

ATTACHMENTS UNDER SEPARATE COVER

ORDINARY COUNCIL MEETING
25 AUGUST 2020



PORT STEPHENS
C O U N C I L

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

Rezoning of Lot 1 DP 1191203
610 Seaham Road, Nelsons



Plains

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

Council: 58-2018-26-1
Department: To be provided at Gateway Determination.

SUMMARY

Subject land: Lot 1 DP 1191203 (610 Seaham Road)
Nelsons Plains

Proponent: Portree Park Pty Ltd (c/o Perception
Planning)

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

- Rezone the subject land from RU1
Primary Production to R5 Large Lot
Residential
- Reduce the minimum lot size provisions
for the subject land from 40 hectares to
8,000m².

Area of land: 38.9 hectares

Lot yield: Approximately 38 lots

SUBJECT LAND

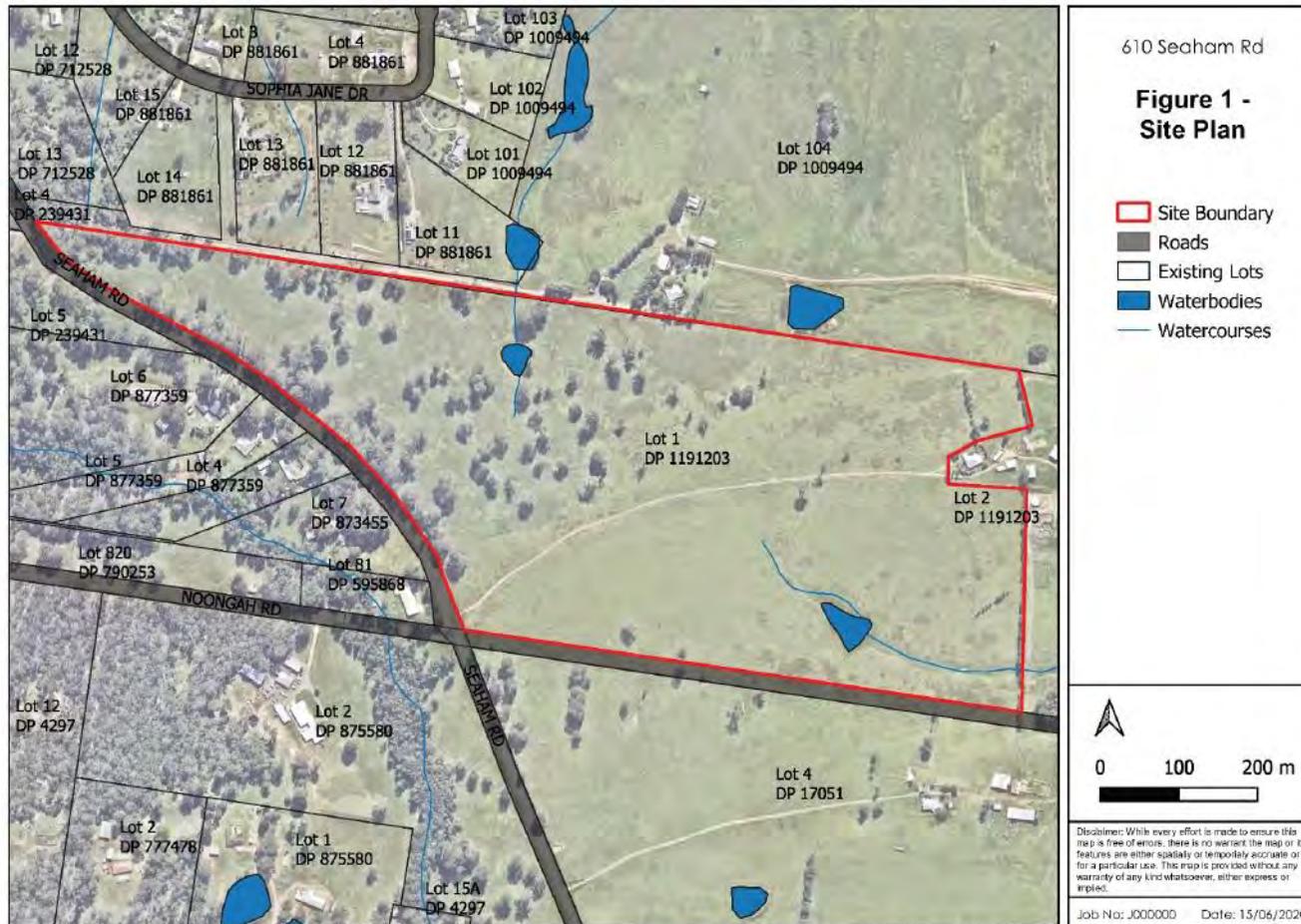
The subject land (see Figure 1) has a total area of 38.9 hectares and has direct frontage and access to Seaham Road, the main arterial road connecting Seaham and Raymond Terrace. The subject land is approximately 8 minutes' drive north-west of Raymond Terrace and 20 minutes' drive north-east of Maitland.

Surrounding uses include a mix of rural residential allotments and larger agricultural allotments used for grazing and poultry farms west and south of the land. The subject land was historically used for cattle grazing however is currently vacant.

It has a gentle fall east towards the Williams River and contains scattered vegetation along its western frontage with Seaham Road. Two manufactured dams are in the centre and in the south-east of the property and originate from two separate first order watercourses crossing the northern and eastern lot boundaries. An unformed road reserve extends along the southern boundary from Seaham Road to the Williams River.

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FIGURE 1 610 Seaham Road, Nelsons Plains (land subject of the planning proposal shown in red)



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PART 1 – Intended outcome

The intended outcome of the planning proposal is enable rural residential subdivision and housing at 610 Seaham Road, Nelsons Plains (Lot 1, DP 1191203). An estimated 38 dwellings will be created as a result of the planning proposal.

PART 2 – Explanation of provisions

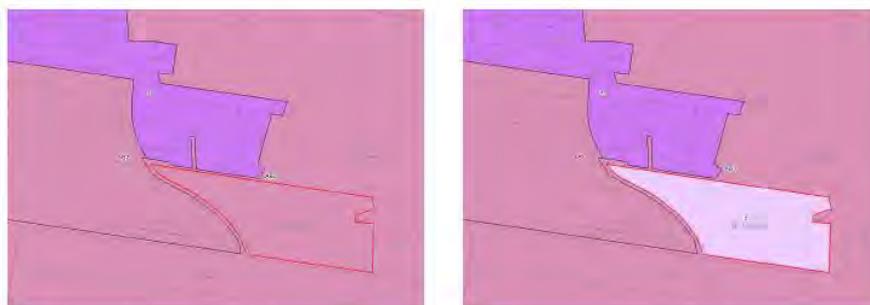
The intended outcome can be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013 (LEP):

- Amend Land Zoning Map Sheet LZN_001 for Lot 1 DP, 1191203 from Zone RU1 Primary Production to R5 Large Lot Residential (see Figure 2); and
- Amend Lot Size Map Sheet LSZ_001 for Lot 1 DP, 1191203 from 40 hectares (AB3) to 8,000sqm (X) (see Figure 3).

Figure 2 Existing and proposed land zoning map



Figure 3 Existing and proposed lot size map



PART 3 – Justification

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Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal is the result several strategic planning documents. The Port Stephens Local Strategic Planning Statement (LSPS) includes 'Planning Priority 9 – Protect and preserve productive agricultural land'. Action 9.1 implements the Planning Priority:

Prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land

The Port Stephens Local Housing Strategy (Live Port Stephens) includes Rural Residential Criteria. The planning proposal is consistent with the criteria as provided in response to Question 4.

Q2. Is the planning proposal the best means of achieving the intended outcome or is there a better way?

Yes. Amending the land zoning and minimum lot size maps within the LEP is the best means of enabling rural residential subdivision and housing at 610 Seaham Road, Nelsons Plains (Lot 1, DP 1191203). The following alternative approaches were considered:

- **Alternative option 1:** Not rezoning the subject land

The intended outcome cannot be achieved by maintaining the existing RU1 Primary Production zone and 40ha minimum lot size.

- **Alternative option 2:** Schedule 1 – Additional permitted uses

An additional permitted use to facilitate rezoning and subdivision is not preferred as per the NSW Government's guidance that Schedule 1 should be used in exceptional circumstances.

Section B – Relationship to strategic planning framework

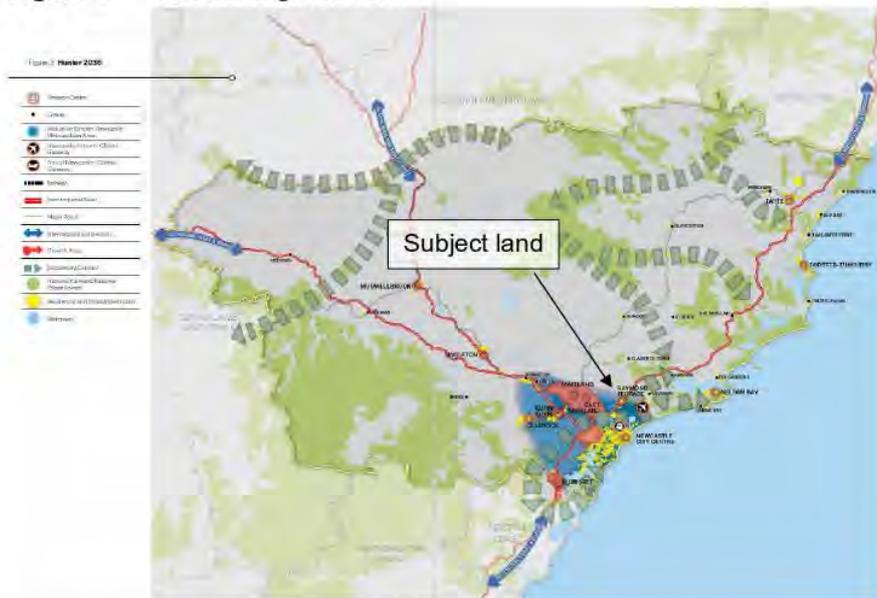
Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan?

Hunter Regional Plan 2036

Yes. The planning will give effect to the objectives of the Hunter Regional Plan 2036 (HRP) vision to provide greater housing choice (see Figure 4). It aligns with Goal 4 of the HRP and Direction 22 to promote housing diversity. The planning proposal supports these outcomes by encouraging rural residential housing in proximity to an established rural residential area and within 10 minutes of a strategic centre at Raymond Terrace.

The HRP does not directly address Nelsons Plains but does identify the adjacent suburb of Seaham as a centre of local significance. The HRP identifies a regional priority for Port Stephens to “leverage proximity to major global gateways – and its attractive and valuable natural environment and coastal and rural communities – to generate economic growth and diversity”.

Figure 4 Hunter Regional Plan



Action 22.5 of the HRP requires councils to include guidance in local land use strategies for expanding rural villages and rural residential development. Council has adopted Rural Residential Criteria as part of Live Port Stephens and the planning proposal is consistent with the criteria as provided in response to Question 4.

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The HRP provides the following objectives for rural residential development and a response relevant to the planning proposal is provided:

Objective	Response
<p>1. Not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values.</p>	<p>Consistent.</p> <p>Existing rural residential development is located to the north, south and west of the subject land. The subject land is not strategic agricultural land nor identified as containing significant energy, mineral or extractive resource viability or biodiversity values. An odour assessment has been prepared in support of the planning proposal and recommends mitigation measures to minimise potential impacts on existing poultry farms operating in proximity to the subject land. Further consideration of potential land use conflict is provided in response to Question 8 of this planning proposal.</p>
<p>2. Not impact on drinking water catchments.</p>	<p>Consistent.</p> <p>The subject land is not located in a drinking water catchment.</p>
<p>3. Not result in greater natural hazard risk.</p>	<p>Consistent.</p> <p>The subject land is not flood prone land (with the exception of minimal land mapped within the probable maximum flood), however it does become isolated during major flooding events. A Flood Free Access Report has been prepared in support of the planning proposal, which identifies sufficient flood free ground available, and if residents do not choose to stay then adequate warning time exists to permit evacuation prior to the subject land becoming isolated.</p> <p>The subject land is bushfire prone and a Preliminary Bush Fire Assessment has been prepared in support of the planning proposal. An indicative subdivision plan demonstrates that the proposed lot sizes allow sufficient distance for asset protection zones. It is recommended that an updated report be prepared should the planning proposal receive a Gateway determination to proceed to reflect the Planning for Bushfire Protection 2019.</p>

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Objective	Response
4. Occur on land that is unlikely to be needed for urban development.	Consistent. The subject land is not identified for more intensive urban development in the LSPS or Live Port Stephens. The land is within 800m of an existing R5 zone and therefore considered suitable for rural residential development. Given the land is not currently nor planned to be serviced by reticulated sewer, the land is unlikely to be needed for urban development.
5. Contribute to the conservation of important biodiversity values or the establishment of important corridor linkages.	Consistent. The proposed lot size will allow for the retention of existing trees and conservation of the subject land's biodiversity values. The subject land is not part of any regionally significant biodiversity corridors. A Biodiversity Development Assessment Report (BDAR) will be prepared should the planning proposal receive a Gateway to proceed. Further detail on environmental values are provided in response to Question 7 of this planning proposal.
6. Facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.	Consistent. The proposal does not seek to facilitate the expansion of existing or new tourism development. Rather, it seeks to contribute to housing diversity.

The planning proposal is consistent with the HRP objective of providing housing opportunities near essential services and in an area with sufficient infrastructure already in place.

Greater Newcastle Metropolitan Plan 2036

Yes. The planning proposal will give effect to the vision of the Greater Newcastle Metropolitan Plan 2036 (GNMP) for Australia's newest and emerging economic and lifestyle city offering great lifestyles minutes from bushland and the airport (see Figure 5).

The planning proposal will give effect to:

- Strategy 18 – Deliver well-planned rural residential housing areas

Figure 5 Greater Newcastle Metropolitan Plan



In relation to rural residential housing, the Plan states that 'Greater Newcastle councils will enable rural residential housing when the need is demonstrated through a local planning strategy endorsed by the Department of Planning and Environmental, and it is in locations where criteria are met.

Action 18.1 of the GNMP requires Councils to enable rural residential housing when the need is demonstrated through local housing strategies. Council has demonstrated the need for rural residential housing in Live Port Stephens adopted Rural Residential Criteria to guide proposals. The planning proposal is consistent with the criteria as provided in response to Question 4.

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The GNMP provides the following objectives for rural residential development and a response relevant to the planning proposal is provided:

Objective	Response
1. The land is unlikely to be required for more intensive urban purposes in the future due to physical constraints such as slope, environmental characteristics, or natural hazards.	Consistent. The land is not identified for more intensive urban development in the LSPS or Live Port Stephens. Given the land is not currently, nor planned to be, serviced by reticulated sewer, the land is unlikely to be needed for urban development. The characteristics of the land and surrounding locality are consistent with rural residential development. The proposal will enable the extension of rural residential development to the subject land.
2. Less intensive development will result in better management of the land.	Consistent. Odour and ecological assessments prepared in support of the planning demonstrate that more intensive urban development is unlikely to result in better management of the land and potential environmental impacts. It is considered that rural residential housing on 8,000m ² is an appropriate scale of development that will complement existing land uses and respond to the relevant characteristics of the subject land and its surrounds.
3. The delivery of infrastructure required to service the development is physically and economically feasible.	Consistent. The subject land is serviced by electricity and telecommunications infrastructure that shall be extended upon subdivision of the subject land. Consultation will be undertaken with Hunter Water Corporation (HWC) should the planning proposal receive a Gateway determination to proceed to confirm the capacity of existing water infrastructure. Connection to a reticulated sewer system is not available and unlikely to be economically feasible however this will be confirmed during consultation with HWC post-Gateway.

The planning proposal is consistent with the GNMP by delivering well-planned rural residential housing areas close to jobs and services.

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

Port Stephens Local Strategic Planning Statement

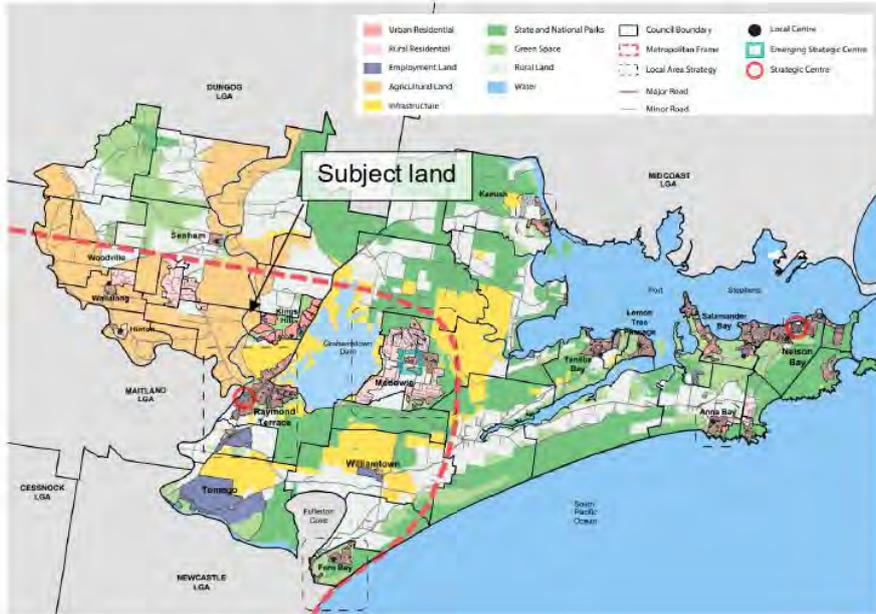
Yes. The planning proposal will give effect to ‘Planning Priority 9 – Protect and preserve productive agricultural land’ and Action 9.1 to:

Prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land

The Port Stephens Local Housing Strategy (Live Port Stephens) includes Rural Residential Criteria. The planning proposal is consistent with the criteria and further detail is provided in response to Live Port Stephens below.

The planning proposal is also consistent with ‘Planning Priority 4 – Ensure suitable land supply’ and ‘Priority 5 – Increase diversity of housing choice’. The proposal will increase the supply of land for residential housing and provide housing that is different to that of locations such as Kings Hill and Raymond Terrace because it will be located on larger lots that have a minimum lot size of 8,000sqm.

Figure 6 Port Stephens Local Strategic Planning Statement



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Port Stephens Local Housing Strategy (Live Port Stephens)

Yes. The planning proposal will give effect to Live Port Stephens. Live Port Stephens provides criteria that outlines the key requirements and constraints that require consideration in preparing rezoning requests for rural residential housing.

The following table lists those criteria and provides an appropriate response for the proposal:

Criteria Summary	Response
Locational Criteria	
1. Zoned RU1, RU2, E3 or E4.	Consistent. The subject land is zoned RU1 Primary Production.
2. Located at least 800m from RU5, R1 and R2 zones.	Consistent. The subject land is not within 800m of existing RU5 Rural Village, R1 General Residential or R2 Low Density Residential zoned land.
3. Within 800m of R5 zone.	Consistent. Almost the entire land holding is 800m from existing land zoned R5 Large Lot Residential.
Exclusionary Criteria	
4. Areas identified for potential urban housing.	Consistent. The subject land is not identified for urban housing.
5. Land within a 2km from existing or planned major employment areas.	Consistent. The subject land is not within 2km of an existing or planned major employment area.
6. Slopes greater than 18 degrees.	Consistent. The subject land slope is not greater than 18.
7. Class 1 and 2 acid sulphate soils.	Consistent. The subject land is not mapped as Class 1 or 2 soils.
8. Land within the Flood Planning Area.	Consistent.

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Criteria Summary	Response
	The subject land is not mapped as Flood Planning Area.
9. High biodiversity value land.	Consistent. The subject land is not mapped as having high biodiversity value.
10. Noise exposure areas within an ANEF 25 or greater.	Consistent. The subject land is not located in the noise exposure area with an ANEF 25 or greater.
11. Land identified as Important Agricultural Land.	Consistent. The subject land is not mapped as Biophysical Strategic Agricultural Land (BSAL).
12. Land within 500m of extractive industries, quarrying or mining.	Consistent. The subject land is not located within 500m of known extractive industries, quarrying or mining.
13. Land identified as having known mineral resource potential.	Consistent. The subject land is not identified by the State Government as having known mineral resource potential.
Management Criteria	
14. Flooding – Land that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.	Consistent. The Flood Free Access Report states that 'the Williams River catchment is substantially large with an associated long response time and therefore adequate warning time exists to permit evacuation prior to the subject land being cut off'. The exact warning time and mechanism to provide that warning can be managed through an appropriate management plan that accompanies the DA. Signage in the estate would be the best mechanism to provide notification.
15. Bushfire – Land identified as bush fire prone land must demonstrate consistency with Planning for Bush Fire Protection 2019.	Consistent. The planning proposal identifies that an updated Bushfire Assessment Report is to be provided should the planning proposal receive a Gateway determination to proceed. Bushfire is a low risk

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Criteria Summary	Response
	that can be managed given the lack of recorded fire history in the locality.
16. Environmentally Sensitive Land – Land in coastal management areas must be justified by a study or strategy to demonstrate consistency with the SEPP.	Consistent. The subject land is not identified as a coastal management area.
17. Environmentally Sensitive Land – Land that includes koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats must submit a Preliminary Ecological Assessment.	Consistent. An Ecological Assessment has been prepared and recommends further investigations be carried out should the planning proposal receive a Gateway determination to proceed. Further consideration of environmentally sensitive land is provided in response to Question 7 of this planning proposal.
18. Environmentally Sensitive Land – Demonstrate how the proposal will contribute to the conservation of important biodiversity values or the establishment of important biodiversity linkages.	Consistent. An Ecological Assessment has identified trees to be retained, which will contribute to the conservation of important biodiversity. Further investigations will be undertaken should the planning proposal receive Gateway determination to proceed. Further consideration of environmentally sensitive land is provided in response to Question 7 of this planning proposal.
19. Aboriginal Cultural Heritage – An initial assessment of the likelihood of Aboriginal cultural heritage values.	Consistent. An Aboriginal Heritage Assessment has been undertaken which identifies the need for a site inspection post Gateway. Further consideration of aboriginal cultural heritage is provided in response to Ministerial Direction 2.3.

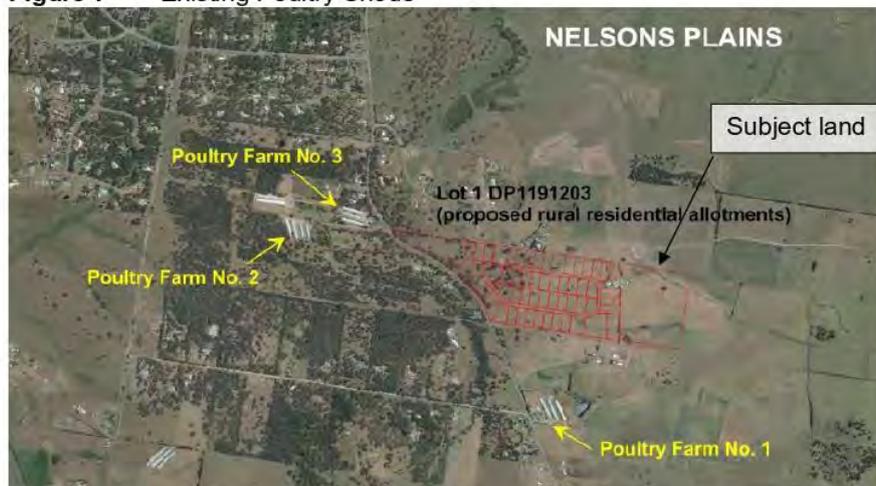
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Criteria Summary	Response
<p>20. Drinking Water Catchment – Must be able to be connected to reticulated sewer or able to demonstrate a neutral or beneficial effect (NorBE) on water quality.</p>	<p>Consistent.</p> <p>The subject land is not located in a Drinking Water Catchment.</p>
<p>21. Rural Land Resources – Land within 1km from existing agricultural industries (e.g. poultry farms, aquaculture) measured from property boundary to property boundary are requirement to provide expert reports (e.g. noise, odour, visual amenity and biosecurity risks etc.) to establish appropriate setbacks.</p>	<p>Consistent.</p> <p>An Odour Assessment Report, Peer Review and Community Questionnaire has been provided identifying minimal odour impacts on the subject land from surrounding poultry sheds (see Figure 7). The Odour Assessment Report identifies that odour due to poultry farms has not historically been an issue for the area and it recommends building envelopes on the closest lots to ensure future dwellings can achieve the predicted EPA odour assessment criteria. Further consideration of potential odour impacts is provided in response to Question 8 of this planning proposal.</p>
<p>22. Scenic Amenity – Land within high or very high landscape area must submit a visual impact assessment.</p>	<p>Consistent.</p> <p>The land is identified by the Rural Lands Study as being within the River Estuary area (see Figure 10) characterised by the floodplains of the Paterson and Williams River offering distant views of pasture and wetlands. Given the proximity of existing rural residential areas and the consistency of the proposal with adjoining land, it is not considered that the proposal will detract from the scenic values identified.</p>
<p>23. Scenic Amenity – Identify an appropriate buffer zone between</p>	<p>Consistent.</p>

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Criteria Summary	Response
housing and existing road corridors.	The Indicative Subdivision Layout (Figure 12) proposes the retention of existing trees along Seaham Road, which will provide a buffer.
24. Infrastructure and Services – Demonstrate the land will be accessed via a sealed road.	Consistent. Seaham Road is a sealed road.
25. Infrastructure and Services – Demonstrate the land will not result in the creation of direct access to a State Road.	Consistent. Seaham Road is not a State Road.
26. Infrastructure and Services – Demonstrate the land will not create additional demand for unplanned State infrastructure upgrades.	Consistent. The proposal is not likely to result in the need for State infrastructure upgrades.
27. Infrastructure and Services – Demonstrate the land will be connected to reticulated power supply.	Consistent. The subject land is connected to a reticulated power supply.
28. Infrastructure and Services – Demonstrate that the land is able to dispose of onsite sewage.	Consistent. The proposal will provide a Wastewater Management Report post Gateway. A preliminary geotechnical assessment report has already been provided and significant area exists given that only 4,000sqm is required for onsite effluent disposal.

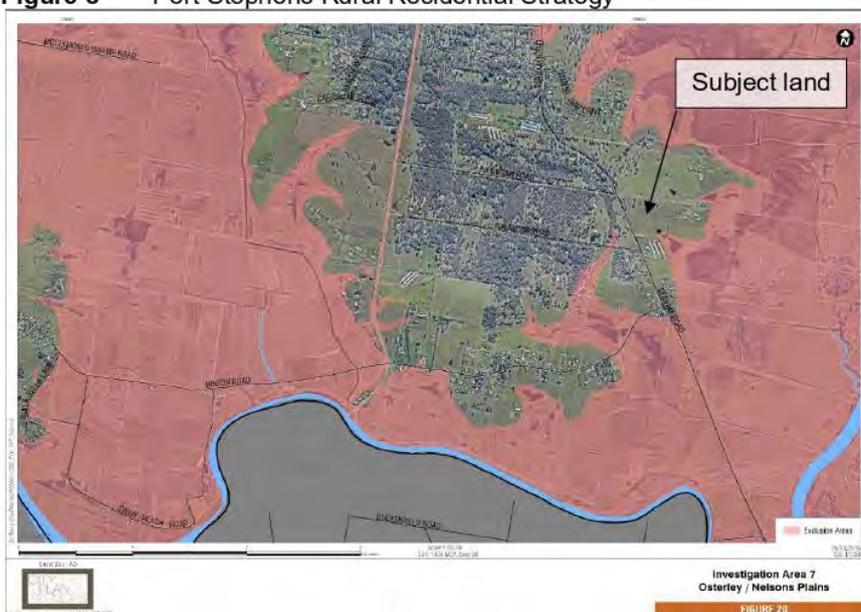
Figure 7 Existing Poultry Sheds



Port Stephens Rural Residential Strategy

The rural residential criteria requires proposals to address the Port Stephens Rural Residential Strategy (2015) including any matters for investigation that have been identified relevant to the proposed land. The subject land is within Investigation Area 7 – Osterley/Nelsons Plains of the Port Stephens Rural Residential Strategy (RRS) (see Figure 8).

Figure 8 Port Stephens Rural Residential Strategy



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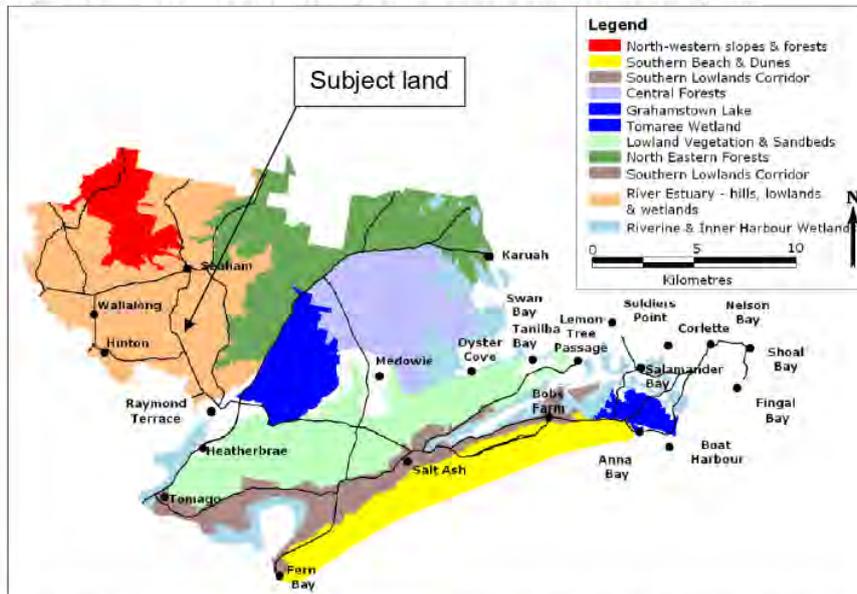
The following relevant matters are identified within the RRS as requiring investigation:

Matter for Investigation	Response
1. Estimated potential yield: 25 Rural living lots, with a 1ha minimum lot size. A mix of lot sizes, including some lots smaller than 2ha, may be appropriate in keeping with the character of the Brandy Hill area.	An estimated yield of 25 rural living lots at 1ha in size has been based on a desktop analysis. Investigations to support the subject planning proposal, including an odour assessment, have provided a detailed analysis of the suitability of the subject land for rural residential purposes. It is considered that the proposed lot size of 8,000m ² is appropriate given the mitigation of potential odour impacts and avoidance of environmentally sensitive and flood prone land and proximity to Raymond Terrace.
2. Timing: Short - medium term	The RRS was prepared in 2015 and identified short-term investigation areas as likely to be investigated for development within 5 years. The proposal is considered to align with this timing.
3. Southern and western edge adjoins areas of significant agricultural potential therefore maintain the size of agricultural holdings and ensure that there are suitable buffers between intensive agriculture (including existing cluster of poultry sheds to the north) and dwellings.	The RRS identifies the need to exclude lots greater than 80ha for agricultural or biodiversity purposes. The subject land is less than 40ha. The subject land is within proximity to several poultry sheds. An Odour Assessment has been provided and determined that an acceptable outcome can be achieved for future allotments by preserving building envelopes.
4. Isolated by flooding, so there needs to be provision for flood evacuation to nearest centre (Maitland/ Raymond Terrace) and stock refuge areas.	The Flood Free Access Report states that 'the Williams River catchment is substantially large with an associated long response time and therefore adequate warning time exists to permit evacuation prior to the site being cut off'. The exact warning time and mechanism to provide that warning can be managed through an appropriate management plan that accompanies the DA. Signage in the estate and within future dwellings would be the

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Matter for Investigation	Response
	best mechanism to provide this education.
5. Mostly cleared land, but there are some areas of environmental sensitivity including some native vegetation and wetlands, and potential acid sulfate soils to be avoided.	The planning proposal is supported by a preliminary ecological assessment. The assessment found a variety of ecological attributes on the subject land and recommended further assessment should the planning proposal receive a Gateway to proceed. Further detail is provided in response to question 7 of this planning proposal.
6. Visually sensitive landscape and high landscape values based on river estuary and agricultural settings.	The land is identified by the Rural Lands Study as being within the River Estuary area (see Figure 9) characterised by the floodplains of the Paterson and Williams Rivers offering distant views of pasture and wetlands. Given the proximity of existing rural residential areas and the consistency of the proposal with adjoining land, it is not considered that the proposal will detract from the scenic values identified.

