

MINUTES – 14 MARCH 2023



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 14 March 2023, commencing at 6:01pm.

PRESENT:

In Person

Mayor Ryan Palmer
Cr Leah Anderson
Cr Giacomo Arnott
Cr Chris Doohan
Cr Glen Dunkley
Cr Peter Francis
Cr Peter Kafer
Cr Steve Tucker
Cr Jason Wells
General Manager
Acting Corporate Services Group Manager
Development Services Group Manager
Facilities and Services Group Manager
Governance Section Manager

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

038	Councillor Peter Kafer Councillor Peter Francis It was resolved that the apology from Cr Matthew Bailey be received and noted.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

	<p>Cr Peter Francis declared a pecuniary conflict of interest in Item 3. The nature of the is Cr Francis' wife is a landholder in the area.</p> <p>Cr Leah Anderson declared a pecuniary conflict of interest the 2 urgency motions. The nature of the interest is that Cr Anderson is employed by the State MP, Kate Washington's Office.</p>
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039	Councillor Leah Anderson Councillor Jason Wells It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 28 February 2023 be confirmed.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

Cr Giacomo Arnott move to introduce a matter of urgent business under clause 9.3 of the Code of Meeting Practice.

Councillor Leah Anderson left the meeting at 6:04pm.

ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION

040	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that the urgency motion be considered at the Council meeting.
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Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

The Mayor ruled the motion to be of great urgency given there will not be another Council meeting before the NSW State election.

ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION

041	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: 1) Notes that Council's adopted 2023 State Election community advocacy priority document includes a request for funding for road repairs, rehabilitation and upgrades. 2) Notes that last week, Kate Washington announced that an elected Labor Government would deliver just under \$12million in funding for road repairs, rehabilitation and upgrades across Port Stephens. 3) Notes that this funding will significantly improve road safety for local families, reduce damage to vehicles, and make Port Stephens more attractive to visitors and investors. 4) Writes to Kate Washington, thanking her for delivering this important pillar of Council's election priority list. 5) Writes to any other candidates for election in the Legislative Assembly in Port Stephens whose parties are capable of forming Government, asking them to match the funding announced by Kate Washington.
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Councillor Peter Kafer left the meeting at 6:08pm.

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Cr Chris Doohan.

The motion was carried.

Cr Giacomo Arnott move to introduce a matter of urgent business under clause 9.3 of the Code of Meeting Practice.

ORDINARY COUNCIL MEETING - 14 MARCH 2023 MOTION

042	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that the urgency motion be considered at the Council meeting.
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Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

The Mayor ruled the motions to be of great urgency given there will not be another Council meeting before the NSW State election.

ORDINARY COUNCIL MEETING - 14 MARCH 2023 MOTION

043	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: 1) Notes that Council's adopted 2023 State Election community advocacy priority document includes a request for the delivery and construction of a public high school in Medowie. 2) Notes that Kate Washington has announced that an elected Labor Government would deliver a public high school in Medowie within its first 4 years in Government - by 2027. 3) Notes that this funding will provide school children from Medowie, Salt Ash, Williamtown, Fern Bay, Fullerton Cove, Tanilba Bay, Mallabulla and Lemon Tree Passage, a closer option for school, will shave hours
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MINUTES ORDINARY COUNCIL - 14 MARCH 2023

	<p>off their bus travel time per week, and will ensure a better, more balanced lifestyle for local kids for decades to come.</p> <p>4) Notes that Council's housing strategies foresee significant increases to the populations in Medowie, north of Raymond Terrace, and in Raymond Terrace itself, making capacity issues at the existing public high schools a major issue, and reinforcing the need for a public high school in Medowie, as soon as possible.</p> <p>5) Writes to Kate Washington, thanking her for delivering this important pillar of Council's election priority list.</p> <p>6) Writes to any other candidates for election in the Legislative Assembly in Port Stephens whose parties are capable of forming Government, asking them to match the commitment announced by Kate Washington.</p>
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Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

Councillor Leah Anderson returned to the meeting at 6:13pm.

Councillor Peter Kafer returned to the meeting at 6:13pm.

INDEX

SUBJECT

PAGE NO

MOTIONS TO CLOSE 7

1. MOTION TO CLOSE.....10

COUNCIL REPORTS..... 12

1. DEVELOPMENT APPLICATION 16-2022-566-1 FOR 2 X SEMI-
DETACHED DWELLINGS, RETAINING WALLS, SITE WORKS AND
A 1 INTO 2 LOT TORRENS TITLE SUBDIVISION AT 23 TAREEBIN
ROAD, NELSON BAY13
2. DRAFT AMENDMENT TO PORT STEPHENS DEVELOPMENT
CONTROL PLAN (2014) CHAPTER D17: STOCKTON RIFLE RANGE41
3. DRAFT DEVELOPMENT CONTROL PLAN - HOUSEKEEPING.....58
4. SIX MONTH PROGRESS REPORT: JULY TO DECEMBER 2022
AGAINST THE PORT STEPHENS COUNCIL DELIVERY PROGRAM
2022-202684
5. POLICY REVIEW: MEDIA LIAISON POLICY120
6. POLICY REVIEW: ENVIRONMENT POLICY137
7. POLICY REVIEW: TREE VANDALISM POLICY153
8. POLICY REVIEW: CLIMATE CHANGE POLICY169
9. POLICY REVIEW: LEGISLATIVE COMPLIANCE POLICY183
10. POLICY REVIEW: REQUESTS FOR ASSISTANCE - LEGAL COSTS
POLICY190
11. PETITION - ROADS IN LEMON TREE PASSAGE & TILLIGERRY
PENINSULA.....197
12. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL
GENERAL ASSEMBLY - 13-16 JUNE 2023202
13. REQUEST FOR FINANCIAL ASSISTANCE226
14. INFORMATION PAPERS230

INFORMATION PAPERS 231

1. DESIGNATED PERSONS' RETURN232
2. DELEGATIONS REPORT233
3. COUNCIL RESOLUTIONS235

CONFIDENTIAL 244

1. LEASE RENEWAL: 29 STURGEON STREET, RAYMOND TERRACE245

DECLARATION OF INTEREST

ORDINARY COUNCIL - 14 MARCH 2023



Declaration of Interest form

Agenda item No. 2x urgency motions
 Report title By Councillor ARNOTT
 Mayor/Councillor ~~ARNOTT~~ ANDERSON declared a

Tick the relevant response:

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

In this item. The nature of the interest is I AM CURRENTLY EMPLOYED PART TIME AT STATE MP KATE WASHINGTONS OFFICE

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.)

I decided to LEAVE the Room .

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.



Declaration of Interest form

Agenda item No. 3

Report title DRAFT DEVELOPMENT CONTROL PLAN - HOUSEKEEPING

Mayor/Councillor Peter Francis declared a

Tick the relevant response:

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

in this item. The nature of the interest is My wife is a landholder in the area.

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.

MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 23/46946
EDRMS NO: PSC2012-00846

MOTION TO CLOSE

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) and (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Lease: 29 Sturgeon Street, Raymond Terrace.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
and
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION

044	<p>Councillor Peter Kafer Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) and (d)i of the Local Government Act 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item on the Ordinary agenda namely Lease: 29 Sturgeon Street, Raymond Terrace.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
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MINUTES ORDINARY COUNCIL - 14 MARCH 2023

	<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,and• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. <p>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</p>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 22/288658
EDRMS NO: 16-2022-566-1**

DEVELOPMENT APPLICATION 16-2022-566-1 FOR 2 X SEMI-DETACHED DWELLINGS, RETAINING WALLS, SITE WORKS AND A 1 INTO 2 LOT TORRENS TITLE SUBDIVISION AT 23 TAREEBIN ROAD, NELSON BAY

REPORT OF: STEVEN PEART - GROUP MANAGER DEVELOPMENT SERVICES
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application (DA) No: 16-2022-566-1 for 2 x semi-detached dwellings, retaining walls, site works and a 1 into 2 lot Torrens title subdivision at 23 Tareebin Road, Nelson Bay (Lot: 102 DP: 1061399) subject to the recommended conditions contained in **(ATTACHMENT 1)**.
- 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

045	<p>Councillor Chris Doohan Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Approve Development Application (DA) No: 16-2022-566-1 for 2 x semi-detached dwellings, retaining walls, site works and a 1 into 2 lot Torrens title subdivision at 23 Tareebin Road, Nelson Bay (Lot: 102 DP: 1061399) subject to the recommended conditions contained in (ATTACHMENT 1).2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.
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Cr Giacomo Arnott gave notice of a foreshadowed Matter Arising as follows:

“Requests the General Manager to prepare an LEP amendment which contains a review of building height controls in the surrounding area, taking into account the number of unbuilt lots, the significant fall in the land, and the need to ensure consistency with already approved buildings.”

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

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

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING - 14 MARCH 2023 MATTER ARISING

046	Councillor Giacomo Arnott Councillor Peter Kafer It was resolved that Council requests the General Manager to prepare an LEP amendment which contains a review of building height controls in the surrounding area, taking into account the number of unbuilt lots, the significant fall in the land, and the need to ensure consistency with already approved buildings.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2022-566-1 for 2 x semi-detached dwellings, retaining walls, site works and a 1 into 2 lot Torrens title subdivision to Council for determination.

A summary of the DA and property details is provided below:

Subject Land:	23 Tareebin Road, Nelson Bay (Lot: 102 DP: 1061399)
Total Area:	732.42m ²
Zoning:	R2 Low Density Residential Zone

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

Submissions:	0
Key Issues:	<p>The key issues identified throughout the assessment of the DA relate to building height.</p> <p>The development standard is Clause 4.3 – Height of Buildings and the extent of the variation is 22.6% (2.03m).</p>

The DA has been reported to Council in accordance with Council's 'Council Related Planning Matters Policy' as the DA includes a request to vary a development standard by greater than 10%. The development standard is Clause 4.3 – Height of Buildings and the extent of the variation is 22.6% (2.03m).

A locality plan is provided at **(ATTACHMENT 2)**.

Proposal

The DA seeks consent for the removal of existing vegetation on the site, the construction of 2 x semi-detached 4 storey dwellings and 1 into 2 lot Torrens title subdivision. Each dwelling will be provided with a double garage, 4 bedrooms, internal lift access, open plan living and dining spaces. The dwellings are proposed to be accessed via a shared crossover from the existing private access road along the sites western boundary.

Site Description and History

The subject site is legally identified as Lot 102 DP 1061399 and generally known as 23 Tareebin Road, Nelson Bay. The site has a significant fall from the west to the east and is currently vacant of any structures. The site has 2 road frontages, 1 to the east (Tareebin Road) and 1 to the west (private road). The site is largely surrounded by low density residential development with Caruparinga Park situated further to the west.

Key Issues

The key issues identified throughout the assessment of the DA relate to the proposed exceedance of the building height. A detailed assessment of the DA is contained within the Planners Assessment Report **(ATTACHMENT 3)**.

Building Height

The DA exceeds the maximum allowable building height for the site prescribed under Clause 4.3 of the Port Stephens LEP 2013 (LEP). The DA proposes a maximum building height of 11.03m, which exceeds the 9m height limit by 2.03m, representing a 22.6% variation to the development standard.

A request to vary the building height development standard has been submitted by the applicant in accordance with Clause 4.6 of the LEP. Council staff are satisfied with the proposed height variation on the following grounds:

- (a) The proposed development is considered to be appropriate for the context of the area in that many dwellings located on the ridge have been designed in such a way that responds to the slope of the land (cl 4.6(4)(a)(ii))
- (b) The height variation is restricted to the roof components of the proposed dwellings and does not result in impacts to existing view corridors nor result in adverse amenity or overshadowing impacts to neighbouring properties (cl 4.6(4)(a)(ii))
- (c) The proposed development exceeds the maximum height of building limit due to the steep topography of the land. The dwellings step down with the topography of the land to reduce the scale and overall height of the development which is consistent with other development in the locality and therefore consistent with the objective of the zone and in the public interest (cl 4.6(4)(a)(ii))
- (d) The height non-compliance does not result in the building being out of scale in the context of surrounding development and is not likely to have an adverse impact on local amenity and therefore consistent with the objective of the zone and in the public interest (cl 4.6(4)(a)(ii)).

Moreover, the building height variation is considered appropriate as the building heights for dwellings along Tareebin Road are constructed or approved over the 9m LEP height limit, which informs the impact of the proposed development on the existing and future character. This includes an approved dwelling at 21 Tareebin Road (immediately to the south) that has an approved height of 11.23m; 17 Tareebin Road (south of the site) that has an approved height of 9.8m and a dual occupancy at 21C Tareebin Road (south east of the site), which has an approved height of 11.32m. The height variations to these dwellings surrounding the site are attributed to the challenging topography of the immediate locality and requirement to establish building footprints capable of supporting a dwelling.

The proposed development is considered to satisfy the objectives of Clause 4.6, as the design will achieve a better outcome in these particular circumstances, noting the objectives of the development standard are achieved notwithstanding the non-compliance. The proposed building is considered to be appropriate in the context of the site.

It is considered that the applicant's Clause 4.6 variation request adequately demonstrates that there are sufficient environmental planning grounds to justify varying the height of buildings standard. On this basis, the building height variation is supported. A detailed assessment against Clause 4.6 is contained within the Planners Assessment Report (**ATTACHMENT 3**).

Vegetation Removal

The subject site is not located on land that contains items of environmental significance, nor does the application require biodiversity offsets. The site is however

currently mapped as containing 'preferred koala habitat'. Approximately 0.05 ha of vegetation clearing will be required for the construction of the proposed dwellings.

A Flora and Fauna Assessment was submitted with the application. The Flora and Fauna Assessment surveyed the site and identified no vegetation consistent with 'preferred koala habitat', but rather regenerating forms of a Plant Community Type (PCT) that more aligns with 'marginal koala habitat'.

Council's Natural Systems Officer surveyed the site and endorsed the findings of the Flora and Fauna Assessment, observing no evidence of koala activity on the site in the form of scat or scratch. Noting the site is located within a developed residential area, Council's Natural Systems Officer concluded that the proposal is unlikely to result in any impact to koala habitat areas or movement. It was found that the proposal is unlikely to result in a significant impact to koalas as the site is absent of preferred koala feed trees and due to high quality habitat existing to the south of the site (Caruparinga Park).

In regard to other species, the Flora and Fauna Assessment found no threatened flora or fauna species present on the site, which was supported by Council's Natural Systems Officer.

Evidence of macropods (wallabies, kangaroos, etc) in the form of scats was identified. Given the site proximity to Caruparinga Park to the east, which consists of high quality habitat, it was concluded that it was possible for highly mobile fauna to traverse through the site on occasion. It was observed that the surrounding habitat was highly fragmented due to existing residential development in the locality. Consequently, it was concluded that further fragmentation from the proposed development would be negligible considering safe passage for terrestrial fauna throughout these areas is already heavily impacted by roads and existing dwellings. Accordingly, the vegetation proposed for removal is not identified as being of high environmental value and, therefore, is supported for removal.

Conclusion

As detailed in the Planners Assessment Report (**ATTACHMENT 3**), the application is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and Council policies applicable to the subject site. There will be no adverse impact to the natural or built environment.

The proposed development is consistent with Council's Local Housing Strategy in that it provides infill housing within the Tomaree area and increases diversity of housing choice. The provision of infill housing is also consistent with the Greater Newcastle Metropolitan Plan (GNMP), which has a target for 60% of new dwellings within Greater Newcastle to be infill housing by 2036.

It is considered that the DA has been suitably designed to address the site constraints and will not result in significant privacy, view loss or amenity issues.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (S7.11)	Yes		Should Council determine to approve the DA, s.7.11 development contributions would be applicable and would be levied in accordance with conditions of consent. The applicable s7.11 development contributions are \$19,623.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The DA is consistent with the relevant planning instruments including the Environmental Planning and Assessment Act 1979 (EP&A Act) and associated State Environmental Planning Policies.

The non-compliances with the LEP, the Port Stephens Development Control Plan 2014 (DCP 2014) are considered acceptable and consistent with the relevant control objectives. A detailed assessment against the environmental planning instruments is contained within the Planners Assessment Report contained at **(ATTACHMENT 3)**.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the DA is approved, the determination of the DA may be challenged by a third party in the Land and Environment Court.	Low	Accept the recommendation.	Yes
There is a risk that if the DA is refused, the determination of the DA may be challenged by the applicant in the Land and Environment Court.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposed development represents a modern residential development and will provide additional housing to service the needs of the community. The semi-detached dwellings will allow for the development of currently vacant land in an already established residential area. The construction of the proposed development will provide employment opportunities in the locality during the short term and support the local building and development industries. This will have direct monetary input to the local economy, and the increased number of residents in the locality will provide ongoing economic input through daily living activities.

As assessed throughout the report, the proposed development has been designed to respond to the site constraints whilst also reducing potential adverse impacts to neighbouring properties.

Overall, there are no anticipated adverse social or economic impacts as a result of the proposed development.

Impacts on the Built Environment

Whilst the height of the dwellings exceeds the maximum height limit, the development has been designed to correspond with the significant slope of the land without requiring significant earthworks or creating adverse amenity impacts to neighbouring properties. Overall, it is considered that the proposed development will make appropriate use of an existing vacant site with no adverse impacts to the surrounding built environment in terms of bulk or scale.

Impacts on the Natural Environment

The proposed development is not expected to negatively impact the natural environment. As noted throughout this assessment, the site is not located on land that contains any species of environmental significance. The site does contain vegetation, which has not been identified as being of high environmental value and therefore, is supported for removal.

CONSULTATION

Consultation with key stakeholders has been undertaken for the purposes of the assessment of the application, including consultation with the public through the notification process.

Internal

Consultation was undertaken with Council's Development Engineering, Natural Systems, Development Contributions and Spatial Services teams. The referral comments from these officers have been considered as part of the Planners Assessment Report (**ATTACHMENT 3**). The internal referral officers supported the DA, subject to the recommended conditions of consent (**ATTACHMENT 1**).

External

Consultation was undertaken with the NSW Rural Fire Service (RFS). The RFS supported the development with General Terms of Approval being issued. The comments provided by the external agencies are discussed within the Planners Assessment Report (**ATTACHMENT 3**).

Public exhibition

The DA was advertised and notified in accordance with the requirements of the Port Stephens Council Community Engagement Strategy. The application was exhibited for a period of 14 days from 22 July 2022 to 5 August 2022. No submissions were received during the exhibition period.

OPTIONS

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

ATTACHMENTS

- 1) Recommended Conditions of Consent.
- 2) Locality Plan.
- 3) Planners Assessment Report. (Provided under separate cover)

COUNCILLORS ROOM

1) Development Plans.

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

TABLED DOCUMENTS

Nil.



RECOMMENDED CONDITIONS OF CONSENT

1.0 - General Conditions of Consent

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

- (1) **Approved plans and supporting documentation** – Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title.	Drawn By.	Dated.
1 of 11 21E166-10	A	Site Plan	Port Stephens Design	11/3/2022
2 of 11 21E166-10	A	Upper Level 4 Plan	Port Stephens Design	11/3/2022
3 of 11 21E166-10	A	Upper-mid Level 3 Plan	Port Stephens Design	11/3/2022
4 of 11 21E166-10	A	Lower-mid Level 2 Plan	Port Stephens Design	11/3/2022
5 of 11 21E166-10	A	Lower Level 1 Plan (and Landscape Plan)	Port Stephens Design	11/3/2022
6 of 11 21E166-10	A	Site / Subfloor Plan	Port Stephens Design	11/3/2022
7 of 11 21E166-10	A	Site/Subdivision Plans	Port Stephens Design	11/3/2022
8 of 11 21E166-10	A	Elevations	Port Stephens Design	11/3/2022
21E166-10 12	B	Driveway Design Details	Port Stephens Design	11/3/2022
22E081 1 of 1	A	Stormwater Management Plan	Port Stephens Design Engineers	22/8/2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

PORT STEPHENS COUNCIL

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Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

Phone: 02 4980 0255
Email: council@portstephens.nsw.gov.au

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ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- (2) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **Excavation for residential building works** – If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent must, at the person's own expense:
- protect and support the adjoining premises from possible damage from the excavation; and
 - where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

- (4) **Sign on building** – Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.

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

- (5) **Payment of building and construction industry long service levy** - Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$4,396.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

Note. Condition only applies to developments with a cost of works over \$25,000.

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

The General Terms of Approval are:

1. NSW Rural Fire Services – Dated 13 October 2022, reference: DA20220718009377-Original-1

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



- (7) **Approved report recommendations** – Construction of the development must comply with the recommendations of the following:
- a) Section 5.2 Impact Amelioration of Flora and Fauna Assessment Report prepared by Habitat Environmental Services dated 17/06/2022.
 - b) Section 7 Geotechnical Guidelines for Site Development of Limited Geotechnical Investigation prepared by 5QS Consulting Group dated 27 June 2022.
- (8) **Tree removal/pruning** – The trees/vegetation identified on Lot 102 DP 1061399 are approved for removal/pruning.
- (9) **Protect existing vegetation and natural landscape features** - Approval to remove existing vegetation for removal is not to occur until the issue of the Construction Certificate. No vegetation or natural landscape features other than that authorised for removal, pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Driveway gradients and design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design must comply with AS 2890.1 'Off street Car Parking' and:
- a) Demonstrate that grades are achievable from shared carriageway
 - b) the driveway must be at least 1m from any street tree, stormwater pit or service infrastructure; and
 - c) a Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works.
- Details demonstrating compliance must be provided to the Certifying Authority.
- (2) **Retaining walls** – All retaining walls must be designed and certified by a suitably qualified Structural Engineer in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.
- (3) **Erosion and sediment control plan**– Before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:
- Council's development control plan,
 - the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the BlueBook), and

ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

- (4) **Section 7.11 Development contributions** – AA monetary contribution is to be paid to Council for the provision of one additional lot/dwelling, pursuant to Section 7.11 of the *Environmental Planning & Assessment Act 1979* and the Port Stephens Local Infrastructure Contributions Plan 2020 towards the provision of the following public facilities:

Facility	Per Lot/Dwelling	Total \$
Civic Administration – Plan Management	\$655	\$655
Civic Administration – Works Depot	\$1,266	\$1,266
Town Centre Upgrades	\$3,412	\$3,412
Public Open Space, Parks and Reserves	\$2,085	\$2,085
Sports & Leisure Facilities	\$1,961	\$1,961
Cultural & Community Facilities	\$1,332	\$1,332
Road Works	\$3,570	\$3,570
Shared Paths	\$3,286	\$3,286
Bus Facilities	\$9	\$9
Fire & Emergency Services	\$245	\$245
Flood & Drainage	\$1,877	\$1,877
Kings Hill Urban Release Area	\$302	\$302
TOTAL	\$20,000	\$20,000

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

- Subdivision and building work - prior to the issue of the Construction Certificate, or Subdivision Certificate, whichever occurs first.

Note: The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount must be indexed at the time of actual payment in accordance with the applicable Index.

- (5) **Waste management plan** - Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:
- details the following:
 - the contact details of the person(s) removing the waste
 - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill

ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

- the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

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

Details demonstrating compliance must be provided to the Certifying Authority.

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

- (7) **Footings and excavation near Council property** – All works proposed within the zone of influence of Council's asset/s are to be designed and certified by a qualified Geotechnical or Structural Engineer. Plans and specifications demonstrating compliance with this requirement must be submitted to the Certifying Authority.

- (8) **Dilapidation Report (if applicable)** – Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

- (9) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings. Footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the Roads Act 1993.

3.0 - Prior to Issue of a Subdivision Works Certificate

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

- (1) **Subdivision Works Certificate Required** – In accordance with the provisions of Section 6.13 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:
- a) a Subdivision Works Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and
 - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.



- (2) **Driveway gradients and design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design must comply with AS 2890.1 'Off street Car Parking' and:

- a) The driveway must be at least 1m from any street tree, stormwater pit or service infrastructure; and
- b) a Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works.

Details demonstrating compliance must be provided to the Certifying Authority.

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

Details demonstrating compliance must be provided to the Certifying Authority.

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

- (4) **Retaining walls** – All retaining walls must be designed and certified by a suitably qualified Structural Engineer in accordance with Council's Infrastructure Specifications. Details demonstrating compliance must be provided to the Certifying Authority.

- (5) **Erosion and sediment control plan**– Before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the BlueBook), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

- (6) **Roads Act Approval** – For construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roads Act Approval Certificate under Section 138B of the Roads Act 1993.

- (7) **Dilapidation Report** – Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the



dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

- (8) **Footings and excavation near Council property** – All works proposed within the zone of influence of Council's asset/s are to be designed and certified by a qualified Geotechnical or Structural Engineer.

Plans and specifications demonstrating compliance with this requirement must be submitted to the Certifying Authority.

4.0 - Prior to Commencement of Works

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

- (1) **Home Building Act requirements** - Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —

- a) In the case of work for which a principal contractor is required to be appointed—
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) In the case of work to be done by an owner-builder—
 - (iii) the name of the owner-builder, and
 - (iv) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (2) **Compliance with Home Building Act (if applicable)**- In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (3) **Notice of Principal Certifying Authority appointment** – The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the



Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:

- a) a description of the work to be carried out;
- b) the address of the land on which the work is to be carried out;
- c) the Registered number and date of issue of the relevant development consent;
- d) the name and address of the Principal Certifier and the person who appointed the principal certifier;
- e) if the principal certifier is a registered certifier
 - i) the certifier's registration number, and
 - ii) a statement signed by the registered certifier to the effect that the certifier consents to being appointed as principal certifier, and
 - iii) a telephone number on which the certifier may be contacted for business purposes.

The notice must be lodged on the NSW planning portal.

- (4) **Notice commencement of work** – Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:

- a) the name and address of the person;
- b) a description of the work to be carried out;
- c) the address of the land on which the work is to be carried out;
- d) the Registered numbers and date of issue of the development consent and construction certificate;
- e) a statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before the work commences have been satisfied; and
- f) the date on which the work is intended to commence.

The notice must be lodged on the NSW planning portal.

- (5) **Signs on site** – A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.



Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

- (6) **Construction Certificate Required** – In accordance with the provisions of Section 6.7 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:
 - a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&A Act 1979; and
 - c) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (7) **Site is to be secured** – The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (8) **Erosion and sediment controls in place** – Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- (9) **All weather access** – A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time.
- (10) **Public liability insurance** – The owner or contractor must take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works.
Evidence of this Policy must be provided to Council and the Certifying Authority.
- (11) **Protection of trees /existing street trees** – Protection of trees to be retained must be in accordance with AS490 'Protection of Trees on Development Sites' and the following:
 - a) No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) must be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or



establishment works applicable to this consent, without Council agreement and/or consent.

- (12) **Weed management** – Weed removal and suppression must be undertaken using approved bush regeneration techniques under the supervision of a suitably qualified and approved bush regenerator and in accordance with the requirements for the NSW Biosecurity Act 2015, associated Regulations and NSW Weed Control Handbook.

The site is to be inspected by a representative of Council's Invasive Species team one week prior to works commencing.

5.0 - During Works

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

- (1) **Implementation of BASIX commitments** - While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
- (2) **Shoring and adequacy of adjoining property (if applicable)**- If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
- a) Protect and support the building, structure or work from possible damage from the excavation, and
 - b) Where necessary, underpin the building, structure or work to prevent any such damage.

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

- (3) **Hours of work** – The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00am to 5.00pm on Monday to Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.



- (4) **Toilet facilities** – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.

The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

- (5) **Compliance with the Building Code of Australia** – Building work must be carried out in accordance with the requirements of the Building Code of Australia.

- (6) **Excavations and backfilling** – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.

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

- a) preserve and protect the building from damage; and
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate.

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

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

- (7) **Building height** – A survey report prepared by a Registered Surveyor confirming that the building height complies with the approved plans or as specified by the development consent, must be provided to the Principal Certifying Authority prior to the development proceeding beyond frame stage.

- (8) **Stormwater disposal** – Following the installation of any roof, collected stormwater runoff from the structure must be:

- a) Connected to an approved stormwater quality improvement device and overflow dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.

- (9) **Placement of fill** - Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.

Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.



- (10) **Offensive noise, dust, odour and vibration** – All work must not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.
- (11) **Uncovering relics or Aboriginal objects** - While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.
- In this condition:
- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
 - “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
- (12) **Responsibility for changes to public infrastructure** - While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).
- (13) **Soil, erosion, sediment and water management** – All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan must be maintained at all times during the works and any measures required by the plan must not be removed until the site has been stabilised.
- (14) **Tree protection (if relevant)** – While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of trees on development sites* and any arborist’s report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
- (15) **Tree removal/pruning** – All approved tree removal/pruning is subject to all pruning works being undertaken by a qualified arborist with minimum Australian Qualification



Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.

- (16) **Weed management** – All machinery that has operated in affected areas shall be cleaned thoroughly prior to leaving the site. A wash down area shall be established, and monitored for priority weeds as defined by the NSW Biosecurity Act 2015. Cleaning must include the removal of all mud and plant matter, followed by washing with high pressure water. An area for storage of contaminated soil that is separate from clean material shall be provided during construction.

- (17) **Unexpected finds contingency (general)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

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

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

6.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **Dual Occupancy and Subdivision** – Prior to the issue of the subdivision certificate the following is to occur:

- a) The dwellings shall have a satisfactory frame inspection undertaken; and
- b) A report/plan shall be provided from a Registered Surveyor showing that:
 - i) The setback of the buildings from the adjacent and proposed boundaries meets the requirements of the BCA; and

All service lines are wholly contained within their respective lots, or an appropriate Easement or Easements have been shown on the plan of survey and suitably described in the 88B instrument.

- (2) **Section 88B Instrument** – The applicant must prepare a Section 88B Instrument which incorporates the following easements, positive covenants and restrictions to user where necessary:

- a) positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;
- b) retaining wall, positive covenant, and restriction to user;
- c) reciprocal right of carriageway (the owners of the subject properties burdened by the right of carriageway must be responsible for ongoing maintenance and the Public Liability of the right of carriageway);



- d) restriction as to user over sub-surface drainage pipes contained within the building area of allotments.

- (3) **Requirement for a Subdivision Certificate** - The application for Subdivision Certificate(s) must be made in accordance with the requirements of Section 54 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and Section 6.33(1) Environmental Planning and Assessment Act 1979.

The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent [16-2022-566-1], and of compliance with the relevant conditions of consent, prior to the issuing of a Torrens Plan of Subdivision.

In addition, one signed original copy of the original plans and/or documents, and final plan of survey/title, must be submitted to Council. A USB containing an electronic copy of all relevant documents must also be provided.

- (4) **Show easements / restrictions on the Plan of Subdivision** - The developer must acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.

- (5) **Burdened lots to be identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.

- (6) **Subdivision Certificate** – The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete.

- (7) **Surveyor's Report** – A certificate from a Registered Surveyor must be provided to the Principal Certifying Authority, certifying that all drainage lines have been laid within their proposed easements.

Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.

- (8) **Services** – Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:

- a) Electricity.
- b) Water.
- c) Sewer.
- d) Gas (where available).

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



- (9) **Hunter Water Corporation approval** - A Section 50 Application under the Hunter Water Act 1991 must be lodged with Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.
- (10) **Bush fire safety – Dwellings** – The site is located within a bushfire prone area and must comply with NSW Rural Fire Service document "Planning for Bushfire Protection 2019." Including the following:
- a) Proposed dwelling must comply with the General Terms of Approval issued by the NSW RFS dated 13 October 2022, reference DA20220718009377-Original-1.
 - b) Compliance with Appendix 3 of PBP2019.
 - c) Compliance with the specific requirements of Chapter 7 of PBP2019.
- Details demonstrating compliance must be provided to the Certifying Authority.

7.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate required** - An Occupation Certificate must be obtained prior to any use or occupation of the development.
- The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.
- (2) **Survey Certificate** – A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.
- (3) **Services** – Evidence is to be provided to Council demonstrating that the following reticulated services are available to each lot:
- a) Electricity;
 - b) Water;
 - c) Sewer; and
 - d) Gas (where available).
- Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.
- (4) **Hunter Water Corporation approval** - A Section 50 Application under the Hunter Water Act 1991 must be lodged with Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.



- (5) **Completion of public utility services** - Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

- (6) **Post-construction dilapidation report** - Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- (a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

- (7) **Removal of waste upon completion** - Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

- (8) **Completion of landscape and tree works** – Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

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

- (10) **Bush fire safety – Dwellings** – The site is located within a bushfire prone area and must comply with NSW Rural Fire Service document "Planning for Bushfire Protection 2019." Including the following:

- a) Proposed dwelling must comply with the General Terms of Approval issued by the NSW RFS dated 13 October 2022, reference DA20220718009377-Original-1.
- b) Compliance with Appendix 3 of PBP2019.



- c) Compliance with the specific requirements of Chapter 7 of PBP2019.
Details demonstrating compliance must be provided to the Certifying Authority.

8.0 – Ongoing Use

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

- (1) **Residential air conditioning units** – During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.
- (2) **Management of asset protection zones (if applicable)** - During occupation and ongoing use of the building, the applicant must ensure the site is managed, in accordance with the General Terms of Approval issued for the application (dated 13 October 2022, reference DA20220718009377-Original-1), the Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones.

**Advice Note(s):**

- (1) **'Dial Before you Dig'** – Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables.

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

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

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

- (4) **Street Numbering– Prior to occupying the development or Release of Subdivision Certificate**, (whichever occurs first) the approved dwellings are to be identified as follows:

- a) Lot 1 – 23A Tareebin Road, Nelson Bay
- b) Lot 2 – 23B Tareebin Road, Nelson Bay

Council's Spatial Services Team should be contacted via email at: addressing@portstephens.nsw.gov.au to obtain correct property addressing details. Please state your Development Approval number and property address in order to obtain the correct house numbering.

Note: any referencing on Development Application plans to house or lot numbering operates to provide identification for assessment purposes only.

