

MINUTES 27 MAY 2014



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 27 May 2014, commencing at 5.30pm.

PRESENT: Mayor B MacKenzie; Councillors G. Dingle; C. Doohan; S. Dover; K. Jordan; J. Morello; J Nell; S. Tucker; Acting General Manager; Acting Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Executive Officer.

114	Councillor Chris Doohan Councillor Ken Jordan
	It was resolved that the apology from Cr Paul le Mottee and Cr Peter Kafer be received and noted.
115	Councillor Steve Tucker Councillor John Morello
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 13 May 2014 be confirmed.
	There were no declaration of interests received.

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COUNCIL REPORTS

ITEM NO. 1**FILE NO: 7-1996-41637-21****MODIFICATION OF DEVELOPMENT CONSENT FOR VANTAGE ESTATE
SUBDIVISION AT NO. LOT 2249 DP 1141586, 4 MOORING AVENUE
CORLETTE**

**REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT AND COMPLIANCE
SECTION MANAGER**
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the Section 96 Modification of Development Consent (7-1996-41637-21) for Vantage Estate subdivision at Lot 2249 DP 1141586, 4 Mooring Avenue Corlette subject to the conditions contained in **(ATTACHMENT 3)**.
-

**ORDINARY COUNCIL MEETING – 27 MAY 2014
MOTION**

116	Councillor Chris Doohan Councillor Steve Tucker
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Geoff Dingle
	That Council defer Item 1 to allow for the provision of additional information with respect to Section 94 fees to be submitted back to Council.

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

Those for the Motion: Crs Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Mayor Bruce MacKenzie, Crs Ken Jordan and Sally Dover.

MOTION

118	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council defer Item 1 to allow for the provision of additional information with respect to Section 94 fees to be submitted back to Council.

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

Those for the Motion: Crs Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Mayor Bruce MacKenzie, Crs Ken Jordan and Sally Dover.

BACKGROUND

The purpose of this report is to present a development application to Council for determination as requested by Councillor Nell.

The proposal relates to Stage 29 of Vantage Estate in Corlette. It is proposed to modify the approved three (3) lot subdivision of Lot 2249 DP 1141586 (subject lot) to allow for a seven (7) lot subdivision.

Specifically, the proposal will adjust and subdivide the internal boundaries of approved lots 2913, 2914 and 2915 to result in seven new lots numbered 2913 – 2919 inclusive.

The modification is considered to be a S96(1A) – modification involving minimal environmental impact. The proposed modification will not necessitate the construction of any additional roads or access points to that currently approved and sufficient services are available in the locality for the new allotments.

Key issues raised during public exhibition include:Bushfire

Concern has been raised that development is precluded from occurring on proposed Lots 2913 and 2914 due to a 50 metre Asset Protection Zone that exists on the site (in accordance with NSW Rural Fire Service correspondence dated 10 March 2009). In addition, there is concern that the proposed lots 2913 and 2914 off Kallaroo Street will risk blocking the fire trail with parked cars and delivery vehicles.

Comment: The application has been referred to the NSW Rural Fire Service under the provisions for the *Rural Fires Act 1997* and a Bushfire Safety Authority has been issued for the development. This advice from the NSW Rural Fire Service supersedes previous advice issued and as such there are no grounds to not support the

MINUTES FOR ORDINARY MEETING – 27 MAY 2014

development based on bushfire risk and constraints. In addition, Council is not aware of any proposal to close the fire trail.

Drainage

Concern has been raised over drainage of the site due to its topography. It was stated that runoff has resulted in the failure of Kallaroo Road and the blocking of drains in the drainage system and that development of these sites will further exacerbate the issue.

Comment: An assessment of the site drainage has been undertaken by Council's Development Engineers and no issues have arisen that would preclude the development from being supported.

New conditions have been recommended requiring;

- Construction of inter-allotment drainage to service all proposed allotments.
- Creation of easements to benefit upstream properties.

Extension of Mulubinda Parade

Concern has been raised that the plans show Mulubinda Parade extending from Warruga Street to Kallaroo Street and that Council has stated that this road will not be created. Showing a 'paper road' on GPS devices will frustrate drivers who are trying to find this road. It is requested that this part of the road be formally extinguished and deleted from the final plan.

Comment: Council has no plans to formally build this road as a Hunter Water pumping station has been built on this site and there are topography and drainage issues that preclude this road from being built. Council is considering options to absorb this part of the road into an area of open space that is located to the south.

FINANCIAL/RESOURCE IMPLICATIONS

As with any Development Application, it could potentially be challenged in the Land and Environment Court. Defending Council's determination would have financial implications.

There are no foreseen financial / resource implications resulting from the proposed recommendation.

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

LEGAL AND POLICY IMPLICATIONS

The Development Application is consistent with Council's Local Environmental Plan and presents a minimal risk to Council and the community.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the proposed modification may be challenged in the Land and Environment Court.	Low	Determine application in line with recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no foreseen negative social, economic or environmental implications as a result of the amendment to the approved subdivision. The proposal will have a positive economic and social impact as it will allow for additional housing lots to be available in Corlette.

CONSULTATION

- 1) The application was exhibited in accordance with Council policy and two (2) submissions were received. These are discussed in the Attachments.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan;
- 2) Assessment;
- 3) Conditions.

COUNCILLORS ROOM

- 1) Development Plans;
- 2) Bushfire Safety Authority;
- 3) Modification Letter from Applicant.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



ATTACHMENT 2

ASSESSMENT

The application has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

It is proposed to modify the approved subdivision of Lot 2249 DP 1141586. The approved layout is for a three (3) lot subdivision. The modification seeks for this subdivision to be for seven (7) allotments.

Specifically, the proposal will adjust and subdivide the internal boundaries of approved lots 2913, 2914 and 2915 to result in seven new allotments numbered 2913 – 2919 inclusive.

The modification is considered to be a S96(1A) – modification involving minimal environmental impact. The proposed modification will not necessitate the construction of any additional roads or access points to that currently approved and sufficient services are available in the locality for the new allotments.

THE APPLICATION

Owner	New South Wales Land and Housing Corporation
Applicant	Tattersall Lander Pty Ltd
Detail Submitted	Cover Letter Subdivision Plan Bushfire APZ/Building Level Map

THE LAND

Property Description	Lot: 2249 DP: 1141586
Address	4 Mooring Avenue Corlette
Area	8130m ²
Dimensions	Irregular
Characteristics	Steep slope down to the north

THE ASSESSMENT

1. Planning Provisions

LEP 2013 – Zoning	R2 – Low Density Residential
State Environmental Planning Policies	Coastal Protection

Environmental Planning and Assessment Act, 1979

Clause 91 – Integrated Referrals.

The land subject to the application is identified as being bushfire prone land. As such development for the purposes of subdivision is integrated development under the provisions of *Section 100B of the Rural Fires Act, 1997*.

The application was referred to the NSW Rural Fire Service and a Bushfire Safety Authority was issued on 21 February 2014 for the development subject to three conditions of consent. These conditions are:

1. At the issue of Subdivision Certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bushfire Protection 2006'.
3. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

Port Stephens Local Environmental Plan 2013

The development site is currently zoned R2 – Low Density Residential. Under this zoning the minimum allowable allotment size is 500m². All of the proposed allotments exceed this requirement with the smallest proposed allotment having an area of 676m².

