

## MINUTES 9 JULY 2013



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 9 July 2013, commencing at 5.44pm.

PRESENT: Mayor B MacKenzie; Councillors C. Doohan; S. Dover; K. Jordan; P. Le Mottee; J. Morello; S. Tucker; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Executive Officer.

Aboriginal Elder Neville Lilley provided a Welcome to Country ceremony at the commencement of the Council meeting as part of the NAIDOC week celebration.

182	<b>Councillor Steve Tucker</b> <b>Councillor Chris Doohan</b>
	It was resolved that apologies from Crs John Nell, Geoff Dingle and Peter Kafer be received and noted.
183	<b>Councillor Ken Jordan</b> <b>Councillor Steve Tucker</b>
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 25 June 2013 be confirmed.
	There were no declarations of interest received.

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# MAYORAL MINUTE

# MAYORAL MINUTE

ITEM NO. 1

FILE NO: PSC2008-4044

## CONSTITUTIONAL RECOGNITION FOR LOCAL GOVERNMENT

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### THAT COUNCIL:

- 1) Write to all Federal & State Members of Parliament within the Hunter Region seeking their views on Constitutional Recognition for Local Government and the proposed Referendum to be held on 2013.
- 

### ORDINARY COUNCIL MEETING – 9 JULY 2013 MOTION

184	Mayor Bruce MacKenzie
	It was resolved that Council write to all Federal & State Members of Parliament within the Hunter Region seeking their support on Constitutional Recognition for Local Government and the proposed Referendum to be held on 2013.

### BACKGROUND

The purpose of this Mayoral Minute is to seek the views of all Federal and State Members of Parliament.

It is extremely important that all Members of the Australian Parliament and the NSW Parliament within the Hunter Region be open and transparent with respect to their views on the upcoming Referendum on Constitutional Recognition for Local Government.

This Referendum is of the utmost importance to the ratepayers and residents of the area. It will enable funding to be provided directly from the Federal Government to Local Government, as opposed to the current system where it is provided via the State Government from the Federal Government. This should see more money spent on the ground where it is needed most.

# COUNCIL REPORTS

ITEM NO. 1

FILE NO: PSC2006-6592

**DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2007 CHAPTER 11 – NORTH MEDOWIE RESIDENTIAL AREA****REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER****GROUP: DEVELOPMENT SERVICES**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the amended draft Port Stephens Development Control Plan 2007 Chapter 11 – North Medowie Residential Area (**ATTACHMENT 1**), in accordance with Section 74C of the Environmental Planning and Assessment Act 1979.
- 

**ORDINARY COUNCIL MEETING – 9 JULY 2013**

185	<b>Councillor Steve Tucker</b> <b>Councillor Paul Le Mottee</b>
	It was resolved that Council move in Committee of the Whole.

**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	That the recommendation be adopted.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Nil.

**MOTION**

187	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

## MINUTES FOR ORDINARY COUNCIL – 9 JULY 2013

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Nil.

### BACKGROUND

The purpose of this report is to review submissions received during exhibition of the draft Port Stephens Development Control Plan 2007 Chapter 11 – North Medowie Residential Area and present an amended draft Development Control Plan Chapter 11 – North Medowie Residential Area (Boundary Road) that addresses issues raised during public exhibition.

Council, at its meeting of 05 March 2013 resolved to proceed with the Planning Proposal for the subject land to rezone the land from 1c1 Rural Small Holdings to 1(c4) Rural Small Holdings, (c5) Rural Small Holdings, and 7(a) Environmental Protection, and at the same time resolved to place the draft Development Control Plan Chapter 11 – North Medowie Residential Area on exhibition for a period of 28 days.

Council has been advised by the Department of Planning and Infrastructure that the draft Port Stephens LEP 2000 (Amendment No 38) – Boundary Road, Medowie will shortly be made.

### FINANCIAL/RESOURCE IMPLICATIONS

The draft DCP and associated planning proposal have been assessed and developed within the existing budget allocation (Stage 1 & 2 fees).

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

The draft Development Control Chapter was prepared and exhibited in accordance with Section 74C of the Environmental Planning and Assessment Act 1974 and the Environmental Planning and Assessment Regulation 2000 for a period of 28 days.

The draft DCP Chapter is consistent with Council's resolution of 8 June 2011 and statement of strategic support included under the Medowie Strategy, which is to

provide a site-specific development control plan incorporating a master plan, to provide a transition to existing acreage development on the southern side of Boundary Road and encourage vegetation retention, and protection of conservation lands.

<b>Risk</b>	<b><a href="#">Risk Ranking</a></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk of environmental impact	Low	Offset agreement due to the loss of vegetation required to be undertaken prior to any development of the subject land	

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The draft DCP Chapter seeks to protect additional environmental attributes where appropriate throughout the developable land. The draft DCP Chapter has been amended to address potential traffic impacts (discussed below in detail) and includes a statement requiring the provision of cycle way connections that link to the existing Medowie cycle way network.

### **CONSULTATION**

The draft Development Control Plan Chapter 11 – North Medowie Residential Area was exhibited for a period of 28 days from 28 March 2013 to 24 April 2013. One submission was received during the exhibition period (**ATTACHMENT 2**). This submission relates to potential traffic impacts on an adjoining property, known as 5 Settlers Close, Medowie. This property is situated at the head of a "T" intersection with Overland Avenue, Medowie. The exhibited DCP Chapter would result in another "T" intersection at the rear of that property (**ATTACHMENT 3**). An additional "T" intersection at this location is considered to be an overburden on the subject property. The issues raised in the submission relating to the location of the proposed "T" intersection are considered to be valid, and as such, the proposed road and lot layout has been amended and incorporated into the revised DCP at (**ATTACHMENT 1**). The proponent was advised of this issue and agreed to the road layout changes in order to ameliorate any associated traffic impacts. Other issues in the submission relate to increases in traffic on Boundary Road and the need to slow traffic on Boundary Road. The likely increases in traffic amounts along Boundary Road are considered acceptable. Speeds along Boundary Road will be limited in keeping with existing local residential area speed limits.



**OPTIONS**

- 1) Adopt the recommendations of this report to facilitate Councils resolution of 5<sup>th</sup> March 2013;
- 2) Amend the proposed draft Port Stephens DCP 2007 Chapter 11 – North Medowie Rd Area. This may require re-exhibition of the draft DCP depending the changes;
- 3) Reject the recommendations of this report, the objectives of the draft chapter and coordinated subdivision pattern may not occur due to no policy.

**ATTACHMENTS**

- 1) Proposed Draft Port Stephens Development Control Plan 2007 Chapter 11 – North Medowie Residential Area;
- 2) Submission;
- 3) Previously Exhibited Draft Port Stephens Development Control Plan 2007 Chapter 11 – North Medowie Residential Area.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

## ATTACHMENT 1

### Proposed Draft Port Stephens Development Control Plan 2007 Chapter 11 – North Medowie Residential Area

Port Stephens DCP 2007

North Medowie Residential Area

C11

#### Chapter C11 – North Medowie Residential Area

##### 1. Where this part applies

This part applies to subdivision of land identified in Figure 1 – North Medowie Residential Area (NMRA).

