

MINUTES – 25 JULY 2023



Minutes of Ordinary meeting of the Port Stephens Council held in the Shoal Bay Public School Hall, Shoal Bay on 25 July 2023, commencing at 6:04pm.

PRESENT:

In Person

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

167	Councillor Chris Doohan Councillor Glen Dunkley It was resolved that the apology from Cr Jason Wells be received and noted.
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MINUTES ORDINARY COUNCIL - 25 JULY 2023

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

Those against the Motion: Nil.

The motion was carried.

	Cr Leah Anderson declared a pecuniary conflict of interest in the Mayoral Minute. The nature of the interest is Cr Anderson is employed by Kate Washington MP.
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168	Councillor Peter Francis Councillor Peter Kafer It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 11 July 2023 be confirmed.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

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DECLARATION OF INTEREST

ORDINARY COUNCIL - 25 JULY 2023



Declaration of Interest form

Agenda item No. MAYORAL MINUTE
 Report title YACARBA CENTRE
 Mayor/Councillor LEAH ANDERSON declared a

Tick the relevant response:

☒	pecuniary conflict of interest
☐	significant non pecuniary conflict of interest
☐	less than significant non- pecuniary conflict of interest

in this item. The nature of the interest is I WORK FOR KATE WASHINGTON M.P.

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 6.06 pm.

Mayor/Councillor returned to the Council meeting at 6.14 pm.

MAYORAL MINUTES

MINUTES ORDINARY COUNCIL - 25 JULY 2023

Councillor Leah Anderson left the meeting at 6:06pm.

MAYORAL MINUTE

ITEM NO. 1

FILE NO: 23/186144
EDRMS NO: PSC2021-04199

YACAABA CENTRE

THAT COUNCIL:

- 1) Acknowledge the work of the Yacaaba Centre, providing critical counselling and support services to the Port Stephens community.
 - 2) Notes that the Yacaaba Centre is funded through donations, volunteering and reliance on operational funding from the NSW State Government.
 - 3) Notes that recently the NSW Government discontinued critical funding for mental health services provided by the Yacaaba Centre, 5 days a week to the Port Stephens community.
 - 4) Writes to The Hon. Rose Jackson, Minister for Housing, Homelessness, Mental Health and Youth, The Hon. Ryan Park, Minister for Health, Regional Health, and The Hon. Kate Washington, Minister for Families and Communities and Member for Port Stephens, requesting urgent funding for the Yacaaba Centre.
 - 5) Provide a \$5,000 donation from Mayoral funds to the Yacaaba Centre to assist with continuing these critical services for the Port Stephens community.
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ORDINARY COUNCIL MEETING - 25 JULY 2023 MOTION

169	Mayor Ryan Palmer Councillor Peter Kafer It was resolved that Council: 1) Acknowledge the work of the Yacaaba Centre, providing critical counselling and support services to the Port Stephens community. 2) Notes that the Yacaaba Centre is funded through donations, volunteering and reliance on operational funding from the NSW State Government. 3) Notes that recently the NSW Government discontinued critical funding for mental health services provided by the Yacaaba Centre, 5 days a week to the Port Stephens community. 4) Writes to The Hon. Rose Jackson, Minister for Housing, Homelessness, Mental Health and Youth, The Hon. Ryan Park, Minister for Health, Regional Health, and The Hon. Kate Washington,
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MINUTES ORDINARY COUNCIL - 25 JULY 2023

	Minister for Families and Communities and Member for Port Stephens, requesting urgent funding for the Yacaaba Centre. 5) Provide a \$5,000 donation from Mayoral funds to the Yacaaba Centre to assist with continuing these critical services for the Port Stephens community.
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Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The Yacaaba Centre is a non-government service providing a range of early intervention support aimed at assisting vulnerable people who are at imminent risk of homelessness, are homeless or are experiencing domestic and/or family violence.

The Yacaaba Centre works in partnership with the Port Stephens Homelessness Support Service and collaborates with a range of government and non-government providers to ensure people are assisted and continue to sustain accommodation.

The Yacaaba Centre is partly funded by the NSW Department of Communities and Justice, NSW Ministry of Health, donations, and support from individuals and businesses. The Yacaaba Centre is the only service provider on the Tomaree Peninsula that offers free counselling support. Over the past year, 67% of clients identified mental health as their primary concern.

Recently, funding for mental health services was rejected by the NSW Government. This has decreased the overall funding for the Yacaaba Centre by 44%.

Temporary funding of \$50,000 has been secured by Kate Washington MP, however, it is vital that the long term financial funding is provided to ensure these important services continue to be delivered in Port Stephens.

ATTACHMENTS

Nil.

COUNCIL REPORTS

MINUTES ORDINARY COUNCIL - 25 JULY 2023

Councillor Leah Anderson returned to the meeting at 6:14pm.

ITEM NO. 1

FILE NO: 23/161396
EDRMS NO: 16-2022-906-1

DEVELOPMENT APPLICATION 16-2022-906-1 FOR EARTHWORKS RELATING TO THE ENLARGEMENT OF AN EXISTING FLOOD MOUND - 235 NEWLINE ROAD, RAYMOND TERRACE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application DA No. 16-2022-906-1 for a flood mound at 235 Newline Road, Raymond Terrace (Lot: 1 DP: 800885) for the reasons contained in **(ATTACHMENT 1)**.

ORDINARY COUNCIL MEETING - 25 JULY 2023 MOTION

	Councillor Giacomo Arnott That Council refuse Development Application DA No. 16-2022-906-1 for a flood mound at 235 Newline Road, Raymond Terrace (Lot: 1 DP: 800885) for the reasons contained in (ATTACHMENT 1).
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The motion lapsed without a seconder.

ORDINARY COUNCIL MEETING - 25 JULY 2023 MOTION

170001	Councillor Peter Kafer Councillor Chris Doohan It was resolved that Council approve Development Application DA No. 16-2022-906-1 - 235 for a flood mound at 235 Newline Road, Raymond Terrace (Lot: 1 DP: 800885) for the following reasons and in accordance with DA conditions : • The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality. • The proposed development is a suitable and planned use of the site and its approval is within the public interest.
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- Council has given due consideration to community views when making the decision to determine the application.

CONDITIONS OF CONSENT

1.0 - General Conditions of Consent

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

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

The General Terms of Approval are:

1. Department of Planning and Environment, IDAS-2022-10720, 2 March 2023

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

- (2) **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 Reference/ Drawing No.	Rev	Name of Plan	Prepared by
12312, SHT 1 of 2	A	Plan of Proposed Enlarged Cattle Mound	David R. Walpole Ltd
12312, SHT 2 of 2	A	Plan of Proposed Enlarged Cattle Mound	David R. Walpole Ltd
12312, SHT 2 of 2	A	Relocated Shed Plans	David R. Walpole Ltd
		X Section of Existing Flood Mound	T Proust

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.

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.

- (3) **Building Code of Australia** – All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Use limitation – Bird strike issue** - As the subject site is located in an area mapped by the Department of Defence as “Birdstrike Group A”, organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.

2.0 - Prior to Commencement of Works

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

- (1) **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.
- (2) **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. (3) 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. 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. (4) 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. (5) Demolition work – All demolition works are to be carried out in accordance with Australian Standard AS 2601 'The demolition of
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	Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility. Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility. Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.
(6)	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).
(7)	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.
(8)	Rubbish generated from the development – Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works. No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.
(9)	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.
(10)	Scour Protection - Scour protection is to be designed and implemented for the flood mound to ensure the mound can withstand

	flood velocity. Details demonstrating compliance must be provided to Council and the Certifying Authority. (11) Structural engineer's certificate – A certificate must be prepared by a qualified Structural Engineer certifying that the mound design is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy, impact and loading from debris up to and including the future 1% Annual Exceedance Probability (AEP) event. Details demonstrating compliance must be provided to Council and the Certifying Authority. (12) Landscape Plan – A Landscape/Tree Plan must be submitted to Council for approval. The Landscape/Tree Plan must include the following: a) mature tree plantings around the mound for visual screening purposes; and b) grass seeding and dressing of the mound. Tree and species selection must be in accordance with Councils Landscape Technical Specification. 3.0 - During Works The following conditions of consent shall be complied with during the construction phase of the development. (1) 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. (2) Toilet facilities – Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.
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	The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor. (3) Compliance with the Building Code of Australia – Building work must be carried out in accordance with the requirements of the Building Code of Australia. (4) Excavations and backfilling – All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer. If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must: a) preserve and protect the building from damage; and b) if necessary, underpin and support the building in an approved manner; and c) give at least seven days notice to the adjoining owner before excavating, of the intention to excavate. The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact “Dial Before You Dig” prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets. This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. (5) Stormwater disposal – Following the installation of any roof, collected stormwater runoff from the structure must be: a) Dispersed at ground level, so as to not be concentrated or create nuisance flows onto any buildings, or neighboring properties. The discharge location must be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries. (6) 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.
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	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.
(7)	Location of stockpiles – Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.
(8)	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.
(9)	Truck wash down – Provision must be made for all trucks to be effectively washed down after loading and unloading, prior to leaving the site. This must be within a suitably contained and designated area.
(10)	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.
(11)	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.
(12)	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. (13) Delivery register - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development. (14) Cut and fill (if applicable) – While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. (15) Fill material – The only fill material that may be received at the development site is: a) Virgin excavated natural material (VENM) within the meaning of the Protection of the Environment Operations Act (POEO Act 1997; or b) Excavated natural material (ENM) within the meaning of the POEO Act 1997; or c) Any other waste-derived material the subject of a resource recovery exemption under s.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material. Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption
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conditions. Any fill, soil, mulch and plant brought onto the site must be certified as free of weeds and weed seeds.

4.0 - Prior to Use

The following conditions of consent shall be complied with prior to the use of the flood mound.

- (1) **Completion of flood mound** – Following completion of the earthworks;
 - a) The final pad shape, levels and location will be confirmed by the submission of a detailed survey plan prepared by a Registered Surveyor. The detailed works as executed survey plan must be provided in accordance with Council's Infrastructure Specification to Council within 14 days of completion.
 - b) The mound is to be top dressed and seeded with fast growing grasses.
 - c) A line of trees is to be planted along the eastern side of the flood mound to provide screening from Newline Road. Each tree must be a native species, with a minimum pot size of 80L, and should be suitably spaced so as provide screening.
- (2) **Repair of infrastructure** – On completion of the earthworks and mound, the applicant must ensure any public infrastructure damaged as a result of the carrying out of works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.
- (3) **Completion of Roads Act Approval works** - All approved road, 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.
- (4) **Flood Risk Management Plan** - A Flood Risk Management Plan prepared by a qualified Flood Engineer must be provided to Council demonstrating compliance with the following:
 - a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event.

	b) Certification that the proposed development/ building flood refuge is capable of withstanding the force of any flood waters experienced up to the Probable Maximum Flood Event (PMF). c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property. d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces. (5) Completion of Landscape Works - All landscaping works and tree plantings must be completed in accordance with the Landscape/Tree approved under consent. Satisfactory evidence of completed landscape works are to be submitted to Council prior to use of the flood mound. 5.0 Ongoing Use (1) Use of Mound - The approved flood mound is not permitted to be used for a residential dwelling or other habitable purposes. Advice Note(s): (1) 'Dial Before you Dig Australia' – Before any excavation work starts, contractors and others should phone the “Dial Before You Dig Australia” service to access plans/information for underground pipes and cables. (2) Flood information is subject to change – You are advised that flood information is subject to change if more accurate data becomes available to Council. It is the responsibility of the applicant to use the most up-to-date flood information. Prior to applying for a construction certificate, Council should be contacted to verify the currency of the flood information. (3) Bird strike advice – As the subject site is located in an area mapped by the Department of Defence as “Birdstrike Group A”, organic waste and/or the storage of bins associated with any future development must be covered and/or enclosed and limited on-site.
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MINUTES ORDINARY COUNCIL - 25 JULY 2023

	(4) Weed Management , This property has had priority weed as defined by the NSW Biosecurity Act 2015 identified growing on site. As the applicant dealing with this property you are advised that under the Biosecurity Act 2015 you have a legal obligation to prevent, eliminate and minimise the impact caused by weeds. As the applicant you also have an obligation to ensure you advise other persons dealing with this site of the Biosecurity risk. For more information on the identification, control and management of weeds on site please contact Port Stephens Councils' Invasive Species Team on (02) 4988 0392.
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Cr Giacomo Arnott gave notice of a foreshadowed motion. The foreshadowed motion is as follows:

“That Council refuse Development Application DA No. 16-2022-906-1 for a flood mound at 235 Newline Road, Raymond Terrace (Lot: 1 DP: 800885) for the reasons contained in **(ATTACHMENT 1)**.”

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 Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Kafer and Steve Tucker.

Those against the Motion: Crs Leah Anderson, Giacomo Arnott and Peter Francis.

The motion was carried.

BACKGROUND

The purpose of this report is to present Development Application (DA) 16-2022-906-1 for earthworks relating to the enlargement of an existing flood mound at 235 Newline Road, Raymond Terrace.

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

Subject Land:	235 Newline Road, Raymond Terrace (Lot: 1 DP: 800885)
Total Area:	31.001ha
Zoning:	RU1 Primary Production
Submissions:	1
Key Issues:	Flooding impact and risk
Reasons for Refusal:	The scale of proposed flood mound is excessive for the locality and far exceeds the NSW Department of Primary

	Industries – Agriculture 2009, 'Primefacts: Livestock flood refuge mounds' (Primefacts guideline) • The flood mound is located in a High Hazard Floodway • The Port Stephens Local Environmental Plan 2013 (PSLEP) states that development must be compatible with the flood hazard category of the land • The flood mound is inconsistent with the flood hazard category • The flood mound is likely to increase the flood risk to life and property • The access options (boat and levee) proposed by the applicant promote activities that are of high risk to life and do not suitably justify the location of the flood mound near the Williams River as proposed • The flood mound as proposed is not considered to provide safe access given a driveway with the flood immunity of Newline Road is not provided and unsafe access arrangements are proposed by the applicant.
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The development application has been reported in accordance with Council's Planning Matters to be Reported to Council Policy as it has been called up by Councillors Arnott and Kafer (**ATTACHMENT 2**).

A locality plan is provided at (**ATTACHMENT 3**).

Proposal

The development proposes to extend and enlarge the existing livestock refuge flood mound located in the south-west portion of the site, in conjunction with relocating an existing shed to the new flood mound. The existing flood mound on the site has a flood free area of approximately 2,500m², which is proposed to be extended to 1.6ha (16,000m²) under this proposal. It is noted that the total area of the proposed flood mound at completion of works would be 2.9ha (29,000m²).

The proposed flood mound will have a height of 5.8m AHD. The applicant has advised that the existing flood mound has an approximate volume of 20,000m³, with the proposed works requiring an additional 60,000m³ of fill.

The proposed flood mound is to be located towards the rear of the site in the south-west corner, adjacent to the existing Williams River flood levee. The proposed flood mound will be of an irregular shape. Due to the flood mound location adjacent to the flood levee, a small cut along the side of the existing flood mound and the flood levee will be required to achieve compliance with the advice requirements from the Office of Environment and Heritage (OEH) - Hunter Valley Flood Mitigation Scheme. The flood mound will be accessed via the existing driveway, which is not proposed to be upgraded as part of the development.

An existing shed on the site is proposed to be relocated to the new flood mound pad. This shed is 7m x 7m and has a height of 3m. The shed is currently located within the

batter area for the proposed flood mound, and will require relocation to facilitate the development.

Site Description and history

The subject site is an irregular shaped lot, which borders Newline Road to the east and the Williams River to the west. The site contains an existing flood mound and shed, but is otherwise vacant. The existing flood mound is located within the south-west corner of the site and has an area of 2,500m², with the existing shed located to the south east of this mound. The existing driveway is located along the southern edge of the site and provides access to the existing flood mound and shed. The proposal does not seek to change the driveway arrangements. A flood levee, which forms part of the Hunter Valley Flood Mitigation scheme is located within the subject site along the Williams River, with a drainage channel and flood gate in the north-west corner.

The site is relatively flat and is primarily used for agricultural purposes, including pasture for grazing cattle. Limited trees are scattered across the property, with most being located along the riverbank and in the northern portion. No dwelling is located on or approved over the site.

The entire site is mapped as a High Hazard Floodway, which is characterised by the potential for high levels of flood inundation with associated high velocity flowing water during flood events.

Key Issues

The key issues identified during the assessment relate to the location and scale of the proposed flood mound and associated flood impact and risk. A detailed assessment of the proposed development and these matters is contained within the Planners Assessment Report (**ATTACHMENT 4**).

Flood Impact and Risk

The proposed development is located on land mapped as being Flood Prone Land and is categorised as High Hazard Floodway.

Under Clause 5.21 of the Port Stephens Local Environmental Plan 2013 (PSLEP), development must be compatible with the flood hazard of the land and must not result in a significant, adverse effect on flood behaviour or risk to life and property. The proposed development is not considered to be compatible with the flood hazard category and is likely to have an adverse impact on flood behaviour and increase flood risk to life and property.

The flood mound has been designed and sited to allow enough space for livestock, feed storage, farm buildings and machinery storage during a prolonged flood event. While this approach may result in improved outcomes for livestock on the site, the potential impacts of the mound on access and downstream properties has not been

suitably addressed within the application and is considered likely to result in adverse impacts.

Chapter B5 of the Development Control Plan 2014 (DCP) provides specific controls for development on flood prone land. A Flood Impact Assessment (FIA) has been provided to address the requirements of this Chapter, however, the Flood Impact Assessment (FIA) submitted with the application was found to be inconsistent with the flood mound plans provided. The FIA also references old modelling data and fails to address cumulative impacts if similar scales of filling were to occur on nearby sites, climate changes and the impact of more regular flood events. As such, the submitted FIA fails to provide an accurate assessment of the potential impacts of the proposed flood mound and does not adequately demonstrate that the proposal is compatible with the flood hazard of the site, nor the likely effects associated with an adverse impact on flood behaviour.

Emergency Egress and Location of Mound

The applicant has advised evacuation of livestock is not required as the proposed flood mound would have sufficient space for all livestock, machinery, and feed for an extended flood event. Additionally, the proposed location near the flood levee would provide access options via the levee or boat via the Williams River to provide aid and food to livestock on the flood mound. Council planning and engineering officers recommend the flood mound be relocated towards Newline Road to provide safe egress and evacuation of livestock from the site. The access options (boat and levee) proposed by the applicant promote activities that are of high risk to life and do not suitably justify the location of the flood mound near the Williams River as proposed. The intention by the applicant to remain on the site during a large scale flood event, gain access through high hazard flood waters or over the OEH flood levee are not an acceptable flood emergency plan, and cannot be supported by Council staff on safety/risk to life grounds. There are no upgrade works proposed to the driveway connecting the mound to Newline Road, thereby creating a large mound on the site that will be isolated in flood events that may last several days. As such, the proposed development is not considered to provide safe access given a driveway with the flood immunity of Newline Road is not provided and unsafe access arrangements are proposed by the applicant contrary to the requirements in Chapter B5.D of the DCP.

The scale of the flood mound

Chapter B5.8 and Figure BK of the DCP provides requirements for the size and location of livestock flood refuge mounds, which state that the design and size should be determined by reference to the NSW Department of Primary Industries – Agriculture 2009, 'Primefacts: Livestock flood refuge mounds' (Primefacts guideline). The proposed mound scale is excessive for the locality and far exceeds both the Primefacts calculations and the applicant's own calculations. Overall, the proposed flood mound will have a total flood area of 1.6ha (16,000m²), which is 6.7 times larger than the size determined by the Primefacts guidelines.

Furthermore, it is noted that the proposed flood mound appears to be inconsistent with the requirements of Figure BK of the DCP, which states that a flood mound of this scale should be located at least 830m from the nearest property. The proposed flood mound is located 10m from the nearest property. This represents a significant numerical non-compliance against section B5 of the DCP.

