

# NOTICE OF ORDINARY MEETING

## 10 MARCH 2020



### PORT STEPHENS COUNCIL

The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

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

#### SCHEDULE OF MEETINGS

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

#### Please Note:

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

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

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

Food and beverages are not permitted in the Council Chamber.

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## **BUSINESS**

- 1) Prayer - We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens. Amen.
- 2) Acknowledgement of Country - Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow.
- 3) Apologies.
- 4) Confirmation of Minutes. Ordinary Meeting of 25 February 2020.
- 5) Disclosure of Pecuniary Interest or Non-Pecuniary Interest.
- 6) Mayoral Minute (if submitted).
- 7) Council Reports.
- 8) Information Papers.
- 9) Notices of Motion.

## **PRINCIPLES FOR LOCAL GOVERNMENT**

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

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

### **Guiding principles for Council**

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

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

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

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

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

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

3. Community participation

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

**Principles of sound financial management**

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

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

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

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

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

## PORT STEPHENS COMMUNITY STRATEGIC PLAN

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

The Community Strategic Plan is organised into four focus areas:

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

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

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

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

## BUSINESS EXCELLENCE

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

These outcomes align with the following Business Excellence principles:

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

## MEETING PROCEDURES SUMMARY

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

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

### **Declarations of Interest**

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

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

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

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

### **Motions and Amendments**

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

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

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

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

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

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

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

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

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

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

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

A Point of Order can be raised where:

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

## Declarations of Conflict of Interest – Definitions

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

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

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

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



## Form of Special Disclosure of Pecuniary Interest

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

### Important information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Date \_\_\_\_\_

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



## Declaration of Interest form

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

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

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

Tick the relevant response:

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

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

# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: 20/26923  
EDRMS NO: PSC2016-03312**

**POLICY REVIEW: ALCOHOL MANAGEMENT ON PUBLIC LAND POLICY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the Alcohol Management on Public Land Policy, dated 27 February 2018, Minute No. 032 (**ATTACHMENT 1**).

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**BACKGROUND**

The purpose of this report is to seek Council endorsement to revoke the Alcohol Management on Public Land Policy (the 'policy') (**ATTACHMENT 1**).

The policy was first adopted by Council on 28 November 2000, Minute No. 654, and was last reviewed on 27 February 2018, Minute No. 032. The policy aims to provide guidance to Council and the community on the processes that manage alcohol regulation in public areas.

The relevant alcohol management processes are undertaken in accordance with the provisions of the Local Government Act 1993 (including the Ministerial Guidelines on Alcohol Free Zones, 2009) and the Liquor Act 2007, rather than the policy itself.

Following a review of the policy, the legislative framework and publically available information, it is considered that the policy does not offer any additional value to the existing resources available to Council and the community. The policy duplicates information already available within the relevant legislation, on the website of the NSW Office of Liquor and Gaming, on Council's website, and on the signage displayed in alcohol restricted areas. Therefore, it is recommended that the policy be revoked.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

Costs associated with administering alcohol management on public land will not be impacted by revoking the policy. There are no other financial or resource implications anticipated as a result of revoking the policy.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no foreseen legal or policy implications as a result of the proposed recommendation.

Council will continue to be guided by the Local Government Act 1993 (and associated guidelines) and the Liquor Act 2007 to manage alcohol on public land and liquor licensing. The legislative requirements and Council's obligations are reflected within Council's internal processes. Based on guidelines and Council processes, matters related to the management of alcohol on public land will still be reported to Council for consideration.

Information to help inform the community will continue to be available on the website of the NSW Office of Liquor and Gaming, on Council's website, and on the signage displayed in alcohol restricted areas.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the location and times that alcohol restrictions apply will not be clear resulting in anti-social behaviour.	Low	Continue to provide information on Council's website for the community about alcohol restricted areas.	Yes

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the legislative process will not be clear resulting in failure to implement legislative requirements.	Low	Continue to undertake the administration of alcohol management on public land in accordance with the legislative framework. Ensure relevant guidance is available to Council staff and training of staff is undertaken if necessary.	Yes
There is a risk that the signage of alcohol restricted areas is non-compliant resulting in confusion of application of restrictions.	Low	Continue to audit the signage of Alcohol Prohibited Areas and replace signage where required.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The policy is intended to manage anti-social behaviour and improve public safety through alcohol regulation in public areas. There are potential social, economic and environmental impacts that may result from the mismanagement of alcohol on public land.

However, as outlined within this report, alcohol management on public land is governed by the Local Government Act 1993 and the Liquor Act 2007 which will continue to inform Council's and NSW Police processes. The existing legal and administrative framework established outside of the policy is considered sufficient to achieve the aim of managing anti-social behaviour and improving public safety. Council will maintain internal processes to ensure continuing compliance with these relevant provisions.

### **CONSULTATION**

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

#### Internal

Internal consultation was undertaken with Council's Development Assessment and Compliance Section and Public Domain and Services Section. No issues were raised during the consultation.

The Executive Team has been consulted to seek management endorsement.

External

As discussed in this report, revoking the policy will not limit the NSW Police or Council's ability to enforce the relevant alcohol restrictions provided by the Local Government Act 1993 and the Liquor Act 2007. Council will continue to liaise with the Port Stephens Local Area Command Centre in accordance with the existing Memorandum of Understanding.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Alcohol Management on Public Land Policy. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## ITEM 1 - ATTACHMENT 1 ALCOHOL MANAGEMENT ON PUBLIC LAND POLICY.

## Policy



**FILE NO:** PSC2016-03312

**TITLE:** ALCOHOL MANAGEMENT ON PUBLIC LAND POLICY

**POLICY OWNER:** STRATEGY AND ENVIRONMENT

**PURPOSE:**

The purpose of this Policy is to manage anti-social behaviour and improve public safety through alcohol regulation in public areas.

**CONTEXT/BACKGROUND:**

The NSW Government has made clear its determination to tackle the growing problem of anti-social behaviour and alcohol-related violence in the community. To that end, Ministerial Guidelines on Alcohol-Free Zones (2009) have been developed in accordance with the *Local Government Act 1993* to give Police and local Council enforcement officers more power to enforce alcohol-free zones.

There are two forms of alcohol regulation that are available to manage alcohol consumption in public areas. These are Alcohol Free Zones and Alcohol Prohibition Areas.

Alcohol Free Zones

The principal object of an Alcohol Free Zone is to prevent disorderly behaviour caused by the consumption of alcohol on public roads, footpaths or in public car parks in order to improve public safety.

Alcohol-Free Zones provide an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

Alcohol-Free Zones have been established 24 hours per day, seven days per week in the following areas:

No	Area	Precinct
1	Anna Bay	Town Centre
2	Raymond Terrace	Town Centre
3	Lakeside	Neighbourhood Shops
4	Medowie	Town Centre
5	Nelson Bay	Town Centre
6	Shoal Bay	Town Centre

## Policy

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**ITEM 1 - ATTACHMENT 1 ALCOHOL MANAGEMENT ON PUBLIC LAND POLICY.****Policy**

The boundaries of these areas are mapped on Council's website. A temporary suspension of an Alcohol-Free Zone for special events can be considered in accordance with the Department of Local Government, 2009, Ministerial Guidelines- Alcohol Free Zones.

**Alcohol Prohibited Areas**

Pursuant to section 632(2)(e) of the *Local Government Act 1993*, Council can prohibit the carrying and/or consumption of alcohol in public areas such as parks, reserves and beaches by the placing of signs prohibiting these activities. These areas are referred to as Alcohol Prohibited Areas.

Alcohol Prohibited Areas cover all parks, beaches and reserves across the Local Government Area from 9.00pm to 8.00am, except for Apex Park, Nelson Bay, where the consumption of alcohol is prohibited 24 hours per day, seven days per week.

A temporary suspension of an Alcohol Prohibited Area for special events can be considered in accordance with the Department of Local Government, 2009, Ministerial Guidelines on Alcohol Free Zones.

**Limited Liquor Licences for Council community facilities in Alcohol Prohibited Areas**

Within Council community facilities such as community halls, sporting centres, senior citizens centres etc, located in Alcohol Prohibited Areas where there is a wish to sell and/or supply alcohol under the *Liquor Act 2007*, a Limited Liquor Licence is required. Typically this is for functions held by a non-profit organisation.

In this instance, an application for a limited liquor licence is sought from the Liquor and Gaming NSW. In considering this application, Liquor and Gaming NSW will consider submissions from the NSW Police Force, Council and others.

When the local consent authority (Council) notice is received by the applicant of the proposed limited liquor licence, Council will request a site plan identifying a designated wet area. The wet area indicates where the consumption of alcohol within the Council community facility is proposed. This will assist in the responsible service of alcohol by the licence holder and the limited liquor licence parameters issued by Liquor and Gaming NSW.

Council may notify the Liquor and Gaming NSW or the NSW Police Force, if it is suspected that alcohol is being sold, served or consumed at a Council community facility without a liquor licence.

**Policy**

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## ITEM 1 - ATTACHMENT 1 ALCOHOL MANAGEMENT ON PUBLIC LAND POLICY.

## Policy

**SCOPE:**

This policy applies to all Alcohol-Free Zones and Alcohol Prohibited Areas across the local government area.

