

DRAFT

MINUTES – 11 AUGUST 2020



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 11 August 2020, commencing at 6.13pm.

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

Cr Paul Le Mottee was not present at the commencement of the meeting due to a conflict of interest in items 1 and 2.

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| 140 | Councillor John Nell Councillor Ken Jordan It was resolved that leave of absence be granted to Cr Steve Tucker for the month of August 2020, and an apology from Cr Chris Doohan be received and noted. |
| 141 | Councillor Sarah Smith Councillor Ken Jordan It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 28 July 2020 be confirmed. |

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| MINUTES ORDINARY COUNCIL - 11 AUGUST 2020 |
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| | <p>Cr Le Mottee declared a pecuniary conflict of interest in item 1. The nature of the interest is the Le Mottee Group assisted neighbours with understanding the process and the application.</p> |
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| | <p>Cr Le Mottee declared a pecuniary conflict of interest in item 2. The nature of the interest is the Le Mottee Group has not done work on this site but has done work from the owner on other sites.</p> |
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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 20/194760
EDRMS NO: 16-2019-598-1**

**DA 16-2019-598-1 FOR A CAMPING GROUND (50 CAMP SITES) WITH
AMENITIES AND KITCHEN AT 47 THE BUCKETTS WAY, TWELVE MILE CREEK**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING - 11 AUGUST 2020

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| | The General Manager requested item 1 be withdrawn from the agenda. Item 1 was withdrawn from the agenda with the consent of the Chair. |
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BACKGROUND

Development Application No. 16-2019-598-1 was reported to Council at its meeting on 14 July 2020. At that meeting it was resolved that the application be deferred. The minutes are provided in **(ATTACHMENT 5)** and the resolution is provided below:

Meeting Minute 122: It was resolved that Council defer Item 1 Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144).

Subsequent to the 14 July 2020 meeting, and in response to the matters discussed at that meeting, the following additional conditions have been recommended and have been included in the Recommended Conditions of Consent provided in **(ATTACHMENT 3)**.

Addition of Condition 2.0 (14) to read:

- (14) **Site access/egress** - Prior to the issue of a Construction Certificate, plans are to be prepared demonstrating a BAL/BAR intersection treatment, in accordance with current Austroads Guides, at the proposed main entry to the site (this may include tree removal within the clear zone at the Direction of the Roads Authority).

Condition 3.0 (12) be amended to read:

- (12) **Vegetation Management Plan** - A Vegetation Management Plan (VMP) must be developed for the retained areas of native vegetation, and submitted to Council for approval prior to any clearing works occurring on site.

The VMP must be prepared and implemented by a suitably qualified Environmental Consultant.

The plan should include clear management objectives, a schedule of works and maps in accordance with Port Stephens 'Technical Specification Vegetation' (May 2014), and shall include detailed management measures for the on-going management of habitat for the threatened orchid species *Pterostylis chaetophora* (mapped areas of habitat available from Council on request) including:

- Fencing to exclude visitor access
- Backfilling of existing trenches by manual methods
- 'Ecologically Sensitive Area' signage
- Restrictions on maintenance activities (slashing/mowing) i.e. timing, frequency, slashing height
- Weed and pathogen hygiene protocols
- Prohibiting the use of heavy machinery or vehicle parking
- Prohibiting the introduction of fill material or topsoil.

Condition 6.0 (5) be modified to include the following additional wording:

- (5) **Revegetation planting** - The following plant species must be planted at no cost to Council along the southern and northern boundary of the lot (excluding the mapped habitat area of the *Pterostylis chaetophora*):

Condition 6.0 (7) be modified to read:

- (7) **Operational Plan of Management** – An Operation Plan of Management for the site is to be drafted and provided to Council outlining proposed management actions in relation to:

- 24 hour on-site management
- Noise management and abatement
- Emergency procedures

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- Emergency and after hours contact numbers for visitors and nearby residents
- Security
- Antisocial behaviour of visitors
- Visitor arrival and departure times
- Maximum onsite stay of four (4) consecutive nights for visitors
- Restriction on individual campsite fires.

The above conditions have been reviewed by the applicant who has indicated acceptance of these changes.

The Council Report from 14 July 2020 is provided below. No changes have been made to this report since it was reported on 14 July 2020.

The purpose of this report is to present a development application (DA) to Council for determination. The subject DA relates to land located at 47 The Bucketts Way, Twelve Mile Creek (Lot: 9 DP: 243144, (the subject site). A locality plan is provided in **(ATTACHMENT 1)**.

The DA is being reported to Council for determination, in accordance with the Development Applications to be reported to Council Policy, as the application was called to Council by Councillor Arnott, Councillor Nell and Councillor Tucker **(ATTACHMENT 4)**.

Proposal

The application seeks approval for the establishment of a camping ground, consisting of 50 camp sites, and the construction of an amenities block, camp kitchen area, internal roads and associated servicing infrastructure. The camping ground will permit the pitching of tents, and parking of caravans and camper trailers and the like for short term stays.

The application was originally submitted for up to 100 camp sites with an alternative layout and has since been modified as a result of public submissions and the need to comply with the requirements of Council, NSW Rural Fire Service and Transport for NSW.

Site Description and History

The subject site is identified as 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) **(ATTACHMENT 1)**. The site is located in a rural residential area with significant vegetation and waterways and is within close proximity of the Pacific Highway (M1). The land is 10.12 hectares in area and is somewhat clear of vegetation in the eastern portion of the site, becoming more densely vegetated in the western portion. A natural waterway traverses the site along the western boundary. The lot holds 2 existing dwellings and a number of outbuildings.

Key Issues

The key issues identified throughout the assessment of the proposal and as a result of public submissions relate to the potential impacts of the proposal on the amenity of adjoining rural residential land, land use conflict, site access and environmental impacts as outlined below. A detailed assessment of the development is contained in the Planners Assessment Report provided at **(ATTACHMENT 2)**.

Land Use

The proposed development is defined as a Camping Ground which is permissible with consent in the RU2 Rural Landscape zone. A Camping Ground is defined by the Port Stephens Local Environmental Plan 2013 (LEP 2013) as:

‘an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.’

The proposed development includes 50 camp sites to accommodate tents, campervans, RV's, camp trailers and caravans. Despite the incorporation of caravans on the site, the development is not characterised as a Caravan Park (which is not permissible in the zone) noting that the camp ground will accommodate those above uses for short term stays only. A Caravan Park use allows for longer term stays, including permanent installations of caravans and other moveable dwellings.

Noting a Camping Ground is a permissible use in the zone, the development is considered acceptable in its setting. The development is located a significant distance from The Bucketts Way, behind the existing dwellings on the lot and is setback from the side boundaries with landscape screening provided (existing and proposed) to mitigate any visual impacts to surrounding properties **(ATTACHMENT 2)**.

Access

The application was referred to and reviewed by Transport for NSW (TfNSW) (formerly RMS) and Council Engineers. The application was supported with a number of conditions requiring the upgrade of the site access to facilitate the safe turning of vehicles on and off the site including a channelized access and removal of some roadside vegetation to enable acceptable sight lines. These recommendations have been incorporated into the recommended conditions of consent **(ATTACHMENT 3)**.

Environmental Impacts

The land is identified as containing potential koala habitat. The proposed development avoids significant koala habitat removal. Offsetting for the loss of any trees is proposed by replacement planting along the southern boundary to facilitate habitat connection.

The development has been modified to largely avoid areas of likely Tall Rustyhood Orchid habitat, however as certain activities such as bushwalking and asset protection are proposed within the habitat area, a Vegetation Management Plan has been requested via condition to ensure the ongoing management and protection of these areas.

The proposal is located on land identified as wetland under the LEP 2013. Through the assessment it was determined that the development will not have a negative impact on the flora and fauna of the wetland, including native and migratory species, or the characteristics of the ground or surface water with the imposition of the mitigating conditions proposed **(ATTACHMENT 3)**.

Impacts on surrounding Rural Residential Land

The proposed development borders 2 rural residential lots to the north and south of the site which contain a total of 3 dwellings.

A noise assessment was provided with the application which demonstrates that appropriate noise mitigation measures are able to be installed to ensure acceptable noise levels are maintained. Additionally, the consent has been conditioned such that a management plan for the site is required which provides emergency contact numbers for visitors and neighbours to direct noise concerns **(ATTACHMENT 3)**.

The proposed development will require compulsory lighting in accordance with the Local Government Regulations. A condition has been recommended to ensure the potential impacts from lighting are mitigated to the minimum through the AS1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting' **(ATTACHMENT 3)**.

Stormwater Management

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 issue of a construction certificate **(ATTACHMENT 3)**.

Conclusion

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

- Section 4.15 of the Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy No 21 – Caravan Parks
- State Environmental Planning Policy No. 44 - Koala Habitat Protection
- State Environmental Planning Policy No 55 - Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Port Stephens Local Environmental Plan 2013 (LEP 2013)
- Port Stephens Development Control Plan 2014 (DCP 2014)

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 arising through the assessment of the application have been satisfactorily addressed and supported by sufficient mitigation measures as provided within the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

On this basis, the proposed development supports and promotes the public interest, and is recommended for approval.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

| Source of Funds | Yes/No | Funding (\$) | Comment |
|----------------------------------|---------------|---------------------|----------------|
| Existing budget | No | | |
| 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. A detailed assessment against these requirements are contained within the Planners Assessment Report contained in **(ATTACHMENT 2)**.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|--|-----------------------------------|
| There is a risk that the determination may be appealed. | Moderate | Approve the application as recommended. The assessment carried out details the merits of the proposed development and the recommended conditions of consent reduce the impact of the proposal. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed development is anticipated to have an ongoing positive economic impact on the local area and the broader community through the creation of viable employment and economic activity during both the construction and ongoing operations of the development. The development will allow for the use of existing services and facilities in the locality without requiring significant infrastructure upgrades that burden the public.

The development will result in some impact on the built environment through the construction of the amenities block and camp kitchen, however these buildings are appropriately setback and screened from the road and adjoining development. The impacts on the built environment are considered acceptable.

The development has been modified to largely avoid significant Koala habitat and areas of likely Tall Rustyhood Orchid habitat. Landscape offsets through replanting along the southern boundary and the requirement of a Vegetation Management Plan will allow for the appropriate ongoing management and protection of these areas.

The proposal incorporates appropriate measures to ensure minimal adverse impact on amenity. Air quality, noise, drainage and traffic have been appropriately addressed in the application, with mitigation measures included within the Recommended Conditions of Consent **(ATTACHMENT 3)**. Through development conditions and additional design criteria, the potential impacts are mitigated.

CONSULTATION

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

Internal

Consultation was undertaken with internal officers, including; Building Surveying, Development Engineering, Vegetation Management, Environmental Health, Natural Resources and Development Contributions. The referral comments from these officers were considered as a part of the Planners Assessment Report contained in **(ATTACHMENT 2)** and accordingly in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

External

Consultation was undertaken with NSW Rural Fire Service and Transport for NSW. Responses were received from both agencies with a Bush Fire Safety Authority being issued from the Rural Fire Service.

The referral comments from these officers were considered as a part of the Planners Assessment Report contained in **(ATTACHMENT 2)** and accordingly in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

Public Consultation

In accordance with the requirements of the DCP 2014, the originally submitted application was notified from 27 September 2019 to 13 October 2019. During this period 3 submissions were received. An additional 3 submissions were received following the submission period. The matters raised in all of the submissions have been addressed in detail within the Planners Assessment Report provided at **(ATTACHMENT 2)**.

Following the submission of amended plans, the development was considered to be of lesser impact therefore the application was not required to be re-notified.

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. [↓](#)
- 4) Call to Council Form. [↓](#)
- 5) Draft Minutes 14 July 2020. [↓](#)

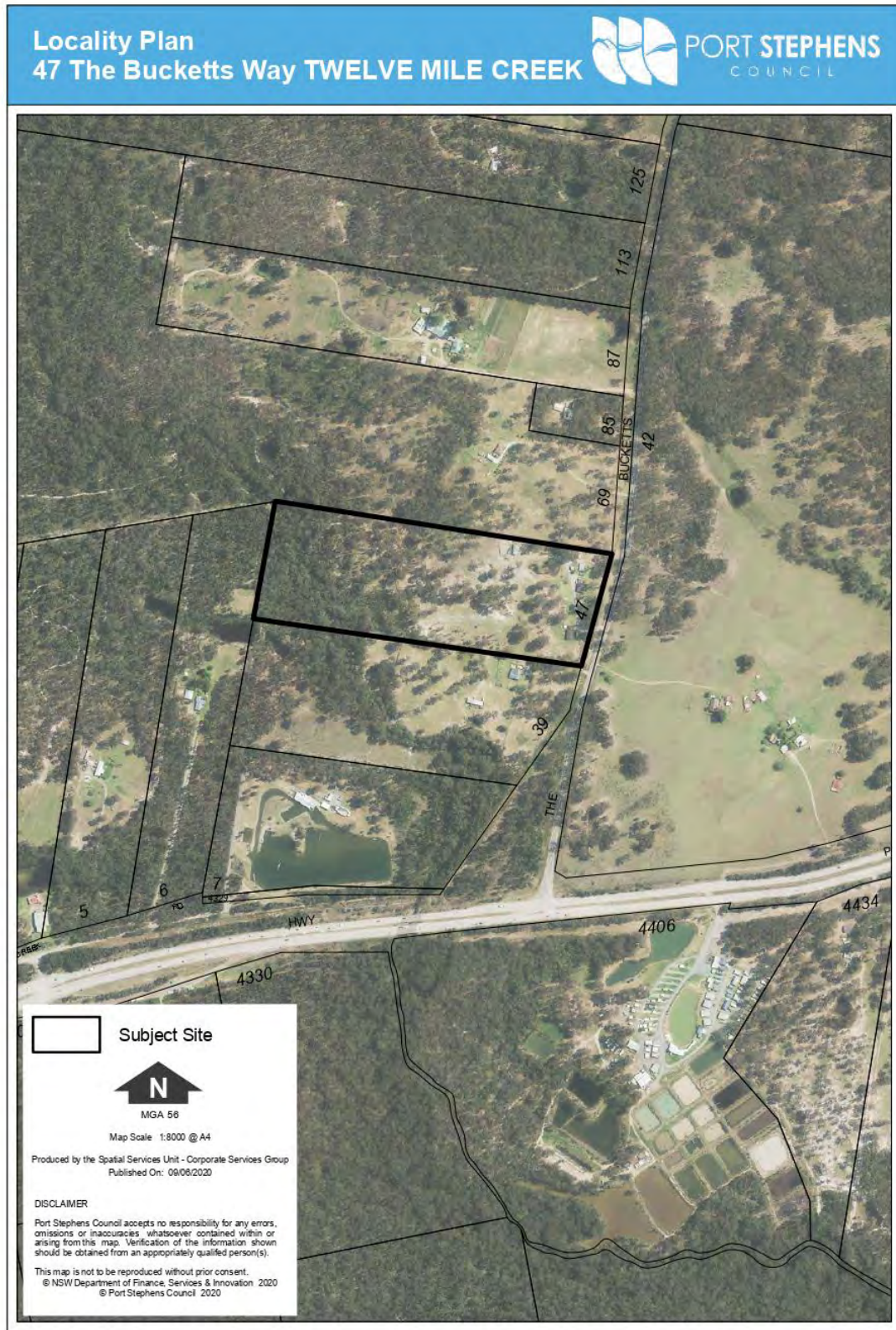
COUNCILLORS ROOM

- 1) Development plans.
- 2) Copy of unredacted submissions.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 LOCALITY PLAN.



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PORT STEPHENS
COUNCILDEVELOPMENT
ASSESSMENT REPORT

APPLICATION REFERENCES

| | |
|--------------------------------|---|
| Application Number | 16-2019-598-1 |
| Development Description | Tourism - camping ground (50 camp sites) with amenities and kitchen |
| Applicant | PERCEPTION PLANNING PTY LTD |
| Land owner | B & C Tudor |
| Date of Lodgement | 16/09/2019 |
| Value of Works | \$150,000.00 |
| Submissions | 3 |

PROPOSAL

The Development Application proposes the establishment of a camping ground, including 50 camp sites, associated amenities and a camp kitchen as shown in the figures below. The development will also require the construction/installation of internal roads, water reticulation system, stormwater management system, electricity connections and an onsite sewage management system.

The application was originally submitted for up to 100 camp sites with an alternative layout and has since been modified as a result of public submissions and the need to comply with the requirements of Council, NSW Rural Fire Service and Transport for NSW.

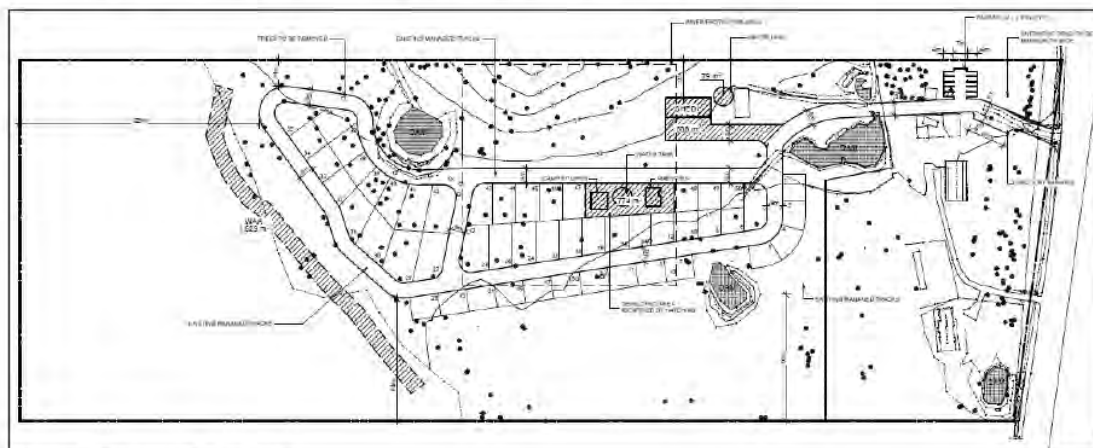
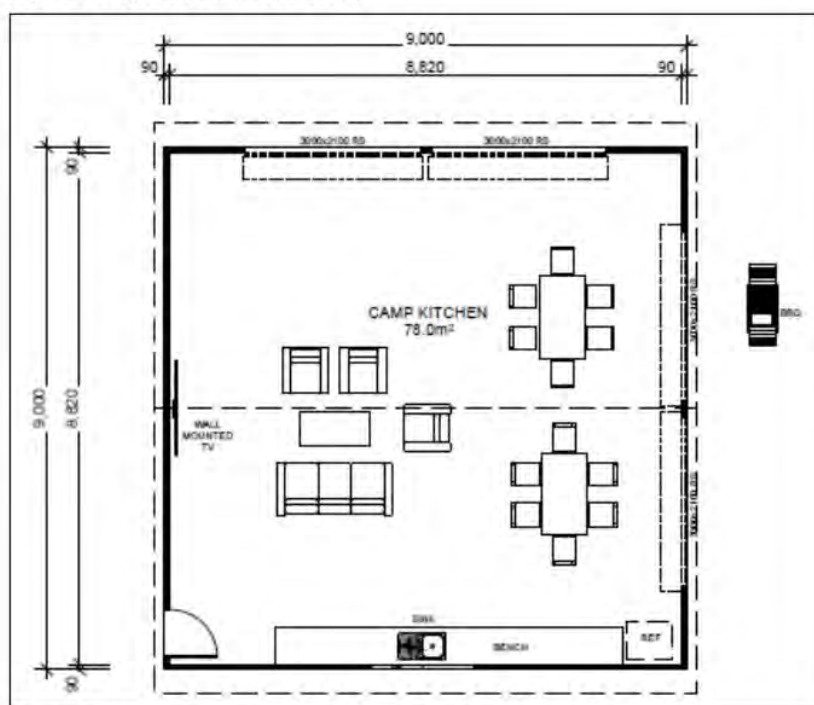
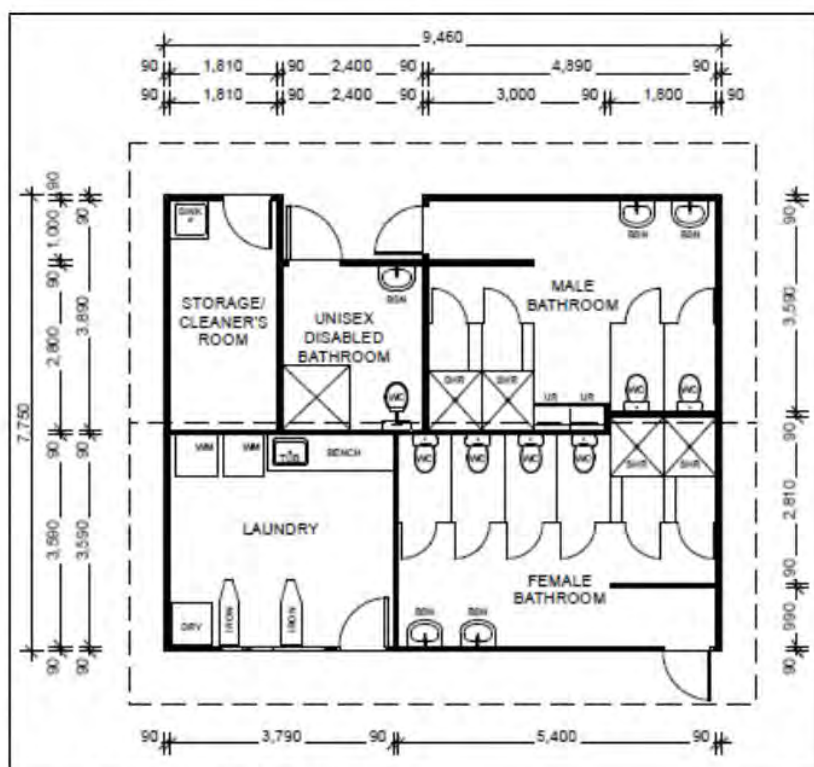


Figure 1 Proposed Site Plan



PROPERTY DETAILS

| | |
|-------------------------|--|
| Property Address | 47 The Bucketts Way TWELVE MILE CREEK |
| Lot and DP | LOT: 9 DP: 243144 |
| Current Use | Residential Dwellings |
| Zoning | RU2 RURAL LANDSCAPE |
| Site Constraints | LEP Wetlands Acid Sulfate Soils - Class 5 Bushfire Prone Land – Vegetation Category 1 and Vegetation Buffer Biodiversity Values Mapping Koala Habitat – Marginal Habitat Flood Prone Land – PMF |

SITE DESCRIPTION

The subject site is identified as Lot 9 DP243144, 47 The Bucketts Way, Twelve Mile Creek. The site is located in a rural residential area with significant vegetation and waterways and within close proximity of the Pacific Highway (M1). The land is 10.12ha in area and is somewhat clear of vegetation towards the eastern half and heavily vegetated along the western boundary. A natural waterway also traverses the site along the western boundary. The lot holds two existing dwellings and a number of outbuildings towards the east of the site, fronting The Bucketts Way.



Figure 4 Aerial View (Including Indicative Development Area)

SITE INSPECTION

Site inspections were carried out on 1 October 2019 and 22 April 2020. The subject site can be seen in figures below:



Figure 5 View from Development Site Looking North



Figure 6 View from the Development Site to the West



Figure 7 Proposed Stormwater Disposal Area



Figure 8 Stormwater Retention Dam and Development Site



Figure 9 Development Site (From West)



Figure 10 View from Site Access to Pacific Highway (East)



Figure 11 View of Site Access from Southern Property (39 The Bucketts Way)

REFERRALS

Development Contributions

The application was referred to Councils Development Contributions Officer for comment. The application was provided with a condition of consent for s7.12 contributions.

Development Engineer

The application was referred to Councils Development Engineer for comment. Following the receipt of further information, the application was generally supported with a number of recommended conditions relating to stormwater management, flood protection and vehicle access.

Environmental Health

The application was referred to Councils Environmental Health team for comment. The application was generally supported with recommended conditions relating to the requirement for additional approvals under s68 of the Local Government Act.

Natural Resources

The application was referred to Councils Natural Resources team for comment. Initial concerns were raised relating to the likelihood of habitat for the threatened Tall Rustyhood Orchid. Following the receipt of further information and modification of the proposal, the application was generally supported with a number of recommended conditions concerning vegetation management, revegetation and the further modification of site layout and impact area to avoid sensitive habitat areas. Extended consideration of these items is addressed in DCP Chapter B2 below.

Vegetation Management

The application was referred to Councils Vegetation Management Team for comment. A landscaping plan was requested, however as no additional landscaping is proposed a landscaping plan is not deemed necessary.

Building & Developer Relations

The application was referred to Councils Building team for comment. The application was generally supported with recommended conditions relating to construction.

PLANNING ASSESSMENT***Environmental Planning and Assessment Act 1979******Section 4.46 - Integrated development***

Section 4.46 of the 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 proposed development is integrated as it requires approval under the following Acts:

1. S100B - Rural Fires Act - The application was granted a Bushfire Safety Authority (BFSA) with conditions.

The application was referred to the NSW RFS as integrated development under s100B of the Rural Fires Act. The application was generally supported with a Bushfire Safety Authority and number of recommended conditions.

Section 4.15 - Matters for Consideration***Section 4.15(a)(i) - any environmental planning instrument*****State Environmental Planning Policies****State Environmental Planning Policy No. 55 - Remediation of Land**

The subject site is currently and has historically been predominantly vacant land and used for the purpose of rural residential housing. As such, the likelihood of the site being contaminated is unlikely. Moreover, the NSW list of contaminated sites published by the EPA does not list the site as being a registered contaminated site. Based on this, it is considered that no significant contaminating activities have been undertaken that would inhibit the use of the site for the proposed use.

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.

Clause 15 of State Environmental Planning Policy (Koala Habitat Protection) 2019 includes savings provisions stating that a development application made, but not finally determined, before the commencement of this policy in relation to land to which this Policy applies must be determined as if this policy had not commenced. Therefore, as the application was lodged prior to the commencement of this policy, State Environmental Planning Policy No. 44 - Koala Habitat Protection will apply.

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The Port Stephens Council Comprehensive Koala Plan of Management (CKPoM), was prepared in accordance with *State Environmental Planning Policy No. 44 - Koala Habitat Protection* (SEPP 44). Compliance with the Port Stephens Council CKPoM will constitute compliance with SEPP 44 for relevant matters in the LGA.

The proposal avoids significant koala habitat removal as defined by the SEPP and therefore does not trigger additional habitat requirements under the SEPP.

State Environmental Planning Policy No. 21 – Caravan Parks

As the proposed development is a camping ground, this SEPP applies. The effect of the SEPP is to require development consent for the use of the land of a camping ground and to ensure the orderly and economic use, and proper development of the land for this use. The assessment of the proposal against these criteria is provided in further detail in conjunction with the remainder of the 4.15 assessment below.

State Environmental Planning Policy (Infrastructure) 2007

Due to the proximity of the development to the classified road (M1 Pacific Highway), the application requires consideration of this SEPP and subsequent referral to Transport for NSW.

The referral response advised that:

- Council should consider an appropriate treatment for the vehicular entrance to the property off The Bucketts Way to mitigate safety issues.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.

These advices were reviewed by Councils Development Engineers and appropriate conditions have been included with the development consent.

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

The proposed development is defined as a Camping Ground which is permissible with consent in the RU2 Rural Landscape zone. A Camping Ground is defined by the LEP as:

'an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.'

The proposed development includes 50 camp sites to accommodate: tents, campervans, RV's, camp trailers and caravans. Despite the incorporation of caravans on the site, the development is not characterised as a Caravan Park (which is not permissible in the zone) noting that the camp ground will accommodate those above uses for short term stays only. A Caravan Park use allows for longer term stays, including permanent installations of caravans and other moveable dwellings.

Although ultimately subject to a separate application, Council also considered the likely compliance of the development with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. The site layout, demand for utilities, and operational management is considered in the relevant sections of this proposal.

A maximum of 25 caravans as defined by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 are permitted on the site.

The proposed development is located within the RU2 Rural Landscape Zone. The objectives of this zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

As the proposed development does not involve or require the extraction of natural resources or the emission of gross pollutants, the development is unlikely to impact on the natural resource base of the land.

The character of the land is comprised of physical and natural features, land uses and amenity. Concerns were raised through public submissions that the development does not maintain the rural

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-598-1

landscape character of the land. With consideration that the land use is permissible in the zone, attention is directed to the identification and mitigation of potential visual and aesthetic impacts of the development. The development is located a significant distance from the road, behind the existing dwellings on the lot and is setback from the side boundaries with landscape screening provided (existing and proposed) to mitigate any visual impacts to surrounding properties. Further traffic issues are to be managed through access upgrades. As such the resulting development is unlikely to present unacceptable or unreasonable impacts to the amenity and character of the land.

Through consideration of the above, it is determined that the development is able to demonstrate that it is not inconsistent with the objectives of the land use zone.

Clause 4.3 – Height of Buildings

There is no maximum building height limit prescribed for the site.

Clause 7.1 – Acid Sulfate Soils

The development site is mapped as potentially containing Class 5 Acid Sulfate Soils (ASS), however the development is unlikely to involve earthworks greater than 2m below natural ground surface. A condition of consent has been included for the provision of an ASSMP, should later design suggest otherwise.

Clause 7.2 – Earthworks

Earthworks will be required for the proposed development; however it is noted that these works are not anticipated to entail the import or export of fill material. Specific conditions of consent have been included for the management of fill, should later design suggest otherwise.

Clause 7.3 – Flood Planning

The proposed development is located on land outside of the mapped flood planning area, but within the area of the probable maximum flood. The proposed risk mitigations are supported by Councils Flooding Engineers with conditions imposed on the consent.

Clause 7.6 – Essential Services

The subject site is proposed to be serviced by a local, reticulated water system, mains electricity and an onsite sewage management system. 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 The Bucketts Way, meeting the requirements of this clause.

Clause 7.9 – Wetlands

The proposal is located on land identified as wetland under the Port Stephens LEP. The application has been assessed by Councils Natural Resources Officer who has determined that the development will not have a negative impact on the flora and fauna of the wetland, including either native and migratory species, or the characteristics of the ground or surface water should the development comply with the mitigating conditions proposed.

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

There are no draft EPI's relevant to the proposed development.

Section 4.15(a)(iii) – any development control plan

Port Stephens Development Control Plan 2014

Chapter B1 – Tree Management

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ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-598-1

The proposal identifies a number of trees to be removed to facilitate the construction of internal access roads. These trees have been assessed by Councils Natural Resources team and determined to be acceptable for the development subject to appropriate replanting of trees along the southern boundary as conditioned.

Chapter B2 – Natural Resources

The land is identified as containing potential koala habitat. The proposed development avoids significant koala habitat removal. Offsetting for the loss of any trees is proposed by replacement planting along the southern boundary to facilitate habitat connection.

The development has been modified to largely avoid areas of likely Tall Rustyhood Orchid habitat, however as certain activities such as bushwalking and asset protection are proposed within the habitat area, a Vegetation Management Plan has been requested via condition to ensure the ongoing management and protection of these areas.

The proposal is located on land identified as wetland. Through the assessment it was determined that the development will not have a negative impact on the flora and fauna of the wetland, including native and migratory species, or the characteristics of the ground or surface water should the development comply with the mitigating conditions proposed.

The applicant has demonstrated that only 0.328ha of clearing is required and therefore does not trigger the requirement for a Biodiversity Development Assessment Report under the Biodiversity Conservation Act 2016.

Chapter B3 – Environmental ManagementAcid 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

A noise assessment was provided with the application which suggests the separation distances incorporated into the development will limit any significant impacts on the adjoining development. The impacts of the development during construction and ongoing management may be limited through conditions of consent which limit construction work hours and mitigate noise derived from the operation of the development. Subject to conditions, the application is satisfactory in regards to noise management.

Earthworks

As discussed at clause 7.2 above the proposed development involves minimal earthworks. 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 waste storage areas catering for both residential and commercial waste. The development can be serviced by Council for waste collection or by private contractors. Conditions of consent are imposed which require waste from building works to be disposed of 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

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been included in the consent requiring the provision of detailed engineering plans prior to the issue of a construction certificate.

Chapter B5 – Flooding

The subject land is not mapped as being within the Flood Planning Area, however subject to a PMF event. Following from the discussion against clause 7.3 of the PSLEP above, the proposed development is acceptable in this regard.

Chapter B6 – Essential Services

The application has provided concept plans for the construction of a local reticulated water system, wastewater management system and stormwater management system. Council engineers have considered these designs and have provided preliminary acceptance of the designs subject to further detail. Existing electricity services are available to the subject site, however confirmation is required to demonstrate that the network is able to be extended to cater for the development. The development maintains direct access to The Bucketts Way, however a BAL/BAR (Basic Left Turn/Basic Right Turn) entry is required to improve the safety of vehicles turning into/out of the site.

Chapter B9 – Road Network and Parking

The development is not a type which requires a Traffic Impact Assessment under the DCP, however the application was referred to TfNSW and Councils Traffic Engineers. The application was supported with a number of conditions requiring the upgrade of the site access to facilitate the safe turning of vehicles on and off the site and construction risk mitigation strategies. While recommended by TfNSW, the practical sight distances are acceptable as is to Council engineers.

In accordance with the DCP, the development must provide:

- One car space for every site
- One visitor space for every 10 sites

Based on the above, the development must provide:

- 50 parking spaces
- 5 visitor spaces

The development proposes a car space on each camp site and 10 additional visitor spaces and therefore complies with this Chapter.

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

Nil.

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 a camping ground on the site is anticipated to have an ongoing positive economic impact on the local area and the broader community through the creation of viable employment and economic activity during both the construction and ongoing operations of the development. The development will allow for the use of existing services and facilities in the locality without requiring significant infrastructure upgrades that burden the public.

The proposed development will provide employment opportunities in the locality and support the local tourism and supporting hospitality industries. This will have direct monetary input to the local economy, and the increased number of visitors in the locality will provide ongoing economic input through daily activities.

Impacts on the Built Environment

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The development provides for some impact on the built environment through the construction of the amenities block and camp kitchen, however this is seen as minor development in respect to the size of the land and will be suitably screened from the road and adjoining development. The impacts on the built environment are considered minor.

Impacts on the Natural Environment

The proposal incorporates appropriate measures to ensure no adverse impact on the natural environment. Air quality, noise, drainage and traffic have been appropriately addressed in the application, with mitigation measures included as recommended conditions. Through development conditions and additional design criteria, the potential impacts are mitigated.

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

The subject site is located within an existing rural residential area and contains sparse vegetation. The site has access to all relevant services and the proposed development makes good use of the suitable areas on the site. The application design includes all elements required under the relevant planning instruments and policies and any perceived or potential impacts have been reasonably mitigated as per the above. Noting this, the proposed development is considered suitable for the subject site.