In summary, the most critical issue in terms of the location for the proposed development is that the mound is not positioned in the most suitable location on the site, being away from the flood source and fails to avoid isolation by high hazard floodwaters in terms of access. Locating the mound adjacent to Newline Road provides a safer egress option for livestock and is positioned further away from the higher flood water velocities.

In consideration of the above, the proposed development fails to suitably minimise risks to life or property, and is considered likely to have an adverse impact on flood behaviour and the ability to evacuate the site efficiently. Moreover, the location and scale of the proposed flood mound will likely displace flood water and push the overland flow path towards the front of the subject site and the existing driveway, and towards existing structures and flood mounds on neighbouring properties.

Earthworks

The objective of Clause 7.2 of the PSLEP 2013 is to ensure that the proposal will not have a detrimental impact on environmental functions and processes, neighbouring uses, or features of the surrounding land. The proposal includes significant earthworks to facilitate the proposed flood mound, with at least 60,000m³ of fill required. Insufficient mitigation measures have been provided to demonstrate that the proposed development will not have an adverse impact on neighbouring properties through the displacement of flood waters onto neighbouring properties.

Conclusion

The proposed development is not recommended for approval due to the proposed scale and most importantly location of the flood mound within the catchment and High Hazard Floodway area. As outlined in the Planners Assessment Report **(ATTACHMENT 4)**, the proposed development is considered to be inconsistent with the relevant legislation and policies, including:

- Environmental Planning and Assessment Act 1979
- PSLEP 2013 – Clause 5.21 Flood Planning and Clause 7.2 Earthworks
- DCP 2014 – Chapter B5 Flooding.

Based on a detailed assessment of the DA and regard to the relevant provisions within PSLEP 2013 and DCP 2014, the DA is recommended for refusal for the reasons contained in **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Deliver an annual program for Council to provide development services to enhance public safety, health and liveability

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed development is inconsistent with the relevant planning instruments including the EP&A Act, PSLEP 2013, and DCP 2014. A detailed assessment against these requirements and provisions is contained within the Planners Assessment Report provided at **(ATTACHMENT 4)**. Based on the recommendation by Council staff, the determination of the DA may be challenged by the applicant in the Land and Environment Court.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the DA is refused, the determination of the DA may be challenged by a third party in the Land and Environment Court.	High	Determine the DA in line with the recommendation.	Yes
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	Determine the DA in line with the recommendation.	Yes

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the DA is approved, people and property may be exposed to an unacceptable level of risk.	Medium	Determine the DA in line with the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Impacts

The proposed development would provide positive social and economic impacts through increased flood free areas for livestock and construction of the flood mound would result in short-term employment opportunities, which would have a direct monetary impact on the local economy.

Notwithstanding, the development is considered likely to result in unreasonable flood isolation for the proposed flood mound and increased flood risk for downstream properties due to the displacement of floodwater and redirection towards existing flood mounds and structures. The proposal has not suitably addressed the potential social or economic adverse impacts to downstream neighbouring properties from a change to flood flow paths, and is therefore not considered to be in the public interest.

Impacts on the Built Environment

Earth mounds and farm buildings are a common type of development within the locality, given the flood prone nature of the surrounding catchment. However, it is noted the flood mound in its proposed location may push overland flow paths towards neighbouring flood mounds and structures. As such, potential adverse impacts to the surrounding rural landscape and surrounding built environment are not considered to have been suitably mitigated. Should the development be approved, conditions should be imposed requiring the flood mound be landscaped, dressed and seeded to achieve a natural green form and mitigate visual impact.

Impacts on the Natural Environment

The proposed development does not involve the clearing of any native vegetation under this application and therefore will not have an adverse impact on the natural environment. Should the development be approved, the completed flood mound should be top dressed and seeded with fast growing grassing and conditions of consent imposed to manage the control of existing noxious weeds on site. Overall, however, impacts to the natural environment and sensitive areas are considered minor.

CONSULTATION

Internal

Consultation was undertaken with Council's Development Engineering and Flooding Officers as part of the assessment. The referral comments provided by these officers are discussed within the Planners Assessment Report (**ATTACHMENT 4**). The DA is not supported by Development Engineering and Council's Flood Advisory Review Panel (FARP) for the reasons outlined in this report.

External

Consultation was undertaken with external agencies, including the Department of Planning and Environment (Water Office) and the Hunter Valley Flood Mitigation Scheme at the Office of Environment and Heritage. The referral comments and advice from these agencies have been considered as part of the assessment and are discussed in detail within the Planners Assessment Report (**ATTACHMENT 4**).

Notification

The application was exhibited from 24 November 2022 to 21 December 2022 in accordance with the Port Stephens Council Community Participation Plan. One submission in support of the development application was received.

OPTIONS

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

ATTACHMENTS

- 1) Reasons for Refusal.
- 2) Call to Council form.
- 3) Locality Plan.
- 4) Planners Assessment Report.

COUNCILLORS ROOM

- 1) Development Plans.
- 2) Unredacted submission.

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

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 REASONS FOR REFUSAL.**SCHEDULE 1 – REASONS FOR REFUSAL**

1. The proposed development fails to satisfy Clause 5.21 – Flood Planning of the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) as the development fails to demonstrate compatibility with the high hazard floodway category of the site, including minimising the risk to life and property associated with the flood hazard (s4.15(1)(a)(i) EP&A Act);
2. The proposed development fails to satisfy Clause 7.2 – Earthworks of the Port Stephens Local Environment Plan 2013 as the development fails to demonstrate there will not be a detrimental impact on environmental functions and process or neighbouring properties (s4.15(1)(a)(i) EP&A Act);
3. The proposed development does not comply with the objectives and controls contained within Chapter B5 Flooding of the Port Stephens Development Control Plan (DCP) (s4.15(1)(a)(iii) EP&A Act);
4. The proposed development is not suitable for the site based on the flood category of the land (s4.15(1)(c) EP&A Act);
5. The proposed development is not considered to be in the public interest as the development is inconsistent with Clause 5.21 of the PSLEP 2013, Chapter B5 of the DCP and adopted Council policies and strategies which seek to promote the appropriate and orderly development of land with regard to flood hazards (s4.15(1)(e) EPA&A Act).

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

The determination decision was reached for the following reasons:

- The proposed development is not consistent with the objectives of the applicable Environmental Planning Instrument, being the Port Stephens Local Environmental Plan 2013 (PSLEP).
- The proposed development is not consistent with the objectives of the applicable Development Control Plan, being the Port Stephens Development Control Plan 2014 (PSDCP).
- The proposed development is not in the public interest as it is inconsistent with the adopted planning instruments and Council policies applying to the land.

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

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

PORT STEPHENS COUNCIL

116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

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

www.portstephens.nsw.gov.au

ITEM 1 - ATTACHMENT 1 REASONS FOR REFUSAL.



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

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

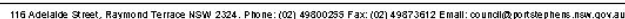
RIGHT OF REVIEW

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

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

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

 PORT STEPHENS COUNCIL		CALL TO COUNCIL FORM DEVELOPMENT APPLICATION
Development application (DA) call to Council request:		
I/We (Mayor/Councillor/s) <u>Peter John Kafer</u> request that DA number <u>16-2022 90611</u> for DA description <u>construction of cattle Mound</u> located at <u>235 Newline Road Port Stephens</u> be reported to Council for determination.		
Reason:		
<u>To get a position of the elected body of Council in regard to this proposed Development</u>		
Declaration of Interest:		
☒ I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person. ☒ We (Mayor/Councillor/s) <u>S</u> have a conflict of interest: ☒ No ☐ Yes If yes, please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:		
Signed: Please sign or type name & attached to an email.		
Signed: Please sign or type name & attached to		



PORT STEPHENS
COUNCILDEVELOPMENT
ASSESSMENT REPORT

APPLICATION REFERENCES

Application Number	16-2022-906-1
Development Description	Earthworks – flood mound
Applicant	MR A PROUST
Land owner	MR J S Wilson
Date of Lodgement	14/11/2022
Value of Works	\$20,000.00
Submissions	1

PROPERTY DETAILS

Property Address	235 Newline Road RAYMOND TERRACE
Lot and DP	LOT: 1 DP: 800885
88B Restrictions on Title	N/A
Current Use	Agricultural use
Zoning	RU1 PRIMARY PRODUCTION
Site Constraints	Weed Infestations – Alligator Weed; Bushfire Prone Land – Category 3, Buffer; SEPP (Resilience and Hazards) – Coastal Environment Area, Coastal Use Area, and Coastal Wetlands 100m proximity area; Acid Sulfate Soils – Class 1, 2, & 3; Koala Habitat Planning Map – Buffer, Link, Preferred; Endangered Ecological Communities; High Environmental Value Mapping; Biodiversity Values Map; OEH Referral – HV Flood Mitigation Scheme; Height Trigger Map; Bird Strike Groups A; Prime Agricultural Land;

ITEM 1 - ATTACHMENT 4 PLANNERS ASSESSMENT REPORT.

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	Combined Corridor Map; Watercourses;
State Environmental Planning Policies	State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021.

OWNERS CONSENT	YES	N/A
Land owners consent	☒	☐
If the land owned by a corporation/company, relevant signatures have been provided (sole director, or director/director / director/company secretary).	☐	☒
For works occurring outside property, neighbouring consent provided.	☐	☒
For works occurring on common property within Strata, owner's consent from Strata body provided (common seal).	☐	☒
DA FORM AND AUTHORITY		
Applicant's description of proposal consistent with DA plans.	☒	☐
DA description correct in Authority (i.e. LEP definition).	☒	☐
DA lodged over all affected properties and Authority correct.	☒	☐
Satisfactory cost of works.	☒	☐
NOTIFICATION		
Application notified correctly (i.e. check properties notified).	☒	☐
REFERRALS		
Check referrals are correct and identify if additional required: i.e. Integrated Development (send within 14 days section 42 (2) EPA Regs 2021	☒	☐
Call applicant and send email acknowledgement.	☒	☐

PROPOSAL

The development proposes to extend and enlarge the existing livestock refuge flood mound located in the south-west portion of the site, in conjunction with relocating an existing shed on the new flood mound. The existing flood mound on the site has a flood free area of approximately 2,500m², which is proposed to be extended to 1.6ha (16,000m²) under this proposal and represents an approximate 85% increase in flood free area. It is noted that the total area of the proposed flood mound at completion of works would be 2.9ha (29,000m²).

The proposed flood mound will have a height of 5.8m AHD. The applicant has advised that the existing flood mound has an approximate volume of 20,000m³, with the proposed works requiring an additional 60,000m³ of fill, and will require approximately 2,500 – 3,000 truck movements carrying between 20m³ and 30m³ of fill to the site per delivery. This would equate to an average of 5 truck movements a day over a two year period.

The proposed flood mound is to be located towards the rear of the site in the south-west corner, adjacent to the existing flood levee and Williams River. The proposed mound will be of an irregular shape (see Figure 1 below). Due the mound location adjacent to the flood levee, the proposal will require a small cut along the side of the existing flood mound and the flood levee to be widened ensure compliance with the requirements from the Office of Environment and Heritage (Hunter Valley Flood Mitigation Scheme) (see Figure 2 below). The mound will be accessed via an existing unsealed driveway, which is not proposed to be upgraded as part of this application.

An existing shed on the site is proposed to be relocated approximately 350m east to a new section of the flood mound pad. This shed is 7m x 7m and has a height of 3m. The shed is currently located within the batter area for the proposed flood mound, and will require relocation to facilitate the proposal (see Figure 3 below).

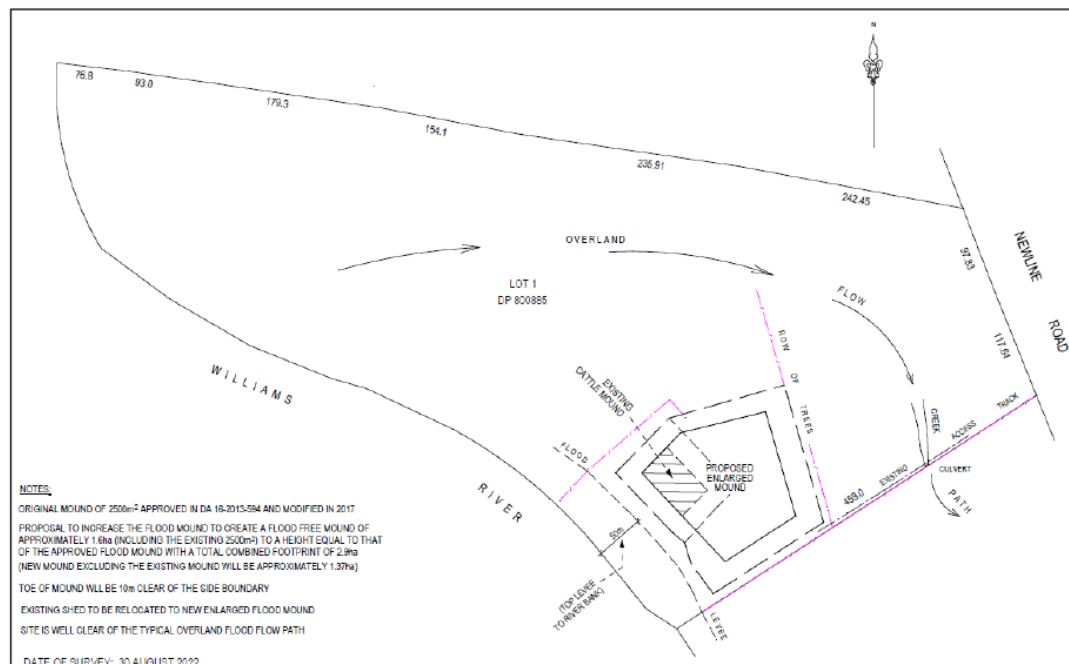


Figure 1: Site plan showing the existing flood mound and the proposed flood mound. The dotted line indicates the extent of the mound, with the flood free area shown by the solid line.

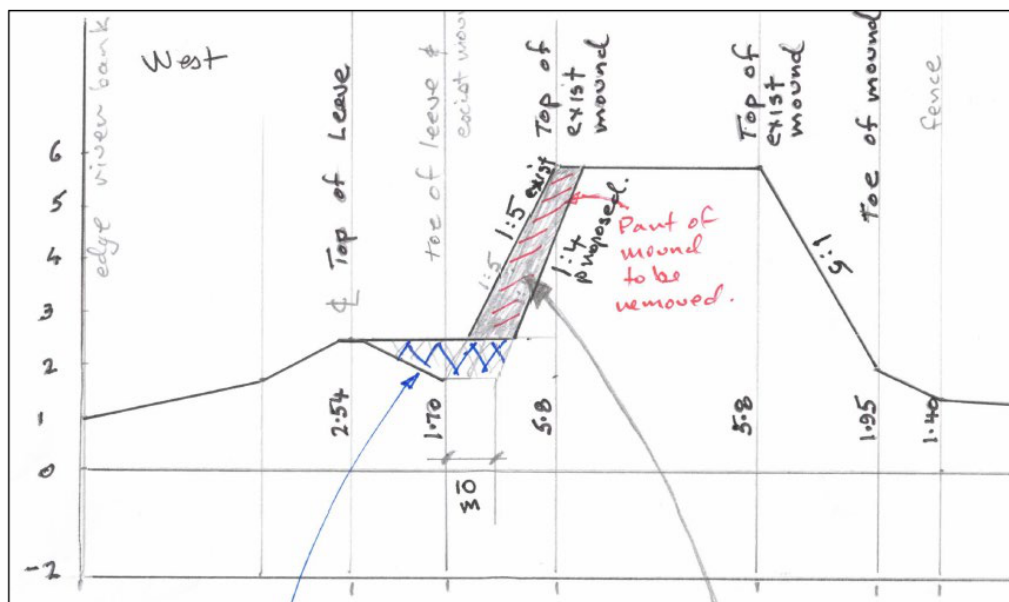


Figure 2: Cross-section of the proposed flood mound, showing the proposed height of the mound, and the interaction with the existing flood levee (shown in blue).

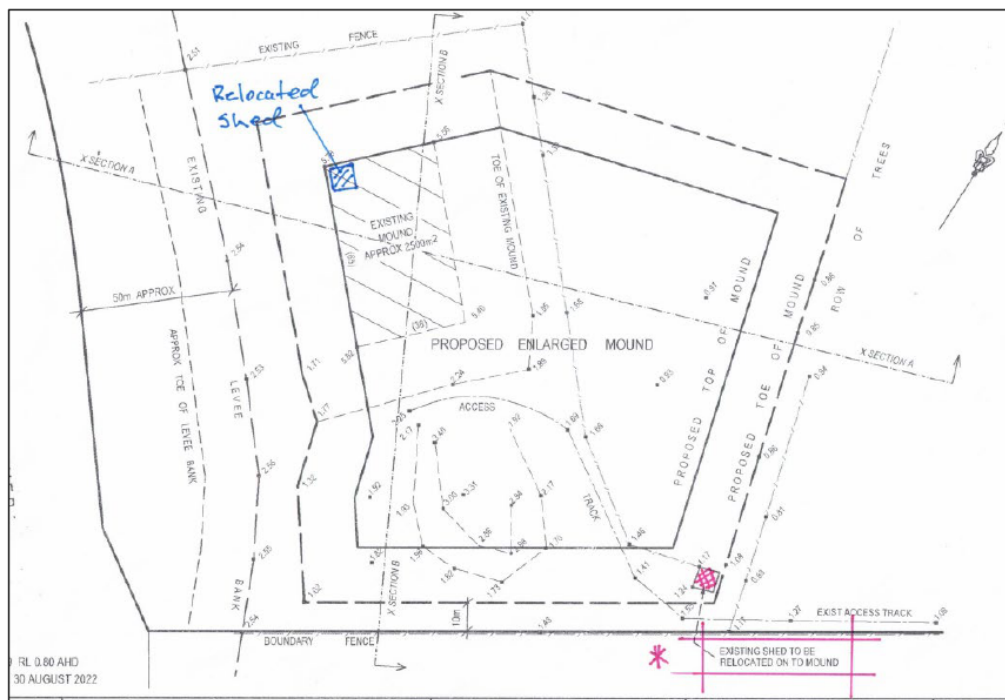


Figure 3: Proposed flood mound detail, showing the existing flood mound and proposed relocation of the existing shed (current location in pink with proposed location in blue)

SITE DESCRIPTION

The subject site is known as 235 Newline Road, Raymond Terrace, and legally defined as LOT: 1 DP: 800885. The site is 32.49 hectares in size, with an irregular trapezoid shape. The subject site borders Newline Road to the east and the Williams River to the west. The lot contains an existing flood mound (see Figure 1 and 3) and a shed, but is otherwise vacant. The existing flood mound is located within the south-west corner of the site and has an area of 2,500m², with the existing shed to the south east of this. The existing driveway is located along the southern edge of the site and provides access to the existing flood mound and shed. The proposal does not seek to change the driveway arrangements. A flood levee, which forms part of the Hunter Valley flood mitigation scheme is located within the subject site aligning the Williams River, with a drainage channel and flood gate in the north-west corner.

The site is relatively flat, and is largely used as pasture for grazing cattle. Limited trees are scattered across the property, with most being located along the riverbank and in the northern portion. The site is currently used for agricultural purposes (cattle grazing), which is intended to continue. No dwelling is located on or approved over the site.



Figure 4: Aerial imagery showing the subject site (outlined in red) and the approximate location of the existing flood mound (including the extent of the batter - outlined in yellow).

SITE HISTORY

The subject site has been subject to a number of previous applications which are listed below:

DA Number	Description	Determination	Date
16-2016-750-1	Landfill (cattle mound) and farm shed	Rejected	15/11/2016
16-2016-687-1	Two storey dwelling	Rejected	17/10/2016

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16-2013-594-4	S.96 Amendment – Increase in flood mound height and size	Approved with Conditions	31/01/2018
16-2013-594-3	S96(1) Application to approved landfill (cattle mounds) – amendment	Approved with Conditions	15/11/2017
16-2013-594-2	Land fill (cattle mounds)	Approved with Conditions	16/06/2014
16-2013-594-1	Land fill (cattle mounds)	Approved with Conditions	09/12/2013
7-1984-2172-1	Farm building	Approved with Conditions	16/01/1984
7-1983-61379-1	Farm building	Approved	14/02/1984

The existing flood mound approved under DA16-2013-594-4 had an approved height of 6.0m AHD with an area of 2,500m². Survey details provided to Council in 2018 for DA16-2013-594 indicated that the flood mound was constructed to 6.0m AHD. However, the provided survey plans for the subject application shows the existing flood mound as comprising a height between 5.5m AHD and 5.8m AHD, with the proposed extension to have a height of 5.8m AHD.