**DEFINITIONS:**

Alcohol Free Zone (AFZ)	Applies to identified public roads, footpaths and car parks that have been declared as AFZs in accordance with the Department of Local Government, 2009, Ministerial Guidelines on Alcohol Free Zones. This declaration prohibits the consumption of alcohol 24 hours per day, seven days per week.
Alcohol Prohibited Areas (APA)	Applies to all parks, beaches and reserves that have been declared by resolution of Council under the <i>Local Government Act (632(2)(e))</i> . The consumption of alcohol is prohibited from 9.00pm to 8.00am in all APAs, except for Apex Park, Nelson Bay, which is a park that the consumption of alcohol is prohibited 24 hours per day, seven days per week.
Public land	Council owned or controlled land, including Crown land that Council is the Trust manager of and Community and Operational land as classified under the <i>Local Government Act 1993 (Part 2)</i> . A register of public land and associated maps is available from Council's website.
Council community facilities	A Council community facility means land or building owned, vested or under Council management, such as community halls, senior citizen centres, multi-purpose centres, youth centres and libraries.

**POLICY STATEMENT:**

The objectives of this Policy are:

- To assist in the prevention of excessive or illegal consumption of alcohol on public land;
- To provide guidelines for the issuing of Limited Liquor Licences within Alcohol Prohibited Areas; and
- To advocate for the responsible service and consumption of alcohol at Council facilities.

**POLICY RESPONSIBILITIES:**

- The Strategy and Environment Section is responsible for administering applications regarding the use of alcohol on public land and at Councils facilities;
- The Development Assessment and Compliance Section is responsible for providing a response to Liquor and Gaming NSW for all limited liquor licences proposed within Council's community facilities; and

## Policy

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**ITEM 1 - ATTACHMENT 1 ALCOHOL MANAGEMENT ON PUBLIC LAND POLICY.**

Policy



- The Strategy and Environment Section is responsible for the implementation, monitoring, evaluating and reviewing the Policy.

**RELATED DOCUMENTS:**

Related documents, policies and legislation:

No	Document, Policy or Legislation	Relevance
1	<i>Local Government Act 1993</i>	<ul style="list-style-type: none"> <li>• s632A states that a council may declare any public place to be an APA and police have the responsibility to enforce this APA.</li> <li>• s642 states that a Council enforcement officer or police have the responsibility to enforce an APZ.</li> <li>• s646 states that the Minister may prepare guidelines that must be followed by Council in the establishment of an AFZ.</li> </ul>
2	NSW Department of Local Government, 2009, Ministerial Guidelines on Alcohol Free Zones	<ul style="list-style-type: none"> <li>• These guidelines are the most recent that have been prepared by the Minister for Local Government. They are provided power under the <i>Local Government Act 1993 (s646)</i>.</li> </ul>
3	NSW Liquor Act 2007	<ul style="list-style-type: none"> <li>• s7 states that a liquor licence is required to sell liquor.</li> <li>• Division 7 of Part 3 details the requirements for a limited liquor licence.</li> </ul>

**CONTROLLED DOCUMENT INFORMATION:**

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<b>RM8 container No</b>	PSC2016-03312	<b>RM8 record No</b>	
<b>Audience</b>	Community and NSW Police Force		
<b>Process owner</b>	Strategic Planning Coordinator		

Policy

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## ITEM 1 - ATTACHMENT 1 ALCOHOL MANAGEMENT ON PUBLIC LAND POLICY.

Policy



<b>Author</b>	Strategic Planning Coordinator		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	February 2020
<b>Adoption date</b>	28 November 2000		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/11/2000	Facilities and Services	Review of Alcohol in Parks and Reserves Policy adopted.	654
1.1	27/03/2001	Facilities and Services	Review of Alcohol in Parks and Reserves Policy adopted.	128
1.2	27/02/2018	Strategy and Environment	The Alcohol in Parks and Reserves Policy has been broadened to acknowledge the AFZs and APAs that exist and to advocate for the responsible sale of alcohol within Council community facilities.	032

Policy

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**ITEM NO. 2**

**FILE NO: 20/28827  
EDRMS NO: PSC2017-03201**

**POLICY REVIEW: SOCIAL IMPACT POLICY**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Revoke the Social Impact Policy, dated 13 February 2018, Minute No. 009  
**(ATTACHMENT 1).**

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**BACKGROUND**

The purpose of this report is to seek Council endorsement to revoke the Social Impact Policy (the 'policy') **(ATTACHMENT 1)**.

The policy was first adopted by Council on 23 September 2014, Minute No.241 and was last reviewed on 13 February 2018, Minute No. 009.

The policy provided context and guidance for the assessment of social impacts in Council decision making under the Environmental Planning and Assessment Act 1979 and Local Government Act 1993.

The policy review included researching best practice guidelines, academic literature and the policies and practices of other councils.

The review identified that the outcomes of the policy can be adequately addressed by existing legislation because social impacts are already required to be considered in decision making under section 1.3(b) of the Environmental Planning and Assessment Act 1979 and section 8A(2)(d) of the Local Government Act 1993.

Revoking the policy will not impact decision making processes or the consideration of social impacts under the planning or local government legislation.

Should the policy be revoked, a consequential amendment is required to be made to the Port Stephens Development Control Plan (DCP 2014) to remove a reference to the policy.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications anticipated as a result of revoking the policy.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no foreseen legal or policy implications as a result of the proposed recommendations.

Council will continue to use the provisions of the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993 to manage and assess social impacts. The legislative requirements and Council’s obligations are reflected within Council’s internal processes for development decisions. Specifically, section 4.15 of the Environmental Planning and Assessment Act 1979 requires Council to assess social impacts of the development.

It is noted that should the policy be revoked, a consequential amendment is required to be made to the DCP provisions to remove a reference to the policy.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the legislative process will not be clear resulting in uncertainty in the approach to assessment and consideration of social impacts.	Low	Ensure Council’s website content and guidance material is up to date.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no expected social, economic or environmental implications as a result of revoking the policy.

## **CONSULTATION**

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

### Internal

The Development Assessment and Compliance, Communications and Governance sections were consulted during the review of the policy.

The Executive Team has been consulted to seek management endorsement.

### External

Should the policy be revoked, a consequential amendment will be required to be made to the DCP 2014 to remove a reference to the policy. The amendment will be required to be exhibited for a period of 28 days in accordance with the Environmental Planning and Assessment Regulation 2000, subject to a resolution of Council.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Social Impact Policy. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2017-03201

**TITLE:** SOCIAL IMPACT POLICY

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

**PURPOSE:**

This policy outlines Council's commitment to ensure social impacts are considered and addressed in Council's decision making processes.

This policy's related Social Impact Assessment Guidelines identify when a Social Impact Assessment (SIA) is required, the category of that SIA and how social impacts are to be addressed in relevant development applications and planning decisions.

**CONTEXT/BACKGROUND:**

Social impacts refer to the effects of change on the social environment. Social impacts derived from change may be positive and/or negative in nature and may inequitably disadvantage or advantage one individual or group over another. SIA is a process that can enhance positive outcomes and mitigate costs for the community and Council. The process also ensures that unintended or undesirable adverse consequences are avoided. Fundamentally SIA applies the precautionary principle to proposed change.

Social impacts can be relevant when applications and decisions are made under the *Environmental Planning and Assessment Act 1979* (s79C(1)(b)).

Social impacts are also relevant considerations in Council processes and decision making including the preparation of strategic plans (including Council's Community Strategic Plan), policies, and decisions made under the *Local Government Act 1993* (Section 8A(1)(2)). That Act requires Council decision making to (among other things) recognise diverse local community needs and interests, consider social justice principles, consider the long term and cumulative effects of actions on future generations, and consider the principles of ecologically sustainable development.

**SCOPE:**

This Policy relates to Council functions and decision making under the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*.

## Policy

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## Policy

**DEFINITIONS:**

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

<b>Community</b>	Any individual or group who could be affected by a proposed change or project including: a) Those who live nearby; b) Those who will hear, smell or see a development or its effects c) Those who are forced to relocate; d) Those who have an interest in, or are likely to be affected by, the new project but may not live in close proximity; e) Those who may normally use the land where the project is to be located.
<b>Precautionary principle</b>	This principle requires decision makers to take account of the likely risks and benefits when making a decision. It is generally held that an absence of proof is not sufficient grounds for disregarding likely risk, which will have a serious social impact.
<b>Social Impact</b>	Any change to social wellbeing, resulting from development practices, Council decisions or other activities, that affects people's way of life. Social impacts are changes, which affect the distribution of: social structures (such as residential areas), social infrastructure (such as recreation facilities), and the distribution of social risks and vulnerability.
<b>Social Impact Assessment (SIA)</b>	Social impact assessment is an investigation and evaluation process that takes place before a decision is made about a proposed change. The aim of the assessment is to consider likely risks and benefits that the change may bring in the short and long term and to assess whether the risks substantially outweigh the benefits. Social impact assessment may also be viewed as the implementation of the precautionary principles.

**POLICY STATEMENT:**

The objectives of this Policy are:

- To effectively integrate social impact considerations more comprehensively and consistently to Council functions and decision-making under the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*;
- To enable Councils management of their operations and forward planning in a manner that is consistent with the wellbeing of people living, working or visiting the LGA; and
- Council plans for the future delivery of services and facilities and distribution of land use in ways that will promote social wellbeing and equity.