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

Public Submissions

The original application was exhibited from 27 September to 13 October 2019 in accordance with the provisions of the Port Stephens Council Development Control Plan. Three submissions were received during this time. An additional four submissions were received following the submission period. The matters raised within these submissions have been detailed in the table below.

| Comment | Council response |
|---|---|
| Lack of demand for accommodation | Commercial viability of the development is not considered in the assessment of the application. |
| The development is inconsistent with the rural landscape character of the area. | The development provides vegetation preservation and screening and will not be readily visible from the public realm. |
| Noise levels generated from the site | The development application is accompanied by a noise assessment. The consent has been conditioned to minimise the residual noise impacts. |
| Traffic impacts | Conditions have been included with the consent to require road access upgrades to cater for traffic issues. |
| Light pollution | The scale of the development suggests that light impacts will be minimal due to the limited visitors, however additional conditions have been included on the consent to ensure the lighting complies with the Australian Standards |
| Potential for criminal activity | An operational plan conditioned for the site will provide security arrangements and ongoing management options |
| Availability of potable water | The requirement for a potable water supply is conditioned as part of the development consent. Arrangements for the monitoring of potable water quality are coordinated by the NSW Health Water Unit. |
| Social issues from long term residents | The proposal does not permit long term residents. |

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|--|--|
| Non-compliance with LG Regulations | The proposed waste water system has been accepted by Council engineers and compliance is to be assessed with a subsequent s68 application. |
| Non-compliance with waste water requirements | Consideration of Local Government Regulations requirements is undertaken with the assessment of a subsequent s68 application. |
| Environmental impacts | The application has been modified and conditioned to mitigate potential environmental impacts. |
| Inadequacy of Wastewater Management report | Council has developed an Onsite Sewage Management Development Assessment Framework. This tool is used to provide guidance to consultants in the preparation of wastewater management reports and the design of wastewater management systems. The report demonstrates that a suitable and sustainable system is available which can satisfactorily comply with this framework. Further design and operation detail is provided with a subsequent s68 application. |
| Inadequacy of Stormwater Management Report | Council has assessed the Stormwater Management Plans and electronic modelling files with the opinion that the development is able to meet Council's infrastructure specifications and Australian Rainfall and Runoff guidelines. The proposed Stormwater Management System manages and treats flows within the site boundary and discharges to Councils stormwater system on The Bucketts Way whereby the post development conditions match the predevelopment conditions of the site. |
| Bushfire Evacuation Hazards | The NSW RFS has provided measures to be utilised on the site to protect visitors and residents and mitigate potential spread of bushfire across the land. A site management plan is to be drafted to provide emergency evacuation procedures for visitors. Offsite evacuation options are assessed by the RFS in their consideration of the proposal and recorded with the RFS for their evacuation management procedures. |

As the application was modified to provide a lesser impact, re-notification of those modifications was not deemed required.

Section 4.15(1)(e) the public interest

While the development raised significant issues with the adjoining and surrounding land owners, these concerns were able to be addressed through the redesign of the development and through the implementation of conditions of development consent. The assessment of an adequate wastewater and drainage strategy has been undertaken and found to be possible with additional design detail to be provided.

The development complies with the requirements of the PSLEP, Councils DCP and therefore the development is deemed to be in the public interest.

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

A condition of development consent was suggested by Councils Development Contributions team as part of the internal referral process. This condition is included with the consent.

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DETERMINATION

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

KYLIE DORSETT
Development Planner



SCHEDULE 1 – CONDITIONS OF CONSENT

1.0 - General Conditions of Consent

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

- (1) **General terms of approval** – The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. NSW Rural Fire Service, DA-2019-03512-CL55-1, 25 May 2020

A copy of the General Terms of Approval is attached to this determination notice.

- (2) **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 | Name of plan | Prepared by | Date |
|----------------|---|----------------------------|------------|
| 1902748 | Proposed Site Plan | Sorensen Design & Planning | 24/05/2020 |
| 1902748 | Amenities Plan | Sorensen Design & Planning | 24/05/2020 |
| 1902748 | Camp Kitchen Plan | Sorensen Design & Planning | 24/05/2020 |
| 190203 | Stormwater Management Plan (Sheets 1-6) | DRB Consulting Engineers | 15/05/2020 |
| 190203 | Cut/Fill Plan (Sheets 1-6) | DRB Consulting Engineers | 15/05/2020 |

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

- (3) **Amendments to documents and plans** – The development must be amended as follows:

- a) As per the annotations on Civil Plans, Ref 190203 by DRB Consulting Engineers, dated 15/05/2020.

Amended plans or documentation demonstrating compliance must be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

- (4) **Tree removal/pruning** – The trees identified below are approved for removal:

- a) The trees identified for removal as shown on Proposed Site Plan - Proposed Campground & Eco Tourist Facility (Sheet 2 of 4; Document Reference no. 1902748) prepared by Sorensen Design and Planning, dated 24 May 2019 are approved for removal.
- b) Eucalyptus opposite proposed site entry within the road reserve.

PORT STEPHENS COUNCIL

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- (5) **Removal of Vegetation** - No vegetation or natural landscape features other than that authorised for removal or pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval. A map indicating the location of protected vegetation is available from Council upon request.
- (6) **Separate approval for signs** – A separate development application for any proposed signage, 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.
- (7) **Building Code of Australia** – All building work must be carried out in accordance with the BCA and where applicable the Disability (Access to Premises – Buildings) Standards 2010. 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 Construction Certificate is made.
- (8) **Sign on building** – Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any 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.
- (9) **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'.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural engineer's Certificate** A certificate must be prepared by a qualified Structural Engineer certifying that the building design is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy, impact and loading from debris up to and including the future 1% Annual Exceedance Probability (AEP) event.

Details demonstrating compliance must be provided to the Certifying Authority.
- (2) **Free flow of water** - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details demonstrating compliance must be provided to the Certifying Authority.



- (3) **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 Certifying Authority.

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

- (4) **Civil engineering plans** – Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, access ways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.

Details demonstrating compliance must be provided to the Certifying Authority.

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

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

Details demonstrating compliance must be provided to the Certifying Authority.

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

- (6) **Flood Risk Management Plan** – A Flood Risk Management Plan prepared by a suitably qualified Engineer must be provided to the Certifying Authority demonstrating compliance with the following:

- a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.
- b) Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF).
- c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property
- d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces.

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- (7) **Stormwater system Operation and Maintenance Procedure Plan** – An Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal.
Details demonstrating compliance must be provided to the Certifying Authority.
- (8) **Approval of OSMS under LG Act** – An approval under Section 68 of the Local Government Act 1993 is to be obtained from Council for the installation of an on-site sewage management system (OSMS) prior to the issue of a Construction Certificate.
- (9) **Soil, erosion, sediment and water management** – An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.
- (10) **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*.
- (11) **Construction Management Plan** - A Construction Management Plan must be submitted to and approved by to the Certifying Authority and Council. The required CMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, noise and dust management, traffic management and environmental management
- (12) **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 Local Infrastructure 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 Local Infrastructure Contributions Plan.

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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) Building work only - prior to issue of the Construction Certificate.

- (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) **Site access / egress** - Prior to the issue of a Construction Certificate, plans are to be prepared demonstrating a BAL/BAR intersection treatment, in accordance with current Austroads Guides, at the proposed main entry to the site (this may include tree removal within the clear zone at the Direction of the Roads Authority).

3.0 - Prior to Commencement of Works

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

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

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

- (2) **Notice of Principal Certifying Authority appointment** – Notice must be given to Council at least two days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *Environmental Planning & Assessment Regulation 2000*. The notice must include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the Registered number and date of issue of the relevant development consent;
 - d) the name and address of the Principal Certifying Authority (PCA), and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, their accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.



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

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- (7) **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 turbing, paving or re-vegetation).

- (8) **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.

- (9) **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. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.

- (10) **Flood design measures** – Evidence of certification demonstrating that the following flood related design precautions have been adhered to in the design must be submitted to the Principal Certifying Authority:

- a) In sewerred areas some plumbing fixtures may be located below the *Flood Planning Level (FPL)*. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
- b) All materials stored at the site and capable of causing harm to the environment must be stored at a level not less than the *FPL* or suitable bunding must be placed around such materials to a minimum of the *FPL*;
- c) All building materials, equipment, ducting, etc., below the *FPL* must be flood compatible and ducting must be provided with openings for drainage and cleaning;
- d) All main power supply, heating and air conditioning service installations, including meters must be located above the *FPL*. All electrical equipment installed below the *FPL* must be capable of disconnection by a single plug from the power supply;
- e) All electrical wiring below the *FPL* must be suitable for continuous submergence in water. All conduits below the *FPL* must be self-draining. Earth core leakage systems or safety switches are to be installed;
- f) Wherever possible, the premises must be designed to ensure that plant, equipment, storage tanks or other fixtures or fittings liable to damage by floods

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are located above the *FPL* or be moveable to levels above the *FPL*. Should this not have the ability to occur, they shall be suitable for submergence in water and securely anchored to overcome buoyancy and movement. All storage tanks must be vented to an elevation above the *FPL*.

- (11) **Protection of trees/existing street trees** – Protection of trees to be retained must be in accordance with AS490 'Protection of Trees on Development Sites' and the following:

- a) No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) must be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

- (12) **Vegetation Management Plan** - A Vegetation Management Plan (VMP) must be developed for the retained areas of native vegetation, and submitted to Council for approval prior to any clearing works occurring on site.

The VMP must be prepared and implemented by a suitably qualified Environmental Consultant.

The plan should include clear management objectives, a schedule of works and maps in accordance with Port Stephens 'Technical Specification Vegetation' (May 2014), and shall include detailed management measures for the on-going management of habitat for the threatened orchid species *Pterostylis chaetophora* (mapped areas of habitat available from Council on request) including:

- Fencing to exclude visitor access.
- Backfilling of existing trenches by manual methods.
- 'Ecologically Sensitive Area' signage.
- Restrictions on maintenance activities (slashing/mowing) i.e. timing, frequency, slashing height.
- Weed and pathogen hygiene protocols.
- Prohibiting the use of heavy machinery or vehicle parking.
- Prohibiting the introduction of fill material or topsoil.

The Vegetation Management Plan must be approved prior to the commencement of works on the site.

4.0 - During Works

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

- (1) **Construction hours** – Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
- Monday to Friday, 7am to 6pm;

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.

- Saturday, 8am to 1pm;
- No construction work to take place on Sunday or Public Holidays.

All possible steps should be taken to silence construction site equipment.

- (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 Structural Engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:

- 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) **Finished floor level** – A survey report prepared by a Registered Surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, must be provided to Principal Certifying Authority prior to the development proceeding beyond floor level stage. A Flood Certificate is to be sought from Council to determine the finished floor level of the site.

- (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 Principal Certifying Authority prior to the pouring of concrete.



- (7) **Traffic Management Plan implementation** - All construction traffic management procedures and systems identified in the approved Construction Management Plan must be introduced during construction 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) Dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.
- (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.

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) **Tree Removal** - All approved tree removal/ pruning is subject to all works being undertaken by a qualified arborist with a minimum Australian Qualification Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.
- (13) **Vegetation Management Plan** - All works must be undertaken in accordance with the approved Vegetation Management Plan.
- (14) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.



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

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

- (15) **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.
- (16) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the development.
The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
- (2) **Approval to Operate (Waste Treatment)** - An Approval to Operate must be obtained by Council in accordance with the *Local Government Act, 1993* (Section 68A) following the satisfactory installation of the waste treatment device/human waste storage facility.
- (3) **Fire Safety Certificates** - A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
- (4) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.



- (5) **Services** – Evidence is to be provided to Council demonstrating that sufficient capacity of the following services are available to the development:

- a) Electricity;
- b) Water (including potable water), and;
- c) Gas (where available).

Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.

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

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

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

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

- (9) **Protection and certification of electrical services** – All power points, fittings, electrical connections and the incoming meter box are to be located above the Flood Planning Level (FPL).

Switches, light fittings and power points may be located below the FPL provided they are capable of being isolated by a single Residual Current Device (RCD) protected switch that is located above the FPL. Certification of these works are to be provided to the Principal Certifying Authority.

- (10) **Flood signage** – A flood marker sign of durable material having minimum dimensions of 600mm x 600mm, is to be installed within a prominent location indicating the expected future 1% Annual Exceedance Probability and Probable Maximum Flood levels, and the date of installation.

The level indicated on the sign shall be certified by a Registered Surveyor. Evidence of such certification shall be submitted to the Certifying Authority.

- (11) **Flood Risk Management Plan** – A Certificate of Compliance prepared by a suitably qualified Flood engineer must be provided to the Principal Certifying Authority stating that all aspects of the Flood Risk Management Plan have been completed and/or implemented in accordance with the approved Plan.



(12) **Flood Emergency Response Plan** - A Flood Emergency Response Plan (FERP) for the proposed development must be provided to the Principal Certifying Authority. The FERP must include the following as a minimum:

- a) A map of the proposed evacuation route to a suitable location above the Probable Maximum Flood (PMF) that provides adequate shelter from the storm, including the route direction and description and identification of the depth of floodwater along the evacuation route in the 1% Annual Exceedance Probability flood and PMF events;
- b) Specific trigger heights linked to the nearest river and tidal gauges used for flood warnings and the specific evacuation route cut-off times linked to the gauge height;
- c) Description of the specific flood inundation at the site and the relevant surrounding area, including flood depths, direction of flow, velocities, hazard and specific relevant vulnerabilities;
- d) Consideration of and strategies for, the needs of the elderly, disabled and vulnerable who may be on site;
- e) A realistic time period for evacuation preparations linked to the trigger heights and evacuation route cut-off times, which includes:
 - Locating important papers, valuables etc., that will be evacuated
 - Locating and stacking possessions that are to be left behind, well above the predicted flood level
 - Dealing with all utilities such as electricity, gas, water, fuel, toilets, showers, wastewater system (including removal fuses) and moving pumps and machinery above the predicted flood level
 - Time to gather, identify and load animals (pets, livestock and other animals), including the possible need for additional assistance in handling your animals in an emergency.
- f) Determining the vehicular needs of the site to appropriately respond to the flood risk;
- g) A strategy for a night time flood emergency; and
- h) A strategy for effective flood risk management when the electricity, internet, telecommunications etc., are unavailable.

Note: Digital elevation data is available from Geosciences Australia, current flood studies are available on Council's website and river gauge/tidal gauge data is available from the Bureau of Meteorology website.

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



This certificate must accompany the Works as Executed plans.

- (14) **Car parking requirements** – A minimum of 50 car parking spaces are to be provided in accordance with AS2890 and the approved plans. Parking must be permanently marked on the pavement surface.

Five additional parking spaces are required for visitors, and must be signposted as "visitor parking".

- (15) **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.

6.0 – Prior to the Issue of an Approval to Operate (Camping Ground)

The following conditions are to be complied with prior to the issue of an Approval to Operate under Section 68 of the Local Government Act 1993

- (1) **Occupation Certificate required** - An Occupation Certificate for the amenities block and camp kitchen must be obtained prior to any issue of an approval to operate the development.

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

- (2) **Site Entry** - A BAL/BAR entry in accordance with current Austroads Guides is to be constructed at the proposed new entry to the site.

- (3) **Local Government Regulations** - The camping ground must be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, excluding any objection approved in accordance with Section 82 of the *Local Government Act 1993*.

- (4) **Ecological Assessment** - Construction of the development must comply with the recommendations of *Ecological Assessment Report for Proposed Campground & Eco Tourist Facility at 47 The Bucketts Way Twelve Mile Creek, NSW*, prepared for: Tudor Property Services c/- Perception Planning, by Anderson Ecology and Planning, dated March 2020 (Document reference no. 1950), detailed as follows:

- Appropriate sediment and erosion controls should be enacted to ensure that the development does not impact on the EEC and Twelve Mile Creek in the western portion of the lot, outside the subject site.
- Clearing of trees should be undertaken to ensure that trees with hollows or potential to offer nesting or roosting habitat be felled under the instruction of a suitably qualified ecologist/fauna catcher and that soft felling techniques be utilised.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- Equipment used in the felling of trees should be cleaned thoroughly and disinfected before entering site to prevent weed and disease introduction such as exotic grasses, *Phytophthora cinnamomi* (Root-rot fungus), Frog Chytrid fungus and others.
- A weed management plan should be enacted to ensure that weeds are not introduced to EEC vegetation or creek lines in the western section of the lot.

- (5) **Revegetation planting** - The following plant species must be planted at no cost to Council along the southern and northern boundary of the lot (excluding the mapped habitat area of the *Pterostylis chaetophora*):

| Species name | Common name | Pot size | Density |
|--------------------------------|----------------------------|-------------------|------------------------|
| Trees | | | |
| <i>Corymbia maculata</i> | Spotted Gum | Tube stock | 1 per 6 m ² |
| <i>Eucalyptus tereticornis</i> | Forest Red Gum | | |
| <i>Eucalyptus fibrosa</i> | Broad-leaved Ironbark | | |
| Shrubs | | | |
| <i>Melaleuca decora</i> | White Feather Honey Myrtle | Tube stock | 1 per 4 m ² |
| <i>Melaleuca stypheloides</i> | Prickly-leaved Paperbark | | |
| <i>Callistemon salignus</i> | Willow Bottlebrush | | |
| Groundcover | | | |
| <i>Lomandra longifolia</i> | Spiny-headed Mat-rush | Tube stock / hiko | 1 per 2 m ² |

Details demonstrating compliance must be provided to the Certifying Authority.

- (6) **Construction to be in accordance with Acoustic Report** – Certification is to be submitted to the Principal Certifying Authority to certify that the construction of the development complies with the recommendations of the Acoustic Assessment Report, prepared by RAPT Consulting dated 11 February 2020.
- (7) **Operational Plan of Management** – An Operation Plan of Management for the site is to be drafted and provided to Council outlining proposed management actions in relation to:
- 24 hour on-site management
 - Noise management and abatement
 - Emergency procedures
 - Emergency and after hours contact numbers for visitors and nearby residents
 - Security
 - Antisocial behaviour of visitors
 - Visitor arrival and departure times
 - Maximum onsite stay of four (4) consecutive nights for visitors
 - Restriction on individual campsite fires

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7.0 – Ongoing Use

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

- (1) **Manoeuvring of vehicles** – All vehicles must enter and exit the site in a forward direction.
- (2) **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.
- (3) **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*.
- (4) **Fire Safety Schedule** - At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
 - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.
- (5) **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 premises.
- (6) **Waste water treatment devices** – All wastewater treatment devices (including drainage systems, sumps, traps and pumps) must be regularly maintained in good working order to ensure that they remain effective.

A maintenance schedule must be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device must be disposed of in accordance with relevant environmental protection and waste control Legislation.
- (7) **Vegetation Management Plan** - Monitoring reports in accordance with the approved Vegetation Management Plan must be prepared and submitted to Council.
- (8) **Maintenance of Plantings** - Commencing from the date of practical completion, a 12-month maintenance establishment period applies. This includes the establishment, care and repair of all plantings.

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The date of Practical Completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting.

Advice Note(s):

- A. **'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.
- B. **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.
- C. **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.
- D. **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 applying for a construction certificate, Council should be contacted to verify the currency of the flood information.
- E. **Flood Evacuation Plan** – A flood evacuation plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance must be provided to the Certifying Authority with the Construction Certificate application.
- F. **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.
- G. **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

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



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.

**SCHEDULE 2 - REASONS FOR DETERMINATION AND REASONS FOR CONDITIONS****REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Port Stephens Local Environmental Plan 2013 (PSLEP), State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy No. 44 - Koala Habitat Protection, State Environmental Planning Policy No 21 – Caravan Parks and State Environmental Planning Policy (Infrastructure) 2007
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Port Stephens Council Development Control Plan 2014 (PSDCP).
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the PSLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- Any submission issues raised have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination. Council has given due consideration to community views when making the decision to determine the application.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

1. Confirm and clarify the terms of Council's Approval;
2. Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
3. Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
4. Set standards and performance measures for acceptable environmental performance; and
5. Provide for the ongoing management of the development.

**SCHEDULE 3 – RIGHT OF APPEAL AND REVIEW****RIGHT OF APPEAL**

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after:

- a) the date on which you receive this notice, or
- b) the date on which that application is taken to have been determined under Section 8.11.

Section 8.8 of the Environmental Planning and Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development). The objector may, within 28 days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of the Court, appeal to the Court.

RIGHT OF REVIEW

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six months after the date as specified in this notice of determination, together with payment of the appropriate fee. (**See exclusions note below**).

Exclusions: A request to review the determination of a development application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979 can only be undertaken where the consent authority is Council, other than:

- a) A determination to issue or refuse to issue a complying development certificate, or
- b) A determination in respect of designated development, or
- c) A determination made by the Council under Division 4 in respect of an application by the Crown.

SCHEDULE 4 - APPROVALS UNDER SECTION 4.46**ATTACHED**



Call to Council form

Development Application

116 Adelaide Street,
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

p (02) 4988 0255 | **f** (02) 4987 3612
e council@portstephens.nsw.gov.au

DX 21406 | **ABN** 16 744 377 876

DEVELOPMENT APPLICATION (DA) CALL TO COUNCIL REQUEST

We (Mayor/Councillor/s)

| | |
|-------------------------|---------------------------------------|
| Name: | Giacomo Arnott |
| Name: | John Nell |
| Name: | Steve Tucker |
| request that DA number: | 16-2019-598-1 |
| for DA description: | Tourism - camping ground |
| located at: | 47 The Bucketts Way Twelve Mile Creek |

be reported to Council for determination.

REASON

| |
|-----------------|
| Public interest |
|-----------------|

SIGNATURE OF APPLICANT/S

| | | | |
|-----------|--|------|----|
| Signature | | Date | 11 |
| Signature | | Date | 11 |
| Signature | | Date | 11 |

PRIVACY

Port Stephens Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy. **Purpose:** The purpose of this form is to enable Council to record the matter raised and taken appropriate action.

Intended recipients: Council employees, contractors and other third parties where appropriate. **Supply:** Voluntary.

Consequence of Non Provision: Council may not take action on the matter raised. **Storage and security:** This document will be placed on the relevant file and/or saved in Council's records management system in accordance with Council policy and relevant legislation.

Access: Please contact Council on 02 4988 0255 to enquire how you can access information.

MINUTES ORDINARY COUNCIL - 14 JULY 2020**ITEM NO. 1****FILE NO: 20/159951
EDRMS NO: DA 16-2019-598-1****DA 16-2019-598-1 FOR A CAMPING GROUND (50 CAMP SITES) WITH
AMENITIES AND KITCHEN AT 47 THE BUCKETTS WAY, TWELVE MILE CREEK****REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

| | |
|--|--|
| | Councillor John Nell Councillor Ken Jordan That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3) . |
|--|--|

**ORDINARY COUNCIL MEETING - 14 JULY 2020
AMENDMENT**

| | |
|--|---|
| | Councillor Giacomo Arnott That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3) , and modify condition 6(2) as follows: 1. Condition 6 (2) be modified to read: (2) Roads Act Approval - For construction/reconstruction of public infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be |
|--|---|

MINUTES ORDINARY COUNCIL - 14 JULY 2020

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| | <p>made for a Roadworks Permit under Section 138 of the Roads Act 1993.</p> <p>Where road works are required on a State road or Highway, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its powers under the Roads Act 1993 (the Act) and the functions of the roads authority.</p> <p>Works required for completion prior to occupation or operation of the development will include, but not be limited to:</p> <ul style="list-style-type: none"> • Intersection treatment, in accordance with current Austroads Guides, is to be constructed at the Pacific Highway intersection to cater for a minimum increase of 50 additional vehicle movements per day in addition to projected traffic increase along the Buckets Way and Pacific Highway |
|--|---|

The amendment lapsed without a seconder.

Cr Glen Dunkley left the meeting at 6.32pm.

Cr Glen Dunkley returned to the meeting at 6.35pm.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
AMENDMENT**

| | |
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| | <p>Councillor Giacomo Arnott</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3), and modify condition 6(2) as follows:</p> <p>Condition 6 (2) be modified to read:</p> <p>(2) Roads Act Approval - For construction/reconstruction of public infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138 of the Roads Act 1993.</p> <p>Where road works are required on a State road or Highway, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS. RMS will exercise its</p> |
|--|--|

MINUTES ORDINARY COUNCIL - 14 JULY 2020

| | |
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| | <p>powers under the Roads Act 1993 (the Act) and the functions of the roads authority.</p> <p>Works required for completion prior to occupation or operation of the development will include, but not be limited to:</p> <ul style="list-style-type: none"> • A BAL/BAR intersection treatment, in accordance with current Austroads Guides, is to be constructed at the proposed main entry to the site and this may include tree removal within the clear zone at the Direction of the Roads Authority. • Shoulder widening, to the satisfaction of the Roads Authority, to allow safe waste collection without impeding traffic flows on The Bucketts Way. • The Bucketts Way is to be upgraded to an Austroads compliant dual carriageway, two way, road for a length of 100m in both directions from the centreline of the proposed main entrance. • Demonstration that appropriate sight distances for vehicles entering and exiting the site can be achieved in accordance with Austroads Guide to Road Design. |
|--|--|

The amendment lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
AMENDMENT**

| | |
|--|--|
| | <p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council approve Development Application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) subject to the Recommend Conditions of Consent contained in (ATTACHMENT 3), and modify condition 6.0(7) as follows:</p> <p>Condition 6.0 (7) be modified to read:</p> <p>(7) Operational Plan of Management – An Operation Plan of Management for the site is to be drafted and provided to Council outlining proposed management actions in relation to:</p> <p>Maximum onsite stay of four consecutive nights for visitors</p> |
|--|--|

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

MINUTES ORDINARY COUNCIL - 14 JULY 2020

Those for the Motion: Cr Giacomo Arnott.

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

The amendment was lost.

**ORDINARY COUNCIL MEETING - 14 JULY 2020
MOTION**

| | |
|------------|---|
| 122 | Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council defer item 1 development application 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144). |
|------------|---|

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, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

The amendment was put and became the motion which was carried.

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, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Ken Jordan.

The motion was carried.

BACKGROUND

The purpose of this report is to present a development application (DA) to Council for determination. The subject DA relates to land located at 47 The Bucketts Way, Twelve Mile Creek (Lot: 9 DP: 243144, (the subject site). A locality plan is provided in **(ATTACHMENT 1)**.

MINUTES ORDINARY COUNCIL - 14 JULY 2020

The DA is being reported to Council for determination, in accordance with the Development Applications to be reported to Council Policy, as the application was called to Council by Councillor Arnott, Councillor Nell and Councillor Tucker (**ATTACHMENT 4**).

Proposal

The application seeks approval for the establishment of a camping ground, consisting of 50 camp sites, and the construction of an amenities block, camp kitchen area, internal roads and associated servicing infrastructure. The camping ground will permit the pitching of tents, and parking of caravans and camper trailers and the like for short term stays.

The application was originally submitted for up to 100 camp sites with an alternative layout and has since been modified as a result of public submissions and the need to comply with the requirements of Council, NSW Rural Fire Service and Transport for NSW.

Site Description and History

The subject site is identified as 47 The Bucketts Way, Twelve Mile Creek (Lot 9 DP243144) (**ATTACHMENT 1**). The site is located in a rural residential area with significant vegetation and waterways and is within close proximity of the Pacific Highway (M1). The land is 10.12 hectares in area and is somewhat clear of vegetation in the eastern portion of the site, becoming more densely vegetated in the western portion. A natural waterway traverses the site along the western boundary. The lot holds 2 existing dwellings and a number of outbuildings.

Key Issues

The key issues identified throughout the assessment of the proposal and as a result of public submissions relate to the potential impacts of the proposal on the amenity of adjoining rural residential land, land use conflict, site access and environmental impacts as outlined below. A detailed assessment of the development is contained in the Planners Assessment Report provided at (**ATTACHMENT 2**).

Land Use

The proposed development is defined as a Camping Ground which is permissible with consent in the RU2 Rural Landscape zone. A Camping Ground is defined by the Port Stephens Local Environmental Plan 2013 (LEP 2013) as:

‘an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.’

MINUTES ORDINARY COUNCIL - 14 JULY 2020

The proposed development includes 50 camp sites to accommodate tents, campervans, RV's, camp trailers and caravans. Despite the incorporation of caravans on the site, the development is not characterised as a Caravan Park (which is not permissible in the zone) noting that the camp ground will accommodate those above uses for short term stays only. A Caravan Park use allows for longer term stays, including permanent installations of caravans and other moveable dwellings.

Noting a Camping Ground is a permissible use in the zone, the development is considered acceptable in its setting. The development is located a significant distance from The Bucketts Way, behind the existing dwellings on the lot and is setback from the side boundaries with landscape screening provided (existing and proposed) to mitigate any visual impacts to surrounding properties (**ATTACHMENT 2**).

Access

The application was referred to and reviewed by Transport for NSW (TfNSW) (formerly RMS) and Council Engineers. The application was supported with a number of conditions requiring the upgrade of the site access to facilitate the safe turning of vehicles on and off the site including a channelized access and removal of some roadside vegetation to enable acceptable sight lines. These recommendations have been incorporated into the recommended conditions of consent (**ATTACHMENT 3**).

Environmental Impacts

The land is identified as containing potential koala habitat. The proposed development avoids significant koala habitat removal. Offsetting for the loss of any trees is proposed by replacement planting along the southern boundary to facilitate habitat connection.

The development has been modified to largely avoid areas of likely Tall Rustyhood Orchid habitat, however as certain activities such as bushwalking and asset protection are proposed within the habitat area, a Vegetation Management Plan has been requested via condition to ensure the ongoing management and protection of these areas.

The proposal is located on land identified as wetland under the LEP 2013. Through the assessment it was determined that the development will not have a negative impact on the flora and fauna of the wetland, including native and migratory species, or the characteristics of the ground or surface water with the imposition of the mitigating conditions proposed (**ATTACHMENT 3**).

Impacts on surrounding Rural Residential Land

The proposed development borders 2 rural residential lots to the north and south of the site which contain a total of 3 dwellings.

MINUTES ORDINARY COUNCIL - 14 JULY 2020

A noise assessment was provided with the application which demonstrates that appropriate noise mitigation measures are able to be installed to ensure acceptable noise levels are maintained. Additionally, the consent has been conditioned such that a management plan for the site is required which provides emergency contact numbers for visitors and neighbours to direct noise concerns **(ATTACHMENT 3)**.

The proposed development will require compulsory lighting in accordance with the Local Government Regulations. A condition has been recommended to ensure the potential impacts from lighting are mitigated to the minimum through the AS1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting' **(ATTACHMENT 3)**.

Stormwater Management

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 issue of a construction certificate **(ATTACHMENT 3)**.

Conclusion

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

- Section 4.15 of the Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy No 21 – Caravan Parks
- State Environmental Planning Policy No. 44 - Koala Habitat Protection
- State Environmental Planning Policy No 55 - Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Port Stephens Local Environmental Plan 2013 (LEP 2013)
- Port Stephens Development Control Plan 2014 (DCP 2014)

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

MINUTES ORDINARY COUNCIL - 14 JULY 2020**COMMUNITY STRATEGIC PLAN**

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

FINANCIAL/RESOURCE IMPLICATIONS

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

| Source of Funds | Yes/No | Funding (\$) | Comment |
|----------------------------------|---------------|---------------------|----------------|
| Existing budget | No | | |
| 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. A detailed assessment against these requirements are contained within the Planners Assessment Report contained in **(ATTACHMENT 2)**.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|--|-----------------------------------|
| There is a risk that the determination may be appealed. | Moderate | Approve the application as recommended. The assessment carried out details the merits of the proposed development and the recommended conditions of consent reduce the impact of the proposal. | Yes |

MINUTES ORDINARY COUNCIL - 14 JULY 2020**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed development is anticipated to have an ongoing positive economic impact on the local area and the broader community through the creation of viable employment and economic activity during both the construction and ongoing operations of the development. The development will allow for the use of existing services and facilities in the locality without requiring significant infrastructure upgrades that burden the public.

The development will result in some impact on the built environment through the construction of the amenities block and camp kitchen, however these buildings are appropriately setback and screened from the road and adjoining development. The impacts on the built environment are considered acceptable.

The development has been modified to largely avoid significant Koala habitat and areas of likely Tall Rustyhood Orchid habitat. Landscape offsets through replanting along the southern boundary and the requirement of a Vegetation Management Plan will allow for the appropriate ongoing management and protection of these areas.

The proposal incorporates appropriate measures to ensure minimal adverse impact on amenity. Air quality, noise, drainage and traffic have been appropriately addressed in the application, with mitigation measures included within the Recommended Conditions of Consent (**ATTACHMENT 3**). Through development conditions and additional design criteria, the potential impacts are mitigated.

CONSULTATION

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

Internal

Consultation was undertaken with internal officers, including; Building Surveying, Development Engineering, Vegetation Management, Environmental Health, Natural Resources and Development Contributions. The referral comments from these officers were considered as a part of the Planners Assessment Report contained in (**ATTACHMENT 2**) and accordingly in the Recommended Conditions of Consent contained in (**ATTACHMENT 3**).

External

Consultation was undertaken with NSW Rural Fire Service and Transport for NSW. Responses were received from both agencies with a Bush Fire Safety Authority being issued from the Rural Fire Service.

MINUTES ORDINARY COUNCIL - 14 JULY 2020

The referral comments from these officers were considered as a part of the Planners Assessment Report contained in **(ATTACHMENT 2)** and accordingly in the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

Public Consultation

In accordance with the requirements of the DCP 2014, the originally submitted application was notified from 27 September 2019 to 13 October 2019. During this period 3 submissions were received. An additional 3 submissions were received following the submission period. The matters raised in all of the submissions have been addressed in detail within the Planners Assessment Report provided at **(ATTACHMENT 2)**.

Following the submission of amended plans, the development was considered to be of lesser impact therefore the application was not required to be re-notified.

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.
- 4) Call to Council Form.

COUNCILLORS ROOM

- 1) Development plans.
- 2) Copy of unredacted submissions.

TABLED DOCUMENTS

Nil.

ITEM NO. 2**FILE NO: 20/185545
EDRMS NO: 58-2016-2-1****REFUND PLANNING PROPOSAL FEE FOR 775, 777 AND 781 MARSH ROAD
BOBS FARM**

REPORT OF: JANELLE GARDNER - ACTING STRATEGY & ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the proponent of a planning proposal for land at 775, 777 and 781 Marsh Road, Bobs Farm seeks to withdraw the proposal.
- 2) Refund 25% of the Stage 2 planning proposal fee (\$2660.00) to the proponent of the planning proposal in accordance with Council's adopted Fees and Charges Schedule 2020 to 2021.

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

| | |
|------------|---|
| 142 | Councillor Jaimie Abbott Councillor Ken Jordan It was resolved that Council: <ol style="list-style-type: none">1) Note the proponent of a planning proposal for land at 775, 777 and 781 Marsh Road, Bobs Farm seeks to withdraw the proposal.2) Refund 50% of the Stage 2 planning proposal fee (\$5320.00) to the proponent of the planning proposal. |
|------------|---|

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, Glen Dunkley, Ken Jordan, John Nell and Sarah Smith.

Those against the Motion: Cr Giacomo Arnott.

The motion was carried.

FORESHADOWED AMENDMENT

| | |
|--|--|
| | Councillor Giacomo Arnott That 0% be refunded to the proponent of the planning proposal. |
|--|--|

BACKGROUND

The purpose of this report is to recommend that Council refund Stage 2 planning proposal fees to the proponent of the planning proposal to amend Schedule 1- additional permitted uses of the Port Stephens Local Environmental Plan 2013 (LEP 2013) to permit recreation facilities (outdoor) on land at 775, 777 and 781 Marsh Road, Bobs Farm.

On 25 June 2020, the proponent's representative wrote to Council to request the planning proposal be withdrawn and a full refund of the Stage 2 planning proposal fees (\$10,640.00).

Council's Fees and Charges Schedule provides for a 25% refund of the Stage 2 planning proposal fee if a proposal is withdrawn (\$2,660.00). Refunds over this amount require a resolution of Council.