Dwelling entitlement advice was issued by Council on 20 September 2022 which confirmed that the subject site does have a dwelling entitlement under Clause 4.2B(3), although it is noted that there has been no application for a dwelling approved over the subject site.

A pre-lodgement meeting (18-2022-52-1) was held for this proposal on 21 September 2022, and meeting minutes were issued to the applicant on 11 October 2022. It is noted that the pre-lodgement meeting minutes identified that the size of the flood mound should be calculated against the NSW Department of Primary Industries – Agriculture. 2009, 'Primefacts: Livestock Flood Refuge Mounds', and that detailed information relating to visual impacts and flood impacts would need to be provided with any future application to enable detailed assessment to occur.

SITE INSPECTION

A site inspection was carried out on 23 June 2023.

The subject site can be seen in the images below:

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Image 1: Image of the subject site showing the existing flood mound and structures at the rear of the site



Image 2: Image of the existing flood mound as viewed from Newline Road

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PLANNING ASSESSMENT

The proposed development was referred to the following internal specialists and external agencies. The comments provided by the special staff and external agencies have been used to carry out the assessment against the S4.15 Matters for Consideration.

Internal

Development Engineering	
Comment:	The application was referred to Development and Flood Engineering for comment on two occasions, along with referral to Councils Flood Advisory Reference Panel (FARP) on 16th March 2023. The following issues were raised by Councils Development and Flood Engineers: • The location and size of the flood mound is considered likely to direct the overland flow path towards the front of neighbouring sites where there are existing flood mounds and structures. • Despite the entire site being classified as High Hazard Floodway area, the rear of the site, where the proposed flood mound is proposed to be located, is considered to be the highest risk due to flood depths, velocities, and risk of isolation, and therefore is not compliant with Section B5.1 of the DCP. • The proposed mound size is inconsistent with section B5.8 of the DCP, being well in excess of <i>NSW Department of Primary Industries – Agriculture. 2009, 'Primefacts: Livestock flood refuge mounds'</i> and Figure BK which dictates numerical standards for livestock flood refuge mounds. • The Flood Impact Assessment (FIA) was found to be insufficient to justify the proposed location and size of the flood mound, and fails to demonstrate compliance with Section B5 of the DCP. Three (3) requests for further information were sent to the applicant outlining the above concerns. Additional information was provided to Council in response to the requests for further information, however no design amendments or additional information were provided by the applicant to adequately address the flood impact matters raised by Council. The applicant therefore intends to proceed with the location and size of the flood mound as proposed. Notwithstanding, Councils Development Engineers advised the size of the flood mound may be supported if it was relocated adjacent to the road frontage so as to reduce isolation, avoid the highest flood risk portion of the site and potential adverse impacts to overland flow paths on adjoining properties. This alternate option was not accepted by the applicant. Consequently, Councils Development Engineers and FARP committee are not satisfied that the above flooding concerns have been satisfactorily addressed, and as such, the application is not supported.

External

Department of Planning and Environment - Water	
Comment:	The application was referred to Department of Planning and Environment (DPE) - Water under Section 91 of the Water Management Act 2000 as integrated development. General Terms of Approval were issued by DPE - Water on 2 March 2023.
Office of Environment and Heritage (OEH) – Declared floodplain	
Comment:	The application was referred to Office of Environment and Heritage OEH under Section 256 of the Water Management Act 2000, given the site is located within a declared floodplain that has been nominated by the Minister. The advice from OEH raised concern that the existing flood mound does not comply with the setback requirements for development near floodplain levees. As the proposal does not seek to relocate the existing flood mound, the proposal would remain non-compliant with the OEH requirements. Two options to amend the proposal to ensure compliance were provided including: 1. Extending out from the levee crest at the same height for a distance of 10m from the levee toe before commencing the raised mound; OR 2. Removing the existing mound and reconstructing it as a separate structure with the base being 10m from the existing levee. The applicant has provided additional information demonstrating compliance with Option 1 can be achieved through the small cut as shown in Figure 2. The proposed flood mound is therefore considered to be able to comply with the OEH requirements.

Comment: All external agencies have supported the application subject to conditions.

Environmental Planning and Assessment Act 1979

Section 4.46 - Integrated development

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development is integrated as it requires approval under the following Acts:

Department of Planning and Environment - Water

The proposal was referred to DPE-Water under Section 91 of the *Water Management Act 2000* as nominated integrated development for the purpose of a controlled activity approval. General Terms of Approval were issued on 2 March 2023 with two conditions, including the requirement for a controlled activity approval prior to the commencement of any works over the site, and that any changes to the proposal would require notification to DPE-Water. These conditions have been included on the without prejudice conditions.

Section 4.14 – Consultation and development consent (certain bushfire prone land)

The site is mapped on bushfire prone land, Category 3 (buffer) and as such triggers consideration under the NSW RFS Planning for Bushfire Protection 2019. The development proposes non-

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habitable structures and earthworks which do not require specific bushfire protection measures or a Bushfire Safety Authority from the Rural Fire Service.

There are no bushfire protection requirements for Class 10a buildings located more than 6m from a dwelling in a bushfire prone areas. Where a Class 10a building is located within 6m of a dwelling it must be constructed in accordance with the NCC. Given there is no dwelling on the site or proposed, there are no specific bushfire requirements and the development conforms to the specifications and requirements of the Planning for Bushfire Protection 2019.

Section 4.15 - Matters for consideration

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

Section 4.15(a)(i) - any environmental planning instrument

An assessment has been undertaken against each of the applicable environmental planning instruments (EPI's) below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021**Chapter 3 Koala Habitat Protection 2020**

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

The subject site is located within zone RU1 Primary Production, and is mapped as containing preferred koala habitat and linking areas over cleared land, however, it is noted that the location of the proposed flood mound is cleared of any significant vegetation. No tree removal is proposed or required, and the proposal is not expected to have an adverse impact on any preferred koala habitat. As such, the proposal is consistent with the CKPoM.

State Environmental Planning Policy (Resilience and Hazards) 2021**Chapter 2 Coastal Management**

The subject land is located with the Coastal Environment Area, Coastal Use Area, and 100m proximity to Coastal Wetlands; as such the following general matters are required to be considered when determining an application.

Section 2.8 – Proximity to Coastal Wetlands

As per Section 2.8 of Chapter 2 of the SEPP, development consent must not be granted to development on land identified as 'proximity area for coastal wetlands' unless the consent authority (Council) is satisfied that the proposed development will not significantly impact the biophysical or ecological integrity of the adjacent coastal wetland or the quantity/quality of surface and ground water flows to and from the adjacent wetland.

The 100m proximity to Coastal Wetlands area extends only a small distance into the subject site along Newline Road. The proposed flood mound will not be located within this area, and is instead located towards the rear of the site. No significant vegetation is proposed to be removed to facilitate the works, and it is considered unlikely that the proposed earthworks would have an adverse impact on the biophysical or ecological integrity of the adjacent coastal wetlands. The proposal does not

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include any stormwater systems which would drain towards to the mapped wetlands area, however due to its location and size, it is considered likely to push overland flow paths closer to the mapped proximity to wetlands area during flood events. No information has been provided from the applicant to demonstrate flows from the site would not have an adverse impact on the quantity and quality of ground water flows to the adjacent coastal wetlands, and therefore, Council as the consent authority cannot be satisfied that there are no significant impacts to the ground water flows or the hydrological integrity of the adjacent coastal wetlands.

Section 2.10 – Coastal Environment Area

In accordance with Section 2.10 of Chapter 2 of the SEPP, development consent must not be granted for development within the coastal environment area unless the consent authority has considered whether the development will cause impact to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing public open space and access to and along the foreshore.

The proposed development is separated from the Williams River by the existing flood levee, with the levee being approximately 50m from the river bank. Due to this setback and there being no proposed vegetation removal, it is considered unlikely that the proposal would have an adverse impact on marine flora and fauna or the coastal environment. Additionally, there are no heritage items or places identified on the subject site or adjacent lots, and therefore it is considered unlikely to have an adverse impact on the coastal environment area.

Section 2.11 – Coastal Use Area

In accordance with Section 2.11 of Chapter 2 of the SEPP, development consent must not be granted for development unless the consent authority has considered existing and safe access to and along the foreshore, overshadowing and loss of views, visual amenity and scenic qualities and heritage values. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design.

The proposed mound is not considered likely to have an adverse impact on coastal use area by preventing access to foreshore areas, or causing unreasonable overshadowing impacts, wind funnelling, or loss of views from public places to foreshores. A Visual Impact Assessment (VIA) has been provided which demonstrates that the proposal is unlikely to have an adverse visual impact from public areas (being Newline Road), due to the setback and existing vegetation on the site. If the development is to be approved, a condition of consent should be included requiring landscape planting adjacent to the proposed flood mound to provide screening from Newline Road and from the neighbouring properties to the south. There are no items or places of Aboriginal or European cultural heritage identified on the subject site or adjacent lots, and as such, the proposal is not expected to have an adverse impact on such areas.

Section 2.12 – Coastal Hazards

Section 2.12 of Chapter 2 of the SEPP requires consideration as to whether the development would increase the risk of coastal hazards. The proposed development is suitably designed and located to not increase risk to coastal hazards.

Therefore the application would generally comply with the aims of the SEPP and the other matters for consideration stipulated under Section 2.8, 2.10, 2.11 and 2.12.

Chapter 4 Remediation of Land

Section 4.6 of Chapter 4 of the Resilience and Hazards SEPP requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development.

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The NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system. The land is also not within an investigation area. The site has however historically supported agricultural activities, which are identified as a possible contaminating land use under Table 1 of the EPA Contaminated Lands Guidelines. The proposed development proposes fill for the purpose of a flood mound, which does not require surface penetration. The proposed use for cattle grazing and agricultural activities is a low risk land use that is comparable to the historic agricultural uses that have occurred on site. Given there are no sensitive land uses proposed and ground disturbance is minor, the proposed development is suitable for the site and no preliminary or detailed site investigation is reasonably warranted. Noting this, the proposed development satisfies the requirements of Chapter 4 of this SEPP.

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

The objectives of the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To facilitate a variety of tourist and visitor-orientated land uses that complement and promote a stronger rural sector appropriate for the area.*

The proposed development is defined as earthworks for the purpose of a livestock flood mound and farm building which is ancillary to the existing extensive agricultural use of the site. The proposed development is permissible with consent in the RU1 Primary Production zone. The development is also consistent with the objectives of the zone as it supports the existing primary industry on the site, will not result in the fragmentation or alienation of resource lands, or result in conflicts between land uses within this zone.

Clause 4.3 – Height of Buildings

There is no maximum height applicable to the subject site. The existing shed (which is to be relocated) will have a maximum height of 3m. Due to its proposed location on the flood mound, the shed will have a total height of 7.8m above ground level. The shed height and its location on the flood mound is appropriate for the use of the structure and is consistent with similar agricultural buildings in the area given that they are typically located on flood mounds. As such, the proposed height is considered to be consistent with the objectives of this clause as it is appropriate for the context and character of the area and reflects the hierarchy of centres.

Clause 5.21 – Flood Planning

The proposed development is located on land mapped as being Flood Prone Land and is categorised as High Hazard Floodway. Development on land identified as flood prone is required to demonstrate minimal flood risk to life and property, and to achieve development that is compatible with the flood hazard to avoid significant adverse impacts on flood behaviour. The jurisdictional prerequisites for Clause 5.21 are outlined below.

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

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- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

The flood planning level (FPL) relevant to the land is RL 6.0 metres AHD, with the current day 1% AEP flood level being RL 4.9 meters AHD and the 2100 1%AEP flood level being 5.8 meters AHD. The development plans submitted show the finished level of the flood mound at 5.8m AHD, with the shed to be located on the flood free pad. No specific finished floor level (FFL) of the shed has been provided. It is noted that the provided Flood Impact Assessment (FIA) submitted with the application indicates the finished level of the flood mound will be at 4.6m AHD and will have a total flood free area of 1ha, with the flooding impacts modelled on these assumptions.

The Flood Impact Assessment is not consistent with the mound plans provided, and while the applicant has since confirmed that the proposed flood mound will have a flood free area of 1.6ha and a finished level of 5.8m AHD, the flood impact modelling has not been updated to reflect the submitted plans. The FIA also references the Williams River Flood Study, which does not have the most recent data reflected in the Williamstown Salt Ash Flood Risk Management Study and Plan (2017). Additionally, the FIA has not assessed smaller, more regular flood events, climate change models/simulation, or cumulative impacts if similar scales of filling were to occur on nearby sites, despite this information being requested by Councils Development Engineers. Assessing potential cumulative impacts is a requirement of both the NSW Floodplain Development Manual 2005 and Councils DCP.

As such, the submitted FIA fails to provide an accurate assessment of the potential impacts of the proposed flood mound and does not adequately demonstrate that the proposal is compatible with the flood hazard of the site, nor the likely effects associated with an adverse impact on flood behaviour. The proposed flood mound represents a significant increase in flood mound size (more than 6 times the original approval) and is located in close proximity to the flood risk (Williams River), as opposed to being sited in an area of lower flood risk adjacent to Newline Road.

It is understood that the flood mound has been designed and sited to allow enough space for livestock, feed storage, farm buildings and machinery storage during a prolonged flood event. While this approach may result in improved outcomes for livestock on the site, the potential impacts of the mound on access and downstream properties has not been suitably addressed within the application and is considered likely to result in adverse impacts. Given the scale and location of the mound, it is likely that flood water would be displaced, and redirect the overland flow path towards the front of the site and over the existing driveway which services the site. This overland flow path would also be directed towards the front of neighbouring properties where there are existing flood mounds and structures. This may then increase isolation of the flood mound and increase flood risk to life and property downstream. The FIA provided has not suitably addressed these critical assessment requirements under Clause 5.21, and it is noted that the discrepancies between the flood mound size, references to an outdated study, and lack of assessment of climate change and cumulative effects fail to demonstrate the proposed mound is consistent with the flood hazard category of the site.

In consideration of the above, the proposed development fails to suitably minimise risks to life or property through the application, and is considered likely to have an adverse impact on flood behaviour and the ability to evacuate the site efficiently. Please refer to Section B5 of this report, for

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an assessment of the proposed development against prescribed development control standards for flooding.

Clause 7.1 – Acid Sulfate Soils

The subject land is mapped as containing potential Class 1, 2, and 3 acid sulfate soils. The development is to be located within the Class 3 area only, and is not anticipated to entail excavations of the natural ground level with only minor excavations to the existing flood mound proposed. As such, it is considered unlikely that any Acid Sulfate Soils would be disturbed and an ASSMP is not required.

Clause 7.2 – Earthworks

The development proposes significant earthworks (predominantly consisting of fill) to construct the flood mound. The proposed flood mound will have an area of approximately 2.9ha (from ground level), and will require approximately 60,000m³ of fill. A minor cut along the side of the existing flood mound will be undertaken to allow the levee to be widened as per requirements from OEH, with any excavated material to then be reused on the site. The applicant has also advised that all fill brought into the site will be Virgin Excavated Natural Material (VENM). Should the application be supported, a condition of consent has been recommended permitting only VENM soils to be imported to the site.

The proposed earthworks are not considered likely to have an adverse impact on the existing agricultural use of the site as it will provide a consolidated area for storage of machinery and livestock feed, in addition to a livestock flood refuge during flood events, without prohibiting the ongoing agricultural use of the rest of the site. The location of the proposed flood mound in the south-west corner of the lot being only 10m from the closest adjoining neighbour and in proximity to the Williams River, provides a potential for adverse impacts, such as scour or sediment movement. It is noted that conditions of consent relating to erosion and sediment controls can be imposed should the development be approved, which would minimise any adverse impacts.

Due to the location and extent of earthworks proposed and the subject site's location within a High Hazard Floodway, it is considered likely that the earthworks may have detrimental impacts on drainage patterns in the locality of the development, and therefore may have adverse impacts on the amenity and useability of adjoining properties. Insufficient information has been provided to satisfactorily demonstrate that appropriate measures have been undertaken to avoid, minimise, or mitigate these potential impacts for the proposed earthworks. As such, the proposal is not considered to be consistent with the objectives of this clause due to the potential for detrimental impacts on environmental functions, neighbouring uses, and features of the surrounding land.

Clause 7.6 – Essential Services

Confirmation of connection to services such as reticulated water, electricity, and sewer has not been confirmed, however as there are existing farm buildings on the site it can be reasonably assumed that essential services are available as required. The subject land also maintains direct access to Newline Road, satisfying the requirements of this clause.

Clause 7.9 – Wetlands

The site is mapped as containing wetlands based on LEP mapping. The proposed development is not located within the wetland mapped area and does not require the removal of any significant vegetation. As such, it is not considered likely to have a negative impact on the flora and fauna of the wetland, including either native and migratory species, or the characteristics of the wetland ground or surface water.

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

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

Section 4.15(a)(iii) – any development control planPort Stephens Development Control Plan 2014

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

Chapter B1 – Tree Management

No tree removal is proposed.

Chapter B2 – Natural Resources

The subject site is mapped as containing Noxious Weeds – Alligator Weeds. Should the development be approved, conditions of consent requiring weed management can be included in the determination to address this requirement. The proposed flood mound is not located in close proximity to any items of environmental significance or koala habitat and no tree removal is proposed.

As such, the proposal is compliant with the requirements of this chapter in terms of impacts on natural resources and environmentally sensitive areas.

Chapter B3 – Environmental ManagementAcid Sulfate Soils

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

Noise

The rural nature of the locality and separation distances from sensitive land uses will limit any significant impacts on the adjoining development in terms of noise or vibrations during works. The impacts of the development during construction could be limited through conditions of consent which would limit construction work hours, types of machinery used and dba emissions.

Earthworks

As discussed within Clause 7.2 above, the proposed development involves a minor cut of the existing flood mound and significant fill works of approximately 60,000m³ to create the proposed flood mound. As outlined previously in this report, it is considered likely that the earthworks may have detrimental impacts on drainage patterns in the locality of the development, and therefore may have adverse impacts on the amenity and useability of adjoining properties. Insufficient information has been provided to satisfactorily demonstrate that appropriate measures have been undertaken to avoid, minimise, or mitigate these potential impacts for the proposed earthworks.

The applicant has proposed to use virgin excavated natural material (VENM) for the flood mound, which is consistent with the requirements of this Chapter.

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Chapter B4 – Drainage and Water Quality

No stormwater plan has been provided for the proposed development. However, as the proposed farm building is minor in scale and impervious area, will be located away from neighbouring properties, it is considered unlikely that runoff from the farm building would have any adverse impacts on water quality or stormwater management. Should the application be approved, a condition of consent requiring stormwater control should be included in the determination.

Chapter B5 – Flooding

The subject land is mapped as being within the Flood Planning Area, and is categorised as being a High Hazard Floodway. Chapter B5 provides objectives to inform and assist with determining development suitability on land designated in particular flood hazards. All new developments are required to address the development controls within this part of the DCP to mitigate flood risks and inform land use suitability.

B5.A Development on all flood prone land

The objectives of B5.A are to ensure flood risk is considered as early as possible in the planning and development process, based on the best available flood information, and to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land.

Under this section, the proposed development is required to be located within the area of lowest flood risk. The subject site is mapped as being within a High Hazard Floodway, with no lower hazard category mapped on the site. Nonetheless, the proposed location of the flood mound is not considered to be the area of lowest risk on the subject site due to expected flood depths and velocities. The mound in the proposed location would reduce options for early egress/access prior to flood events, and would increase risk of isolation during flooding events.