## Policy

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Policy



The expected results are:

- Land uses and the provision of facilities are appropriately distributed in an equitable manner to ensure minority and disadvantaged groups do not experience inequitable social consequences of land use activities; and
- Council meets all its social and statutory responsibilities under the *Local Government Act 1993* and *Environmental Planning and Assessment Act 1979* when social impacts are a consideration.

**POLICY RESPONSIBILITIES:**

- 1) Strategic Planning team is responsible for monitoring, reviewing and providing advice on the policy.
- 2) Implementation of, and compliance with, the Social Impact Policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the policy is implemented throughout the organisation.

**RELATED DOCUMENTS:**

- |   |  |
|---|--|
| 1) Local Government Act 1993                      | 8) Environmental Policy                                    |
| 2) Environmental Planning and Assessment Act 1979 | 9) Crime Prevention Plan                                   |
| 3) Community Strategic Plan                       | 10) Port Stephens Council Disability Inclusion Action Plan |
| 4) Port Stephens Development Control Plan         |  |
| 5) Alcohol on Parks and Reserves 2002             |  |
| 6) Asset Management Policy                        |  |
| 7) Acquisition and Divestment of Land Policy      |  |

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<b>RM8 container No</b>	PSC2017-03201	<b>RM8 record No</b>	PSC2017-03201
<b>Audience</b>	Internal and external		
<b>Process owner</b>	Section Manager, Strategy and Environment		
<b>Author</b>	Senior Social Planner		

<p>Policy</p> <p><small>WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a></small></p> <p>Issue Date: xx/2/2018</p>	<p>Review Date: xx/2/2020</p>	<p>Page: 3 of 4</p>
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Policy



<b>Review timeframe</b>	Two years	<b>Next review date</b>	February 2020
<b>Adoption date</b>	23 September 2014		

**VERSION HISTORY:**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Details</b>	<b>Minute No.</b>
1	23/09/2014	Senior Social Planner	Original document revoked 27 May 2003.	241
2	13/02/2018	Senior Social Planner	Social and statutory responsibilities under the Local Government Act 1993 (Section 8A (1)(2)) and the Environmental Planning and Assessment Act 1979 (s79C(1)(b)). Broadened to apply to development under <i>Environmental Planning and Assessment Act 1979 (Part 5)</i> .	009

Policy

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**ITEM NO. 3**

**FILE NO: 20/48575  
EDRMS NO: PSC2013-05621**

**POLICY REVIEW: RECEIPT OF PETITIONS POLICY**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Receipt of Petitions policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Receipt of Petitions policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Receipt of Petitions policy dated 13 February 2018, Minute No. 016, should no submissions be received.

**BACKGROUND**

The purpose of this report is to recommend the adoption of the revised Receipt of Petitions Policy (the 'policy') shown at **(ATTACHMENT 1)**.

The purpose of this policy is to provide the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

The policy has been reviewed as part of Council's ongoing policy review program, with minor changes to the policy.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the policy are within the existing 2019-2020 budget.

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

**ORDINARY COUNCIL - 10 MARCH 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There is no legal requirement for Council to retain this policy, however the policy provides the community with a policy statement regarding petitions and how they are considered by Council.

The policy will require public exhibition for a period of 28 days, in accordance with the Local Government Act 1993.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the Local Government Act 1993, should the policy not be placed on public exhibition.	Low	Adopt the recommendation of this report.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

Internal

The policy has been endorsed by Council's Executive Team and Governance Section Manager.

External

Council is required to publicly exhibit the policy for a period of 28 days, seeking public comment.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Receipt of Petitions Policy. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## Policy



**FILE NO:** PSC2013-05621  
**TITLE:** RECEIPT OF PETITIONS  
**POLICY OWNER:** GOVERNANCE SECTION MANAGER

**1. PURPOSE:**

- 1.1 The purpose of this policy is to provide the community with an opportunity to express their opinions to Council on matters of significant community interest and/or impact.

**2. CONTEXT/BACKGROUND:**

- 2.1 Council, in the past has received petitions from the community as a way of expressing their concern on many and varied interests of which Council is the responsible authority. The community often lodge petitions as a way of informing Council of the community's general concern, as a whole, with respect to issues before Council.

**3. SCOPE:**

- 3.1 A petition is a written document including the name, address and signature of at least 20 or more persons seeking some form of action of the Council, and includes the details of a representative as a contact for Council (**ATTACHMENT 1**). It may be in the form of a request, complaint or expression of interest in a matter of significance to Council signed by ratepayers/residents. The General Manager shall be the final arbiter as to whether the document constitutes a petition.
- 3.2 Upon receipt of a petition the relevant Group will register the petition and refer the original copy to the General Manager's Office.
- 3.3 The Executive Administration Coordinator will forward an acknowledgement to the representative who lodged the petition and provide an Information Paper to a Council meeting.
- 3.4 The relevant Group will keep the representative informed of the progress.
- 3.5 Objections to Building or Development applications will not normally be considered as petitions under this policy. However, they will be considered as part of the building/development application assessment.

## Policy

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Policy



**4. DEFINITIONS:**

Petition A petition in respect to this policy is a written document that contains at least twenty (20) signatures.

**5. POLICY STATEMENT:**

- 5.1 The objectives of this policy is to ensure that petitions are dealt with in an appropriate manner and that all the elected Council are advised of all petitions upon its receipt.
- 5.2 Any decision regarding the petition subject matter will be a decision of the elected Council.

**6. POLICY RESPONSIBILITIES:**

- 6.1 The Executive Administration Coordinator will be responsible for acknowledging the petition and providing a report for Council. The relevant Group will be responsible for the ongoing consultation on the subject matter.
- 6.2 The Governance Section Manager will be responsible for compliance, monitoring, evaluating, reviewing and providing advice on the policy.

**RELATED DOCUMENTS:**

- 1) Local Government Act 1993
- 2) Code of Conduct

**CONTROLLED DOCUMENT INFORMATION:**

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<b>EDRMS container No</b>	PSC2013-05621	<b>EDRMS record No</b>	18/63958 XXXXXXX
<b>Audience</b>	Port Stephens community		
<b>Process owner</b>	Governance Section Manager		
<b>Author</b>	Governance Section Manager		

Policy

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Policy



<b>Review timeframe</b>	Two years	<b>Next review date</b>	13 February 2020 13 February 2022
<b>Adoption date</b>	25 July 1995		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	25/07/1995	Assistant General Manager	Adopted by Council.	324
2.0	17/11/1998	Assistant General Manager	Adopted by Council.	562
3.0	19/10/2004	Governance Coordinator	Adopted by Council.	375
4.0	12/11/2013	Executive Officer	Adopted by Council.	326
5.0	09/02/2016	Governance Manager	Transferred into the new policy template and corporate branding. Inclusion of the petition cover sheet and minor wording amendments.	021
5.1	13/02/2018	Governance Manager	Policy reviewed and no amendments required.	016
5.2		Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. Updated title of policy owner. 3.3, 5.1 and 6.1 – updated. 6.2 – inserted the word ‘Section’ in the title.	

Policy

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Policy



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ATTACHMENT 1

# PETITION

This petition cover sheet or similar format should be included with any petition lodged with Council. The principal petitioner will be the contact person Council will communicate with concerning the petition.

**PRINCIPAL PETITIONER**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Policy

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**ITEM NO. 4****FILE NO: 20/48670  
EDRMS NO: PSC2010-00010****POLICY REVIEW: STATEMENT OF BUSINESS ETHICS POLICY**REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Statement of Business Ethics policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Statement of Business Ethics policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Statement of Business Ethics policy dated 13 February 2018, Minute No. 015, should no submissions be received.

**BACKGROUND**

The purpose of this report is to recommend the adoption of the revised Statement of Business Ethics Policy (the 'policy') shown at **(ATTACHMENT 1)**.

The objective of the policy is to provide guidance to all sections of the community, including commercial businesses, when conducting business with or on behalf of Council.

The policy has been reviewed as part of Council's ongoing policy review program, with minor administrative changes.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the policy are within the existing 2019-2020 budget.

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

**ORDINARY COUNCIL - 10 MARCH 2020**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The policy will require public exhibition for a period of 28 days, in accordance with the Local Government Act 1993.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the private sector may not be clear with respect to expected behaviours when dealing with the public sector. This Statement will support Council existing policies and provide clear expectations of private contractors and consultants.	Low	Adopt recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Statement of Business Ethics provides guidance for the private sector when doing business with Port Stephens Council. It outlines the Council's ethical standard and expectations that goods and service providers and contractors will comply with in their dealings with Council.

By complying with these standards, it improves the reputation of Council and the companies it does business with. It also removes the need for investigation into matters of inappropriate behaviour.

**CONSULTATION**

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

Internal

The policy has been endorsed by Council's Executive Team and Governance Section Manager.

External

Council is required to publicly exhibit the policy for a period of 28 days, seeking public comment.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Revised Statement of Business Ethics Policy. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 4 - ATTACHMENT 1 REVISED STATEMENT OF BUSINESS ETHICS POLICY.

Policy



**FILE NO:** PSC2010-00010  
**TITLE:** STATEMENT OF BUSINESS ETHICS  
**POLICY OWNER:** GOVERNANCE SECTION MANAGER

**1. PURPOSE:**

1.1 The objective of the Statement of Business Ethics policy is to provide guidance to all sections of the community, including commercial businesses, when conducting business with or on behalf of Council.

