

Minutes 27 APRIL 2010



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 27 April 2010, commencing at 8.28pm.

PRESENT: Councillors B. MacKenzie (Mayor/Chair); R. Westbury (Deputy Mayor); G. Dingle; S. Dover, G. Francis; P. Kafer; K. Jordan; J. Nell; S. O'Brien; S. Tucker, F. Ward; General Manager; Corporate Services Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager and Executive Officer.

		Nil apologies were received.
107	Councillor Ken Jordan Councillor Sally Dover	It was resolved that the minutes of the Ordinary meeting of Port Stephens Council held on 13 April 2010 be confirmed, with the amendment of Item 2, 1 (e) from \$400 to \$80.

Cr Ken Jordan declared a significant non-pecuniary interest in Item 1. The nature of the interest is a friend.

Cr Steve Tucker entered the meeting at 8.29pm.

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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 3200-003

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Council Committee & Ordinary Council 27 April 2010 agenda namely **Leisure Services Tender T28-2009**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Leisure Services Tender T28-2009**
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
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ORDINARY COUNCIL MEETING – 27 APRIL 2010

108	Councillor John Nell Councillor Peter Kafer	It was resolved that the recommendation be adopted.
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COUNCIL COMMITTEE REPORTS



Councillor Ken Jordan left the meeting at 8.30pm prior to Item 1.

ITEM NO. 1

FILE NO: PSC2008-2238

**DRAFT LOCAL ENVIRONMENTAL PLAN NO. 32 RELATING TO
PROPOSED SUPERMARKET SITE – MEDOWIE TOWN CENTRE**

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council rescind Part 4 of the Resolution – Minute No. 124 – of 28 April 2009 that required the resolution of traffic issues in the Medowie Town Centre and a draft LEP being progressed for adjacent properties as a pre-requisite of the Department of Planning finalising the draft LEP for the proposed supermarket development on the corner of Ferodale and Peppertree Roads, Medowie.

COUNCIL COMMITTEE MEETING – 27 APRIL 2010
RECOMMENDATION:

	Councillor Bruce MacKenzie Councillor Steve Tucker	That Council rescind Part 4 of the Resolution – Minute No. 124 – of 28 April 2009 that required the resolution of traffic issues in the Medowie Town Centre and a draft LEP being progressed for adjacent properties as a pre-requisite of the Department of Planning finalising the draft LEP for the proposed supermarket development on the corner of Ferodale and Peppertree Roads, Medowie.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Bob Westbury and Sally Dover.

Those against the Motion: Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

The Chair exercised his casting vote.

The Motion was carried.

MINUTES FOR ORDINARY – 27 APRIL 2010**ORDINARY COUNCIL MEETING – 27 APRIL 2010**

	Councillor Geoff Dingle Councillor Glenys Francis	That the matter be deferred for a presentation on the Voluntary Planning Agreement, including the traffic management plan.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

Those against the Motion: Crs Steve Tucker, Shirley O'Brien, Bob Westbury, Bruce MacKenzie and Sally Dover.

The Chair exercised his casting vote and the Motion was lost.

109	Councillor Bruce MacKenzie Councillor Steve Tucker	It was resolved that Council rescind Part 4 of the Resolution – Minute No. 124 – of 28 April 2009 that required the resolution of traffic issues in the Medowie Town Centre and a draft LEP being progressed for adjacent properties as a pre-requisite of the Department of Planning finalising the draft LEP for the proposed supermarket development on the corner of Ferodale and Peppertree Roads, Medowie.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Steve Tucker, Shirley O'Brien, Bob Westbury, Bruce MacKenzie and Sally Dover.

Those against the Motion: Crs Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

The Mayor exercised his casting vote and the matter was carried.

Cr Ken Jordan returned to the meeting at 8.41pm following Item 1.

BACKGROUND

On the 28th April 2009 Council resolved to prepare a draft Local Environmental Plan for land north of Peppertree Road, Medowie on the basis that this would assist resolving traffic and access issues raised by Draft LEP No 32. for the supermarket site on the corner of Peppertree and Ferodale Roads.

Part 4 of the Resolution of Council Minute No 124, (28 April 2009) states:-

4. *Pursuant to Section 54 of the Environmental Planning and Assessment Act (1979) resolve to prepare a draft LEP to rezone council owned land at Lot 4 DP 813A; Lot 5 DP 809A; Lot 240 DP 1027965; and privately owned land Lot 2 DP 632334; Lot 32 DP 1045148; Lot 31 DP 1045148; Lot 1 DP 553784; Lot A DP 404939; Lot 1 DP 260883; Lot 2 DP 260883; Lot 3 DP 260883; and Lot 195 DP 17437 in the Medowie town centre (Attachment 4) to facilitate development of this land, provide flexibility to resolving pedestrian and vehicular access design issues raised by the super market site and devise a traffic solution to the town centre as required by the Department of Planning prior to finalising the supermarket site draft LEP.*

On 24th November 2009 Council endorsed Draft LEP No. 32 for the supermarket site to be forwarded to the NSW Department of Planning requesting that the Plan be made by the NSW Minister for Planning. Council's endorsement of this draft LEP therefore, supersedes it's resolution concerning resolving traffic issues for the Medowie town centre prior to finalising draft LEP No. 32. Therefore, part Resolution 4 of Council Minute 124, 28th April 2009 is no longer relevant and should be rescinded.

This Resolution is no longer relevant because Council has resolved the location of the proposed Woolworths site and associated traffic issues by different means. A Voluntary Planning Agreement will be exhibited in draft form in the near future to cover infrastructure management and funding. It is important to clarify the situation by rescinding Part 4 of the Resolution because that draft LEP will not now proceed in the short term for properties owned by a range of other land owners. It is also needed to now proceed with the rezoning of the site on the corner of Ferodale Road and Peppertree Road in an expeditious manner and enable Council to advise the Department of Planning that the draft Plan can be approved.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL, POLICY AND RISK IMPLICATIONS

Council's endorsement of draft LEP 32 means that traffic issues raised by rezoning of the affected land in the Medowie town centre from a residential to a commercial zoning will be considered and determined under Section 79C of the Environmental Planning and Assessment Act 1979 should a Development Application for retail/commercial development be submitted to Council.

MINUTES FOR ORDINARY – 27 APRIL 2010

Assessment and determination of development of the subject land for retail/commercial purposes in accordance with a gazetted draft LEP No. 32 will be guided by Port Stephens Development Control Plan 2007, Port Stephens Section 94/A Development Contributions Plan and any voluntary planning agreements in force.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

This was considered when Council endorsed draft LEP No. 32 to be forwarded to the Department of Planning on the 24th November 2009.

CONSULTATION

Not applicable.

OPTIONS

Not applicable.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil.

ITEM NO. 2**FILE NO: PSC2007-2685****PLANNING PROPOSAL IN RESPECT TO COUNCIL OWNED LAND AT
SALAMANDER BAY – 22 HOMESTEAD STREET****REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING
GROUP: SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to prepare a planning proposal to:
 - a. Rezone Lot 598 DP 27382 from 6(a) General Recreation to Part 2(a) Residential and Part 7(a) Environmental Protection (Attachment 1);
 - b. Investigate for rezoning Part Lot 51 DP 803471, the triangular piece of land to the immediate north, which forms part of the south-eastern boundary of Stoney Ridge Reserve and
 - c. Reclassify Part Lot 51 DP 803471 from 'community' to 'operational' land subject to the above investigation.

**COUNCIL COMMITTEE MEETING – 27 APRIL 2010
RECOMMENDATION:**

	Councillor Bruce MacKenzie Councillor Sally Dover	That the Property Advisory Panel undertake a site inspection of 22 Homestead Street, Salamander Bay.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Ken Jordan.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING – 27 APRIL 2010

110	Councillor Steve Tucker Councillor Sally Dover	It was resolved that the recommendation be adopted.
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In accordance with the Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Bruce MacKenzie, Steve Tucker, Shirley O'Brien, Geoff Dingle, John Nell, Frank Ward, Bob Westbury, Sally Dover and Ken Jordan.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to review a Council Resolution of 25 November 2008 and consider rezoning the subject site, shown in Attachment 1, from 6(a) General Recreation to Part 2(a) Residential and Part 7(a) Environment Protection.

Council resolved on 25th November 2008 that:

- 1) Council resolve to:
 - i. Site 3 – Soldiers Point Road, Soldiers Point (Lot 1 DP 263269): include the southern portion of Lot 600 DP 27382 in the investigations for rezoning from 6(a) General Recreation to 4(a) Industrial and reclassification to Operational Land.
 - ii. Site 4 – Stoney Ridge Reserve (Lot 51 DP 803471): rezone Part Lot 51 DP 803471, in accordance with the Notice of Motion issued at its meeting of 27 June 2006, from 6(a) General Recreation to 7(a) Environmental Protection.
 - iii. rezone the wildlife corridor on Lot 3 DP 791551 and Lot 164 DP 27047 from 6(a) General Recreation to 7(a) Environmental Protection.
 - iv. Site 7 – Diemars Quarry (Part Lot 51 DP 803471): rezone the Quarry site (Part Lot 51 DP 803471) for urban purposes and reclassify to operational. This rezoning is to include investigation of Lot 56 DP 618505 and Lot 54 DP 260211 (privately owned land) to a more appropriate open space/environmental zone.
 - v. Review the potential application of S94A to infill residential development in the Peninsula rather than s94.
 - vi. Monitor the development of the Biobanking framework closely in relation to the potential for biobanking credits to be earned from some of the subject land.
- 2) Council note:
 - i. Site 1 - 100 Salamander Way, Salamander Bay (Lot 1 DP 1044009) is currently being investigated for rezoning and reclassification.
 - ii. Site 2- 360 Soldiers Point Road, Soldiers Point (Lots 1-4 DP 111773): the possible redesign and future use of this land is currently being investigated.
 - iii. Site 3 – 314 Soldiers Point Road, Soldiers Point (Lot 1 DP 263269): Council note previous resolution to reclassify this land is being actioned.
 - iv. Site 5 – 8 Fleet Street (Lot 2 DP 791551): Council note previous resolution of 27 June 2006 to rezone Part Lot 2 DP 791551, not including the 2(a) zoned land) from 6(a) General Recreation to 7(a) Environmental Protection and reclassify this part of the land from Operational to Community.

v. Site 6 – 9B Diemars road, Soldiers Point (Lot 644 DP 658258): Council note further investigation of this land be held in abeyance pending adoption of the draft Foreshore Management Plan.

vi. Site 9 – 14 Taylors Road, Taylors Beach (Lot 636 DP 27628): Council note further investigation of this land be held in abeyance, pending the outcome of investigations into the land to the north of this site.
With the exception of Site 8.

The parcels were subject to a review by consultant Strategy Hunter and by Council's Internal Review Team to determine future options.

The subject site, shown in Attachment 1, was included in the draft LEP and sent to the NSW Department of Planning (the Department) for consideration. The Department advised Council it may proceed with the preparation of the draft LEP.

It has become apparent by clarification of the Resolution that Council may not have intended that the subject site be included with the draft LEP in its resolution on 25th November 2008. Having regard to the Department's advice that the subject site may proceed as part of the draft LEP as shown in Attachment 2, clarification is sought from Council whether to proceed with rezoning the site, or exclude it in accordance with the resolution of 25th November 2008.

The subject site was one of nine Council owned parcels identified for rezoning and/or reclassification.

Council as the local planning authority commissioned consultants Strategy Hunter to undertake an independent review of the economic, environmental and social values of each parcel of land and make recommendations to Council (Strategic Overview – Council Owned Lands at Salamander/Soldiers Point, Strategy Hunter January 2008).

The Strategy Hunter recommendations informed the report to Council on 25th November 2008.

The Strategy Hunter report recommended the subject site's "cleared area" be rezoned for urban (residential) development. It was recommended that the more heavily vegetated areas along the southern and western boundaries should not be developed because of their ecological significance and their contribution to a north-south wildlife corridor.

The recommendation of Council's Internal Review Team at the time for the subject site was that an opportunity exists to develop the cleared area and any rezoning should also include a triangular piece of land to the immediate north.

A map showing the location of the subject site is at Attachment 1.

A plan showing the zoning footprint endorsed by the NSW Department of Planning for investigation is at Attachment 2.

FINANCIAL/RESOURCE IMPLICATIONS

The draft LEP will involve staff time and resources to administer the rezoning and reclassification process, including any need for public hearings as required by legislation.

The commissioning of consultant Strategy Hunter to review the subject lands was jointly funded by Facilities and Services, Commercial Services Group and Sustainable Planning Groups.

Fees apply for reclassification and rezoning in accordance with Council's Fees and Charges Schedule.

LEGAL, POLICY AND RISK IMPLICATIONS

Council Resolution

This report is seeking Council resolution whether to include the subject site in the draft LEP recommended to Council on 25th November 2008 and referred to the NSW Department of Planning. Under that recommendation the subject site is identified for rezoning to part 2(a) Residential and part 7(a) Environment Protection.

Alternatively, the Council may resolve to confirm its resolution made on 25th November 2008 to exclude the land from the draft LEP and consider rezoning the land at a future date.

Reclassification

Should Council resolve to proceed with the rezoning the subject site, the small triangular piece of land to the north may need to be reclassified from 'community' to 'operational' land to enable its development and sale. This would be subject to further investigation of that area's suitability for development.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The recommendations of the Strategy Hunter report considered the range of planning matters for each site and made recommendations accordingly. Those recommendations informed the zoning footprint for the subject site recommended to Council on 25th November 2008 and shown in Attachment 2.

An ecological assessment was carried out to inform recommendations of the Strategy Hunter report (Ecological Assessment – Port Stephens Environmental Significance Review, Eco Logical December 2007). The assessment found the subject site offers high value interconnectivity between vegetation remnants to the southwest and southeast and linking to the north. It states that is essential that the integrity of the corridor is retained in perpetuity (Ecological Assessment, page 28).

The vegetation in the southern part of the site was also found to comprise of Swamp Sclerophyll Forest, an Endangered Ecological Community. This part of the subject site is also mapped as preferred koala habitat in the Port Stephens Comprehensive Koala Plan of Management (Ecological Assessment, page 27).

CONSULTATION

Consultation was undertaken internally, with a workshop held at Council on 22 July 2008 with Council's Internal Review Team consisting of representatives from the Facilities and Services, Commercial Services and Sustainable Planning Groups. Further consultation on the Strategy Hunter report recommendations was undertaken via a joint meeting of these representatives on the 3rd October 2008.

OPTIONS

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

ATTACHMENTS

- 1) Location Plan
- 2) Zoning Endorsed by the NSW Department of Planning for Investigation

COUNCILLORS ROOM

- 1) Strategic Overview – Council Owned Lands at Salamander/Soldiers Point, Strategy Hunter January 2008
- 2) Ecological Assessment – Port Stephens Environmental Significance Review, Eco Logical December 2007.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1 LOCATION PLAN



ITEM NO. 3**FILE NO: PSC2005-4161****RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES (AFZ) IN MEDOWIE AND SHOAL BAY****REPORT OF: TREVOR ALLEN - MANAGER INTEGRATED PLANNING**
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Undertake public consultation process in accordance with Section 644A of the *Local Government Amendment (Alcohol-Free Zones) Act 1995* for the re-establishment, for a period of 4 years, of the Medowie and Shoal Bay AFZs (**Attachments 1 and 2**) so that they both commence and expire on the same date.

COUNCIL COMMITTEE MEETING – 27 APRIL 2010
RECOMMENDATION:

	Councillor John Nell Councillor Shirley O'Brien	That the recommendation be adopted with the conclusion of the Medowie Community Centre and carpark.
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ORDINARY COUNCIL MEETING – 27 APRIL 2010

111	Councillor Glenys Francis Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to:

Inform Council that the Medowie AFZ expires on 7 September 2010 and the Shoal Bay AFZ expires on 23 December 2010
Recommend a consultation process that complies with the Department of Local Government's *Ministerial Guidelines on Alcohol-Free Zones*

Alcohol Free Zones (**AFZ**) are effective tools for local police to deal with alcohol-related offences to reduce anti-social behaviour and provide a safer street environment for the community. AFZ's give police the power to seize and tip out or

otherwise dispose of alcohol without the need to issue a warning and they can also use their discretion to issue a warning to a person who is drinking in an AFZ, for example, where the person may be unaware of the zone. In circumstances where a person does not co-operate with a police officer, they can be charged with obstruction under section 660 of the Local Government Act which carries a maximum penalty of \$2,200.

An AFZ can be established for a maximum period of four years, after which it must be re-established following the procedure prescribed by the Department of Local Government's *Ministerial Guidelines on Alcohol-Free Zones*.

On 28 November 2006, Council resolved that a public consultation process be undertaken with a view to establishing an AFZ covering the Medowie town centre, in accordance with Section 644A of the *Local Government Amendment (Alcohol-Free Zones) Act 1995*. The proposal was fully supported by the Police and Medowie Neighbourhood Watch and the AFZ was established on 7 September 2007.

The NSW Police (Lower Hunter Local Area Command) submitted an application to establish an AFZ in Shoal Bay to Council on 26 September 2004. Council endorsed the proposal on 9 November 2004. The AFZ went into effect on 24 December 2004 and was re-established on 24 December 2007.

Currently the Medowie AFZ expires on 6 September 2010 and the Shoal Bay AFZ expires on 23 December 2010. Due to the time and costs involved in following the *Ministerial Guidelines*, it is proposed to bring the expiration dates of these two AFZs into line with each other. This will involve the cancellation of the Shoal Bay AFZ from 7 September in lieu of current expiration date of 23 December and the re-establishment of both AFZs for another four years, effective 7 September 2010.