The landowner and proponent (Griffiths Investments Pty Ltd) sought to develop a recreation facility (outdoor) comprised primarily of a cable-ski and wave-pool park on the land. Under the LEP 2013, this use was prohibited in the relevant zone until recently.

Griffiths Investments Pty Ltd lodged a planning proposal for a site specific rezoning to permit the use on the subject site on 22 January 2016. Council adopted the planning proposal and forwarded it to the State government for a Gateway determination on 14 June 2016. The State issued a Gateway certificate requiring agency consultation and additional information be prepared and submitted for sign off prior to public exhibition of the planning proposal.

On 1 August 2017, Council resolved to prepare a planning proposal for a number of housekeeping matters, including to permit 'recreation facilities (outdoor)' in the RU2 Rural Landscape zone across the whole local government area, including on the subject site. The amendment sought to facilitate jobs and stimulate the visitor and tourist economy.

The planning proposal for the site specific rezoning at Marsh Road, Bobs Farm was exhibited on 24 May 2018 and Griffiths Investments Pty Ltd paid the Stage 2 planning proposal fees (\$10,640.00) to cover the costs of exhibition. These costs included making amendments to the proposal prior to exhibition, agency consultation, newspaper advertising and neighbour notification. All of the Stage 2 planning

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

proposal fees (\$10,640.00) were expended by the time the exhibition of the planning proposal commenced.

Following exhibition, the planning proposal was submitted to the State for gazettal on 14 December 2018, however the amendment was never finalised by the State government.

Since then, the comprehensive amendments to the LEP 2013 were exhibited on 31 January 2019 and gazetted on 6 December 2019, permitting 'recreation facilities (outdoor)' in the RU2 Rural Landscape zone across the local government area, including on the subject site. This amendment means the site specific planning proposal is now redundant and may be withdrawn.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

A 25% refund of the Stage 2 planning proposal fees will cost Council \$2,660.00 and would need to be funded from existing budgets.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|----------------------------------|--------|--------------|---------|
| Existing budget | Yes | \$2,660.00 | |
| Reserve Funds | | | |
| Developer Contributions (\$7.11) | | | |
| External Grants | | | |
| Other | | | |

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal, policy or risk implications.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|--|-----------------------------------|
| There is a risk that providing a refund for fees that have already been expended will have budget implications for current strategic planning projects, including priority actions in the Local Strategic Planning Statement and Local Housing Strategy. | High | Adopt the recommendation of this report to provide a 25% refund in accordance with Council's adopted Fees and Charges Schedule 2020 to 2021. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant social, economic or environmental implications as a result of the recommendations.

CONSULTATION

Consultation is not considered necessary to support the recommendations of this report.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 20/175515
EDRMS NO: PSC2018-01213**

109 FORESHORE DRIVE, SALAMANDER BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the funding details for the Tomaree Sports Complex Master Plan as outlined in the report.
 - 2) Consider the Notice of Motion deferred by Council (**ATTACHMENT 1**).
-

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

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

Councillor Paul Le Mottee entered the meeting at 6:29pm.

The motion was lost.

Cr Arnott and Nell called for a division.

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

Those against the Motion: Mayor Ryan Palmer, Crs Glen Dunkley, Ken Jordan, Paul Le Mottee and Sarah Smith.

BACKGROUND

The purpose of this report is for Council to consider the Notice of Motion on 109 Foreshore Drive, Salamander Bay that was deferred by Council.

Lot 95 in Deposited Plan 26610 described as 109 Foreshore Drive, Salamander Bay is a standalone parcel of operational land with an area of 557m² and zoned Residential R2.

The parcel of land was created along with 55 other lots in DP26610 along Foreshore Drive as shown in white in **(ATTACHMENT 2)**. The allotment has been in Council ownership for 42 years and adjoins open space to the west and to the north and residential development to the east. Under the provisions of the Local Government Act 1993, the land was classified “operational” which allowed for the sale of the land.

A Valuation undertaken in January 2020 placed an estimated value on the land of circa \$1.5 million under its current zoning. That value will need to be updated as it was provided pre COVID and there have been some impacts on land sales across the State.

Council has previously discussed the sale of the land to fund part of the Tomaree Sports Complex infrastructure.

The Sports Complex Master Plan was adopted by Council late in 2018. The plan proposes a number stages of infrastructure works and has been costed in the order of \$65 million. The works have been prioritised and Council has secured \$2.7 million for the first project being the multi-purpose sports amenities building at fields 2 and 3.

The future stages of the implementation of the master plan is listed in Council's Capital Works Plan Plus. This plan is listed in the Council adopted Strategic Asset Management Plan that documents future projects that do not have a source of funding.

The next priority project in the Plan Plus is identified as the expansion of Don Waring Oval to facilitate two full size rectangular playing fields and associated lighting and car park infrastructure. This project has been costed at \$2 million dollars.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The land is classified Operational and was part of an existing residential subdivision. The allotment has been recently valued at \$1.5 million dollars. Council's investment portfolio and land development activities have enabled Port Stephens Council rates to remain at the lowest level in the Hunter and adds to Council's non-rate revenue income.

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

MINUTES ORDINARY COUNCIL - 11 AUGUST 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

Under Council's Acquisition and Divestment of Land Policy, operational land can be divested through an open and transparent process, at a value determined by a Registered Valuer and a resolution of Council that adopts that value and the terms and conditions of the contract.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|---------------------|---|----------------------------|
| There is a risk that if the land is reclassified, there will be a loss of future revenue for Council. | High | The land to remain classified as operational. | Yes |
| There is a risk that if the land is reclassified the use of the land will not be in accordance with the original intent of the Local Government Act 1993. | Low | The land to remain classified as operational. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The land adjoins open space to the north and west with residential development adjoins the allotment to the east. The social, economic and environmental implications are minimal due to the location and the size of the land.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Section. Council Officers from other Sections of Council have been consulted to ensure that the land was surplus to Council's needs.

Internal

- Property Services Section Manager
- Assets Section Manager
- Strategy and Environment Section Manager

External

Council previously engaged with the community via EngagementHQ in 2018 after a Notice of Motion to sell the land was deferred for a site inspection to be undertaken. Council received a number of written submissions and other related correspondence via a number of sources.

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

The survey responses resulted in 172 responses against the selling of the land, 94 responses supporting its sale and 5 responses were neutral.

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

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

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion - Minute No.185, 26 June 2018. [↓](#)
- 2) Locality Map. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 NOTICE OF MOTION - MINUTE NO.185, 26 JUNE 2018.**MINUTES ORDINARY COUNCIL - 26 JUNE 2018****NOTICE OF MOTION****ITEM NO. 2****FILE NO: 18/123883
EDRMS NO: PSC2017-00019****RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY****COUNCILLOR: JOHN NELL****THAT COUNCIL:**

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

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

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

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

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

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

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

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

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

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

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

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

ATTACHMENTS

- 1) Council Resolution 22 May 2018.

ITEM 3 - ATTACHMENT 1 NOTICE OF MOTION - MINUTE NO.185, 26 JUNE 2018.**MINUTES ORDINARY COUNCIL - 26 JUNE 2018****ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION 22 MAY 2018.****MINUTES ORDINARY COUNCIL - 22 MAY 2018****NOTICE OF MOTION****ITEM NO. 2****FILE NO: 18/98922****EDRMS NO: PSC2017-00019****RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY****COUNCILLOR: JOHN NELL****THAT COUNCIL:**

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

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

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

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

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

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

ITEM 3 - ATTACHMENT 1 NOTICE OF MOTION - MINUTE NO.185, 26 JUNE 2018.

MINUTES ORDINARY COUNCIL - 26 JUNE 2018

ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION 22 MAY 2018.

MINUTES ORDINARY COUNCIL - 22 MAY 2018

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

ATTACHMENTS

- 1) Locality Map.

ITEM 3 - ATTACHMENT 1 NOTICE OF MOTION - MINUTE NO.185, 26 JUNE 2018.

ITEM 2 - ATTACHMENT 1 COUNCIL RESOLUTION 22 MAY 2018.

ITEM 2 - ATTACHMENT 1 LOCALITY MAP.



ITEM 3 - ATTACHMENT 2 LOCALITY MAP.



ITEM NO. 4**FILE NO: 20/173189
EDRMS NO: PSC2005-2527****MARSH ROAD FLOODGATES****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Marsh Road floodgates within the road reserve as a Council asset.
-

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

| | |
|------------|--|
| 143 | Councillor Paul Le Mottee Councillor Glen Dunkley It was resolved that Council adopt the Marsh Road floodgates within the road reserve as a Council asset. |
|------------|--|

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to adopt floodgates adjacent to Marsh Road Salt Ash/Bobs Farm as a Council owned and managed asset.

Marsh Road and the pipes under the road are all owned and managed by Council. The physical road acts as a levee bank for the properties to the south. There are 23 floodgates within the road reserve connected to the Council's pipes. These floodgates prevent tidal waters from Tilligerry Creek inundating the private properties on the southern side of Marsh Road, while allowing stormwater to discharge in the opposite direction. The floodgates connected to Council's pipes are currently privately owned and maintained. It should be noted that Council has in the past assisted residents in the maintenance of the floodgates while repairing our own pipes.

The private installation and maintenance of the floodgates has resulted in a mixture of modern and makeshift floodgates in varying age, material and condition.

Newer property owners to the area are generally not aware of their responsibility to maintain the floodgates. Anecdotally, the property owners are also unaware of the environmental sensitivity of the area and the required legislative assessments and approval required to maintain the flood gates.

In 2018 a Notice of Motion was adopted that Council establish a program of ownership, management and maintenance of the existing privately owned floodgates directly adjacent to Marsh Road.

The community has requested that Council adopt these floodgates as a Council asset to upgrade and maintain.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Initial estimates to repair the floodgates are in the order of \$200,000 excluding environmental approval and traffic control. An ongoing rolling program to upgrade the floodgates could be introduced in the Council's capital works program over a number of years depending on the priority of other drainage works.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|----------------------------------|---------------|---------------------|--|
| Existing budget | No | | |
| Reserve Funds | Yes | \$200,000 | Funded from drainage or asset rehabilitation reserve over a number of years depending on other priorities. |
| Developer Contributions (\$7.11) | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

The floodgates are within the road reserve situated very close to moving traffic and within an environmentally sensitive area. Most of the Marsh Road floodgate owners are not equipped to undertake the required environmental assessments and approval. They are also not equipped to be undertaking works close to moving traffic.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|----------------------------|-----------------------------------|
| There is a risk that residents will undertake works on the floodgates without the required assessments and approvals on our road reserve leading to damage to the environment or no mitigation measures. | Medium | Adopt the recommendation | Yes |
| There is a risk that residents will undertake works on the floodgates without the required traffic management plans and measures leading to personal injury. | High | Adopt the recommendation | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the floodgates as a Council asset will allow Council to undertake floodgate maintenance in the correct manner. This will reduce the risk of damage to the environment, personal injury and cost to the residents of Marsh Road.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Assets Section and with other sections in Council.

Internal

This proposal has been undertaken in consultation with Council's maintenance area Public Domain and Services.

External

Discussions have been held with Marsh Road property owners over a number of years.

OPTIONS

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

ATTACHMENTS

1) Marsh Road Flood Gate Plan. [↓](#)

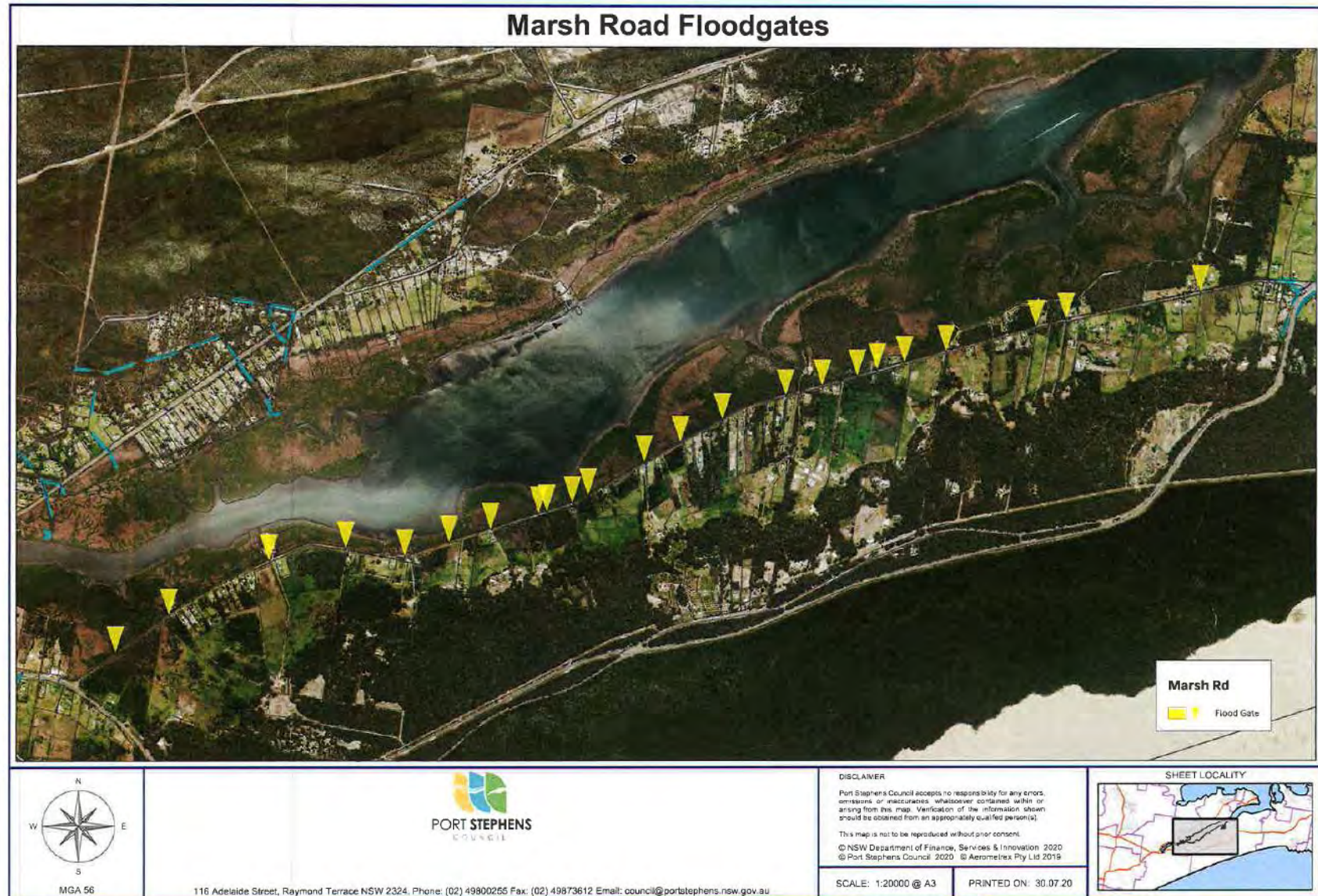
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 MARSH ROAD FLOOD GATE PLAN.



ITEM NO. 5

**FILE NO: 20/194224
EDRMS NO: PSC2013-02707**

POLICY REVIEW: WORKPLACE SURVEILLANCE POLICY

REPORT OF: ZOE PATTISON - ORGANISATION SUPPORT SECTION
MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the revised Workplace Surveillance Policy shown at **(ATTACHMENT 1)**.
 - 2) Places the revised Workplace Surveillance 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) Revokes the Workplace Surveillance Policy dated 10 July 2018 Minute No. 207 should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

| | |
|------------|--|
| 144 | <p>Councillor Jaimie Abbott Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorses the revised Workplace Surveillance Policy shown at (ATTACHMENT 1).2) Places the revised Workplace Surveillance 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) Revokes the Workplace Surveillance Policy dated 10 July 2018 Minute No. 207 should no submissions be received. |
|------------|--|

The motion was carried.

BACKGROUND

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

It is the intention of the policy to, where reasonably practicable, provide a safe and healthy workplace for its workers and others. The Workplace Surveillance Act 2005 (NSW) requires that workers and the community are made aware of surveillance undertaken by Port Stephens Council. This policy will assist Council in complying with its legal obligations by informing workers and other of the surveillance devices used in our workplace in order to enhance safety outcomes for Council.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

It is a requirement of the Workplace Surveillance Act 2005 (NSW) that a policy is in place informing staff and the community of our usage of surveillance technology.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|----------------------------|-----------------------------------|
| There is a risk that without the appropriate policy and guidelines in place, Council would not be meeting its obligations under the Act. | Low | Adopt the recommendations. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Organisation Support Section in order to ensure that all employees and the community are aware of the objectives of the policy.

Internal

- The Executive Team has been consulted to seek management endorsement.
- The Consultative Committee has been previously consulted in order to seek feedback from the workforce.

External

In accordance with the Local Government Act 1993 the draft policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Workplace Surveillance Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2009-02488

TITLE: WORKPLACE SURVEILLANCE POLICY

OWNER: ORGANISATION SUPPORT SECTION MANAGER

1. PURPOSE:

- 1.1 The Workplace Surveillance Act 2005 (NSW) requires that workers and the community are made aware of surveillance undertaken by Port Stephens Council (Council).
- 1.2 The purpose of this policy is to comply with Council's legal obligations by informing workers and others of the surveillance devices used in our workplace and to enhance safety outcomes for Council.

2. CONTEXT/BACKGROUND:

- 2.1 The rights of Council, its employees and others, as prescribed in workplace surveillance and privacy legislation, calls for management processes to ensure continued legislative compliance. This Workplace Surveillance policy establishes the protocol to meet Council's legislative obligations.
- 2.2 Technology advances have made optical devices commonplace through camera and tracking capabilities being part of most mobile devices. Council, in the course of its business, uses these devices. Individual workers have similar capabilities within a Council supplied mobile device or their personal mobile device.

3. SCOPE:

- 3.1 Council recognises its obligations to ensure, where reasonably practicable, a safe and healthy workplace for its workers and others.
- 3.2 The use of certain devices has the potential through the:
 - a) provision of tracking devices, to identify the geographical location of a worker, if they are in need of emergency assistance
 - b) provision of CCTV, and surveillance cameras to deter a possible assailant and reduce the safety risks associated with workers and others, to deter assault, vandalism and criminal activity, and/or to capture evidence for environmental investigations
 - c) monitoring of inputs and outputs of data to manage the risks associated with non-compliance to Council's Code of Conduct and Work Health and Safety (WHS) requirements



Policy



- 3.3 Existing workers of Council shall be notified of the installation and intent of tracking devices, CCTV camera and data surveillance through the dissemination of this policy.
- 3.4 Workers yet to commence with Council shall be given notification of this policy as part of their offer of employment. By accepting employment with Council, the worker will be consenting to the conducting of surveillance in accordance with this policy, immediately upon the commencement of employment with Council.
- 3.5 Information stemming from the use of surveillance, as outlined in this policy, will not be used for the purposes below:
- a) as the sole and primary means of disciplinary action
 - b) to target or victimise employees
 - c) as a form of real time employee performance monitoring
- 3.5.1 This means that surveillance information can be used for disciplinary purposes only to substantiate allegations stemming from other sources. This prevents victimisation in the workplace and prevents the potential abuse of power on part of those who have access to the surveillance information.
- 3.5.2 It has the secondary benefit of not viewing employees under surveillance in terms of Lowest Common Denominator thinking, in that Council expects the worst from their employees. Trust in the workplace is a vital component to increase productivity beyond that of doing merely the bare minimum.
- 3.6 From time to time staff who are required as part of their role to assist with maintaining security and safety at Council owned facilities may view CCTV vision to assist with these requirements of their role.
- 3.7 Tracking Devices
- 3.7.1 Council, at time, requires workers to work alone and in isolation to the general workplace. To reduce the risks associated with this, Council may introduce tracking devices to identify the location of the worker, should any emergency response be required. Where tracking devices are utilised, surveillance will be continuous and ongoing.
- 3.7.2 Increasingly, Council's vehicle fleet has equipment that provides back to base, real time capability with regard to location, engine revolutions per minute (RPM), gear ratio and other performance data through in vehicle management systems (IVMS). This data is invaluable in informing our process improvement activities and for identifying obstacles to our teams that currently prevents them from doing an even better job than they do now. Where a vehicle is



Policy



supplied with an IVMS or GPS device, the vehicle will display notification that a device is installed in the vehicle.

- 3.7.3 Where there is provision of the device in the vehicle, a risk assessment process shall be completed to ascertain the need for such device. This will occur prior to any operation or function of such device. If the risk assessment deems it necessary to install a device, the vehicle will display notification that a device is installed in the vehicle.
- 3.7.4 For an 'on person' device, workers will be informed that they are required to carry such a device whilst at work based on a risk assessment identifying the need for such a device. This will occur prior to any operation or function of any such device.
- 3.7.5 A Health and Safety Representative (HSR) shall be involved throughout all risk assessments undertaken under this policy.
- 3.7.6 All Council issued mobile devices that have GPS functionality, can be tracked by Council's Information Communication and Technology Unit.

3.8 Closed Circuit Television

- 3.8.1 Council used CCTV surveillance cameras and overt/covert surveillance devices in and around various Council worksites and facilities. This camera surveillance monitors or records visual images of activities on premises or, in any other place. CCTV camera surveillance will be continuous and ongoing.
- 3.8.2 Signs are located within each site/location to identify the areas affected by the camera surveillance, and are clearly visible at each entrance to that site or location. In the event where Council is conducting an operation in relation to environmental offences and/or investigations, Council will not display signage.
- 3.8.3 Where Council intends to install new CCTV devices, workers will be notified prior to any operation or function of the new installations which occur after the date of acceptance of this policy by Council.
- 3.8.4 From time to time staff who are required as part of their role to assist with maintaining security and safety at Council owned facilities may view CCTV vision to assist with these requirements to their role.

3.9 Use of Surveillance Records – Tracking Devices and CCTV

- 3.9.1 Council may use and disclose confidentially the surveillance records where that use or disclosure is for a purpose related to the matter raised below regarding workers and management of Council.



Policy



3.9.2 Council may also use and disclose the surveillance records where that use or disclosure is related to Council's business activities including:

- a) to a law enforcement agency in connection with an environmental offence or alleged environmental offence, a criminal offence or alleged criminal offence
- b) in connection with bona-fide legal proceedings
- c) as reasonably believed to be necessary to avert an imminent threat of serious violence or substantial damage to property

3.9.3 Examples of instances in which use or disclose surveillance records might occur include but, are not limited to:

- a) allegations of breaches of Council's Code of Conduct
- b) allegations of poor performance or unacceptable behaviour
- c) allegations of illegal dumping or other environmental offences
- d) if there is an assault, or suspected assault of a person
- e) if theft of Council's property (or that of a related entity of Council) is suspected
- f) criminal damage to Council's equipment or facilities (or that of a related corporation of Council) has occurred
- g) a serious WHS incident as defined by the Work Health and Safety Act 2011 (NSW)
- h) by request of a worker and union representative regarding any bona-fide investigation.

3.9.4 All surveillance records are now available under the Government Information (Public Access) Act 2009 (GIPA); however, persons wishing to access these records should be aware that there are provisions under GIPA that may override the release of the information.

3.9.5 Generally, CCTV surveillance records will not be used or disclosed unless that disclosure is:

- a) for a legitimate purpose related to employment of workers or legitimate business activities or functions of the employer
- b) to a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of a criminal offence
- c) for a purpose that is directly or indirectly related to the taking of criminal proceedings
- d) reasonably believed to be necessary to avert an imminent threat of serious violence to persons or of substantial damage to property

3.10. Data Surveillance and Retrieval

3.10.1 The computer usage of workers is not routinely read or monitored, however, they are records of Council and shall be managed accordingly. At times, Council may retrieve or review electronic files, records and correspondence of



Policy



workers. This applies to all Council's Information and Communication systems including telephones, mobile phones and mobile computing technology. Council also provides a number of software systems, which have the ability to track changes made to data.

- 3.10.2 Designated workers of Council are also required to utilise a variety of security systems such as silkeys and alarm systems, which provide access to Council sites based on unique logins allocated to workers. Surveillance of workers' use of all of these systems and equipment is undertaken by Council on a continual basis.

3.11 Camera Devices

- 3.11.1 Council frequently uses camera devices to take pictures, or videos, eg for the safety its employees, promotions, press releases, training applications or incident/environmental investigations. At times, this may require including workers, and/or others in the picture or video. To comply with the relevant legislations, the following shall apply:

- a) a Council worker authorised to operate a Council camera device shall obtain express, or implied, consent from workers and or others, prior to taking the photograph or video
- b) workers wishing to take pictures or videos from their personal camera device shall respect a persona's privacy and obtain express or implied consent from that person or persons prior to taking the picture or video. Council shall devise such policy and procedures to facilitate this approval. In the event where relevant legislation proves that Council is not required to obtain consent from the person or persons prior to taking the picture or video
- c) pictures or videos of Council processes, procedures or practices shall not be taken without first obtaining permission from the worker's Manager.
- d) managers shall ensure that pictures or videos for a use, other than for internal purposes, shall be approved by the Communications Section Manager prior to use.

3.12 Recordings of Conversations

- 3.12.1 On occasion, Council may wish to record conversations. Council will not record a private conversation without the consent, of the principal parties to the private conversation or the persons who took part in the activity, as per the requirements of the Surveillance Devices Act 2007.
- 3.12.2 If expressly, agreed, when a recording of a conversation is made in relation to a Council worker who is participating in an investigation, the worker **will be offered to** receive a copy of the recording together with a transcript of the recording **which they will then be asked to sign and verify as a true and correct record. if they elect to.** This recording cannot occur without the



Policy



express permission of the worker involved. Council, at no stage, will apply any duress for any interview to be recorded.

3.13 Confidentiality and Records

- 3.13.1 Council workers shall at all times exercise duty of confidentiality. Data shall only be released in compliance with the Workplace Surveillance Act 2005 (NSW) and on a need to know basis as prescribed by this policy or by a worker's request.
- 3.13.2 Non-compliance with duty of confidentiality requirements shall render a Council worker liable to disciplinary procedures which may include termination of employment.
- 3.13.3 All documents created in relation to this policy will be kept in accordance with the State Records Act 1998 (NSW) and Port Stephens Council's Records Management, Management Directive.
- 3.14.3 Members of the public can make applications to access Council's data in accordance with the Government Information Public Access (GIPA) Act 2009 and the Privacy and Personal Information Protection Act (PPIPA) 1998.
- 3.13.5 For the purposes of determining compliance to this policy, random audits will be undertaken of data generation and collection activities by Council's internal auditor. Audit results shall be reported to the relevant Group Manager for determination and the Consultative Committee for review.

3.14 Training

- 3.14.1 New workers shall be made aware of this policy during the induction process.
- 3.14.2 Record of worker's awareness of their internet obligations under this management directive shall be achieved by an on-screen declaration prior to internet access.
- 3.14.3 Record of under awareness and understanding of this management directive will be contained by the completion of toolboxing of the policy in accordance with the Toolbox Procedure and by publication on Council's Intranet and Internet Site.
- 3.14.4 Ongoing training and awareness of this policy shall be provided by Council management throughout the employment relationship.



Policy



3.15 Requesting access to information

3.15.1 All requests for information under this policy from members of the public will be assessed under the Government Information (Public Access) Act 2009.

3.15.2 All requests for data retrieval or review from workers (other than approved Information and Communication Technology workers) can only be approved by any 2 of the following workers, with the exception of the General Manager who may request data retrieval or review without the approval of another manager:

- a) The General Manager
- b) A Group Manager
- c) A Section Manager
- d) ~~The Executive Officer~~
- e) The Legal Services Manager
- f) The Human Resources Manager

3.15.3 Any request must specify the reason for data retrieval or review, the specific period to be accessed and the Approved Worker(s) undertaking the investigation.

3.15.4 All requests and approvals must be given in writing. This shall not apply to requests where any individual piece of data directly related to a task being undertaken by a worker is required. In such case a request to gain the individual piece of data shall require approval from the worker's manager.

4. DEFINITIONS:

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

Worker

In this policy, a Worker has the same meaning as Worker under section 7 of the Work Health and Safety Act 2011, being:

- a) an employee
- b) a contractor or subcontractor
- c) an employee of a contractor or subcontractor
- d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking
- e) an outworker
- f) an apprentice or trainee
- g) a student gaining work experience
- h) a volunteer
- i) a person of prescribed class



| | |
|--|---|
|   | |
| Council | Port Stephens Council |
| WHS | Work Health and Safety |
| HRS | Health and Safety Representative |
| Workplace | Means premises, or any other place, where employees work, or any part of such premises or place |
| GPS | Global Positioning System |
| IVMS | In Vehicle Management System |

5. STATEMENT:

- 5.1 Council recognises it has a number of electronic systems in place which are utilised for surveillance. The surveillance devices used by Council are primarily in place to assist Council to capture relevant data needed for the operation of Council's business, improve service delivery, enhance safety outcomes and ensure compliance with relevant legislative requirements.

6. RESPONSIBILITIES:

- 6.1 The Human Resources Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Enterprise Agreement.
- 7.2 Code of Conduct.
- 7.3 Records Management Management Directive.
- 7.4 Information & Communication Technologies (ICT) Systems & Information Access Management Directive.
- 7.5 Information & Communication Technologies (ICT) Assets Management Management Directive.
- 7.6 Information & Communication Technologies (ICT) Physical & Environmental Protection Management Management Directive.
- 7.7 Telecommunications Management Directive.
- 7.8 Toolbox Procedure.
- 7.9 State Records Act 1998 (NSW).
- 7.10 Local Government Act 1993 (NSW).
- 7.11 Workplace Surveillance Act 2005 (NSW).
- 7.12 Workplace Surveillance Regulations 2012 **2017** (NSW).
- 7.13 Surveillance Devices Act 2007 (NSW).



Policy



- 7.14 Privacy and Personal Information Protection Act 1998 (NSW).
- 7.15 Government Information (Public Access) Act 2009 (NSW).
- 7.16 Industrial Relations Act 1996 (NSW).

Policy

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Policy

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| EDRMS container No. | PSC2009-02488 | EDRMS record No. | 20/179375 |
| Audience | Staff | | |
| Process owner | Human Resources Manager | | |
| Author | Human Resources Manager | | |
| Review timeframe | 2 years | Next review date | |
| Adoption date | 13 August 2013 | | |

VERSION HISTORY:

| Version | Date | Author | Details | Min No |
|---------|------------|-------------------------|---|--------|
| 1 | 13/08/2013 | Human Resources Manager | Adopted. | 228 |
| 2 | 12/07/2016 | Human Resources Manager | <p>The Workplace Surveillance Policy was reviewed and updated in the new policy template.</p> <p>Reference was changed to the Port Stephens Council Enterprise Agreement 2015.</p> <p>Policy reviewed and updated to ensure less duplication.</p> <p>Reference to Mobile Phones has been updated to Mobile Devices.</p> <p>Surveillance used for environmental investigations and offences has been included in this policy.</p> <p>Scope updated to clarify under what circumstances GPS surveillance will be used by Council.</p> | 115 |



Policy



| Version | Date | Author | Details | Min No |
|---------|------|-------------------------|---|--------|
| 3 | | Human Resources Manager | Updated into new template. 3.12.2 – changed wording to state that the Council worker will be offered a copy of the recording and transcript. 3.15.2 d) – Remove position as no longer exists. 7.12 - Changed Act Year to 2017. | |

Policy

WARMPS: The Port Stephens Council's Workplace Surveillance Policy (WSP) is a document that outlines the Council's policy on workplace surveillance. It is a document that outlines the Council's policy on workplace surveillance. It is a document that outlines the Council's policy on workplace surveillance.



ITEM NO. 6

**FILE NO: 20/187285
EDRMS NO: PSC2010-00008**

POLICY REVIEW: MANAGING UNREASONABLE COMPLAINANT CONDUCT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Managing Unreasonable Complainant Conduct Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Managing Unreasonable Complainant Conduct 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.
- 3) Revoke the Managing Unreasonable Complainant Conduct Policy dated 14 August 2018, Minute No. 249, should no submissions be received.

Councillor Jaimie Abbott left the meeting at 7:05pm.

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

| | |
|------------|---|
| 145 | <p>Councillor Paul Le Mottee Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Managing Unreasonable Complainant Conduct Policy shown at (ATTACHMENT 1).2) Place the revised Managing Unreasonable Complainant Conduct 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.3) Revoke the Managing Unreasonable Complainant Conduct Policy dated 14 August 2018, Minute No. 249, should no submissions be received. |
|------------|---|

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council with the revised Managing Unreasonable Complainant Conduct Policy (the 'policy'). The policy is part of Council's ongoing policy review program.

The policy is based on the model managing unreasonable complainant conduct policy developed by the NSW Ombudsman.

It provides a framework for managing unreasonable conduct by complainants. The policy details roles and responsibilities of all parties to a complaint, expected behaviours and how the process will be managed by Council.

There have been a number of minor changes to the Policy. Overall, the changes do not affect the objectives of the policy.

The policy is presented for Council's consideration.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

This policy will support Council's complaint management framework and assist to reduce unnecessary diversion of Council resources in complaint management. Council strives to provide the best outcome for all parties within the relevant legislative framework.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|----------------------------|-----------------------------------|
| There is a risk that without such a policy Council could have situations where Council resources are unnecessarily utilised in resolving matters due to unreasonable conduct by complainants and places Council officers at risk, which may result in a breach of the Work Health and Safety Act. | Low | Adopt the recommendation | 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 placed on public exhibition.

OPTIONS

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

ATTACHMENTS

- 1) Revised Managing Unreasonable Complainant Conduct Policy. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.**

Policy



FILE NO: PSC2010-00008

TITLE: MANAGING UNREASONABLE COMPLAINANT CONDUCT
POLICY

POLICY OWNER: GOVERNANCE **SECTION** MANAGER

1. PURPOSE:

- 1.1 This policy is to assist all staff members to better manage unreasonable complainant conduct ('UCC').
- 1.2 Its aim is to ensure that all staff:
 - a) Feel confident and supported in taking action to manage UCC.
 - b) Act fairly, consistently, honestly and appropriately when responding to UCC.
 - c) Are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be used.
 - d) Understand the types of circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
 - The strategies provided in the Managing Unreasonable Complainant Conduct Practice Manual (2nd edition) ('practice manual') including the strategies to change or restrict a complainant's access to our services.
 - Alternative dispute resolution strategies to deal with conflicts involving complainants and members of our organisation.
 - Legal instruments such as trespass laws/legislation to prevent a complainant from coming onto our premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking.
 - e) Have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to our services.
 - f) Are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services.
 - g) Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.



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**ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.**

Policy



2. CONTEXT/BACKGROUND:

- 2.1 Council has developed this policy to support the Complaint Handling Policy.
- 2.2 This policy is based on the NSW Ombudsman's Unreasonable Complainant Conduct Model Policy.
- 2.3 The policy provides an open and transparent process for the management of UCC at Council.

3. SCOPE:

3.1 Defining unreasonable complainant conduct

3.1.1 Unreasonable complainant conduct

- 3.1.2 Most complainants who come to our organisation act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their complaint. However in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They are aggressive and verbally abusive towards our staff. They threaten harm and violence, bombard our organisation with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways we consider their conduct to be 'unreasonable'.

- 3.1.3 Unreasonable complainant conduct ('UCC') is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant himself/herself.