The applicant has advised evacuation of livestock is not required, as the proposed flood mound would have sufficient space for all livestock, machinery, and feed for an extended flood event, and that agistment for livestock during flood events is cost prohibitive. Additionally, the proposed location near the flood levee would improve access options via the levee or boat via the Williams River to provide aid and food to livestock on the flood mound. By relocating the flood mound as suggested by Council, this access option would be removed. The preferred access options (boat and levee) proposed by the applicant promote activities that are of high risk to life and do not suitably justify the location of the flood mound as proposed. The intention by the applicant to remain on the site during a large scale flood event, gain access through high hazard flood waters or over the OEH flood levee is not an accepted flood emergency planning response, and cannot be supported by Council staff on safety grounds. To comply with Council access requirements, access would need to be obtained via the driveway and would need to be at the current day 1% AEP level (4.8m AHD) or the flood immunity level of the connecting road in accordance with Figure BJ of Chapter B5 of the DCP. No information has been provided to demonstrate that the existing driveway access could comply with this, and it is expected that compliance with this requirement would require additional earthworks and an amended FIA to address cumulative flood impacts. As such, the proposal is not considered to be compliant with site selection or flood compatible design requirements of Chapter B5A of the DCP.

Moreover as discussed under Clause 5.21 of the PSLEP above, the Flood Impact Assessment (FIA) has modelled a flood mound which is inconsistent with the provided mound plans, and has not considered the Williamstown Salt Ash Flood Risk Management Study and Plan (2017), the climate change simulation, or potential cumulative impacts. Without this level of modelling and study, and in the absence of an appropriate flood emergency plan, the proposed development is not supported given the proposed location is not situated in the area of lowest flood risk or in compliance with the relevant requirements of Chapter B5 of the DCP.

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The applicant has not provided a FFL for the proposed shed, although it is noted that the shed will be located on the flood mound which has a height of 5.8m AHD, being the adaptable minimum floor level applicable to the site. Given that the FFL will be above 5.8m AHD, the shed location is considered acceptable.

B5.B Development on all flood prone land other than minimal risk flood prone land

The objectives of B5.B are to ensure that appropriate controls are applied to development on land where more than a minimal risk is present.

Development controls – flood impact and risk assessment (FIRA)

As the proposed development includes fill for the purposes of a livestock refuge within land identified as a floodway, a Flood Impact and Risk Assessment (FIRA) is required. This section of the DCP requires that the size of a proposed livestock flood refuge mound be determined by reference to the *NSW Department of Primary Industries – Agriculture. 2009, 'Primefacts: Livestock flood refuge mounds'* (Primefacts) as part of the FIRA or FIA.

The applicant has proposed a flood mound with a flood free area of 1.6ha and a total area of 2.9ha, which the applicant suggest is more appropriate for the agricultural use of the site and is consistent with the Primefacts guidelines. The existing flood mound has an area of 2,500m², and is suggested to be insufficient for the current land use. The applicant notes that the Primefacts guidelines allows for up to 20% of a parcel of land to be developed as a cattle flood mound, which would allow the subject site to accommodate a 6.2ha flood mound. In addition to this, the applicant states that the flood mound has been sized so as to accommodate approximately 65 head of cattle, sufficient feed for the livestock for an extended period of time, and for a machinery shed and farm equipment. It is noted that this proposal only includes the relocation of a small shed, and that a larger machinery shed would be subject to a separate application or exempt development requirements. The applicant has also advised that the site can cater for up to 80 head of cattle at this point in time, however only 65 head of cattle are currently on the subject site.

The *'Primefacts: Livestock flood refuge mounds'* only provides one method of calculation to determine an appropriate size for a livestock flood mound see Table 1 below. Based on these calculations with an assumed 80 head of cattle on the site, a flood mound with a flood free area of 1,584m² to 2,384m² would be appropriate for this site, which is far less than the flood free area of the existing flood mound (see Table 1 below for the calculations). The Primefacts guide recommends that *"flood mounds are used as a temporary or back-up option for coping with floods and should not occupy more than 20% of the property"*. The guide does not consider the 20% maximum size as an alternative to the calculation method provided in Table 1. Further justification for the flood mound size was requested on this basis, with the applicant providing a breakdown of the space needed for livestock and farm equipment. This indicated that a flood mound of 4,200m² would be sufficient for all livestock on the property, holding pens, feed storage, farm buildings, and machinery storage for an extended period of time. From the information provided, it is clear that the applicant intends to use the flood mound for extended flood events, which is contrary to the Primefacts guide recommendations cited above, and does not sufficiently justify the proposed 1.6ha (16,000m²) flood free area proposed, which is excessive for the locality and far exceeds both the Primefacts calculations and the applicant's calculations.

The proposed flood mound is 3.8 times larger than the calculation of 4,200m² provided, and 6.7 times larger than the Table 1 calculations of the Primefacts guidelines. Given that Chapter B5.8 of the DCP requires livestock flood refuge mounds to be determined by reference to the Primefacts guide, and that the proposed development is significantly larger than the stock calculations provided in the guide and that submitted by the applicant, the size of the proposed flood mound is considered to be excessive and inconsistent with the requirements of B5.B.

Furthermore, it is noted that the proposed flood mound appears to be inconsistent with the requirements of Figure BK of the DCP, which states that flood mounds with a flood free area of at

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least 40m x 40m at the current day 1% AEP flood level should be at least 830m from the nearest property. The proposed flood mound has a flood free area far larger than 40m x 40m, but is only 10m from the batter to the nearest property (or 30m from the top of the mound). This is a significant numerical non-compliance which has not been addressed.

The submitted FIA modelled a flood mound with a flood free area of 1ha and a height of 4.6m AHD, which is smaller than the mound plans, and therefore does not provide an accurate assessment of the development to demonstrate compliance with the requirements of Chapter B5 of the DCP. It is also noted that the FIA identifies the existing flood mound as having a height of 6m AHD, which is not reflected in the provided plans which show a height of 5.8m AHD. Council Flooding Engineers reviewed the FIA, and noted the following issues in addition to the size discrepancies:

- The location of the mound has not been suitably justified in regards to early egress/access, and risk of isolation during flooding events.
- There is no reference to B5.14 which states that flood refuge can only be accepted if flood free access cannot be achieved. No details of the existing access has been provided, and the relocation of the proposed flood mound to the front of the site to provide flood free access has not been considered.
- The FIA references the Williams River Flood Study (2009), which does not reflect the latest and most accurate modelling for the site. The Williamstown Salt Ash Flood Risk Management Study and Plan (2017) should be utilised instead.
- The FIA has not assessed smaller, more regular flood events or the climate change simulation (i.e. 1% AEP in the year 2100).
- No assessment has been made on the potential cumulative impacts to the development if similar scales of filling occur within the nearby floodplain. Given the substantial size of the proposed mound, the applicant is to provide justification as to the potential cumulative impacts if other lots were to construct a mound of a similar scale.

Additional information to address the above concerns has not been provided to Council. As such, the proposal has not demonstrated compliance with the requirements of Chapter B5 of the DCP and cannot be supported.

Table 1 Recommended livestock factors for coastal flood refuge mounds		
Identified space	Area per head	Area for 80 head total
Holding space – Adult cattle	15-25m ²	1,200 – 2,000m ²
Feeding space – Self feeder	0.5m ²	40m ²
Feeding space – Feeding troughs	0.8m ²	64m ²
Storage space (for 14 days)	3m ²	240m ²
Watering Space (for 14 days)	0.5m ²	40m ²
Total		1,584m² – 2,384m²

Driveways and access

No driveway upgrade works are proposed to provide connection from Newline Road to the flood mound. The driveway and access will not achieve the flood immunity of Newline Road.

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Emergency onsite flood refuge

Access to the mound from Newline Road is restricted in minor flood events. There is a risk that people attending the site associated with the agricultural use would become stranded for long periods of time during major events waiting for flood waters to recede to allow safe egress. Should the application be approved, a condition of consent should be imposed for a Flood Emergency Response Plan to be developed prior to use of the mound to ensure evacuation measures are in place for a flood event.

B5.C Development on land identified as floodwayAppropriate development

In accordance with B5.16, development other than farm buildings and/or fill is not supported on land identified as High Hazard Floodway, with the objective being to ensure development is restricted to low risk development, and to ensure the capacity of the floodway to convey and contain floodwaters is not diminished. While the proposal is for fill and a farm shed, which is permitted within the high hazard floodway under this section, the submitted FIA does not demonstrate that the proposal will not have an adverse impact on the capacity of the floodway to contain and convey floodwaters. Due to the numerous issues identified with the FIA as outlined in this report, it cannot be demonstrated that the proposal will not impact on floodway characteristics and its ability to convey and contain floodwaters, and is therefore not consistent with the objectives of this Chapter.

Residential Dwellings

Chapter B5 of the DCP 2014 provides more detailed provisions to inform the assessment against Clause 5.21 LEP 2013 provisions. The DCP chapter was amended in December 2020 to include performance based solutions for certain development in flood prone areas. The amended Chapter states that dwelling houses on land categorised as High Hazard Floodway can be considered, only where the performance based criteria in B5 of the DCP 2014 can be satisfactorily addressed.

Figure B1 of B5 of the DCP stipulates dwellings in a High Hazard Floodway as being generally unsuitable. The site becomes isolated in minor and major events as Newline Road fails to provide flood immune egress. As such, no residential dwelling would likely be supported on the site with regard to B5. On this basis, the mound and site is only suitable for agricultural type uses and not residential purposes. To this effect, a condition restricting the use of the mound to agricultural uses is recommended should the development be supported.

In consideration of the above, the proposed development fails to suitably minimise risks to life or property, and is considered likely to have an adverse impact on flood behaviour and the ability to evacuate the site efficiently. The proposed development is therefore considered inconsistent with the requirements and objectives of B5 of the DCP.

Chapter B6 – Williamtown RAAF Base - Aircraft Noise and Safety

The subject site is located within the Bird Strike Group A, but is not impacted by Aircraft noise. As per section B6.6, any development within this area is to limit, cover, and/or enclose any organic waste and/or the storage of bins on site. The proposal does not include any features that would contravene this requirement, and if approved, a condition of consent requiring compliance with this requirement can be imposed.

Chapter B8 – Road Network and Parking

There are no changes to parking or the existing driveway, and the proposed development does not trigger the requirement for additional car parks. As such the proposal is compliant with this Chapter in terms of parking and traffic generation. There will be short-term traffic movements for trucks

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delivering materials to the site, although Newline Road is able to cater for these movements. There are also adequate sightlines along Newline Road to cater for larger vehicle movements into the site.

Chapter C – Development Types

The proposed development includes the relocation of a farm building, and therefore the provisions of C8 Ancillary Structures are applicable.

Chapter C8 – Ancillary Structures		
Reference	Control	Assessment
Requirement C8.5	Sheds (Rural) Development in a rural zone adheres to a: • Minimum 10m side and rear setback • Minimum 5m setback from another building; and • Colour scheme consistent with the existing character of the area	The proposed shed is 7m x 7m, and 3m high. The shed is proposed to be located on the existing flood mound, and will be approximately 90m from the closest boundary (being the Williams River) and 152m from the nearest neighbouring property. No other structures are located on the subject site. As such, the proposal is considered to be compliant with the setback requirements outlined under C8.5. The shed to be relocated appears to be a blue-grey colourbond structure, which is consistent with rural structures and the existing character of the area.

Section 4.15(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 7.4

There are no planning agreements or draft planning agreements under section 7.4 applicable to the site or development.

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

There are no regulations applicable to this development other than prescribed matters.

Section 4.15 (1)(b) the likely impacts of that development, including environmental impacts on both natural and built environments, and social and economic impacts in the locality
Social and Economic Impacts

The proposed development would provide positive social and economic impacts through increased flood free areas for livestock and construction of the flood mound would result in short-term employment opportunities, which would have a direct monetary impact on the local economy.

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Notwithstanding, the proposed development fails to provide suitable flood free access requirements. The development is considered likely to result in unreasonable flood isolation for the proposed flood mound and increased flood risk for downstream properties due to the displacement of floodwater and redirection towards existing flood mounds and structures. The proposal has not suitably addressed the potential social or economic adverse impacts to downstream neighbouring properties from a change to flood flow paths, and is therefore not considered to be in the public interest.

Impacts on the Built Environment

Earth mounds and farm buildings are a common type of development within the locality, given the flood prone nature of the surrounding catchment. However, it is noted that the proposed flood mound is significantly larger in scale than other flood mounds utilised for the same purpose, and may push overland flow paths towards neighbouring flood mounds and structures. As such, potential adverse impacts to the rural landscape and surrounding built environment are not considered to have been suitably mitigated. Should the development be approved, conditions have been recommended that the mound be landscaped, dressed and seeded to achieve a natural rural form and mitigate visual impact.

Impacts on the Natural Environment

The development has not demonstrated it will not have a negative impact on the flora and fauna of wetlands, including either native and migratory species, or the characteristics of the ground or surface water. The proposed development is not considered to be compatible with the flood risk associated with the land and may result in an unacceptable impact to the natural environment. The development is not considered to be a suitable use of the site with regard to the natural hazards and does not align with Councils endorsed policies.

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

The subject site is considered suitable for agricultural activities noting the land size, location and consistency with the RU1 zone objectives. Notwithstanding, the proposed development is not considered suitable for the site noting the High Hazard Floodway classification, and the proposed flood mound not being compatible in terms of risk, isolation, emergency evacuation and managing risk to life and property. The proposed development does not accord with or address all of the objectives and requirements outlined under Councils DCP or environmental planning instruments. As outlined in this report, the development in its proposed form is not considered to be suitable for the site.

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

Public Submissions

The application was exhibited from 24 November 2022 to 21 December 2022 in accordance with the provisions of the Port Stephens Council Community Engagement Strategy. One submission was received from Hunter Water, which advised that there were no objections to the proposed development subject to all works being within the boundary of the subject site, and no works or drainage affecting Hunter Water Freehold Land.

Section 4.15(1)(e) the public interest

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The proposed development is not considered to be in the public interest as the mound scale and location is not compatible with the flood hazard category applicable to the subject site. The associated impacts and increase in risk to life and property as a result of the development in a significant flood event is not in the public interest.

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

Nil.

DETERMINATION

The application is recommended to be refused by the elected Council.

SAMANTHA DAVIE

Development Planner

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**FILE NO: 23/123370
EDRMS NO: 79-2022-4-1**

HUNTER ESTUARY COASTAL MANAGEMENT PROGRAM SCOPING STUDY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Stage 1 Hunter Estuary Coastal Management Program Scoping Study (**ATTACHMENT 1**).
- 2) Endorse continued commitment to the Hunter Estuary Alliance (HEAL) and contribution to the development of Stage 2 of the Hunter Estuary Coastal Management Program.

**ORDINARY COUNCIL MEETING - 25 JULY 2023
MOTION**

171	Councillor Chris Doohan Councillor Glen Dunkley It was resolved that Council: 1) Endorse the Stage 1 Hunter Estuary Coastal Management Program Scoping Study (ATTACHMENT 1). 2) Endorse continued commitment to the Hunter Estuary Alliance (HEAL) and contribution to the development of Stage 2 of the Hunter Estuary Coastal Management Program.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement for the Stage 1 Hunter Estuary Coastal Management Program (CMP) Scoping Study (**ATTACHMENT 1**), and

endorsement for continued commitment to the Hunter Estuary Alliance (HEAL) and contribution to the development of Stage 2.

The purpose of Hunter Estuary CMP is to set the long-term strategy for the coordinated management of the Hunter Estuary including both the Hunter and Williams Rivers (to the ocean). A locality map of the study area is provided in **(ATTACHMENT 2)**.

The Hunter Estuary CMP is being developed in collaboration with Port Stephens Council, Maitland City Council, City of Newcastle, Cessnock City Council, Dungog Shire Council, Hunter Water, Hunter Local Land Services and Department of Planning and Environment, under HEAL. Maitland City Council is the project lead for the Hunter Estuary CMP.

The intention of HEAL is to ensure strategic collaboration from key stakeholders within the Hunter Estuary and provide governance for critical areas within the Hunter, which has been subjected to historical impacts. HEAL will work together to prepare the CMP, implement actions and encourage other adjacent stakeholders to assist in the improvement and protection of the Hunter Estuary.

There is a 5 stage process for the preparation and implementation of a CMP. Stage 1 is a scoping study with the following primary focus being to:

- undertake a review of progress made in managing issues related to the Hunter Estuary.
- develop a shared understanding of the current state of the Hunter Estuary.
- identify the focus of the Hunter Estuary CMP.

The Stage 1 Hunter Estuary CMP Scoping Study **(ATTACHMENT 1)** has been completed and includes:

- current information on the state of the estuary and its broader catchment.
- direction for the development of Stage 2 which will involve determining risks, vulnerabilities and opportunities for the Hunter Estuary.

The Hunter Estuary CMP will align with neighbouring CMP's, including the Port Stephens CMP.

Stage 2 includes the investigation of risks, vulnerabilities, opportunities and the following key issues:

- Climate change and resilience
- Water quality
- Streambank erosion
- Biodiversity impacts

Stage 2 will also investigate values, use and opportunities for the Hunter Estuary CMP.

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$15,000	Monetary contribution to program development from Strategy and Environment operational budget and ongoing in-kind support.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no known significant legal, policy, or risk implications as a result of the recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the Stage 1 Scoping Study is not endorsed, Stage 2 cannot proceed.	Medium	Accept the recommendation.	Yes
There is a risk that if Council does not continue its commitment to HEAL that the project is unable to continue.	Medium	Accept the recommendation.	Yes

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not continue its commitment to HEAL that collective management actions and response are not delivered.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development and implementation of the Hunter Estuary CMP is an important strategic opportunity for Council's and public authorities to work together on a catchment-wide approach. The Hunter Estuary CMP seeks to protect and enhance the natural estuary through protection, restoration, rehabilitation and enhancing public benefit.

CONSULTATION

Consultation with key stakeholders has been undertaken in the preparation of the scoping study.

Internal

- Strategy and Environment Section
- Communications and Customer Experience Section
- Assets Section.

External

- Maitland City Council
- City of Newcastle
- Cessnock City Council
- Dungog Shire Council
- Hunter Local Land Services
- Hunter Water
- Hunter Local Land Services
- NSW Department of Planning and Environment.

OPTIONS

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

3) Reject the recommendations.