In Medowie, the AFZ includes:

- the road and footpaths on Ferodale Road from the eastern boundary of the Bull 'n' Bush Hotel car park across Medowie Road to Boyd Oval;
- the whole Boyd Oval area except during the specified times when the Medowie & District Rugby Union Club House is exercising its function liquor licence;
- the road and footpath on Peppertree Road;
- the area known as 'Anzac Park' on the eastern side of Medowie Community Centre, along Medowie Road;
- the private land and shopping centre car parks in the Medowie town centre.

In Shoal Bay, the AFZ includes:

- the road and footpath on Shoal Bay Rd from Lillian St South to the entrance of Shoal Bay Caravan Park;
- Government Rd from the intersection of Shoal Bay Rd to Messines St;
- Bullecourt St and Lillian St;
- Tomaree Rd from the intersection of Shoal Bay Rd to Messines St;
- the foreshore walkway between Lillian St and Shoal Bay Rd intersection to the beginning of the walkway opposite Shoal Bay Caravan Park;

- the waterfront/beach between these locations.

Areas contained within the licensed alfresco dining areas on footpaths are exempt from the AFZ.

FINANCIAL/RESOURCE IMPLICATIONS

The costs of establishing an AFZ include installing or amending AFZ street signs and advertising the proposal. Funds to cover these costs will be sourced from available funds within the Integrated Planning budget.

LEGAL, POLICY AND RISK IMPLICATIONS

The establishment of AFZ is governed by section 646 (1) of the *Local Government Act 1993* and by the *Local Government Amendment (Alcohol-Free Zones) Act 1995*.

The Department of Local Government's *Ministerial Guidelines on Alcohol-Free Zones* stipulates that a proposal to establish an AFZ must adequately address the following:

- Reasons supporting an AFZ
- Location of an AFZ
- Duration of an AFZ
- Consultation with local Police Patrol Commander

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

AFZ's assist Police in reducing anti-social and criminal behaviour in public places. The establishment of AFZ in Medowie and Shoal Bay has helped to improve public perceptions of safety in the area, which can increase social and economic activities. Reduced crime can also lead to reductions in the costs of repairing vandalised premises, replacing stolen goods and insurance premiums.

Changing the patterns of alcohol consumption in the Medowie and Shoal Bay has reduced the amount of litter and broken glass found in the area and improved the overall amenity and safety of the environment.

CONSULTATION

The consultation process will include the steps prescribed by the Department of Local Government's *Ministerial Guidelines on Alcohol-Free Zones*:

- Publishing a notice of the proposal in a newspaper circulating in the area, allow inspection of the proposal and invite representations or objections within 14 days. The notice should state the exact location of the proposed AFZ and the place and time at which the proposal may be inspected.
- Sending a copy of the proposal to

the officer in charge of the police station within or nearest to the proposed zone,

liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone, and invite representations or objections within 30 days

OPTIONS

- 1) Accept the recommendation
- 2) Reject the recommendation

ATTACHMENTS

- 1) Map showing Medowie AFZ
- 2) Map showing Shoal Bay AFZ

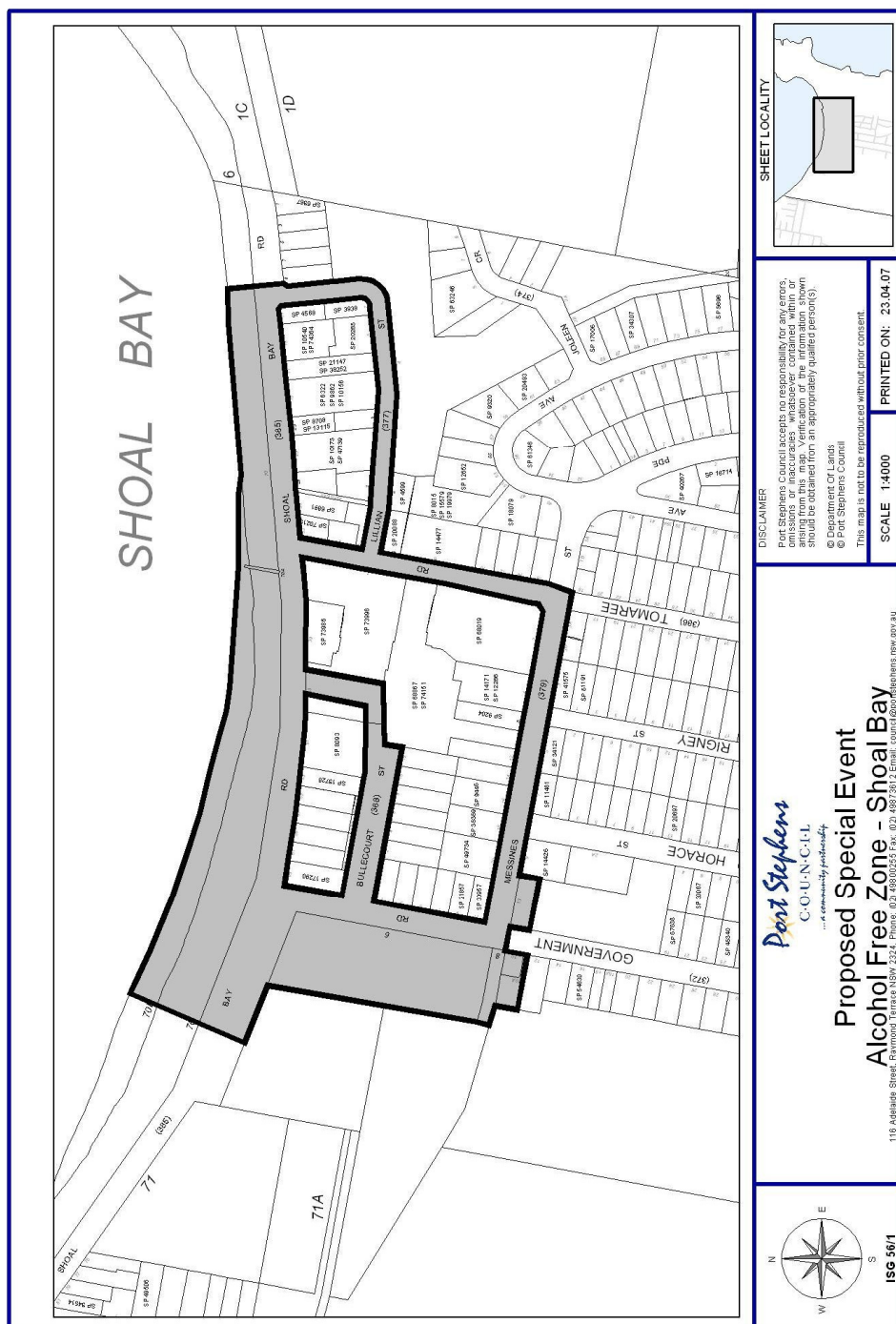
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1 MAP SHOWING MEDOWIE AFZ



DISCLAIMER

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or outside of this map. The map is not to be reproduced without prior consent.

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SHEET LOCALITY

Port Stephens
C.O.U.N.C.I.L.
...a community partnership

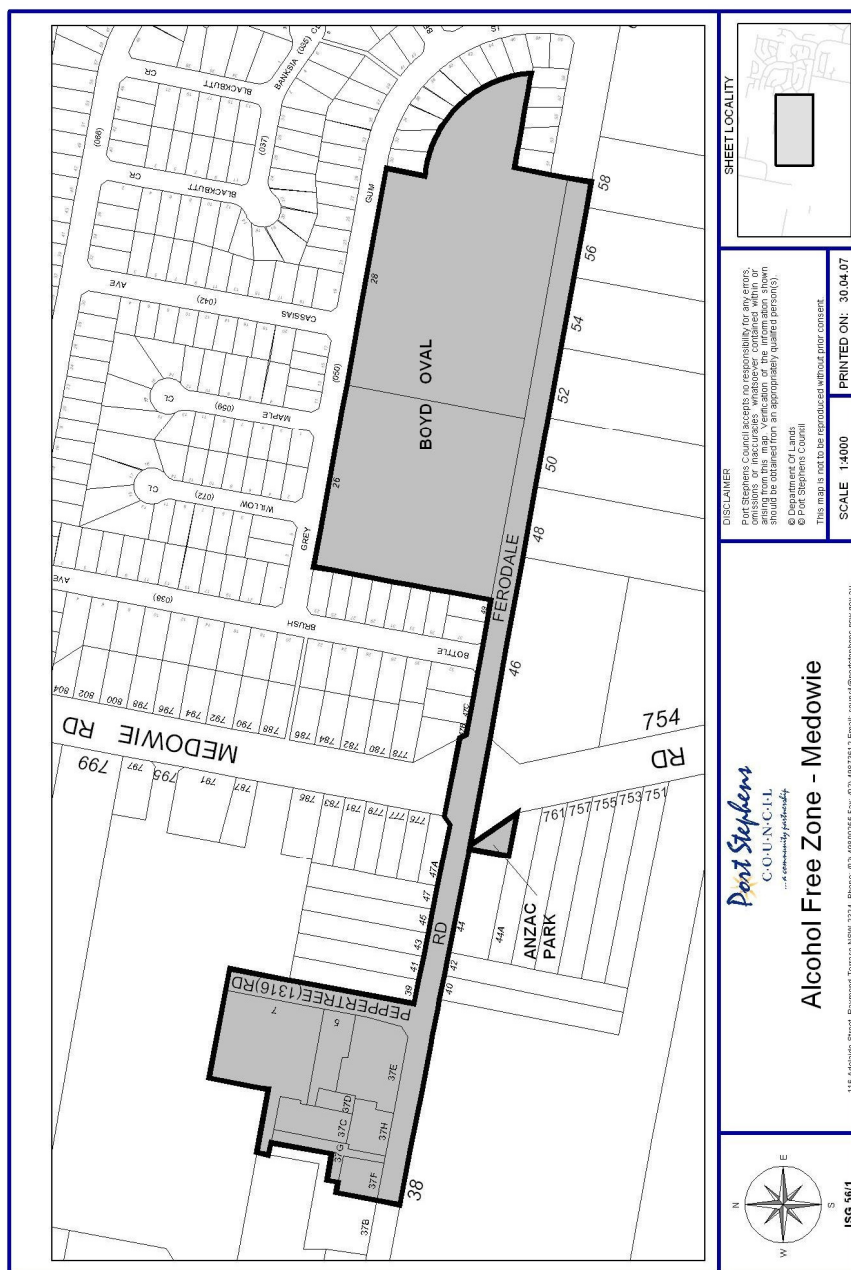
Proposed Special Event
Alcohol Free Zone - Shoal Bay

110 Adelaide Street, Raymond Terrace NSW 2324 Phone 02 49302255 Fax 02 49313912 Email: council@portstephens.nsw.gov.au

SCALE 1:4000

PRINTED ON: 23.04.07

ATTACHMENT 2 MAP SHOWING SHOAL BAY AFZ



ITEM NO. 4**FILE NO: PSC2005-4390****CHANGES TO TREE PRESERVATION ORDER**

REPORT OF: BRUCE PETERSEN – MANAGER, ENVIRONMENTAL SERVICES
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to rescind the Notice of Motion passed on the 22 September 2009 regarding the Tree Preservation Order (TPO);
- 2) Resolve to place the amended TPO on exhibition for a period of 28 days and, should Council receive no submissions, consider the TPO as adopted;
- 3) Receive and note the changes made to the TPO process that allows medical conditions that are accompanied by a doctor's certificate, and other relevant considerations, to be assessed within the initial assessment phase, thereby removing the need for an arborist report in these circumstances, for reassessments.

COUNCIL COMMITTEE MEETING – 27 APRIL 2010
RECOMMENDATION:

	Councillor Bob Westbury Councillor Sally Dover	That the recommendation be adopted.
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ORDINARY COUNCIL MEETING – 27 APRIL 2010

112	Councillor Steve Tucker Councillor Ken Jordan	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to provide Council with advice following the proposed amendment to the TPO that was put forward at the Council meeting of 23 March 2010.

At its meeting of 23 March 2010, Council resolved:

That the item be deferred to the next Council Committee meeting to allow for further information to be provided.

The first proposed amendment was to replace the word 'application' with the word 'approval' in item VI of the TPO exemptions. This amendment improves the current exemption with the new wording to read *'Trees which have been the subject of an approval to construct an asset protection zone or clearing permitted by a bush fire hazard reduction certificate under the Rural Fires Act 1997.'*

The second proposed amendment relates to item III of the TPO exemptions and seeks to extend the distance that land holders of rural 1A land are able to clear beside fences without approval. Currently the TPO exempts from needing approval trees or shrubs within three metres of an external boundary fence while there is no exemption given for internal fences.

The proposed amendment brings the TPO more in line with the Native Vegetation Act 2003. The new wording would read *'Any trees or shrubs within six (6) metres of an external boundary fence or any trees or shrubs within three (3) metres of a permanent internal stock fence on lands zoned Rural 1a.'*

It should be noted that the existing three metres exemption was based on the balance of allowing a standard farm vehicle to traverse the fence line whilst balancing environmental impacts of vegetation loss. The creation of new internal fences with the three metres exemption could mean that large areas of vegetation could be lost with no prior environmental assessment.

Council should be aware that the amended TPO will not come into force until it is advertised in the government gazette and in the Examiner.

The original report put forward at the Council meeting of 23 March 2010 is repeated below with some minor amendments.

The purpose of this report is to respond to the Notice of Motion passed on 22 September 2009 regarding the insertion of Routine Agricultural Management Activities (RAMAs) under the Native Vegetation Act 2003 (NV Act) as an additional exemption in Councils Tree Preservation Order (TPO). Secondly the report outlines some proposed changes to the TPO reassessment process regarding the need for arborist reports and reassessment in the event that the applicant has a documented medical condition or other relevant considerations.

The TPO assists Council to achieve Goal 6 of the Council Plan 'to protect the unique environmental heritage of Port Stephens.'

The additional proposed exemption read as follows:

'The clearing of native vegetation that is authorised by a development consent or Property Vegetation Plan (PVP) under the Native Vegetation Act 2003 or that is a routine agricultural management activity within the meaning of that Act carried out on land to which that Act applies. (Approval under the Native Vegetation Act must be sourced from the Hunter Central Rivers Catchment Management Authority)'

There is a long list of RAMAs however in essence they allow for the removal of vegetation either side of roads, pipelines, fence lines, dams, and other rural infrastructure.

Legal advice has shown that the requested amendment would not achieve the intended result, which is to totally remove the issue of an applicant needing approval from both Council under the EP&A Act and the Hunter Central Rivers Catchment Management Authority (HCRCMA) under the NV Act for removal of trees, plants and shrubs in rural areas.

In essence the TPO only relates to trees and therefore anything besides a tree (i.e. vegetation less than 3m in height or less than 300mm circumference) regardless of RAMAs would still require a Development Application for "clearing native vegetation" under the existing LEP. An example of this would be clearing native undergrowth.

The advice concludes that the only way to remove the dual consent issue would be to amend the LEP so it operates to "work around" the NV Act so that there is a single means of regulating approval to remove/modify vegetation of all types and sizes.

However putting forward such an amendment would be inconsistent with the Standard Instrument - Principal Local Environment Plan. The Department of Planning has been clear in their advice that it is unlikely to support amendments inconsistent with the standard LEP.

The State Government has been aware of the issue of dual consent and inconsistencies between many Council LEPs and the NV Act and has corrected the issue in the standard LEP template. The new LEP template better aligns with the NV Act by standardising the definition of clearing and by placing the mechanisms for vegetation management, that are currently controlled by the TPO and Part 2 of the current LEP, within the Development Control Plan (DCP).

Until the adoption of the new LEP it seems prudent to remain with the existing system with the exception of making the modifications regarding the need for an independent arborist for all reassessments.

The need for review the practice of requiring an independent arborist report for reassessments was discussed at a 'two-way conversation' on the 14th July 2009. Following this conversation changes to the process were drafted however were not implemented as the subsequent NOM raised additional changes which needed to be resolved. It was deemed preferable that only one lot of changes were made to the process both for ease of communication to the public and for staff resourcing.

Matters that are currently taken into consideration when assessing a TPO application include:

- Any potential hazard and level of acceptable risk.
- Damage to property
- The health, vigour and safety of the tree.
- Interference with solar devices
- Solar access (reduced amenity due to decreased natural light)

- The need for removal for agricultural uses.
- The visual significance of the tree
- The impact on flora, fauna including threatened species
- Other provided information

It should be noted that future building envelopes are not considered as these are assessed when the DA for the building is submitted.

At the 'two-way conversation' in July 2009 it was agreed that overall the initial application and assessment process was working well but that there were some concerns relating to the reassessment process. It was also discussed that out of the refused applications less than 1% had asked for a re-assessment.

Councillors were concerned that the re-assessment process, and in particular the need for an independent arborist report, was too onerous. It was explained that when Councils arborist assesses trees it is a technical assessment based on the potential for damage to people and property. If an applicant disagrees with a technical assessment then an alternative technical assessment is needed so that the matter can be appropriately reviewed.

It was discussed that the main issue of concern related to applications for tree removal on non technical grounds such as medical conditions etc. It was agreed that in these situations an arborist report would add little value to the situation. Staff then agreed to review the TPO process and come back to Council with a way forward.