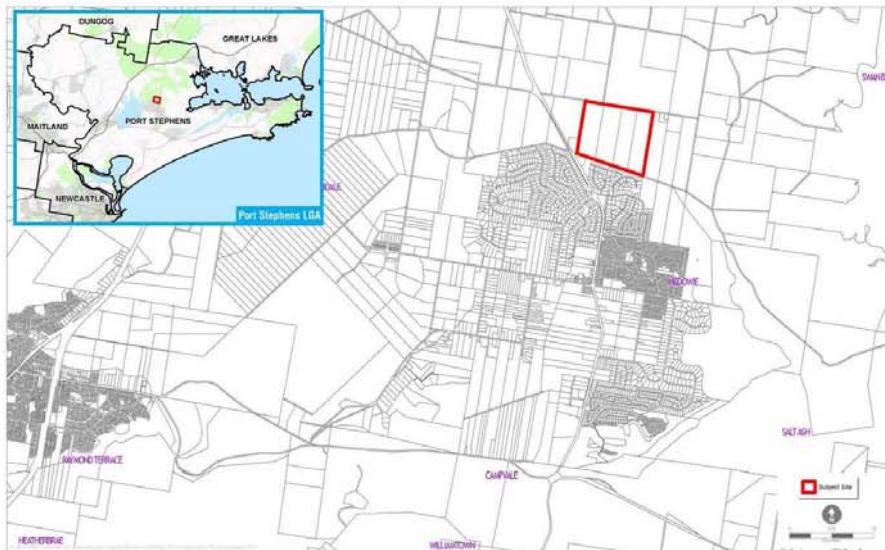


Figure 1 – North Medowie Residential Area Location

##### 2. Objectives

###### 2.1 Desired Character

To establish the desired character for land to which this DCP Chapter applies.

###### 2.2 Hazard Management

To ensure human life is protected through adequate flooding and bushfire protection and egress opportunities.

###### 2.3 Access and Movement

To establish indicative locations for roads within the residential area that ensures appropriate connectivity and movement capacity.

To provide a legible, efficient and permeable road structure that facilitates efficient connectivity within the release area for both pedestrians and vehicles.

To provide a road structure that accommodates adequate provision for fire fighting vehicles.

To enhance the streetscape and visual amenity by retaining existing trees where possible.

To provide cycle way connections that link to the existing Medowie cycle way network.

###### 2.4 Open Space and Landscape

To utilise the natural topography and drainage patterns where possible.

## 2.5 Stormwater and Water Quality Management

To effectively manage stormwater within the NMRA so that the impacts downstream are minimised and improved.

To implement sustainable stormwater mitigation systems that can be maintained efficiently using resources available to the maintainer.

The natural alignment and profile of watercourses are retained wherever possible along with dedicated riparian corridors.

WSUD measures are preferably sustainable passive systems that can be maintained efficiently. WSUD measures are an appropriate size that optimises the environmental benefits whilst not creating unsustainable operation and maintenance requirements.

## 2.6 Utility Servicing

To provide building servicing for the following utilities to ensure allotments are adequately serviced with:

- Electricity
- Sewer
- Potable water
- Telecommunications

## 2.7 Allotment Design

To maximise the amenity and provide a co-ordinated character for the neighbourhood by providing a minimum allotment standard.

## 2.8 Building Design and Setbacks

To maximise the amenity and provide a consistent character for the neighbourhood by providing appropriate building envelopes.

## 3. Development requirements

### 3.1 Desired Character

The Desired Character defined in Table A, applies to the precincts shown in Figure 2 – North Medowie Residential Area Precincts.

Table A – Desired Character for Precincts.

Development Precinct	Desired Characteristics
Large Lot Residential Precinct	Residential allotments are to complement existing residential development located to the south of Boundary Road. Allotments are a minimum 4,000sqm and reflect similar built form site coverage with the allotments to the south.
Bushland Residential Precinct	Residential allotments are a minimum 1000sqm in size, containing a managed landscape of established trees. The dominant characteristic of the precinct is corridors (established in the Vegetation Management Plan principles) of retained established trees along streets and the rear boundaries of allotments in this precinct.  The precinct acts as a transition between the Conserved Forest Precinct and other precincts. This is to be characterised through the provision of physical and visual linkages to the edge of Medowie State Forest and conserved forest areas, optimising the high amenity provided by these areas.  Development on allotments is to be of a high quality and contain materials and finishes sympathetic to the bushland setting.
Parkland Residential Precinct	Residential allotments minimum 1000sqm in size in a managed landscape setting retaining established trees in accordance with the Vegetation Management Plan.
Koala Feed Trees Precinct	This area forms a natural low area. The space is to include the protection of significant (SEPP 44 and hollow-bearing) trees. This park is to be dedicated to Council if required otherwise will remain in private ownership for the protection of trees.
Conserved Forest Precinct	Retained significant ecological features to provide a native forest for visual amenity, microclimatic amenity and to achieve ecological conservation outcomes.  To form part of the adjoining conserved lands managed by National Parks.
Infrastructure Precinct	An open space area with provision to accommodate infrastructure, including but not limited to storm water detention and electrical substation (if required). The appearance of the precinct is consistent with the adjoining precincts and seamlessly connects to the Conserved Forest Precinct. Infrastructure elements are located and designed to limit the visual impact when viewed from the streets and adjacent residential development.

3



Figure 2 – North Medowie Residential Area Precincts.

4

Table B – Development requirements

Control	Requirements
C11.1 Hazard Management	C11.C1 Asset Protection Zone (APZ) setbacks are provided in accordance with Planning for Bushfire Protection 2006.
	C11.C2 A minimum 25m APZ is provided between buildings and potentially hazardous vegetation to minimise potential risk to people and property.
	C11.C3 All allotments provide a site for a dwelling of 200sqm with minimum dimensions 12m x 16m.
	C11.C4 Provision of a perimeter local road in accordance with <b>Access and Movement</b>
	C11.C5 Subdivision plans to indicate APZs.
C11.2 Access and Movement	C11.C6 The main entry to Meadowie Road for vehicles and pedestrians is provided from Boundary Road.
	C11.C7 Pedestrian movement spaces are accommodated with road reservations in accordance with FIGURE 3 Indicative Road Layout Plan.
	C11.C8 Road design is in accordance with Councils Infrastructure Specification, including provisions for service vehicles and Rural Fire Service vehicles.
	C11.C9 Roads are provided in accordance with the indicative road layout plan (FIGURE 3).
	Collector Road (Boundary Road) C11.C10 Accommodates: <ul style="list-style-type: none"> <li>• Upgrade of intersection with Meadowie Road and western Road</li> <li>• Space for pedestrian movement; and</li> <li>• On-road cycling</li> </ul>
Local Roads	C11.C11 Road reserve of minimum 20m wide.
	C11.C12 Local roads accommodate a carriageway of 6.5m.
	C11.C13 Accommodate direct movement path clear of obstructions for pedestrian movement (off road) where specified in FIGURE 3 Indicative Road Layout Plan.
C11.3 Open Space and Landscape	C11.C14 Provision of a Vegetation Management Plan prior to, or concurrently with subdivision plans.
	C11.C15 Vegetation Management Plan(s) are prepared in accordance with the principles specified below.
	C11.C16 Utilise plant species of local provenance for where new plantings are proposed.