ATTACHMENTS

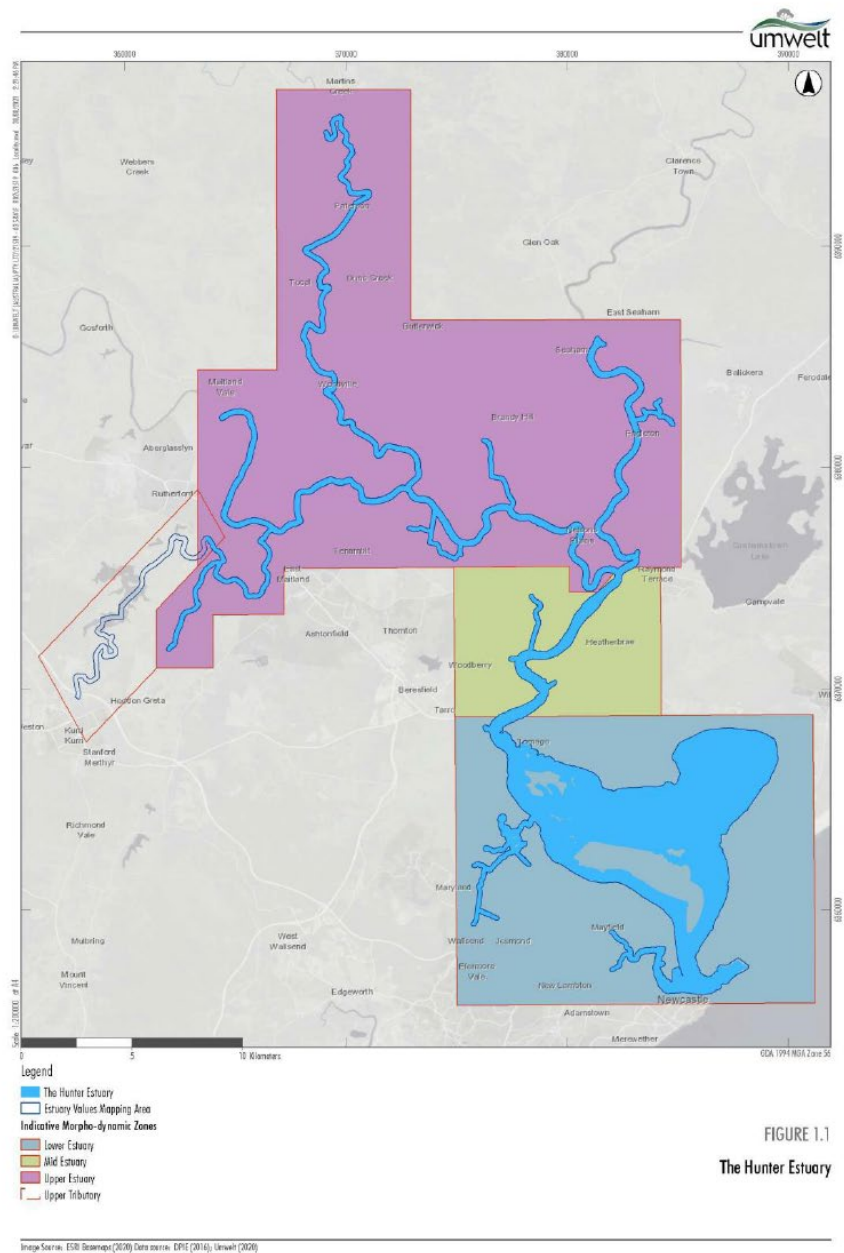
- 1) Stage 1 Hunter Estuary Coastal Management Program - Scoping Study.
(Provided under separate cover)
- 2) Scoping Locality Map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



ITEM NO. 3

**FILE NO: 23/131670
EDRMS NO: PSC2020-00033**

DRAFT HINTERLAND PLACE PLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the Hinterland Place Plan Engagement Report (**ATTACHMENT 1**).
 - 2) Endorse the draft Hinterland Place Plan (**ATTACHMENT 2**) to be placed on public exhibition for 28 days.
-

Councillor Peter Kafer left the meeting at 6:30pm.

**ORDINARY COUNCIL MEETING - 25 JULY 2023
MOTION**

172	Councillor Giacomo Arnott Councillor Peter Francis It was resolved that Council: 1) Note the Hinterland Place Plan Engagement Report (ATTACHMENT 1). 2) Endorse the draft Hinterland Place Plan (ATTACHMENT 2) to be placed on public exhibition for 28 days and a further report be provided to Council following public exhibition.
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Cr Giacomo Arnott and Cr Peter Francis accepted the inclusion of a further report to Council following public exhibition into the motion.

Councillor Peter Kafer returned to the meeting at 6:33pm.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to exhibit the draft Hinterland Place Plan (**ATTACHMENT 2**) for a period of 28 days.

Place Plans are plans that put people and places first. Place Plans start with our community values and priorities, and identify the unique local character of a place and the ways our community can shape, enhance or protect these aspects.

A Place Plan is guided by strategic documents and puts a local filter on all of Council's existing strategies to make one easy-to-read, action-oriented plan. It also includes an analysis of potential opportunities for a place in line with the community's vision.

In 2022, the Department of Planning and Environment (DPE) implemented changes to simplify the planning process and approval pathways for small business activities and low-impact agricultural development on NSW farms. The changes were designed to respond to natural disasters such as droughts and bushfires, as well as the impacts of COVID-19, by supporting the recovery of regional communities by encouraging industries that are supplementary to, or based on, agriculture, such as agritourism.

At the same time, Council reviewed its planning controls on RU1 and RU2 zoned land to maximise the economic potential of rural land, without restricting agricultural uses. The Port Stephens Local Environmental Plan 2013 (LEP) was amended to include an increased number of bedrooms for farm stay accommodation and new land uses to include artisan food and drink industries, restaurants and cafes, function centres, secondary dwellings (granny flats), and recreation facilities.

The draft Hinterland Place Plan supports the delivery of these LEP changes. It provides a pathway for positive change by using the passion and determination of local champions. It supports a diversified economy, encourages new points of sale for local produce, and supports agritourism while respecting the history and lifestyle of Hinterland communities.

Events and new tourism opportunities are of particular focus and have been identified as largely untapped opportunities to date. This aligns closely with the direction of Destination Port Stephens to showcase Port Stephens being open all seasons and broadening their marketing focus on new locations in the Hinterland.

A phased engagement program of workshops, surveys, and meetings with community members, businesses, community groups, and key stakeholders explored the priorities and ideas for Hinterland in more detail and developed priority actions for the plan. The Hinterland Place Plan Engagement Report (**ATTACHMENT 1**) provides detailed information about the outcomes of this consultation.

MINUTES ORDINARY COUNCIL - 25 JULY 2023

The draft Hinterland Place Plan does not consider housing in our rural communities. Housing and its future in the Hinterland will be determined in consultation with the community through the 2024 review of the Port Stephens Housing Strategy.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Develop a strategic program for Place Plans

FINANCIAL/RESOURCE IMPLICATIONS

The public exhibition of the draft Hinterland Place Plan and associated community engagement activities will be undertaken using existing budgets.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Additional funding may be required for some actions contained in the plan following more detailed scoping.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Hunter Regional Plan 2041 (HRP)

The draft Hinterland Place Plan is consistent with the Hunter Regional Plan 2041 (HRP) including objective (8) 'Plan for businesses and services at the heart of healthy, prosperous and innovative communities' and objective 9 'Sustain and balance productive rural landscapes'.

The Hinterland Place Plan is located within the Hinterland District of the HRP. The Hinterland Place Plan aligns with the HRP Hinterland District Planning Priority 2 'Promote rural enterprises and diversification'.

Port Stephens Local Environmental Plan 2013 (LEP)

No amendments to the LEP are required to implement the Hinterland Place Plan. The Hinterland Place Plan contains actions to build upon the Rural Economic

MINUTES ORDINARY COUNCIL - 25 JULY 2023

Development LEP amendments already adopted by Council and implemented on 1 October 2022.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the draft Hinterland Place Plan does not meet community expectations.	Low	Adopt the recommendation to release the draft Hinterland Place Plan for exhibition to seek community feedback. Extensive community engagement during the exhibition period will assist Council to further understand community expectations and identify possible changes to be made to the draft place plan.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

Place Plans aim to enhance the liveability of places in Port Stephens to improve community wellbeing. They respond to the community's values and aspirations. Place Plans enable a collaborative approach between residents, business and Council to deliver great place outcomes. The draft Hinterland Place Plan contains actions to inspire community involvement in creating a better place through conservation, beautification, connectivity and activation.

Economic

The Hinterland is ideally positioned to leverage the growing visitor economy. The unique networks of blue (waterways, wetlands) and green (trees, bushland and areas of significant biodiversity) combined with farmers, producers and the unique history of the location will not only attract new visitors but will also attract new investment in infrastructure and services that improves the liveability and wellbeing of the broader community.

Environmental

Hinterland residents place a high value on the natural environment and the draft Hinterland Place Plan aims to protect and celebrate this important asset. The draft Hinterland Place Plan recognises that key habitat corridors need to be maintained,

strengthened, and where possible, rehabilitated. The draft Hinterland Place Plan identifies a number of opportunities for conservation projects and the improvement of habitat corridors.

CONSULTATION

Internal

The draft Hinterland Place Plan has been prepared in consultation with the relevant sections in the Development Services Group, Facilities and Services Group, and Corporate Services Group.

External

Council officers have worked extensively with the Hinterland community to prepare a draft Place Plan that accurately reflects the community's values and aspirations.

The engagement activities included:

- Liveability Index survey
- Workshops with the Hinterland community
- Key stakeholder meetings including Hunter Water Corporation, Maitland City Council (regarding Hunter Estuary, Coastal Management Plan), Transport for NSW, NSW State Forests, Maritime NSW, National Parks and Wildlife Service, Destination Port Stephens and Local Land Services
- Online survey of the draft actions.

The Hinterland Place Plan Engagement Report (**ATTACHMENT 1**) provides detailed information about the outcomes of this consultation.

If endorsed, the draft Hinterland Place Plan will be exhibited for a period of 28 days with integrated engagement activities including a guided submission process and drop in sessions at locations to be determined.

Outcomes of the public exhibition process and any changes made to the draft would be reported to Council for endorsement with the final version of the Hinterland Place Plan.

OPTIONS

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

ATTACHMENTS

- 1) Hinterland Place Plan Engagement Report. (Provided under separate cover)
- 2) Draft Hinterland Place Plan. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

**FILE NO: 23/134809
EDRMS NO: PSC2023-00263**

HOMELESSNESS STAKEHOLDER ADVOCACY GROUP

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Homelessness Stakeholder Advocacy Group (HSAG) Terms of Reference (**ATTACHMENT 1**).
-

**ORDINARY COUNCIL MEETING - 25 JULY 2023
MOTION**

173	Councillor Leah Anderson Councillor Peter Kafer It was resolved that Council endorse the revised Homelessness Stakeholder Advocacy Group (HSAG) Terms of Reference (ATTACHMENT 1).
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek endorsement of the revised Homelessness Stakeholder Advocacy Group (HSAG) Terms of Reference (**ATTACHMENT 1**).

The draft Terms of Reference were reviewed at the first meeting of the HSAG on 26 April 2023. Members recommended a number of minor amendments to the Terms of Reference (**ATTACHMENT 1**). The proposed changes largely relate to the membership and inclusion of key community agencies.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Community Wellbeing	Develop and implement the Community Wellbeing Strategy (CWS) to provide services and support for a diverse community

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the group will not have recommended participation if the Terms of Reference are modified.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

People experiencing and at risk of homelessness are our most vulnerable community members. Homelessness can expose people to violence, cause long-term unemployment and lead to the development of chronic ill health.

Homelessness results in significant social and economic costs not just to individuals and their families, but also to our local towns and the broader local government area and can negatively impact the liveability and wellbeing of our community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications and Customer Experience Section.

Internal

Governance Section.

External

Homelessness Stakeholder Advocacy Group members.

OPTIONS

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

ATTACHMENTS

- 1) Revised - Terms of Reference - Homelessness Stakeholder Advocacy Group.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 4 - ATTACHMENT 1 REVISED - TERMS OF REFERENCE -
HOMELESSNESS STAKEHOLDER ADVOCACY GROUP.**

TERMS OF REFERENCE



**PORT STEPHENS HOMELESSNESS STAKEHOLDER
ADVOCACY GROUP**

1. PURPOSE:

The purpose of the Stakeholder Advocacy Group is to support a coordinated approach to addressing the impacts of homelessness in Port Stephens.

2. CONTEXT/BACKGROUND:

- 2.1 Council resolved on 28 February 2023 to establish a Stakeholder Advocacy Group
- 2.2 It is recognised that Local Government is not best placed to act in the role of direct service providers however, evidence shows that success can be achieved through collaboration at all levels of government and the community sector.

3. SCOPE:

- 3.1 The role of the Stakeholder Advocacy Group is to:
 - a) Provide Council with strategic advice on homelessness and related issues that can be dealt with at a Local Government level.
 - b) Work with Council to address local issues, develop options and assist in identifying preferred solutions as part of Council's decision-making process
 - c) Advocate community views on homelessness issues
- 3.2 The Stakeholder Advocacy Group is not a decision-making body. Council retains the final decision-making authority on final actions to be carried out

4. DEFINITIONS:

- 4.1 An outline of the key definitions included in the Terms of Reference.

Stakeholder Advocacy Group	Port Stephens Homelessness Stakeholder Advocacy Group
Council	Port Stephens Council

5. AUTHORITY:

- 5.1 This Stakeholder Advocacy Group is responsible for:

**ITEM 4 - ATTACHMENT 1 REVISED - TERMS OF REFERENCE -
HOMELESSNESS STAKEHOLDER ADVOCACY GROUP.**

TERMS OF REFERENCE



- a) Provide Council with strategic advice on homelessness and related issues
- b) Provide Council with local insights and data on homelessness
- c) Advocate community priorities on homelessness issues and priorities
- d) Proposing preferred actions for Council undertake to addressing the impacts of homelessness

6. TERM:

- 6.1 Membership of the stakeholder advocacy group would remain for the term of Council. Subsequent membership would be determined within three months following a Local Government election.

7. MEMBERSHIP:

- 7.1 The Stakeholder Advocacy Group will comprise 40 **18** core members (including 2 community members) and 1 occasional member.

Organisation	Membership type (Core or Occasional)	Role
Port Stephens Council Elected Councillor 1	Core	Chairperson
Port Stephens Council Elected Councillor 2	Core	Member
NSW Department of Communities and Justice	Core	Member
NSW Police	Core	Member
Member for Port Stephens	Core	Member
Member for Paterson	Core	Member
Hume Housing	Core	Member
Port Stephens Family and Neighbourhood Services	Core	Member
Karuah Local Aboriginal Land Council	Core	Member
Worimi Local Aboriginal Land Council	Core	Member
Wahroonga Aboriginal Corporation	Core	Member

**ITEM 4 - ATTACHMENT 1 REVISED - TERMS OF REFERENCE -
HOMELESSNESS STAKEHOLDER ADVOCACY GROUP.**

TERMS OF REFERENCE



Yacaaba Centre	Core	Member
Hunter Tenants Advice and Advocacy Service	Core	Member
Salvation Army	Core	Member
Centre for Hope	Core	Member
Hope Cottage	Core	Member
Tomaree Neighbourhood Centre	Core	Member
Community Member 1	Core	Member
Community Member 2	Core	Member
Port Stephens Council Officer	Core	Secretariat (administrative support)
NSW Department of Communities and Justice	Occasional	Guest

- 7.2 The Stakeholder Advocacy Group is comprised of one delegated representative from each of the approved organisations listed in Section 7.1. Each organisation must nominate a member annually at the start of the financial year or at a time an existing member resigns from their position.
- 7.3 The Committee must call for public expressions of interest to appoint the two (2) community representatives at the start of each Council term. The community representatives must be confirmed by a Stakeholder Advocacy Group vote.
- 7.4 The Stakeholder Advocacy Group may invite others to attend meetings as required.
- 7.5 Members who fail to meet the requirements of this Terms of Reference and the meeting code of cooperation (see Section 14), may be expelled from the Stakeholder Advocacy Group on recommendation of the Chair and General Manager of Port Stephens Council.

**ITEM 4 - ATTACHMENT 1 REVISED - TERMS OF REFERENCE -
HOMELESSNESS STAKEHOLDER ADVOCACY GROUP.**

TERMS OF REFERENCE



8. ROLES AND RESPONSIBILITIES:

8.1 The roles and responsibilities of the Stakeholder Advocacy Group members are outlined below:

Role	Before meeting	During Meeting	Following Meeting
Secretariat (Council staff)	• Schedule meetings. • Call for agenda items. • Invite occasional members. • Distribute draft agenda.	• Provide updates as per agenda. • Record action items and outcomes as required.	• Finalise minutes. • Save a record to EDRMS. • Maintain list of Stakeholder Advocacy Group member contact details.
Chair	• Review agenda and read supporting information.	• Chair Meeting	
Members	• Produce and provide reports to the Secretariat. • Review agenda and read supporting information.	• Actively participate in meetings. • Support collaborative information sharing.	• Complete actions as required. • Communicate with staff as necessary.

9. ADMINISTRATION ARRANGEMENTS:

9.1 Meeting practices and cycles

- a) The Stakeholder Advocacy Group will meet twice per year, or at an interval deemed appropriate by the Stakeholder Advocacy Group. All attendees are required to comply with the Port Stephens Council Meeting Code of Cooperation listed in Section 14 of this Terms of Reference and appended to every agenda.
- b) Unless otherwise specified in this Terms of Reference and in accordance with any Local Government Act requirements, the Stakeholder Advocacy Group will determine its meeting practice, processes and protocols.

9.2 Secretariat

- a) The Strategy and Environment section of Port Stephens Council will provide administrative support to the Stakeholder Advocacy Group.

**ITEM 4 - ATTACHMENT 1 REVISED - TERMS OF REFERENCE -
HOMELESSNESS STAKEHOLDER ADVOCACY GROUP.**

TERMS OF REFERENCE



9.3 Agenda and minutes

- a) The Secretariat will provide the meeting agenda to all members of the Stakeholder Advocacy Group no later than five (5) business days prior to the scheduled meeting date.
- b) The Secretariat will provide the meeting minutes to all members of the Stakeholder Advocacy Group no later than ten (10) working days following the scheduled meeting date.

9.4 Guests

- a) Core members may, with approval from the Chair, invite a guest to attend a meeting. Requests for guest attendance must be made to the Chair at least 1 week before the scheduled meeting.

9.5 Record keeping

- a) All record keeping will be made and maintained by the Secretariat.

10. CONFIDENTIALITY:

- 10.1 Members listed in this Terms of Reference may become acquainted with or have access to confidential and/or sensitive information. Members should not disclose such information to any other party unless specifically authorised to do so and should not make improper use of any information.

11. INTELLECTUAL PROPERTY:

- 11.1 The Stakeholder Advocacy Group acknowledges and agrees:

- a) It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- b) They have a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council or the copyright owner.
- c) Council retains ownership of all intellectual property created by members in the course of their Stakeholder Advocacy Group work.
- d) Council will acknowledge the Stakeholder Advocacy Group if publishing or reproducing copies of Stakeholder Advocacy Group research, including images and historical data.

**ITEM 4 - ATTACHMENT 1 REVISED - TERMS OF REFERENCE -
HOMELESSNESS STAKEHOLDER ADVOCACY GROUP.**

TERMS OF REFERENCE



11.2 The Stakeholder Advocacy Group refers to the Secretariat any questions relating to intellectual property rights or the use of another organisation's document.

12. MEDIA:

12.1 Any media liaison associated with the activities of the Stakeholder Advocacy Group shall be undertaken in accordance with Port Stephens Council protocols.

13. REVIEW:

13.1 The Terms of Reference will be reviewed in line with the Local Government election cycle, or on an as needs basis.

14. MEETING CODE OF COOPERATION:

- | | |
|---|--|
| <ul style="list-style-type: none">• We start on time and finish on time.• We focus on the strategic intent of the item.• We ensure that people attending meetings are provided with guidance and support.• We consider the risks and opportunities of each item.• We are prepared to have open and honest conversations about an issue even if it is uncomfortable.• We all participate fully and are prepared to challenge each other.• We use improvement tools that enhance meeting efficiency and effectiveness.• We actively listen to what others have to say, seeking first to understand then to be understood.• We consider the deployment of actions and programs through appropriate | <ul style="list-style-type: none">frameworks and communicate the consensus view through appropriate channels.• We follow up on the actions we are assigned responsibility for and complete them on time.• We give and receive open and honest feedback in a constructive manner.• We use data to make decisions (whenever possible).• We determine issues arising by consensus or refer to the Chair for consideration.• We strive to continually improve our meeting process and build time into each agenda for reflection and learning.• We will promote best practice, keeping open minds, combining our experiences and shared learnings to inform our deliberations. |
|---|--|

15. RELATED DOCUMENTS:

**ITEM 4 - ATTACHMENT 1 REVISED - TERMS OF REFERENCE -
HOMELESSNESS STAKEHOLDER ADVOCACY GROUP.****TERMS OF REFERENCE**

15.1 Port Stephens Council's Code of Conduct:

<https://www.portstephens.nsw.gov.au/trim/policies?RecordNumber=19%2F102443>

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
EDRMS container No		EDRMS record No	TBC
Audience	Staff, Councillors and the Community		
Process owner	Vibrant Places Coordinator		
Author	Vibrant Places Coordinator		
Review timeframe	3 years	Next review date	TBC
Adoption date	TBC		

VERSION HISTORY:

Version	Date	Author	Details
1	26 April 2023	Vibrant Places Coordinator	7.1 – Removed number of Core Members 7.1 – Updated number of core members to 20 7.1 – Replaced Centre for Hope with Hope Cottage 7.1 – Inserted Tomaree Neighbourhood Centre

ITEM NO. 5

**FILE NO: 23/117109
EDRMS NO: PSC2023-01431**

POLICY - VOLUNTEER

REPORT OF: TAMMY GUTSCHE - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

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

**ORDINARY COUNCIL MEETING - 25 JULY 2023
MOTION**

174	Councillor Chris Doohan Councillor Leah Anderson It was resolved that Council : 1) Endorse the draft Volunteer Policy shown at (ATTACHMENT 1) . 2) Place the draft Volunteer Policy, on public exhibition for a period of 28 days and a further report be provided to Council following public exhibition.
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Cr Chris Doohan and Cr Leah Anderson accepted the inclusion of a further report to Council following public exhibition into the motion.