As such the matters that are taken into consideration have now been amended (attached) to also include interference with passive solar devices, solar access and the 'other provided information' consideration has been expanded to include documented medical conditions and other relevant factors. This will allow medical conditions that are accompanied by a doctor's certificate, and other related matters to be assessed at the initial assessment phase and relieve the applicant of the reassessment process and the need for an arborist report. Allowance for discretion by the Environmental Services Section Manager has also been included.

If the applicant disagrees on a technical basis then an arborist report will still be required before an 82A assessment by Councillors can be initiated. This is to ensure that Councillors have the necessary technical information to enable them to make a decision.

It is acknowledged that currently vegetation management is complex however Council should be aware that as part of the comprehensive Port Stephens Local Environment Plan (PSLEP), and consequential Port Stephens Development Control Plan 2007 review, that the management of vegetation will be reviewed.

Work on the integration of these policies has already commenced. The new DCP is being drafted in line with the new LEP and until this time the existing procedure, with the amendments to allow medical conditions, and other related factors, to be

considered at the initial assessment phase, should resolve the majority of issues that Councillors are being contacted about.

Council at this stage is being asked to merely note the new procedure and adopt the amended TPO. Council will, in the future, also be asked to consider, (and if in agreement), adopt the amended process that will result as part of the holistic vegetation management review that is occurring as part of the LEP and DCP review.

FINANCIAL/RESOURCE IMPLICATIONS

While the option to wait until the new LEP/DCP is in place will delay the implementation of RAMAs this approach will ensure that the NV Act and the LEP are in alignment. This approach is more streamlined and will require fewer resources.

In addition the proposed amendment will not achieve the desired outcome of removing the need for dual consent for the removal of vegetation under 3m in height and/or 300mm in circumference.

Amending the TPO process to allow medical conditions that are accompanied by a doctors certificate, and other related factors, to be considered at the initial assessment phase will require only minimal additional staff time however there will be a reduced financial burden on applicants wishing a tree to be removed for medical reasons.

LEGAL, POLICY AND RISK IMPLICATIONS

On account of the conflicts between the Native Vegetation Act and the Local Environment Plan (LEP) amending the TPO as per the Notice of Motion has the potential to cause confusion and expose the community to compliance actions.

As the suggested amendment results in additional levels of complexity it will also be difficult for Council staff to provide accurate verbal advice and Council staff will have to refer the community to websites and information sheets. Providing incorrect advice could make council liable.

Waiting until the comprehensive LEP review is completed and the conflicts are resolved will remove the negative legal implications.

There are no policy implications with amending the TPO procedure to take medical issues, and other related factors, into consideration.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The TPO aims to protect and preserve trees throughout the Council area in order to maximise the benefits they provide including sustaining biodiversity; limiting effects of pollution; control of sunlight, shade, and winds; maintenance of water quality; soil enrichment and protection from erosion; and retention and enhancement of natural beauty and scenic values.

Any amendments that are made to existing procedures need to be inline with existing legislation to ensure that neither Council nor the community are put in a tenuous legal position.

Allowing medical and other related matters to be assessed at the initial assessment phase will relieve the applicant of the reassessment process and the need for an arborist report; this could result in a positive social outcome for the applicant.

CONSULTATION

The Comprehensive Port Stephens Local Environment Plan (PSLEP) and consequential Port Stephens Development Control Plan 2007 review will have its own consultation process. Amending the way that Council undertakes vegetation management as part of the LEP and DCP review will mean that vegetation management will become one aspect of the wider consultation.

OPTIONS

Adopt, reject or amend the recommendation.

ATTACHMENTS

- 1) Amended Tree Preservation Order
- 2) Updated Tree Preservation Order – Development Application Form
- 3) TPO Assessment Flow Chart
- 4) TPO Reassessment Flow Chart

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
TREE PRESERVATION ORDER
TREE PRESERVATION ORDER

1. OBJECTIVES

To protect and preserve trees throughout the Council area in order to maximise the benefits they provide, particularly in regard to:

- a) sustaining the biodiversity of our ecosystems;**
- b) limiting the effects of pollution and adverse changes in global atmospheric gases;**
- c) provide economic benefit;**
- d) control of sunlight, shade, winds and beautification of urban/commercial areas;**
- e) maintenance of ground water levels and water quality;**
- f) soil enrichment and protection from erosion; and**
- g) retention and enhancement of natural beauty and scenic values.**

2. POLICY STATEMENT

This Tree Preservation Order prohibits the ringbarking, cutting down, topping, lopping, pruning, removing, injuring or wilful destruction of any tree or trees specified below, except with the consent of Council, and any such consent may be given subject to conditions as the Council thinks fit.

The Tree Preservation Order applies to:-

- I. All species of trees and shrubs (other than those referred to in the exemptions) where:-
 - a) the girth of the tree or shrub exceeds 300mm when measured one (1) metre above the ground; and/or
 - b) the height of the tree or shrub exceeds three (3) metres;
- II. Mangroves (all species), NSW Christmas Bush, and Cabbage Tree Palm (all species), regardless of their height or girth; and
- III. All trees or groups of trees which have been listed in Council's Register of Significant Trees regardless of their height or girth,

on all land in the Council area of Port Stephens.

Exemptions

The Tree Preservation Order does not apply to:-

- I. Trees or shrubs in a State Forest or on land reserved as a timber reserve within the meaning of the Forestry Act 1916;
- II. Trees or shrubs required to be pruned in accordance with Regulation 38 or 39 of the Overhead Line Construction and Maintenance Regulation 1962;
- III. Any trees or shrubs within six (6) metres of an external boundary fence or any trees or shrubs within three (3) metres of a permanent internal stock fence on lands zoned Rural 1a.
- IV. The removal of trees which is necessary to carry out works in accordance with an approved construction certificate a building approval or development consent (where construction certificate building approval is not required). These may include:
 - a) Trees situated within the physical perimeter of any building for which a construction certificate or building approval has been issued and/or within three (3) metres of the perimeter of such building (measured to the outside trunk of the tree);
 - b) Trees which need to be removed in order to carry out an approved development not including building (eg. sand extraction), except as provided for by any condition of the approval or consent.
- V. Trees or shrubs removed to protect human life, building or other property from imminent danger from a bush fire burning in the vicinity;
- VI. Trees which have been the subject of an approval to construct an asset protection zone or clearing permitted by a bush fire hazard reduction certificate under the Rural Fires Act 1997;
- VII. The removal of plants of any species which have been declared as noxious plants under the Noxious Weeds Act 1993;
- VIII. Any tree within three (3) metres of the wall of a building measured from the wall to outside trunk of the tree. (It is recommended that pruning of trees covered by this exemption be undertaken by a qualified arborist in a manner consistent with the Australian Standard for the Pruning of Amenity Trees - AS 4373)
- IX. Any tree harbouring fruit fly or grown for its edible fruit;

- X. The removal of any of the following species irrespective of height or girth:-
- Cotoneaster – All species within the genus *Cotoneaster* .
 - Coral trees - All species within the genus *Erythrina*
 - Camphor Laurel (except those having important historical significance)
Cinnamomum camphora
 - Oleander - *Nerium oleander*
 - Privet - *Ligustrum spp.*
 - Radiata Pine - *Pinus radiata*, *Pinus elliotii*
 - Rubber Tree – *Ficus elastica*
 - Rhus Tree - *Toxicodendron secedaneum*
 - Cocus Palm - *Syagrus romanzoffianum*
 - Tree of Heaven - *Ailanthus altissima*
 - Umbrella trees - All species within the genus *Schefflera*
 - Willow -All species within the genus *Salix*
- XI. The removal of any tree which is dead, dying or dangerous. The onus of proof in this regard is on the landholder;
- XII. Trees removed or pruned by, or with written authority of Council or other relevant statutory authorities for maintenance works in parks and reserves;
- XIII. Trees removed or pruned by, or with written authority of, Council or other statutory authorities in accordance with Section 88 of the Roads Act 1993;
- XIV. Regular maintenance of trees and shrubs where less than either twelve months' growth or ten percent of the foliage is pruned in accordance with the Australian Standard for the Pruning of Amenity Trees - AS 4373 - 1996.

3. Offence

Any person who contravenes or causes or permits to be contravened this Tree Preservation Order shall be guilty of an offence.

This Tree Preservation Order is made in accordance with Clause 50 as adopted by Port Stephens Local Environmental Plan 2000.

P Gesling, General Manager, Port Stephens Council, PO Box 42, Raymond Terrace, NSW, 2324.

ATTACHMENT 2

TREE REMOVAL APPLICATION FORM



116 Adelaide Street
(PO Box 42) Raymond Terrace NSW
2324
DX 21406 Raymond Terrace
T: (02) 4980 0255 F: (02) 4987 3612
E: council@portstephens.nsw.gov.au
W: www.portstephens.nsw.gov.au

OFFICE USE ONLY

Property No

Application No

Date of Receipt

Tree Preservation Order – Development Application

Council Fee of \$45

Environmental Planning & Assessment Act

Applicant's Details					
Name					
Address					
Email					
Phone			Mobile Phone		
Ownership Details					
Name					
Address					
Property Description					
Lot No	DP / SP	Section	Portion		
House No	Street Name				
Town					

SITE PLAN: (Indicate nearest street, buildings, property boundaries and trees. Trees requiring work must be numbered for identification.) Include extra sheet if insufficient room is provided.

DETAILS OF PROPOSED WORK (provide detailed information of work eg. Remove 3 overhanging branches, or thin crown by 20%)

Indicate the number of trees, in the appropriate box, for each category of work proposed.

PRUNE	<input type="checkbox"/>	REMOVE	<input type="checkbox"/>	OTHER	<input type="checkbox"/>
(If pruning, circle the type/s of pruning proposed)					
Cleaning out the crown	Thinning the crown	Deadwooding	Selective pruning	Pollarding	
Formative pruning	Lifting the crown	Remedial pruning	Reduction pruning	Line clearance	

The following factors are considered when assessing your application:

- The likelihood of damage being caused to any building or utility service
- Interference, or potential interference, with the efficiency of a solar heating appliance or solar access
- Interference with the amenity of a habitable room due to reduction in natural light transmission and ventilation.
- The visual significance of the tree
- The need for removal for agricultural purposes.
- The health, vigour and safety of the tree.
- Potential conflict with Council's Koala Management Plan or any other flora, fauna or conservation strategy.
- The impact on threatened species, populations, ecological communities and/or habitats.
- Any potential hazard and level of acceptable risk.
- Any representation or other information provided by the applicant or the owner.
- If the issue relates to a medical or psychological complaint then a certificate from a doctor must be provided.

In addition to the above factors the Environmental Services Section Manager can apply his/her discretion during the assessment process.

Outline the reasons for requiring the proposed work to be undertaken. (Add an extra page if required)

I/We the undersigned hereby make application to Council for permission to develop as above, and as per accompanying plans and specifications, in accordance with the provisions of the relevant Acts, Regulations and Local Environment Plan, and I/we undertake to develop in conformity with such approval and Acts and Codes, IMDEMNIFY the Council of Port Stephens against all claims which may arise whether from negligence or otherwise as a result of my carrying out or instructing a third party to carry out the above work or any other work within the road reservation at the above address.

APPLICANT/S SIGNATURE/S

(Please print name)

Note: Where applicant is not the owner, the owners must consent to application below.

I/We, the owner/s of the above property hereby give consent to lodgement of this application- **ALL OWNERS MUST SIGN**

OWNERS' SIGNATURE:

(Please print names).....

Date:

If the owner is a company, a director and an authorised person (eg. Secretary) must sign. Signatures must be followed by the persons title. If Company is a sole trader, the person's title is to indicate ; 'Sole Director'.

Tree Preservation Order – Development Applications Checklist

Application fee must be paid on submission of this application, for fees please refer to Council's Fees & Charges Schedule (available on Council's Web Page – www.portstephens.nsw.gov.au)

Please ensure that the following necessary requirements are completed to ensure that your application can be promptly processed.

- ☐ If you are not the owner of the property that the tree/trees are on, please ensure that the owner/s of that property sign the application.
- ☐ **All owners** of the property **must** sign the application.
- ☐ If the application is made on behalf of a **company** it needs to be signed by two authorised persons and the signatures must be followed by the person's title - eg director, secretary.
- ☐ If your property is part of a **strata title** council requires the signature of the secretary of the body corporate and seal (stamp) of the body corporate.

- ☐ A site plan has been hand drawn on the bottom of the first page identifying the location of the tree on the property.
- ☐ Tree/s requiring work must be identified on the property eg electrical tape or cloth around the trunks of the tree/s.
- ☐ In the boxes for "prune", "remove" or "other" - do not tick or cross. Write the number of trees to be assessed in the relevant category.

Please note the following:

- **The time frame, from the date we receive your application to the date you receive approval or intention to refuse, is approximately three (3) weeks.**
- **Council's vegetation management officer does not make appointments for tree inspections.**

If you have any enquiries please contact:

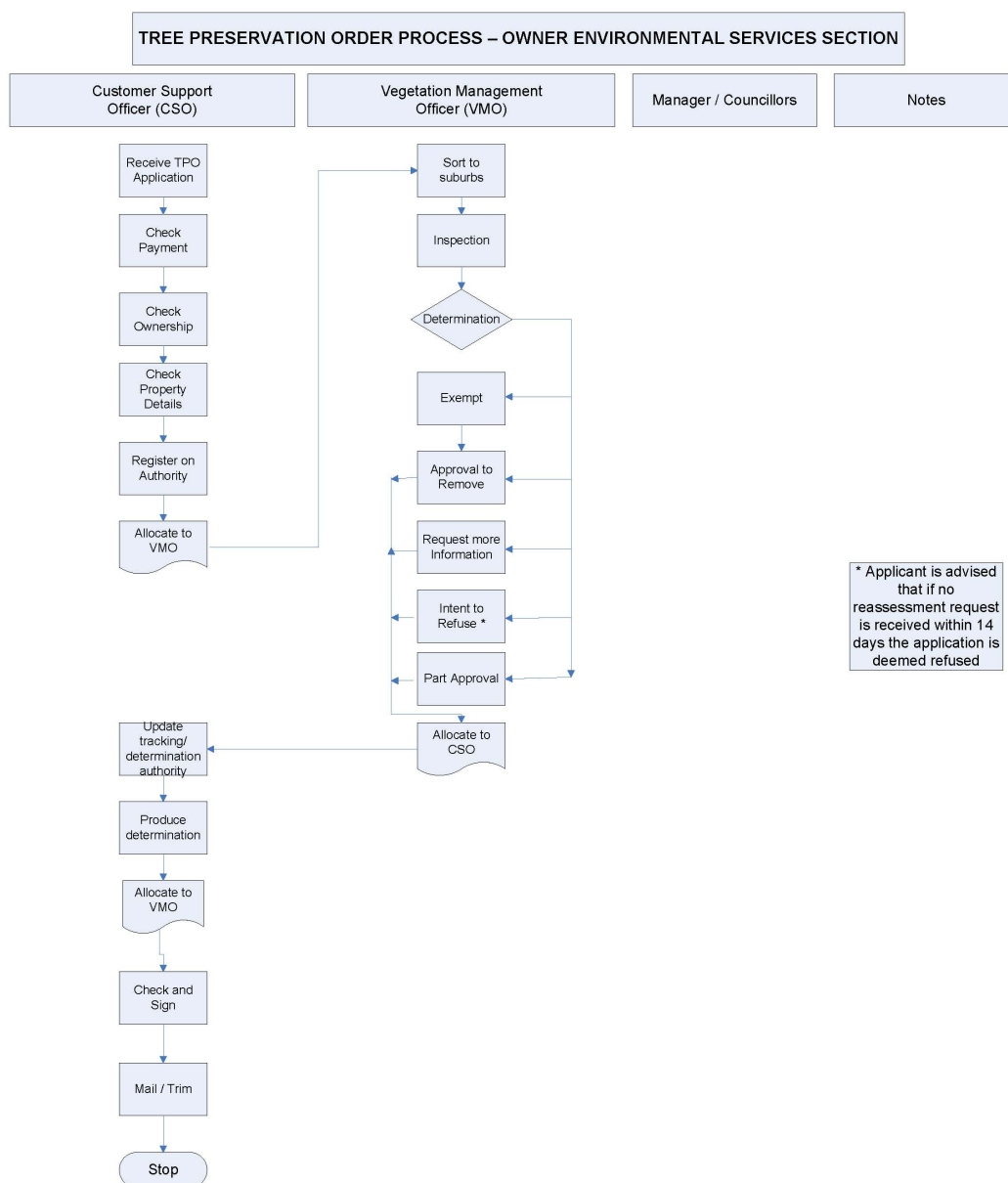
Customer service officer
Phone: 4980 0169

This application is to be used for trees on private property only.

Please contact customer service counter on 4980 0420 for trees on the footpath or public reserves.