- 3.1.4 UCC can be divided into five categories of conduct:

- a) Unreasonable persistence
- b) Unreasonable demands
- c) Unreasonable lack of cooperation
- d) Unreasonable arguments
- e) Unreasonable behaviours



**ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.**

Policy



3.1.5 Unreasonable persistence

- 3.1.6 Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:
- a) An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
 - b) Persistently demanding a review simply because it is available and without arguing or presenting a case for one.
 - c) Pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints.
 - d) Reframing a complaint in an effort to get it taken up again.
 - e) Bombarding our staff/organisation with phone calls, visits, letters, and emails (including cc'd correspondence) after repeatedly being asked not to do so.
 - f) Contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.

3.1.7 Unreasonable demands

- 3.1.8 Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:
- a) Issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved.
 - b) Insisting on talking to a senior manager or the General Manager personally when it is not appropriate or warranted.
 - c) Emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case.
 - d) Insisting on outcomes that are not possible or appropriate in the circumstances – eg. for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this.
 - e) Demanding services that are of a nature or scale that we cannot provide when this has been explained to them repeatedly.



**ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.**

Policy



3.1.9 Unreasonable lack of cooperation

3.1.10 Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- a) Sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the complainant is clearly capable of doing this.
- b) Providing little or no detail with a complaint or presenting information in 'drips and drabs'.
- c) Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- d) Arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- e) Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

3.1.11 Unreasonable arguments

3.1.12 Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:

- a) fail to follow a logical sequence
- b) are not supported by any evidence and/or are based on conspiracy theories
- c) lead a complainant to reject all other valid and contrary arguments
- d) are trivial when compared to the amount of time, resources and attention that the complainant demands
- e) are false, inflammatory or defamatory.

3.1.13 Unreasonable behaviour

3.1.14 Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant himself/herself. Some examples of unreasonable behaviours include:

- a) Acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks



**ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.**

Policy



- b) Harassment, intimidation or physical violence.
- c) Rude, confronting and threatening correspondence.
- d) Threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats.
- e) Stalking (in person or online).
- f) Emotional manipulation.

3.1.15 All staff should note that Port Stephens Council has a zero tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy and in accordance with our duty of care and work, health and safety responsibilities.

3.2 Roles and responsibilities

3.2.1 All staff

3.2.2 All staff are responsible for familiarising themselves with this policy as well as the Individual Rights and Mutual Responsibilities of the Parties to a Complaint in Appendix A. Staff are also encouraged to explain the contents of this document to all complainants particularly those who engage in UCC or exhibit the early warning signs for UCC.

3.2.3 Staff are also encouraged and authorised to use the strategies and scripts provided in Part 5 of the practice manual to manage UCC, in particular:

- a) Strategies and script ideas for managing unreasonable persistence.
- b) Strategies and script ideas for managing unreasonable demands.
- c) Strategies and script ideas for managing unreasonable lack of cooperation.
- d) Strategies and script ideas for managing unreasonable arguments.
- e) Strategies and script ideas for managing unreasonable behaviours.

3.2.4 However, it must be emphasised that any strategies that effectively change or restrict a complainant's access to our services must be considered at the senior management level or higher as provided in this policy.

3.2.5 Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to the Governance Manager within 24 hours of the incident occurring, using the UCC incident form. A file note of the incident should also be recorded in Council's records management system.



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3.2.6 The Governance Section Manager

- 3.2.7 The Governance Section Manager, in consultation with relevant staff, has the responsibility and authority to change or restrict a complainant's access to our services in the circumstances identified in this policy. When doing so they will take into account the criteria in Section 3.5.4 below and will aim to impose any service changes/restrictions in the least restrictive ways possible. Their aim, when taking such actions will not be to punish the complainant, but rather to manage the impacts of their behaviour.
- 3.2.8 When applying this policy the Governance Section Manager will also aim to keep at least one open line of communication with a complainant. However, we do recognise that in extreme situations all forms of contact may need to be restricted for some time to ensure the health and safety and security of our staff and/or third parties.
- 3.2.9 The Governance Section Manager is also responsible for recording, monitoring and reviewing all cases where this policy is applied to ensure consistency, transparency and accountability for the application of this policy. They will also manage and keep a file record of all cases where this policy is applied.

3.2.10 Senior Managers

- 3.2.11 All senior managers are responsible for supporting staff to apply the strategies in this policy, as well as those in the practice manual. Senior managers are also responsible for ensuring compliance with the procedures identified in this policy and ensuring that all staff members are trained to deal with UCC – including on induction.
- 3.2.12 Following a UCC and/or stressful interaction with a complainant, senior managers are responsible for providing affected staff members with the opportunity to debrief and vent their concerns either formally or informally. Senior managers will also ensure that staff are provided with proper support and assistance including medical and/or police assistance and support through programs such as Employee Assistance Program (EAPS), if necessary.
- 3.2.13 Depending on the circumstances senior managers may also be responsible for arranging other forms of support for staff which are detailed in Section 3.10 of this policy.

3.3 Responding to and managing unreasonable complainant conduct

3.3.1 Changing or restricting a complainant's access to our services

- 3.3.2 UCC incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to complainants by restricting:



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- a) **Who they have contact with** – eg. limiting a complainant to a sole contact person/staff member in our organisation.
 - b) **What they can raise with us** – eg. restricting the subject matter of communications that we will consider and respond to.
 - c) **When they can have contact** – eg. limiting a complainant's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact with us.
 - d) **Where they can make contact** – eg. limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office.
 - e) **How they can make contact** – eg. limiting or modifying the forms of contact that the complainant can have with our organisation. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.
- 3.3.3 When using the restrictions provided in this section we recognise that discretion will need to be used to adapt them to suit a complainant's personal circumstances, level of competency, literacy skills, etc. In this regard, we also recognise that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.
- 3.3.4 Who – limiting the complainant to a sole contact point**
- 3.3.5 Where a complainant tries to forum shop internally within our organisation, changes their issues of complaint repeatedly, reframes their complaint, or raises an excessive number of complaints it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their complaint(s) and interactions with our organisation. This may ensure they are dealt with consistently and may minimise the chances for misunderstandings, contradictions and manipulation.
- 3.3.6 To avoid staff 'burn out' the sole contact officer's supervisor will provide them with regular support and guidance – as needed. Also, the Governance Manager will review the arrangement every six months to ensure that the officer is managing/coping with the arrangement.
- 3.3.7 Complainants who are restricted to a sole contact person will however be given the contact details of one additional staff member who they can contact if their primary contact is unavailable – eg. they go on leave or are otherwise unavailable for an extended period of time.



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**3.3.8 What – restricting the subject matter of communications that we will consider**

3.3.9 Where complainants repeatedly send written communications, letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed (at least once) by our office, we may restrict the issues/subject matter the complainant can raise with us/we will respond to. For example, our organisation may:

- a) Refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, or is not supported by clear/any evidence. The complainant will be advised that future correspondence of this kind will be read and filed without acknowledgement unless our organisation decides that we need to pursue it further in which case, we may do so on our 'own motion'.
- b) Restrict the complainant to one complaint/issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one complaint letter may result in modifications or further restrictions being placed on the complainant's access.
- c) Return correspondence to the complainant and require them to remove any inappropriate content before our organisation will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to identify repeat/further UCC incidents.

3.3.10 When – limiting when and how a complainant can contact our organisation

3.3.11 If a complainant's telephone, written or face-to-face contact with our organisation places an unreasonable demand on our time or resources because it is overly lengthy (eg. disorganised and voluminous correspondence) or affects the health, safety and security of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when and/or how the complainant can interact with us. This may include:

- a) Limiting their telephone calls or face-to-face interviews to a particular time of the day or days of the week.
- b) Limiting the length or duration of telephone calls, written correspondence or face-to-face interviews. For example:
 - Telephone calls may be limited to [10] minutes at a time and will be politely terminated at the end of that time period.
 - Lengthy written communications may be restricted to a maximum of [15] typed or written pages, single sided, font size 12 or it will be sent back to the complainant to be



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organised and summarised – This option is only appropriate in cases where the complainant is capable of summarising the information and refuses to do so.

- Limiting face-to-face interviews to a maximum of [45] minutes.
- c) Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews. Depending on the natures of the service(s) provided we may limit:
 - Telephone calls to [1] every two weeks/ month.
 - Written communications to [1] every two weeks/month.
 - Face-to-face interviews to [1] every two weeks/month.

3.3.12 For irrelevant, overly lengthy, disorganised or frequent written correspondence we may also:

- a) Require the complainant to clearly identify how the information or supporting materials they have sent to us relate to the central issues that we have identified in their complaint.
- b) Restrict the frequency with which complainants can send emails or other written communications to our organisation.
- c) Restrict a complainant to sending emails to a particular email account (eg. the organisation's main email account) or block their email access altogether and require that any further correspondence be sent through Australia Post only.

3.3.14 Writing only restrictions

3.3.15 When a complainant is restricted to 'writing only' they may be restricted to written communications through:

- a) Australia Post only
- b) Email only to a specific staff email or our general office email account
- c) Fax only to a specific fax number
- d) Some other relevant form of written contact, where applicable.

3.3.16 If a complainant's contact is restricted to 'writing only', the Governance Manager will clearly identify the specific means that the complainant can use to contact our office (eg. Australia Post only). Also if it is not suitable for a complainant to enter our premises to hand deliver their written communication; this must be communicated to them as well.

3.3.17 Any communications that are received by our office in a manner that contravenes a 'writing only' restriction will either be returned to the complainant or read and filed without acknowledgement.



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3.3.18 Where – limiting face-to-face interviews to secure areas

3.3.19 If a complainant is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, we may consider restricting our face-to-face contact with them.

3.3.20 These restrictions may include:

- a) Restricting access to particular secured premises or areas of our premises – such as the reception area or secured room/facility.
- b) Restricting their ability to attend our premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy.
- c) Allowing them to attend our office on an 'appointment only' basis and only with specified staff. Note – during these meetings staff should always seek support and assistance of a colleague for added safety and security.
- d) Banning the complainant from attending our premises altogether and allowing some other form of contact – eg. 'writing only' or 'telephone only' contact.

3.3.21 Contact through a representative only

3.3.22 In cases where our organisation cannot completely restrict our contact with a complainant and their conduct is particularly difficult to manage, we may also restrict their contact to contact through a support person or representative only. The support person may be nominated by the complainant but must be approved by the Governance **Section** Manager.

3.3.23 When assessing a representative/support person's suitability, the Governance **Section** Manager should consider factors like: the nominated representative/support person's competency and literacy skills, demeanour/behaviour and relationship with the complainant. If the Governance **Section** Manager determines that the representative/support person may exacerbate the situation with the complainant the complainant will be asked to nominate another person or our organisation may assist them in this regard.

3.3.24 Completely terminating a complainant's access to our services

3.3.25 In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the General Manager may decide that it is necessary for our organisation to completely restrict a complainant's contact/access to our services.



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- 3.3.26 A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:
- a) Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
 - b) Damage to property while on our premises.
 - c) Threats with a weapon or common office items that can be used to harm another person or themselves.
 - d) Physically preventing a staff member from moving around freely either within their office or during an off-site visit – eg. entrapping them in their home.
 - e) Conduct that is otherwise unlawful.
- 3.3.27 In these cases the complainant will be sent a letter notifying them that their access has been restricted as outlined in Section 3.5.9 below.
- 3.3.28 A complainant's access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant.

3.4 Alternative dispute resolution

3.4.1 Using alternative dispute resolution strategies to manage conflicts with complainants

- 3.4.2 If the General Manager determines that we cannot terminate our services to a complainant in a particular case or that we/our staff bear some responsibility for causing or exacerbating their conduct, they may consider using alternative dispute resolution strategies ('ADR') such as mediation and conciliation to resolve the conflict with the complainant and attempt to rebuild our relationship with them. If ADR is considered to be an appropriate option in a particular case, the ADR will be conducted by an independent third party to ensure transparency and impartiality.
- 3.4.3 However, we recognise that in UCC situations, ADR may not be an appropriate or effective strategy particularly if the complainant is uncooperative or resistant to compromise. Therefore, each case will be assessed on its own facts to determine the appropriateness of this approach.
- 3.4.4 Council has an existing Alternative Dispute Resolution policy in these circumstances.



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3.5 Procedure to be followed when changing or restricting a complainant's access to our services

3.5.1 Consulting with relevant staff

- 3.5.2 When the Governance **Section** Manager receives a UCC incident form from a staff member they will contact the staff member to discuss the incident. They will discuss:
- a) The circumstances that gave rise to the UCC/incident.
 - b) The impact of the complainant's conduct on our organisation, relevant staff, our time, resources, etc.
 - c) The complainant's responsiveness to the staff member's warnings/requests to stop the behaviour.
 - d) The actions the staff member has taken to manage the complainant's conduct, if any.
 - e) The suggestions made by relevant staff on ways that the situation could be managed.

3.5.3 Criteria to be considered

- 3.5.4 Following a consultation with relevant staff the Governance **Section** Manager will search the case management system for information about the complainant's prior conduct and history with our organisation. They will also consider the following criteria:
- a) Whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances).
 - b) Whether the complainant's case has merit.
 - c) The likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct.
 - d) Whether changing or restricting access to our services will be effective in managing the complainant's behaviour.
 - e) Whether changing or restricting access to our services will affect the complainant's ability to meet their obligations, such as reporting obligations.
 - f) Whether changing or restricting access to our services will have an undue impact on the complainant's welfare, livelihood or dependents etc.
 - g) Whether the complainant's personal circumstances have contributed to the behaviour? For example, the complainant is a vulnerable person who is under significant stress as a result of one or more of the following:
 - h) homelessness
 - i) physical disability
 - j) illiteracy or other language or communication barrier
 - k) mental or other illness



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- l) personal crises
 - m) substance or alcohol abuse.
 - n) Whether the complainant's response/ conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate.
 - o) Whether there any statutory provisions that would limit the types of limitations that can be put on the complainant's contact/access to our services.
- 3.5.5 Once the Governance **Section** Manager has considered these factors they will decide on the appropriate course of action. They may suggest formal or informal options for dealing with the complainant's conduct which may include one or more of the strategies provided in the practice manual and this policy.
- 3.5.6 Providing a warning letter**
- 3.5.7 Unless a complainant's conduct poses a substantial risk to the health and safety of staff or other third parties, the Governance **Section** Manager will provide them with a written warning about their conduct in the first instance.
- 3.5.8 The warning letter will:
- a) Specify the date, time and location of the UCC incident.
 - b) Explain why the complainant's conduct/ UCC incident is problematic.
 - c) List the types of access changes and/or restrictions that may be imposed if the behaviour continues. (Note: not every possible restriction should be listed only those that are most relevant).
 - d) Provide clear and full reasons for the warning being given
 - e) Include an attachment of the organisation's ground rules and/or briefly state the standard of behaviour that is expected of the complainant. See Appendix A.
 - f) Provide the name and contact details of the staff member who they can contact about the letter.
 - g) Be signed by the Governance **Section** Manager.
- 3.5.9 Providing a notification letter**
- 3.5.10 If a complainant's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault or other unlawful/unacceptable conduct the Governance Manager has the discretion to send a notification letter immediately restricting the complainant's access to our services (without prior written warning).



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3.5.11 This notification letter will:

- a) Specify the date, time and location of the UCC incident(s).
- b) Explain why the complainant's conduct/UCC incident(s) is problematic.
- c) Identify the change and/or restriction that will be imposed and what it means for the complainant.
- d) Provide clear and full reasons for this restriction.
- e) Specify the duration of the change or restriction imposed, which will not exceed 12 months, without a review of the circumstances.
- f) Indicate a time period for review.
- g) Provide the name and contact details of the senior officer who they can contact about the letter and/or request a review of the decision.
- h) Be signed by the General Manager.

3.5.12 Notifying relevant staff about access changes/restrictions

3.5.13 The Governance **Section** Manager will notify relevant staff about any decisions to change or restrict a complainant's access to our services, in particular reception and security staff in cases where a complainant is prohibited from entering our premises.

3.5.14 The Governance **Section** Manager will also update the case management system with a record outlining the nature of the restrictions imposed and their duration.

3.5.15 Continued monitoring/oversight responsibilities

3.5.16 Once a complainant has been issued with a warning letter or notification letter the Governance **Section** Manager will review the complainant's record/restriction every 3 months, on request by a staff member, or following any further incidents of UCC that involve the particular complainant to ensure that they are complying with the restrictions/the arrangement is working.

3.5.17 If the Governance **Section** Manager determines that the restrictions have been ineffective in managing the complainant's conduct or are otherwise inappropriate they may decide to either modify the restrictions, impose further restrictions or terminate the complainant's access to our services altogether.

3.6 Appealing a decision to change or restrict access to our services

3.6.1 Right of appeal

3.6.2 Complainants are entitled to one appeal of a decision to change/restrict their access to our services. This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the complainant's access. This staff member will consider the complainant's arguments along with all relevant records



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regarding the complainant's past conduct. They will advise the complainant of the outcome of their appeal by letter which must be signed off by the General Manager. The staff member will then refer any materials/records relating to the appeal to the Governance **Section** Manager to be kept in the appropriate file.

- 3.6.3 If a complainant continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

3.7 Non-compliance with a change or restriction on access to our services**3.7.1 Recording and reporting incidents of non-compliance**

- 3.7.2 All staff members are responsible for recording and reporting incidents of non-compliance by complainants. This should be recorded in a file note and filed in Council's Records Management System, and a copy forwarded to the Governance **Section** Manager who will decide whether any action needs to be taken to modify or further restrict the complainant's access to our services.

3.8 Periodic reviews of all cases where this policy is applied**3.8.1 Period for review**

- 3.8.2 All UCC cases where this policy is applied will be reviewed every 3 months or 6 months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or continued/upheld.

3.8.3 Notifying the complainant of an upcoming review

- 3.8.4 The Governance **Section** Manager will invite all complainants to participate in the review process unless they determine that this invitation will provoke a negative response from the complainant (ie. further UCC). The invitation will be given and the review will be conducted in accordance with the complainant's access restrictions (eg. if contact has been restricted to writing only then the invitation to participate will be done in writing).

3.8.5 Criteria to be considered during a review

- 3.8.6 When conducting a review the Governance **Section** Manager will consider:
- a) Whether the complainant has had any contact with the organisation during the restriction period.
 - b) The complainant's conduct during the restriction period.



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- c) Any information/arguments put forward by the complainant for review.
- d) Any other information that may be relevant in the circumstances.

3.8.7 The Governance **Section** Manager may also consult any staff members who have had contact with the complainant during the restriction period.

3.8.9 Note – Sometimes a complainant may not have a reason to contact our organisation during their restriction period. As a result, a review decision that is based primarily on the fact that the complainant has not contacted our organisation during their restriction period (apparent compliance with our restriction) may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

3.8.10 Notifying a complainant of the outcome of a review

3.8.11 The Governance **Section** Manager will notify the complainant of the outcome of their review using the appropriate/relevant method of communication as well as a written letter explaining the outcome, as applicable. The review letter will:

- a) Briefly explain the review process.
- b) Identify the factors that have been taken into account during the review.
- c) Explain the decision/outcome of the review and the reasons for it.

3.8.12 If the outcome of the review is to maintain or modify the restriction the review letter will also:

- a) Indicate the nature of the new or continued restriction.
- b) State the duration of the new restriction period.
- c) Provide the name and contact details of the Governance Manager who the complainant can contact to discuss the letter.
- d) Be signed by the Governance **Section** Manager.

3.8.13 Recording the outcome of a review and notifying relevant staff

3.8.14 Like all other decisions made under this policy, the Governance **Section** Manager is responsible for keeping a record of the outcome of the review, updating case management system and notifying all relevant staff of the outcome of the review including if the restriction has been withdrawn.

3.8.15 See Sections 3.2.6-3.2.9 and 3.5.12-3.5.14.



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3.9 Managing staff stress

3.9.1 Staff reactions to stressful situations

- 3.9.2 Dealing with complainants who are demanding, abusive, aggressive or violent can be extremely stressful and at times distressing or even frightening for all our staff – both experienced and inexperienced. It is perfectly normal to get upset or experience stress when dealing with difficult situations.
- 3.9.3 As an organisation, we have a responsibility to support staff members who experience stress as a result of situations arising at work and we will do our best to provide staff with debriefing and counselling opportunities, when needed. However, to do this we also need help of all Port Stephens Council staff to identify stressful incidents and situations. As a result, all staff have a responsibility to notify relevant supervisors/senior managers of UCC incidents and any stressful incidents that they believe require management involvement.

3.9.4 Debriefing

- 3.9.5 Debriefing means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with stress. Many staff members naturally do this with colleagues after a difficult telephone call, but debriefing can also be done with a supervisor or senior manager or as a team following a significant incident. We encourage all staff to engage in an appropriate level of debriefing, when necessary.
- 3.9.6 Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program with AccessEAP – a free, confidential counselling service. To make an appointment call: 1800 81 87 28 or (02) 8247 9191

3.10 Other remedies

3.10.1 Compensation for injury

- 3.10.2 Any staff member who suffers injury as a result of aggressive behaviour from complainants is entitled to make a workers' compensation claim. ~~Organisation Development~~ **Governance** will assist wherever possible in processing claims. If you are the victim of an assault, they may also be able to apply to the Victim's Compensation Tribunal for compensation.

3.10.3 Compensation for damage to clothing or personal effects

- 3.10.4 Where damage is suffered to clothing or personal effects as a result of aggression by a complainant, compensation may be sought. A written application should be lodged with Council detailing the circumstances and the value of the loss.



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3.10.5 Legal Assistance

- 3.10.6 If a staff member is physically attacked, or is a victim of employment generated harassment and the police do not lay charges, the General Manager will consider providing reasonable legal assistance if the staff members wishes to take civil action. This will be at the discretion of the General Manager.

3.10.7 Threats outside the office or outside working hours

- 3.10.8 Where threats are directed at a particular staff member and it appears those threats may be carried out outside normal working hours or outside the office, the staff member will receive the support of the office. Requests for such assistance should be made to the Governance **Section** Manager.

3.10.9 Escorts home

- 3.10.10 When a staff member fears for their safety following a threat from a complainant, another staff member may accompany them home or the organisation can meet the cost of the staff member going home in a taxi. Enquiry with the Governance **Section** Manager for more information.

3.10.11 Telephone threats on home numbers

- 3.10.12 If a staff member or their family have been harassed by telephone at their home and they believe it is connected with their employment they may apply to have the office meet the cost of having their telephone number changed and/or made silent. The staff member should also contact their telephone carrier, as they may provide an interception/monitoring service.
- 3.10.13 If assistance is approved, the office will meet the cost incurred for a period up to 12 months. Once approval is given, the staff member is responsible for making the necessary arrangements and will be reimbursed after producing a paid account.
- 3.10.14 Applications for reimbursement must be approved by the Governance **Section** Manager and/or the General Manager.

3.10.15 Other security measures

- 3.10.16 If other security measures are necessary, the office will give consideration to providing all reasonable support to ensure the safety and welfare of the staff member.

3.11 Training and awareness

- 3.11.1 Port Stephens Council is committed to ensuring that all staff are aware of and know how to use this policy. All staff who deal with complainants in the course of their work will also receive appropriate training and information on using this policy and on managing UCC on a regular basis in particular, on induction.



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3.12 Ombudsman may request copies of our records

3.12.1 Port Stephens Council will keep records of all cases where this policy is applied, including a record of the total number of cases where it is used every year. This data may be requested by the Ombudsman to conduct an overall audit and review in accordance with its administrative functions and/or to inform its work on UCC.

4. DEFINITIONS:



| | |
|-----------------------------|---|
| Complaint | <p>Expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.</p> <p>A complaint covered by this Policy can be distinguished from:</p> <ul style="list-style-type: none"> • staff grievances [see our grievance procedure] • public interest disclosures made by our staff [see our internal reporting policy] • code of conduct complaints [see our code of conduct] • responses to requests for feedback about the standard of our service provision [see the definition of 'feedback' below] • reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback'] • service requests [see definition of 'service request' below], and • requests for information [see our access to information policy]. |
| Complaint management system | All policies, procedures, practices, staff, hardware and software used by Council the management of complaints. |
| Complainant | Person/s who makes a complaint. |
| Dispute | An unresolved complaint escalated either within or outside of the organisation. |
| Feedback | Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling where a response is not explicitly or implicitly expected or legally required. |
| Grievance | A clear, formal written statement by an individual staff member about another staff member or a work related problem. |
| Organisation | Port Stephens Council |
| Policy | An endorsed statement or instruction that sets out how we should fulfil our vision, mission and goals. |
| Practice Manual | The NSW Ombudsman's Managing Unreasonable Complainant |

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WAPC 11/12/2019



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| | Conduct Practice Manual (2nd edition) |
| Premises | Any property or land owned by Port Stephens Council. |
| Procedure | A statement or instruction that sets out how our policies will be implemented and by whom. |
| Senior Manager | Group Managers and Section Managers of Port Stephens Council. |
| Service request | <p>Service request includes:</p> <ul style="list-style-type: none"> • requests for approval • requests for action • routine inquiries about the organisation's business • requests for the provision of services and assistance • reports of failure to comply with laws regulated by the organisation • requests for explanation of policies, procedures and decisions. |
| Unreasonable complainant conduct (UCC) | <p>Any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant himself/herself.</p> <p>UCC can be divided into five categories of conduct:</p> <ul style="list-style-type: none"> • Unreasonable arguments • Unreasonable behaviour • Unreasonable demands • Unreasonable lack of cooperation • Unreasonable persistence |

5. POLICY STATEMENT:

- 5.1 Port Stephens Council is committed to being accessible and responsive to all complainants who approach our organisation for assistance and/or with a complaint. At the same time the success of our organisation depends on:
- our ability to do our work and perform our functions in the most effective and efficient ways possible
 - the health, safety and security of our staff, and
 - our ability to allocate our resources fairly across all the complaints we receive.
- 5.2 When complainants behave unreasonably in their dealings with us, their conduct can significantly affect our success. As a result, Port Stephens Council will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.



**ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.**

Policy



6. POLICY RESPONSIBILITIES:

- 6.1 All staff are responsible for implementing and complying with this policy.
- 6.2 The Governance **Section** Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993
- 7.2 Public Interest Disclosure Act 1994
- 7.3 Ombudsman Act 1974
- 7.4 Independent Commission Against Corruption 1988
- 7.4 Government Information (Public Access) Act 2009
- 7.5 Code of Conduct
- 7.6 This policy is compliant with and supported by the following documents:
 - a) Work, Health and Safety Management Directive
 - b) Complaint Handling Policy
 - c) Alternative Dispute Resolution Policy
 - d) NSW Ombudsman - Managing Unreasonable Complainant Conduct Practice Manual

Policy

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**ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.**

Policy



Appendix A

1. Individual Rights and Mutual Responsibilities of the Parties to a Complaint

- 1.1 In order for Port Stephens Council to ensure that all complaints are dealt with fairly, efficiently and effectively and that work health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

2. Individual rightsⁱⁱ

2.1 Complainants have the right:

- a) to make a complaint and to express their opinions in ways that are reasonable, lawful and appropriateⁱⁱⁱ
- b) to a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply
- c) to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case^{iv}
- d) to a fair hearing^v
- e) to a timely response
- f) to be informed in at least general terms about the actions taken and outcome of their complaint^{vi}
- g) to be given reasons that explain decisions affecting them
- h) to at least one right of review of the decision on the complaint^{vii}
- i) to be treated with courtesy and respect
- j) to communicate valid concerns and views without fear of reprisal or other unreasonable response.^{viii}

2.2 Staff have the right:

- a) to determine whether, and if so how, a complaint will be dealt with
- b) to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances^{ix}
- c) to expect honesty, cooperation and reasonable assistance from complainants
- d) to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- e) to be treated with courtesy and respect



**ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
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Policy



- f) to a safe and healthy working environmentx
- g) to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.xi

2.3 Subjects of a complaint have the right:

- a) to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- b) to be treated with courtesy and respect by staff of Port Stephens Council to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigatedxii
- c) to be informed about the substance of any proposed adverse comment or decision
- d) to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is madexiii
- e) to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them
- f) to be protected from harassment by disgruntled complainants acting unreasonably.

2.4 Mutual responsibilities

2.4.1 Complainants are responsible for:

- a) treating staff of Port Stephens Council with courtesy and respect
- b) clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of Port Stephens Council to assist them in doing so
- c) providing to the best of their ability Port Stephens Council with all the relevant information available to them at the time of making the complaint
- d) being honest in all communications with Port Stephens Council
- e) informing Port Stephens Council of any other action they have taken in relation to their complaintxiv
- f) cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint.

- 2.4.2 If complainants do not meet their responsibilities, Port Stephens Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.



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2.4.3 Port Stephens Council has a zero tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant.^{xv} Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

2.4.4 Staff are responsible for:

- a) providing reasonable assistance to complainants who need help to make a complaint and, where appropriate, during the complaint process
- b) dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly and impartially
- c) giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant
- d) giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made^{xvi}
- e) informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them^{xvii} and the substance of any proposed adverse comment or decision that they may need to answer or address^{xviii}
- f) keeping complainants informed of the actions taken and the outcome of their complaints^{xix}
- g) giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them
- h) treating complainants and any people the subject of complaint with courtesy and respect at all times and in all circumstances
- i) taking all reasonable and practical steps to ensure that complainants^{xx} are not subjected to any detrimental action in reprisal for making their complaint^{xxi}
- j) giving adequate warning of the consequences of unacceptable behaviour.

2.4.5 If Port Stephens Council or its staff fail to comply with these responsibilities, complainants may complain to the NSW Ombudsman.

2.4.6 Subjects of a complaint are responsible for:

- a) cooperating with the staff of Port Stephens Council who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction^{xxii}



ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.

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- b) providing all relevant information in their possession to Port Stephens Council or its authorised staff when required to do so by a properly authorised direction or notice
- c) being honest in all communications with Port Stephens Council and its staff
- d) treating the staff of Port Stephens Council with courtesy and respect at all times and in all circumstances
- e) refraining from taking any detrimental action against the complainant^{xxiii} in reprisal for them making the complaint.^{xxiv}

2.4.7 If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

2.4.8 Port Stephens Council is responsible for:

- a) having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints
- b) decisions about how all complaints will be dealt with
- c) ensuring that all complaints are dealt with professionally, fairly and impartially^{xxv}
- d) ensuring that staff treat all parties to a complaint with courtesy and respect
- e) ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence
- f) finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances^{xxvi}
- g) implementing reasonable and appropriate policies/procedures/practices to ensure that complainants^{xxvii} are not subjected to any detrimental action in reprisal for making a complaint^{xxviii}, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints
- h) giving adequate consideration to any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

2.4.9 If Port Stephens Council fails to comply with these responsibilities, complainants may complain to the NSW Ombudsman.

ⁱⁱ The word 'rights' is not used here in the sense of legally enforceable rights (although some are), but in the sense of guarantees of certain standards of service and behaviour that a complaint handling system should be designed to provide to each of the parties to a complaint.

ⁱⁱⁱ Differences of opinion are normal: people perceive things differently, feel things differently and want different things. People have a right to their own opinions, provided those opinions are expressed in acceptable terms and in appropriate forums.



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- iv While degrees of independence will vary between complaint handlers, all should assess complaints fairly and as impartially as possible, based on a documented process and the merits of the case.
- v The 'right to be heard' refers to the opportunity to put a case to the complaint handler/decision-maker. This right can be modified, curtailed or lost due to unacceptable behaviour, and is subject to the complaint handler's right to determine how a complaint will be dealt with.
- vi Provided this will not prejudice on-going or reasonably anticipated investigations or disciplinary/criminal proceedings.
- vii Such a right of review can be provided internally to the organisation, for example by a person not connected to the original decision.
- viii Provided the concerns are communicated in the ways set out in relevant legislation, policies and/or procedures established for the making of such complaints/allegations/disclosures/etc.
- ix Some complaints cannot be resolved to the complainant's satisfaction, whether due to unreasonable expectations or the particular facts and circumstances of the complaint [see also Endnote 25].
- x See for example WH&S laws and the common law duty of care on employers.
- xi Unacceptable behaviour includes verbal and physical abuse, intimidation, threats, etc.
- xii Other than where there is an overriding public interest in curtailing the right, for example where to do so could reasonably create a serious risk to personal safety, to significant public funds, or to the integrity of an investigation into a serious issue. Any such notifications or opportunities should be given as required by law or may be timed so as not to prejudice that or any related investigation.
- xiii Depending on the circumstances of the case and the seriousness of the possible outcomes for the person concerned, a reasonable opportunity to put their case, or to show cause, might involve a face to face discussion, a written submission, a hearing before the investigator or decision maker, or any combination of the above.
- xiv For example whether they have made a similar complaint to another relevant person or body or have relevant legal proceedings at foot.
- xv Other than in circumstances where the organisation is obliged to have an ongoing relationship with the complainant.
- xvi See Endnote 11.
- xvii Other than where an allegation is so lacking in merit that it can be dismissed at the outset.
- xviii See Endnote 11.
- xix See Endnote 5.
- xx 'Complainants' include whistleblowers/people who make internal disclosures.
- xxi 'Complaints' includes disclosures made by whistleblowers/people who make internal disclosures.
- xxii This does not include any obligation to incriminate themselves in relation to criminal or disciplinary proceedings, unless otherwise provided by statute.
- xxiii See Endnote 19.
- xxiv See Endnote 20.
- xxv See Endnote 3.
- xxvi Once made, complaints are effectively 'owned' by the complaint handler who is entitled to decide (subject to any statutory provisions that may apply) whether, and if so how, each complaint will be dealt with, who will be the case officer/investigator/decision-maker/etc, the resources and priority given to actioning the matter, the powers that will be exercised, the methodology used, the outcome of the matter, etc. Outcomes arising out of a complaint may be considered by the complaint handler to be satisfactory whether or not the complainants, any subjects of complaint or the organisation concerned agrees with or is satisfied with that outcome.
- xxvii See Endnote 19.
- xxviii See Endnote 20.



ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.

Policy



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| EDRMS container No | PSC2010-00008 | EDRMS record No | 18/236974 |
| Audience | Port Stephens community and Council employees | | |
| Process owner | Governance Section Manager | | |
| Author | Governance Section Manager | | |
| Review timeframe | Two years | Next review date | July 2020 July 2022 |
| Adoption date | 12 July 2016 | | |

VERSION HISTORY:

| Version | Date | Author | Details | Minute No. |
|---------|------------|--------------------|--|------------|
| 1.0 | 12/07/2016 | Governance Manager | Drafted new policy based on the model policy of the NSW Ombudsman. | 208 |



ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.

Policy



| | | | | |
|-----|----------------|--------------------|---|-----|
| 1.1 | 14 August 2018 | Governance Manager | <p>Reviewed the policy, included numbering to each paragraph and updated version control.</p> <p>3.2.5 – delete reference to RM8.</p> <p>3.2.7 – replace Part 5.2 with Section 3.5.4.</p> <p>3.2.13 – replace Part 10 with Section 3.10.</p> <p>3.3.27 – replace Part 5.4 with Section 3.5.9.</p> <p>3.7.2 – delete reference to RM8 and replace with Records Management System.</p> <p>3.8.15 – replace Parts 2.2. and 5.5 with Sections 3.2.6-3.2.9 & 3.5.12-3.5.14.</p> <p>7.6 – delete reference to 2nd edition.</p> <p>2.3. of Appendix A – insert Port Stephens Council.</p> | 249 |
|-----|----------------|--------------------|---|-----|

Policy

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ITEM 6 - ATTACHMENT 1 REVISED MANAGING UNREASONABLE
COMPLAINANT CONDUCT POLICY.