**2. CONTEXT/BACKGROUND:**

2.1 Port Stephens Council is required to comply with the Model Code of Conduct developed by the NSW Office Division of Local Government. Council needs to meet its obligations under the Model Code of Conduct, by developing this Statement of Business Ethics.

**3. SCOPE:**

3.1 Port Stephens Council (Council) is committed to high ethical standards and this Statement of Business Ethics sets out the standards the Council requires of its contractors and business associates. It is essential that all Council officials (councillors and employees), contractors and their employees and other business associates work together to maintain Council's reputation.

3.2 These standards are based upon the standards within Council's Code of Conduct, which apply to all Council officials.

3.3 In dealing with Council there is a strong expectation that contractors and/or business associates are responsible for maintaining our high ethical standards in all contract work. Port Stephens Council expects all parties to perform their duties with integrity, honesty and fairness.

3.4 Reference should be made to Council's Code of Conduct for definitions for matters such as "token gifts".

**What you can expect from Council**

3.5 Council will ensure that all its policies, procedures and processes relating to tendering, contracting and the purchasing of goods or services are consistent with best practice and the highest standards of ethical conduct.

Policy

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ITEM 4 - ATTACHMENT 1 REVISED STATEMENT OF BUSINESS ETHICS POLICY.

Policy



- 3.6 The elected Council and employees of Council are bound by the Port Stephens Council Code of Conduct. When doing business with the private sector, the Mayor, Councillors and staff are accountable for their actions and are expected to:
- a) Use public resources effectively and efficiently
  - b) Deal fairly, honesty and ethically with all individuals and organisations
  - c) Avoid any conflict of interest (real or perceived)
  - d) All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to provide their services to Council
  - e) All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts
  - f) Council will not release confidential and proprietary information without firstly consulting with the owner of the information.

**What Council requires of private sector providers**

- 3.7 Council requires all private sector providers of goods and services to observe the following principles when doing business with Council:
- a) Comply with Council's procurement policies and procedures
  - b) Provide accurate and reliable advice and information when required
  - c) Declare actual or perceived conflicts of interest as soon as you become aware of the conflict
  - d) Act ethically, fairly and honestly in all dealing with Council
  - e) Take all reasonable measures to prevent the disclosure of confidential Council information
  - f) Refrain from engaging in any form of collusive practice including offering the Mayor, a Councillor or Council staff inducements or incentives designed to improperly influence the conduct of their duties
  - g) Refrain from discussing Council business or information with the media
  - h) Assist Council to prevent unethical practices in our business relationship.

**Why is compliance important?**

- 3.8 By complying with Council's Statement of Business Ethics, contractors and/or business associates will be able to advance their business objectives and interests in a fair and ethical manner. As all Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage any contractors and/or business associates in any way.

Policy

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ITEM 4 - ATTACHMENT 1 REVISED STATEMENT OF BUSINESS ETHICS POLICY.

Policy



- 3.9 Contractors and/or business associates should also be aware of the consequences of not complying with the Council's ethical requirements when doing business with Council. Demonstrated corrupt or unethical conduct will lead to:
- a) termination of contracts
  - b) loss of future work
  - c) loss of reputation
  - d) investigation for corruption
  - e) matters being referred for criminal investigation
- 3.10 The information below is additional information should be considered as part of this Statement.

**Conflicts of Interest**

- 3.11 If a conflict of interest in the work with Council exists or arises, the contractors and/or business associates must disclose it to Council. A conflict of interest arises if the contractors and/or business associates own interests (that may be business, contractual or social interests), or those of other people close to the contractors and/or business associates, conflict with your obligations to the Council.
- 3.12 A conflict would exist where contractors and/or business associates have a personal interest, or your relative, company/organisation, employer or other person known to the contractors and/or business associates has an interest, that could lead the contractors and/or business associates to be influenced in the way you carry out your duties for the Council.

**Gifts and benefits**

- 3.13 Gifts or benefits must not be offered to any Council official which are or could be construed to be designed to gain any advantage for the contractors and/or business associates or their organisation, or which the public could reasonably see as likely to cause that Council official to depart from his or her proper course of duty.
- 3.14 A contractors and/or business associates should not accept any gift in relation to their work at Council which could influence, or be seen to influence, their impartiality in relation to the work or services provided to Council.
- 3.15 In no circumstances should cash be offered to a Council official.
- 3.16 Note: If a gift or benefit is offered to a Council official to influence the way they do their work, they must report it immediately under the Council's policies and procedures.

Policy

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ITEM 4 - ATTACHMENT 1 REVISED STATEMENT OF BUSINESS ETHICS POLICY.

Policy



**Confidential and Personal Information**

- 3.17 A contractors and/or business associates must take care to maintain the security of any confidential or personal information they become aware of in their work with the Council.
- 3.18 A contractors and/or business associates must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through their dealings with the Council.
- 3.19 Personal information is any information that can identify an individual.
- 3.20 No one should access, use or remove from Council premises any Council information or personal information, unless they need it for their work with the Council and have authorisation to use or disclose the information.
- 3.21 Any breach of the security, or misuse, of the Council's confidential or personal information must be reported to the Council's Privacy Contact Officer by telephone on (02) 4988 0255.
- 3.22 Council officials also are required to only release information in accordance with the Government Information (Public Access) Act 2009. For further information please contact Council's Right to Information Officer by telephone on (02) 4988 0255.

**Council resources**

- 3.23 Council resources may only be used to do work for the Council with Council's approval.
- 3.24 Council resources include material, equipment, vehicles, documents, records, data and information.

**Public comment**

- 3.25 A contractors and/or business associates must not make any public comment or statement that would lead anyone to believe that they are representing Council, or expressing its views or policies.
- 3.26 This includes comments or statements made at public and community meetings, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

Policy

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## ITEM 4 - ATTACHMENT 1 REVISED STATEMENT OF BUSINESS ETHICS POLICY.

## Policy

**Alcohol and drugs**

- 3.27 No one should come to work for the Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their job or cause danger to their safety or the safety of others.

**Offers on secondary employment to Council staff**

- 3.28 If a contractor you offers a Port Stephens Council staff member secondary employment a second job whilst they are still employed with the Council, the Council staff member must will need to seek approval from the Council's General Manager prior to commencing any secondary employment.
- 3.29 Approval may not be granted if there is a potential for the second job could conflict with their official duties at with the Council.

**Reporting corruption, maladministration and wastage**

- 3.30 When contracted to Port Stephens Council a contractor is considered to be a public official for the purposes of the Independent Commission Against Corruption (ICAC) Act and subject to the ICAC's jurisdiction.
- 3.31 When undertaking doing work for the Council, contractors they have a responsibility to report any suspected instances of corruption, maladministration or serious and substantial waste involving to the Council to Council's Disclosures Officer or the General Manager by telephone on (02) 4988 0255.
- 3.32 Alternatively, any report of suspected corruption can be made to the ICAC, or maladministration to the NSW Ombudsman.
- 3.33 For the purposes of the Public Interest Disclosures Act 1994, contractor are considered to be a council official when conducting works on behalf of Council. Therefore, a contractor may make a disclosure under the Public Interest Disclosures Act 1994.

**Breaches of the Code**

- 3.34 Failure to comply with this Statement of Business Ethics may cause contract penalty clauses to be invoked and/or civil or criminal proceedings to be brought or other action considered to be appropriate by Port Stephens Council.

## Policy

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ITEM 4 - ATTACHMENT 1 REVISED STATEMENT OF BUSINESS ETHICS POLICY.

Policy



**4. DEFINITIONS:**

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

Council	means Port Stephens Council.
Council official	means Mayor, Councillor, employee of Port Stephens Council, a volunteer or contractor.
Contractor	means an individual, business or company engaged by Port Stephens Council to provide goods and services.
ICAC	Independent Commission Against Corruption NSW.
Statement of Business Ethics	means the Statement of Business Ethics of Port Stephens Council.

**5. POLICY STATEMENT:**

5.1 This policy will:

- a) Encourage openness, transparency and accountability in all dealings relating to procurement, contracting, supply of goods and services and general business relationships.
- b) Build and maintain ethical relationships with the community and in particular the private sector.
- c) Ensure all parties/organisations understand Council's public duty obligations.
- d) Maintain corruption resistant, ethical work practices.
- e) Manage any potential conflicts of interest, risk and perceptions that can occur in business transactions between public and private sectors.

5.2 Port Stephens Council is committed to the standards in this Statement of Business Ethics. They reflect the high standards expected by our community and as such you are expected to maintain these standards and principles when undertaking work for, or on behalf of our Council.

5.3 Any questions about any matter relating to this Statement of Business Ethics should be directed to Council's Public Officer by telephone on (02)4988 0255.

Policy

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A smaller version of the Port Stephens Council logo, consisting of the stylized graphic and the text "PORT STEPHENS COUNCIL".

ITEM 4 - ATTACHMENT 1 REVISED STATEMENT OF BUSINESS ETHICS POLICY.

Policy



**6. POLICY RESPONSIBILITIES:**

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

**7. RELATED DOCUMENTS:**

- 7.1 Local Government Act 1993 (NSW)
- 7.2 Independent Commission Against Corruption Act 1989 (NSW)
- 7.3 NSW Ombudsman Act 1974 (NSW)
- 7.4 Public Interest Disclosures Act 1994 (NSW)
- 7.5 Port Stephens Council Code of Conduct.