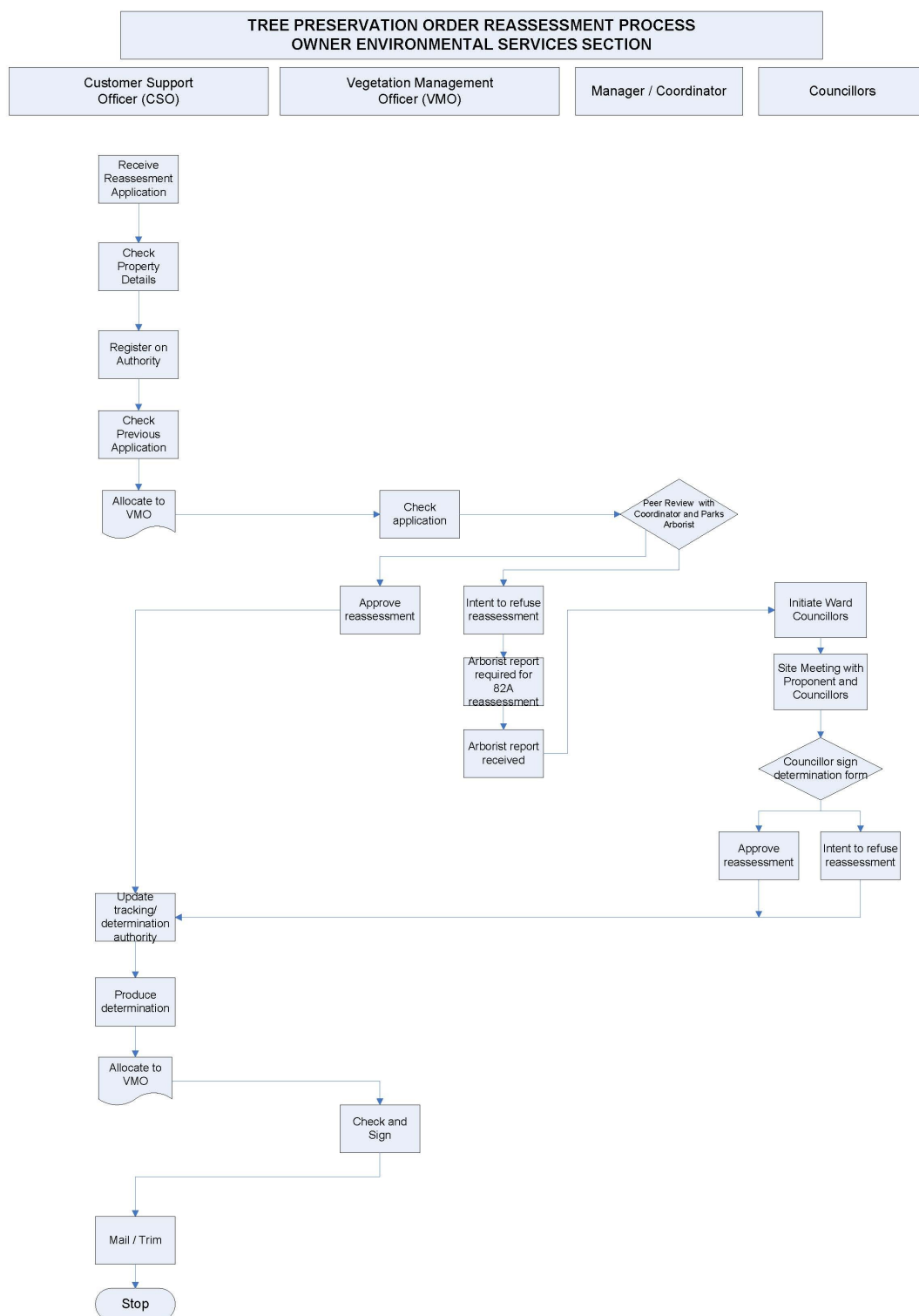
DRAFT

ATTACHMENT 3 VISIO – TPO FLOWCHART JUNE 2009



ATTACHMENT 4

VISIO – TPO REASSESSMENT PROCESS



ITEM NO. 5**FILE NOS: PSC2009-02593****FINGAL BAY CROWN LAND HOLIDAY PARK - DRAFT PLAN OF MANAGEMENT****REPORT OF: PHIL BUCHAN – MANAGER, COMMERCIAL ENTERPRISES****GROUP: COMMERCIAL SERVICES****RECOMMENDATION IS THAT COUNCIL (AS CROWN RESERVE TRUST MANAGER):**

- 1) Endorse the proposed revisions to the draft Plan of Management for Fingal Bay Holiday Park.
- 2) Amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report.
- 3) Request the Minister for Lands to approve and adopt the amended Plan of Management for Fingal Bay Holiday Park.

COUNCIL COMMITTEE MEETING – 27 APRIL 2010**RECOMMENDATION:**

	Councillor John Nell Councillor Steve Tucker	That the item be deferred to allow Councillors to view the financial model.
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ORDINARY COUNCIL MEETING – 27 APRIL 2010

113	Councillor John Nell Councillor Steve Tucker	It was resolved that the Council Committee recommendation be adopted.
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BACKGROUND

This report has been prepared for Council as Corporate Manager of the reserve trust for the operation of Fingal Bay Holiday Park (Crown Reserve 86928). As Reserve Trust Manager Council is required to operate in the interests of the trust and as such this report is to be considered separate from Council as the elected body representing Port Stephens' local government area.

The content and recommendations of this report link to the Council's Corporate Plan – Goal 14 “Success & Sustainability” and to the Crown Lands Caravan Parks Policy.

MINUTES FOR ORDINARY – 27 APRIL 2010

The purpose of this report is to seek the Corporate Manager's endorsement of the proposed amendments to the draft Plan of Management for Fingal Bay Holiday Park and to request the Minister for Lands to approve and adopt the Plan of Management as amended.

The following is a summary of the actions undertaken to progress the draft Plan of Management for Fingal Bay Holiday Park:

Feb 09 - Councillors inspect the Crown Holiday Parks followed by a Council two way conversation to introduce the draft PoMs

Jun 09 - Council endorses a request for the Minister for Lands to place draft PoMs on public exhibition

Jul 09 - Public Exhibition commences (ending 30 Sep)

Oct 09 - Two way conversation with Regional Manager LPMA (providing a perspective from the Authority)

Oct to Dec 09 - Collation and recording of issues from submissions (27 submissions relating specifically to Fingal Bay and another 10 which included all three Parks)

Dec 09 to Feb 10 - Meetings with senior staff to provide comment and discuss options

Feb 10 - Stakeholder meetings - Park Managers, LPMA, PSCCA & Commercial Enterprises Advisory Panel

Feb 10 - The draft Plans of Management were revised and presented to Council at a two way conversation. The objective was to seek input to finalise the content of the Plan for the preparation of a business paper report.

The revised draft Plan of Management for Fingal Bay Holiday Park has been developed in consideration of the comments received and reviewed through the consultation process together with financial analysis to ensure there is a business case to justify the proposed changes.

The attachments following include:

A summary of the significant issues raised through the public exhibition process and the proposed actions and recommendations

A summary of the proposed amendments to the draft Plan of Management

A summary of the proposed development phases for over 5 years and

A revised map of the proposed site layout.

FINANCIAL/RESOURCE IMPLICATIONS

The Ministers consent to the implementation of the Plan of Management will provide a five year planning strategy to the development and operation of Fingal Bay Holiday Park. The annual operations of the Park are funded directly from the revenue generated by its operation while the capital development costs are funded from low interest Crown loans or directly from the trust's financial reserve.

The implementation of the Plan of Management represents capital development that will improve tourist occupancy, and access to improved the Park services which contribute to the long term financial sustainability, enhancement and maintenance of Crown land reserves within Port Stephens.

LEGAL, POLICY AND RISK IMPLICATIONS

Council as Corporate Manager for Reserve Trusts is required to operate in the interest of the trust under Part 5, Division 4 of the Crown Lands Act 1989.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Plan of Management acknowledges natural and conservation values, recreation and tourism values and social and economic values. These are also reflected in the management principles and strategies that promote ecological sustainable development.

CONSULTATION

Land & Property Management Authority
Port Stephens Caravan & Campers Association
Individual Holiday Van owners
Commercial Enterprises Advisory Panel (including the General Manager and Commercial Services Group Manager)
Recreation Services Manager
Holiday Park Managers
Marketing & Administration Manager

OPTIONS

- 1) Accept the recommendations
- 2) Defer the report pending further information

ATTACHMENTS

- 1) Summary of issues raised through public exhibition and proposed actions & recommendations
- 2) Summary of the proposed amendments to the draft Plan of Management
- 3) Summary of the proposed development phases for over 5 years
- 4) Revised map of the proposed site layout

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of main issues, responses & recommendations

Issue: The PoM provides no compensation for the loss in HV sites as there are no alternate sites available for relocation.

Response: There are no sites currently available a strategy to provide some turnover that can create vacancies in the future is needed. The annual occupancy agreement does not provide compensation for the termination of HV agreements.

Recommendations: (1) That HV owners affected are provided with information about the proposed development timing and discussions continue with the LPMA to identify options to create turnover of sites. (2) That a park specific implementation panel is established consisting of representation from Park Management together with holiday van owners and members of the Port Stephens Caravan and Campers Association.

Issue: Opposition to the proposed conversion of holiday van sites to other uses as this will reduce sense of community spirit amongst van owners and increase anti-social behaviour etc.

Response: The reduction in holiday van sites is proposed in discrete precincts the sense of community will remain in unaffected areas and there is no evidence to support the change in use will result in an increase in vandalism, stealing or anti-social behaviour.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Opposition to the proposed reduction in holiday van sites as this will impact on the local economy and community.

Response: It is expected that with the gradual change in site profile where holiday van sites will be taken up by tourist sites and the overall occupancy levels within the tourist market will represent minimal impact on the local economy. Genuine tourists tend to spend more per head than most holiday van owners.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that if the draft plan is accepted without change, there will be a severe lack of variety in accommodation styles limiting access for average families to enjoy a vacation.

Response: The site profile has been reassessed to provide a balanced approach to provide access for tourists while maintaining HV sites. The holiday park will continue

to offer a range of accommodation types that are affordable within the context of the Port Stephens tourism market.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that the PoM doesn't address the traffic congestion that occurs on change over day for tourist sites. A second entry option should be considered.

Response: A second entry to the park is only potentially possible from Farm Road this will require considerable reconfiguration of the existing park internal road network which is currently outside of the 5 year planning within the PoM.

Recommendation: That this option be investigated for the next PoM review.

Issue: Concern that the draft plan does not provide an accurate assessment of the development potential within the 5 year term of the PoM and no timeframes have been given.

Response: The draft PoM has been amended in consideration of the comments received. The site profile has been reassessed to provide a balanced approach. Preliminary cost estimates have been established representing the 5 year planning horizon. The proposed development is dependent on financial and operational performance together with stakeholder funding support.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern about the lack of parking and the additional traffic that will be generated by the proposed development.

Response: The draft PoM proposes that the current internal visitor's carpark be expanded. Consultation with Council's Recreational Services Manager also identified opportunity for the holiday park to contribute to carparking improvements on the adjacent foreshore reserve.

Recommendation: That negotiations continue with the LPMA and Recreation Services Section for the holiday park to contribute funds to improve car parking in the area outside the park along the foreshore reserve.

ATTACHMENT 2

Summary of the proposed amendments to the draft Plan of Management

- The proposed areas identified for redevelopment in the exhibited draft will largely remain unchanged from the exhibited draft with the exception of three (3) Holiday Van sites off Yatamah road which are no longer necessary for camping sites
- Overall increase in the number of tourist van sites is eleven (11) including additional open space for barbeque, picnic space and landscaping. Cabin accommodation has been scaled back to increase stock by thirteen (13) which also includes new barbeque and landscaping space.
- Holiday van sites are reduced by a total of forty-one (41) with the overall percentage of sites now available for Holiday Vans representing 64% or two hundred & seventy four (274)
- Holiday van sites located in the block between Impara and Euroka roads will not be redeveloped as cabin sites but will be changed to accommodate tourist van sites with ensuite facilities
- Replace the existing northern amenities & laundry facility off Gooyah and Amaroo roads with a new amenities block increasing capacity and efficiency capacity
- Contribute to the establishment of new car parking facilities off Marine Drive to improve parking capacity for the beach and visitors to the holiday park.
- Establish a park specific implementation panel consisting of Park Management members of the Port Stephens Caravan and Campers Association and other holiday van owners. The purpose of the panel to guide the implementation and communication strategy for the staged development phases within the Plan of Management.
- Include additional drawings that depict each phase of development and the areas affected.

ATTACHMENT 3

Summary of the proposed development phases for over 5 years

PHASE 1

Construct new northern amenities block and demolish existing located near Gooyah and Amaroo roads.

Convert Holiday Van sites in the island bordered by Rumaïy & Orana roads to Tourist Van sites.

PHASE 2

Complete stage 2 cabin replacement project in the island bordered by Jippi & Gooyah roads including landscaping and BBQ facilities.

Convert Holiday Van sites in the island bordered by Gooyah & Amaroo roads to Tourist Van sites.

Convert Holiday Van sites in the island bordered by Amaroo & Yatamah roads to Camping sites.

PHASE 3

Convert Holiday Van sites in the island bordered by Euroka & Impara roads to Tourist Van sites with ensuites.

PHASE 4

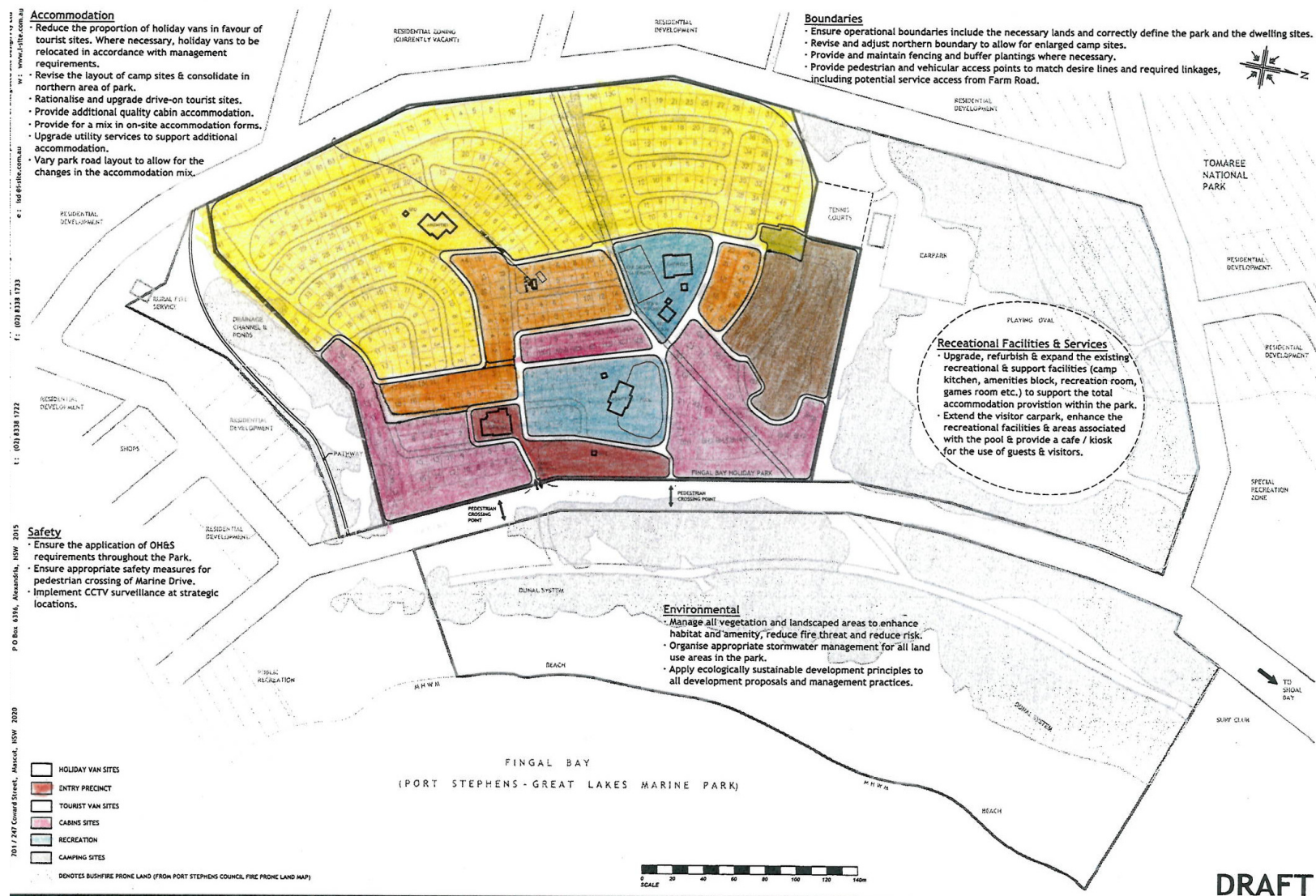
Convert Holiday Van sites bordering Pinaroo road between Condowie & Muraban roads to luxury cabins including landscaping and parking facilities.

Extend visitor carpark including landscaping.

PHASE 5

Convert Holiday Van sites in the island bordered by Condowie & Euroka roads to cabins including landscaping and BBQ facilities.

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ITEM NO. 6**FILE NOS: PSC2009-02591****SHOAL BAY HOLIDAY PARK - DRAFT PLAN OF MANAGEMENT**

REPORT OF: PHIL BUCHAN – MANAGER, COMMERCIAL ENTERPRISES
GROUP: COMMERCIAL SERVICES

RECOMMENDATION IS THAT COUNCIL (AS LAND OWNER & CROWN RESERVE TRUST MANAGER):

- 1) Endorse the proposed revisions to the draft Plan of Management for Shoal Bay Holiday Park.
- 2) Amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report.
- 3) Adopt the amended Plan of Management for the Council component of Shoal Bay Holiday Park.
- 4) Request the Minister for Lands to approve and adopt the amended Plan of Management.