Figure 9 Rural Lands Study Rural Landscape Character Types



No other local area plans or strategies exist for the Nelson Plains/Seaham locality.

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Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

An assessment of relevant State Environmental Planning Policies against the planning proposal is provided in the table below.

Table 1 Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
<p>SEPP 55 – Remediation of Land This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</p>	<p>SEPP 55 requires that consideration be given to whether the land is contaminated as part of a planning proposal. The planning proposal applies to land on which development for agricultural activities is known to have been carried out and is therefore potentially contaminated. A preliminary investigation in accordance with the contaminated land planning guidelines will be undertaken should the planning proposal receive a Gateway determination to proceed because the land is proposing to change from a rural zone to a residential zone. The findings of the investigation will satisfy Council that the land is suitable in its contaminated state or will be suitable after remediation. Any remediation required will be undertaken prior to development occurring.</p>
<p>State Environmental Planning Policy (Koala Habitat Protection) 2019 The Koala SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be</p>	<p>The Port Stephens Comprehensive Koala Plan of Management (CKPoM) has been prepared in accordance with the Koala SEPP.</p> <p>The subject land is mapped in the CKPoM as containing 'marginal' koala habitat.</p> <div data-bbox="592 1205 1214 1570" style="text-align: center;"> <p style="text-align: center;">Koala Habitat Mapping</p> <p style="text-align: center;">Koala Habitat Planning Map Classes</p> <ul style="list-style-type: none"> ■ Priority ■ Marginal ■ High Quality ■ Low Quality ■ Very Low Quality ■ Not Mapped </div> <p>The CKPoM provides performance criteria for rezonings to address:</p>

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SEPP	Consistency and Implications
<p>maintained over their present range.</p>	<p><i>(a) not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers</i></p> <p>The subject land is not mapped as containing Preferred Koala Habitat</p> <p><i>(b) allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas</i></p> <p>The subject land contains marginal koala habitat and linking marginal koala habitat. Building envelopes proposed to mitigate potential odour impacts will also ensure the habitat linking areas are maintained in the north-west portion of the land.</p> <p><i>(c) minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site</i></p> <p>The proposed lot size and setback provided from Seaham Road is unlikely to result in significant removal of vegetation. However, further assessment of tree removal required for the proposed development will be undertaken should the planning proposal receive a Gateway determination to proceed.</p> <p><i>(d) not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i></p> <p>The proposal adequately considers the need for maximising tree retention, with majority of the vegetation on the subject land to be retained.</p>
<p>State Environmental Planning Policy (Primary Production and Rural Development) 2019</p>	<p>The Primary Production and Rural Development SEPP supersedes the former Rural Lands SEPP, which contained Rural Planning Principles for consideration in strategic planning and to be addressed by any proposal to amend a planning instrument in relation to rural zoned land.</p>

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SEPP	Consistency and Implications
<p>The Rural Development SEPP aims to facilitate the orderly economic use of rural lands, protect important agricultural lands and reduce land use conflict.</p>	<p>The Primary Production and Rural Development SEPP relates specifically to State significant agricultural land, artificial water bodies, livestock industries and aquaculture and no longer contains the Rural Planning Principles that provide broad strategic direction for all rural land.</p> <p>The Rural Planning Principles were transferred to Ministerial Direction 1.5 Rural Lands and are addressed in response to Question 6 of this planning proposal.</p> <p>Notwithstanding, the objectives of the Primary Production and Rural Development SEPP include the facilitation of orderly economic use and development of lands for primary production, and to reduce land use conflict by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Table 2 – Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES	
<p>1.2 Rural Zones</p> <p>The objectives of this direction are to protect the agricultural production value of rural lands.</p>	<p>The planning proposal will affect land within an existing rural zone.</p> <div data-bbox="598 1243 1220 1601" style="text-align: center;"> </div> <p>A planning proposal must:</p>

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Ministerial Direction	Consistency and Implications
	<p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p> <p>The planning proposal is inconsistent with this direction as it proposes to rezone land from RU1 Primary Production to R5 Large Lot Residential and will reduce the lot size provisions enabling an increase in the permissible density of the land.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. As provided above, the planning proposal is in accordance with both the HRP and GNMP as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 1.2 Rural Zones.</p>
<p>1.5 Rural Lands The objective of this direction is to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p>The planning proposal will affect land within an existing rural zone and proposes to change the existing minimum lot size.</p> <div data-bbox="603 1211 1222 1570" style="text-align: center;"> <p>The map, titled 'Land Zoning', shows a geographical area with various colored zones. A large central area is labeled 'RU1'. To the left, there is a legend for 'Port Stephens Local Environmental Plan 2015' with categories like 'Rural Land', 'Rural Land (Residential)', 'Rural Land (Commercial)', 'Rural Land (Industrial)', 'Rural Land (Community)', 'Rural Land (Public)', 'Rural Land (Private)', 'Rural Land (Other)'. A small green area is highlighted in the bottom right corner of the map.</p> </div> <p>A planning proposal within an existing rural zone must:</p> <p>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and</p>

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Ministerial Direction	Consistency and Implications
	<p><i>Environment, and any applicable local strategic planning statement</i></p> <p>Refer to response to Question 3 in this planning proposal.</p> <p><i>(b) consider the significance of agriculture and primary production to the State and rural communities</i></p> <p>The proposal considers the importance of primary production to the State and rural communities, with any inconsistencies with this direction considered to be minor.</p> <p><i>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></p> <p>Refer to response to Question 7 in this planning proposal.</p> <p><i>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i></p> <p>The natural and physical constraints of the land have been considered throughout the planning proposal, particularly in response to Questions 6 and 7.</p> <p><i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></p> <p>The proposal does not specifically promote opportunities for investment in productive rural economic activities.</p> <p><i>(f) support farmers in exercising their right to farm</i></p> <p>The proposal has considered the policy directions of the NSW Right to Farm Policy. To support this, an Odour Assessment Report, Peer Review and Community Questionnaire has been</p>

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	<p>provided. For further information on the odour assessment, refer to the response to Question 8.</p> <p><i>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</i></p> <p>Refer to response to Question 8 in this planning proposal.</p> <p><i>(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</i></p> <p>The proposal does not relate to State significant agricultural land.</p> <p><i>(i) consider the social, economic and environmental interests of the community.</i></p> <p>Refer to response to Questions 7-9 in this planning proposal.</p> <p>A planning proposal that proposes to change the existing minimum lot size within a rural zone must demonstrate that it:</p> <p><i>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</i></p> <p>The proposal has considered the potential for land use conflict. An Odour Assessment Report, Peer Review and Community Questionnaire has been provided identifying minimal odour impacts on the subject land from surrounding poultry sheds (see Figure 11).</p> <p>The Odour Assessment Report identifies that odour due to poultry farms has not historically been an issue for the area and it recommends building envelopes on the closest lots to ensure future dwellings can achieve the predicted EPA</p>

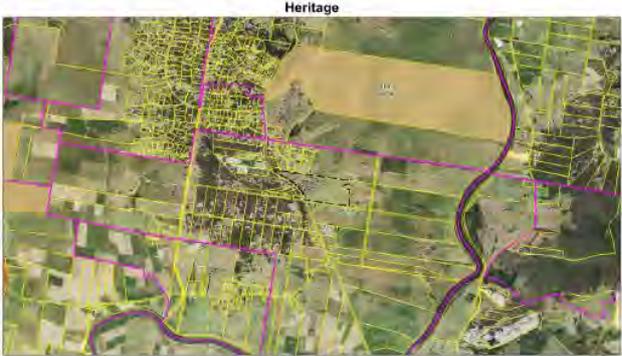
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	<p>Odour assessment criteria. Further consideration of potential odour impacts are provided in response to Question 8 of this planning proposal.</p> <p><i>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</i></p> <p>It is considered that the proposal will not adversely affect the operation of existing and future rural land uses and supporting infrastructure and facilities that are essential to rural industries or supply chains.</p> <p><i>(c) where it is for rural residential purposes:</i></p> <ul style="list-style-type: none"> <i>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</i> <i>ii. is necessary taking account of existing and future demand and supply of rural residential land.</i> <p>The planning proposal will facilitate rural residential development that can be appropriately serviced, that is within a 10 minute drive of a Strategic Centre. Council understands that there is a demand for this type of housing type.</p> <p>A planning proposal may be inconsistent with this direction if the provisions of the planning proposal that are inconsistent are of minor significance. The planning proposal has adequately considered the potential for land use conflict with existing agricultural operations in particular poultry sheds within proximity of the site. The outcome of an odour assessment has determined that the proposal can minimise potential conflicts by implementing a minimum lot size of 8,000m², lot layout to avoid areas of higher impact and requiring building envelopes to site future dwellings in appropriate locations.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 1.5 Rural Lands.</p>

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Ministerial Direction	Consistency and Implications
2. ENVIRONMENT AND HERITAGE	
<p>2.1 Environment Protection Zones</p> <p>The objective of this direction is the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.</p>	<p>The direction applies to all planning proposals however the land is not within an environment protection zone or otherwise identified for environmental protection purposes in the LEP.</p> <p style="text-align: center;"><i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p>The land is not within an environmentally sensitive area.</p> <div data-bbox="603 719 1220 1077" style="text-align: center;"> <p>Environmentally Sensitive Areas</p>  </div> <p>However, further investigations will be undertaken should the planning proposal receive a Gateway to proceed to determine the extent of ecological values on the land. Further detail is provided in response to Question 7 of this planning proposal.</p> <p>The planning proposal is consistent with Ministerial Direction 2.1 Environment Protection Zones.</p>
<p>2.3 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>The direction applies to all planning proposals.</p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p style="text-align: center;"><i>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.</i></p>

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	<p>(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p>(c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p> <p>No items, areas, objects, or places of environmental heritage significance are located on or near the subject land. Heritage Item 84 'Eskdale House' is located approximately 1km north of the subject land however is not related to the proposal.</p> <div data-bbox="600 864 1222 1220" style="text-align: center;">  <p style="text-align: center;">Heritage</p> </div> <p>A Preliminary Aboriginal Heritage Assessment has been prepared in support of the planning proposal. It is recommended that a site assessment be undertaken should the planning proposal receive a Gateway determination to proceed. The assessment will be carried out in consultation and collaboration with the Worimi Local Aboriginal Land Council to consider preservation and protection of Aboriginal heritage, values in the event that Aboriginal objects of significance or potential are identified.</p> <p>The planning proposal may be updated post-Gateway to include provisions that facilitate the conservation of any Aboriginal areas, objects, places or landscape identified.</p>

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	<p>The planning proposal is likely to be consistent with Ministerial Direction 2.3 Heritage Conservation subject to further investigation following a Gateway determination to proceed.</p>
<p>2.6 Remediation of Contaminated Land The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>The planning proposal applies to land on which development for agricultural activities is known to have been carried out and is therefore potentially contaminated.</p> <p>A planning proposal must not permit a change of zoning on potentially contaminated land unless:</p> <ul style="list-style-type: none"> (a) <i>the planning proposal authority has considered whether the land is contaminated, and</i> (b) <i>if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i> (c) <i>if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i> <p>A preliminary investigation in accordance with the contaminated land planning guidelines will be undertaken should the planning proposal receive a Gateway determination to proceed because the land is proposing to change from a rural zone to a residential zone. The findings of the investigation will satisfy Council that the land is suitable in its contaminated state or will be suitable after remediation. Any remediation required will be undertaken prior to development occurring.</p> <p>The planning proposal is likely to be consistent with Ministerial Direction 2.6 Remediation of Contaminated Land subject to further investigation following a Gateway determination to proceed.</p>
<p>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</p>	
<p>3.1 Residential Zones</p>	<p>The planning proposal will affect land within a proposed residential zone.</p>

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Ministerial Direction	Consistency and Implications
<p>Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p>	<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <i>(a) broaden the choice of building types and locations available in the housing market, and</i> <i>(b) make more efficient use of existing infrastructure and services, and</i> <i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> <i>(d) be of good design.</i> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <i>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> <i>(b) not contain provisions which will reduce the permissible residential density of land</i> <p>The planning proposal is partly consistent with the terms of the direction as it will broaden the choice of building types and locations in the housing market and be of good design. However, the planning proposal is inconsistent with the remaining terms of the direction as it does not make more efficient use of existing infrastructure and will increase the consumption of land on the urban fringe.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. As provided above, the planning proposal is in accordance with both the HRP and GNMP as it as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 3.1 Residential Zones.</p>
<p>3.4 Integrating Land Use and Transport</p>	<p>The planning proposal will create a zone for residential purposes.</p>

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<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.</p>	<p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p><i>Principles:</i></p> <ol style="list-style-type: none"> 1. <i>Concentrate in centres</i> 2. <i>Mix uses in centres</i> 3. <i>Align centres within corridors</i> 4. <i>Link public transport with land use strategies</i> 5. <i>Connect streets</i> 6. <i>Improve pedestrian access</i> 7. <i>Improve cycle access</i> 8. <i>Manage parking supply</i> 9. <i>Improve road management</i> 10. <i>Implement good urban design</i> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p> <p><i>Aim:</i></p> <p><i>“To encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling.”</i></p> <p><i>Objectives</i></p> <ul style="list-style-type: none"> • <i>locate trip-generating development which provides important services in places that:</i> <ul style="list-style-type: none"> ○ <i>help reduce reliance on cars and moderate the demand for car travel</i> ○ <i>encourage multi-purpose trips</i> ○ <i>encourage people to travel on public transport, walk or cycle</i> ○ <i>provide people with equitable and efficient access</i> • <i>minimise dispersed trip-generating development that can only be accessed by cars</i> • <i>ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery</i>

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Ministerial Direction	Consistency and Implications
	<ul style="list-style-type: none"> • <i>protect and maximise community investment in centres, and in transport infrastructure and facilities</i> • <i>encourage continuing private and public investment in centres, and ensure that they are well designed, managed and maintained</i> • <i>foster growth, competition, innovation and investment confidence in centres, especially in the retail and entertainment sectors, through consistent and responsive decision making.</i> <p>Although, the subject land is not located in a centre or in walking distance from a major public transport mode like a railway station or high frequency bus route, it is within 10 minutes' drive of a strategic centre at Raymond Terrace. The planning proposal is inconsistent with the terms of the direction as it does not ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery. However, the nature of the proposed development, as rural residential, is unlikely to be able to satisfy these requirements.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. As provided above, the planning proposal is in accordance with both the HRP and GNMP as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 3.4 Integrating Land Use and Transport.</p>
<p>3.5 Development Near Regulated Airports and Defence Airfields The objectives of this direction are to ensure the</p>	<p>The planning proposal will create a zone on land near Williamstown RAAF Base / Newcastle Airport. The land is identified on the Port Stephens Height Trigger Map and all structures higher than 45m require referral to the Department of Defence. The land is not affected by any ANEF contour.</p>

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Ministerial Direction	Consistency and Implications
<p>effective and safe operation of regulated airports and defence airfields; that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	<p style="text-align: center;"><small>Height Trigger Map</small></p>  <p>Where a planning proposal sets controls for development of land near a regulated airport, Council must:</p> <ul style="list-style-type: none"> (a) consult with the lessee/operator of that airport; (b) take into consideration the operational airspace and any advice from the lessee/operator of that airport; (c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls. (d) not allow development types that are incompatible with the current and future operation of that airport <p>Where a planning proposal that sets controls for the development of land near a defence airfield, Council must:</p> <ul style="list-style-type: none"> (a) consult with the Department of Defence if: <ul style="list-style-type: none"> (i) the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or (ii) no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield. (b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls. (c) not allow development types that are incompatible with the current and future operation of that airfield.

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	<p>The existing planning controls in the Port Stephens Development Control Plan 2014 require development higher than 45m to be referred to the Department of Defence. Future development associated with an R5 Large Lot Residential zone is unlikely to exceed 1-2 storeys (4-7m). Therefore, the proposal is unlikely to impact on the existing operations of Williamstown RAAF Base / Newcastle Airport. Nevertheless, consultation with Newcastle Airport and the Commonwealth Department of Defence will be undertaken should the planning proposal receive a Gateway determination to proceed.</p> <p>The planning proposal is likely to be consistent with Ministerial Direction 3.5 Development Near Regulated Airports and Defence Airfields subject to consultation with Newcastle Airport and the Commonwealth Department of Defence following a Gateway determination to proceed.</p>
4. HAZARD AND RISK	
<p>4.1 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p>The planning proposal will apply to land having a probability of containing acid sulfate soils (class 5).</p> <div data-bbox="600 1037 1219 1395" style="text-align: center;"> </div> <p>What Council must do if this direction applies:</p> <p><i>(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i></p>

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	<p>(5) <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i></p> <ul style="list-style-type: none"> <i>a. the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i> <i>b. such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines</i> <p>(6) <i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the DirectorGeneral prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>(7) <i>Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</i></p> <p>The subject land is nominated as Class 5 soils, requiring consent for works with 500m of adjacent soil classes. This is the lowest risk classification. The Port Stephens Local Environmental Plan 2013 contains a clause consistent with <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General</i>, which ensures that all development applications provide consideration to acid sulfate soils. Further consideration of Acid Sulfate Soils can be managed through existing provisions of the LEP.</p> <p>The planning proposal is consistent with Ministerial Direction 4.1 Acid Sulfate Soils</p>

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<p>4.3 Flood Prone Land</p> <p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>The planning proposal affects minimal land that is subject the probable maximum flood.</p> <p style="text-align: center;">Flood Prone Land</p>  <p>A planning proposal must:</p> <ol style="list-style-type: none"> (4) include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). (5) not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial Special Use or Special Purpose Zone. (6) not contain provisions that apply to the flood planning areas which: <ol style="list-style-type: none"> (a) permit development in floodway areas; (b) permit development that will result in significant flood impacts to other properties; (c) permit a significant increase in the development of that land; (d) are likely to result in a substantial increased requirement for government spending on flood mitigation measures, infrastructure or services; or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. (7) not impose flood related development controls above the residential flood planning level for

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	<p><i>residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</i></p> <p><i>(8) a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</i></p> <p>The subject land is largely unaffected by flood prone land. Approximately 540m² of land in the eastern corner of the site is within the low hazard flood fringe area.</p>  <p>The planning proposal is consistent with terms (4), (6), (7) and (8) of the direction. However, the subject land is currently zoned rural and is proposed to be rezoned residential therefore is inconsistent with term (5) of the direction.</p> <p>A planning proposal may be inconsistent with the terms of this direction if the provisions of the planning proposal that are inconsistent are of minor significance. Given the extent of the land mapped as flood prone is insignificant the inconsistency is minor.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 4.3 Flood Prone Land</p>

Ministerial Direction	Consistency and Implications
<p>4.4 Planning for Bushfire Protection</p> <p>The objectives of this direction are to protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p>	<p>The planning proposal will affect land mapped as bushfire prone land.</p> <div data-bbox="598 427 1220 786" data-label="Image"> </div> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an <i>Asset Protection Zone (APZ)</i> incorporating at a minimum: <ul style="list-style-type: none"> (i) an <i>Inner Protection Area</i> bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an <i>Outer Protection Area</i> managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit <i>Special Fire Protection Purposes</i> (as defined

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	<p><i>under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</i></p> <ul style="list-style-type: none"> <i>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</i> <i>(d) contain provisions for adequate water supply for firefighting purposes,</i> <i>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</i> <i>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</i> <p>A Strategic Bush Fire Assessment in accordance with the NSW RFS, 2018, 'Draft Planning for Bushfire Protection (Part 4 – Strategic Planning)' will be completed should the planning proposal receive a Gateway determination to proceed.</p> <p>This Report will respond directly to this direction and:</p> <ul style="list-style-type: none"> • have regard to Planning for Bushfire Protection 2018, • introduce controls that avoid placing inappropriate developments in hazardous areas, and • ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zones (APZ). <p>The primary protection of any future development from bushfire would be via the establishment of APZs, consistent with the "Planning for Bushfire Protection 2018" guidelines.</p> <p>No further assessment of bushfire is required prior to a Gateway determination and appropriate consultation with the NSW Rural Fire Service will be undertaken should the planning proposal receive a Gateway determination to proceed.</p> <p>The planning proposal is likely to be consistent with Ministerial Direction 4.4 Planning for Bushfire Protection subject to further investigation following a Gateway determination to proceed.</p>

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5. REGIONAL PLANNING	
<p>5.10 Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.</p>	<p>The direction applies to all planning proposals.</p> <p>A planning proposal must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>The planning proposal is consistent with the Hunter Regional Plan 2036 as provided in response to Question 3.</p> <p>The planning proposal is consistent with Ministerial Direction 5.10 Implementation of Regional Plans.</p>
6. LOCAL PLAN MAKING	
<p>6.1 Approval and Referral Requirements</p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The direction applies to all planning proposals.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> (b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i> <ul style="list-style-type: none"> (i) <i>the appropriate Minister or public authority, and</i> (ii) <i>the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i> (c) <i>not identify development as designated development unless the relevant planning authority:</i> <ul style="list-style-type: none"> (i) <i>can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i> (ii) <i>has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking</i>

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	<p><i>community consultation in satisfaction of section 57 of the Act.</i></p> <p>The planning proposal does not propose provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.</p> <p>The planning proposal is consistent with Ministerial Direction 6.1 Approval and Referral Requirements.</p>
<p>6.2 Reserving Land for Public Purposes The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>The direction applies to all planning proposals.</p> <p><i>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i></p> <p>The planning proposal is not seeking to reserve land for public purposes.</p> <p>The planning proposal is consistent with Ministerial Direction 6.2 Reserving Land for Public Purposes.</p>

Section C – Environmental, social, and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

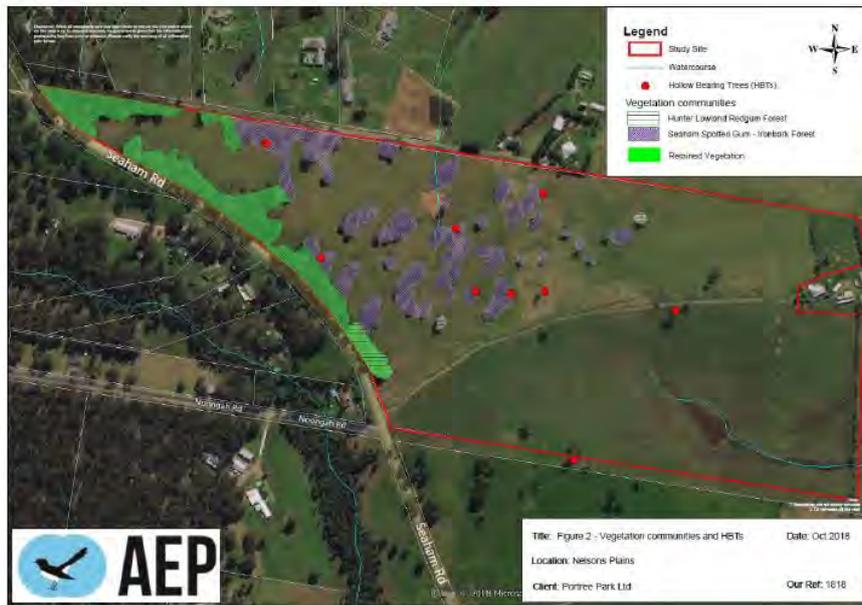
No. An Ecological Assessment has been prepared examining the likelihood of significant impact upon any threatened species, populations or ecological communities listed within the *Threatened Species Conservation Act 1995* (TSC Act) and the threatened entities listed federally under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act).

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The ecological constraints identified include the following:

- Marginal koala habitat
- 5.9 ha of Seaham Spotted Gum Ironbark Forest (2.4 ha to be retained)
- 0.31ha of Hunter Lowland Redgum Forest (0.25 ha to be retained)
- 8 hollow bearing trees (reported to be largely utilised by common bird species including scaly breasted lorikeets, sulphur crested cockatoos and king parrots)
- A small number of preferred koala feed trees (majority to be retained)

Figure 10 Vegetation communities and hollow bearing trees



The assessment found the constraints onsite are unlikely to be significant due to the following:

- The degraded nature of native vegetation
- The majority of vegetation is classified as non-threatened
- The cleared nature of the landscape around the proposal site
- Areas of native vegetation providing habitat links (along the western boundary) would be retained
- Council's Ecologists have confirmed that the majority of hollows on site are being utilised by non-threatened birds

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Notwithstanding, the following further assessments are recommended to understand the effects on critical habitat or threatened species, populations or ecological communities or their habitats should the planning proposal receive a Gateway determination to proceed:

- BAM field survey covering the site, including required plots and targeting all relevant threatened species during appropriate survey periods (August and November) as per the NSW Bionet Threatened Biodiversity Profile Data Collection.
- BAM calculator runs using collected data and initial desktop bushfire constraints mapping to inform refinement of subdivision design.
- CKPoM assessment for rezoning proposals
- Biodiversity Development Assessment Report (BDAR)

An updated bushfire assessment will also be undertaken to determine the extent of clearing that will be required to maintain asset protection zones, and associated ecological impacts, particularly within the areas shown as vegetation to be retained.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes. The predominant land uses surrounding the site comprise rural residential dwellings, rural dwelling houses, cattle grazing activities and intensive agriculture (poultry farms). While there is rural residential land surrounding the subject land (see Figure 7), the introduction of rural residential land uses within a rural allotment may contribute to the creation of conflicting land use issues.

To consider and manage potential impacts an Odour Assessment Report, Peer Review and Community Questionnaire have been prepared in support of the planning proposal.

The Odour Assessment identified varying levels of odour impact, ranging from 1-10, across the subject land (see Figure 11). A majority of the subject land experiences odour impacts from 1-3 units with higher levels concentrated in the north-west portion of the subject land and along the Seaham Road frontage. The Environment Protection Authority's odour assessment criteria provides an acceptable population of community affected for each odour unit.

The Odour Assessment recommends citing future development below odour level 4 and the indicative subdivision layout (see Figure 12) complies with this recommendation by minimising allotments along the western boundary of the subject land and providing building envelopes.

Figure 11 Odour Assessment



Table 3-1 EPA Odour assessment criteria

Population of Affected Community	Odour Assessment Criteria (Odour Units)
Urban area (≥ 2000) and/or schools and hospitals	2
~500	3
~125	4
~30	5
~10	6
Single Residence (≤2)	7

Note: One odour unit (ou) is the concentration of odorous air that can be detected by 50% of members of an odour panel (persons chosen to be representative of the average population).

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Figure 12 Indicative subdivision layout and building envelopes (shown in purple)



The Odour Assessment Report identifies that odour due to poultry farms has not historically been an issue for the area and it recommends building envelopes on the closest lots to ensure future dwellings can achieve the predicted EPA Odour assessment criteria. The questionnaire concludes by stating that: 'Distinct or stronger odours only occur intermittently' and that 'It is not possible to say whether the odours will be annoying to people residing in the proposed development. However, it seems likely that there will be times when the intensity of odour experienced will be strong enough to annoy at least some residents, but will not reach this level on a continuous basis' (p.15)'.

The rezoning will not undermine the agricultural activities on nearby lots because a suitable buffer has been provided and investigations have been undertaken in relation to odour.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The rezoning of the land for rural residential purposes will have positive social and economic effects, and in particular the development of the land for housing will assist in meeting regional dwelling targets identified within the GNMP. The community benefit associated with the proposed development will be found in the provision of additional housing to service the future population needs of the Port Stephens LGA.

However, it is also recognised that any reduction in lot size permitting a dwelling can have negative social and economic outcomes by increasing fragmentation of agricultural land, making it more difficult and expensive to consolidate larger (potentially more economically viable) parcels for agriculture, and potentially increasing land use conflicts.

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The Brandy Hill community have access to community services and facilities within the regional centre of Raymond Terrace, and Maitland and access to recreational facilities locally and within the wider Port Stephens locality. Additional demand from growth in the rural west is likely to continue to be met by either Raymond Terrace or centres within the Maitland LGA. The proposal will provide much needed housing for Port Stephens in a location that is in proximity to the major centre of Raymond Terrace. The impacts of the proposal will be reduced by the retention of the most significant trees and putting in place evacuation arrangements during significant flooding events.

Section D – State and Commonwealth interests**Q10. Is there adequate public infrastructure for the planning proposal?**

Yes. Connection to a reticulated sewer system is not available therefore onsite wastewater systems shall be required for each lot which remains consistent with the surrounding rural residential development of Brandy Hill. An updated Onsite Wastewater Management Report will be provided should the planning proposal receive a Gateway to proceed.

It is considered that there is sufficient infrastructure capacity in the existing road networks to support the proposal. An updated Traffic Assessment Report will be provided to consider the impact of development on the local road network should the planning proposal receive a Gateway determination to proceed. Therefore, the expected growth/demand from the amendments is not expected to place excessive demands on infrastructure.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant State and Commonwealth agencies can be undertaken following a Gateway determination to proceed. It is envisaged that the following agencies will be consulted:

- NSW Rural Fire Service
- Department of Primary Industries – Agriculture
- Department of Primary Industries – Water
- Department of Planning, Industry and Environment -
- Environment, Energy and Science Group
- Worimi Aboriginal Land Council
- Hunter Water Corporation

PART 4 – Mapping

Proposed changes to the Land Zoning Map and Lot Size Map are provided in Part 2 of this planning proposal (see Figures 2 and 3). Maps will be prepared in accordance with the Department of Planning, Industry and Environment's 'Standard technical requirements for spatial datasets and maps' following a Gateway determination to proceed.