The development is permissible in the zone and is considered to be generally consistent with the requirements of LEP 2013.

Port Stephens Development Control Plan 2000

The development is not considered to be contrary to any provision of the Port Stephens Development Control Plan 2000.

Engineering Assessment

Council's Development Engineers have reviewed the application and have recommended that the application be approved on the basis that inter allotment drainage to service all new lots be constructed, and drainage easements be created to benefit upstream properties. Conditions have been placed on the consent in regards to these issues.

Likely Impact of the Development

The development will not result in any additional adverse impacts to the originally approved subdivision.

No additional allotments will gain access to Kallaroo Street, as the existing allotments have legal access to Kallaroo Street.

Suitability of the Site

The subject site is considered to be suitable for the development. The major site constraint of bushfire has been assessed and the NSW Rural Fire Service has provided a Bushfire Safety Authority.

Submissions

Two (2) submissions were received during the notification period raising concerns over the development. The following issues were raised:

Fire Protection and Assessment

The submission raised concerns that a 50m Asset Protection Zone exists in accordance with NSW Rural Fire Service correspondence dated 10 March 2009. The submission asserts that this will preclude development from occurring on proposed Lots 2913 and 2914.

The submission further requests that the fire trail accessed through Mulubinda Parade remain open and maintained. The author states in their opinion that providing access to proposed allotments 2913 and 2914 off Kallaroo Street will risk blocking the fire access with parked cars and deliveries.

Comment: The application has been referred to the NSW Rural Fire Service under the provisions of the *Rural Fires Act 1997* and a Bushfire Safety Authority has been issued for the development. This advice from the NSW Rural Fire Service will supersede previous advice issued and as such there is no ground to not support the development based on bushfire risk and constraints.

Drainage

The submission raises a concern that due to the site topography run off is a major problem. It is asserted that runoff has resulted in the failure of Kallaroo Street and the blocking of drains in the drainage system. The author states that development of these sites will further exacerbate the issue.

The author has stated that a pipe and pit system should be required, particularly for proposed lots 2913 and 2914 as they pose a risk to an already stressed drainage system.

Comment: An assessment of the site's drainage has been undertaken by Council's Development Engineers and no issues have been raised that would preclude the development from being supported.

New conditions have been imposed requiring;

- Construction of inter-allotment drainage to service all proposed allotments.
- Creation of easements to benefit upstream properties.

Extension of Mulubinda Parade

The submission raises concern that the plans show Mulubinda Parade extending from Warruga Street to Kallaroo Street and that Council has stated that this road will not be created. Concern is raised that showing this as a road on GPS devices will frustrate drivers who are trying to find this road. It is requested that this part of the road be formally extinguished and deleted from the final plan.

Comment: This part of the road is a 'paper road' and Council has no plans to formally build this road. A Hunter Water pumping station has been built on this site and there are topography and drainage issues that preclude this road from being built. Council is considering options to absorb this part of the road into an area of open space that is located to the south.

Public Interest

The application is considered to be in the public interest as additional housing lots will be created with little impact on the local community.

**ATTACHMENT 3
ADDITIONAL CONDITIONS**

1. The development has been granted an approval from the NSW Rural Fire Service dated 21 February 2014 under their relevant legislation. Where conditions are imposed by the authority the development shall comply with the general terms of approval.
2. At the issue of Subdivision Certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bushfire Protection 2006'.
4. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.
5. Prior to the issue of the Subdivision Certificate the applicant shall construct inter-allotment drainage to service lots 2913-2919 inclusive.
6. Prior to the issue of the Subdivision Certificate the applicant shall create drainage easements to benefit upstream properties, in relation to the creation of lots 2913-2919 inclusive.

1. AMENDED CONDITIONS

1. The Development Consent No. 7-1996-41637-20 has been superseded by this Modified Development Consent 7-1996-41637-21. The Development Consent No. 7-1996-41637-20 must be surrendered to the Council prior to commencement of works associated with the Modified Development Consent or the issue of any Construction Certificate by the Principal Certifying Authority.
2. Schedule 3 of the consent referencing approved plans and documentations to be amended to reflect the plans submitted as part of this modification application.

ITEM NO. 2**FILE NO: PSC2013-01904****RECLASSIFICATION OF LOT 10 DP 729986 – 2 JESSIE ROAD, ANNA BAY (FORMER ANNA BAY OVAL)****REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER****GROUP: DEVELOPMENT SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to reclassify Lot 10, DP 729986 – 2 Jessie Road, Anna Bay (Former Anna Bay Oval) from community to operational land as defined under the Local Government Act 1993;
- 2) Request that the NSW Government – Planning & Infrastructure make the planning proposal under section 59(1) of the Environmental Planning & Assessment Act 1979.

ORDINARY COUNCIL MEETING – 27 MAY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Bruce MacKenzie Councillor Ken Jordan
	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 Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

MOTION

119	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council: <ol style="list-style-type: none">1) Adopt the planning proposal (ATTACHMENT 1) to reclassify Lot 10, DP 729986 – 2 Jessie Road, Anna Bay (Former Anna Bay Oval) from community to operational land as defined under the Local Government Act 1993;2) Request that the NSW Government – Planning & Infrastructure make the planning proposal under section 59(1) of the

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Environmental Planning & Assessment Act 1979.

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 Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to consider submissions received during public exhibition of the planning proposal (**ATTACHMENT 1**) to reclassify 2 Jessie Road, Anna Bay (Former Anna Bay Oval) from Community to Operational land and recommend that the planning proposal proceed to be made as exhibited under section 59(1) of the Environmental Planning & Assessment Act 1979.

The planning proposal included as (**ATTACHMENT 1**) contains the same content as exhibited, but adopts a new structure to be consistent with the Port Stephens Local Environmental Plan 2013 and a revised planning proposal template.

The key details of the planning proposal are as follows:

Subject land:	Lot 10, DP 729986, 2 Jessie Road, Anna Bay
Current classification:	Community Land
Proposed classification:	Operational Land
Proponent:	Port Stephens Council – Corporate Services Section

The planning proposal has followed the following process:

- Site identified in the Open Space Consolidation Review 2007
- Council as the landowner supports the preparation of the Planning Proposal
- Council as the Planning Authority resolves to seek a gateway determination
- Planning Proposal placed on public exhibition for 28 days
- Public Hearing conducted on 25 March 2014

FINANCIAL/RESOURCE IMPLICATIONS

The proponent has paid rezoning fees for all sites identified within the Open Space Consolidation Review 2007. Formal receipt that the Stage 2 fees have been paid is required prior to submitting the planning proposal to the NSW Government.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	48,300 10,500	Stage 1 fees – 7 April 2012 Stage 2 fees – 6 May 2014
Reserve Funds	No		
Section 94	No		

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External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning & Assessment Act 1979

The subject site has been reclassified under the Environmental Planning & Assessment Act 1979. The planning proposal has followed the legislative process as follows:

s55	Relevant planning authority to prepare planning proposal	28 May 13
s56	Relevant planning authority seeks a gateway determination	30 May 13
s57	Community consultation	
	Public exhibition period of 28 days	29 Aug 13
	Public hearing	25 Mar 14
s58	Relevant planning authority may vary proposal	27 May 14
s59	Making of local environmental plan by Minister	TBA

Council has fulfilled the requirements of the Gateway Determination. Council was not issued with delegation to make this plan and will therefore liaise with the NSW Government – Planning & Infrastructure as to the making of this Plan under s59 of the Environmental Planning & Assessment Act 1979.