COUNCIL COMMITTEE MEETING – 27 APRIL 2010
RECOMMENDATION:

	Councillor John Nell Councillor Steve Tucker	That the item be deferred to allow Councillors to view the financial model.
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ORDINARY COUNCIL MEETING – 27 APRIL 2010

114	Councillor John Nell Councillor Steve Tucker	It was resolved that the Council Committee recommendation be adopted.
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BACKGROUND

This report has been prepared for Council in its capacity as land owner and Corporate Manager of the reserve trust within the operation of Shoal Bay Holiday Park (Part Crown Reserve 77932). The majority of the land occupied by Shoal Bay Holiday Park is owned by Council with the balance on Crown land. The Reserve Trust

Manager is required to operate in the interests of the trust and as such this report considers the interests of both Council and the trust.

The content and recommendations of this report link to the Council's Corporate Plan – Goal 14 "Success & Sustainability" and to the Crown Lands Caravan Parks Policy.

The purpose of this report is to seek the Council's endorsement and adoption of the proposed amendments to the draft Plan of Management for Shoal Bay Holiday Park and to request the Minister for Lands to approve and adopt the Plan of Management as amended.

The following is a summary of the actions undertaken to progress the draft Plan of Management for Shoal Bay Holiday Park:

Feb 09 - Councillors inspect the Crown Holiday Parks followed by a Council two way conversation to introduce the draft PoMs

Jun 09 - Council endorses a request for the Minister for Lands to place draft PoMs on public exhibition

Jul 09 - Public Exhibition commences (ending 30 Sep)

Oct 09 - Two way conversation with Regional Manager LPMA (providing a perspective from the Authority)

Oct to Dec 09 - Collation and recording of issues from submissions (19 submissions relating specifically to Shoal Bay and another 10 which included all three Parks)

Dec 09 to Feb 10 - Meetings with senior staff to provide comment and discuss options

Feb 10 - Stakeholder meetings - Park Managers, LPMA, PSCCA & Commercial Enterprises Advisory Panel

Feb 10 - The draft Plans of Management were revised and presented to Council at a two way conversation. The objective was to seek input to finalise the content of the Plan for the preparation of a business paper report.

The revised draft Plan of Management for Shoal Bay Holiday Park has been developed in consideration of the comments received and reviewed through the consultation process together with financial analysis to ensure there is a business case to justify the proposed changes.

The attachments following include:

A summary of the significant issues raised through the public exhibition process and the proposed actions and recommendations

A summary of the proposed amendments to the draft Plan of Management

A summary of the proposed development phases for over 5 years and

A revised map of the proposed site layout.

FINANCIAL/RESOURCE IMPLICATIONS

Council's endorsement and the Ministers consent to the implementation of the Plan of Management will provide a five year planning strategy to the development and operation of Shoal Bay Holiday Park. The annual operations of the Park are funded directly from the revenue generated by its operation while the capital development

costs are funded from low interest Crown loans or directly from the trust's financial reserve.

The implementation of the Plan of Management represents capital development that will improve tourist occupancy, and access to improved the Park services which contribute to the long term financial sustainability, enhancement and maintenance of Crown land reserves within Port Stephens.

LEGAL, POLICY AND RISK IMPLICATIONS

Council as Corporate Manager for Reserve Trusts is required to operate in the interest of the trust under Part 5, Division 4 of the Crown Lands Act 1989.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Plan of Management acknowledges natural and conservation values, recreation and tourism values and social and economic values. These are also reflected in the management principles and strategies that promote ecological sustainable development.

CONSULTATION

Land & Property Management Authority
Port Stephens Caravan & Campers Association
Individual Holiday Van owners
Commercial Enterprises Advisory Panel (including the General Manager and Commercial Services Group Manager)
Civil Assets Engineer
Commercial Property Manager
Integrated Planning Manager
Traffic Engineer
Road Safety Project Officer
Holiday Park Managers
Marketing & Administration Manager

OPTIONS

- 1) Accept the recommendations
- 2) Defer the report pending further information

ATTACHMENTS

- 1) Summary of issues raised through public exhibition and proposed actions & recommendations
- 2) Summary of the proposed amendments to the draft Plan of Management

MINUTES FOR ORDINARY – 27 APRIL 2010

- 3) Summary of the proposed development phases for over 5 years
- 4) Revised map of the proposed site layout

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of main issues, responses & recommendations

Issue: Opposition to the proposed rezoning and sale option for lot 3 as it will reduce the opportunities within the Park and potentially cause traffic & pedestrian access impacts in Shoal Bay Avenue.

Response: The options for this lot have been reviewed. The revised proposal would see this lot retained to accommodate cabin and meeting facilities. This option will address concerns arising from the submissions including the potential additional residential development introducing additional vehicular movements, access from Shoal Bay Avenue and the impact on public access.

Recommendation: That Lot 3 be retained and the site redeveloped to replace the safari tents with 3 bedroom villas and include a conference / meeting facility catering for approximately 60 to 80 delegates (Subject to a further business analysis) and the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Opposition to the loss of camping sites and the replacement with more cabins. The removal of camping sites will change the focus of a holiday park impacting on families wanting camping facilities in the Shoal Bay area.

Response: The proposed removal of camping has met with negative comments, the site profile has been reassessed and under the proposed revised draft PoM camping is retained mostly in its current location with some improvements proposed by moving the boundary fence by 2m. This proposal addresses the concerns arising from the submissions and provides a complete mix of accommodation types on the Park.

Recommendation: That camping sites are retained and the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Opposition to the removal of holiday vans from the western boundary and the replacement with cabins. Resulting in a reduce sense of community spirit amongst van owners and increase anti-social behaviour and security issues etc and no sites for relocation.

Response: The overall site profile has been examined and the number of cabin / villas proposed in the exhibited draft Plan of Management has been revised down by thirteen (13). Holiday Van sites are still proposed to be removed however not until the last phase of development (5th year) the proposal is that these sites will be replaced to create tourist sites with ensuite facilities. The reduction in holiday van sites is proposed within one precinct on Council owned land it is considered unlikely that this change will contribute to anti-social behaviour or create security issues. The revision of the Park profile has also identified opportunity for 3 sites to be added to the number of unaffected holiday van sites. It is expected that a ballot process would provide a mechanism for relocation of the affected Holiday van sites.

Recommendations: (1) That the holiday van sites on the western boundary be converted to tourist van sites with ensuite facilities as depicted in the revised draft Plan of Management as part of phase 5 of development. (2) Support a ballot process to redistribute vacant holiday van sites to existing van owners affected by redevelopment.

Issue: Opposition to the development of cabins on the western boundary as it will result in the loss of views and create fire safety risks to adjoining residents.

Response: The proposal in the exhibited draft Plan of Management has been revised the concept of cabins on the western boundary has been changed to support tourist van sites with ensuites. The proposed change will address adjoining resident's concerns about building placement, potential building heights causing loss of views and competition with nearby B&B accommodation.

Recommendation: That the HV sites located on the western boundary be converted to tourist van sites with ensuite facilities depicted in the revised draft Plan of Management

Issue: The PoM provides no compensation for the loss in Holiday Van sites as there are no alternate sites available for relocation.

Response: Three possible sites have been identified for Holiday Van relocation. A ballot process is considered to be the fairest means for reallocation of those Holiday Van owners wishing to remain on site. The annual occupancy agreement signed by both tenant and Park Manager clearly outlines the terms and conditions of occupancy and termination of Holiday Van agreements. Discussions with the LPMA have suggested that an 'implementation panel' be established to facilitate communication through the various phases of the Plan of Management implementation

Recommendations: (1) That an implementation panel is established for Shoal Bay Holiday Park consisting of Park Management and Holiday Van owners. (2) That the Holiday Van owners affected are provided with information about the proposed development timing and the ballot option.

Issue: Concern that bike track access and public access at the rear of the park is maintained, not incorporated into the park.

Response: The proposal contained in the revised draft will not restrict the shared pathway some modification to the boundary fence is proposed but will not restrict public access. The proposed fence replacement will provide an opportunity for some minor realignment which will assist in improving camping sites by increasing site depth (approximately 2m).

Recommendation: That the proposed site changes depicted in the revised draft Plan of Management (attachment 4) are supported including the minor fence realignment.

Issue: Concerned about the proposed changes to the park and the loss of the facility been offered as a reasonably priced accommodation alternative to travellers.

Response: The Park site profile has been reassessed and amended to ensure that all accommodation alternatives are retained. The holiday park will continue to offer a range of accommodation types that are affordable within the context of the Port Stephens tourism market.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Traffic congestion at the entrance to the park.

Response: The revised draft Plan of Management proposes changes to the park entry to improve access and parking, a second exit is proposed that will eliminate the cross traffic congestion that occurs on change over days. The reconfiguration of the roadway will also provide additional visitor parking.

Recommendation: That the draft Plan of Management be amended to reflect the proposed changes to the entry/exit depicted in attachment 4.

Issue: Concern that the draft plan does not provide an accurate assessment of the development potential within the 5 year term of the Plan of Management and no timeframes have been given.

Response: The development proposed in the revised draft Plan of Management has been assessed against occupancy trends and preliminary cost estimates to represent a 5 year planning horizon. The proposed development is dependent on financial and operational performance together with stakeholder funding support.

Recommendations: (1) That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4. (2) That the Plan of Management includes the addition of drawings that depict each development phase proposed.

ATTACHMENT 2

Summary of the proposed amendments to the draft Plan of Management

- Retain and improve camping facilities – upgrade the camping area in the island located between Perch Place and Groper Drive to accommodate larger camping sites extending the area by re-establishing the back boundary fence to provide additional camping sites where the tent parking zone is currently located.
- Establish additional tourist van ensuite sites – island located between Bonito Place and Emperor Place (loss of 2 tourist van sites establishes 16 ensuite sites) - island located between Emperor Place and the western boundary (loss of 14 holiday van sites establishes 10 ensuite sites) – island located between Nannigai Place and Marlin Way (loss of 3 tourist van sites establishes 12 ensuite sites.
- Convert 3 tourist van sites off Jewfish Place to holiday van sites.
- Upgrade entry/exit point and visitor parking space near reception. Create a two exit points by extending Kingfish Avenue onto Shoal Bay Road and realign the exit at the front gate so that it is separate from the entry.
- Re-fence the perimeter of the Park and undertake landscaping planting and management plan.
- Establish a twin carport and storage shed adjoining the service buildings near the waste collection area off Perch Place
- The revised Park profile provides 29 Holiday van sites 15% of total, 90 tourist van sites 47% (38 with ensuite), 29 camping sites 15% and 44 cabins 23% of total.
- Retain Lot 3 DP 716089 and replace the safari tents with cabins and establish a conference/meeting & training centre to accommodate up to 80 people.
- Establish a small amenities building to service the expanded camping area.
- Establish a park specific implementation panel consisting of Park Management members of the Port Stephens Caravan and Campers Association and other holiday van owners. The purpose of the panel to guide the implementation and communication strategy for the staged development phases within the Plan of Management.
- Include additional drawings that depict each phase of development and the areas affected

ATTACHMENT 3

Summary of the proposed development phases for over 5 years

PHASE 1

Construct two ensuite units on Tourist Van sites in the island bordered by Bonito Place and Imperador Place.

Construct ensuite units on Tourist Van sites in the island bordered by Nannigai Place and Marlin Way.

PHASE 2

Remove safari tents from Lot 3 and replace with six 3 bedroom cabins.

PHASE 3

Replace boundary fence and undertake perimeter landscaping.

Upgrade camping area including the construction of camping amenities block and relocation of the waste dump point.

Modify entry/exit driveway and upgrade visitor parking spaces, add second exit to Shoal Bay Road extending Kingfisher Avenue.

PHASE 4

Construct Water playground and upgrade recreation open space between the reception and Dolphin Road.

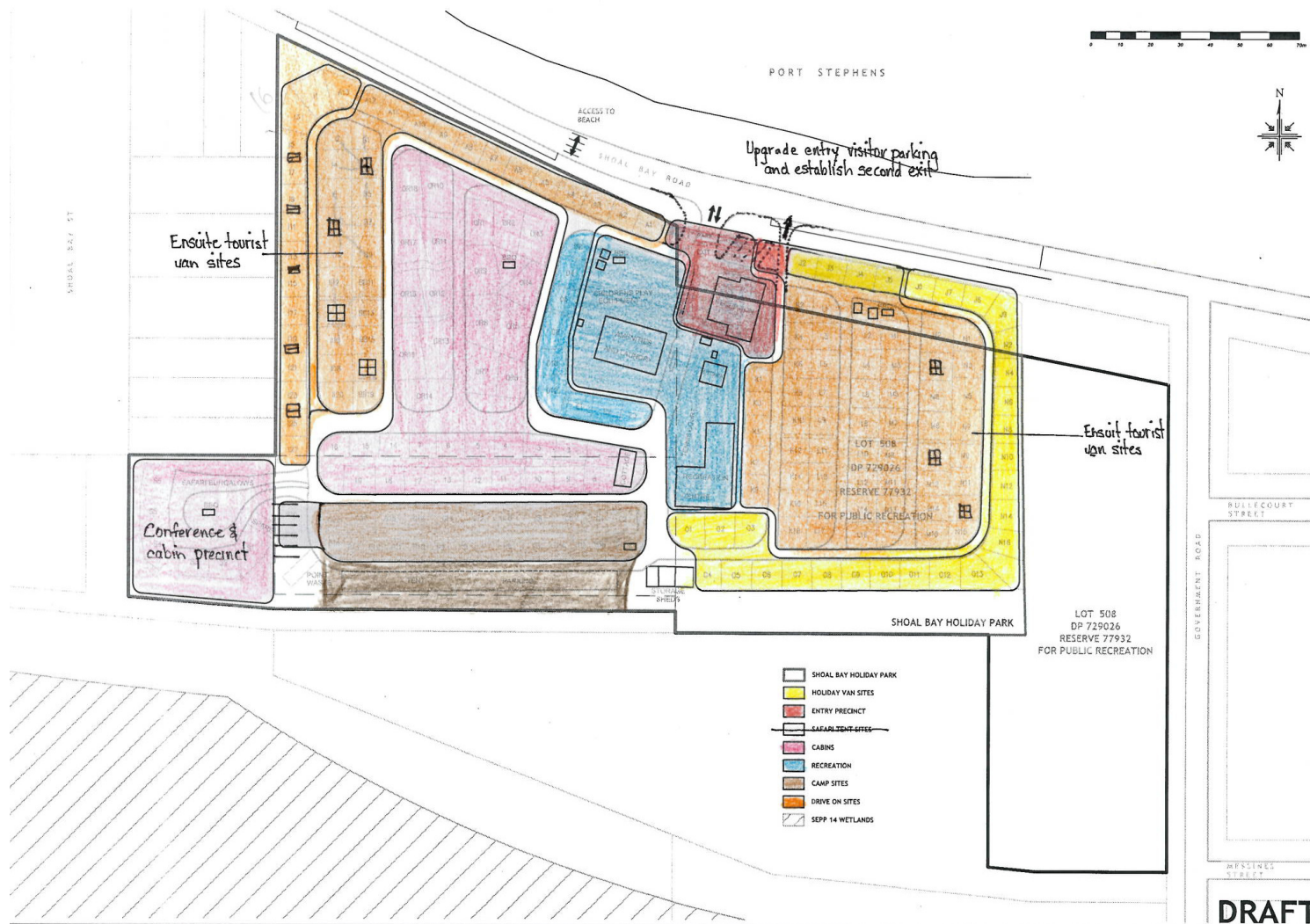
Construct conference/training centre in Lot 3.

PHASE 5

Convert Holiday van sites in Imperador Place along the western boundary to establish tourist van ensuite sites.

Construct two vehicle carport and storage facility adjoining the existing service buildings off Perch Place.

ATTACHMENT 4



DRAFT

ITEM NO. 7**FILE NOS: PSC2009-02594****HALIFAX CROWN LAND HOLIDAY PARK - DRAFT PLAN OF MANAGEMENT****REPORT OF: PHIL BUCHAN – MANAGER, COMMERCIAL ENTERPRISES**
GROUP: COMMERCIAL SERVICES**RECOMMENDATION IS THAT COUNCIL (AS CROWN RESERVE TRUST MANAGER):**

- 1) Endorse the proposed revisions to the draft Plan of Management for Halifax Holiday Park.
- 2) Amend the draft Plan of Management document and plans to reflect the revisions outlined in the attachments to this report.
- 3) Request the Minister for Lands to approve and adopt the amended Plan of Management.

COUNCIL COMMITTEE MEETING – 27 APRIL 2010
RECOMMENDATION:

	Councillor John Nell Councillor Steve Tucker	That the item be deferred to allow Councillors to view the financial model.
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ORDINARY COUNCIL MEETING – 27 APRIL 2010

115	Councillor John Nell Councillor Steve Tucker	It was resolved that the Council Committee recommendation be adopted.
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BACKGROUND

This report has been prepared for Council as Corporate Manager of the reserve trust for the operation of Halifax Holiday Park (Crown Reserve 91621). As Reserve Trust Manager Council is required to operate in the interests of the trust and as such this report is to be considered separate from Council as the elected body representing Port Stephens' local government area.

The content and recommendations of this report link to the Council's Corporate Plan – Goal 14 "Success & Sustainability" and to the Crown Lands Caravan Parks Policy.

The purpose of this report is to seek the Corporate Manager's endorsement of the proposed amendments to the draft Plan of Management for Halifax Holiday Park and to request the Minister for Lands to approve and adopt the Plan of Management as amended.