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PART 5 – Community consultation

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

Notice of the public exhibition period will be placed on Council’s website. The exhibition material will be on display at the following locations during normal business hours:

- Council’s Administration Building, 116 Adelaide Street, Raymond Terrace;
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace;
- Tomaree Library, Town Centre Circuit, Salamander Bay.

PART 6 – Project timeline

	Aug '20	Sep '20	Oct '20	Nov '20	Dec '20	Jan '21	Feb '21	Mar '21	Apr '21	May '21	Jun '21	Jul '21	Aug '21	Sep '21	Oct '21
Gateway Determination	X			X											
Further Studies*															
Agency Consultation															
Public Exhibition															
Review of Submissions															
Council Report															
Parliamentary Counsel															

X – Window for targeted surveys to be undertaken as part of a BDAR, should the planning proposal receive a Gateway determination to proceed.

*Including:

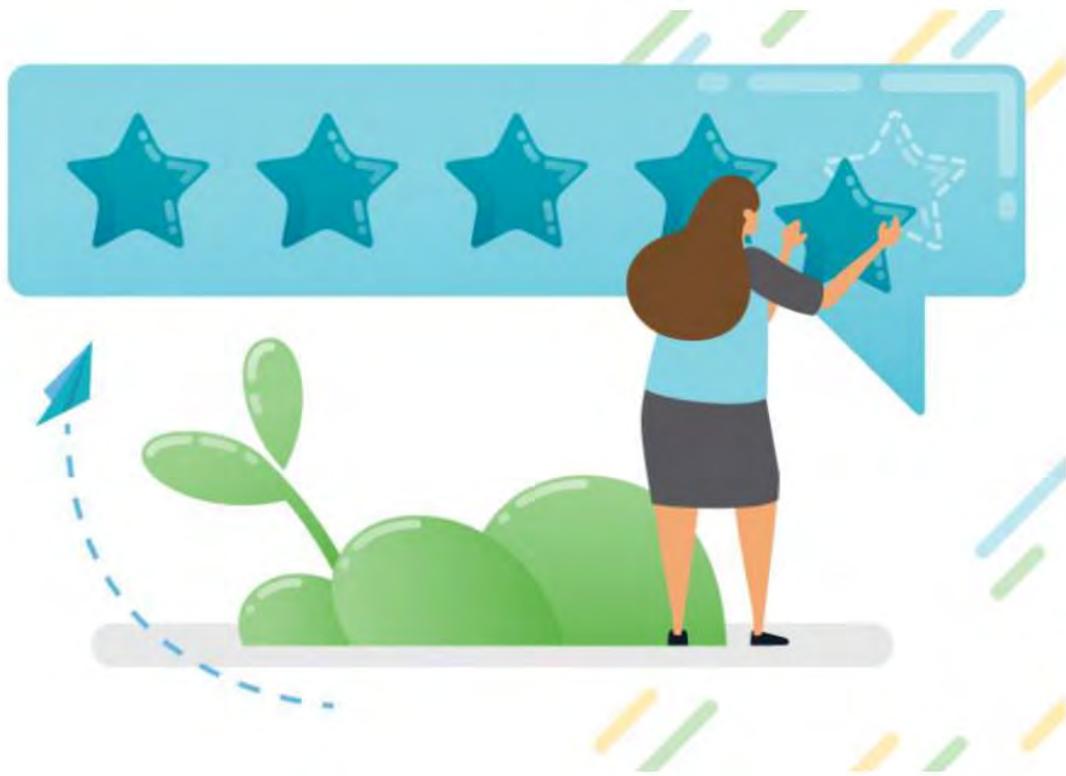
- Addendum to Aboriginal Heritage, Ecological and Traffic Impacts Assessments
- Bushfire Assessment Report
- Preliminary Contamination Assessment
- Wastewater Management Report
- Site Survey
- Addendum to Indicative Subdivision Layout

ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.



Port Stephens Council
Community Satisfaction Survey Report
2020

ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.



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16: In the past 12 months, did you participate in any of the Council's 'Problem Waste' free drop off events and if yes, were you satisfied? 17

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26: How do you like to receive regular information about Council? 22

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28: In the past 12 months have you contacted Council staff for any reason? If yes, how satisfied are you with Council staff's response time and answering your enquiry?..... 23

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29: In the past 12 months, do you feel you have had an opportunity to provide input in Council projects and decision making? 24

30: What method did you use to participate (in Council's projects and decision making)? 24

31: Generally speaking, do you trust that Port Stephen's Council is working towards the community needs? 25

32: Overall, how confident are you that Council is managing its resources (workforce, assets, and finances) well? 25

33: Overall, how satisfied are you with the Council's services for and on behalf of the community of Port Stephens? 26

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Community Satisfaction Survey 2020

Executive Summary

The Operational Plan 2019-2020 requires at L1.3.3 that Council “Undertake a community satisfaction survey”. This is the Report of the survey conducted in May/June 2020.

Statistics

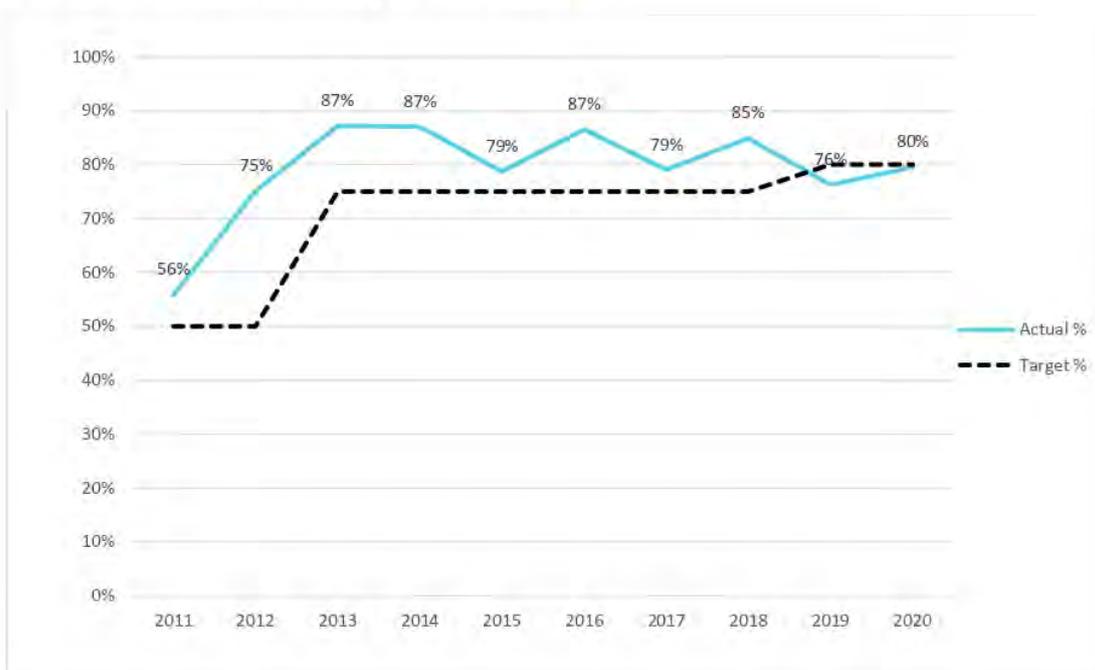
To determine statistical validity 1,095 survey responses were required. The total response was 1,542.

Overall Results

According to the Likert scale, to achieve an overall satisfaction figure, respondents answered that they were:

- Very satisfied
- Satisfied
- Moderately Satisfied.

Overall satisfaction with Council's services was **80%**.



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Individual Results

The table below shows individual services/facilities by level of overall satisfaction.

Facilities/Services	Satisfaction Score	Change 2019 to 2020
Children's Services*	99%	▲
Garbage collection services	95%	-
Libraries	93%	#
Maintaining parks and gardens	93%	▲
Maintaining operational cemeteries	92%	▼
Sports & Recreational facilities	92%	▲
Community Public Halls	92%	▲
Swimming pools	90%	▼
Playground equipment	90%	▲
Managing litter from rubbish bins in parks and central business districts	89%	▼
Access to waste depots and recycling	88%	-
Managing nature reserves, wetlands, beaches & foreshores	87%	-
Maintaining traffic flow (e.g. lights, roundabouts, street signs)	86%	▼
Managing street trees	81%	▼
Maintaining cycleways/walking tracks	80%	▼
Roadside maintenance (e.g. trees, litter, slashing)	79%	▼
Managing storm water drainage systems	76%	▼
Public toilet amenities (Council - owned park/community amenities - not those in shopping centres)	76%	-
Controlling weeds	73%	▼
Maintaining footpaths	73%	▼
Ranger services (parking)	70%	▼
Maintaining local roads	68%	▼
Ranger services (e.g. animal management)	67%	▼
Managing illegal dumping	67%	▼

*Surveys for this service were conducted separately.

Comparison cannot be made to 2019 – refer question 23.

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General Survey

Approach

The survey was conducted from 25 May 2020 to 19 June 2020. Based on the local government area (LGA) population of 72,695¹, the targeted response for the Community Satisfaction Survey was 1095. The actual response was 1,542. This sample size is statistically valid, however is not a representation of Port Stephens population in terms of demographics.

Survey Promotion

The survey was promoted via media releases, Council’s website, social media and the Port Stephens Examiner. A survey link was made available on Council’s website, with the link also emailed to residents and a hard copy made available on request.

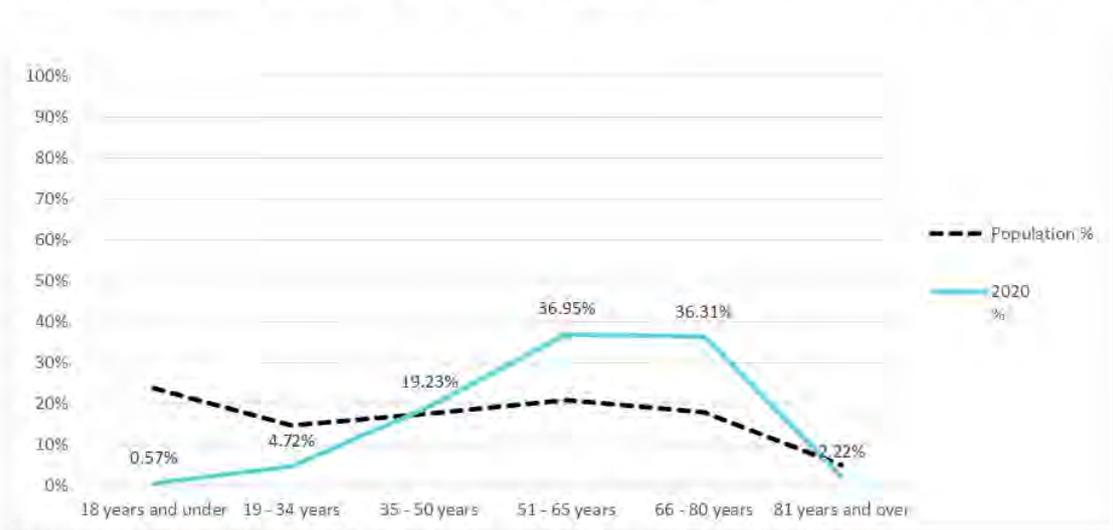
Results

Not all respondents answered all questions. Percentage satisfaction results as shown in the above table and the report relate to those respondents who answered the question, they exclude “don’t know”, “not sure” and “don’t use” responses. The above table also includes the results of a separate survey conducted by Council for Children’s Services.

Demographics

Of those that answered the age/gender question (n= 1399), 49.96% were females and 50.04% were males. (Census 2016 Port Stephens LGA: Males 49.4%, Females 50.6%).

The graph below shows the age profile of respondents compared to the population (Census 2016). It also indicates a higher proportion of residents over 51 years of age responded to the survey. Only 5% of the total respondents were 34 years or younger.



Respondents by age – Comparison to 2016 Census and 2020 Community Satisfaction Survey

¹2018 Estimated Residential Population

Port Stephens Council Community Satisfaction Survey Report 2020

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Locality

Respondents answered the questions related to where in Port Stephens LGA they lived (n=1386). 48% of the respondents indicated residence in the East Ward. This continues a long established trend for a higher number of responses from East Ward.

Results

The following results present outcomes from the 2020 survey and, where a direct comparison can be made also show the 2019, 2018, 2017, 2016, 2015, 2014, 2013, and 2012 results.

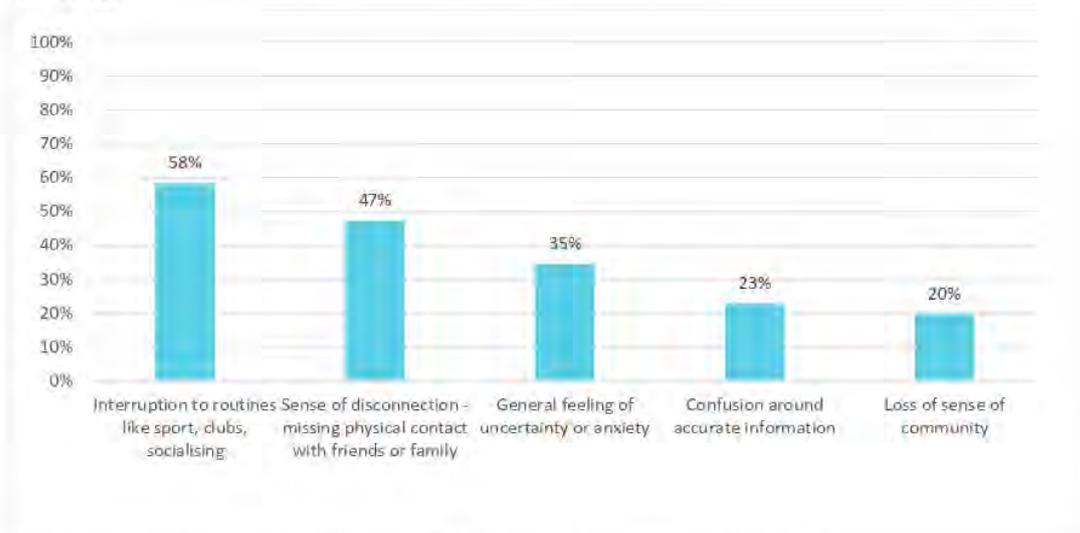
COVID-19

The Restart Port Stephens plan provides a coordinated framework to manage the short and long term impacts of the COVID-10 pandemic and map the response of Council. To better understand our complex community needs, unique impacts and their vision for the future, an additional 5 COVID-19 specific questions were included in the survey.

1: Thinking about you personally, what have been the negative impacts you have faced during the COVID-19 pandemic?

These are the top 5 responses provided by Respondents.

(n=1542)



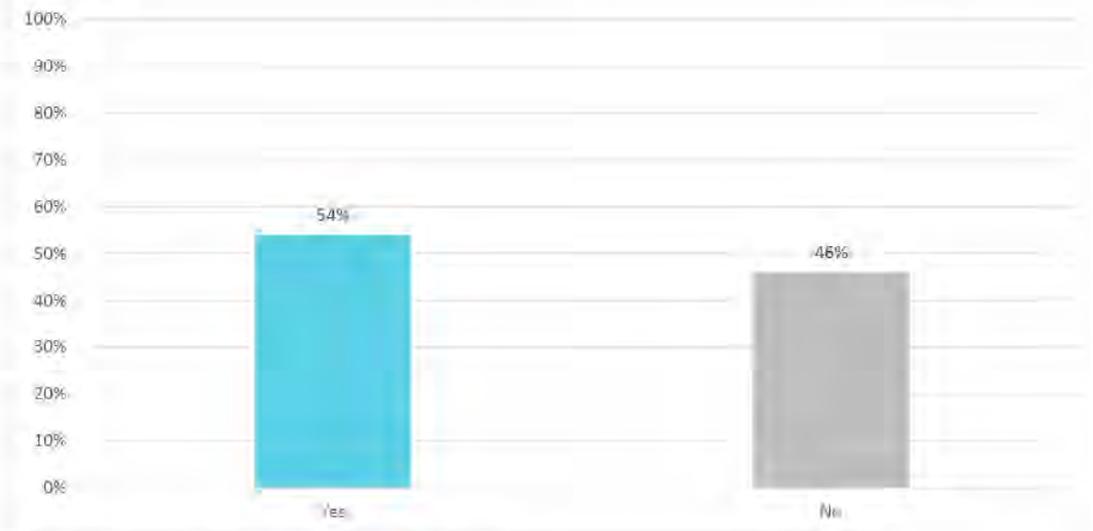
Since respondents provided multiple responses, the total of all categories exceeds 100%

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2: Have you experienced any positive impacts or opportunities as a result of COVID-19?

54% of respondents indicated that they had a positive experience because of COVID-19.

(n=1542)



The most common positive impacts included:

- More time at home – to reflect, relax, be creative and do projects
- More quality time with family
- Community spirit and support
- Quieter and less business – out in public spaces and on roads

3: Thinking about the COVID-19 pandemic, what do you think are the biggest issues facing Port Stephens as a whole?

Respondents were able to provide an open-ended response to what they thought was the biggest issues facing Port Stephens. Responses were coded into themes. The top themes were:

- a. Tourism Sector recovery and impacts – negative economic impacts, need to attract tourists and fear of doing it safely without virus spread (39%).
- b. General Economic impacts – unemployment and loss of business - particularly hospitality and small business (29%).
- c. Getting back to 'new normal' safely – including health challenges, social behaviour, encouraging community cohesion and creating safe environments (23%).

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4: How would you like Port Stephens to be different after COVID-19 to create a better community for yourself and the next generation?

Respondents were able to provide an open-ended response to how they would like Port Stephens to be different after COVID-19 to create a better community.

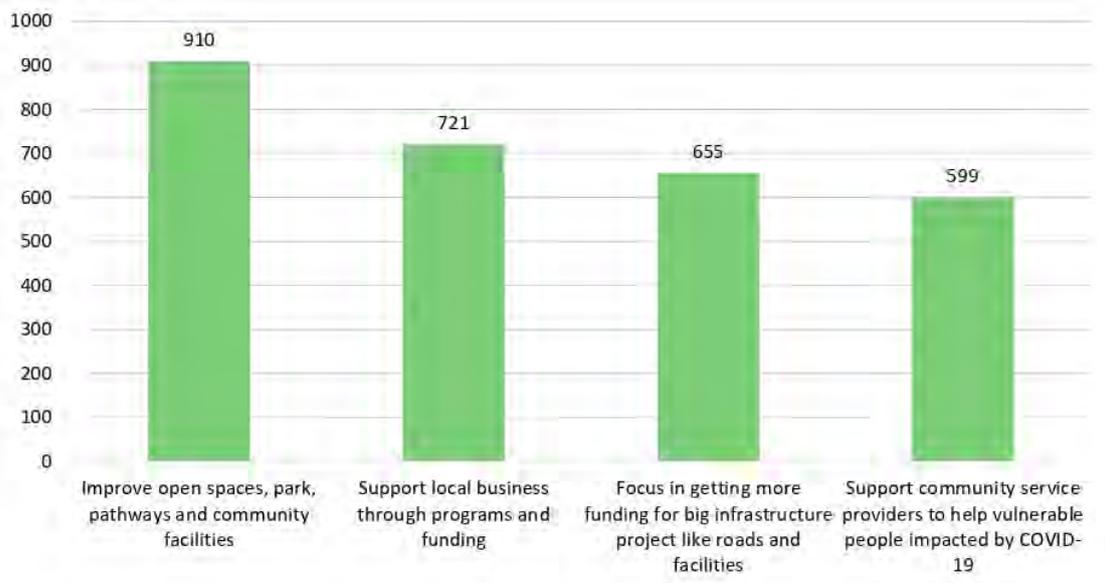
The top themes were:

- a. Support social cohesion and community connection programs - including events, community projects, neighbourhood support, respect and caring for each other generally.
- b. Invest in improved Infrastructure and community facilities - particularly pathways, roads and COVID safe upgrades.
- c. Protect and enhance our natural environment and improve open outdoor spaces.
- d. Focus efforts on the economy to support local business/products and diversify employment opportunities.

5: If you were in charge of helping the community recover, what measures would you choose to help Port Stephens rebuild better than before? Choose your top 4.

Respondents selected multiple options with the below chart showing the top 4 most selected responses.

(n=1542)



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Perception of places, access to services and infrastructure

6: In the Community's 10 year Strategic Plan, one of the community's long term key priorities is to have a thriving and safe place to live. Please rate the following in your neighbourhood.

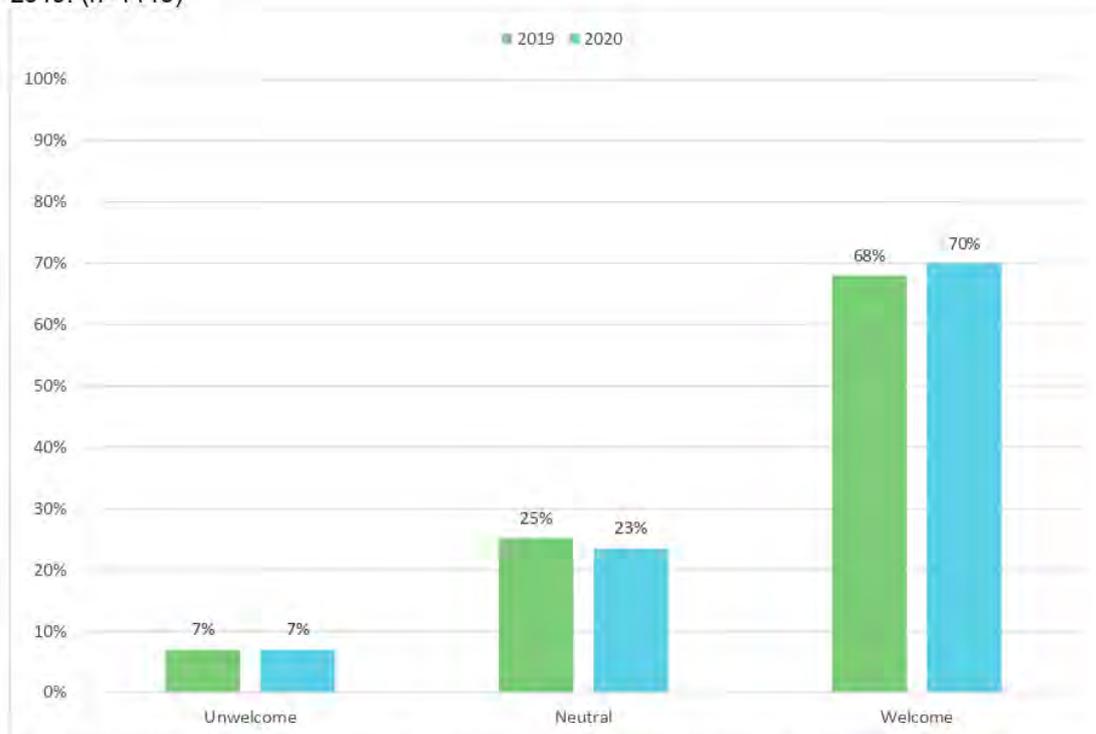
	2019 Aggregate Satisfaction*	2020 Aggregate Satisfaction*
2020: (n=1507)		
2019: (n=1146)		
New Developments (including residential, commercial and industrial)	76%	69%
Appearance (clean, maintained, character)	78%	71%

**Aggregate Satisfaction includes responses of – Very satisfied, Satisfied and Neutral.*

7: How welcome do you feel in your community/neighbourhood?

2020: (n=1507)

2019: (n=1146)



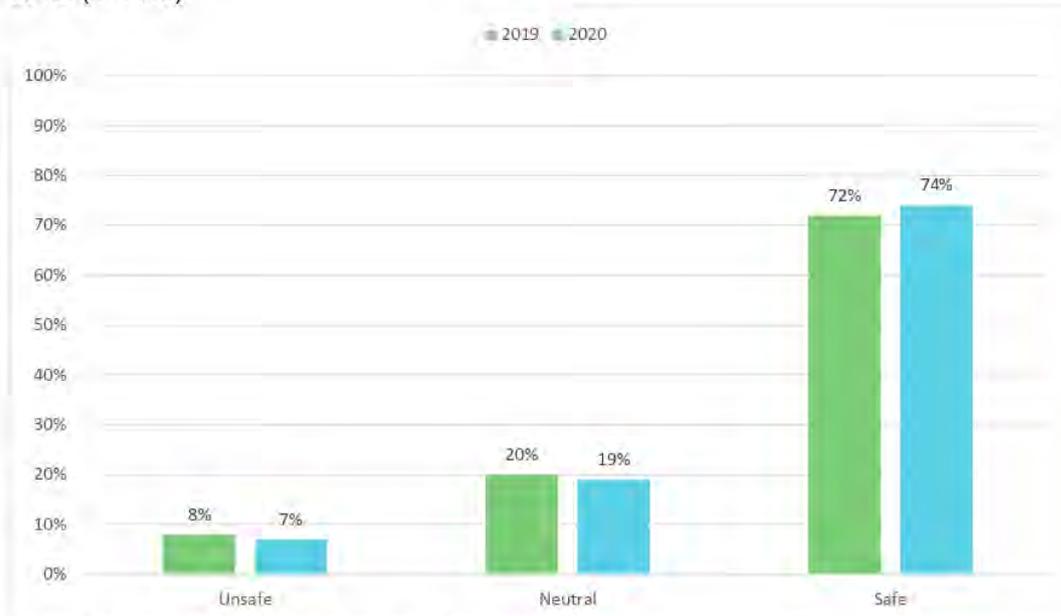
Welcome = Total of Welcome and Very Welcome. Unwelcome = Total of Unwelcome and Very Unwelcome.

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8: Overall how safe do you feel in the Port Stephens area?

2020: (n=1507)

2019: (n=1146)



Safe = Total of Safe and Very Safe. Unsafe = Total of Unsafe and Very Unsafe.

9: Please rate the accessibility of the facilities in your local area?

2020: (n=1507)

2019: (n=1146)

	Not accessible		Moderately accessible		Very accessible		Don't know/ Unsure	
	2019	2020	2019	2020	2019	2020	2019	2020
Public buildings	5%	7%	42%	49%	24%	22%	29%	22%
Public toilets	8%	12%	44%	49%	23%	20%	25%	19%
Private buildings	6%	8%	43%	42%	10%	9%	41%	41%
Open spaces (parks, playgrounds, foreshore)	4%	6%	42%	49%	37%	37%	17%	8%
Beaches	11%	14%	43%	46%	27%	28%	19%	12%
Sporting facilities	3%	5%	37%	43%	27%	25%	33%	27%
Public transport	10%	13%	37%	41%	17%	15%	36%	31%

Note: Responses were not targeted to community members who have different requirements i.e. special needs, mobility requirements, prams, etc. The above table indicates the community's general perception of accessibility.

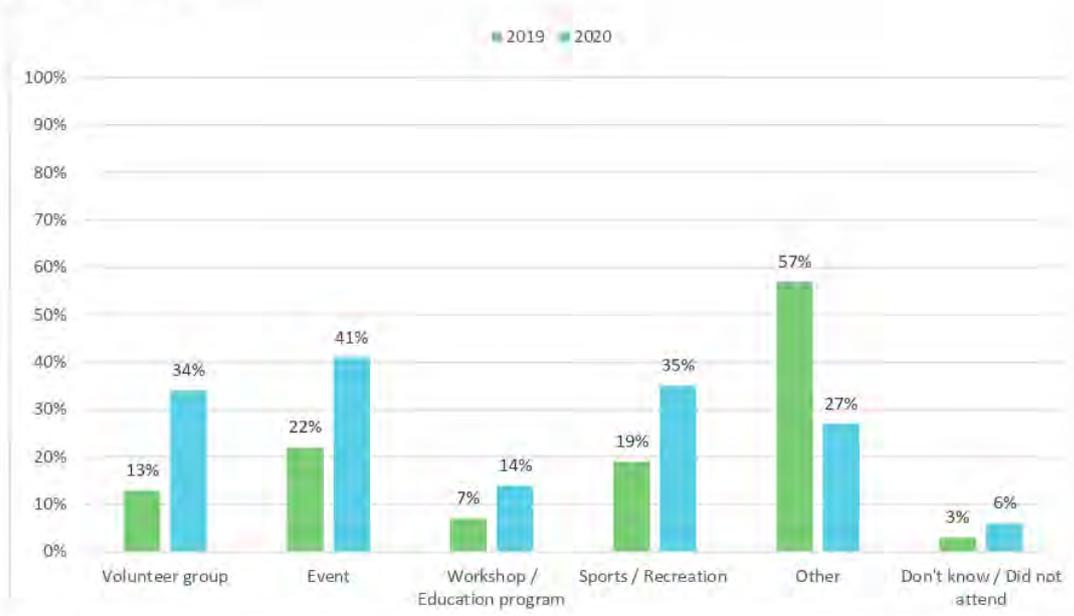
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Community participation in activities across Port Stephens

10: In the past 12 months have you attended a community activity or event in Port Stephens?

2020: (n=1482)

2019: (n=1181)



Since respondents provided multiple responses, the total of all categories exceeds 100%.

11: In the past 12 months have you attended any of the following cultural activities and/or events as an audience member?

81% of the total respondents indicated they have attended one or more of the below mentioned cultural activities or events as an audience member.

	2019	2020
Cinemas	44%	60%
Festival or cultural event	30%	39%
Sporting/ lifestyle event (Example: Sail Port Stephens)	23%	28%
Live music performances	22%	27%
Art galleries	16%	20%
Don't know / Did not attend	34%	20%
Museums	7%	10%
Theatre performances	5%	9%

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Literary events	5%	6%
Classical music concerts, musicals and opera	3%	6%
Dance performances	4%	6%
Other (please specify)	2%	5%

Since respondents provided multiple responses, the total of all categories exceeds 100%.