Gateway Determination

The 9 July 2013 Gateway Determination listed the following specific requirements:

1. Reclassification is to address the Director General's requirements for the reclassification of public land consistent with Planning & Infrastructure. 2012, 'A Guide to Preparing Local Environmental Plans'.
 - The planning proposal (**ATTACHMENT 1**) has been prepared in accordance with the relevant guideline and specifically addresses the Director's General's requirements for the reclassification of public land under Section E (pp. 14-15).
2. Planning Proposal is to clarify whether the planning proposal will remove public access to the land and to place on public exhibition the relevant practice notes.
 - The practice notes were included with the public exhibition material and the removal of public access is discussed under Part 1 (p. 5).
3. Community Consultation conducted in accordance with s56(2)(c) and s57 of the Environmental Planning & Assessment Act 1979.
 - Community Consultation was conducted in accordance with the relevant sections and is discussed in detail under the heading of Consultation of this Report (pp.5-6) and the Planning Proposal (p.15).
4. Consultation with the Rural Fire Service is required as per the requirements of s117 Direction 4.4 Planning for Bushfire Protection.
 - The Rural Fire Service provided a submission on the 16 August 2013, which raised no concerns or issues in relation to bushfire.

5. A public hearing is required to be held in accordance with the department's practice note PN09-003.
 - A public hearing took place on 25 March 2014 in accordance with the department's practice note PN9-003.

Local Government Act 1993

All public land must be classified by Council as either Community or Operational land under the Local Government Act 1993 (LGA 1993). Operational land has no special restrictions other than those that may apply to any piece of land, such as its land-use zoning. Community land is different to operational land as it:

- Cannot be sold;
- Cannot be leased or licenced for more than 21 years;
- Must have a Plan of Management prepared for it.

A public hearing was conducted in accordance with the LGA 1993 by:

- Giving notice of the arrangements for the public hearing in a local newspaper
 - Public notice was provided in the Examiner on 27 February 2014
- Giving notice in a letter to each of the persons who requested a public hearing when making a submission 21 days before the date of the hearing
 - Letters were sent to those who made a submission on 20 February 2014
- Not later than 4 days after it has received a report from the person presiding at the public hearing, the council must make a copy available
 - Public Hearing attendees were informed that the report was available for viewing on the 17 April 2014 after it was received on the 13 April 2014
- The person presiding at the public hearing must be independent
 - Shay Gill from SG Consulting was engaged as the independent chair

Open Space Consolidation Review 2007

The Open Space Consolidation Review 2007 identified the subject land due to its location, access and size to be no longer suitable for sporting purposes. The site has not been used as a football field since the establishment of the Tomaree No 1. Match Field. This site makes up 0.4% of total open space within the Port Stephens Local Government Area. The subject site represents 3.5ha of the 15ha identified for reclassification through the Open Space Consolidation Review 2007. The proposed reclassification will not prevent the continued temporary use of this site by the Pony Club. The Nelson Bay Pony Club recently signed a 12 month licence to continue their use of the eastern portion of the site for equestrian and recreation activities. The northern portion of the site is currently used as an informal drop-off/pick-up location by Port Stephens Coaches and as a carpooling location without a formal approval from the relevant planning authority. These uses have developed through inactivity at the site.

Port Stephens Integrated Planning Framework

The proposed reclassification, if supported by Council and subsequently the NSW Government – Planning & Infrastructure will allow for increased flexibility in how the land can be managed. This is reflective of a move from a quantity to quality approach as identified in the Open Space Review, which is also consistent with directions of the Port Stephens Integrated Planning Framework as follows:

- 2.1.1 Maintain and operate open spaces, children's services, and services for seniors and people with disabilities
- 2.1.3 Maintain the performance, standard and appearance of those leisure facilities across the Local Government Area that are within Council's control
- 2.3.1 Implement the Draft Port Stephens Open Space Strategy

Risk Implications

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the community does not agree with the quantity to quality approach and views the reclassification as a total reduction in open space.	Low	Communicate the Open Space Consolidation Review 2007 to the community by emphasising that underutilised open space is a poor use of Council resources that can be redirected to providing improved quality open space.	Yes
There is a risk that through the future development of the site that the Pony Club will be unable to use the site as they currently use the site under their temporary licence agreement.	Low	The Pony Club have been consulted about the proposal, which is also reflective of their 12 month licence. The reclassification does not prevent the continued temporary use of the site by the Pony Club. The Salt Ash Pony Club provides excellent alternative facilities for those members.	Yes
There is a risk that those who have an active interest in the site will not be informed of future Council considerations for the use of the site.	Low	Council Officers to develop a contact list of those who have shown active interest and store it on Council's internal database for future notification about Council's consideration of this matter.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal is consistent with a more sustainable management approach to open space management. Council is seeking to be socially sustainable by understanding the broader community needs for quality open space in proximity and consolidate open space accordingly. Council is seeking to be more economically sustainable by reducing funds spent on underutilised sites and redistribute these to provide increased quality at more heavily utilised sites. Council is also seeking to be more environmentally sustainable by concentrating resources on locations close to the community as opposed spending budget on remote sites.

CONSULTATION

Public Exhibition

Six submissions were received. Two of these submissions were from state government agencies and another two were from the Tomaree Ratepayers and Residents Association. One of these submissions objected to the planning proposal. The other five submissions focused on discussing future uses of the site, which was beyond the scope of the proposed reclassification.

A summary of the matters discussed in submissions and planning responses are included as **(ATTACHMENT 2)**. The key matters raised in submissions are as follows:

- The need to acknowledge the existing informal car park
- The need to explain why the land is being reclassified
- Discussion of future site uses, such as a transport interchange, car parking or visitor information centre
- The need to ensure consultation takes place with the Pony Club and Port Stephens Coaches as users of the site

Public Hearing

A public hearing was held on the 25 March 2014, which was required to be conducted in accordance with the Gateway Determination. This public hearing provided the community with a further opportunity to discuss matters raised in public submissions. An independent report detailing matters raised at this public hearing is included as **(ATTACHMENT 1)**. The key matters raised at the public hearing are as follows:

- Uncertainty regarding future uses of the site following reclassification
- Questions regarding notification requirements of the public hearing
- Use of the site by the Nelson Bay Pony Club

The key matters raised during the public exhibition period and during the public hearing are listed and addressed below.

- Open Space Consolidation Review – The planning proposal is one of seventeen sites identified due to its location, access and size. This matter has been considered and supported by Council on two previous occasions. The quality to quantity approach is consistent with the directions of the Port Stephens Integrated Planning Framework.
- Nelson Bay Pony Club – The Nelson Bay Pony Club are current users of the site through a 12 month licence provided by Council. The Pony Club has a small membership base and limited facilities. The Salt Ash Pony Club provides a convenient location for those remaining members if and when a use that is not complementary to their use of the site occurs. The Pony Club raised their concerns about their continued use of the site at the public hearing, but did not provide a formal submission.