- (5) **Council must be nominated as PCA for subdivision works** – Under Section 6.5 of the Environmental Planning & Assessment Act 1979, Council shall be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works



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ITEM NO. 2

**FILE NO: 23/7847
EDRMS NO: 58-2017-10-1**

**DRAFT AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN
(2014) CHAPTER D17: STOCKTON RIFLE RANGE**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit the draft Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range (**ATTACHMENT 1**) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).
 - 2) If no submissions are received, approve the plan as exhibited, without a further report to Council, and provide public notice in accordance with the Environmental Planning and Assessment Regulation 2000.
-

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

047	<p>Councillor Giacomo Arnott Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Exhibit the draft Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range (ATTACHMENT 1) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).2) That a report be provided to Council following public exhibition.
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Cr Peter Kafer moved the following amendment to amend item 2 of the motion, which was accepted by the mover and seconder and merged into the original motion.

“That a report be provided to Council following public exhibition.”

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

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to place the draft Port Stephens Development Control Plan 2014 – Chapter D17: Stockton Rifle Range (the draft DCP) (**ATTACHMENT 1**) on public exhibition for 28 days.

On 27 July 2021, Council adopted Chapter D17 to set out urban design and planning guidelines for future development of the site, known as the Stockton Rifle Range. At this time, Council also resolved to authorise delegation to amend the Port Stephens Local Environmental Plan 2013 to rezone part of the site to allow residential development, and to prepare a Voluntary Planning Agreement (VPA) to manage sand dune transgression on the eastern side of the development footprint. A locality plan is available at (**ATTACHMENT 2**).

On 20 May 2022, the Port Stephens Local Environmental Plan (Map Amendment No.3) was made. This amendment rezoned part of the site from C2 Environmental Conservation to R3 Medium Density Residential Zone. However, the area of land rezoned by the Department of Planning and Environment was not consistent with the development footprint in Council's adopted planning proposal, as the VPA to manage sand dune transgression was not executed. Without a mechanism to manage sand dune transgression, rezoning of the affected part of the site could not be supported. The plan showing the adopted zoning footprint is available at (**ATTACHMENT 3**).

The draft DCP seeks to amend the adopted site-specific chapter for the Rifle Range in order to reflect the amended footprint and improve development outcomes on the site. The opportunity was also taken to include minor changes to ensure a more streamlined site-specific chapter.

A summary of changes is as follows:

- Updated masterplan to reflect the amended zoning footprint, this includes the realignment of roads and reconfiguration of some lots
- Revised heritage requirements to better reflect the remaining heritage fabric on the site and to reduce repetition of legislative requirements
- Removed the Central Park Precinct, and incorporated this area into the Flexible Housing Precinct

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

- Updated some controls within the Flexible Housing Precinct to ensure consistency with other parts of the DCP and to improve clarity
- Included controls for solar access to ensure that solar access to adjoining properties is given adequate consideration and reasonable access to sunlight is maintained for occupants of new dwellings, given the size and orientation of some of the smaller lots
- Amended requirements for landscaping within the central park to ensure that it functions primarily as a faunal movement corridor.

A detailed explanation of the amendments is provided at **(ATTACHMENT 4)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial or resource implications for Council as a consequence of the proposed recommendations. The exhibition will be managed within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

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

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

Port Stephens Development Control Plan 2014 (DCP)

Section B of the DCP outlines general provisions applicable to most development applications and development types, Section C of the DCP outlines requirements and objectives applicable to specific development types (such as ancillary development), and Section D applies to specifically mapped areas.

Sections B and C of the DCP will apply to development where there are no site-specific controls.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the DCP amendment is not made, complicating the Development Application for residential development on the site.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The amendment will improve development outcomes on the site and allow residential development to occur on zoned land. A Development Application for the subdivision of the site will not be accepted until the draft DCP is adopted.

CONSULTATION

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

Internal

Internal consultation has been undertaken with the Development Planning, Natural Systems, Engineering Services and Community Assets Teams.

External

The draft DCP has been prepared in consultation with the landholder, Defence Housing Australia.

Consultation with relevant government agencies was undertaken on the planning proposal and the adopted version of the DCP. The amendment does not propose changes to matters raised by agencies during previous consultation.

Community

If supported, the amendment will be placed on public exhibition for a period of 28 days. The amendment will be made available on Council's website in accordance with the Environmental Planning and Assessment Amendment (public exhibition) Regulation 2020, and Community Participation Plan (CPP).

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

OPTIONS

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

ATTACHMENTS

- 1) Draft Port Stephens Development Control Plan 2014 - Chapter D17: Stockton Rifle Range.
- 2) Locality plan.
- 3) Zoning plan.
- 4) Explanation of amendments.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 - CHAPTER D17: STOCKTON RIFLE RANGE.

D17

D17 Stockton Rifle Range

Application

This part applies to the land identified in Figure DAJ Stockton Rifle Range Land Application Map

D17.A Heritage

Objective

To restore, maintain, and reinterpret heritage features and areas of archaeological potential.

Development controls

D17.1	Subdivision development is to ensure the Heritage Anti-Aircraft Battery is stabilised and remnants of the rifle range stop but are retained for heritage interpretation.
D17.2	Subdivision development is to ensure pedestrian access, wayfinding and heritage information signage is provided within the site.
D17.3	The street network shall be generally consistent with the alignment of the existing rifle range firing mounds.
D17.4	Subdivision development shall ensure the coastal forest to the north of the existing rifle range footprint is retained to protect areas of archaeological potential.
D17.5	The first subdivision development is to consider the recommendations of the Aboriginal Cultural Heritage and Archaeological Assessment Report – Residential Development Planning Proposal – Stockton Rifle Range, Stockton (Umwelt 2017).

D17.B Ecology

Objective

To enhance the coastal dune ecology of the site within the broader Stockton Peninsula ecological context.

Development controls

D17.6 ⁵	Landscaping provided with development shall be limited to endemic species for public and private landscaping.
D17.7	Residential lots shall be setback from the Stockton Beach dunes by a minimum of 50m as shown on Figure DAK.
D17.8	Subdivision development shall ensure the Stockton Beach dunes area is revegetated to stabilise the dune and to provide north-south ecological continuity along the dune edge.

ITEM 2 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 - CHAPTER D17: STOCKTON RIFLE RANGE.

D17

Development controls

- D17.96 **Subdivision development** is to ensure that the public open space required by D17.185 provides for a faunal movement corridor between coastal forests to the north and south of the site and should be designed to ensure the effective movement of:
- Koala; and
 - Squirrel glider
- Within corridors:
- Where possible, mature trees should be retained.
 - Trees, or clumps of vegetation, should be spaced no greater than 30 metres apart.
 - New planting must be locally endemic native species.
 - A strip of vegetation is to be provided within the central portion of the public open space area with a minimum width of 40m. Within this section, trees or clumps of vegetation, should be spaced no greater than 30m apart.

D17.C Street layout, access and circulation

Objective

To ensure the **local street** network is interconnected and facilitates movement, accessibility and pedestrian comfort.

Development controls

- D17.40 **Subdivision development** is to provide a street layout that is generally consistent with Figure DAK.
- D17.41 The **subdivision** of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported.
- D17.42 **Subdivision development** is to provide a shared path layout that is consistent with Figure DAK.
- D17.43 **Subdivision development** is to provide footpaths along all local streets.
- D17.44 **Subdivision development** is to ensure the vehicle and pedestrian access to the site via Popplewell Road at Taylor Road is constructed as a **Local Sub-Arterial Collector Road** (as shown in Figure DAK).
- D17.45 **Subdivision development** is to ensure the second vehicle and pedestrian access to the site via Popplewell Road is constructed as a **Local Sub-Arterial Local Street** (as shown in Figure DAK).
- D17.46 **Subdivision development** is to ensure the street grid maintains provision for a future street connection to the Stockton Centre site to the south as shown in Figure DAK.
- D17.47 The first **subdivision development** is to include:
- Signalisation of the Vardon Road and Nelson Bay Road intersection; and
 - Upgrades to Vardon Road and Popplewell Road to facilitate a **Local Sub-Arterial Collector** bus route.

ITEM 2 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 - CHAPTER D17: STOCKTON RIFLE RANGE.

D17

D17.D Public open space

Objective

To identify, acquire, and protect a central part of the site as a local public park.

To identify and protect a central part of the site as a local public park and faunal movement corridor.

Development controls

- | | |
|--------------|---|
| D17.48
15 | Subdivision development is to provide public open space of a minimum area of 1.5 hectares in the centre of the site, as shown in Figure DAK. |
| D17.49
16 | Subdivision development is to ensure that the crime prevention through environmental design (CPTED) principles are implemented during the design of paths that are not adjacent to a road. This must include the provision of pedestrian lighting, clear sight lines, and universally accessible design features to promote safety and accessibility. |

D17.E Landscape

Objective

To provide landscaping that is appropriate for the coastal bushland context, and that integrates with housing development.

Development controls

- | | |
|--------------|--|
| D17.20
17 | All local streets within the subdivision development shall feature informal endemic street tree plantings. |
| D17.24
18 | Access to the adjacent land to the north and east must be limited by physical barriers to limit ecological impacts. These measure can include the installation of bollards or koala sensitive fencing appropriate barriers or fencing. |
| D17.22
19 | Landscaping is provided as follows: <ul style="list-style-type: none"> If the lot has an area of at least 200m² but not more than 300m² - 10% of the area of the lot If the lot has an area of at least 300m² but not more than 450m² - 15% of the area of the lot A principle landscaped area, measuring at least 1.5m wide and at least 3m long, must be provided as part of the development. |

D17.F Solar Access

Objective

To ensure that reasonable access to sunlight is maintained for occupants of new dwellings.

Precinct specific controls

- | | |
|--------|---|
| D17.20 | Subdivision development within the Flexible Housing Precinct (Figure DAJ) is to include lot size and dimensions for north and south facing lots that ensure future dwellings can obtain adequate solar access to private open space areas. The lot size and dimensions are to be informed by solar diagrams with indicative building massing. |
|--------|---|

ITEM 2 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 - CHAPTER D17: STOCKTON RIFLE RANGE.

D17

Precinct specific controls

- D17.21** A minimum of 2 hours of sunlight must be available between 9am and 3pm on June 21, to at least 50% of the private open space for development located within the Flexible Housing Precinct (Figure DAJ).
- D17.22** A minimum of 50% of private open space of adjoining dwellings must remain unaffected by any shadow for a minimum of 2 hours between 9am-3pm on June 21 for a development located within the Flexible Housing Precinct (Figure DAJ).

D17.FG Setbacks, bulk and scale

Objective

To facilitate a diversity of housing within the development area.

Development controls

- D17.23** A residential lot that has an area less than 500m² is capable of supporting a rectangular building footprint of 8m x 12m provide a minimum lot width of 8m.
Note: lots greater than 500m² are defined in C1.2.

Precinct specific controls

- D17.24** The following setbacks must be provided for development on lots less than 300m² that are located within the flexible housing precinct (Figure DAK):
- ~~Zero setback to side (only 1 side if no rear land access)~~
 - ~~2m to any road frontage~~
 - ~~5.5 to garage from the road frontage~~
 - ~~4m to rear (ground & upper floor) — no rear access~~
 - ~~Zero setback to rear if land has rear access~~
 - ~~16m² private open space, minimum 4mx4m~~
 - Minimum 2m to any road frontage
 - Minimum 0.9m to side for ground level
 - 0m to one side only (ground and upper storeys)
 - Minimum 1.5m to side for upper storeys
 - Minimum 4m to rear for ground level
 - Minimum 6m to rear for upper storeys
 - Minimum 5.5m to garage from the road frontage
 - 16m² private open space, minimum dimensions of 4mx4m
- D17.25** ~~The following setbacks must be provided for development within the central park precinct (Figure DAK):~~
- ~~2m to primary road frontage~~
- D17.25** Rear setbacks for north and south facing lots less than 300m² within the Flexible Housing Precinct (Figure DAK) are to be informed by solar diagrams and must ensure adequate solar access is available to the site and adjoining properties.

ITEM 2 - ATTACHMENT 1 DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 - CHAPTER D17:
STOCKTON RIFLE RANGE.

D17

Figure DAJ: Stockton Rifle Range Land Application Map

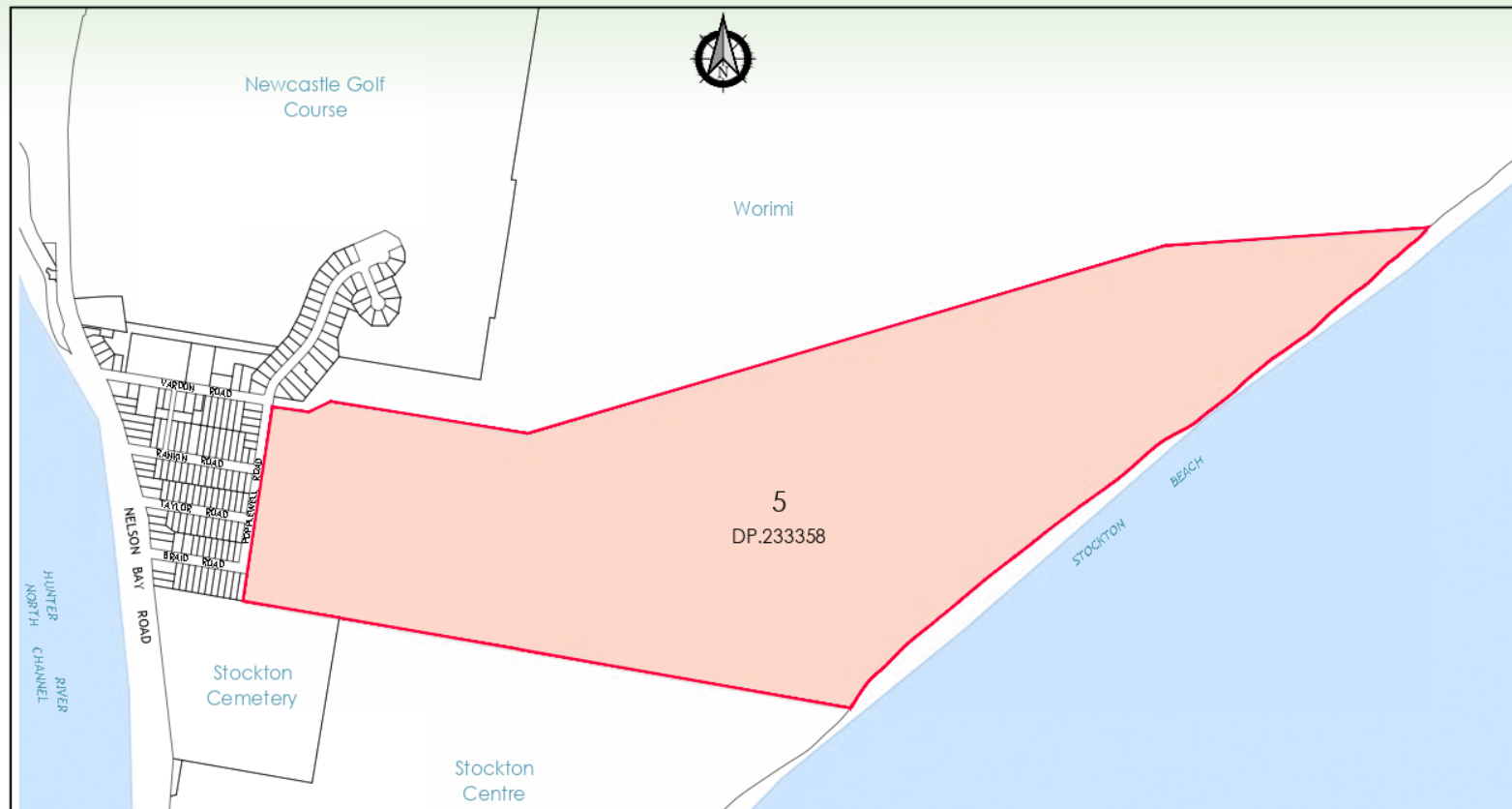
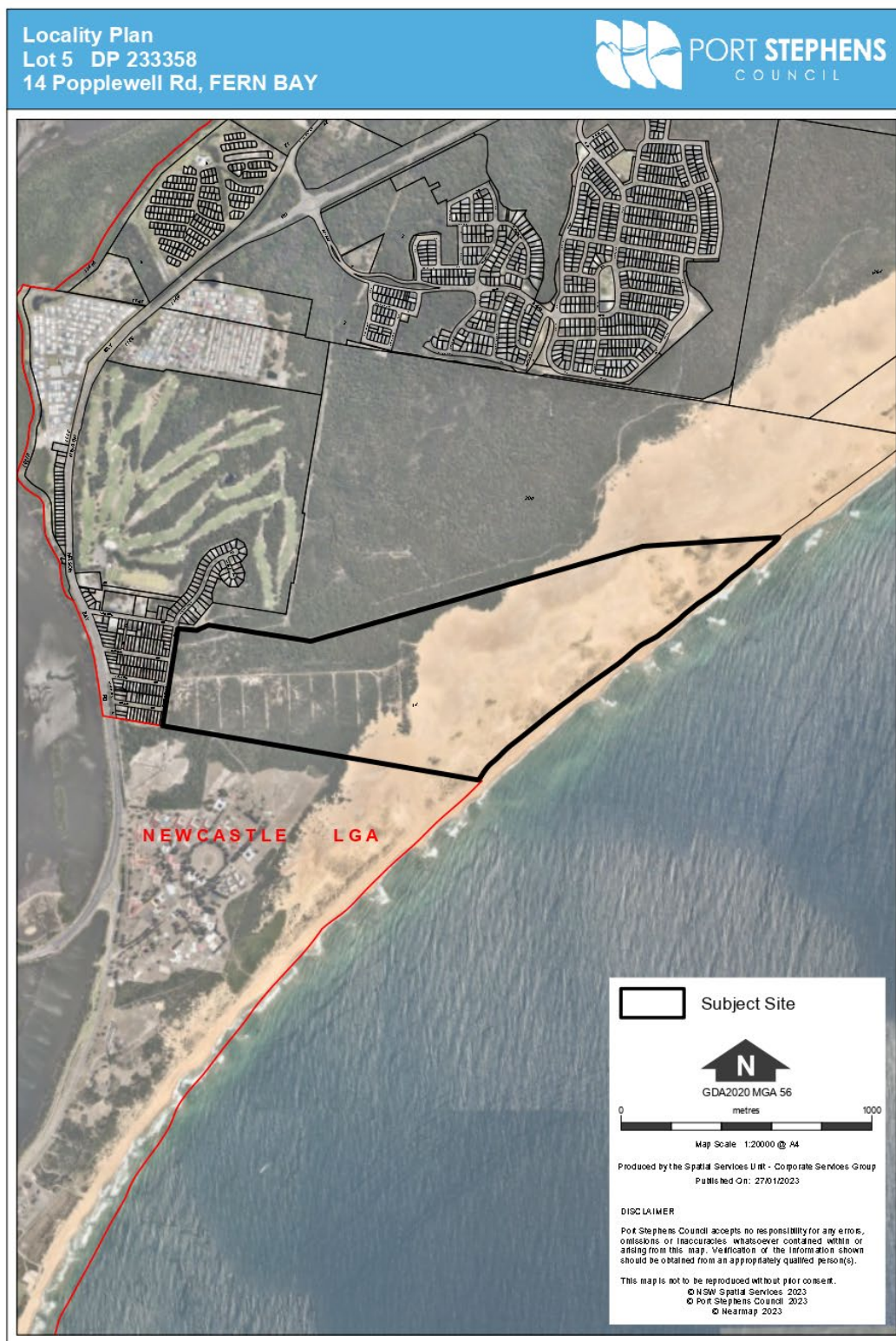


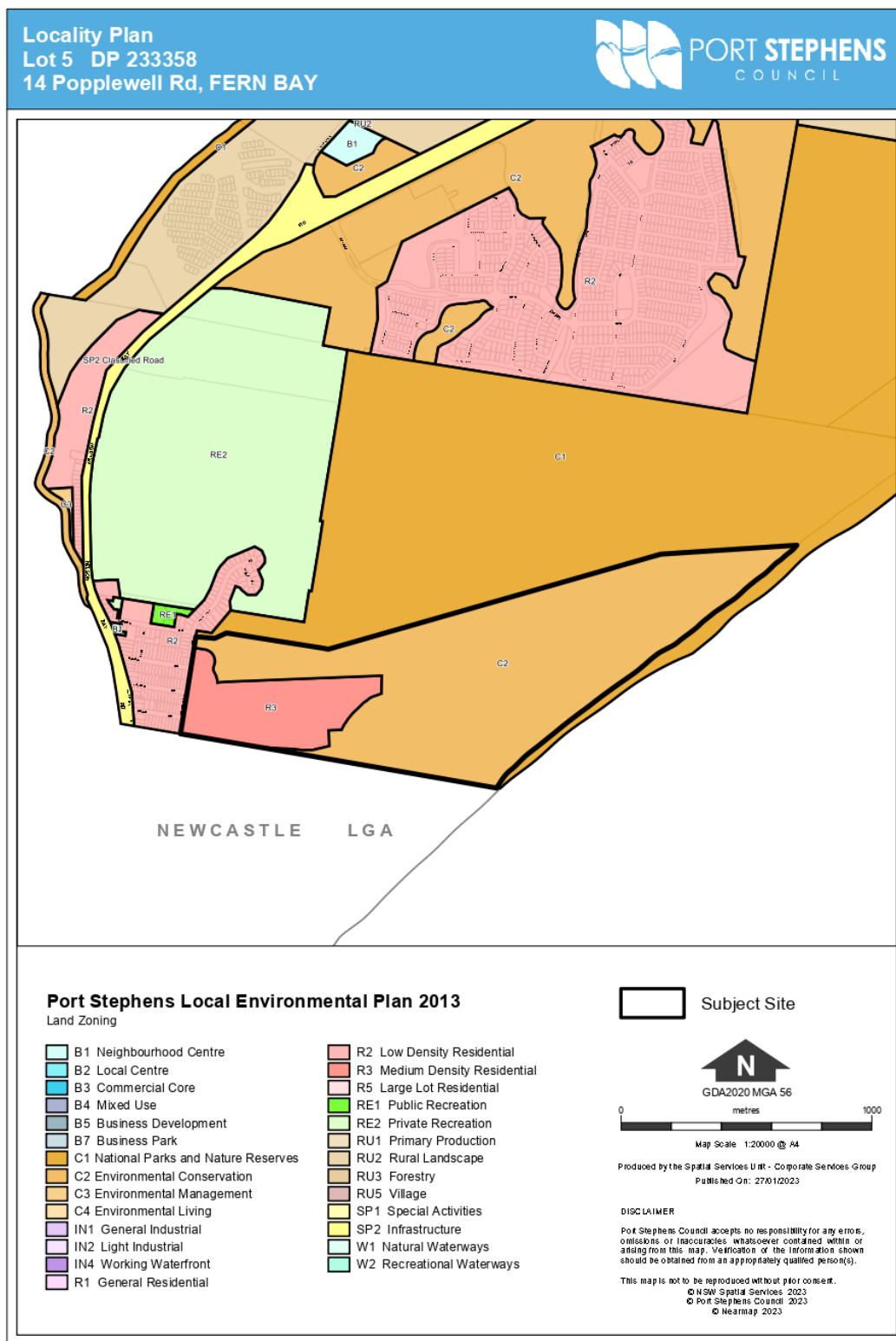
Figure DAK: Flexible Housing Precinct





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ITEM 2 - ATTACHMENT 3 ZONING PLAN.



ITEM 2 - ATTACHMENT 4 EXPLANATION OF AMENDMENTS.**Attachment 4: Explanation of Amendments**

Clause No.	Amendment	Explanation
Whole document	Controls renumbered.	Controls added and removed. This table references the control's new number. However, where a control has been deleted, the previous number is noted.
17.1	Removed the requirement for remnants of the rifle range stop butt to be retained.	The Heritage Report confirmed that there is no remaining built fabric remnant from this element (such as the original target mantlets and stop butts) which now presents as a series of semi cleared tracks at 100yd intervals. The element has been identified as having little conservation value. The road layout generally follows the 100yd intervals, to represent the site's historical use.
17.3	Added the word 'generally' to the following control: The street network shall be generally consistent with the alignment of the existing rifle range firing mounds.	Due to the revised development footprint, some roads on the eastern side of the site needed to be reconfigured and following the alignment of the firing mounds on this portion of the site does not represent the most efficient use of land.
Previously 17.5	Removed requirement for the first subdivision development to consider the recommendations of the Aboriginal Cultural Heritage and Archaeological Assessment Report – Residential Development Planning Proposal – Stockton Rifle Range, Stockton (Umwelt 2017).	This is already a legislative requirement. In addition, reference to 'the first subdivision' may be problematic if there is more than one application to subdivide the land.
17.5	Removed requirement for private landscaping to be endemic species.	Council has a lack of control over private landscaping. Requirement remains for public landscaping to be endemic.
Previously 17.7	Removed requirement for residential lots to be setback	Due to the revised development footprint, the risk that future

ITEM 2 - ATTACHMENT 4 EXPLANATION OF AMENDMENTS.

Clause No.	Amendment	Explanation
	from the Stockton Beach dunes by a minimum of 50m.	development of the site is affected by sand dune transgression has been removed. Residential development is now setback significantly more than 50m from the dunes.
Previously 17.8	Removed requirement for the Stockton Beach dunes area to be revegetated to stabilise the dune and to provide north-south ecological continuity along the dune edge.	The revised footprint has resulted in a significant area of native vegetation that will remain undisturbed, and will provide north-south ecological continuity along the dune area.
17.6	Removed reference to koala and squirrel glider. Amended the landscaping requirements for the park so that a central strip of vegetation is to be provided with a minimum width of 40m.	Reference to specific fauna species was removed as other species are likely to use the corridor. An ecological assessment to be lodged with the DA will detail which species traverse the site and should be catered for in the corridor. The central park is surplus to Council's requirement for open space, with the existing facilities in Fern Bay being the primary open space for the suburb. The main function of the central park is a faunal movement corridor, and it will have minimal open space embellishments. The landscaping control ensures that the park functions as a suitable faunal movement corridor.
17.11	Changed from Local Sub-Arterial to Collector Road	Updated to be consistent with current terminology.
17.12	Changed from Local Street to Local Sub-Arterial	
17.14	Changed from Local Sub-Arterial bus route to Collector bus route	
D17.D	Changed the objective of D17.D to: To identify and protect a central part of the site as a local public	To ensure that the primary function of the central park is a faunal movement corridor.

ITEM 2 - ATTACHMENT 4 EXPLANATION OF AMENDMENTS.

Clause No.	Amendment	Explanation
	park and faunal movement corridor.	
17.18	Changed from bollards and koala sensitive fencing to appropriate barriers or fencing.	Changed wording to allow flexibility in the type of barrier provided. The type of fencing will be determined at the DA stage, when the ecology assessment confirms the species that will likely use the central faunal movement corridor.
17.20 – 17.22	New controls added regarding solar access.	To ensure that subdivision design and applications for residential development consider solar access.
17.24	Included a minimum 0.9m side setback for ground level.	Side setback for ground level was not previously specified, so the standard 0.9m has been included to clarify.
17.24	Amended to require 0m setback to one side only (ground and upper storeys)	Changed so that wording is consistent with other parts of DCP and updated to clarify that it applies to ground and upper storeys.
17.24	Changed to require a minimum 6m rear setback for upper storeys, rather than 4m.	Changed to be consistent with other parts of the DCP.
17.24	Removed control allowing a zero setback to rear if land has rear access.	Rear land access is no longer proposed.
Previously 17.25	Removed the control allowing 2m setback to primary road frontage in the Central Park Precinct.	The Central Park Precinct was removed due to the revised masterplan. The Flexible Housing Precinct controls now apply to this part of the site.
17.25	Included a control requiring rear setbacks certain lots in the Flexible Housing Precinct to be informed by solar diagrams.	To ensure that solar access to adjoining properties is given adequate consideration and reasonable access to sunlight is maintained for occupants of new dwellings given the size and orientation of some of the smaller lots.

ITEM 2 - ATTACHMENT 4 EXPLANATION OF AMENDMENTS.

Clause No.	Amendment	Explanation
Figure DAK	<p>The Masterplan has been updated to reflect revised zoning footprint.</p> <p>Replacement of Central Park Precinct with Flexible Housing Precinct.</p>	<p>Due to the revised zoning footprint, the masterplan needed to be updated. This included the reconfiguration of some lots and the realignment of roads to cater for the change and improve development outcomes for the site.</p> <p>Due to the reconfiguration of lots, the Central Park Precinct is no longer included. The Flexible Housing Precinct and General Housing Precinct align with the mapped minimum lot sizes throughout the site.</p>

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

Councillor Peter Francis left the meeting at 6:26pm.

ITEM NO. 3

FILE NO: 22/307845
EDRMS NO: PSC2022-01211

DRAFT DEVELOPMENT CONTROL PLAN - HOUSEKEEPING

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the exhibition period **(ATTACHMENT 1)**.
 - 2) Endorse the Port Stephens Development Control Plan 2014 – Housekeeping **(ATTACHMENT 2)**.
 - 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.
-

ORDINARY COUNCIL MEETING - 14 MARCH 2023 MOTION

048	<p>Councillor Giacomo Arnott Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the exhibition period (ATTACHMENT 1).2) Endorse the Port Stephens Development Control Plan 2014 – Housekeeping (ATTACHMENT 2).3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning and Assessment Regulation 2000.4) Undertake further review of Chapter D12 – Richardson Road with respect to the western precinct, the need to maintain the proposed road layout and the potential sale of excess Council land in this area.
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Cr Giacomo Arnott moved the following amendment to add an item 4, which was accepted by the seconder and merged into the original motion.

“Undertake further review of Chapter D12 – Richardson Road with respect to the western precinct, the need to maintain the proposed road layout and the potential sale of excess Council land in this area.”

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

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to advise Council of the outcomes of the consultation undertaken on the draft Port Stephens Development Control Plan 2014 (DCP) – Housekeeping (**ATTACHMENT 2**) (the ‘amendment’) and to seek Council endorsement to make the amendment.

Housekeeping amendments are undertaken on a 2 year cycle to ensure Council’s planning framework remains current and contemporary. The last housekeeping review was undertaken in 2020.

The amendment seeks to improve and update the DCP by correcting errors and removing controls that have been superseded or are redundant. It also provides to improve clarity in response to questions frequently asked by members of the community through Council’s duty service. Some of the amendments include:

- Amending Chapter B1 Tree Management to align approval pathways and assessment requirements with Council policy and processes.
- Simplifying guidance on parking requirements in Chapter B8 Road Network and Parking to provide greater certainty and clarity.
- Amending Chapter B7 Heritage to be consistent with the Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW.
- Inserting new development controls for carports in Chapter C8 Ancillary Structures.
- Amending Chapter D12 Richardson Road – Raymond Terrace to include additional land to the east and include new development controls to guide future development and ensure appropriate planning outcomes.

A detailed explanation of the amendments is provided within (**ATTACHMENT 3**).

At its meeting on 8 November 2022, Council endorsed the draft amendment for exhibition. The draft was publicly exhibited for 28 days from Friday 11 November 2022 to Thursday 8 December 2022 in accordance with the Environmental Planning and Assessment Regulations 2021 (NSW).

3 submissions were received during the exhibition period, and a further 2 submissions following exhibition. The submissions are summarised and addressed in **(ATTACHMENT 1)**.

A number of minor changes were made to the amendment in response to submissions to improve clarity. These changes are detailed in the explanation of amendments **(ATTACHMENT 3)** and in the response to submissions **(ATTACHMENT 1)**.

Additionally, following further internal consultation, the proposed locality controls map for Chapter D12 Richardson Road – Raymond Terrace was revised to respond to environmental constraints. The exhibited and the revised map are detailed within the explanation of amendments **(ATTACHMENT 3)**.

No other post-exhibition changes have been made to amendment.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial or resource implications for Council as a consequence of the proposed recommendations. The exhibition will be managed within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

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

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

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

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

Port Stephens Development Control Plan 2014 (DCP)

Section B of the DCP outlines general provisions applicable to most development applications and development types, Section C of the DCP outlines requirements and objectives applicable to specific development types (such as ancillary development), and Section D applies to specifically mapped areas.

The amendment will align the DCP with recently updated processes, assessment guidelines and specifications of Council, State and Commonwealth agencies. The changes proposed in **(ATTACHMENT 2)** would make the DCP more readable, easier to use, and more accurate.

The last housekeeping review of the DCP was undertaken in 2020. This is consistent with Council's approach on a 2 year cycle to ensure Council's planning framework remains current and contemporary.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk if the amendment is not made, that the DCP will contain outdated requirements and provisions.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

The amendment will increase the usability of the DCP and amend or remove unnecessary controls to assist with its functionality and accuracy. The amendment will reduce the complexity of the DCP for community members. This may also reduce resourcing and costs incurred by Council responding to community enquiries regarding development.

The proposed amendments, whilst relatively minor in nature, will result in positive economic and social outcomes. Environmental impacts as a result of the amendment are unlikely to be significant. In relation to tree removal, the amendment to Chapter

B1 Tree Management provides clearer guidance on when trees can be removed or pruned and does not amend, reduce or expand these circumstances.

The amendments to Chapter D12 Richardson Road – Raymond Terrace will assist in the delivery of housing on existing residentially zoned land in Raymond Terrace.

CONSULTATION

Preliminary consultation with key stakeholders has been undertaken by the Strategic Planning team to identify and consider any issues prior to exhibition.

Internal

Internal consultation has been undertaken with the Natural Systems team, the Development and Compliance Section, and the Engineering Services team.

External

As a result of consultation, a total of 5 submissions were received – 1 agency submission and 4 community submissions. Further details are outlined below.

Agency Consultation

External consultation has been undertaken with Transport for NSW and Hunter Water during preparation of the draft Chapter D12 Richardson Road – Raymond Terrace and the draft Chapter B4 Drainage and Water Quality respectively. Further consultation was undertaken with Transport for NSW with an agency submission received during the exhibition period. As a result, minor amendments were made to Chapter D12 Richardson Road – Raymond Terrace. These changes are detailed in the explanation of amendments (**ATTACHMENT 3**) and in the response to submissions (**ATTACHMENT 1**).