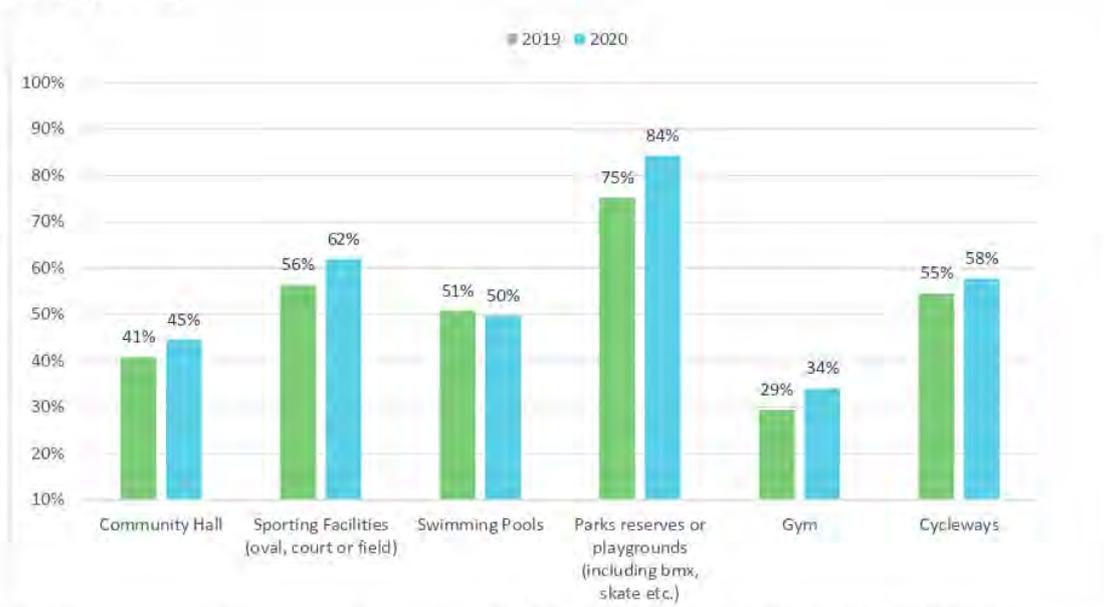
12: In the past 12 months have you used one or more of the following types of recreation and leisure facilities?

2020: (n=1482)	Daily	2-3 times per week	Weekly	Monthly	Rarely	Never
Community Hall	6	27	93	84	451	821
Sporting Facilities (oval, court or field)	20	113	195	173	417	564
Swimming Pools	25	72	119	127	395	744
Parks reserves or playgrounds (including bmx, skate etc.)	144	225	304	270	306	233
Gym	52	141	88	28	195	978
Cycleways	99	181	175	155	246	626

The below graph shows the number of users* per recreation and leisure facilities compared to 2019.

2020: (n=1482)

2019: (n=1159)



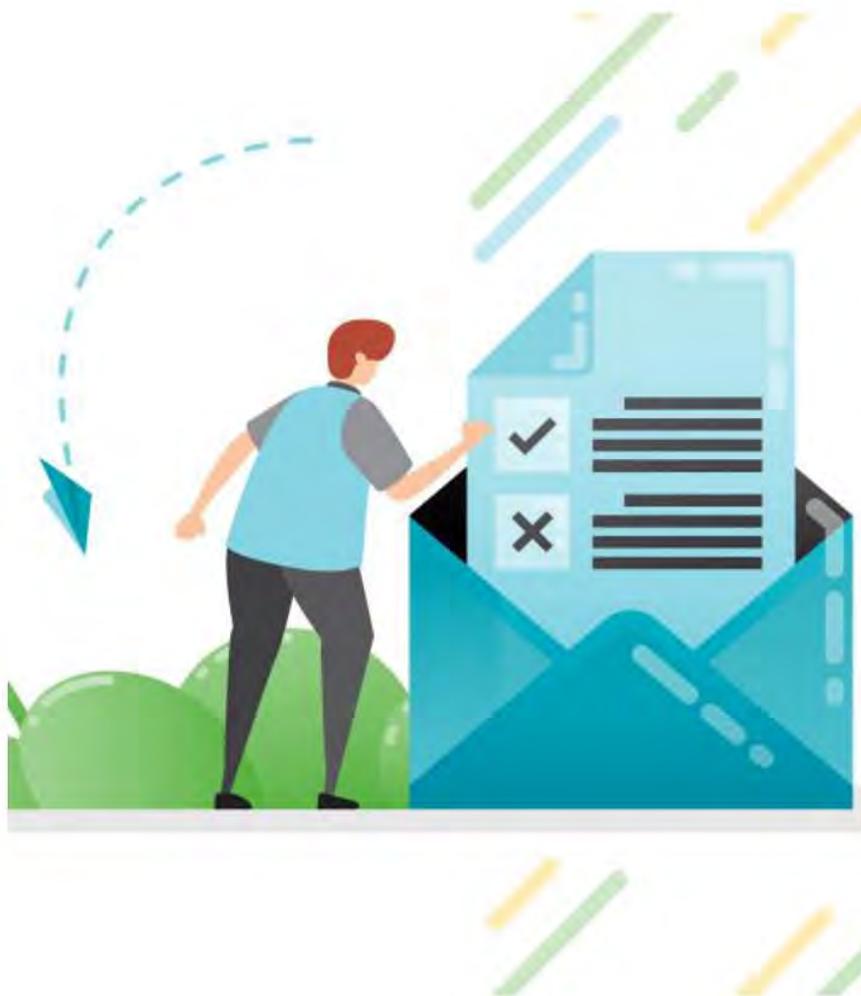
*User's percentage includes aggregate responses of - Daily, 2-3 times per week, Weekly, Monthly & Rarely.

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13: Respondents were asked if in the past 12 months they have participated with a volunteer group.

In 2020, 44% of total respondents indicated participation with a volunteer group in the past 12 months compared to 34% from 2019.

	Yes	No	Don't know / Not sure
In the past 12 months, have you participated with a volunteer group?	624	803	55



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Participation in Council programs or facilities

14: In the past 12 months, have you participated in one or more of the following environmental education programs?

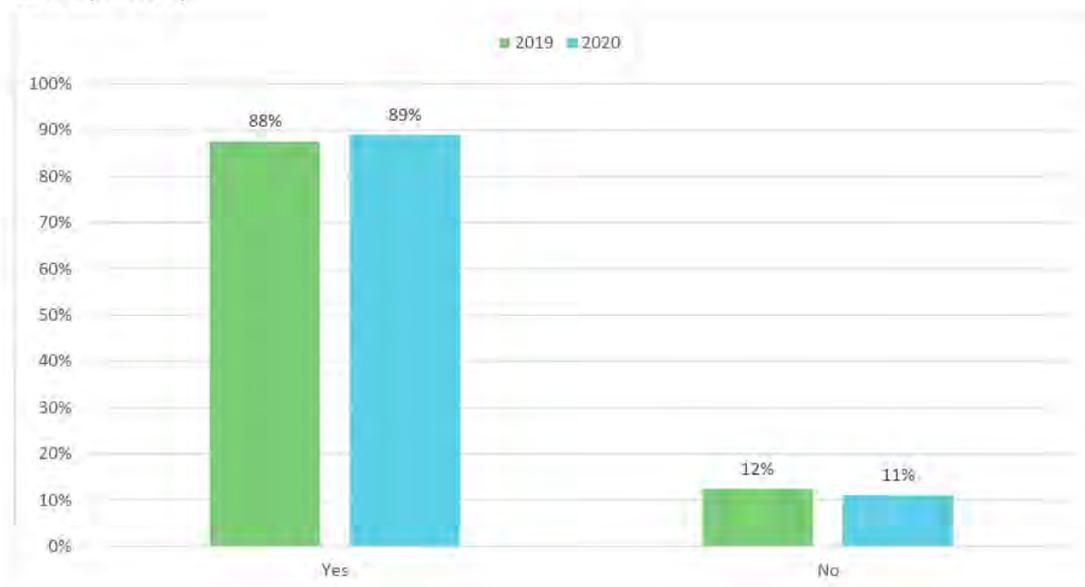
2020: (n=1463) 2019: (n=1188)	2019*	2020*
Waste and sustainability activities	17%	20%
Environmental days	10%	13%
Nature watch activities	8%	10%
Land care activities and bush-land regeneration	3%	5%
Cultural heritage awareness	19%	21%
Marine Discovery Series	6%	6%
School holiday activities with an environmental focus	7%	9%
Invasive species workshop and field days	14%	20%

**Participation excludes those that answered Don't know/Not sure.*

15: Were you aware that the Council holds free drop off events for 'Problem Waste' including mattresses, tyres, E-waste and chemicals?

Awareness regarding free drop off events for problem waste remains at a similar percentage.

2020: (n=1463)
2019: (n=1188)



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16: In the past 12 months, did you participate in any of the Council's 'Problem Waste' free drop off events and if yes, were you satisfied?

In 2020, 93%* of the respondents who participated in the Council's free 'Problem Waste' drop off event indicated that they were satisfied with the service compared to 95%* in 2019.

2020: (n=630)

	2020 Yes. Satisfied	2020 Yes. Unsatisfied	2020 Did not attend
In the past 12 months did you participate in any of Council's free 'Problem Waste' drop off days and if yes, were you satisfied with the service?	589 (40%)	41 (3%)	833 (57%)

**Participation excludes those that answered did not attend.*

17: In the past 12 months have you used one or more of the following Council Community Halls or centres?

In 2020, 36% of the total respondents have indicated that they used one or more of the below mentioned Council Community Halls or centres which was the same percentage in 2019.

2020: (n=524)

2019: (n=431)

	2019*	2020*
Anna Bay / Birubi Hall	3%	3%
Bobs Farm Public Hall	1%	1%
Corlette Hall	5%	4%
Fern Bay Community Centre	4%	2%
Hinton School of Arts	1%	1%
Karuah Community Hall	1%	1%
Lemon Tree Passage Old School Centre	3%	2%
Mallabula Community Centre	1%	1%
Medowie Community Centre	5%	5%
Nelson Bay Community Hall	4%	6%
Raymond Terrace Senior Citizens Hall	2%	3%
Salt Ash Community Hall	3%	2%
Seaham School of Arts and Community Hall	1%	1%
Soldiers Point Hall	3%	3%
Tanilba Foreshore Hall	2%	2%
Tomaree Library and Community Centre	13%	15%
Williamtown Hall	2%	1%
None of the above	64%	64%

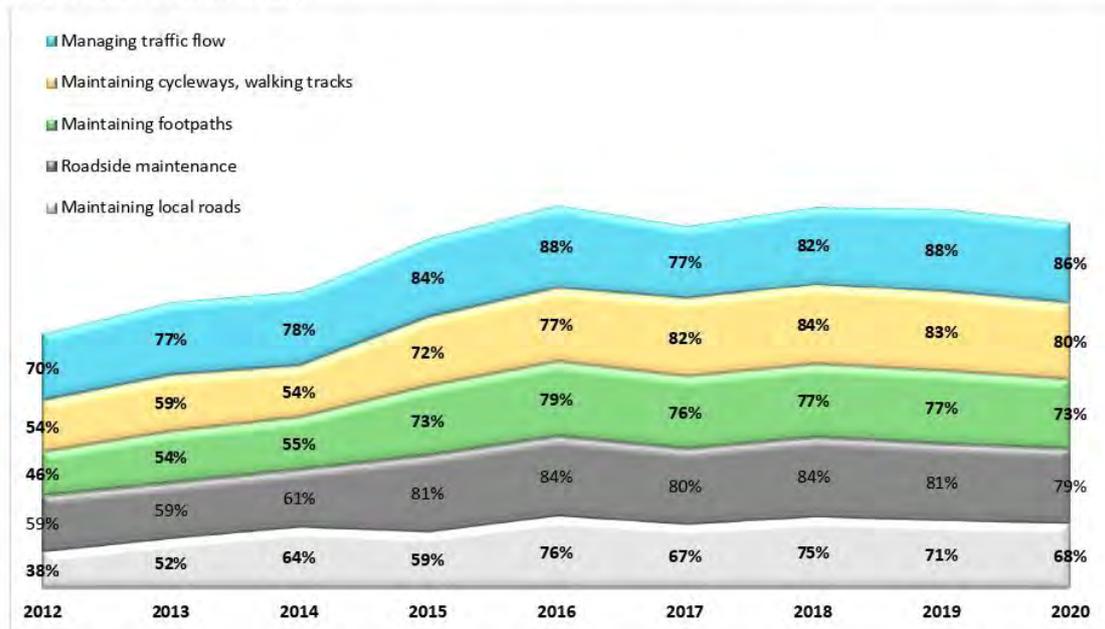
**Since respondents provided multiple responses, the total of all exceeds 100%*

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Facilities and services provided by Council

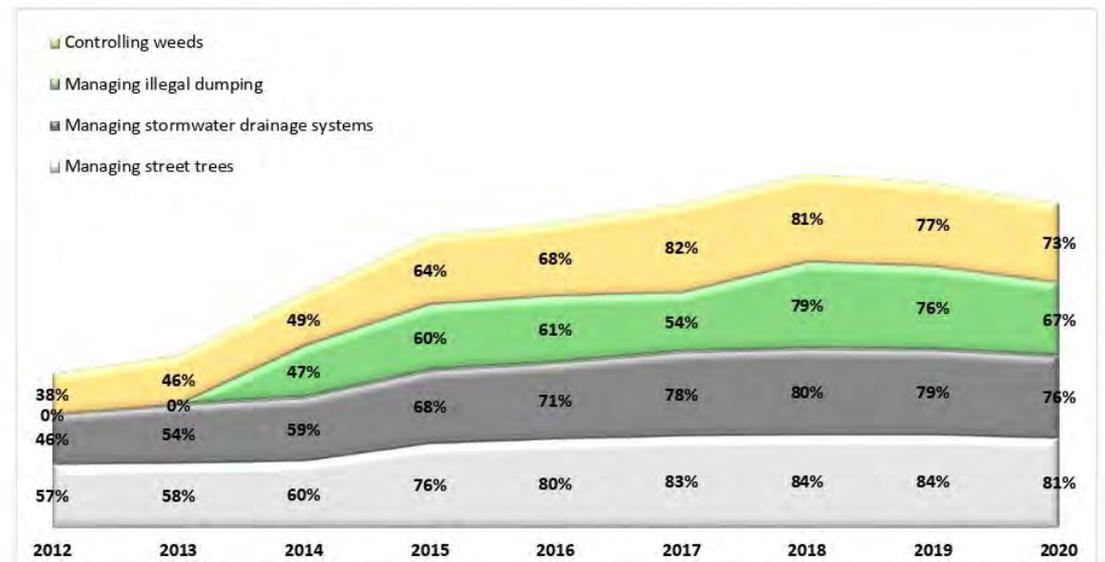
18: How well Council is doing?

The table below shows the satisfaction scores of respondents for facilities and services maintained by Council. 2020: (n=1423)



19: How well is Council doing?

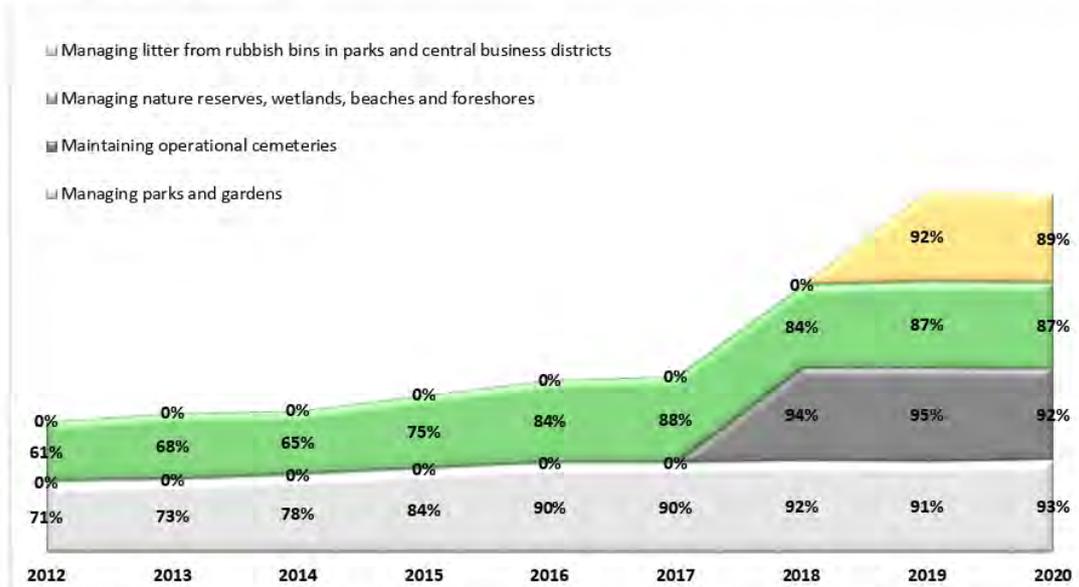
The table below shows the satisfaction scores of respondents for facilities and services maintained by Council. 2020: (n=1423)



ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.

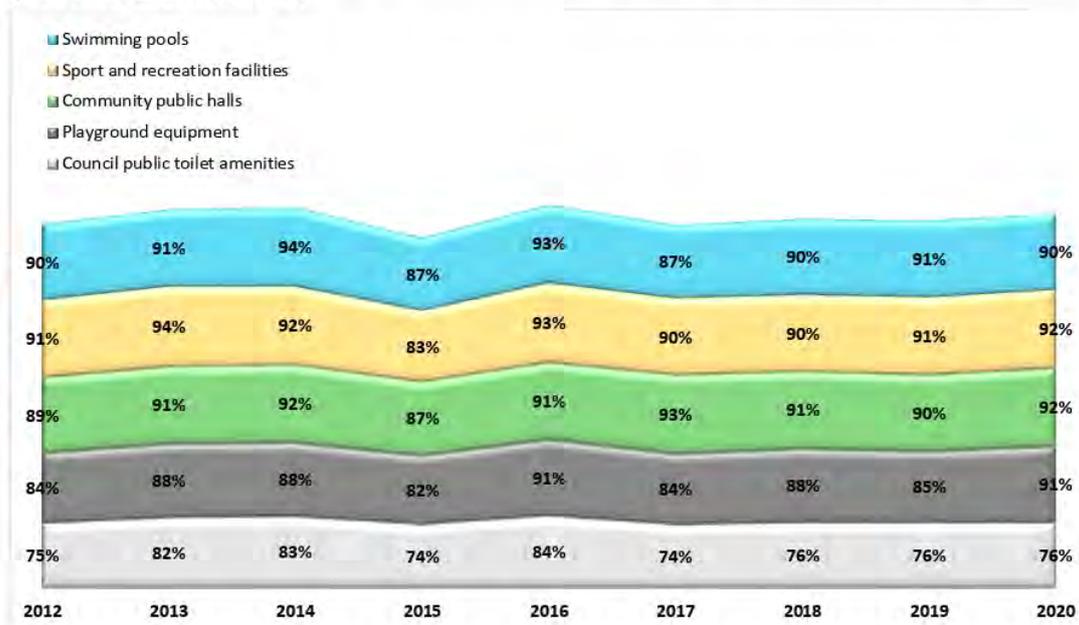
20: How well is Council doing?

The table below shows the satisfaction scores of respondents for facilities and services maintained by Council. 2020: (n=1423)



21: How satisfied you are with these facilities?

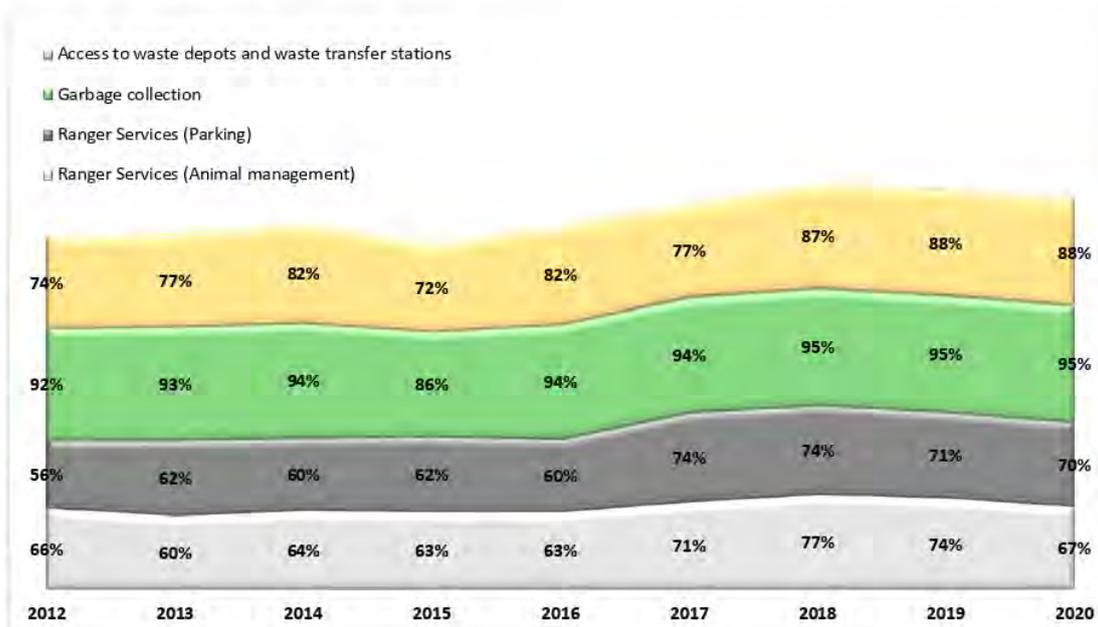
The table below shows the satisfaction scores of respondents for facilities and services maintained by Council. 2020: (n=1423)



ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.

22: How satisfied you are with these services?

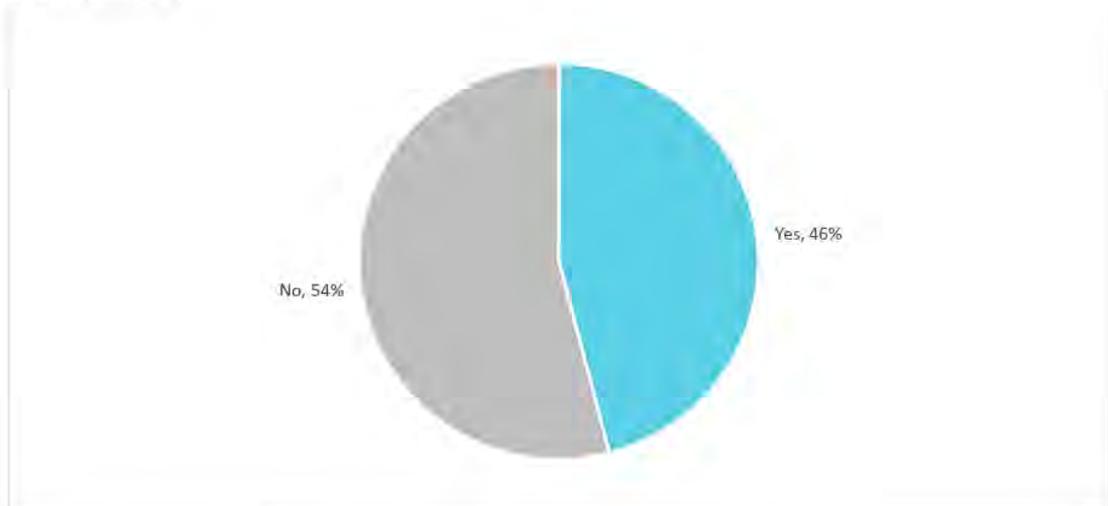
The table below shows the satisfaction scores of respondents for some services delivered by Council. 2020: (n=1423)



23: In the past 12 months, have you visited or used Port Stephens Council Library Service?

As our libraries were closed due to COVID-19 the usual Library User Satisfaction Survey was not able to be undertaken this year. As a result, comparisons of previous year's Library User Satisfaction Surveys cannot be made as this is a survey of Port Stephens residents not Library users.

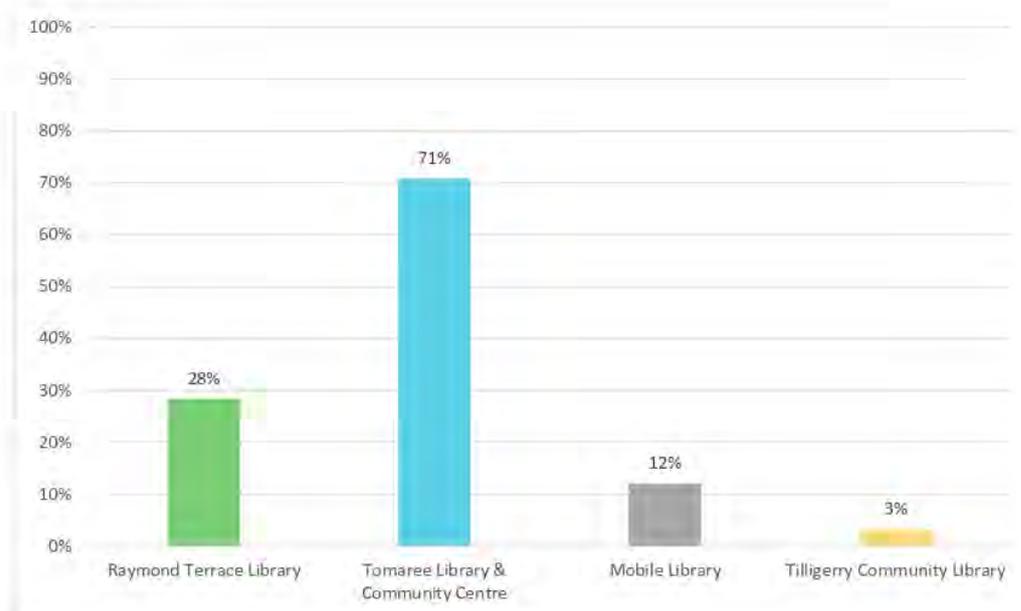
2020: (n=1420)



ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.

24: Port Stephens Council Library has four branches. Which branch/s do you use?

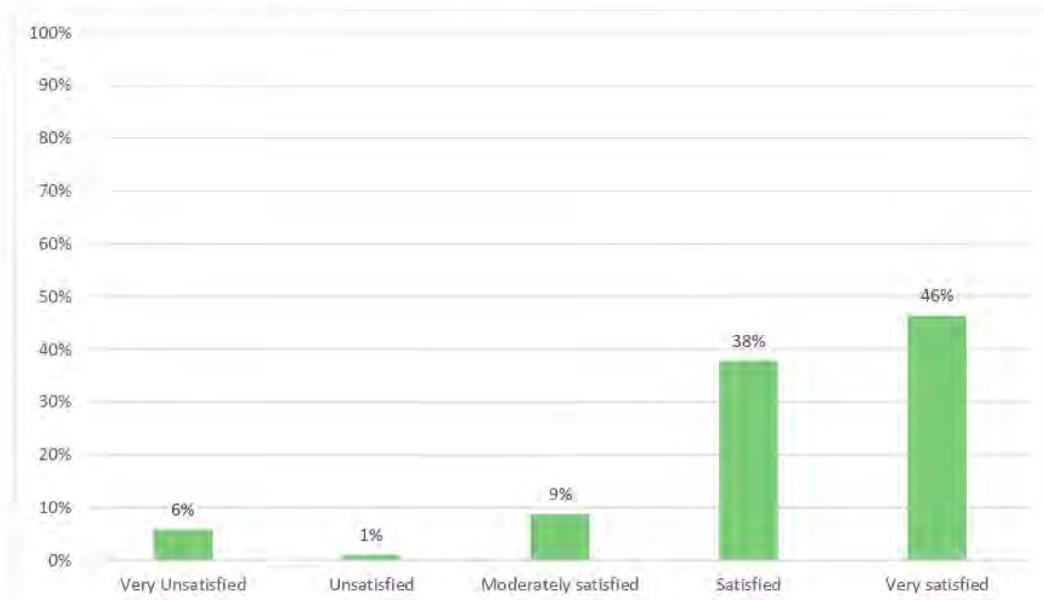
2020: (n=648)



**Since respondents provided multiple responses, the total of all categories exceeds 100%.*

25: Overall how satisfied are you with the range of library services provided?

All figures in the chart below are percentages based on the 2020 Community Satisfaction Survey results. The overall satisfaction score of 93% includes Very Satisfied, Satisfied and Moderately Satisfied. 2020: (n= 648)



Port Stephens Council Community Satisfaction Survey Report 2020

21

ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.

Communication with Council

26: How do you like to receive regular information about Council?

2020: (n=1409)	2020 Number of respondents*
Email	830
Social Media	336
Mail (post)	325
Media	322
Council's Website	311
Face-to-face engagement	79
Other (please specify)	123

**Since respondents provided multiple responses, total number of respondents for all categories exceeds n= 1409.*

27: What information would you like to see more of from Council?

2020: (n=1409)	2020 Number of respondents*
Current and upcoming projects	626
Opportunities to have your say	317
Community news and events	273
Council news and events	193

**Since respondents provided multiple responses, total number of respondents for all categories exceeds n= 1409.*

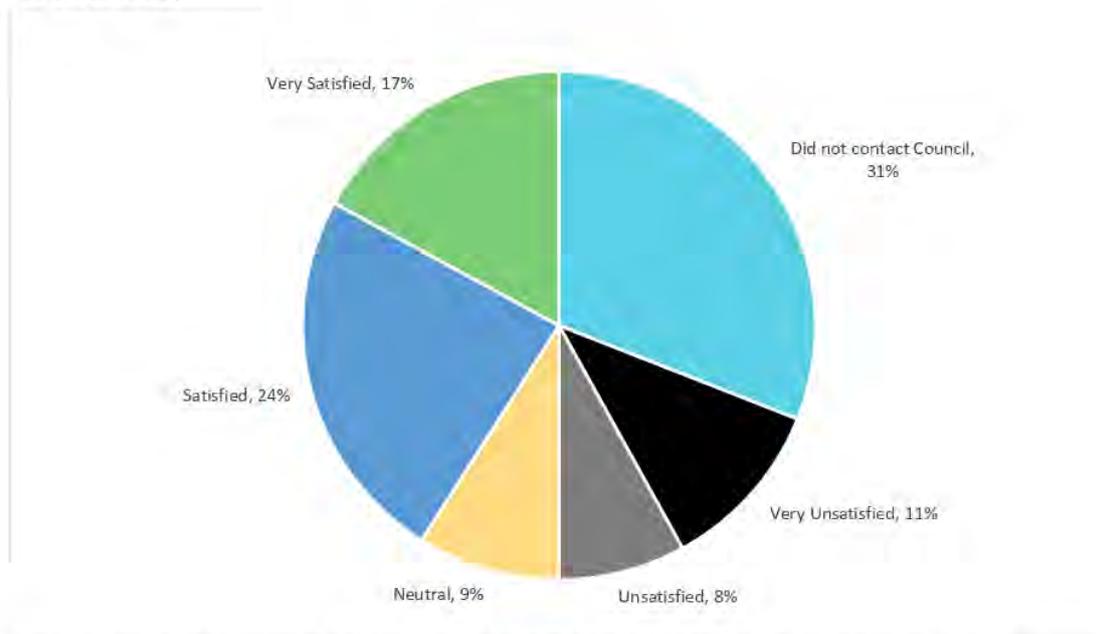


ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.

28: In the past 12 months have you contacted Council staff for any reason? If yes, how satisfied are you with Council staff's response time and answering your enquiry?

969 respondents contacted Council staff in the past 12 months. Of these 73%* where satisfied with Council staff's response time and answering their enquiry. This satisfaction score has not changed since 2019.