**CONTROLLED DOCUMENT INFORMATION:**

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<b>EDRMS container No</b>	PSC2010-00010	<b>EDRMS record No</b>	18/63990 XXXXXX
<b>Audience</b>	Council officials, contractors		
<b>Process owner</b>	Governance <b>Section</b> Manager		
<b>Author</b>	Governance <b>Section</b> Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	13/02/2020 13 February 2022
<b>Adoption date</b>	14 December 2010		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	14/12/2010	Executive Officer	Development of first policy	408
1.1	11/02/2014	Executive Officer	Review of policy.	019

Policy

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**ITEM 4 - ATTACHMENT 1 REVISED STATEMENT OF BUSINESS ETHICS POLICY.**

Policy



1.2	13/02/2018	Governance Manager	Transfer of policy into new corporate policy template and minor administrative review to include the Public Interest Disclosure Act 1994.	015
1.3		Governance Section Manager	<p>Reviewed the policy, included numbering to each paragraph and updated the version control.</p> <p>Updated title of policy owner.</p> <p>2.1 – insert 'Office' and delete 'Division'.</p> <p>3.28, 3.29 &amp; 3.31 – updated to improve intent of subject matter.</p> <p>6.2 – inserted the word 'Section' in the title.</p>	

Policy

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**ITEM NO. 5**

**FILE NO: 20/51086  
EDRMS NO: PSC2017-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayoral funds to the following:
  - a. Raymond Terrace RSL Sub-Branch – Mayoral funds - \$595.10 donation towards replacement of Australian flags.
  - b. Tomaree Youth Community Action group – Mayoral funds - \$1000 donation towards the 2020 Skate n Skoot competition.
  - c. Caring for Our Port Stephens Youth (COPSY Inc.) – Mayoral funds - \$7000 donation towards the 2020 rent at the Tomaree Library.
  - d. Raymond Terrace Junior Rugby League Football Club – Mayoral funds - \$1000 donation towards the organising costs of hosting a Round Robin Rugby League 9s day.

---

**BACKGROUND**

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by the Mayor and or Councillors as deserving of public funding. The Grants and Donations Policy gives the Mayor and Councillors a wide discretion either to grant or to refuse any requests.

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

1. Mayoral Funds
2. Rapid Response
3. Community Financial Assistance Grants – (bi-annually)
4. Community Capacity Building

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act 1993. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

**ORDINARY COUNCIL - 10 MARCH 2020**

The requests for financial assistance are shown below:

**MAYORAL FUNDS – Mayor Palmer**

Raymond Terrace RSL Sub-Branch.	An ex service organisation tasked with the well-being, care, compensation and commemoration of ex-serving Defence Force Personnel and their dependants.	\$595.10	Donation towards replacement of Australian flags.
Tomaree Youth Community Action group (TYCA).	A not for profit volunteer run group with the goal of empowering youth to fulfil their potential.	\$1000	Donation towards the 2020 Skate n Skoot competition.
Caring for Our Port Stephens Youth (COPSY).	A community group whose purpose is to ensure the best possible, independent youth health and well-being service is available to satisfy the needs of the young people living in Port Stephens.	\$7000	Donation towards 2020 rent at the Tomaree Library.
Raymond Terrace Junior Rugby League Football Club.	A local sporting club.	\$1000	Donation towards the organising costs of hosting a Round Robin Rugby League 9s day.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

To qualify for assistance under Section 356(1) of the Local Government Act 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The Policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function, which it, the Council, would otherwise undertake.
- b) the funding will directly benefit the community of Port Stephens.
- c) applicants do not act for private gain.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the General Manager's Office.

Consultation has been taken with the key stakeholders to ensure budget requirements are met and approved.

**OPTIONS**

- 1) Accept the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM NO. 6

FILE NO: 20/49869  
EDRMS NO: PSC2017-00015

**INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and notes Information Paper items 1 and 2 listed below, being presented to Council on 10 March 2020.

---

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Planning Strategy Implementation Panels Annual Report 2019	55
2	Council Resolutions	68
3	Questions with Notice	78

**Questions with Notice (QWN)**

**Note:** QWN are provided for information purposes only and therefore do not form part of the Information Papers resolution, nor do they allow debate on the matter.

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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 20/29141  
EDRMS NO: PSC2015-03638**

**PLANNING STRATEGY IMPLEMENTATION PANELS ANNUAL REPORT 2019**

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

**BACKGROUND**

The purpose of this report is to present the Planning Strategy Implementation Panels Annual Report for 2019 (the 'report') (**ATTACHMENT 1**).

At its meeting on 27 November 2018, Minute No. 156 (**ATTACHMENT 2**), Council resolved to establish implementation panels for the Raymond Terrace and Heatherbrae Strategy, Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program, and the Medowie Planning Strategy.

Each panel is guided by terms of reference which require an annual report to be provided to Council on the outcomes of panel meetings and the progress of each relevant planning strategy.

The report includes details of each panel, the activities undertaken in 2019 and an update on the progress of relevant planning strategy actions.

In addition, consistent with the adopted terms of reference, minutes from the implementation panel meetings are made available on Council's website.

**ATTACHMENTS**

- 1) Planning Strategy Implementation Panels Annual Report 2019. [↓](#)
- 2) Minute No. 156, 27 November 2018. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



# Planning Strategy Implementation Panels

## Annual Report 2019



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**ITEM 1 - ATTACHMENT 1 PLANNING STRATEGY IMPLEMENTATION  
PANELS ANNUAL REPORT 2019.**

## Contents

Raymond Terrace and Heatherbrae Strategy Implementation Panel ..... 2  
Nelson Bay Town Centre and Foreshore Strategy Implementation Panel ..... 4  
Medowie Planning Strategy Implementation Panel ..... 6

## Introduction

In 2018 Port Stephens Council (Council) established the following implementation panels:

- Raymond Terrace and Heatherbrae Strategy Implementation Panel (Raymond Terrace and Heatherbrae Panel)
- Nelson Bay Town Centre and Foreshore Strategy Implementation Panel (Nelson Bay Panel)
- Medowie Planning Strategy Implementation Panel (Medowie Panel).

The implementation panels include community and business representatives appointed by Council, as well as the ward councillors for each area, the Mayor, and key Council staff. They provide a forum for Councillors and staff to share information with the community and seek advice on the revitalisation of our strategic centres in Raymond Terrace, Nelson Bay and Medowie.

Panel members are informed on matters that enable them to provide feedback to Council. For example, a workshop was held in November 2019 with the Raymond Terrace and Heatherbrae Panel in preparation of a new public domain plan for the Raymond Terrace town centre.

The Terms of Reference for each implementation panel require an Annual Report to be prepared to detail the outcomes of meetings and the progress of actions in strategies. This report provides an overview of implementation panel meetings held in 2019 and the progress of actions in the Raymond Terrace and Heatherbrae Strategy, Nelson Bay Town Centre and Foreshore Strategy and Medowie Planning Strategy.



**Figure 1** Medowie Planning Strategy Implementation Panel meeting

1 Port Stephens Council

ITEM 1 - ATTACHMENT 1 PLANNING STRATEGY IMPLEMENTATION  
PANELS ANNUAL REPORT 2019.

**Raymond Terrace and Heatherbrae Strategy Implementation Panel**

The Raymond Terrace and Heatherbrae Strategy provides the strategic direction to achieve the vision for a strong regional centre and a great place to live, work and play.

The community members on the Raymond Terrace and Heatherbrae Panel are:

- Jeff Bretag (Resident Representative)
- Ken Buckingham (Resident Representative)
- David Davies (Resident Representative)
- Kristine Brown (Business Representative)
- Jake Bush (Business Representative)

The Raymond Terrace and Heatherbrae Panel met on 27 February, 29 May, and 27 November 2019, and considered:

- Opportunities for senior housing in Raymond Terrace
- Implementation of the Boomerang Park Masterplan
- Ideas for specific events in Raymond Terrace town centre
- Opportunities for shop-top housing.

A workshop was held to determine the direction and specific focus areas for the upcoming public domain plan for the Raymond Terrace town centre.

**Raymond Terrace and Heatherbrae Strategy actions update**

**Infill Housing Study (Action 15)**

Council is investigating opportunities for more housing in Raymond Terrace including whether duplexes, granny flats, and small residential flat buildings are feasible around the town centre. For more information visit:  
[www.portstephens.nsw.gov.au/grow/port-stephens-planning-strategies](http://www.portstephens.nsw.gov.au/grow/port-stephens-planning-strategies)

**Expansion of Bulky Goods at Heatherbrae (Action 2)**

Council received a request to rezone land along the Pacific Highway to enable further bulky goods retail development. The rezoning is consistent with the Raymond Terrace and Heatherbrae Strategy action to support Heatherbrae as the key destination for bulky goods in Port Stephens. The rezoning is under initial assessment by the State government.

**Boomerang Park Shared Pathway (Action 26)**

A new shared pathway is a key item in the Boomerang Park Masterplan. It was completed in 2019 and provides a link between park facilities and surrounding residences.



Figure 2 Boomerang Park pathway

ITEM 1 - ATTACHMENT 1 PLANNING STRATEGY IMPLEMENTATION  
PANELS ANNUAL REPORT 2019.

**Speedy Lock Lane residential development (Action 19)**

The rezoning of part of 5 Speedy Lock Lane in Heatherbrae for future residential development is progressing and will be exhibited before Council makes a final decision.

**Riverside Pathway (Action 6)**

One of the Port Stephens 2020 community priority projects for Raymond Terrace is the construction of a shared pathway along the Hunter River levee bank. The project is expected to start in 2020.