The following is a summary of the actions undertaken to progress the draft Plan of Management for Halifax Holiday Park:

Feb 09 - Councillors inspect the Crown Holiday Parks followed by a Council two way conversation to introduce the draft PoMs

Jun 09 - Council endorses a request for the Minister for Lands to place draft PoMs on public exhibition

Jul 09 - Public Exhibition commences (ending 30 Sep)

Oct 09 - Two way conversation with Regional Manager LPMA (providing a perspective from the Authority)

Oct to Dec 09 - Collation and recording of issues from submissions (137 submissions relating specifically to Halifax and another 10 which included all three Parks, the majority of submissions made reference to the inclusion of Lot 424)

Dec 09 to Feb 10 - Meetings with senior staff to provide comment and discuss options

Feb 10 - Stakeholder meetings - Park Managers, LPMA, PSSCA & Commercial Enterprises Advisory Panel

Feb 10 - The draft Plans of Management were revised and presented to Council at a two way conversation. The objective was to seek input to finalise the content of the Plan for the preparation of a business paper report.

The revised draft Plan of Management for Halifax Holiday Park has been developed in consideration of the comments received and reviewed through the consultation process together with financial analysis to ensure there is a business case to justify the proposed changes.

The attachments following include:

A summary of the significant issues raised through the public exhibition process and the proposed actions and recommendations, a summary of the proposed amendments to the draft Plan of Management, a summary of the proposed development phases for over 5 years and a revised map of the proposed site layout.

FINANCIAL/RESOURCE IMPLICATIONS

Council's endorsement and the Ministers consent to the implementation of the Plan of Management will provide a five year planning strategy to the development and operation of Halifax Holiday Park. The annual operations of the Park are funded directly from the revenue generated by its operation while the capital development costs are funded from low interest Crown loans or directly from the trust's financial reserve.

The implementation of the Plan of Management represents capital development that will improve tourist occupancy, and access to improved Park services which

contribute to the long term financial sustainability, enhancement and maintenance of Crown land reserves within Port Stephens.

LEGAL, POLICY AND RISK IMPLICATIONS

Council as Corporate Manager for Reserve Trusts is required to operate in the interest of the trust under Part 5, Division 4 of the Crown Lands Act 1989.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Plan of Management acknowledges natural and conservation values, recreation and tourism values and social and economic values. These are also reflected in the management principles and strategies that promote ecological sustainable development.

CONSULTATION

Land & Property Management Authority
Port Stephens Caravan & Campers Association
Individual Holiday Van owners
Commercial Enterprises Advisory Panel (including the General Manager and Commercial Services Group Manager)
Integrated Planning Manager
Recreation Services Manager
Environmental Services Manager
Holiday Park Managers
Marketing & Administration Manager

OPTIONS

- 1) Accept the recommendations
- 2) Defer the report pending further information

ATTACHMENTS

- 1) Summary of issues raised through public exhibition and proposed actions & recommendations
- 2) Summary of the proposed amendments to the draft Plan of Management
- 3) Summary of the proposed development phases for over 5 years
- 4) Revised map of the proposed site layout

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of main issues, responses & recommendations

Issue: Opposition to the loss of camping sites as this will change the focus of the holiday park impacting on families wanting camping facilities.

Response: The proposed removal of camping has met with negative comments, the site profile has been reassessed and under the proposed revised draft Plan of Management camping will be retained and enhanced by relocating it to Lot 424 the proposed extension of the Park. This proposal provides a complete mix of accommodation types on the Park and addresses the concerns arising from the submissions ensuring that the significant native vegetation is maintained.

Recommendation: That camping be retained by including camping sites in Lot 424 and the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: The PoM provides no compensation for the loss in Holiday Van sites as there are no alternate sites available for relocation.

Response: Three possible sites have been identified for Holiday Van relocation. A ballot process is considered to be the fairest means for reallocation of those Holiday Van owners wishing to remain on site. The annual occupancy agreement signed by both tenant and Park Manager clearly outlines the terms and conditions of occupancy and termination of Holiday Van agreements. Discussions with the LPMA have suggested that an 'implementation panel' be established to facilitate communication through the various phases of the Plan of Management implementation.

Recommendations: (1) That an implementation panel is established for Halifax Holiday Park consisting of Park Management and Holiday Van owners. (2) That the Holiday Van owners affected are provided with information about the proposed development timing and the ballot option.

Issue: Opposition to the proposed reduction in holiday van sites as this will impact on the local economy and community.

Response: The reduction in holiday van sites will be gradual over the five year development. The sites are being replaced with tourist sites and cabins research suggests that tourists will contribute more to the local economy as genuine tourists tend to spend more per head than most holiday van owners.

Recommendations: (1) That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4. (2) That the Plan of Management includes the addition of drawings that depict each development phase proposed.

Issue: Opposition to the proposed inclusion and development of Lot 424 as it will result in a loss of public open space, picnic and recreational facilities and restrict access to the beach.

Response: There is significant public open space in the area between Anzac Park and Little Beach. The inclusion of Lot 424 into the holiday park does not restrict access though the area as the old 20 metre road reservation is not reduced and the vegetated buffer is maintained. Information obtained from Integrated Planning and Recreation Services indicates that the proposed inclusion of Lot 424 into the Holiday Park is supported as there is sufficient open space in this area and public access is available to connect the foreshore reserve. Furthermore the picnic and recreational facilities can be enhanced and relocated to improve public usage. There is alternative beach access available which can be upgraded to improve access and maintenance.

Recommendations: (1) That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4. (2) That the Holiday Park fund the replacement of existing together with additional picnic and recreation facilities in nearby locations determined by Recreation Services Section.

Issue: Opposition to the proposed inclusion and development of Lot 424 as it will cause disturbance of the existing natural bushland with the removal of trees impacting on the wildlife corridor.

Response: The inclusion of Lot 424 provides opportunity to grow the Holiday Park's tourism component. A review of the development proposals contained in the exhibited draft Plan of Management has resulted in a proposal to create a camping area within Lot 424. This alternative to cabins provides opportunity to maintain the significant native vegetation with the staged removal of the Coral trees. A vegetation planting and management plan can be developed and implemented to enhance the vegetation corridor by planting native vegetation between the Holiday Park and Anzac Park. This proposal is supported by Recreation Services and Environmental Services Sections.

Recommendation: That the Holiday Park coordinate the development and contribute to the implementation of a vegetation planting and management plan for the foreshore reserve between Nelson Head and Anzac Park.

Issue: Opposition to the proposed inclusion and development of Lot 424 as it will increase the volume of people to the area further overcrowded in holiday periods, noise affecting local residents.

Response: The revised site profile replaces the proposed cabins in Lot 424 with camping sites while the overall site profile increases the total number of site by 6. This increase will have negligible impact on traffic and pedestrian movements or noise generation. Park rule apply to assist in managing noise after 10.00pm

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Opposition to the proposed inclusion and development of Lot 424 due to the perception that adjacent property values will be downgraded with cabin development adding to the eyesore the park presents and people staying in the units would lose the bushland outlook and a tree covered play area for their children.

Response: A review of the park profile has proposed changes to the development proposed for this lot the scale of development will be limited to camping this will enable the retention of significant native vegetation ensuring the outlook from adjoining units will not change significantly. The extension of the park includes improvements to fencing and screening through landscaping which is highly unlikely to have a negative impact on property values or holiday rental.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that the vision in the draft plan changes the holiday accommodation direction from its original use, as affordable alternatives for camping and caravanning to offer mainly cabin and villa style accommodation.

Response: The site profile has been reassessed to provide a balanced approach to provide access for tourists while maintaining Holiday Van sites. The holiday park will continue to offer a range of accommodation types that are affordable within the context of the Port Stephens tourism market.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that there is ample tourist accommodation available in Little Beach area. No need to remove parkland to provide further accommodation options.

Response: The Tourism Strategy supports the industry experience that holiday parks are the second most preferred form of accommodation in Port Stephens. The majority of accommodation being proposed supports the growing caravan, motor home and camping trends. The revised Plan of Management proposal supports a modest increase in cabin/villa accommodation will maintaining camping.

Recommendation: That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4.

Issue: Concern that the draft plan does not provide an accurate assessment of the development potential within the 5 year term of the Plan of Management and no timeframes have been given.

Response: The development proposed in the revised draft Plan of Management has been assessed against occupancy trends and preliminary cost estimates to represent a 5 year planning horizon. The proposed development is dependent on financial and operational performance together with stakeholder funding support.

MINUTES FOR ORDINARY – 27 APRIL 2010

Recommendations: (1) That the draft Plan of Management be amended to reflect the proposed park layout depicted in attachment 4. (2) That the Plan of Management includes the addition of drawings that depict each development phase proposed.

ATTACHMENT 2

Summary of the proposed amendments to the draft Plan of Management

- Retain and improve camping facilities by relocating and developing Lot 424 to accommodate camping sites while minimising the impact on the native vegetation.
- Establish a vegetation planting and management plan for the foreshore reserve between Nelson Head and Anzac Park. The Holiday Park will contribute to the establishment of the Plan and ongoing management and improvement of the vegetated reserve.
- The Holiday Park will financially contribute to the relocation and improvement of the picnic and recreational facilities from Lot 424.
- The Holiday Park will financially contribute to the improvement of the beach access next to Lot 424
- Establish a small amenities building in Hobart Highway to service the camping area within Lot 424.
- Establish an additional 19 tourist van sites by converting holiday van sites located in the islands between Hobart Highway and Sydney Street, Sydney Street and Adelaide Avenue.
- Establish an additional 10 Cabins by converting holiday van sites along the outside edge of Hobart Highway.
- Re-fence the perimeter of the Park to include Lot 424 and improve landscaping
- The revised Park profile provides 22 Holiday van sites 13% of total, 92 tourist van sites 53%, 12 camping sites 7% and 45 cabins 26% of total.
- Establish a park specific implementation panel consisting of Park Management members of the Port Stephens Caravan and Campers Association and other holiday van owners. The purpose of the panel to guide the implementation and communication strategy for the staged development phases within the Plan of Management.
- Include additional drawings that depict each phase of development and the areas affected.
- Delete the pool and replace with outdoor covered all weather recreational area located near main amenities Brisbane Boulevard & Melbourne Mall
- Remove the cleaning store in Perth Parade and replace with 2 bedroom cabin, re-establish cleaning store near workshop behind the reception building.
- Convert existing camping sites in Brisbane Boulevard to tourist van sites.
- Upgrade existing amenities block and laundry near Melbourne Mall

ATTACHMENT 3

Summary of the proposed development phases for over 5 years

PHASE 1

Replace perimeter fence and include fencing of Lot 424
Establish new picnic facilities and improve beach access
Relocate cleaning shed to behind Office and replace with one 2 bedroom cabin
Upgrade existing amenities

PHASE 2

Establish camping area in Lot 424 including road construction, services and lighting.
Construct new amenities block off Hobart Highway (sites 42 to 44)
Convert Camping sites to Tourist van sites (Brisbane Boulevard sites 94 to 108)

PHASE 3

Construct five new 2 bedroom villas between Hobart Highway and the dune (sites 28 to 33)
Converts HV sites to Tourist van sites (Darwin Drive sites 71 & 72, Sydney Street sites 146 to 151 & Adelaide Avenue sites 152 to 157)

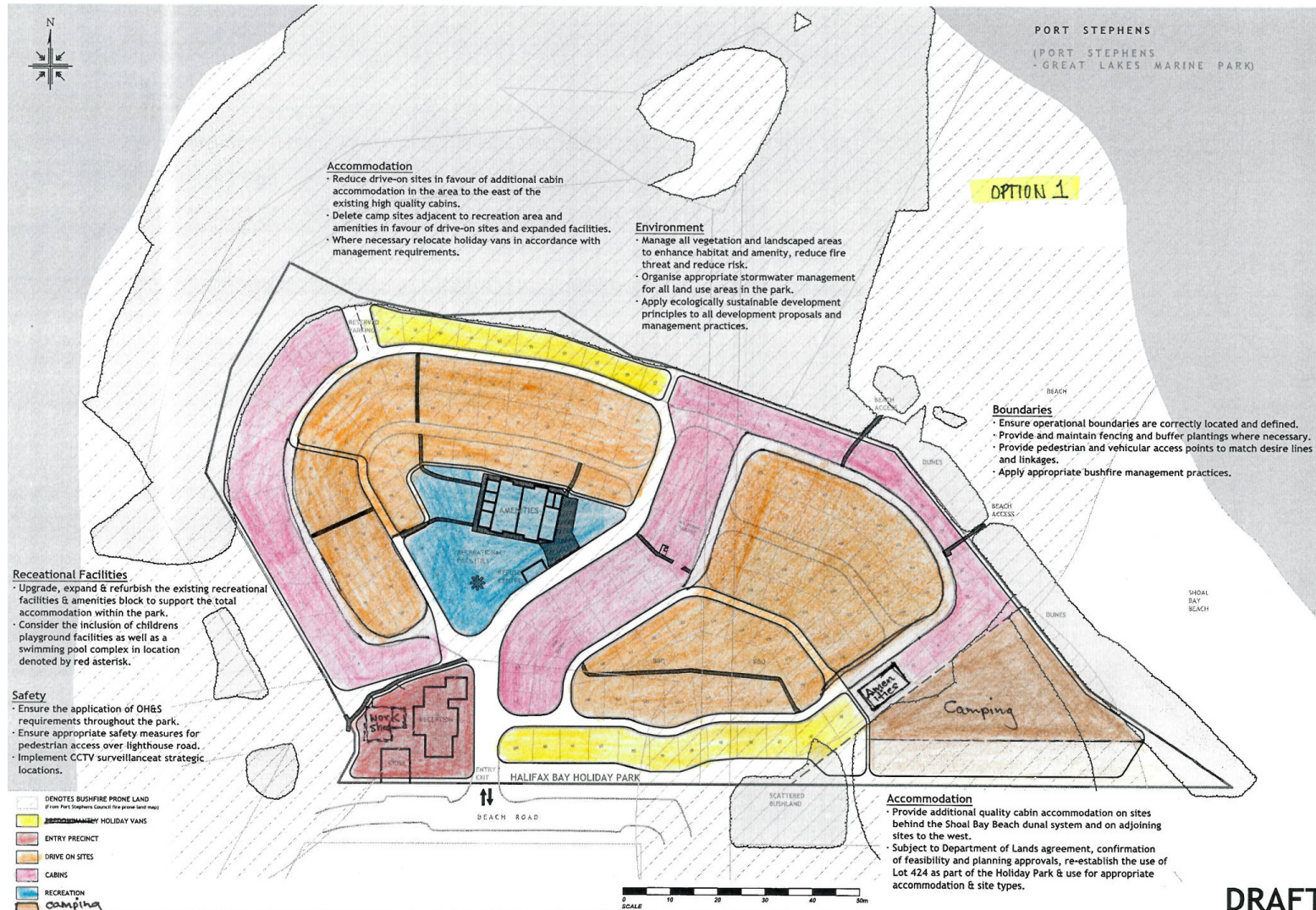
PHASE 4

Construct one new 3 bedroom and two new 2 bedroom villas off Hobart Highway (sites 38 to 43)

PHASE 5

Convert HV sites to Tourist Van sites (Hobart Highway & Sydney Street sites 158 to 172)
Outdoor covered all weather recreational area near main amenities Brisbane Boulevard & Melbourne Mall)

ATTACHMENT 4



DRAFT

ITEM NO. 8**FILE NO: PSC2009-02008****PORT STEPHENS 2022: COMMUNITY STRATEGIC PLAN; RESOURCE STRATEGY 2010-2020; DELIVERY PROGRAM 2010-2014; OPERATIONAL PLAN 2010-2011; DRAFT FEES & CHARGES 2010-2011****REPORT OF: WAYNE WALLIS, GROUP MANAGER**
GROUP: CORPORATE SERVICES GROUP

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves that submissions be invited from the community on Port Stephens 2022: Community Strategy Plan; Resource Strategy 2010-2020; Delivery Program 2010-2014; Operational Plan 2010-2011; Draft Fees & Charges 2010-2011; by placing these documents on public exhibition for a period from 1 to 28 May 2010;
- 2) Resolves that Council makes formal application to the Minister for Local Government under Section 508A of the Local Government Act 1993 to increase rates in Port Stephens Local Government Area by 8.86% (including the 2.6% rate cap) for 2010-2011, and 4.48% for the year 2011-2012, 4.13% for the year 2012-2013 and 3.73% for the year 2013-2014;
- 3) Resolves that if the application is successful the increases above the rate cap will be applied solely to infrastructure renewal for the period 2010-2014.
- 4) Notes that the Integrated Plan document contains two scenarios showing the effect on specific projects in 2010-2011 if the special variation application is successful and if it is not successful.

COUNCIL COMMITTEE MEETING – 27 APRIL 2010
RECOMMENDATION:

	Councillor John Nell Councillor Glenys Francis	That Council: <ol style="list-style-type: none">1. Approves that submissions be invited from the community on Port Stephens 2022: Community Strategy Plan; Resource Strategy 2010-2020; Delivery Program 2010-2014; Operational Plan 2010-2011; Draft Fees & Charges 2010-2011; by placing these documents on public exhibition for a period from 1 to 28 May 2010;2. Resolves that Council makes formal application to the Minister for Local Government under Section 508A of the Local Government Act 1993 to
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MINUTES FOR ORDINARY – 27 APRIL 2010

		<p>increase rates in Port Stephens Local Government Area by 8.86% (including the 2.6% rate cap) for 2010-2011, and 4.48% for the year 2011-2012, 4.13% for the year 2012-2013 and 3.73% for the year 2013-2014;</p> <ol style="list-style-type: none">3. Resolves that if the application is successful the increases above the rate cap will be applied solely to infrastructure renewal for the period 2010-2014.4. Notes that the Integrated Plan document contains two scenarios showing the effect on specific projects in 2010-2011 if the special variation application is successful and if it is not successful.5. That Council conduct a workshop prior to reconsidering the matter and that the Auditors be invited.
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The amendment on being put became the Motion which was carried.

