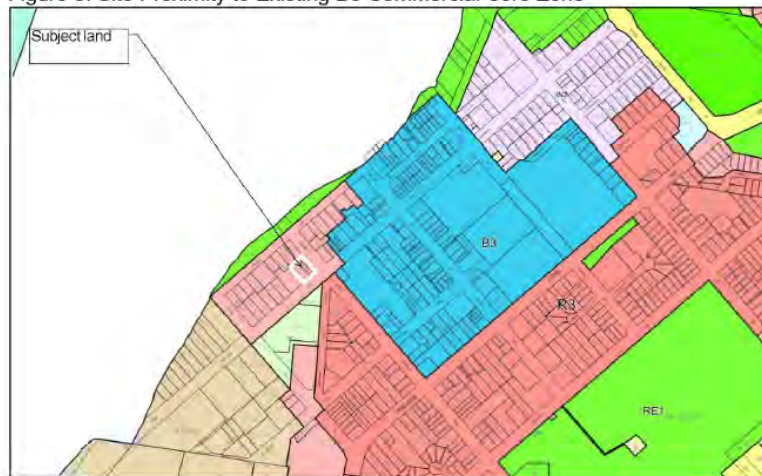


ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

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.

## ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

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>

ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

Is the planning proposal consistent with applicable Ministerial Directions?

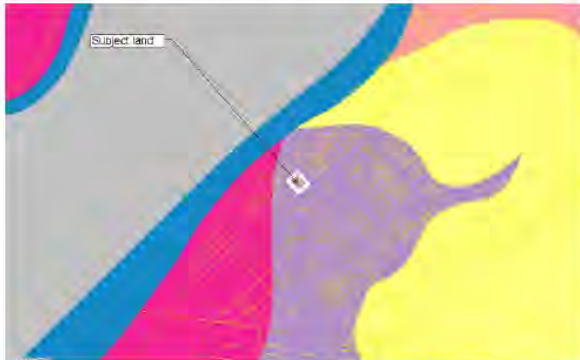
Table 2 – Relevant Ministerial Directions

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>



ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

<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.

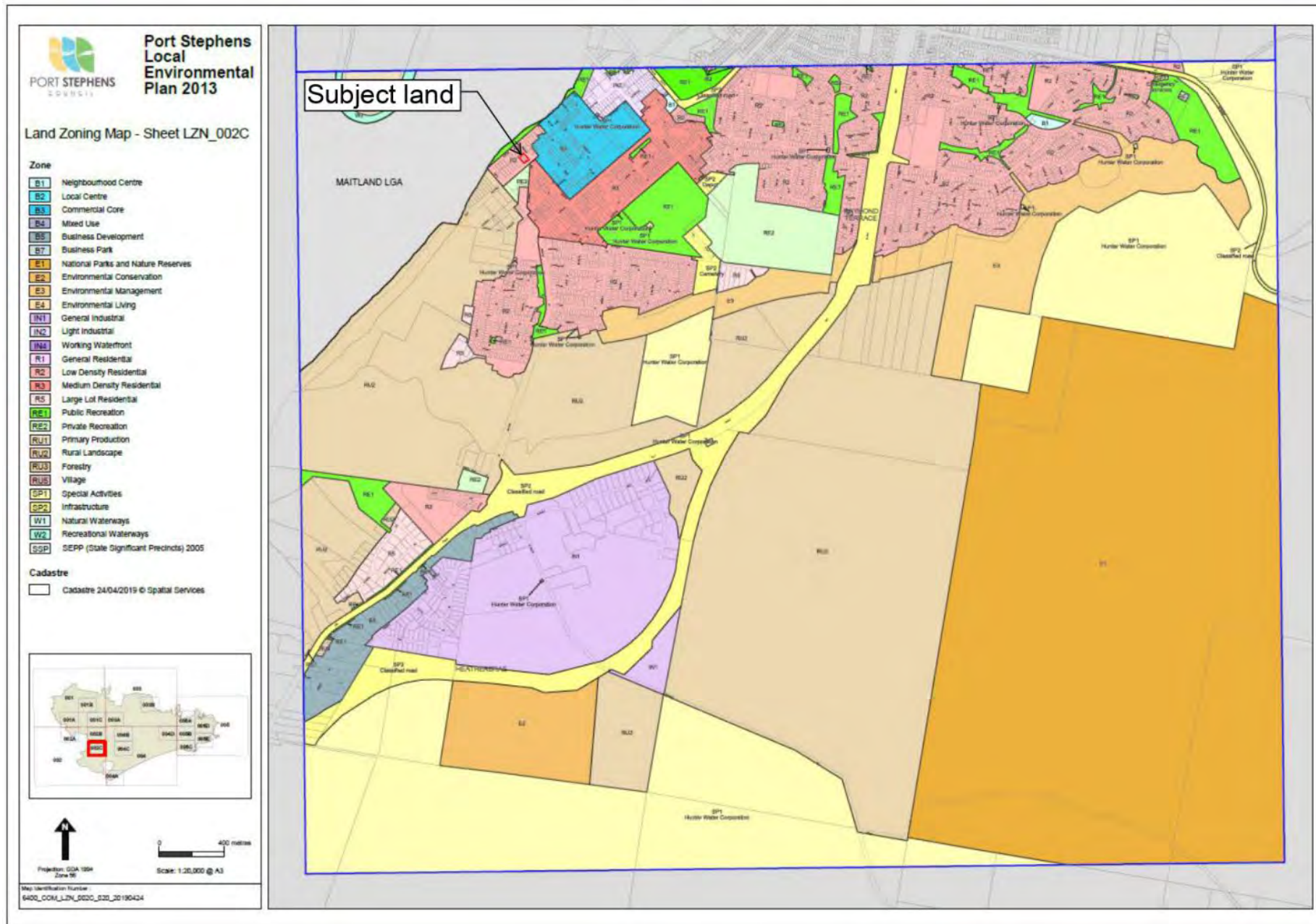
It is proposed to place the planning proposal will on public exhibition for 28 days.

**PART 6 – Project timeline**

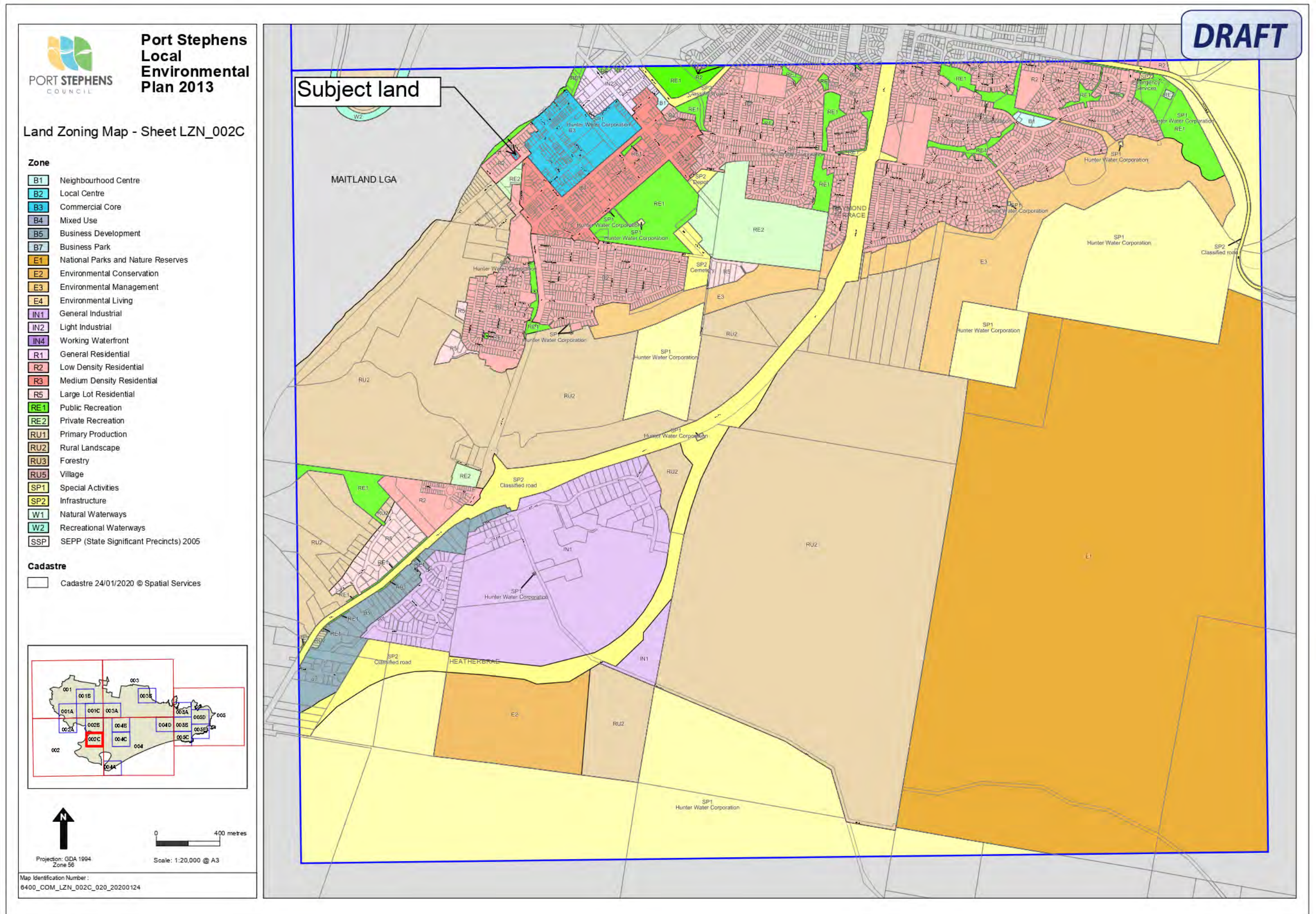
The following timetable is estimated for the planning proposal in year 2020:

	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 4MAPS.**

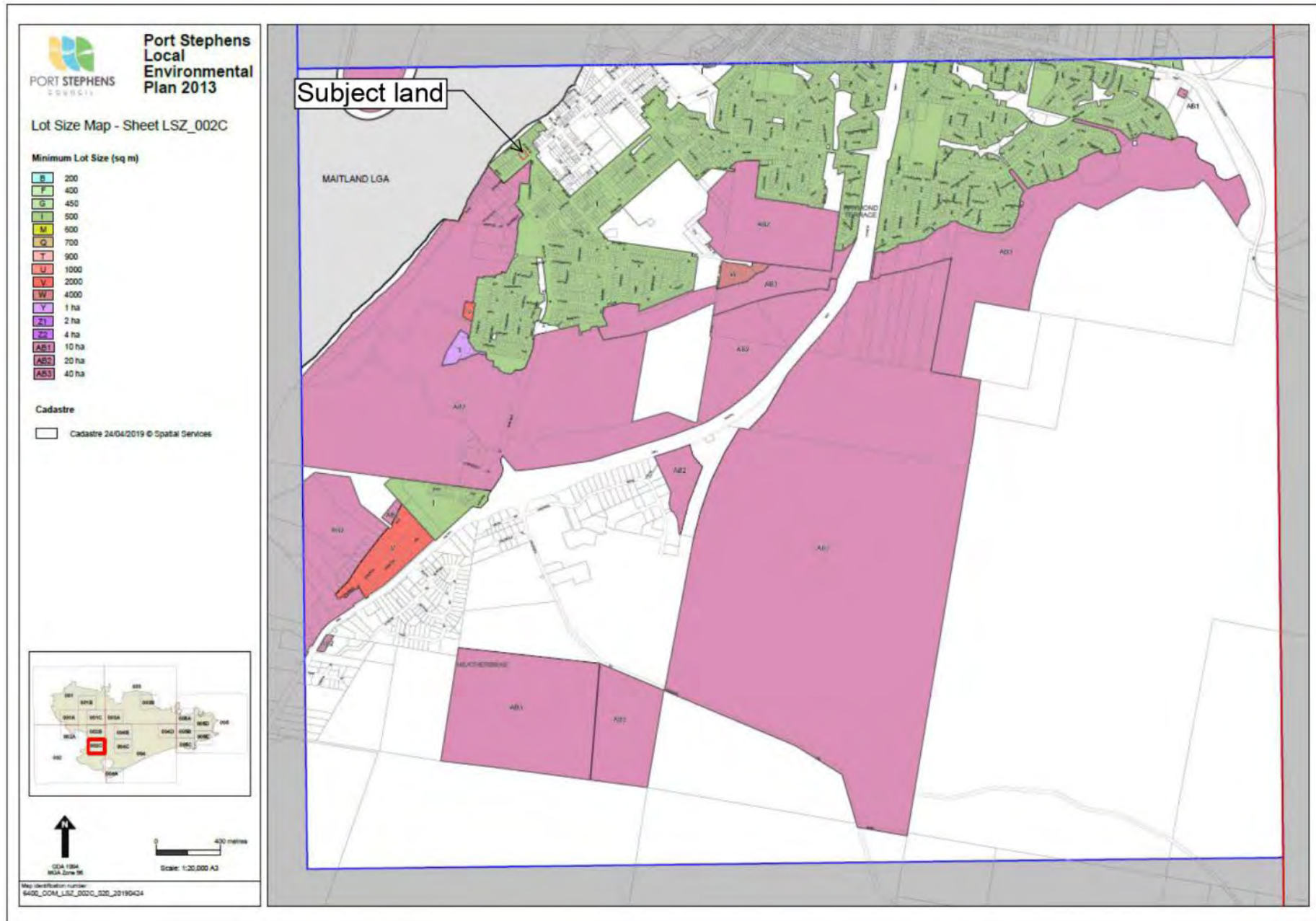




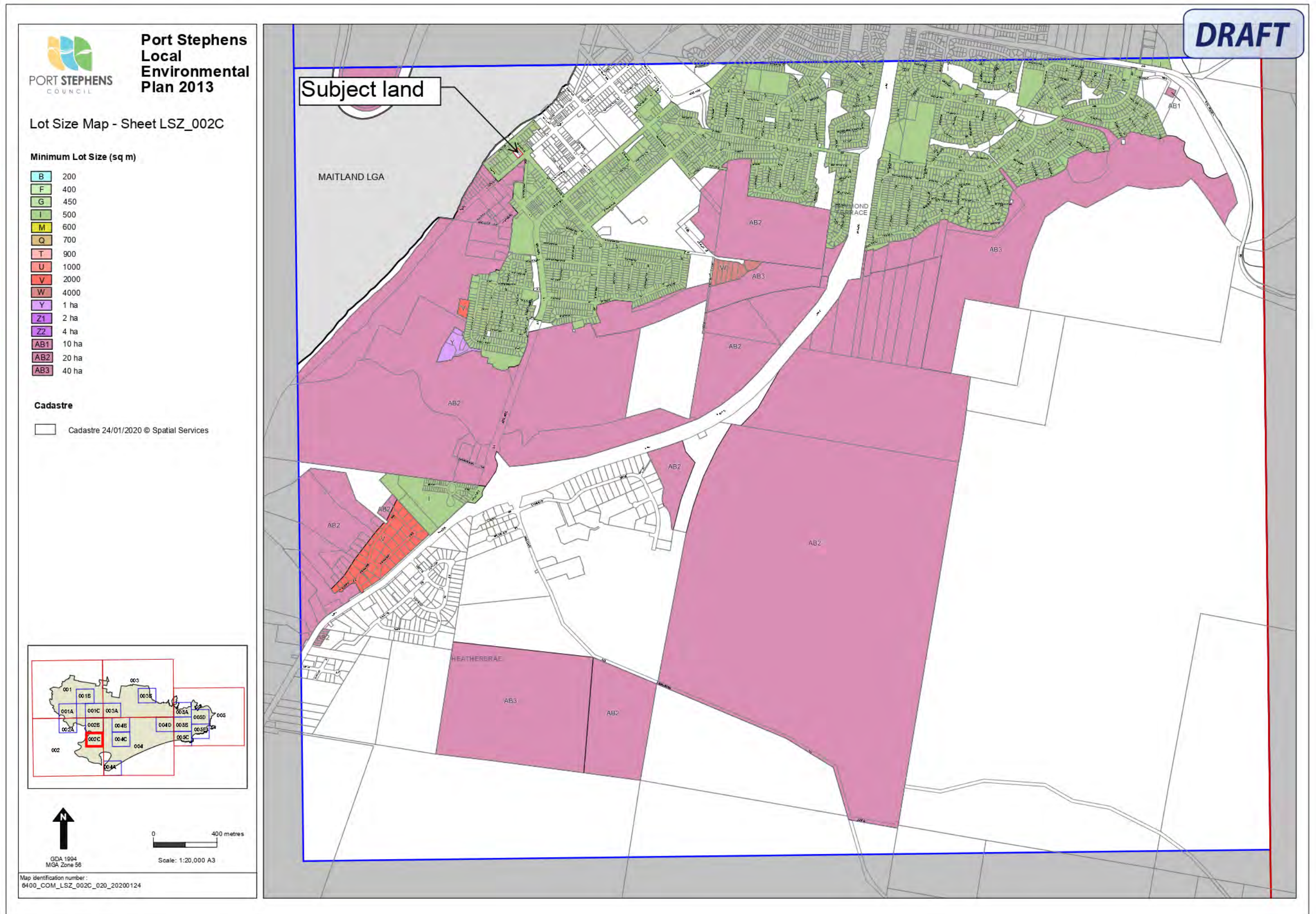




ITEM 2 - ATTACHMENT 4 MAPS.

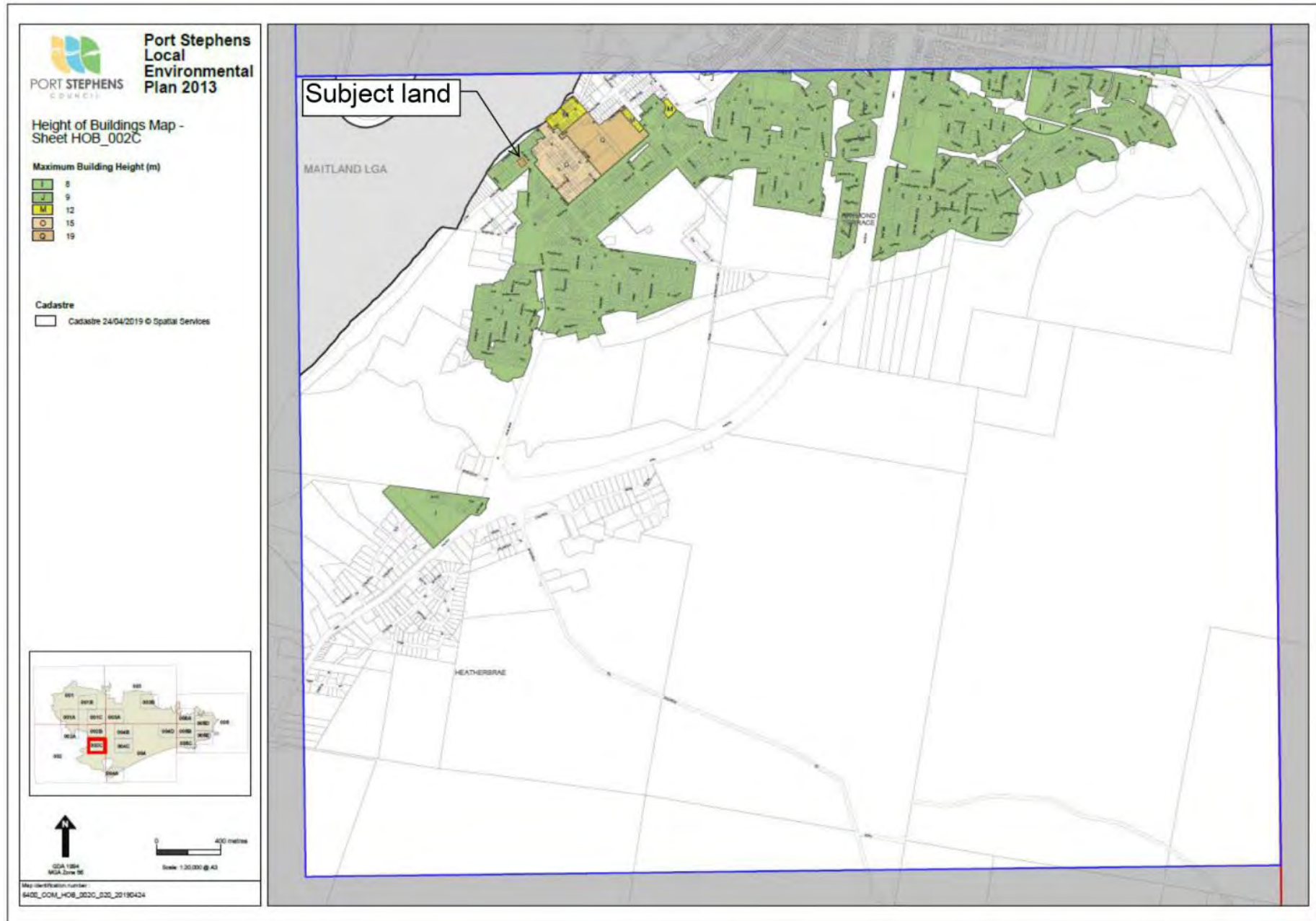




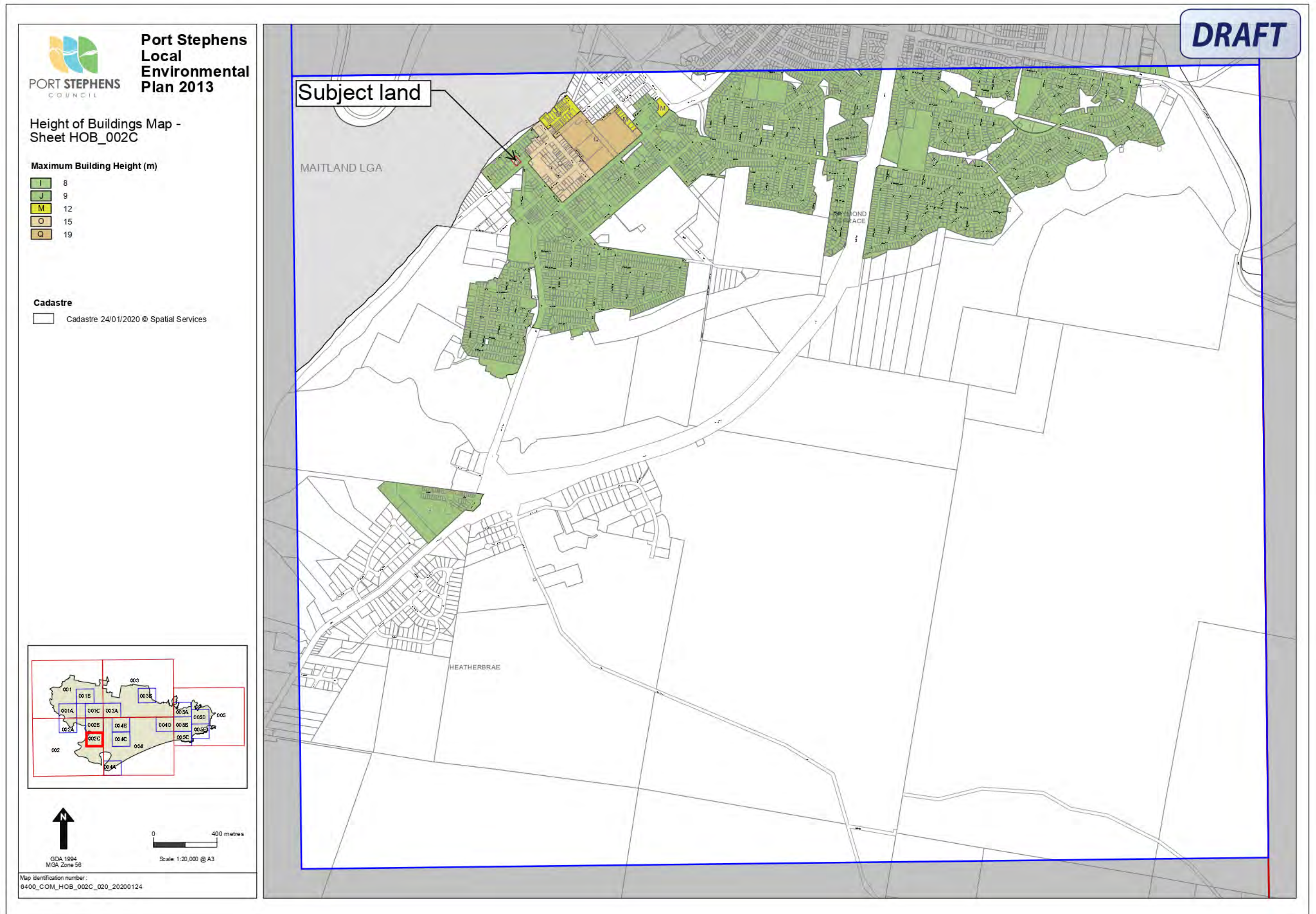




ITEM 2 - ATTACHMENT 4 MAPS.