Community

The amendment was publicly exhibited for 28 days from Friday 11 November 2022 to Thursday 8 December 2022 in accordance with the Environmental Planning and Assessment Regulations 2021. 2 community submissions were received during the exhibition period, and a further 2 submissions following exhibition. The submissions are summarised and addressed in (**ATTACHMENT 1**).

Changes have been made to the amendment in response to submissions to provide clarity around the definition of an approved structure. More detail is provided in the explanation of amendments (**ATTACHMENT 3**) and in the response to submissions (**ATTACHMENT 1**). The presentation of Chapter B1 Tree management was also edited to remove highlighting from content that was repositioned but otherwise has not changed, to better distinguish between draft and current content.

OPTIONS

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

ATTACHMENTS

- 1) Submissions Table.
- 2) Development Control Plan 2014 - Housekeeping. (Provided under separate cover)
- 3) Explanation of Amendments.

COUNCILLORS ROOM

- 1) Submissions.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 SUBMISSIONS TABLE.
Draft Development Control Plan (DCP) 2014 - Housekeeping

No.	Author of submission	Comment	Council response
1	Transport for NSW	The submission is in relation to draft Chapter D12 Richardson Road – Raymond Terrace (Chapter D12).	Noted.
		The submission supports the limited access onto Richardson Road and the additional western connection at the Benjamin Lee Drive / Richardson Road intersection.	Noted.
		The submission notes that the intersection treatment type has not been nominated in the DCP and recommends it should be informed by traffic modelling.	Noted. In addition to being consistent with Chapter D12 of the DCP, any proposed intersection would need to be informed by appropriate traffic modelling.
		The submission notes the need to consider the funding mechanism for the required infrastructure upgrades.	The need for the intersection is generated by the development of this precinct. There is no wider community need/benefit. As such it is considered that the required upgrades will be required to deliver as a condition of consent.
		The submission recommends the note in control D12.11 be amended to a development control.	Control D12.11 of the draft DCP has been amended to include the note as a dot point within the control.
		The submission notes that control D12.12 needs clear guidance on the nexus between Stage 4 development and the proposed intersection.	Control D12.12 of the draft DCP has been amended to clarify that the intersection must be operational.
2	Tomaree Ratepayers & Residents Association and EcoNetwork	The submission notes the draft Development Control Plan - Housekeeping amendment (DCP) should have been named to indicate changes made to	Noted. The use of the term housekeeping refers to the fact that this amendment is intended to improve clarity and functionality rather than a more wholesale amendment, which

ITEM 3 - ATTACHMENT 1 SUBMISSIONS TABLE.

	Chapter B1 Tree Management (Chapter B1).	would nominate the specific amended chapter.
	The submission noted the explanation of amendments and presentation of the changes were helpful and transparent.	Noted.
	The submission states that the DCP Chapter B1 Tree Management and the Tree Vandalism Policy should be integrated into a singular overarching tree management policy.	Noted. This will be considered further in consultation with Natural Systems and may be the subject of a subsequent DCP amendment.
	The submission notes that the application of Chapter B1 Tree Management to only non-rural land should be explained more clearly as many property owners would not be aware if their land was non-rural.	The existing explanation of where this section is applicable is considered sufficient. The online tool, which users are encouraged to use provides further guidance for land owners undertaking a self-assessment.
	The submission welcomed the rephrasing of the Application in Chapter B1.	Noted.
	The submission notes that chapter B1 is clearer but relies too heavily on references to the PSC Tree Technical Specification 2014. It also notes this specification is hard to access and out of date.	The DCP is not the appropriate location for the level of detail in the specification. In response to this submission, the Tree Technical Specification has been moved from the bottom of the DCP webpage to directly beneath the link to access the DCP.
	The submission notes that many users would not review the relevant specification and rely solely on the criteria in Chapter B1 to suit their objective.	The DCP provides the requirements for all users. This is supported through the Duty Planner and Natural Systems team for any users who require additional assistance.
	The submission notes that Figure BA: Approval requirement thresholds, in Chapter B1 would be better	Noted. The housekeeping amendments are minor in nature. A detailed review of Chapter B1 is planned for 2023.

		communicated in a graphic decision tree instead of a table.	A decision tree graphic will be considered during this review.
		The submission notes that an online assessment tool would help users determine if and how tree removal can be undertaken.	The note directly above Figure BA encourages customers to use Council's Tree Pruning and Removal Assessment Form to determine what type of Council issued approval (if any) is required prior to tree removal or pruning. The form is available on Council's website and is an interactive assessment tool to simplify this process.
		The submission notes that allowing tree removal 'within 5m of an approved structure, being a dwelling, shed...' may encourage the development of exempt temporary structures to justify the removal of trees.	The draft DCP Housekeeping has been updated to include a note defining an 'approved structure' to prevent misinterpretation. An approved structure is a development such as a dwelling, garage, pool or retaining wall that required development consent (that is not exempt or complying development).
		The submission notes the controls in B1.4 do not clearly convey the intended message.	The wording used is standard language, consistent with other Councils.
		The submission notes that the criteria for a Threatened Species Licence in Figure BA are likely to be misunderstood.	Noted. The wording has been reviewed however the current wording has been retained as it is considered to be fit for purpose.
		The submission notes that section B1.B Assessment Requirements is a list of assessment criteria that does not discourage unnecessary removal. Additionally, control B1.4 'Council assessment ... has no regard for the removal or	The objective of section B1.B is to detail the relevant matters for consideration in a development application for the removal or pruning of trees or other vegetation.

ITEM 3 - ATTACHMENT 1 SUBMISSIONS TABLE.

		pruning of trees to enhance view' does not clearly convey that view enhancement cannot be used to justify tree removal.	
		The submission questions why control B1.4 relating to tree bonds was removed from Chapter B1.	Control B1.4 provided advice that a tree bond could be imposed. The criteria and form of the bond are set out in the Technical Specification Tree. This amendment removes a duplication that is not needed as B1.4 had no effect. The requirement within the Technical Specification Tree remains in place.
		The submission notes that control B1.8 relates to hollow tree assessment but does not clearly explain the interaction with relevant provisions in Chapter B2 Natural Resources (Chapter B2).	The draft DCP Housekeeping has not amended Control B1.8. Control B1.8 in Chapter B1 identifies when a hollow tree assessment is required. Control B2.1 in Chapter B2 clarifies that a hollow tree assessment is also required when a flora and fauna survey proposes the removal of hollow-bearing trees.
		The submission notes that the DCP is not the appropriate location for tree management or specification of staffing and organisational arrangements.	This is not a matter that the DCP is seeking to address.
		The submission notes the DCP is not a suitable location for Council's tree management policy. It notes that Chapter B1 is simply a list of criteria.	Noted. The purpose of Chapter B1 in the DCP is to provide guidance on what type of approval (if any) is required prior to tree removal or pruning as well as detail the assessment considerations and information required to support the removal of trees or vegetation.
		The submission notes that detailing the circumstances where Council approval is not required first in Chapter B1 is likely to prevent people from checking if they trigger	Noted. The DCP is designed to set out and guide users as to the approvals required. The structure has been designed to

		a permit or approval through the other categories.	step users through the requirements.
		<p>The submission states that Chapter B1 should be reviewed and consideration given to preparing an overarching tree management policy that incorporates the following:</p> <ul style="list-style-type: none"> • tree vandalism; • tree pruning and removal; • Council policies and practices for the management of trees on public land; and • a commitment to protecting trees. 	Noted. Council is considering the need for a broader review in relation to tree management and development control. The proposed amendments will ensure improved outcomes in the interim.
		The submission notes that the tree technical specification should be reviewed and updated.	Noted. Natural Systems has been advised of the submission and are considering the options for this.
		The submission supports the change to control B1.6 which reduced the trigger for a vegetation management plan from 20 to 10 trees.	Noted.
		The submission notes that relying on the DCP to regulate the pruning and removal of trees in non-rural areas is inadequate and open to permissive interpretation.	The DCP provides the requirements for all users. This is supported through the Duty Planner and Natural Systems team for any users who require additional assistance.
		The submission states that chapter B1 of the DCP should be replaced or supported by a tree management policy.	Noted. This will be considered further in consultation with Natural Systems and may be the subject of a subsequent DCP amendment.
		The submission states that trees should be regarded as a community asset and protected.	Noted.
		The submission notes that Chapter B2 Natural Resources should also be	Noted.

ITEM 3 - ATTACHMENT 1 SUBMISSIONS TABLE.

		reviewed in relation to tree management.	
		The submission questions the reasoning for amending the car parking requirements for food and drink premises.	The car parking requirements for food and drink premises were amended to be more consistent with the Transport for NSW Guide to Traffic generating Developments and neighbouring local government areas. The wording was also amended to prevent misinterpretation.
3	Koala Coalition Econetwork Port Stephens Inc.	The submission notes that they support the TRAA and EcoNetwork submissions.	Noted.
		The submission requests that their tree vandalism policy submission also be considered.	Noted. Council is considering the need for a broader review in relation to tree management and development control. The proposed amendments will ensure improved outcomes in the interim.
		The submission noted the deadline for submissions is challenging.	The DCP was exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulation.
		The submission states that the tree technical specification (referred to in the DCP) may be inconsistent with recent Koala Habitat Guidelines in relation to planting koala attracting food trees in residential and commercial areas.	Noted. Natural Systems has been advised of the submission and are considering the options for this.
		The submission requests that reports be prepared for the Comprehensive Koala Plan of Management Committee on preferred koala food tree plantings and removals throughout the year.	This is not a matter of consideration for the DCP.
		The submission notes that the cooling nature of trees	Noted. The objective of the DCP is to outline those trees or

ITEM 3 - ATTACHMENT 1 SUBMISSIONS TABLE.

		should be reflected in Council's tree management and tree vandalism policies.	other vegetation that require approval prior to removal/ pruning and as such does not relate to the cooling effected of trees
4	Resident (sub 2)	The submission notes that the DCP Chapter B1 Tree Management should discuss the preservation of trees.	Noted. The objective of the DCP is to outline those trees or other vegetation that require approval prior to removal/ pruning.
		The submission notes that the State Environmental Planning Policy, Local Environmental Plan and DCP framework is confusing.	Noted.
		The submission stated that the results of the Liveability index found that the community listed elements of the natural environment and the protection of the environment as top priorities. This value should be reflected in Council's policies.	Noted
		The submission notes that allowing tree removal within 5m of an approved structure is misleading as 'approved structure' is not defined and may lead to the removal of trees near temporary structures such as garden sheds that do not require approval. The submission provided an example to demonstrate the issue.	The draft DCP Housekeeping has been updated to include a note defining an 'approved structure' to prevent misinterpretation. An approved structure is a development such as a dwelling, garage, pool or retaining wall that required development consent (that is not exempt or complying development).
		The submission notes that Chapter B1 could be amended to separate development and non-development related considerations into separate tables.	Noted. The document is considered to provide the most appropriate and logical structure to outline Council's requirements.

ITEM 3 - ATTACHMENT 1 SUBMISSIONS TABLE.

		The submission notes that Chapter B1 would benefit from additional references to external FAQs or definitions.	Council's website provides additional information including FAQs for any users to access.
		The submission states that Chapter B1 should include a clear statement that tree or vegetation removal or pruning on public property is prohibited without consent.	The DCP is applicable to privately owned land. Applications can not be made for public or neighbouring properties. The online tool, which users are encouraged to use addresses this as the first question.
		The submission notes that some changes were significant and would have benefited from a more detailed explanation of amendments.	Noted. The explanation of amendments has been updated.
		<p>The submission recommends engagement with relevant community groups in addition to internal departments and government agencies prior to public exhibition.</p> <p>The submission suggests holding sounding board sessions with relevant community groups to incorporate feedback prior to the exhibition.</p>	<p>The draft DCP Housekeeping is an administrative amendment intended to correct errors and assessment issues and to keep the DCP consistent with the planning framework and Council policies and processes.</p> <p>The external stakeholders engaged with prior to the exhibition period of Council documents vary depending on the context.</p> <p>The public exhibition period is the appropriate opportunity for engagement with the community on Housekeeping DCPs.</p> <p>Community members or groups can contact the Strategic Planning team at any point to suggest an amendment to the DCP.</p>
5	Resident (sub 3)	The submission noted it was difficult to find the draft DCP.	Noted. This feedback has been provided to Communications and Engagement
		The submission noted that the document is complex	The DCP was on exhibition for 28 days in accordance with the

ITEM 3 - ATTACHMENT 1 SUBMISSIONS TABLE.

		and they did not have enough time to review the changes and make a personal submission as intended.	Environmental Planning and Assessment Regulation 2021 (NSW). Requests for extensions are generally supported when made within the exhibition period.
		The submission notes that they support the TRAA and EcoNetwork submissions.	Noted.
		The submission notes that the system of highlighting new content and striking through old content was difficult to follow.	The draft DCP has been amended to distinguish between content that has been moved and new content to make changes easier to interpret.
		The submission noted that the original and amended versions of the DCP should be available to compare with one another. Alternatively, the draft DCP could be presented as the current DCP with all proposed changes detailed in a sidebar.	The draft DCP has been amended to distinguish between content that has been moved and new content to make changes easier to interpret. The draft DCP includes the current content and proposed content to prevent the need to review against the entire current DCP. However, the current DCP is also readily available on Council's website to compare against the draft DCP if desired.

Explanation of Amendments

Draft Port Stephens Development Control Plan 2013

NO.	EXPLANATION OF AMENDMENTS
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1	Whole document
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1. Amend references to environmental land use zones
2. Amend references to State Environmental Planning Policies

Explanation: The Department of Planning and Environment (the Department) have amended the names of environmental land use zones from E1, E2, E3 and E4 to C1, C2, C3 and C4 respectively. Additionally, several State Environmental Planning Policies (SEPPs) have been repealed.

2	B1 Tree Management – whole chapter
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1. Amend the approval pathways for the clearing and/or pruning of trees
2. Amend assessment requirements for the removal and/or pruning of trees

Explanation:

The Tree Management chapter has been updated to improve its overall clarity and accuracy. Figure BA, which identifies the approval requirement thresholds for the removal of trees, has been updated to provide greater detail on approval requirements and further clarification on whether Council, or another government agency can issue approval. The additional detail also responds to questions that are frequently asked by the community.

Section B1.B of the DCP details the matters council has regards for in the assessment of tree removal. The controls under this section have been separated into three new controls that provide a clearer summary of the difference in the assessment of tree notifications and tree applications and clarifies the matters that cannot be used to justify tree removal.

Post Exhibition:

In response to submissions, an additional note has been added to Figure BA Approval requirement thresholds to define 'approved structure'. The note helps to clarify that exempt development, such as a garden shed, cannot be used to justify the removal of a tree.

Note: an approved structure is development such as a dwelling, garage, pool or retaining wall that required development consent (that is not exempt or complying development).

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

NO.	EXPLANATION OF AMENDMENTS
3	<p>B2 Natural Resources</p> <p>1. Amend Section B2.C Noxious weeds</p> <p>Explanation:</p> <p>Section B2.C Noxious weeds has been renamed B2.C Biosecurity risks (weeds). The section has been also been updated to align terminology with the Biosecurity Act 2015, which replaced the Noxious Weeds Act 1993.</p>
4	<p>B3 Environmental Management</p> <p>1. Delete Section B3.A Acid sulfate soils</p> <p>Explanation:</p> <p>Section B3.A Acid sulfate soils and control B3.1 of the DCP summarises requirements from clause 7.1 of the Port Stephens Local Environmental Plan 2013 (LEP). The DCP controls have been removed as they are redundant and do not provide any further guidance then the LEP.</p>
5	<p>B4 Drainage and water Quality</p> <p>1. Add the following note to B4.2:</p> <ul style="list-style-type: none"> Note: Pre-development is prior to any development occurring on the land. <p>2. Delete note from control B4.3</p> <p>3. Amend control B4.7 to require modelling</p> <p>4. Delete control B4.8 and references to B4.8</p> <p>5. Amend Figure BE Water quality table to improve clarity</p> <p>Explanation:</p> <p>Control B4.2 provides guidance on when on-site detention / on-site infiltration is required and refers to pre-development. An explanation of pre-development was required to prevent confusion and confirm it means prior to any development occurring on the land.</p> <p>The note under B4.3 requiring a neutral or beneficial effect on water quality to be designed for all storm events was removed as it was incorrect. Control B4.3 relates to water quantity rather than water quality. Removing the note does not change the application of B4.3, but improves clarity and accuracy.</p> <p>Control B4.7 has been amended to specifically require 'modelling' to be submitted to demonstrate how water quality targets have been achieved instead of 'evidence'.</p>

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS

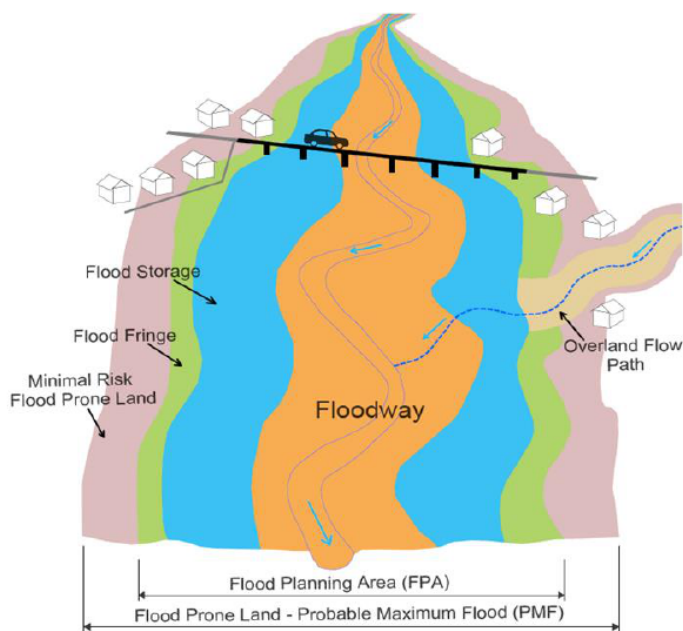
This provides more clarity for the type of evidence required.

Control B4.8 incorrectly implied on-site detention / on-site infiltration may not be required under certain circumstances. The control created unnecessary confusion and its removal will improve clarity and water quality outcomes. Any notes referring to control B4.8 have also been removed.

Figure BE provided guidance on water quality targets for different types of development or site area. Due to the inclusion of development types and lot sizes the table was confusing to interpret. It has been amended to remove the first three rows which related to development types as they duplicated control B4.5. The figure and column heading was also amended to clarify the table relates to subdivision.

6 B5 Flooding

1. Remove references to flood prone land subject to further investigation
2. Provide clarity around the PMF, FPA and their relationship with hazard categories



Explanation:

Flood prone land subject to further investigation is a flood hazard category that was previously used for land that Council did not have adequate technical data for to

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

NO.	EXPLANATION OF AMENDMENTS				
	<p>define. This category no longer exists as Council has now defined the flood hazard category of all land in Port Stephens.</p> <p>Chapter B5 Flooding includes several technical terms to describe flood affected land. There are flood hazard and hydraulic categories that indicate the potential severity of a flood event and the type of flooding impacts such low hazard flood fringe or high hazard floodway. There are also definitions for flood affected land being flood prone land (PMF) which includes all flood affected land and the Flood Planning Area (FPA) which includes land below the 1% AEP flood event in the year 2100 plus freeboard. Figure BH below, has been updated to clarify the relationship between flood hazard categories and flooding planning areas.</p>				
7	<p>B6 Williamtown RAAF Base - Aircraft Noise and Safety</p> <p>1. Delete control B6.3 noise reduction limits</p> <p>Explanation:</p> <p>Chapter B6 identifies indoor maximum sound levels for land affected by aircraft noise. Control B6.3 set noise attenuation limits on development for dwellings. Dwellings requiring a reduction of more than 30 dB(A) in sleeping areas or 35 dB(A) in habitable spaces was identified as unreasonable by the control. Control B6.3 goes beyond the Australian Standard for aircraft noise intrusion (AS 2021). The Land and Environment Court deemed the control B6.3 as inappropriate as it was demonstrated reductions greater than these limits good be achieved.</p>				
8	<p>B7 Heritage</p> <p>1. Amend Control B7.5 as follows:</p> <table border="1"> <thead> <tr> <th colspan="2">Development controls</th></tr> </thead> <tbody> <tr> <td>B7.5</td><td>Where development involves ground disturbing works significant cut, being greater than 2m, under B3.4 of the SEE addresses the following matters:</td></tr> </tbody> </table> <p>Explanation:</p> <p>Control B7.5 has been amended to be in accordance with the Due Diligence code of practice for the protection of Aboriginal Objects in NSW. The proposed control refers to development that involves 'ground disturbing works' instead of 'significant cut' as a trigger for additional information to be provided.</p>	Development controls		B7.5	Where development involves ground disturbing works significant cut, being greater than 2m, under B3.4 of the SEE addresses the following matters:
Development controls					
B7.5	Where development involves ground disturbing works significant cut, being greater than 2m, under B3.4 of the SEE addresses the following matters:				
9	<p>B8 Road Network and Parking</p> <p>1. Amend Figure BU as follows:</p> <ul style="list-style-type: none"> Figure BU On-site parking requirements 				

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

Development type	Parking requirements	Accessible parking
Commercial premises		
bulky goods specialised retail premises	<ul style="list-style-type: none"> 1 car space per 55m² floor area 1 bike space per 20 employees 	1 car space per 30 parking spaces
food and drink premises, including restaurants, cafes and take-away drink premises	<ul style="list-style-type: none"> 1 car space per 2025m² floor area within commercial premises (where no seating is provided) 1245 car spaces per 100m² floor area or 1 car space per 43 seats (whichever is greater) outside of commercial premises Minimum queuing area of 5 cars for drive-thru 1 bike space per 200m² 	1 car space per 30 parking spaces
Commercial premises		
pub and registered clubs	<ul style="list-style-type: none"> 4 car space per 7m² of floor area within commercial centres 4 car space per 10m² courtyard / beer garden within commercial centres 4 car space per 3.5m² of floor area outside of commercial centres 4 bike space per 25m² bar area 4 bike space per 100m² courtyard / beer garden 1 car space per 10m² of public or licenced floor area 1 car space per accommodation unit 1 bike space per 20 accommodation units rooms 	1 car space per 20 parking spaces
veterinary premises and health consulting rooms	<ul style="list-style-type: none"> 3 car spaces per practitioner 1 car space per 2 employees not a practitioner 2 bike spaces per 10 practitioners and other employees not practitioners 	1 car space per 10 car spaces
Industry		
rural industry	<ul style="list-style-type: none"> Merit-based approach 1.3 per 100sqm 	No requirement
light industry	<ul style="list-style-type: none"> 1 car space per 100m² or 1 car space for each employee (whichever is greater) 1 bike space per 20 employees 	No requirement
Infrastructure		
community facilities	<ul style="list-style-type: none"> Merit-based approach 	4 car space per 20 car spaces
place of public worship	<ul style="list-style-type: none"> Merit-based approach 1 car space per 5m² of public area or 1 per 5 seats (whichever is greater) 1 bike space per 10 employees and visitors 	1 car space per 20 car spaces
Tourist and Visitor Accommodation		
hotel or motel accommodation, serviced apartments and eco-tourist facilities	<ul style="list-style-type: none"> 1 car space for each per accommodation unit 1 car space per 2 employees 1 bicycle space per 20 accommodation units 	1 space per 20 parking spaces
serviced apartments	Refer to LEP 7.43 Serviced apartments SEPP 65 Design Quality of Residential Apartment Development (2002)	

Note: Accessible parking can be provided within the total parking requirements.

2. Add a note to Control B8.4 as follows:
 - Note: Where a development proposes ancillary uses, additional parking is to be provided in accordance with that development type as required in Figure BU
3. Amend Control B8.12 to include 'or' between each trigger

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS

Explanation:

Chapter B8 Road network and parking provides guidance to ensure development provides adequate on-site parking. Figure BU provides parking requirements to guide development in planning for on-site parking.

Figure BU has been amended to reduce the potential for misinterpretation. Parking requirements for food and drink premises, pubs and clubs were unnecessarily complicated and have been simplified to improve clarity and reduce potential conflict. Development types triggering a merit based approach have either been removed as they provide no guidance for applicants or have been updated to provide specific requirements.

The note added beneath the table is to clarify that accessible parking is not in addition to parking requirements, but instead can be incorporated within them.

The note added to Control B8.4 is to clarify that developments proposing multiple uses, such as a light industry with an ancillary restaurant, would need to meet the parking requirements for both light industry and restaurants.

Control B8.12 provides guidance on parking access. The control has been amended to include 'or' between the potential triggers for increasing driveway widths to provide clarity and improve accuracy.

10 C1 Subdivision

1. Amend Figure CB as follows:
 - Figure CB Battle-axe lot requirements

	Entry width	Max length	Misc.	Torrens
Dwelling house Dual occupancy	3.6m	30m	Max 2 dwellings	Max 3
Multi dwelling housing Residential flat building	6m	50m	-	-
Business Industrial	10m	-	-	Max 3
Rural - less than 2 lots or less	6.5m	200m	-	Max 3 ²
Rural - greater than 3 lots	10m	200m	-	Max 3

Explanation:

Figure CB Battle-axe lot requirements contained inaccurate and conflicting details. The figure has been amended to correct these inconsistencies.

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS

11 C3 Industrial

1. Amend Control C3.1 as follows:

Development controls	
Building height	
C3.1	Maximum height limit of 15m or a merit-based approach is taken where no height limit is specified under the Local Environmental Plan clause 4.3 Development must not exceed a height of 15m Note: The Local Environmental Plan clause 4.3 Height of buildings overrides this requirement, if a height is specified

Explanation:

The language in Control C3.1 has been amended to be consistent with the equivalent controls for building height in the commercial and residential chapters of the DCP. The maximum height limit has not been amended.

12 C5 Multi dwelling housing or seniors housing

1. Amend note in the chapter application to reference the Apartment Design Guide
2. Amend Control C5.6 and insert new Control C5.10 as follows:

Development controls	
Front setback	
C5.6	Minimum 4.5m front setback from the front property line or the existing average building line (whichever is less) for 75% of the building facade. The remaining 25% of the facade may allow a 2m encroachment provided the encroachment contains habitable rooms , terraces, balconies or bay windows.
Front setback encroachment	
C5.10	Maximum 1.5m encroachment of front setback for architectural features, such as an entry porch or deck

Explanation:

The note in the chapter application has been amended to reference the Apartment Design Guide. The Apartment Design Guide was prepared by the Department of Planning and Environment in conjunction with SEPP No 65 to provide consistent planning and design standards for apartments across NSW.

The setback controls for multi dwelling and seniors housing have been amended to be consistent with the equivalent controls in Chapter C4 Dwelling house, secondary dwelling, or dual occupancy. The amendment provides clearer and more consistent guidance for development.

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS

13 C8 Ancillary Structures

1. Insert new controls for carports as follows:

Carports

C8.6	Except as provided for in C8.12, carports should be located a minimum of 1m behind the building line
C8.7	Minimum side and rear setback of 0.9m Note: Carports may be located within 0.9m of the boundary where they do not unreasonably impact the amenity of an adjoining property, such as by reason of bulk and scale or overshadowing
C8.8	Maximum height of 3.6m, or if attached to a single storey dwelling , be no higher than the roof gutter line
C8.9	If the carport fronts the street, the opening must not exceed more than 6m or 50% of the building frontage, whichever is less
C8.10	The design of carport must be integrated with the existing dwelling
C8.12	Carports may be located in the front setback where the following can be demonstrated: The carport cannot be reasonably located behind the building line The carport is set back 2m from the front boundary The design of carport is consistent with the existing dwelling The carport is connected to a driveway The carport does not impact sight lines for pedestrians or other vehicles, does not obscure any view from a habitable room to the street, and has at least 3 open sides

Explanation:

Chapter C8 Ancillary Structures has been amended to include development controls for carports. The current DCP does not include controls for carports which creates uncertainty in what may or may not be approved for customers. The new controls encourage carports behind the building line of dwellings to reduce visual impact from the street but also provide some flexibility in their location where this cannot be achieved.

14 D12 Richardson Road - Raymond Terrace

1. Amend Chapter D12 Richardson Road - Raymond Terrace

Explanation:

Chapter D12 Richardson Road - Raymond Terrace has been amended to include additional land to the east. This land is zoned R2 Low Density Residential but has not previously been subdivided due to aircraft noise impacts. The land falls within the 20-25 and 25-30 Australian Noise Exposure Forecast (ANEF) contours. Land affected by ANEF contours greater than 25 are considered unacceptable in the Australian Standard for Aircraft Noise (AS 2021).

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS

A recent development application for a twenty-two lot subdivision in this area was refused by Council due to aircraft noise impacts but was overturned and approved by the Land and Environment Court. The remaining affected land may have similar opportunity for development.

The DCP chapter for Richardson Road has been amended to include this additional land to provide guidance for future subdivisions. If development of this land is to occur in the future, it needs to be coordinated to ensure future housing development does not negatively affect the existing road network. In particular, future access to Richardson Road needs to be limited to one additional intersection.



The proposed road layout and indicative intersection identified above have been developed in coordination with Transport for NSW.

The proposed amendments to the objectives and controls for the chapter provide stronger guidance for future development to ensure the subdivision of multiple lots can achieve a cohesive and compatible overall subdivision and road layout.

Post Exhibition:

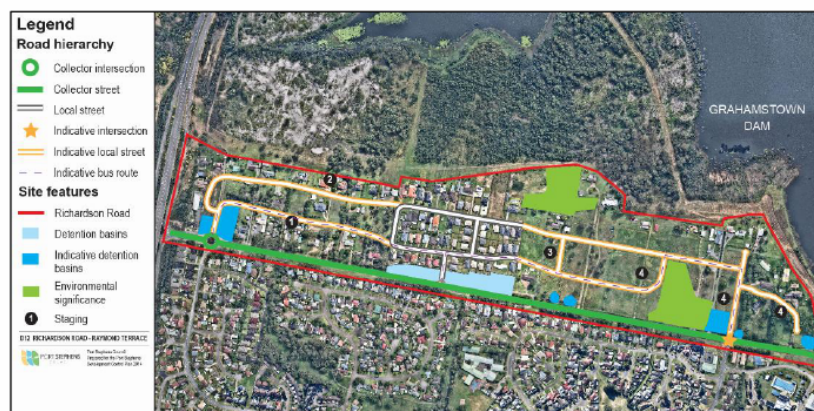
In response to submissions and further internal consultation a number of changes were made to Chapter D12 Richardson Road - Raymond Terrace.

Following recommendations from Transport for NSW, controls D12.11 and D12.12 were amended to clarify that the proposed intersection identified at the eastern intersection of Benjamin Lee Drive and Richardson Road will need to be operational to support new development.

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

NO.	EXPLANATION OF AMENDMENTS
D12.11	<p>Stage 3 must:</p> <ul style="list-style-type: none"> provide continuous road construction to Baluster Street; and demonstrate the Halloran Way and Richardson Road intersection has adequate capacity to support traffic generated by the development. Note - development that exceeds the intersection capacity must provide a continuous road connection to Stage 4 and can only be completed once the eastern intersection at Benjamin Lee Drive and Richardson Road identified in Figure DW is operational.
D12.12	<p>Stage 4 must provide continuous road construction to Richardson Road in accordance with Figure DW and the eastern intersection of Benjamin Lee Drive and Richardson Road must be operational in accordance with Figure DW.</p>

Following further internal consultation, the road layout identified in Figure DW Richardson Road - Raymond Terrace locality controls map has been amended to avoid land with environmental values. The map has also been amended to include an indicative bus route.



15 E1 Glossary

- Delete definitions for noxious weeds and undesirable species
- Insert a definition for biosecurity risk as follows:
 - biosecurity risk** means the risk of a biosecurity impact occurring
- Insert a definition for weeds as follows:
 - Weeds** means a plant that is a pest

ITEM 3 - ATTACHMENT 3 EXPLANATION OF AMENDMENTS.

NO. EXPLANATION OF AMENDMENTS

4. Amend the definition of habitable room as follows:

- habitable room as defined by the current Building Code of Australia means a room used for normal domestic activities, and -
 - a) includes a bedroom living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
 - b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Note: the NSW Floodplain Development Manual 2005 provides the following definition for industrial and commercial situations: an area used for offices or to store valuable possessions susceptible to flood damages in the event of a flood.

Explanation:

The definitions for noxious weeds and undesirable species have been deleted as these terms are no longer used in the DCP. The terms biosecurity risk and weeds have been added to the glossary to replace noxious weeds and undesirable species.

The definition of habitable room has been amended to be consistent with the current Building Code of Australia.

16 E3 References

1. Amend E3 References

Explanation:

The reference list has been amended to delete items that are no longer referenced within the DCP as well as to include new items.

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

Councillor Peter Francis returned to the meeting at 6:38pm.

ITEM NO. 4

FILE NO: 23/19782
EDRMS NO: PSC2011-02657

SIX MONTH PROGRESS REPORT: JULY TO DECEMBER 2022 AGAINST THE PORT STEPHENS COUNCIL DELIVERY PROGRAM 2022-2026

REPORT OF: ZOE PATTISON - ACTING GROUP MANAGER CORPORATE SERVICES
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Six Month Progress Report for July to December 2022 **(ATTACHMENT 1)** on the progress of Port Stephens Council's Delivery Program 2022-2026.
-

ORDINARY COUNCIL MEETING - 14 MARCH 2023 MOTION

049	<p>Councillor Leah Anderson Councillor Glen Dunkley</p> <p>It was resolved that Council adopt the Six Month Progress Report for July to December 2022 (ATTACHMENT 1) on the progress of Port Stephens Council's Delivery Program 2022-2026.</p>
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to provide Council and the community with an update on the progress of Council's Delivery Program 2022-2026.