2020: (n=1409)



*Aggregate includes responses of – Very satisfied, Satisfied, Neutral and excludes Did Not Contact Council.

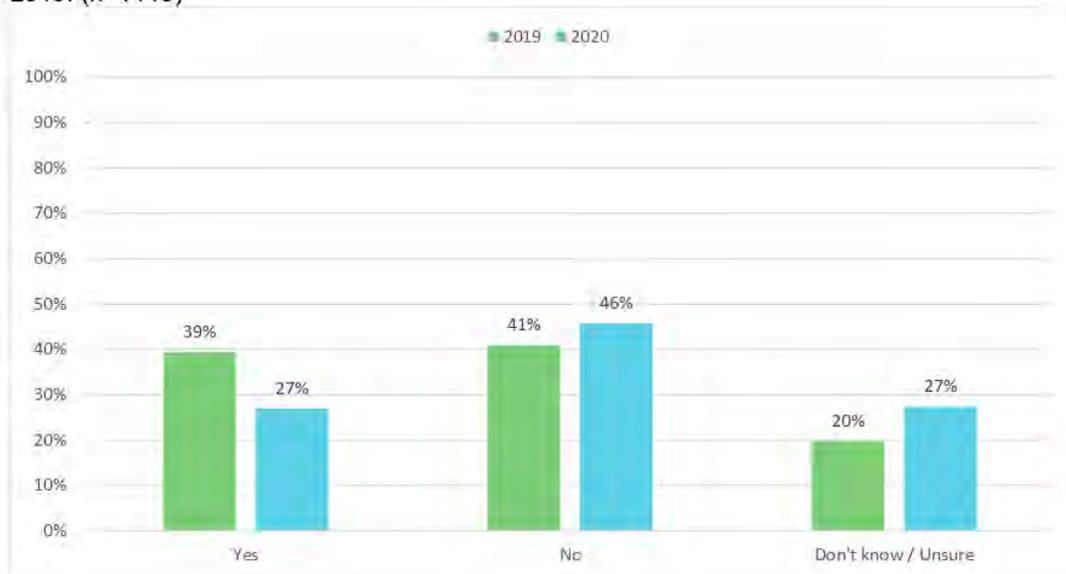
ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.

Port Stephens, Council and You

29: In the past 12 months, do you feel you have had an opportunity to provide input in Council projects and decision making?

2020: (n=1408)

2019: (n=1145)



30: What method did you use to participate (in Council's projects and decision making)?

2020: (n=380)

2019: (n=446)

	2019*	2020*
Survey	63%	57%
Direct email or phone	35%	39%
Submission	32%	25%
Drop in Session (Example - at an event)	14%	14%
Face to face at Council	13%	12%
Workshop	8%	10%
Online mapping	3%	3%
Implementation Panel	3%	2%
Other (please specify)	8%	8%

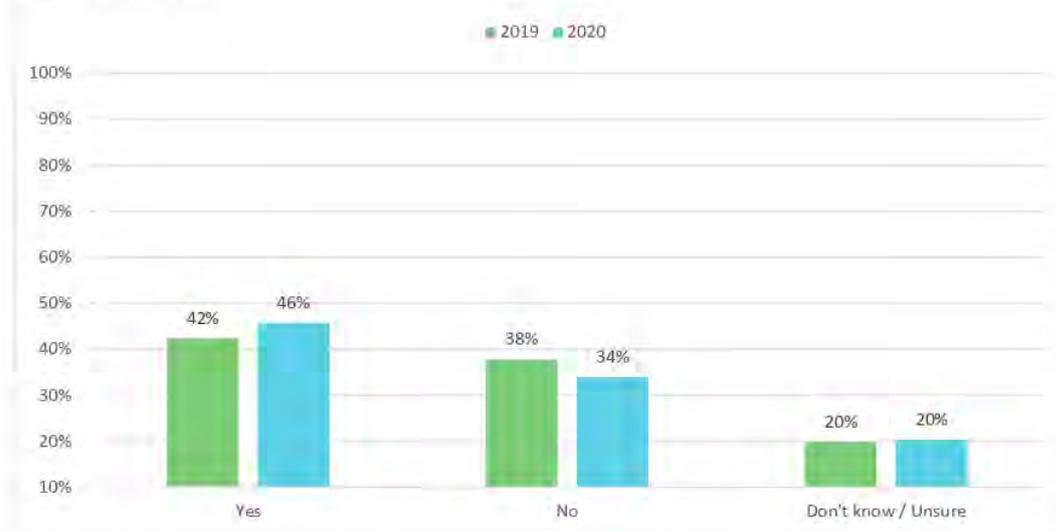
*Since respondents provided multiple responses, total percentage of respondents for all categories exceeds 100%

ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.

31: Generally speaking, do you trust that Port Stephen's Council is working towards the community needs?

2020: (n=1401)

2019: (n=1119)



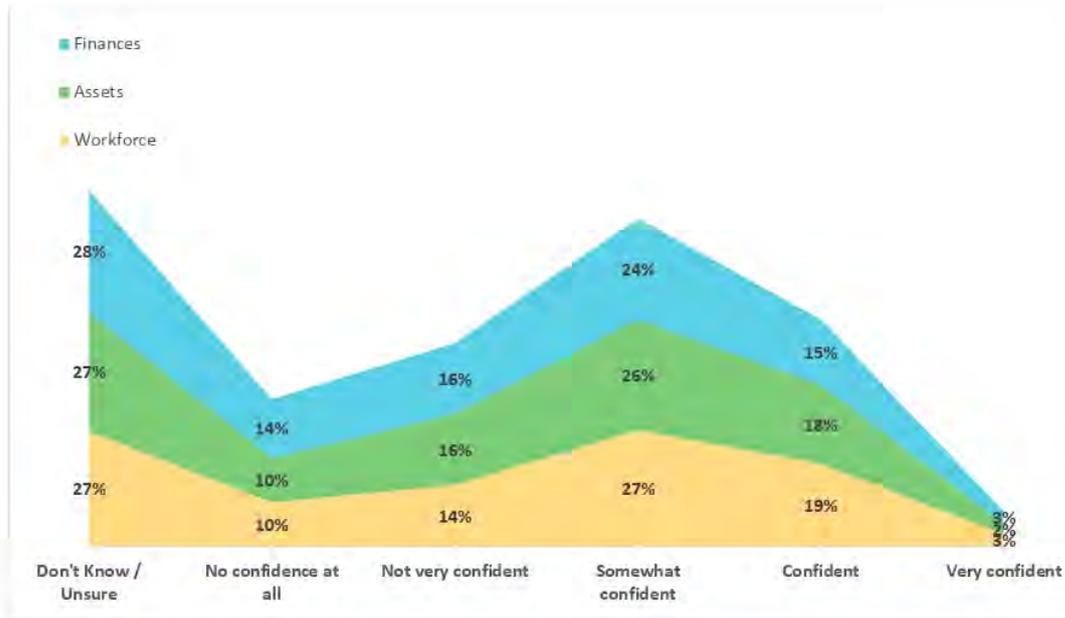
32: Overall, how confident are you that Council is managing its resources (workforce, assets, and finances) well?

The table below shows the confidence levels (%) of respondents for Council's management of resources.

		2017 Confidence Level*	2018 Confidence Level*	2019 Confidence Level*	2020 Confidence Level*
Workforce	2020 (n= 1026)	66%	75%	66%	67%
Assets	2020 (n= 1009)	66%	73%	61%	63%
Finances	2020 (n= 994)	63%	73%	51%	58%

*As per the Likert scale, confidence level includes aggregate responses of – Very confident, Confident, Somewhat confident and excludes Don't know / Unsure.

ITEM 5 - ATTACHMENT 1 PORT STEPHENS COUNCIL 2020 COMMUNITY SATISFACTION SURVEY REPORT.

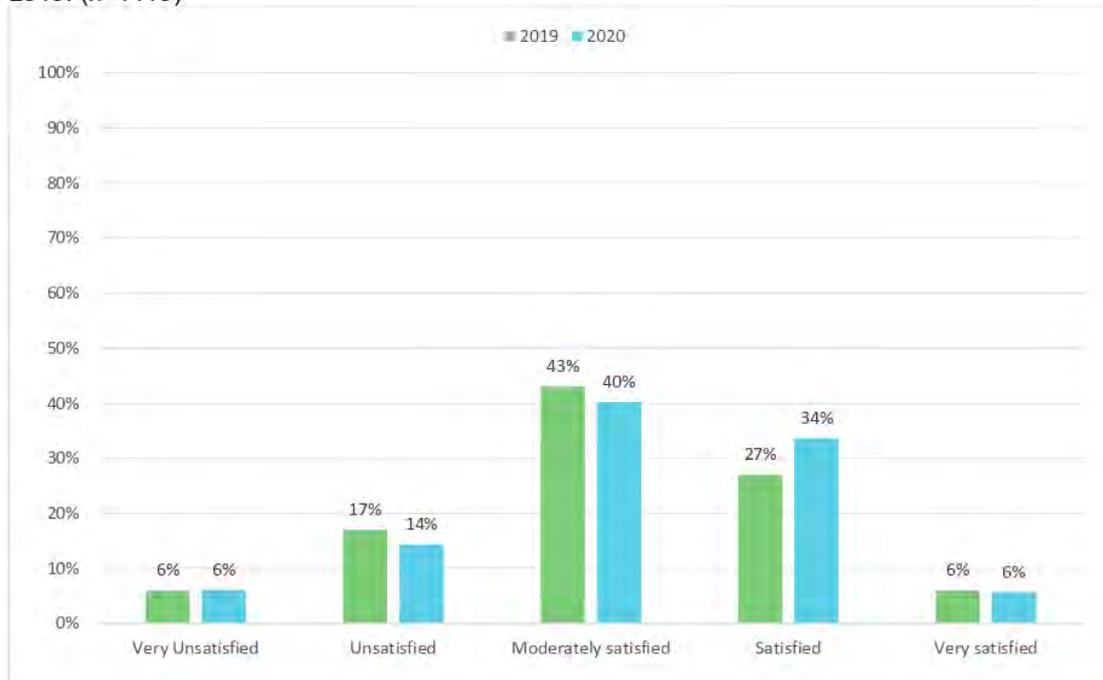


33: Overall, how satisfied are you with the Council's services for and on behalf of the community of Port Stephens?

Overall satisfaction with the Council's services has increased compared to 2019.

2020: (n=1401)

2019: (n=1119)





Six monthly report

JANUARY TO JUNE 2020



council@portstephens.nsw.gov.au | 02 4988 0255

PORTSTEPHENS.NSW.GOV.AU    

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The 6 monthly report January to June 2020 has been prepared in accordance with the requirements of Section 404(5) of the *Local Government Act 1993*:

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months."

General Manager's message



Wayne Wallis, General Manager

What an eventful 6 months it has been. From bushfires and drought to a global pandemic — it can't be denied that we are in the midst of challenging times. But as always Port Stephens Council has the community's back and will support them where they need it most.

While the year we've come from and the times ahead are unprecedented, what we can predict is that change is a constant and that there will always be challenges that we face as a community. The role of Council during these periods of rapid and widespread change remains the same — to provide the services our community needs in the best possible way.

This report provides not only our achievements and challenges for the past 6 months but alternate ways that we've been providing services and supporting the community.

COVID-19 and Restart

Extension of Council term

In response to the COVID-19 pandemic, the Minister for Local Government has postponed ordinary local government elections until 4 September 2021, thereby extending the current Council term.

COVID Safe Plans

Across the organisation, Council has prepared COVID Safe Plans in accordance with Public Health Orders, for its buildings to ensure that we are keeping both the community and staff safe. From our Community Halls to Administration Building, Libraries to Holiday Parks we've included measures such as contactless check-in, online guest declarations, hygiene and safe distance signage along with increasing cleaning protocols.

Funding made available

In March 2020, Council allocated \$500,000 for COVID-19 affected tourism and business in Port Stephens, allowing Council to be agile and respond with support as these industries need it. Through targeted marketing campaigns, events and industry development programs Council has been working with Destination Port Stephens and the industry to maintain a critical mass of tourism services and facilities across the visitor economy. Ensuring that when the virus is contained and normality resumes, the visitor economy has the capacity to rebuild and maintain its position as one of the leading regional tourism destinations in NSW.

Restart Port Stephens

In April 2020 Council urged the State and Federal governments to provide local government assistance to support essential Council services as well as giving assistance to businesses and residents during the pandemic. Council committed to amongst other things: making hardship support more accessible (more information on page 33), reviewing the grants program to support our community's response to COVID-19 (further update in December 2020) and preparing a Community Response and Recovery Plan (the foundation of which comes from COVID-19 questions in the 2020 Community Satisfaction Survey).

Other Government support

Federal and State government have also pledged funding to assist Council, our community and economy to remain resilient through:

- Local Government Economic Stimulus Package
- Federal/State Government Investment in Infrastructure and Road Safety Projects

Services delivered another way

In times when we haven't been able to deliver traditional face to face programs and services, Council has been agile, adapting and delivering these in a number of different ways, including, call and collect services at the Library, online Interagency and Committee meetings, online community engagement, Public Notices online and Council meetings via video conferencing just to name a few.

Major projects

Completion of a number of key projects and plans such as:

- Drafting of the Local Strategic Planning Statement and Local Housing Strategy
- Stage 1 Tomaree Road, Shoal Bay
- 2 sections of footpath at Gan Gan Road, Anna Bay
- Vardon Road, Fern Bay
- Seaham Road, Nelsons Plains
- Roundabout at Lemon Tree Passage Road/Nelson Bay Road Salt Ash for Transport NSW
- Exhibition and endorsement of Council's 2020-2021 Integrated Planning and Reporting documents (Delivery Program, Operational Plan, Long Term Financial Plan, Workforce Plan, Strategic Asset Management Plan and Fees and Charges)
- Key Priorities from page 9.

Nelson Bay Road/Lemon Tree Passage Roundabout



3 Port Stephens Council

Staff lending a hand

Our staff have gone above and beyond their normal duties with:

- Bushfires — our Environmental Health team in February nominating to assist bushfire affected Councils through the Local Government Bushfire Recovery Support Group. Whilst COVID-19 delayed these plans in March this assistance is now being rescheduled and will see 3 Officers spending 6 weeks to assist a South Coast Council with inspections of food shops and wastewater systems.
- COVID 19 — staff have not only been flexible and agile in their work programs but have moved around the organisation to help others in need of a helping hand. With the temporary closure of areas such as libraries and holiday parks, staff put up their hand to assist their colleagues who were inundated in Finance, Capital works and Customer Service.

Funding received

- \$3.25m in Federal funding for 5 notorious black spot safety upgrades (Medowie, Duns Creek, Salt Ash, Salamander Bay and Anna Bay)
- NSW Stronger Country Communities Fund:
 - \$700,000 for youth community facilities at Tomaree Sports Complex and Port Stephens Police Citizens Youth Club
 - \$200,000 for an upgrade of Nelson Bay Rugby Club, Bill Strong Oval
 - \$150,000 for new playground and park furniture at Spencer Park, Soldiers Point

Financial sustainability

As a result of COVID-19 and the forced closures of a number of Council facilities it is anticipated that the underlying financial result will move from a surplus to a deficit. Careful management of cash flow projections has ensured that Council has remained able to meet financial obligations but a short term deficit has been unavoidable.

People, awards, scholarships

Community

We value the outstanding contributions made every day within the Port Stephens community, with the Port Stephens Annual Awards providing Council with an opportunity to formally recognise the amazing efforts of groups and individuals from around our region. On Australia Day 2020 the following 2019 Port Stephens Annual Award winners were awarded:

- Citizen of the Year — Alicia Cameron
- Young Citizen of the Year — Tasmyn Fellows
- Freeman of the Year — Lorraine Nicol

Port Stephens Medals:

- Kenyon Windeyer
- Donald 'Steve' Jones
- Mambo Wanda Wetlands, Reserves and Landcare Committee
- Sportsperson of the Year — Dion Cooper
- Cultural Endeavour — Rhys Fabris
- Environmental Award — Nigel Waters

\$36,000 was also awarded to 18 talented and inspiring students as part of the 2020 Port Stephens Mayoral Academic Scholarships, thanks to the financial support of local businesses. The Port Stephens Mayoral Academic Scholarship program is an annual partnership between Port Stephens Council and local businesses to support the next generation of local business and industry leaders as they embark on their tertiary study.



Staff

Despite the challenges faced over the past 6 months, we have performed well across our operations, achieving the following awards:

- Winner — NSW Local Government Excellence Awards – Community Development & Services — Expansion & Rebranding of Children's Services
- Finalist — NSW Local Government Excellence Awards – Community Partnership & Collaboration – Anna Bay 7 Day Make Over
- Finalist — NSW Local Government Excellence Awards – Innovative Leadership & Management – Whole People. Whole Council – An Unconventional Leadership Journey
- Finalist — iTnew Benchmarks Awards 2020

It has been a tough time for everyone these past 6 months, although I am heartened by all levels of government working together with the community to forge through this. We are a resilient community who have been through trying times before but with each other's support, commitment and working to keep one another safe, we will do it side by side again.

Wayne

Wayne Wallis

Our Port Stephens

Located on the east coast of Australia about 2 hours north of Sydney, Port Stephens is known for its stunning natural beauty, unique wildlife and strong community spirit. These characteristics make it an ideal recreation, tourist and retirement destination as well as a great place to live, work and play.

The Worimi people are the traditional owners of the Port Stephens local government area (LGA). We value the unique status of Aboriginal people as the owners and custodians of these lands and waters.

Port Stephens was named after Sir Philip Stephens, First Secretary of the Admiralty in the late 1700s and later a Lord Commissioner of the British Admiralty Between 1795 and 1806.

Snapshot	
Region:	Hunter
Area:	858.5 square kilometers
Population:	73,481 people (2019 Estimated Residential Population)
Population projection:	88,920 by 2040
Median age:	45
Population density (persons/ha):	0.81
Major centers:	Raymond Terrace, Medowie, Nelson Bay
Employment (estimated):	27,346
Unemployment:	5%
Number of active businesses:	4,955
Gross Regional Product:	\$5.334 billion
Main employing industries:	Public Administration and Safety (15%), Manufacturing (12%), Construction (11%)



Source: Remplan 3 August 2020. For more statistical information, visit the Port Stephens Economic Profile at portstephens.nsw.gov.au/work/economic-development/economic-data-and-advice

Our Council



Community's vision
A great lifestyle in a treasured environment.



Council's vision
Engaged and resilient people in strong healthy relationships, working collaboratively, enhancing community well-being.



Council's purpose
To deliver services valued by our Community in the best possible way.



Values
Respect
Creating a unique, open and trusting environment in which each individual is valued and heard

Integrity
Being honest and inspiring trust by being consistent, matching behaviours to words and taking responsibility for our actions.

Teamwork
Working together as one Council, supporting each other to achieve better results for everyone

Excellence
Improving the way we work, to meet the challenges of the future

Safety
Providing a safety focused workplace culture to ensure the wellbeing of staff, their families and the community

Elected Council
17 September 2017 to current



Mayor
Ryan Palmer

East Ward

Central Ward

West Ward



Councillor
John Nell



Councillor
Steve Tucker



Councillor
Ken Jordan



Councillor
Glen Dunkley



Councillor
Chris Doohan



Councillor
Paul Le Mottee



Councillor
Jaimie Abbott



Councillor
Sarah Smith



Councillor
Giacomo Amott

Principal activities

Key priorities

The following key priorities were nominated for investigation and progression over the Delivery Program period 2018-2021. Over the past 6 months, we have investigated funding sources to resource these initiatives and infrastructure projects, with progress achieved as outlined below.

Accessible Port Stephens

Council has completed a number of actions under the Disability Inclusion Action Plan (DIAP) and continued to provide ongoing support and services to ensure and promote inclusivity.

Over the period we have:

- Commenced a Public Domain Plan for Raymond Terrace, including areas for accessible parking and projects to improve accessibility and mobility in and around the town centre and riverside.
- Completed the Port Stephens Local Strategic Planning Statement, a long term vision for land use that includes actions related to accessibility such as:
 - Promoting accessible tourism and visitor amenities in Port Stephens.
 - Preparing a Community Wellbeing Plan to incorporate actions for accessibility and inclusivity.
- Constructed a new recreation area at Robinson Reserve, Anna Bay. Including accessible public amenities, and accessible basket swing play component.
- Constructed a new multipurpose sports amenities building at Lionel Morton Oval, Karuah. Including accessible public amenities and accessible car parking spaces at grade with the facility.
- Constructed a new pathway link through Boomerang Park, Raymond Terrace. Designed to meet accessible pathway grades and provide suitable rest areas for users.



Lionel Morton Oval: Before



After

Airport DAREZ drainage environmental approval

Council is seeking to re-establish a direct discharge point from Dawson's Drain to Fullerton Cove in order to support future development in the Williamtown area.

The proposed drainage works involve assessment by three tiers of government and a wide range of permits and approvals, including Commonwealth approvals related to the protected wetlands at Fullerton Cove.

On 28 May 2020 Deputy Premier John Barilaro announced the establishment of the fifth Special Activation Precinct in NSW will be established in Williamtown. The Precinct covers up to 10,000 hectares of land in and around Newcastle Airport and RAAF Base Williamtown.

Council invested significant resources over 20 years into supporting the development of a Defence and Airport Related Employment Zone — which included the Williamtown Aerospace Centre. Council conducted extensive Strategic Planning work in 2014 to 2015 and worked closely with the Department of Premier and Cabinet to determine the site's potential. The declaration of the SAP realises the alignment of the planning and investment necessary to realise Port Stephens Council's long term vision for the Williamtown area.

The \$5 million pledge for developing the Williamtown Special Activation Precinct, which is expected to take up to 2 years, comes from the \$4.2 billion Snowy Hydro Legacy Fund creating jobs, attracting business, investment, and fuelling economic growth in regional NSW.

The benefits to the Port Stephens Community were amplified during the uncertainty of the COVID-19 pandemic, with the investment into the region ensuring future prosperity and security for local communities.



Picture: Deputy Premier The Hon. John Barilaro and Deputy Mayor Chris Doohan

Birubi Information Centre

Planning is currently underway for the construction of the Birubi Information Centre, which is expected to start in 2021.

Council in partnership with the Worimi Conservation Lands, Worimi Local Aboriginal Land Council and NSW National Parks, has initiated the development of a business plan to guide the short term and long term operations of this new tourism development.

Coastal Management Program

The Coastal Management Plan will set the long term strategy for the coordinated management of land within the coastal zone for the next 10 years.

- Stage 1 — scoping study (issues, threats/ hazards and risk identification) is complete
- Stage 2 — detailed studies of vulnerabilities and opportunities currently being undertaken
- Stage 3 — response, management identification and evaluation due 2020-2021
- Stage 4 — prepare, exhibit, finalise, certify and adopt a coastal management program: mid 2021
- Stage 5 — implement, monitor, evaluate and report: end 2021. Council will commence physical works in Stage 5 subject to securing supporting funding.

Over the period Council has been partnering with neighbouring Councils, relevant state agencies and stakeholders to develop a Coastal Management Program. In July 2019 Stage 1 of the CMP was completed, with Stage 2 now commenced. Detailed technical studies will be completed by coastal experts throughout 2020, prior to engagement with the community.

Cycleways, footpaths and beautification

A number of shared paths were constructed and opened for use towards the end of the financial year. These included the construction of two missing links at Anna Bay being the missing section between Anna Bay and Boat Harbour, and from Anna Bay out to Nelson Bay Road. Additionally a shared path along Waropara Road Medowie commenced with the remaining path to be constructed later in the 2020-2021 financial year.

Planning is underway for a number of shared paths including a proposed shared path adjacent to Medowie Road, Medowie, alongside Nelson Bay Road through Fern Bay, Lemon Tree Passage Road missing link from Mallabula to Lemon Tree Passage and the Shoal Bay foreshore. These paths are funded through Council's PSC2020 initiative.

The entrance to Shoal Bay received a safety upgrade with the extension of the 40km/hr pedestrian safety zone and upgrades to the pedestrian crossing adjacent to the Shoal Bay Holiday Park. These were funded through Transport for NSW's High Pedestrian Activity Area Funding scheme.



Shoal Bay safety upgrades

Events

From January to March 2020, a number of events were held across the LGA including the Beach Water Polo Fours, Garmin Billfish Shootout NSWGFA Interclub State Championships, Australia Day and the Peter Wilson Memorial Touch Football Championships. These events had an estimated economic impact of more than \$2 million across the Port Stephens economy.

From late March 2020, events across Port Stephens were postponed or cancelled in line with NSW Health regulations in response to the COVID-19 Pandemic. Council has worked with many of these event organisers to reschedule events for later in the year or postpone to 2021.

Funding investigations

In 2018 to 2019, as part of the Operational Plan, Council endorsed investigation of other funding options for a range of major projects.

Council continue to seek a broader range of State and Federal Government grants. This can be challenging as grant program priorities do not often match those of local projects. Council will continue to optimise our investment returns.

Gateway, location and town signage

Stage 1 of the gateway signage program was completed prior to June 2019 with no activity undertaken in this 6-month period. Future stages of the signage program will look at each suburb as funding becomes available.

In June Council completed the year-long Aboriginal Place signage project that saw the Communications Section work collaboratively with the Worimi LALC and a local Aboriginal artist. The project incorporated Aboriginal dreamtime stories relating to place, video, audio and artwork into new signage at a number of locations within the Birubi and Soldiers Point Aboriginal Place.



Key road projects

Council has a plan to deliver a number of key capital works projects. Over the past 6 months, the following has been achieved on these key projects

- Church Street, Nelson Bay — Council has previously reconstructed the road pavement along part of Church Street to improve the ride quality and pavement strength, as well as minor drainage improvements and pedestrian accessibility. The remaining section extending to the Government Road roundabout will be completed in 2020-2021 financial year.
- Fairlands Road, Medowie — no activity was planned for the past 6 months. Project initiation and design will commence in 2020-2021 while construction is scheduled for 2021-2022 financial year. Additional funding has been gained through the NSW State Government fixing local road funding.
- Fingal Bay Link Road (estimated at \$188 million) — the State Government has committed to funding this project, with Roads and Maritime Services leading the planning and delivery of the project.
- Tanilba Road, Mallabula — Council will be reconstructing Tanilba Road from Bay Street to The Parkway Ave North including pavement widening, kerb and gutter construction, and drainage upgrades. Project initiation and design has been deferred to commence in 2020-2021 while construction is scheduled for the 2021-2022 financial year.
- Tomaree Road, Shoal Bay — Council has completed Stage 1 of the full reconstruction of Tomaree Road between Marine Drive and Verona Road, including pavement widening, kerb and gutter and footpath construction, and drainage upgrades. Construction of the remaining works (Stage 2) will be completed in the 2020-2021 financial year.
- Warren Street, Seaham — No activity was planned for the past 6 months. Project initiation and design has commenced for construction to be scheduled for the 2021-2022 financial year.

Tomaree Road, Shoal Bay



Before

After

Koala Sanctuary

The Port Stephens Koala Sanctuary is a partnership between Port Stephens Council, the NSW State Government and Port Stephens Koalas. The Koala Sanctuary build has now reached practical completion and is expected to be operational at the end of September 2020.

The \$9M facility incorporates:

- Koala Centre — the visitor admissions and guest reception facilities
- Sanctuary Story Walk – a 250m meandering pathway offering visitors an immersive educational experience of the koala habitat
- Koala Hospital — a fully accredited Small Animal Hospital, breeding and research facility
- Newcastle Airport SKYwalk — a 225m elevated viewing platform offering a unique treetop perspective into the koala's natural habitat
- Fat Possum Café — offering a range of grab and go eats, coffee and souvenirs
- Deluxe 4-star accommodation — guests will be able to wake up with the koalas by staying onsite in 4-star glamping tents



Medowie Sport and Community Centre

Construction of a new multi-purpose community centre at Medowie reached practical completion in December 2019. The process to engage an operator has been delayed due to the impacts of COVID-19; however Council is currently undertaking an expression of interest process in an effort to secure a fit for purpose operator for the facility. The centre will provide:

- club facilities at Medowie Sporting Precinct
- multiple community groups access to use the facility under a sublease agreement with the Medowie Sport and Community Club
- for use as an emergency evacuation centre
- a restaurant, bar, event space, sporting facilities and meeting places.



Off-leash dog parks

Council resolved to modify the mapping of the dog exercise area in Boomerang Park, Raymond Terrace. Project planning is underway for a fenced off-leash dog exercise area to be constructed in 2021.

Council is also investigating the mapping of the dog exercise area in the Anna Bay, Fisherman's Bay and Boat Harbour areas with recommendations to be made to Council in 2021.

Placemaking

Creating people friendly, vibrant spaces across Port Stephens has been identified as a key priority requiring investment from both Council and the community. Due to the impacts of COVID-19, opportunities for placemaking were limited however, significant strategic work has occurred during this period to develop programs that both improve the vibrancy of our town centres whilst also supporting the recovery of our community from the impacts of the shutdowns.

New funding programs for events, evening economy activity, place activation and place making and will be released in the new financial year.

Port Stephens Council depot development

A substantial part of Council's work is providing the construction and maintenance of community infrastructure, roads, parks and gardens. The staff and equipment including specialised machinery, require safe locations to store and maintain a substantial specialised fleet. This also includes servicing NSW Rural Fire Service vehicles.

The way that Councils use depots is very different from how they were used when the depots were first built.

The depot location and design was re-assessed following changes to the post SRV funding models.

Councillors have been briefed with options and have provided a preliminary recommendation to rejuvenate the existing Raymond Terrace site and rationalise the existing Administration Building fitout. This will allow for the depot administration, Capital Works and Children Services sections to be all housed at 1 location as well as meet the needs for Council to supply services to the community. A project delivery program is under development.

Strategic Planning Statement and Local Housing Strategy

Council is completing a range of long-term strategies to provide an integrated approach to housing through the review of the Port Stephens Planning Strategy 2011 (PSPS). A Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) have been prepared to replace the PSPS as part of the review.

Under the Hunter Regional Plan 2016 and Greater Newcastle Metropolitan Plan 2018, the Department of Planning, Industry and Environment committed to preparing guidelines to assist councils in preparing local housing strategies to implement the Regional Plan.

The LSPS and LHS was exhibited during the period and adopted by Council on 14 July 2020.

Williamstown Management area

Department of Defence has prepared a project plan to manage ongoing PFAS contamination remediation.

Council's General Manager has previously participated on the Williamstown Community Reference Group however the State Government abolished the group in October 2019 with individual agencies to liaise directly with the community as required.

In February 2020 the Williamstown community class action against the Department of Defence for PFAS contamination was settled.

Council is continuing to monitor the implementation of the Department of Defence PFAS contamination remediation program.