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

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is seek Council's endorsement of the draft Volunteer Policy (policy) **(ATTACHMENT 1)**.

MINUTES ORDINARY COUNCIL - 25 JULY 2023

This is a new policy that has been developed to acknowledge the importance of volunteering to the delivery of Port Stephens Council services and programs and to establish a consistent approach to the engagement, recognition and management of volunteers within Council.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Community Wellbeing	Provide a program of recreational, leisure and community services

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from adopting the recommendations.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy impediments to adopting the recommendations.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that volunteers are not supported effectively if a policy is not in place.	Low	Adopt the recommendations	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications as a result of implementing this policy.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section.

Internal

- Executive Team
- Facilities and Services Group
- Section Managers
- Council staff responsible for supporting and supervising volunteers.

External

In accordance with local government legislation the draft Volunteer Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Draft Volunteer Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2023-01431

TITLE: VOLUNTEER POLICY

OWNER: COMMUNITY SERVICES SECTION MANAGER

1. PURPOSE:

- 1.1 The purpose of this policy is to acknowledge the importance of volunteering to the delivery of Port Stephens Council (Council) services and programs, and to establish a consistent approach to the engagement, recognition and management of volunteers within Council.

2. CONTEXT/BACKGROUND:

- 2.1 Council recognises that it is important for people to have the opportunity to provide a meaningful contribution to their community by sharing and developing their expertise and interests in a voluntary capacity.
- 2.2 Council values the contribution of volunteers using our Volunteer Recognition Scheme as a way to demonstrate gratitude and applaud the tireless work of volunteers.
- 2.3 Volunteers work with Council employees to deliver and enhance a broad range of services and programs offered by Council. The activities undertaken are of benefit to Council and the local community and compliment, but do not replace, the services and programs provided by employees. Volunteers also assist Council by fostering community and other relationships and encouraging community cohesion.

3. SCOPE:

- 3.1 Volunteers with Council include:
- a) Members of 355c Committees.
 - b) Members of Parks and Landcare Groups.
 - c) Executive Members of Sports Councils.
 - d) All individuals approved to volunteer on council owned or managed land.
- 3.2 The following people and positions are not considered volunteers for the purpose of this policy:
- a) Councillors who carry out activities as part of their local government duties.
 - b) Students, including those undertaking work experience activities.
 - c) Members of Incorporated Associations or Companies limited by guarantee.

Policy

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Policy

- d) Participants fulfilling Centrelink benefit / mutual obligations.
 - e) Community members involved in community engagement activities.
- 3.4 The Work Health and Safety (WHS) Act considers a volunteer to be a worker. As such, Council has a duty to ensure the health, safety and welfare of our volunteers in our workplaces. Similarly, volunteers have a duty of care for their own, and others health and safety.
- 3.5 Council is committed to ensuring that all children and young people are safe while in contact with any Council volunteers. All Council registered volunteers must undertake child protection related training or modules relevant to their volunteer role.
- 3.6 Council volunteers over the age of 18 years who have direct contact with children in their volunteer role are required to have a Working with Children Check clearance in compliance with the Child Protection (Working with Children) Act 2012 and Council's Child Protection Policy (2021).

4. DEFINITIONS:

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

Council Registered Volunteer	A volunteer registered on Council's Volunteer Database (through application and approval) completing activities on behalf of Council without remuneration.
Responsible Volunteer Officer	Council employee responsible for monitoring and supervising volunteers for a specific volunteer program.
Volunteering	Time willingly given for the common good and without financial gain.

5. STATEMENT:

- 5.1 Council is committed to creating opportunities for volunteers that are productive, meaningful and deliver mutual benefit and positive outcomes to Council, community and the volunteer. Council will ensure that all volunteers are engaged, trained and supported to appropriately fulfil their approved volunteering duties. Council is committed to increasing volunteering opportunities that will lead to learning and skills development.

6. RESPONSIBILITIES:

- 6.1 **Executive Team** is responsible for ensuring that the Volunteer Policy is effectively implemented.

Policy

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Policy



6.2 **Section Managers** are responsible, and will be held accountable for, ensuring within their respective areas that:

- a) The Volunteer Policy is effectively implemented in their area of control.
- b) Responsible volunteer officers have the capabilities necessary, and are held accountable for, their specific responsibilities.
- c) All expenditure on projects has the appropriate approval.

6.3 **Responsible Volunteer Officers** will be held accountable for implementing and adhering to the Volunteer Policy.

6.4 **Volunteers** are responsible, and will be held accountable, for following instructions of appointed Responsible Volunteer Officer.

7. RELATED DOCUMENTS:

- 7.1 Child Protection (Working with Children) Act 2012.
- 7.2 Health Records and Information Privacy Act 2002.
- 7.3 Local Government Act 1993.
- 7.4 Port Stephens Council Code of Conduct.
- 7.5 Port Stephens Council Child Protection Policy.
- 7.6 Privacy and Personal Information Protection Act 1998.
- 7.7 Port Stephens Council Volunteer Induction Handbook.
- 7.8 Port Stephens Council Volunteer Recognition Policy.
- 7.9 National Strategy for Volunteering 2023-2033
- 7.10 Safe Work Australia – A Guide to Work Health and Safety for Volunteer Organisations.
- 7.11 The National Standards for Involvement.
- 7.12 Volunteers Statement of Principles, NSW Volunteering.
- 7.13 Work Health and Safety Act 2011
- 7.14 Work Health and Safety Regulation 2017.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2023-01431	EDRMS record No.	TBC
Audience	Councillors, Council staff, Volunteers		
Process owner	Community Services Section Manager		
Author	Community Services Section Manager		

Policy

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Policy



Review timeframe	3 years	Next review date	TBC
Adoption date	This is the original Council adoption date		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	TBC	Community Services Section Manager	New policy.	TBC

Policy

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ITEM NO. 6**FILE NO: 23/158691
EDRMS NO: PSC2017-02839****2023-2024 CONFERENCE NOMINATIONS****REPORT OF: TIMOTHY CROSDALE - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominate Council delegates to attend the 2023 Local Government NSW Annual Conference to be held at the Rosehill Gardens Racecourse from 12-14 November 2023.
- 2) Nominate 4 voting delegates for the 2023 Local Government NSW Annual Conference.
- 3) Nominate Council delegates to attend the 2024 Local Government NSW Destination and Visitor Economy Conference to be held in Wagga Wagga from 28-30 May 2024.
- 4) Nominate Council delegates to attend the 2024 Australian Local Government Association National General Assembly to be held in Canberra (dates to be confirmed).

**ORDINARY COUNCIL MEETING - 25 JULY 2023
MOTION**

175002	Councillor Glen Dunkley Councillor Matthew Bailey It was resolved that Council: 1) Nominates Mayor Ryan Palmer, Cr Leah Anderson, Cr Giacomo Arnott, Cr Matthew Bailey, Cr Chris Doohan and Cr Steve Tucker to attend the 2023 Local Government NSW Annual Conference to be held at the Rosehill Gardens Racecourse from 12-14 November 2023. 2) Nominates Mayor Ryan Palmer, Cr Leah Anderson, Cr Giacomo Arnott and Cr Steve Tucker as voting delegates for the 2023 Local Government NSW Annual Conference. 3) Nominates Mayor Ryan Palmer, Cr Chris Doohan, Cr Glen Dunkley, Cr Peter Francis and Cr Steve Tucker to attend the 2024 Local Government NSW Destination and Visitor Economy Conference to be held in Wagga Wagga from 28-30 May 2024. 4) Nominates Mayor Ryan Palmer, Cr Leah Anderson, Cr Chris Doohan, Cr Glen Dunkley, Cr Peter Kafer, Cr Steve Tucker and Cr Jason Wells
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MINUTES ORDINARY COUNCIL - 25 JULY 2023

	to attend the 2024 Australian Local Government Association National General Assembly to be held in Canberra (dates to be confirmed).
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to inform Council and call for nominations for upcoming conferences for 2023-2024.

The upcoming conferences include:

Local Government NSW Annual Conference to be held from 12-14 November 2023

Each member Council of LGNSW has a voting entitlement at the conference. The voting entitlement for Port Stephens Council is 4 delegates. Council is requested to nominate its 4 voting delegates who will attend the conference.

This conference is the annual policy-making event for NSW general-purpose councils and associate members. It is the pre-eminent event of the local government year where local elected members come together to share ideas and debate issues that shape the way local government is governed.

The conference program is yet to be determined, but will be circulated as soon as practicable.

The conference is open to all Elected Members.

Motions for the conference are to be submitted to LGNSW by Friday 15 September 2023 and must be endorsed by Council prior to submission.

Local Government NSW Destination and Visitor Economy Conference from 28-30 May 2024

The conference will aim to embrace not just tourism, but also a wider aspect of economic development to regional and metropolitan councils.

The conference program is yet to be determined, but will be circulated as soon as practicable.

The conference is open to all Elected Members.

Australian Local Government Association National General Assembly 2024 (dates tbc).

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.

The conference program is yet to be determined, but will be circulated as soon as practicable. The conference is typically held in June/July each year.

The conference is open to all Elected Members.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Governance	Deliver governance services and internal audit program

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration are covered within existing budget – subject to an Elected Member not exceeding budget limits set out in the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy. Council will also meet the reasonable cost of meals when they are not included in the conference fees.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		As per the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

As per the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy, approval to participate in a conference or seminar is subject to approval of a full Council.

MINUTES ORDINARY COUNCIL - 25 JULY 2023

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its reputation damaged by not participating in the national debate on key Local Government matters in NSW.	Low	Adopt the recommendation.	Yes
There is a risk that Port Stephens Council will not be represented on matters at the conferences.	Low	That the recommendation be adopted.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Elected Members participating in conferences to ensure the local government area has a voice in the national development of policy and initiatives.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7**FILE NO: 23/166953
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 Ward funds to the following:-
 - a) Medowie & Districts Rugby Union Club – Rapid Response – Cr Chris Doohan - \$500 donation towards a line marking machine.
 - b) Medowie Rural Fire Service – Rapid Response – Cr Chris Doohan - \$500 donation towards upgrading of gardens at the station.
 - c) Nelson Bay Civic Pride Volunteers – Rapid Response – Cr Leah Anderson - \$500 donation towards the re-establishment of the Civic Pride Flower Gardens in Nelson Bay.

**ORDINARY COUNCIL MEETING - 25 JULY 2023
MOTION**

176	Councillor Chris Doohan Councillor Leah Anderson It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from Ward funds to the following:- a) Medowie & Districts Rugby Union Club – Rapid Response – Cr Chris Doohan - \$500 donation towards a line marking machine. b) Medowie Rural Fire Service – Rapid Response – Cr Chris Doohan - \$500 donation towards upgrading of gardens at the station. c) Nelson Bay Civic Pride Volunteers – Rapid Response – Cr Leah Anderson - \$500 donation towards the re-establishment of the Civic Pride Flower Gardens in Nelson Bay.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer and Steve Tucker.

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.

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:

WARD FUNDS

Medowie & Districts Rugby Union Club	The Medowie & Districts Rugby Union Club are passionate about rugby union and providing competitions for players juniors and above.	\$500	Donation towards line marking machine.
Medowie Rural Fire Service	The Medowie Rural Fire Service is part of the NSW Rural Fire Service and is manned by local residents and volunteers.	\$500	Donation towards upgrade of gardens at the station.
Nelson Bay Civic Pride Volunteers	The Nelson Bay Civic Pride Volunteers are a	\$500	Donation towards the re-establishment of

MINUTES ORDINARY COUNCIL - 25 JULY 2023

	collaborative group with interest in the revitalisation of the Nelson Bay CBD.		the Civic Pride Flower Gardens in Nelson Bay.
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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.

MINUTES ORDINARY COUNCIL - 25 JULY 2023

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 the request.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8**FILE NO: 23/166944
EDRMS NO: PSC2017-00106****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 25 July 2023.

No:	Report Title	Page:
1	June 2023 Cash and Investments	94
2	Emergency Services Levy	97
3	Elected Members Professional Development and Expenses Reports - 1 January 2023 to 30 June 2023	104
4	Report on Australian Local Government Association (ALGA) National General Assembly (NGA) 13 - 16 June 2023	107
5	Council Resolutions	115

**ORDINARY COUNCIL MEETING - 25 JULY 2023
MOTION**

177	Councillor Peter Kafer Councillor Chris Doohan It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 25 July 2023. <table><tr><th>No:</th><th>Report Title</th></tr><tr><td>1</td><td>June 2023 Cash and Investments</td></tr><tr><td>2</td><td>Emergency Services Levy</td></tr><tr><td>3</td><td>Elected Members Professional Development and Expenses Reports - 1 January 2023 to 30 June 2023</td></tr><tr><td>4</td><td>Report on Australian Local Government Association (ALGA) National General Assembly (NGA) 13 - 16 June 2023</td></tr><tr><td>5</td><td>Council Resolutions</td></tr></table>	No:	Report Title	1	June 2023 Cash and Investments	2	Emergency Services Levy	3	Elected Members Professional Development and Expenses Reports - 1 January 2023 to 30 June 2023	4	Report on Australian Local Government Association (ALGA) National General Assembly (NGA) 13 - 16 June 2023	5	Council Resolutions
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1	June 2023 Cash and Investments												
2	Emergency Services Levy												
3	Elected Members Professional Development and Expenses Reports - 1 January 2023 to 30 June 2023												
4	Report on Australian Local Government Association (ALGA) National General Assembly (NGA) 13 - 16 June 2023												
5	Council Resolutions												

MINUTES ORDINARY COUNCIL - 25 JULY 2023
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer and Steve Tucker.

Those against the Motion: Nil.

The motion was carried.

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 22/325609
EDRMS NO: PSC2017-00180**

JUNE 2023 CASH AND INVESTMENTS

REPORT OF: GLEN PETERKIN - ACTING FINANCIAL SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 June 2023.

The cash reserves for 30 June 2023 are currently being reconciled as part of the end of financial year procedures. The final balances will be reported in the August 2023 Cash and Investments report.

ATTACHMENTS

1) Cash and Investments - June 2023.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - JUNE 2023.
Cash and Investments Held as at 30 June 2023

ISSUER	Broker	Rating*	Type	Investment Date	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
Defence Bank	IAM	BBB	TD	21-Jun-22	4.38%	379	5-Jul-23	1,000,000	1,044,880
Illawarra Credit Union	Laminar	BBB	TD	3-Jun-22	3.52%	403	11-Jul-23	1,000,000	1,037,804
Westpac	Westpac	AA	TD	16-Feb-22	1.30%	517	18-Jul-23	1,000,000	1,001,603
AMP Bank	IAM	BBB	TD	18-Aug-22	4.15%	340	24-Jul-23	1,000,000	1,035,929
Auswide Bank	IAM	BBB	TD	26-Apr-23	4.57%	91	26-Jul-23	5,000,000	5,040,692
Arab Bank	IAM	NR	TD	26-Apr-23	4.50%	91	26-Jul-23	5,000,000	5,040,068
Macquarie Bank	IAM	A	TD	26-Apr-23	4.42%	91	26-Jul-23	5,000,000	5,039,356
Macquarie Bank	IAM	A	TD	27-Apr-23	4.42%	90	26-Jul-23	525,861	529,936
Westpac	Westpac	AA	TD	3-Jun-22	3.28%	424	1-Aug-23	1,000,000	1,010,694
Mutual Bank	Curve	BBB	TD	2-Jun-22	3.40%	438	14-Aug-23	1,000,000	1,036,608
AMP Bank	Laminar	BBB	TD	29-Jul-22	4.45%	382	15-Aug-23	1,000,000	1,040,964
AMP Bank	Laminar	BBB	TD	2-Aug-22	4.45%	384	21-Aug-23	825,000	858,393
AMP Bank	IAM	BBB	TD	25-Aug-22	4.25%	361	21-Aug-23	500,000	517,990
AMP Bank	Laminar	BBB	TD	1-Sep-22	4.25%	368	4-Sep-23	700,000	724,615
Australian Unity Bank	Curve	BBB	TD	1-Jun-22	3.40%	468	12-Sep-23	1,000,000	1,002,701
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.39%	467	27-Sep-23	1,000,000	1,021,649
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.41%	481	11-Oct-23	1,000,000	1,021,748
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.42%	495	25-Oct-23	1,000,000	1,021,797
Westpac	Westpac	AA	TD	16-Feb-22	1.48%	629	7-Nov-23	1,000,000	1,001,825
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.45%	524	23-Nov-23	1,000,000	1,021,945
Summerland Credit Union	IAM	NR	TD	30-Nov-22	4.72%	362	27-Nov-23	1,000,000	1,027,415
ING Bank	ING	A	TD	24-Jun-22	4.22%	531	7-Dec-23	1,000,000	1,000,809
QBANK	Ord Minnett	BBB	TD	2-Dec-22	4.70%	374	11-Dec-23	975,000	1,001,365
Commonwealth Bank of Australia	CBA	AA	TD	17-Jun-22	4.48%	552	21-Dec-23	1,000,000	1,022,093
ING Bank	ING	A	TD	24-Jun-22	4.33%	559	4-Jan-24	1,000,000	1,000,475
ING Bank	ING	A	TD	29-Jun-22	4.35%	566	16-Jan-24	1,000,000	1,000,119
Westpac	Westpac	AA	TD	8-Aug-22	4.00%	532	22-Jan-24	1,000,000	1,007,342
Westpac	Westpac	AA	TD	8-Aug-22	4.00%	539	29-Jan-24	1,000,000	1,006,904
Westpac	Westpac	AA	TD	28-Jan-22	1.53%	732	30-Jan-24	1,000,000	1,002,641
Westpac	Westpac	AA	TD	28-Jan-22	1.53%	746	13-Feb-24	1,000,000	1,002,641
Westpac	Westpac	AA	TD	16-Feb-22	1.72%	741	27-Feb-24	1,000,000	1,002,121
Westpac	Westpac	AA	TD	1-Sep-22	4.30%	557	11-Mar-24	1,000,000	1,003,416
Bank Vic	IAM	BBB	TD	3-Feb-23	4.62%	409	18-Mar-24	1,000,000	1,018,607
Westpac	Westpac	AA	TD	14-Oct-22	4.53%	542	8-Apr-24	1,000,000	1,009,556
Judo Bank	IAM	BBB	TD	22-Apr-22	3.35%	732	23-Apr-24	825,000	830,225
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.60%	523	29-Apr-24	1,000,000	1,027,600
Judo Bank	IAM	BBB	TD	22-Apr-22	3.35%	746	7-May-24	825,000	830,225
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	627	20-May-24	1,000,000	1,036,488
Commonwealth Bank of Australia	CBA	AA	TD	7-Feb-23	4.65%	475	27-May-24	1,000,000	1,011,466
ING Bank	ING	A	TD	31-May-23	5.05%	377	10-Jun-24	1,000,000	1,004,151
Macquarie Bank	Curve	A	TD	1-Sep-22	4.41%	649	11-Jun-24	1,000,000	1,003,953
ING Bank	ING	A	TD	31-May-23	5.05%	383	17-Jun-24	1,000,000	971,615
ING Bank	ING	A	TD	6-Jun-23	5.10%	384	24-Jun-24	1,000,000	1,003,353
Mutual Bank	Mutual	BBB	TD	28-Jun-23	5.80%	362	24-Jun-24	1,000,000	1,000,318
Westpac	Westpac	AA	TD	23-Aug-22	4.35%	685	8-Jul-24	1,000,000	1,024,711
Westpac	Westpac	AA	TD	23-Aug-22	4.35%	692	15-Jul-24	1,000,000	1,037,064
Australian Military Bank	Curve	BBB	TD	25-Aug-22	4.40%	704	29-Jul-24	1,000,000	1,037,249
Police Credit Union	IAM	NR	TD	14-Feb-23	5.02%	538	5-Aug-24	1,000,000	1,018,705
Westpac	Westpac	AA	TD	21-Feb-23	5.01%	538	12-Aug-24	1,000,000	1,017,707
Defence Bank	Curve	BBB	TD	5-May-23	4.95%	479	26-Aug-24	1,000,000	1,007,595

MINUTES ORDINARY COUNCIL - 25 JULY 2023

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS - JUNE 2023.