This is the first progress report of the Delivery Program 2022-2026, adopted by Council in June 2022.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver the program for the Integrated Planning and Reporting Framework

FINANCIAL/RESOURCE IMPLICATIONS

The Six Month Progress Report (**ATTACHMENT 1**) is generated from a combination of information and data from across Council's operations. There are no financial or resource implications in providing this report.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Essential Element 4.9 of the Integrated Planning and Reporting Guidelines for Local Government in NSW, September 2021 stipulates that: 'The General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months'.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not adopt the Six Month Progress Report July to December 2022 placing Council in breach of legislation leading to reputational loss.	Low	Adopt the recommendation.	Yes

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

There is a risk that as Council's audited financial statements have not been completed for the 2022-2023 financial year that the figures included in the report are not correct and may be incorrectly referenced by Council and other parties.	Low	Adopt the recommendation. Provision included in the Six Month Progress Report that all financial figures are preliminary, unaudited and subject to review as part of the 2022-2023 Audited Financial Statements.	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community Strategic Plan, Delivery Program and Operational Plans are founded on a basis of social, economic, environmental and governance factors through 4 focus areas, Our Community, Our Place, Our Environment and Our Council. The report reflects these factors and provides a comprehensive progress report according to each focus area along with a scorecard of Council's key result measures.

Due to the timing of this report, some of the annual results for our key result measures such as community satisfaction, asset management, governance, and financial sustainability have not been finalised and will be reported in the 2022 to 2023 Annual Report.

To date, Council is meeting the targets set for service delivery (on track to deliver greater than 95% of operational plan actions), employee wellbeing (83% against a target of 75%), risk management (86% against a target of 85%) and financial sustainability (\$346K underlying surplus with the target being the underlying financial result is better than budget).

The ongoing impacts of COVID-19, rising prices, several natural disasters (not only the July disaster which occurred in the reporting period) have continued to impact Council's operations, with Council reallocating resources and implementing a number of financial austerity measures in order to deliver services that our community needs most.

CONSULTATION

The Six Month Progress Report July to December 2022 has been compiled from information and data provided across Council's operations and reviewed by the Executive Team of Council.

Following Council consideration the report will be made available on Council's website and distributed across a number of communication channels.

OPTIONS

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

ATTACHMENTS

- 1) Six Month Progress Report for July to December 2022.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



ITEM 4 - ATTACHMENT 1
DECEMBER 2022.

SIX MONTH PROGRESS REPORT FOR JULY TO

GUUDJI YIIGU

(GOO-JEE IK-KOO)

We welcome you to Port Stephens – part of the Worimi Aboriginal Nation. Port Stephens Council acknowledges the Worimi people as traditional owners and custodians of the lands and waterways on which we all live, learn, work and play.

We value and respect the Worimi people and the legacy 60,000 years of Aboriginal Nation traditions and culture brings with it. As part of Council's culture of acceptance, diversification and harmony we walk alongside the Worimi people on a journey of listening and learning.

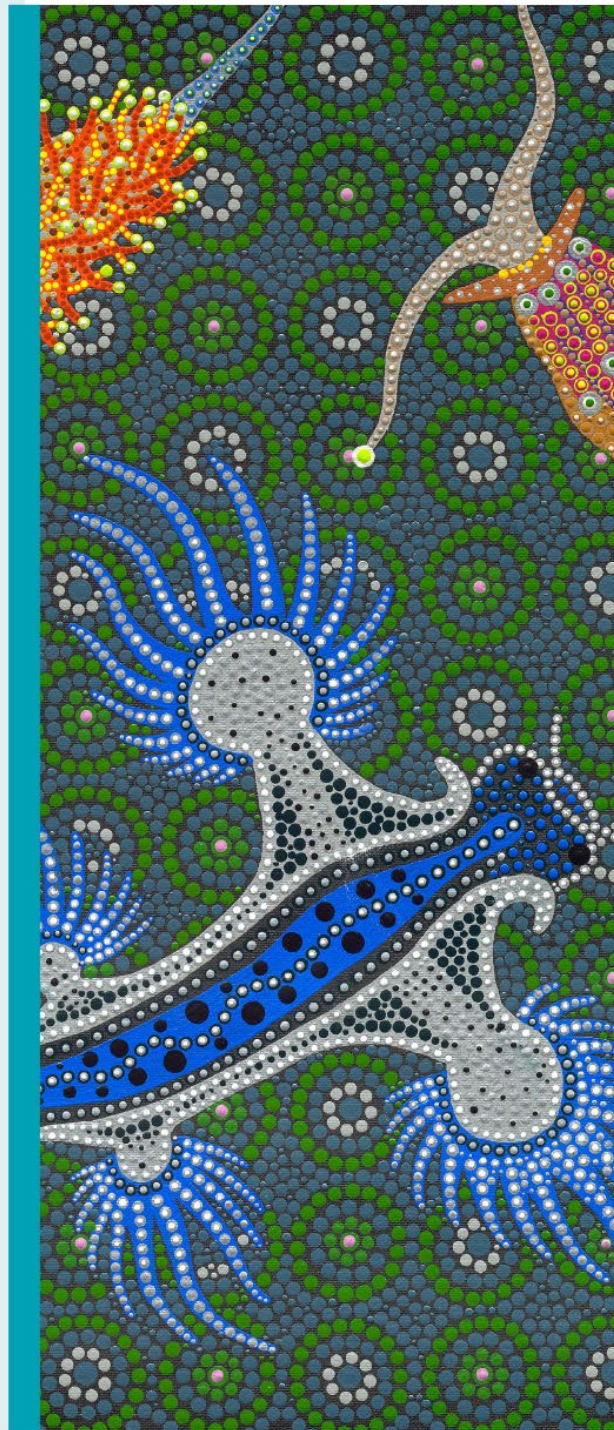
Together we will strive to make this a better place for all people. As guardians of these lands, we ask that you tread lightly to help preserve the biodiversity and respect those who came before as well as those who will follow.

Artwork by Regan Lilley.

Acknowledgement

We acknowledge the Worimi as the original Custodians and inhabitants of Port Stephens. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.

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Contents

General Manager's message	4
Our key highlights	6
Scorecard	7
Achievements progress of principal activities	8
Key Priorities update	8
Delivery Program update	16
Our Community	17
Our Place	20
Our Environment	24
Our Council	27

The Six-month Progress Report from July to December 2022 has been prepared in accordance with the requirements of the Integrated Planning and Reporting Guidelines (September 2021) Essential Element 4.9. 'The General Manager must ensure that progress reports are provided to the council, with respect to the principal activities detailed in the **Delivery Program**, at least every six months.'

All financial figures included in this report are preliminary, unaudited and subject to review as part of the audited 2022-2023 financial statements for Council.



General Manager's message

I'm excited to present my first Six-month Progress Report as General Manager. I'm grateful I've been entrusted to lead this organisation. It's been another eventful 6 months and this progress report is the first that relates to our new **2022 to 2026 Delivery Program**. With lots of projects, priorities and plans on the radar, we've got some exciting things to share via this report.

Unfortunately, we kicked July off with another natural disaster. With over 20 roads closed during the flooding event, Council played a key role in assisting the SES, Police and other emergency services. We supported by helping to close local roads and providing resources where needed and most importantly, maintaining the **Emergency Dashboard**, which is accessible via our website. Our support continued after the flooding subsided, assisting Resilience NSW and other Government agencies to establish 5 Rapid Assistance Points across Raymond Terrace and Hinton.

Ongoing flooding, off the back of previous natural disasters, and increasing prices continued to put a strain on our finances. With our limited

resources we've prioritised projects and sought additional funding for our roads and reviewed our ongoing financial sustainability. Over the last 6 months, we've secured \$6.5M in grant funding and continued to seek further funding from other levels of government as outlined in our **2023 Community Advocacy priorities**.

Of the \$59.6M in capital projects budgeted for 2022-2023, 40% was possible thanks to external grants and contributions. Our LGA wide It's On! activation program, including events such as the New Year's Eve fireworks and Australia Day activities were also made possible through external funding.

Finding a balance between the needs of our community and the Council's long term financial sustainability has been a priority over the last 6 months. We engaged extensively with the community about the options of a Special Rate Variation, with Council resolving in November to apply for a Special Rate Variation of 9.5% per year for three years. Comprehensive and meaningful engagement with our community was a key part of this process. Our approach to community engagement is outlined in our

ITEM 4 - ATTACHMENT 1
DECEMBER 2022.

SIX MONTH PROGRESS REPORT FOR JULY TO



Communication and Engagement Strategy
adopted by Council in December.

We listened to the community's sentiment about the need to improve roads, taking a deeper dive into the results of the **2022 Community Satisfaction Survey**. We understand the areas for improvement, with the results informing us of the areas to take action. We know there's more work to do, however with the resources we have available, we've already taken several actions. Take a look at the **summary** for a good snapshot of the results.

While a lot of our services and projects are front of mind and easily seen, there's so much more that goes on behind the scenes to support our community. One example is the work our Corporate Systems team has done in moving 50+ forms to an online format. This has received an amazing response from the community with over 6,000 forms being lodged over the period – saving time, money and paper!

I encourage you to take the time to read about the amazing work our teams have carried out with only limited resources available to them. I'm extremely proud of the tireless work our teams have undertaken over the 6 months to support our community where it's needed most.

Tim Crosdale

Tim Crosdale
General Manager
Port Stephens Council

Six-month Progress Report

Our key highlights



Get up, Stand up, Show up

Celebrating NAIDOC Week



35 activations

It's On! program



37,000+

potholes fixed



Emergency

response and recovery



Green light for

garden organics bin



2,838

trees planted



SRV application

unanimous Council support



Adopted

Communication and Engagement Strategy

Scorecard

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



On track (target achieved or on track to be achieved)



Monitor (<5% off the target)



Off-track (>5% off the target)

Achievements

Progress of principal activities

Key priorities update

Several key priorities were identified in the Delivery Program for 2022 to 2026 based on what we'd heard from the community and the new Council. Read more about these priorities on pages 21 to 34 of the **Delivery Program**.

Over the last 6 months (the period) we've continued to investigate funding sources to resource these initiatives and infrastructure projects, with the progress made on the Key Priorities outlined on pages 8 to 15 below.

Advocacy Priorities Program

An important part of Council is to act as a voice for our region and its people and to make sure we're prepared to meet the needs of our community in the future. To do this Council has been seeking commitment from the NSW Government to provide funding and support for the delivery of projects across the community – from health and housing to roads, public transport and education.

The **2023 Community advocacy priorities document** lists the key projects for Port Stephens in the years ahead and aims to ensure our community is at the forefront of the NSW Government's future planning and advocacy program.



Road repairs, rehabilitation and upgrades



Creating liveable cities



Housing supply and diversity



The environment



Investment in health services



Protection of Koalas



Tourism, sport and recreation infrastructure

Critical State funding and policy priorities

1

Fund strategies to unlock housing supply and diversity to support an additional 20,000 residents over the next 20 years

2

Fast track the construction of the Nelson Bay Road upgrade

3

Fund vital upgrades to the Tomaree Hospital

4

Design and construct an alternate link road to Fingal Bay

5

Urgently review and amend the rate peg methodology to improve Council's financial sustainability

6

Deliver a public high school in Medowie

7

Improve public transport connections between Raymond Terrace, Nelson Bay, Maitland and Newcastle

8

Work in partnership with the local community to develop a Masterplan for the Tomaree Lodge site

9

Construct a highway interchange at the Bucketts Way and Medowie Road and M1 intersections

10

Upgrade Cabbage Tree Road and Tomago Road to accommodate traffic growth generated by Newcastle Airport and the Williamstown Special Activation Precinct

Six-month Progress Report

ITEM 4 - ATTACHMENT 1
DECEMBER 2022.

SIX MONTH PROGRESS REPORT FOR JULY TO

Birubi Information Centre

A sand management plan to minimise ongoing maintenance of the windblown sand was incorporated into the design. Following the Development Approval and Construction Aboriginal Heritage Impact Permit (AHIP), early works commenced late 2022, with final planning for the major works contract progressing to tender early to mid-2023.

Carbon Neutrality

We continue to plan and implement initiatives to reduce our carbon footprint.

As part of our energy reduction program 14 Council building sites were identified for Solar Photovoltaic Cell (PV) installation. Thirteen sites are now complete with the last at Lakeside Leisure Centre awaiting Development Application approval.

We've also been investigating options to improve the efficiency of our fleet vehicles. This has included the commencement of a hydrogen fuel cell trial on a number of our trucks. The trial results will inform potential changes to Council's fleet portfolio.

The NSW Government has adopted emission

reduction and renewable energy policies that aim to achieve zero carbon emissions by 2050. Council aims to do its part by making a commitment to achieve carbon neutral Council operations by 2025. To do this, we're developing a Carbon Neutral Action Plan that defines the necessary initiatives and changes to Council operations. We continue to work closely with our staff and suppliers to influence behavioural change, reduce energy demand and ensure sustainable decision making.

Coastal Management Program

In collaboration with NSW Department of Planning and Environment, Council is developing two Coastal Management Programs (CMPs). The Port Stephens CMP is currently in Stage 3 of 5 which includes the identification and evaluation of management options. During Stage 2, we completed hazard mapping and modelling, identifying coastal erosion, coastal inundation and wind-blown sand as the key hazards along the coast and estuary.

We're currently working with coastal experts to develop a comprehensive risk assessment for Stage 3 of the CMP. This assessment applies to all built and natural assets across Port Stephens and will identify priority management actions for Council and other delivery partners to address as funding and resourcing permit. Extensive consultation with the community and other stakeholders will be carried out in 2023 to help us make decisions about management options and priority areas of action within Port Stephens.

The Hunter Estuary CMP is being developed in collaboration with partner Councils and key organisations. This CMP is currently in Stage 1 of 5, which includes the scoping study.

Community Engagement

We know that effective communication and engagement are directly linked to the liveability and wellbeing of our community. By listening

Climate Change is a significant global threat that directly affects the Port Stephens community. Impacts such as increased sea level rise, intensity and frequency of storms, bushfire and rainfall patterns are challenging the way we manage our environment.

ITEM 4 - ATTACHMENT 1**SIX MONTH PROGRESS REPORT FOR JULY TO DECEMBER 2022.**

to our community, respecting their values and providing genuine opportunities for engagement, we can create a greater sense of community ownership and ultimately, improve the delivery of Council services to become aligned to community needs.

Our new **Communication and Engagement Strategy** (adopted by Council in December 2022) has been designed to provide the framework for the delivery of transparent and timely communication and meaningful engagement that builds trust and community participation in decision making for our place.

This strategy guides a genuinely integrated and inclusive approach to engagement and communication. Creating a culture where community is front of mind, employees are empowered to engage in open and honest dialogue, where we embrace diverse opinions and values and where we actively work to keep our community informed and connected. Over time, we'll continue to evolve this approach and build a culture that celebrates our stories and informs the future of Port Stephens.

Community Wellbeing

Wellbeing is something we want for everyone in Port Stephens, so we've been developing a Community Wellbeing Strategy to improve liveability for everyone across the community. Informed by community data and engagement, it focuses on key themes of accessibility and inclusion, housing and homelessness, and neighbourhood safety. We now propose to engage further with the community in 2023 to complete the strategy in mid-2023.

With a number of our social plans and policies currently under review, this strategy will streamline and remove duplication to create one easy to read document. Actions from the Disability Inclusion Action Plan (DIAP) will also be included as part of our commitment to removing barriers and improving the lives of people with a disability.



Six-month Progress Report

ITEM 4 - ATTACHMENT 1 SIX MONTH PROGRESS REPORT FOR JULY TO DECEMBER 2022.



Eastern Groyne, Nelson Bay Precinct

Redevelopment of the Eastern Groyne is dependent on funding for a Business Plan.

Financial Sustainability

Over the past 3 years Council has been facing its toughest financial challenge to date, with the Long Term Financial Plan (LTFP) identifying significant financial challenges.

Following extensive financial investigations and independent reports, continuing austerity measures, increasing non-statutory fees and charges by 10% in the 2022-2023 year and identifying surplus land for potential sale, Council engaged with the community about applying for a Special Rate Variation (SRV). Extensive consultation was carried out to ensure we adequately captured the community's priorities regarding any application to IPART. During the period, Council's LTFP and IP&R documents were revised to incorporate options discussed with the community and reflect the different SRV scenarios.

In November 2022 Council unanimously formally resolved to apply for a SRV of 9.5% per year for three years. Following this, the IPART application was prepared for lodgment in early 2023. IPART is yet to assess and determine the application. Read more about the **Rate Rise investigations** and options.

Natural Environment

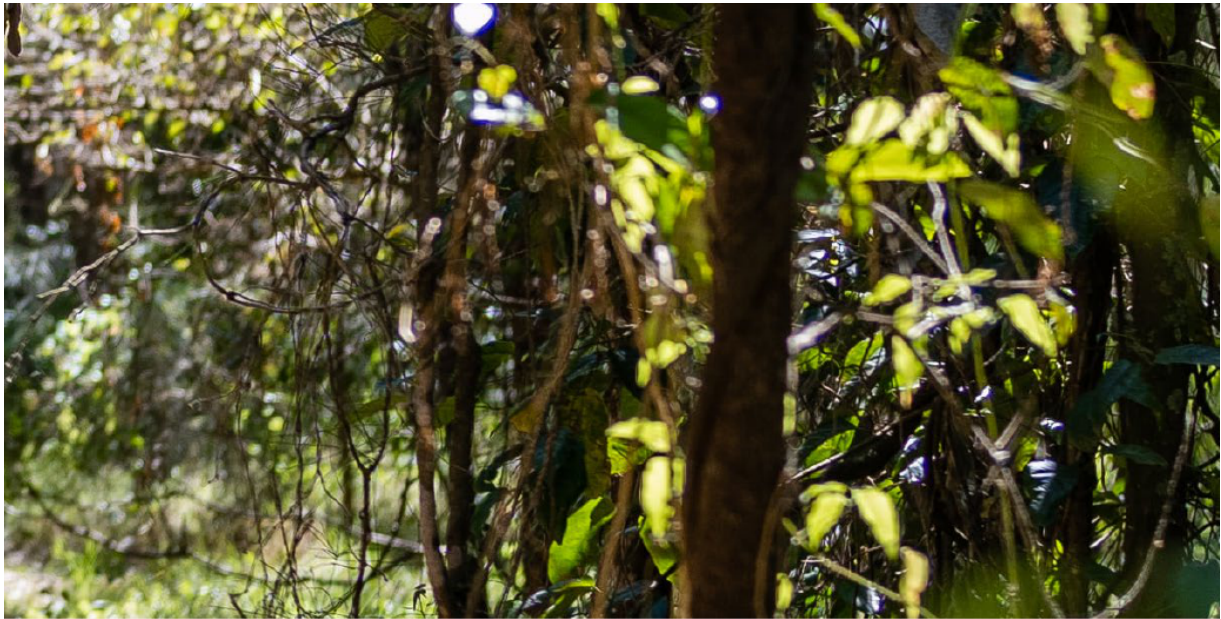
Council is committed to achieving a great lifestyle in a treasured environment, so that current and future generations can enjoy, and benefit from, a healthy natural environment.

As part of our program of work to manage and protect the natural environment, we've secured grant funding for a number of environmental restoration projects to enhance the Port Stephens environment and key Koala habitat. This includes over \$150,000 from the Crown Reserve Improvement Fund, aimed to target priority weeds, feral pests and facilitate biosecurity compliance.

Council implemented My Little Ecosystem workshops across 5 separate community events. The My Little Ecosystem workshops are designed to promote improving habitat for native

ITEM 4 - ATTACHMENT 1
DECEMBER 2022.

SIX MONTH PROGRESS REPORT FOR JULY TO



species in urban environments and educate our community on the importance of these species. The workshops included frog hotels, native insect hotels, worm farming, composting as well as information on native plants and pollinators.

Pathways and connections

We have a Pathways Plan that shows the proposed location of future footpaths and cycleways. As the volume of missing links and additional pathways needed is in excess of \$80M, Council is continuing the search for additional income sources to fund these projects.

Place planning

The status of Council's current Place Plan program is as follows:

- Karuah and surrounds (adopted March 2022)
- Hinterland (underway)
- Medowie and surrounds (underway)
- Shoal Bay (underway)
- Anna Bay and surrounds scoping and investigations (underway)
- Fullerton Cove and surrounds Place Strategy (proponent initiated – underway)
- Nelson Bay East Place Strategy (proponent

initiated – underway)

- Tilligerry (commencing 2023)
- Other centres ie. Tomago, Soldiers Point, Fingal Bay etc. may be subject to future place plans.

Read more about our **place plan program** and the placemaking currently happening across Port Stephens.

Smart Parking rollout

Income generated from the Smart Parking Program is integral to Council's financial modelling outlined in the Long Term Financial Plan.

Council has been reviewing options to continue to roll out the program, which includes the areas of Birubi Headland, Little Beach, Shoal Bay and Fingal Bay. We've been working on the 13 actions as set out in the Council resolution of 26 July 2022, with a dedicated officer assigned to work through these.

Raymond Terrace Depot project

All work is expected to be completed by mid-2023, with operational staff to return to the new Depot following this.

Six-month Progress Report

ITEM 4 - ATTACHMENT 1
DECEMBER 2022.

SIX MONTH PROGRESS REPORT FOR JULY TO



Roads

Infrastructure planning and renewal for the period has mostly been funded by NSW Government grants. We're continuing with recovery works and claims associated with the natural disaster in March 2021, February 2022 and July 2022.

Key road projects

While many other road projects are introduced as funds become available, our planning focus continues on:

- Avenue of the Allies numerous stages – road widening, drainage works including kerb and gutter from Poilus Parade to King Albert.
- Main Road 90, Bucketts Way from No.125 to 215 – road pavement rehabilitation.
- Sturgeon Street Raymond Terrace – pavement reconstruction from Glenelg Street to Jacaranda Avenue.
- Mustons Road, Karuah – culvert replacement and road widening.
- Brandy Hill shared pathway.
- Fly Point shared pathway upgrade.
- High Pedestrian Activity Area extension – Raymond Terrace and Nelson Bay.

Maintaining local roads

Council continues to repair road surfaces and maintain the local road network on a risk based priority basis – utilising the most effective materials for all conditions, efficient responses and available funding.

The past 6 months have been challenging with poor weather earlier in the year, although recently thanks to drier weather, our teams have caught up on road maintenance, pothole and road repairs as a priority. During this time we've also released a series of educational videos to answer some key FAQs and help the community to understand how we build and maintain roads and manage our potholes.

ITEM 4 - ATTACHMENT 1 SIX MONTH PROGRESS REPORT FOR JULY TO DECEMBER 2022.

Waste Management Strategy implementation

Council adopted the **Waste Management Strategy 2021-2031** in October 2021. Since then, we've made progress on the following initiatives:

- The introduction and implementation of the third bin system (garden organics) and the need to undertake consultation and education on the rollout of bins to help the public understand the new services, frequency, makeup and the processing of this waste stream.
- Circular Economy initiatives with involvement through the Hunter Joint Organisation on the journey to carbon neutrality.
- Circular Economy initiatives on the reuse of waste into renewable products and the procurement of these into Local Government purchasing.

These initiatives contribute to improving Port Stephens Council's diversion from landfill and in turn the NSW Government's new target of an 80% reduction in waste by 2030.

Williamstown management area

Council is continuing to monitor the implementation of the Department of Defence PFAS contamination remediation program and will continue to liaise with relevant agencies, community groups and residents as appropriate.

In June 2022, Council resolved to continue the rate reduction for properties in the Williamstown Management Area for the 2022 to 2023 financial year. A special subcategory of rates applies a discount of 50% for residents in the primary zone, 25% in the secondary zone and 10% in the broader zone. Council continues to consider subcategorization through our normal process of setting the rates each year.

Williamstown Special Activation Precinct (SAP)

The Williamstown Special Activation Precinct (SAP) was declared by the NSW Government on 28 May 2020. Community consultation on the SAP has been ongoing since December 2020 with the SAP masterplan public exhibition process taking place in 2022.

The NSW Government are planning to re-exhibit a revised SAP masterplan in early 2023 following a review of detailed engineer investigations and updated economic analysis, which has resulted in a smaller development footprint.

Delivery program update

In this report, we use the icons below to indicate the status of our Operational Plan actions, which form part of the Delivery Program 2022-2026.



ON TRACK

Operational Plan actions are on track to achieve the target



MONITOR

Operational Plan actions are within 5% of the target



OFF TRACK

Operational Plan actions are > 5% off the target



Our Community

An accessible and welcoming community respecting diversity, heritage and culture.

C1 Community wellbeing

Improved wellbeing for our diverse community supported by services and facilities.

Disability Inclusion Action Plan (DIAP) final report

The last actions to close out the current DIAP were finalised in the period, with priorities and new actions for the next 5 years developed for inclusion as part of the broader Wellbeing Strategy.

Visitors return to pools & beaches

Attendances doubled at our aquatic centres during the period to just over 51,000 (compared to last year) due to swimming school reactivations and no COVID lockdowns. Large crowds also returned to the beaches, especially during the December school holiday period, as families and beachgoers made the most of the ideal weather, following a couple of rainy months.

Operational
Plan actions



On track – 4

C2 Recognised traditions and lifestyles

Our community supports the richness of its heritage and culture.

Delivering Yabang Gumba-Gu

We've been working with Aboriginal stakeholders to deliver key actions within the Yabung Gumba-Gu roadmap. Native plant giveaways and information together with new banners were produced for NAIDOC week in July.

A workshop with Worimi LALC was held to discuss dual naming of landmarks, places and spaces in Port Stephens.

Port Stephens Heritage

We've been continuing to support heritage in Port Stephens with an organisation wide approach: with local community groups supported in planning for a local heritage event planned for Boomerang Park; providing advice to heritage interest groups on the Community Funding Program, and; providing funding to local heritage groups through the Community Support Fund for heritage interpretation projects.

Libraries and community spaces

We've been working hard to regain library visitation with attendance at programs, activities and events almost at pre-COVID levels.

Operational
Plan actions



On track – 4

ITEM 4 - ATTACHMENT 1

SIX MONTH PROGRESS REPORT FOR JULY TO DECEMBER 2022.

★ Highlights

Community Wellbeing, Yabang Gumba-Gu

- Yacaaba Art Walk and Terrace Reflections exhibition programs
- Event planning for Australia Day
- Supporting the Community Connect day
- Convening 4 Community Interagency meetings
- Delivering My-Link community sector updates
- Promoting youth involvement in events/ advocacy at Tomaree and Hunter River SRCs
- Administering the Community Support Fund Round 1
- Re-launching the Aboriginal projects fund
- NAIDOC week flag raising ceremony

Childcare, Recreation facilities and Libraries

- Meeting National Quality Standards at Clarence Town and Shoal Bay OOSH
- Installing new heat pumps and solar panels at Tilligerry and Tomaree Pools
- Achieving a safety score of 93% and 5 star score of 95% from the Royal Life Pools Risk Audit at Lakeside
- 5 year contract awarded to Surf Life Saving Services
- Libraries celebrating: Children's Book Week (Dreaming with eyes open); Adult Learner's Week and a raft of programs and events including 'Rite to the Finish'

▲ Challenges

- Resourcing – staff shortages
- Erosion at One Mile Beach – investigations continuing on long term solutions

Our Community Snapshot



Community Wellbeing

- key themes developed
- 12 youth actions ongoing
- DIAP final report
- Family & Community Services schedule



Yabang Gumbu-Gu

- actions on track



Childcare

- 99% customer satisfaction
- 8300+ positions filled
- 48 compliance visits



Pools

- 51,337 aquatic centre visits



Beaches

- 292,732 beach visitations
- 20,062 preventative actions
- 26 rescues
- 98 first aid
- 541 law enforcements



Our Library services

- 4,934 internet users
- 5,237 Wi-Fi users
- 4,635 people attended 374 programs
- 780 new library members
- 48 Stories in the Street visits
- 16,406 enquiries
- 313 home deliveries
- 15,377 requests for technology support



Six-month Progress Report

Our Place

A liveable and connected place supporting community wellbeing and local economic growth.

P1 Strong economy, vibrant local businesses, active investment

Our community has an adaptable, sustainable and diverse economy.

Supporting sustainable business development

We co-hosted events with Business Port Stephens, Destination Port Stephens, the Business Centre and Port Stephens Women in Business to grow business networks and support business growth.

Contact lists have been developed for town centres to strengthen business communications and a renewables cluster continues to gather momentum in Tomago.

Attracting and facilitating major events

We've continued to sponsor major events that attract visitation and vibrancy. We've secured grants for twilight events at Birubi, Raymond Terrace and Karuah, as well as an expanded activation program across the LGA.

Operational
Plan actions



On track – 4

P2 Infrastructure and facilities

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

Managing, providing and maintaining infrastructure

As well as undertaking normal programs of works, the infrastructure teams submitted a number of additional grant applications and completed works to assist with the recent natural disasters. More detail is provided in the Key Priorities on page 14 and Our Highlights on page 6.

Drainage and floodplain work

Drainage improvement works have been completed at Boat Harbour, Hinton, Karuah, Medowie, Raymond Terrace and Williamstown. Investigations into catchment drainage issues at Salamander Bay and Little Beach are continuing, along with reviewing and updating the Shoal Bay drainage model. Work continues on the Anna Bay and Tilligerry Creek Floodplain Risk Management Study and Plan and the Lower Hunter Floodplain Cumulative Development Impact Study and Plan.

Operational
Plan actions



On track – 4

P3 Thriving and safe place to live

Our community supports a healthy, happy and safe place.

Development assessments (DAs)

We've continued to focus on improving processing timeframes and resolving long-standing legacy DA's, which has resulted in positive results for customers and the community.

Numerous pre-lodgement, Regional Planning Panel and Urban Design Review Panel meetings have been held for major developments in the LGA. Interest remains from the private market in the area, with the pipeline of large projects expected to continue.

During October, we initiated the subdivision fast track program to improve processing timeframes for small scale residential subdivision developments.

Emergency Management and Response

More information about the July natural disaster is in the General Manager's message on page 4.

In October 2022, the scheduled review of the Port Stephens Local Emergency Management Plan was completed and signed off by both the Chair of the Port Stephens Local Emergency Management Committee and the Chair of the Regional Emergency Management Committee. The management plan is a key document that outlines the roles and responsibilities of emergency services and supporting organisations before, during and after an emergency.

After the flooding event in July 2022, Council developed and implemented the Port Stephens Post Event Recovery Plan to capture the impacts from across the Local Government Area. The Post Event Recovery Plan focuses on the National Principals for Disaster Recovery being Social Environment, Build Environment, Economic Environment and Natural Environment. In addition to this plan, Council continued to provide information to the community via Local Rapid Assistance Points and social media. This information centred around where community members and businesses could seek financial or cleanup assistance as well as where they could seek emotional support.

Operational
Plan actions



On track – 7

ITEM 4 - ATTACHMENT 1 SIX MONTH PROGRESS REPORT FOR JULY TO DECEMBER 2022.**Economy and Business**

- Growing the Business Concierge – connecting new and growing businesses with relevant information, support and assistance, including distributing the monthly business e-newsletter to 825 subscribers
- Destination Port Stephens (DPS) creating online itineraries of Tilligerry Peninsula, Port Stephens Hinterland and Karuah riverside village
- DPS working with Micenet to promote Port Stephens as a conference and incentive destination
- Distributing major event sponsorship to 17 events.

Strategic planning and Development assessments

- Amendment to the Local Infrastructure Contributions Plan
- Completing a brochure on the Housing Opportunities in Raymond Terrace
- DA 100 day list at 38 as at December (average processing time is 26 net median days)
- 430 Construction Certificates (CCs) approved, 187 by Council
- Steady increase in commercial/industrial and residential flat building CC applications and enquiries
- Implementing targeted ranger campaigns relating to Restricted, Dangerous and Menacing Dogs and Disability Parking Enforcement.

Compliance, Ranger and Environment Services

- Continuing response to requests in relation to alleged unauthorised land uses, construction and other works
- Completing inspection programs for food, public swimming pools, skin penetration and underground petroleum storage systems.

Infrastructure planning and renewal

- 37,284 potholes fixed
- Engineering Services processing:
 - 141 Flood Certificate requests
 - 91 DA referrals
 - 217 DAs that required engineering assessment
- 2022-2023 Road Safety Projects (funded by TfNSW) are on track.
- Joe Rider, Holiday Time Road Safety and Towards Zero campaigns launched
- Approving subdivision certificates, creating 100+ lots
- Nelson Bay and Raymond Terrace CCTV upgraded
- Completed Capital works
 - Road rehabilitation – Gan Gan Rd Seg 160 at One Mile, Six Mile Rd Seg 10-20, Cabbage Tree Rd (TfNSW), Swan Bay Rd Seg 50-60 road widening, Victoria Parade pedestrian bridge (Stage 1) north side demolition works, Newline Rd Seg 290-300 pavement rehabilitation, shared paths – Medowie Rd, Lemon Tree Passage Rd (missing link) and Raymond Terrace, Elizabeth Waring function room upgrade, Fly point amphitheatre metal treatment, Little Beach playground update, Kittyhawk Park furniture and playground replacement, Raymond Terrace Activity Van Building roof replacement, Henderson Park shade sail installation, Sturgeon St Raymond Terrace drainage improvements, East Seaham Rd rock wall repairs
- Winning the Small Project Architecture Commendation for Stuart Park Amenities Building, 2023 Newcastle Architecture Awards.

Place Planning (refer page 13)

- It's On! Activation Program included Tastes Like Summer, Sunset Cinema, Friday Flavours, This Season Christmas activations, Kids Zone holiday program, Snak & Rap

ITEM 4 - ATTACHMENT 1
DECEMBER 2022.










SIX MONTH PROGRESS REPORT FOR JULY TO

Challenges

- Businesses across all sectors have been experiencing issues attracting workforce, and staff being able to secure housing within a reasonable distance from the workplace
- July 2022 natural disaster event created a significant increase in workload for our infrastructure teams in responding to and investigating drainage and flooding related enquiries
- Staff resourcing was stretched when responding to the natural disaster event and delivering large scale projects
- Ongoing wet weather impacted events, capital works, maintenance and compliance inspection programs
- Managing limited road funding to a road network that has shown rapid decline in condition due to sustained periods of severe wet weather
- Declining community satisfaction with roads – refer to the Roads Deep Dive in the **CSS** report
- DA team involved in a number of Land and Environment Court proceedings.