**C11.4 Vegetation Management Plan Principles**

Bushland Residential Precinct	C11.C17	Retention of all Hollow-bearing and SEPP 44 Trees.
	C11.C18	Provide vegetation in management corridors <ul style="list-style-type: none"> <li>15m wide along the rear boundary</li> <li>10m wide along road frontage.</li> </ul>
	C11.C19	Preserve vegetation in management corridor hatched area in accordance with the following criteria: <ul style="list-style-type: none"> <li>Retention of all Hollow-Bearing Trees and</li> <li>Retention of as many trees as possible while providing Two (2) metre separation between tree canopies.</li> <li>Trees to have lower limbs removed (skirted) up to a height of 2 metres above the ground.</li> <li>Management of the surface fuels such that 15% of those fuels remain in the form of clumps approximately 3.3 x 3.3 metres in size.</li> <li>Removal of all flammable shrubs within 10m of the inner corridor edge.</li> <li>Maintain grass/ground vegetation up to 100-150mm in height.</li> </ul>
	C11.C20	Retain Hollow Bearing and SEPP 44 Trees outside hatched areas when located within 2.5m of a side boundary.
Parkland Residential & Large Lot Residential Precincts	C11.C21	Retain Hollow Bearing and SEPP 44 Trees when located within 2.5m of a side boundary or 15m of a rear boundary.
	C11.C22	Other Hollow Bearing and SEPP 44 Trees to be retained when minimum 200sqm footprint with minimum 12m depth can be accommodated.
	C11.C23	Understory to be cleared and managed in accordance with bushfire protection requirements.
Koala Feed Trees Precinct	C11.C24	Retention of all Hollow Bearing and SEPP 44 Trees in this precinct.
	C11.C25	Understory to be clear and managed in accordance with bushfire protection requirements.
Conserved Forest Precinct	C11.C26	Retention of all vegetation in this precinct. To be held in active management as part of the adjoining State Conservation Area.
C.11.5 Fencing	C11.C27	All fences, other than pool fences, are timber paling fences. Colourbond fences of any type must not be used in any part of the development.
	C11.C28	Barbed wire is not used as part of fences.

Note: If the fence is a dividing fence, the Dividing Fences Act 1991 also applies.

C.11.6 Stormwater and Water Quality Management	C11.C29	Design streets to maximise on-site stormwater infiltration and minimise the need for storm water detention
	C11.C30	Public Drainage Systems and Public Water are designed and constructed in accordance with council's Infrastructure Specification – Design.
	C11.C31	Stormwater Quality Improvement devices (SQID's) are designed and constructed to be taken off-line to minor and major drainage systems.
	C11.C32	The detention basin is to be constructed prior to the completion of Stage 1 of the development.
	C11.C33	Land required for drainage and water quality structures, including sufficient surrounding land to access and maintenance the structures, shall be dedicated as drainage reserve (i.e. not as public reserves and the like).
C.11.7 Utility Servicing	C11.C34	All lots within the release area are supplied with connection to a suitable supply of the following services. <ul style="list-style-type: none"> <li>○ Electricity</li> <li>○ Sewer</li> <li>○ Potable water</li> <li>○ Telecommunications</li> </ul>
	C11.C35	The NMRA is serviced with underground service connections, following road alignments where possible.
	C11.C36	Infrastructure design is in accordance with infrastructure service provider engineering design specification, including Port Stephens Council Infrastructure Specification.
C.11.8 Allotment Design	C11.C37	All allotments have a minimum width of 20m along the primary road frontage.
	C11.C38	All allotments accommodate a building location zone of a minimum 200sqm area and a minimum depth of 12m, after accommodating the areas of retention in accordance with the vegetation management plan and any building setback requirements.
C.11.9 Building Design and Setbacks	C11.C39	Minimum building setbacks are to be provided as follows: <ul style="list-style-type: none"> <li>Front - 10m</li> <li>Side - 2.5m</li> <li>Rear - 15m</li> </ul>
	C11.C40	Ancillary structures are located to the rear of buildings, where buildings have dual street frontage, ancillary structures are located away from the primary street frontage.
	C11.C41	Materials and finishes are consistent with the bushland forest character of the immediate area.




Figure 3 Indicative Access and Movement Layout Plan



ATTACHMENT 2

Submission

  
24.4.13

The General Manager  
Port Stephens Council  
Dear Sir

Thankyou for giving us the opportunity to comment on the Draft Development Control Plan Chapter 11-North Medowie Residential Area. PSC 2006-6592

Boundary Rd runs along the rear of our property. This is currently a quiet, rural road with just 4 houses and abundant wildlife. This was a major reason for us in purchasing our property.

Our most outstanding concern regarding the Development is,

**Excessive Traffic on Boundary Rd** at the rear of existing properties

**Another T- intersection** within close proximity to our house

**C11.2 Access and Movement**

Our major concerns with the Access and Movement Layout Plan Figure 3.

When looking at Figure 3 the fourth side street on the left is almost opposite the rear of our property.

As we already live opposite the T- intersection of Overland and Settlers Close and suffer from *headlights, breaking and acceleration noise* we do not wish to have another T- intersection within close proximity to our house.

PORT STEPHENS COUNCIL Information Services
24 APR 2013
File No. PSC 2006-6592
Action by Rebecca Connors
Parcel

The Development is basically divided into two halves, with limited access in between, forcing people to use Boundary Rd as the main access road to the eastern half.

In order to improve this access, as well as *reducing the traffic on Boundary Rd* we ask that the short road (4) at the rear of our property be removed; the road running parallel to Boundary Rd be extended to road(3) and that another road added on the north side of the park.

#### Number of Vehicles Using Boundary Road

If the proposed development does go ahead there will be 350 blocks. Given that most people have 2 cars, this means that there will be at least 700 cars accessing the area.

As Boundary Road is a reasonably long, straight road we fear that it will become a local raceway. We ask that adequate provision be made by narrowing of the road at the eastern end, use of chicanes and other traffic calming methods.

In short we request that:

- Adequate provision is made to reduce speeding on Boundary Rd.
- Access and Movement Layout Plan is adjusted to eliminate T-intersection and excessive traffic to the rear of existing properties.