Delivery Program objectives update

As with all businesses that have been facing challenges during the pandemic we are committed to delivering our services in the best possible ways, while remaining flexible and agile if and when any challenges are thrown our way. Our progress made below in the 6 months to June 2020 reflects this approach.

As new information on COVID-19 became available, we adapted by revising and re-baselining our work programs, diverting some resources and planned projects to respond to the circumstances. COVID-19 has impacted our Operational Plan and normal operations in a myriad of ways, from physical distancing requirements on site to not being able to procure certain supplies and impacting our financial position.

We have worked hard to continue to deliver services and projects for our community whilst doing our bit to keep safe and try to prevent the spread of COVID-19.



Focus Area One | Our Community
Port Stephens is a thriving and strong community respecting diversity and heritage

C1 Community diversity

100% on track*
 Operation Plan actions



We have continued to:

- provide facilities and services for children
- provide support for young people to build their confidence and contribution to the community
- encourage Port Stephens to be inclusive and access friendly
- support needs of an ageing population
- support volunteers to deliver appropriate community services.

Key outcomes include:

- Winning an award for rebranding of Children Services to Thrive Kids. Supporting families through various types of quality childcare, with 25,690 childcare places filled for OOSH, 3,356 Family Day Care Spaces and 62 Family Day Care Educators registered.
- Delivering the final stages of the youth Pathways and Possibilities funding and promoting advocacy principles of connectivity during these challenging times.
- Completing a range of infrastructure to be inclusive and accessible, refer Key Priorities page 9.
- Undertaking numerous projects to plan for the needs of an ageing population including the Local Housing Strategy, Smart City Blueprint and Smart parking in Nelson Bay, refer Key Priorities page 17.
- Facilitating a program of events as part of seniors week in Port Stephens.
- Transitioning from the use of 355c committees as a method of on-ground volunteering in our parks, reserves and cemeteries which has included dissolving 14 park and reserve committees, 2 cemetery committees and splitting of some hall/park committees. Positive comments received in this transition from groups already operating the new model have been reduced administration, relaxed avenues for meetings and decision making.



* Revised current work programs/plans impacted by COVID-19 are 100% on track

Key challenges include:

- COVID-19 — seriously impacting Children Services, with: increased vigilance in hygiene and health monitoring, downturn in utilisation in April due to closure of schools and families home isolating and sustainability challenges due to the federal government making childcare free. Impacts face-to-face programs for youth.
- The Local Housing Strategy — has been prepared using preferences survey data across the community. The results reflected the diversity of Port Stephens with an opportunity for small lot and medium density housing while maintaining a strong preference for single detached homes. The Local Housing Strategy has sought to balance these diverse preferences and allowing for a range of housing types that suit residents in Port Stephens.

C2 Recognised traditions and lifestyles

We have continued to:

- recognise and support local Aboriginal and Torres Strait Islander people
- support and promote local cultural activities
- recognise and support the heritage of Port Stephens
- provide public libraries as vibrant community spaces.

Our key outcomes include:

- Developing a revised Gumba Gu Roadmap and engaging artist support for the Aboriginal Signage Project — refer Key Priorities page 13.
- Successful event management of Birubi Point Aboriginal Place over summer leading to less traffic congestion and thereby controlling impacts on Aboriginal cultural values of place.
- Finalising the draft Cultural Strategy and Events Strategy allowing Council to strategically support diverse cultural activities and better plan for cultural programs.
- Acquitting Heritage Grants funding and commencing preparations for the next round of the Local Heritage Projects Grant.
- Providing library services in a different way when libraries were closed due to COVID-19 restrictions, with a 'Call and Collect' service as well as home delivery for elderly homebound members.



Much to the delight of many customers, our library doors were opened to the public in early June 2020 under thorough COVID Safe Plans. Both Raymond Terrace and Tomaree libraries have been averaging between 80-150 visitors per day and signing up 109 new library members in their first month of reopening.

Key challenges include:

- COVID -19 impacting face-to-face programs and meetings with the Aboriginal community Strategic Arts and Heritage Advisory committees.
- Cost control of event management of Birubi Point Aboriginal place and finding the right mix of information on parking restrictions is critical for the long-term management of traffic at Birubi.
- Resolving software glitches within the library system.

C3 Community partnerships

We have continued to:

- assist community service providers to effectively deliver services in the region
- support local community events that highlight and foster the creative and diverse nature of our community
- provide recreational and leisure services
- support financially creative and active communities.

Our key outcomes include:

- Adapting our program to convene and support online interagency meetings (40-60 participants fortnightly), sharing vital service information and logistical support for new initiatives.
- Receiving a Senior Inclusion grant from the Department of Communities and Justice.
- Hosting the Australia Day event at Raymond Terrace and supporting other Australia Day events at Nelson Bay, Karuah and Tanilba Bay.
- Over \$42,000 in financial assistance approved through Mayoral and Ward funds to many local community groups and organisations. Supporting events such as Men's Health Information Road Tour, the Aboriginal and Torres Strait Islander Elders Olympics and local groups such as St Vincent De Paul, schools and playgroups. As COVID restrictions slowly eased community groups looked forward to once again being able to gather, support and provide assistance through this financial support.



- Managing Council's Leisure and Recreational contracts including Aquatic Centre management Surf Lifeguards, leases and licences on community land to ensure contract compliance and manage community expectations. Tilligerry Pool and Lakeside pools reopened in June 2020, with Surf Lifesaving approved to reinstate flags allowing people to enter the water and resume beach patrols through the offseason until the start of the official season on 26 September.



Key challenges include:

- COVID – 19 limiting local events, gatherings and disrupting some Council businesses which remained closed due to Public health orders.
- Ongoing negotiations for Targeted Early Intervention funding.

Focus Area Two | Our Place
Port Stephens is a livable place supporting local economic growth

P1 Strong economy, vibrant local businesses, active investment

100% on track*
 Operation Plan actions



We have continued to:

- support sustainable business development in Port Stephens, and
- support and deliver services that attract sustainable visitation to Port Stephens.

Our key outcomes include:

- Implementing a number of measures to support the local community during the COVID-19 pandemic. The Tourism and Business Fund was established, supported by an implementation plan outlining the phased approach for project implementation at various stages of the crisis with a focus on business support, event attraction and destination marketing.
- Establishing a Small Business Support Service in March, with communications aimed at helping businesses to access information and professional support and services. Council staff delivered this via a hotline and regularly updated web page.
- Council assisting businesses as they reopened with managing hygiene in the workplace and negotiating training from State Training Services. In June we assisted businesses with managing social distancing, by delivering COVID Business Support tools to businesses across the LGA, including floor stickers to encourage social distance and hygiene.
- Conducting monthly occupancy audits in the Nelson Bay and Raymond Terrace town centres to better understand the immediate impacts of COVID-19 on business, with temporary business closures at:
 - Raymond Terrace: 30% (30 March), 12% 31 May
 - Nelson Bay: 40%(30 March), 8% 31 May
- Bootcamp sessions for Port Stephens Visitor Economy Start House being reformatted to online delivery due to COVID restrictions. The aim of the program being to create new experiences and services for our visitors, as travel options open.



- Whilst COVID-19 presented many challenges for business and the wider community and suspended place management activities, it also allowed the opportunity for a greater focus on strategic projects aimed at streamlining the events application process, refer Key Priorities page 12.
- Delivering major construction works at the Koala Sanctuary, refer Key Priorities page 15.
- Re- allocating Visitor Information Centre staff to assist other areas of Council when the Visitor Information was closed during the COVID-19 shutdown.
- Sponsoring events, Refer Key Priorities page 12.
- Signing a new 3 year funding agreement with Destination Port Stephens (DPS) which seeks growth in the visitor economy and launching of the new DPS brand and marketing campaign.



Destination Port Stephens Chairman Andrew Macdonald, Minister for Jobs, Investment, Tourism and Western Sydney Stuart Ayres, Chief Executive Destination NSW Steve Cox and Port Stephens Mayor Ryan Palmer at the official launch in Sydney

Key challenges include:

- COVID-19 having an unprecedented impact on the economy, business and tourism in Port Stephens. Cancellation/postponement of major events from March to June 2020 having an estimated economic impact of nearly \$1.8m on the local economy.
- Public events being cancelled or postponed due to NSW Public Health orders.

P2 Infrastructure and facilities

We have continued to:

- plan civil and community infrastructure to support the community
- build Council's civil and community infrastructure to support the community
- maintain Council's civil and community infrastructure to support the community
- deliver road infrastructure services on behalf of Roads and Maritime Services.

Our key outcomes include:

- Being 12 months ahead of schedule for In-Vehicle Management System (IVMS) installations for all road-going vehicles.
- Progressing the Smart Parking Infrastructure for Nelson Bay town centre.



- Major inspections of all road bridge assets.
- Managing Council's participation in the LED Street lighting replacement program.
- Completing a Dam Break Assessment for the Bagnalls Beach Road detention basin.
- Processing flood certificates, flooding and drainage advice and development engineering advice for Development Applications.
- Completing drainage improvement works at Shoal and Nelson Bay.
- Delivering Council's 2019 -2020 Road Safety Projects funded by Transport for NSW.
- IPWEA NSW awarding a high commendation for "Motorcycling In The Hunter" project, with the publication set to double in size and content in 2020-2021.
- Monthly convening the Local Traffic Committee.
- Being successful in a number of grant applications and delivering key projects over 2019-2020, including Birubi Point Aboriginal Place, Robinson Reserve Recreation Precinct Upgrade, new multipurpose sports amenities at Lionel Morten Oval, Karuah, multisport court at Fern Bay Reserve, disabled amenities upgrades at King Park Sports Complex in Raymond Terrace and the Bagnall's Beach East playground upgrade in Nelson Bay.

- Preparing and submitting a Project Proposal report for the Clarence Town Road Federal and State grant which is valued at \$9.5M over 3 years.
- In conjunction with the normal surveying works program, completing a major surveying task related to selected Asset Protection Zones across the LGA.
- Completing the largest ever capital works program delivered by Council in a single financial year (refer Scorecard, Service Delivery from page 40) which couldn't have been achieved it wasn't for the support and reallocation of resources from across the organisation during COVID-19. While COVID-19 cashflow required late deferral of a number of Council funded recreation and structures projects, excluding these, Capital Work Project Management delivered 96% (105 of 110 projects) of the program with the remaining 4% already deferred pre COVID-19.
- Maintaining 7 operational and historic Cemeteries across Council's owned and managed land at Raymond Terrace, Pioneer Hill, Karuah, Anna Bay, Carumbah Gardens Nelson Bay, Birubi Point, and Seaham Cemetery.
- Repairing nearly 10,000 potholes and 15,163 m² of heavy patching, with over 1900 tonnes of asphalt used in maintenance patching over the period.



- Completing drainage inspections: 1314 roadside and drainage defects registered year to date and 1630 accomplished. Over 10,000 defects being logged in the bi-annual inspection. All high risk/priority defects will be repaired in 2020-2021
- 511 planned services and 958 unscheduled repairs undertaken throughout the year by our depot workshop, with a 10% increase in service and repairs due to the increased capital works program.

Key challenges include:

- Due to COVID-19, larger scale projects not being delivered within forecast project timeframes, road safety projects impacted, 'Operation PAIL could not proceed due to it being suspended by Police and Free Cuppa did not reach its full potential due to travel restrictions.
- Resourcing increased capital works program as a result of PSC2020 projects and reallocating resources and project scheduling due to COVID-19 impacts.

- COVID-19 created a number of challenges including disruption of community sport was unprecedented and Council's role as a leader and an advocate was important in assisting the sporting community in a return to normality. The closure of a number of public facilities and the gradual reopening created a testing time for the LGA.
- A backlog of 338 defect repairs (mainly kerb and gutter repairs, pipe drain and tree works).
- The Raymond Terrace Landfill Site Capping project has suffered extended delays due to the lack of suitable locally sourced fill material.

P3 Thriving and safe place to live

We have continued to:

- provide land use plan, tools and advice that sustainably support the community
- enhance public safety, health and liveability through use of Council's regulatory controls and services
- support the amenity and identity of Port Stephens
- support emergency services and protect Council assets from bushfires and extreme weather events.

Our key outcomes include:

- Exhibiting and preparing the final Port Stephens Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) as outlined under Key Priorities page 17.
- A total of 450 development applications were determined, with over \$98M worth of development approved over the period and DA process net median days at 26 days.
- Reviewing a number of processes and procedures including streamlining the Development Application process and improve assessment timeframes.
- A net median Construction Certificate processing time of under 4 days was achieved over the last 6 months and 54 Construction Certificates were approved. We have continued to refine our approach to certification with positive responses being received from the industry and the number of Construction Certificates lodged with Council increasing by 150% in the last quarter.
- Inspections included:
 - Food shops -144 primary inspections and 24 re-inspections for the period, with 83% satisfactory at the primary inspection. 19 warning letters, 6 improvement notices and 6 penalty notices were issued.
 - Onsite Sewage Management Systems – 227 inspections with a 98% satisfaction result.
 - Skin penetration premises – 42 inspections conducted mainly in June due to COVID-19 with compliance at 90%.
- Investigating incidents of unauthorised development and land use and continued working to reduce outstanding complaints. 188 CRMs were finalised with approximately 80 outstanding.
- Increasing focus on companion animal management due to an increase in dog attacks. 98 attacks were investigated, up from 63 in the previous 6-months and more than double the 45 reported for the same period in 2019.

- Commencing in January a Companion Animals Registration Project to identify un-registered Cats and Dogs within our LGA. The initial phase resulted in registrations up 100% compared to the same time last year, with 856 un-registered animals identified, 700 owners contacted and over \$14,000 in outstanding registration fees received.
- Realising savings of approximately \$450,000 in clean-up costs through the removal of 1540 cubic metres of waste in the bulky waste compliance (kerbside collection) program.
- Success with a grant application for \$60K being awarded through NSW EPA for Waste Less Recycle More.
- Preparing a public domain plan for Raymond Terrace with over 700 people from the community engaged as part of the process.
- Ensuring the RFS and SES buildings are functional and have been maintained within agreed levels.



- Completing construction of the new RFS building at Karuah.
- APZs and fire trails have continued to be maintained at Council agreed levels of service throughout the period.
- Work with LEOCON and NSW Health continues regarding restrictions in place regarding COVID-19. The pandemic has seen the Port Stephens emergency management arrangements enacted and tested.

Key challenges include:

- The complexity of the LSPS and LHS documents required significant internal and external engagement.
- COVID-19 pandemic providing uncertainty in the construction and development industry, and shifting priorities for the Food shop inspection program and Ranger Teams.
- Resourcing illegal dumping investigations continues to remain a challenge and is being reviewed to ensure regulatory responsibilities are maintained.
- Planned hazard reduction burns have been postponed due to rain throughout the period and will be rescheduled once weather clears.



E1 Ecosystem Function

100% on track*
 Operation Plan actions



We have continued to:

- protect and enhance the local natural environment
- re-educate the community about the natural environment.

Our key achievements include:

- Completing the Sustainability Strategy preparatory work (including a diagnostic session with staff and audit of Council facilities), with a consultant appointed to develop an initial action plan and future roadmap.
- Working on Flora and Fauna Survey and Management Report templates and guidelines continued with all documents currently being reviewed internally.
- Processing:
 - 71 DA referrals for Environmental Impact Assessments
 - 102 tree applications received determined
 - 61 other referrals received assessed
- Inspecting 338 site for biosecurity compliance of priority weeds – 19 compliance/enforcement actions undertaken for breaches. 244 sites were treated to control priority weeds.
- Undertaking nature conservation programs in collaboration with 457 volunteers to restore, regenerate and rehabilitate natural assets and areas of biodiversity, landscape, cultural, and environmental value. With 38 hectares across 167 sites regenerated and 1087 trees planted.
- Council's Natural Resources team leader being elected to represent Local Government on the Hunter Regional Pest Animal Committee, where work will continue on authorisation of Local Government staff for pest animal work under the Biosecurity Act
- All 73 council owned and managed areas considered to house significant Natural Assets being assessed using Council's Bushland Assessment Tool (BAT).
- 4 public events to educate the community on the environment were held and 260 stakeholders received Invasive Species face to face engagement.

Key challenges include:

- COVID-19 restrictions limiting the ability to hold group activities.
- COVID-19 restrictions reduced the ability of volunteers and contractors to complete works as usual.

E2 Environmental Sustainability

We have continued to:

- reduce the community's environmental footprint.

Our key achievements include:

- Coordinating waste collection services with the following completed over the period:
 - 13,485 tonnes of waste via the red bin collected and composted
 - 2,833 tonnes of recycling via the yellow bin collected and recycled
 - 811 tonnes of green waste collected via drop off days and mulched
 - 4,842 tonnes of mixed wastes received at the Salamander Bay Waste Transfer Station
 - 57% of waste delivered to Newline Road Waste Facility was composted
 - 90% of recycling was diverted
- Planning for a trial small wind generation system.

Key challenges include:

- Landfill diversion of the waste collected by council from the kerbside was again down, this is due to the Mixed Waste Organics Output (MWOO compost) that is produced having to be landfilled as an alternative use is yet to be identified. Council is working with our contractor on alternate uses for MWOO and is also about to develop a long term waste strategy. These actions will enable Council in the future to again achieve high levels of landfill diversion from the waste collected at the kerbside.



E3 Environmental Resilience

We have continued to:

- encourage community resilience to coastal hazards
- encourage community resilience to detrimental impacts from the environment
- encourage community resilience to the impacts of climate change.

Our key achievements include:

- Completing sand replenishment projects at Nelson Bay Marina and Shoal Bay West with minimal disruption to the community
- Commencing Stage 2 of the Coastal Management Program – refer Key Priorities page 11
- Quarterly water and gas monitoring of decommissioned waste landfill sites as per the schedule
- Council continuing to monitor the implementation of the project management action plan from Department of Defence to achieve PFAS contamination remediation – refer Key Priorities page 17
- Developing a Climate Change Policy which has gone on public exhibition
- Facilitating a review of the Climate Change Adaptation Action Plan.



Key challenges include:

- COVID -19 restrictions created some challenges to resourcing, however the Coastal Management Program remains on track
- Environmental conditions continue to have an impact on coastal erosion with the main constraints being prioritisation and funding
- Effective engagement with the community about coastal management processes when the topic and processes in themselves are quite complex
- Capping and rehabilitation of the former waste landfill at Newline Road Raymond Terrace has commenced and was expected to be completed at the end of 2019, however due to difficulty sourcing approved clay capping required in terms of EPA guidelines, the expected completion date is the end of August 2020.



L1 Governance

100% on track*
Operation Plan actions



We continue to:

- develop and encourage the capabilities and aspirations of a contemporary workforce
- provide strong civic leadership and government relations
- provide a strong ethical governance structure
- provide strong supportive business systems for Council's operations
- reduce risk across Council.

Our key achievements include:

- Improvements from the Human Resources program of work towards learning and development, enhancements to the Human Resource Information System, review of the salary system and supporting COVID-19 activities.
- Council adopting a new Workforce Plan in June which sets out our plan for human resource requirements.
- Delivering support to Council and the executive on time and within budget.
- Hosting citizenship ceremonies on Australia Day at both Raymond Terrace and Nelson Bay, with 28 conferees from 10 nationalities taking the pledge at Raymond Terrace and 28 conferees from 6 nationalities taking the pledge at Nelson Bay.



- As a joint owner of the airport, recognising commencement of construction of Stage 1 of the Astra Aerolab project development, with BAE Systems signing an MOU to be an anchor tenant in the Astra Aerolab precinct.
- Significant work has been undertaken by the Hunter Joint Organisation towards the establishment of the proposed Hunter 2050 Foundation. The objective of the Foundation is to drive diversification of new economic opportunities across the Hunter region.
- Providing governance and legal services across the organisation, managing legal matters in court and meeting ongoing legislative compliance.

ITEM 6 - ATTACHMENT 1 SIX MONTHLY REPORT JANUARY TO JUNE 2020.

- Conducting the 2020 Governance Health Check over 4 key areas including Ethics, Risk Management, Information Management and Reporting. Refer to the Governance scorecard on page 46.
- The 2019-2020 Internal Audit program was endorsed by the Audit Committee, with 7 internal audits conducted throughout the year.
- Council meeting its obligations under the Government Information (Public Access) Act 2009 and Privacy and Personal Information Protection Act. Council received over 30 formal applications and in excess of 300 informal requests for access to information.
- Conducting the 2020 annual Community Satisfaction Survey in May/June. The survey link was distributed to nearly 14,000 emails, targeting residents across the Local Government Area. Refer Scorecard Community Satisfaction page 45.
- Meeting our Integrating Planning and Reporting requirements by:
 - providing a 6 Monthly Report (to Dec 2019) to Council - showing we were on track with our 7 Key metrics.
 - publicly exhibiting and Council endorsing for our budget, resourcing and works plans via our Integrated Planning and Reporting documents for 2020-2021 (including the Delivery Program 2018-2021 incorporating the Operational Plan 2020-2021; Long Term Financial Plan 2020-2030, Strategic Asset Management Plan 2020-2030, Workforce Plan 2018-2021 and Fees and Charges 2020-2021). Refer Service Delivery Scorecard page 40.



- Continuing to make improvements to the processes for our services by improving the customer and employee experience, improving the focus on process improvement and variation reduction to find further efficiency and savings for the organisation.
- Continuing the Corporate Improvement and Business Systems program of work (which is focused on continuously improving the effective use of data, information and knowledge across the organisation). Whilst some of the projects have been deferred due to COVID-19, the ICT team has responded quickly and effectively during this time to enable staff to work from home.
- Having a significant risk focus on health and safety, adjusting to a dynamic and rapidly evolving environment to prioritise staff and community health whilst enabling progress towards economic and community resilience and continuing to manage the Integrated Risk Management program of work. Refer to the Risk Management Scorecard from page 47.

Key challenges include:

- Additional citizenship ceremonies scheduled to be held in March and April were cancelled due to COVID-19, however in consultation with the Department of Home Affairs and in accordance with Public Health Orders half of our waiting list of approved participants are being proposed for a new ceremony date in July.
- COVID-19 has had a severe impact on airport operations with the Board putting into place various strategies to mitigate adverse impacts, however it is anticipated that the financial result will be severely impacted in the short-medium term. As a consequence no dividend payment to shareholders is forecast for 2020. The NAPL solvency position and cash reserves are strong.
- The Community Satisfaction Survey was longer in length this year to cover off on a number of key areas and indicators including COVID-19, with the report style and future format to be reviewed as part of continuous improvement.
- Due to COVID-19, the Integrated Planning and Reporting documents for 2020-2021, required further rework than is normally required to reflect budget and operational impacts.

L2 Financial Management

We continue to:

- maintain strong financial sustainability
- maximise non-rate revenue and investment to support Council services.

Our key achievements include:

- Completing the 2020 - 2021 Fees and Charges Schedule, Long Term Financial Plan, 2 Budget Reviews, 2 Quarterly Grants Reports and Financial hardship measures (as a result of COVID-19) investigated and implemented within a short timeframe.
- Maintaining Council's financial sustainability following the March quarter results and net cash flow challenges posed by COVID-19 with a lot of number crunching and re-prioritisation of spending without any reduction in our staffing and only minor delays in projects. Refer Financial Sustainability Scorecard page 48.

- Completing upgrade works to 437 Hunter Street Newcastle and carrying out insurance works to Terrace Shopping Village and Best and Less buildings following damage from storms.
- Issuing 33 commercial leases and licences.
- Working towards the acquisition of numerous parcels of land at Swan Bay and Newline Road to facilitate road widening works, as well as negotiating various Crown Land licences at Little Beach, Corlette and surrounds to facilitate sand extraction activities.
- Completing: the land register audit, the subdivision and sale of landlocked land to adjoining owners at Salamander Bay, sale/lease of all lots in Stage 1 of Salamander Central, negotiations with multiple landowners at Boat Harbour for an easement acquisition and civil works at 795 Medowie Road Medowie with one property settled.
- Riding the ups and downs over the period with an increase in Holiday Park occupancies for January and increase in revenue for February comparative to the previous year, however with COVID-19 and Public Health Order the Holiday Parks closed in late March. The Holiday Park staff made the best of the situation working on overdue improvement projects including painting, pressure cleaning, gardening, road marking, deck repairs, repairing sites and spring cleaning updating the reservation system, implementing a new arrival survey, updating assets registers, reviewing and improving the parks rules, terms and conditions, setting up a new payment plan, refining our online chat robot "Newbie" and improving holiday van processes.

On 1 June the Holiday parks reopened and launched our new Reconnect Now campaign to welcome guests back to the Holiday Parks once the travel restrictions were eased.



Key challenges include:

- Managing the budgets and maintaining financial sustainability during the COVID-19 pandemic.
- Requests for rent relief from many business due to COVID -19.
- COVID-19 causing the closure of Beachside Holiday Parks from 26 March through to 1 June 2020.

L3 Communication and Engagement

We continue to:

- promote a customer first organisation
- provide information in a range of accessible formats
- strengthen Council's reputation
- provide a voice for the community.

Our key achievements include:

- Transformations in Customer Relations with a Leadership team approved within the team placing the team in a good position to have staff leadership during COVID-19. The Customer Relations team have worked 25% over their normal workload to assist the community and answer queries on social distancing, travel, restrictions and facilities and services updates. 8,167 customer requests were received in the period.
- Creating a dedicated COVID-19 landing web page and sub-pages to make information easy to find and access by the community webpage during the pandemic. This provides a vital single source of information, with these pages having been viewed 29,527 times. With a clear and concise pinned post on Facebook and other publicity referring back to this webpage. All of our Communications, Emergency Management and Customer Relations teams working as one during the pandemic to keep our community updated.
- Streamlining content on our website to improve the user experience and speed up loading times, with over 500 pages removed and 7 years of news content archived. Revamping Library, Community Directory, Councillor Development program, Grants, Rates, Weeds, Port Stephens Profile, Tenders and Contractors, Art Space and creating a dedicated Public Exhibition page for the user.
- PSLIVE event — an excellent whole of Council initiative that exceeded expectations with regard to engagement. Setting the benchmark for a new style of engagement with our community. Continued growth in audience and engagement across all social platforms during this period reflects well on our new approach to prioritising our owned media channels, with our biggest growth on LinkedIn at 17.6% - a clear indicator that we've got a growing audience for our employer brand.
- Graphic Design continuing to be a much sought after service with a large number of internal and external signs, newspaper notices, flyer and social notices sought in a very short turnaround time along with support for Mambo Westlands signage, Aboriginal Place signage and LSPS and LHS documents.
- Actively servicing 48 communications and engagement projects and completing 42 projects during the period, which include Raymond Terrace Public Domain Plan, Boomerang Park Do park options, Cabbage Tree Road, Shoal Bay footpath, LSPS/LHS and PSLive.



Artist Nick Stuart and his mural on Raymond Terrace Library

Key challenges include:

- The Customer Relations team also took a hit in regards to aggressive and abusive customers as the plans and restrictions put in place by Council to adhere to the Public Health Notice were not popular or well received by the community.
- Management of COVID-19 peak traffic on the website was a challenge with traffic through the website to locate information about COVID 19 Public Health Orders not expected. The management of changes to legislated public notices advertising generated some negative sentiment. The change was managed through greater use of Council's owned digital media, which in turn generated a conversation with the broader community about how Council communicates with community.
- Reduction in face-to-face engagement activities due to COVID-19, risked exclusion of some members of the community from accessing information and participating in projects.

Scorecard

7 key result measures underpin everything we do at Port Stephens Council:

Seven Result Measures		Status
	1. Service Delivery Target > 95% Integrated Plans delivered on time Achievement: 100% Operational Plan Actions* (as at 30 June 2020)	
	2. Community Satisfaction Target > 80% Community Satisfaction Achievement : 80% (Source: 2020 Community Satisfaction Survey)	
	3. Employee Engagement Target > 70% Employee Engagement Achievement: 74% (Source: AON Hewitt, 2019)	
	4. Governance Target > 95% Governance Health Check Achievement: 98.24% (as at June 2020)	
	5. Risk Management Target > 80% Risk Management Maturity Achievement: 86% (As at August 2019)	
	6. Financial sustainability Target: underlying financial surplus Achievement: Anticipated deficit for the 2019-2020 financial year. Results to be provided in Annual Report 2019-2020	
	7. Infrastructure Backlog Target: Infrastructure backlog reduced Achievement: Results to be provided in Annual Report 2019-2020	

Legend:

-  On track (target achieved or on track to be achieved)
-  Monitor (<5% off the target)
-  Off track (>5% off the target)

* Revised current work programs/plans impacted by COVID-19 are 100% on track

We successfully balance these key metrics by:

- ensuring that we're delivering on what we say we're going to do
- ensuring our community is satisfied with the level of service
- ensuring our assets are maintained in an acceptable standard
- being financially sustainable
- having the right practices and governance in place
- having an appropriate risk maturity and
- having engaged employees



1 Service Delivery

The following progress has been made on the actions in the 2019-2020 Operational Plan, which contribute to delivering the Delivery Program objectives:

- 100% (90 actions) on track*

The following tables are a summary of individual road, community and recreation projects that were completed and are in progress as at 30 June 2020. It is not an exhaustive list of all Capital Works projects carried out during this period.