Our Place Snapshot

-  **Our Incredible Place Strategy**
 - actions on track
-  **VIC**
 - 2700 walk-ins
 - 850 phone calls
-  **Economic Development Strategy**
 - actions on track
-  **Asset condition inspections**
 - on track
-  **Engineering, flooding and drainage development referrals**
 - on track and processed within required timeframes
-  **Public Infrastructure Program**
 - on track
-  **Maintenance defects**
 - high priority defects (Roads, Roadside, Building Trades and Parks) fixed on time
-  **Community Financial Assistance**
 - nearly \$28K from Mayoral Funds and \$5K from Ward funds
-  **Development Services**
 - meeting DA determination target of 40 days
 - 582 DA's approved at value of \$212M
-  **Place Plan delivery**
 - on track
-  **Emergency management**
 - strategic objective actions on track

Six-month Progress Report

Our Environment

Port Stephens environment is clean, green, protected and enhanced.

E1 Ecosystem function

Our community has healthy and dynamic environmental systems that support biodiversity and conservation.

Environmental Strategies and Policies

A Comprehensive Koala Plan of Management (CKPoM) Steering Committee 2023 Action Plan has been developed in consultation with the committee membership. The action plan will focus on key actions to protect the Port Stephens Koala population and enhance their environment over the next 12 months.

The Environment Policy, Climate Change Policy and Tree Vandalism Policy were revised for public exhibition in late 2022 and proposed for Council's consideration in early 2023. Refer to Natural Environment as part of the Key Priorities on page 12 for more information.

A number of grants have been secured for environmental education and environmental restoration programs to target priority weeds, feral pests and facilitate Crown Land compliance.

Operational
Plan Actions



On track – 2

E2 Environmental sustainability

Our community uses resources sustainably, efficiently and equitably.

Developing a Sustainability Strategy

To ensure a holistic approach to development of sustainability across Council, a PCG and Project Technical Group were established.

Refer to Carbon neutrality under Key Priorities on page 10 for more information.

Implementing the Waste Management Strategy 2021-2031

Refer to Key Priorities on page 15 for more information.

Operational
Plan Actions



On track – 2

ITEM 4 - ATTACHMENT 1
DECEMBER 2022.

SIX MONTH PROGRESS REPORT FOR JULY TO



E3 Environmental resilience

Our community is resilient to environmental risks, natural hazards and climate change.

Climate Change Adaptation Action Plan

We continue to deliver on these recommendations through integration into operations and regulations. Meetings with key internal and external stakeholders are being held to implement and track the recommendations. The recommendations are being reviewed for alignment and integration with the preparation of the Carbon Neutral Action Plan and part of the broader Sustainability Strategy. Refer to Key Priorities page 10 for more information.

Coastal Management Program update

Refer to Key Priorities on page 10.

Operational
Plan Actions



On track - 2

Six-month Progress Report

ITEM 4 - ATTACHMENT 1 SIX MONTH PROGRESS REPORT FOR JULY TO DECEMBER 2022.

☆ Highlights

Environmental Rehabilitation and Education

- 502 sites inspected for biosecurity compliance regarding priority weeds: 15 compliance and enforcement actions undertaken for breaches of the Biosecurity Act, 144 sites were treated to control priority weeds
- 99.2 ha across 133 sites of environmental significance was regenerated and restored. 621 volunteers were engaged to help undertake this work
- 2,838 trees were planted
- 18 public events attracted 454 participants
- 239 stakeholders received Invasive Species face to face engagement
- Tree Permits: 47 received, 49 determined, 69% approved
- Tree Notifications: 74 received, 59 determined 14% approved
- My Little Ecosystem workshops were held across 5 community events
- Distributed the 'Your Environment' electronic newsletter

Waste management

- Garden organics bin endorsed by Council
- 2,905 tonnes of kerbside recycling collected
- 1,715 mattresses, 631 tyres, 267 tonnes of steel diverted
- Timber recycling commenced (Salamander Waste Transfer), 19 tonnes diverted
- Workshops held – less mess, reusable nappies, composting and recycling, along with community and school group talks

▲ Challenges

- Resourcing
- Waste staff continue investigations into viable alternatives to landfill for residential bin waste

Our Environment Snapshot

- 
Environmental Strategies and policies
 - in progress
- 
Sustainability Strategy
 - holistic approach
- 
Waste Management Strategy actions
 - on track
- 
Climate Change Adaptation Action Plan
 - actions underway
- 
Coastal Management Plan
 - Stage 3 underway



Our Council

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

L1 Governance

Our Council's leadership is based on trust and value of Respect, Integrity, Teamwork, Excellence and Safety (RITES).

Advocacy, Newcastle Airport, Hunter Councils

We're continuing with advocacy priorities, refer to Key Priorities on page 9. In consultation with Councillors, the revised Community Advocacy Priorities were developed to target key issues for the upcoming NSW Government election. This is supported by a targeted engagement program.

Our General Manager (GM) attended bi-monthly meetings of the Hunter Joint Organisation of Councils (HJO), with the HJO continuing to advocate on key issues around economic transition, funding and support for significant infrastructure projects to support ongoing growth of our region. The HJO has progressed and completed capacity building projects relating to waste management / circular economy, disaster recovery and regionally significant events.

The Mayor and GM sit on relevant based boards to direct and govern the operations of the Newcastle Airport, in addition to attending bi-monthly meetings. Runway upgrade works are being completed by Department of Defence while design works for terminal expansion have progressed, with construction works to commence in 2023. Astra Aerolab Stage 1 is complete with development of commercial buildings progressing to planning approval stage in late 2022.

Service Review Program

Council has been undertaking indepth service reviews since 2011. Our 4 year rolling program includes full Service Reviews, condensed Mid-point Reviews and Structural Reviews for all 60 services. The recommendations arising from these reviews during the past 6 months have commenced implementation and been programmed into each relevant section's work plans.

Operational
Plan actions



On track – 12

Six-month Progress Report

ITEM 4 - ATTACHMENT 1 SIX MONTH PROGRESS REPORT FOR JULY TO DECEMBER 2022.

L2 Financial Management

Our Council is financially sustainable to meet community needs.

Managing our financial resources

Outlined further under Financial Sustainability in Key Priorities on page 12. The Finance team, in collaboration with key internal stakeholders has undertaken a significant amount of work to investigate, review and present options for our future financial sustainability. Due to austerity measures, a small underlying surplus has been maintained as outlined in the December 2022 Quarterly Budget Review.

Beachside Holiday Parks (HP) & Koala Sanctuary (Sanctuary)

Major refurbishments have taken place: onsite accommodation rooms upgraded to 4 stars at the Sanctuary; new boom gates at Fingal, Shoal and Halifax and an upgraded power grid at Halifax. Refurbishments at the Sanctuary have received good feedback with an increase in occupancy since completion.

Operational
Plan actions



On track – 3

L3 Communication and engagement

Our Council is committed to enabling an engaged and informed community.

Customer Experience

Council's website continues to grow as an important source of information and news for the community. Over the past six months, more than 390,000 visitors have accessed the website.

A new digital voice solution has been added to the website which converts text to speech. This program delivers an improved experience for website visitors and increases accessibility. Face to face and phone interactions remain an important service for our community with more than 3,200 customers accessing face to face services and 26,900 accessing services via phone.

Communications and Community Engagement

As part of Council's financial sustainability we undertook the largest community engagement program seeking feedback for a rate increase.

Read more information on our communications, engagement plans and reports during this process. Council also adopted the new **Communication and Engagement Strategy** in December. This new plan provides a framework for the delivery of transparent and timely communications and community engagement programs to build trust and community participation in Council decision making. Refer to Key Priorities on page 10 for more on our overall community engagement approach.

Operational
Plan actions



On track – 2

ITEM 4 - ATTACHMENT 1 SIX MONTH PROGRESS REPORT FOR JULY TO DECEMBER 2022.



Newcastle Airport, Hunter Councils

- Newcastle Airport secured \$121M in Federal grants to enable runway upgrades and expansion of the terminal for future long range international flights.
- Revised **Community Advocacy Priorities** document

Workforce and Citizenship

- Delivering Workforce Management Strategy initiatives – Employee experience mapping, developing and delivering internally led leadership programs and the employee engagement survey
- 34 conferees at our Citizenship Ceremony
- Winning the Employer of Choice by the Local Government Engineers Association

Corporate Systems

- Delivering improvement initiatives such as:
 - Building an Information Asset Register
 - 50+ forms gone online with 6,000+ forms lodged
 - Customer Request Management (CRM) system reporting and online promotion
 - Moving the Depot datacentre into a temporary facility
 - Implementing hardware upgrades, firewalls, core switches and Library equipment

Governance, legal, internal audit and risk management

- 3 formal, 41 informal and 86 property access information requests
- 9 legal advices
- Statewide Mutual assessed numerous Council assets to conduct valuations
- 2022-2023 Internal Audit plan adopted by the Audit Committee

Integrated Planning and Excellence

- Annual 2022 Community Satisfaction Survey conducted – a **summarised 2 page flyer** was provided to Councillors
- June 2022 Six-month Progress Report and 2021-2022 Annual Report adopted
- Completed 6 Service Reviews, 5 condensed Mid-point Reviews and 1 Structural Review (unscheduled)
- Winning a gold award from the Australasian Reporting Awards for the 2020-2021 Annual Report

Managing Finances, Property and HP

- Unqualified **2021-2022 Annual Financial Statements**
- Commercial portfolio vacancy rates at all-time low of 2.4%
- 58 native title referrals completed
- Plans of Management for Birubi Transport Interchange and Shoal Bay HP submitted to Crown for approval to exhibit
- World class Sanctuary – average NPS 90%* 14,957 day visitors
- World class HP survey results – NPS 74.9%*
- The Sanctuary winning a Silver award at the 2022 NSW Tourism Awards

*70% is world class

Customer Experience, Communication and Engagement

- Customer experience interactions:
 - 26,944 by phone
 - 13,516 by email
 - 3,272 front counter
- **Communication and Engagement Strategy** adopted
- Increase in followers across social media (FB, Instagram and LinkedIn); and those engaged with our FB posts

Six-month Progress Report










ITEM 4 - ATTACHMENT 1
DECEMBER 2022.

SIX MONTH PROGRESS REPORT FOR JULY TO

Challenges

- Strengthening our value and brand in and employee focused labour market
- Advocacy focused on financial sustainability of Council, grant funding opportunities, funding for road maintenance and responses to natural disasters
- Maintaining financial sustainability now and in the future
- Insurance claims continuing regarding potholes
- Drop in community satisfaction
- Cybersecurity

Our Council Snapshot

-  **Workforce Management Strategy (WMS)**
 - delivering on 4 strategic objectives
-  **Corporate Systems and Data Management Strategy**
 - delivering on 5 strategic objectives
-  **Govenance and Internal Audit program**
 - on track
-  **IP&R and Service Review program**
 - on track
-  **Long Term Financial Plan (LTFP)**
 - on track
-  **Property Portfolio**
 - in accordance with Property Investment Strategy
-  **Holiday Parks and Koala Sanctuary**
 - delivery plans on track
-  **Customer Experience Roadmap**
 - actions on track
-  **Communication and Engagement Strategy**
 - program on track

ITEM 4 - ATTACHMENT 1

SIX MONTH PROGRESS REPORT FOR JULY TO DECEMBER 2022.





PORT STEPHENS
COUNCIL

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MINUTES ORDINARY COUNCIL - 14 MARCH 2023

Councillor Glen Dunkley left the meeting at 6:56pm and did not return.

ITEM NO. 5

FILE NO: 23/6956
EDRMS NO: PSC2015-03550

POLICY REVIEW: MEDIA LIAISON POLICY

REPORT OF: JANELLE GARDNER - COMMUNICATIONS SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the new Media Liaison Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the new Media Liaison Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
 - 3) Revoke the Media Liaison Policy dated 27 October 2020 Minute No. 220 **(ATTACHMENT 2)**.
-

ORDINARY COUNCIL MEETING - 14 MARCH 2023 MOTION

050	<p>Councillor Giacomo Arnott Councillor Peter Kafer</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the new Media Liaison Policy shown at (ATTACHMENT 1).2) Place the new Media Liaison Policy, as amended on public exhibition for a period of 28 days and report the policy back to Council following public exhibition.
-----	--

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the new Media Liaison Policy (the policy) **(ATTACHMENT 1)** and place the policy on public exhibition.

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

Council is committed to inform and improve community awareness of programs, activities and services. We understand that effective communication and engagement are directly linked to the liveability and wellbeing of our community. By listening to our community and providing genuine opportunities for engagement, we'll create a greater sense of community ownership and, improve the delivery of Council services aligned to community needs.

The media plays a key role in Council's communication and engagement delivery by sharing information which helps our community connect Council's strategic direction with the programs and activities in their place. This could be through the sharing of stories, promoting opportunities for the community to have their say or by communicating urgent and important information during a crisis or emergency.

The media also hold Council to account for decision making which can help build trust and transparency across our community.

This policy provides a consistent approach to how Council will work with the media. The policy also clearly defines the roles and responsibilities of Council's delegated media spokespersons.

The policy aligns directly to the Communication and Engagement Strategy and the newly adopted Office of Local Government Model Media Policy. Due to the number of changes, it is recommended that the existing policy is revoked and the new policy adopted (**ATTACHMENT 1**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Communication and engagement	Deliver the 4-year program for the Communications and Engagement Strategy

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications arising from the development and adoption of this new policy. No substantive changes are proposed to the way in which Council communicates with media, relative to the existing policy.

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

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to have a media liaison policy however, it is important to provide the framework for how we work with the media to ensure a consistent, accurate and timely approach to communications.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of a policy an inconsistent approach to communications may negatively impact our relationships with the media and the delivery of important information across our community.	Medium	Adopt the recommendation.	Yes
There is a risk that in the absence of a policy those without media delegation will communicate with the media and share incorrect or personal information.	Medium	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Effective communications and engagement is directly linked to the liveability and wellbeing of our community. This policy creates a clear framework for working with the media and will help ensure that a wide and diverse section of our community receive information on issues and opportunities connected to their place.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications team in conjunction with the wider Communications and Engagement section.

Internal

The following sections of Council were consulted on the new policy and all feedback and comments have been incorporated into the new policy.

- Governance
- Communications and Engagement
- The Executive Team was consulted to seek management endorsement.

External

In accordance with local government legislation the new Media Liaison Policy will go on public exhibition for a period of 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Media Liaison Policy - New.
- 2) Media Liaison Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2015-0350

TITLE: MEDIA LIAISON POLICY

OWNER: COMMUNICATIONS AND CUSTOMER EXPERIENCE
SECTION MANAGER

1. PURPOSE:

- 1.1 Enable the delivery of timely, creative and transparent communications that connects our stories, our people and our place.
- 1.2 Build trust and reputation through proactive, consistent and trustworthy information that responds to issues and community priorities.
- 1.3 Establish and maintain a collaborative relationship between Council and media representatives and organisations.
- 1.4 Clearly define the roles and responsibilities of Council's delegated media spokespeople.
- 1.5 Encourage identification of proactive opportunities for media coverage across all business units of Council.

2. CONTEXT/BACKGROUND:

- 2.1 The media plays a key role in the delivery of Council communications by sharing information and helping our community connect Council's strategic direction with the programs and works in their place.
- 2.2 The media helps create awareness of the opportunities for our community to be actively involved in Council decision making.

3. SCOPE:

- 3.1 This policy applies to the Mayor, all Councillors and Council staff including permanent, casual and temporary employees; volunteers; contractors; or consultants in relation to interaction with the media.
- 3.2 This policy is guided by the Office of Local Government (OLG) Model Media Policy.

Policy

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Policy



4. DEFINITIONS:

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

Media	Any print, broadcast and online media used for communicating information to the public, including but not limited to, newspapers, magazine, internet publishers, radio and television broadcasters.
Delegated spokesperson	Any staff with delegations to interact with the media in an official capacity on behalf of Council.

5. STATEMENT:

- 5.1 Port Stephens Council is committed to building and maintaining strong relationships with the media to facilitate informed communications.
- 5.2 Council will promote Port Stephens with positive and proactive media by identifying of interest to the media and our community.
- 5.3 Council will be open and honest in its dealing with the media, notwithstanding that Council will comply with its duty of care to protect confidential or personal information and does not infringe any laws in providing information.
- 5.4 Council will respond promptly to media enquiries to meet news deadlines.
- 5.5 Media organisations and their representatives will be treated equally and without bias.
- 5.6 All Council staff contact with the media is to be coordinated through the Communications and Engagement team.
- 5.7 The Communications and Engagement team is responsible for coordinating media liaison and issuing media releases and is delegated to respond to media enquiries on behalf of Council.
- 5.8 Written statements will be approved by the Mayor, General Manager or relevant Group Manager or other quoted delegated spokespersons.
- 5.9 All media engagement by council officials must be conducted in a professional, timely and respectful manner.
- 5.10 All staff, Councillors, volunteers and contractors must abide by Council's Code of Conduct when speaking with the media.

Policy

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Policy

General Manager and the media

- 5.11 The General Manager is the official spokesperson for Council on operational and administrative matters.
- 5.12 The General Manager may delegate to other council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the General Manager is unavailable).
- 5.13 From time to time, the General Manager may also authorise individuals other than staff or Councillors to represent Council to the media, for example Chairperson of a committee.

Mayor and the media

- 5.14 The Mayor is the principle spokesperson of Council, including representing the views of the Council as to its local priorities.
- 5.15 If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.
- 5.16 The Mayor may delegate their role as spokesperson to other Councillors where appropriate (for example, where another Councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular areas or expertise).

Councillors and the media

- 5.17 As a member of the governing body and as a representative of the community, Councillors have been elected to represent the community and are free to speak to the media.
- 5.18 When engaging with the media Councillors:
- a) must not intend to speak for the Council unless authorised to do so
 - b) must clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for the Council (unless authorised to do so)
 - c) must uphold and accurately represent the policies and decisions of the Council
 - d) must not disclose council information unless authorised to do so, and
 - e) must seek information and guidance from the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.

Policy

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Policy



- 5.19 In the interests of promoting a positive, safe and harmonious organisational culture, Councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.
- 5.20 Where Councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.
- 5.21 Councillors must direct any questions about their obligations under this policy to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.

Staff and the media

- 5.22 Council staff must not speak to the media about matters relating to the Council unless authorised by General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator to do so.
- 5.23 If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they must refer the enquiry to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.
- 5.24 Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.
- 5.25 If authorised to speak to the media, Council staff:
- a) must uphold and accurately represent the policies and decisions of the Council
 - b) must not disclose Council information unless authorised to do so by the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator and
 - c) must seek information and guidance from the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.
- 5.26 Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the General Manager, Communications and Customer Experience Section Manager or Communications and Engagement Coordinator.

Policy

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Policy



Media during emergencies

- 5.27 During emergencies, such as natural disasters or public health incidents, the Communications and Customer Experience Section Manager or Communications and Engagement Coordinator will be responsible for coordinating media releases and statements on behalf of the Council.
- 5.28 The Mayor, Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.

Media in the lead up to elections

- 5.29 This policy does not prevent the Mayor or Councillors who are candidates for Council or any other election from providing comment to the media in their capacity as candidates at the election.
- 5.30 Any media comment provided by the Mayor or Councillors who are candidates for Council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by Council or produced by the Council or with Council resources.

Record management requirements

- 5.31 Media content created and received by Council officials (including Councillors) acting in their official capacity is a Council record and may be subject to information access applications made under the Government Information (Public Access) Act 2009. These records must also be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.

6. RESPONSIBILITIES

- 6.1 The Communication & Customer Experience Section Manager and the Communications & Engagement Coordinator is responsible for monitoring, reviewing and providing advice on this policy.
- 6.2 Implementation of and compliance with this policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the policy is implemented throughout the organisation.

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7. RELATED DOCUMENTS

- 7.1 Code of Conduct
- 7.2 Communications and Engagement Strategy
- 7.3 Online and social media directive
- 7.4 Social media guidelines.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2013-00406	EDRMS record No.	20/354590
Audience	Councillors, Community, Employees		
Process owner	Communication and Customer Experience Section Manager		
Author	Communications and Engagement Coordinator		
Review timeframe	3 years	Next review date	TBA
Adoption date	TBA		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	TBA	Communications and Customer Experience Section Manager	New policy.	TBA

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Policy



FILE NO: PSC2013-00406
TITLE: MEDIA LIAISON POLICY
OWNER: COMMUNICATIONS SECTION MANAGER

1. PURPOSE:

- 1.1 Port Stephens Council is committed to keeping its local and wider community well informed about its activities, as well as strengthening Council's brand and reputation.
- 1.2 Council informs and consults effectively with the community via both owned and earned media channels. This policy outlines Council's position on liaison with earned media channels.
- 1.3 In doing so, it is important that Council is open, honest and transparent in its dealings with media representatives and uses appropriate language and spokespeople.
- 1.4 To achieve this outcome Council recognises that a cooperative working relationship with media organisations is essential.
- 1.5 This policy also seeks to clarify the respective roles and responsibilities of staff and Councillors and clearly delineate between personal opinions and Council communications.

2. CONTEXT/BACKGROUND:

- 2.1 The current media landscape is a rapidly changing one. Technology is the norm - increasing the speed of communication, and influencing audience behaviour and expectations of how they receive and consume information.
- 2.2 News no longer runs on a weekly or even a 24-hour cycle - as soon as it breaks, there is a waiting audience, with social media beating newspapers, television and radio to the punch every time.
- 2.3 Despite the overwhelming changes to the media landscape and the rapidity of this change, there are still portions of the audience, particularly at the local community level, who continue to consume their information via more traditional means. This may be due to factors such as limited access to technology, failure to adopt new technology as a result of age, or socio-economic status, or lack of trust.

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- 2.4 While most traditional media outlets have also adopted a digital-first approach to stay in touch with a broader audience, the dominant social media landscape has seen an exponential rise in the number of digital channels.
- 2.5 The changes have allowed brands and organisations, such as Port Stephens Council, to adapt our communications in response. Where we once relied almost exclusively on traditional media to reach our community and help tell our stories, we now create our own content and can communicate with a large portion of our community in real-time in a targeted fashion.
- 2.6 Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media also influences our reach through earned media, with journalists often using social media as key tool when researching news or community stories.
- 2.7 Working with the traditional media with a shared understanding of the importance of a digital-first approach has and will continue to foster solid relationships and allow us to convey our messages to our community in more ways than ever before. With this in mind it is important for Council to establish and maintain cooperative working relationships with all forms of media.

3. SCOPE:

- 3.1 To encourage community understanding and informed judgement about Council's actions and decisions by:
- a) Establishing and maintaining a cooperative working relationship between Council and the media.
 - b) Establishing consistent methods for managing communications between Council and the media to ensure accurate, timely, balanced and reliable information reaches the community.

4. DEFINITIONS:

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

Earned media	Content created by and published on another's media channels.
EDM	Electronic direct mail.
Media liaison	Media liaison involves the working relationship Council staff has with representatives from the print, broadcast and digital media.

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Owned media

Content created and published on one's own media channels.

5. STATEMENT:

- 5.1 Port Stephens Council is committed to open communication with its community through the media. Council will be open and honest in its dealing with the media, notwithstanding that Council will comply with its duty of care to protect confidential or personal information and does not infringe any laws in providing information.
- 5.2 Council representatives will not knowingly provide information to the media which is untruthful or inaccurate.
- 5.3 Council will make all reasonable attempts to deal with media inquiries promptly and accurately. Council will also try at all times to have relevant Council or staff representatives available to respond to the media in a timely manner.
- 5.4 As elected community representatives, Councillors may express their personal view on any matter to the media.
- 5.5 As the elected leader of the Council, the Mayor is Council's spokesperson on matters of policy and interpretation of Council's position or decisions. In the absence of the Mayor, the Deputy Mayor will be Council's spokesperson on these matters.
- 5.6 When authorised to do so by the Mayor, Councillors may also represent Council to the media in respect of: a) Matters of interest to their Ward that they have been personally involved in; b) Matters related to the activities of committees, which they chair or are involved in.
- 5.7 In addition to operational issues, the General Manager may also represent Council to the media on matters of policy.
- 5.8 Staff may represent Council to the media on matters of factual information only if approved to do so by the General Manager, their Group Manager or the Communications Section Manager. Staff must not express personal views regarding Council matters and in general should only provide information in respect of their area of responsibility.
- 5.9 From time to time, the General Manager may also authorise individuals other than staff or Councillors to represent Council to the media, for example Chairperson of Audit Committee.

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5.10 Written statements to the media on behalf of Council must be issued through the Public Relations and Marketing unit and approved by the Communications Section Manager. Where appropriate, they will seek approval from the Mayor, General Manager or relevant Group Manager. Where other staff have been quoted in written statements, approval will be sought from the individual(s) prior to distribution to the media.

5.11 All Council staff contact with the media is to be coordinated through Council's Public Relations and Marketing unit. Council will use agreed protocols and procedures to guide staff and Councillors to ensure that this policy is followed.

6. RESPONSIBILITIES:

6.1 This policy is to be implemented by all areas of Council.

6.2 The Communications Section Manager is responsible for the implementation, monitoring, evaluating and reviewing the policy.

7. RELATED DOCUMENTS:

7.1 Code of Conduct

7.2 Social Media Strategy

7.3 Online and Social Media Management Directive

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2013-00406	EDRMS record No.	20/354590
Audience	Councillors, Community, Employees		
Process owner	Communications Section Manager		
Author	Public Relations and Marketing Coordinator		
Review timeframe	2 years	Next review date	October 2022
Adoption date	28 May 2002		

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VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28 May 2002	Communications Section Manager		208
1.1	9 December 2014	Communications Section Manager		336
1.2	27 February 2018	Public Relations and Marketing Coordinator	Changes to the existing policy to include a broader definition and context with regard to the changing media landscape. Change in reference from 'Communications Unit' to Public Relations and Marketing Unit.	033

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1.3	27 October 2020	Public Relations and Marketing Coordinator	<p>Updated to new policy template.</p> <p>1.2 Added new paragraph Council informs and consults effectively with the community via both owned and earned media channels. This policy outlines Council's position on liaison with earned media channels.</p> <p>1.4 Deleted good and added cooperative.</p> <p>1.4 Deleted Social, electronic, digital and print media are principal means by which Council can inform and consult effectively with its community</p> <p>2.1 Deleted paragraph. Reference to previous review is not required as it is specified in the version history.</p> <p>2.2 Added - the norm.</p> <p>2.3 Deleted traditional media, such as</p> <p>2.4. Deleted matter lack of trust. , or simply preferring the ritual of turning on the television, tuning into the radio or holding a paper in our hands.</p> <p>2.5 Deleted burgeoning and added dominant.</p> <p>2.7. Added new paragraph Port Stephens Council's Public Relations and Marketing approach has evolved to adapt to the changes, adopting a focus on our owned media channels. As well as reaching our own audience, owned media</p>	220
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Version	Date	Author	Details	Minute No.
			also influences our reach through earned media, with journalists often using social media as key tool when researching news or community stories. 2.8 and 3.1a – Deleted strong and added cooperative.	

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ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION

051	Councillor Leah Anderson Councillor Jason Wells It was resolved that Council adopt Items 6 to 10 be multiple item adoption.
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Councillor Peter Kafer left the meeting at 6:59pm.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ITEM NO. 6

**FILE NO: 22/185375
EDRMS NO: PSC2022-02249**

POLICY REVIEW: ENVIRONMENT POLICY

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submission received during the public exhibition period shown at **(ATTACHMENT 1)**.
 - 2) Endorse the revised Environment Policy as shown at **(ATTACHMENT 2)**.
 - 3) Revoke the Environment Policy dated 8 December 2020, Minute Number 278.
-

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

051	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submission received during the public exhibition period shown at (ATTACHMENT 1).2) Endorse the revised Environment Policy as shown at (ATTACHMENT 2).3) Revoke the Environment Policy dated 8 December 2020, Minute Number 278.
------------	---

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council endorsement of the revised Environment Policy (the policy) shown at **(ATTACHMENT 2)** following public exhibition.

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

The policy is a foundation document for the Environmental Management System (EMS) framework, consistent with the Environmental Management Standard ISO 14001 and was a critical element of the EMS project plan.

The policy provides direction for Council's overall environmental performance.

Changes to the policy reflect an increased focus on sustainability and Council's commitment to maintaining and improving the natural environment by developing and implementing strategies to provide leadership and direction for improved environmental performance and sustainable outcomes.

Please note that yellow highlighting in the attached policy indicates an amendment has been made prior to public exhibition and strikethrough text is to be deleted. Text highlighted in blue shows amendments that have been made following public exhibition.

During public exhibition, 1 submission was received (**ATTACHMENT 1**). Minor changes to strengthen the policy were made to section 1, 2, 5 and 7 as a result of the submission. An additional paragraph 3.2 was added to the policy to recognise the inherent value of biodiversity.

This review is part of the scheduled 3 yearly cycle.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Ecosystem function	Develop and deliver a program for Council to implement environmental strategies and policies

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal requirements for Council to have an environmental policy position. The policy strengthens Council's position through a sustainable approach to the planning, procurement and delivery of its services and assets. The policy is also a requirement of ISO 14001 that provides the framework for Council's EMS.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not adopting the policy will lead to an inconsistent approach to environmental sustainability.	Medium	Adopt the recommendations.	Yes
There is a risk that not adopting the policy will create a lag in establishing Council's response to environmental sustainability.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy will provide guidance on developing Council's sustainable performance.

The maintenance of an Environmental Policy will ensure ongoing consistency with the Environmental Management Standard ISO 14001.

The policy will guide initiatives endorsed by Council's integrated planning and reporting framework, including the preparation of environmental strategies that will assist informing the work undertaken by Council and result in reducing impacts on the environment.

CONSULTATION

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

Internal

Consultation has been undertaken with Council's Enterprise Risk team to ensure compliance with the Environmental Management System.

The Executive Team has been consulted to seek management endorsement.

External

In accordance with the Local Government Act 1993, the revised policy was placed on public exhibition for a period of 28 days from 11 November 2022 to 9 December 2022.

During public exhibition, 1 submission was received. The submission is summarised in **(ATTACHMENT 2)**.

OPTIONS

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

ATTACHMENTS

- 1) Submissions Table.
- 2) Revised Environment Policy.

COUNCILLORS ROOM

- 1) Copy of Submissions.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 SUBMISSIONS TABLE.
Environment Policy Review 2022 – Response to Submissions

No.	Author of submission	Summary	Council response
1	EcoNetwork Port Stephens and Tomaree Ratepayers & Residents Association Inc. (TRRA)	The submission notes that the exhibited revised version of the Environment Policy did not highlight the proposed amendments.	It is standard practice for Council to exhibit the amended version of a Policy that has been endorsed by Council prior to exhibition. The details of the amendments are noted in the Version History Table at the end of the revised Policy. The revised Policy that highlights the amendments, is publicly available within the Council meeting minutes to which it was put forwarded, in this instance, 8 November 2022.
		The submission welcomes the amendments made in section 2.4, 3.3, 4.1 and 5.6.	Noted.
		The submissions suggests the policy should be strengthened to note the natural environments value beyond its instrumental value to citizens.	Noted.
		The submissions suggests the wording in paragraph 1.1 be updated to include "enhanced condition of the natural environment".	Wording in paragraph 1.1 has been updated to reflect suggestion.
		The submissions suggests the wording in paragraph 2.1 be updated to recognise the human health benefits of nature immersion by including "and recognises growing evidence that time spent in nature provides many health benefits".	Wording in paragraph 2.1 has been updated to reflect suggestion.
		The submission suggests the addition of a paragraph to section 3, to expressly recognise the inherent value of biodiversity, being "Council's approach to maintaining and enhancing environmental values for	Additional paragraph added to section 3 to reflect suggestion, "highest possible standards" has been amended to "standards of Council's resourcing and budgeting capabilities".

ITEM 6 - ATTACHMENT 1 SUBMISSIONS TABLE.

	intergenerational equity recognises human-induced climate change impacts on the conservation of biological diversity. Council recognises the need to manage the natural environment of Port Stephens to the highest possible standards, including of quality and connectivity, to build resilience and reduce the risk of species loss".	
	The submissions suggests the addition of "and minimise or negate adverse impacts on the natural environment" to paragraph 5.5.	Wording in paragraph 5.5 has been updated to reflect suggestion.
	The submission suggest the addition of "continuous improvement" in paragraph 5.6.	Wording in paragraph 5.6 has been updated to reflect suggestion.
	The submission suggests the addition of a paragraph to section 5 to require Council to develop a Natural Environment Enhancement Action Plan.	Council plans to develop a Biodiversity Strategy which will aim to detail actions to enhance and protect our natural environment within Port Stephens.
	The submission suggests the addition of numerous documents to section 7 Related Documents.	Section 7 updated to include the Climate Change Adaptation Action Plan. Multiple additional suggested documents have not yet been developed by Council. Related documents will be included in the Policy when completed and publicly available.
	The submission notes that Council's policies and strategies hold practical value when they are given sufficient weighting in decision making.	Noted.

Policy



FILE NO: PSC2015-03964 PSC2022-02249

TITLE: ENVIRONMENT POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 Port Stephens Council is committed to achieving a great lifestyle in a treasured environment so that current and future generations can enjoy, and benefit from, a healthy natural environment. This policy outlines Council's commitment to the environment by providing leadership and direction for improved environmental performance, and sustainable outcomes and enhanced condition of the natural environment.

2. CONTEXT/BACKGROUND:

- 2.1 Port Stephens is a diverse region, comprised of natural features including bushland, rivers, wetlands and coastal areas. A healthy natural environment is critical to the people of Port Stephens as it provides essential environmental services such as clean air, clean water and healthy soils. In turn this supports ecological, cultural, recreational, economic and aesthetic values. It is also recognised that growing evidence suggests that time spent in nature provides increased health benefits.
- 2.2 Local government plays an important role in protecting and enhancing the natural environment in order to achieve Ecologically Sustainable Development (ESD). Specifically, the charter for NSW Councils reinforces Council's role "to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development".
- 2.3 The natural environment is a complex and interdependent system making it challenging to accurately quantify and assess impacts. The principles of ESD are therefore embedded in the Local Government Act 1993 which states that "ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes". The principles are incorporated within local government decision-making processes including planning, regulation, administration and operations.
- 2.4 The 4 principles underpinning ESD are principles underpinning ESD as identified by Local Government NSW are:

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- a) Precautionary principle – prevent environmental degradation and manage and mitigate risk
- b) Intergenerational equity – today's actions maintain or enhance the environment for future generations
- c) Conservation of biological diversity and ecological integrity
- d) Improved valuation and pricing of environmental resources and incentive mechanisms – recognising the value of the environment to the community
- e) Commit to the principles of the circular economy and minimise the consumption of finite natural resources.