Yours faithfully



### ATTACHMENT 3

#### Attachment 3 – Previously Exhibited Plan in the Draft Port Stephens DCP Chapter 11 – North Medowie Residential Area Compared to Proposed Draft Port Stephens DCP Chapter 11 – North Medowie Residential Area



Figure 3 Indicative Access and Movement Layout Plan – as exhibited

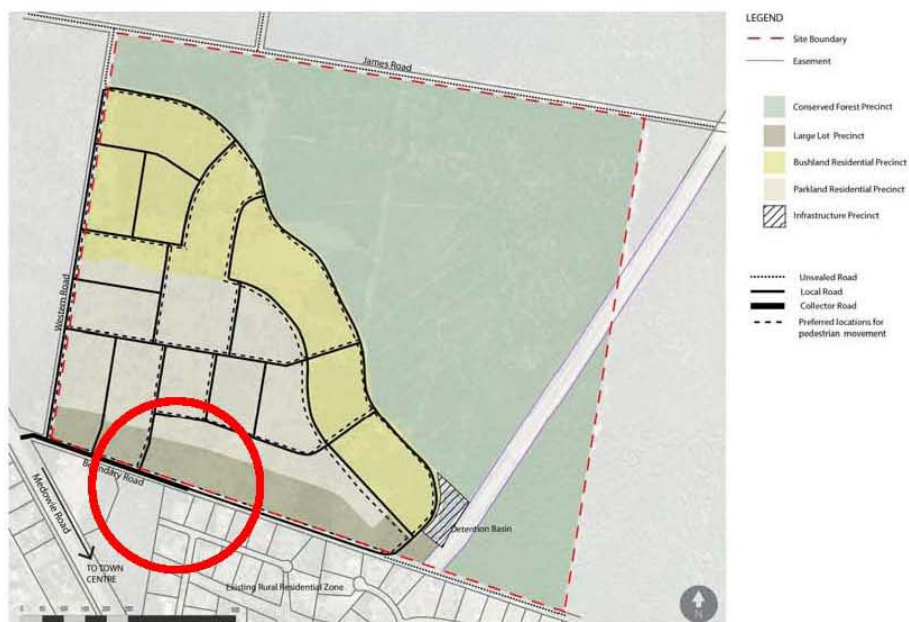


Figure 3 Indicative Access and Movement Layout Plan – as proposed

ITEM NO. 2

FILE NO: PSC2011-03664

## PLANNING PROPOSAL – FULLERTON COVE WOOLWORTHS

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING AND ENVIRONMENTAL  
SERVICES SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal at **(ATTACHMENT 1)** in respect of Lot 14 DP258848, 135A Fullerton Cove Road, Fullerton Cove for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 to facilitate further investigations into rezoning the subject land to part 3(a) General Business and part 7(a) Environment Protection under the Port Stephens Local Environmental Plan 2000.
  - 2) Resolve to proceed with the Planning Proposal on the basis that the Proponent will investigate biodiversity offsets under the NSW Biodiversity Banking and Offsets Scheme following a Gateway Determination.
- 

### ORDINARY COUNCIL MEETING – 9 JULY 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Councillor Steve Tucker</b> <b>Councillor John Morello</b>
	<p>That Council:</p> <ol style="list-style-type: none"><li>1. Adopt the Planning Proposal at <b>(ATTACHMENT 1)</b> in respect of Lot 14 DP258848, 42 Fullerton Cove Road, Fullerton Cove for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 to facilitate further investigations into rezoning the subject land to part 3(a) General Business and part 7(a) Environment Protection under the Port Stephens Local Environmental Plan 2000.</li><li>2. Resolve to proceed with the Planning Proposal on the basis that the Proponent will investigate biodiversity offsets under the NSW Biodiversity Banking and Offsets Scheme following a Gateway Determination.</li></ol>

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

## MINUTES FOR ORDINARY COUNCIL – 9 JULY 2013

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Nil.

### MOTION

188	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Nil.

### BACKGROUND

The purpose of this report is to recommend that Council rezone land at Fullerton Cove for part general business development and part environmental protection, subject to satisfactory resolution of biodiversity constraints.

Details of the Planning Proposal:

**Planning Proposal:** To amend the Port Stephens Local Environmental Plan 2000 or draft Port Stephens Local Environmental Plan 2013 (whichever is in force at the time). Refer to **(ATTACHMENT 1)**.

**Subject land:** Lot 14 DP258848, 135A Fullerton Cove Road, Fullerton Cove.

**Proponent:** urbis on behalf of Woolworths.

**Current zones:**

- 1(a) Rural Agriculture Port Stephens Local Environmental Plan 2000.
- RU2 Rural Landscape Draft Port Stephens Local Environmental Plan 2013.

**Proposed zones:**

- 3(a) General Business and 7(a) Environmental Protection Port Stephens Local Environmental Plan 2000.
- B1 Neighbourhood Centre and E2 Environmental Conservation Draft Port Stephens Local Environmental Plan 2013.

The Proponent requests the subject land be rezoned from 1(a) Rural Agriculture to part 3(a) Commercial and part 7(a) Environment Protection in accordance with the Planning Proposal at **(ATTACHMENT 1)**. A Location Map and Draft Zoning Map are at **(ATTACHMENT 2)** and **(ATTACHMENT 3)** respectively.

It is intended to review the Planning Proposal in the event of a Council resolution and Gateway Determination from the NSW Department of Planning and Infrastructure allowing detailed investigations to proceed. These investigations will inform a revised Planning Proposal.

The Planning Proposal is not the direct result of any particular planning strategy. The Proponent is requesting that the subject land be considered for rezoning on its own merits as below:

The proposal aligns with community feedback received during the preparation of the Port Stephens Futures Strategy which identified a need for "reasonable facilities that match the population" within the Fern Bay and Fullerton Cove locality.

It presents an opportunity for the creation of 150 new jobs (100 permanent and 50 during construction).

It provides an opportunity for increased retail choice and shopper convenience, which in turn will reduce the number of required trips to other centres, reduce travel times, and the costs associated with travelling, and the amount of carbon released into the atmosphere.

It provides an opportunity to enhance the use of existing public transport services that connect the site to other areas within the Port Stephens and Newcastle Local Government Areas (LGA).

It relates to land that is of sufficient size to enable flexibility in siting and design that can allow for the management and protection and potential enhancement of key vegetation and environmental values of the site.

It retains existing residentially zoned land opposite the site and the opportunity already afforded to satisfy housing need and demand in the locality.

It does not expose the community to any cost associated with the upgrading of trunk infrastructure to support the development. Any infrastructure upgrades will be at full cost to the proponent.

It provides for a physical separation of potentially incompatible land uses between retail and residential uses. The immediate local road network and remnant vegetation corridors provide an opportunity to enable these uses to co-exist in close proximity to each other yet facilitate the effective management of amenity issues such as noise, lighting, traffic and environmental impacts.

There are potential environmental impacts associated with pursuing rezoning of the land with a possible loss of 1.8 hectares of Freshwater Wetland for general business development.

The proposal demonstrates the merits of investigating the subject land for rezoning at a broader strategic level prior to committing more financial resources at this early

stage of the planning process. The proponent is to provide more detailed environmental studies, including suitable "offsets" as required by the NSW Office of Environment and Heritage in the event of a 'positive' Council resolution and Gateway Determination from the NSW Department of Planning and Infrastructure.

The findings of these studies will inform with greater certainty a suitable zoning footprint and facilitate the preparation of a draft planning proposal for public exhibition.