Policy



| | | | | |
|-----|-------------|----------------------------|--|--|
| 1.2 | 1 July 2020 | Governance Section Manager | <p>Reviewed the policy, included numbering to each paragraph and updated version control.</p> <p>Updated policy owner title.</p> <p>3.2.6 to 3.2.9, 3.3.22, 3.3.23, 3.5.2, 3.5.4, 3.5.5, 3.5.7, 3.5.8, 3.5.13 to 3.6.2, 3.7.2, 3.8.4, 3.8.6, 3.8.7, 3.8.11, 3.8.12, 3.8.14, 3.10.8, 3.10.10, 3.10.14, 6.2– insert 'section' into manager's title.</p> <p>3.10.2 – replace 'Organisation Development with Governance'.</p> <p>4 – insert the word 'endorsed' under the policy definition.</p> | |
|-----|-------------|----------------------------|--|--|

Policy

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ITEM NO. 7

**FILE NO: 20/237300
EDRMS NO: A2004-0372**

COUNCIL MEETINGS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt Option 1 as shown in **(ATTACHMENT 1)** for ordinary Council meetings.
- 2) That Council meet on the second and fourth Tuesday of each month commencing at 5.30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.
- 3) That no ordinary Council meetings be held in January each year and only hold an ordinary Council meeting on the second Tuesday in December each year.
- 4) Adopt the Order of Business as detailed in this report.
- 5) Adopt the Prayer and Acknowledgement of Country as detailed in this report.

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

| | |
|------------|---|
| 146 | <p>Councillor Ken Jordan Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt Option 1 as shown in (ATTACHMENT 1) for ordinary Council meetings.2) That Council meet on the second and fourth Tuesday of each month commencing at 5.30pm, with meetings to be held at 116 Adelaide Street, Raymond Terrace.3) That no ordinary Council meetings be held in January each year and only hold an ordinary Council meeting on the second Tuesday in December each year.4) Adopt the Order of Business as detailed in this report.5) Adopt the Prayer and Acknowledgement of Country as detailed in this report and invite people to stand. |
|------------|---|

Councillor Jaimie Abbott returned to the meeting at 7:09pm prior to voting on item 7.
Councillor John Nell left the meeting at 7:16pm prior to voting.

The motion was carried.

BACKGROUND

The purpose of this report is to allow Council to set its future Council meeting cycle and adopt the Order of Business.

Council currently meets on the second and fourth Tuesday of each month commencing at 5.30pm at 116 Adelaide Street, Raymond Terrace.

The currently monthly meeting and inspection cycle is shown below:

1) Week 1

No meetings, inspections and/or two way conversations.

2) Week 2

Inspections and/or two way conversations as required. Followed by public access, if required and then the Ordinary Meeting of Council.

3) Week 3

Inspections and/or two way conversations as required.

4) Week 4

Inspections and/or two way conversations as required. Followed by public access, if required and then the Ordinary Meeting of Council.

5) Week 5

No meetings, inspections and/or two way conversations.

ORDER OF BUSINESS

The proposed Order of Business is provided below:

1. Opening meeting
2. Prayer
3. Acknowledgement of Country
4. Apologies and applications for a leave of absence by Councillors
5. Confirmation of minutes
6. Disclosures of interests
7. Mayoral minute(s), if submitted
8. Motions to close meeting to the public, if submitted
9. Reports to Council
10. General Manager reports, if submitted
11. Questions with Notice, if submitted

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

12. Questions on Notice
13. Notices of motions, if submitted
14. Rescission Motions, if submitted
15. Confidential matters, if submitted
16. Conclusion of the meeting

As part of the Order of Business, Council includes a prayer and the Acknowledgement of the Worimi People of Port Stephens. The prayer and the Acknowledgement of the Worimi People are as follows:

PRAYER

'We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.'

ACKNOWLEDGEMENT OF COUNTRY

'Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.'

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

All financial implications are provided for within the existing budget.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|-----------------|--------|--------------|---|
| Existing budget | Yes | | Options 1 and 2 are provided for in the existing budget. If Council elects to move towards a different meeting cycle additional cost implication would need to be provided. |
| Reserve Funds | No | | |
| Section 94 | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

Section 365 of the Local Government Act 1993 requires Council to meet at least 10 times per year in different months. The Local Government (General) Regulation 2005 provides for Council to establish such committees as it considers necessary. Council must specify the functions of such committees.

Clause 3.1 of the Code of Meeting Practice (the Code) requires Council, by resolution, to set the frequency, time, date, and place of its ordinary meetings.

Clause 8.1 of the Code requires Council to fix the general order of business for its meetings of the Council.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|--|-----------------------------------|
| There is a risk that Council would be in breach of the Local Government Act 1993 if it failed to meet at least 10 times a year. | Low | That Council hold at least 10 meetings per year. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

Council at its meeting of 9 June 2020 adopted a revised Code of Meeting Practice. The revised Code was on public exhibition from 12 June to 10 July 2020, with submissions able to be lodged up until 24 July 2020.

Council received no submissions on the revised Code of Meeting Practice.

OPTIONS

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

ATTACHMENTS

- 1) Council meeting cycle options [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

| WEEK | OPTION 1 Current meeting cycle | OPTION 2 |
|------|--|--|
| 1 | No meetings or inspections | 4.00 to 5.30pm 2-way conversation program |
| 2 | 4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting | 4.00 to 5.30pm 2-way conversation program 5.30pm Public Access, if required followed by Council Committee Meeting |
| 3 | 4.30 to 6.30pm 2-way conversation program Presentations and Workshops as required. | 4.00 to 5.30pm 2-way conversation program 5.30pm Public Access, if required |
| 4 | 4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting | 4.00 to 5.30pm 2-way conversation program 5.30pm Ordinary Council Meeting |
| 5 | No meetings or inspections | 4.00 to 5.30pm 2-way conversation program 5.30pm presentations and workshops as required. |

ITEM NO. 8**FILE NO: 20/237941
EDRMS NO:****INFORMATION PAPERS**

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

RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 11 August 2020.

| No: | Report Title | Page: |
|------------|--|--------------|
| 1 | June 2020 Cash and Investments | 135 |
| 2 | Mayor and Councillors Professional Development Quarterly Report - April to June 2020 | 138 |
| 3 | Mayor and Councillors Expense Report 1 July 2019 to 30 June 2020 | 140 |
| 4 | Council Resolutions | 142 |

Councillor John Nell returned to the meeting at 7:18pm.

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

| | |
|------------|---|
| 147 | Councillor Ken Jordan Councillor Sarah Smith It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 11 August 2020. <hr/> No: Report Title: 1 June 2020 Cash and Investments 2 Mayor and Councillors Professional Development Quarterly Report - April to June 2020 3 Mayor and Councillors Expense Report 1 July 2019 to 30 June 2020 4 Council Resolutions |
|------------|---|

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 20/186377
EDRMS NO: PSC2006-6531**

JUNE 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 30 June 2020.

ATTACHMENTS

- 1) June 2020 Cash and Investments Report. [↓](#)
- 2) June 2020 Cashflow Report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

| CASH AND INVESTMENTS HELD AS AT 30 JUNE 2020 | | | | | | | | |
|--|-------------|---------|-------|---------|-----------|-----------|-----------------|--------------|
| ISSUER | BROKER | RATING* | DESC. | YIELD % | TERM DAYS | MATURITY | AMOUNT INVESTED | MARKET VALUE |
| TERM DEPOSITS | | | | | | | | |
| 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 UKRANIAN 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 |
| AMP BANK | LAMINAR | BBB+ | TD | 1.55% | 188 | 10-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 |
| JUDO BANK | CURVE | NR | TD | 1.60% | 211 | 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 | | | | | | | | |
| *** Please note - AMP Bank's Standard and Poor's long term rating has been downgraded to BBB+ since placement of Term Deposits | | | | | | | | |
| SUB TOTAL (\$) | | | | | | | 19,250,000 | 19,250,000 |
| | | | | | | | | |
| TCORP CASH FUND | TCORP | AAA | | | | | 500,000 | 501,429 |
| TCORP MEDIUM TERM GROWTH FUND | TCORP | AAA | | | | | 3,000,000 | 2,946,101 |
| TCORP LONG TERM GROWTH FUND | TCORP | AAA | | | | | 1,000,000 | 963,481 |
| INVESTMENTS TOTAL (\$) | | | | | | | 23,750,000 | 23,661,012 |
| CASH AT BANK (\$) | | | | | | | 7,458,682 | 7,458,682 |
| TOTAL CASH AND INVESTMENTS (\$) | | | | | | | 31,208,682 | 31,119,694 |
| | | | | | | | | |
| CASH AT BANK INTEREST RATE | | | | 0.65% | | | | |
| BBSW FOR PREVIOUS 3 MONTHS | | | | 0.17% | | | | |
| AVG. INVESTMENT RATE OF RETURN ON TDs | | | | 1.81% | | | | |
| TD = TERM DEPOSIT | | | | | | | | |
| AC = AT CALL CASH ACCOUNT | | | | | | | | |
| FRTD = FLOATING RATE TERM DEPOSIT (0.98% ABOVE RBA CASH RATE) | | | | | | | | |
| *STANDARD AND POORS LONG TERM RATING | | | | | | | | |
| CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER | | | | | | | | |
| I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY | | | | | | | | |
| T HAZELL | | | | | | | | |



Cash flow analysis 30/06/2020

CASHFLOW STATEMENT

Opening Cash and Investment 1 July 2019

Closing Cash and Investment 30 June 2020

Movement in cash

Movement in cash represented by:

Operating Activities

Receipts from ratepayers, customers and government authorities

Payments to suppliers & employees

Interest received

Interest paid

Total

Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment

Payments for Property, Plant & 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 30 June 2020

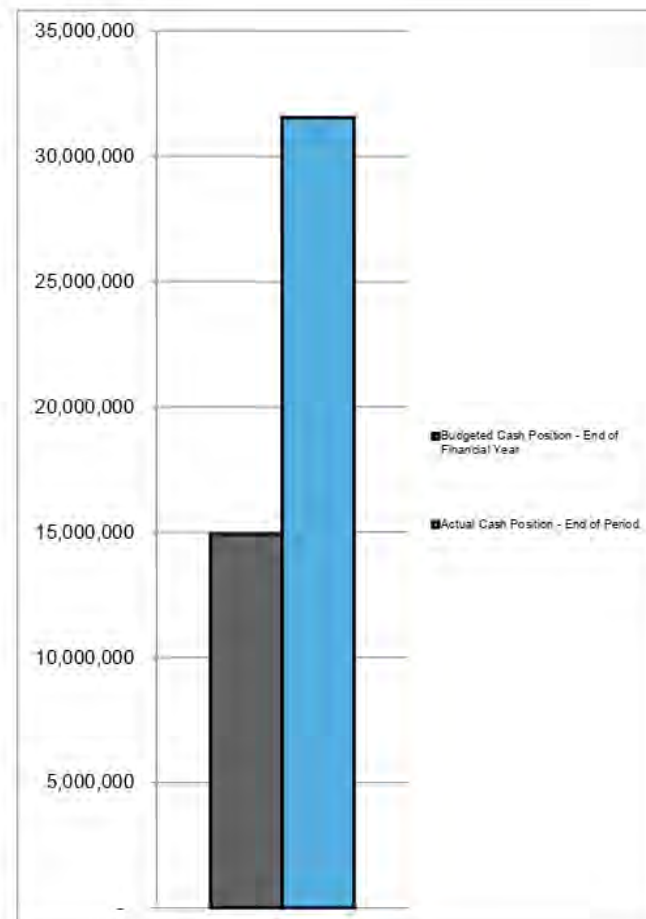
Budgeted Cash Movement for the Financial Year

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 | |
| 31,539,653 | |
| (3,945,301) | |
| 125,948,480 | |
| (98,159,570) | |
| 849,973 | |
| (387,831) | |
| 28,251,052 | |
| 1,116,160 | |
| (41,016,978) | |
| (39,900,818) | |
| (4,795,533) | |
| 12,500,000 | |
| 7,704,467 | |
| (3,945,299) | |
| 35,484,953 | |
| 31,539,655 | |
| (20,565,000) | |
| 35,484,953 | |
| 14,919,953 | |
| 16,619,699 | 1 |

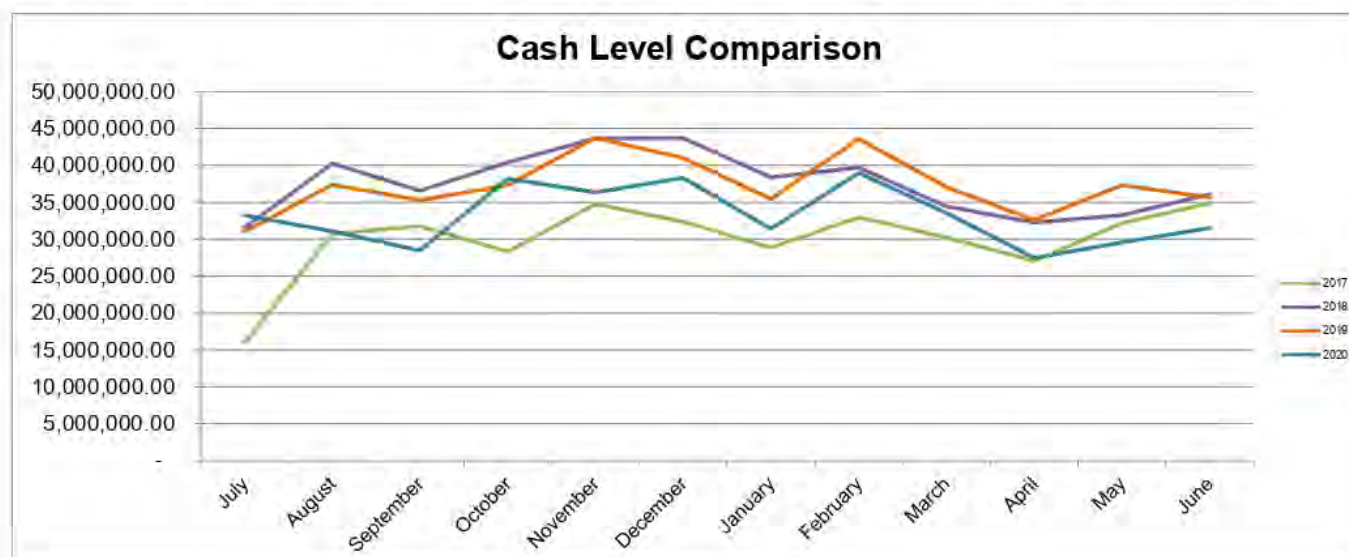


Notes

- 1 Council's cash position is up on the budgeted year end position predominately due to the following reasons:
a) Capital works program is still in progress and will have budgets rolled over into the new financial year.

Significant future cash inflows expected in next few months include 2020 1st quarter rates, state road program service charges and new financial year operating grants.

Significant future cash outflows expected in next few months include: smart parking meters, old landfill on Newline rd, James Scott bridge lighting upgrade, Port Stephens drive Anna Bay, Masonite Rd Tomago upgrade and Town centre improvements at William St, Raymond Terrace.



ITEM NO. 2**FILE NO: 20/191918
EDRMS NO: PSC2017-00739****MAYOR AND COUNCILLORS PROFESSIONAL DEVELOPMENT QUARTERLY
REPORT - APRIL TO JUNE 2020****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
GROUP: GENERAL MANAGER'S OFFICE****BACKGROUND**

The purpose of this report is to provide an account of the expenses incurred by the Mayor and Councillors in accordance with clause 5.14 of the Councillor Induction and Professional Development Policy for the period April to June 2020.

| | Mayor Palmer | Cr Abbott | Cr Arnott | Cr Doohan | Cr Dunkley | Cr Jordan | Cr Le Mottee | Cr Nell | Cr Smith | Cr Tucker |
|--|--------------|------------|---------------|------------|------------|------------|--------------|------------|------------|--------------|
| AICD Membership Joining Fee and Membership - December 2019 | | | | | | | | | | \$750 |
| Code of Conduct training | | | \$1897 | | | | | | | |
| Code of Meeting Practice training | \$0 | | | | | | | | | |
| Total | \$0 | \$0 | \$1897 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$750 |

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 20/236904
EDRMS NO: PSC2015-02258**

MAYOR AND COUNCILLORS EXPENSE REPORT 1 JULY 2019 TO 30 JUNE 2020

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

BACKGROUND

The purpose of this report is to provide an account of the expenses incurred by the Mayor and Councillors in accordance with Clause 3.127 of the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy for the period 1 July 2019 to 30 June 2020 (**ATTACHMENT 1**).

The costs in the report are those incurred by the Mayor and Councillors that have been reconciled during this period and does not include expenses incurred that have not been submitted for reimbursement. The report also shows the total cost incurred to Council by Elected Members (including the monthly allowance) for each costing category listed.

ATTACHMENTS

- 1) Elected Members Expense Report 1 July 2019 to 30 June 2020. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Elected Members Expense Report 1 July 2019 to 30 June 2020.

Elected Members Expense Report 1 July 2019 to 30 June 2020

| | | Mayor Ryan Palmer | Cr Jaimie Abbott | Cr Giacomo Arnott | Cr Chris Doolan | Cr Glen Dunkley | Cr Ken Jordan | Cr Paul Le Mottee | Cr John Nell | Cr Sarah Smith | Cr Steve Tucker | TOTALS |
|---|--|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| Total Number of Council Meetings Attended (19 held) | | 18 | 15 | 17 | 17 | 13 | 17 | 17 | 18 | 17 | 17 | |
| Total Number of Months Reimbursed during the period | | 12 | 11 | 2 | 15 | 12 | 12 | 12 | 11 | 6 | 12 | |
| Description of Expense | Limits as per policy | | | | | | | | | | | |
| Councillor Mobile Rental | 75% up to \$200 per month | | | | | | | | | | | \$0.00 |
| Councillor Mobile Calls | | \$392.00 | \$811.00 | | | | | | | \$177.00 | | \$1,380.00 |
| Councillor Landline Phone Rental | | | | | | | | | | | | \$0.00 |
| Councillor Landline Phone Calls | | | | | | | | | | | | \$0.00 |
| Councillor Fax Rental | | | | | | | | | | | | \$0.00 |
| Councillor Fax Calls | | | | | | | | | | | | \$0.00 |
| Councillor Internet | 75% up to \$60 per month | \$573.00 | \$600.00 | | | | | | | | | \$1,173.00 |
| Councillor Intrastate Travel Expenses | \$7000 per year | \$64.00 | \$1,859.00 | | \$837.00 | \$2,288.00 | \$1,225.00 | \$3,410.00 | \$3,076.00 | \$1,474.00 | \$3,564.00 | \$17,797.00 |
| Councillor Interstate Travel (out of NSW) | \$2000 per year | | | | \$32.00 | | | | | | | \$32.00 |
| Councillor Interstate Accommodation (out of NSW) | | | | | | | | | | | | \$0.00 |
| Councillors Intrastate Accommodation | | \$1,180.00 | \$1,090.00 | \$235.00 | \$235.00 | | \$471.00 | \$1,016.00 | \$1,590.00 | | \$1,024.00 | \$6,841.00 |
| Councillor Conferences | \$3000 per year | \$1,379.00 | \$764.00 | \$764.00 | | | | \$1,478.00 | \$814.00 | | \$764.00 | \$5,963.00 |
| Councillor Training | | | \$0.00 | | | | | | \$0.00 | | | \$0.00 |
| Councillor Partner Expenses | Mayor \$1000 per year Cr's \$500 per year (excluding LGNSW Annual Con.) | \$136.00 | \$136.00 | | | \$136.00 | \$136.00 | | \$59.00 | \$77.00 | | \$680.00 |
| Councillor ICT Devices (incl. Mobile phones) | \$5000 per term | \$295.00 | \$300.00 | | \$1,181.00 | \$928.00 | \$318.00 | \$624.00 | \$1,771.00 | \$1,995.00 | \$73.00 | \$7,485.00 |
| Councillor Stationary | \$300 per year | \$65.00 | \$133.00 | \$121.00 | \$145.00 | | \$136.00 | \$243.00 | \$213.00 | \$80.00 | \$273.00 | \$1,409.00 |
| Councillor Awards/Ceremonies/Dinners | | \$727.00 | \$434.00 | \$182.00 | \$431.00 | \$263.00 | \$136.00 | \$222.00 | \$220.00 | \$304.00 | \$521.00 | \$3,440.00 |
| Councillor Child Care Costs | \$2000 per year | | \$470.00 | | | | | | | | | \$470.00 |
| Councillor Communications Bundle | 75% up to \$100 per month landline 75% up to \$100 per month mobile | | \$81.00 | | \$1,607.00 | \$1,374.00 | \$1,799.00 | \$1,345.00 | \$1,064.00 | | \$1,708.00 | \$8,978.00 |
| Councillor Professional Development | \$15,000 per term | \$1,127.00 | \$718.00 | \$63.00 | \$63.00 | \$613.00 | \$63.00 | \$435.00 | \$804.00 | \$681.00 | \$813.00 | \$5,380.00 |
| TOTALS | | \$5,938.00 | \$7,396.00 | \$1,365.00 | \$4,531.00 | \$5,602.00 | \$4,284.00 | \$8,773.00 | \$9,611.00 | \$4,788.00 | \$8,740.00 | \$61,028.00 |
| Councillor Allowances | Mayor \$64,530 pa Cr's - \$20,280 pa | \$63,075.00 | \$20,280.00 | \$20,280.00 | \$21,734.00 | \$20,280.00 | \$20,280.00 | \$20,280.00 | \$20,280.00 | \$20,280.00 | \$20,280.00 | \$247,049.00 |
| TOTALS | | \$69,013.00 | \$27,676.00 | \$21,645.00 | \$26,265.00 | \$25,882.00 | \$24,564.00 | \$29,053.00 | \$29,891.00 | \$25,068.00 | \$29,020.00 | \$308,077.00 |

ITEM NO. 4

FILE NO: 20/237073
EDRMS NO: PSC2017-00106

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform Elected Members of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

At the time of preparing this report there were no actions current for the General Manager's Office.

ATTACHMENTS

- 1) Corporate Services Group report. [↓](#)
- 2) Development Services Group report. [↓](#)
- 3) Facilities & Services Group report. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.


| | | | | |
|----------------------|------------------|---------------------------|-------------------|------------------------------|
| Outstanding | Division: | Corporate Services | Date From: | 26/09/2017 |
| Action Sheets | | | Date To: | 14/07/2020 |
| Report | | | Printed: | Monday, 3 August 2020 |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|--|--------------------------------|------------------|--|-------------|------------|-----------|
| Report | Ordinary Council 27/03/2018 | Peart, Steven | 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 |
| 28 Jul 2020 - Awaiting Minister's approval to proceed with the 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 | Peart, Steven | King Street, Raymond Terrace Easements | 28/02/2021 | 14/02/2019 | |
| 3 | | Foster, Carmel | | | | 19/39843 |
| 28 Jul 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 | Peart, Steven | PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE | 28/02/2021 | 29/05/2019 | |
| 5 109 | | Foster, Carmel | | | | 19/148388 |
| 28 Jul 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition. | | | | | | |

ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.


Outstanding **Division:** Corporate Services **Date From:** 26/09/2017
Action Sheets **Date To:** 14/07/2020
Report **Printed:** Monday, 3 August 2020

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|--|--------------------------------|------------------|--|-------------|------------|-----------|
| Report | Ordinary Council 28/05/2019 | Peart, Steven | 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 | | | | | | |
| 28 Jul 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition. | | | | | | |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|--|--------------------------------|------------------|---|-------------|---------|-----------|
| Report | Ordinary Council 23/07/2019 | Peart, Steven | GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO | 30/09/2020 | | |
| 7 | | Foster, Carmel | | | | 19/200498 |
| 169 | | | | | | |
| 28 Jul 2020 - Legal negotiations over contractual terms are ongoing. | | | | | | |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|--|-------------------------------|------------------|---|-------------|-----------|-----------|
| Report | Ordinary Council 8/10/2019 | Peart, Steven | EASEMENT TO DRAIN WATER - KINGSLEY DRIVE AND CORYULE STREET, BOAT HARBOUR | 30/12/2020 | 9/10/2019 | |
| 1 | | Foster, Carmel | | | | 19/331292 |
| 191 | | | | | | |
| 28 Jul 2020 - Easement documents have been lodged with LRS, awaiting registration. | | | | | | |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|---|--------------------------------|------------------|---|-------------|------------|-----------|
| Report | Ordinary Council 11/02/2020 | Peart, Steven | RENEWAL OF OPTUS LEASE - 9 TARRANT ROAD, SALAMANDER BAY | 30/08/2020 | 12/02/2020 | |
| 1 | | Foster, Carmel | | | | 20/39141 |
| 027 | | | | | | |
| 28 Jul 2020 - Documents remain with Optus Legal for execution and registration. | | | | | | |

ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.


| | | | | |
|----------------------|------------------|--------------------|-------------------|-----------------------|
| Outstanding | Division: | Corporate Services | Date From: | 26/09/2017 |
| Action Sheets | | | Date To: | 14/07/2020 |
| Report | | | Printed: | Monday, 3 August 2020 |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|--|--------------------------------|------------------|--|-------------|------------|-----------|
| Report | Ordinary Council 11/02/2020 | Peart, Steven | COMPULSORY ACQUISITION OF PART 879 SWAN BAY ROAD, SWAN BAY FOR ROAD WIDENING PURPOSE | 25/02/2021 | 12/02/2020 | |
| 2 028 | | Foster, Carmel | | | | 20/39141 |
| 28 Jul 2020 - Awaiting Minister's approval to proceed with the compulsory acquisition. | | | | | | |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|---|--------------------------------|------------------|---|-------------|---------|-----------|
| Report | Ordinary Council 14/07/2020 | Hazell, Tim | Additional items for 2020/2021 Fees and Charges | 25/08/2020 | | |
| 6 127 | | Foster, Carmel | | | | 20/192934 |
| 15 Jul 2020 - Additional items to serve public exhibition period. | | | | | | |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|--|--------------------------------|------------------|---|-------------|---------|-----------|
| Report | Ordinary Council 14/07/2020 | Hazell, Tim | Policy Review: Debt Recovery and Hardship | 28/08/2020 | | |
| 9 131 | | Foster, Carmel | | | | 20/192934 |
| 15 Jul 2020 - Item deferred. Further investigation into funding sources ongoing. | | | | | | |

ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.


| | | | | |
|----------------------|------------------|-----------------------------|-------------------|------------------------------|
| Outstanding | Division: | Development Services | Date From: | 26/09/2017 |
| Action Sheets | | | Date To: | 14/07/2020 |
| Report | | | Printed: | Monday, 3 August 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 | 30/10/2020 | 12/02/2020 | |
| 1 | | Crosdale, Timothy | | | | 20/39141 |
| 006 | | | | | | |
| 31 Jul 2020 - Council resolved to defer this item. A further report is scheduled for Council in October 2020. | | | | | | |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|--|--------------------------------|-------------------|--|-------------|---------|-----------|
| Report | Ordinary Council 14/07/2020 | Drinan, Kate | DA 16-2019-598-1 for a camping ground (50 camp sites) with amenities and kitchen at 47 The Bucketts Way, Twelve Mile Creek | 30/08/2020 | | |
| 1 | | Crosdale, Timothy | | | | 20/192934 |
| 31 Jul 2020 - Council resolved to defer this item. A further report is scheduled for Council in August 2020. | | | | | | |

ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.


| | | | | |
|-----------------------------|------------------|----------------------------------|-------------------|------------------------------|
| Outstanding | Division: | Facilities & Services | Date From: | 26/09/2017 |
| | | | Date To: | 14/07/2020 |
| Action Sheets Report | | | Printed: | Monday, 3 August 2020 |

| 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. | 31/08/2020 | 28/03/2018 | |
| 14 067 | | Kable, Gregory | | | | 18/66656 |
| 31 Jul 2020 - Revised Target Date changed by: Wivell, Sally From: 31 Jul 2020 To: 31 Aug 2020 | | | | | | |

| 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 |
| 31 Jul 2020 - Proposing to adopt these as Council Assets and to maintain within existing maintenance budgets. Will report to Council in August 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 |
| 31 Jul 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 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.


Outstanding **Division:** **Facilities & Services** **Date From:** 26/09/2017
Action Sheets **Date To:** 14/07/2020
Report **Printed:** Monday, 3 August 2020

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|---|-----------------------------|------------------|--|-------------|------------|-----------|
| Report | Ordinary Council 10/12/2019 | Maretich, John | Exemption for environmental approvals for non-maintenance road improvement works | 31/08/2020 | 11/12/2019 | |
| 2 | | Kable, Gregory | | | | 19/388450 |
| 259 | | | | | | |
| 31 Jul 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 | | | | | | |
| 31 Jul 2020 - External consultant has undertaken a review of Council's facilities to determine where the energy consumption could be reduced. Methods to reduce energy consumption includes light replacement and also the expansion of solar panels to change where we gain energy from. The external consultant has presented a draft report that does show the potential to reduce our carbon footprint and reduce energy consumption expenditures. The draft report requires further work to check the assumptions used. There are also a number of options to fund the project that also need some investigation. | | | | | | |

| 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 | | | | | | |
| 31 Jul 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 | | | | | | |
| 31 Jul 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 4 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.


| | | | | |
|-----------------------------|------------------|----------------------------------|-------------------|------------------------------|
| Outstanding | Division: | Facilities & Services | Date From: | 26/09/2017 |
| | | | Date To: | 14/07/2020 |
| Action Sheets Report | | | Printed: | Monday, 3 August 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 |
| 23 Jul 2020 - Meeting was held with the web portal developer for the Smart Parking Permit Portal. Further development of the system has achieved a design where Smart Parking permit holders do not need to register into the system each time – only for initial and annual renewal. The Smart Parking infrastructure program is expected to be installed towards the end of 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 | 31/08/2020 | 10/06/2020 | |
| 1 | | Kable, Gregory | | | | 20/164033 |
| 101 | | | | | | |
| 31 Jul 2020 - Design options were discussed with Councillors at the F&S / Quarterley meetings. Agreed with concepts, will need to present final design. | | | | | | |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|--|--------------------------------|------------------|---|-------------|---------|-----------|
| Report | Ordinary Council 14/07/2020 | Maretich, John | REVIEW OF THE OFF LEASH DOG AREAS AND TIMES AT ANNA BAY / BIRUBI POINT, FISHERMANS BAY AND BOAT HARBOUR | 31/01/2021 | | |
| 1 | | Kable, Gregory | | | | 20/192934 |
| 138 | | | | | | |
| 31 Jul 2020 - A review to identify suitable sites for fenced off lead areas. A report will be provided as per the background of the NOM. This is currently scheduled for completion in September 2020. | | | | | | |

| Type | Meeting | Officer/Director | Subject | Est. Compl. | Emailed | Completed |
|--|--------------------------------|------------------|------------------|-------------|---------|-----------|
| Report | Ordinary Council 14/07/2020 | Maretich, John | Tomaree Headland | 31/12/2020 | | |
| 2 | | Kable, Gregory | | | | 20/192934 |
| 139 | | | | | | |
| 31 Jul 2020 - Preliminary work involves consultation with land owners and agencies. Report will be provided. | | | | | | |

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 20/222135
EDRMS NO: PSC2017-00019**

SMART PARKING ROLLOUT

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Pause Nelson Bay's smart parking rollout so as to allow:
 - a. Consultation with Tomaree Business Chamber
 - b. Consultation with the broader Nelson Bay business community
 - c. Consultation with the residents of Nelson Bay
 - d. Consultation with visitors to Nelson Bay.
 - 2) This consultation is to be genuine, properly consider the concerns of those involved, and make changes to the smart parking plan if necessary.
 - 3) A report to be brought back to Council outlining the results of the public consultation, and recommending any changes to the plan.
-

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

| | |
|--|---|
| | <p>Councillor Giacomo Arnott Councillor John Nell</p> <p>That Council:</p> <ol style="list-style-type: none">1) Pause Nelson Bay's smart parking rollout so as to allow:<ol style="list-style-type: none">a. Consultation with Tomaree Business Chamberb. Consultation with the broader Nelson Bay business communityc. Consultation with the residents of Nelson Bayd. Consultation with visitors to Nelson Bay.2) This consultation is to be genuine, properly consider the concerns of those involved, and make changes to the smart parking plan if necessary.3) A report to be brought back to Council outlining the results of the public consultation, and recommending any changes to the plan. |
|--|---|

Councillor Ken Jordan left the meeting at 7:40pm prior to voting.
Councillor Ken Jordan returned to the meeting at 7:42pm prior to voting.
Councillor Jaimie Abbott left the meeting at 7:53pm prior to voting.

The motion was lost.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

The purpose of this background is to inform Council on the previous and proposed education and installation engagement program for the Smart Parking project.

Council has previously undertaken engagement as part of Stage 1 of the Smart Parking project.

In late 2019, Council worked with Tomaree Business Chamber to disseminate communications on the Smart Parking project to businesses in Nelson Bay. Council, via the Community Development and Engagement Team provided Tomaree Business Chamber with an overview on the project.

The Chamber worked with Council to encourage businesses to attend the community drop in sessions and provide feedback through the online survey. Ongoing updates have been provided when available. A report with the engagement findings was presented to Council at the 12 May 2020 Ordinary Council meeting.

A summary of the Stage 1 participation and activities are listed below, and the engagement report as submitted to the Ordinary Council meeting on 12 May 2020 is included as **(ATTACHMENT 1)**:

- Letterbox Newsletter delivery to 700 town centre residents and businesses
- 'Door step' discussions with 200 local businesses
- Drop in session where approximately 50-75 people took the opportunity to meet face to face with elected representatives and staff
- Business Chamber Breakfast with 100 attendees
- Online Survey with 100 participants
- Dedicated 'Have Your Say' webpage with 1400 visitors to page.

A further business information session was held by the Mayor on Thursday 23 July 2020 at Nelson Bay Golf Club. The session was recorded and later released to registered attendees. 24 local business people registered to attend with 12 attending in person and 12 requesting a copy of the film in lieu of attending. Members of Tomaree Business Chamber, Nelson Bay Now and independent business operators were in attendance at the session.

The next stages of the engagement program will align with the rollout of the permit system, smart parking infrastructure installation and planned major works. The timing allows for further education and information on the changes.

The next stage of planned engagement (Education Program) includes:

- Pop up shopfront (staffed) – information and staff support for people signing up to permit system and seeking project information (for business, local residents and visitors).
- Printed Newsletter update and program FAQ's sheet delivered to business, key stakeholders and participants in previous engagements
- Nelson Bay Implementation panel meeting
- Temporary site signage
- Dedicated webpage with online Q&A forum and interactive map
- Social and traditional media channels
- Tomaree Business Chamber meeting.

The following stage of planned engagement (Installation Program) includes:

- permanent information signage
- website information page
- Pop up shopfront – information and support for signing up to permit system (for business, local residents and visitors)
- Printed Newsletter update
- Dedicated webpage with online Q&A forum and interactive map
- Social and traditional media channels
- Explainer video
- Key stakeholder meetings – including Tomaree business chamber and affected business.

FINANCIAL/RESOURCE IMPLICATIONS

To undertake the additional consultation detailed in the Notice of Motion, including preparation, consultation, analysis and reporting cycles of Council, are estimated to delay this project by approximately 6 months. While the consultation, analysis and reporting itself are able to be undertaken generally within existing resources, an additional \$5000 direct expense is expected which would be funded from the Facilities and Services budget.

In accordance with the 12 May 2020 Council resolution, purchase orders for the capital supply and installation expenditure have been issued to the contractor. Detailed system design/development and hardware supply tasks have already commenced.