2.5 Ecologically sustainable development requires the effective integration of economic, social and environmental considerations in decision-making processes. The Integrated Planning and Reporting framework also requires councils to address social, environmental, economic and civic leadership (the quadruple bottom line) issues in an integrated way (LGNSW Sustainability Position Statement).

3. SCOPE:

3.1 This policy provides direction for Council's approach to its application of ESD principles and overall environmental performance.

3.2 Council's approach to maintaining and enhancing environmental values for intergenerational equity recognises human-induced climate change impacts on the conservation of biological diversity. Council recognises the need to manage the natural environment of Port Stephens to the standards of Council's resourcing and budgeting capabilities, including of quality and connectivity, to build resilience and reduce the risk of species loss.

3.3 Environmental performance refers to the environmental results that are achieved through Council's management and control of the environmental aspects of its systems, policies, processes, procedures, services and activities (ISO14001:2015). Environmental performance can be improved when beneficial environmental impacts are increased and adverse environmental impacts and risks are reduced. Whilst Council's approach to environmental risk is influenced by this policy, Council's Enterprise Risk Management Policy provides the overall direction on Council's systematic management of risk. Therefore, these 2 policies should be considered together.

3.4 Council has a dedicated environmental risk program, centered on the Environmental Management System (EMS). The EMS provides a set of tools to support risk-based decisions that appropriately consider Council's environmental, cultural and heritage objectives and operational threats. The

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program is designed to be compliant with relevant external obligations.

4. DEFINITIONS:

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

Biological Diversity and Ecological Integrity	The variety of life forms, the different plants, animals and microorganisms, the genes they contain and the ecosystems they form.
Ecologically Sustainable Development (ESD)	Effective integration of economic and environmental considerations in decision-making processes.
Improved Valuation, Pricing and Incentive Mechanisms	Environmental factors should be included in the valuation of assets and services.
Intergenerational Equity	That the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
Circular economy	A model enhancing the production, assemblage, selling and usage of products to minimise waste and reduce environmental impact.
Precautionary Principle	If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

5. STATEMENT:

- 5.1 Council ensures a healthy natural environment is maintained for the wellbeing of the Port Stephens community.
- 5.2 Council is committed to empowering its employees to assume accountability and responsibility for the continuous improvement of its environmental performance by creating and promoting a culture of participation and by providing a robust process for monitoring and review.
- 5.3 Council is committed to the principles of Ecologically Sustainable Development.
- 5.4 Council meets all its statutory responsibilities under environmental legislation.

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- 5.5 Council is committed to achieving environmental results through a sustainable approach to the planning, procurement and delivery of its services and assets. Across its organisational business units and functions, Council seeks to maximise energy and resource efficiency, reduce waste and transport, and minimize or negate adverse impacts on the natural environment.
- 5.6 Council is committed to maintaining and improving the natural environment of Port Stephens by the development and implementation of strategies to provide leadership and direction for continuous improvement in improved environmental performance and sustainable outcomes.
- 6. RESPONSIBILITIES:**
- 6.1 Strategy and Environment Section is responsible for monitoring, reviewing and providing advice on the policy.
- 6.2 Implementation of and compliance with the Environment Policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the policy is implemented throughout the organisation.
- 7. RELATED DOCUMENTS:**
- 7.1 Local Government Act 1993
- 7.2 Port Stephens Council Community Strategic Plan
- 7.3 Port Stephens Local Strategic Planning Statement
- 7.4 Climate Change Adaptation Action Plan
- 7.5 Asset Management Policy
- 7.6 Climate Change Policy
- 7.7 Commercial Operators Policy
- 7.8 Compliance Policy
- 7.9 Economic Development Policy
- 7.10 Heritage Policy
- 7.11 Enterprise Risk Management Policy
- 7.12 On-Site Sewage Management Policy
- 7.13 Pricing Policy
- 7.14 Procurement Policy
- 7.15 Property Investment Policy
- 7.16 LGNSW Policy Platform: Environment
- 7.17 Sustainable Energy Planning and Design for Projects and Activities.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2015-03964 PSC2022-02249	EDRMS record No.	20/254439 TBC
Audience	Councillors, staff and community		
Process owner	Strategy and Environment Section Manager		
Author	Environmental Officer		
Review timeframe	2 3 years	Next review date	December 2022 TBC
Adoption date	March 2016 TBC		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	8 March 2016	Environmental Strategist / Environmental Management System Officer	Original Policy.	051
2.0	26 June 2018	Environmental Strategist	Policy adapted to new Policy Template. No Amendments.	178
3.0	December 2020	Environmental Officer	1.1 – Deletion of the wording “its vision statement of” from the Purpose 2.5 – Deletion of LGNSW Interim Policy Statement and replacement with most current LGNSW Sustainability Position Statement 3.3 – Deletion of “Integrated” and replacement with “Enterprise” to reflect organisational changes	278

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Version	Date	Author	Details	Minute No.
			<p>5.5 – Inserted new paragraph: “Council is committed to achieving environmental results through a sustainable approach to the planning, procurement and delivery of its services and assets. Across its organisational business units and functions, Council seeks to maximise energy and resource efficiency, reduce waste and transport.”</p> <p>7.1 – Added hyperlink to Local Government Act 1993</p> <p>7.4 – Added Climate Change Policy</p> <p>7.9 – Deletion of “Integrated” and replaced with “Enterprise” Risk Management Policy to reflect organisational changes</p> <p>7.14 – Deleted Social Impact Policy as this policy has been revoked</p> <p>7.14 – Inclusion of LGNSW Policy Platform</p> <p>7.15 – Inclusion of Sustainable Energy Planning and Design for Projects and Activities</p> <p>Controlled Document Information – Deleted the title of the author Environmental Strategist and replaced with Environmental Officer to reflect organisational changes.</p>	
4.0	TBC	Environmental Officer	<p>The policy has been updated in the new policy template and updates version control</p> <p>Minor grammatical errors corrected</p>	TBC

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Version	Date	Author	Details	Minute No.
			<p>1.1 – Added “and enhanced condition of the natural environment.” Deleted “and”.</p> <p>2.1 – Added “It is also recognised that growing evidence suggests that time spent in nature provides increased health benefits.”</p> <p>2.4 – Updated the Ecologically Sustainable Development principles in line with LGNSW Environment Fundamental Principles 2022</p> <p>2.5 – Deleted “(LGNSW Sustainability Position Statement)”</p> <p>3 – Added 3.2 “Council’s approach to maintaining and enhancing environmental values for intergenerational equity recognises human-induced climate change impacts on the conservation of biological diversity. Council recognises the need to manage the natural environment of Port Stephens to the standards of Council’s resourcing and budgeting capabilities, including of quality and connectivity, to build resilience and reduce the risk of species loss.”</p> <p>3.3 Deleted “Environmental performance refers to the environmental results that are achieved through Council’s management and control of the environmental aspects of its systems, policies, processes, procedures, services and</p>	

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Policy



		<p>activities (ISO14001:2015). Environmental performance can be improved when beneficial environmental impacts are increased and adverse environmental impacts and risks are reduced." and "enterprise"</p> <p>Added 3.4 "Council has a dedicated environmental risk program, centered on the Environmental Management System (EMS). The EMS provides a set of tools to support risk-based decisions that appropriately consider Council's environmental, cultural and heritage objectives operational threats. The program is designed to be compliant with relevant external obligations."</p> <p>4 - 4.1 – Deleted definition for "Improved Valuation, Pricing and Incentive Mechanisms". Added Circular economy definition.</p> <p>5 – 5.5 Added "and minimize or negate adverse impacts on the natural environment."</p> <p>Added "5.6 Council is committed to maintaining and improving the natural environment of Port Stephens by the development and implementation of strategies to provide leadership and direction for improved environmental performance and sustainable outcomes."</p> <p>5.6 Added "continuous improvement in" Deleted "improved".</p> <p>5.3 – Deleted "4"</p> <p>7 – Added 7.3 "Port Stephens</p>	
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Policy

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Policy



			<p>Local Strategic Planning Statement"</p> <p>Added 7.4 "Climate Change Adaptation Action Plan."</p> <p>7.15 – Added "Environment".</p>	
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Policy

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ITEM NO. 7

**FILE NO: 22/325151
EDRMS NO: PSC2008-2921**

POLICY REVIEW: TREE VANDALISM POLICY

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received shown at **(ATTACHMENT 1)**.
 - 2) Endorse the revised Tree Vandalism Policy as shown at **(ATTACHMENT 2)**.
 - 3) Revoke the Tree Vandalism Policy dated December 2020, Minute Number 277.
-

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

051	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received shown at (ATTACHMENT 1).2) Endorse the revised Tree Vandalism Policy as shown at (ATTACHMENT 2).3) Revoke the Tree Vandalism Policy dated December 2020, Minute Number 277.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council endorsement of the revised Tree Vandalism Policy (the policy) shown at **(ATTACHMENT 2)** following public exhibition.

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

The policy sets out a consistent approach for Council when responding to tree vandalism incidents on Council managed land in Port Stephens. It provides for a proportionate compliance and enforcement approach that responds to the significance of the vandalism event and the cost of remediation.

Tree vandalism incidents continue to occur in Port Stephens and are particularly apparent in the coastal zone and waterfront locations where urban land uses can put vegetation on Council managed land at risk.

The review of the policy results in no fundamental changes to the policy adopted in December 2020. There have been no major legislative changes that require a revised position of Council and all changes made are administrative corrections.

During public exhibition 4 submissions were received (**ATTACHMENT 1**). Changes were made to Sections 4, 5 and 6 of the policy as a result of the submission.

Please note that yellow highlighted in the attached policy indicates an amendment has been made prior to public exhibition and strikethrough text is to be deleted. Text highlighted in blue shows amendments that have been made following public exhibition.

This review is part of the scheduled 3 yearly cycle.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Ecosystem function	Develop and deliver a program for Council to implement environmental strategies and policies

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications arising from the review of this policy. No substantive changes are proposed to the way in which Council responds to incidences of tree vandalism, relative to the existing policy.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to have a Tree Vandalism policy position. The policy strengthens Council's position through a consistent and sustainable approach to the planning, procurement and delivery of its services and assets.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of a policy the incidence of tree vandalism will increase.	Medium	Adopt the recommendations.	Yes
There is a risk that the absence of a policy will make Council's compliance and enforcement measures inconsistent.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy will provide guidance on developing Council's sustainable performance.

The primary aim of the policy is to reduce the incidence of vandalism to public trees and vegetation on Council managed land across Port Stephens. Public trees are a valued public asset with the policy providing a strengthened position and approach to tree vandalism management. The policy provides protection of these assets, resulting in improved local amenity and the ongoing provision of the environmental services that these trees and vegetation provide, including habitat, shade, wind amelioration, and soil stabilisation.

CONSULTATION

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

Consultation with a number of internal stakeholders was undertaken to ensure the revised policy was consistent with Council's existing policies and practices, specifically in the area of Enterprise Risk, Compliance, and Asset Management.

Internal

The following sections of Council were consulted on the revised policy and all feedback and comments have been incorporated into the revised policy:

- Governance
- Development and Compliance
- Public Domain and Services

The Executive Team were consulted to seek management endorsement.

External

In accordance with the Local Government Act 1993, the revised policy was placed on public exhibition for a period of 28 days from 28 October 2022 to 25 November 2022.

During public exhibition 4 submissions were received. Specific matters raised in the submissions have been addressed in the response to submissions provided in **(ATTACHMENT 1)**.

Based on the responses to the matters raised in the submissions, minor amendments to the exhibited policy are recommended.

OPTIONS

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

ATTACHMENTS

- 1) Submissions Table.
- 2) Revised Tree Vandalism Policy.

COUNCILLORS ROOM

- 1) Copy of Submissions.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 SUBMISSIONS TABLE.
Tree Vandalism Policy Review 2022 – Response to Submissions

No.	Author of submission	Comment	Council response
1	Resident	The submission states the policy wording should be strengthened to note tree vandalism is illegal.	Wording in 5.1 has been amended to note tree vandalism is a criminal offence.
		The submission notes the initial policy was modelled on the Hunter Joint Organisation (Hunter JO) Regional Tree and Vegetation Management Policy. Other Coastal Councils have continued to use the Hunter JO model.	Noted.
		The submission notes the wording of Port Stephens's policy has changed over time.	Wording has been amended to include wording from initial policy.
		The submission notes response measures, specifically relating to key Council documents, are referred to in the Policy but are not publicly available.	Internal facing Council documents can be requested by members of the public as per the Government Information Public Access Act.
		The submission states the language within the Tree Technical Specification (2014) has become out of date making it difficult to interpret in context of the current policy. In addition, the Specification was difficult to locate at the bottom of the Development Control Plan.	The Tree Technical Specification has been updated and will be made publicly available on Council's website.
		The submission notes an effective Tree Vandalism Policy is an important statement of intent and a framework for action on behalf of the Port Stephens community and is deserving of Council attention and resourcing.	Noted.
		The submission states the clear intent and wording stated on the website should	Wording in 5.1 and has been amended.

ITEM 7 - ATTACHMENT 1 SUBMISSIONS TABLE.

No.	Author of submission	Comment	Council response
		be added to the policy "Vandalising public or private trees is an offence, and all reports of tree vandalism to our Council will be investigated".	
		The submission states Council's responsive actions and prioritisation approach should be clearly summarised and either included within the Policy (e.g. as an Appendix) or linked via publicly available procedures.	Responsive actions and prioritisation are detailed within Council's framework documents including the Tree Vandalism Management Directive. The Policy details Council's statement of intent and is adopted.
		The submission states there should be regular reporting on the number of tree vandalism incidents across the LGA, including associated time and costs. The submission state these metrics can be used in regular dialogue with relevant community groups.	Addition of six monthly reporting on the number of recorded tree vandalism incidents within Port Stephens has been added to Section 5.8.
2	Tomaree Ratepayers and Residents Association Inc. (TRRA)	The submission notes that the proposed changes are very minor and not in themselves controversial.	Noted.
		The submission states the Tree Vandalism Policy (the Policy) has become progressively weekend since it was first adopted in 2008. In particular less effective in explaining all relevant procedures and criteria. Subsequently failing to educate the community and deterring unlawful tree removal.	See response to submission No 1.
		The submission states the Policy has diverged from the Hunter Joint Organisation (Hunter JO) model, in which several other Councils including Central Coast,	See response to submission No 1.

ITEM 7 - ATTACHMENT 1 SUBMISSIONS TABLE.

No.	Author of submission	Comment	Council response
		Coffs Harbour and Tweed have continued to adopt the model completely.	
		The submission notes the Policy refers to secondary documents, some of which are not publicly available (e.g. Environmental Assessment Procedure (EMS 3.0), Environmental Incident Procedure (EMS 4.0) and the Tree Vandalism Management Directive), which include critical operational detail.	See response to submission No 1.
		The submission notes Council's Tree Technical Specifications 2014 document is out of date.	The Tree Technical Specification has been updated and will be made publicly available on Council's website.
		The submission notes the Policy cannot be divorced from the issue of staff resources.	Noted.
		The submission states the recruitment of a Vegetation Management Officer without advanced qualifications as an arborist is problematic when urgent response is required in relation to tree vandalism.	Noted. Council's Environmental Management Team Leader has suitable qualifications to complete the requirements of the role. Continued professional development and the utilisation of specialist contractors for advice have been considered.
		The submission notes the renaming of the relevant position from Tree Preservation Officer to Vegetation Management Officer sends a disappointing message to the community about Council's priorities.	Noted.
		The submission notes the efforts made by Council staff	Noted.

ITEM 7 - ATTACHMENT 1 SUBMISSIONS TABLE.

No.	Author of submission	Comment	Council response
		<p>within the Natural Resources team in relation to tree management and tree vandalism is not criticized. However, the priority of Council to resource this important role is criticised.</p>	
		<p>The submission states the Tree Vandalism Policy and Tree Management section within the Development Control Plan (DCP) are closely related. Therefore, no final decisions should be made on the Policy without also considering submissions to the DCP.</p>	Noted.
		<p>The submission recommends pending clarification of the relationship to the Policy, and relevant operational processes either:</p> <ul style="list-style-type: none"> • The changes to the Tree Management section of the DCP should be removed from the DCP amendments • The entire DCP amendment be deferred. <p>The submission notes further clarification around the above recommendations will be noted within the DCP amendment submission by the author.</p>	<p>Council notes the Tree Vandalism Policy specifically refers to the vandalism or intentional damage to trees and/or vegetation. Tree Management has been included in the DCP as it is specifically related to the request for the removal or prune trees or other vegetation. The DCP specifically relates to development control and therefore tree management is deemed appropriate to be included.</p>
3	Koala Coalition EcoNetwork Port Stephens Inc. (KKEPS)	<p>The submission notes their agreement with the TRRA submission. In particular, notes agreement with:</p> <ul style="list-style-type: none"> • The Policy should be considered in alignment 	Noted.

ITEM 7 - ATTACHMENT 1 SUBMISSIONS TABLE.

No.	Author of submission	Comment	Council response
		<p>with Council's overall Tree Management Policy.</p> <ul style="list-style-type: none"> • Favourable for Council to employ a professional arborist. • The Policy should be strengthened, as per TRRA's submission. • A quick response to acts of tree vandalism cannot be met with contractors compared to that of a relevant Council staff member. 	
		<p>The submission notes Council contracting arborists on an 'as-needed' basis may result in:</p> <ul style="list-style-type: none"> • the arborist not having broad-based regional and detailed local knowledge of local species and their habitat • the arborist not having heightened ability to identify preferred and secondary native species of trees and other planted species necessary for local wildlife. 	See response to submission No 2.
		The submission notes the previously employed Tree Preservation Officer was knowledgeable and support to maintaining/restoring Koala corridors.	Noted.
		The submission recommends Council employ a qualified arborist who can work consistently with other expert professionals within Council.	See response to submission No 2.
		The submission notes more expertise is needed by	See response to submission No 2.

ITEM 7 - ATTACHMENT 1 SUBMISSIONS TABLE.

No.	Author of submission	Comment	Council response
		Council staff to avoid tree vandalism through highly challenging expert consultation with property owners, as well as education of the public in preventing tree vandalism.	
4	Mambo-Wanda Wetlands Conservation Group	The submission notes the support of TRRA's submission.	Noted.
		The submission notes since the departure of a suitably qualified arborist Council has not employed anyone with suitable qualifications for the same position (now named the Vegetation Management Team Lead).	See response to submission No 2.
		The submission notes there is a high turnover of staff within the Environmental Systems team; leading to lack of knowledge and consistency in compliance and the application of policies.	Noted.
		The submission notes staff within the Natural Systems team consult with local Landcare groups prior to removing or lopping problematic trees and hope this continues.	Noted.
		The submission recommends the use of cameras as a deterrent within problematic areas known to Council and Landcare groups.	Addition of "Council may install surveillance equipment in certain areas experiencing reoccurring tree vandalism incidents as required to protect trees and vegetation".

Policy



FILE NO: PSC2008-2921

TITLE: TREE VANDALISM POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 This policy sets out a consistent approach for Council when responding to tree vandalism incidents in Port Stephens. It includes a range of response measures which are collectively aimed at raising the public profile of the tree vandalism in the community in order to serve as effective deterrence measures.

2. CONTEXT/BACKGROUND:

- 2.1 Tree vandalism continues to be of concern in Port Stephens and is particularly apparent in coastal areas where development pressure as well as conflicts between water views and vegetation puts trees / vegetation on Council managed land at risk.
- 2.2 **This Tree** vandalism has a significant and cumulative impact on Council assets and the environment. Impacts include reduced visual and community amenity, the loss of wind- breaks and erosion control in some locations, and the loss of wildlife habitat.
- 2.3 Such vandalism can also have substantial financial and human resource costs for Council including tree replacement costs, the cost of the investigation, rehabilitation and repair costs, and the cost of implementing potential punitive and/or deterrence measures.

3. SCOPE:

- 3.1 This policy applies to all instances of tree vandalism on Council managed land.

4. DEFINITIONS:

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

Council managed land Any land that is under the care, control and management of Port Stephens Council.

Prosecution Investigation and determination of compliance action in response to alleged vandalism, with action taken where an offence is proven. May include caution, fines or court appearance.

Policy

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Policy



Tree vandalism

The intentional and unlawful destruction, damage or injury to trees and/or vegetation on Council managed land. Examples include poisoning, mowing, pruning, removal and ringbarking.

5. STATEMENT:

- 5.1 Vandalism of trees on community and public land is criminal offence and all reports of tree vandalism on public land will be investigated.
- 5.2 The long term protection and management of trees and vegetation on public land (including re-establishment in previously cleared areas) is integral to maintaining the economic, cultural, environmental and social values of Port Stephens. Council values trees and vegetation on Council managed land and the significant contribution they make to healthy ecosystems and the health and wellbeing of Port Stephens' residents.
- 5.3 Council is committed to reducing/stopping tree vandalism within Port Stephens, maintaining the economic, cultural, environmental and social values of Port Stephens.
- 5.4 The identification and prosecution of perpetrators of public tree vandalism will be pursued by Council consistent with this policy, and Council's Compliance Policy and Council Prosecutions Policy.
- 5.5 Council will assess the retention value (Very low, Low, Medium, or High) of the vandalised tree in accordance with Port Stephens Council Tree Technical Specification the impact (Low, Medium, or High) of the tree vandalism incident in accordance with the industry standard assessment which takes into account the following factors: significance of the tree; the tree's life cycle stage; the profile of the site; the tree's safe useful life expectancy; the environmental effects; the target where the tree could fall; damage caused; and the cost of remediation.
- 5.6 In the absence of successful prosecutions, Council and the community will work together for the prevention of further damage and the rehabilitation of damaged areas. Council will develop and implement proportionate response measures to act as a deterrent to prevent further damage and to rehabilitate damaged areas.
- 5.7 Community education is a key mechanism to promote the value of trees and vegetation, and to encourage the reporting of vandalism. Council will continue to promote the protection of trees and vegetation, and to encourage the reporting of vandalism.

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Policy



5.8 Council will report on the number of recorded tree vandalism incidents within Port Stephens every 6 months.

5.9 Council may install surveillance equipment in certain areas experiencing reoccurring tree vandalism incidents as required to protect trees and vegetation.

6. RESPONSIBILITIES:

- 6.1 All members of the public have responsibility for complying with this policy.
- 6.2 Strategy and Environment have responsibility for monitoring, reviewing and providing advice on this policy.
- 6.3 Strategy and Environment have responsibility for undertaking compliance in accordance with Council's Compliance Policy.
- 6.4 Public Domain and Services have responsibility for undertaking and funding relevant response measures under this policy.

6.5 All Council officials have a responsibility to comply with this policy and associated procedure.

7. RELATED DOCUMENTS:

- 7.1 Compliance Policy
- 7.2 Council Prosecutions Policy
- 7.3 Environmental **Assessment** Legislative Requirements Procedure (EMS 3.0)
- 7.4 Environmental Incident Procedure (EMS 4.0)
- 7.5 Environment Policy
- 7.6 Heritage Policy
- 7.7 Legal Management Directive
- 7.8 Tree Vandalism Management Directive
- 7.9 Environmental Planning & Assessment Act (EP&A) 1979
- 7.10 ~~Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events~~ **Port Stephens Council Tree Technical Specifications**

Policy

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Policy

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EDRMS container No.		EDRMS record No.	
Audience	Councilors, staff and community		
Process owner	Strategy and Environment Section Manager		
Author	Natural Resources Systems Coordinator		
Review timeframe	3 years	Next review date	August 2025
Adoption date	August 2018		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	August 2018	Natural Resources Coordinator	Reviewed the previous policy (Tree/Vegetation Vandalism Policy), included numbering to each paragraph and updated the version control. Substantial re-write of the policy which necessitates replacing the existing policy dated July 2014. Intent of existing policy remains unchanged.	246
2	December 2020	Natural Resources Coordinator	1.1 - Deleted paragraph. 5.1 – Insert 'healthy ecosystems' delete environmental health. 5.1 - added 'of Port Stephens' residents'. 5.3 – Deletion of consistently. 5.5 – Insert 'proportionate', 'deterrent', to rehabilitate". 5.5 - Delete 'deterrence, the rehabilitation of, and in accordance with the relevant guidelines'.	277

Policy

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Policy



Version	Date	Author	Details	Minute No.
			<p>7.9 – Insert 'Environmental Planning & Assessment Act (EPA&A) 1979'.</p> <p>7.10 – Insert Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events.</p> <p>Delete Appendix 1 – Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events.</p>	
3	TBC	Natural Systems Coordinator	<p>2.2 – Delete 'This.</p> <p>2.2 – Insert 'Tree'.</p> <p>4.1 – Insert 'Prosecution' to the table.</p> <p>4.1 – Insert definition to the table 'Investigation and determination of compliance action in response to alleged vandalism, with action taken where an offence is proven. May include caution, fines or court appearance'.</p> <p>5.1 – Insert 'Vandalism of trees on community and public land is criminal offence and all reports of tree vandalism on public land will be investigated.'</p> <p>5.2 – Replace 'Council values trees and vegetation on Council managed land and the significant contribution they make to healthy ecosystems and the health and wellbeing of Port Stephens' residents' with 'The long term protection and management of trees and vegetation on public land (including re-establishment in previously cleared areas) is integral to maintaining the economic, cultural, environmental and social values of Port Stephens.'</p>	TBC

Policy

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Policy



Version	Date	Author	Details	Minute No.
			<p>5.3 – Delete 'maintaining the economic, cultural, environmental and social values of Port Stephens.'</p> <p>5.3 – Insert 'Council is committed to reducing/stopping tree vandalism within Port Stephens.'</p> <p>5.4 – Delete 'and'.</p> <p>5.5 – Removed reference to assessment to industry standards and replaced with reference to Port Stephens Council Tree Technical Specification for tree value.</p> <p>5.8 – Insert "Council will report on the number of recorded tree vandalism incidents within Port Stephens every 6 months."</p> <p>5.9 – Insert "Council may install surveillance equipment in certain areas experiencing reoccurring tree vandalism incidents as required to protect trees and vegetation."</p> <p>6.5 – Insert "All Council officials have a responsibility to comply with this policy and associated procedure."</p> <p>7.3 – Replaced reference to Environmental Legislative Requirements Procedure with Environmental Assessment Procedure.</p> <p>7.10 – Replaced reference to Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events with Port Stephens Council Tree Technical Specification.</p> <p>Changed author to reflect name change.</p>	

Policy

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ITEM NO. 8

**FILE NO: 22/325163
EDRMS NO: PSC2022-02276**

POLICY REVIEW: CLIMATE CHANGE POLICY

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the submissions received during the public exhibition period shown at **(ATTACHMENT 1)**.
- 2) Endorse the revised Climate Change Policy shown at **(ATTACHMENT 2)**.
- 3) Revoke the Climate Change Policy dated 8 September 2020, Minute No. 172.

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

051	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the submissions received during the public exhibition period shown at (ATTACHMENT 1).2) Endorse the revised Climate Change Policy shown at (ATTACHMENT 2).3) Revoke the Climate Change Policy dated 8 September 2020, Minute No. 172.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Climate Change Policy (the policy) shown at **(ATTACHMENT 2)** following public exhibition.

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

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

Council is committed to a climate change response as per Action E3.1.1.2 – Implement Climate Change Adaptation Action Plan encompassing mitigation and adaptation for Council and Community. The policy provides overarching guidance for the future direction of Council's approach to responding to a changing climate.

Please note that yellow highlighting in the attached policy indicates an amendment has been made prior to public exhibition and strikethrough text is to be deleted. Text highlighted in blue shows amendments that have been made following public exhibition.

During public exhibition, 1 submission was received **(ATTACHMENT 1)**. Minor changes to strengthen the policy were made to paragraphs 1.1, 2.1, 2.2, and 5.1.

This review is part of the scheduled 3 yearly cycle.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Ecosystem function	Develop and deliver a program for Council to implement environmental strategies and policies

FINANCIAL/RESOURCE IMPLICATIONS

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

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

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are currently no legal requirement for Council to implement a climate change response. However, Councils play an important role in reducing Australia's greenhouse gas emissions and creating environmentally sustainable regions to assist in working towards NSW's goal of achieving net zero emissions by 2050.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Responding to climate change protects the natural and built environment for the benefit of the community. This approach is expected to reduce potential damage to Council assets, disruption to the delivery of Council services, related costs and adverse effects on the wellbeing of the community. The policy will guide initiatives endorsed by councils integrated planning and reporting framework.

CONSULTATION

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

Internal

The Executive Team has been consulted to seek management endorsement.

External

In accordance with the Local Government Act 1993, the revised policy was placed on public exhibition for a period of 28 days from 11 November 2022 to 9 December 2022.

During public exhibition, 1 submission was received. The submission is summarised in **(ATTACHMENT 2)**.

OPTIONS

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

ATTACHMENTS

- 1) Submissions Table.
- 2) Revised Climate Change Policy.

COUNCILLORS ROOM

- 1) Copy of Submissions.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 SUBMISSIONS TABLE.
Climate Change Policy Review 2022 – Response to Submissions

No.	Author of submission	Summary	Council response
1	Climate Action Port Stephens (CAPS)	The submission states that the Policy should expressly recognise that the current rate and character of climate change is human-induced and the policy should state that Council is concerned by this. The submissions suggest additions for paragraph 1.1 to include "is concerned: and "rapidly changing in response to human-induced factors".	Wording in paragraph 1.1 has been amended as per the submission's recommendations.
		The submission states that the Policy expressly mentions increased average temperatures. The submissions suggest additions for paragraph 2.1 to include "human-induced" and "raises average global temperatures and".	Wording in paragraph 2.1 has been amended as per the submissions recommendations.
		The submissions states that the Policy should expressly mention the adverse implications of human induced climate change for the natural environment generally as well as the specific 'damage' potential already mentioned. The submissions suggests the addition to paragraph 2.2 of "as well as adverse environmental impacts on marine and terrestrial ecosystems including degradation of waterways and bushland and loss of species diversity".	Wording in paragraph 2.2 has been amended as per the submission's recommendations.
		The submission suggests the commitment to a significant education role including the development of plans, targets and performance indicators which are required to be reported on.	Council will be including education actions into the plans and strategies currently in development such as the Environmental Sustainability Strategy, and Biodiversity Strategy. In addition, council undertakes community

ITEM 8 - ATTACHMENT 1 SUBMISSIONS TABLE.

No.	Author of submission	Summary	Council response
			education in line with the Community Strategic Plan.
		The submissions suggest the express mention of the Coastal Management Program and the Floodplain Risk Management Plan.	The Coastal Management Plan has been added to Section 5.1 e. The Floodplain Risk Management Policy has been added to Section 7 – Related Documents. Council does not have one overarching Floodplain Risk Management Plans. These are prepared for site specific areas. Council's Development Control Plan details flood related development controls and has been added to Section 7 – Related documents.
		The submission suggests additions to section 5.1 paragraph 'a', 'b' and 'g' to include education.	Education has been added to Section 5.1 a.
		The submission suggests the addition of "reporting on community ideas and inputs" to 5.1 paragraph 'b'.	Wording has been amended to "collaborating" as this allows for a communal approach to addressing climate change within our community.
		The submission suggests the addition of "Council and the Community" and "preparing, reviewing and maintaining a Climate Change Community Education Action Plan" to 5.1 paragraph 'c'.	A Climate Change Community Education Action Plan not deemed necessary to incorporate at this stage. Council undertakes community education in line with the Community Strategic Plan.
		The submission suggests the addition of "which is particularly vulnerable to the impact of climate change" to section 5.1 paragraph e.	Wording has been amended to include "climate change".
		The submission suggests the addition of a paragraph to review and maintain the Floodplain Risk Management Policy to section 5.1.	Wording added to Section 5.1.
		The submission suggests the addition of regularly publishing	Council will report internally on the progress of each Strategy

ITEM 8 - ATTACHMENT 1 SUBMISSIONS TABLE.

No.	Author of submission	Summary	Council response
		progress and achievements on the implementation of actions under the Sustainability Strategy and Action Plan, Climate Change Adaptation Action Plan, and Carbon Neutrality Strategy and Action Plan.	and Action Plan. Where relevant and necessary Council will make progress reports available to the public.
		The submissions suggests the addition of Sustainability Strategy and Action plan to section 7.	The Environmental Sustainability Strategy has not yet been developed. However, the document will be included in the Policy once completed and be made publicly available.
		<p>The submissions notes that staff shortages and vacancies within the Natural Systems Team have prevented long-promised progress on the detailed action plans needed to implement the Policy. The submission urges Council to allocate necessary resources to finalise and implement the following:</p> <ul style="list-style-type: none"> • Climate Change Adaptation Action Plan • Carbon Neutrality Strategy and Action Plan • Sustainability Strategy and Action Plan • Coastal Management Program • Floodplain Risk Management Policy • Other relevant initiatives. 	Noted.
2	Tomaree Ratepayers and Residents Association (TRRA)	The submission welcomes improvements made by the proposed revision of Port Stephens Council's Climate Change Policy.	Noted.
		The submission supports the suggestions made by Climate Action Port Stephens.	Noted.

ITEM 8 - ATTACHMENT 1 SUBMISSIONS TABLE.