Due to the range of issues involved the Planning Proposal will be reported back to Council prior to being placed on public exhibition. This will also provide the proponent greater clarity regarding the next stage of the Planning Proposal as determined by the Gateway Determination.

### **FINANCIAL/RESOURCE IMPLICATIONS**

There are no direct financial implications if Council adopts the recommendation to proceed.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		
Reserve Funds	No		
Section 94	Yes		The proposal will result in additional Section 94 funds for Council
External Grants	No		
Other	Yes	\$24,150 \$13,815.60	Stage 1 Planning Proposal fees of \$24,150 have been paid. Stage 2 fees (\$13,815.60) are payable post gateway determination.

### **LEGAL, POLICY AND RISK IMPLICATIONS**

The Planning Proposal is to be progressed in a manner consistent with statutory and policy requirements. The Planning Proposal is consistent with the Port Stephens Planning Strategy as it is located in an area generally identified as the "Eastern Growth Corridor". The land however, is within the Lower Hunter Regional Strategy Watagan Stockton Green Corridor. The Lower Hunter Regional Strategy is currently under review and the status of the Watagan Stockton Green Corridor is untested at this time. As the review of the Lower Hunter Regional Strategy is being undertaken by the same government department that issues a Gateway Determination, it is considered that the risks associated with progressing the Planning Proposal are minimal.

#### Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) states that by focusing a greater proportion of development within the identified major regional centres and

surrounding neighbourhoods, a more sustainable balance of infill development will be achieved.

The planning proposal is consistent with the LHRS by providing logical employment opportunities for the future growth of the projected population in the local government area. The planning proposal will facilitate additional employment and economic opportunities by integrating with an existing residential area and maximising the use of existing infrastructure and road network connections.

However, the subject land is not located in any of the identified centres or renewal corridors within the LHRS and in this regard, is inconsistent with the LHRS.

The planning proposal is inconsistent with the LHRS in that the subject land is located within the Watagan Stockton Green Corridor. The LHRS specifically states that the Sustainability Criteria will not apply in the Watagan to Stockton green corridor to protect the significant biodiversity and natural resource value of this area.

The Lower Hunter Regional Strategy is currently under review by the Department of Planning and Infrastructure, and as such, the status of the Watagan Stockton Green Corridor is untested at this time.

#### Port Stephens Planning Strategy (PSPS)

Fullerton Cove has been identified within the PSPS as an Eastern Growth Corridor suggesting the location is appropriate for future employment growth however, the potential for additional growth in the medium to long term within this corridor has not yet been evaluated. The PSPS states that this evaluation will occur following a review of the LHRS and completion of the Raymond Terrace/Heatherbrae Growth Strategy.

The Commercial and Industrial Lands Study (SGS, 2010) established a commercial hierarchy for the LGA within the PSPS, based on the function performed by each centre. The Fern Bay area is identified as a "Smaller Village Centre", which limits services in these areas to a pub or general store. The Fullerton Cove area is identified as a subcategory of the "Smaller Village Centre", that contains no commercially zoned or occupied floor space.

The PSPS recognises the significant new residential development in the Fern Bay area (population projections indicate a population of 5,211 people in 2031) and seeks to accommodate retail demand within the existing general store and adjacent site on the corner of Vardon Road, with an additional expectation of a small area of commercially zoned land within the new Seaside Estate. Approximately 1ha of land has been identified in the draft Port Stephens LEP 2013 for B1 Neighbourhood Centre however, it is argued that the location of this land does not lend itself to servicing the broader community as it is located within an emerging community titled residential estate that essentially functions as a 'gated community'.

The PSPS recognised that the amount of commercial land may need to be increased to accommodate increased demand. The planning proposal is based on a projected population within the Main Trade Area (Fullerton Cove, Stockton, Fern Bay, Kooragang, Tomago and Williamstown) of 10,480 people in 2026, providing justification for the increase in the amount of commercial land.



The proposal is seen as contributing to the wider Primary Growth Corridor of the LGA and the objectives of the long term strategy.

Port Stephens Economic Development Strategy 2007

The Economic Development Strategy identifies the need to build foundations for growth by ensuring adequate employment lands are available to support future industry growth.

Port Stephens Local Environmental Plan 2000

The draft LEP amendment proposes to rezone the subject land from 1(a) Rural Agriculture to part 3(a) General Business and part 7(a) Environmental Protection.

If the land is rezoned, development will be permissible, subject to consent, in accordance with 3(a) General Business and 7(a) Environmental Protection zones under Port Stephens LEP 2000.

Draft Port Stephens Local Environmental Plan 2013

The draft LEP amendment proposes to rezone the subject land from RU2 Rural Landscape to part B1 Neighbourhood Centre and E2 Environmental Conservation in the draft Port Stephens Local Environmental Plan 2013.

If the land is rezoned, development will be permissible, subject to consent, in accordance with B1 Neighbourhood Centre and E2 Environmental Conservation zones under draft Port Stephens Local Environmental Plan 2013.

Port Stephens Development Control Plan (DCP) 2007

If the land is rezoned, the provisions for commercial development in the Port Stephens Development Control Plan 2007 will apply. All future development will need to be assessed against the relevant provisions of the DCP.

Risk

There is a risk that if the environmental offset cannot be resolved as part of the Gateway process then the matter cannot proceed. This issue will be required to be resolved prior to the plan proceeding following Gateway Determination.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that due process is not followed	Low	Care is taken to ensure due process is followed	Yes
There is a risk that the Planning Proposal does not proceed	Low	Ensure that planning issues are identified during the Planning Proposal process are addressed efficiently and effectively.	Yes
There is a risk that the Planning proposal is amended during the decision making process	Low	Ensure that any amendments are consistent with ensuring that the objectives of the Planning Proposal are met.	Yes
There is risk a risk that the land is zoned for 3(a), but cannot be developed due to environmental constraints.	Medium	The proponent will need to demonstrate compliance with the NSW Bio Banking Offset Scheme prior to the proposal proceeding post Gateway.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The provision of a retail centre at the site will result in a positive social impact in the locality. The population of the main trade area (MTA) is estimated to be 7,730 residents and is expected to experience growth associated with the development of urban release areas (most are proximal to the site), increasing to a population of 10,480 by 2026. A significant proportion of residents within the MTA are aged 60 years and over (30%).

Currently, these residents have no alternative other than to travel long distances for their basic grocery needs, incurring expense (associated with travel costs) and inconvenience. The proposal will also create jobs within the community (in the order of 100 ongoing employment opportunities and 50 during construction) and encourage competition for existing retailers, resulting in a greater variety of product choice and value for residents.

A market assessment, including a review of the likely future demand for retail floor spaced within the MTA (Fullerton Cove, Fern Bay, Stockton, Kooragang, Tomago and Williamstown) confirms there is sufficient existing capacity to accommodate the development of a new retail centre of the scale and type proposed without adversely impacting the viability of existing retail centres in the LGA.