While the capital outlay is not an additional project cost, the delayed rollout will result in a reduced income for the current financial year. The anticipated revenue loss is estimated to be approximately \$200,000 including an allowance for expenditure. The flow on effect for this loss of revenue would defer or remove the dependent works and programs. These include the program of events/place activation, and traffic /safety improvement project that include pavement marking of Nelson Bay Shared Zone, and implementation of traffic flow changes in Stockton Street and Yacaaba Street.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|----------------------------------|---------------|---------------------|------------------------------|
| Existing budget | Yes | \$5000 | Direct consultation expense. |
| Reserve Funds | No | | |
| Developer Contributions (\$7.11) | No | | |
| External Grants | No | | |
| Other | No | -\$200,000 | Lost revenue. |

ATTACHMENTS

- 1) Nelson Bay Smart Parking Changes Engagement Report. [↓](#)

**ITEM 1 - ATTACHMENT 1 NELSON BAY SMART PARKING CHANGES
ENGAGEMENT REPORT.****MINUTES ORDINARY COUNCIL - 12 MAY 2020****ITEM 7 - ATTACHMENT 3 NELSON BAY SMART PARKING ENGAGEMENT
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ITEM 1 - ATTACHMENT 1 NELSON BAY SMART PARKING CHANGES
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The timing of the consultation was scheduled to ensure that engagement findings would be used to inform the development of the parking policy in 2020.

Engagement Approach

How we consulted

The engagement was delivered through a mix of face to face and online activities and is summarised in Table 1 below:

Table 1

| ACTIVITY | PURPOSE | REACH |
|---|--|---|
| Letterbox delivery and 'door step' discussions - Nelson Bay town centre businesses and resident Nov 2019 | Inform and educate Build relationships | 700 newsletters printed and delivered; 200 door step discussions with local business 5 follow up personal meetings with the Mayor and business owners/operators |
| Stakeholder Meeting – Tomaree Business Chamber Nov 2019 | Inform and educate Gather feedback Build relationships | |
| Drop in session - Stockton Street Dec 2019 | Inform and educate Gather feedback Build relationships | 50-75 people took the opportunity to meet face to face with elected representatives and staff |
| Business Chamber Breakfast – Mayor presented Dec 2019 | Inform and educate Build relationships | 110 attendees |
| Online Survey Nov - Dec | Gather feedback | 173 surveys complete |
| Dedicated Have your Say webpage | Inform and educate Build relationships | 1,400 visitors to the website |

Additionally, one submission was received from the Tomaree Residents and Ratepayers Association.

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Engagement Board (left) used at drop in session and Newsletter update (right) delivered to business and residents.

Promotion of activities

The primary method of promotion was through the letterbox drop. Social media was deliberately not used to ensure that the majority of the people who participated in the process were Nelson Bay local business owners and residents.

There will be opportunity for wider comment regarding the proposed parking changes when the draft policy is placed on formal public exhibition.

Key findings

Tomaree Business Chamber Meeting

Council staff met with the Tomaree Business Chamber president 4 December 2019 to talk through the proposed project and to ascertain the concerns of the business chamber.

The premise of the meeting was to discuss the parking changes including the extension of paid parking in Nelson Bay CBD and an accompanying park free scheme of which the variables of this scheme are to be determined through the process.

Key issues raised were:



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- problem of potential shoppers electing to shop at Salamander Bay due to paid parking. However, the different shopping experiences was considered a major factor in people visiting Nelson Bay especially during holiday periods
- It was believed that the introduction of a park free scheme with smart technology would help traders in Nelson Bay attract business during the non-peak times.
- the current zonings is messy and confusing and a review of the no parking and emergency vehicles zoned parking should be undertaken
- examples of similar systems from other councils would be beneficial
- lack of trust in Council that additional revenue raised would be spent in Nelson Bay

Potential parking options and changes discussed were:

- two/three hour free parking option for all people similar to shopping centres,
- dedicated paid spots for local businesses (especially those who leave and return regularly throughout a working day),
- lower rates for longer periods to cater for people going on extended tourist attractions such as whale cruises,
- park free scheme to include workers,

Letterbox delivery and 'door step' discussions

Mayor Ryan Palmer and Community Engagement staff delivered 700 Nelson Bay Next Update November 2019 newsletters on 7 December 2019. The newsletter was designed to introduce the project and invite people to learn more about the project. The key themes verbally introduced when speaking with business owners included:

1. Fast tracking projects to enliven Nelson Bay;
2. Introduction of a park free scheme with smart technology;
3. Invitation to come to drop in session or participate through online survey.

Some of the feedback received as part of the door step discussions with Nelson Bay business owners and operators included:

- Overwhelming support to fast track projects to enliven Nelson Bay,
- Any park free scheme should include workers,
- Concerns regarding loss of business to Salamander Bay as a result of extended paid parking,
- Concerns regarding whether the Donald Street East carpark demolition and reestablishment would be finished when promised.

Drop in session 6 December 2019

The drop in session held in Stockton Street on 6 December 2019 was attended by approximately 50-75 people. Two elected members including Mayor Ryan Palmer and Councillor Sarah Smith were in attendance. Staff from various sections of



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Council including Assets, Strategic Planning and Communications were in attendance to answer queries.

Boards together with a sticker dot voting system were used to mimic the online survey and comments using post it notes were encouraged to help explain and qualify the responses. A total of 53 votes were received on the different options.

The data collected from the boards has been collated with the reported survey findings and are presented in the next section of the report.

A total of 14 comments were also recorded at the session. The comments were grouped into common themes:

Eligibility of paid parking scheme

- Only tourists pay
- Workers should only have free parking on the outskirts of the town centre
- Tradespeople should have access to free parking as well

Location of paid parking scheme

- Parking for bay only not for Raymond Terrace etc
- No paid parking in CBD
- What about paid parking in Salamander Bay shopping centre
- What about other holiday areas e.g Shoal Bay, Birubi
- Leave areas for short term free parking e.g post office, newsagent 1/4 parking
- A license plate camera at entry points would make it easier for those with free parking would make it easier for residents

Timing of paid parking scheme

- Paid parking for long periods
- Peak and off peak parking rates
- Please make it free after 4pm for everyone
- First couple of hours free then pay
- Out of State school holidays not just NSW

Other common themes raised throughout the session included;

- Overwhelming support for the delivery of new projects in Nelson Bay
- General support for the need for paid parking as long as there was an accompany park free scheme which applied to the person in question.
- Concern that the introduction of paid parking in Nelson Bay would be detrimental to business and that Council had no evidence to refute this
- Concern over removal of Victoria Parade pedestrian overpass
- Lack of trust that additional revenue would actually go to Nelson Bay.



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Online Survey

The online survey was hosted on the project webpage and attracted 171 participants. The survey questions can be found at Attachment I.

The results of the 171 online surveys together with the responses from the face to face drop in session, as mentioned above, are shown in below.

Figure 1: Who do you think should be eligible for a park free scheme?

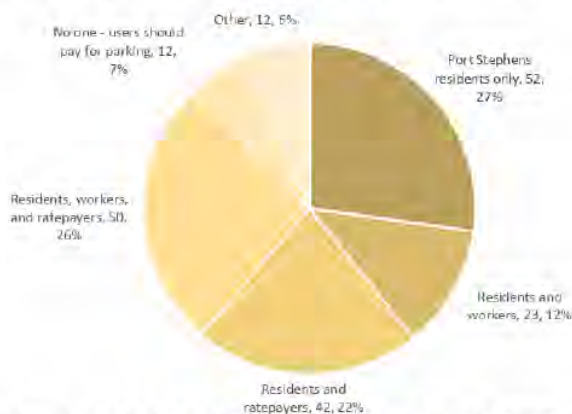


Figure 1 shows there is a little difference between three main options presented about who should be eligible for a park free scheme. The most popular scheme (27%) was that Port Stephens residents only park free scheme.

A total of 12 participants selected 'other'. A total of 6 comments were against the concept of paid parking all together. The remaining comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

Snapshot of Comments:

- Paid parking should not be extended.
- Should all be free but different time periods, shorter on street, longer in off street parking areas.
- All shoppers should have first three hours free as otherwise we will lose all shoppers to Salamander Bay or Kotara where it is free
- A way to help ease summer, school and public-holiday parking stress and traffic congestion is to provide a free Beach (mini) bus service. Mosman Council trialled the "Summer Bus" which linked the beach, shops and transport hubs. It became permanent.



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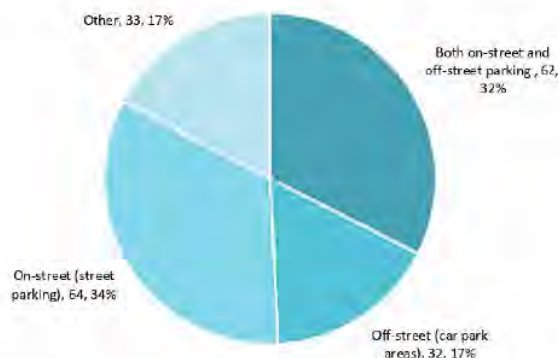
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- Residents and those with mobility passes

Figure 2: Where do you think paid parking should be extended to?



In Figure 2, the results were relatively even between the two options of extending paid parking to on-street parking (34%) and both on street and off-street parking (32%).

A total of 30 respondents selected 'other'. A total of 16 comments that were against the concept of paid parking. The other comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

Snapshot of Comments:

- Peak Holiday period only
- Should not extend paid parking areas unless providing more parking. For instance, building a parking garage.
- No one should have to pay for parking if they are shopping, dining, etc
- Paid parking should not be extended.
- Paid parking will push people away
- No one should pay for parking, we pay enough money just to have a car, plus local shop keepers raise their prices during holidays and then we are expected to pay to park in a town where we live!
- Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Provisionally favour same treatment for both on-street and off-street parking
- Paid parking in the Nelson Bay CBD could further kill retail activity in the area. Time zoning for parking should be sufficient if it is managed effectively



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Figure 3: When do you think paid parking should apply?

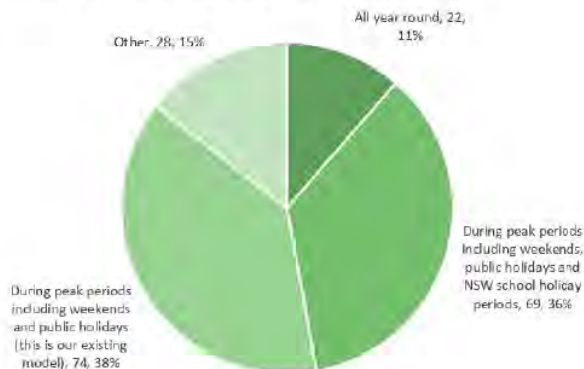


Figure 3

The results were relatively between the two options of applying paid parking 'During peak periods including weekends and public holidays (our existing model)' (38%) and 'During peak periods including weekends, public holidays and NSW school holiday periods' (36%).

A total of 28 respondents selected 'other'. The majority (16) of comments stated they were against the concept of paid parking. The other comments provide suggestions, qualifications to their answers or ask for more information. A full list of verbatim comments can be found at Attachment II.

Snapshot of Comments:

- Only during summer holidays
- Not during peak periods as we want attract visitors to Port Stephens they pay over top for rentals. Also people who in town, park away from the shopping areas
- Do not change the current arrangements.
- I don't support paid parking in Nelson Bay. But if it is introduced, residents and rate payers must definitely be exempt.
- Why penalise people for wanting to stop in town and spend their money at local businesses?



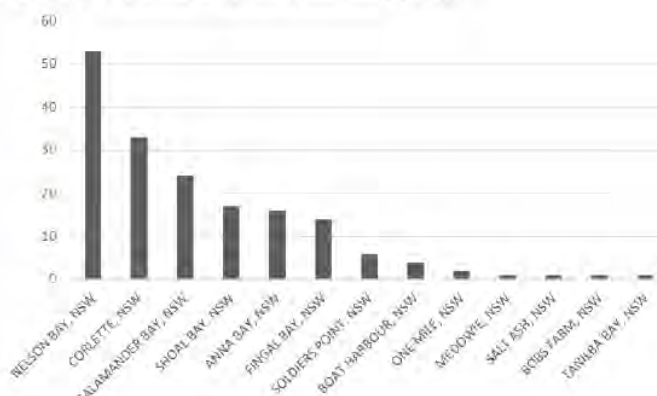
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Figure 4 Respondents by suburb (online survey only)



The levels of participation were high considering that the engagement approach was targeted towards business owners and residents in the Nelson Bay CBD. Over 50% of the online responses from Nelson Bay and well over 85% from neighbouring suburbs.

Additional Submissions

A written submission was received by the Tomaree Ratepayers and Residents Association. The submission outlined a number of questions around the business case and evidence of similar schemes, risks to visitation, concerns around the engagement process and broader comment on Nelson Bay Public Domain plan actions.

Councillors have been provided with a copy of this submission.

Summary and key insights

The scope of the engagement around this project was highly defined. The concept of extending paid parking together with a park free scheme was considered the basis of the project. Using smart parking technology there are a lot of variables that could be included into this scheme which included eligibility, extent and timing.

Engagement approach

The majority of participants commented positively about the use of face to face engagement techniques (business door to door and drop in session). It was seen as a positive relationship building exercise and indication that Council was genuine in its intentions.



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Support for paid parking with residents free scheme

The introduction of paid parking was supported generally on the proviso residents were excluded. There was good support for the scheme to also include ratepayers and workers.

Impact of business

Participants expressed concern that the introduction of paid parking in Nelson Bay would be detrimental to business prosperity and that Council has no evidence to refute this.



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REPORT.****ATTACHMENT II - Comments**

Survey question 'Who do you think should be eligible for a park free scheme?'

Comments accessed via 'Other'

Optional question (12 responses, 159 skipped)

1. I worked at the marina when it was coins only. The machines didn't work, you couldn't get change. They'd ask us for change and get mad and walk away. This was mainly tourists walking away mad. It should be free for all.
2. Paid parking should not be extended.
3. Should all be free but different time periods, shorter on street, longer in off street parking areas.
4. All shoppers should have first three hours free as otherwise we will lose all shoppers to Salamander Bay or Kotara where it is free
5. Port Stephens residents only with time limits
6. A way to help ease summer, school and public-holiday parking stress and traffic congestion is to provide a free Beach (mini) bus service. Mosman Council trialled the "Summer Bus" which linked the beach, shops and transport hubs. It became permanent.
7. Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Should also consider option of free parking only for local residents - residents from western parts of the LGA are effectively visitors
8. Should be free to everybody
9. Residents and those with mobility passes
10. Residents & Ratepayers ... on proof of same ... ratepayers are easy as they're on PSC's books. Permanent residents will prove with Drivers Lic. &/or utilities bills.
11. Parking should be free throughout Nelson Bay and along the foreshore
12. Everyone should have the right to free parking

Survey question 'Where do you think paid parking should be extended to?'

Comments accessed via 'Other'

Optional question (29 responses, 142 skipped)

1. PEAK HOLIDAY PERIOD ONLY
2. None
3. Should not extend paid parking areas unless providing more parking. For instance, building a parking garage.
4. Should be free to everyone all the time
5. No one should have to pay for parking if they are shopping, dining, etc
6. Paid parking should not be extended.
7. Paid parking is only a revenue raiser, was trialled in Penrith & failed dismally
8. Time based only
9. Paid parking will push people away
10. Off street car parks over three hours



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11. Extending Paid parking will drive people out of the Nelson Bay CBD to the Salamander Shopping Centre & to the various "villages" around The Bay. It will also be another step in NELSON Bay losing its "idyllic holiday village" feel & reputation .
12. I don't support paid parking in Nelson Bay. It will definitely discourage residents and tourists from stopping in the town centre and spending money there.
13. Don't extend paid parking. Rebuild a decent car park to replace the recently demolished one and provide more free parking on the perimeter of the CBD.
14. I think you will kill the retail sector with all paid parking. As I local I would not pay for parking on the waterfront if I just wanted to browse the waterfront shops or have a coffee. Pizazz left the waterfront section and it is better within the NB cbd
15. All areas with exemptions as per first answer [See above 5]
16. IT WILL TAKE BUSINESS AWAY FROM THE CENTRE
17. Free parking for residents
18. This is blatant revenue raising. It will kill the businesses as it has some in other areas. Build a multi level car park and don't charge for street parking at all!!!
19. No one should pay for parking, we pay enough money just to have a car, plus local shop keepers raise their prices during holidays and then we are expected to pay to park in a town where we live!
20. Residents should be able to access free parking being as we are ratepayers
21. See above re a free beach shuttle to move visitors AND locals around in peak times. I have already submitted a survey but want THIS one to replace it as couldn't find how to offer suggestions the first time. [See above 6]
22. Can't choose an option without more information on costs and benefits of each - there should be a costed business case. Provisionally favour same treatment for both on-street and off-street parking
23. local shoppers will avoid Nelson Bay.
24. Can't choose 'other options' without more information on costs and benefits - there needs to be a costed business case.
25. Definitely no charges. Can make a time limit but no fees.
26. Rebuild the multistorey carpark you've just knocked down (Surely it would have been cheaper to fix it. Sigh!)
27. Parking should be free throughout Nelson Bay and along the foreshore
28. Paid parking in the Nelson Bay CBD could further kill retail activity in the area. Time zoning for parking should be sufficient if it is managed effectively.
29. Can't imagine that this would encourage people to the town centre, more likely detract them and send everyone to salamander bay shops. Certainly would detract locals, where are employees supposed to park?

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Survey question 'When do you think paid parking should apply?

Comments accessed via 'Other'

Optional question (25 responses, 146 skipped)

1. Only during summer holidays
2. Not during peak periods as we want attract visitors to Port Stephens they pay over top for rentals. Also people who in town, park away from the shopping areas
3. If a park-free scheme is adopted for locals, then all year round
4. No
5. I do not agree with paid parking
6. Do not change the current arrangements.
7. Should never be applied
8. I believe paid parking will "kill" the Nelson bay CBD
9. never
10. Never
11. I don't support paid parking in Nelson Bay. But if it is introduced, residents and rate payers must definitely be exempt.
12. Never. You have structured this questionnaire on the basis that we all want some form of paid parking in Nelson Bay CBD. Some of us can envision other alternatives. Council needs to broaden its scope.
13. Why penalise people for wanting to stop in town and spend their money at local businesses?
14. I disagree wholeheartedly with paid parking.
15. Never, we pay enough money just to have a car!
16. Third option above but local residents should be exempt from paid parking. The council controlled Woolworths should also have paid parking to prevent tourists parking all day while they go to the beach
17. Peak periods but NOT for residents - perhaps a ticket saying we are residents might help
18. Free parking weekends public hold for residents
19. Can't choose an option without more information on costs and benefits of each - there should be a costed business case
20. Can't choose 'other options' without more information on costs and benefits - there needs to be a costed business case.
21. Should be free all year
22. What is best practice in other tourist locations? Some examples of where this has been implemented and how it is working would be ideal before making any final decisions.
23. At no time
24. As above [See Above 28]
25. I don't think paid parking is necessary, especially double the cost on weekends, when ate locals supposed to enjoy their own area. A free sticker should be issued with council rate payments.



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NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 20/222139
EDRMS NO: PSC2017-00019**

THE BUCKETTS WAY ROUTE ACCESS STRATEGY

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Write to Melinda Pavey MP – NSW Minister for Roads, John Graham MLC – NSW Shadow Minister for Roads, Kate Washington MP – State Member for Port Stephens, Michael McCormack MP – Federal Minister for Infrastructure, Catherine King MP – Shadow Minister for Infrastructure and David Gillespie MP – Federal Member for Lyne, asking for support of the following:
 - a. That the current Roads of Strategic Importance funding for the Bucketts Way be spent as soon as possible.
 - b. That the planning stage be expedited.
 - c. That spending occur at the southern end of the Bucketts Way, near the Pacific Highway intersection in light of the extremely dangerous nature of the intersection and the driveway traffic at this end of the road, as early as possible in the project.
 - d. That Port Stephens Council be kept updated as to progress of the program, including which stages will be undertaken first, timeframes, and the expected outcome of each stage.
-

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

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|---|
| Councillor Giacomo Arnott |
| That Council: <ol style="list-style-type: none">1) Write to Melinda Pavey MP – NSW Minister for Roads, John Graham MLC – NSW Shadow Minister for Roads, Kate Washington MP – State Member for Port Stephens, Michael McCormack MP – Federal Minister for Infrastructure, Catherine King MP – Shadow Minister for Infrastructure and David Gillespie MP – Federal Member for Lyne, asking for support of the following:<ol style="list-style-type: none">a. That the current Roads of Strategic Importance funding for the Bucketts Way be spent as soon as possible.b. That the planning stage be expedited. |

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

- | | |
|--|---|
| | <ul style="list-style-type: none">c. That spending occur at the southern end of the Bucketts Way, near the Pacific Highway intersection in light of the extremely dangerous nature of the intersection and the driveway traffic at this end of the road, as early as possible in the project.d. That Port Stephens Council be kept updated as to progress of the program, including which stages will be undertaken first, timeframes, and the expected outcome of each stage. |
|--|---|

The motion lapsed without a seconder.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

The purpose of this background is to supply information relating to the ownership and proposed works for The Bucketts Way.

The Bucketts Way is a regional road owned and managed by Council. At present Transport for NSW (previously Roads and Maritime Services) supplies contributing funds to Council for annual maintenance. Transport for NSW also supplies contributing funds for road upgrades that is distributed across Council's four regional roads. It should be noted that The Bucketts Way intersects with the M1 Motorway and hence this intersection is owned and managed by Transport for NSW.

In 2015 a Route Access Strategy was developed by an external consultant in collaboration with Port Stephens, Gloucester and Great Lakes Councils (the latter two now merged as Midcoast Council). This Route Access Strategy documented how upgrades to the road will improve road user safety, growth and economic development. Upgrades will include reconstruction, widening and resealing.

Freight industries that use the road were consulted to inform the Route Access Strategy. Assessment of the road pavement and this consultation resulted in a number of proposed projects and their priority. The Bucketts Way in Port Stephens Council area is in considerably better condition in comparison to the rest of the road. As a result, most of the priorities are outside of the Port Stephen's Local Government Area. The proposed projects for the Route Access Strategy are included in **(ATTACHMENT 1)**.

The Route Access Strategy was used to gain funding and was successful in the Australian Government's Roads of Strategic Importance program that has allocated \$20 million dollars for Stage 1 in accordance with these road priorities. Stage 1 has commenced and it is expected to be completed by June 2021. Stage 2 and further stages have no funding allocated.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications with seeking the Australian Government's Roads of Strategic Importance program funds to upgrade The Bucketts Way, if the projects are 100% funded.

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

ATTACHMENTS

- 1) Route Access Strategy [↓](#)

The Bucketts Way Route Access Strategy Upgrade Program 2015 - 2019

(Stage 1)

Summary Paper



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Executive Summary

The Bucketts Way Route Access Strategy Upgrade Program 2015 – 2019 is focussed on four key objectives:

- Aligning with local, regional, state and national plans
- Achieving Productivity Benefits
- Facilitating Growth and Economic Benefits
- Deliverability

These objectives will be achieved by:

- Identifying and prioritising key upgrade projects across three local government areas that allow the Bucketts Way to move towards having access for B-Double (26m) vehicles in the future
- Providing passing lanes to improve safety and benefit all users
- Improving safety by upgrading priority areas of road
- Reducing travel times
- Reducing operator costs and maintenance costs to vehicles
- Allowing high mass vehicles to use the road

Currently The Bucketts Way is a designated 19m B-double route, is classified as a Regional Road on the NSW roads network and is a "Road of National Importance" and provides a strategic link to the Newcastle Port from the Northern Tablelands and hinterlands of the north coast of NSW. The aim of the project is to increase access for higher mass vehicles, resulting in reduced traffic numbers, more efficient freight transport, decreasing heavy vehicle impact to roads and improving safety for all users. The project is a staged project with:

Stage 1 prioritised works deemed urgent;
Stage 2 deemed priority works, preparatory work for Stages 3 - 5;
Stage 3 – 5 final higher mass B-double access works.

The road provides a permanently signposted emergency route between Taree and Karuah. The road also provides the key link for agriculture (timber local and export, milk, dairy, and beef), as well as two existing coal mines, with another proposed and the Gloucester Gas Field. It also provides a strategic link to Newcastle Port Terminal from northern tablelands, crucial for the forestry industry hauling timber to Newcastle Port for direct overseas export. The timber industry has foreshadowed significant increases in the harvesting and transportation of softwoods from the region within the next 10 years, using Bucketts Way as the haulage route, placing further focus on the need for upgrade works to accommodate the increased output. The Bucketts Way is the key haulage route for export timber to be taken direct to the Port of Newcastle.

The Bucketts Way is also the key transport route for the poultry industry, with the area identified by Australia Chicken Meat Federation as one of NSW's major centres for chicken meat production. Chicken grow-out farms, where chickens grow from day-olds until they are ready for processing, are generally within 100km of the processing plant. Growers look for:

- a nearby feed mill
- guaranteed water supply
- guaranteed electric power, preferably three phase
- access for heavy transport for feed and live poultry
- available labour, depending on farm size

The Stroud Valley suits these requirements. A major cost to the industry, limiting productivity gains, is the restriction to 19m B-Double vehicles on Bucketts Way for transporting chickens, feed and supplies.

ITEM 2 - ATTACHMENT 1 ROUTE ACCESS STRATEGY

The upgrade works will address this constraint and provide significant transport cost savings to the industry.

This road is also the main tourist link from the Pacific Highway in the Karuah area to the Pacific Highway near Taree, providing access to the towns of Dungog, Stroud, Gloucester and the World Heritage Barrington Tops and the Northern Tablelands. It is an increasingly popular route for recreational motorcyclists and motorists, with local businesses developing around and relying upon the expanding tourist trade. The Bucketts Way is a significant route for freight destined for the New England/Northern tablelands area, supplying agricultural businesses with fertilizers direct from Newcastle Port.

Proposed upgrade works identified in Stage 1 of the proposal are shovel ready.

Background

Recent traffic surveillance carried out by Council on the Bucketts Way indicates an average of approximately 2000 - 2500 vehicles per day utilize the road of which approximately 12% are heavy vehicles confirms the road is a significant haulage route, playing a key role in the regions expanding economy. The proposed upgrade works is the initial step for providing higher mass vehicles access and eventually leading to access for B-Double (26m) (Booral to Pacific Highway) vehicles in the future. Future works to be carried out to permit B-Double access include;

- Bridge upgrades
- Culvert upgrade
- Heavy Vehicle Passing Lanes

The Bucketts Way is the key route for softwood and hardwood transportation which is harvested in the Nowendoc, Walcha, and Gloucester region. Timber is supplied directly to Newcastle Port for export and supplied to local mills for processing for domestic and overseas use.

The Bucketts Way services Stroud Valley, a major chicken growing area requiring transport for day old chickens to grower sheds, feed and suppliers, sawdust and transport for grown chickens to processor facilities.

Increasingly the road is providing a link from the New England Highway in the Northern Tablelands of NSW to the industrial centre of Newcastle, which will provide opportunities with proposed improved Newcastle Port Operations. The road links to the coastal areas of Forster/Tuncurry and Port Stephens. With the completion of sealing of Thunderbolts Way in 1999, travel times between Newcastle and Uralla via the Bucketts Way are reduced by 1 hour (or 70km), when compared with the New England Highway.

There are a number of Local Government areas responsible for the maintenance and upgrading of separate parts of the Bucketts Way. These include Port Stephens, Great Lakes, Gloucester and Greater Taree Councils. The total length of the Bucketts Way is approximately 160km.

This project will reconstruct the remaining deteriorated sections of The Bucketts Way within the Local government areas of Great Lakes, Port Stephens and Gloucester. Approximately \$35m is required to reconstruct the priority sections of road. This proposal has been bought about by three adjoining Councils working together and identifying the priority projects for upgrade/repair to provide the most appropriate outcomes addressing the needs of increasing freight demands, locally and regionally; increasing tourism use; reducing transport costs, reducing travel times and ensuring appropriate safety standards are achieved.

FIGURE 1 - Location map of The Bucketts Way - 12 Mile to Gloucester



Strategic Alignment - Project Linkages to relevant plans and strategies

Bucketts Way upgrade has received support from local industry, state and national representative bodies, local Councils and the local community. The project is aligned with the following key local, regional, state and national plans.

Council and local Plans and Strategies

Gloucester Shire Council Community Strategic Plan (2014 – 2024)

Is the peak direction plan for the Gloucester Community. In addressing Direction 1 and Direction 3 of The Plan - public assets and infrastructure will be planned, managed and funded to meet agreed levels of service; a full condition assessment has been completed for all transport assets (roads) and the upgrade works have been identified from this plan.

The Upgrade works directly align to:

- Aligns with Direction 1 – Maintaining Core Infrastructure; and
- Aligns with Direction 3 – Creating a Strong Economy

Gloucester Council's Operational Plan and Delivery Program (2013 -2016)

Identifies the need for maintaining and improving road networks to meet the community need for strong local communities.

Great Lakes Council 2030 Community Strategic Plan (2015).

Key to the plan was the community priority of maintenance of the road network. Direction two of the plan outlined the need for appropriate transport networks to assist in creating strong local economies. Great Lakes Council Asset Management Plan highlights the importance of maintaining and improving the road network as identified by the community. It is through this planning process the upgrade works have been identified.

Port Stephens Council Community Strategic Plan (2015)

Identifies the need for Council to provide facilities and services to managing public assets, including roads.

Stroud Community Plan (2012)

Identifies the importance of maintaining and improving the Bucketts Way for the local and regional economies.

Regional Plans and Strategies

The Upper Hunter Landuse Plan (2012)

Indicates roads located near existing and potential resources are identified key transport linkages. Duralie and Stratford Coal Mines are located adjacent to the Bucketts Way; AGL's Gloucester Gas field is located adjacent to Bucketts Way and Gloucester Resources Limited has the Rocky Hill Coal Mine Project currently under assessment

ITEM 2 - ATTACHMENT 1 ROUTE ACCESS STRATEGY**State Plans and Strategies**NSW 2021 Plan

Focusses upon the key strategy areas of:

Rebuilding the economy
Renovate Infrastructure

Both have a component on regional roads, reducing travel times and improving road safety of which the Bucketts Way Upgrade Project addresses.

NSW State Infrastructure Strategy (2014)

Identifies the State Government planning to increase expenditure on regional roads to meet challenges of increased productivity from regional communities. The Bucketts Way upgrade does this as outlined for the poultry and forestry sectors.

NSW Freight and Ports Strategy (2013)

Identifies the NSW State Government will provide necessary infrastructure to support Higher Mass Productivity Vehicles access and improve access for high productivity vehicles; improving network connectivity between networks and key freight precincts. The project is focussed upon creating access for higher mass vehicles. The Port of Newcastle is identified as a key focus, and the majority of export timber is transported along the Bucketts Way to the Newcastle Port.

National Plans and StrategiesNational Remote and Regional Transport Strategy DRAFT (2015)

The focus is to unlock the economic and social potential of remote and regional areas through the development of appropriate transport infrastructure, services and regulation and to ensure that the growth of transport infrastructure and services in remote and regional areas is sustainable and reflects the needs of local residents, transport operators, service provision and businesses. Currently the Bucketts Way is limited for higher mass vehicles, hampering the region from achieving its economic potential.

National Land Freight Strategy (2012)

The key objectives of the strategy focus upon an efficient, productive and competitive national land freight system. The Bucketts Way upgrade delivers this for the poultry and agricultural sectors.

Federal Government Co Contribution

The proponents of Bucketts Way Route Access Strategy Upgrade Program 2015 – 2019 have begun discussions with the federal Department of Infrastructure on key components from the following funding areas:

- Bridges Renewal Program – Round 3
- Heavy Vehicle Safety and Productivity Program Round 5
- National Stronger Regions program

Co-contribution will be confirmed for specific project areas with the federal department in early 2016.

Access and Productivity

By providing access for high mass heavy vehicles there are immediate productivity benefits.

- Chicken farms in the Stroud area could benefit by around \$50,000 a property from more efficient transport of day old chicks which would be made possible by the operation of modern 24m B-Doubles compared to single trailer articulated vehicles
- A halving of vehicle movements for day old chick movements from around 886 a year at the moment to a possible 446 a year would have positive impact on community amenity and reduce road wear
- At a minimum, improved transport arrangements could be expected to enhance the sustainability of long term rural jobs by increasing returns to average chicken farms in the area by 15%
- A diesel saving of 29,000 litres or a reduction of 30% in fuel consumption. This reduction is exceeds in magnitude Australia's overall greenhouse reduction target for 2030 for 2030 in one step for this task.
- Safety improvements – currently no passing lanes exist on Bucketts Way – proposed 4 passing lanes in Stage 1 works and identified upgrade works are focussed on key areas to improve safety (i.e. passing lanes, alignment, safety features)

Timber Transport – Brian Smith Timber Transport Walcha

- Brian Smith Timber Transport (BSTT) is based at Walcha, providing log harvesting and haulage services to the NSW Government and bulk haulage to private concerns. BSTT employs 22 truck drivers, 4 residing in Gloucester or nearby areas.
- BSTT is contracted by the NSW Government (Forestry Corporation) to harvest and transport 140 000 ton of radiata pine from the Nowendoc region. The pine is transported to Newcastle, via Thunderbolts Way and Bucketts Way for direct export as logs. BSTT is also contracted to harvest and haul hardwood logs from the Walcha forests, about 10,000 tonnes per annum being transported to various sawmills.
- In addition to the forestry business, BSTT also operates four B-double tipper combinations, three of which are 7 axle combinations and use the same route to transport lime, fertilizer and other bulk products from Newcastle and Gloucester back to the Walcha area. The fourth is a nine axle combination and cannot use the route.
- The NSW Government (Forestry Corporation) has a current contract for the harvest of 140 000 tons of pine in the Nowendoc/Walcha area. The next contract to be completed is expected to have an approximate increase of 50% in the tonnage to be harvested and transported.
- Current harvested timber under this contract, as well as about 10,000 tonnes of hardwood, is transported via Thunderbolts Way and Bucketts Way to Newcastle for export and to sawmills south of Gloucester.
- Bulk haulage operations also haul product from Newcastle and Gloucester back to Walcha using the Bucketts way and Thunderbolts Way.
- Current restrictions limit 19m b-doubles (7 axle) on Bucketts Way and Thunderbolts Way
- When the proposed staging of the Bucketts Way Upgrade and Thunderbolts Upgrade is completed, it will allow 23m mini b-double (7 axle) vehicles access.
- One of the key benefits of upgrade works is the improvement in safety. If BSTT could use 23 metre mini B-doubles (7 axle) rather than the current 19 metre mini B-doubles (7 axle), without carrying any extra weight it would allow loading of longer logs and therefore reduce the loaded

ITEM 2 - ATTACHMENT 1 ROUTE ACCESS STRATEGY

- height and improve the static rollover threshold (SRT). This would significantly reduce the risk of roll-over accidents.
- With 23 metre mini B-doubles carrying lighter loads there is less stress on trucks, therefore reducing operational and maintenance costs
- The construction of passing lanes will also provide motorists the opportunity to pass. There are currently not any passing lanes on the Bucketts Way.

Growth and Economic Benefit

- The transport of day old chicks to agricultural enterprises around Stroud by Hopkins Transport is typical of the sort of activities that could benefit from efficiencies that could be delivered by upgrading Bucketts Way from the Pacific Highway northwards.