Cash and Investments Held as at 30 June 2023

ISSUER	Broker	Rating*	Type	Investment Date	Yield (%)	Term (days)	Maturity Date	Amount Invested	Market Value
Bank Vic	IAM	BBB	TD	15-Mar-23	5.02%	544	9-Sep-24	1,000,000	1,014,716
Police Credit Union	IAM	NR	TD	5-May-23	5.02%	500	16-Sep-24	1,000,000	983,403
Police Credit Union	IAM	NR	TD	5-May-23	5.02%	507	23-Sep-24	1,000,000	1,007,702
ING Bank	ING	A	TD	23-Dec-22	4.68%	655	8-Oct-24	1,000,000	1,024,233
ING Bank	ING	A	TD	23-Dec-22	4.70%	661	14-Oct-24	1,000,000	1,024,337
Westpac	Westpac	AA	TD	3-Nov-22	4.90%	732	4-Nov-24	1,000,000	1,032,085
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.65%	719	11-Nov-24	1,000,000	1,026,352
Summerland Credit Union	Curve	NR	TD	23-Nov-22	4.65%	726	18-Nov-24	1,000,000	1,027,900
ING Bank	IAM	A	TD	2-Dec-22	4.50%	724	25-Nov-24	1,000,000	1,019,138
ING Bank	IAM	A	TD	2-Dec-22	4.50%	738	9-Dec-24	1,000,000	1,025,890
Commonwealth Bank of Australia	CBA	AA	TD	20-Dec-22	4.71%	731	20-Dec-24	1,000,000	1,024,776
Police Credit Union	IAM	NR	TD	5-May-23	5.02%	612	6-Jan-25	1,000,000	1,007,702
ING Bank	ING	A	TD	6-Jun-23	4.98%	587	13-Jan-25	1,000,000	1,003,275
Westpac	Westpac	AA	TD	6-Jun-23	4.98%	594	20-Jan-25	1,000,000	1,003,275
Judo Bank	IAM	BBB	TD	28-Jun-23	5.75%	579	27-Jan-25	1,000,000	1,000,315
Westpac	Westpac	AA	TD	6-Jun-23	4.98%	602	28-Jan-25	1,000,000	1,003,275
Commonwealth Bank of Australia	CBA	AA	TD	8-Feb-23	4.74%	733	10-Feb-25	1,000,000	1,018,441
Arab Bank	IAM	NR	TD	28-Jun-23	5.83%	593	10-Feb-25	1,000,000	1,000,319
Arab Bank	IAM	NR	TD	28-Jun-23	5.83%	607	24-Feb-25	1,000,000	1,000,319
Summerland Credit Union	Curve	NR	TD	15-Mar-23	5.05%	726	10-Mar-25	1,000,000	1,014,804
AMP Bank	IAM	BBB	TD	20-Apr-23	5.00%	732	21-Apr-25	1,000,000	1,009,726
AMP Bank	IAM	BBB	TD	9-May-23	5.00%	727	5-May-25	1,000,000	1,007,123
MOVE Bank	Curve	NR	TD	26-May-23	5.15%	731	26-May-25	1,000,000	1,004,938
Total Term Deposits (\$)								83,175,861	84,303,170
Macquarie Bank	Laminar	A	At Call		4.05%			0	0
Total Investments (\$)								83,175,861	84,303,170
Cash at Bank (\$)								7,048,529	7,048,529
Total Cash and Investments (\$)								90,224,390	91,351,699
Cash at Bank Interest Rate		4.15%							
3 month BBSW		4.25%							
Weighted Average Investment Rate of Return on TD's		4.40%							
TD = Term Deposit									
*Standard & Poors Long Term Rating									
Certificate of Responsible Accounting Officer									
I hereby certify that the investments listed above have been made in accordance with Section 625 of the Local Government Act (1993), Clause 212 of the Local Government									
Glen Peterkin									
Acting Financial Services Section Manager									

ITEM NO. 2

**FILE NO: 23/168307
EDRMS NO: PSC2017-00180**

EMERGENCY SERVICES LEVY

REPORT OF: GLEN PETERKIN - ACTING FINANCIAL SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to provide an update to Council on the Emergency Services Levy (ESL).

On 9 May 2023 (**ATTACHMENT 1**) it was resolved to write to Hon. Daniel Mookhey MLC, Treasurer, the Hon. Jihad Dib MP, Minister for Emergency Services, the Hon. Ron Hoenig MP, Minister for Local Government, the Hon. Kate Washington MP, Member for Port Stephens, and the Hon. Tim Crakanthorp MP, Member for Newcastle expressing strong opposition to the NSW Government's proposed scrapping of the ESL subsidy after Council had publicly advertised its Operational Plan and annual budget to the community.

A response from the Hon. Ron Hoenig MP, Minister for Local Government is provided in (**ATTACHMENT 2**) which goes onto acknowledge Council's concerns regarding financial sustainability and the impact that this decision has caused. However, due to budgetary pressures the NSW Government is not able to apply a subsidy to the ESL for this financial year.

For Council, the ESL has increased by \$440,099 for 2023-2024, bringing the total Council contribution to \$1,299,092. The effect that this decision will have on Council's budget for 2023/2024 financial year will be reviewed with an adjustment made in the September 2023 Quarterly Budget Review.

ATTACHMENTS

- 1) Council Meeting - 9 May 2023, Minute Number 108.
- 2) Letter of response - Minister for Local Government.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 COUNCIL MEETING - 9 MAY 2023, MINUTE NUMBER 108.**MINUTES ORDINARY COUNCIL - 9 MAY 2023**

Councillor Leah Anderson left the meeting at 6:00pm.

MAYORAL MINUTE**ITEM NO. 1****FILE NO: 23/112260
EDRMS NO: PSC2021-04199****INCREASE IN EMERGENCY SERVICES LEVY COSTS****THAT COUNCIL:**

- 1) Writes to the Hon. Daniel Mookhey MLC, Treasurer, the Hon. Jihad Dib MP, Minister for Emergency Services, the Hon. Ron Hoenig MP, Minister for Local Government, the Hon. Kate Washington MP, Member for Port Stephens, and the Hon. Tim Crakanthorp MP, Member for Newcastle.
- a) Expressing Council's strong opposition to the NSW Government's proposed scrapping of the Emergency Services Levy (ESL) subsidy for 2023-2024 at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
- b) Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's already declared 4.4% rate cap and proposed 9.5% Special Rate Variation has been significantly eroded through the removal of the ongoing subsidy;
- c) Calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023-2024
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
- 2) Writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023-2024 rate cap, which has resulted in additional financial stress.
- 3) Writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

ITEM 2 - ATTACHMENT 1 COUNCIL MEETING - 9 MAY 2023, MINUTE NUMBER 108.**MINUTES ORDINARY COUNCIL - 9 MAY 2023****ORDINARY COUNCIL MEETING - 9 MAY 2023
MOTION**

108	Mayor Ryan Palmer Councillor Giacomo Arnott It was resolved that Council: 1) Writes to the Hon. Daniel Mookhey MLC, Treasurer, the Hon. Jihad Dib MP, Minister for Emergency Services, the Hon. Ron Hoenig MP, Minister for Local Government, the Hon. Kate Washington MP, Member for Port Stephens, and the Hon. Tim Crakanthorp MP, Member for Newcastle. a) Expressing Council's strong opposition to the NSW Government's proposed scrapping of the Emergency Services Levy (ESL) subsidy for 2023-2024 at a time after Council has publicly advertised its Operational Plan and annual budget to the community; b) Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's already declared 4.4% rate cap and proposed 9.5% Special Rate Variation has been significantly eroded through the removal of the ongoing subsidy; c) Calling on the NSW Government to take immediate action to: i. restore the ESL subsidy in 2023-2024 ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government. 2) Writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023-2024 rate cap, which has resulted in additional financial stress. 3) Writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.
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Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

ITEM 2 - ATTACHMENT 1 COUNCIL MEETING - 9 MAY 2023, MINUTE NUMBER 108.**MINUTES ORDINARY COUNCIL - 9 MAY 2023**

The motion was carried.

Councillor Leah Anderson returned to the meeting at 6:11pm.

BACKGROUND

The purpose of this report is to request representations to the NSW Government in response to the proposed increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023-2024 financial year.

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7% funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worst, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State's 128 councils in 2023-2024 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% for 2023-2024, and Council's already declared rate cap of 4.4%. Should Council be successful in our Special Rate Variation application of 9.5%, the increased ESL levy and removal of the subsidy will significantly erode this additional rates income needed for our financial sustainability.

Reporting suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on councils' finances will be particularly severe in 2023-2024 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For Council, the ESL has increased by \$440,099 for 2023-2024, bringing the total Council contribution to \$1,299,092. The timing of this development is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.

Council strongly supports a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

This Mayoral Minute recommends that Council call on the NSW Government to take immediate action to:

**ITEM 2 - ATTACHMENT 1 COUNCIL MEETING - 9 MAY 2023, MINUTE
NUMBER 108.**

MINUTES ORDINARY COUNCIL - 9 MAY 2023

- a) restore the ESL subsidy
- b) decouple the ESL from the rate peg to enable councils to recover the full cost
- c) develop a fairer, more transparent and financially sustainable method of funding critically important emergency services.

The Mayoral Minute also recommends that Council writes to IPART advising of the financial sustainability impacts of the ESL.

ATTACHMENTS

Nil.

ITEM 2 - ATTACHMENT 2 LETTER OF RESPONSE - MINISTER FOR LOCAL GOVERNMENT.

The Hon. Ron Hoenig MP

Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government



Your Ref: PSC2021-04180
Our Ref: A861686

His Worship the Mayor
Cr Ryan Palmer
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

via email: mayor@portstephens.nsw.gov.au

Dear Mayor,

Thank you for your letter of 10 May 2023 about Port Stephens Council's objection to the NSW Government discontinuing its subsidy toward the 2023/24 Emergency Services Levy contributions.

I acknowledge Council's concerns about its financial sustainability and I appreciate you sharing your views on this matter.

While I note Council's position, tough budgetary decisions are being taken across the NSW government sector to ensure the financial sustainability of NSW and to provide priority services and infrastructure to communities and councils.

Council emergency services contributions have not risen since 2019-20 because of the annual ad-hoc subsidy by the former Government. However, at the same time the costs of emergency services has risen significantly. This situation is unsustainable in the current fiscal climate. Due to pressures on the NSW Budget and the lack of funding made available in the forward estimates, the NSW Government is not able to apply a subsidy to council contributions this financial year.

NSW emergency services agencies including Fire and Rescue NSW, NSW Rural Fire Service and the NSW State Emergency Service have long been funded through a three-way cost-sharing arrangement. Local government contributions to the cost of emergency services date back to the 1800s. These costs are a shared responsibility, and we all need to do our part to ensure communities get the services they deserve.

Please be assured that the newly elected NSW Government and the Office of Local Government are committed to supporting the financial capabilities of all local councils across NSW. We have a commitment to implement a review of financial modelling for councils to address concerns about resources and the increasing cost burdens on councils and their residents. The NSW Government is committed to working with the sector to address the financial sustainability of councils into the future.

52 Martin Place Sydney NSW 2000
GPO Box 5341 Sydney NSW 2001

02 7225 6150
nsw.gov.au/ministerhoenig

ITEM 2 - ATTACHMENT 2 LETTER OF RESPONSE - MINISTER FOR LOCAL GOVERNMENT.

I will continue to advocate on behalf of all NSW local councils for continued financial support to assist with their operational functions.

Yours sincerely,



The Hon. Roh Hoenig MP
Leader of the House in the Legislative Assembly
Vice President of the Executive Council
Minister for Local Government

cc: The Hon. Jihad Dib MP, Minister for Emergency Services

ITEM NO. 3

FILE NO: 23/130588
EDRMS NO: PSC2017-00739

ELECTED MEMBERS PROFESSIONAL DEVELOPMENT AND EXPENSES
REPORTS - 1 JANUARY 2023 TO 30 JUNE 2023

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

BACKGROUND**Professional Development**

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with clause 5.14 of the Councillor Induction and Professional Development Policy for the period January to June 2023.

	Mayor Palmer	Cr Anderson	Cr Arnott	Cr Bailey	Cr Doohan	Cr Dunkley	Cr Francis	Cr Kafer	Cr Tucker	Cr Wells
AICD Membership ¹						\$620			\$620	
ALGA National General Assembly ²	\$1413	\$1373						\$895	\$1612	
LGNSW – Media Training for Councillors Course ³		\$462								
LGNSW – Chairing Effective Meetings Course		\$462								
Total	\$1413	\$2297	\$0	\$0	\$0	\$620	\$0	\$895	\$2232	\$0

¹ AICD – Australian Institute of Company Directors

² ALGA – Australian Local Government Association

³ LGNSW – Local Government NSW LGNSW – Local Government NSW

Expenses

The purpose of this report is to provide an account of the expenses incurred by the Elected Members in accordance with Clause 3.127 of the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy for the period 1 January 2023 to 30 June 2023 (**ATTACHMENT 1**).

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

ATTACHMENTS

- 1) Elected Members Expense Report - 1 January 2023 to 30 June 2023.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 25 JULY 2023

ITEM 3 - ATTACHMENT 1 ELECTED MEMBERS EXPENSE REPORT - 1 JANUARY 2023 TO 30 JUNE 2023.

Elected Members Expense Report 1 January 2023 to 30 June 2023												
		Mayor Ryan Palmer	Cr Leah Anderson	Cr Giacomo Annot	Cr Matthew Bailey	Cr Chris Doohan	Cr Glen Dunkley	Cr Peter Francis	Cr Peter Kater	Cr Steve Tucker	Cr Jason Wells	TOTALS
Total Number of Council Meetings Attended (9 held)		8	9	9	6	4	8	8	7	7	9	
Total Number of Months Reimbursed during the period		6	4	0	2	8	4	0	0	3	1	
Description of Expense	Limits as per policy											
Councillor Mobile Rental	75% up to \$200 per month											\$0.00
Councillor Mobile Calls		\$198.00	\$210.00		\$155.00							\$563.00
Councillor Landline Phone Rental												\$0.00
Councillor Landline Phone Calls												\$0.00
Councillor Fax Rental												\$0.00
Councillor Fax Calls												
Councillor Internet	75% up to \$60 per month	\$180.00	\$420.00		\$180.00							\$780.00
Councillor Intrastate Travel Expenses	\$7000 per year	-\$7,985.00	\$1,370.73		\$120.00	\$154.00	\$308.00			\$305.00		-\$5,727.27
Councillor Interstate Travel (out of NSW)	\$2000 per year											\$0.00
Councillor Interstate Accommodation (out of NSW)												\$0.00
Councillors Intrastate Accommodation		\$784.00	\$441.06						\$662.00		\$1,887.06	
Councillor Conferences	\$3000 per year	\$414.00	\$872.73							\$945.00		\$2,231.73
Councillor Training												\$0.00
Councillor Partner Expenses	Mayor \$1000 per year Cr's \$500 per year (excluding LGNSW Annual Con.)											\$0.00
Councillor ICT Devices (incl. Mobile phones)	\$5000 per term				\$2,172.00						\$2,198.00	\$4,370.00
Councillor Stationary	\$300 per year											\$0.00
Councillor Awards/Ceremonies/Dinners	Mayor \$1000 per year Cr's \$500 per year	\$184.00		\$127.00		\$32.00					\$32.00	\$375.00
Councillor Child Care Costs	\$2000 per year				\$165.00							\$165.00
Councillor Communications Bundle	75% up to \$100 per month landline 75% up to \$100 per month mobile					\$978.00	\$150.00			\$287.00		\$1,415.00
Councillor Professional Development	\$15,000 per term		\$840.00				\$620.00			\$620.00		\$2,080.00
TOTALS		-\$6,225.00	\$4,154.52	\$127.00	\$2,792.00	\$1,164.00	\$1,078.00	\$0.00	\$0.00	\$2,819.00	\$2,230.00	\$8,139.52
Councillor Allowances	Mayor \$84,400 pa Cr's - \$24,320 pa	\$48,450.00	\$14,764.00	\$17,479.00	\$14,764.00	\$14,764.00	\$14,764.00	\$14,764.00	\$14,764.00	\$14,764.00	\$14,764.00	\$184,041.00
TOTALS		\$42,225.00	\$18,918.52	\$17,606.00	\$17,556.00	\$15,928.00	\$15,842.00	\$14,764.00	\$14,764.00	\$17,583.00	\$16,994.00	\$192,180.52

ITEM NO. 4

**FILE NO: 23/155955
EDRMS NO: PSC2021-04212**

**REPORT ON AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA)
NATIONAL GENERAL ASSEMBLY (NGA) 13 - 16 JUNE 2023**

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

BACKGROUND

The purpose of this report is to provide an overview of the 2023 Australian Local Government National General Assembly including the Australian Council of Local Government meeting held from 13 June 2023 to 16 June 2023 in Canberra. The conference was attended by Mayor Ryan Palmer, Cr Leah Anderson, Cr Peter Kafer, Cr Steve Tucker and General Manager, Tim Crosdale.

Over 1100 delegates from Councils across Australia joined together at the National Convention Centre in Canberra to attend the conference with the theme being “Our Communities, Our Future”. The conference provided a forum for delegates to share ideas for new federal programs and policies that would support councils to build stronger communities in the future. The NGA also incorporated the Australian Council of Local Government, which has been reintroduced by the Federal Government.

A program for the NGA is provided in (**ATTACHMENT 1**) and an overview of the motions considered by the Assembly is provided in (**ATTACHMENT 2**).

The NGA commenced on 13 June 2023 with a Regional Forum. As Council had an Ordinary Council Meeting on this date Council had limited attendance to this part of the NGA.

On 14 June 2023, Council representatives were hosted Parliament House by The Hon Meryl Swanson MP, Member for Paterson. A number of meetings with relevant MPs, Senators and Ministers were held to enable Council to discuss its advocacy priorities. This included advocacy relating to capital works funding, financial sustainability, energy transition, homelessness, housing and significant economic development associated with Newcastle Airport / Williamstown.

The NGA program for 15 June 2023 included a range of panel and keynote addresses on important topics facing Local Government across the country. This included:

- Conversation on The Voice to Parliament outlining perspectives on the proposed Voice to Parliament referendum (note at this date the legislation enabling the referendum had not passed).
- Keynote on Leading Communities through Change which specifically looked at methodologies and tools that are available to Council to assist in leading and

working with the community through urban change. This included a number of practical ways of taking the community on a journey of change based on the vision of Council, the council and community's commitment to change and building trust to enable the 'leap' to occur.