The Pony Club was informed in December 2010 prior to the renewal of their previous licence agreement that Council was investigating alternative uses of the site. This is reflective of their current licence agreement being on a 12 month term.

- Future Uses – Submissions and comments at the public hearing raised questions about the future use of the site following reclassification. At this point, Council does not have an intended future use for the site, but recognises that the reclassification is the first step in the process towards providing increased flexibility for future options for the site. Support for the planning proposal **(ATTACHMENT 1)** allows future potential uses to be explored in consultation with the community.
- Current Practice – The Landcom Open Space Design Guidelines are generally considered as best practice in planning for open space. These guidelines discuss the limited operating budgets of Local Government and accept that a reduction in quantity is an adequate trade-off for quality open space.

The Open Space Consolidation Review 2007 identified a 259% over-supply of open space within the Tomaree Precinct. The Draft Open Space Guidelines require 73.5ha of open space for the current population of the Tomaree Precinct, but instead 190.5ha is present due to past poor acquisition strategies.

These past poor acquisition strategies were previously common practice across NSW Local Government. This has resulted in Councils currently reclassifying and rezoning open space across the State. For example, Blacktown City Council recently proposed to reclassify twenty lots through its new comprehensive local environmental plan. This was in recognition of their open space review revealing that some public land in Blacktown City no longer serves a useful purpose.

OPTIONS

- 1) Adopt the recommendation;
- 2) Amend the planning proposal as exhibited and request that the amended planning proposal be made by NSW Government – Planning and Infrastructure;
- 3) Not support the planning proposal.

ATTACHMENTS

- 1) Planning Proposal;
- 2) Summary of Submissions and Planning Comment.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
Planning Proposal



PLANNING PROPOSAL

Proposed amendment to Port Stephens Local Environmental Plan 2013
Reclassify land at 2 Jessie Road, Anna Bay (Former Anna Bay Oval)

Version - Council Report
27 May 2014

Further information
Strategic Planning
Port Stephens Council
(02) 4980 0326
council@portstephens.nsw.gov.au

SUMMARY

Subject land:	Lot 10 in DP 729986.
Address:	2 Jessie Road, Anna Bay (Former Anna Bay Oval)
Current Classification :	Community Land
Proposed Classification:	Operational Land
Current Zoning:	RE1 Public Recreation – No change
Subject Site Area:	3.5ha

BACKGROUND

The subject site known as 2 Jessie Road, Anna Bay was identified within the Open Space Consolidation Review 2007 (**Attachment 1**).

Council considered the Open Space Consolidation Review at their 13 November 2007 Ordinary Meeting (**Attachment 1**) where they resolved as the landowner to prepare a planning proposal for the reclassification from community to operational public land.

Council considered the planning proposal at their 28 May 2013 Council Meeting where they resolved to adopt the planning proposal by requesting a gateway determination under section 56 of the Environmental Planning & Assessment Act 1979 (**Attachment 3**). A gateway determination (**Attachment 4**) was issued by the NSW Government – Planning & Infrastructure on the 9 July 2013 for 9 months.

The Planning Proposal was then placed on public exhibition from 29 August to 30 September 2013. A total of five submissions were received.

Council sought to complete this planning proposal in coordination with the planning proposal for the fifteen other sites identified in the Open Space Consolidation Review 2007 to maximise efficiencies. A gateway extension was therefore granted by Planning & Infrastructure on the 5 March 2014 (**Attachment 5**).

A public hearing was held on the 25 March 2014 in accordance with the Local Government Act 1993. A subsequent independent report was submitted by the independent chairperson on the 13 April 2014 (**Attachment 6**) and a subsequent submission received from the Tomaree Ratepayers & Residents Association, making it six submissions in total.

SITE

The site comprises of 2 Jessie Road, Anna Bay. The site is described as Lot 10 in DP 729986. The planning proposal applies to the entire lot area of 3.5ha.

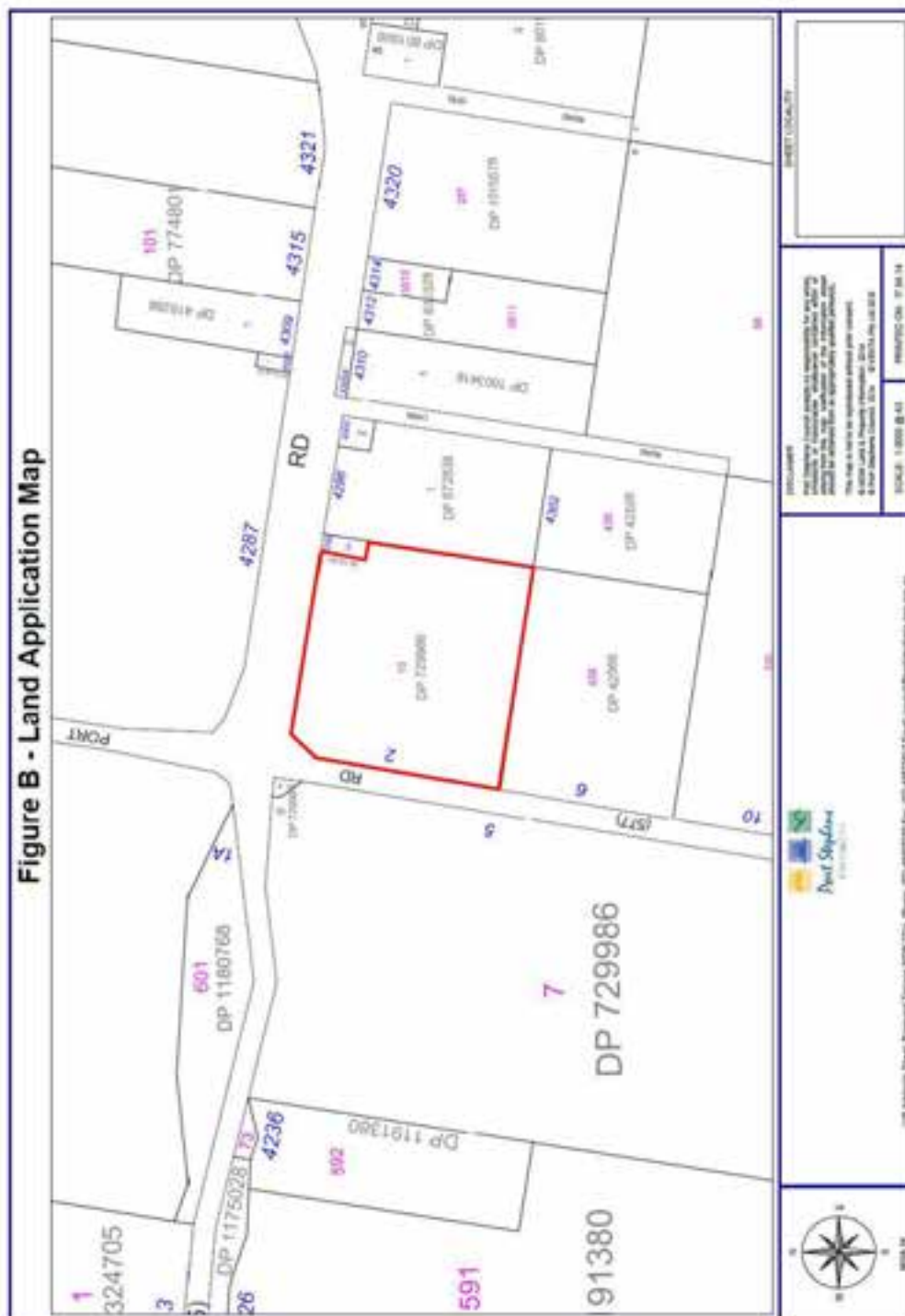
The site has frontage to Jessie Road and Nelson Bay Road. The site is approximately 2km or a 2 minute drive from the nearest residential area of Anna Bay, less than 2km or a 2 minute drive from the Anna Bay Shopping Centre and less than 2km or a 2 minute drive from the Taylors Beach light industrial area.