ORDINARY COUNCIL MEETING – 27 APRIL 2010

116	Councillor Steve Tucker Councillor John Nell	It was resolved that the Council Committee recommendation be adopted.
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BACKGROUND

The purpose of this report is to give effect to the legislative requirements under the Local Government (Integrated Planning and Reporting) Act 2009 that came into law on 1 October 2009. Under that legislation Port Stephens Council has nominated to go into Category 1 and that has been accepted by the Minister. This requires Council to have adopted by 30 June 2010 all the documents which are the subject of this Report, having considered submissions from the community after a period of public exhibition of not less than 28 days. This Report also foreshadows that Port Stephens 2022 – Community Strategic Plan, if adopted will replace the 30 Year Plan first adopted in 1998 and amended in 2000.

Council has been provided under separate cover with two (2) documents;

- 1) Draft Fees & Charges 2010-2011;

- 2) Integrated Plans (Port Stephens 2022; Resource Strategy 2010-2020; Delivery Program 2010-2014; and Operational Plan 2010-2011).

FINANCIAL/RESOURCE IMPLICATIONS

The document containing the Resource Strategy 2010-2020 provides short, medium and long term plans with measurement indicators to allow reporting to the Council and the community. The Resource Strategy provides the Long Term Financial Plan together with the workplace strategy that will allow Council to implement the plans in a sustainable manner. The document also contains the Asset Management Plan and details the proposed Capital Works under various scenarios dependent upon the success or otherwise of the application to the Minister for a special variation to the rates across the LGA.

As a council scheduled under Category 1 of the Local Government (Integrated Planning and Reporting) Act 2009, Port Stephens Council is required to apply for special variations under Section 508A. Advice from the Division of Local Government to Group Manager Commercial Services received in February 2010, is that Council should make provision for the next four years and the recommendation in this Report reflects that advice. Under the special variation guidelines, should Council not apply for the increases to be applied across the four year period, but only for the first year (that is 2010-2011) it is not permitted to apply for further increases outside the rate cap until 2014 for the year 2015-2016.

The proposed variation comprises proposed increases as follows:

- 8.86% (including the 2.6% rate cap) for 2010-2011;
- 4.48% for the year 2011-2012, 4.13% for the year 2012-2013 and 3.73% for the year 2013-2014. These percentages include anticipated rate cap announcements by the Minister for Local Government for those years.

The purpose of the proposed rate increases is to fund infrastructure renewal as detailed in the schedule for works contained in the draft Integrated Plan document. The implications for the works program are set out in the Integrated Plan document and show the program of works if the special variation is or is not granted. It illustrates that with the increase as proposed in 2010-2011 projects valued at \$8.69million would be completed; if not successful projects could only be completed to a value of \$5.3million.

The Long Term Financial Plan provides scenarios with and without the proposed rate increases. Without the increase Council will be required to apply the rate increase capped at 2.6% as announced by the Minister in February 2010, for the financial year 2010-2011.

The draft Annual Budget 2010-2011 contains two scenarios: with and without the proposed increase of 8.86% for that year. The draft Fees & Charges 2010-2011 set out the statutory and other charges that Council is required or permitted to charge, and

the fee levels set where Council has discretion reflect its community service obligations.

LEGAL, POLICY AND RISK IMPLICATIONS

In order to comply with the requirements of the Local Government (Integrated Planning and Reporting) Act 2009 Council must develop with its community a long term community plan covering at least the next 10 years commencing in July 2010, together with a four year Delivery Program and an annual Operational Plan. It must also develop and implement a Resource Strategy for a period of at least 10 years and an annual budget including proposed fees and charges for the next financial year. All the elements of the integrated planning process must be placed on public exhibition for at least 28 days. The draft documents and proposed exhibition process comply with these requirements.

Whilst there are no perceived legal risks related to the application for section 508A special variation to the rates, the operational impact on Council's ability to deliver a capital maintenance program will be restricted should the Minister not grant the increase as outlined in the application by Council. The impacts are detailed in the document under Capital Works for 2010-2011.

The 30 Year Plan policy (adopted 20 October 1998 (Minute 502) and amended on 18 July 2000 (Minute 365) will require to be revoked, as Port Stephens 2022 now replaces the 30 Year Plan.

The Long Term Financial Plan 2010-2020 has been developed in accordance with the legislation to demonstrate how Council will resource the Delivery Program 2010-2014, which includes all areas of Council's operations. It articulates how Council will implement the Community Strategic Plan Port Stephens 2022. Council's ability to implement the integrated plans and fulfil community expectations would be jeopardised without sufficient funds to resource those plans.

The new guidelines for rate variation applications require demonstration of community consultation and support for the proposed special variation. There is a risk that the Minister may deem that there is insufficient support for the proposed variation and it may fail or be amended downwards, which would impact the proposed infrastructure renewal program put forward, with further long term implications as the costs to effect renewal would increase when compounded by the possibility that the condition of the assets would potentially further decrease.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The integrated plans are based on the pillars of sustainability and documented accordingly. They contain key performance indicators to be met and reported to the community annually and to the Council quarterly. Port Stephens 2022 was developed with the community through the Port Stephens Futures process. It sets out

responsibilities of Council, the community and other State and Federal agencies to deliver outcomes for Port Stephens for the next 12 years. These include:

Social/Cultural:

- Community Safety
- Education & Training

A community where people feel safe. People of all ages are equipped with the knowledge, skills and experiences required to maximise participation in the economic and community life of Port Stephens.

- Health & Community Services

Port Stephens is a vibrant community where services and infrastructure are integrated and support a culture in which people are cared for, healthier, more active, informed and better connected.

- Recreation

Port Stephens Council will work in partnership with the community, other government agencies and providers to ensure that there is safe access to a range of high quality sustainable recreation opportunities for all people in the community.

- Children & Youth

Funding and support are available for young people to participate in the community as role models of today and leaders of the future.

- Culture & Heritage

A sense of place and enhanced quality of life through participating in a vibrant and creative community.

Sustainable Economic Development:

- Economic Development

An innovative and growing economy that generates sustainable long term economic opportunities and provides a vibrant business foundation.

- Employment

Port Stephens will experience local business growth, new local businesses, a strong employment base and increased availability of skilled jobs.

- Technology
- Transport & Infrastructure

A connected Port Stephens. Sustainable, accessible and flexible transport modes & supporting infrastructure which meet the needs of the community.

Environmental:

- | | |
|--|--|
| <ul style="list-style-type: none">• Environmental Management | Maintain high levels of biodiversity and engage the community in enriching the environment. |
| <ul style="list-style-type: none">• Primary Industries & Natural Resources | Primary and extractive industries contribute to sustainable food production, water harvesting, visual amenity, tourism and an excellent lifestyle. |
| Waste Management & Recycling | Port Stephens has a well used, affordable, convenient and results-driven waste and recycling system that does not harm the environment. |

In addition to principles of sustainability, care has been taken in formulating the integrated plans to ensure that they meet the tenets of social and intergenerational equity. The New South Wales State Plan and Lower Hunter Strategy also informed these plans.

CONSULTATION

In 2008 Council established the Port Stephens Futures project to provide a long term strategic platform for developing a new Local Environment Plan and to feed into Port Stephens 2022. As part of that Project, Council commissioned research to establish the current state of the LGA, and to identify major issues and challenges facing Port Stephens in the foreseeable future. This research was made available to the community to inform residents and stakeholders in Port Stephens when they engaged with Council to formulate Port Stephens 2022.

Residents of Port Stephens participated in formulating the Port Stephens Futures Strategy (adopted in principle by Council on 13 October 2009), which led to Port Stephens 2022. The people of Port Stephens participated in nine local workshops and two forums that included not only residents but other state and federal agencies who will share with Council the responsibility for delivering on Port Stephens 2022.

It is proposed that the draft integrated plans together with the Resource Strategy 2010-2020 and the draft Fees & Charges 2010-2011 will be placed on exhibition and public submissions invited for the period 1 to 28 May 2010. Advertisements will be placed in local press, on Council's website with documents available on the website, at Council's libraries and at its Administration Building in Raymond Terrace. Associated press announcements will be placed to remind the community and stakeholders that their submissions are welcome. It is proposed to also invite submissions from Council's Residents Panel, those community and agency members who participated in the Port Stephens Futures Project, and the PS Futures Reference Group. Written submissions (including emails) will be received up until the close of business on Friday 28 May 2010. Submissions received within the specified time will be provided to Council for its meeting on 22 June 2010 on which date Council will consider the adoption of these plans and strategies. It is proposed to have a 2-Way

conversation with Councillors on 15 June 2010 regarding specifics of submissions received.

OPTIONS

- 1) Approves the recommendations;
- 2) Amends the recommendations;
- 3) Rejects the recommendations.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Integrated Plans: Port Stephens 2022: Community Strategy Plan; Delivery Program 2010-2014; Operational Plan 2010-2011; Resource Strategy 2010-2020;
- 2) Draft Fees & Charges 2010-2011;

ITEM NO. 9**FILE NO: A2004-0465****BANKING SERVICES****REPORT OF: DAMIEN JENKINS - FINANCIAL SERVICES MANAGER****GROUP: COMMERCIAL SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse an overdraft facility with Council's banking services provider up to \$2 million.
-

COUNCIL COMMITTEE MEETING – 27 APRIL 2010**RECOMMENDATION:**

	Councillor John Nell Councillor Steve Tucker	That the recommendation be adopted.
--	---	-------------------------------------

ORDINARY COUNCIL MEETING – 27 APRIL 2010

117	Councillor Ken Jordan Councillor Steve Tucker	It was resolved that the recommendation be adopted.
------------	--	---

BACKGROUND

The purpose of this report is to seek council approval to increase its bank overdraft limit. Council has had an \$800,000 bank overdraft limit in place since 1975.

Council manages its cash flow and investments to ensure continuity of day to day operations. This involves investing reserves and surplus cash in peak times such as when rate instalments and grants are received and withdrawing those invested funds as required at other times.

Following the volatility in market prices of most of Council's cash investments it might not be prudent to withdraw some of those funds before they mature, otherwise Council may unnecessarily realise a loss.

In order to manage Council's cash flow without selling investments, other than term deposits, for less than their original value Council needs to have an alternate cash

source available. A viable option is to increase Council's overdraft facility. An overdraft facility of \$2 million would be appropriate.

FINANCIAL/RESOURCE IMPLICATIONS

Cash flow needs to be ensured for Council to continue its day to day operations. Selling Council's marketable investments will realise a loss in many instances in the current financial market and this should be avoided where possible. The interest payable on overdraft is likely to be significantly less than the loss realised upon sale of some of Council's non term deposit investments.

LEGAL, POLICY AND RISK IMPLICATIONS

Section 622 of the Local Government Act permits Council to borrow money by way of an overdraft. Section 377 of the Act requires Council to pass a resolution to borrow money. Increasing Council's overdraft limit will reduce the risk of Council being required to sell a cash investment for below its original value.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Management of Council's cash flow through the use of overdraft facilities as necessary from time to time is consistent with Council's long term objective of financial sustainability by maximising the return on investments.

CONSULTATION

Financial Services Section

OPTIONS

- 1) Accept the recommendation
- 2) Reject the recommendation
- 3) Modify the recommendation

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 10

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 27 April 2010.

No:	Report Title	Page:
1	ABORIGINAL STRATEGIC COMMITTEE	
2	CASH AND INVESTMENTS HELD AT 31 MARCH 2010	

COUNCIL COMMITTEE MEETING – 27 APRIL 2010 RECOMMENDATION:

	Councillor John Nell Councillor Sally Dover	That the recommendation be adopted.
--	--	-------------------------------------

ORDINARY COUNCIL MEETING – 27 APRIL 2010

118	Councillor Ken Jordan Councillor John Nell	It was resolved that the recommendation be adopted.
------------	---	---

COUNCIL COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

ABORIGINAL STRATEGIC COMMITTEE

REPORT OF: TREVOR ALLEN, MANAGER INTEGRATED PLANNING
GROUP: SUSTAINABLE PLANNING

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting with Worimi Local Aboriginal Land Council on 23 March 2010.

The Aboriginal Strategic Committee is aligned with the following social and cultural directions stated in Council Plan 2009 – 2013: -

SOCIAL RESPONSIBILITY - DIRECTIONAL STATEMENT

Council will preserve and strengthen the fabric of the community, building on community strengths by:

- Supporting and providing opportunities to enhance individual and community well-being and welfare;
- Providing opportunities for people to participate in community decision-making.

CULTURAL RESPONSIBILITY - DIRECTIONAL STATEMENT

Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity by:

- Providing and supporting opportunities for the expression of community values;
- Promoting the celebration of natural heritage, national days of significance and local indigenous culture;
- Providing the catalyst for the realisation of values, spirit, vitality and expression through cultural activities;

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting with Worimi LALC on 23 March 2010.



Aboriginal Strategic Committee Meeting with Worimi Local Aboriginal Land Council



MINUTES

Minutes of meeting held on 23 March 2010 at Murrook Cultural & Leisure Centre

Chair: Cr Sally Dover

Minute taker: Paul Procter

Present:

Cr Sally Dover
Cr Shirley O'Brien
Cliff Johnson
Jason Linnane
Paul Procter
Andrew Smith
Val Merrick
Elaine Larkins

Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council

Apologies:

Cr Bruce MacKenzie
Cr Peter Kafer
Peter Gesling
Jamie Tarrant
Grace Kinsella

Port Stephens Council
Port Stephens Council
Port Stephens Council
Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council

Meeting opened at 1:20pm

1. WELCOME TO COUNTRY

Worimi Elder Val Merrick on behalf of Elders past and present welcomed everyone to the land of the Worimi Nation.

2. DECLARATION OF CONFLICTS OF INTEREST

Nil

3. MINUTES OF PREVIOUS MEETING

The minutes of previous meeting held 1 December 2009 were adopted.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

The following items of business arising from the meeting held on 1 December 2009 were discussed:

Item 1: KATTANG LANGUAGE PROMOTION

MINUTES FOR ORDINARY – 27 APRIL 2010

WLALC finished running Certificate 1 Kattang language workshop. Currently liaising with TAFE concerning Certificate 2 and 3 workshops being held in the future.

Item 2: PROPOSED DEVELOPMENT OF AN ACTIVE RECREATION COMPLEX AT ANNA BAY

Council's Acting Group Manager Facilities & Services indicated that a concept plan is being developed.

Item 3: NAIDOC WEEK 2010

Council has allocated \$2000 towards this year's NAIDOC Week Celebrations in 2009/2010 budget. There are no funds available under Aboriginal Project Fund which can be sought for this year's celebrations as all project funds have been allocated for this financial year. Any additional funding required will need to be sourced through external sources.

Proposed activities for this year include activities at Karuah, Raymond Terrace, Nelson Bay and Murrook.

Action:	1. Council's Social Planning Co-ordinator to organise NAIDOC Week planning meeting.
----------------	---

5. 2010 JOINT MEETING

Meeting will be held on 20 July 2010. It's proposed that an invitation be made to the Port Stephens Local Area Command Aboriginal Community Liaison Officer to attend as special guest speaker for the evening. Consideration will also be given to screening Worimi's Conservation Lands DVD and their special 25th Anniversary Celebration DVD.

Action:	1. Council's Social Planning Co-ordinator to formally invite guest speaker and to organise program.
----------------	---

6. ABORIGINAL HERITAGE EXHIBIT

Council's current Aboriginal Heritage Exhibit which the ASC has updated in the past does not include an interpretive backing board. An interpretive backing board would provide the exhibit with the historical context of the Worimi Nation adding value to the overall display.

Action:	1. Council's Social Planning Co-ordinator to commence arrangements for the development of an interpretive board in consultation with key stakeholders.
----------------	--

7. GENERAL BUSINESS

7.1 Group Manager Facilities & Services

WLALC CEO expressed his gratitude for the support and assistance provided to WLALC by Council's former Group Manager, Facilities & Services Mike Trigar.

Action:	1. WLALC CEO will send a letter of appreciation to Council's former Group Manager, Facilities & Services Mike Trigar on behalf of WLALC.
----------------	--

7.2 Birbui Point Surf Club Update:

Council's Acting Group Manager Facilities & Services indicated that the concept plan is currently being finalised including an alternate design option.

7.3 Recreation Centre for Sports Excellence:

MINUTES FOR ORDINARY – 27 APRIL 2010

Council's Acting Group Manager Facilities & Services gave an overview of the Redfern model and the opportunity to explore local partnership opportunities to undertake a similar model in Port Stephens.

Action:	1. Council's Acting Group Manager Facilities & Services and WLALC CEO to visit Redfern Centre for Sports Excellence.
----------------	--

7.4 PSC Draft Local Environmental Plan (LEP):

WLALC enquired on the status of the development of Council's new LEP and indicated WLALC continued desire to be consulted.

Action:	1. Council's Social Planning Co-ordinator to organise for Council's Senior Strategic Planner to contact WLALC CEO to discuss status of development of Council's draft LEP and associated matters.
----------------	---

7.5 Scholarships for Aboriginal Young People:

Cr Dover provided WLALC CEO with an overview and details of scholarships for Aboriginal Young People which an independent body is currently offering.

8. DETAILS OF NEXT MEETING

Tuesday 4 May 2010 at 1pm at Murrook.