**Economic Prospectus (Actions 3, 12, 14, 24, 25)**

Council's Economic Development and Tourism Unit is finalising a prospectus to help investors better understand the commercial development potential of Port Stephens, including Raymond Terrace. The prospectus will include data about our population, workforce, and existing services, to assist in attracting new business and major institutions.

**Public Domain Plan and Town Centre Improvements (Actions 27, 29-32, 35)**

Town centre improvements are a key Port Stephens 2020 community priority project for Raymond Terrace, with most of the works expected to start in the second half of 2020. A portion of the available funds will help to set a long-term vision for the town centre through the development of a public domain plan (PDP). The PDP will include a streetscape design guideline, street tree masterplan in addition to options for place making and small scale public space improvements. Initial community consultation commenced in January 2020, with more opportunities for community and Raymond Terrace and Heatherbrae Panel involvement being planned.



**Figure 3** Raymond Terrace Public Domain Plan consultation – Australia Day 2020

**ITEM 1 - ATTACHMENT 1 PLANNING STRATEGY IMPLEMENTATION  
PANELS ANNUAL REPORT 2019.**

**Nelson Bay Town Centre and Foreshore Strategy Implementation  
Panel**

Progressing the Nelson Bay Town Centre and Foreshore Strategy: a revised implementation and delivery program (the Nelson Bay Delivery Program) provides the direction to achieve a revitalised Nelson Bay and links with actions to implement during the life of the strategy.

The community members on the Nelson Bay Panel are:

- Richard Casey (Resident Representative)
- Greg Smith (Resident Representative)
- Richard Ware (Resident Representative)
- Nicholas Diemar (Business Representative)
- Robert Taylor (Business Representative)

The Nelson Bay Panel met on 14 March, 19 August and 19 September 2019, and considered:

- Proposed amendments to land use planning controls to give effect to the Nelson Bay Delivery Program
- Parking strategies consistent with the outcomes of the Nelson Bay Independent Citizens Parking Panel
- Improvements to public spaces in the Nelson Bay Public Domain Plan.

Nelson Bay Panel members participated in a community drop-in session on 5 December 2019, meeting with members of the public on a draft funding plan to deliver car parking and public domain upgrades.



**Figure 4** Nelson Bay town centre

**ITEM 1 - ATTACHMENT 1 PLANNING STRATEGY IMPLEMENTATION  
PANELS ANNUAL REPORT 2019.**

**Nelson Bay Delivery Program actions update**

**Nelson Bay Planning Proposal and DCP (Action 1, 2, 7, 11)**

A proposal to amend planning controls has been lodged with the State government to revitalise the Nelson Bay town centre and to enhance local character, activate public spaces and promote a more vibrant business environment.

**Urban Design Panel (Action 3)**

An independent Urban Design Panel (UDP) has been established to review development proposals throughout Port Stephens, and will provide independent design excellence advice in Nelson Bay. The UDP is made up of professionals with experience in architecture and urban design.

**Public Domain and Car Parking Improvements (Actions 12, 13, 21, 22)**

A draft delivery and funding strategy has been prepared to address the recommendations of the Independent Citizens Parking Panel report and the actions of the Nelson Bay Public Domain Plan. To deliver the car parking and public domain improvements, funding from a variety of sources has been identified including the expansion of 'smart parking', the Port Stephens 2020 community priority projects fund, local infrastructure contributions and grants.



**Figure 5** Nelson Bay town centre artist impression of public domain improvements

**ITEM 1 - ATTACHMENT 1 PLANNING STRATEGY IMPLEMENTATION  
PANELS ANNUAL REPORT 2019.****Medowie Planning Strategy Implementation Panel**

The Medowie Planning Strategy has been prepared to provide direction for land use planning and sustainable growth, following the identification of Medowie as a growth area in local and regional plans.

The community members on the Medowie Panel are:

- Heather Sharp (Resident Representative)
- Geoff Voigt (Resident Representative)
- Ben Niland (Business Representative)
- Robert Dein (Business Representative)

The Medowie Panel met on 21 March, 4 July and 28 November 2019 and considered:

- Updates on the various developments and infrastructure works taking place
- Traffic and transport areas of concern
- Identification of local planning priorities
- The need for town centre amenities (toilets)
- Ideas for the Port Stephens 2020 community priority projects (including Medowie town centre improvements).

Representatives from the Hunter Water Corporation attended the meeting on 28 November 2019 to update the Medowie Panel on a project being undertaken with Council to identify a preferred solution to the management of Campvale Drain.

**Medowie Planning Strategy actions update****Local Infrastructure Funding (Action 19)**

The new Port Stephens Local Infrastructure Contributions Plan 2020 was adopted by Council. It provides for funding towards local traffic and transport infrastructure works and town centre upgrades including funding for works identified in the Strategy.

**Residential and Commercial Developments (Action 22)**

A number of sites identified in the Medowie Planning Strategy for residential and commercial land uses are being developed. These include:

- Pacific Dunes residential estate
- The Bower residential estate
- The Gardens residential estate
- Tallowood Lifestyle Resort
- Various commercial developments in the town centre.

Construction also commenced on the Catherine McAuley College.

ITEM 1 - ATTACHMENT 1 PLANNING STRATEGY IMPLEMENTATION  
PANELS ANNUAL REPORT 2019.

**New sports amenities at Boyd Oval (Action 13)**

The existing multi-purpose sports amenities at Boyd Oval are set to be replaced with a budget of \$1.4m. The works are expected to start in 2020. The new facility has been planned in consultation with the Medowie and Districts Rugby Union Club.

**Medowie Sport and Community Facility (Action 10)**

Construction of the \$6.3m Medowie Sports and Community Facility commenced and is scheduled for completion in 2020. This important community facility includes a lounge, bistro, meeting areas, a bowling green, playground and a carpark. This completes the action in the Medowie Planning Strategy to implement the Ferodale Park Sports Complex Master Plan.



**Figure 6** Medowie Sports and Community Facility

**Shared pathways (Action 20)**

Several shared pathways identified in the Medowie Planning Strategy have been completed or will commence construction in 2020, including:

- Completion of the shared pathway between Boundary Road and the town centre.
- Construction of a shared pathway along Waropara Road.
- Construction of a shared pathway on Medowie Road between Ferodale Road and South Street.

ITEM 1 - ATTACHMENT 1 PLANNING STRATEGY IMPLEMENTATION  
PANELS ANNUAL REPORT 2019.

**Town Centre Improvements (Action 17)**

One of the key Port Stephens 2020 community priority projects is Medowie town centre improvements. Council will commence consulting with the local community on this project. The Medowie Panel has been involved in a number of potential ideas that could be considered for funding within the budget of \$300,000. Works are expected to start in 2020.

Town centre public amenities also remain of high importance, with a project underway to improve access to existing toilet facilities in the town centre.



**Figure 7** Medowie Town Centre

**Campvale Drain Project (Action 2)**

Hunter Water Corporation and Council will continue working together to identify a preferred solution to the management of Campvale Drain. The Medowie Panel will be briefed before the final report is completed. This project will contribute towards completing the action in the strategy to undertake a drainage strategy in liaison with Hunter Water Corporation.

ITEM 1 - ATTACHMENT 1 PLANNING STRATEGY IMPLEMENTATION  
PANELS ANNUAL REPORT 2019.



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**MINUTES ORDINARY COUNCIL - 27 NOVEMBER 2018**

Mayor Ryan Palmer left the meeting at 5:38pm in Open Council and Deputy Mayor, Cr Sarah Smith chaired the meeting in the absence of the Mayor.

**ITEM NO. 1**

**FILE NO: 18/255127  
EDRMS NO: PSC2009-09539**

**IMPLEMENTATION PANELS - MEDOWIE PLANNING STRATEGY, NELSON BAY TOWN CENTRE AND FORESHORE STRATEGY AND RAYMOND TERRACE AND HEATHERBRAE STRATEGY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Amend the Terms of Reference for the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and the Raymond Terrace and Heatherbrae Strategy Implementation Panel to enable up to three (3) resident representatives to be appointed to each of these panels (**ATTACHMENT 1**).
  - 2) Establish the Medowie Planning Strategy Implementation Panel and appoint the recommended community representatives as panel members:
    - Robert Dein (Business)
    - Ben Niland (Business)
    - Heather Sharp (Resident)
    - Geoffrey Voigt (Resident)
  - 3) Establish the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and appoint the recommended community representatives as panel members:
    - Nicholas Diemar (Business)
    - Robert Taylor (Business)
    - Richard Casey (Resident)
    - Greg Smith (Resident)
    - Richard Ware (Resident)
  - 4) Establish the Raymond Terrace and Heatherbrae Strategy Implementation Panel and appoint the recommended community representatives as panel members:
    - Kristine Brown (Business)
    - Jake Bush (Business)
    - David Davies (Resident)
    - Ken Buckingham (Resident)
    - Jeffrey Bretag (Resident)
-