The site is largely cleared, although there are some canopy trees in the north eastern corner. The site contains a small amenities block near its centre, which is still utilised by the Nelson Bay Pony Club. The Pony Club also has an amenities block and some storage located in the north eastern portion of the site. The site has a number of floodlight towers, remnant of when the site was used as a sporting field.

The northern portion of the site is currently used as an informal drop-off/pick-up located by Port Stephens Coaches and as an informal carpooling location. Nelson Bay Road Reserve is considerably wider than the carriageway.

The location of the site is contextualised by the Local Area Context Map (**Figure A**) and Land Application Map (**Figure B**).





PART 1 – Objective of the proposed Local Environmental Plan

The objective of this planning proposal is to reclassify Lot 10 DP 729986, 2 Jessie Road, Anna Bay (Former Anna Bay Oval) from community to operational land under the Port Stephens Local Environmental Plan 2013. This reclassification will:

- allow greater flexibility in how the site is managed
- may remove public access to the land and remove opportunities for the recreational use of the land. However, it is anticipated that the reclassification will enable other public uses that will benefit the community

PART 2 – Explanation of the provisions to be included in proposed LEP

The objective of this planning proposal is intended to be achieved by:

- adopting the Land Reclassification Map RPL_005C (Figure C)
- inserting the following into Schedule 4 - Classification and reclassification of public land, Part 2 – Land classified, or reclassified, as operational land – interests changed of the Port Stephens Local Environmental Plan 2013:

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Anna Bay, 2 Jessie Road	Lot 10 DP 729986 (2 Jessie Road, Anna Bay as shown edged heavy blue on the map marked Port Stephens Local Environmental Plan 2013 – Land Reclassification Map RPL_005C	Nil

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

This planning proposal seeks to implement the Open Space Consolidation Review 2007, which identified that the subject site would be more appropriately classified as operational land in order to improve administrative efficiency and flexibility.

Anna Bay has a number of locations used for recreation and zoned RE1 Public Recreation in proximity to the subject site. The site is not located in or immediately adjacent to the urban area of Anna Bay.

The Anna Bay Strategy and Town Plan 2008 does not identify a need to use the site for open space or a need for additional open space within, or immediately adjacent to the Anna Bay urban area.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal is the best means to achieve land reclassification under the Environmental Planning and Assessment Act 1979 and Local Government Act 1993.

SECTION B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy

The planning proposal is consistent with the Lower Hunter Regional Strategy (LHRS).

The site is not identified for potential development within the LHRS. However, it is located within the Watagans to Stockton Green Corridor. The development of land for more intensive purposes would need to be well justified.

The LHRS is currently under review. The Green Corridor is meant to be viewed on a regional scale and not overlaid for cadastral purposes. As a result, it is likely that the boundaries of the green corridor may be refined in this review in order to incorporate improved information and more detailed investigations that have occurred since the LHRS was published. This may provide an opportunity to review the status of the site.

The Lower Hunter over the next 20 years: A Discussion Paper

The Lower Hunter over the next 20 years: A Discussion Paper aims to facilitate discussion to feed into the development of a new Lower Hunter Regional Strategy. This Discussion Paper provides guiding planning principles for the Lower Hunter; such as, providing a diversity of housing choices for different budgets and lifestyles. This planning proposal is considered to be consistent with those applicable planning principles listed in this Paper.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Community Strategic Plan

The planning proposal is consistent with the following directions of the Port Stephens Integrated Planning Framework:

- 2.1.1 Maintain and operate open spaces, children's services, and services for seniors and people with disabilities
- 2.1.3 Maintain the performance, standard and appearance of those leisure facilities across the Local Government Area that are within Council's control
- 2.3.1 Implement the Draft Port Stephens Open Space Strategy

Port Stephens Planning Strategy

The planning proposal is consistent with the Port Stephens Planning Strategy. The Strategy is provided local detail through the Anna Bay Strategy and Town Plan 2008.

Anna Bay Strategy and Town Plan

The Anna Bay Strategy and Town Plan 2008 does not identify a need to use the site for open space or a need for additional open space within, or immediately adjacent to the Anna Bay urban area.

Port Stephens Development Control Plan 2013

The Port Stephens Development Control Plan 2013 (DCP) contains a number of development requirements that may guide how development will eventually take place on the site. Any future development will be guided by the requirements within the DCP.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no existing or draft State Environmental Planning Policies that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant State Environmental Planning Policies against the planning proposal is provided below.

Table A: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 6 – Number of Storeys in a Building	Clarifies the reference to storey, floors and levels.	• Not applicable.
SEPP 14 – Coastal Wetlands	This SEPP places restrictions on development on land to which the plan applies and seeks to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.	• Not applicable.
SEPP 15— Rural Land sharing Communities	This SEPP facilitates rural development that shares services and management of lands.	• Not applicable.
SEPP 21 – Caravan Parks	This SEPP provides for development for caravan parks.	• Not applicable.
SEPP 22 – Shops and commercial premises	This SEPP provides for the change of use of commercial premises.	• Not applicable.
SEPP 26—Littoral Rainforests	This SEPP seeks to preserve littoral forests.	• Not applicable.
SEPP 30 – Intensive Agriculture	This SEPP provides considerations for consent for intensive agriculture.	• Not applicable.
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	This SEPP makes provision for the redevelopment of urban land suitable for multi-unit housing and related development.	• Not applicable.
SEPP 33 – Hazardous & Offensive Development	This SEPP provides considerations for consent for hazardous & offensive development.	• Not applicable.
SEPP 36 – Manufactured Homes Estates	This SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	• Not applicable.
SEPP 44 – Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The	• The site is subject to the Port Stephens Comprehensive Koala Plan of Management.

	SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	<ul style="list-style-type: none"> Under this Plan the land is categorised as mainly cleared with a smaller area of supplementary habitat. Any future development would need to comply with the SEPP through this POM.
SEPP 50—Canal Estate Development	This SEPP prohibits the development along canals.	<ul style="list-style-type: none"> Not applicable.
SEPP 55 – Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	<ul style="list-style-type: none"> Any future development would need to satisfy the provisions of this SEPP
SEPP 62 – Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from rezoning of land and is of relevance for the site specific rezoning proposals.	<ul style="list-style-type: none"> Not applicable.
SEPP 64 – Advertising and Signage	This SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish	<ul style="list-style-type: none"> Not applicable.
SEPP 70 – Affordable Housing	This SEPP aims to provide affordable housing.	<ul style="list-style-type: none"> Not applicable.
SEPP 71 – Coastal Protection	This SEPP seeks to protect the coastal zone.	<ul style="list-style-type: none"> SEPP 71 applies to this land. Accordingly, any rezoning or development would need to be consistent with this SEPP and its supporting documents.
SEPP Affordable Rental Housing 2009	This SEPP aims to provide forward rental housing.	<ul style="list-style-type: none"> Not applicable.
SEPP Housing for Seniors or people with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities.	<ul style="list-style-type: none"> Not applicable.
SEPP Infrastructure 2007	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	<ul style="list-style-type: none"> The proposal is consistent with this SEPP. Note – This SEPP may permit additional infrastructure uses not permissible under the land-use table.

SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	<ul style="list-style-type: none"> • Not applicable.
SEPP (Rural Lands) 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	<ul style="list-style-type: none"> • Not applicable.
SEPP (Exempt and Complying Development Codes) 2008	This SEPP aims to nominate types of development that can be either classified as exempt or complying	<ul style="list-style-type: none"> • This SEPP applies to the site. The reclassification and the associated removal of its public reserve status [R46538] means that certain exemptions of the use of the SEPP under the General Housing Code and Rural Housing Code may no longer be applicable.

Section 117 Ministerial Directions

7. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table B: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Employment Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	<ul style="list-style-type: none"> • Consistent.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<ul style="list-style-type: none"> • Consistent.
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	<ul style="list-style-type: none"> • Consistent.
1.4 Oyster	The objective of this direction is	<ul style="list-style-type: none"> • Consistent.

Aquaculture	to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	
1.4 Rural Lands	The objective of this direction is to protect the agricultural production value of rural and facilitate the orderly and economic development of rural lands for rural and related purposes.	<ul style="list-style-type: none"> The land is not rural land; however the adjacent land is zoned rural. The subject land and the immediately adjacent land are not prime agricultural land and are not used for agricultural production. The ability to be used for agricultural production is very limited.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	<ul style="list-style-type: none"> The site does not contain environmentally sensitive lands. The land is located within the green corridor identified in the Lower Hunter Regional Strategy. However, it is largely cleared and is not known to contain endangered ecological communities.
2.2 Coastal Protection	The objective of this direction is to implement the principles in the NSW Coastal Policy.	<ul style="list-style-type: none"> The land is within the coastal zone. The implication is that any proposed development must be consistent with the Coastal Policy, SEPP 71 and their supporting documents.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<ul style="list-style-type: none"> A search of the Australian Heritage Database, the NSW Department of Planning Heritage Database and the Port Stephens Local Environmental Plan 2013 indicates that the sites do not contain known areas of European heritage significance.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	<ul style="list-style-type: none"> Consistent.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	<ul style="list-style-type: none"> Consistent,
3.2 Caravan parks and Manufactured Home Estates	The objective of this direction is to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estates.	<ul style="list-style-type: none"> Consistent,
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.	<ul style="list-style-type: none"> Consistent,
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	<ul style="list-style-type: none"> Consistent,
3.5 Development Near licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes, ensure their operation is not compromised by incompatible future adjoining land uses	<ul style="list-style-type: none"> Consistent,
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	<ul style="list-style-type: none"> Consistent, The land has the potential for Acid Sulfate Soils. Categorised as (4) any work 2m below natural ground level would need to satisfy Clause 7.1 of the Port Stephens Local Environmental Plan 2013.
4.2 Mine Subsidence and Unstable	The objective of this direction is to prevent damage to life, property and the environment	<ul style="list-style-type: none"> Consistent,

Land	on land identified as unstable or potentially subject to mine subsidence.	
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	<ul style="list-style-type: none"> • Consistent. • The land is not flood prone. However, the land to the north is flood prone.
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	<ul style="list-style-type: none"> • Consistent. • The land is identified as bushfire prone meaning that it can either support a bushfire or be subject to bushfire attack. • Significant measures will need to be taken to manage bushfire hazards on the land when development is proposed
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	<ul style="list-style-type: none"> • Consistent with the Lower Hunter Regional Strategy and the Lower Hunter Regional Conservation Plan
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	The objectives for managing commercial and retail development along the Pacific Highway.	<ul style="list-style-type: none"> • Consistent.
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<ul style="list-style-type: none"> • Consistent.
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by	<ul style="list-style-type: none"> • Consistent. • Should the reclassification be

	reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	supported then the public reserve status of the site will no longer be appropriate and should be revoked. The reasoning is provided through the planning proposal (i.e. Open Space Consolidation Review 2007)
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	<ul style="list-style-type: none"> Consistent.

SECTION C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is not known to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

The Port Stephens Comprehensive Koala Plan of Management identifies the land as supplementary habitat for koalas. The land is located within the Lower Hunter Regional Strategy Green Corridor, but is not identified in the Lower Hunter Regional Conservation Plan as being of conservation significance.

No studies have been undertaken to assess the presence of threatened species on the land or the impact of development on such a species.

The land is mainly cleared grassland as previously discussed.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal is a reclassification and will not have environmental impacts. The environmental impacts would be dependent on proposed future uses.

10. Has the planning proposal adequately addressed any social and economic effects?

Yes. The land is generally unused other than the use of an eastern portion of the site by the Nelson Bay Pony Club. The Pony Club have been consulted about the planning proposal and are discussed in the 27 May 2014 Council Report.

The reclassification seeks to implement the Open Space Consolidation Review 2007 and is consistent with the wider policy framework as discussed in Part B (pp. 5-7).

SECTION D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The reclassification does not generate a need for public infrastructure. Any later rezoning or development of the land may require additional public infrastructure. Water, electricity and telecommunication services are currently provided to the area. Reticulated sewer is not available and the adjacent properties rely on on-site systems.

Nelson Bay Road has considered vehicular capacity adjacent to the land, that being a dual carriageway that is currently under construction. Jessie Road is unpaved and would require upgrading in association with any development proposal. The RMS is

likely to oppose direct access from the land to Nelson Bay Road, making any future development dependent on Jessie Road for access.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consistent with the Gateway Determination the planning proposal was referred to the NSW Rural Fire Service, NSW Trade and Investment – Crown Lands as an adjoining land owner also lodged a submission.

A total of six submissions in total were received. The comments detailed in these submissions have been addressed through the planning proposal and are directly referenced in the summary and planning response contained within the 27 May 2014 Council Report (**Attachment 6**).

SECTION E – Director-General's requirements regarding matters that must be addressed in the justification of all planning proposals to reclassify public land

a. Is the planning proposal the result of a strategic study or report?

The planning proposal is the result of the Open Space Consolidation Review 2007. Refer to Section B – Justification (p.5) of this planning proposal.

b. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

The planning proposal is consistent with the relevant directions of the Port Stephens Integrated Planning Framework. Refer to Section B – Justification (p.6) of this planning proposal.

c. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided?