Councillor Paul Le Mottee returned to the meeting at 6:06pm prior to item 3.  
Mayor Ryan Palmer returned to the meeting at 6:06pm prior to item 3.

Mayor resumed the chair.

**ITEM NO. 3**

**FILE NO: 20/100830**  
**EDRMS NO: PSC2019-05565**

**DRAFT AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTROL  
PLAN 2014 – CHAPTER B1 TREE MANAGEMENT**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Exhibit a draft amendment (the Amendment) to the Port Stephens Development Control Plan 2014 (**ATTACHMENT 1**) in accordance with Section 3.43 of the Environmental Planning and Assessment Act 1979 (NSW).
  - 2) Exhibit the Amendment for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000 (NSW).
  - 3) If no submissions are received, approve the Amendment as exhibited, without a further report to Council.
- 

**ORDINARY COUNCIL MEETING - 23 JUNE 2020**  
**MOTION**

<b>111</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Exhibit a draft amendment (the Amendment) to the Port Stephens Development Control Plan 2014 (<b>ATTACHMENT 1</b>) in accordance with Section 3.43 of the Environmental Planning and Assessment Act 1979 (NSW).</li><li>2) Exhibit the Amendment for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000 (NSW).</li><li>3) If no submissions are received, approve the Amendment as exhibited, without a further report to Council.</li></ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

## **BACKGROUND**

The purpose of this report is to seek Council approval to place the draft Port Stephens Development Control Plan 2014 (DCP 2014) - Chapter B1 Tree Management (the Amendment) (**ATTACHMENT 1**) on public exhibition for a minimum period of 28 days.

The Amendment will align the DCP 2014 with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP).

There are no policy changes proposed and there are no changes proposed to the types of trees and vegetation that can currently be removed without approval under the DCP 2014, Vegetation SEPP and other legislation.

The Vegetation SEPP provides that approval is not required to remove trees and vegetation in non-rural areas that the Council is satisfied are:

- dying or dead and is not required as the habitat of native animals, or
- a risk to human life or property.

The Amendment will ensure consistency with the Vegetation SEPP and online resources will be prepared to assist landowners identify when removal of vegetation can occur without Council approval.

The Amendment will give effect to the Council resolution on 10 March 2020, Minute Number 055 (**ATTACHMENT 2**) by amending the DCP 2014 to specify that approval to remove vegetation and trees is not required where there is a risk to human life or property. Educational and supporting materials will be prepared to clarify tree removal requirements and exemptions for the community.

The Amendment also includes changes to chapters E1 and E3 of the DCP 2014 to clarify references included in chapter B1 of the DCP 2014 (**ATTACHMENT 1**).

A detailed explanation of the Amendment is provided at (**ATTACHMENT 3**).

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no known financial or resource implications for Council as a consequence of the proposed recommendations. The exhibition will be managed 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		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no known legal, policy or risk implications resulting from the proposed recommendations.

**Environmental Planning & Assessment Act 1979 (EP&A Act)**

Division 3.6 of the EP&A Act relates to development control plans. Should Council resolve to proceed with the Amendment, all necessary matters in preparing the plan will be carried out in accordance with the EP&A Act.

**Environmental Planning & Assessment Regulations 2000 (EP&A Regulations)**

Division 2 of Part 3 of the EP&A Regulations specifies the requirements for public participation. The recommendation is in accordance with the provisions of the EP&A Regulations.

**State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)**

Clause 9 of the Vegetation SEPP enables a development control plan to declare the kinds of vegetation in non-rural areas which require a council permit to be cleared.

The Vegetation SEPP specifies the type and thresholds of vegetation which do not require approval clearing.

Clause 8(3) of the Vegetation SEPP provides that approval is not required for the removal of vegetation that the council is satisfied is:

- dying or dead and is not required as the habitat of native animals, or
- a risk to human life or property.

The Amendment will give effect to the provisions of the SEPP and will clarify tree removal requirements and exemptions for the community.

#### Port Stephens Development Control Plan 2014 (DCP 2014)

Chapter B1 of the DCP 2014 declares the kinds of vegetation and trees in non-rural areas that may be cleared with approval and when removal is exempt from approval.

Currently, tree removal that is exempt from requiring approval includes where urgent removal is necessary on account of immediate failure. The Amendment will align the DCP 2014 with the Vegetation SEPP by enabling removal where a tree is dead or dying and is not required as the habitat of native animals, or where there is a risk to human life or property.

The Amendment includes notification requirements where removal is proposed for a tree that is dead or dying and is not required as the habitat of native animals, or where there is a risk to human life or property. Notice is required to be provided to Council 10 days prior to the removal of the tree.

Other amendments are proposed to ensure consistency with the Vegetation SEPP and other relevant legislation. A detailed explanation of the Amendment is provided at **(ATTACHMENT 3)**.

#### 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 Amendment is consistent with Action 7.1 in the LSPS which requires Council to review and update the tree management framework.

#### Environment Policy

Clause 5.4 of the Environment Policy (the policy) requires Council to meet all its statutory responsibilities under environmental legislation. The Amendment is consistent with the policy as it will align the DCP 2014 with relevant environmental legislation, specifically the Vegetation SEPP.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
If the Amendment is not made, there is a risk that Council's tree management framework is inconsistent with State legislation.	Medium	Endorse the Amendment for exhibition.	Yes
There is a risk that the Amendment results in increased compliance actions for Council.	Low	<p>Endorse the Amendment for exhibition.</p> <p>The Amendment will align the DCP 2014 with existing provisions for tree removal in the Vegetation SEPP and educational materials will be prepared to clarify tree removal requirements and exemptions for the community.</p> <p>The existing provisions of the DCP 2014 note that a landowner bears the onus of proof when undertaking tree removal without a permit. This can include taking photos before and after tree removal and seeking the advice of a qualified arborist in determining the direct threat of any tree.</p>	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Amendment will align Council's tree management framework with State environmental legislation by specifying that approval is not required for the removal of trees or vegetation that Council is satisfied is:

- dying or dead and is not required as the habitat of native animals, or
- a risk to human life or property.

This will be through the Port Stephens Council Exempt Tree Removal Self Certification Form which is required to be provided to Council 10 days prior to the removal of the tree.



There are no changes proposed to the categories of trees and vegetation that can currently be removed without approval under the DCP 2014, Vegetation SEPP or other legislation, and educational materials will be prepared to clarify tree removal requirements and exemptions for the community.

## **CONSULTATION**

Preliminary consultation with key internal stakeholders has been undertaken by the Strategy and Environment section to identify and consider any issues prior to exhibition.

### Internal

Internal consultation has been undertaken with the Facilities and Services Group, Development Assessment and Compliance section, and the Natural Resources unit on the proposal. All stakeholders support the Amendment as it will align the tree management framework with State legislation. The consultation has informed the preparation of the Amendment and the development of additional processes for the tree removal notification requirements outlined in the Amendment.

The Natural Resources unit is preparing educational materials to support the Amendment.

### External

No external consultation has been undertaken to date and the purpose of this report is to endorse the Amendment for public exhibition.

If supported, the Amendment will be placed on public exhibition for a minimum of 28 days. The Amendment will be made available on Council's website in accordance with the Environmental Planning and Assessment Amendment (Public Exhibition) Regulation 2020.

Submissions on the Amendment will be invited during the public exhibition period and, if submissions are received, they will be considered in a future report back to Council with any detail of any post-exhibition changes to the Amendment.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Draft Development Control Plan Amendment.
- 2) Minute No. 055, 10 March 2020.
- 3) Explanation of Amendments - DCP Chapter B1 and Schedule E.

## **COUNCILLORS ROOM**

- 1) Draft resources for landowners.

## **TABLED DOCUMENTS**

Nil.

## ITEM 3 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN AMENDMENT.

B1

## B1 Tree Management

## Application

This Part applies to **development** to remove or prune trees or other vegetation within **non-rural areas**

**Note:** Clearing of native vegetation in **rural areas** is regulated by the *Local Land Services Amendment Act 2016*

## Objective

B1.A	<b>Non-rural Areas</b>	To give effect to <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> by listing those trees or other vegetation that require approval
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## Requirement

B1.1	Where any activity specified in Column 2 is proposed, an applicant must attain the corresponding approval type specified in Column 1 except for an activity where no approval is required.
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Column 1 – Approval Type Required	Column 2 – Tree Management Activity
Native Vegetation Panel approval	Clearing of <b>native vegetation</b> that exceeds <b>is subject to</b> the biodiversity offset scheme threshold as specified in the <i>Biodiversity Conservation Act 2016</i>
Council issued <b>permit</b>	<ul style="list-style-type: none"> <li>Removal or pruning of a tree or other vegetation where height exceeds 3m or <b>circumference breast height</b> exceeds 300mm; or</li> <li>Removal or pruning of a tree or other vegetation, irrespective of the size, that is:               <ul style="list-style-type: none"> <li>a NSW Christmas Bush (<i>Ceratopetalum gummiferum</i>);</li> <li>a Cabbage Tree Palm (<i>Livistona australis</i>);</li> <li>a species listed under the <i>Biodiversity Conservation Act 2016</i>;</li> <li>listed under the <b>register of significant trees</b><sup>3</sup>; or</li> <li>part of a <b>heritage item, heritage conservation area</b>, Aboriginal object or Aboriginal place of significance, which Council is satisfied:                   <ul style="list-style-type: none"> <li>is of a minor nature or is for the maintenance of that item, area, object or place; and</li> <li>will not adversely affect the significance of that item, area, object or place.</li> </ul> </li> </ul> </li> </ul>
Council issued <b>development consent</b>	<p>Removal or pruning of a tree or other vegetation that forms part of a <b>heritage item, heritage conservation area</b>, Aboriginal object or Aboriginal place of significance, which Council is not satisfied:</p> <ul style="list-style-type: none"> <li>is of a minor nature or is for the maintenance of that item, area, object or place; and</li> <li>will not adversely affect the significance of that item, area, object or place</li> </ul> <p><b>Note:</b> A <b>development application</b> will need to be lodged</p>
Council approval is not required	Removal or pruning of a tree or other vegetation:

B-1

ITEM 3 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN AMENDMENT.

B1

	<ul style="list-style-type: none"> <li>authorised under other legislation, such as vegetation clearing authorised under the <i>Rural Fires Act 1997</i>, or</li> <li>where height exceeds 3m or <b>circumference breast height</b> exceeds 300mm, that is: <ul style="list-style-type: none"> <li>within 5m of the wall of an approved structure measured from the wall to the trunk of the tree;</li> <li>in accordance with a <b>construction certificate</b> or <b>subdivision certificate</b>;</li> <li>a tree grown for fruit or nut production;</li> <li>vegetation clearing work authorised under the <i>Rural Fires Act 1997</i>;</li> <li>maintenance of less than 12 months growth or 10% of foliage in accordance with AS 4373 – Pruning of amenity trees;</li> <li>an <b>undesirable species</b>; or</li> </ul> </li> <li>not otherwise listed as requiring Council approval; or</li> <li>that requires urgent removal on account of immediate failure when Council is provided with a <b>tree removal notification</b> post-event; or</li> <li>where there is a risk to human life or property, when Council is provided with a <b>tree removal notification</b> 10 days prior to removal; or</li> <li>where it is dead or dying and it is not required as the habitat of native animals, when Council is provided with a <b>tree removal notification</b> 10 days prior to removal.</li> </ul> <p><b>Note:</b> The onus of proof is on the landowner and photos should be taken before and after removal. Landowners are encouraged to seek the advice of a <b>qualified arborist</b> in determining the direct threat of any tree.</p>
<p><b>Note:</b> Applicants for tree clearing and removals will also need to consider the provisions of other legislation including but not limited to the following:</p> <ul style="list-style-type: none"> <li><b>Biodiversity Conservation Act 2016 (NSW)</b> – A licence may be required if tree removal would also harm the animals listed in this Act, ecological communities, critical habitat, endangered and vulnerable species, key threatening processes, recovery plans. Contact the NSW Office of Environment and Heritage (<b>OEHS</b>).</li> <li><b>Biosecurity Act 2015 (NSW)</b> – clearing of weeds. Contact NSW Local Land Services (<b>LLS</b>) – Hunter.</li> <li><b>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</b> – protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Contact the Commonwealth Department of the Environment.</li> <li><b>Fisheries Management Act 1994 (NSW)</b> – prohibits cutting of mangroves. Contact the NSW Department of Primary Industries (<b>DPI</b>).</li> <li><b>Heritage Act 1977 (NSW)</b> – sites under conservation orders, relics, etc. Contact <b>NSW Environment, Energy and Science OEHS</b>.</li> <li><b>Local Land Services Amendment Act 2013 (NSW)</b> – clearing of native vegetation, regional vegetation management plans, property agreements. Contact NSW <b>OEHS</b>.</li> <li><b>National Parks and Wildlife Act 1974 (NSW)</b> – fauna habitat, protected plants. <b>Regulates works in Aboriginal places or impacting Aboriginal objects</b>. Contact the National Parks and Wildlife Service at the <b>NSW Environment, Energy and Science OEHS</b>.</li> <li><b>Rural Fires Act 1997 (NSW)</b> – '10/50 Vegetation Clearing Code of Practice for NSW', and authorised removal of fire hazards. Contact the NSW Rural Fire Service.</li> <li><b>Water Management Act 2000 (NSW)</b> – A <b>controlled activity</b> approval under the WMA is required for certain types of <b>development</b> and activities that are carried out in or near a river, lake or estuary (e.g. for the removal of material or vegetation). Contact NSW <b>DPI</b>.</li> </ul>	

B-2



## ITEM 3 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN AMENDMENT.

B1

Objective		
B1.B	<b>Assessment Requirements</b>	To ensure adequate consideration is provided to the relevant matters for the removal or pruning of trees or other vegetation
Requirement		
B1.2	<p>Council assessment of applications to remove or prune trees or other vegetation has regard for:</p> <ul style="list-style-type: none"><li>• whether the tree is dead and provides habitat</li><li>• damage to an existing structure or utility service substantiated by a qualified person</li><li>• interfering with a solar photovoltaic/hot water system</li><li>• interfering with the amenity of a <b>habitable room</b></li><li>• threatened by a <b>development consent</b></li><li>• consistency with a <b>flora, fauna or conservation strategy</b></li><li>• the tree is interfering, or likely to interfere, with the provision of a public utility or road/<b>driveway</b> construction, provided the impact on the trees has been considered in the design phase</li><li>• impact on threatened species, populations or ecological communities and their habitats</li><li>• retention value under the <b>tree technical specification</b><sup>1</sup></li><li>• other relevant circumstances, as per the <b>tree technical specification</b><sup>1</sup></li></ul>	
Objective		
B1.C	<b>Supporting Information</b>	To ensure adequate information is provided to determine the application for the removal of trees or vegetation
Requirements		
B1.3	<p>An <b>arborist report</b> consistent with <b>tree technical specification</b><sup>1</sup> is required:</p> <ul style="list-style-type: none"><li>• for a tree or other vegetation listed under <b>register of significant trees</b><sup>3</sup></li><li>• to assess the impact on existing trees as part of a <b>development application</b> as per AS 4970 – Protection of trees on development sites</li><li>• to support reassessment of applications for tree removal on a technical basis</li><li>• to support the release of a tree bond</li></ul>	
B1.4	A tree bond consistent with the <b>tree technical specification</b> <sup>1</sup> is imposed where Council deems a public tree is at risk	
B1.5	<p>A request to remove 20 or more trees requires a <b>vegetation management plan</b> consistent with <b>vegetation technical specification</b><sup>2</sup></p> <p><b>Note:</b> An application to remove 20 or more trees, where tree height exceeds 3m or <b>circumference breast height</b> exceeds 300mm, may require a referral to be provided to Hunter Water by the assessing officer in accordance with the 'Guidelines for developments in the drinking water catchments'</p>	
B1.6	<b>Compensatory planting</b> consistent with the <b>tree technical specification</b> <sup>1</sup> may be required when council approval to remove trees is provided	
B1.7	<p>A <b>hollow tree assessment</b> is required to remove hollow bearing trees:</p> <ul style="list-style-type: none"><li>• Two replacement hollows are provided for each hollow tree identified by the <b>hollow tree assessment</b></li><li>• Salvaged hollows are preferred over nest boxes, which are consistent with the <b>nest box technical specification</b><sup>5</sup></li></ul> <p><b>Note:</b> B2.1 requires a <b>hollow tree assessment</b> and replacement or salvaged hollows if a <b>Flora and Fauna Survey</b> Report proposes their removal</p>	

B-3

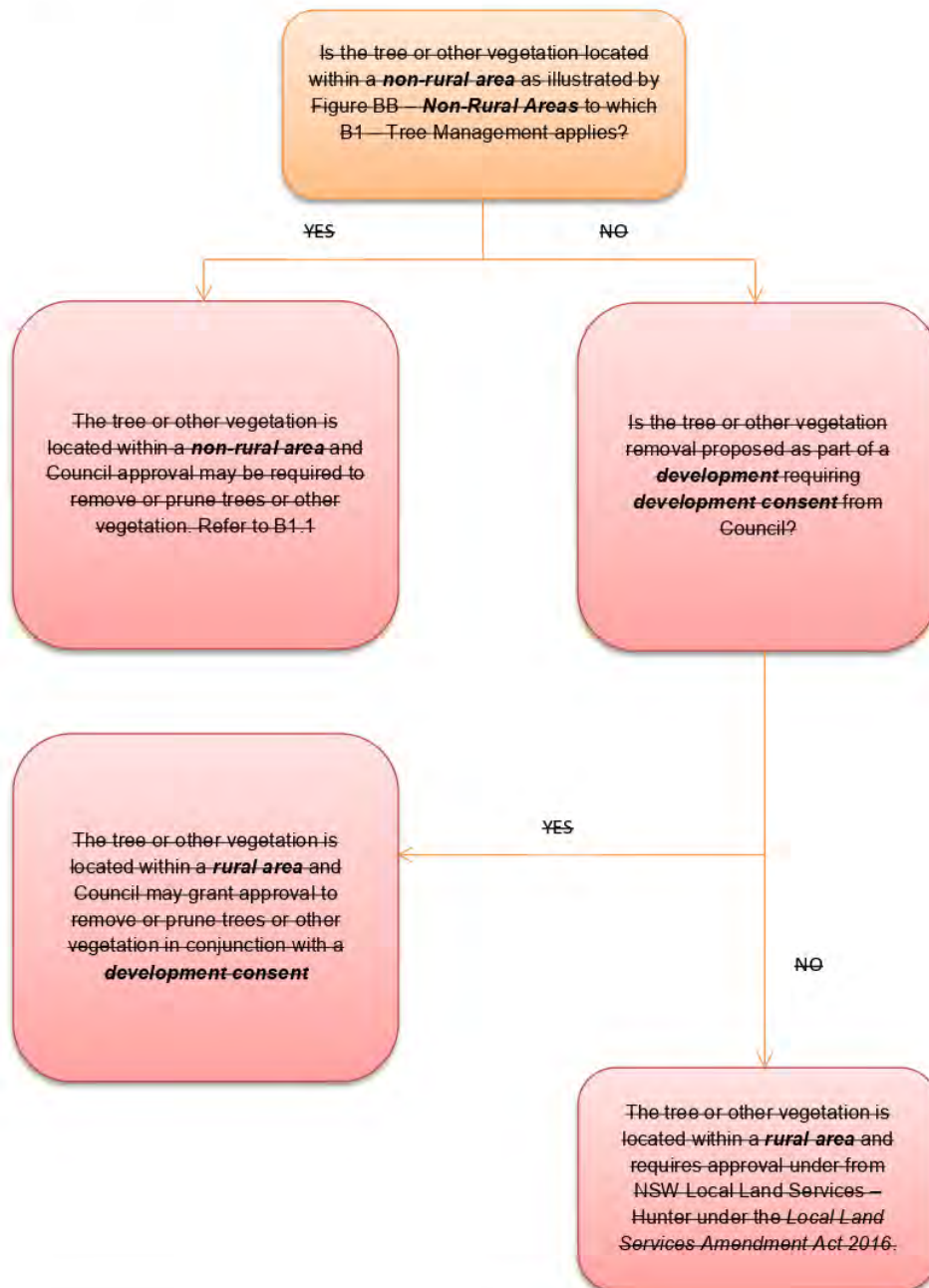


ITEM 3 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN AMENDMENT.