The subject site is of high ecological value. The proposed amendment will result in the direct removal of up to 1.8 hectares of the endangered ecological community "*Freshwater Wetlands on coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions*", which also provides habitat potential for the Green and Golden Bell Frog and a number of threatened birds and flying fox. The proposal will also impact on the endangered ecological community "*Swamp Sclerophyll Forest*". Koala habitat will also potentially be impacted.

The proposal was forwarded to Council's Natural Resources Section for comment. The Natural Resources Section does not support the proposal due to the high ecological value of the land and the impact on threatened species and their habitats and the difficulty associated with securing satisfactory biodiversity offsets.

Further detailed investigation is required to support the proposal. A balanced approach to the proposal regarding the potential environmental impacts versus the positive social and economic impacts is required. It is recommended that the proposal be supported subject to suitable arrangements being made under the NSW Biodiversity Banking and Offsets Scheme following a Gateway Determination.

## **CONSULTATION**

The Planning Proposal will be referred to relevant authorities for comment in the event of a Council resolution and Gateway Determination allowing it to proceed. It is anticipated that the main authorities will be the Office of Environment and Heritage, Roads and Maritime Services, Rural Fire Service and utility providers.

In the event of public exhibition the Planning Proposal should be placed on exhibition for a period of at least 28 days. Notice will be placed in the local newspaper and adjacent landowners will be notified in writing. Copies of the Planning Proposal will be available in local libraries, on Council's website and at Council's Administration Building in Raymond Terrace.

## **OPTIONS**

- 1) Adopt the recommendations of this report;
- 2) Amend the recommendations of this report;
- 3) Reject the recommendations of this report.

## **ATTACHMENTS – All listed below provided Under Separate Cover**

- 1) Planning Proposal;
- 2) Locality Map;
- 3) Proposed Land Use Zone Maps.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

ITEM NO. 3

FILE NO: T301213HUN

## T301213HUN - SUPPLY AND DELIVERY OF HYGIENIC SERVICES

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

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### RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 3 on the Ordinary Council agenda namely **Supply and Delivery of Hygienic Services**.
  - 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 **Supply and Delivery of Hygienic Services**.
  - 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.
  - 5) Accept the tender of Rentokil Initial Pty Ltd T/A Pink Hygienic Solutions for the period on 1 July 2013 to 30 June 2015.
  - 6) That a provision be allowed for a 12 months extension based on satisfactory supplier performance which will take this tender through to 30 June 2016.
-

## MINUTES FOR ORDINARY COUNCIL – 9 JULY 2013

### ORDINARY COUNCIL MEETING – 9 JULY 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Councillor Paul Le Mottee</b> <b>Councillor Steve Tucker</b>
	That Council:  1) Accept the tender of Rentokil Initial Pty Ltd T/A Pink Hygienic Solutions for the period on 1 July 2013 to 30 June 2015.  2) That a provision be allowed for a 12 months extension based on satisfactory supplier performance which will take this tender through to 30 June 2016.

### MOTION

<b>189</b>	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

### BACKGROUND

The purpose of this report is to recommend to Council the preferred tenderer for the provision of Supply and Delivery of Hygienic Services.

Regional Procurement Initiative, a division of Hunter Councils Inc has been established in response to a need for a collaborative approach to regional tendering and contracting. It is estimated the Regional Procurement Initiative members contribute upward of \$200M to the region through their tenders and contacts.

Tenders were invited as part of a wider Regional Procurement Initiative. Tenders were called on behalf of nine (9) participating member councils. Regional Procurement received a total of six tenders for the Supply and Delivery of Hygienic Services.

The submission of Rentokil Initial Pty Ltd T/A Pink Hygienic Solutions offered the best value as a service provider.

## FINANCIAL/RESOURCE IMPLICATIONS

Each section contributes proportionately towards the funding for the provision of this service.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	15,000	Total expenditure for the organisation.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

## LEGAL, POLICY AND RISK IMPLICATIONS

Employers have a duty to ensure the health, safety and welfare of their employees and other people within the workplace. The provision of professional hygienic services contributes towards the good health and well-being of Council employees and other people.

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is risk that the tender will not be accepted and hygiene services will not be delivered	Low	Accept tender or retender for services.	No

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Hygiene Services are provided to acceptable standards with appropriate service levels.

## CONSULTATION

- 1) Procurement & Contract Coordinator;
- 2) Regional Procurement.

**OPTIONS**

- 1) Adopt the recommendation;
- 2) Amend the recommendation;
- 3) Reject the recommendations.

**ATTACHMENTS** - All listed below provided under separate cover.

- 1) Tender Evaluation Summary – (Confidential).

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 4****FILE NO: 1190-001****REQUEST FOR FINANCIAL ASSISTANCE**

**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER**  
**GROUP: GENERAL MANAGER’S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
    - a) Rapid Response – Cr Geoff Dingle – Medowie Lions Club – Donation to funding to offset cost of hiring Community Centre - \$306.90
    - b) Rapid Response – Cr Steve Tucker – Tilligerry Chamber of Commerce – Reimbursement of Reserve Hire Fees - \$149.00
    - c) Rapid Response – Cr Ken Jordan – Karuah Working Together – Reimbursement of Council Fees - \$500.00
    - d) Rapid Response – Cr Ken Jordan – Seaham Pre-School – Donation to maintain external and internal environments - \$500.00
- 

**ORDINARY COUNCIL MEETING – 9 JULY 2013**  
**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Chris Doohan</b> <b>Councillor Sally Dover</b>
	That the recommendation be adopted.

**MOTION**

<b>190</b>	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

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



## MINUTES FOR ORDINARY COUNCIL – 9 JULY 2013

The new Financial Assistance Policy provides the community and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

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

The requests for financial assistance are shown below is provide through Mayoral Funds, Rapid Response or Community Capacity Building:-

### WEST WARD – Councillors Jordan, Kafer & Le Mottee

Karuah Working Together	Reimbursement of Council Fees.	\$500.00
Seaham Pre-School	Donation to maintain external and internal environments.	\$500.00

### CENTRAL WARD – Councillors Dingle, Doohan & Tucker

Medowie Lions Club	Donation to funding to offset cost of hiring Community Centre.	\$306.90
Tilligerry Chamber of Commerce	Reimbursement of Reserve Hire Fees.	\$149.00

### FINANCIAL/RESOURCE IMPLICATIONS

Council Ward, Minor Works and Mayoral Funds are the funding source for all financial assistance.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	1455.90	\$1,000 from West Ward funds and \$455.90 from Central Ward funds.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

**LEGAL AND POLICY IMPLICATIONS**

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

The policy interpretation required is whether the Council believes that:

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

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

- 1) Mayor;
- 2) Councillors;
- 3) Port Stephens Community.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM NO. 5

FILE NO: PSC2012-02371

**LOCAL GOVERNMENT NSW CONFERENCE – SYDNEY – OCTOBER 2013**

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominate four (4) voting delegates for the Local Government NSW Conference;
  - 2) Nominate Mayor and Councillors who wish to attend the Local Government NSW Conference.
- 

**ORDINARY COUNCIL MEETING – 9 JULY 2013  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	That Council nominate Mayor Bruce MacKenzie, Cr Steve Tucker, Cr Ken Jordan and Cr Paul Le Mottee as Council voting delegates, and that Cr Chris Doohan, Cr Sally Dover and Cr John Morello also be registered to attend the conference.