The land appears to have been vested in Council as public reserve (part R46538) BY Government Gazette dated 3 September 1976 (folio 3747).

There is a 12 month licence agreement in place with the Nelson Bay Pony Club over part of the lot for equestrian activities and other recreation activities. The continuation of the Pony Club activities will be discussed with the Club prior to the termination of the agreement, as consistent with Council's usual process. The Pony Club was consulted throughout the reclassification process. Their concerns were recorded at the public hearing (**Attachment 5**), but a formal submission was not provided.

A number of options are open to Council should the land be reclassified, including:

- Disposal, being the sale of the site
- Lease or licencing of the site
- Use of the land for a Council operational purpose

The revenue from any of these options is dependent on a range of factors, including the following:

- Whether the transaction is with a group where Council seeks a less than market return
- The market value of the tenure agreement
- The proposed use
- The land use zone that applies at the time of the sale/lease/licencing
- The state of the land market at that time
- The presence of any preparatory studies undertaken by Council might reduce market risk
- The presence of any works undertaken by Council might reduce market risk

The 2010 valuation of the land notified by the NSW Valuer General is \$164,000. This valuation is based on the land as open space. The planning proposal maintains the open space zoning on this land.

There is no purpose served by maintaining the public reserve status of the site should it be reclassified as operational. Consequently the public reserve status will be extinguished.

d. The concurrence of the landowner, where the land is not owned by the relevant planning authority

Council as the landowner agreed as the landowner to prepare a planning proposal to reclassify the land at its 13 November 2007 Council Meeting (**Attachment 1**).

Part 4 - Mapping

The following map layers are included within this planning proposal as figures:

Figure A – Local Area Context Map	p.3
Figure B – Land Application Map	p.4
Figure C – Proposed Reclassification Map	p.17

Part 5 - Details of Community Consultation

Public notice of the public exhibition period was placed in the local newspaper: The Examiner on 29 August 2013 and the Port Stephens Council Website.

The exhibition material incorporating the planning proposal was on display at the following locations during normal business hours from 29 August to 30 September 2013:

- Council's Administration Building 116 Pacific Highway, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay
- Port Stephens Council Website <www.portstephens.nsw.gov.au>

A total of six submissions were received. The comments detailed in these submissions have been addressed through the planning proposal and are directly referenced in the summary and planning response contained within the 27 May 2014 Council Report (**Attachment 6**).

A public hearing as required by the gateway determination (**Attachment 4**) was chaired by an independent chairperson on the 25 March 2014. Public notice of the public hearing was placed in the local newspaper: The Examiner on Thursday, 27 February 2014 and those who made submissions during the public exhibition period were notified by email and letter.

A copy of the public hearing report was made available on the Port Stephens Council Website from 16 April 2014. Those who attended the public hearing were notified of its availability on the 17 April 2014.

Those who had shown interest throughout the public exhibition period were notified of the matter being reported to the 27 May 2014 Council Meeting.

Part 6 – Project timeline

The following timetable is proposed:

	JUL 13	AUG 13	MAR 14	MAY 14	JUN 14
Gateway Determination					
Public Exhibition					

<i>Public Hearing</i>					
<i>Council Report</i>					
<i>Parliamentary Counsel</i>					

Attachments

The following attachments are supplementary to this planning proposal:

- Attachment 1 – Open Space Consolidation Review 2007
- Attachment 2 – Council Report - 28 May 2012
- Attachment 3 – Gateway Determination
- Attachment 4 – Gateway Extension
- Attachment 5 – Public Hearing Report
- Attachment 6 – Council Report - 27 May 2014

Figure C – Proposed Reclassification Map



OPERATIONS COMMITTEE – 13 NOVEMBER 2007

ITEM NO. 6

FILE NO: PSC2005-3693

OPEN SPACE CONSOLIDATION REVIEW

REPORT OF: JASON LINNANE – RECREATION SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to submit a Reclassification and Rezoning request for the land parcels as identified and detailed in the information provided under separate cover.
- 2) Consider a further report on the possible allocation of the net proceeds realised from the sale of the nominated land parcels for the rehabilitation and/or embellishment of infrastructure.

BACKGROUND

The purpose of this report is to gain Council resolution to submit reclassification and rezoning request for the parcels of land identified in this report.

Traditionally, Council has acquired community land via a range of means that have not always resulted in a medium to long term net gain for the community. In the past there has been a lack of co-ordination and control mechanisms governing the acquisition of community land. This has resulted in Council receiving community land with little community recreation, environmental, social or cultural value.

In August 2006, Council considered and approved a report that recommended a reclassification and rezoning request be submitted for a number of community land parcels. The parcels of land subject to this current report were not included at that time due to a lack of information on utilisation, demand and other strategic needs of each property. Each of these properties are subject to broader planning processes or have other rationale to why they have now been included. See information provided under separate cover for further detail in this regard.

The reclassification of the identified parcels for operational purposes will allow for increased flexibility in how the land is managed in the future and move from a quantity to quality approach of open space management.

The initial review proposed to reclassify a total of approximately 10 hectares which equated to only 1% of the total open space (857 hectares) within the LGA. These additional sites have a combined size of 15 hectares which now equates to an overall 1.7% of the total open space supply.

In some cases future income generated from this process will further assist in the embellishment of other areas of open space within the LGA. This approach is consistent with Council's asset management directive and will move towards a more sustainable approach of open space management in the future.

Any net return through the proposed sale of property as a result of the recommendations can be used for the embellishment of existing community land buildings or as otherwise

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decided by Council in line with legislative requirements. (See information provided under separate cover).

The recommendations are consistent with Council's new standards for Community and Recreation Facilities and the reclassification requirements prescribed by the Local Government Act (1993).

The internal review included consultation with key stakeholders from within the Property, Environmental, Traffic Planning, Town Planning, and Engineering Services and Operations Sections of Council.

LINKS TO CORPORATE PLANS

Provide enhanced quality of life through equitable access to a diverse range of sporting and recreation facilities.

FINANCIAL/RESOURCE IMPLICATIONS

The rezoning of these land parcels will be done at the same time as those previously approved by Council in August 2006. The estimated cost of the rezoning proposal lodgement is approximately \$30,600 based on Council's current fee schedule for such processes. It is proposed that these costs be paid for out of future income from leases and/or land sales resulting from the reclassification and other processes identified in this report.

Reclassification of parcels for operational purposes will allow for increased flexibility in how the land is managed in the future as well as providing a means of allowing existing resources to be allocated more effectively across council's land holdings.

The net return to Council on the sale of the land will become available, together with future ward funds and accumulated s94 funds, for future spending on priority and investment projects, subject to relevant legislative requirements following consultation with the community and further report to Council. The indicative total land value for these sites is potentially up to approximately \$2m (not withstanding the deduction of legal and other costs). There is also the potential to gain rental income from the land behind the Raymond Terrace Golf Course (6B Elizabeth Avenue). This would be approximately \$6,000 per annum.

It should be noted that the potential allocation of land at Anna Bay for a future depot site would reduce this return. A feasibility study of this site for a depot has not been carried out at this time and would need to proceed in parallel with the reclassification and rezoning process.