**B1**

**TREE MANAGEMENT**

**Figure BA:** Explanation of Requirement B1—When approval is required



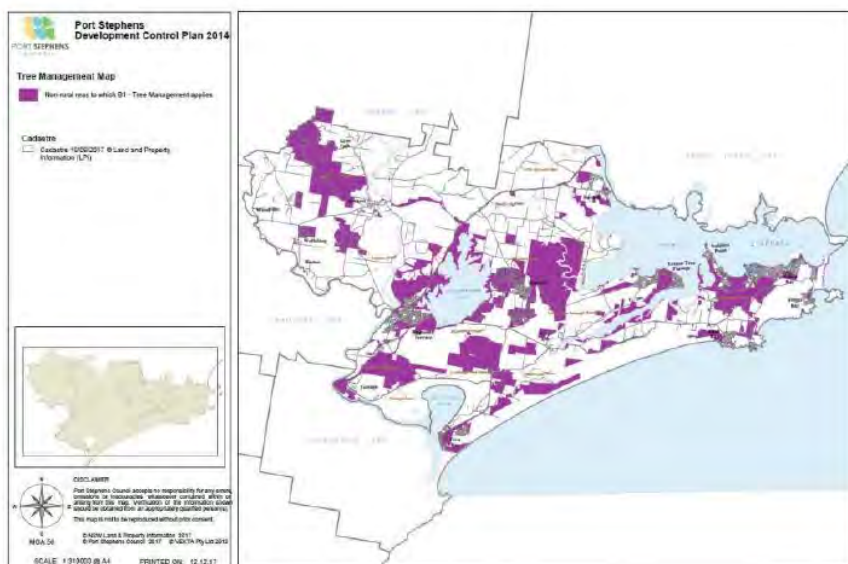
B-4

ITEM 3 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN AMENDMENT.

B1

Figure BB: Non-Rural Areas to which B1 – Tree Management applies

Delete Map



B-13

## ITEM 3 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN AMENDMENT.

## E

## SCHEDULES

## E Schedules

E Schedules			
No	Part	This Part:	Page
E1	Glossary	<ul style="list-style-type: none"> <li>defines terms used in this Plan</li> </ul>	E-170
E2	Acronyms	<ul style="list-style-type: none"> <li>expands acronyms used in this Plan</li> </ul>	E-195
E3	Reference List – Endnotes	<ul style="list-style-type: none"> <li>provides a Reference List for those documents referenced throughout this Plan</li> </ul>	E-197

## E1 Glossary

...  
**exotic species** means the following:-

- Tree of Heaven – *Ailanthus altissima*
- Camphor Laurel – *Cinnamomum camphora*
- Cotoneaster – *Cotoneaster spp.*
- Coral Tree – *Erythrina spp.*
- Rubber Tree – *Ficus elastica*
- Privet – *Ligustrum spp.*
- Oleander – *Nerium oleander*
- Slash pine – *Pinus elliotii*
- Radiata pine – *Pinus radiata*
- Willow – *Salix babylonica*, *Salix matsudana tortuosa* and *Salix spp.*
- Umbrella Trees – *Schefflera spp.*
- Cocos Palm – *Syagrus romanzenffianum*
- Rhus Tree – *Toxicodendron succedaneum*

...  
**tree removal notification** means the Port Stephens Council **Exempt** Tree Removal **Self Certification** Form. The Form is available from the Port Stephens Council Website.

...  
**undesirable species** means the following:

- Tree of Heaven – *Ailanthus altissima*
- Camphor Laurel – *Cinnamomum camphora*
- Cotoneaster – *Cotoneaster spp.*
- Coral Tree – *Erythrina spp.*

E-169

ITEM 3 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN AMENDMENT.

# E3

## REFERENCE LIST – ENDNOTES

- Rubber Tree – *Ficus elastic*
- Privet – *Ligustrum spp.*
- Oleander – *Nerium oleander*
- Slash pine – *Pinus elliotii*
- Radiata pine – *Pinus radiata*
- Willow – *Salix babylonica*, *Salix matsudana tortuosa* and *Salix spp*
- Umbrella Trees – *Schefflera spp*
- Cocos Palm – *Syagrus romanzoffianum*
- Rhus Tree – *Toxicodendron succedameum*

**urban areas non-rural areas** for the purposes of B1 – Tree Management means the following land use zones under the Port Stephens Local Environmental Plan 2013 and as specified in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* identified by Figure BA (p. B-17):

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- **R5 Large Lot Residential**
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- IN1 General Industrial
- IN2 Light Industrial
- IN4 Working Waterfront
- RU5 Village
- **SP1 Special Activities**
- **SP2 Infrastructure**
- **RE1 Public Recreation**
- **RE2 Private Recreation**
- **E2 Environmental Conservation**
- **E3 Environmental management**
- **E4 Environmental Living**

**MINUTES ORDINARY COUNCIL - 10 MARCH 2020****NOTICE OF MOTION****ITEM NO. 2****FILE NO: 20/42371  
EDRMS NO: PSC2017-00019****TREE MORATORIUM****COUNCILLOR: CHRIS DOOHAN****THAT COUNCIL:**

- 1) Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by the Port Stephens Council's tree permit requirements where there is a risk to human life and/or property for a period of 12 months.
- 2) During the 12 month moratorium, Council will develop and roll out an education program and supporting material to clarify tree removal requirements and exemptions for the community.

**ORDINARY COUNCIL MEETING - 10 MARCH 2020  
MOTION**

<b>055</b>	<b>Councillor Chris Doohan Councillor Ken Jordan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Provide a moratorium on the need to obtain pre-approval for the removal of trees or vegetation covered by the Port Stephens Council's tree permit requirements where there is a risk to human life and/or property for a period of 12 months.</li><li>2) During the 12 month moratorium, Council will develop and roll out an education program and supporting material to clarify tree removal requirements and exemptions for the community.</li></ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.



**MINUTES ORDINARY COUNCIL - 10 MARCH 2020**

The motion was carried.

**ORDINARY COUNCIL MEETING - 10 MARCH 2020  
AMENDMENT**

	<b>Councillor Giacomo Arnott Councillor John Nell</b>  That a report be prepared outlining the current process for dangerous tree removal, including expected time frames, expected cost to residents, and any barriers which hinder residents' access to existing approval exemptions for dangerous trees. This report should include an outline of any successes and failings of the 2015-16 tree moratorium.
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The amendment on being put was lost.

**BACKGROUND REPORT OF: STEVEN PEART – STRATEGY & ENVIRONMENT  
SECTION MANAGER****BACKGROUND**

The preservation of trees or vegetation within the Port Stephens local government area is provided for by the provisions of the Port Stephens Local Environmental Plan 2013 (LEP 2013), the Port Stephens Development Control Plan 2014 (DCP 2014), and supporting tree management policies and technical specifications (the Tree Management Framework).

Chapter B1 of the DCP 2014, provides the circumstances in which Council consent permission, or approval is required, for the removal or pruning of trees and vegetation in non-rural areas. It also states that applicants wishing to clear or remove trees will also need to consider the provisions of other legislation that governs tree and vegetation management (including, but not limited to, the Biodiversity Conservation Act 2016 (NSW), Rural Fires Act 1997 (NSW), Heritage Act 1977 (NSW)).

Exemptions are currently available in Council's existing controls and other legislative frameworks, including:

- Port Stephens Council Tree Management Framework – Criteria 1 for Assessment of Tree Permit Applications – Damage or Injury: Approval is not required where a tree poses a high risk (as calculated by the International Society of Arboriculture's tree risk assessment process) and that risk that cannot be adequately mitigated by arboricultural treatments, or where a tree is significantly affecting structures including utility services, footpaths, driveways, retaining walls and/or buildings, and it is shown that tree removal is the only reasonable means to avoid further conflict.

**ITEM 3 - ATTACHMENT 2MINUTE NO. 055, 10 MARCH 2020.****MINUTES ORDINARY COUNCIL - 10 MARCH 2020**

- Port Stephens Council Tree Management Framework – Criteria 6 for Assessment of Tree Permit Applications: Approval is not required where an applicant claims that a tree poses an unacceptable risk to human health and the claim is substantiated by an appropriate medical practitioner.
- The 10/50 Vegetation Clearing Code of Practice for New South Wales under the Rural Fires Act 1997: Approval is not required where the property is in a designated 10/50 Vegetation Clearing Entitlement Area, and the tree is within 10 metres of a home and/or underlying vegetation such as shrubs (but not trees) is within 50 metres of a home.

Should the recommendations be supported, a consequential amendment will be required to the Port Stephens Development Control Plan (DCP 2014). The amendment will be required to be exhibited for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000, subject to a resolution of Council.

Opportunities exist for further education of the community through the provision of structured education programs and supporting material such as guidance notes.

**ATTACHMENTS**

Nil.

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS - DCP CHAPTER B1 AND SCHEDULE E.

Chapter B1 and Schedule E of the Port Stephens Development Control Plan (DCP) 2014 is proposed to be amended as outlined below:

Item no.	Explanation of amendments
1	<p>Reword a provision in clause B1.1 to specify that applications subject to the biodiversity offsets scheme under the <i>Biodiversity Conservation Act 2016</i> are assessed by the Native Vegetation Panel.</p> <p><b>Explanation:</b></p> <p>This amendment provides a more accurate description of the applications to be assessed by the Native Vegetation Panel, given the Panel assesses some applications based on geographical location as well as when proposed clearing exceeds a particular threshold.</p>
2	<p>Insert a new provision in clause B1.1 to specify that Council approval is not required where removal or pruning of a tree or other vegetation is:</p> <ul style="list-style-type: none"> <li>authorised under other legislation, such as vegetation clearing authorised under the <i>Rural Fires Act 1997</i></li> </ul> <p>Delete provisions in clause B1.1 specifying that Council approval is not required where removal or pruning of a tree or other vegetation where height exceeds 3m or <b>circumference breast height</b> exceeds 300mm, that is:</p> <ul style="list-style-type: none"> <li>in accordance with a <b>construction certificate</b> or <b>subdivision certificate</b>;</li> <li>vegetation clearing work authorised under the <i>Rural Fires Act 1997</i>.</li> </ul> <p><b>Explanation:</b></p> <p>This is an administrative amendment and removes unnecessary provisions.</p> <p>Removal or pruning of a tree or other vegetation authorised under other legislation, such as the <i>Rural Fires Act 1997</i>, is exempt from requiring Council approval whether or not the height of the tree exceeds 3m or the circumference breast height exceeds 300mm (see section 2.8 of the <i>Biodiversity Conservation Act 2016</i>).</p> <p>Removal or pruning of a tree or other vegetation carried out in accordance with a construction certificate or subdivision certificate is not subject to the provisions of the DCP (see section 2.8 of the <i>Biodiversity Conservation Act 2016</i>).</p> <p>There may also be other legislation that authorises removal of vegetation without Council or other approvals such as the <i>Electricity Supply Act 1995</i>, <i>State Emergency and Rescue Management Act 1989</i>, <i>Forestry Act 2012</i> etc.</p>
3	<p>Insert a new provision in clause B1.1 to specify that Council approval is not required where removal or pruning of a tree or other vegetation is:</p> <ul style="list-style-type: none"> <li>not otherwise listed as requiring Council approval</li> </ul> <p><b>Explanation:</b></p> <p>This is an administrative amendment.</p> <p>Removal or pruning of a tree or other vegetation does not require Council approval if the tree or vegetation is not otherwise listed as requiring approval in the Development Control Plan. For example this would include a tree grown for fruit or nut production that is less than 3m or less than 300mm circumference breast height that is not identified as requiring a permit or development consent in clause B1.1.</p>

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS - DCP CHAPTER B1 AND SCHEDULE E.

4	<p>Insert new provision in clause B1.1 to specify that Council approval is not required for removal or pruning of a tree or other vegetation:</p> <ul style="list-style-type: none"> <li>where there is a risk to human life or property when Council is provided with a <b>tree removal notification</b> 10 days prior to removal.</li> </ul> <p><b>Explanation:</b></p> <p>The amendment will align the Development Control Plan with the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> (SEPP).</p> <p>Clause 8(3) of the SEPP specifies that “An authority is not required under this Policy for the removal of vegetation that the council is satisfied is a risk to human life or property.”</p> <p>As the removal would not be required to address an immediate threat, notification 10 days prior to removal is adequate. If there was an immediate threat, the development control plan already enables removal without approval.</p>
5	<p>Insert a new provision in clause B1.1 to specify that Council approval is not required for removal or pruning of a tree or other vegetation:</p> <ul style="list-style-type: none"> <li>where it is dead or dying and it is not required as the habitat of native animals when Council is provided with a <b>tree removal notification</b> 10 days prior to removal.</li> </ul> <p>The amendment will align the Development Control Plan with the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> (SEPP).</p> <p>Clause 8(2) of SEPP specifies that “An authority is not required under this Policy for the removal of vegetation that the council or Native Vegetation Panel is satisfied is dying or dead and is not required as the habitat of native animals.”</p>
6	<p>Amend the reference to the <i>Biodiversity Conservation Act 2016</i> in the Note to clause B1.1 to state:</p> <p><b>Biodiversity Conservation Act 2016 (NSW)</b> – A licence may be required if tree removal would also harm the animals listed in this Act</p> <p><b>Explanation:</b></p> <p>Under section 2.8(1)(c) of the <i>Biodiversity Conservation Act 2016</i>, a licence under that Act is not required to remove trees or vegetation in non-rural areas authorised to be cleared under the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> (and therefore the Port Stephens Development Control Plan). The amendment clarifies that a licence may nevertheless be needed under the <i>Biodiversity Conservation Act 2016</i> if the tree removal would also harm protected animals under that Act.</p>
7	<p>Update references to the NSW Office of Environment and Heritage in the Note to clause B1.1.</p> <p><b>Explanation:</b></p> <p>This is an administrative amendment.</p> <p>The NSW Office of Environment and Heritage is now known as the NSW Environment, Energy and Science.</p>

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS - DCP CHAPTER B1 AND SCHEDULE E.

8	<p>Amend the reference to the <i>National Parks and Wildlife Act 1974</i> in the Note to clause B1.1 to replace references to 'fauna habitat and protected plants' with the description of the relevant parts of the Act for tree removal, which is regulation and protection of Aboriginal places and Aboriginal objects.</p> <p><b>Explanation:</b></p> <p>This is an administrative amendment.</p> <p>The provisions of the <i>National Parks and Wildlife Act 1974</i> that may require a further licence for tree removal relate to the protection and regulation of Aboriginal places and Aboriginal objects.</p>
9	<p>Delete the reference to the <i>Water Management Act 2000</i> in the Note to clause B1.1.</p> <p><b>Explanation:</b></p> <p>This is an administrative amendment.</p> <p>Clause 25 in Part 2 of Schedule 4 to the <i>Water Management (General Regulation) 2018</i> specifies the removal of vegetation as an activity that is exempt from requiring approval under the <i>Water Management Act 2000</i>.</p>
10	<p>Delete Figure BA.</p> <p><b>Explanation:</b></p> <p>This is an administrative amendment.</p> <p>Information in Figure BA is explanatory and updated information to assist landowners will be published in other materials, for example on Council's website.</p>
11	<p>Delete Figure BB.</p> <p><b>Explanation:</b></p> <p>This is an administrative amendment.</p> <p>The Map does not reflect the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>. Associated amendments have been made to Schedule E to accurately identify the land the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> applies to.</p>
12	<p>Amend clause E1 Glossary to delete the reference to 'exotic species'.</p> <p><b>Explanation:</b></p> <p>This is an administrative amendment.</p> <p>The term 'exotic species' is not used in the Development Control Plan.</p>
13	<p>Update the definition of 'tree removal notification' in clause E1 Glossary to refer to the new 'Port Stephens Council Exempt Tree Removal Self Certification Form'.</p> <p><b>Explanation:</b></p> <p>A Port Stephens Council Exempt Tree Removal Self Certification Form will be required to be submitted to Council for the removal of trees or vegetation where:</p> <ul style="list-style-type: none"> <li>• there is a risk to human life or property.</li> </ul>



ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS - DCP CHAPTER B1 AND SCHEDULE E.

	<ul style="list-style-type: none"> <li>it is dead or dying and it is not required as the habitat of native animals.</li> </ul> <p>The new form will replace the current tree removal notification required for the urgent removal of trees or vegetation on account of immediate failure</p> <p>The form will also enable landowners to 'self-certify' that tree removal or vegetation is exempt from approval for the other circumstances listed in the Development Control Plan.</p>
14	<p>Amend clause E1 Glossary to include a definition of 'undesirable species'.</p> <p><b>Explanation:</b></p> <p>This is an administrative amendment.</p> <p>The term 'undesirable species' is currently not defined in the Development Control Plan.</p>
15	<p>Update the definition of 'urban areas' in clause E1 Glossary to align with the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>.</p> <p><b>Explanation:</b></p> <p>This is an administrative amendment and will align the Development Control Plan with the provisions of the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>.</p>

**ITEM NO. 4**

**FILE NO: 20/159112  
EDRMS NO: PSC2019-02814**

**SMART CITY BLUEPRINT**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Acknowledge the consultation undertaken in 2019 with Councillors, Council staff, implementation panels, and selected community and industry groups in the preparation of the draft Port Stephens Smart City Blueprint (**ATTACHMENT 1**).
  - 2) Adopt the draft Port Stephens Smart City Blueprint (**ATTACHMENT 1**).
  - 3) Commit to community consultation as part of the development of the Smart City Roadmap.
- 

**ORDINARY COUNCIL MEETING - 23 JUNE 2020  
MOTION**

<b>112</b>	<p><b>Councillor Paul Le Mottee</b> <b>Councillor Sarah Smith</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Acknowledge the consultation undertaken in 2019 with Councillors, Council staff, implementation panels, and selected community and industry groups in the preparation of the draft Port Stephens Smart City Blueprint (<b>ATTACHMENT 1</b>).</li><li>2) Adopt the draft Port Stephens Smart City Blueprint (<b>ATTACHMENT 1</b>).</li><li>3) Commit to community consultation as part of the development of the Smart City Roadmap.</li></ol>
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The motion was carried.

**BACKGROUND**

The purpose of this report is to seek the adoption of the draft Port Stephens Smart City Blueprint (the Blueprint) (**ATTACHMENT 1**).

The Blueprint sets out the high-level framework for Council to consider the use of new technologies, infrastructure improvements and the collection, storage and visualisation of smart data. It does this through the preparation of guiding principles that will be utilised to ensure effective evaluation of projects, in conjunction with existing frameworks (for example risk management and governance). To achieve this, future investment and collaboration will create opportunities for utilising smart technological and data capabilities that will assist in decision making, delivery of public services and facilitate ongoing innovation.

To ensure compatibility with the objectives and aims of Council, the document is aligned with the Port Stephens Community Strategic Plan 2018-2028 (the CSP), and includes focus areas that link to the CSP. Ultimately, it is expected that the smart city program will enhance economic growth, improve community wellbeing and assist in environmental protection.

The Blueprint includes some hypothetical capabilities that were identified during consultation undertaken in 2019 with Councillors, Council staff, implementation panels, and selected community and industry groups in the preparation of the Blueprint. It is important to note that Council is not indicating that these capabilities will be undertaken in the future; instead, it is intended that specific smart capabilities will be included in the future detailed delivery plan called the Smart City Roadmap.

The selection of smart capabilities will include appropriate community engagement to ensure any future action is designed for a community-based outcome.

## **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.
Governance	Provide strong civic leadership and government regulations.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The preparation of the Blueprint has been prepared within the existing budget.

It is expected that the implementation of the Blueprint will support potential state and federal grant opportunities. Furthermore, the Blueprint will showcase that Council is committed to business and community improvements using technology and data, thereby attracting partnership opportunities.

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

**MINUTES ORDINARY COUNCIL - 23 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**

The adoption of the Blueprint will provide positive legal, policy and risk implications as it provides the framework for decision making. It also demonstrates that Council is committed to business and community improvements using technology and data.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a reputational and financial risk from continued decision making without consideration of the guiding principles within the Blueprint resulting in less than optimal adoption of effective smart technology.	Low	Adopt the recommendations.	Yes
There is an operational and financial risk from implementing potential digital and data capabilities without consideration of the guiding principles within the Blueprint resulting in ineffective delivery of appropriate smart technology.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Blueprint is linked to the themes of the CSP, and therefore will assist Council in achieving the CSP objectives through the use of appropriate smart capabilities.

It is expected that the Blueprint will have positive social, economic and environmental implications. An example of this is the use of smart technology for parking in centres across the local government area.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategic Planning team.

### Internal

In the preparation of the Blueprint, consultation with Councillors and Council staff was undertaken to identify the approach of smart cities for Council and identify potential problems that could be solved using smart capabilities.

Following formal adoption, Council will hold further internal stakeholder consultation in the preparation of the detailed delivery plan called the Smart City Roadmap.

### External

In the preparation of the Blueprint, targeted consultation with the Tomaree Business Chamber, Newcastle Airport and the Port Stephens community implementation panels was undertaken. It is proposed that once the Blueprint, which is a high-level document, has been adopted, substantial community engagement will be held on the preparation of the detailed delivery plan called the Smart City Roadmap.

It should be noted that there is no legal requirement for public exhibition prior to the adoption of the Blueprint

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Draft Port Stephens Council Smart City Blueprint.