**MINUTES ORDINARY COUNCIL - 27 NOVEMBER 2018****ORDINARY COUNCIL MEETING - 27 NOVEMBER 2018  
MOTION**

<b>156</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Amend the Terms of Reference for the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and the Raymond Terrace and Heatherbrae Strategy Implementation Panel to enable up to three (3) resident representatives to be appointed to each of these panels <b>(ATTACHMENT 1)</b>.</li><li>2) Establish the Medowie Planning Strategy Implementation Panel and appoint the recommended community representatives as panel members:<ul style="list-style-type: none"><li>• Robert Dein (Business)</li><li>• Ben Niland (Business)</li><li>• Heather Sharp (Resident)</li><li>• Geoffrey Voigt (Resident)</li></ul></li><li>3) Establish the Nelson Bay Town Centre and Foreshore Strategy Implementation Panel and appoint the recommended community representatives as panel members:<ul style="list-style-type: none"><li>• Nicholas Diemar (Business)</li><li>• Robert Taylor (Business)</li><li>• Richard Casey (Resident)</li><li>• Greg Smith (Resident)</li><li>• Richard Ware (Resident)</li></ul></li><li>4) Establish the Raymond Terrace and Heatherbrae Strategy Implementation Panel and appoint the recommended community representatives as panel members:<ul style="list-style-type: none"><li>• Kristine Brown (Business)</li><li>• Jake Bush (Business)</li><li>• David Davies (Resident)</li><li>• Ken Buckingham (Resident)</li><li>• Jeffrey Bretag (Resident)</li></ul></li></ol>
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

**ITEM NO. 2**

**FILE NO: 20/34966  
EDRMS NO: PSC2017-00105**

**COUNCIL RESOLUTIONS**

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

**BACKGROUND**

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

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

**ATTACHMENTS**

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

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 25/02/2020
		<b>Printed:</b> Monday, 2 March 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Meyn, Janet	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	30/06/2020	28/03/2018	
13 066		Foster, Carmel				18/66656
27 Feb 2020 - Property Services are awaiting update from Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/06/2018	Foster, Carmel	RECLASSIFICATION OF 109 FORESHORE DRIVE, SALAMANDER BAY	30/06/2020	27/06/2018	
2		Foster, Carmel				18/138953
28 Feb 2020 – Awaiting further information on grants for the funding of the Tomaree Sports Complex.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Meyn, Janet	King Street, Raymond Terrace Easements	31/05/2020	14/02/2019	
3		Foster, Carmel				19/39843
28 Feb 2020 - Property Services awaiting Office of Local Government to advise what additional information is required.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	30/06/2020	29/05/2019	
5 109		Foster, Carmel				19/148388
28 Feb 2020 - Property Services have approved draft Gazette and awaiting receipt of the formal approval to acquire.						

**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 25/02/2020
		<b>Printed:</b> Monday, 2 March 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	30/06/2020	29/05/2019	
6 110		Foster, Carmel				19/148388
28 Feb 2020 - Property Services are awaiting status update from Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Meyn, Janet	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/06/2020		
7 169		Foster, Carmel				19/200498
27 Feb 2020 - Legal negotiations are ongoing with AGL.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/10/2019	Meyn, Janet	EASEMENT TO DRAIN WATER - KINGSLEY DRIVE AND CORYULE STREET, BOAT HARBOUR	30/06/2020	9/10/2019	
1 191		Foster, Carmel				19/331292
28 Feb 2020 - Property Services have agreement from all land owners. Execution and registration of documents is progressing pending receipt of productive details from one land owner.						

**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 25/02/2020
		<b>Printed:</b> Monday, 2 March 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/11/2019	Meyn, Janet	SALE OF PART 13 SCHOOL DRIVE, TOMAGO	31/03/2020	13/11/2019	
1		Foster, Carmel				19/364714
217						
27 Feb 2020 - Contracts have been issues are awaiting execution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Meyn, Janet	1 CENTRAL AVENUE, SALAMANDER BAY (LOT 8)	31/03/2020	11/12/2019	
1		Foster, Carmel				19/388450
267						
27 Feb 2020 - Council and TAGE have finalised the Lease. Awaiting execution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	MEDOWIE SPORTS & COMMUNITY FACILITY - LIQUOR LICENCE	30/04/2020	12/02/2020	
8		Foster, Carmel				20/39141
013						
27 Feb 2020 - Awaiting outcome of liquor licence application process.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Pattison, Zoe	Policy: Child Protection Policy	20/03/2020	12/02/2020	
10		Foster, Carmel				20/39141
015						
13 Feb 2020 - Policy now serving the public exhibition period.						

**ITEM 2 - ATTACHMENT 1 CORPORATE SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 25/02/2020
		<b>Printed:</b> Monday, 2 March 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	RENEWAL OF OPTUS LEASE - 9 TARRANT ROAD, SALAMANDER BAY	30/04/2020	12/02/2020	
1 027		Foster, Carmel				20/39141
27 Feb 2020 - Draft Lease has been issued to Optus for consideration.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	COMPULSORY ACQUISITION OF PART 879 SWAN BAY ROAD, SWAN BAY FOR ROAD WIDENING PURPOSE	25/02/2021	12/02/2020	
2 028		Foster, Carmel				20/39141
28 Feb 2020 - Property Services have submitted application to Office of Local Government. 12:15 PM - Candice Gleeson. Awaiting response.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Meyn, Janet	PROPOSED SALE OF LOT 7, CENTRAL AVENUE, SALAMANDER BAY	25/02/2021	12/02/2020	
3 029		Foster, Carmel				20/39141
27 Feb 2020 - Draft contract to be prepared and issued to purchaser.						

**ITEM 2 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Development Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 25/02/2020
		<b>Printed:</b> Monday, 2 March 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Drinan, Kate	Development Application 16-2019-270-1 for the demolition of existing structures and construction of a new single storey dwelling and garage at 862 Paterson Road, WOODVILLE Lot:510 DP:1150491	28/04/2020	12/02/2020	
1		Crosdale, Timothy				20/39141
006	28 Feb 2020 - Council resolved to defer this item. A further report is scheduled for Council in April 2020.					

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Bernasconi, Steven	PORT STEPHENS ANNUAL AWARDS POLICY	30/06/2020	12/02/2020	
4		Crosdale, Timothy				20/39141
28 February 2020 - Further information has been requested from Councillors via PS newsletter. This feedback will inform the revised Guidelines which is scheduled for final completion in June 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Peart, Steven	Climate Change	31/07/2020	26/02/2020	
2		Crosdale, Timothy				20/50488
28 February 2020 - The Climate Action Policy is identified on the Natural Resources program of work for 2020-2021.						

**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 25/02/2020
		<b>Printed:</b> Monday, 2 March 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Kable, Gregory	Lease of grounds of 43, 45, 47 and 47A Tanilba Avenue Tanilba Bay (Lot 238, Lot 270 and Lot 271 DP753194, Lot 342 DP704442) to Calvary Retirement Communities Hunter-Manning Limited ACN 102625212.	29/05/2020	28/03/2018	
14 067		Kable, Gregory				18/66656
27 Feb 2020 - Once approval from Crown Lands comes through it then has to go to both the Worimi Land Council and the NSW Local Aboriginal Council as both have land claims on this parcel of land.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/04/2018	Maretich, John	BOBS FARM DRAINAGE	31/12/2020	11/04/2018	
2 084		Kable, Gregory				18/75830
27 Feb 2020 - Currently examining funding options to determine if Council can adopt these as public assets.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Maretich, John	ROCK REVETMENT AT KANGAROO POINT, SOLDIERS POINT	31/07/2020		
2 155		Kable, Gregory				19/186501
27 Feb 2020 - Council staff will seek to identify grant funding opportunities for this project which is currently unfunded.						

**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 25/02/2020
		<b>Printed:</b> Monday, 2 March 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Exemption for environmental approvals for non-maintenance road improvement works	30/04/2020	11/12/2019	
2		Kable, Gregory				19/388450
259						
27 Feb 2020 - 3:55 PM - Debbie Turner						
Currently compiling information to form part of letter to the NSW State Government requesting an exemption for environmental approvals for non-maintenance road improvement works that occur in coastal management (or buffer) areas.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	SMART Parking	31/03/2020	11/12/2019	
3		Kable, Gregory				19/388450
261						
13 Feb 2020 - Following Community Consultation, proposed projects are being reprioritised with a funding source strategy being reformulated.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Maretich, John	Solar Infrastructure	8/12/2020	11/12/2019	
6		Kable, Gregory				19/388450
264						
27 Feb 2020 - In the process of engaging a consultant to undertake building an energy efficient study.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/12/2019	Gutsche, Tammy	GREEN WASTE DROP OFF - SALAMANDER BAY	18/12/2020	11/12/2019	
7		Kable, Gregory				19/388450
265						
27 Feb 2020 - Will be prepared with the Waste Management Strategy.						

**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 25/02/2020
		<b>Printed:</b> Monday, 2 March 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Miles, Philip	Subdivision - 2 Engel Avenue, Karuah	27/03/2020	12/02/2020	
9 014		Kable, Gregory				20/39141
27 Feb 2020 - Plan has now been signed b the GM and the seal attached and has been sent to LRS to be registered.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Maretich, John	Policy Review - Asset Management Policy	27/03/2020	12/02/2020	
11 017		Kable, Gregory				20/39141
27 Feb 2020 - Currently on Public Exhibition until 15 March 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Gutsche, Tammy	Policy Review: Reduction or waiving of overdue library item charges	27/03/2020	12/02/2020	
12 018		Kable, Gregory				20/39141
27 Feb 2020 - Policy is currently on Public Exhibition until 15 March 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Gutsche, Tammy	Policy Review: Financial Assistance for the Disposal of Waste in Port Stephens	27/03/2020	12/02/2020	
13 019		Kable, Gregory				20/39141
27 Feb 2020 - Currently on Public Exhibition until 15 March 2020.						