No.	Author of submission	Summary	Council response
		The submission recommends the policy should recognise the rate and impact of climate change are directly attributable to human activity, and specifically greenhouse gas emissions.	Wording in policy has been amended to include "human-induced factors".
		The submission recommends acknowledgement to the risks of both the natural and built environment throughout Port Stephens.	Wording amended to include reference to natural and built environment.
		The submission recommends the commitment to a greater role for Council in leading a wider community response to climate change, as well as in Council's own operations.	Council's current commitment to achieving Carbon Neutrality by 2025 is of priority. Council is focussed on operational emission reduction before resourcing programs to assist and support the broader community.
		The submission recommends greater emphasis should be placed on an education role for Council alongside mitigation and adaption.	Council undertakes community education in line with the Community Strategic Plan. The Sustainability Officer role includes community education functions.
		The submission recommends Council specify their commitment to supporting the implementation of the Policy with adequate staff and other resources.	Noted. Resources are allocated to business units within current budget limitations.
		The submission recommends Council's tree management policy, set out in Chapter B1 of the DCP, is added to Section 7, related documents.	Development Control Plan has been added to Section 7 – Related documents.

Policy



FILE NO: PSC2012-01402 PSC2022-02276

TITLE: CLIMATE CHANGE POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

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

2. CONTEXT/BACKGROUND:

- 2.1 Climate change is a significant global challenge that according to adopted NSW policy, directly impacts on community wellbeing, community assets, and the natural and built environment. Human-induced climate change raises average global temperatures and contributes to increased sea level rise, storm intensity and frequency, and changes in rainfall patterns and bushfire behaviour.
- 2.2 Climate change presents challenges for Council to deliver quality outcomes for the local community. The consequences of climate change risk damage to Council assets, disruption to the delivery of Council services, increased costs, damage to important industries such as tourism and aquaculture, impacts on the community's wellbeing, and adverse environmental impacts on marine and terrestrial ecosystems including degradation of waterways and bushland, and loss of species diversity.
- 2.3 To ensure Council's response to climate change risks are prioritised and maintained, it is important that they are embedded in Council's Enterprise Risk Management Framework and strategic planning processes.

3. SCOPE:

- 3.1 Port Stephens Council's approach to managing the risks of climate change will be guided by:
- a) Advice from the federal government and its departments and agencies, including the CSIRO and Bureau of Meteorology; state government departments and agencies; and local government representative bodies, including the Hunter Joint Organisation of Councils.
 - b) Information from the United Nations' Intergovernmental Panel on Climate

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Policy

- c) Change (IPCC).
- d) Best practice case studies exhibited at all levels of government in Australia. -
- e) Evidence from credible and reliable sources of climate change data. -
- f) Feedback, advice and ideas submitted by local residents and businesses. -
- f) Risk assessments undertaken by Port Stephens Council.

4. DEFINITIONS:

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

Climate Change	Any change in climate over time Long-term shifts in temperature and weather patterns, whether due to natural variability or as a result of human activity such as burning fossil fuels.
Intergovernmental Panel on Climate Change (IPCC)	The United Nations body for assessing the science related to climate change.
Risk	The chance of something happening that will have an impact on objectives. Risk is measured in terms of a combination of the consequences of an event and their likelihoods.
Carbon Neutral	No net release of greenhouse gas emissions into the atmosphere.

5. STATEMENT:

5.1 Port Stephens Council commits to:

- a) Educating the Port Stephens community, including local residents, businesses and visitors, Consulting widely with local residents and businesses to raise awareness of climate change risks and causes, and potential strategies for effective climate change management, mitigation, and adaptation.
- b) Collaborating with Seeking feedback and ideas from the community on how to better manage, mitigate and build community resilience to climate change risks.
- c) Preparing and implementing an Environmental Sustainability Strategy and action plan to clearly communicate our sustainability actions, targets and performance indicators for Council and Community, including:
 - i. Preparing and implementing a Carbon Neutrality Strategy and Action Plan to clearly communicate our actions, targets and performance indicators to achieving becoming and maintaining carbon neutrality. status
 - ii. Reviewing and implementing maintaining a the Climate Change Adaptation Action Plan.
- d) Reducing our contribution to climate change by implementing a range of

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Policy

- sustainability projects.
- e) Preparing and implementing a Coastal Management Program to clearly communicate our actions, targets and performance in managing the current and future coastal environment challenges, including climate change.
- f) Regularly publishing our progress and achievements in managing climate change risks in alignment with the Integrated Planning and Reporting framework.
- g) Investigating and sourcing funding opportunities to support our climate change mitigation and adaptation projects.
- h) Reviewing and maintaining Council's Floodplain Risk Management Policy.

6. RESPONSIBILITIES:

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

7. RELATED DOCUMENTS:

- 7.1 Local Government Act 1993 No 30
- 7.2 Port Stephens Council Community Strategic Plan
- 7.3 Asset Management Policy
- 7.4 Enterprise Risk Management Policy
- 7.5 Environment Policy
- 7.6 Coastal Management Act 2016 No 20
- 7.7 State Environmental Planning Policy (Coastal Management) 2018 State Environment Planning Policy (Resilience and Hazards) 2021
- 7.8 Biodiversity Conservation Act 2016 Biodiversity Conservation Act 2016 No 63
- 7.9 Climate Change Adaptation Action Plan
- 7.10 Carbon Neutral Action Plan.
- 7.11 Floodplain Risk Management Policy
- 7.12 Development Control Plan

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CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2012-01402 PSC2022-02276	EDRMS record No.	20/254439 TBC
Audience	Councillors, staff and community		
Process owner	Strategy and Environment Section Manager		
Author	Environmental Officer		
Review timeframe	Two 3 years	Next review date	8 September, 2022 TBC
Adoption date	8 September, 2020		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.	23 June 2020	Environmental Officer	New policy – first version. Endorsed for public exhibition.	114

Policy

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Policy



Version	Date	Author	Details	Minute No.
2.	8 September 2020	Environmental Officer	<p>Revised policy in response to public submissions.</p> <p>2.1 – Removed references to 'potential risks'. Added community assets to list of impacted targets and re-arranged the order of targets.</p> <p>2.2 – Added impacts to tourism and aquaculture industries</p> <p>3.1 – Expanded the list of guiding organisations to include federal and state governments and their departments and agencies, and the Hunter Joint Organisation of Councils. Included commitment that Council approach would be based on credible and reliable evidence and data.</p> <p>5.1 – (a)(b)(g) Included mitigation and adaptation.</p>	172
3.	TBC	Environmental Officer	<p>The policy has been updated in the new policy template and updates version control.</p> <p>Minor grammatical errors corrected.</p> <p>Policy Review including:</p> <p>1.1 – Addition "and is concerned" and "rapidly changing in response to human-induced factors". Deleted "continuing to change".</p> <p>2.1 – Addition "and built", "Human-induced" and "raises average global temperatures and"</p> <p>2.2 – Addition ", and adverse environmental impacts on marine and terrestrial ecosystems including degradation of waterways and bushland, and loss of species diversity."</p> <p>4.1 – Updated Climate Change</p>	TBC

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Policy



Version	Date	Author	Details	Minute No.
			<p>definition in line with United Nations. Updated definitions to include Carbon Neutral.</p> <p>5.1 – Expanded Port Stephens Council commitments to include the preparation and implementation of a Carbon Neutrality Action Plan and Strategy and a Coastal Management Program.</p> <p>a. Replaced “Consulting widely with local residents and businesses” with “Educating the Port Stephens community, including local residents, businesses and visitors”. Addition “and causes” and “potential”.</p> <p>b. Replaced “Seeking feedback and ideas from” with “Collaborating with”.</p> <p>c. Addition “Environmental Sustainability Strategy” and “Council and Community”. Deleted “and action plan”.</p> <p>i. Removed “Strategy and”.</p> <p>ii. Replaced “maintaining a” with “implementing the”.</p> <p>h. Addition “Reviewing and maintaining Council’s Floodplain Risk Management Policy”.</p> <p>7 - (7.1) (7.6) (7.7) (7.8) (7.10) – Amended to reflect changes in legislation names. Addition “Floodplain Risk Management Policy” and “Development Control Plan”.</p>	

Policy

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ITEM NO. 9

**FILE NO: 23/22682
EDRMS NO: PSC2007-3003**

POLICY REVIEW: LEGISLATIVE COMPLIANCE POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Legislative Compliance Policy shown at **(ATTACHMENT 1)**.
- 2) Place the revised Legislative Compliance Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
- 3) Revoke the Legislative Compliance Policy dated 8 December 2020, Minute No. 281 should no submissions be received.

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

051	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Legislative Compliance Policy shown at (ATTACHMENT 1).2) Place the revised Legislative Compliance Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.3) Revoke the Legislative Compliance Policy dated 8 December 2020, Minute No. 281 should no submissions be received.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Legislative Compliance Policy (the policy) shown at **(ATTACHMENT 1)**.

The purpose of the Legislative Compliance Policy is to provide for appropriate processes and structures to be in place to ensure legislative requirements are achievable and integrated into the day to day operations of Council.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the development and implementation of the policy is within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The policy recognises the need for Council to have appropriate processes and structures in place to ensure legislative requirements are achievable and integrated into the day to day operations of Council.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that lack of appropriate processes and structures to help ensure achievement of legislative requirements will expose Council to issues arising from non-compliance.	Medium	Adopt the recommendations	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The establishment of overarching principles for identifying and promoting legislative obligations will assist Council in its commitment to legislative compliance.

CONSULTATION

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

Internal

The policy has been endorsed by Council's Executive Team.

External

In accordance with local government legislation the draft Legislative Compliance policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Legislative Compliance Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2007-3003

TITLE: LEGISLATIVE COMPLIANCE POLICY

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 Council is committed to conducting its functions and activities lawfully and in a manner that is consistent with its compliance obligations.
- 1.2 The Legislative Compliance Policy (**Policy**) establishes the overarching principles and commitment to action for Council with respect to achieving compliance by:
 - a) Identifying a clear legislative compliance framework within which Council operates;
 - b) Promoting a consistent, rigorous and comprehensive approach to compliance throughout Council;
 - c) Developing and maintaining practices that facilitate and monitor compliance within Council;
 - d) Seeking to ensure standards of good corporate governance; and
 - e) Engendering a culture of compliance where every person within Council accepts personal responsibility for compliance.

2. CONTEXT/BACKGROUND:

- 2.1 This policy applies to Councillors and all Council officers. Council's legal and regulatory compliance obligations include legislative, regulatory, and contractual as well as Council's policies, procedures, guidelines and management directives.
- 2.2 ~~The policy recognises the balance between Council's responsibility to ensure compliance and its ongoing objective of enhancing community relations and awareness.~~

3. SCOPE:

- 3.1 The Policy is aligned with Council's objectives as articulated in the Council Integrated Plans.
- 3.2 Council recognises that there are four elements for an effective compliance program:

Policy

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Policy



- a) Commitment – to and the establishment of a compliance program;
- b) Implementation – of a compliance program, including ongoing education and maintenance;
- c) Monitoring and Measuring – reporting and supervision of the compliance program; and
- d) Continual Improvement – regular review and continual improvement of the compliance program.

4. DEFINITIONS:

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

Compliance	Adhering to the requirements of laws, industry and organisation standards and codes, principles of good governance and accepted community & ethical standards
Council officer	An employee, contractor or volunteer acting on behalf of Council

5. STATEMENT:

- 5.1 Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the day to day operations of Council.
- 5.2 The processes and structures will aim to:
- a) Develop and maintain a system for identifying the legislation that applies to Council's activities and functions.
 - b) Assign responsibilities for ensuring legislative and regulatory obligations are fully implemented by Council.
 - c) Provide education and awareness for Councillors and Council officers in the legislative requirements that affect them.
 - d) Provide people with the resources to identify and remain up-to-date with legislative changes.
 - e) Establish a mechanism for reviewing situations where non-compliance has occurred.
 - f) Review and assess the system for compliance.

6. RESPONSIBILITIES:

- 6.1 General Manager, Governance Section Manager and Legal Services Manager are responsible for the implementation of this policy in conjunction with other Council officers as appropriate.

Policy

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Policy



7. RELATED DOCUMENTS:

7.1 Legislative Compliance Database.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2007-3003	EDRMS record No.	21/17491
Audience	Port Stephens Community and Council officers		
Process owner	Legal Services Manager		
Author	Legal Services Manager		
Review timeframe	2 3 years	Next review date	December 2022
Adoption date	8 December 2020		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	28/6/2016	Manager Legal Services	Creation of Policy	193
2.0	9/10/2018	Manager Legal Services	Formatting amended to reflect the current template for policies – no other amendments require.	124
3.0	8/12/2020	Legal Services Manager	Formatting to reflect current template for policies, including numbering paragraphs and sub-paragraph and updating the version control. Updated title of policy owner. 1.2, 3.2 and 5.2 – changed bullet points to sub-paragraph alphabetical numbering 6.1 – updated title of Legal Services Manager.	281

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Policy



Version	Date	Author	Details	Minute No.
4.0		Legal Services Manager	<p>2.2 – deleted as this statement applies to compliance where Council is the regulatory authority rather than where Council itself has compliance obligations to meet.</p> <p>Review timeframe has been changed to 3 years.</p>	

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ITEM NO. 10

**FILE NO: 23/22795
EDRMS NO: PSC2007-3003**

POLICY REVIEW: REQUESTS FOR ASSISTANCE - LEGAL COSTS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Requests for Assistance – Legal Costs Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the revised Requests for Assistance – Legal Costs Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.
 - 3) Revoke the Requests for Assistance – Legal Costs Policy dated 8 December 2020, Minute No. 282 should no submissions be received.
-

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

051	<p>Councillor Leah Anderson Councillor Jason Wells</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Requests for Assistance – Legal Costs Policy shown at (ATTACHMENT 1).2) Place the revised Requests for Assistance – Legal Costs Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted, without a further report to Council.3) Revoke the Requests for Assistance – Legal Costs Policy dated 8 December 2020, Minute No. 282 should no submissions be received.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is seek Council's endorsement of the revised Requests for Assistance – Legal Costs Policy (the policy) shown at **(ATTACHMENT 1)**.

From time to time, Local Government NSW (LGNSW) requests that councils support other NSW councils by providing financial assistance to help offset costs incurred in relation to legal proceedings in which they have been involved. These proceedings usually involve a major local government principle, which may be eroded if the proceedings are not pursued. The benefit to all councils in supporting such requests is that the cost of protecting such principles are defrayed across numerous councils. These requests are sent only occasionally by LGNSW.

The purpose of the policy is to outline the process for putting these requests to Council for consideration where staff recommend such requests be supported and to provide Council with the opportunity to consider recommendations by staff not to support a request.

Please note that yellow highlighting in the attached policy indicates an amendment has been made and strikethrough text is to be deleted.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Provide a strong ethical governance structure.

FINANCIAL/RESOURCE IMPLICATIONS

Any assistance provided in accordance with Council resolution is paid from the legal services budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that lack of an appropriate framework for dealing with these requests will lead to inequitable decisions being made concerning requests from other Councils for assistance with legal costs.	Low	Adopt the recommendations	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Open and transparent consideration of requests for assistance helps to ensure Council financial resources are applied to such requests in an equitable and consistent manner.

CONSULTATION

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

Internal

The policy has been endorsed by Council's Executive Team.

External

In accordance with local government legislation the draft Requests for Assistance - Legal Costs policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Requests for Assistance - Legal Costs policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 REVISED REQUESTS FOR ASSISTANCE - LEGAL COSTS POLICY

Policy



FILE NO: PSC2007-3003

TITLE: REQUESTS FOR ASSISTANCE – LEGAL COSTS

OWNER: GOVERNANCE SECTION MANAGER

1. PURPOSE:

- 1.1 To assist Councils faced with substantial legal costs to defend their reasonable decisions, where the issues arising from and/or outcomes of such legal proceedings directly benefit the Port Stephens Local Government Area.

2. CONTEXT/BACKGROUND:

- 2.1 From time to time, Local Government NSW (**LGNSW**) requests that Councils support other NSW Councils by providing financial assistance to help off-set costs incurred in relation to legal proceedings in which they have been involved. This policy outlines the process for putting these requests to Council for consideration where staff recommend such request be supported, and to provide Councillors with the opportunity to consider recommendations by staff not to support a request.

3. SCOPE:

- 3.1 It is through the adoption and use of policies that Council can aim to deal with matters consistently, particularly where such matters involved the use of Council funds to assist another Council or organisation outside the Port Stephens Local Government Area.
- 3.2 Under s356 of the *Local Government Act 1993* (financial assistance to other), Council must approve any financial contributions to assist other Councils with legal costs.

4. DEFINITIONS:

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

Executive Team	Port Stephens Council management team comprising General Manager and Group Managers
Financial Assistance	Percentage contribution of costs incurred in legal proceedings as determined by LGNSW
LGNSW	Local Government NSW

5. STATEMENT:

Policy

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ITEM 10 - ATTACHMENT 1 REVISED REQUESTS FOR ASSISTANCE - LEGAL COSTS POLICY

Policy



- 5.1 Requests for LGNSW for financial assistance with legal costs incurred by other NSW Councils will only be granted by Council if the issues arising from and/or outcomes of legal proceedings involving those Councils directly benefit the Port Stephens Local Government Area.
- 5.2 Council officers will assess such requests to gauge their relevance to Council and provide recommendation as to whether or not each request should be met.
- 5.3 Where Council officers recommend financial assistance to be provided, a report will be submitted to Council for its consideration.
- 5.4 Where Council officers recommend against providing financial assistance, a report will be submitted to the General Manager to be deal with under delegated authority and in consultation with the Executive Team.
- 5.5 The General Manager will advise Councillors of his intention to refuse a request. At the request of any Councillor, the General Manager will submit a report to Council for consideration and decision.

6. RESPONSIBILITIES:

- 6.1 Legal Services Manager, General Manager and Executive Team are responsible for the implementation of the policy in conjunction with other Council officers as appropriate.

7. RELATED DOCUMENTS:

- 7.1 ~~"Policy and Guidelines — Requests for Assistance with Legal Costs" (LGNSW) (November 2015)~~ "Local Government NSW Legal Assistance Policy and Guidelines" (Version 2.0 June 2021)

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2007-3003	EDRMS record No.	
Audience	Port Stephens Community		
Process owner	Legal Services Manager		
Author	Legal Services Manager		

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ITEM 10 - ATTACHMENT 1 REVISED REQUESTS FOR ASSISTANCE - LEGAL COSTS POLICY

Policy



Review timeframe	2 3 years	Next review date	December 2022
Adoption date	8 December 2020		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	9/7/1996	Assistant General Manager	Foundation of policy put in place when Council first requested by LGNSW to contribute to legal costs incurred by another Council	364
1.1	1/4/1997	Corporate Development Officer	Amended policy to screen all requests for assistance	945
2.0	27/11/2001	Legal Officer	Amended policy to streamline the process for consideration of requests for assistance	492
3.0	14/6/2016	Manager Legal Services	Revision of Policy and incorporation into new styling format	163
3.1	9/10/2018	Manager Legal Services	Formatting amended to reflect the current policies template	125
3.2	8/12/2020	Legal Services Manager	Formatting to reflect current template for policies and updating version control. Updated title of policy owner, process owner and author. 6.1 – updated title of Legal Services Manager.	282
3.3		Legal Services Manager	7.1 – updated to reflect current version of LG NSW policy document. Review timeframe changed to 3 years.	

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ITEM NO. 11**FILE NO: 23/48892
EDRMS NO: PSC2015-03017****PETITION - ROADS IN LEMON TREE PASSAGE & TILLIGERRY PENINSULA****REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES**

RECOMMENDATIONS IS THAT COUNCIL:

- 1) Receive and note the petition received containing 767 signatures regarding the fixing of roads in Lemon Tree Passage and the Tilligerry Peninsula.
 - 2) Continue to source funds to allocate towards road maintenance.
-

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

052	Councillor Steve Tucker Councillor Jason Wells It was resolved that Council: <ol style="list-style-type: none">1) Receive and note the petition received containing 767 signatures regarding the fixing of roads in Lemon Tree Passage and the Tilligerry Peninsula.2) Continue to source funds to allocate towards road maintenance.
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Councillor Peter Kafer returned to the meeting at 7:03pm.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report to advise Council of a petition received with 767 signatures regarding fixing of the roads in Lemon Tree Passage and the Tilligerry Peninsula and provide options to try and resolve the issues identified.

The road network is Council's largest asset class. Council has about 700km of sealed and unsealed roads.

In its simplest explanation, there are 4 activities in managing and maintaining a road pavement. These activities are pothole patching, heavy patching, resealing and rehabilitation.

Filling potholes is a very short term measure to provide road users a safe surface to drive on. Filled potholes can last from days to years depending on amount of rain and how wet the pavement is. During periods of rain this is standard practice to fill potholes to improve road user safety. This is prioritised in accordance with Council's Statewide Best Practice Manuals and Guidelines. This activity is prioritised across the whole local government area.

Heavy patching is a road repair technique to remove a small failed section of the pavement and replacing it with more suitable layers of gravel. Heavy patches look like large rectangles of newer pavement. While this is actually a pavement repair, it is quite expensive hence why the areas are usually small in nature. This activity is prioritised across the whole local government area based on risk to the road user.

Resealing a road is a preventative measure that extends the life of the pavement by placing a raincoat on it. Once a pavement gets wet many types of failures form such as pot holes, cracking, shoves, etc. Over the life of a road, resealing is far cheaper than having to repair it at a later date.

Road pavement rehabilitation is replacing or strengthening the existing gravel layers and resealing the whole width of the road for long lengths. Rehabilitated roads provide a new pavement and are less expensive than a heavy patch over the life of the asset and due to the economy of scale. Noting that these works can last 3 times longer than a heavy patch, though requires a large area and hence the total cost for each project is large. The prioritisation of road rehabilitation projects is based on road condition which is linked to road user safety. This prioritisation is also heavily linked to sources of funds which are mostly external government grants. Projects are prioritised across the whole local government area.

To provide a "best practice" management of the road pavement over its life cycle, there are optimal times to undertake pothole patching, heavy patching, resealing and rehabilitations. Unfortunately, the funds required to undertake these activities are in excess of Council's allowable budget and external grants available.

The discrepancy between allowable funds and required funds is one of the reasons Council has recently made application for a Special Rate Variation.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Infrastructure and facilities	Provide, manage and maintain community assets in accordance with the SAMP 2022-2032

FINANCIAL/RESOURCE IMPLICATIONS

Maintaining the road network at optimal times within its lifecycle results in greater road user safety, is cost effective, reduces the formation of potholes and improves community satisfaction. Changing of the current level of service towards an optimal management and maintenance of our pavements will require additional funds.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Undertaking road maintenance in accordance with Statewide's Best Practice Manuals and Guidelines allows Council to manage the road network in a prioritised manner across the whole network. It should be noted that the increase in funds to undertake road maintenance will result in reduced pavement failures, claims against Council from road user costs and improved road user safety.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that not maintaining our road pavement network in an optimal way may result in defective roads leading to additional potholes being formed, increased risk to road safety, and inefficient costs.	High	Source additional funds to undertake road maintenance activities in an increased proactive way.	No

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

Poor road pavements have a community and economic cost to the road user. Not only can damage occur to road user vehicles when driving on poor road surfaces, there are costs to the community and their families when an incident occurs.

Good road pavements allow for ease of commercial vehicles to travel from point of collection to point of distribution. Poor road pavements can delay this travel time or result in vehicles travelling in alternate directions. This results in added running time and cost to a business, additional wear and tear on vehicles, as well as increased vehicular emissions.

CONSULTATION

Consultation with key stakeholders in the Assets and Public Domain and Services Sections has been undertaken.

OPTIONS

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

ATTACHMENTS

- 1) Petition - Roads in Lemon Tree Passage.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

PETITION

We the undersigned request Port Stephens's council to repair **ALL** roads in
Lemon Tree Passage, NSW

7

ITEM NO. 12

**FILE NO: 23/39571
EDRMS NO: PSC2005-1826**

**AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL
ASSEMBLY - 13-16 JUNE 2023**

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominates Council delegates to attend the 2023 Australian Local Government Association (ALGA) National General Assembly (NGA) from 13-16 June 2023 either in Canberra or virtually.
-

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

053	Councillor Leah Anderson Mayor Ryan Palmer It was resolved that Mayor Palmer, Cr Anderson, Cr Doohan, Cr Kafer and Cr Tucker be nominated as Council delegates to attend the 2023 Australian Local Government Association (ALGA) National General Assembly (NGA) from 13-16 June 2023 either in Canberra or virtually.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to inform Council of the 2023 National General Assembly (NGA) to be held in Canberra from 13-16 June 2023. Delegates can choose to attend in person or virtually.

The conference program is not yet available, but will be distributed as soon as practicable. The theme for the 2023 NGA is 'Our Communities, Our Future'.

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of councils and communities.

As the Mayor and Councillors are aware, the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy (the 'policy') requires that a resolution of Council be sought for all attendance at a conference or seminar.

The costs associated with registration, travel and accommodation will be covered from within the existing professional development budget, subject to the Mayor or any individual Councillor/s not exceeding the conference budget limits set in the Policy.

Ensuring the Port Stephens local government area is well represented in all matters at the conference will benefit the Port Stephens community. Information received at the conference will be reported back to Council and will be distributed to the appropriate members of the community and relevant Council staff.

NGA invites motions from councils on local government related matters of national interest. The motions must meet the criteria contained within the Discussion Paper at **(ATTACHMENT 1)** and must be submitted by 24 March 2023.

There are 8 priority areas that motions must focus on:

- 1) Productivity
- 2) Local Government Infrastructure
- 3) Community Wellbeing
- 4) Local Government Workforce
- 5) Data, Digital Technology and Cyber Security
- 6) Climate Change and Renewable Energy
- 7) Natural Disaster
- 8) Housing

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Registration cost for the ALGA NGA is \$895 for early bird registration (prior to 19 May 2023) for an in person delegate or \$689 for a virtual delegate.

The costs associated with registration, travel and accommodation will be covered from within the existing budget, subject to any individual elected member not exceeding the conference budget limits in the policy.

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors/Mayor Policy requires approval of a full Council meeting.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Port Stephens Council will not be represented on matters at the conference.	Low	That the recommendation be adopted.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens Community. Information received will be distributed to the appropriate members of the community and relevant Council staff.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) 2023 NGA - Discussion Paper - Call for Motions.

COUNCILLORS ROOM

Nil.

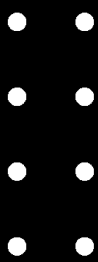
TABLED DOCUMENTS

Nil.



2023 NGA

OUR COMMUNITIES OUR FUTURE

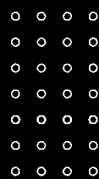


DISCUSSION PAPER

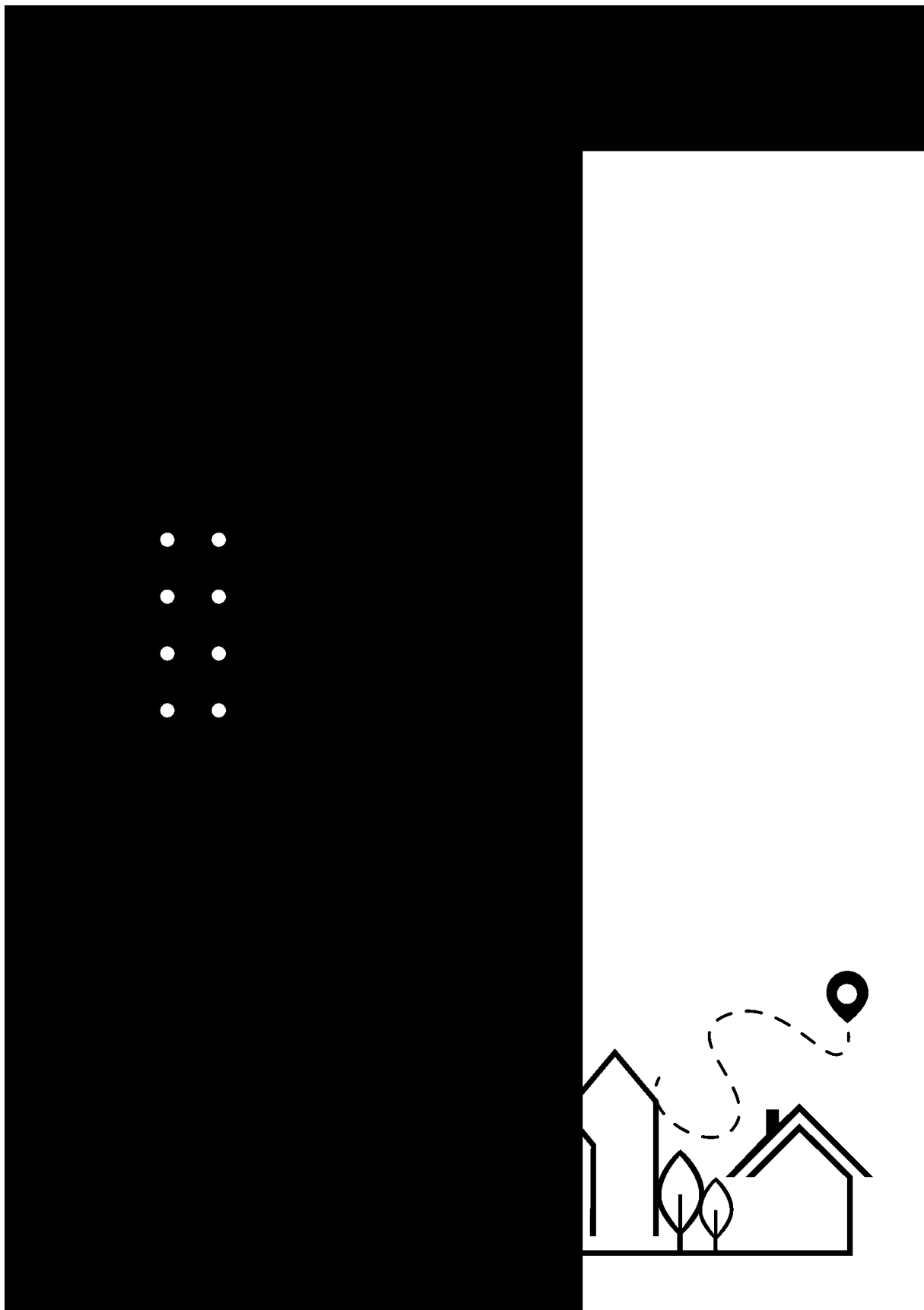
Call for Motions

13 – 16 JUNE 2023

NATIONAL CONVENTION CENTRE
CANBERRA



ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.



ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

The Australian Local Government Association (ALGA) is pleased to convene the 29th National General Assembly of Local Government (NGA), to be held in Canberra 13 - 16 June 2023.

This discussion paper contains essential information for Australian councils considering submitting motions for debate at the 2023 NGA.

It is recommended that all councils and delegates intending to attend this event familiarise themselves with the guidelines for motions contained in this paper.

Key Dates

24 March 2023	13 June 2023	14 – 15 June 2023	16 June 2023
Acceptance of Motions	Regional Cooperation & Development Forum	National General Assembly	Australian Council of Local Government

**To submit your motion,
visit: alga.com.au**

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

Background to ALGA and the NGA

ALGA was established in 1947, and its structure is a federation of member state and territory local government associations.

Its mission is to champion and strengthen Australian councils by representing the agreed position of ALGA members, the seven local government associations from around Australia, who represent 537 Australian councils.

In 1994, the ALGA Board, in consultation with its member associations, established the NGA as a unique forum to engage with councils directly at the national level.

The purpose of the NGA was to build the profile of local government on the national stage and demonstrate to the Australian Government the strength and value of working with local government nationally.

As part of the NGA, debate on motions was introduced as a vehicle for councils from across the nation to canvas ideas, and solutions to the challenges facing Australia's councils and communities.

Outcomes of debate on motions (NGA Resolutions) could then be used by participating councils to inform their own policies and priorities, as well as their own advocacy to the Federal Government and Federal MPs.

At the same time, they assist ALGA, and its member state and territory associations to gain valuable insight into council priorities, emerging national issues, and gauge the level of need and support for emerging policy and program initiatives and advocacy.

Changes for 2023

The ALGA Board has undertaken a comprehensive review of the motions process.

As a result, ALGA has allocated additional time for debate on motions at the 2023 NGA and amended the criteria with a view to improving the quality and relevance of motions included in the Business Papers.

The updated criteria for motions is listed on page 6.

ALGA's policies and priorities will continue to be informed by motions and determined by the ALGA Board and based on the positions of its member associations.

ALGA's Board thanks all councils for attending the NGA, and those that will take the time to submit motions for debate at this event.

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

Submitting Motions

The theme of the 2023 NGA: Our Communities, Our Future.

This theme conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work.

Our communities are the reason that local governments exist, and it is the health and wellbeing of our communities that will shape Australia's future.

This discussion paper is a call for councils to submit motions for debate at the 2023 NGA, to be held in Canberra 13 – 16 June 2023.

A notice of motion to this year's NGA should either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
- New program ideas that would help the local government sector to deliver national objectives.

Motions should be concise, practical and able to be implemented.

They must also meet the guidelines for motions outlined in this paper.

You are encouraged to read all the sections of the paper but are not expected to respond to every issue or question. Your council's motion/s should address one or more of the issues identified in the discussion paper.

Motions must be lodged electronically using the online form available at www.alga.com.au and be received no later than 11:59pm on Friday 24 March 2023.

All notices of motions will be reviewed by the NGA Subcommittee to ensure that they meet the criteria included in this paper.

The Subcommittee reserves the right to select, edit or amend notices of motions to facilitate the efficient and effective management of debate on motions at the NGA.

All NGA resolutions will be published on www.nationalgeneralassembly.com.au.

As the convenor of the NGA, the ALGA Board will communicate resolutions to the relevant Australian Government Minister and publish Ministerial responses as they are received on this website.

If your council does submit a motion, there is an expectation that a council representative will be present at the NGA to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 NGA.

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.



Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ...

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

Other things to consider

Please note that it is important to complete the background section on the form. Submitters of motions should not assume that NGA delegates will have background knowledge of the proposal.

The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

Motions should not be prescriptive in directing how the matter should be pursued.

Try to keep motions practical, focussed, relatively simple and capable of being implemented to ensure that relevant Australian Government Ministers provide considered, thoughtful and timely responses.