- Panel: Cyclones, Floods and Fires provided a forum discussion the many and varied natural disasters that have affected communities across the country in past 12 months. The need for increased emergency preparedness, access to information during emergencies and the simplification of funding arrangements for repair and recovery works was raised. These are issues that are consistent with our recent experience and reflects Council's advocacy priorities in relation to ongoing improvements to emergency management at State and Federal levels.
- Keynote Electrification and Alternate Energy was an engaging presentation outlining the unique opportunities for Australia to invest in electrification via alternative energy sources (notably solar and wind). Specific examples around local level electrification of homes, transport (mass and cars) as well as more community based electricity generation through use of common infrastructure were provided. These were outlined as practical examples as part of the broader national approach to reducing the impacts of climate change.
- Panel Affordable Housing including Community Housing Industry Association and Housing Australia Future Fund leaders outlining the opportunities for local government in the provision of affordable and social housing. The key opportunity for most local governments is through the provision of land for affordable housing projects in their LGAs. It was emphasised that capital funding from Federal and State Government is essential as are strong partnerships with community housing providers to manage the developments. It is noted that at the time of the panel session the Housing Affordability Future Fund Legislation was still under consideration by the Senate.
- Panel on Cybersecurity which is identified as the number 1 risk facing local government in the country. Industry insights in the cyber protection were provided from Telstra and Federal Departments. Council has a robust cybersecurity framework and hearing the insights from the industry will continue assist in managing this risk.

The Australian Council of Local Government commenced on the evening of 15 June and through to 16 June 2023. The ACLG was first established as a formal meeting between senior leaders of local government and the Australian Government in 2008.

The re-establishment of the ACLG in 2023 builds on the Australian Government's commitment to work with local governments to build liveable and socially equitable communities in Australia's cities and regions. This has been reinstated by the Federal Government and was attended by the Prime Minister and a range of senior Federal Cabinet members.

The ACLG included panels of Ministers taking questions from delegates on a range of relevant issues. The ACLG also included announcements of \$100M for the Community Energy Upgrades Fund. This will provide an opportunity to support Council's ongoing program rollout of solar panels on Council facilities as part of our Carbon Neutrality Action Plan.

Further details on the ALGA NGA and ACLG can be found at:

- Australian Local Government Association National General Assembly – <https://alga.com.au/>
- Australian Council of Local Government - <https://www.infrastructure.gov.au/territories-regions-cities/local-government/australian-council-of-local-government>

ATTACHMENTS

- 1) Australian Local Government Association National General Assembly Program.
- 2) Australian Local Government Association National General Assembly - Communique.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY PROGRAM.



Program

TUESDAY 13 JUNE

8.30am	Registrations Open
9.30am – 5.00pm	Regional Forum National Convention Centre
5.00pm – 7.00pm	Welcome Reception & Exhibition Opening National Convention Centre

WEDNESDAY 14 JUNE

8.00am	Registrations Open
9.00am	Opening Ceremony Welcome to Country – Aunty Violet Sheridan Includes an address from His Excellency General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia
9.40am	Minister Address The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government
10.00am	President's Address Cr Linda Scott, ALGA President
10.30am	MORNING TEA 

WEDNESDAY 14 JUNE CONT.

11.00am	Guest Speaker His Excellency Vasyi Myroshnychenko, Ambassador of Ukraine
11.15am	Address The Hon Peter Dutton MP, Leader of the Opposition
11.45am	Keynote Address Jimmy Rees
12.30pm	LUNCH 
1.30pm	Panel: The Future of Local Government Dr Jonathan Carr-West, CEO, Local Government Information Unit, UK Tahlia Azaria, Director, Young Mayors Program, Foundation for Young Australians
2.15pm	Panel: Building a Stronger Workforce Lord Mayor Sally Capp, City of Melbourne Mayor Heather Holmes-Ross, City of Mitcham Mayor Karen Vernon, Town of Victoria Park
3.00pm	AFTERNOON TEA
3.30pm	PLENARY: Debate on Motions BREAKOUT: Panel: Developing and Delivering Policy with Local Government Hosted by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts
7.00pm – 11.00pm	General Assembly Dinner QT Canberra Buffet Dinner National Convention Centre



ITEM 4 - ATTACHMENT 1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY PROGRAM.



THURSDAY 15 JUNE

9.00am **Panel: A Conversation About the Voice**
 Mayor Ross Andrews, Yarrabah Aboriginal Shire Council
 Mayor Matthew Ryan, West Arnhem Regional Council
 Cr Esma Livermore, Queanbeyan-Palerang Regional Council
 Mayor Phillemon Mosby, Torres Strait Island Regional Council

9.45am **Keynote: Leading Communities Through Change**
 Jennifer Michelmore, Chief Executive, Studio THI

10.30am MORNING TEA

11.00am **Panel: Cyclones, Fires and Floods**
 Brendan Moon AM, Coordinator-General, National Emergency Management Agency
 Mayor Peter Freshney, Latrobe Council
 Mayor Samantha O'Toole, Balonne Shire Council

11.45am **Keynote Address**
 Saul Griffith, Rewiring Australia

12.30pm LUNCH

1.30pm **Panel: Australia's Affordable Housing Crisis**
 Nathan Dal Bon, CEO, National Housing Finance and Investment Corporation
 Wendy Hayhurst, CEO, Community Housing Industry Association

2.15pm **Panel: Cyber Security and Local Government**
 Clive Reeves, Deputy Chief Information Security Officer, Telstra
 Stephanie Crowe, First Assistant Director-General Cyber Security Resilience, Australian Cyber Security Centre
 Gary Okely, Head of JLT Public Sector – Pacific

3.00pm AFTERNOON TEA

3.30pm **PLENARY: Debate on Motions**

BREAKOUT: Building More Resilient Infrastructure Workshop
 Presented by National Transport Research Organisation (formerly ARRB)

FRIDAY 16 JUNE

7.30am Registrations Open

8.00am – 3.00pm **2023 Australian Council of Local Government (ACLG)**



**ITEM 4 - ATTACHMENT 2 AUSTRALIAN LOCAL GOVERNMENT
ASSOCIATION NATIONAL GENERAL ASSEMBLY - COMMUNIQUE.**



Communique

National General Assembly 2023

Over 1,100 local government leaders from across Australia gathered in Canberra from 13 – 15 June for the 29th National General Assembly of Local Government (NGA) to share innovations to support the public good and to speak to the Federal Government with one voice.

We acknowledged the Ngunnawal people as traditional custodians of the ACT and recognised any other people or families with connection to the lands of the ACT and region. The Assembly paid its respects to their elders past, present and emerging, and acknowledged the vital and ongoing contributions First Nations peoples continue to make to our nation.

Opening the NGA, the Governor-General, His Excellency General the Honourable David Hurley thanked and acknowledged local governments for their dedication and work for local communities especially responding to natural disasters. His words, noting councils were the level of government that looked communities in the eye, resonated with delegates.

Delegates reaffirmed their commitment to work in partnership with the Federal Government for the public good, while at the same time addressing the local and regional challenges faced by communities across the nation.

We welcomed and thanked the many federal members of parliament who attended and spoke at the NGA or associated events, including the Hon

**ITEM 4 - ATTACHMENT 2 AUSTRALIAN LOCAL GOVERNMENT
ASSOCIATION NATIONAL GENERAL ASSEMBLY - COMMUNIQUE.**



Catherine King, the Hon Kristy McBain, the Hon Peter Dutton and the Hon Darren Chester.

Councils also welcomed His Excellency, Vasyl Myroshnychenko, Ukraine Ambassador, who provided an update on the Ukrainian people's progress to protect their national sovereignty; and welcomed and encouraged sister city arrangements between Australian and Ukrainian regions.

In response to ALGA's advocacy, councils thanked the Federal Government for its re-establishment of the Australian Council of Local Government (ACLG) which will be held on Friday 16 June 2023. The ACLG was first established in 2008 as a physical and symbolic acknowledgment of the respect and mutual interest of both levels of government and need to work together.

This year's Assembly program included consideration of 260 notices of motions submitted by councils. These motions identify opportunities where a strong partnership between the Federal Government and local government can progress our mutual policy interests, and the ALGA Board will now consider these in forming its policy positions and federal advocacy.

These motions included solutions to address the financial sustainability of councils, climate change adaptation and renewable energy, improved transport and communications, improved natural disaster preparedness and management, Closing the Gap and the Voice, enhancing the circular economy and improving housing and homelessness outcomes through partnerships.

**ITEM 4 - ATTACHMENT 2 AUSTRALIAN LOCAL GOVERNMENT
ASSOCIATION NATIONAL GENERAL ASSEMBLY - COMMUNIQUE.**



On behalf of Australia's 537 local governments, the Australian Local Government Association (ALGA) will continue to work with the Federal Government to deliver better outcomes for all Australian communities.

ITEM NO. 5

**FILE NO: 23/166941
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 resolutions.
- 2) Development Services resolutions.
- 3) Facilities & Services resolutions.
- 4) General Manager's Office resolutions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 CORPORATE SERVICES RESOLUTIONS.



Action Sheets Report	Division:	Corporate Services	Date From:	27/08/2013
	Committee:		Date To:	11/07/2023
	Officer:		Printed: Wednesday, 12 July 2023	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 1	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Property Investment and Development Policy	30/09/2023	12/10/2022	22/273002
12 Jul 2023 Public Exhibition deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2	Ordinary Council 11/10/2022	Pattison, Zoe	Policy Review: Acquisition and Divestment of Land	30/09/2023	12/10/2022	22/273002
12 Jul 2023 Report deferred to allow for further clarification on the distribution of funds.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report 2 199	Ordinary Council 22/09/2020	Pattison, Zoe	Newline Road, Raymond Terrace	30/09/2023		20/288489
12 Jul 2023 Contracts and survey plan are being prepared. Completion of the acquisition is subject to registration of the plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	User Defined	Pattison, Zoe	Campvale Drain	30/12/2023		
12 Jul 2023 Awaiting final execution of easement documentation for 2 properties. All other properties (with exception of these 2) have been finalised.						

ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES RESOLUTIONS.


Action Sheets Report	Division:	Development Services	Date From:	14/09/2021
	Committee:		Date To:	11/07/2023
	Officer:		Printed: Wednesday, 12 July 2023	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/06/2023	Lamont, Brock	RAMSAR Listing for Mambo Wanda Wetlands	1/12/2023	14/06/2023	
1		Pearl, Steven				23/147603
137						
12 Jul 2023						
Council has continues investigations and benchmarking to identify available options. A business paper is forecasted to be presented to Council at the 28 November 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/06/2023	Lamont, Brock	Proposed re-establishment of Alcohol Free Zones in Anna Bay, Lakeside (Raymond Terrace), Nelson Bay and Raymond Terrace town centre	28/07/2023	14/06/2023	
3		Pearl, Steven				23/147603
138						
12 Jul 2023						
Council is preparing to commence public exhibition on 21 June 2023, for a 28 day period. If no submissions are received, the proposed re-establishment of Alcohol-Free Zones will be adopted.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	NSW Electric Vehicle Strategy	11/08/2023	12/04/2023	
3		Pearl, Steven				23/92450
093						
12 Jul 2023						
Draft DCP amendment in progress, Business Paper is scheduled to be reported to Council on 8 August 2023 meeting. Investigations continue into available grant funding opportunities. Potential sites have been identified for EV chargers, a site feasibility study is being undertaken. Expression of Interest for EV charging providers is currently being drafted, subject to site feasibility study findings.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Pearl, Steven	Development Application Information	31/08/2023	12/04/2023	
3		Pearl, Steven				23/92450
103						
12 Jul 2023						
Council are awaiting a response from the 'DA Tracker' software vendor in relation to adding additional fields. Benchmarking has been undertaken and a report will be provided to Council in relation to providing additional information on 'DA Tracker'.						

ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES RESOLUTIONS.


Action Sheets Report	Division:	Development Services	Date From:	14/09/2021
	Committee:		Date To:	11/07/2023
	Officer:		Printed: Wednesday, 12 July 2023	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	Housing Affordability	29/09/2023	12/04/2023	
6 105		Pearl, Steven				23/92450
12 Jul 2023 Council's Local Housing Strategy review will integrate all outstanding housing related actions (including the Affordable Housing Action Plan). A Councillor workshop has been scheduled for 17 August 2023 as the next step of the review.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Lamont, Brock	22 Homestead Street, Salamander Bay	31/10/2023	12/04/2023	
5 088		Pearl, Steven				23/92450
12 Jul 2023 Council continues to investigate options into the rezoning of 22 Homestead Street, Salamander Bay. Council continues benchmarking and investigations into the feasibility of developing a Vegetation Management Plan for the relevant lots, to provide the best opportunity to enable a successful long-term rehabilitation of the site.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/03/2023	Lamont, Brock	Street Tree Strategy	11/08/2023	29/03/2023	
1 070		Pearl, Steven				23/81000
12 Jul 2023 Council has continues benchmarking and investigations on the development of a Street Tree Strategy. A report has been drafted to be presented to Council at the 8 August 2023 meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/03/2023	Lamont, Brock	Draft Development Control Plan - Housekeeping	8/08/2023	15/03/2023	
3 048		Pearl, Steven				23/69308
12 Jul 2023 Council have collated feedback from landholders impacted by the review of Chapter D12 - Richardson Road. A business paper will be presented to Council at the 8 August 2023 meeting, seeking endorsement to commence public exhibition.						

ITEM 5 - ATTACHMENT 2 DEVELOPMENT SERVICES RESOLUTIONS.


Action Sheets Report	Division:	Development Services	Date From:	14/09/2021
	Committee:		Date To:	11/07/2023
	Officer:		Printed: Wednesday, 12 July 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	
1 240		Pearl, Steven				21/252518
12 Jul 2023 Council 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.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	User Defined	Lamont, Brock	Matter Arising - LEP Amendment to review building height controls	15/12/2023		
		Pearl, Steven				
12 Jul 2023 Council is investigating height controls and objectives as a part of the administrative amendment of the LEP. A draft amendment is forecasted to be presented to Council at the 12 December 2023 meeting, seeking endorsement to submit the planning proposal to the NSW Department of Planning and Environment for a Gateway determination.						

ITEM 5 - ATTACHMENT 3 FACILITIES & SERVICES RESOLUTIONS.


Division:	Facilities & Services	Date From:	09/02/2021
Committee:		Date To:	11/07/2023
Officer:		Printed:	Wednesday, 12 July 2023
Action Sheets Report			

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/05/2023	Maretich, John	Construction of a Building	22/12/2023	10/05/2023	
1		Kable, Gregory				23/115742
113						
12 Jul 2023						
Staff will investigate and prepare a report as per Council resolution to be presented at the Council Meeting held on the 22 August 2023.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Maretich, John	Naming Recreation Precinct at Medowie after Geoff Dingle	31/12/2023	12/04/2023	
2		Kable, Gregory				23/92450
085						
12 Jul 2023						
Once the reserve has been subdivided as per the Medowie Place Plan, an application will be submitted to the Geographical Naming Board to name the recreation precinct after Geoff Dingle.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/03/2023	Maretich, John	Naming of Athletics Track at Vi Barnett Oval	30/09/2023	29/03/2023	
4		Kable, Gregory				23/81000
073						
12 Jul 2023						
After consultation with the club the sign design has been confirmed and sign ordered. Awaiting delivery of the sign for installation.						

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	31/10/2023	27/05/2022	
4		Kable, Gregory				22/136825
12 Jul 2023						
Report was endorsed by Council at its meeting held 24 May 2022, Minute No. 133. A review is currently underway and will be reported by back to Council once targeted community engagement has been completed.						

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	31/08/2023	13/10/2021	
8		Kable, Gregory				21/274186
270						
12 Jul 2023						
Lease for Saltwater Restaurant has been executed. Response recieved from solicitors for Longboat Café and Fingal Surf Club. Council staff finalising outstanding items.						

ITEM 5 - ATTACHMENT 3 FACILITIES & SERVICES RESOLUTIONS.


Action Sheets Report	Division:	Facilities & Services	Date From:	09/02/2021
	Committee:		Date To:	11/07/2023
	Officer:		Printed: Wednesday, 12 July 2023	

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/08/2021	Maretich, John	Raymond Terrace Seven Day Makeover	26/09/2023		
17 228		Kable, Gregory				21/218740
12 Jul 2023 This will be discussed with the Councillors in the lead up to William Street, Stage 2 which 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.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	User Defined	Gutsche, Tammy Kable, Gregory	Urgency Motion - Council halls, venues and facilities	30/09/2023		
12 Jul 2023 Council staff have reviewed the Terms and Conditions and Online Forms for the hire of Council managed facilities and have provided suggested amendments.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
	User Defined	Maretich, John Kable, Gregory	Matter Arising: Medowie Lounge Library - Request the General Manager to prepare a report on potential funding options for a lounge library at Medowie.	30/09/2023		
12 Jul 2023 Staff will investigate and prepare a report for the 26 September 2023 Council meeting.						



**Action Sheets
Report**

Division: General Manager's Office
Committee:
Officer:

Date From: 11/04/2023
Date To: 11/07/2023

Printed: Wednesday, 12 July 2023

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/07/2023	Wickham, Tony	WARD BOUNDARY REVIEW	31/08/2023	12/07/2023	
3						23/175933
166						
12 Jul 2023						
The ward boundary review process will now commence.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/07/2023	Wickham, Tony	POLICY - FRAUD AND CORRUPTION CONTROL	18/08/2023	12/07/2023	
4						23/175933
12 Jul 2023						
Policy to be placed on public exhibition for a period of 28 days.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/04/2023	Crosdale, Timothy	Financial Assistance	31/07/2023	12/04/2023	
3						23/92450
083						
12 Jul 2023						
Awaiting necessary paperwork to process payments.						

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 23/170427

EDRMS NO: PSC2021-04195

109 FORESHORE DRIVE, SALAMANDER BAY

COUNCILLOR: LEAH ANDERSON

THAT COUNCIL:

- 1) Notes the importance of protecting our local environment.
 - 2) Notes the long-running campaign from the local community to protect 109 Foreshore Drive, Salamander Bay.
 - 3) Endorses 109 Foreshore Drive, Salamander Bay to be reclassified to community land in accordance with Section 33 of the Local Government Act 1993.
-

ORDINARY COUNCIL MEETING - 25 JULY 2023
MOTION

178	Councillor Leah Anderson Councillor Giacomo Arnott It was resolved that Council: 1) Notes the importance of protecting our local environment. 2) Notes the long-running campaign from the local community to protect 109 Foreshore Drive, Salamander Bay. 3) Endorses 109 Foreshore Drive, Salamander Bay to be reclassified to community land in accordance with Section 33 of the Local Government Act 1993.
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Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Peter Kafer and Steve Tucker.

Those against the Motion: Crs Chris Doohan and Glen Dunkley.

The motion was carried.

**BACKGROUND REPORT OF: ZOE PATTISON – ACTING GROUP MANAGER
CORPORATE SERVICES****BACKGROUND**

Lot 95 in Deposited Plan 26610, described as 109 Foreshore Drive, Salamander Bay is a standalone parcel of operational land with an area of 557m² and zoned Residential R2 as shown in white in **(ATTACHMENT 1)**.

The parcel of land was created in 1956 on the registration of DP 26610 along with 55 other lots along Foreshore Drive. The allotment has been in Council ownership for 42 years and adjoins open space to the west and to the north and residential development to the east. Under the provisions of the Local Government Act 1993, the land is classified “operational” which allows the use of the land for Council’s operations and also for the sale of the land.

In previous considerations of the classification of this parcel of land, 2 key issues have arisen, being the potential sale of the land and the environmental value of this land.

The most recent valuation was undertaken in 2022 which placed an estimated value on the land at the mid-range of \$2 million under its current zoning.

A number of community groups including the Mambo-Wanda Wetlands Conservation Group have made representations to Council regarding the environmental value of this parcel of land. In summary, this has related primarily to the proximity to the Mambo Wetlands.

Coastal management planning for our future has identified hazards such as sea level rise and climate change as likely to impact on low lying areas. Like many parcels of land along the foreshore, 109 Foreshore Drive, Salamander Bay is predicted to be impacted by coastal hazards such as erosion and inundation over the next 100 years.

Should the recommendation be endorsed, Council will follow the Local Government Act 1993 – Reclassification of operational land as community land process.

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 25 JULY 2023

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

ATTACHMENTS

1) Locality Plan.



MINUTES ORDINARY COUNCIL - 25 JULY 2023
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Mayor Palmer thanked the Shoal Bay Public School and P&C for making the hall available for the Council meeting.

There being no further business the meeting closed at 7:17pm.