## **COUNCILLORS ROOM**

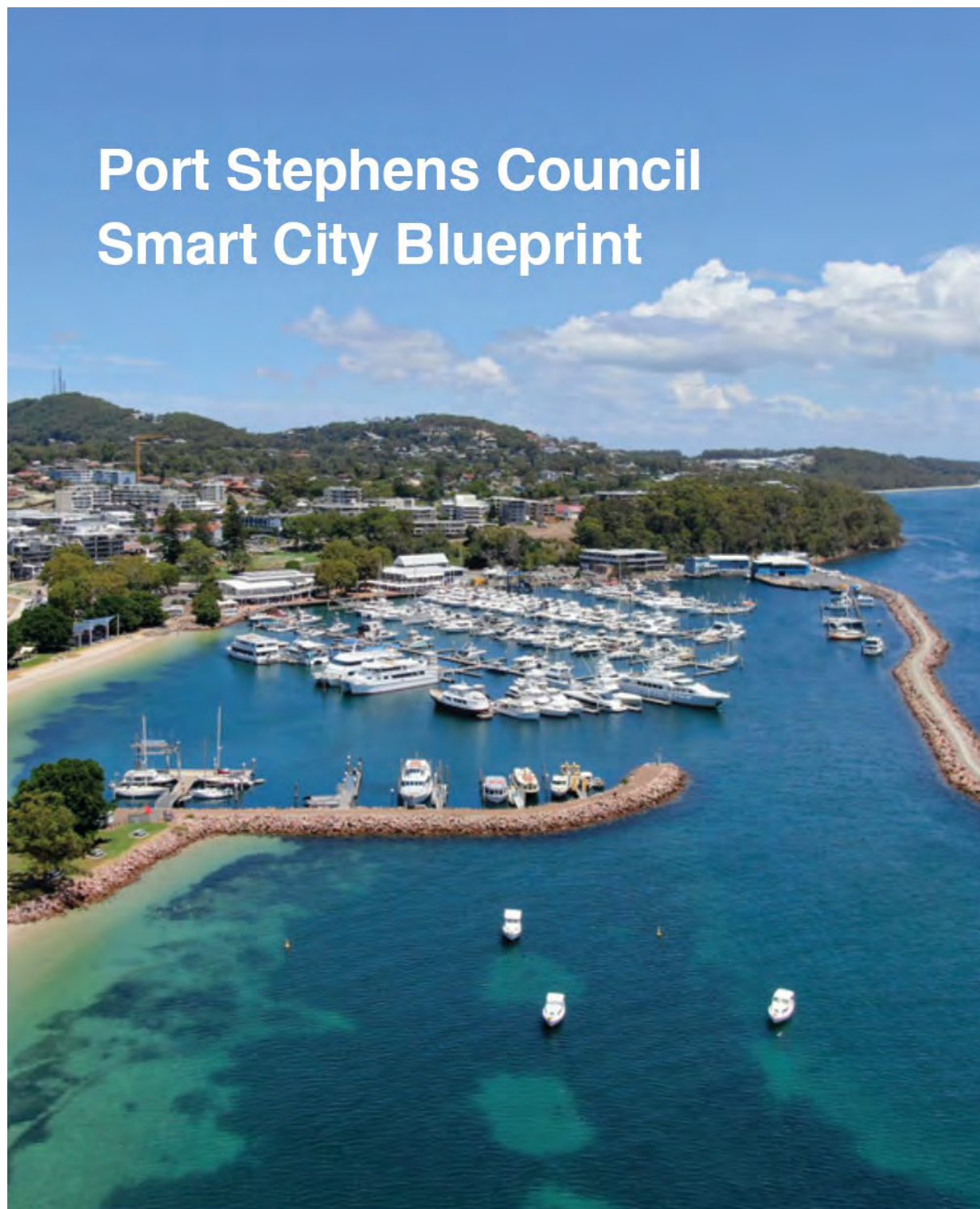
Nil.

## **TABLED DOCUMENTS**

Nil.



ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.



**ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.**





## ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

# Forward

Port Stephens is known for its stunning natural beauty, unique wildlife and strong community spirit. These characteristics make our place an ideal recreation, tourist and retirement destination as well as a great place to live, work and play.

As we prepare for our future and potential growth, it's important we are equipped to meet the needs of our community for many years to come.

We plan to establish Port Stephens as a smart region using the Smart City Blueprint capabilities — taking advantage of technology to collect data and using insights to manage assets, resources and services efficiently.

Our Smart City program objectives include:

1. improving the quality of our customer and community engagement
2. reducing operating costs of Council
3. gathering data for better informed decision making
4. building capacity for local business and improve liveability for our community
5. aligning our Smart City initiatives with wider initiatives within the Hunter region.

To meet these objectives, our Smart City Blueprint will work towards 4 focus areas:

- Customer first — invest in digital technologies that improve customer service and experiences.
- Connected community — improve community engagement with Council and each other, with ease of access to information.
- Data smart — use data to make better decisions and digital technology to create great places.
- Innovative leadership — invest in sustainable digital infrastructure and create partnerships to lead innovation.

Although our region has felt the effects of the COVID-19 global pandemic, the Smart City program will help to ensure we are firmly focused on the road ahead and help us plan for future of Port Stephens.

This document outlines our vision and the principles that will provide the framework for us to achieve a Smart City status. Using smart technology to capture new data on our built and natural environment and assets — and combining this with our existing data — will create new insights to help us deliver the goals of our strategic plans.

Our community is like no other — the Smart City program will ensure the focus on our community is at the forefront. It will be built on the needs of our community, and the benefits should be seen and felt by businesses, residents and visitors. We will continue to review the effectiveness of our program and introduce new measures to increase the smart capabilities of Port Stephens over time, so that we may solve our most complex issues and take advantage of our best opportunities.

This blueprint also aligns and supports Our place.

Our plan — Community Strategic Plan 2020 and will ensure we continue to work towards delivering on our objectives.

Our smart journey is only beginning. We encourage you to join our journey and work collaboratively with us to identify the issues and find solutions to community problems and business growth opportunities.

*Wayne Wallis*

Wayne Wallis — General Manager  
June 2020



**ITEM 4 - ATTACHMENT 1DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.**

## Table of Contents

Background	4
Port Stephens Overview	5
Snapshot	7
Port Stephens Smart Region: Vision	8
Guiding Principles	10
Community	12
Economy	16
Infrastructure	20
Place	24
Environment	28
Governance	32
Port Stephens Smart City Next Steps	36
Smart City Governance	37
Smart City Roadmap	38
Smart City Pilot Project	39

### *Acknowledgement*

*Port Stephens Council acknowledges the Worimi people as the traditional custodians of this land.*

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## Glossary

Apps	Short for application programs, they are computer programs designed to perform a group of integrated activities for the benefit of the user.
Gamification	the application of typical elements of game playing (for example, point scoring, competition with others, rules of play) to other areas of activity, typically as an online marketing technique to encourage engagement with a product or service.
Internet of Things (IoT)	A system of computing devices connected via the internet enabling them to send and receive data without the need for human intervention.
Liveability	Similar to the quality of life, it is the general well-being of individuals, communities and societies related to a place.
Open Data	Data that is freely available to everyone to use and republish as they wish, without copyright, patent, or other restrictions.

## ABBREVIATIONS

CSP	Community Strategic Plan
IoT	Internet of Things
PoV	Proof of Value
PSC	Port Stephens Council
ROI	Return on Investment
SAMP	Strategic Asset Management Plan



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## Background

Port Stephens Council (PSC) is committed to balancing growth with preservation of our rich history and treasured environment. We recognise the impact and importance that new technologies, infrastructure and collection of new smart data will have over the coming decade. We also understand the importance of gaining trust within the community on how these new smart technologies can benefit the community and improve both liveability and support economic growth within the region.

In 2019, Council engaged Datacom to undertake the design and compilation of a Smart City Blueprint and an accompanying Smart City research report. The process involved workshop interviews with every area of council, councillors, local business and community groups and leaders over a period of 3 days. The purpose of these interviews was for the participants to:

- Gain a common understanding of smart cities and how a smart cities approach relates to their own work and outcomes.
- Provide the Datacom consultants with example problems that could be solved through the collection of new data and the creation of new smart capabilities to achieve better outcomes for the community.

Once the interviews were complete, Datacom mapped the capabilities and supporting data identified within the workshops to Council's Community Strategic Plan (CSP) focus areas. This mapping forms the core of the Smart City Blueprint, as it aligns it with the existing key strategy documents of Council. The blueprint helps to 'digitalise' the implementation of the CSP and support the realisation of the Port Stephens Regional Economic Development Strategy 2018 to 2022. This approach ensures that the blueprint captures what Smart Cities means to the whole community.

The Port Stephens Smart City Blueprint outlines the capabilities needed to become a smart region, and example initiatives, gathered during the workshop interviews, that will create those capabilities.

It is important to note that the pace of technological change is incredibly rapid. As such, the initiatives provided within this blueprint are only examples and therefore should not suggest that Council will begin implementing these as actions. Instead, after approving the blueprint, we will look to prepare and implement a Smart City Roadmap, which will look at the actions of the Smart City program in greater detail.



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## Port Stephens Overview

Port Stephens Local Government Area (LGA) spans 860 square kilometres and forms part of the Hunter Region, the largest regional economy in Australia. It is bounded by Dungog Shire and Mid Coast Council to the north, Maitland City Council to the west, City of Newcastle to the south and the Pacific Ocean lies to the east.

The Port Stephens LGA is home to approximately 72,700 people<sup>1</sup>, with a variety of housing and lifestyle options. From coastal town centre living in Nelson Bay to suburban family communities within Medowie and Raymond Terrace, to rural retreats in the western areas. Port Stephens attracts residents seeking homes with strong connections to the natural environment, including our beaches, sand dunes, rivers and waterways and forests.

Port Stephens is renowned for its scenic and natural beauty, with kilometres of coastal bushland and the largest mobile sand dunes in the southern hemisphere. Port Stephens LGA is also home to environmentally significant areas, such as portions of the Port Stephens – Great Lakes Marine Park, the regionally significant Watagans to Stockton Green Corridor, the Tomaree National Park and numerous state significant wetlands, all of which provide valuable habitat to some of Australia's most unique and endangered wildlife.

Economically Port Stephens has a Gross Regional Product (GRP) estimated at \$5.16 billion<sup>2</sup> per annum and accounts for 8.94% of the overall Hunter GRP<sup>3</sup>. The major employment industries include manufacturing, public administration and safety, retail trade, and tourism (accommodation and food services), collectively employing 46.5% of the 27,346 people working in the area<sup>4</sup>.

Location and access to transport infrastructure creates a strong competitive advantage for Port Stephens, with key linkages to national markets via the M1 Pacific Motorway, Pacific Highway Corridor and New England Highway. These transport networks support a robust manufacturing sector at Tomago leading in metals manufacturing, heavy engineering, and light industrial.

Newcastle Airport is located at Williamtown in Port Stephens and is well recognised as a major economic driver for the Hunter, with over 1.2 million passengers per year and potential international capability to increase visitation to the area. Williamtown is also home to the Royal Australian Air Force (RAAF) base and associated aviation and defence support services. The arrival of the Joint Strike Fighter is anticipated to create some 3000 direct and indirect jobs and the continuing expansion of the aerospace precinct is likely to have a significant impact on the growth of Port Stephens and the Greater Newcastle region generally.

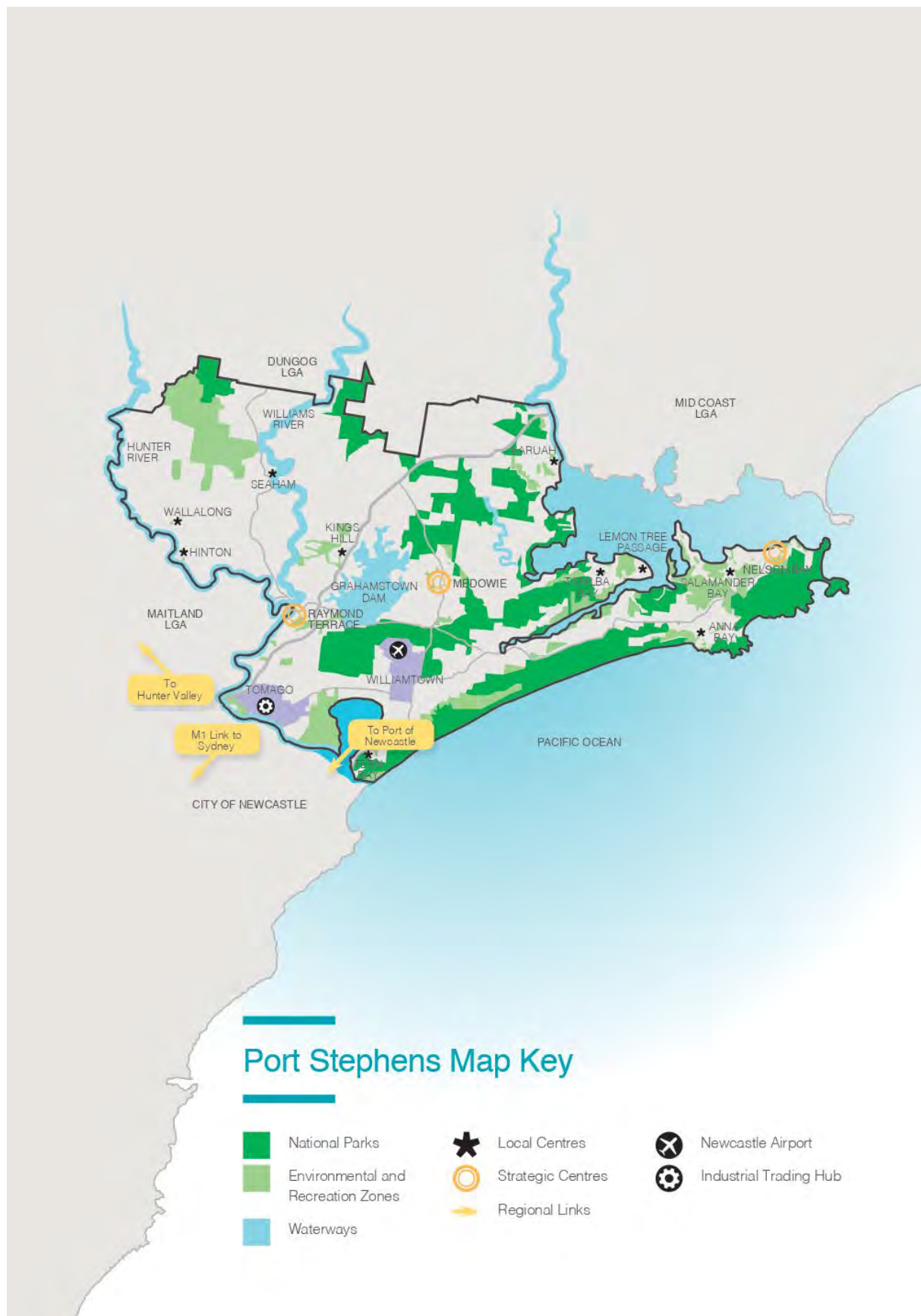
<sup>1</sup> Port Stephens Council (2020)  
*Draft Local Strategic Planning Statement*

<sup>2</sup> REMPLAN (August 2019)  
*Port Stephens 2018 Economy Profile*

<sup>3</sup> REMPLAN (August 2019)  
*Hunter Region 2018 Economy Profile*

<sup>4</sup> REMPLAN (August 2019)  
*Port Stephens 2018 Economy Profile*

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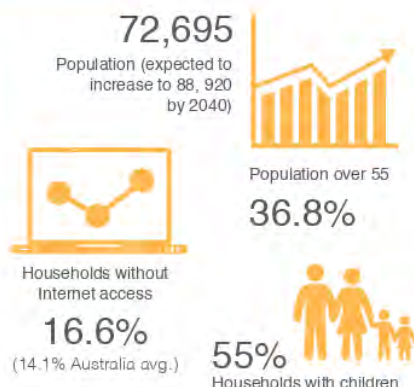




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# Snapshot

REMPAN Community Profile  
ABS 2016 census



2018/19 Annual Report  
Recreation Strategy Volume 2



REMPAN Economy and Community Profile



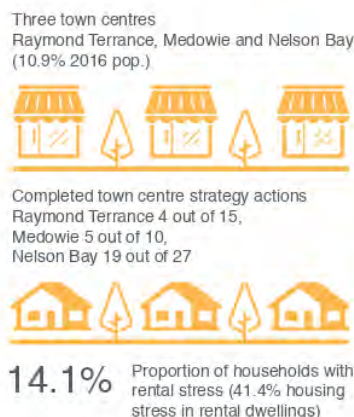
2018/19 Annual Report



2018/19 Annual Report  
Port Stephens LSPS



2018/19 Annual Report  
REMPAN Community Profile  
Local Housing Strategy



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# Port Stephens Smart Region: Vision





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Port Stephens will seek to become an area that is a liveable, thriving, diverse, connected, sustainable, resilient and safe place for its community to live, work and play.

To achieve this we will invest in, and collaborate with partners to create smart digital capabilities and data that will enable us to make better decisions, support delivery of digital community services and create ongoing innovation. This will enhance economic growth, improve community wellbeing, and help us protect our environment.



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# Guiding Principles

Guiding principles are provided to ensure stronger and better governance of the Smart City program. The guiding principles will be utilised by Council to ensure effective evaluation of smart projects, as well as provide effective risk management for the Smart City program in conjunction with our existing risk management.

We embrace the following guiding principles in the design of our Smart City program.





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Community



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**Port Stephens is vibrant and strong community respecting diversity and heritage**

**Overview**

Community is about what matters to people, it is about relationships, participation, shared memories and experiences. It is also about identity, history and a sense of place.

At its heart, the Smart City program is not about technology or data for its own sake. It's about using data and technology to solve problems which improve the lives of the Port Stephens community.

The Smart City Blueprint will support smart initiatives that contribute to achieving the goals and aspirations of our community. This includes solutions and technology that improve community wellbeing, improve the ways people connect with each other and Council, and improve public services and amenities.

In the context of Smart Cities, this includes:

- Improving access to digital technologies for everyone, and improving digital literacy so that everyone can contribute to and benefit from smart initiatives.
- Enabling open access to data to the community to foster innovation and stimulate economic development.
- Digitalising Council services and providing access through multiple channels from anywhere.





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**Goals and next steps**

Going forward, we will continue to support initiatives which foster a connected community. Through this Council will:

- Support and facilitate ongoing community participation in the decision making process as the detail of the Smart City program is developed.
- Encourage equal and inclusive access to smart digital technologies.
- Support smart initiatives that improve the engagement between community and Council, including digitising access to services.



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## Potential strategies and initiatives

Capability name	Capability description	Outcomes and value
Improve connectivity	Aim to investigate segments of the population that have reduced or insufficient internet accessibility and advocate for greater internet connectivity across the Port Stephens LGA.	Improved digital engagement within the local community.
Port Stephens Library as a central hub for the community	Explore ways of positioning libraries as a central part of the community — the hub that has access to technology and training for the community, as well as to create social cohesion by providing access to information and a safe place to be. Modern libraries are well situated in the community and are often a part of multi-purpose community centres.	Provision of a central community meeting place. The heart of the community. A central inclusive place of knowledge, information, training and digital capability of all of the Port Stephens community.
Enabling creativity	Consider ways for people to engage with public art. For example, through mobile apps to create augmented reality trails.	Better engagement with public art and collect visitation data.
Improving engagements	Look at ways to improve engagement between the community and Council using technology as a tool, including the collection of data to determine what engagement channels work best for which demographic and then potential pilot projects as a test. Some examples include the development of chat-bots, gamification to engage younger people, different channels for older demographic, and people living in rural areas rather than the towns.	Improve engagement with the council to better understand wants and needs of residents.



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**Economy**

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## Our Community has an adaptable, sustainable and diverse economy

### Overview

Port Stephens is home to one of the Australia's fastest-growing aviation and defence hubs — Newcastle Airport, RAAF Williamtown, and the recently announced Williamtown Special Activation Precinct are key strategic assets for Port Stephens and the broader Hunter Region.

A robust global manufacturing sector located at Tomago, alongside Heatherbrae's major bulky goods precinct, provides the major contribution to output and employment in Port Stephens.

Despite the effects of the COVID-19 global pandemic, which has significantly impacted the local tourism industry, Port Stephens remains a major regional visitor destination in NSW. Port Stephens attracted over 3 million visitors, including 198,600 international visitors, which collectively spent an estimated \$534 million<sup>5</sup>. The tourism industry complements the business community with key commercial centres at Raymond Terrace, Nelson Bay and Salamander Bay.

In addition to these existing industries, the NSW Government has provided a list of industries driving the economic future of regional NSW, which includes emerging industries of advanced manufacturing, renewable energy and technology enabled primary industries<sup>6</sup>. Therefore, we should consider what opportunities are available, as well as what initiatives we can investigate, to leverage these existing and emerging industries.

Under this focus area, smart technology and data should look to drive an adaptable and diverse economy.



<sup>5</sup> Port Stephens Council (2017)  
*Economic Development and Tourism Strategy*  
2018-2020

<sup>6</sup> NSW Government (2018)  
*A 20-Year Economic Vision for Regional NSW*



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**Goals and next steps**

Going forward, we will continue to support smart initiatives that:

- Encourage and support improvements to the visitor experience through smart solutions.
- Reinforce a strong economy by:
  - improving digital connectivity for local businesses
  - collaborating with key businesses and industries on smart initiatives, innovation and data sharing.





## ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

## Potential strategies and initiatives

Capability name	Capability description	Outcomes and value
Movement of people through a retail precinct	Consider ways to collect data about the movement of people through our key retail districts. This will help local businesses so that they can optimise their opening hours and times through the season to help them increase revenue.	More profitable businesses by optimising opening hours.
Economic hub support	There are a number of significant employment generating economic hubs in Port Stephens. Council can look to partner with landholders, business and government organisations to enhance the performance of these hubs.	Improved economic efficiency and output from major employment zones.
Training to help start-ups/small businesses	Encourage collaboration to collect data from businesses on what training they believe is required so that this information can be provided to TAFE and other local course providers.	Improve courses offered by providers such as TAFE and increase the availability of trained staff to go into local businesses.
Information kiosks for tourism	Examine technology to inform visitors via digital channels, such as smart kiosks and mobile apps. This includes information on local business and services, tourist attractions, and wayfinding information to guide tourists to businesses.	Increase tourist spend in Port Stephens and encourage diversification of visitation.

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**Infrastructure**

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Our community's infrastructure and facilities are safe, convenient, reliable and environmentally sustainable

**Overview**

Council's infrastructure and assets form a significant portion of our expenditure, with construction of the major projects and works program in the 2018 to 2019 financial year showing a total expenditure of \$25.6 million<sup>7</sup>.

Our asset base includes traditional asset infrastructure such as roads, footpaths, buildings and drainage, together with assets that are unique to coastal councils, such as seawalls, surf clubs, lifeguard towers, wharves and jetties. Council has a legal and ethical obligation to effectively plan, account and manage the assets we are responsible for, and this is outlined through the Strategic Asset Management Plan (SAMP).

The Smart City Blueprint is intended to support us in the delivery and maintenance of valuable infrastructure and facilities that support the community. Through this, we will aim to implement Smart City initiatives that are specific to an identified issue and look to improve the efficiency and delivery of public infrastructure and assets.



<sup>7</sup> Port Stephens Council (2019) *Yabang Gumba-Gu: 2018 to 2019 Annual report – Volume 1*



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**Goals and next steps**

Going forwards, we will continue to support smart initiatives that:

- Encourages the use of existing and future data to improve the service of existing Council-owned assets.
- Investigates new and emerging smart solutions as we undertake our major projects and works program.
- Encourage and support future trends in movement and community infrastructure.
- Utilises data and technology that addresses identified community problems.
- Prioritise investment in initiatives that build resilience and reliability in our asset base.





ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

## Potential strategies and initiatives

Capability name	Capability description	Outcomes and value
Usage of parks and reserves	Collaborate with other agencies to collect data on the number of people using our assets, including beaches, reserves, marine parks and national parks, and whether they are visitors or residents.	Better planning of where to invest in visitor infrastructure.
Parking usage data	Council is implementing Smart Parking, with the potential to study the collection of empirical data on parking usage in key areas that are subject to seasonal congestion to better plan parking management.	Data to inform changes to parking zones and investment in future additional parking facilities.
Protect infrastructure	Aim to research ways of reducing vandalism in our public assets through the collection of data on behaviour that can allow us to act quickly to prevent costly damage.	Reduce the cost of vandalism increased perception of safety.
Monitoring assets in general	Look into the collection of data to monitor council assets to effectively measure ROI, as well as better plan maintenance schedules.	Improve ROI measurements to allow efficient infrastructure investment and maintenance planning.



ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.





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**Our community supports a healthy, happy and safe place**

**Overview**

Port Stephens offers a variety of diverse places that connect residents, visitors and workers within their community and their environment. We aim to encourage these places to become hubs of life through incentivising activation including improved walking and cycling links to retail areas, schools and parks, as well as ensuring well-planned places for people to gather, celebrate and explore.

Port Stephens is growing. We aim to ensure this growth is in an orderly manner, supported by land use plans to facilitate housing, jobs and community wellbeing, together with the infrastructure that links these elements.

Through the Smart City Blueprint, we will aim to improve the existing role we play in planning for enhanced places, ensuring public safety and improving liveability and amenity for the community. This will include supporting smart city capabilities that improve our public spaces to help the community feel healthy, happy and safe.



ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

### Goals and next steps

Going forward, we will continue to support smart initiatives that:

- Encourage public safety through collaboration with emergency services, to use smart data and technology to improve emergency response and better protect people and assets from human and natural disasters.
- Encourage efficient planning of places to improve liveability and amenity for the community.
- Investigate smart solutions towards planning for housing and supporting infrastructure.
- Encourage community interaction as a means of improving social connection and health of the population.



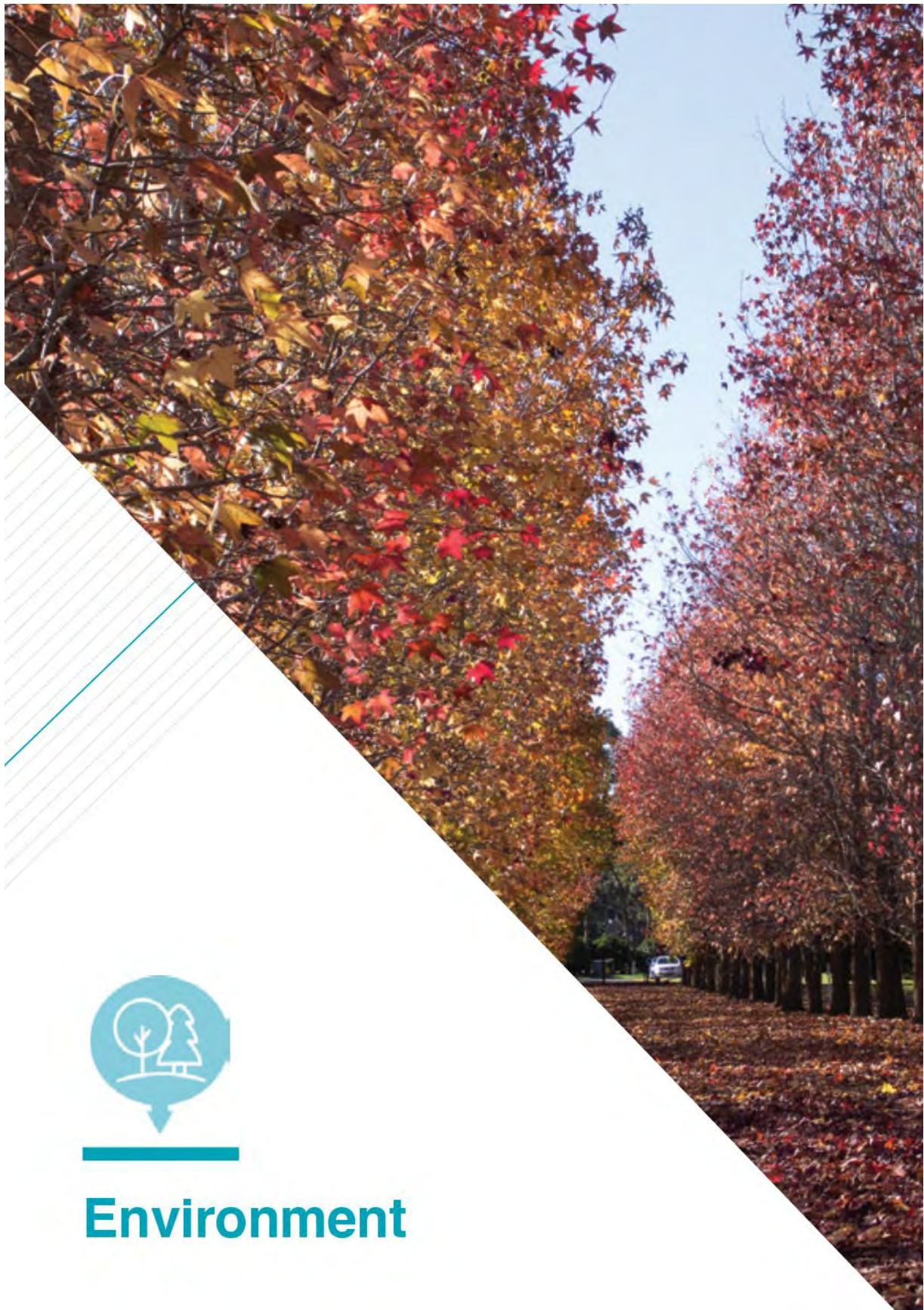


ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

## Potential strategies and initiatives

Capability name	Capability description	Outcomes and value
Electronic public notice board	Research digital channels for getting emergency information and alerts out to residents and visitors to our region.	Enhance public safety, health and liveability.
Asset value from liveability and wellbeing	Investigate the collection of data to measure the impact our investments in the community have made on the liveability and the wellbeing of our residents.	Improved planning and measuring of initiatives.
Data to build predictive analytic models for emergency response	Collaborate with emergency services to pool and map data and investigate predictive modelling for emergency response scenario, such as power outage, flood, bushfire or a major accident, to allow better response planning.	Enhance public safety, health and liveability.
Weather warnings	Aim to work with existing agencies, such as BoM, to capture existing data related to severe weather warnings and publish information on digital channels such as mobile apps, social media and kiosks/information panels.	Enhance public safety, health and liveability.

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## Environment



**ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.**

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**Port Stephens' treasured environment is clean and green,  
protected and enhanced**

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**Overview**

The natural environment of Port Stephens is treasured as a valuable natural asset that provides significant value to local residents, businesses and visitors. The natural wonders of Port Stephens are a large part of what makes the area such a desirable place to live, work, play and grow.

Through implementation of Smart City initiatives, we can better manage, reduce or remove the impacts of human activity on the natural environment and help plan for green connections that promote and protect biodiversity, natural habitat and cultural heritage. This will have further positive effects, such as reducing the impact of, and increasing resilience to, natural hazards exacerbated by climate change, contributing towards economic development and tourism, and enhancing community health and wellbeing.

In the context of Smart Cities, this includes:

- Improving the resilience of our community to environmental risks, natural hazards and climate change.
- Maintaining healthy and dynamic environmental ecosystems that support biodiversity conservation.
- Ensuring that the community uses resources sustainably, efficiently and equitably.

Smart City initiatives can also focus the reduction of energy consumption, enhance sustainability across and urban and rural landscapes, measure and enhance the effectiveness of our wildlife protection policies and inform our planning for climate change adaptation.



ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

**Goals and next steps**

Going forward, we will continue to support smart initiatives that:

- Create the infrastructure and technology foundations to monitor environmental conditions.
- Reduce energy use, for example through smart lighting of public spaces and buildings.
- Collect data to allow us to monitor and improve our wildlife and environment policies.
- Collect data and derive insights to inform our climate change adaptation planning.





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## Potential strategies and initiatives

Capability name	Capability description	Outcomes and value
Gather data on koala movements	Investigate crowdsourcing data on koala movement, and combine this data with other data sources, such as monitoring by national parks and private reserves. This will build a better picture of koala movements and numbers, and paint a more accurate picture of koala populations to help us formulate strategy and policy improvements to protect them.	Build a more accurate picture of what is happening to koala populations in our region, and formulate better strategy and policy to protect them.
Smart lighting in parks, reserves and pathways	Look into the replacement of pathway lighting at seafront and parks reserves with smart LED lighting, which turns on and off and dims automatically when nobody is in the area.	Reduces energy use, light pollution.
Environment and wildlife policy	Research initiatives that utilise data to formulate an evidence base for effective environmental and wildlife policies. For example, map key connective corridors for wildlife and identify the quality and status of bushland in those corridors to inform development decisions.	Increased data to improve our ability to develop policies on balancing development needs with the environment.
Local data around the effects of climate change	Investigate the collection of data to determine indicators related to climate change, such as rainfall data, sea-level rise, and flooding data, to analyse local climate change impacts.	More accurate relative data feeding into planning decisions.

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## **Governance**

**ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.**

**Lead, manage and deliver valued services in a responsible way**

**Overview**

Local government is concerned with matters close to our community, such as development and implementation of land use planning, building regulations and development, public health and safety, local roads and footpaths, managing public land such as parks and playing fields, libraries, local environmental issues, waste disposal and community services. Local governments also handle community needs like waste collection, public recreation facilities and land use planning.

In the context of the creation of a smart region, our role is to:

- Define and execute a Smart City Blueprint, as well as next steps (this document).
- Provide governance for smart initiatives, including setting and executing policy and program and project management.
- Define and execute a funding strategy and plan for smart initiatives.
- Facilitate communication, engagement and collaboration with the whole community, including citizens, visitors, businesses and government agencies.
- Securely manage, and, where appropriate provide open access to, the data collected as a result of smart initiatives.
- Use technology to improve the efficiency of, and community access to, council services and processes.





ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

**Goals and next steps**

Going forward, we will continue to support smart initiatives that:

- Provide digital channels to allow the community to access and transact with council services and to improve asset management and planning.
- Provide secure, open access to data to foster innovation through engagement of businesses, schools and universities, other government agencies and individuals.
- Investigate a framework and platform for a regional analytics and intelligence capability to create insights from historical data, monitor current data and model future scenarios.





ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

## Potential strategies and initiatives

Capability name	Capability description	Outcomes and value
Create a data platform for Smart Cities	Investigate a modern Smart City data and intelligence platform that can store and provide access to the data that Council gathers.	Improve council efficiency, provide open data access
Creating insight from data	Investigate a Smart City data and intelligence platform that will enable us to search, correlate across and analyse our 3 sources of data (existing internal, external and new smart data) so we can create insight across our data.	Improved planning, improved council efficiency of operations.
Alignment and validation of external data sets	External data comes in multiple different formats, with different metadata, scales, validity. We may investigate ways to combine external data sets in a meaningful way that also maintains consistency.	Ability to leverage existing external data.
Seamless transactions with council	We may investigate options that improves customer transaction, such as automation or improved customer service processes.	Improve staff efficiency.



ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

## Port Stephens Smart City Next Steps

Council will explore the following next steps on our Smart City journey:



ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

## Smart City Governance

We believe that transparency is key to build trust and accountability and we are committed to an open and transparent governance process. This is core to our smart projects plan and we will aim to ensure that it provides openness and collaboration with interested parties by adopting an effective Smart City governance model.

Our Smart City governance model:

- adopts the vision within this blueprint
- aims to make this blueprint publicly available, as well as names and contact details of the PSC program officers
- ensures collaboration, both within council and external
- encompasses regular reviews and updates to the guidelines and key focus areas
- agrees to publish regular updates of performance and delivery against the proposed Smart City Roadmap. This should include progress reporting against commitments in the roadmap on collaborative engagement and digital inclusion and channel management.

We will aim to establish leadership and governance arrangements that ensure:

- alignment with existing policies and procedures relating to privacy and access to public information
- a clear focus of accountability within council
- a broad-based leadership team with the right skills mix and cross-sectional experience
- deployment of formal programme management disciplines
- an ability to manage organisational evolution among our partner organisations
- openness and transparency in the governance process, including through digitally-enabled models of public participation.

Good governance is key to the success of any Smart City initiative. We will ensure that the Smart City governance model is established and implemented within a few months of the adoption of the Smart City Blueprint, and before the detailed scoping or initiation of any Smart City initiatives.





ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

## Smart City Roadmap

We will develop a Smart City Roadmap that is practically deliverable. The roadmap will be the first step towards a detailed, pragmatic program looking at a phased and incremental approach to implementation of the Smart City Blueprint. The roadmap will look to take an organic, market-based process of change to deliver the vision over time however will be restricted to a 5 to 10 year program in line with the SAMP.

The process to develop the roadmap will be as follows:

1. Scope initiatives  
Refine the initiative descriptions as defined in the blueprint to provide more detailed description, problems solved and benefits realised.
2. Rank initiatives  
Using a basket of weighted assessment criteria, such as benefit, cost and complexity, score each initiative.
3. Divide initiatives into time horizons  
Based on the scores, divide initiatives into short-term, medium-term and long-term time horizons.
4. Select 1 or more candidate pilot projects  
From the short-term time horizon select 1 to 3 initiatives to be candidates for a pilot project. Further develop the scope of each of these into an outline business case.





ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.

## Smart City Pilot Project

As part of the Smart City governance and roadmap process above, we will establish an internal team to identify, plan and design a pilot project. The process will involve external collaboration and guidance, where necessary.

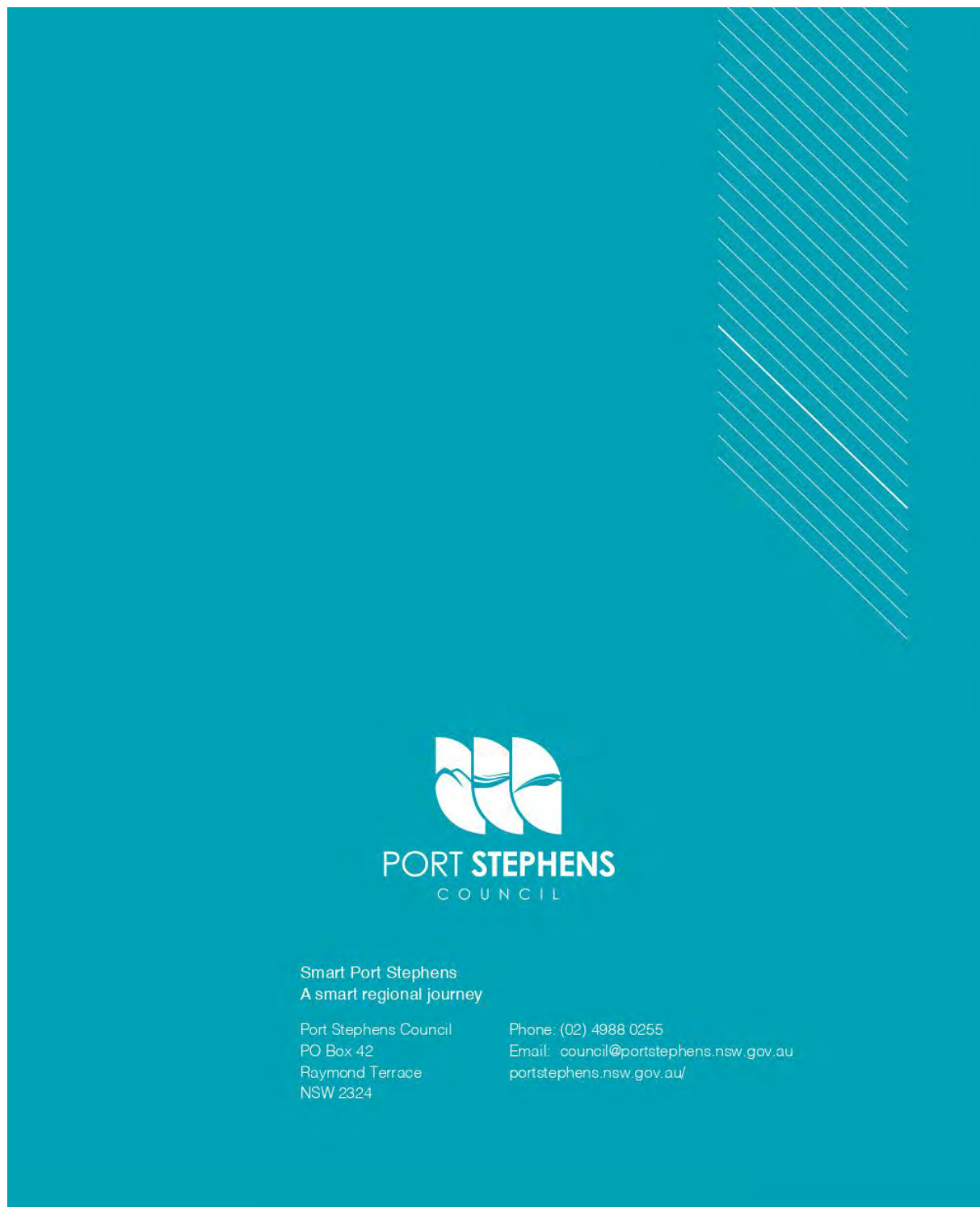
We will select an initiative that will begin to incrementally establish some of the foundational capabilities needed for a Smart City (for example, connectivity, network and data platform), and that will also provide Proof of Value (PoV) in terms of building towards achieving one or more of the goals in the Smart City Blueprint. Unlike a proof of concept project, the technology solution must be architected so that the initial capabilities can be scaled up and incrementally built on rather than discarded.

To ensure the success of the Smart City program, it is important we start with a manageable initiative that is not too wide in scope or long in timescale so we can become familiar with the process of implementing a Smart City Project, and can minimise the level of risk.

Once the pilot project has been implemented, and PoV has been established, the roadmap will be used to guide the scoping of further projects to deliver the capability on a wider scale, and build on the foundational capabilities.



ITEM 4 - ATTACHMENT 1 DRAFT PORT STEPHENS COUNCIL SMART CITY BLUEPRINT.



**DATA**COM

Councillor Sarah Smith left the meeting at 6:19pm prior to item 5.

**ITEM NO. 5**

**FILE NO: 20/149847**  
**EDRMS NO: T22-2019**

**T22-2019 TOMAREE PENINSULA - CLEANING OF PUBLIC AMENITIES**

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 T22-2019 TOMAREE PENINSULA - CLEANING OF PUBLIC AMENITIES.
- 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 T22-2019 TOMAREE PENINSULA - CLEANING OF PUBLIC AMENITIES.
- 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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**ORDINARY COUNCIL MEETING - 23 JUNE 2020**  
**MOTION**

<b>113</b>	<b>Councillor John Nell</b> <b>Councillor Giacomo Arnott</b> It was resolved that Council: 1) That Council reject all tender submissions for this tender.
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- |  |  |
|--|--|
|  | 2) Receives and notes the correct tenderer information in the Supplementary Information. |
|--|--|

## **BACKGROUND**

The purpose of this report is to reject all tender submissions for the tender: T22-2019 Tomaree Peninsula – Cleaning of Public Amenities. As a result of the COVID-19 pandemic the original scope and specification of this tender has significantly changed.

The original scope of the tender has changed and may be subject to further change due to the enhanced cleaning and disinfection of public facilities.

The tender was advertised from 27 November 2019 and closed on 31 January 2020 at 12pm, with a total of 7 submissions received at the close of the tender period. A summary is included as **(ATTACHMENT 1)**.

The tenderers were:

- Smick Group Pty Ltd;
- International Cleaning Services;
- Hot Under Pressure Pty Ltd;
- HACCP International Property Services Pty Ltd;
- Gabes Cleaning Services Pty Ltd;
- Dux Constructions;
- Brightfield Management.

Of the tenderers, 2 tenderers were deemed non-conforming: Hot Under Pressure Pty Ltd and HACCP International Property Services Pty Ltd.

A notification was sent on 8 April 2020, advising all tenderers that the award of the tender has been delayed due to the COVID-19 pandemic.

The original scope and specifications of this tender has significantly changed since the outbreak of the COVID-19 pandemic. As the gazetted Public Health Orders are released due to the changing conditions of this outbreak, the community expectations and requirements to effect this service to the Tomaree peninsula amenities will have to be modified accordingly.

Currently, this service is being managed by Council staff which can quickly mobilise due to these changing expectations. It has been assessed and determined by Council that it would be easier and more cost-effective to continue to use Council staff.

Once the pandemic situation subsides and there is clear guidelines of public amenities (their ongoing use and maintenance), a new tender scope and specification will then follow.



## 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 was awarded, as the change in the specification will directly impact on the final tender service and cost to Council.

Current Actual Estimates = \$160,000

As a result of the COVID-19 pandemic and ensuing public health issues, a revised expected estimate allows for additional materials (soap, sanitiser, paper, fixtures and fittings) and labour costs.

Revised Scope Estimate = \$280,000

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	160,000	Scope exceeds the current budget allocation of \$160,000.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

## LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal or policy implications. There is a risk implication, being that the revised scope and specification exceeds the allocated budget. It would be prudent for Council to reject all tenders.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the revised scope and specification exceeds the current allocated budget.	Low	Reject all tenders.	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 Public Domain & Services Section.

Internal

- Parks Program Coordinator.
- Public Domain & Services Section Manager.

External

Nil.

**OPTIONS**

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

**ATTACHMENTS**

- 1) CONFIDENTIAL Weighted criteria methodology summary.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

Councillor Sarah Smith returned to the meeting at 6:21pm prior to item 6.  
Councillor Ken Jordan left the meeting at 6:21pm prior to item 6.

**ITEM NO. 6**

**FILE NO: 20/148049**  
**EDRMS NO: PSC2012-01402**

**POLICY DEVELOPMENT: CLIMATE CHANGE POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

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

**ORDINARY COUNCIL MEETING - 23 JUNE 2020**  
**MOTION**

<b>114</b>	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the draft Climate Change Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the draft Climate Change Policy on public exhibition for a period of 28 days, and should no submissions be received, the policy be adopted without a further report to Council.</li></ol>
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Councillor Ken Jordan returned to the meeting at 6:23pm prior to voting.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council's endorsement to place the draft Climate Change Policy (the draft policy) shown at **(ATTACHMENT 1)** on public exhibition.

The draft policy is in response to the Council meeting resolution on 25 February 2020 that resolved to "initiate the development of a Climate Action Policy as a priority" **(ATTACHMENT 2)**.

Since the Notice of Motion on 25 February 2020 Council has undertaken the following actions:

- Developed the draft Climate Change Policy.
- In March 2020, Council completed a Climate Change Risk Assessment with Council's insurer StateWide Mutual. Council's Enterprise Risk team are now refining the risks to be incorporated into the integrated risk management framework. The Climate Change Risk Assessment results were also provided to the independent consultant undertaking the review of the 2009 Climate Change Adaptation Action Plan for consistency of risks and associated treatment actions.
- In March 2020, Council completed a Diagnostic Session with the Department of Planning, Industry and Environment's (DPIE) Sustainability Advantage. Included were representatives across the organisation that could influence sustainability measures being embedded in Council operations, as well as subject matter experts to ensure that it was a comprehensive process. These results will guide the development of Council's Sustainability Action Plan for the use of renewable technologies to reduce Council's carbon emissions.
- Council has engaged an independent consultant to undertake a detailed review of the 2009 Climate Change Adaptation Action Plan. The final report is expected at the end of July 2020.