Roads and Drainage projects completed	Expenditure 1 January to 30 June 2020
Shoal Bay Holiday Park access — exit onto Government Rd	\$62,849
Tomaree Road Shoal Bay — Stage 1	\$524,313
Abundance Road	\$307,210
Shoal Bay pedestrian crossing	\$105,791
Vardon Rd, Fern Bay	\$393,331
CPTIGS - Fingal Bay and Mt Hall Rd, Shoal Bay (install shelters & plinths) * 1 bus stop in West Ward	\$14,311
Seaham Road, Nelsons Plains	\$291,385
Greenwattle Creek Rd, Butterwick	\$400,000
Foreshore Drive, Salamander Bay (part PS2020 funded)	\$615,782
Stage 1 East Donald Street (PS2020) ¹	\$902,490

¹ A correction to the Operational Plan 2020-2021 is to be made regarding completion of Stage 1 of East Donald Street Carpark. The Car Park works are complete as outlined above, however the Amenities are due to be commenced in October 2020

* Revised current work programs/plans impacted by COVID-19 are 100% on track

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Stage 1 Waropara Road, Medowie — shared pathway (PS2020)	\$136,714
Gan Gan Rd (from Nelson Bay Rd to dune access), Anna Bay (PS2020)	\$481,419
Gan Gan Rd (from 269 Gan Gan Rd to 304 Gan Gan Rd), Anna Bay (PS2020)	\$22,830
RMS - Nelson Bay Rd / Lemon Tree Passage Rd	\$410,757
TOTAL	\$4,669,182

Lemon Tree Passage Road, Tanilba Bay



Vardon Road, Fern Bay



Roads & Drainage projects in construction	Expenditure 1 January to 30 June 2020
Raymond Terrace Landfill Site Capping	\$230,207
Port Stephens Drive	\$254,687
Italia Road - SEG 110	\$165,011
Lemon Tree Passage Road, Salt Ash	\$275,476
RMS – Cabbage Tree Rd	\$350,000
TOTAL	\$1,275,381

Roads & Drainage projects in planning	Expenditure 1 January to 30 June 2020
Newline Rd, Raymond Terrace (Design Only)	\$22,886
Masonite Rd, Tomago	\$17,843
Tanilba Bay Paths (PS2020)	\$21,339
Mallabula to Lemon Tree Passage, Lemon Tree Passage Rd - Shared Pathway (PS2020)	\$18,496
Bus Interchange at Seaham (PS2020)	\$9,237
Fern Bay Shared Pathway (PS2020)	\$10,423
William St, Raymond Terrace - Town Centre Improvements (PS2020)	\$84,569
Shoal Bay Foreshore, Shoal Bay - Shared Pathway (PS2020)	\$27,840
Swan Bay Rd, Swan Bay (PS2020)	\$97,361
TOTAL	\$309,994

Community & Recreational and Structures projects completed	Expenditure 1 January to 30 June 2020
Shoal Bay Holiday Park Amenities	\$21,725
Port Stephens Netball Club Disabled Amenities	\$7,832
RFS Karuah	\$812,914
Lionel Morten Oval Amenities	\$1,037,910
Apex Park, Nelson Bay	\$2,990
Nelson Bay Croquet Club	\$43,662
Pirralea Gardens, Nelson Bay	\$55,867
Shoal Bay West Sand Replenishment	\$57,628
Vi Barnett Athletics Club Disabled Amenities	\$73,960
Fitzgerald Bridge Amenities	\$194,271
Tilligerry Tennis	\$5,076
Fern Bay Sports Court	\$156,181
Nelson Bay Marina	\$143,688
Fingal Bay Oval - Footpath Upgrades - Replace Access Paths	\$17,989
TOTAL	\$2,631,693



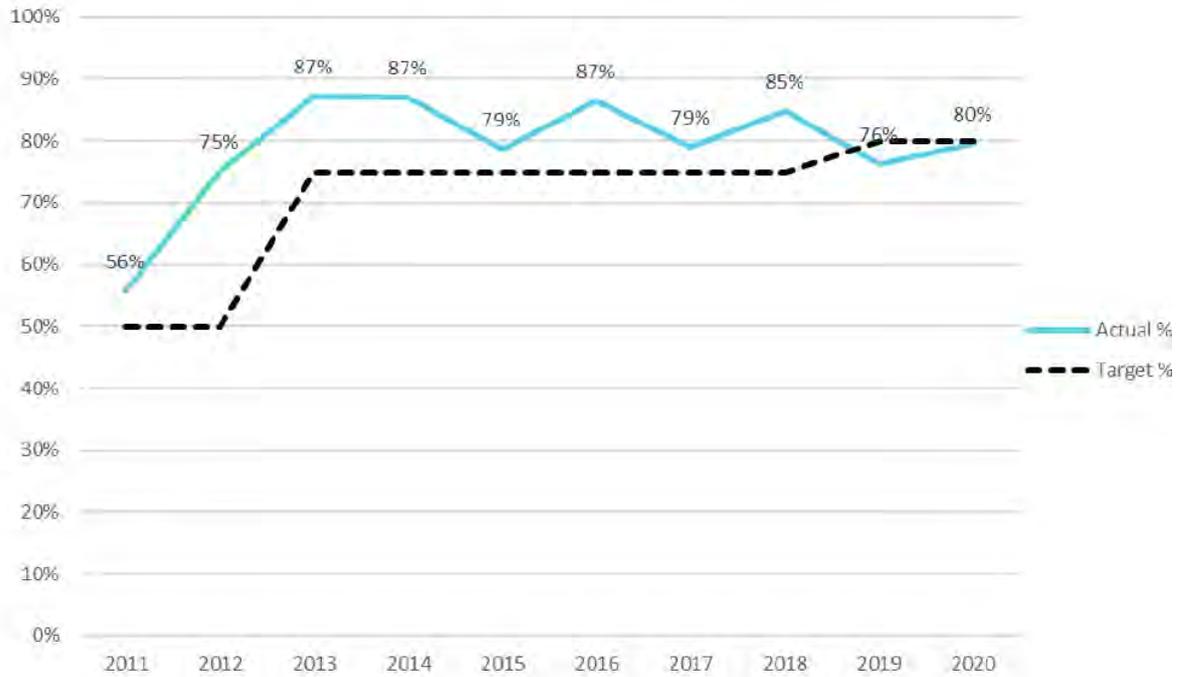
Community & Recreational and Structures projects in construction	Expenditure 1 January to 30 June 2020
Salt Ash Hall Outside Toilet	\$40,497
Koala Sanctuary	\$1,891,975
Robinson Reserve, Anna Bay	\$1,601,981
TOTAL	\$3,534,453

Community & Recreational and Structures projects in planning	Expenditure 1 January to 30 June 2020
Little Beach, Nelson Bay - Amenities Replacement (PS2020)	\$20,818
Longworth Park, Karuah - Amenities Replacement (PS2020)	\$4,050
Mallabula Sports Complex	\$50,861
Boat Harbour Amenities	\$8,674
Raymond Terrace Depot	\$62,144
Birubi Information Centre	\$183,076
TOTAL	\$329,623

2. Community Satisfaction

Our annual Community Satisfaction Survey was carried out in May/June 2020 yielding an overall satisfaction score of 80% from the community. This is 4 percentage points up from our 2019 score and meets our annual target of 80%.

A report with more detailed information will be provided to Council and be made available on Council's website at the end of August 2020.



3. Employee Engagement

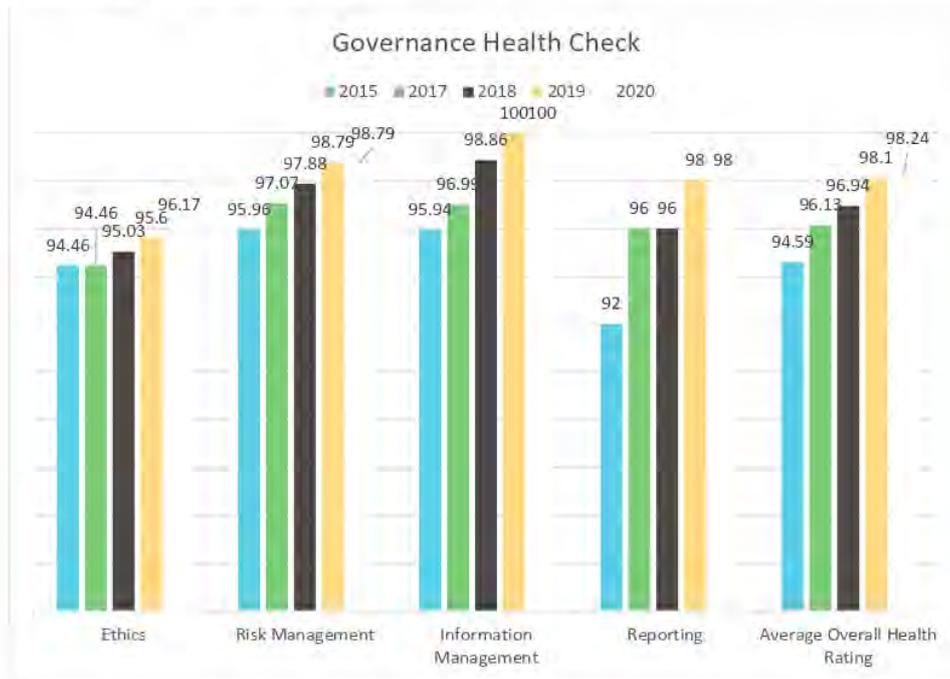
The Employee Engagement Survey was conducted in September 2019 with a 74% engagement score. This was our highest ever result.

For the first time we exceeded our ambitious target of 70% which places Council in the top quartile of organisations in Australia and New Zealand. We continue to score significantly above the average local government score of 54%. There have been improvements in all key areas which we focussed on during the year. A robust plan will be implemented with key stakeholders on how to improve over the next 6-12 months and beyond with short- and long-term milestones.

4. Governance

Our Governance Health Check was last conducted in June 2020 and is reviewed on an annual basis. The overall rating in 2020 increased to 98.24% due to further improvements in the area of managing working with children policy and procedures. The rating exceeded Council’s target of 95%.

The Governance Health Check is a tool to measure our governance and how well we perform. It covers four areas: ethics, risk management, information management and reporting. The graph below demonstrates our progress in achieving our Governance Health Check scores from 2015 to 2020.



5. Risk Management

The enterprise Risk Management Framework (RMF) continues to support Council to deliver its strategic and operational goals. The RMF has been an important component of Council's proactive and coordinated response to the challenges COVID-19 has presented to our organisation and community over the last six months.

This period has required significant risk focus on health and safety, adjusting to a dynamic and rapidly evolving environment to prioritise staff and community health whilst enabling progress towards economic and community resilience. The Enterprise Risk Management team carried this forward in addition to the risk support and guidance for ongoing delivery of core Council operations and services.

Environmental Management System

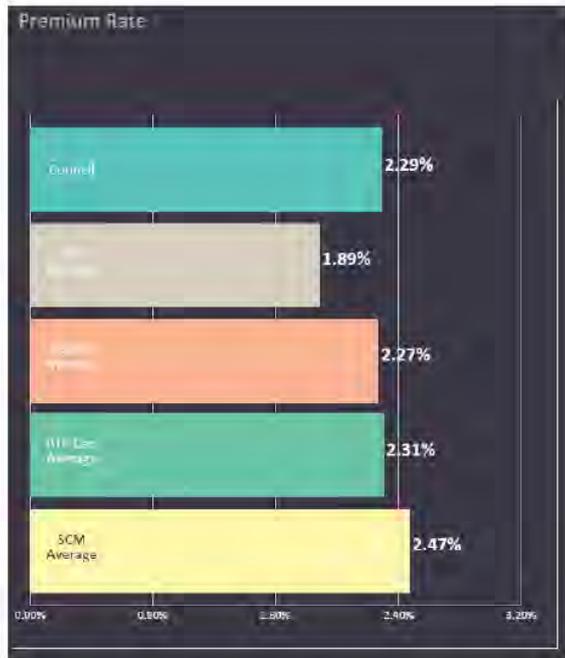
The Local Government NSW Council Roadside Reserves Environmental Grant was completed in June 2020. This \$50,000 grant supported the delivery of the following outputs:

- Environmental Management System deployment for roadside operational maintenance, including Environmental Impact Assessment (EIA) and Standard Operating Procedures (SOP's)
- Roadside vegetation assessment using the Rapid Assessment Methodology (RAM)
- Roadside Environmental Marker Program
- Integrating Natural Assets into Council's Asset Management System

Council has been progressing its risk awareness and response to climate change. With the support of Statewide Mutual and JLT Consulting, an internal workshop was held to identify and analyse specific climate threats based on current climate projections. This involved scenario and impact analysis of climate change on different functional areas of Council, including long-term planning and resourcing. This exercise remains in progress and will help to inform Council's ongoing approach to adapting to the challenges of climate change.

Work Health and Safety

Over the last 6 months Council has experienced a reduction in the number of workers compensation claims (compared to the same period last year). However, the nature of some injuries have resulted in more complexity of claims. This is reflected in Council's workers compensation premium rate, which, whilst below the StateCover Mutual Scheme average, acknowledges improvement opportunities.



Council continues to review and refine practices with a strong emphasis on injury prevention. Focus areas include mental health, sprains and strains, hazard identification and identification of high-risk tasks.

During the last 6 months, Council has undertaken the following key health and safety outputs (including Actions to prevent or respond to potential risk):

- 50 Ergonomic assessments (90 Actions),
- 8 Workplace Inspections (42 Actions),
- 72 Safety Compliance Audits,
- 983 Safety observations (99 Actions), and
- 180 Influenza vaccinations for staff.

Council’s ongoing and continued efforts in workplace health and safety prompted a rebate in this period of \$117,344 from its Workers Compensation Insurer, StateCover Mutual Ltd.

6. Financial sustainability

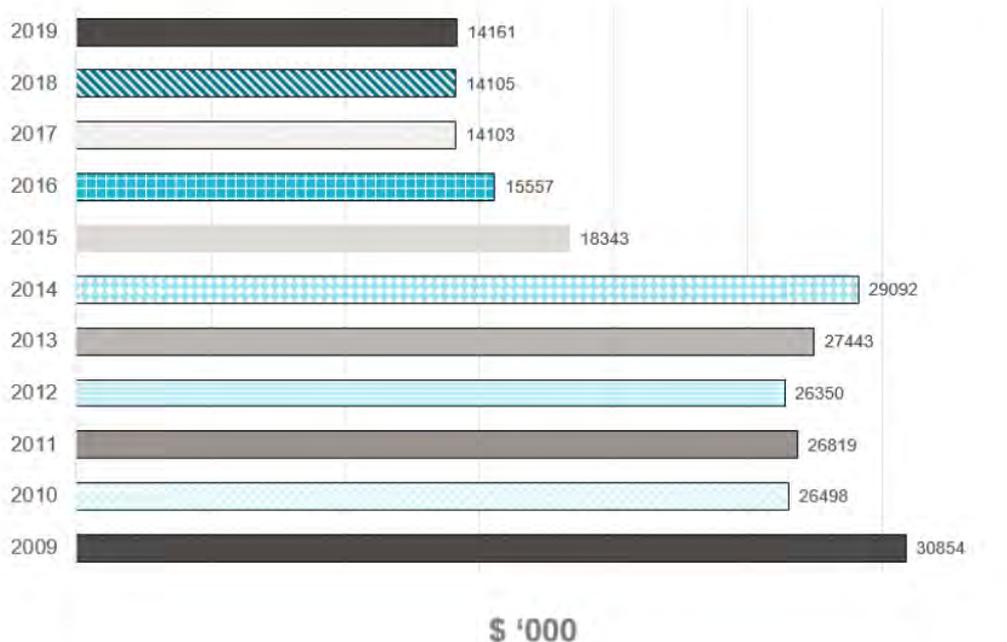
As a result of COVID-19 and the forced closures of a number of Council facilities it is anticipated that the underlying financial result will move from a surplus to a deficit. Careful management of cash flow projections has ensured that Council has remained able to meet financial obligations but a short term deficit has been unavoidable.

Due to the timing of preparation of end of year financials, the underlying financial result is not available at the time of compiling this report, with the results to be published as part of Council’s 2019-2020 Annual Report to the community.

7. Infrastructure backlog

The infrastructure backlog is a new measure introduced in the 2019-2020 financial year.

The target is to reduce the backlog, which occurred significantly from 2014 to 2015, remaining relatively stable for the past 3 years. Due to the timing of preparation of end of year financials, the infrastructure backlog result is not available at the time of compiling this report, with the results to be published as part of Council's 2019-2020 Annual Report to the community.







Privacy Management Plan



PORT STEPHENS
COUNCIL

council@portstephens.nsw.gov.au | 02 4988 0255

PORTSTEPHENS.NSW.GOV.AU

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PART 1 – INTRODUCTION

The Privacy and Personal Information Protection Act 1998 (the “PPIPA”) requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the Health Records and Information Privacy Act 2002 (the HRIPA).

In particular, the object of this plan is to inform:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

The Privacy and Personal Information Protection Act 1998 (“PPIPA”) provides for the protection of personal information and for the protection of the privacy of individuals.

Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (the “Plan”) to deal with:

- the devising of policies and practices to ensure compliance by the Council with the requirements of the PPIPA and the Health Records and Information Privacy Act 2002 (“HRIPA”);
- the dissemination of those policies and practices to persons within the Council;
- the procedures that the Council proposes for internal review of privacy complaints;
- such other matters as are considered relevant by the Council in relation to privacy and the protection of personal information held by it.

This Plan has been prepared for the purpose of section 33 of the PPIPA.

PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are listed below:

- Principle 1 - Collection of personal information for lawful purposes
- Principle 2 - Collection of personal information directly from individual
- Principle 3 - Requirements when collecting personal information
- Principle 4 - Other requirements relating to collection of personal information
- Principle 5 - Retention and security of personal information
- Principle 6 - Information about personal information held by agencies
- Principle 7 - Access to personal information held by agencies
- Principle 8 - Alteration of personal information
- Principle 9 - Agency must check accuracy of personal information before use
- Principle 10 - Limits on use of personal information
- Principle 11 - Limits on disclosure of personal information
- Principle 12 - Special restrictions on disclosure of personal information

Those principles are *modified* by the Privacy Code of Practice for Local Government (“the Code”) made by the Attorney General. To date there has been no Health Records and Information Privacy Code of Practice made for Local Government.

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The Privacy Code has been developed to enable Local Government to fulfil its statutory duties and functions under the Local Government Act 1993 (the "LGA") in a manner that seeks to comply with the PPIPA.

This Plan outlines how the Council will incorporate the 12 Information Protection Principles into its everyday functions.

This Plan should be read in conjunction with the **Privacy** Code of Practice for Local Government.

Nothing in this Plan is to:

- affect any matter of interpretation of the Codes or the Information Protection Principles and the Health Privacy Principles as they apply to the Council;
- affect any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever;
- create, extend or lessen any obligation at law which the Council may have.

This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.

Where the Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Codes.

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of the Council's information that is personal information.

It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

1.1 What is "personal information"?

"Personal information" is defined in section 4 of the PPIPA as follows:

Personal information is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.

1.2 What is not "personal information"

"Personal information" does not include "information about an individual that is contained in a publicly available publication". Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Section 4A of the PPIPA also specifically excludes "health information", as defined by section 6 of the HRIPA, from the definition of "personal information", but includes

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"health information" in the PPIPA's consideration of public registers (discussed below). "Health information" is considered in Part 4 of this Plan.

Where the Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 8 of the Government Information (Public Access) Act 2009 (GIPA Act)).

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper;
- Personal information on the Internet;
- Books or magazines that are printed and distributed broadly to the general public;
- Council Business papers or that part that is available to the general public;
- Personal information that may be a part of a public display on view to the general public.

Information published in this way ceases to be covered by the PPIPA.

Council's decision to publish in this way must be in accordance with PPIPA.

1.3 Application of this Plan

The PPIPA, the HRIPA and this Plan apply, wherever practicable, to:

- Councillors;
- Council employees;
- Consultants and contractors of the Council;
- Council owned businesses; and
- Council committees (including community members of those committees which may be established under section 355 of the LGA).

Council will ensure that all such parties are made aware that they must comply with the PPIPA, the HRIPA, any other applicable Privacy Code of Practice and this Plan.

1.4 Personal Information held by Council

The Council holds personal information concerning Councillors, such as:

- personal contact information;
- complaints and disciplinary matters;
- pecuniary interest returns; and
- entitlements to fees, expenses and facilities.

The Council holds personal information concerning its customers, ratepayers and

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residents, such as:

- rates records; and
- DA applications and objections; and
- various types of health information (see page 37 for detailed examples).

The Council holds personal information concerning its employees, such as recruitment material, leave and payroll data, personal contact information, performance management plans, disciplinary matters, pecuniary interest returns, wage and salary entitlements and health information (such medical certificates and workers compensation claims).

1.5 Applications for suppression in relation to general information (not public registers).

Under section 739 of the *Local Government Act 1993* ("LGA") a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person's place of living if the person considers that the disclosure would place the personal safety of the person or their family at risk.

Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.

For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan. For information regarding suppression of information on *public registers*, see Part 2 of this Plan.

1.6 Caution as to unsolicited information

Where an individual, a group or committee, not established by Council, gives Council unsolicited personal or health information, then that information should be still treated in accordance with this Plan, the Codes, the HRIPA and the PPIPA for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.

Note that for the purposes of section 10 of the HRIPA, the Council is not considered to have "collected" health information if the receipt of the information by the Council is unsolicited.

Section 4(5) of the PPIPA also provides that personal information is not "collected" by Council if it is unsolicited.

PART 2 – PUBLIC REGISTERS

A public register is defined in section 3 of the PPIPA:

“...public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).”

A distinction needs to be drawn between “public registers” within the meaning of Part 6 of the PPIPA and “non public registers”. A “non public register” is a register but it is not a “public register” for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.

Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Privacy Code **of Practice**. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.

Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this Plan and the Privacy Code where it includes personal information that is not published.

The following list identifies public registers held by Council.

Act / Regulation	Section	Purpose	Contact	
*Local Government Act	53	Land Register	Identify land vested in Council or under Council's control	Register can be accessed from Council's website .
	113	Record of Approvals	Identify approvals granted under the Act	Development Services.
	449-450A	Register of Pecuniary Interests	Identify pecuniary interest of Councillors and designated persons	Councillor returns are available on Council's website. For other designated persons returns please contact Council. Governance Manager/Privacy Officer.
Environmental Planning and Assessment Act	100	Register of Consents and Approvals	Identify approvals, consents and related appeals under the Act	Some information is available from Council's website or alternately from Development Services.
	149G	Record of Building	Identify building certificates	Development Services

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Act / Regulation	Section		Purpose	Contact
		Certificates		
Protection of the Environment Operations Act	308	Public register of licences	Identify licences granted under the Act	Development Services/Governance.
Impounding Act	30 & 31	Record of Impounding	Identify impounding action by Council	Development Services/Governance.
Government Information (Public Access) Act	25	Disclosure Log of Access Applications	Identify access applications where there is a public interest and Council has determined to provide access to the information	Register can be accessed from Council's website .
	27	Register of Government Contracts	Identify Council contracts that have (or are likely to have) a value of \$150,000 or more	Register can be accessed from Council's website .
Government Information (Public Access) Regulation 2009	Sch1. 1(3)(d)	Register of graffiti removal	Identify graffiti removal work	Governance Facilities and Services
	Sch1. 1(3)(e)	Register of current political donations	Identify current political donations	Register can be accessed from a link on Council's website .
	Sch1. 1(3)(e)	Register of planning decisions	Identify voting on planning matters of the elected council	Register can be accessed from Council's website .
Local Government Act	377-378	Register of Delegations	Identify functions delegated by the General Manager to Council Officers	Register can be accessed by informal request under the GIPA Act. Register can be accessed from Council's website .
	602	**Rates Record	In relation to a parcel of land, identify: <ul style="list-style-type: none"> • the value • rate liability the owner or lessee	Register can be sought accessed by informal request under the GIPA Act.

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*Note – this is purely indicative. Council may, by virtue of its own practice, hold other Public Registers, to which the PPIPA applies.

**Note – owner contact information will not be provided.

Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the sections that follow.

A list of other registers held by Council is available from Council's website. It should be noted that a number of these registers are not public registers. The Information Protection Principles, this Plan, any applicable Codes and the PPIPA apply to those registers or databases.

2.1 Public registers, the PPIPA and the HRIPA

A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).

Despite the exclusion of "health information" from the definition of "personal information" under section 4A of the PPIPA, section 56A of the PPIPA *includes* as "personal information", "health information" on public registers.

Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. It provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

Section 57 (2) provides that in order to ensure compliance with section 57(1), a Council may require any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration as to the proposed use of that information. (Form at Appendix 1 may be used as a guide)

Council also needs to consider the Privacy Code of Practice for Local Government which has the effect of modifying the application of Part 6 of the PPIPA (the "public register" provisions).

If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.

Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by the PPIPA or as health information for the purposes of part 6 of the PPIPA.

ITEM 12 - ATTACHMENT 1 REVISED PRIVACY MANAGEMENT PLAN.**2.2 Effect on section 6 of the GIPA Act**

Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the Government Information (Public Access) Regulation 2009 (GIPA Regulation) to the extent of any inconsistency. Therefore:

1. If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with section 57(1) of the PPIPA.
2. If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:
 - (i) if it is allowed under section 57(1) of the PPIPA; **and**
 - (ii) there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

Note: Both 1 and 2 are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

2.3 Where some information in the public register has been published

That part of a public register that is not published in a publicly available publication will be treated as a "public register" and the following procedure for disclosure will apply.

For example, the Register of Consents and Approvals held by Council under section 100 of the Environmental Planning and Assessment Act requires Council to advertise or publish applications for development consent.

When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.

Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is not to be considered a public register of the Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.

Registers should not be published on the internet.

2.4 Disclosure of personal information contained in the public registers

A person seeking a disclosure concerning someone else's personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.

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In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases a “secondary purpose” has also been specified, by way of guidance as to what might constitute “a purpose *relating to* the purpose of the register”.

Secondary purpose of all Public Registers

Due to the general emphasis (to be found in the LGA and elsewhere) on local government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of a Public Register held by Council will not necessarily fit within this purpose. Council is guided by the Privacy Code of Practice for Local Government in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Council will make its assessment as to the **minimum** amount of personal information that is required to be disclosed with regard to any request.

Other Purposes

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

2.5 Applications for access to own records on a public register

A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

2.6 Applications for suppression in relation to a public register

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the LGA.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of

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the PPIPA. ("Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".)

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

PART 3 – THE INFORMATION PROTECTION PRINCIPLES

3.1 Information Protection Principle 1 – Section 8

Section 8 Collection of personal information for lawful purposes

- (1) A public sector agency must not collect personal information unless:
 - (a) the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and
 - (b) the collection of the information is reasonably necessary for that purpose.
- (2) A public sector agency must not collect personal information by any unlawful means.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes no provision to depart from the requirements of this principle.</p>	<p>Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions.</p> <p>Section 22 of the LGA provides other functions under other Acts. Some of those Acts are as follows:</p> <ul style="list-style-type: none"> • Community Land Development Act 1989 • Companion Animals Act 1998** • Conveyancing Act 1919 • Environmental Planning and Assessment Act 1979 • Fire Brigades Act 1989 • Fluoridation of Public Water Supplies Act 1957 • Food Act 2003 • Impounding Act 1993 • Library Act 1939 • Protection of the Environment Operations Act 1997 • Public Health Act 2010 • Recreation Vehicles Act 1983 • Roads Act 1993 • Rural Fires Act 1997 • State Emergency Service Act 1989 • Strata Schemes Development Act 2015 • Strata Schemes Management Act 2015 • Swimming Pools Act 1992 <p>This list is not exhaustive.</p>

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Additionally, the exercise by Council of its functions under the LGA may also be modified by the provisions of other Acts. Some of those Acts follow:

- Coastal **Management Act 2016** ~~Protection Act 1979~~;
- Environmental Offences and Penalties Act 1989;
- Government Information (Public Access) Act 2009;
- Heritage Act 1977;
- State Emergency and Rescue Management Act 1989;
- Unclaimed Money Act 1995;
- Unhealthy Building Land Act 1990.

The circumstances under which Council may collect information, including personal information, are varied and numerous.

Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.

**Companion Animals Act

Collection of information under the Companion Animals Act and Council's use of the Companion Animals Register should ~~be~~ be guided by the **Deputy Secretary of Local Government, Planning and Policy** ~~Director General's~~ guidelines, which have been developed with the PPIPA in mind.

Role of the Privacy Contact Officer

In order to ensure compliance with Information Protection Principle 1, internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council; will be referred to the Privacy Contact Officer prior to adoption or use. The Privacy Disclaimer at Appendix 2 is to be included on all forms and other documents where information is being solicited from individuals.

The Privacy Contact Officer will also provide advice as to:

1. Whether the personal information is collected for a lawful purpose;
2. If that lawful purpose is directly related to a function of Council; and
3. Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

3.2 Information Protection Principle 2 – Direct Collection

Section 9 Collection of personal information directly from individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- (a) the individual has authorised collection of the information from someone else, or
- (b) in the case of information relating to a person who is under the age of 16 years—the information has been provided by a parent or guardian of the person.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.</p>	<p>The compilation or referral of registers and rolls are the major means by which the Council collects personal information. For example, the information the Council receives from the NSW Land Registry Services Land Titles Office would fit within section 9(a) above.</p> <p>Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.</p> <p>In relation to petitions, the Council will treat the personal information contained in petitions in accordance with PPIPA.</p> <p>Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.</p> <p>Council regards all information concerning its customers as information protected by PPIPA. Council will therefore collect all personal information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.</p> <p>Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under section 9 (a) of the PPIPA.</p>

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Each of the following will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the PPIPA.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to:

- obtain a written authorisation and consent to that collection; and
- notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Council owned businesses, committees and private contractors or consultants must abide by this Plan, the Code and the PPIPA under the terms of their incorporation by Council or by contract.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 2.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 2 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(2) of the PPIPA permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 2 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and

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- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 2 where the agency is lawfully authorised or required not to comply with the principle.

- (iii) Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 2 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 2 if compliance would prejudice the interests of the individual concerned.

Further Explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

1. Council has obtained authority from the person under section 9(a) of the PPIPA.
2. The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the **NSW Land Registry Services** Land Titles Office.)
3. The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
4. The collection of personal information indirectly where one of the above exemptions applies.
5. The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.

The only other exception to the above is in the case where Council is given unsolicited information.

3.3 Information Protection Principle 3 - Requirements when collecting personal information

Section 10 Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) the fact that the information is being collected,
- (b) the purposes for which the information is being collected,
- (c) the intended recipients of the information,
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,
- (e) the existence of any right of access to, and correction of, the information,
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.</p> <p>where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.</p>	<p>Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.</p> <p>Council apply the Privacy disclaimer (see Appendix 2) to all applications to inform individuals and to meet the requirements of Information Protection Principle 3 (IPP 3).</p> <p>The following are examples of application procedures that will require aa Privacy disclaimer in accordance with IPP 3:</p> <ul style="list-style-type: none"> • Lodging Development Applications; • Lodging objections to Development Applications; • Lodging applications for approval under the LGA; and • When collecting an impounded item. <p>In relation to the Privacy Disclaimer that may be attached to a Development Application provided to objectors, it could be stated that objectors have a right to remain anonymous if they so choose. However, should they need to substantiate their objections, anonymous objections may be given less weight (or no weight) in the overall consideration of the Application.</p>

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Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by letter. The letter should ensure the requirements of IPP 3 are met.

A common example of the collection of information from another public sector agency is the **NSW Land Registry Services Land Titles Office**. Council receives information as to new ownership changes when property is transferred from one owner to the next.

External and related bodies

Each of the following will be required to comply with Information Protection Principle 3:

- Council owned businesses
- Council consultants
- Private contractors
- Council committees

Council will seek to contractually bind each of these bodies or persons to comply with the Information Protection Principle 3.

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 3.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 3 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(3) permits non-compliance with Information Protection Principle 3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person.