**MOTION**

191	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the Committee of the Whole recommendation be adopted.

**BACKGROUND**

The purpose of this report is to inform Council of the 2013 Local Government NSW Conference which will be held in Sydney from 1 to 3 October 2013 at Town Hall.

Council is aware that the former Local Government and Shires Association became Local Government NSW (LGNSW) from 1 March 2013.

## MINUTES FOR ORDINARY COUNCIL – 9 JULY 2013

As a member of the LGNSW, Council is eligible to have four voting delegates attend. Council has four (4) registrations available for Councillors to attend this years conference and is asked to consider the nomination of four Councillors to attend.

All Councillors wishing to attend this conference are asked to nominate at the time of considering this report.

### FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$880/delegate	Registration cost is \$880/delegate (early bird) or \$990/delegate (after 20 August). Accommodation and transport is an additional cost. These costs are covered under the policy and the existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<a href="#">Risk Ranking</a>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its' reputation damaged by not attending and not participating in the debate on key Local Government matters.	Low	That the Mayor and Councillors represent the Port Stephens local government area.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council's involvement in this conference allows Port Stephens Council to have a voice in policy matters for the Local Government industry.

**CONSULTATION**

General Manager

**OPTIONS**

- 1) Adopt the recommendation;
- 2) Amend the recommendation;
- 3) Reject the recommendation.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ATTACHMENT 1

**Local Government NSW Annual Conference 2013**

**DRAFT PROGRAM 1 - 3 October, 2013 (as of 22 May 2013)**  
**Sydney Town Hall, George Street, corner of Park Street, Sydney**

**Tuesday 1 October**

- 4.00pm – 8.00pm Registration opens  
Lower Ground Floor, Sydney Town Hall.
- 6.00pm – 8.00pm Presidents' Welcome Reception, Lower Town Hall, sponsored by YMCA.  
Welcome from the **Joint Presidents LGNSW**  
Welcome from **Cr Clover Moore, Lord Mayor of City of Sydney**  
Address by Welcome Function Sponsor

**Wednesday 2 October**

- 8.00am Registration opens in Lower Town Hall, Sydney Town Hall; Distribution of voting materials; Cloak Room opens in Treasury
- 9.30am – 10.00am *Morning Tea available in Trade Exhibition in Lower Town Hall sponsored by LG Super*
- 8.00am – 10.00am Voting for Executive Positions in Marconi Room, Ground Floor, inclusive of morning tea  
(voting is suspended from 10.00am – 11.00am)
- 11.00am – 1.00pm Voting for Executive Positions in Marconi Room, Ground Floor
- 10.00am – 12.00pm Official Opening Ceremony, Centennial Hall, Ground Floor  
**Official Opening Ceremony:**  
Welcome to Country **Glenn Doyle**  
National Anthem  
Introduction by the **Joint Presidents**  
Address from **Her Excellency Professor Marie Bashir AC CVO, Governor of NSW** (invited)  
Address from **Hon Barry O'Farrell MP, Premier of NSW** (invited)  
Presentation of the AR Bluett Awards  
Presentation of Outstanding Service Awards  
Adoption of Standing Orders.  
Presentation and Adoption of Treasurer's Report.
- 12.00pm – 1.00pm *Lunch in trade exhibition in Lower Town Hall sponsored by LG Super*
- 1.00pm – 1.30pm Keynote Address: **Hon Don Page MP, Minister for Local Government**
- 1.30pm – 3.30pm Opening of Business Session  
1.30pm – 1.45pm Keynote Address: **Cr Clover Moore, Lord Mayor of Sydney**.  
Consideration of Motions concerning but not limited to the Independent Local Government Review Panel – findings and directions (**Professor Graham Sansom** invited).
- 3.25pm 5 minutes address by LG Super as Distinguished Sponsor
- 3.30pm *Afternoon tea in Trade Exhibition in Lower Town Hall sponsored by LG Super*
- 4.00pm – 4.30pm **Hon John Robertson MP, Leader of the Opposition** (invited)

## MINUTES FOR ORDINARY COUNCIL – 9 JULY 2013

- 4.30pm – 5.00pm LGNSW – Plans for the Future (how your Association will assist its member councils in the year ahead, conference future, membership) Speakers TBC. 5 minute address by NRL Distinguished Sponsor
- 5.00pm End of Day proceedings. Sponsors Happy Hour in Trade Exhibition sponsored by NRL
- 6.00pm Sponsors Happy Hour in Trade Exhibition finishes.
- 4.00pm – 6.30pm Delegates Retreat in Trade Exhibition or Treasury Room as Cloak Room open for dinner arrivals/ changes/ *cloak room facilities to cater for changing for dinner for delegates not returning home*
- 7.30pm – 11.00pm Gala Dinner in Centennial Hall

### Thursday 3 October

- 8.00am Registration opens in Vestibule, Ground Floor, Sydney Town Hall.
- 9.00am Conference Business Session Opens for General Business. 5 minute presentation by NSW EPA as Distinguished Sponsor.
- 9.15am **Ms Gail Kelly, Chief Executive Officer, Managing Director, Westpac Banking Corporation**
- 9.45am Conference Business Session Opens - Consideration of Motions (45 minutes)
- 10.30am *Session breaks for Morning Tea in trade exhibition sponsored by NSW EPA*
- 11.00am **Mr Paul Broad, CEO, Infrastructure NSW** (invited)
- 11.30am 'Regional and Urban councils – what will we look like in 2036?' – **Mark McCrindle**, social analyst with an international renown for tracking global changes and analysing social trends
- 12.00pm Planning debate 'The New Planning System: a Cultural Challenge!' Inclusive of **Hon Brad Hazzard MP, Minister for Planning, Mark McCrindle, futurist and demographer, Mr Chris Johnson, Chief Executive Officer, Urban Taskforce, Ms Corrine Fisher, Better Planning Network, and Professor Ed Blakely, United States Studies Centre** (invited)
- 12.50pm Report from Elite sponsor/distinguished sponsor
- 1.00pm *Lunch in trade exhibition sponsored by NSW*
- 2.00pm Consideration of Motions (1.5 hours)
- 3.30pm Close of conference. Conference adjourns for Sponsors Happy Hour drinks in trade exhibition sponsored by NRL inclusive afternoon tea
- 4.30pm Sponsors Happy Hour concludes. End of Day proceedings

### CLOSE OF CONFERENCE

This program is correct at the time of printing; speakers and program details may have changed due to unforeseen circumstances.

ITEM NO. 6

## INFORMATION PAPERS

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

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### RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 9 July, 2013.