Meeting closed 2:45pm

INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 31 MARCH 2010

REPORT OF: DAMIEN JENKINS – FINANCIAL SERVICES MANAGER
GROUP: COMMERCIAL SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of Cash and Investments held at 31 March 2010

ATTACHMENTS

- 1) Cash and Investments Held at 31 March 2010.
- 2) Monthly Cash and Investments Balance April 2009 – March 2010
- 3) Monthly Australian Term Deposit Index April 2009 – March 2010

MINUTES FOR ORDINARY – 27 APRIL 2010

ATTACHMENT 1

CASH & INVESTMENTS HELD AS AT 31 MARCH 2010										
INVESTED WITH	INV. TYPE	CURRENT RATING	MATURITY DATE	AMOUNT INVESTED	% of Total Portfolio	Current Int Rate	Market Value January	Market Value February	Market Value March	Current Mark to Market Exposure
GRANGE SECURITIES										
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	NR	20-Mar-12	1,000,000.00	4.22%	5.02%	\$788,770.00	\$788,700.00	\$788,771.00	-\$211,229.00
NEXUS BONDS LTD "TOPAZ AA"	Floating Rate CDO		23-Jun-15	412,500.00	1.74%	0.00%	\$231,412.50	\$231,412.50	\$257,812.50	-\$154,687.50
HERALD LTD "QUARTZ AA"	Floating Rate CDO	CCC-	20-Dec-10	450,000.00	1.90%	5.52%	\$373,770.00	\$388,395.00	\$388,395.00	-\$61,605.00
STARTS CAYMAN LTD "BLUE GUM AA"	Floating Rate CDO	NR	22-Jun-13	1,000,000.00	4.22%	5.49%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HELIUM CAPITAL LTD "ESPERANCE AA+ "	Floating Rate CDO	NR	20-Mar-13	1,000,000.00	4.22%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
HOME BUILDING SOCIETY	Floating Rate Sub Debt		25-Jul-11	500,000.00	2.11%	5.43%	\$444,105.00	\$446,885.00	\$449,535.00	-\$50,465.00
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	Yield Curve Note	NR	18-Oct-11	500,000.00	2.11%	6.68%	\$508,600.00	\$502,750.00	\$505,050.00	\$5,050.00
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	CCC	20-Mar-14	1,000,000.00	4.22%	5.07%	\$319,300.00	\$303,900.00	\$303,900.00	-\$696,100.00
GRANGE SECURITIES "COOLANGATTA AA" *	Floating Rate CDO	NR	20-Sep-14	1,000,000.00	4.22%	0.00%	\$0.00	\$0.00	\$0.00	-\$1,000,000.00
TOTAL GRANGE SECURITIES				\$6,862,500.00	28.97%		\$2,665,957.50	\$2,662,042.50	\$2,693,463.50	(\$4,169,036.50)
ABN AMRO MORGANS										
GLOBAL PROTECTED PROPERTY NOTES VII	Property Linked Note		17-Sep-11	\$1,000,000.00	4.22%	0.00%	\$894,900.00	\$900,400.00	\$900,200.00	-\$99,800.00
TOTAL ABN AMRO MORGANS				\$1,000,000.00	4.22%		\$894,900.00	\$900,400.00	\$900,200.00	(\$99,800.00)
ANZ INVESTMENTS										
ECHO FUNDING PTY LTD SERIES 16 "3 PILARS AA"	Floating Rate CDO	CCC-	6-Apr-10	\$500,000.00	2.11%	5.38%	\$424,500.00	\$452,500.00	\$487,000.00	-\$13,000.00
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	B	30-Dec-11	\$1,000,000.00	4.22%	0.00%	\$712,900.00	\$747,600.00	\$744,000.00	-\$256,000.00
ANZ ZERO COUPON BOND	Zero Coupon Bond	AA	1-Jun-17	\$1,017,876.98	4.30%	0.00%	\$581,553.83	\$601,626.36	\$604,853.03	-\$413,023.95
TOTAL ANZ INVESTMENTS				\$2,517,876.98	10.63%		\$1,718,953.83	\$1,801,726.36	\$1,835,853.03	(\$682,023.95)
RIM SECURITIES										
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO		29-Jul-13	\$2,000,000.00	8.44%	0.00%	\$1,300,000.00	\$1,224,000.00	\$1,500,000.00	-\$500,000.00
ELDER'S RURAL BANK (2011)	Floating Rate Sub Debt		8-Oct-11	\$1,000,000.00	4.22%	4.81%	\$930,765.00	\$935,174.00	\$946,393.00	-\$53,607.00
TOTAL RIM SECURITIES				\$3,000,000.00	12.66%		\$2,230,765.00	\$2,159,174.00	\$2,446,393.00	(\$553,607.00)
WESTPAC INVESTMENT BANK										
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt		27-Apr-10	\$500,000.00	2.11%	5.50%	\$487,510.00	\$491,690.00	\$497,595.00	-\$2,405.00
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt		20-Nov-11	\$500,000.00	2.11%	5.23%	\$480,075.00	\$480,890.00	\$481,950.00	-\$18,050.00
TOTAL WESTPAC INV. BANK				\$1,000,000.00	4.22%		\$967,585.00	\$972,580.00	\$979,545.00	(\$20,455.00)
LONGREACH CAPITAL MARKETS										
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	A+	7-Mar-12	\$500,000.00	2.11%	0.00%	\$437,300.00	\$439,650.00	\$440,000.00	-\$60,000.00
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	A+	7-Sep-12	\$500,000.00	2.11%	0.00%	\$420,850.00	\$424,500.00	\$425,650.00	-\$74,350.00
TOTAL LONGREACH CAPITAL				\$1,000,000.00	4.22%		\$858,150.00	\$864,150.00	\$865,650.00	(\$134,350.00)

MINUTES FOR ORDINARY – 27 APRIL 2010

ATTACHMENT 1

COMMONWEALTH BANK									
EQUITY LINKED DEPOSIT	Equity Linked Note	20-Sep-11	\$500,000.00	2.11%	3.00%	\$482,450.00	\$483,050.00	\$482,200.00	-\$17,800.00
EQUITY LINKED DEPOSIT GI100	Equity Linked Note	03-Aug-10	\$500,000.00	2.11%	3.00%	\$501,350.00	\$501,350.00	\$501,350.00	\$1,350.00
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	05-Nov-12	\$500,000.00	2.11%	3.00%	\$468,600.00	\$470,600.00	\$466,850.00	-\$33,150.00
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	09-Nov-12	\$500,000.00	2.11%	5.36%	\$480,735.00	\$481,300.00	\$489,000.00	-\$11,000.00
BANK OF QUEENSLAND	Term Deposit	12-Aug-10	\$1,000,000.00	4.22%	5.44%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
BANK OF QUEENSLAND BOND	Bond	16-Mar-12	\$1,000,000.00	4.22%	5.35%	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$0.00
TOTAL COMMONWEALTH BANK			\$4,000,000.00	16.88%		\$3,933,135.00	\$3,936,300.00	\$3,939,400.00	(\$60,600.00)
FIG SECURITIES									
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	Principal Protected Note	21-Jun-10	\$1,000,000.00	4.22%	0.00%	\$971,700.00	\$975,400.00	\$978,700.00	-\$21,300.00
TELSTRA LINKED DEPOSIT NOTE	Principal Protected Note	30-Nov-14	\$500,000.00	2.11%	5.17%	\$470,100.00	\$470,100.00	\$460,650.00	-\$39,350.00
TOTAL FIG SECURITIES			\$1,500,000.00	6.33%		\$1,441,800.00	\$1,445,500.00	\$1,439,350.00	(\$60,650.00)
MAITLAND MUTUAL									
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	30-Jun-13	\$500,000.00	2.11%	5.78%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
MAITLAND MUTUAL TERM DEPOSIT	Term Deposit	23-Apr-10	\$500,000.00	2.11%	5.40%	\$574,519.99	\$574,519.99	\$500,000.00	\$0.00
MAITLAND MUTUAL SUB DEBT	Floating Rate Sub Debt	31-Dec-14	\$500,000.00	2.11%	5.78%	\$500,000.00	\$500,000.00	\$500,000.00	\$0.00
TOTAL M'LAND MUTUAL			\$1,500,000.00	6.33%		\$1,574,519.99	\$1,574,519.99	\$1,500,000.00	\$0.00
TOTAL INVESTMENTS									
			\$22,380,376.98	94.47%		\$16,285,766.32	\$16,316,392.85	\$16,599,854.53	(\$5,780,522.45)
AVERAGE RATE OF RETURN ON INVESTMENTS					2.95%				
CASH AT BANK			\$1,311,047.08	5.53%	3.95%	\$1,670,475.57	\$3,488,795.83	\$1,311,047.08	\$0.00
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH					3.01%				
TOTAL CASH & INVESTMENTS			\$23,691,424.06	100.00%		\$17,956,241.89	\$19,805,188.68	\$17,910,901.61	(\$5,780,522.45)
BBSW FOR PREVIOUS 3 MONTHS					4.28%				

* Lehman Brothers is the swap counterparty to these transactions and as such the deals are in the process of being unwound. No valuation information is available.

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

I, Peter Gesling, being the Responsible Accounting Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

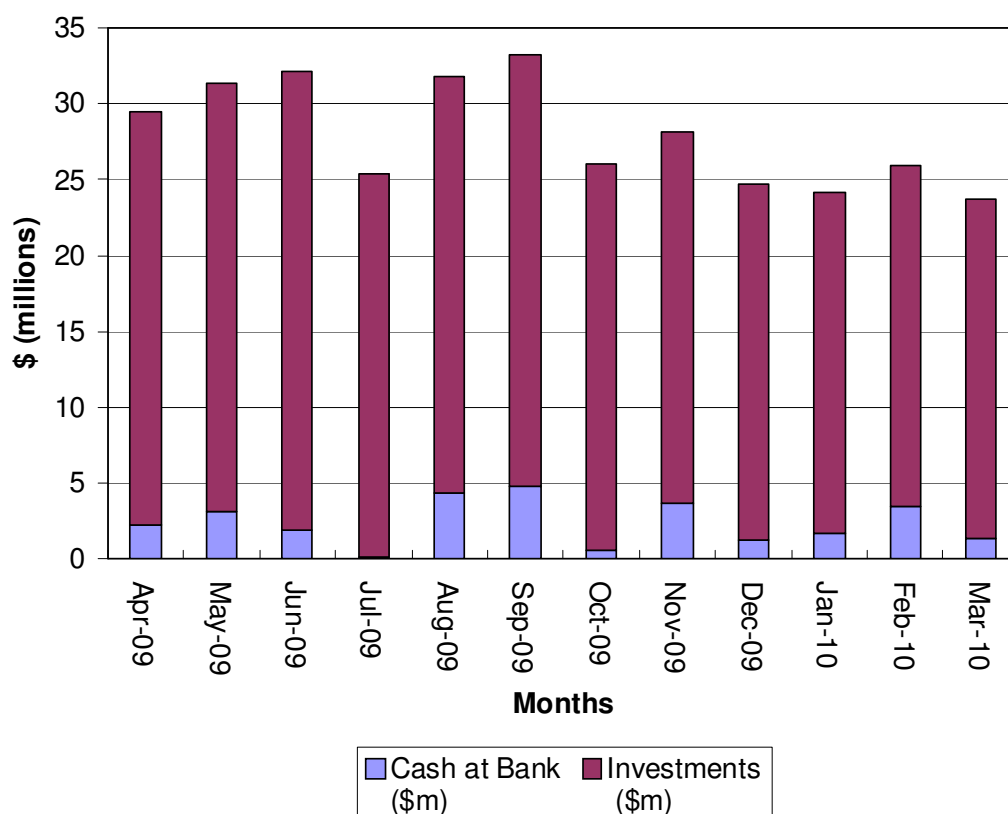
P GESLING

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Apr-09	2.234	27.187	29.421
May-09	3.160	28.193	31.353
Jun-09	1.947	30.193	32.140
Jul-09	0.127	25.193	25.320
Aug-09	4.298	27.448	31.747
Sep-09	4.801	28.448	33.250
Oct-09	0.579	25.448	26.028
Nov-09	3.691	24.448	28.140
Dec-09	1.277	23.448	24.726
Jan-10	1.670	22.455	24.125
Feb-10	3.489	22.455	25.944
Mar-10	1.311	22.380	23.691

**Cash and Invested Funds for the Period ended
31/3/2010**

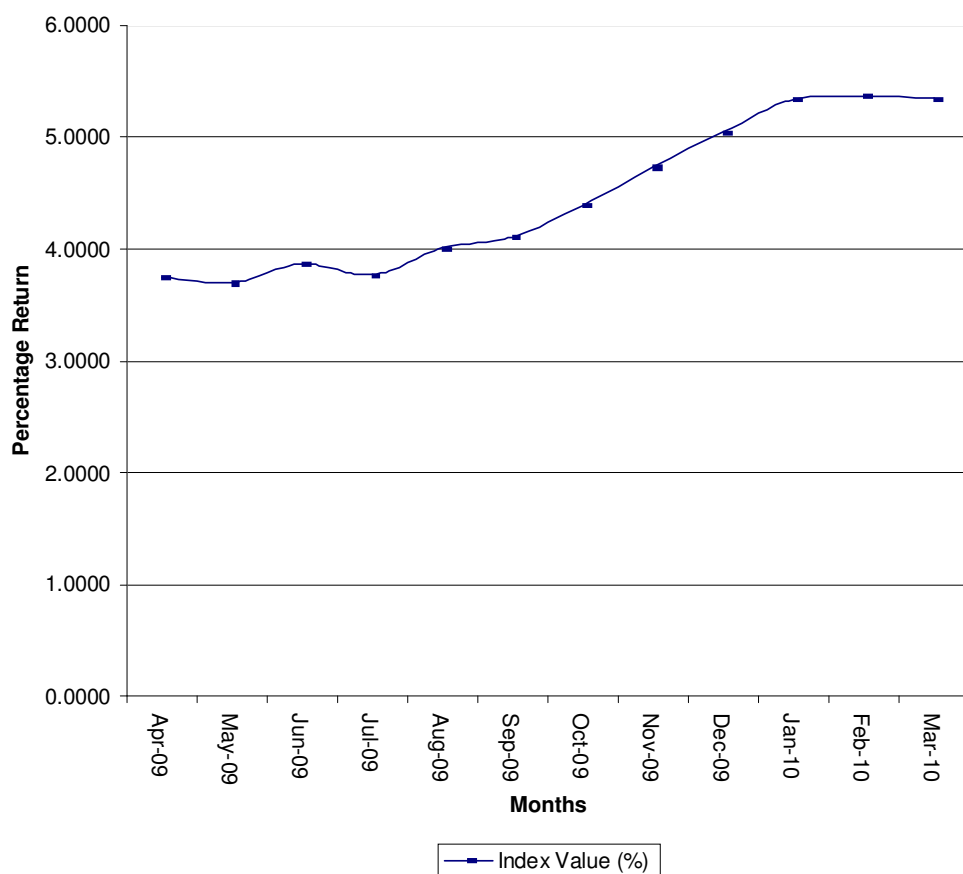


ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Apr-09	3.7513
May-09	3.6960
Jun-09	3.8699
Jul-09	3.7701
Aug-09	4.0082
Sep-09	4.1080
Oct-09	4.3946
Nov-09	4.7356
Dec-09	5.0488
Jan-10	5.3373
Feb-10	5.3685
Mar-10	5.3452

Australian Term Deposit Index as at 31/3/2010



NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 PSC2009-09650

COMMUNITY GRANTS

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) Allow the \$1,000 Community Grant funding allocated to Corlette Hall Parks & Reserves Committee for the installation of a tap in Lorikeet Reserve, to be transferred to another committee project to provide bike racks at Roy Wood, Conroy Park, Bagnall & Middle Bagnall Reserves.
-

ORDINARY COUNCIL MEETING – 27 APRIL 2010

119	Councillor Sally Dover	There being no objection the Notice of Motion was adopted.
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BACKGROUND REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

BACKGROUND

Council at its meeting on the 13th April 2010, resolved as part of the Community Grants, to allocate \$1,000 to the Corlette Hall, Parks & Reserve Committee for the installation of a tap at Lorikeet Reserve.

It is understood that Lorikeet Reserve has recently been barricaded off by Daracon for extensive restoration works which will prevent the installation of the tap in the near future.

CONFIDENTIAL ITEMS



In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 27 APRIL 2010

120	Councillor Steve Tucker Councillor John Nell	It was resolved that Council move into Confidential Session.
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CONFIDENTIAL

ITEM NO. 1

FILE NO: T28-2009; PSC2007-2449

LEISURE SERVICES TENDER T28-2009

REPORT OF: JASON LINNANE – ACTING GROUP MANAGER

GROUP: FACILITIES AND SERVICES

ORDINARY COUNCIL MEETING – 27 APRIL 2010

121	Councillor Bruce MacKenzie Councillor Ken Jordan	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Accept the tender of YMCA of Sydney as set out within their tendered submission.2. The initial term will be three (3) years plus a two (2) year extension based on performance and contract provisions.3. Delegates responsibility to General Manager to review contract performance in line with contract provisions and execute an extension or cessation of contract at year 3.
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There being no further business the meeting closed at 9.21pm.

I certify that pages 1 to 90 of the Open Ordinary Minutes of Council 27 April 2010 and the pages 91 to 100 of the Confidential Ordinary Minutes of Council 27 April 2010 were confirmed by Council at its meeting held on 11 May 2010.

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Cr Bruce MacKenzie
MAYOR