The draft policy relates to Council's recognition that the climate in Australia is changing and that ongoing action is needed to ensure a sustainable future for Port Stephens.

Working in partnership with other councils, the community and all levels of government, Port Stephens Council is committed to responding to the challenges of climate change.

Council is committed to a climate change response as per Action E3.3.1 Review Climate Change Adaptation Action Plan of the 2019-2020 Operational Plan. The draft policy provides overarching guidance and future direction of Council's approach to responding to a changing climate.

Further consultation with the community and business regarding climate change initiatives will occur as part of the 2021 community strategic planning process.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Environmental Resilience	Encourage community resilience to the impacts of climate change.

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications with the adoption of this proposed policy.



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

## LEGAL, POLICY AND RISK IMPLICATIONS

There is currently no legal requirement for Council to implement a climate change response. However, Council have recently undertaken a risk assessment with its insurer and are currently reviewing the 2009 Climate Change Adaptation Action Plan to reduce the risk to Council infrastructure and to build community resilience upon advice from local government representative bodies and best practice.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the policy will lead to an inconsistent approach to responding to climate change impacts.	Medium	Adopt the policy.	Yes
There is a risk that not adopting the policy will create a lag in establishing Council's response to climate change and conflict with community expectation.	Medium	Adopt the policy to comply with Council and community expectation.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Responding to climate change protects the natural and built environment for the benefit of the community. This approach is expected to reduce potential damage to Council assets, disruption to the delivery of Council services, related costs and adverse effects on the wellbeing of the community. Related initiatives such as Council's Sustainable Energy Team (Currents) and the preparation of a sustainability strategy and action plan will assist in reducing Council's impact on the environment.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment section for technical refinement and awareness of the intent of the draft policy.

### Internal

Consultation has been undertaken with Council's Enterprise Risk Management and Community Development and Engagement sections.

The Executive Team has been consulted to seek management endorsement.

### External

In accordance with local government legislation the draft Climate Change Policy will go on public exhibition for a period of 28 days.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Draft Climate Change Policy.
- 2) Minute No. 040, 25 February 2020.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ITEM 6 - ATTACHMENT 1 DRAFT CLIMATE CHANGE POLICY.

Policy



**FILE NO:** PSC2012-01402

**TITLE:** CLIMATE CHANGE POLICY

**POLICY OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

**1. PURPOSE:**

1.1 Port Stephens Council recognises that the climate in Australia is changing and that ongoing action is needed to ensure a sustainable future for Port Stephens. Working in partnership with other Councils, the community and all levels of government, Port Stephens Council is committed to responding to the challenges of climate change.

**2. CONTEXT/BACKGROUND:**

- 2.1 Climate change is a significant global challenge with the potential for direct impacts on the natural environment and community wellbeing. Climate change has the potential to increase the risks of sea level rise, increase storm intensity and frequency, and contribute to changes in rainfall patterns and bushfire behaviour.
- 2.2 Climate change presents challenges for Council to deliver quality outcomes for the local community. The consequences of climate change have the potential to damage Council assets, cause disruption to the delivery of Council services, increase costs, and affect the wellbeing of the community.
- 2.3 To ensure Council's response to climate change risks are prioritised and maintained, it is important that they are embedded in Council's enterprise risk management framework and strategic planning processes.

**3. SCOPE:**

- 3.1 Port Stephens Council's approach to managing the risks of climate change will be guided by:
  - a) Advice from local government representative bodies.
  - b) Information from the United Nations' Intergovernmental Panel on Climate Change (IPCC).
  - c) Best practice case studies exhibited at all levels of government in Australia.
  - d) Feedback, advice and ideas submitted by local residents and businesses.
  - e) Risk assessments undertaken by Port Stephens Council.

**4. DEFINITIONS:**

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

Climate Change	Any change in climate over time, whether due to natural variability or as a result of human activity.
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ITEM 6 - ATTACHMENT 1 DRAFT CLIMATE CHANGE POLICY.

Policy



Intergovernmental Panel on Climate Change (IPCC)	The United Nations body for assessing the science related to climate change.
Risk	The chance of something happening that will have an impact on objectives. Risk is measured in terms of a combination of the consequences of an event and their likelihoods.

**5. STATEMENT:**

5.1 Port Stephens Council commits to:

- a) Consulting widely with local residents and businesses to raise awareness of climate change risks and management strategies.
- b) Seeking feedback and ideas from the community on how to better manage climate change risks.
- c) Reducing our contribution to climate change by implementing a range of sustainability projects.
- d) Preparing and implementing a sustainability strategy and action plan to clearly communicate our sustainability actions, targets and performance indicators.
- e) Reviewing and maintaining a Climate Change Adaptation Action Plan.
- f) Regularly publishing our progress and achievements in managing climate change risks in alignment with the Integrated Planning and Reporting framework.
- g) Investigating and sourcing funding opportunities to support our climate change management projects.

**6. RESPONSIBILITIES:**

- 6.1 Strategy and Environment Section is responsible for monitoring, reviewing and providing advice on the policy.
- 6.2 Implementation of and compliance with this policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the policy is implemented throughout the organisation.

**7. RELATED DOCUMENTS:**

- 7.1 [Local Government Act 1993](#)
- 7.2 Port Stephens Council Community Strategic Plan
- 7.3 Asset Management Policy
- 7.4 Enterprise Risk Management Policy
- 7.5 Environment Policy
- 7.6 [Coastal Management Act 2016](#)
- 7.7 [State Environmental Planning Policy \(Coastal Management\) 2018](#)
- 7.8 [Biodiversity Conservation Act 2016](#)
- 7.9 Climate Change Adaptation Action Plan





ITEM 6 - ATTACHMENT 1 DRAFT CLIMATE CHANGE 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 website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a>			
<b>EDRMS container No</b>	PSC2012-01402	<b>EDRMS record No</b>	TBA
<b>Audience</b>	Councillors, staff and community		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Environmental Officer		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	TBA
<b>Adoption date</b>	TBA		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.	TBA	Environmental Officer	New policy – first version.	TBA



**MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2020****NOTICE OF MOTION****ITEM NO. 2****FILE NO: 20/38697  
EDRMS NO: PSC2017-00019****CLIMATE CHANGE****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Acknowledge and provide its condolences and support to all who have been affected by the 2019-2020 fires across the east coast of NSW.
- 2) Note that former Commissioner of Fire & Rescue NSW, Greg Mullins AFSM, notes that the ferocity and intensity of these fires is a result of climate change.
- 3) Recognise that we are in a state of climate and ecological crisis that requires urgent action by all levels of government.
- 4) Accelerate the development of a Climate Action Policy by making it Council's number one policy priority.

**ORDINARY COUNCIL MEETING - 25 FEBRUARY 2020  
MOTION****Councillor Giacomo Arnott  
Councillor John Nell**

That Council:

- 1) Acknowledge and provide its condolences and support to all who have been affected by the 2019-2020 fires across the east coast of NSW.
- 2) Note that former Commissioner of Fire & Rescue NSW, Greg Mullins AFSM, notes that the ferocity and intensity of these fires is a result of climate change.
- 3) Recognise that we are in a state of climate and ecological crisis that requires urgent action by all levels of government.
- 4) Accelerate the development of a Climate Action Policy by making it Council's number one policy priority.

**MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2020****ORDINARY COUNCIL MEETING - 25 FEBRUARY 2020  
AMENDMENT**

<b>040</b>	<b>Mayor Ryan Palmer Councillor Chris Doohan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Acknowledge and provide its condolences and support to all who have been affected by the 2019-2020 fires across Australia.</li><li>2) Acknowledge all the hardworking firefighters/emergency services and the tremendous leadership of RFS commissioner Fitzsimmons.</li><li>3) Recognises that the climate in Australia is changing and that ongoing action is needed on climate change to ensure a sustainable future for Port Stephens.</li><li>4) As per our previous resolution from the meeting on the 24th of September Port Stephens Council will as part of its 2020 community strategic planning process:<ol style="list-style-type: none"><li>a) engage with the community and business to obtain suggestions for initiatives to reduce their impact on climate change</li><li>b) identify initiatives to reduce Councils impact on climate change with an associated funding strategy.</li></ol></li><li>5) Initiate the development of a Climate Action Policy as a priority.</li></ol>
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The amendment on being put became the motion which was carried.

Cr Arnott recorded his vote against the amendment.

Cr John Nell and Cr Giacomo Arnott called for a division.

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Ken Jordan, Paul Le Mottee, John Nell, and Sarah Smith.

Those against the Motion: Nil.

The Motion was carried.

**BACKGROUND REPORT OF: STEVEN PEART – STRATEGY & PLANNING  
SECTION MANAGER****BACKGROUND**

From September 2019, fires heavily impacted various regions of the state of New South Wales, such as the North Coast, Mid North Coast, the Hunter Region, the Hawkesbury and the Wollondilly in Sydney's far west, the Blue Mountains, Illawarra

**MINUTES ORDINARY COUNCIL - 25 FEBRUARY 2020**

and the South Coast, Riverina and Snowy Mountains with approximately 5,200,000 hectares burnt across the state. Since the start of the season, the bushfires have destroyed 2176 homes, as well as 48 facilities and more than 2000 outbuildings in New South Wales alone. 25 people were confirmed to have been killed in New South Wales since October 2019.

In Australia, the Climate Emergency Declaration mobilisation and petition was launched in May 2016. Since then, 89 local government areas across Australia have made the declaration (<https://climateemergencydeclaration.org>; 13/02/2020). The Climate Emergency Declaration proposes to mobilise society-wide resources at sufficient scale and speed to protect civilisation, the economy, people, species, and ecosystems. Declaring a climate emergency is the first step in mobilising government and community resources.

Understanding Port Stephens Council's current and proposed actions to respond to a climate emergency is an important first step in committing to climate action. Some initiatives being undertaken or proposed to be undertaken by Port Stephens Council include:

- Developing a Climate Change Policy for Port Stephens as recommended in the Climate Change Adaptation Action Plan.
- An independent consultant has been appointed to undertake a detailed review of the Climate Change Adaptation Action Plan and its implementation. The review is expected to be completed in June 2020.
- Council's Integrated Risk team are currently coordinating a climate change risk assessment. The risk assessment is being completed by StateWide Mutual.
- Developing a Sustainability Action Plan through the internal sustainable energy steering group ('Currents').
- Council has recently joined the NSW Government's Sustainability Advantage program which is a State government led program that assists local councils and other organisations to identify and achieve their sustainability objectives, including emissions reductions. The development of the Sustainability Action Plan will be guided by the outcomes of the Sustainability Advantage diagnostic session on 5 March 2020.

**ATTACHMENTS**

Nil.



**ITEM NO. 7**

**FILE NO: 20/159844  
EDRMS NO: PSC2013-00406**

**POLICY REVIEW: LOCAL WEED PRIORITISATION POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the Local Weed Prioritisation Policy, dated 27 March 2018, Minute No: 062 (**ATTACHMENT 1**).
- 

**ORDINARY COUNCIL MEETING - 23 JUNE 2020  
MOTION**

<b>115</b>	<b>Councillor Chris Doohan</b> <b>Councillor Glen Dunkley</b>  It was resolved that Council revoke the Local Weed Prioritisation Policy, dated 27 March 2018, Minute No: 062 ( <b>ATTACHMENT 1</b> ).
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The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council endorsement to revoke the Local Weed Prioritisation Policy (the policy) (**ATTACHMENT 1**).

The policy was first adopted by Council on 27 March 2018, Minute Number 062.

A review of the policy has concluded that the policy largely re-iterated or referenced existing legislation, policies, and management directives, including;

- 1) Port Stephens Council's Compliance Policy
- 2) Port Stephens Council's Environment Policy
- 3) Port Stephens Council's Legislative Compliance Policy
- 4) Port Stephens Council's Environmental Risk Management Directive
- 5) Hunter Regional Strategic Weed Management Plan 2017 – 2022 (HRSWMP)
- 6) NSW Invasive Species Plan 2008-2015
- 7) Biosecurity Act 2015
- 8) Local Government Act 1993.

In addition, it was concluded that the core purpose of the policy is to ensure that local weed risks were identified and managed, and it was acknowledged that this is better placed in a process.

To this end, a Local Weed Prioritisation Process has been established to produce a Localised Priority Weeds List (the List). Changes to the List will be communicated through to Councillors via the PS Newsletter.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Ecosystem Function	Protect and enhance the local natural environment.

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no direct financial resource implications.

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

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

Council's approach to biosecurity risk, compliance and environmental management will be influenced by the new process and existing legislative and policy frameworks.

The process that replaces those parts of the policy not already captured in existing legislation, policies, and management directives, sets out the manner in which Council will effectively target and manage local priority weed species to meet its obligations under the Biosecurity Act 2015.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk of making poor decisions as a result of a regionally focused approach to biosecurity.	Low	Adopt the recommendations to utilise the Local Weed Risk Assessment process in place of the policy.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Weeds are a major threat to our unique natural environment, threatening the survival of native plants, animals and ecosystems in Port Stephens. They also impact on the price of food, human health through allergies and asthma, recreational activities and as a result, the local economy.

A healthy natural environment is critical to the people of Port Stephens as it provides essential environmental services such as clean air, clean water and healthy soils. In turn this supports ecological, cultural, recreational, economic and aesthetic values.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Natural Resources team.

### Internal

The revocation of the policy has been discussed and implications reviewed by the Strategic Planning and Natural Resource teams.

The Executive Team has been consulted to seek management endorsement.

### External

The Department of Primary Industries, as lead agency in biosecurity management, have been consulted and did not raise any objections.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Local Weed Prioritisation Policy.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 7 - ATTACHMENT 1 LOCAL WEED PRIORITISATION POLICY.**

Policy

**FILE NO:** PSC2013- 00406**TITLE:** LOCAL WEED PRIORITISATION POLICY**POLICY OWNER:** STRATEGY & ENVIRONMENT SECTION MANAGER**PURPOSE:**

This Policy provides direction for Council's approach to exercising its regulatory functions under the *Biosecurity Act 2015*, specifically by ensuring that priority invasive species are specific to the Port Stephens Local Government Area.

**CONTEXT/BACKGROUND:**

Council is to function as a Local Control Authority under the *Biosecurity Act 2015* (The Act). The Act prescribes the functions of Authorised Officers in relation to control of priority weeds as the Local Control Authority.

The Act requires all landowners in NSW to manage and mitigate Biosecurity risks (General Biosecurity Duty) on their land. In order to determine the level of risk, a regional weed prioritisation process was undertaken using the NSW Weed Risk Management (WRM) system (a standard, nationally accepted and transparent process). The Hunter Regional Strategic Weed Management Plan (HRSWMP) outlines these regional priorities in detail.

Given the locally specific nature of weeds in Port Stephens, it is important that Council and the community are able to effectively manage the most important weeds to Port Stephens, not just those that are important regionally.

A specific assessment of risks posed by weed species to Port Stephens will allow for these the right species to be targeted, managed and controlled more effectively in the local context.

This Policy outlines the approach Council will take to ensure that priority weed species are locally specific and will do so consistent with the standard, nationally accepted and transparent process used at the regional level.



ITEM 7 - ATTACHMENT 1 LOCAL WEED PRIORITISATION POLICY.

Policy



**SCOPE:**

This Policy applies only to Council's role as a Local Control Authority under the *Biosecurity Act 2015*.

**DEFINITIONS:**

Authorised Officer	As described in Section 7 of general definitions of the <i>Biosecurity Act 2015</i> referring to the Invasive Species Officers (for the purposes of this Policy).
Biosecurity Matter	Anything posing a Biosecurity Risk as defined in Section 10 of the <i>Biosecurity Act 2015</i> .
EMS	Council's Environmental Management System.
General Biosecurity Duty	Any person who deals with biosecurity matters has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised ( <i>Biosecurity Act 2015</i> ).
Invasive Species	Animals and plants introduced into Australia that have negative effects on Agriculture, Environment, Economic or Social values.
Local Control Authority	Meaning Council as described in Section 370 of the <i>Biosecurity Act 2015</i> .

**POLICY STATEMENT:**

Council will:

- Ensure processes and structures are in place that enable Council to effectively function as the Local Control Authority under the Act;
- Apply the NSW Weed Risk Management System process to the Port Stephens local government area to determine local priority weeds;
- Maintain and publish, annually or more frequently as required, a list of local priority weed species;
- Undertake compliance and enforcement activity as a Local Control Authority under the *Biosecurity Act 2015* using the list of local priority weed species;
- Undertake compliance action in accordance with Council's Compliance Policy and the *Biosecurity Act 2015*.

ITEM 7 - ATTACHMENT 1 LOCAL WEED PRIORITISATION POLICY.

Policy



**POLICY RESPONSIBILITIES:**

- 1) Strategy and Environment Section is responsible for monitoring, reviewing and providing advice on the Policy;
- 2) Strategy and Environment Section is responsible for undertaking Council's role as a Local Control Authority under the *Biosecurity Act 2015*.

**RELATED DOCUMENTS:**

- 1) Port Stephens Council:
  - a. Community Strategic Plan 2013-2025;
  - b. Compliance Policy;
  - c. Environment Policy;
  - d. Legislative Compliance Policy;
  - e. Environmental Risk Management Directive;
- 2) Hunter Regional Strategic Weed Management Plan 2017 – 2022 (HRSWMP);
- 3) NSW Invasive Species Plan 2008-2015;
- 4) *Biosecurity Act 2015*;
- 5) *Local Government Act 1993*.

**CONTROLLED DOCUMENT INFORMATION:**

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

<b>RM8 container No</b>	PSC2013 - 00406	<b>RM8 record No</b>	
<b>Audience</b>	Councillors, Council Staff and Community Members		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Bushland Management Officer / Environmental Strategist		

**ITEM 7 - ATTACHMENT 1LOCAL WEED PRIORITISATION POLICY.**

Policy



<b>Review timeframe</b>	Two years	<b>Next review date</b>	March 2020
<b>Adoption date</b>	27 March 2018		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	27/3/2018	Bushland Management Officer / Environmental Strategist	New Policy adopted.	062

Policy

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Issue Date: 27/03/2018

Review Date: March 2020

Page: 4 of 4

**ITEM NO. 8**

**FILE NO: 20/159976  
EDRMS NO: PSC2010-00009**

**POLICY REVIEW: INTERNAL REPORTING**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Internal Reporting policy shown at **(ATTACHMENT 1)**.
- 2) Place the Internal Reporting 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 Internal Reporting Policy dated 22 May 2018, Minute No. 137, should no submissions be received.

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**ORDINARY COUNCIL MEETING - 23 JUNE 2020  
MOTION**

<b>116</b>	<p><b>Councillor Paul Le Mottee</b> <b>Councillor Sarah Smith</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Internal Reporting policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Internal Reporting 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 Internal Reporting Policy dated 22 May 2018, Minute No. 137, should no submissions be received.</li></ol>
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The motion was carried.

**BACKGROUND**

The purpose of this report is to provide Council with the reviewed Internal Reporting Policy ('policy'). The policy has been reviewed as part of Council's ongoing policy review program, and is shown at **(ATTACHMENT 1)**.

The policy details roles and responsibilities of all parties to a public interest disclosure. It provides a framework for public interest disclosures to be made to Council by public officials.



## MINUTES ORDINARY COUNCIL - 23 JUNE 2020

The policy has been reviewed with minor amendments to reflect change in titles and contact numbers for external agencies.

The policy is presented for Council's consideration.

### COMMUNITY STRATEGIC PLAN

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

### FINANCIAL/RESOURCE IMPLICATIONS

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

### LEGAL, POLICY AND RISK IMPLICATIONS

As part of good governance, this policy will assist Council in managing public interest disclosures. It is a requirement of the Public Interest Disclosure Act 1994 that Council has a policy in place.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of policy framework, Council would not meet the requirements of the Public Interest Disclosure Act 1994.	Low	Adopt the recommendations.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

## **CONSULTATION**

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

The Local Government Act 1993 requires Council to conduct public consultation on policies prior to final adoption.

### Internal

- The Executive Team has been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council consideration.

### External

- Following Council adoption, the policy will be publicly exhibited on Council's website.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Revised Internal Reporting Policy.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.**

Policy



**FILE NO:** PSC2010-00009  
**TITLE:** INTERNAL REPORTING POLICY  
**POLICY OWNER:** GOVERNANCE SECTION MANAGER

**1. PURPOSE:**

- 1.1 The purpose of the Internal Reporting Policy (the 'policy') is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Port Stephens Council (Council), what can be reported and how reports of wrongdoing will be dealt with by Port Stephens Council.
- 1.2 This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the **Public Interest Disclosures Act 1994** (PID Act).
- 1.3 This policy is just one in the suite of Port Stephens Council's complaint handling policies.
- 1.4 The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the staff grievance process. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the staff grievance process.

**2. CONTEXT/BACKGROUND:**

- 2.1 The PID Act requires Council to establish an internal reporting system. This system allows for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money. The Act commenced operation on 1 March 1995.
- 2.2 A review of the **Protected Disclosures Act 1994**, in 2010 amended the title of the Act to the **Public Interest Disclosures Act 1994**.

**3. SCOPE:**

- 3.1 Who does this policy apply to?



Page: 1 of 22

ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



3.1.1 This policy will apply to:

- a) Mayor and Councillors;
- b) permanent employees, whether full-time or part-time, temporary or casual employees;
- c) consultants;
- d) individual contractors and their employees working for Port Stephens Council;
- e) other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

3.1.2 The policy also applies to public officials of another council or public authority who report wrongdoing relating to Port Stephens Council.

3.2 Roles and responsibilities

A. The role of council staff and Councillors

3.2.1 Staff, and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and Councillors are obliged to:

- a) report all known or suspected wrongdoing and support those who have made reports of wrongdoing;
- b) if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- c) treat any staff member or person dealing with a report of wrongdoing with courtesy and respect;
- d) respect the rights of any person the subject of reports.

3.2.2 Staff and Councillors must not:

- a) make false or misleading reports of wrongdoing;
- b) victimise or harass anyone who has made a report.

3.2.3 Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to Council's Code of Conduct. A breach of the Code could result in disciplinary action.





**ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.**

## Policy



### B. The role of Port Stephens Council

- 3.2.4 Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.
- 3.2.5 Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to Council to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.
- 3.2.6 Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six 6 months.
- 3.2.7 To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

### C. Roles of key positions

#### General Manager

- 3.2.8 The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:
- a) assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with;
  - b) deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;
  - c) ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
  - d) make decisions following any investigation or appoint an appropriate decision-maker;
  - e) take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified;



**ITEM 8 - ATTACHMENT 1REVISED INTERNAL REPORTING POLICY.**

## Policy



- f) refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC);
- g) refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### Disclosures Coordinator

3.2.9 The Disclosures Coordinator has a central role in the Council's internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in the Council for the reporter. The Disclosures Coordinator has a responsibility to:

- a) assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- b) deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;
- c) coordinate the Council's response to a report;
- d) acknowledge reports and provide updates and feedback to the reporter;
- e) assess whether it is possible and appropriate to keep the reporter's identity confidential;
- f) assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified;
- g) where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- h) ensure the Council complies with the PID Act;
- i) provide six 6 monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

### Disclosures officers

3.2.10 Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting Policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

3.2.11 Disclosures officers have a responsibility to:

- a) document in writing any reports received verbally, and have the document signed and dated by the reporter;
- b) make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace;
- c) discuss with the reporter any concerns they may have about reprisal or workplace conflict;





ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



- d) carry out preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

Mayor

3.2.12 The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- a) assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with;
- b) deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures;
- c) refer reports to an investigating authority, where appropriate;
- d) liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- e) refer actual or suspected corrupt conduct to the ICAC;
- f) refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Supervisors and managers

3.2.13 Supervisors and managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers are responsible for:

- a) encouraging staff to report known or suspected wrongdoing within the organisation and support staff when they do;
- b) identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy;
- c) implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report;
- d) notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

3.3 What should be reported?

3.3.1 You should report any suspected wrongdoing within Council, or any activities or incidents you see within Council that you believe are wrong.



ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



- 3.3.2 Reports about five 5 categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the **Government Information (Public Access) Act 2009** (GIPA Act), and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's 'Guideline B2: What should be reported?'
- 3.3.3 All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the Code of Conduct.
- 3.3.4 Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.
- A. Corrupt conduct
- 3.3.5 Corrupt conduct is the dishonest or partial exercise of official functions by a public official.
- 3.3.6 For example, this could include:
- a) the improper use of knowledge, power or position for personal gain or the advantage of others;
  - b) acting dishonestly or unfairly, or breaching public trust;
  - c) a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.
- B. Maladministration
- 3.3.7 Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
- 3.3.8 For example, this could include:
- a) making a decision and/or taking action that is unlawful;
  - b) refusing to grant an approval for reasons that are not related to the merits of their application.







3.3.9 Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

- a) not following a competitive tendering process for a large scale contract;
- b) having bad or no processes in place for a system involving large amounts of public funds.

3.3.11 A breach of the **Government Information (Public Access) Act 2009** (GIPA Act) is a failure to properly fulfil functions under that Act.

- a) destroying, concealing or altering records to prevent them from being released;
- b) knowingly making decisions that are contrary to the legislation;
- c) directing another person to make a decision that is contrary to the legislation.

3.3.13 A local government pecuniary interest contravention is a failure to comply with requirements under the **Local Government Act 1993** relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. 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) a senior Council staff member recommending a family member for a Council contract and not declaring the relationship;
- b) a Councillor participating in consideration of a development application for a property they or their family have an interest in.

ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



3.4 Assessment of reports

3.4.1 All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

3.4.2 The Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

3.5 When will a report be treated as a public interest disclosure?

3.5.1 Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- a) the report must be about one of the following five 5 categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention;
- b) the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing;
- c) the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see section 3.6), an investigating authority or in limited circumstances to a Member of Parliament (MP) or journalist (see section 3.7).

3.5.2 Reports by staff are not public interest disclosures if they:

- a) mostly question the merits of government Policy (see section 3.15);
- b) are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 3.16).

3.6 Who can receive a report within Port Stephens Council?

3.6.1 Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.





ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



3.6.2 The following positions are the only people within Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 3.2).

3.6.3 If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

- a) General Manager – phone contact: 4988 0246
- b) Mayor (for reports about the General Manager only) – phone contact: 4988 0245
- c) Disclosures Coordinator – Governance **Section** Manager, phone contact: 4988 0187.

Disclosures Officers:

- d) Organisation **Support Section** Manager, phone contact: 4988 0371
- e) Human Resources Manager, phone contact: 4988 0381
- f) Legal Services Manager, phone contact: 4988 0377.

3.7. Who can receive a report outside of the Council?

3.7.1 Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

- a) An investigating authority;
- b) A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

A. Investigating authorities

3.7.2 The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.

3.7.3 The relevant investigating authorities for the Council are:

- a) the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct;
- b) the Ombudsman — for reports about maladministration;
- c) the Information Commissioner — for disclosures about a breach of the GIPA Act;



ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



- d) the Office of Local Government— for disclosures about local councils.
- 3.7.4 You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.
- 3.7.5 You should be aware that the investigating authority may well discuss any such reports with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.
- B. Members of Parliament or journalists
- 3.7.6 To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:
  - a) the General Manager;
  - b) a person nominated in this policy, including the Mayor for reports about the General Manager;
  - c) an investigating authority.
- 3.7.7 Also, the Council or the investigating authority that received your initial report must have either:
  - a) decided not to investigate the matter;
  - b) decided to investigate the matter, but not completed the investigation within six 6 months of the original report;
  - c) investigated the matter but not recommended any action as a result;
  - d) not told the person who made the report, within six 6 months of the report being made, whether the matter will be investigated.
- 3.7.8 Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 3.15).





**ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.**

## Policy



### C. Other external reporting

3.7.9 If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the Code of Conduct – by, for example, disclosing confidential information.

3.7.10 For more information about reporting wrongdoing outside Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

### 3.8. How to make a report.

3.8.1 You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

3.8.2 If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

### 3.9. Can a report be anonymous?

3.9.1 There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

3.9.2 It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

### 3.10. Feedback to staff who report wrongdoing.

3.10.1 Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

### A. Acknowledgement

3.10.2 When you make a report, the Council will contact you to confirm that your report has been received and to advise:



ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



- a) the timeframe within which you will receive further updates;
- b) the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

3.10.3 After a decision is made about how your report will be dealt with, the Council will send you an acknowledgement letter, providing:

- a) information about the action that will be taken in response to your report;
- b) the likely timeframes for any investigation or other action;
- c) information about the internal and external resources or services available that you can access for support.

3.10.4 We will provide this information to you within ~~ten~~ (10) working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

3.10.5 Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy.

B. Progress updates

3.10.6 While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- a) information about the progress of the investigation or other enquiries and reasons for any delay;
- b) advice of any decision by the Council not to proceed with the matter;
- c) advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

C. Feedback

3.10.7 Once the matter has been finalised you will be given:

- a) enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified;
- b) advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.



ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



- 3.11. Maintaining confidentiality.
  - 3.11.1 Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.
  - 3.11.2 Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.
  - 3.11.3 If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.
  - 3.11.4 If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.
  - 3.11.5 Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.
- 3.12. Managing the risk of reprisal and workplace conflict
  - 3.12.1 When a staff member or Councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.
  - 3.12.2 Depending on the circumstances, Council may:
    - a) relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
    - b) transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified;
    - c) grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.





ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



- 3.12.3 These courses of action are not punishment and will only be taken in consultation with the reporter.
- 3.13. Protection against reprisals.
- 3.13.1 Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.
- 3.13.2 The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.
- 3.13.3 Detrimental action means action causing, comprising or involving any of the following:
- a) injury, damage or loss;
  - b) intimidation or harassment;
  - c) discrimination, disadvantage or adverse treatment in relation to employment;
  - d) dismissal from, or prejudice in, employment;
  - e) disciplinary proceedings.
- 3.13.4 A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the [Local Government Act 1993](#) and may include suspension or disqualification from civic office.
- 3.13.5 It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.



ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



A. Responding to allegations of reprisal

3.13.6 If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

3.13.7 All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

3.13.8 If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:

- a) assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;
- b) if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff;
- c) if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter;
- d) take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure;
- e) refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government;
- f) refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

3.13.9 If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

3.13.10 If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.



ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



B. Protection against legal action

13.13.11 If you make a public interest disclosure in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

3.14. Support for those reporting wrongdoing

3.14.1 Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

3.14.2 Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator or by contacting Human Resources.

3.15. Sanctions for making false or misleading statements

3.15.1 It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of and Councillors, disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

3.16. The rights of persons the subject of a report

3.16.1 Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

3.16.2 If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- a) advised of the details of the allegation;
- b) advised of your rights and obligations under the relevant related policies and procedures;
- c) kept informed about the progress of any investigation;





ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



- d) given a reasonable opportunity to respond to any allegation made against you;
- e) told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

3.17.1 Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

3.17. Review.

3.17.1 This policy will be reviewed by Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

3.18. More information.

3.18.1 More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

3.19. Resources.

3.19.1 The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

**For disclosures about corrupt conduct:**

Independent Commission Against  
Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909

**For TTY Users: NRS Speak & Listen Tel:**

1300 555 727 and quote 02 8281 5999  
Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 7, 255 Elizabeth Street,  
Sydney NSW 2000

**For disclosures about maladministration:**

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free (outside Sydney metro): 1800 451  
524

**For TTY Users: NRS Speak & Listen Tel:**

1300 555 727 and quote 02 9286 1000  
Facsimile: 02 9283 2911  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24, 580 George Street,  
Sydney NSW 2000



ITEM 8 - ATTACHMENT 1REVISED INTERNAL REPORTING POLICY.

Policy



**For disclosures about breaches of the GIPA Act:**

Information Commissioner  
Toll free: 1800 472 679  
Facsimile: 02 6446 9518  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Address: Level 17, 201 Elizabeth Street,  
Sydney NSW 2000.  
Postal address: GPO Box 7011 Sydney  
NSW 2001

**For disclosures about local councils:**

Office of Local Government  
Phone: 02 4428 4100  
Facsimile: 02 4428 4199  
Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
Address: 5 O'Keefe Avenue, Nowra, NSW  
2541 OR Level 5, 66 Harrington St, The  
Rocks, NSW 2000  
Postal Address: Locked Bag 3015, Nowra,  
NSW 2541

**4. DEFINITIONS:**

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

Contractor	A person or organisation engaged by Port Stephens Council.
Contractor employee	A person employed by a contractor of Port Stephens Council.
Corruption	Corrupt conduct is the dishonest or partial exercise of official functions by a public official.
Council	Port Stephens Council.
Councillor	Means Mayor and/or Councillor
Council employee	A person employed by Port Stephens Council.
Disclosure Coordinator	The Governance Section Manager.
Disclosure officers	The Organisation Support Section Manager, Human Resources Manager and Legal Services Manager.
GIPA Act	Government Information (Public Access) Act 2009.
ICAC	Independent Commission Against Corruption.
Maladministration	Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
PID Act	Public Interest Disclosure Act 1994.
Public interest disclosure	Is a disclosure of corruption, maladministration or serious and substantial waste.



ITEM 8 - ATTACHMENT 1 REVISED INTERNAL REPORTING POLICY.

Policy



Serious and substantial waste

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

**5. POLICY STATEMENT:**

- 5.1 Port Stephens Council is committed to ensuring that disclosures of corruption, maladministration or serious and substantial waste are dealt with in an appropriate way; maintaining confidentiality and providing support for all parties. Council encourages individuals to come forward with any matter that they become aware where wrongdoing may have occurred.

**6. POLICY RESPONSIBILITIES:**

- 6.1 The Mayor and General Manager are responsible for implementing, complying with, monitoring and providing advice on the policy.  
6.2 The Governance Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.  
6.3 Disclosure officers are responsible for complying with and providing advice on the policy.  
6.4 Supervisors and managers are responsible for implementing, complying with, and providing advice on the policy.

**7. RELATED DOCUMENTS:**

- 7.1 Port Stephens Council Code of Conduct  
7.2 Local Government Act 1993  
7.3 Public Interest Disclosures Act 1994  
7.4 Government Information (Public Access) Act 2009  
7.5 Independent Commission Against Corruption Act 1988



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**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	14/12/2010	Executive Officer	Adopted by Council	409
2.0	11/2/2014	Executive Officer	Adopted by Council	017
3.0	10/05/2016	Governance Manager	Updated with the new model policy of the NSW Ombudsman and transferred to the new policy template.	118
3.1	22/5/2018	Governance Manager	Policy review included numbering to paragraphs and update of version control. 1.1 – included the name of the policy. 3.6.3 – updated contact numbers. 3.5.1, 3.5.2, 3.6.2, 3.6.3, 3.7.8 – updates	137

ITEM 8 - ATTACHMENT 1REVISED INTERNAL REPORTING POLICY.

Policy



			<p>section references to new paragraph numbering.</p> <p>3.19.1 – Updates contact details.</p> <p>4.1 – insert the definition of a councillor.</p>	
3.2	XXX	Governance Section Manager	<p>Policy review including:</p> <p>Policy Owner insert 'Section'.</p> <p>1.2 and 2.2 Insert 'Public Interest Disclosures Act 1994'.</p> <p>3.1.1, 3.2.1, 3.2.2, 3.2.8 3.2.9, 3.2.11, 3.2.12, 3.2.13, 3.3.6, 3.3.8, 3.3.10, 3.3.12, 3.3.14, 3.5.1, 3.5.2, 3.6.3, 3.7.1, 3.7.3, 3.7.6, 3.7.7 3.10.3, 3.10.6, 3.10.7, 3.12.2, 3.13.3, 3.13.8, 3.16.2 updated bullet points to alpha list.</p> <p>3.2.6 – delete 'six' insert '6'.</p> <p>3.2.9 i) – delete 'six' insert '6'.</p> <p>3.3.2 and 3.3.11 – insert 'Government Information (Public Access) Act 2009'.</p> <p>3.3.13 and 3.13.4 – insert 'Local Government Act 1993'.</p> <p>3.5.1 a) – delete 'five', insert '5'.</p>	XXX

Policy

WARRING: 014 923 0000 (014 923 0000) (014 923 0000)  
 014 923 0000 (014 923 0000) (014 923 0000)



ITEM 8 - ATTACHMENT 1REVISED INTERNAL REPORTING POLICY.

Policy



			<p>3.6.3 c) – insert 'Section'.</p> <p>3.6.3 d) – insert 'Support Section'.</p> <p>3.7.7 b) and d) – delete 'six', insert '6'.</p> <p>3.19.1 – insert 'For TTY Users: NRS Speak &amp; Listen Tel:'. Insert ' Address: Level 17, 201 Elizabeth ... NSW 2001'.</p> <p>4 – Disclosure Coordinator – insert 'Section'. Disclosure officers – insert 'Organisation Support'.</p>	
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Policy

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Page: 22 of 22



**ITEM NO. 9**

**FILE NO: 20/159461  
EDRMS NO: PSC2006-6848**

**POLICY REVIEW: ENTERPRISE RISK MANAGEMENT**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Enterprise Risk Management Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Enterprise Risk Management 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 Integrated Risk Management Policy dated 22 May 2018, Minute No. 134, should no submissions be received.

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**ORDINARY COUNCIL MEETING - 23 JUNE 2020  
MOTION**

<b>117</b>	<p><b>Councillor Paul Le Mottee</b> <b>Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Enterprise Risk Management Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Enterprise Risk Management 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 Integrated Risk Management Policy dated 22 May 2018, Minute No. 134, should no submissions be received.</li></ol>
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The motion was carried.

**BACKGROUND**

The purpose of this report is to provide Council with the revised Enterprise Risk Management Policy ('policy'). The policy has been reviewed as part of Council's ongoing policy review program and is shown at **(ATTACHMENT 1)**.

The policy provides a framework that integrates the process for managing risk into the organisation's overall governance, strategy and planning, management, reporting processes, policies, values and culture.

The policy has been reviewed with minor amendments, including a change from 'integrated risk management' to 'enterprise risk management. From January 2020, Council's risk management functions were transferred to the Governance Section.

Council is currently assessing the further needs of the organisation from a risk software system perspective and will test the market in the near future. The implementation of a new risk system is the next step required to build on the current system, processes and procedures. A new system will provide improved integration, remove manual rework and improve Council's overall approach to risk management across all areas of risk.

Further policy revision may be required at the time of implementing a new risk system.

The policy is presented for Council's consideration.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Reduce risk across Council.

## **FINANCIAL/RESOURCE IMPLICATIONS**

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

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

The policy ensures Council meets its legislative obligations in relation to the management of risk.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council will not meet its legislative obligations without a method for assessing and controlling risks.	Extreme	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications with the implementation of the revised policy.

**CONSULTATION**

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

The Local Government Act 1993 requires Council to conduct public consultation on policies prior to final adoption.

**Internal**

- The Executive Team has been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council consideration.

**External**

Consultation with Council's Audit Committee was undertaken at its meeting held on 28 May 2020 as the policy relates to Council's commitment to, and the process for, managing all categories of organisational risk.

Following Council adoption, the policy will be publicly exhibited on Council's website.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Enterprise Risk Management Policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



ITEM 9 - ATTACHMENT 1 REVISED ENTERPRISE RISK MANAGEMENT POLICY.

Policy



FILE NO: PSC2006-6848

TITLE: INTEGRATED ENTERPRISE RISK MANAGEMENT

OWNER: ORGANISATIONAL DEVELOPMENT GOVERNANCE  
SECTION MANAGER

1. PURPOSE:

- 1.1 Council's purpose is to provide services and make decisions to enhance our quality of life, our economy and our natural environment. The identification, measurement and control of risks to protect the community, the Council and its assets against loss helps to ensure the sustainability of Council services and facilities and ensure the safety of workers, residents and visitors alike. Similarly, the identification and management of opportunities through the application of risk management principles ensures that Council is well positioned to take or increase risk in order to pursue opportunities.
- 1.2 Council recognises the environmental, social and economic importance of operating in a sustainable manner, ensuring a high level of environmental compliance and performance through continuous improvement and the implementation of our Environmental Management System. Our focus on environmental performance is supported by the Integrated Enterprise Risk Management System (IERMS) that includes compliance obligations and consideration of environmental aspects such as prevention of pollution, degradation of ecosystems and resource efficiency as part of the risk assessment process.
- 1.3 Critical incident and business continuity management minimises the risk to staff, protects property and guards Council's reputation from events that have, or are likely to have, noticeable and detrimental operational impact on Council. The ability to respond quickly to limit damage in the short window of opportunity that often occurs at the beginning of a crisis can serve to contain the potential costs to Council.
- 1.4 The principles of risk management require staff to make informed judgements based on best available information concerning the level and cost of risk and opportunity involved in achieving cost-effective outcomes. By implementing an IERMS throughout Council, we will be better positioned to meet our objectives and deliver services and infrastructure in a way that is sustainable and meets our customers' needs. The aim of the IERMS aligns with Delivery Program Objective item 15.4.3 'manage L1.5 "reduce risks across Council".



ITEM 9 - ATTACHMENT 1 REVISED ENTERPRISE RISK MANAGEMENT POLICY.



**2. CONTEXT / BACKGROUND:**

- 2.1 Port Stephens Council has a responsible approach to risk management, seeking to recognise and manage our exposure to risk in accordance with our vision, purpose and values.
- 2.2 We are committed to managing risk on a systematic, organisation-wide basis consistent with AS/NZS ISO 31000:2009 Risk management – Principles and guidelines, AS/NZS 4801:2001 Occupational Health & Safety Management Systems and AS/NZS ISO 14001:2015 Environmental Management Standards, **HB203:2012 Managing Environmental-related risk**. This methodology will create sustainable value by both minimising risks to the achievement of our objectives and by identifying potential opportunities, by ensuring the health and safety of our workers and by protecting our environment.
- 2.3 Our **IERMS** will also align with Council's Business Excellence Framework by facilitating continuous improvement.

**3. SCOPE:**

- 3.1 Our **IERMS** will comprehensively integrate all risks, including safety, environmental risks and business risks (financial, property, security, commercial, etc.), into our decision making, business planning and reporting at all levels. A consistent, holistic approach to risk management strengthens our ability to deliver more efficient and effective services to our community.
- 3.2 The key steps for implementing an **IERMS** across the organisation include:
  - a) Centralising all corporate risk, work health and safety and environmental management documents on the **Integrated Enterprise Risk Management System** on Council's intranet.
  - b) Progressively combining common documents to provide a simpler, more focused management system, a reduction in duplication, more effective audit management and a greater demonstration of due diligence.
  - c) Implementing a communication strategy for the **IERMS**.

**4. DEFINITIONS:**

Risk	Effect of uncertainty on objectives (Note: an effect is a deviation from the expected and can be positive and/or negative).
Risk management	Coordinated activities to direct and control an organisation with regard to risk.





ITEM 9 - ATTACHMENT 1REVISED ENTERPRISE RISK MANAGEMENT POLICY.

## Policy

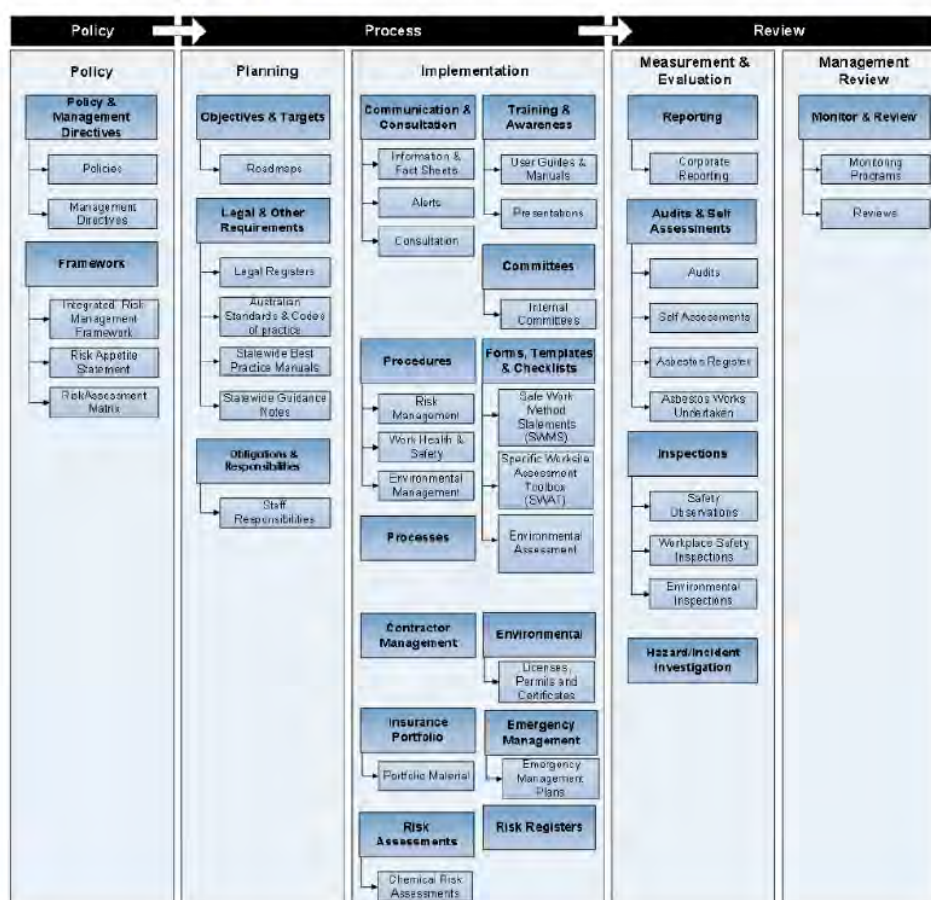


Risk management framework

Set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.