**ITEM 2 - ATTACHMENT 3 FACILITIES & SERVICES GROUP REPORT.**



<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>		<b>Date To:</b> 25/02/2020
		<b>Printed:</b> Monday, 2 March 2020

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/02/2020	Maretich, John	Anderson Oval, Lakeside, Raymond Terrace	28/02/2021	12/02/2020	
3024		Kable, Gregory				20/39141
27 Feb 2020 - Investigate options for potential sporting uses and/or leisure uses for the large oval situated on the southern side of Lakeside, known as Anderson Oval.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Gutsche, Tammy	Chemical Clean Out	30/04/2020	26/02/2020	
1039		Kable, Gregory				20/50488
26 Feb 2020 - The Waste Management Coordinator will make contact with the EPA and Suez and report back to Council by the end of April 2020.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Maretich, John	Parking in Nelson Bay CBD	31/08/2020	26/02/2020	
3041		Kable, Gregory				20/50488
27 Feb 2020 - Integrate with Smart Parking delivery.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/02/2020	Maretich, John	Indoor Sports Facility	30/06/2021	26/02/2020	
4042		Kable, Gregory				20/50488
27 Feb 2020 - Undertake community consultation and needs analysis as per the background of the NOM.						

**ITEM NO. 3****FILE NO: 20/54695  
EDRMS NO: PSC2017-00019****QUESTIONS WITH NOTICE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****BACKGROUND**

The purpose of this report is to provide Questions with Notice submitted in accordance with the Code of Meeting Practice.

<b>No.</b>	<b>Councillor</b>	<b>Date requested</b>	<b>Question</b>	<b>Response</b>
<b>1</b>	G Arnott	28 February 2020	In relation to answers provided on 11 February 2020, who was the 23 April 2019 email from advising that Port Stephens Council was successful in its grant submission for Lionel Morten Oval in round 3 of the Community Sport Infrastructure Scheme, and what office did that person represent?	Port Stephens Council was advised of the outcome of Round 3 of the Move it AUS – Community Sport Infrastructure Grant Program via an email on the 23 April 2019 from the SmartyGrants generic email address. The author of the email was the Sport Australia Community Sport Infrastructure Grant Team.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 20/54930  
EDRMS NO: PSC2017-00019**

**ANTI-BACTERIAL HAND SANITISERS TO BE INSTALLED IN PUBLIC AMENITIES**

**MAYOR: RYAN PALMER**

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**THAT COUNCIL:**

- 1) Request the General Manager to investigate the installation of anti-bacterial hand sanitisers in all public amenities.

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**BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER**

**BACKGROUND**

Coronavirus (COVID-19) is a respiratory illness caused by a new virus. The Federal Department of Health states that symptoms range from a mild cough to pneumonia. Some people recover easily, others may get very sick very quickly. There is evidence that it spreads from person to person and good hygiene can prevent infection.

The World Health Organisation (WHO) states that basic protective measures against the new coronavirus are as follows;

- Wash your hands frequently - Regularly and thoroughly clean your hands with an alcohol-based hand rub or wash them with soap and water.
- Maintain social distancing - Maintain at least 1 metre (3 feet) distance between yourself and anyone who is coughing or sneezing.
- Avoid touching eyes, nose and mouth - Hands touch many surfaces and can pick up viruses. Once contaminated, hands can transfer the virus to your eyes, nose or mouth. From there, the virus can enter your body and can make you sick.
- Practice respiratory hygiene - Make sure you, and the people around you, follow good respiratory hygiene. This means covering your mouth and nose with your bent elbow or tissue when you cough or sneeze. Then dispose of the used tissue immediately.
- If you have fever, cough and difficulty breathing, seek medical care early - Stay home if you feel unwell. If you have a fever, cough and difficulty breathing, seek medical attention and call in advance. Follow the directions of your local health authority.

Port Stephens Council does provide soap dispensers in a number of public amenities. Council does not currently provide anti-bacterial hand sanitizer in public amenities.

To better inform Council of the ramifications of this inclusion, a subsequent report can be prepared detailing the scope and costs associated with providing this enhanced service.

**ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 20/42371  
EDRMS NO: PSC2017-00019**

**TREE MORATORIUM**

**COUNCILLOR: CHRIS DOOHAN**

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**THAT COUNCIL:**

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

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

**BACKGROUND**

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

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

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

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

and it is shown that tree removal is the only reasonable means to avoid further conflict.

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

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

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

#### **ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 3**

**FILE NO: 20/45734  
EDRMS NO: PSC2017-00019**

**NAMING OF SKATE PARK, ROBINSON RESERVE, ANNA BAY**

**COUNCILLOR: CHRIS DOOHAN**

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**THAT COUNCIL:**

- 1) Name and celebrate the skate park (once completed) in Robinson Reserve, Anna Bay as the 'Shirley O'Brien Skate Park'.
- 

**BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER**

**BACKGROUND**

Shirley O'Brien served as a Councillor on Port Stephens Council between 2009 and 2012.

The NSW Geographical Names Act 1966 empowers the Geographic Naming Board (GNB) as the body responsible for overseeing the formal naming of places. The GNB Place Naming Policy sets out the rules and regulations that apply to such applications.

Relative to this notice of motion, the policy states that 'personal names, including those of persons still living, may be used for built features e.g. pavilions and grandstands etc., however these features are not formally assigned by the GNB and are not covered by the Act.' As such, the formal naming of a recreation asset such as a skate park would not be generally supported by GNB.

As an alternative to the above process, Council may name assets or projects by dedication in an informal manner (such as sporting fields, community buildings etc.). Although the GNB Policy does not strictly apply in this instance, it does provide guidance as to what information should be considered when assessing commemorative naming requests. The GNB Policy offers the following guidelines regarding association or contribution for naming:

- Two or more terms of office on the governing local government council.
- Twenty or more years association with a local community group or service club.
- Twenty or more years of association or service with a local or state government or organisation.
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community.

## **ORDINARY COUNCIL - 10 MARCH 2020**

- The death of a person within a place is not solely to be considered sufficient justification for commemoration.
- Local residents of note.

### **ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 4**

**FILE NO: 20/46442  
EDRMS NO: PSC2017-00019**

**RETURN AND EARN SYSTEM - RAYMOND TERRACE**

**MAYOR: RYAN PALMER**

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- 1) Write to the Return and Earn supply company requesting that the reverse vending machine in Raymond Terrace be relocated away from residences.
  - 2) In the event the machine is not relocated, Council write to the Hon. Matt Keane, NSW Energy and Environment Minister, responsible for the Return and Earn scheme, requesting that the machine in Raymond Terrace be moved away from residences.
- 

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

**BACKGROUND**

The NSW Return and Earn scheme commenced in 2017 enabling people to receive a refund for eligible drink containers. As part of this scheme a Return and Earn Reverse Vending Machine (RVM) was installed at Terrace Central Shopping Centre located on the corner of Glenelg and Sturgeon Streets, Raymond Terrace.

Soon after the installation of the RVM at Terrace Central, Council began to receive complaints from a local resident in relation to noise impacts.

As the installation of the RVM does not require Council approval, Council has limited jurisdiction over the placement of the RVM. Despite this, Council did seek to advocate on behalf of the affected resident and requested the RVM be relocated to another site however no action has occurred to date.

In December 2019, further complaints were received in relation to the RVM from the original complainant and approximately 15 other parties noting their ongoing concern on the noise generated by the RVM.

**ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 5**

**FILE NO: 20/54686  
EDRMS NO: PSC2017-00019**

**POMFRETT COTTAGE, WOODVILLE**

**COUNCILLOR: GIACOMO ARNOTT**

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**THAT COUNCIL:**

- 1) Prepare and submit a nomination for Pomfrett's Cottage (slab cottage) at 862 Paterson Road, Woodville to be listed on the State Heritage Register.
- 2) Write to the Minister responsible for heritage requesting:
  - a. The Minister make an interim heritage order for Pomfrett's Cottage to protect it for 12 months, pending the assessment of the nomination for listing on the NSW Heritage Register.
  - b. The Minister enters into a heritage agreement with the owner with respect to the conservation of Pomfrett's Cottage, if it is listed.

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

**BACKGROUND**

Pomfrett's Cottage at 862 Paterson Road, Woodville is listed in the Port Stephens Local Environmental Plan 2013 as an archaeological site of local heritage significance.

Any person or organisation can nominate a place or object believed to be of State significance for listing on the State Heritage Register. A nomination form and the Guidelines for Nomination to the State Heritage Register outline the requirements for making a nomination. An application for State listing must demonstrate that the place or object is particularly important in the context of the whole of NSW, beyond the local area or region.

Interim heritage orders protect potential items of State heritage significance for a maximum 12 months. Interim heritage orders prevent demolition, damage, building works and other development without the approval of the Heritage Council.

A request for an interim heritage order must demonstrate that the place or object is particularly important in the context of the whole of NSW, beyond the local area or region.

The Minister may enter into a heritage agreement with the owner of an item that is listed on the State Heritage Register with respect to the conservation of the item. The Minister is to obtain and consider the advice of the Heritage Council before entering into a heritage agreement. A heritage agreement can include requirements for conservation work and loans to fund restoration work.

**ATTACHMENTS**

Nil.