Multi-point motions that require cross portfolio coordination have not historically received meaningful responses from the Government.

All motions submitted will be reviewed by the NGA Subcommittee, in consultation with state and territory local government associations, to determine their eligibility for inclusion in the NGA Business Papers.

When reviewing motions, the Subcommittee will consider the motions criteria, clarity of the motion and the importance and relevance of the issue to local government.

If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. With the agreement of the submitting council, these motions may be edited before inclusion in the NGA Business Papers.

To ensure an efficient and effective debate where there are numerous motions on a similar issue, the Subcommittee will group motions together under an overarching strategic motion.

The strategic motions will have either been drafted by ALGA or will be based on a motion submitted by a council which best summarises the subject matter.

Debate will occur in accordance with the rules for debate on motions published in the Business Papers and will focus on the strategic motions.

Associated sub-motions will be debated by exception only or in accordance with the debating rules.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.com.au.

All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council.

> **Motions should be received no later than 11:59pm on Friday 24 March 2023.**

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

Setting the scene

'Through a devastating pandemic, through a succession of dangerous and damaging natural disasters, through global uncertainty and painful price rises – The Australian people have demonstrated the best of our national character. Resolute and resilient in hard times. Practical and pragmatic about the challenges we confront. Optimistic and confident in a better future. And ready to work together to build it.'

The Hon Jim Chalmer MP, Federal Treasurer Budget Speech 2022-23

The opening statement of the Federal Treasurer's first Budget Speech describes the backdrop against which the 2023 NGA will be held.

The 2022 NGA was held just weeks after the change in the Federal Government on 21 May 2022. On 25 October 2022, the new Government handed down its first Budget which updated the economic outlook, realigned priorities and outlined how the Government was to meet its election promises.

The Budget update foreshadows deteriorating economic conditions, citing global challenges, slowing growth, high inflation and higher interest rates, and acknowledges the mounting cost of living pressures on individuals, families and communities.

Key updates include:

- The economy is expected to grow solidly this financial year, by 3 ¼ percent – before slowing to 1 ½ percent growth for 2023/24, a full percentage point lower than what was forecast in March;
- That slowing growth will have an effect on employment, but jobs will continue to be created, and unemployment is expected to stay low by historical standards – at 4 ½ percent in 2023/24 and 2024/25;
- Inflation is expected to peak at 7 ¾ percent late in 2022, before moderating over time to 3 ½ percent through 2023/24, and returning to the Reserve Bank's target range in 2024/25; and that
- When that inflation moderates, real wages are expected to start growing again in 2024.

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

The Government is also committed to repairing the Budget in a 'measured and responsible' manner consistent with the objective of maintaining full employment and the delivery of essential services. It foreshadows that this will be achieved through spending restraint, with new spending focused on high-quality and targeted investments and building on the capability of the Australian people, expanding the productive capacity of the economy, and supporting action on climate change.

The Budget also included a focus on measuring and improving community wellbeing.

By the time of the 2023 NGA, the Government will have delivered its second Budget, which will provide further updates to the economic outlook and also refine its economic strategy going forward.

The 2023 NGA provides you - the elected representatives of Australia's local councils and communities - with the opportunity to engage with the Federal Government and key Ministers.

Further, it is your opportunity to advocate for new or extended programs and policy initiatives that could strengthen local governments' capacity to deliver services and infrastructure to communities across the nation.

This year's call for motions focusses on eight priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;
- Local Government Workforce;
- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters; and
- Housing.



ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

1. Productivity

In February 2022, the then Federal Treasurer asked the Productivity Commission to undertake an inquiry into Australia's productivity performance and provide recommendations on productivity enhancing reform.

This inquiry was the second of a regular series, undertaken at five-yearly intervals, and recognises that productivity growth is vital for Australia's future. Drawing on the Intergenerational Report the Treasurer notes that '... future growth in income and living standards will be driven from productivity growth as the participation effects of young migration are offset by an ageing population.'

ALGA engaged SGS Economics and Planning to undertake research to support its submissions to this inquiry.

SGS Principal and Partner Dr Marcus Spiller presented on some of the findings of this research at the 2022 NGA. In his presentation he identified that local governments generate local economic activity through employment, payment of wages and expenditure on goods and services in the local economy. In addition, SGS identified nine ways local government supports the productive capacity of the broader economy.

Figure 1 – Nine ways local governments contribute to the productive capacity of the broader economy:

Providing Urban Infrastructure Arterial roads Major cycleways Green space networks Clean streets	Mitigating externalities in urban development Development approvals Building controls Separation of incompatible uses	Place making & Visitor economy Tourism infrastructure Culture and arts Place quality/attractions Safe streets
Providing land for housing Strategic planning for housing development Infrastructure coordination to support housing development	Better local labour markets Provision/ facilitation of child care services Facilitating access to training Supporting social enterprises as skill accumulators Supporting key worker housing	Climate mitigation & adaptation Mapping & management of climate change hazards Emergency management and recovery Regulated retreat Renewable energy networks
Providing land for business Strategic planning for employment areas Infrastructure coordination to support employment lands	Business clusters & innovation Promotion of local business districts Business incubators Business angels	Circular economy Resource recovery and reuse Management of landfill

Sources: Adapted from SGS Research for ALGA's Submission to Productivity Commission (2022)

Are there programs and initiatives that the Commonwealth Government could implement to improve local government's capacity to support productivity growth?

Are there programs that could support one, or all of the identified ways local government contributes to productivity in the broader economy?

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

2. Local Government Infrastructure

The 2021 National State of the Assets Report (NSoA) shone a spotlight on local government infrastructure assets. While the technical report shows that local government assets such as roads, bridges, buildings, parks and recreation, stormwater, water and wastewater and airports and aerodromes are generally in good to very good condition, around 10 percent are not fit for purpose, and around 20 – 25 percent are only fair and over time will need attention.

Over the past 12 months this situation has further deteriorated as a result of natural disasters, and particularly flooding across the eastern seaboard.

The technical report shows that in 2019/20 non-financial infrastructure assets were valued at \$342 billion and were depreciating at \$7.7 billion per year. Replacement costs of these infrastructure assets were in the order of \$533 billion.

While 86 percent of councils have adopted long term financial plans, one third of councils do not have asset management plans for their major assets, or if they do, they are out-of-date. Of the councils that do have asset management plans only 66 percent included financial projections in their financial plan.

Asset management and long-term financial planning are essential tools for councils to manage community assets now and into the future.

Are there programs or initiatives that the Commonwealth Government could adopt to improve the long-term sustainability of council's infrastructure?

Are there programs or initiatives that the Commonwealth Government could provide to improve the sector's capacity to manage local government infrastructure and to integrate these plans into long-term financial plans?

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

3. Community Wellbeing

While the NSoA focuses attention on physical assets, local governments also provide a wide range of important community services that improve local wellbeing. These services are provided at the discretion of councils based on local characteristics, needs, priorities and resources of the local community.

Australian Bureau of Statistics (ABS) data shows that local government annual expenditure in 2020/21 was \$43 billion. It is important to note that nationally local government is 83 percent self-sufficient. That is, the vast majority of local government services and infrastructure are funded at the local level either through rates, fees and charges, sale of goods and services, and interest, and only 17 percent comes from grants and subsidies from other levels of government. Unfortunately, many of these grants and subsidies are tied, and often require matching funding which restricts the ability to address local priorities in the way the council and community might like.

Local government community services are broadly defined and may include but not limited to:

- environmental health including food safety;
- childcare, early childhood education;
- aged care, senior citizens;
- services to the disabled;
- programs to address disadvantage, to reduce poverty and homelessness;
- sporting and recreational programs;
- arts and cultural activities, program and festivals;
- tourism and economic development activities; and
- library services.

Councils also play a key role making places that are attractive and liveable for current and future workers, and closing the gap between Indigenous and non-Indigenous Australians.

ALGA's research shows that almost one in four councils are heavily reliant on federal Financial Assistance Grants, which make up at least 20 percent of their annual operating revenue. Financial sustainability of local governments remains an ongoing issue which threatens local service provision and community wellbeing.

Noting the funding arrangements for the provision of local government community services in your area and across the country, are there programs and initiatives that the Commonwealth Government could implement to improve the delivery of these services?

Are there changes to existing programs, including to administrative arrangements, that would significantly improve local government human service planning and provision of services and infrastructure across Australia?

Are there new programs the Australian Government could develop that would support councils to close the gap between Indigenous and non-Indigenous Australians?

What are the actions the Australian Government could take to support councils to improve their ongoing financial sustainability, and their capacity to deliver the services their communities need?

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

4. Local Government Workforce

Local government is a major employer in Australia providing employment, career advancement and training opportunities for more than 190,800 Australians, across an estimated 400 occupations. In many communities, the council is one of the largest employers.

There are 537 local councils in Australia. Importantly, they are geographically dispersed and provide essential public administration to every corner of the nation.

According to the 2022 National Local Government Workforce Skills and Capability Survey, more than 90 percent of local governments are experiencing skills shortages, resulting in around two thirds of councils having their projects impacted or delayed.

Skills shortages occur for a variety of reasons including an inability to compete against the private sector, worker accommodation, support services for families, ageing of the workforce and geographic isolation. The attrition rate (or rate of turnover) of local government staff is estimated to be between 15 – 20 percent per annum.

The most cited skills shortages include engineers, urban planners, building surveyors, environmental officers and human resources professionals.

ALGA's submission to the Productivity Commission's Productivity Inquiry called on all levels of government to work together to improve training pathways and address skills and labour shortages for the benefit of councils, communities, and businesses right across Australia.

While local government must face its immediate workforce challenges, it must also anticipate the changing nature of work, and future skills needed to meet the changing needs of our communities.

Are there programs or initiatives that the Commonwealth Government could implement that would enhance local government's capacity to attract and retain appropriately skilled staff now and into the future?

Are there programs or changes to existing programs that would increase local government's ability to employ apprentices and trainees?

Are there other initiatives that the Commonwealth Government could provide to improve the sector's ability to plan and develop skills fit for the future?

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

5. Data, Digital Technology and Cyber Security

Provision of information technology to all Australians is vital for innovation, economic growth and social equity. However, it is potentially even more important to regional Australia where the tyranny of distance increases the inequity of services available – including education, health, economic and social.

Innovative technology is becoming more broadly available and has the ability to boost productivity and economic growth.

Councils around Australia continue to embrace new technologies to improve their service delivery standards and broaden consultation and engagement with their local communities. However, many councils lack basic technological infrastructure and have a shortage of necessary skills and resources.

In October 2022, cyber-attacks on major Australian corporate organisations including Optus and Medibank Private highlighted the critical importance of cyber security. It is a timely reminder as digital information, services and products become an increasing feature of modern business operation including in local government.

Like all risks, local government must manage the risk of cyber-attack and address cyber security. At a national level, there is a poor understanding of local government's vulnerability to cyber-attacks and a lack or inadequacy of risk management strategies and business continuity planning within the sector. While this is primarily a responsibility of the sector itself, governments at all levels must work together to ensure that the public have confidence in government information management systems and its security.

Drawing upon your own council experience, and your knowledge of other councils within your state, or territory, are there programs and initiatives that the Commonwealth Government could implement to help local government develop its digital technology services and infrastructure and/or to improve cyber security within the sector?

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.



6. Climate Change and Renewable Energy

Local governments are playing an important leadership role in addressing climate change, supporting a wide range of programs to lower the carbon footprint of their own business operations and in their local communities.

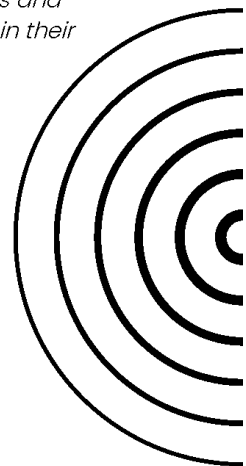
As a sector, local government is leading the debate for lowering carbon emissions, sourcing renewable energy, responding creatively to reduce greenhouse gas emissions from landfills, and facilitating the construction of green buildings and water sensitive design of cities and towns.

Councils also have a role to play supporting communities in transition, moving away from fossil fuels to new industries.

Pragmatically, local government has been at the forefront of addressing the impacts of climate change and adapting to reduce its environmental footprint. These impacts include an increased number of days with high temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, stronger cyclones, and sea level rise. These changes will increase stress on Australia's infrastructure and physical assets and natural ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management.

At the 2022 NGA, there were five Strategic Motions and 15 associated motions debated concerning this issue. Councils are encouraged to review these motions on ALGA's website prior to developing new motions for debate at the 2023 NGA.

Noting the Government's commitment to reducing emissions, are there programs and initiatives that the Commonwealth Government could develop to assist councils in their work to address climate change and reduce emissions?



ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.

7. Natural Disasters

Over the past five years, Australian communities have experienced unprecedented natural disasters. At the time of writing, almost every community in Australia, particularly those on the East Coast, had been adversely affected by wet weather conditions associated with the La Nina weather pattern.

Councils in Western Australia are still recovering from a cyclone in 2021, and the Black Summer bushfires in 2019/20 burned approximately 250,000 square kilometres across the country.

The impacts of heavy rainfall, record breaking floods and associated social disruption and damage to infrastructure have exposed weaknesses as well as the strength of current emergency management systems.

There have been numerous NGA motions in the past regarding natural disasters. This year, councils are encouraged to draw on their practical experience of the improvements that could be made to managing emergencies.

Please note, however, that many aspects of emergency management are state or territory responsibilities, and your motions should focus on how the Commonwealth Government could assist.

What new programs could the Australian Government develop to partner with local government to improve the current natural disaster management systems to further assist in recovery and build resilience?

ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.



8. Housing

A lack of affordable housing remains one of the biggest issues for Australian councils and communities.

There is less social and affordable housing stock available than there was a decade ago, and more low-income Australians are experiencing housing stress.

The shortage and rising costs of rental properties and affordable home ownership are having significant social and economic impacts in cities and towns across Australia, including rural and regional communities.

This is due to a range of factors including changes to recent migration patterns, cheap finance and labour and material shortages in the construction sector.

While the provision of affordable housing is not a local government responsibility, councils often facilitate affordable housing within their communities, operating within state/territory planning, financial and other legislation requirements.

Some councils are going further, addressing thin markets and developing land and housing themselves, delivering local solutions to meet the needs of their communities.

Local government also plays an important role addressing some of the causes of homelessness, including social inclusion programs that can assist mental health and family violence issues, as well as providing support for people currently experiencing homelessness.

What new programs and policies could the Australian Government develop to partner with local government to support the provision of more affordable housing?

How can the Australian Government work with councils to address the causes and impacts of homelessness?



ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.



Conclusion

Thank you for taking the time to read this discussion paper and your support for the 2023 National General Assembly of Local Government.

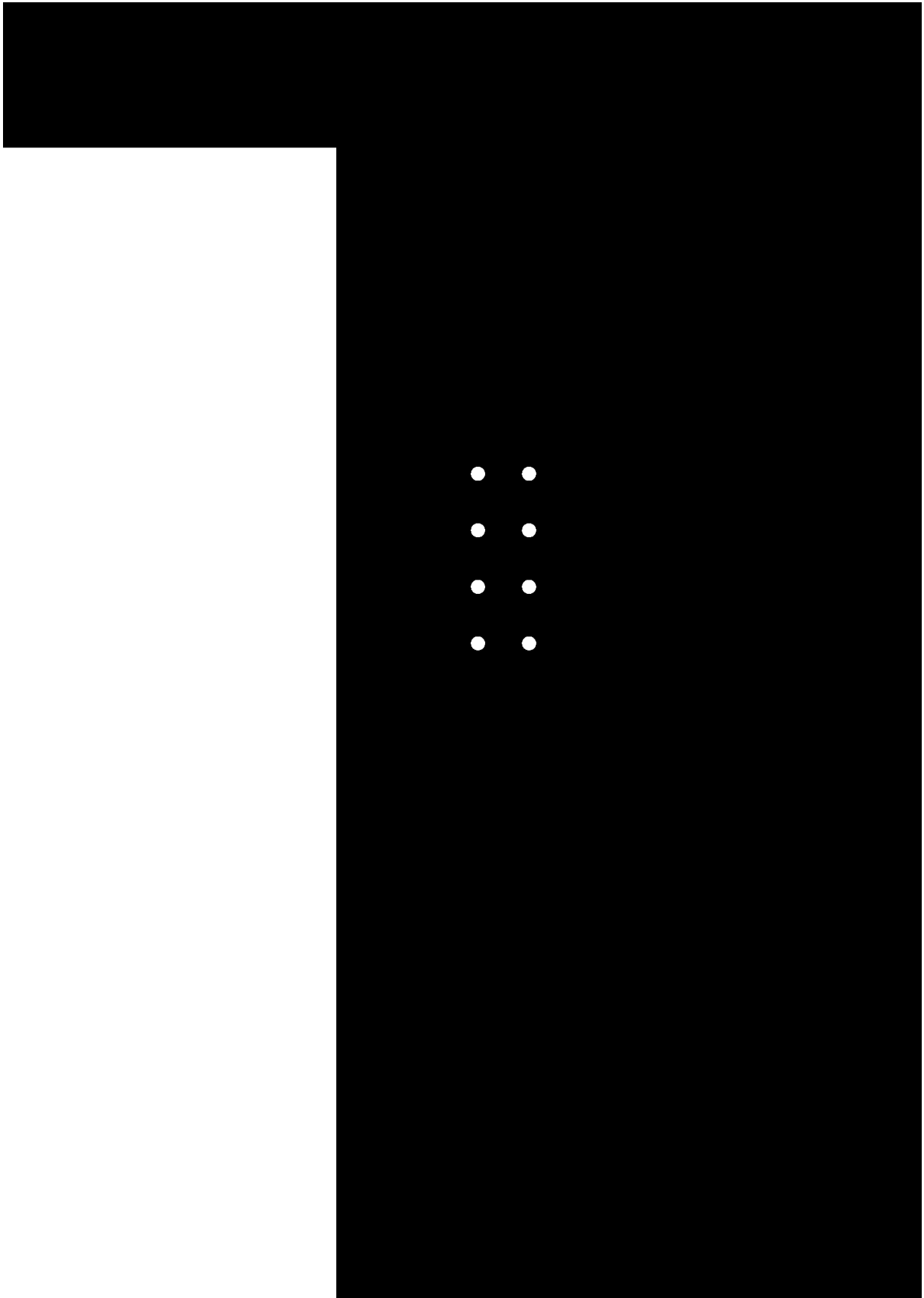
A FINAL REMINDER:

- » Motions should be lodged electronically at www.alga.com.au and received no later than 11.59pm on Friday 24 March 2023.
- » Motions must meet the criteria published in this paper.
- » Motions should commence with the following wording: 'This National General Assembly calls on the Australian Government to...'
- » Motions should not be prescriptive in directing how the matter should be pursued
- » Motions should be practical, focussed and relatively simple.
- » It is important to complete the background section on the form.
- » Motions must not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- » When your council submits a motion there is an expectation that a council representative will be present at the 2023 National General Assembly to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 National General Assembly in Canberra.



ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.



ITEM 12 - ATTACHMENT 1 2023 NGA - DISCUSSION PAPER - CALL FOR MOTIONS.



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

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Deakin, ACT, 2600 alga@alga.asn.au

www.alga.com.au

ITEM NO. 13**FILE NO: 23/46966
EDRMS NO: PSC2021-04206****REQUEST FOR FINANCIAL ASSISTANCE**

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral funds to the following:-
 - a. Port Stephens Community Art Centre – Mayoral funds - \$1155 donation towards track lights for the art gallery.

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

054	Mayor Ryan Palmer Councillor Chris Doohan It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Mayoral funds to the following:- <ol style="list-style-type: none">a. Port Stephens Community Art Centre – Mayoral funds - \$1155 donation towards track lights for the art gallery.
------------	--

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

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

MINUTES ORDINARY COUNCIL - 14 MARCH 2023

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

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

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

The requests for financial assistance are shown below:

MAYORAL FUND

Port Stephens Community Art Centre	The Port Stephens Community Art Centre showcases a range of artwork and craft pieces by local artisans.	\$1155	Donation towards the supply and installation of track lights for the Art Gallery.
------------------------------------	---	--------	---

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Provide the Community Financial Assistance Program

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
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 undertaken 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. 14**FILE NO: 23/21932
EDRMS NO: PSC2022-02308****INFORMATION PAPERS****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 14 March 2023.

No:	Report Title	Page:
1	Delegations Report	233
2	Council Resolutions	235

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

055	Councillor Chris Doohan Councillor Leah Anderson It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 14 March 2023. <table><tr><th>No:</th><th>Report Title</th></tr><tr><td>1</td><td>Delegations Report</td></tr><tr><td>2</td><td>Council Resolutions</td></tr></table>	No:	Report Title	1	Delegations Report	2	Council Resolutions
No:	Report Title						
1	Delegations Report						
2	Council Resolutions						

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 23/51915
EDRMS NO: PSC2022-01241**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to table Councillor and Designated Persons' Return/s (return) submitted.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all designated persons are required to submit a return. Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted return/s:

- Strategic Planning Coordinator PSC042.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 2

**FILE NO: 23/21875
EDRMS NO: PSC2009-00965**

DELEGATIONS REPORT

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

BACKGROUND

The purpose of this report is to advise Council of each occasion the Mayor and/or General Manager have exercised their delegations, other than under section 226 and 335 of the Local Government Act 1993, which are conferred on each role.

The report at **(ATTACHMENT 1)** provides details of the delegation exercised, such as the delegated authority, the date and the reason for exercising the delegation.

ATTACHMENTS

1) Delegations Report.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 DELEGATIONS REPORT.**MAYOR AND GENERAL MANAGER DELEGATION REPORT**

Date exercised	Delegations exercised	Purpose	Role exercising delegation	Reported to Council
21 February 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of tenders for Brandon Park Accessible Amenities Addition.	General Manager	14 March 2023
21 February 2023	Clause 178 of the Local Government (General) Regulation 2022	Acceptance of tenders for Asphalt - Seaham and Hinton Road Intersection.	General Manager	14 March 2023
24 February 2023	Code of Meeting Practice	Approval of Public Access application - DA - 11-15 Church Street, Nelson Bay.	Mayor	14 March 2023
28 February 2023	Code of Meeting Practice	Approval of Public Access applications - DA - 11-15 Church Street, Nelson Bay x 2, Planning Proposal for Sunrise Lifestyle Village - 4011, 4029 and 4045 Nelson Bay Road, Bobs Farm, DA - 18-20 Soldiers Point Road, Soldiers Point, DA - Fisherman's Village, Swan Bay.	Mayor	14 March 2023
28 February 2023	Roads and Maritime Services delegations	Port Stephens Local Traffic Committee Meeting Minutes - 7 February 2023.	General Manager	14 March 2023
28 February 2023	Roads and Maritime Services delegations	Authorises the installation, display, removal or alteration of the traffic control devices for the listed items identified in the Port Stephens Local Traffic Committee report dated 7 February 2023.	General Manager	14 March 2023

ITEM NO. 3

**FILE NO: 23/21877
EDRMS NO: PSC2017-00106**

COUNCIL RESOLUTIONS

REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

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

ATTACHMENTS

- 1) Corporate Services Group Council Resolutions.
- 2) Development Services Group Council Resolutions.
- 3) Facilities & Services Group Council Resolutions.
- 4) General Manager's Office Council Resolutions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP COUNCIL RESOLUTIONS.


Action Sheets Report	Division:	Corporate Services	Date From:	27/08/2013
	Committee:		Date To:	28/02/2023
	Officer:		Printed:	Thursday, 2 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/06/2023	12/10/2022	
1						22/273002
02 Mar 2023						
Public Exhibition deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/06/2023	12/10/2022	
2						22/273002
02 Mar 2023						
Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/11/2022	Hazell, Tim	Special Rate Variation - Revised Integrated Planning and Reporting Documents - Rate Rise Options Engagement	30/06/2023	9/11/2022	
1		Pattison, Zoe				22/300562
02 Mar 2023						
Recommendation endorsed. Council submitted an application to the Independent Pricing and Regulatory Tribunal for a Special Rate Variation in January 2023. Application pending assessment.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	30/06/2023		
2						20/288489
02 Mar 2023						
Completion of the acquisition is subject to completion of the road works, as finished levels are required to inform the survey. The road works have been substantially delayed due to continued adverse weather conditions.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/05/2021	Pattison, Zoe	Car parking in Shoal Bay	30/06/2023	12/05/2021	
1						21/123694
02 Mar 2023						
Construction of the car park is subject to adoption of a Plan of Management for the land. The land has been added to the draft Plan of Management for the Shoal Bay Holiday Park. The draft Plan of Management is currently on public exhibition from 28 February 2023 to 11 April 2023.						

ITEM 3 - ATTACHMENT 1 CORPORATE SERVICES GROUP COUNCIL RESOLUTIONS.

Action Sheets Report	Division:	Corporate Services	Date From:	27/08/2013
	Committee:		Date To:	28/02/2023
	Officer:		Printed:	Thursday, 2 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2013	Pattison, Zoe	Campvale Drain	30/06/2023		
02 Mar 2023 Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.



Division:	Development Services	Date From:	14/09/2021
Committee:		Date To:	28/02/2023
Officer:		Printed:	Thursday, 2 March 2023
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/12/2022	Lamont, Brock	Draft Local Infrastructure Contributions Plan - Amendment 2	31/03/2023	15/12/2022	
4		Pearl, Steven				22/333678
02 Mar 2023						
Public notice of the Port Stephens Local Infrastructure Contributions Plan - Amendment No. 2 has been completed. Investigations into revoking contribution discounts for caravan parks and increasing haulage levies are finalised. A report has been prepared and will be presented to Council on 28 March 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/02/2023	Drinan, Kate	Development Application (DA) 16-2022-223-1 for a Residential Flat Building at 18 to 20 Soldiers Point Road, Soldiers Point	26/05/2023	2/03/2023	
3		Pearl, Steven				23/54781
02 Mar 2023						
Council deferred Development Application DA No. 16-2022-223-1 to allow for conversations between Council staff and the proponent, with the aim of reducing the building height to comply with the 15m height limit.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/10/2022	Lamont, Brock	Health Facilities	24/05/2023	12/10/2022	
2		Pearl, Steven				22/273002
02 Mar 2023						
The Strategy and Environment team has identified opportunities to further support and advocate health facilities in Port Stephens LGA, including committees. Further studies are being undertaken within the ongoing Employment land study. Preparation of the report has been drafted and will be presented to Council on 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/09/2021	Lamont, Brock	Port Stephens Waterway Strategy	29/12/2023	15/09/2021	
1		Pearl, Steven				21/252518
06 Jan 2023						
The Strategic Planning Team was unsuccessful in the Regional NSW - Business Case and Strategy Development Fund grant. Other funding sources are currently being investigated. Funding is being sought for consultants to prepare the Port Stephens Waterways Strategy.						

ITEM 3 - ATTACHMENT 2 DEVELOPMENT SERVICES GROUP COUNCIL RESOLUTIONS.



Action Sheets Report	Division:	Development Services	Date From:	14/09/2021
	Committee:		Date To:	28/02/2023
	Officer:		Printed:	Thursday, 2 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Lamont, Brock	Carbon Neutrality	31/03/2023	13/10/2021	
2		Pearl, Steven				21/274186
01 Mar 2023						
The Natural Systems team has established baseline data and focus areas. Project Control Group has been established to enable an organisation wide approach and to further develop a roadmap and identify funding sources. Report is being drafted to be reported to Council on 28 March 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/09/2022	Lamont, Brock	NSW Electric Vehicle Strategy	31/03/2023	28/09/2022	
1		Pearl, Steven				22/262103
02 Mar 2023						
Strategic Planning has consulted with stakeholders and have identified opportunities available to Council. Report drafted and will be presented to Council at the 28 March 2023 meeting.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP COUNCIL RESOLUTIONS.



Division:	Facilities & Services	Date From:	09/02/2021
Committee:		Date To:	28/02/2023
Officer:		Printed:	Thursday, 2 March 2023
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	World Menstruation Hygiene Day	30/04/2023	27/05/2022	
1		Kable, Gregory				22/136825
01 Mar 2023						
An Information Paper will be prepared for the Council Meeting scheduled for 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 24/05/2022	Maretich, John	Review of Dog Off Lead Areas - Boat Harbour Beach	30/06/2023	27/05/2022	
4		Kable, Gregory				22/136825
01 Mar 2023						
Report was endorsed by Council at its meeting held 24 May 2022, Minute No. 133. A review will be carried out in 12 months as per the Council resolution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Foreshore Reserves and Parking on Council Land	30/04/2023	14/02/2022	
5		Kable, Gregory				22/45826
01 Mar 2023						
A report will be prepared for the Council Meeting scheduled for 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/07/2022	Maretich, John	Koala Signage	30/04/2023	13/07/2022	
1		Kable, Gregory				22/186061
01 Mar 2023						
Continued engagement with this group to install flip-board type signage to be shown during breeding season. A report will be prepared for the Council meeting scheduled for 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/02/2023	Gutsche, Tammy	Domestic Waste Management Service Charge	31/03/2023	15/02/2023	
1		Kable, Gregory				23/41055
01 Mar 2023						
Letter has been prepared, currently confirming list of candidates for distribution.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/12/2022	Maretich, John	Potters Lane Basketball Hoop	30/04/2023	15/12/2022	
1		Kable, Gregory				22/333678
01 Mar 2023						
A report will be prepared for the Council meeting scheduled for 28 March 2023.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP COUNCIL RESOLUTIONS.



Action Sheets Report	Division:	Facilities & Services	Date From:	09/02/2021
	Committee:		Date To:	28/02/2023
	Officer:		Printed:	Thursday, 2 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 26/07/2022	Maretich, John	Smart Parking	31/05/2023	27/07/2022	
2		Kable, Gregory				22/199431
01 Mar 2023						
Staff compiling details to report back to Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Kirrang Drive, Medowie Shared Pathway	30/04/2023	13/08/2021	
8		Kable, Gregory				21/218740
01 Mar 2023						
Preliminary investigation and conceptual designs are complete. A report will be prepared for the Council Meeting scheduled for 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Agreement with Community Association DP270468 - Lagoons Estate, Nelson Bay	30/04/2023		
4		Kable, Gregory				21/218740
01 Mar 2023						
Council to enter agreement with the Community Association DP 270468 in accordance with the confidential terms as per Council report. This is likely to be completed by the end of March 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/02/2021	Maretich, John	MEDOWIE REGIONAL PLAYGROUND AND TOWN CENTRE	30/04/2023		
2		Kable, Gregory				21/33235
01 Mar 2023						
The regional playground will be addressed in the Medowie Place Plan. A separate report will be prepared for Council.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Raymond Terrace Seven Day Makeover	30/04/2023		
17		Kable, Gregory				21/218740
01 Mar 2023						
This will be discussed with the Councillors in the lead up to William Street Stage 2 which is funded through the Streets of Shared Spaces grant. There is the possibility to incorporate a Business Boosters Program to create great business vibrancy in Raymond Terrace.						

ITEM 3 - ATTACHMENT 3 FACILITIES & SERVICES GROUP COUNCIL RESOLUTIONS.


Action Sheets Report	Division:	Facilities & Services	Date From:	09/02/2021
	Committee:		Date To:	28/02/2023
	Officer:		Printed:	Thursday, 2 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	Medowie Library	30/04/2023	14/02/2022	
2		Kable, Gregory				22/45826
01 Mar 2023						
A report will be prepared for the Council Meeting scheduled for 11 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 8/02/2022	Maretich, John	POLICY REVIEW - CONTRIBUTION TO WORKS FOR KERB AND GUTTERING CONSTRUCTION POLICY	10/05/2023	14/02/2022	
6		Kable, Gregory				22/45826
01 Mar 2023						
A report will be prepared for the Council Meeting scheduled for 9 May 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/10/2021	Gutsche, Tammy	Change to Lease Arrangements for Fingal Bay Surf Life Saving Club and Commercial Tenancies	31/03/2023	13/10/2021	
8		Kable, Gregory				21/274186
01 Mar 2023						
Still awaiting final response from Fingal Surf Club and Longboat Café's Solicitor. Currently working with Local Government Legal to progress as a priority once documents are returned from stakeholders.						

**ITEM 3 - ATTACHMENT 4 GENERAL MANAGER'S OFFICE COUNCIL
RESOLUTIONS.**



Action Sheets Report	Division:	General Manager's Office	Date From:	28/02/2023
	Committee:		Date To:	28/02/2023
	Officer:		Printed:	Thursday, 2 March 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/02/2023	Wickham, Tony	Code of Meeting Practice	14/04/2023	2/03/2023	
1		Crosdale, Tim				23/54781
02 Mar 2023						
The Code of Meeting Practice is on public exhibition until 13 April 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Matter Arising	Ordinary Council 28/02/2023	Wickham, Tony	Matter Arising from 13 December 2022	14/03/2023		
		Crosdale, Tim				
02 Mar 2023						
Council write to Cr Glen Dunkley, formally requesting his response to the letter sent on 23 December 2022 and that Cr Dunkley provide an explanation at the next Two Way conversation session.						

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 14 MARCH 2023 **MOTION**

056	Councillor Jason Wells Councillor Steve Tucker It was resolved that Council move into confidential session.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 22/273416
EDRMS NO: PSC2012-00846**

LEASE RENEWAL: 29 STURGEON STREET, RAYMOND TERRACE

**REPORT OF: ZOE PATTISON - ACTING GROUP MANAGER CORPORATE
SERVICES**

GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 14 MARCH 2023
MOTION**

057	<p>Councillor Peter Kafer Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Agree to renew the lease over Council owned operational land on the confidential terms and conditions detailed in this report.2) Authorise the General Manager to negotiate amendments to the final terms and conditions of the lease as required, except for the commencing rent.3) Authorise the General Manager to execute all documentation required to effect registration of the lease, under delegation.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

ORDINARY COUNCIL MEETING – 14 MARCH 2023
MOTION

058	Councillor Peter Kafer Councillor Peter Francis It was resolved that Council move out of confidential session.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

There being no further business the meeting closed at 7:21pm.