### 5. STATEMENT:

- 5.1 Port Stephens Council is committed to developing an effective Corporate Integrated Enterprise Risk Management System that clearly considers all major risks and opportunities integrated into one common framework. Our IERMS will focus on continually improving comprehensive risk management processes. Overview of the IERMS is shown below.



## Policy

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ITEM 9 - ATTACHMENT 1 REVISED ENTERPRISE RISK MANAGEMENT POLICY.

Policy



5.2 Council is required to identify, evaluate, mitigate, monitor and report business continuity risks to ensure it's able to continue operations in the event of a material business interruption and to continue to provide critical services to the community and stakeholders.

5.3 Council is committed to empowering employees to assume accountability and responsibility for risk management in the workplace by creating and promoting a culture of participation and by providing a robust process to monitor and review the effectiveness of risk management across Council.

**6. RESPONSIBILITIES:**

6.1 Corporate Risk Management will be led by the Senior Leadership Team, i.e. the General Manager, Group Managers and Section Managers, with support from the Corporate Enterprise Risk Management Team. The Senior Leadership Team is committed to guiding effective risk management by the application of the principles detailed in AS/NZS ISO 31000:2009 Risk management – Principles and guidelines.

6.2 Every staff member is responsible to implement and embed risk management by:

- a) identifying, managing and monitoring risks and opportunities in their areas of accountability;
- b) communicating these areas of risk to their manager or supervisor;
- c) taking measures to ensure their own safety, that of other employees, customers and other workers; and by
- d) acting to reduce environmental harm by preventing pollution, degradation of ecosystems and minimising resource use.

**7. RELATED DOCUMENTS:**

- 7.1 Work Health and Safety Statement of Commitment.
- 7.2 Corporate Integrated Risk Management Framework.
- 7.3 Environment Policy.
- 7.4 Corporate Business Continuity Plan & Group Sub Plans





## ITEM 9 - ATTACHMENT 1 REVISED ENTERPRISE RISK MANAGEMENT POLICY.

Policy

**CONTROLLED DOCUMENT INFORMATION:**

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<b>EDRMS container No.</b>	PSC2006-6848	<b>EDRMS record No.</b>	18/440
<b>Audience</b>	Councillors, staff and community		
<b>Process owner</b>	Governance Section Manager Organisation Development Manager		
<b>Author</b>	Risk Management Coordinator		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	22/05/2022
<b>Adoption date</b>	10/06/2014		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	10/06/2014	Risk Management Coordinator	Original policy.	135
2.0	26/04/2016	Risk Management Coordinator	Updated into incorporate new Brand Identity Style Guide v1.0; amendments to risk appetite statement table; inclusion of opportunity; updates to environmental performance references; inclusion of key points of Critical Incident & Business Continuity Management Directive.	098



ITEM 9 - ATTACHMENT 1REVISED ENTERPRISE RISK MANAGEMENT POLICY.

Policy



Version	Date	Author	Details	Minute No.
3.0	22/05/2018	Risk Management Coordinator	<p>Reviewed the policy, included numbering to each paragraph, updated the version control and file number.</p> <p>1.2 – inserted IRMS.</p> <p>1.4, 2.3, 3.1, 3.2, 3.2.1, 3.2.3 &amp; 5.1 – updated IRMS wording.</p> <p>4 – inserted risk management framework definition</p> <p>5 – deleted point 2), including 'Willingness to Accept risk table'.</p> <p>5 – inserted new risk table.</p> <p>6 – deleted point 2) and inserted 6.2.</p> <p>7 – deleted items 1 to 14 and inserted items 1 to 6.</p> <p>Adopted by Council.</p>	134

Policy

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## Policy

Version	Date	Author	Details	Minute No.
4.0		Enterprise Risk Manager	<p>Updated policy title to Enterprise Risk Management and process owner to "Governance Section Manager".</p> <p>1.2, 1.4, 2.3, 3.1, 3.2, 5.1, 6.1 – Updated "integrated" to "enterprise", including ERMS.</p> <p>1.4 - Updated relevant Operational Objective to L1.5 per Operational plan.</p> <p>2.2: - Added relevant environmental standard HB203:2012.</p>	



**ITEM NO. 10****FILE NO: 20/166669  
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 the provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward Funds to the following:
    - a. Nelson Bay Netball Association Inc. – East Ward Funds – Cr Glen Dunkley Rapid Response - \$500 donation towards the purchase of 3 sun shades to house players from the sun at state and rep carnivals.
    - b. Port Stephens Community Woodworkers Inc. – East Ward funds – Cr John Nell - \$320 donation towards the cost of annual tip fees.
- 

**ORDINARY COUNCIL MEETING - 23 JUNE 2020  
MOTION**

<b>118</b>	<b>Councillor Glen Dunkley Councillor John Nell</b>  1) It was resolved that Council approves the provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward Funds to the following: <ol style="list-style-type: none"><li>a. Nelson Bay Netball Association Inc. – East Ward Funds – Cr Glen Dunkley Rapid Response - \$500 donation towards the purchase of 3 sun shades to house players from the sun at state and rep carnivals.</li><li>b. Port Stephens Community Woodworkers Inc. – East Ward funds – Cr John Nell - \$320 donation towards the cost of annual tip fees.</li></ol>
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The motion was carried.

**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**

Nelson Bay Netball Association.	A sporting club association located in Nelson Bay.	\$500	Donation towards the purchase of 3 sun shades to house players from the sun at state and rep carnivals.
Port Stephens Community Woodworkers Inc.	Provides a safe workshop for members to practice their wood working skills, socialise and provide support to the local community.	\$320	Donation towards the cost of annual tip fees.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Community Partnerships	Support financially creative and active communities.

**FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	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. 11****FILE NO: 20/164132  
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 23 June 2020.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	May 2020 Cash and Investments	227
2	Questions on Notice/Questions with Notice	230
3	Council Resolutions	232

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**ORDINARY COUNCIL MEETING - 23 JUNE 2020  
MOTION**

<b>119</b>	<b>Councillor Ken Jordan</b> <b>Councillor Sarah Smith</b> It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 23 June 2020. <hr/> <b>No: Report Title:</b> 1 May 2020 Cash and Investments 2 Questions on Notice/Questions with Notice 3 Council Resolutions
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The motion was carried.



# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 20/159236  
EDRMS NO: PSC2006-6531**

**MAY 2020 CASH AND INVESTMENTS**

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

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 May 2020.

**ATTACHMENTS**

- 1) May 2020 - Cash and Investments.
- 2) May 2020 - Cashflow Report.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 1 - ATTACHMENT 1MAY 2020 - CASH AND INVESTMENTS.**

CASH AND INVESTMENTS HELD AS AT 31 MAY 2020								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
AMP BANK	IMPERIUM	BBB+	TD	2.10%	190	5-Jun-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.65%	375	9-Jun-20	1,000,000	1,000,000
MACQUARIE BANK	CURVE	AA-	TD	1.70%	126	7-Jul-20	2,000,000	2,000,000
ME BANK	CURVE	NR	TD	1.60%	139	9-Jul-20	1,000,000	1,000,000
AUSTRALIAN UNITY BANK	CURVE	NR	TD	1.70%	170	24-Jul-20	1,000,000	1,000,000
DNISTER UKRAINIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	525	5-Aug-20	1,000,000	1,000,000
AMP BANK	CURVE	BBB+	TD	1.90%	173	10-Aug-20	600,000	600,000
JUDO BANK	CURVE	NR	TD	2.05%	362	26-Aug-20	800,000	800,000
JUDO BANK	CURVE	NR	TD	2.00%	182	31-Aug-20	300,000	300,000
AMP BANK	LAMINAR	BBB+	TD	1.65%	182	27-Nov-20	1,250,000	1,250,000
JUDO BANK	CURVE	NR	TD	2.10%	371	9-Dec-20	600,000	600,000
BNK BANK LTD	CURVE	NR	TD	1.80%	371	9-Dec-20	1,000,000	1,000,000
BNK BANK LTD	CURVE	NR	TD	1.80%	384	22-Dec-20	1,000,000	1,000,000
AUSTRALIAN UNITY BANK	CURVE	NR	TD	1.70%	337	7-Jan-21	1,000,000	1,000,000
BANK OF SYDNEY	CURVE	NR	TD	1.99%	365	18-Feb-21	750,000	750,000
JUDO BANK	CURVE	NR	TD	2.00%	363	18-Feb-21	200,000	200,000
AUSTRALIAN MILITARY BANK **	FARQUHARSON	NR	TD	1.65%	635	30-Jun-21	1,000,000	1,000,000
AUSWIDE BANK	CURVE	BBB	TD	1.75%	727	28-Sep-21	1,000,000	1,000,000
ICBC	IMPERIUM	A	TD	1.62%	729	13-Oct-21	1,000,000	1,000,000
AUSWIDE BANK	IMPERIUM	BBB	TD	1.65%	731	13-Oct-21	500,000	500,000
AUSWIDE BANK	RIM	BBB	TD	1.73%	701	2-Feb-22	1,250,000	1,250,000
** Please note--Australian Military Bank Moody's rating has been upgraded to BBB (equivalent Standard and Poor's rating) since placement of Term Deposits:								
SUB TOTAL (\$)							19,250,000	19,250,000
TCORP CASH FUND	TCORP	AAA					500,000	501,094
TCORP MEDIUM TERM GROWTH FUND	TCORP	AAA					3,000,000	2,934,304
TCORP LONG TERM GROWTH FUND	TCORP	AAA					1,000,000	958,792
INVESTMENTS TOTAL (\$)							23,750,000	23,644,190
CASH AT BANK (\$)							5,309,748	5,309,748
TOTAL CASH AND INVESTMENTS (\$)							29,059,748	28,953,938
CASH AT BANK INTEREST RATE				0.65%				
BBSW FOR PREVIOUS 3 MONTHS				0.32%				
AVG. INVESTMENT RATE OF RETURN ON TDs				1.89%				
TD = TERM DEPOSIT								
AC = AT CALL CASH ACCOUNT								
FRTD = FLOATING RATE TERM DEPOSIT (0.98% ABOVE RBA CASH RATE)								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
I HAZELL								



## Cash flow analysis 31/05/2020

### CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2019

Closing Cash and Investment 31 May 2020

#### Movement in cash

#### Movement in cash represented by:

##### Operating Activities

Receipts from ratepayers, customers and government authorities

Payments to suppliers &amp; employees

Interest received

Interest paid

#### Total

##### Investing Activities

Receipts from sale of Infrastructure, Property, Plant &amp; Equipment

Payments for Property, Plant &amp; Equipment

#### Total

##### Financing Activities

Payment of loans

Receipt of new loans

#### Total

#### Total Cash Movement

Plus: Opening Cash and Investment 1 July 2019

Closing Cash and Investment 31 May 2020

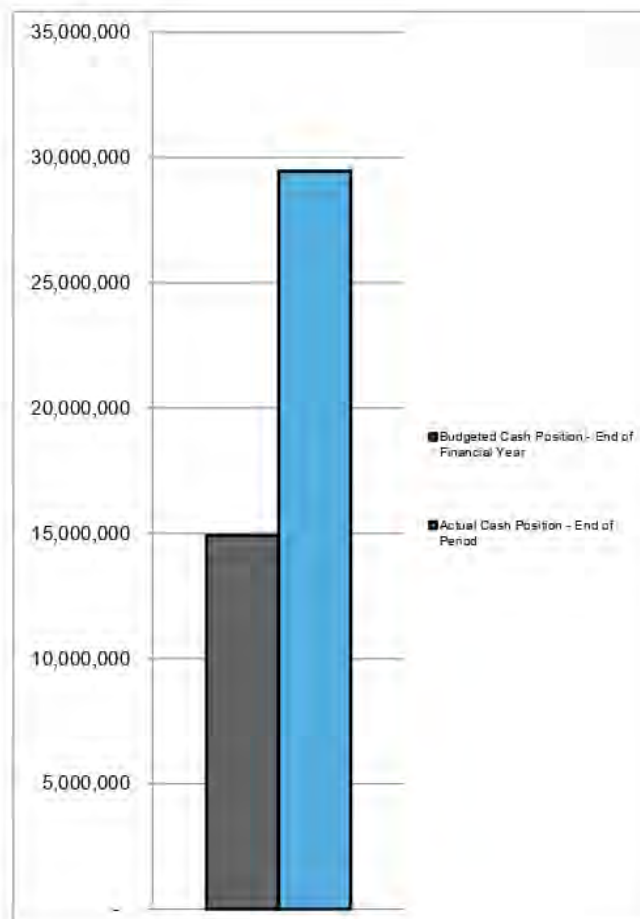
Budgeted Cash Movement for the Financial Year

Plus Opening Cash and Investment 1 July 2019

Budgeted Cash and Investment Position 30 June 2020

In front / (behind) on budget

YTD	Notes
35,484,953	
29,453,518	
<b>(6,031,435)</b>	



### Notes

1 Council's cash position is up on the budgeted year end position predominately due to the following reasons:

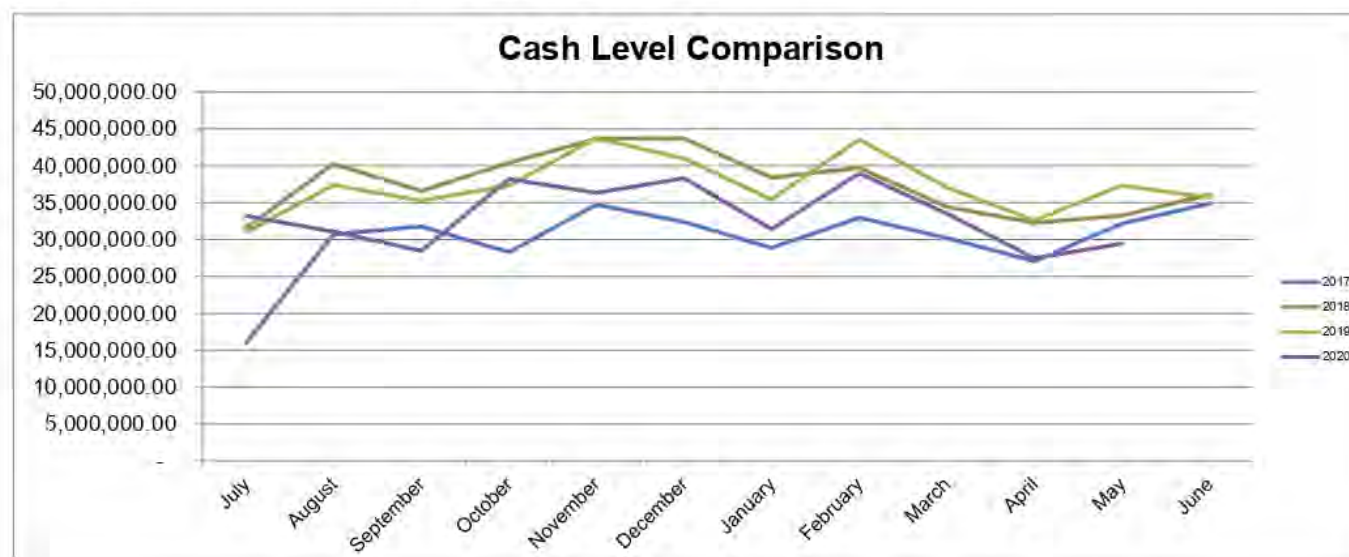
- Receipt of financial assistance grant for \$4.3m this month
- Receipt of various capital grants for \$1m this month
- Projects that are to be funded by the repeal of the s7.11 fund are yet to be completed

Due to trade restrictions imposed as a result of COVID 19, councils cash position from April onwards has been impacted. Appropriate adjustments have been processed through the March quarterly budget review process.

Significant future cash inflows expected in next few months include various 2020 grants and 4th quarter rates.

The capital works program is being reviewed in order to best align cash outflows with estimated cash inflows.

Significant future cash outflows expected in next few months include: redevelopment of Robinson reserve Anna Bay, development of Koala Sanctuary, Lionel Morton Amenities construction and plant purchases.





**ITEM NO. 2****FILE NO: 20/164100  
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 or with Notice in accordance with the Code of Meeting Practice.

<b>Item:</b>	1
<b>Councillors:</b>	Cr John Nell
<b>Date Received:</b>	4 June 2020
<b>Question with Notice:</b>	Is it responsible for the board of Destination Port Stephens to advertise unaware visitors to come to Zenith Beach, Shoal Bay? This is the most dangerous and treacherous beach in Port Stephens and looks very inviting until you hit the water. If we are inviting visitors to this beach, they should be warned about its dangerous conditions and its history of killing the unaware.
<b>Response:</b>	<p>The Destination Port Stephens marketing campaign has been produced by Destination NSW and has been designed to focus on the natural assets of our local government area (LGA) to encourage visitation to a range of target markets.</p> <p>As part of the materials produced to support this campaign it includes footage of many iconic areas of our LGA, including Zenith Beach.</p> <p>The shooting of material at Zenith Beach was planned and executed to specifically exclude swimming at this beach. In addition to this, warnings regarding swimming at this beach are clearly displayed on relevant websites, including Destination Port Stephens, and there is existing signage maintained by NSW National Parks and Wildlife Service providing risk warnings to users of this beach.</p>

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 3**

**FILE NO: 20/34981  
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.

**ATTACHMENTS**

- 1) Corporate Services Group report.
- 2) Development Services Group report.
- 3) Facilities & Services Group report.
- 4) General Manager's Office report.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>Corporate Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets</b>			<b>Date To:</b>	<b>9/06/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 15 June 2020</b>

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	28/02/2021	28/03/2018	
13 066		Foster, Carmel				18/66656
11 Jun 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	28/02/2021	14/02/2019	
3		Foster, Carmel				19/39843
11 Jun 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	28/02/2021	29/05/2019	
5 109		Foster, Carmel				19/148388
11 Jun 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition.						



**ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>Corporate Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets</b>			<b>Date To:</b>	<b>9/06/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 15 June 2020</b>

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	28/02/2021	29/05/2019	
6		Foster, Carmel				19/148388
110						
11 Jun 2020 - Awaiting Ministerial 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	30/09/2020		
7		Foster, Carmel				19/200498
169						
11 Jun 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						
11 Jun 2020 -Easement documents have been lodged with LRS, awaiting registration.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Meyn, Janet	1 CENTRAL AVENUE, SALAMANDER BAY (LOT 8)	31/07/2020	11/12/2019	
1		Foster, Carmel				19/388450
267						
11 Jun 2020 - Documentation executed by Council. Local Government Legal to return for execution by TAFE						

**ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>Corporate Services</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets</b>			<b>Date To:</b>	<b>9/06/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 15 June 2020</b>

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	31/07/2020	12/02/2020	
1		Foster, Carmel				20/39141
027						
11 Jun 2020 - Documents remain with Optus Legal for execution and registration.						

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		Foster, Carmel				20/39141
028						
11 Jun 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		Foster, Carmel				20/39141
029						
11 Jun 2020 - Sewer connection finalised, awaiting HWC certification and then exchange of contracts.						

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		Foster, Carmel				20/92585
061						
11 Jun 2020 - Contracts now exchanged. Completion due end of June 2020.						



**ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.**


<b>Outstanding</b>	<b>Division:</b>	Development Services	<b>Date From:</b>	26/09/2017
<b>Action Sheets Report</b>			<b>Date To:</b>	9/06/2020
			<b>Printed:</b>	Monday, 15 June 2020

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						
11 Jun 2020 - Council resolved to defer this item. A further report is scheduled for Council in August 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
11 Jun 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
11 Jun 2020 - The Climate Change Policy is identified on the Natural Resources program of work for 2020-2021. The policy is scheduled for reporting to Council on 23 June 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						
11 Jun 2020 - Review of the Tree DCP Amendment prepared and scheduled for Council meeting 23 June 2020.						

**ITEM 3 - ATTACHMENT 3 FACILITIES & 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>9/06/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 15 June 2020</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Gutsche, Tammy	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
11 Jun 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
12 Jun 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
12 Jun 2020 - NSW Department of Planning, Industry and Environment (DPIE) have made clear that State funding for coastal protection works is contingent on the development and endorsement of the Port Stephens Coastal Management Program (CMP). In terms of CMP priorities, it is expected that this area will be a low priority for protective works given the width of the foreshore reserve, the relatively sheltered location and the peaty makeup of the natural shoreline.						



**ITEM 3 - ATTACHMENT 3 FACILITIES & 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>9/06/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 15 June 2020</b>

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						
12 Jun 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						
12 Jun 2020 - Consultant has been engaged to undertake an energy efficient study. Consultant is nearing completion of site inspections of our community assets. Draft report is imminent.						

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						
11 Jun 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						
12 Jun 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 3 - ATTACHMENT 3 FACILITIES & 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>9/06/2020</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 15 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						
12 Jun 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
12 Jun 2020 - Legal documents are being reviewed with supplier. Project is on track.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/05/2020	Maretich, John	COVID-19 Public Hygiene Initiative	30/06/2020	14/05/2020	
10		Kable, Gregory				20/138521
12 Jun 2020 - Quote documentation is being prepared.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Maretich, John	POLICY REVIEW: PARKS AND ROADSIDE MEMORIALS POLICY	23/06/2020		
9		Kable, Gregory				20/164033
096						
11 Jun 2020 - Parks and Roadside Memorial Policy will go on Public Exhibition for 28 days commencing 15 June.						

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<b>Outstanding</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b>	26/09/2017
<b>Action Sheets</b>			<b>Date To:</b>	9/06/2020
<b>Report</b>			<b>Printed:</b>	Monday, 15 June 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Maretich, John	Naming of Pathway, Gan Gan Road, Anna Bay	23/06/2020	10/06/2020	
1		Kable, Gregory				20/164033
101						
12 Jun 2020 - Design options will be presented to Councillors at the F&S / Quarterly meetings.						

## MINUTES ORDINARY COUNCIL - 23 JUNE 2020



<b>Outstanding</b>	<b>Division:</b>	General Manager's Office	<b>Date From:</b>	26/09/2017
<b>Action Sheets</b>			<b>Date To:</b>	9/06/2020
<b>Report</b>			<b>Printed:</b>	Monday, 15 June 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/06/2020	Wickham, Tony	CODE OF MEETING PRACTICE REVIEW	31/07/2020		
10		Wallis, Wayne				20/164033
12 Jun 2020 – Code on public exhibition from 12 June to 10 July 2020, with submissions to be received up to 24 July 2020.						

There being no further business the meeting closed at 6.35pm.