Each year Hopkins Transport supply 7,700,000 day old chicks to 16 chicken farms in the Stroud area by making 896 transport movements from the Tamworth area in the New England region.

This vital supply of day old chicks who need careful treatment starts a cycle which leads to the creation of 50 full time sustainable jobs and 80 part time jobs around Stroud. When the fully grown Chickens are sold as part of the food cycle they bring in around \$10m to chicken growers in the area. As with all agricultural industries, competitive pressures mean that costs must be kept as low as possible. Furthermore as chicken famers are price takers, any reductions in transport generally go straight to increases in returns to farmers.

- The delivery costs of these day old chicks could be reduced by at least 20%, or a saving \$50,000 a year for each property, if Hopkins Transport could utilise their modern specially constructed day old chick delivery 24m B-Double in place of the existing 19m semi-trailers.
- At the same time, this would halve vehicle movements for day old chick movements from around 886 a year at the moment to a possible 446 a year. This would have a positive impact on community amenity and reduce road wear
- Improved transport arrangements could also be expected to enhance the sustainability of long term rural jobs by increasing returns to an average chicken farm in the area by 15% .
- Passing lanes have been included in the upgrade works as a key safety feature relevant to all road users

General Freight Transport – McCulloch Bulk Haulage, Tamworth

- McCulloch Bulk Haulage, Tamworth provides a Bulk freight service to the Northern Tablelands of NSW. Bulk freight including agricultural fertilizer is usually carted via the New England Highway to the northern tablelands from Newcastle Port. With the proposed upgrade works to Bucketts Way and Thunderbolts Way, McCulloch Bulk Haulage would use this route for the following benefits:
 - A reduction of kilometres travelled by 70 kilometres per trip, with a result in costs savings of \$210 per trip. On average McCulloch Transport has 5 trips per week carrying fertilizer for agricultural users, saving \$1050 in direct costs per week. This equates to a cost saving for the end user of approximately \$2 - \$3 per ton of fertiliser delivered.
 - A reduction in the number of kilometres travelled will also decrease the travel time, reduce the operational costs and be less demanding on drivers.

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- o Additional passing lanes to be constructed on the Bucketts Way in Stage 1 of the upgrade works will improve safety, allowing safer passing opportunities

Deliverability and Affordability

Councils have individually identified priority projects for the Bucketts Way in their local government area. Great Lakes, Gloucester and Port Stephens Councils then came together in a collaborative planning and prioritising workshop process to identify the priorities for funding for the Bucketts Way from Twelve Mile Creek to Gloucester. The prioritised projects, as agreed by Councils are outlined in the budget.

The only approvals required for all works are completed and approved Review of Environmental Factors (part 5 Assessment). These approvals are done in house and approved in house. Initial site inspections indicate there are no major risks identified

Council Contributions

Each council will be contributing a cash component and in kind services for delivery of the projects . The total contribution towards Stage 1 from the three participating councils is **\$ 2,211,000**. Details of the contributions can be seen in the table on page 17.

Deliverability

Great Lakes, Port Stephens and Gloucester Councils are in a position to coordinate and deliver the project in a timely manner. A project timeline and project management plan will be established on confirmation of funding.

Priority Stage 1 Projects will be shovel ready as of April 2016.

Risks and Mitigation

Identified risks include;

- Delays in construction (weather conditions), cost overruns, etc. resulting in cash flow problems;
- Design risks;
- Site conditions and the consequences of unanticipated conditions;
- Availability of contractors

Mitigation Measures

- Design for top three priority projects to be completed in house by March 2016
- Downturns in the construction and mining industries in the region provide positive market conditions for engagement of contractors

Detailed site inspections and construction estimates have been undertaken for the top three priority projects. The likelihood of over expenditure is low.

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Council's tender process is prepared and administered in accordance with Australian Standard AS 4120-1994, Code of Tendering. The AS sets out the ethics and obligations of both the Principal and Tenderers in the tendering process.

Council also complies with the Local Government Act and Regulation regarding tendering.

Consultation

Both Great Lakes Council and Gloucester Council have recently undertaken surveys on several key groups of Council assets, specifically Regional Roads including The Bucketts Way.

In October 2014 Great lakes Council engaged Micromex Research to complete a community survey on all council's assets. The greatest performance gap identified was with the regional roads network. The most negative survey result is attributed to the condition of The Bucketts Way.

Most recent consultation with Gloucester Chamber of Commerce and Advance Gloucester, two local community groups focussed upon ensuring a sustainable economic future for the region, are actively advocating The Bucketts Way upgrade to ensure economic growth for the region's key industries (poultry, dairy and agriculture and timber exports) and securing reduced travel times and increased safety standards.

Letters of support are in Appendix from Federal Industry Representative Groups, State Industry Representative Groups, local businesses and groups and community

Business Sector Surveys - NRMA Survey

The NRMA "Seeing Red on Roads" survey completed in 2014 indicates that The Bucketts Way was the 7th worst section of road in NSW.

10 worst roads in NSW in 2014 were:

1. Pacific Highway at Coffs Harbour
2. Pennant Hills Road at Pennant Hills
3. Parramatta Road at Concord
4. Princes Highway at Albion Park
5. Barton Highway at Murrumbateman
6. Kings Highway at Braidwood
7. **Bucketts Way at Allworth (Project 8)**
8. M5 Motorway at Revesby
9. Narellan Road at Campbelltown
10. M4 Western Motorway at Granville

The Bucketts Way has also been included in the NRMA 2015 "Seeing Red on Roads" survey, with respondents commenting "the entire length of the road (Bucketts Way) being atrocious and needing major road repair and upgrade."

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Project Priorities

Great Lakes, Gloucester and Port Stephens Councils engaged in a rigorous assessment and prioritisation process to identify an agreed priority list for upgrade works. This was achieved by using the four project objectives as a guiding principle.

Projects nominated for funding are based on the current road condition. Councils undertake routine condition inspections on all road assets at road segment components and are rated on a 1 to 5 scale (1 being Very Good and 5 being Very Poor). All the road segments nominated are in POOR condition (condition 4) and align with the following description;

| Grade | Condition | Description | Response | % Asset Life Remaining |
|-------|-----------|---|--|------------------------|
| 4 | POOR | <p>Structural: Serious deterioration and significant defects evident affecting structural integrity.</p> <p>Serviceability: Significant increase in pavement roughness and surface defects. Increase in road user costs and a deterioration in the safe performance of the asset.</p> | <p>Schedule for short term rehabilitation/reconstruction works 1-2 years.</p> <p>Increase risk inspection frequency to address defects</p> | 10% to 20% |

Projects have been prioritised further based on extent and severity of pavement damage and existing road geometry.

Consequences of Not Proceeding with Project

Should the application not be successful the following consequences are likely to prevail;

- Increased risks to road users due to poor driving conditions
- Increased maintenance costs to keep poor sections of road trafficable
- Inefficient freight movements due to capacity limitations
- Decreased reputation on roads authorities (Council, RMS)
- Safety risks not addressed by not constructing passing lanes
- Risk posed by 19m vehicles with height of 4m not addressed by reducing load heights with the introduction of 23m vehicles - by lowering the loaded height of the current 19m b-double vehicles (lowering the centre of gravity static rollover threshold) from approximately 4m to 3m in height (on a 23m –b-double), reducing the risk of roll-over accidents
- Constraints and restriction on the haulage of timber increases costs
- No efficiencies realised by reduced travel distances, reduced operator costs as heavy vehicles will not use Bucketts Way in current condition
- Continued inefficiencies in transport for poultry, timber and agricultural industries resulting in increased costs of transport

Project Delivery

Projects Details - Stage 1

| Council | Sub Location | Length km | Condition | Priority | Reconstruction Cost | Passing Lanes | Total Cost | Cumulative Total |
|--|---|--------------|-----------|----------|------------------------|---------------|-----------------|------------------|
| Great Lakes | MR 90 The Bucketts Way/15m past lhs Curve sign COS - 10m past Ent. lhs 2047 (Weismantles) INCLUDES PASSING LANES | 1.49 | POOR | 1 | \$ 2,673,000.00 | \$ 700,000.00 | \$ 3,373,000.00 | \$ 3,373,000.00 |
| | | | | | | | | |
| Great Lakes (on LGA boundary) | MR 90 The Bucketts Way/Limeburners Creek Rd - COS Old Coach Rd INCLUDES PASSING LANES | 0.75 | POOR | 2 | \$ 850,000.00 | \$ 480,000.00 | \$ 1,330,000.00 | \$ 4,703,000.00 |
| | Port Stephens Southern side of Limeburners Creek INCLUDES PASSING LANES | 0.5 | | 2 | \$ 800,000.00 | | \$ 800,000.00 | \$ 5,503,000.00 |
| Gloucester | Craven Flat INCLUDES PASSING LANES | 1.43 | POOR | 3 | \$ 1,046,000.00 | \$ 480,000.00 | \$ 1,526,000.00 | \$ 7,029,000.00 |
| | | | | | | | | |
| Great Lakes | MR 90 The Bucketts Way/Reidsdale Rd Intersection - Start of Fogline COS | 0.33 | POOR | 4 | \$ 350,000.00 | | \$ 350,000.00 | \$ 7,379,000.00 |
| | | | | | | | | |
| Great Lakes | MR 90 The Bucketts Way/Ent.lhs No. 189 J Bowens - stroud hill road intersection | 1.39 | POOR | 5 | \$ 1,157,000.00 | | \$ 1,157,000.00 | \$ 8,536,000.00 |
| | | | | | | | | |
| Gloucester | Broad Gully to Faulkland | 2.97 | POOR | 6 | \$ | | \$ | \$ |

14

| | | | | | | | | | |
|-------------|---|------|------|---|--|-----------------|---------------|-----------------|------------------|
| | | | | | | 2,182,000.00 | | 2,182,000.00 | 10,718,000.00 |
| Great Lakes | MR 90 The Bucketts Way/Culvert No. 54 - Allworth Turn PASSING LANES | 1.93 | POOR | 7 | | \$ 2,293,000.00 | \$ 480,000.00 | \$ 2,773,000.00 | \$ 13,491,000.00 |
| Great Lakes | MR 90 The Bucketts Way/COS 70m before W.B. House rhts - Bridge Abut Stoney Ck | 1.86 | POOR | 8 | | \$ 2,235,000.00 | | \$ 2,235,000.00 | \$ 15,727,000.00 |
| Great Lakes | MR 90 The Bucketts Way/ Mill Ck Bridge - Entrance lhts No.189 J Bowers | 1.45 | POOR | 9 | | \$ 1,783,000.00 | | \$ 1,783,000.00 | \$ 17,510,000.00 |

NOTE: Stage 1 Top Three Priority Projects have been identified as shovel ready priority projects as of April 2016.

Project Locations - Stage 2

| Council | Sub Location | Length km | Condition | Priority | Reconstruction Cost | Passing Lanes | Total Cost | Cumulative Total |
|-------------|--|--------------|-----------|----------|---------------------|------------------|-----------------|---------------------|
| Gloucester | Forbesdale | | POOR | 10 | \$ 3,247,000.00 | | \$ 3,247,000.00 | \$ 23,082,000.00 |
| Gloucester | Piggery | | POOR | 11 | \$ 651,000.00 | | \$ 651,000.00 | \$ 23,733,000.00 |
| Great Lakes | MR 90 The Bucketts Way/ Duralie Rd Intersection - Entrance l/s No. 1863 Holmes | 0.65 | POOR | 12 | \$ 800,000.00 | | \$ 800,000.00 | \$ 24,533,000.00 |
| Great Lakes | MR 90 The Bucketts Way/ 30m nth Cromarty Ck Bridge No. 50 - No 1803 (A Eggleton) | 0.51 | POOR | 13 | \$ 630,000.00 | | \$ 630,000.00 | \$ 25,163,000.00 |
| Great Lakes | MR 90 The Bucketts Way/20m past Culvert No. 272 - Start of Guardrail l/s COS | 1.04 | POOR | 14 | \$ 1,280,000.00 | | \$ 1,280,000.00 | \$ 26,443,000.00 |
| Great Lakes | MR 90 The Bucketts Way/Mammy Johnsons Ck Bridge - Redsdale Rd Inter. | 0.9 | POOR | 15 | \$ 1,100,000.00 | | \$ 1,100,000.00 | \$ 27,543,000.00 |
| Great Lakes | MR 90 The Bucketts Way/Entrance Williams l/s COS - 40m past end of Chainwire l/s | 0.75 | POOR | 16 | \$ 930,000.00 | | \$ 930,000.00 | \$ 28,473,000.00 |
| Gloucester | Stratford Coal to Stratford | | POOR | 17 | \$ 1,285,000.00 | | \$ 1,285,000.00 | \$ 29,758,000.00 |
| | 2.2km - 3.1km from highway passing lanes highly desirable | | | | | \$ 1,200,000.00 | \$ 1,200,000.00 | \$ 30,958,000.00 |
| | Truck Passing Bays - estimate number 10 - - approx 5km intervals - essential for additional HV usage | | | 18 | | | \$ 4,000,000.00 | \$ 34,958,000.00 |

Stage 3 Projects – final works for b-double access

| | |
|--|---------|
| Gloucester Shire Council area (23m b-doubles) | \$3.8m |
| 15km of shoulder widening | \$1.6m |
| 4 Heavy Vehicle Passing Lanes @ \$400 000 | |
| Great Lakes Council Area (Pacific Highway to Booral) | |
| 42km of shoulder widening | \$10.6m |
| Bridge replace/widening (10 bridges) | \$ 8.6m |

Port Stephens Council area – currently 26m B-double standard

Stage 4 Projects – works on Thunderbolts Way to permit 23m b-double access – to be confirmed

Co Contribution Stage1 – Stage 2 – Stage 3 – Stage 4

Great Lakes, Gloucester and Port Stephens Councils have approached Department of Infrastructure and Regional Development (i.e. Bridges Renewal Programme, Heavy Vehicle Safety and Productivity Programme, National Stronger Communities Programme) to investigate and identify co-contribution opportunities federal funding bodies

Project Delivery - Stage 1 Timeline

| | |
|--|----------------------|
| 2015/16 | |
| Preparatory Works to include:- | |
| Tender preparation and assessment | \$ 25,000 |
| Preliminary works | \$ 50,000 |
| Survey, design and Geotech. for following year | \$ 150,000 |
| Sub - total | \$ 225,000.00 |
| 2016/17 | |
| Preparatory Works | \$ 225,000 |
| Civil Works - Deliver Projects 1,2,3 | \$ 7,029,000 |
| Sub - total | \$ 7,254,000 |
| 2017/18 | |
| Preparatory Works | \$ 225,000 |
| Civil Works - Deliver Projects 4,5,6 | \$ 3,689,000 |
| Sub - total | \$ 7,017,000 |
| 2018/19 | |
| Preparatory Works | \$ 75,000 |
| Deliver Projects 7,8,9 | \$ 6,792,000 |
| Sub - total | \$ 6,867,000 |
| Total Project Cost – Stage 1 | \$21,363,000 |

Council Contributions - Stage 1

It is proposed that the following cash amounts (excluding in kind contributions) are to be contributed from each Council towards the stage 1 works schedule.

| Council | 2015/16 | 2016/17 | 2017/18 | 2018/19 | TOTAL |
|---------------|-----------|-----------|-----------|--------------|--------------------|
| Great Lakes | \$30,000 | \$350,000 | \$350,000 | \$350,000 | \$1,080,000 |
| Gloucester | \$10,000 | \$100,000 | \$100,000 | \$100,000 | \$310,000 |
| Port Stephens | \$301,000 | \$120,000 | \$300,000 | \$100,000 | \$821,000 |
| | | | | TOTAL | \$2,211,000 |

NOTICE OF MOTION

ITEM NO. 3

**FILE NO: 20/237492
EDRMS NO: PSC2017-00019**

SAFETY REVIEW OF TOMAGO ROAD AND CABBAGE TREE ROAD

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Notes the article in the Newcastle Herald from 8 July 2020 which outlines a brief history of vehicle crashes along Tomago Road and Cabbage Tree Road and the fact that Roads and Maritime Services have been sitting on a safety review for months with no action.
- 2) Notes that the Port Stephens Traffic Committee requested a safety review of this stretch of road at its February 2019 meeting.
- 3) Writes to Transport for NSW requesting:
 - a. that the safety review be provided in full to Port Stephens Council
 - b. that the results of the Tomago Road/Cabbage Tree Road safety review urgently be implemented without delay, taking into consideration the dangerous nature of the road and continued traffic collisions.
 - c. that future safety reviews have their recommendations implemented immediately to ensure that public safety is managed appropriately.
- 4) A copy of this motion and letter is to be sent to Kate Washington MP – Member for Port Stephens, Melinda Pavey MP – NSW Minister for Roads and John Graham MLC – NSW Shadow Minister for Roads, for their consideration.

**ORDINARY COUNCIL MEETING - 11 AUGUST 2020
MOTION**

| | |
|--|--|
| | <p>Councillor Giacomo Arnott</p> <p>That Council:</p> <ol style="list-style-type: none">1) Notes the article in the Newcastle Herald from 8 July 2020 which outlines a brief history of vehicle crashes along Tomago Road and Cabbage Tree Road and the fact that Roads and Maritime Services have been sitting on a safety review for months with no action.2) Notes that the Port Stephens Traffic Committee requested a safety review of this stretch of road at its February 2019 meeting.3) Writes to Transport for NSW requesting:<ol style="list-style-type: none">a. that the safety review be provided in full to Port Stephens Council. |
|--|--|

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

| | |
|--|--|
| | <ul style="list-style-type: none">b. that the results of the Tomago Road/Cabbage Tree Road safety review urgently be implemented without delay, taking into consideration the dangerous nature of the road and continued traffic collisions.c. that future safety reviews have their recommendations implemented immediately to ensure that public safety is managed appropriately.4) A copy of this motion and letter is to be sent to Kate Washington MP – Member for Port Stephens, Melinda Pavey MP – NSW Minister for Roads and John Graham MLC – NSW Shadow Minister for Roads, for their consideration. |
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The motion lapsed without a seconder.

BACKGROUND REPORT OF: JOHN MARETICH – ASSETS SECTION MANAGER

BACKGROUND

Tomago Road and Cabbage Tree Road are owned and managed by Transport for NSW.

Transport for NSW have informed Council that the signage works on this length of road have been completed.

The request for a safety review was undertaken in the Informal Items section of the Local Traffic Committee meeting held on 5 February 2019. As this was part of the informal section of the Local Traffic Committee there were no recommendations made by the Committee (**ATTACHMENT 1**).

ATTACHMENTS

- 1) Local Traffic Committee Minutes February 2019. [↓](#)

**Port Stephens
Local Traffic Committee Minutes
Meeting held on Tuesday 5th February 2019, at 9.45am**

Present:

Cr Steve Tucker, Cr Giacomo Arnott representing Tim Crakanthorp MP, Snr Const Marg Bernard – NSW Police, John Carey – Roads and Maritime Services, Mal Britt – Busways, John Meldrum – Hunter Valley Buses, Anthony Biscan – Port Stephens Coaches, Joe Gleeson (Chairperson), Andrew Behrens – Port Stephens Council

Apologies:

Mayor Ryan Palmer, Kate Washington MP, Lisa Lovegrove

A. Listed matters

- | | |
|---------------------|---|
| 01_02/19 | Davidson Street, Anna Bay – Stop Sign Request |
| 02_02/19 | Boomerang Park, Raymond Terrace – Request for parking restrictions on the entrance road |
| 03_02/19 | Pacific Highway, Heatherbrae – Request for a bus zone on the service road |
| 04_02/19 parking | Pastures Drive, Medowie – Complaint regarding parking |
| 05_02/19 Parking | Wollomi Avenue, Nelson Bay – Request for No Parking |
| 06_02/19 | Trumpeter Circuit, Corlette – Request to make Trumpeter Circuit one-way |
| 07_02/19 | Lemon Tree Passage Road, Tanilba Bay – Request for line marking changes |
| 08_02/19 | Rigney Street, Shoal Bay – Safety Measures |
| 09_02/19 | Bagnall Beach Road, Salamander Bay – Request for linemarking for left hand turn |
| 10_02/19 | Gowrie Avenue, Nelson Bay – Request for improvements to pedestrian safety |

B. Informal matters

- | | |
|-----------|--|
| 501_02/19 | Cabbage Tree Road, Williamtown – Request for an urgent safety review |
|-----------|--|

C. General business

- | | |
|-----------|--|
| 601_02/19 | Ferodale Road, Medowie – Request to review design plan for bus layby |
| 602_02/19 | Adelaide Street, Heatherbrae – Request for a review of traffic changes at the Pacific Highway roundabout |
| 603_02/19 | Roads, Port Stephens – Traffic requests |

A. Listed matters**Item:** 01_02/19**Davidson Street, Anna Bay – Stop Sign Request****Requested by:** Cr Arnott**File:****Background:**

Cr Arnott has requested an investigation to see if a stop sign is warranted at the intersection of Davidson and Margaret Streets, Anna Bay.

Comment:

The Traffic Inspection Committee noted that the intersection meets the criteria for installation of stop control.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 67 - Stopping and giving way at a stop sign or stop line at an intersection without traffic lights

RMS signs database – R1-1

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Committee's recommendation:

Install a Stop Sign, 'TF', 'TB1' linemarking and 10m of 'BB' centreline marking on Davidson Street at the intersection of Margaret Street, Anna Bay, as shown on the attached sketch, Annexure A.

Discussion:**CRM 252689-2019 – Sign****CRM 252691-2019 - Linemarking****Support for the recommendation:**

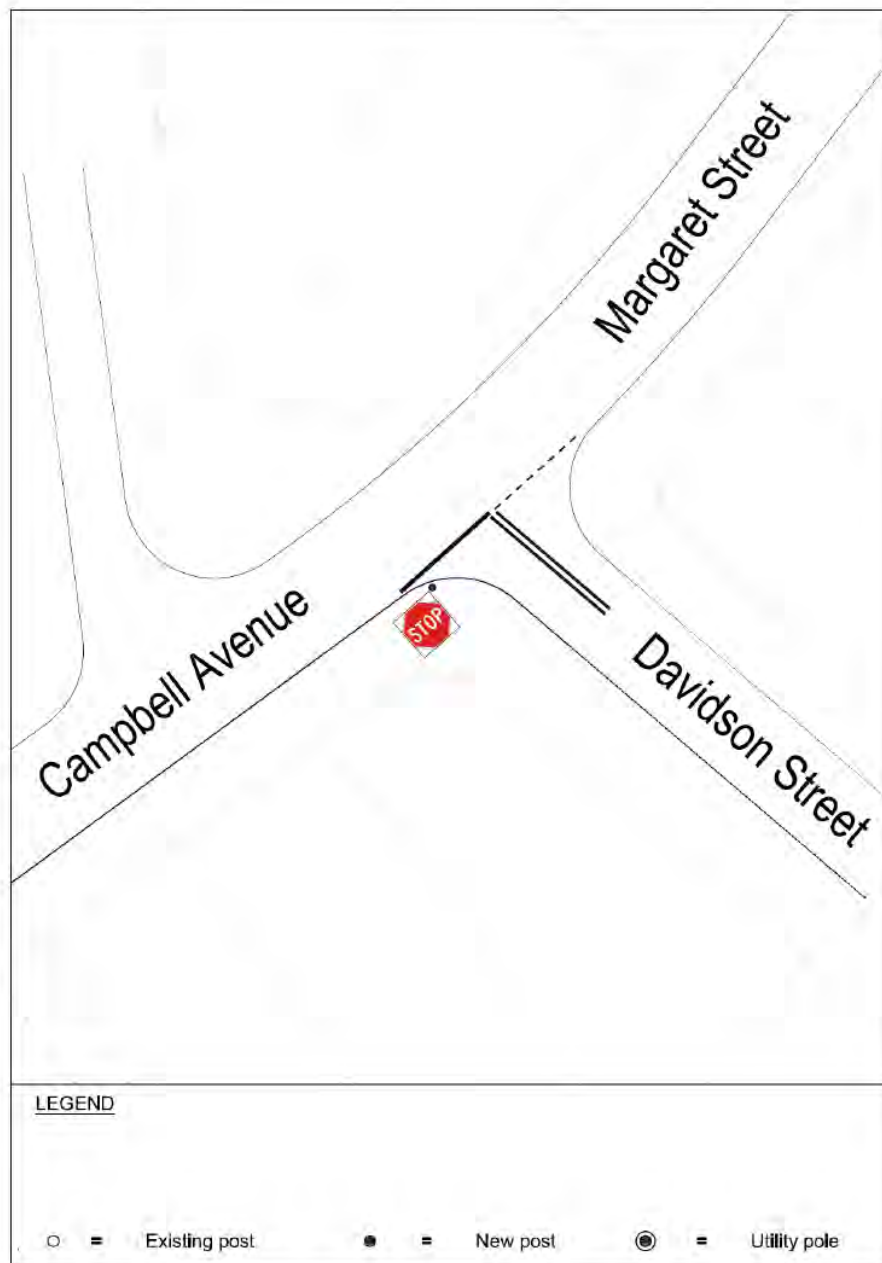
| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 01_02/19
Street: Davidson Street

ANNEXURE A
Page 1 of 1



Item: 02_02/19**Boomerang Park, Raymond Terrace – Request for parking restrictions on the entrance road****Requested by:** Raymond Terrace Combined OSHC**File:****Background:**

The Raymond Terrace OSHC reports that parents from St Brigids park along the side of the park entrance road making it difficult to access the angle parking spaces. It also makes it unsafe for crossing the children from St Brigids to the centre. Currently the carers from the OSHC accompany the children in groups across the road. They would like to see parking removed opposite the OSHC at school pick-up and drop-off times to improve safety.

Comment:

Local Traffic Inspection Committee members noted that there are currently no restrictions to parking in this area and there is evidence of parking within the vicinity of the pedestrian path.

The safety of school children crossing this section of the pathway from the crossing to the OSHC would be improved by installing some restrictions during School days and times.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 167 – No stopping signs

RMS signs database – R5-400

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Committee's recommendation:

Install 'No Stopping - 8am to 9.30am and 2.30pm to 4pm School Days', for a distance of 24 metres opposite the Raymond Terrace OSHC on the north eastern side of the Boomerang Park access road, as shown on the attached sketch, Annexure A.

Discussion:**CRM 252692-2019****Support for the recommendation:**

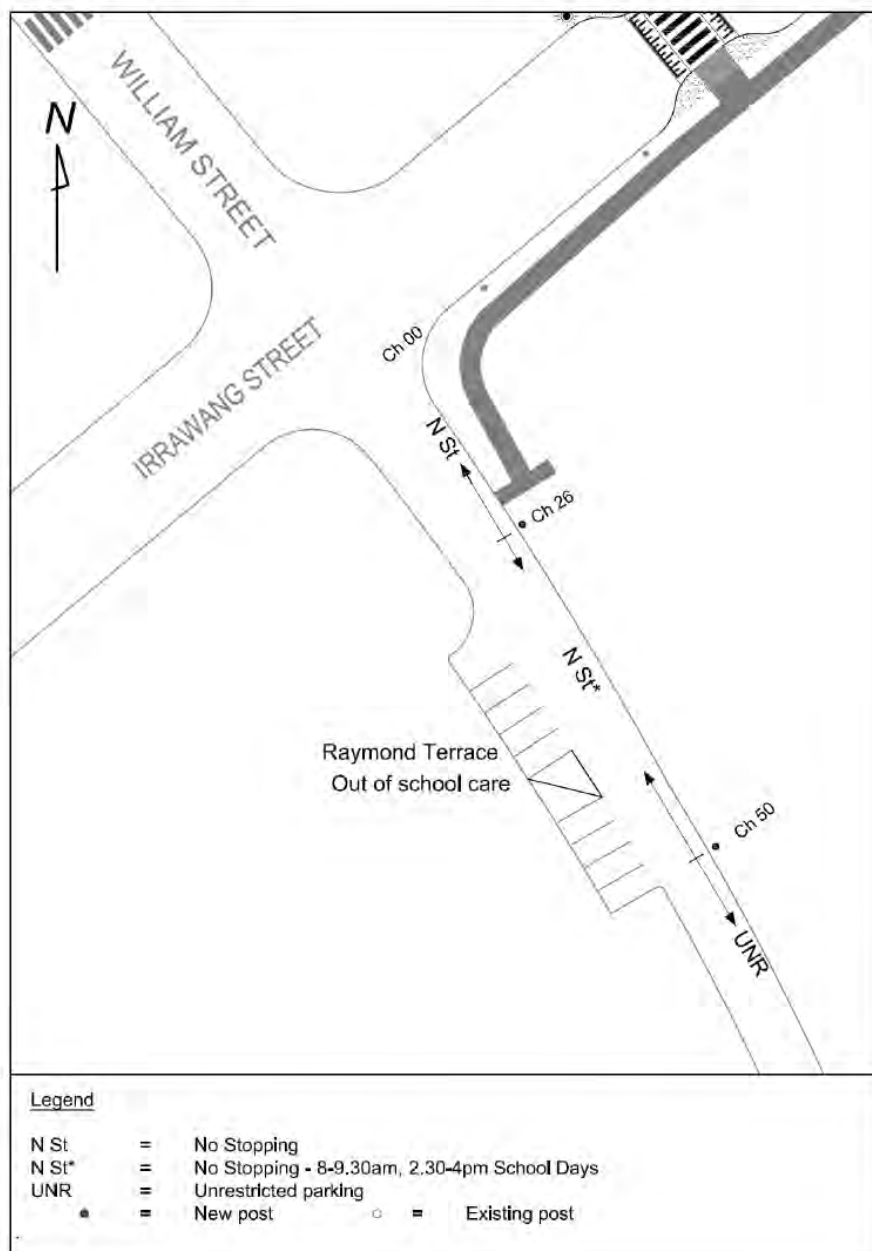
| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 02_02/19
Street: Boomerang Park

ANNEXURE A
Page 1 of 1



Item: 03_02/19

Pacific Highway, Heatherbrae – Request for a bus zone on the service road

Requested by: Busways

File: 18/432471

Background:

Each school morning and afternoon Busways transfers students at the front of the Busways depot and recently trucks have been parked at this location.
Could Port Stephens Council consider installing Bus Zone signs between our driveway and the driveway north (ATCO offices)?

Comment:

The request is supported by the Local Traffic Inspection Committee.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 183 – Stopping in a bus zone

RMS signs database – R5-20

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Discussion:

Committee members discussed whether part-time bus zone restrictions would be more appropriate however it was decided that the space could potentially operate as a bus stop for the 140 public bus route and should be made as a full-time bus zone.

Committee's recommendation:

Install Bus Zone signage for a distance of 30 metres outside property No. 2370 Pacific Highway, Heatherbrae, as shown on the attached sketch, Annexure A.

CRM 252694-2019

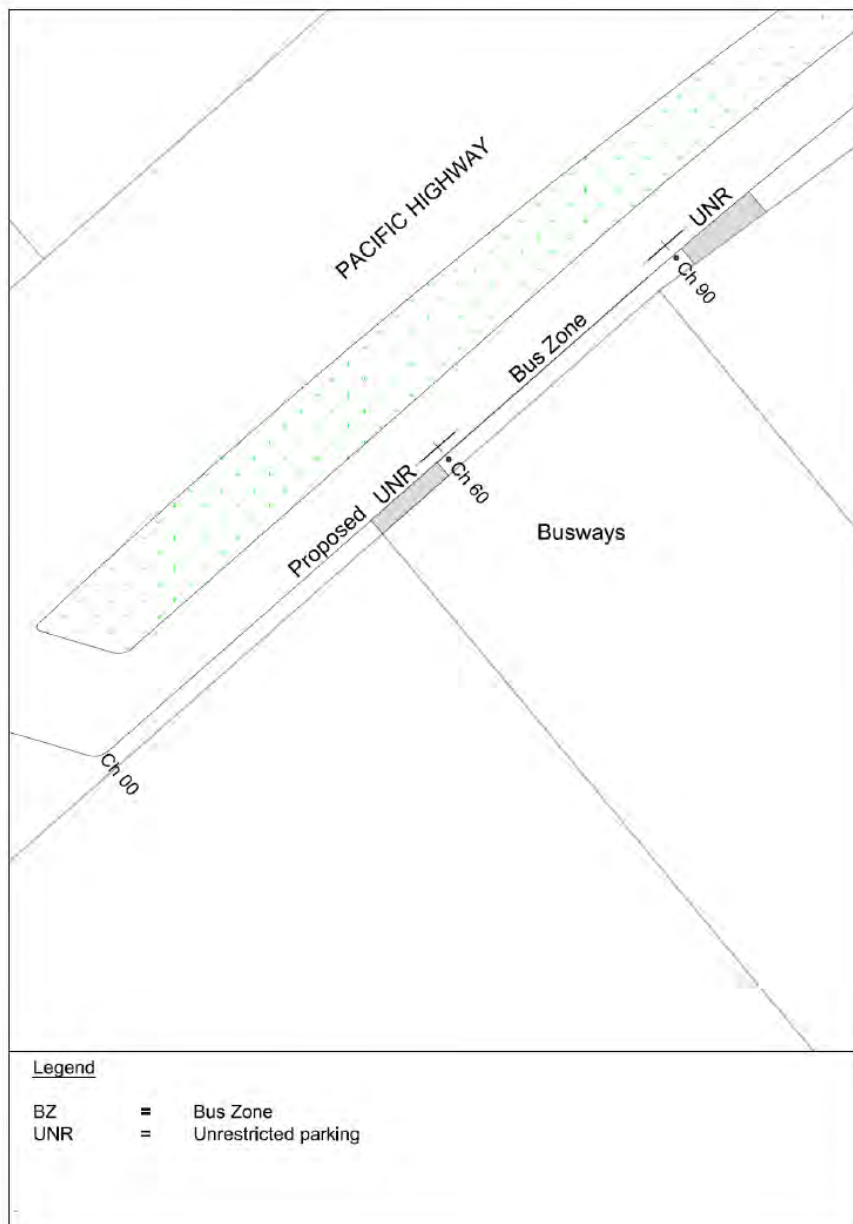
Support for the recommendation:

| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 03_02/19
Street: Pacific Highway

ANNEXURE A
Page 1 of 1



Item: 04_02/19

Pastures Drive, Medowie – Complaint regarding parking

Requested by: Cr Doohan

File:

Background:

Cr Doohan received a complaint from a local resident regarding parking along Pastures Drive. The resident states: "with semis and B-doubles coming into the street and other heavy vehicles including fire trucks when needed, the road is too narrow for them to pass safely. The new home across from us on some days has had four or more vehicles parked on the road, along both sides, it's like playing dodgem cars some days. The builders need to be made aware that tradies have to park inside not outside. The installation of the passing lane on Grahamstown Road has created another problem for people unfamiliar with the road. I have seen numerous people pull to the left into the bus stop that is immediately before the passing lane because they think it is the passing lane."

Comment:

Local Traffic Inspection Committee members noted that Pastures Drive is a 6 metre wide road servicing a rural residential subdivision. There is clear vision in both directions on Pastures Drive and all properties have off street parking availability. Parking restrictions on Pastures Drive are not warranted. Visibility to the bus stop on Grahamstown Road is good and the bus stop is clear and obvious. It was noted that an advance warning sign for the bus stop (southbound) is installed, however there is no advance warning northbound. Installation of advance warning may give some additional guidance to motorists about the presence of the bus stop.