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No: Report Title

- |   |  |
|---|--|
| 1 | CLEARING OF UNDERGROWTH FROM CROWN RESERVE NEXT TO 30 FINGAL STREET NELSON BAY |
| 2 | NATIONAL GENERAL ASSEMBLY CANBERRA 2013  |
- 

### ORDINARY COUNCIL MEETING – 9 JULY 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	<b>Councillor Paul Le Mottee</b> <b>Councillor John Morello</b>
	That the recommendation be adopted.

186	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that Council move in Committee of the Whole.

### MOTION

192	<b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b>
	It was resolved that the Committee of the Whole recommendation be adopted.



# INFORMATION PAPERS



INFORMATION ITEM NO. 1

**CLEARING OF UNDERGROWTH FROM CROWN RESERVE NEXT TO 30  
FINGAL ST NELSON BAY**

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REPORT OF: PETER MURRAY - OPERATIONS MANAGER

GROUP: FACILITIES & SERVICES

FILE: PSC 2012-00746

**BACKGROUND**

This report is in response to a request for information received in relation to a petition from residents of Fingal and Swordfish Streets Nelson Bay. The petition relates to anti social behaviour in the Crown Reserve adjacent to 30 Fingal St Nelson Bay (Ordinary Council Meeting – 28 May 2013, Information Item No 3). Council is Trust Manager of the Crown Reserve 95607, and the purpose is Public Recreation.

An inspection of the reserve and informal meeting with some residents was held on Friday 31 May 2013. As a result of this meeting it was agreed that Council will slash and under-scrub an agreed portion of the reserve. Works will be completed during the week beginning 24 June 2013 and maintained up to a maximum of four times a year. Each service will cost approximately \$300. These works will open up the reserve and therefore hopefully reduce the instances of anti social behaviour.

**ATTACHMENTS**

- 1) Signatory of residents from Fingal St and Swordfish St agreeing to proposed works (Signature removed for privacy reasons).

ATTACHMENT 1

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13 June 2013

Port Stephens Council  
Raymond Terrace

Attention: G. Dann

RE: VACANT LAND - FINGAL STREET NELSON BAY

We the residents of Fingal and Swordfish Streets Nelson Bay, give our permission to have the undergrowth cleared, as much as possible, on the block of Crown land adjacent to 30 Fingal Street Nelson Bay NSW.

"THANK YOU"

INFORMATION ITEM NO. 2

**NATIONAL GENERAL ASSEMBLY CANBERRA 16-19 JUNE 2013  
FOUNDATIONS FOR THE FUTURE TWENTY13**

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**REPORT OF:** PETER GESLING - GENERAL MANAGER  
**GROUP:** GENERAL MANGER'S OFFICE

**FILE:** PSC2006-1826

**BACKGROUND**

Over 1000 delegates assembled from across Australia representing all local government authorities. Port Stephens was represented by the Mayor and General Manager.

The Congress was addressed by the Hon Anthony Albanese MP, Senator Barnaby Joyce, the Hon Warren Truss and Senator Christine Milne.

Keynote speakers included Geraldine Doogue, AO; Fred Chaney AO and Peter Fitzsimmons AM on the theme of local democracy.

Presentations were given by Will Steffan from the Climate Commission; Mark Jackson from the Australian Business Register and Rupert Myer AM from the Australian Council of Arts on their representative interests.

A panel session on local government finances was chaired by John Martin (Consultant) and addressed by John Connie (Consultant) on his paper "In Our Hands, Strengthening Local Government Revenue for the 21<sup>st</sup> Century; Darren Grimsey, Ernst Young on his report "National Financing Authority for Local Government – Options Assessment (2013) and Professor Robert Walker, Sydney University on his research that advocates that performance of governments should not be evaluated solely in terms of "service effort and accomplishment".

Comment: The proposal for a National Financing Authority for local government supports proposals by the NSW Independent Review Panel.

The opportunity was given to debate policy positions for local government. The significant issue was the pending referendum seeking recognition of Local Government in the Australian Constitution. The Australian Parliament has passed all the required enabling legislation to hold a referendum of the Australian People seeking to formulate current arrangements for the Australian Government to make direct payments to Local Government. Without this change recent decisions of the High Court call into question the powers of the Commonwealth for direct payment

such as Roads to Recovery, Black Spot Funding, Local representative grants for surf clubs, pools, childcare etc.

The Government is proposing to hold the referendum in conjunction with the next Federal Election currently scheduled for 14 September 2013, in approximately 8 weeks. The Australian Local Government Association and State Association have now activated a significant campaign with the appointment of Campaign Manager, Mr Digby Nancarrow. The Congress was briefed on the campaign which has commenced with community focus groups. It will ramp up with major media exposure in the last ten days.

The role of local Councils and specifically Councillors will be critical to the success of the campaign.

Council's communications Unit is working with LGNSW and our regional colleagues.

Awareness and information sessions will be held with Councillors to seek your involvement. Information is available from the ALGA website [www.alga.asn.au](http://www.alga.asn.au).

#### **ATTACHMENTS**

- 1) 2013 National General Assembly Program.

## ATTACHMENT 1

### 2013 National General Assembly Updated Program

#### Monday 17 June

9.00am	Opening Ceremony
9.20am	President's Welcome
9.30am	Minister for Infrastructure and Transport and Minister for Regional Development and Local Government, the Hon Anthony Albanese MP
10.00am	Local Government Referendum - A Vision Realised
10.30am	Morning Tea
11.00am	Money Matters - Local Government Financing
12.30pm	Lunch
1.30pm	Keynote Speaker - Geraldine Doogue
2.15pm	Debate on Motions
3.00pm	Afternoon Tea
3.30pm	Climate Commission, Will Steffen
4.00pm	Debate on Motions
5.00pm	Close
7.00pm	Dinner

#### Tuesday 18 June

9.00am	Keynote - Fred Chaney
9.45am	Shadow Minister for Local Government, Senator Barnaby Joyce
10.15pm	Australian Business Register, Deputy Registrar, Mark Jackson
10.30am	Morning tea
11.00am	Leader of the Australian Greens, Senator Christine Milne
11.30am	Federal Election Document Launch
12.00noon	Leader of the Nationals, the Hon Warren Truss MP
12.30pm	Lunch
1.30pm	Local Government Referendum - Campaign Briefing
2.30pm	Debate on Motions
3.00pm	Afternoon Tea
3.30pm	Local Government Referendum - Selling the Yes Case
5.00pm	Close
7.00pm	Official Dinner - Parliament House

#### Wednesday 19 June

9.00am	Minister for Infrastructure and Transport and Minister for Regional Development and Local Government, the Hon Anthony Albanese MP
9.45am	Keynote - Peter Fitzsimons
10.30am	Morning tea
11.00am	Chairman, Australia Council of the Arts, Rupert Myer AM
11.30am	Final Debate on Motions
12.30pm	Presidents Close
1.00pm	Close

There being no further business the meeting closed at 6.08pm.

*I certify that pages 1 to 46 of the Open Ordinary Minutes of Council 9 July 2013 were confirmed by Council at its meeting held on 23 July 2013.*

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**Bruce MacKenzie**  
**MAYOR**