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Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 3 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 3 where the agency is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 3 if compliance would prejudice the interests of the individual concerned.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

3.4 Information Protection Principle 4 - Other requirements relating to collection of personal information

Section 11 Other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes no provision to depart from this principle.</p>	<p>Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.</p> <p>Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the EEO Officer, Council’s solicitor, Public Officer or other suitable person. Should Council have any residual doubts, the opinion of the Office of the Privacy Commissioner NSW will be sought.</p>

3.5 Information Protection Principle 5 - Retention and security of personal information

Section 12 Retention and security of personal information

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

The Privacy Code of Practice for Local Government	Council Policy
The Code makes no provision to depart from this principle.	<p>Council may comply with this principle by using any or all of the following or similar documents:</p> <ul style="list-style-type: none"> • Records and Archives Services Manual; • The Council's Policy on Security of and Access to Misconduct Files; • Council's Internet Security Policy; • Information Technology Security Policy; and • Council's ICT Systems and Information Access Management Directive • Council's Records Management – Management Directive • General Records Disposal Schedule for Local Government.

Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

3.6 Information Protection Principle 6 - Information held by agencies

Section 13 Information about personal information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the agency holds personal information, and
- (b) whether the agency holds personal information relating to that person, and
- (c) if the agency holds personal information relating to that person:
 - (i) the nature of that information, and
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to gain access to the information.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes no provision to depart from this principle.</p>	<p>Section 13 of the PPIPA requires a council to take reasonable steps to enable a person to determine whether the council holds personal information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.</p> <p>Under section 20(5) of the PPIPA, Information Protection Principle 6 is subject to any applicable conditions or limitations contained in the Government Information (Public Access) Act 2009 ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.</p> <p>Where Council receives an application or request by a person as to whether council holds information about them, Council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with council in order to assist Council to conduct the search.</p> <p>Council will ordinarily provide a response to applications of this kind within 208 working days of the application being made. The fee structure is commensurate to that of the Council's GIPA Act rates structure.</p>

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 6.

Existing exemptions under the Act

Compliance with Information Protection Principle 6 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 6 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Reporting matters

Council's Agency Information Guide (AIG) provides details on the type of information that is collected by Council. The AIG is available from Council's [website](#).

3.7 Information Protection Principle 7 - Access to personal information held by agencies

Section 14 Access to personal information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes no provision to depart from this principle.</p>	<p>Section 14 of the PPIPA requires a council, at the request of any person, to give access to that person to personal information held about them.</p> <p>Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.</p> <p>Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. However, use of the GIPA Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.</p> <p>Under section 20(5) of the PPIPA, Information Protection Principle 7 is subject to any applicable conditions or limitations contained in the Government Information (Public Access) Act 2009 ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.</p> <p>Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their enquiries to the General Manager, who will make a determination. This can also be undertaken under the GIPA Act through an informal request.</p> <p>Members of staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to the HR Manager, who will deal with the application.</p> <p>In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will ordinarily provide a response to applications of this kind within 20 working days of the application being made.</p>

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 7.

Existing exemptions under the Act

Compliance with Information Protection Principle 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 7 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA non-compliance with Information Protection Principle 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

3.8 Information Protection Principle 8 - Alteration of personal information

Section 15 Alteration of personal information

- (1) A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:
 - (a) is accurate, and
 - (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- (2) If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.
- (3) If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.
- (4) This section, and any provision of privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998.
- (5) The Privacy Commissioner’s guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.
- (6) In this section (and in any other provision of this Act in connection with the operation of this section), **public sector agency** includes a Minister and a Minister’s personal staff.

The Privacy Code of Practice for Local Government	Council Policy
The Code makes no provision to depart from this principle.	<p>Section 15 of the PPIPA allows a person to make an application to council to amend (this includes by way of corrections, deletions or additions) personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.</p> <p>Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by the Council are welcomed.</p> <p>If Council declines to amend personal information as</p>

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	<p>requested, it will on request of the individual concerned, place an addendum on the information in accordance with section 15(2) of the PPIPA.</p> <p>Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the HR Manager in the first instance and treated in accordance with the "Grievance and Complaint Handling Procedures".</p> <p>Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.</p>
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Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 8.

Existing exemptions under the Act

Compliance with Information Protection Principle 8 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 8 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with section Information Protection Principle 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Procedure

Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make a request, in writing. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under s.15.

Where Council is not prepared to amend

If the Council is not prepared to amend the personal information in accordance with a request by the individual the Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

Where an amendment is made

If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by the Council. The Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.

State Records Act

The State Records Act does not allow for the deletion of records. However, as a result of section 20(4) of the PPIPA, some deletions may be allowed in accordance with Information Protection Principle 8.

3.9 Information Protection Principle 9 - Agency must check accuracy of personal information before use

Section 16 Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes no provision to depart from this principle.</p>	<p>The steps taken to comply with section 16 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.</p> <p>The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.</p> <p>For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.</p>

3.10 Information Protection Principle 10 - Limits on use of personal information

Section 17 Limits on use of personal information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or
- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:</p> <ul style="list-style-type: none"> (i) where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or (ii) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition. 	<p>Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.</p>

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Explanatory Note

Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the LGA may also be used to:

- notify neighbours of a proposed development;
- evaluate a road opening; or
- evaluate a tree preservation order.

External and related bodies

Each of the following will be required to comply with the Information Protection Principle 10:

- **Council employees**
 - Council owned businesses
 - Council consultants;
 - Private contractors; and
 - Council committees.

Council will seek to contractually bind each of these bodies or persons to comply.

Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with section 17(a) to the use of the information for another purpose.

The form of consent should include the following elements:

I, ⁽¹⁾ _____ of ⁽²⁾ _____ hereby consent under section 17(a) of the Privacy and Personal Information Protection Act 1998 to ⁽³⁾ _____ using the information collected from me by ⁽⁴⁾ _____ for the purpose of ⁽⁵⁾ _____ Signature _____ Name to be printed _____ Date signed _____ / ____ / ____		(1) Insert full name (2) Insert address (3) Insert Council name (4) Insert name of collecting body/person (5) Insert purpose/s info was collected for
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Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 10.

Existing exemptions under the Act

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. Law enforcement purposes means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person. Protection of the public revenue means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.

Section 24(4) of the PPIPA extends the operation of section 24(2) to councils and permits non-compliance with Information Protection Principle 10 if a council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable the council to exercise its complaint handling functions or any of its investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 10 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g., the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

3.11 Information Protection Principle 11 - Limits on disclosure of personal information

Section 18 Limits on disclosure of personal information

- (1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- (2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes provision for council to depart from this principle in the circumstances described below:</p> <p>1. Council may disclose personal information to public sector agencies or public utilities on condition that:</p> <ul style="list-style-type: none"> (i) the agency or utility provider has approached Council in writing; (ii) Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency or utility provider, and 	<p>Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.</p> <p>Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.</p> <p>The Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or</p>

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<p>(iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency or utility provider's function/s.</p> <p>2. Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.</p> <p>3. Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.</p>	<p>another person.</p>
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ITEM 12 - ATTACHMENT 1 REVISED PRIVACY MANAGEMENT PLAN.Public Registers

Sections 18 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 11.

Existing exemptions under the Act

Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. *Law enforcement purposes* means a breach of the criminal law and criminal law enforcement. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(c) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. *Protection of the public revenue* could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(ii) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.

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Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 11 if:

- (i) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency, and
- (ii) if the disclosure is to an investigative agency.

(Note: "investigative agency" is defined at s.3 of PPIPA.)

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

3.12 Information Protection Principle 12 - Special restrictions on disclosure of personal information

Section 19 Special restrictions on disclosure of personal information

- (1) A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- (2) A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:
 - (a) a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction or applies to that Commonwealth agency, or
 - (b) the disclosure is permitted under a privacy code of practice.
- (3) For the purposes of subsection (2), a **relevant privacy law** means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.
- (4) The Privacy Commissioner is to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales and to Commonwealth agencies.
- (5) Subsection (2) does not apply:
 - (a) until after the first anniversary of the commencement of this section, or
 - (b) until a code referred to in subsection (4) is made, whichever is the later.

The Privacy Code of Practice for Local Government	Council Policy
<p>The Code makes provision for Council to depart from this principle in the circumstances described below:</p> <p>1. For the purposes of s.19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of that</p>	<p>Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.</p>

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<p>work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.</p>	
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Public Registers

Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of Information Protection Principle 12.

Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.

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Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(2) permits non-compliance with Information Protection Principle 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. “Authorised person” means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a s.41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

PART 4 – HEALTH PRIVACY PRINCIPLES

In 2002, most references to 'health information' were taken out of the PPIPA and separate legislation was enacted. The HRIPA was enacted to deal with this specific type of personal information. On and from September 2004, various agencies and organisations, including local councils were expected to comply with the HRIPA in their collection and management of health information.

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information *also* includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual;
- an individual's express wishes about the future provision of health services to him or her;
- other personal information collected in connection with the donation of human tissue; or
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

Health information is defined in section 6 of the HRIPA. Local councils will often hold health information by reason of their role in elder care, child care and various types of community health support services. It is therefore very important for councils to be familiar with the 15 Health Protection Principles ("HPP") set down in Schedule 1 to the HRIPA. Each of these HPPs are considered below.

The following is a non-exhaustive list of examples of the types of health information and circumstances in which councils may collect health information in exercising their functions:

- Tree pruning/removal application where residents approach council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds;
- Issuing of clean up orders which may include recording information about a residents health, GP professional contact details or involvement with mental health services;
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work;
- Meals on wheels programs where residents may be asked for medical or dietary requirements, e.g. allergies for catering purposes;
- Seniors bus outings where information may be collected on special medical needs;
- Councils may provide respite and social support services collecting information that is consistent with the client intake and referral record system;
- Information on families for the purposes of children's services. e.g. history of illness, allergies, asthma, diabetes, epilepsy etc;
- Physical exercise classes;

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- Some councils run Podiatry services;
- Information may be collected through a healthy community program;
- Children's immunization records; and
- Family counsellor/youth support workers records.

HPPs 1-4 concern the collection of health information, HPP 5 concerns the storage of health information, HPPs 6-9 concern the access and accuracy of health information, HPP 10 concerns the use of health information, HPP 11 concerns the disclosure of health information, HPPs 12-13 concern the identifiers and anonymity of the persons to which health information relate, HPPs 14-15 concern the transferral of health information and the linkage to health records across more than one organisation.

Health Privacy Principle 1**Purposes of collection of health information**

- (1) An organisation must not collect health information unless:
 - (a) the information is collected for a lawful purpose that is directly related to a function or activity of the organisation, and
 - (b) the collection of the information is reasonably necessary for that purpose.
- (2) An organisation must not collect health information by any unlawful means.

Health Privacy Principle 2**Information must be relevant, not excessive, accurate and not intrusive**

An organisation that collects health information from an individual must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) the information is collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

Health Privacy Principle 3**Collection to be from the individual concerned**

- (1) An organisation must collect health information about an individual only from that individual, unless it is unreasonable or impracticable to do so.
- (2) Health information is to be collected in accordance with any guidelines issued by the Privacy Commissioner for the purposes of this clause.

Health Privacy Principle 4**Individual to be made aware of certain matters**

- (1) An organisation that collects health information about an individual from the individual must, at or before the time it collects the information (or if that is not practicable, as soon as practicable after that time), take steps that are reasonable in the circumstances to ensure that the individual is aware of the following:
 - (a) the identity of the organisation and how to contact it,
 - (b) the fact that the individual is able to request access to the information,
 - (c) the purposes for which the information is collected,
 - (d) the persons to whom (or the type of persons to whom) the organisation usually discloses information of that kind,
 - (e) any law that requires the particular information to be collected,
 - (f) the main consequences (if any) for the individual if all or part of the information is not provided.
- (2) If the organisation collects health information about an individual from someone else, it must take any steps that are reasonable in the circumstances to ensure that the individual is generally aware of the matters listed in subclause (1) except to the extent that:
 - (a) making the individual aware of the matters would impose a serious threat to the life or health of any individual, or
 - (b) the collection is made in accordance with guidelines issued under subclause (3).
- (3) The Privacy Commissioner may issue guidelines setting out circumstances in which an organisation is not required to comply with subclause (2).
- (4) An organisation is not required to comply with a requirement of this clause if:
 - (a) the individual to whom the information relates has expressly consented to the organisation not complying with it or,
 - (b) the organisation is lawfully authorised or required not to comply with it, or
 - (c) non-compliance is otherwise permitted (or necessarily implied or reasonably contemplated) under any Act or any other law including the State Records Act 1998), or
 - (d) compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or
 - (e) the information concerned is collected for law enforcement purposes or,
 - (f) the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.
- (5) If the organisation reasonably believes that the individual is incapable of understanding the general nature of the matters listed in subclause (1), the organisation must take steps that are reasonable in the circumstances, to ensure that any authorised representative of the individual is aware of those matters.

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- (6) Subclause (4) (e) does not remove any protection provided by any other law in relation to the rights of accused persons or persons suspected of having committed an offence.
- (7) The exemption provided by subclause (4) (f) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a compliant or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council Policy

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose (HPP 1)

Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual (HPP 2).

Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so. (HPP 3).

Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how he or she can see and correct the health information.

If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points (HPP 4).

Health Privacy Principle 5**Retention and Security**

- (1) An organisation that holds health information must ensure that:
 - (a) the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
 - (b) the information is disposed of securely and in accordance with any requirements for the retention and disposal of health information, and
 - (c) the information is protected, by taking such security safeguards as are reasonable in the circumstances against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
 - (d) if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of an organisation is done to prevent the unauthorised use or disclosure of the information.

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Note. Division 2 (Retention of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

- (2) An organisation is not required to comply with a requirement of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with it, or
 (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).
- (3) An investigative agency is not required to comply with subclause (1)(a).

Council Policy

Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately (HPP 5). Council may comply with this principle (HPP 5) by using any or all of the following or similar documents:

- ~~Records and Archives Services Manual;~~
- ~~The Council's Policy on Security of and Access to Misconduct Files;~~
- ~~Council's Internet Security Policy;~~
- ~~Information Technology Security Policy; and~~
- Council's ICT Systems and Information Access Management Directive
- Council's Records Management – Management Directive
- General Records Disposal Schedule for Local Government.

Health Privacy Principle 6

Information about health information held by organisations

- (1) An organisation that holds health information must take such steps as are, in the circumstances, reasonable, to enable any individual to ascertain:
- (a) whether the organisation holds health information, and
 (b) whether the organisation holds health information relating to that individual, and
 (c) if the organisation holds health information relating to that individual:
- (i) the nature of that information
 (ii) the main purposes for which the information is used, and
 (iii) that person's entitlement to request access to the information.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under any Act or any other law (including the State Records Act 1998).

Health Privacy Principle 7**Access to health information**

- (1) An organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.
Note. Division 3 (Access to health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause. Access to health information held by public sector agencies may also be available under the Government Information (Public Access) Act 2009 or the State Records Act 1998.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).

Health Privacy Principle 8**Amendment of health information**

- (1) An organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information:
- (a) is accurate, and
 - (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to day, complete and not misleading.
- (2) If an organisation is not prepared to amend health information under subclause (1) in accordance with a request by the individual to whom the information relates, the organisation must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.
- (3) If health information is amended in accordance with this clause, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the organisation.
Note. Division 4 (Amendment of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.
 Amendment of health information held by public sector agencies may also be able to be sought under the Privacy and Personal Information Protection Act 1998.

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- (4) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).

Health Privacy Principle 9**Accuracy**

An organisation that holds health information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate and up to date, complete and not misleading.

Council Policy

Council will provide details about what health information Council is holding about an individual and with information about why Council is storing that information and what rights of access the individual has (HPP 6).

Council will allow the individual to access his or her health information without reasonable delay or expense. A request to access information can be made in writing to Council (HPP 7).

Council will allow the individual to update, correct or amend his or her health information where necessary. A request to amend information can be made in writing to Council (HPP 8).

Council will make sure that the health information is relevant and accurate before using it, from the information available to Council to assess the accuracy (HPP 9).

Health Privacy Principle 10

- (1) An organisation that holds health information must not use the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:
- (a) **Consent**
the individual to whom the information relates has consented to the use of the information for that secondary purpose, or
 - (b) **Direct relation**
the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to use the information for the secondary purpose or,
Note: For example, if information is collected in order to provide a health service to the individual, the use of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

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- (c) **Serious threat to health or welfare**
the use of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:
- (i) a serious and imminent threat to the life, health or safety of the individual or another person, or
 - (ii) a serious threat to public health and safety, or
- (d) **Management of health services**
the use of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:
- (i) either:
 - (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
 - (B) reasonable steps are taken to de-identify the information, and
 - (ii) if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
 - (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- (e) **Training**
the use of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:
- (i) either:
 - (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
 - (B) reasonable steps are taken to de-identify the information, and
 - (ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
 - (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- (f) **Research**
the use of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:
- (i) either:
 - (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
 - (B) reasonable steps are taken to de-identify the information, and
 - (ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
 - (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purpose of this paragraph, or

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- (g) **Find missing person**
the use of the information for the secondary purpose is by a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or
- (h) **Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline**
the organisation:
(i) has reasonable grounds to suspect that:
(A) unlawful activity has been or may be engaged in, or
(B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or
(C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
(ii) uses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- (i) **Law enforcement**
the use of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
- (j) **Investigative agencies**
the use of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or
- (k) **Prescribed circumstances**
the use of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
- (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).
- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
- (a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
- (b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.

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- (5) The exemption provided by subclause (1) (j) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council Policy

Council will only use the health information for the purpose for which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain the individual's consent (HPP 10).

Health Privacy Principle 11

- (1) An organisation that holds health information must not disclose the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:
- (a) **Consent**
the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or
- (b) **Direct relation**
the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to disclose the information for the secondary purpose, or
- Note: For example, if information is collected in order to provide a health service to the individual, the disclosure of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.
- (c) **Serious threat to health or welfare**
the disclosure of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:
- (i) a serious and imminent threat to the life, health or safety of the individual or another person, or
- (ii) a serious threat to public health or public safety, or
- (d) **Management of health services**
the disclosure of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:
- (i) either:
- (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or

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(B) reasonable steps are taken to de-identify the information, and

- (ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
- (iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or

(e) **Training**

the disclosure of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:

(i) either:

- (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or

(B) reasonable steps are taken to de-identify the information, and

- (ii) if the information could reasonably be expected to identify the individual, the information is not made publicly available, and
- (iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or

(f) **Research**

the disclosure of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:

(i) either:

- (A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or

(B) reasonable steps are taken to de-identify the information, and

- (ii) the disclosure will not be published in a form that identifies particular individuals or from which an individual's identity can reasonably be ascertained, and
- (iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or

(g) **Compassionate reasons**

the disclosure of the information for the secondary purpose is to provide the information to an immediate family member of the individual for compassionate reasons and:

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- (i) the disclosure is limited to the extent reasonable for those compassionate reasons, and
- (ii) the individual is incapable of giving consent to the disclosure of the information, and
- (iii) the disclosure is not contrary to any wish expressed by the individual (and not withdrawn) of which the organisation was aware or could make itself aware by taking reasonable steps, and
- (iv) if the immediate family member is under the age of 18 years, the organisation reasonably believes that the family member has sufficient maturity in the circumstances to receive the information, or

(h) Finding missing person

the disclosure of the information for the secondary purpose is to a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or

(i) Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline

the organisation:

- (i) has reasonable grounds to suspect that:
 - (A) unlawful activity has been or may be engaged in, or
 - (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or
 - (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
- (ii) discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or

(j) Law enforcement

the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or

(k) Investigative agencies

the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or

(l) Prescribed circumstances

the disclosure of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.

- (2) An organisation is not required to comply with a provision of this clause if:
 - (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or

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- (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or
 - (c) the organisation is an investigative agency disclosing information to another investigative agency.
- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
- (a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - (b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) If health information is disclosed in accordance with subclause (1), the person, body or organisation to whom it was disclosed must not use or disclose the information for a purpose other than the purpose for which the information was given to it.
- (6) The exemptions provided by subclauses (1) (k) and (2) extend to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council Policy

Council will only disclose health information under the following circumstances:

- With the consent of the individual to whom the information relates; or
- For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect; or
- If an exemption applies (HPP 11).

Health Privacy Principle 12**Identifiers**

- (1) An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently.
- (2) Subject to subclause (4), a private sector person may only adopt as its own identifier of an individual an identifier of an individual that has been assigned by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:

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- (a) the individual has consented to the adoption of the same identifier, or
- (b) the use or disclosure of the identifier is required or authorised by or under law.
- (3) Subject to subclause (4), a private sector person may only use or disclose an identifier assigned to an individual by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:
 - (a) the use or disclosure is required for the purpose for which it was assigned or for a secondary purpose referred to in one or more paragraphs of HPP 10 (1) (c)-(k) or 11 (1) (c)-(l), or
 - (b) the individual has consented to the use or disclosure, or
 - (c) the disclosure is to the public sector agency that assigned the identifier to enable the public sector agency to identify the individual for its own purposes.
- (4) If the use or disclosure of an identifier assigned to an individual by a public sector agency is necessary for a private sector person to fulfil its obligations to, or the requirements of, the public sector agency, a private sector person may either:
 - (a) adopt as its own identifier of an individual an identifier of the individual that has been assigned by the public sector agency, or
 - (b) use or disclose an identifier of the individual that has been assigned by the public sector agency.

Council Policy

Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively (HPP 12).

Health Privacy Principle 13

Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving health services from an organisation.

Council Policy

Council will provide health services anonymously where it is lawful and practical (HPP 13).

Health Privacy Principle 14

Transborder data flows and data flow to Commonwealth agencies.

An organisation must not transfer health information about an individual to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:

- (a) the organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the Health Privacy Principles, or

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- (b) the individual consents to the transfer, or
- (c) the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request, or
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party, or
- (e) all of the following apply:
 - (i) the transfer is for the benefit of the individual,
 - (ii) it is impracticable to obtain the consent of the individual to that transfer,
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it, or
- (f) the transfer is reasonably believed by the organisation to be necessary to lessen or prevent:
 - (i) a serious and imminent threat to the life, health or safety of the individual or another person, or
 - (ii) a serious threat to public health or public safety, or
- (g) the organisation has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Health Privacy Principles, or
- (h) the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.

Council Policy

Council will only transfer personal information out of New South Wales if the requirements of Health Privacy Principle 14 are met.

Health Privacy Principle 15**Linkage of health records**

- (1) An organisation must not:
 - (a) include health information about an individual in a health records linkage system unless the individual has expressly consented to the information being so included, or
 - (b) disclose an identifier of an individual to any person if the purpose of the disclosure is to include health information about the individual in a health records linkage system, unless the individual has expressly consented to the identifier being disclosed for that purpose.
- (2) An organisation is not required to comply with a provision of this clause if:
 - (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or
 - (c) the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the

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individual is to be disclosed) is a use of the information that complies with HPP 10 (1) (f) or a disclosure of the information that complies with HPP 11 (1) (f).

(3) In this clause:

health record means an ongoing record of health care for an individual.

health records linkage system means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.

Council Policy

Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link (HPP 15).

PART 5 – IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN

5.1 Training Seminars/Induction

During induction, all employees are to be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

Councillors, all staff of the Council including staff of council businesses, and members of council committees should be acquainted with the general provisions of the PPIPA, the HRIPA and in particular, the 12 Information Protection Principles (IPPs), the 15 Health Privacy Principles (HPPs), the Public Register provisions, the Privacy Code of Practice for Local Government, this Plan and any other applicable Code of Practice.

All new employees are required to complete on line privacy training as part of their probation period and also attend privacy training at the induction. Ongoing privacy training is provided to those employees who are responsible for handling personal information.

5.2 Responsibilities of the Privacy Contact Officer

The Public Officer within Council is responsible for the role of the Privacy Contact Officer.

In order to ensure compliance with PPIPA and the HRIPA, the Privacy Contact Officer or Council's legal services area will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- fast screen savers;
- face the computers away from the public; or
- only allow the record system to show one record at a time.

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Privacy Contact Officer will also provide opinions within Council as to:

- (i) Whether the personal or health information is collected for a lawful purpose;
- (ii) If that lawful purpose is directly related to a function of Council; and
- (iii) Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.

Any further concerns of a legal nature will be referred to Council's solicitor.

Should the Council require, the Privacy Contact Officer may assign designated officers as "Privacy Resource Officers", within the larger departments of Council. In this manner the Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

5.3 Distribution of information to the public

Council may prepare its own literature such as pamphlets on the PPIPA, HRIPA or it may obtain and distribute copies of literature available from the **Information and Privacy Commission NSW** Office of the Privacy Commissioner NSW.

PART 6 – INTERNAL REVIEW

6.1 How does the process of Internal Review operate?

Under section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of a council is entitled to a review of that conduct. An application for internal review is to be made within **6 months** of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitability qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within **60 days** of the lodgement, the applicant is entitled to seek external review.

Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews and Council is required to consider any relevant material submitted by the Privacy Commissioner. Council must provide the Privacy Commissioner with a draft of the council's internal review report to enable the Privacy Commissioner to make a submission.

Council may provide a copy of any submission by Privacy Commissioner's to the applicant.

Council must notify the applicant of the outcome of the review within **14 days** of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.

An application form requesting an internal review and an internal review checklist has been prepared by the Office of the Privacy Commissioner NSW and can be accessed from its website <http://www.ipc.nsw.gov.au>.

The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

6.2 What happens after an Internal Review?

If the complainant remains unsatisfied, he/she may appeal to the NSW Civil and Administrative Tribunal (NCAT) which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

NCAT can be contacted as follows:

Website: <http://www.ncat.nsw.gov.au/>

Phone: 1300 006 228

Visit: Level 10 John Maddison Tower, 86-90 Goulburn Street, Sydney NSW 2000

PART 7 – OTHER RELEVANT MATTERS

7.1 Contracts with consultants and other private contractors

It is necessary to have specific provisions to protect the Council in any dealings with private contractors.

7.2 Confidentiality

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

7.3 Misuse of personal or health information

Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

7.4 Regular review of the collection, storage and use of personal or health information

The information practices relating to the collection, storage and use of personal or health information is reviewed from time to time. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

7.5 Regular review of Privacy Management Plan

When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

7.6 Alternative complaints process

Should any person wish to have an issue resolved informally, the matter can be considered in accordance with Council's Complaints Handling policy. This policy is available from Council's website.

7.76 Further information

For assistance in understanding the processes under the PPIPA and HRIPA, please contact:

- 1) Privacy Contact Officer
Port Stephens Council
PO Box 42 (116 Adelaide Street)
RAYMOND TERRACE NSW 2324

Phone: (02) 498800255
Facsimile: (02) 4987-3642 49880130
Email: council@portstephens.nsw.gov.au
Internet: www.portstephens.nsw.gov.au

- 2) Information and Privacy Commission
Level 11
1 Castlereagh Street
SYDNEY NSW 2000

Phone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Internet: www.ipc.nsw.gov.au

PART 8 – APPENDICES

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Appendix 1: Statutory Declaration for access under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by Council

Statutory Declaration
Oaths Act, 1900, Eighth Schedule

I, the undersigned ⁽¹⁾ _____ (1) insert full name

of ⁽²⁾ _____ (2) insert address

in the State of New South Wales, do solemnly and sincerely declare that:

I am ⁽³⁾ _____ (3) insert relationship, if any, to person inquired about

I seek to know whether ⁽⁴⁾ _____ (4) insert name

is on the public register of ⁽⁵⁾ _____ (5) Applicant to describe the relevant public register

The purpose for which I seek this information is ⁽⁶⁾ _____ (6) insert purpose for seeking information

The purpose for which the information is required is to ⁽⁷⁾ _____ (7) insert purpose

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.

Signature of Applicant

Declared at: _____

in the said State this _____ day of _____ 20 _____

in the presence of _____

Name of Justice of the Peace/Solicitor

Who certifies that:

1. *I saw the face of the declarant/deponent OR
*I did not see the face of the declarant/deponent because he/she was wearing a face covering, but I am satisfied that he/she had a special justification for not removing it, and
2. *I have known the person for at least 12 months OR
*I confirmed the person's identity with _____
[describe identification document relied on]

Signature of Justice of the Peace/Solicitor to be printed

~~YOUR PRIVACY~~

~~Port Stephens Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy.~~

~~**Purpose:** To certify statutory declaration~~

~~**Intended recipients:** Relevant Council Officers~~

~~**Supply:** Voluntary~~

~~**Consequence of Non Provision:** Statutory declaration will be invalid~~

~~**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) 4980 0255 to enquire how you can access information.~~

Appendix 2: Privacy Disclaimer template

YOUR PRIVACY

Port Stephens Council is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy.

Purpose: *a statement about why you are collecting the information.*

Intended recipients: *who will be using the information.*

Supply: *legally required OR voluntary.*

Consequence of Non Provision: *what happens if the information is not provided.*

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) 49880 0255 to enquire how you can access information.

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CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
RM8 container No	A2004-0135	RM8 record No	1774258 #####
Audience	Public, Council employees, elected Council, volunteers and contractors		
Process owner	Governance Section Manager		
Author	Governance Section Manager		
Review timeframe	Two years	Next review date	28 March 2019 31 August 2022
Adoption date	June 2000		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	June 2000	Legal Officer	Adoption of Privacy Management Plan	
2.0	28 February 2006	Governance Coordinator	Reviewed Privacy Management Plan	432
3.0	10 March 2015	Governance Manager	Reviewed Privacy Management Plan to updated Model Plan from Office of Local Government	050

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Version	Date	Author	Details	Minute No.
4.0	28 March 2017	Governance Manager	<ol style="list-style-type: none"> 1. A full compliance review of Plan including the Information & Privacy Commission checklist 2. Remove appendices 2 to 6. 3. Insert new appendix 2 with a privacy disclaimer which replaces those listed in item 2 above. 4. Update appendix 1 with the privacy disclaimer. 5. Reformat public registers into a table for ease of reading page 8 & 9. 6. Delete section 2.5 purpose of public register – now includes within the table listed in item 5 above. 7. Reformatted Privacy Code of Practice in Local Government and Council policy section in Part 3, into a table for ease of reading, from page 13 on. 8. Reformatted Council policy section in Part 3, into a table for ease of reading, from page 38 on. 9. Updated contact details on page 56. 	069

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Version	Date	Author	Details	Minute No.
5.0		Governance Section Manager	<ol style="list-style-type: none"> 1. A full compliance review of Plan including the Information & Privacy Commission checklist 2. Section 7.6 updated contact information and the privacy disclosure statement 3. Added 'Section' to reflect amended position title in version control 4. Part 3.6 added 20 working and removed reference to 28 days. 5. Section 3:10 external and related bodies added 'Council employees' 6. Section 5.3 included 'Information and Privacy Commission' and removed 'Office of the Privacy Commission' 7. In part 2 added 'Code of practice' and added hyperlinks to website in the legislative table 	

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Version	Date	Author	Details	Minute No.
			<p>8. In Part 3, removed reference to Coastal Protection Act and updated to Coastal Management Act 2016</p> <p>9. In Part 3, updated Director General's position title to Deputy Secretary of Local Government, Planning and Policy</p> <p>10. In part 3.2 and 3.3 updated Land Title's Office to Land Registry Services</p> <p>11. In part 3.11 added 'utility provider' to agency types.</p>	

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