Legislation, Standards, Guidelines and Delegation:

RMS signs database – W6-209, W8-213

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Committee's recommendation:

Install School Bus W6-209 and School Bus Stop Ahead W8-213 signage northbound on Grahamstown Road 230m south of Pastures Drive, as shown on the attached sketch, Annexure A.

Discussion:

CRM 252695-2019

Support for the recommendation:

| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 04_02/19
Street: Pastures Drive

ANNEXURE A
Page 1 of 1



Item: 05_02/19

Wollomi Avenue, Nelson Bay – Request for 'No Parking'

Requested by: A resident

File: 19/5235

Background:

A local resident contacted Council to request installation of parking restrictions at the access laneway to Wollomi Avenue, Nelson Bay.
Parked vehicles create an obstruction for cars turning right which is not only dangerous to cars in both directions but to people walking along the road as well.

Comment:

Local Traffic Inspection Committee noted that Wollomi Avenue is a narrow access road, and is a low speed environment.
Sight distance is greatly reduced when vehicles are parked outside number 35 Wollomi Avenue due to the steep gradient and narrow road. Installation of statutory 10 metres of No Stopping restrictions will increase sight distance for vehicles making a right turn.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 167 – No stopping signs

RMS signs database – R5-400

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Committee's recommendation:

Install No Stopping for a distance of 10 metres on either side of the intersection on Wollomi Avenue on the western boundaries of property numbers 35 Wollomi Avenue and 85 Galoola Drive, as shown on the attached sketch, Annexure A.

Discussion:

CRM 252696-2019

Support for the recommendation:

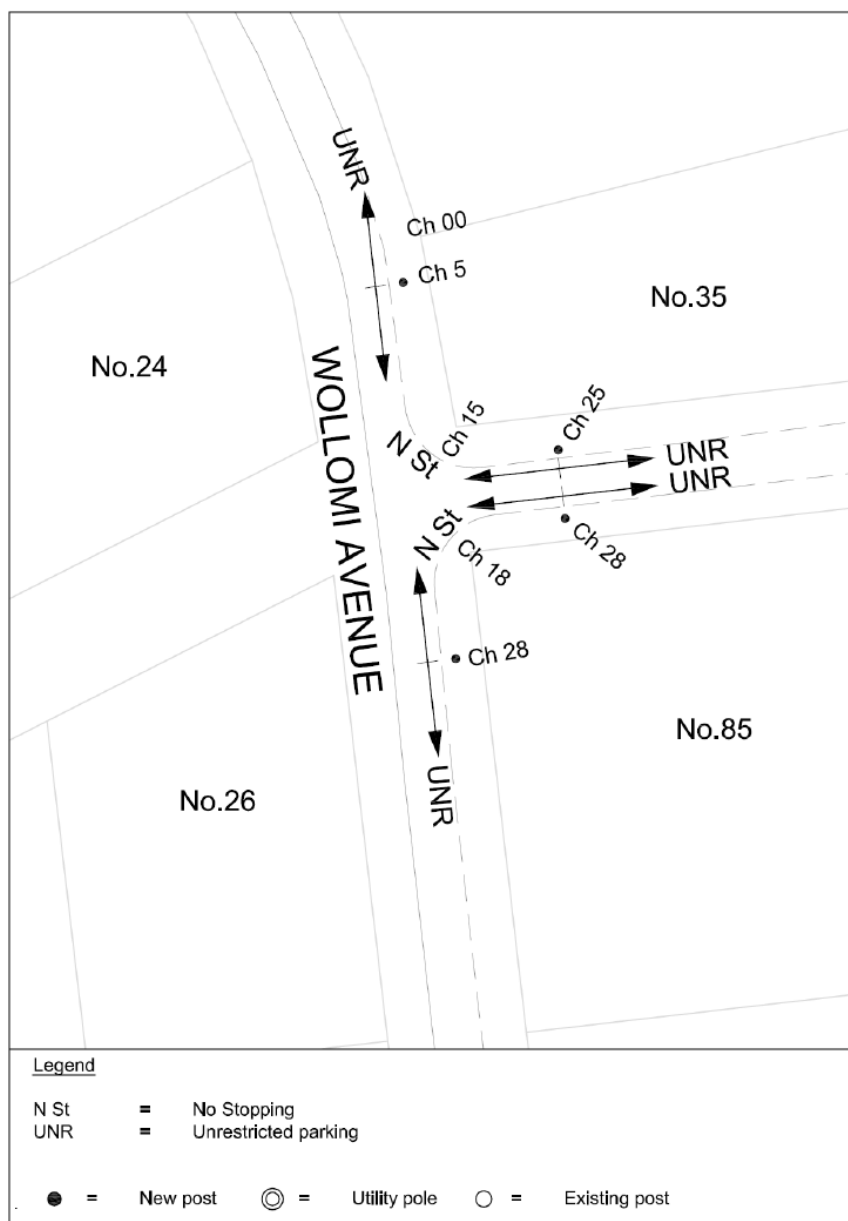
| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 05_02/19
Street: Wolloml Avenue

ANNEXURE A
Page 1 of 1



Item: 06_02/19

Trumpeter Circuit, Corlette – Request to make Trumpeter Circuit one-way

Requested by: A resident

File: 18/431218

Background:

The resident states: "the road in front of our residence is 4540 mm wide over the bitumen and is deemed suitable for 2 way traffic. Given it is illegal for vehicles to park on the verge, there is extremely inadequate room for vehicles to drive down the street travelling in one direction, let alone in two directions. There are also two corners that have become "blind" with building and shrub growth, which along with the inadequate street width have caused numerous close calls - often with younger drivers driving at the speed limit or marginally above.

Consensus here is that the street should be made one way and parking restrictions introduced, to lift the level of safety for residents, pedestrians and drivers before we have a serious issue occur.

Comment:

Inspection Committee members noted that Trumpeter Circuit is narrower between property numbers 25 and 29 (5.4 metres in comparison to 7.5 metres for the majority of Trumpeter Circuit).

One way restrictions southbound from property 25 to 29 would reduce potential traffic conflict without having an adverse effect on residents, however consultation with the affected residents should be undertaken prior to implementation.

Legislation, Standards, Guidelines and Delegation:

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Discussion:

Committee members discussed whether the proposed travel direction was the best outcome. Cr Arnott expressed his support for the need for consultation with affected stakeholders prior to any changes to traffic access arrangements.

The RMS representative questioned whether some form of barrier should be included to reduce the potential for vehicles to travel in the wrong direction along the one-way section.

Committee's recommendation:

Install One Way restrictions southbound from property number 25 Trumpeter Circuit, Corlette following consultation with affected residents and property owners, as shown on the attached sketch, Annexure A.

Support for the recommendation:

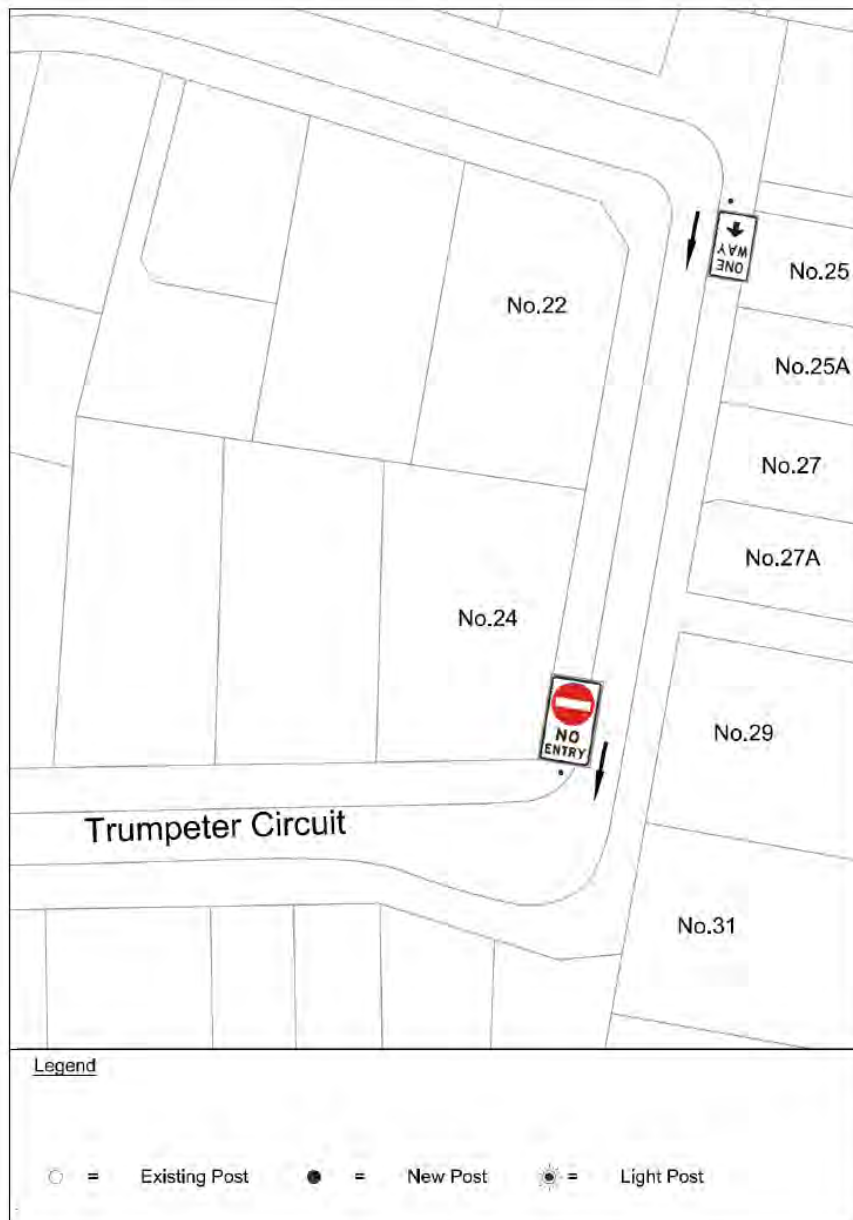
| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 06_02/19
Street: Trumpeter Circuit

ANNEXURE A
Page 1 of 1



Item: 07_02/19

Lemon Tree Passage Road, Tanilba Bay – Request for line marking changes

Requested by: Port Stephens Council

File:

Background:

Port Stephens Council is about to reseal Lemon Tree Passage Road, from in front of Coles to President Wilson Walk. Input from LTC Inspection Committee is requested in regards to any possible changes that can be made with line marking to improve safety.

Comment:

Local Traffic Inspection Committee note that this segment of Lemon Tree Passage Road is 15.75m wide. The Inspection Committee observed a number of vehicles utilising the centre median turn lanes to turn into a number of driveways.

It was observed that vehicles making a left hand turn into President Wilson Walk move into the left turn lane whilst passing the Service Station.

A 1.2m wide pedestrian path runs across the frontage of Coles to the pedestrian refuge near the corner of President Wilson Walk.

Due to the recent reduction of speed limit in the vicinity, a suggestion was made to reduce the number of lanes from 2 to 1 with the installation of an E1 edge line and create a left turn lane approximately 40 metres from the intersection of President Wilson Walk. The travel lane width could potentially be reduced.

It is also suggested that perpendicular lines could be painted on the kerbside to indicate where vehicle parking should start and end in the vicinity of driveways. The Inspection Committee do not support angle parking due to the number of requests to LTC in the past in relation to sight lines when exiting driveways, and the number of available off street parking spaces at each of the businesses on Lemon Tree Passage Road.

Consideration could be given to the installation of an on road cycle lane, providing the width is available past the kerb blister at the Coles driveway. Any cycle lane should be painted green across the conflict point near the intersection of President Wilson Walk.

It was also observed that the noses of the medians and pedestrian refuges could be painted to increase their visibility.

Legislation, Standards, Guidelines and Delegation:

RMS Delineation Manual

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Discussion:

Cr Tucker raised the issue of bus stops on Lemon Tree Passage Road and whether the bus route could be changed to allow drop-off and pick-up outside Coles. The Hunter Valley Buses representative advised that the proposed route alteration would result in

additional kilometres travelled which would require additional State Government funding, which is not currently available.

Committee's recommendation:

Install E1 edge line on Lemon Tree Passage Road creating a 3.4 metre lane width with a 1.4m cycle lane.

Install Left Turn lane at President Wilson Walk.

Mark parking bays, including perpendicular lines at driveways, as shown on the attached sketch, Annexure A.

CRM 252702-2019

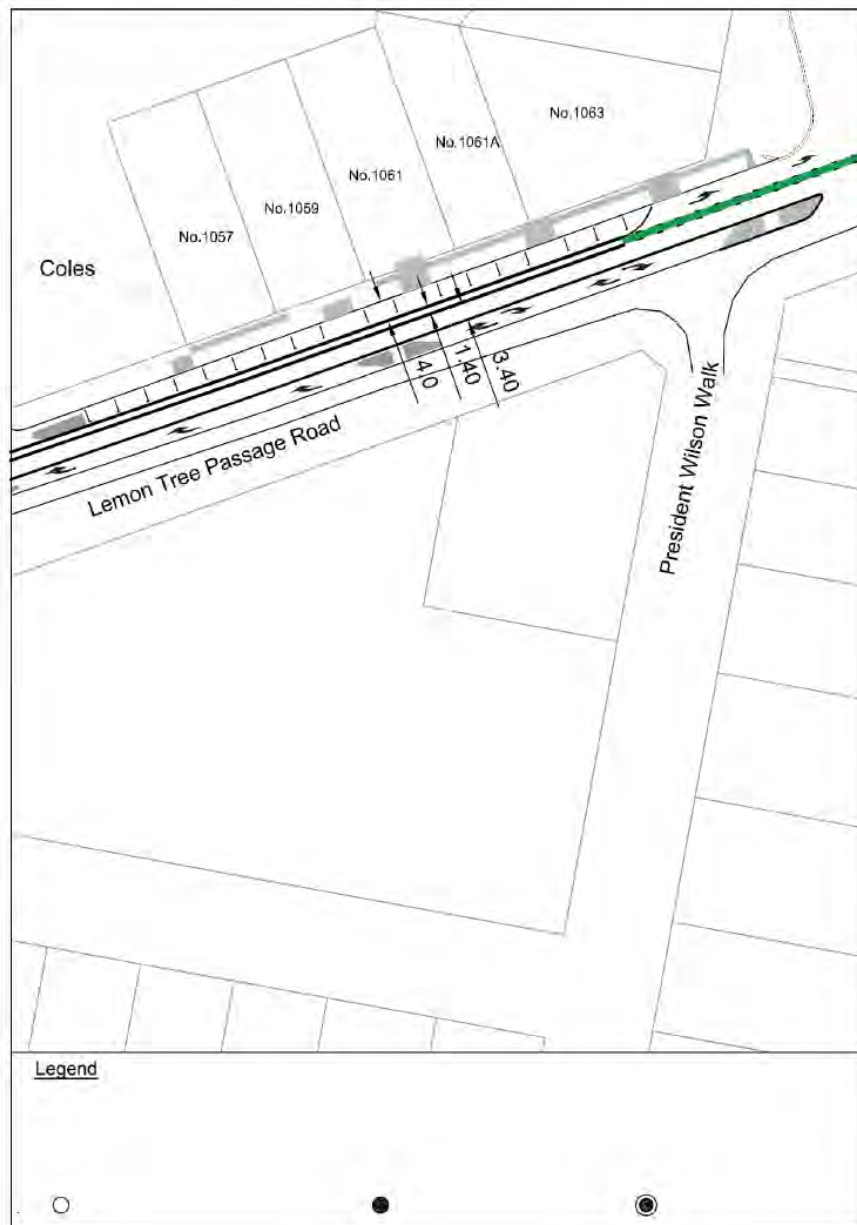
Support for the recommendation:

| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 07_02/19
Street: Lemon Tree Passage Road Page 1 of 1

ANNEXURE A



Item: 08_02/19

Rigney Street, Shoal Bay – Safety Measures

Requested by: Cr Giacomo Arnott

File:

Background:

Shoal Bay - school crossing signage / other safety measures for Rigney Street crossing.

Comment:

Local Traffic Inspection Committee noted that all signage is in place and in good condition in accordance with Standards.
Further information is required.

Legislation, Standards, Guidelines and Delegation:

Australian Standard AS1742.10 – Pedestrian Control and Protection
Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Discussion:

Committee members noted that Rigney Street is the main entrance to the school and should already have flashing lights installed.

Committee's recommendation:

RMS will investigate if there is any additional, flashing, school zone signage required and make the necessary arrangements if any deficiencies are detected.

Support for the recommendation:

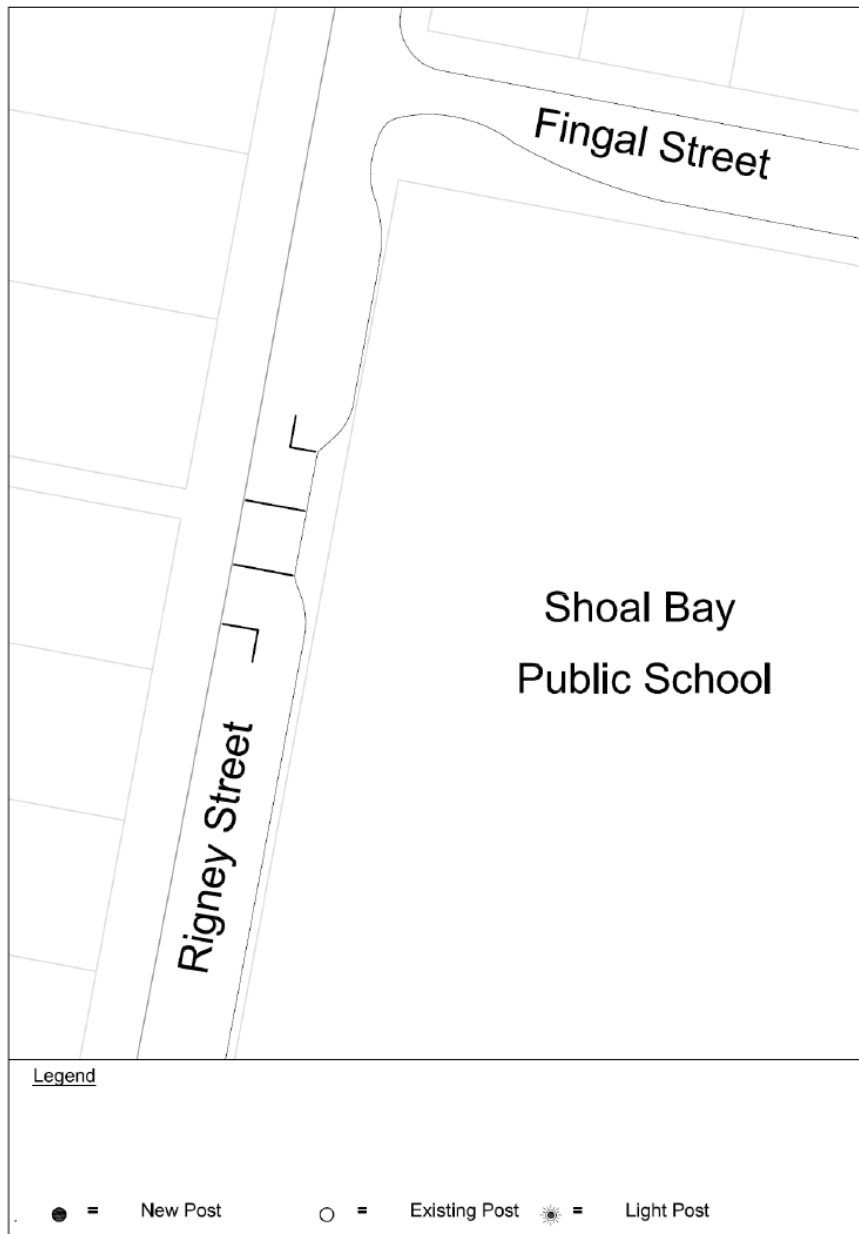
| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 08_02/19
Street: Rigney Street

ANNEXURE A
Page 1 of 1



Item: 09_02/19

Bagnall Beach Road, Salamander Bay – Request for linemarking for left hand turn

Requested by: A resident

File: 247331

Background:

Could Council please review the signage and street markings on Bagnalls Beach Road (heading north between Town Centre Circuit and Sandy Point Road) As a local resident, we see all to often cars that are supposed to turn left from Bagnalls Beach road onto Sandy Point Road, continue along straight ahead and almost collide with cars in the right hand lane that are actually allowed to travel straight ahead, There needs to be signs stating "left hand lane must turn left" and better road arrows pointing left and an un-broken line in the centre of both lanes towards the roundabout.

Comment:

Inspection Committee noted that the left turn arrows need refreshing, and the lane for vehicles continuing straight would benefit from the installation of straight arrows. A 'Left Lane Must Turn Left' (R2-9) sign should be installed prior to the intersection.

Legislation, Standards, Guidelines and Delegation:

NSW Road Rules – Rule 88 – Left turn signs

RMS signs database – R2-9

Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Discussion:

Cr Arnott noted that the northern approach to the roundabout should also be assessed as to the adequacy of the signs and pavement marking.

Committee's recommendation:

Install R2-9 'Left Lane must turn Left' sign on Bagnall Beach Road, Salamander Bay prior to the intersection of Sandy Point Road.

Refresh Left Turn arrows on Bagnall Beach Road, Salamander Bay prior to the intersection of Sandy Point Road.

Refresh Right turn/Through arrows on Bagnall Beach Road, Salamander Bay on both approaches to the intersection of Sandy Point Road/Keel Street, as shown on the attached sketch, Annexure A.

CRM 252703-2019 – Sign

CRM 252704-2019 – Linemarking

Support for the recommendation:

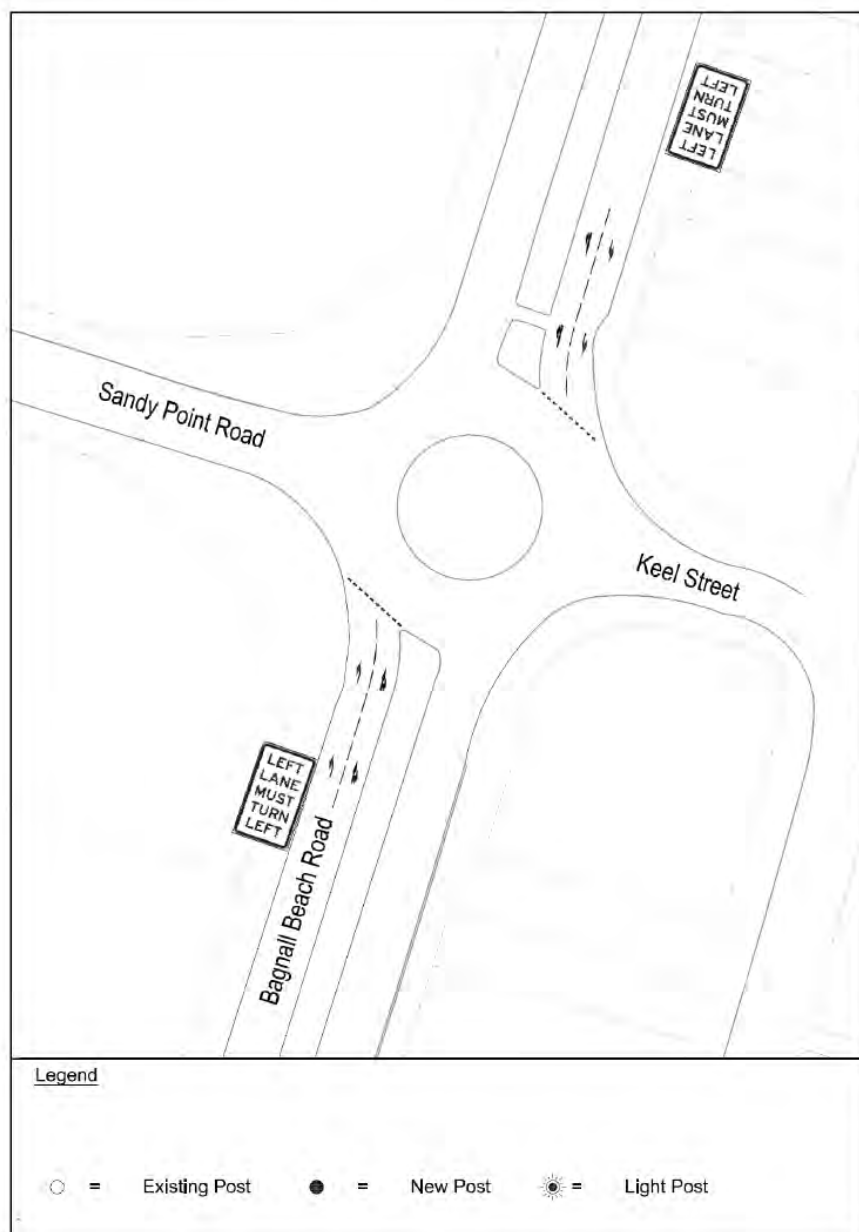
| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 09_02/19
Street: Bagnall Beach Road

ANNEXURE A
Page 1 of 1



Item: 10_02/19

Gowrie Avenue, Nelson Bay– Request for improvements to pedestrian safety

Requested by: A resident

File: 19/200 & 19/186

Background:

I would like to report both driver behaviour and design issues with two intersections that could benefit from review by the LTC. The two cross points are Beach Road Little Beach and the connecting footpath exit to Gowrie St approaching central park.

The first issue is a matter of enforcement and patrol at the Gowrie street path exit (for pedestrians on foot/bike and stroller coming from Central Park en route to Little Beach) which could then be followed up with review of design

1. that the same utility truck has been parked across the pedestrian access point on Gowrie avenue for three days and is materially impacting on the safety of families and children trying to cross the road to continue their journey on bikes and on foot using the footpath to Little Beach.

I am a mother pushing a stroller with a 1 year old whilst attempting to help my four year old and seven year old cross the road safely dismounted from their bikes. The footpath does not extend further than this so we must traverse the sandy verge to cross at a residents driveway which is also closer to the next cross street making it hard to judge for parents and children as to when is a safe moment to cross as they must anticipate more complex driver behaviour and note blinkers etc

Please do all you can to ensure the owner is fined to deter them parking illegally.

2. I have requested council log/register my official complaint about the pedestrian access intersection dangers in general of the Gowrie street cross point to you as representatives of the local traffic committee as there are several design improvements possible including changing the ramp curb to directly opposite the exit from the path coming from Central Park to avoid pedestrians walking diagonally (a significantly greater distance) or extending the footpath to the left so as to align the crossing point with the continuing path to Little Beach; removing a car parking space(s) either side of the crossing point to improve visibility of children stepping out to cross, this measure backed up by no stopping changes and signage, child pedestrians warning signs for motorists on the approach or at least seasonal signs. 'Look out before you cross' and 'hold my hand' campaign signage.

3. Further improvements at the Little Beach. Beach road crossing point could also be achieved by patrolling the illegal parking occurring in the no stopping zone at the pedestrian cross point; increasing the no stopping zone to both sides of the road and in length and as part of that thereby removing the car parking spaces directly next to the cross point.

4. Given the number of pedestrians to car movements in summer holidays, I request your traffic committee undertake an official count at peak holiday period to check if the warrants could be met for a much needed official zebra crossing. Motorist behaviour is erratic. Some do not understand they have right of way and wave children in without first considering the approaching cars in the opposite direction may not also stop.

My family visits Nelson Bay every December/January and have done so for more than a decade. We appreciate council's efforts to keep our children safe. As a visiting Councillor and chair of a Local Traffic Committee myself I appreciate the timeline involved to process this through your committees/RMS and conduct counts for warrants but I consider this an important step.

Comment:

The Local Traffic Inspection Committee noted that Council is preparing a High Pedestrian Activity Area (HPAA) proposal for RMS consideration. Speed and volume data has been collected in addition to a number of pedestrian/vehicle counts in the vicinity of Little Beach.
The HPAA now requires a number of concepts and costings before any proposals can be endorsed by RMS.

The proposed changes to the pathway connections on Gowrie Avenue are supported and the request will be forwarded to Councils Civil Assets Planning Manager.

Legislation, Standards, Guidelines and Delegation:

RMS – 40km/h High Pedestrian Activity Area Guidelines
Traffic control devices installed under Part 5.3 Div. 2 Road Transport Act 2013

Committee's recommendation:

That Council Officers develop and submit a proposal to RMS, for funding for the installation of a 40km/h High Pedestrian Activity Area for the Fly Point and Little Beach areas. The proposal would be brought to the LTC in draft form for review/comment prior to submission to RMS.

Support for the recommendation:

| | | |
|---|-------------------|---|
| 1 | Unanimous | ✓ |
| 2 | Majority | |
| 3 | Split Vote | |
| 4 | Minority Support | |
| 5 | Unanimous decline | |

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 10_02/19
Street: Gowrie Avenue

ANNEXURE A
Page 1 of 1



B. Informal Items

Item: 501_02/19

Cabbage Tree Road, Williamtown – Request for an urgent safety review

Requested by: Cr Arnott

File:

Background:

Cr Arnott has asked RMS to conduct an urgent safety assessment of Tomago Road / Cabbage Tree Road, in light of multiple fatalities and other serious crashes along this stretch of road just in the last few months.

Discussion:

RMS advised that a speed zone assessment is currently being undertaken, for the full length of the 90km/h section of Tomago and Cabbage Tree Roads. This will be completed by the end of February.

RMS is also investigating installation of driveway warning signs, along a specific length of Cabbage Tree Road near No.365, in response to a request from the State Member for Port Stephens. The request for a speed zone review was also made as part of the same representations from the State Member.

C. General Business

Item: 601_02/19

Ferodale Road, Medowie – Request to review design plan for bus layby

Requested by: PSC

File:

Background:

A condition of consent for the Medowie Sports Club requires Local Traffic Committee review of signage and linemarking plans with regard to a proposed bus layby on Ferodale Road.

Discussion:

HVB representative noted that the dimensions of the bus layby appear to be adequate. Future consideration will be needed to provide a safe crossing treatment for pedestrians.

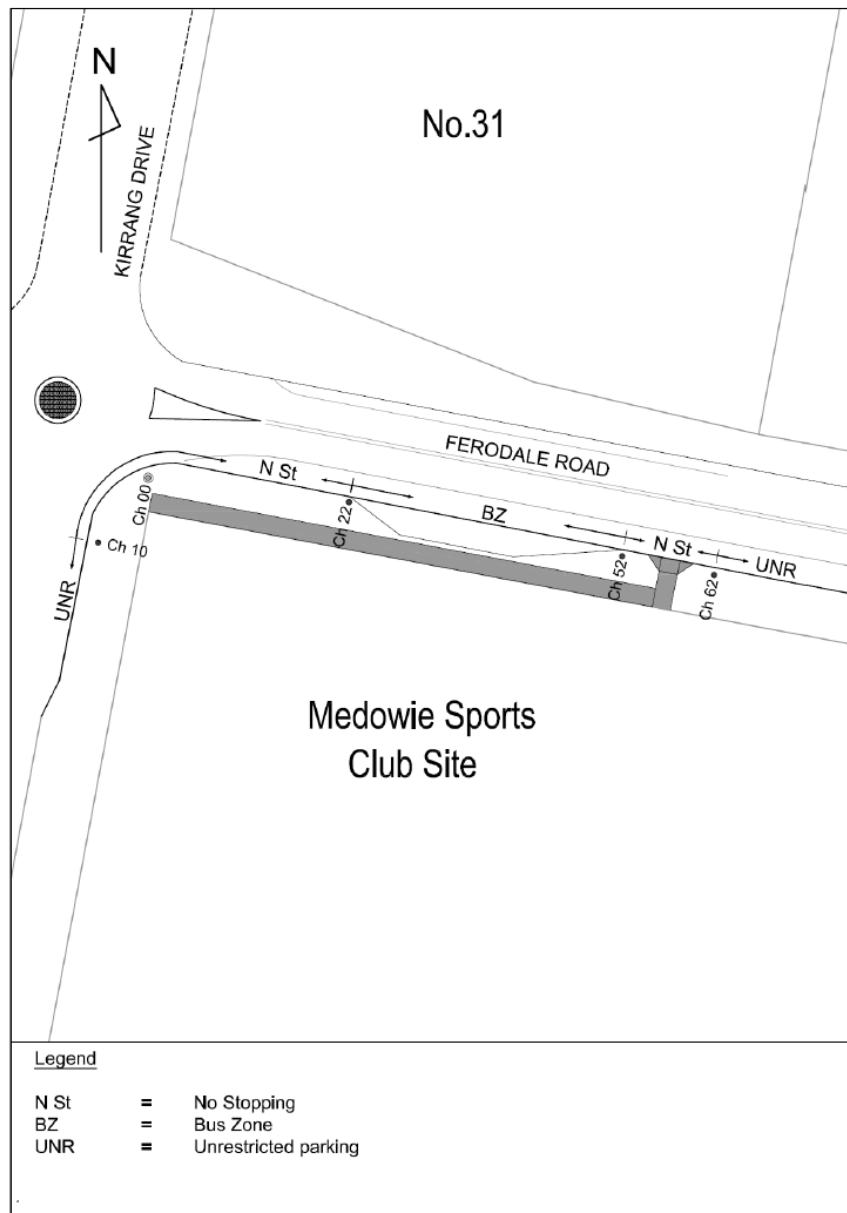
This item will be formally presented at the next LTC meeting.

MINUTES ORDINARY COUNCIL - 11 AUGUST 2020

PORT STEPHENS TRAFFIC COMMITTEE
Tuesday 5 February 2019

ITEM NO. 601_02/19
Street: Ferodale Road

ANNEXURE A
Page 1 of 1



Item: 602_02/19

Adelaide Street, Heatherbrae – Request for a review of traffic changes at the Pacific Highway roundabout

Requested by: Cr Arnott

Background:

The lane configuration of the Pacific Highway/Adelaide Street roundabout was changed last year so that southbound traffic from Adelaide Street is only able to turn right from the centre lane. Cr Arnott raised concerns that the changes are now impacting on safety for students travelling to Hunter River High School, as traffic now regularly queues back through the Speedy Lock Lane roundabout.

Busways and Hunter Valley Buses representatives also raised concerns about ongoing impacts on bus operations from the new lane configurations.

Discussion:

The RMS representative advised that there are currently no plans to reverse the changes lane configuration. The changes were implemented to overcome the number of crashes that were occurring between vehicles turning right from Adelaide Street, from the right lane, and traffic turning right from the highway onto Masonite Road. RMS is also investigating if further safety improvements can be made.

Item: 603_02/19

Roads, Port Stephens – Traffic requests

Requested by: Cr Arnott

Background:

Cr Arnott raised a number of traffic issues as below:

- Richardson Road/Benjamin Lee Drive intersection – Concern regarding safety at this intersection – LTC members advised that they are not aware of recent crash history at this intersection but that further investigation would be undertaken. RMS also indicated that a check of the crash history would be done and the results provided to Council.
- Tarean Road Karuah – Complaint regarding the number of heavy vehicles speeding through the town – Council officers advised that traffic count data would be collected and reported back to LTC in due course.
- Seaham Road roundabout – Concern regarding heavy vehicles negotiating the roundabout – LTC members advise that this roundabout was designed and constructed to cater for all required vehicle sizes. Bus operators advise that they are very happy with the operation of the roundabout and that it is a vast improvement on the previous intersection at this location.

- Port Stephens Drive, Salamander Bay – Speeding complaint adjacent to Kanimbla Drive – Police have been requested to provide speed enforcement.

Meeting closed – 10.46am

There being no further business the meeting closed at 8.03pm.