LEGAL AND POLICY IMPLICATIONS

This report seeks Council resolution to submit a reclassification and rezoning request for the parcels identified in the information provided under separate cover. Section 30 of the Local Government Act (1993) provides the means by which Council can reclassify land from Community to Operational via the LEP process.

The proposed lodgement (as landowner) to request reclassification and rezoning of land will be consistent with Council's adopted policy for the procedure for requests to amend Port Stephens LEP 2000.

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Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

This review identifies parcels of community land which record little recreational, environmental or community benefit that can be more appropriately zoned and classified for possible sale or rent. The realisation of this report recommendation would see the proposed introduction of restricted funds for the embellishment and rehabilitation of community land, facilities and associated infrastructure. These funds would only seek to enhance existing services and assist in providing improved community resources.

ECONOMIC IMPLICATIONS

Quality open space provides and caters for a large percentage of the community's passive recreation activities throughout the local government area. Much of the current visitor and tourist base contributing to the local economy also utilise many areas and associated facilities that can be enhanced through embellishment and rehabilitation. The management and enhancement of these parks and reserves in a structured and sustainable manner will enhance these assets and associated benefits.

ENVIRONMENTAL IMPLICATIONS

All sites included in the review have been subject to environmental investigations. There will be no adverse environmental effects associated with the proposed future management of the individual parcels identified for reclassification.

The Environmental Services Section has provided an integral advisory role throughout the internal review process. Each parcel was investigated on an individual basis to determine the effect which reclassification or rezoning may have to the environmental integrity of the site and local environment.

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CULTURAL IMPLICATIONS

The review recommendations will not negatively impact on cultural aspects of the environment. The review provides a mechanism for the embellishment and rehabilitation of existing community land, facilities and infrastructure. This enhancement of community land, facilities and infrastructure would only seek to improve existing and potential cultural opportunities through enhanced community recreation areas.

CONSULTATION

- Property Focus Group
- Environmental Services
- Traffic Planning
- Property Section
- Town Planning Section
- Engineering Services
- Park Co-ordinators
- Councillor briefing
- Executive Team

OPTIONS

- 1) Accept recommendations
- 2) Reject recommendations and review list of proposed sites
- 3) Reject recommendation and do not seek any further re-classifications

ATTACHMENTS

- 1) Nil – information to be provided under separate cover.

TABLED DOCUMENTS

- 1) Identification of land parcels – West Ward, Central Ward and East Ward

Attachment 1

West Ward

Parcel Number	Street Address	Zoning	Area (m ²)	Current Use	Potential Use	Potential Value	Comments
7593	6b Elizabeth Ave. Raymond Terrace	6a/1(c4)	11.2 hectares	Vacant bushland. There is a right of way/easement thru the property.	Lease to Muree Golf Course	\$120,000 (based on 6(a) zoning) \$6,000 pa for lease purposes	Site not suitable for public recreation due to location and access. Site also has drainage and easement issues. Golf Club have expressed an interest in entering into an agreement to expand golf links. Environmental issues need to be addressed which would be required to be completed by the golf club as part of their planning process. Preferred option for them is to lease this site.
18098	13 Scholl Drive Tomago	4a	1239	Access way	Access way	\$15,000	Land has no recreation or other public values. Need to formalise access rights to adjoining owner. Owner has made representations to do such.

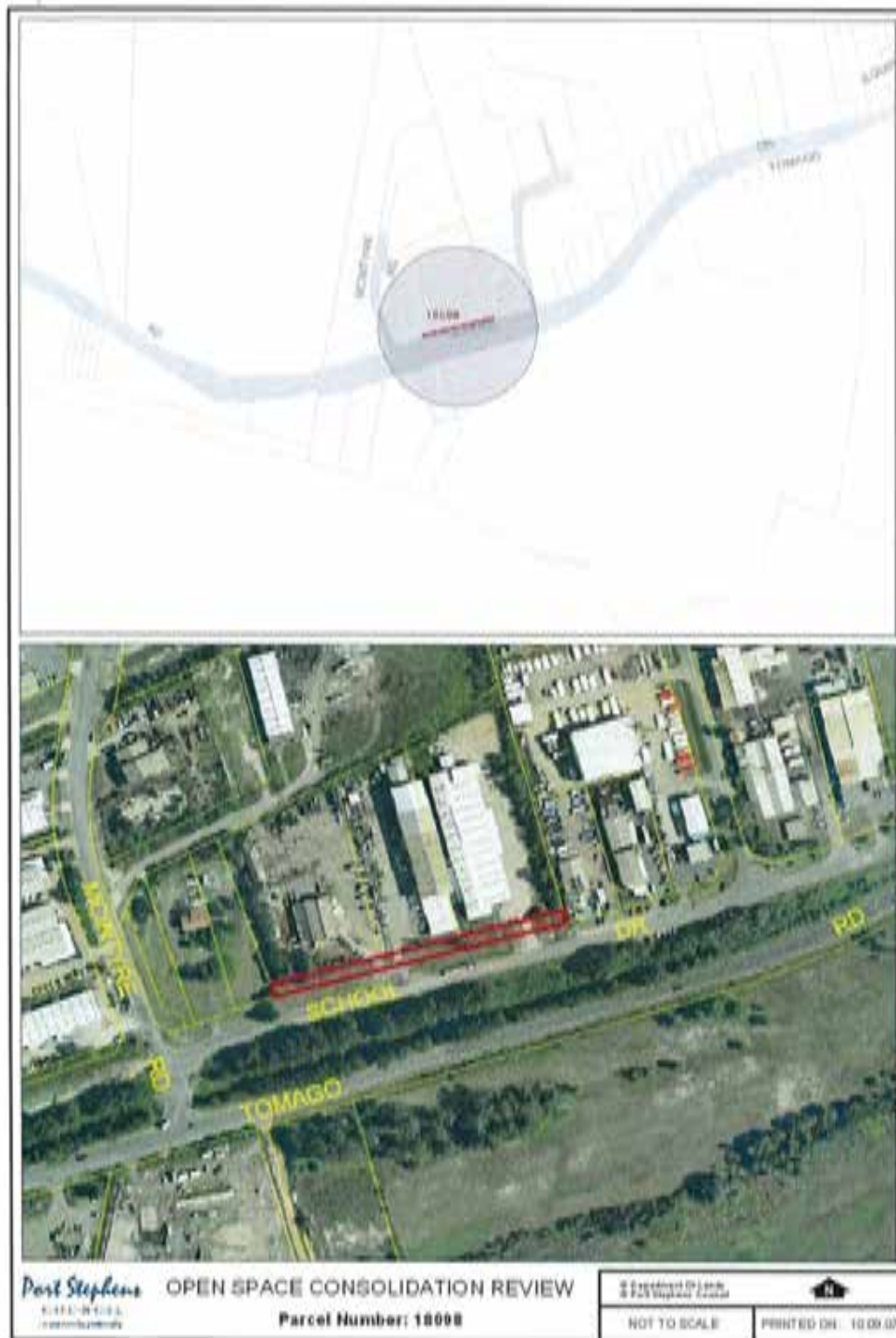
Central Ward

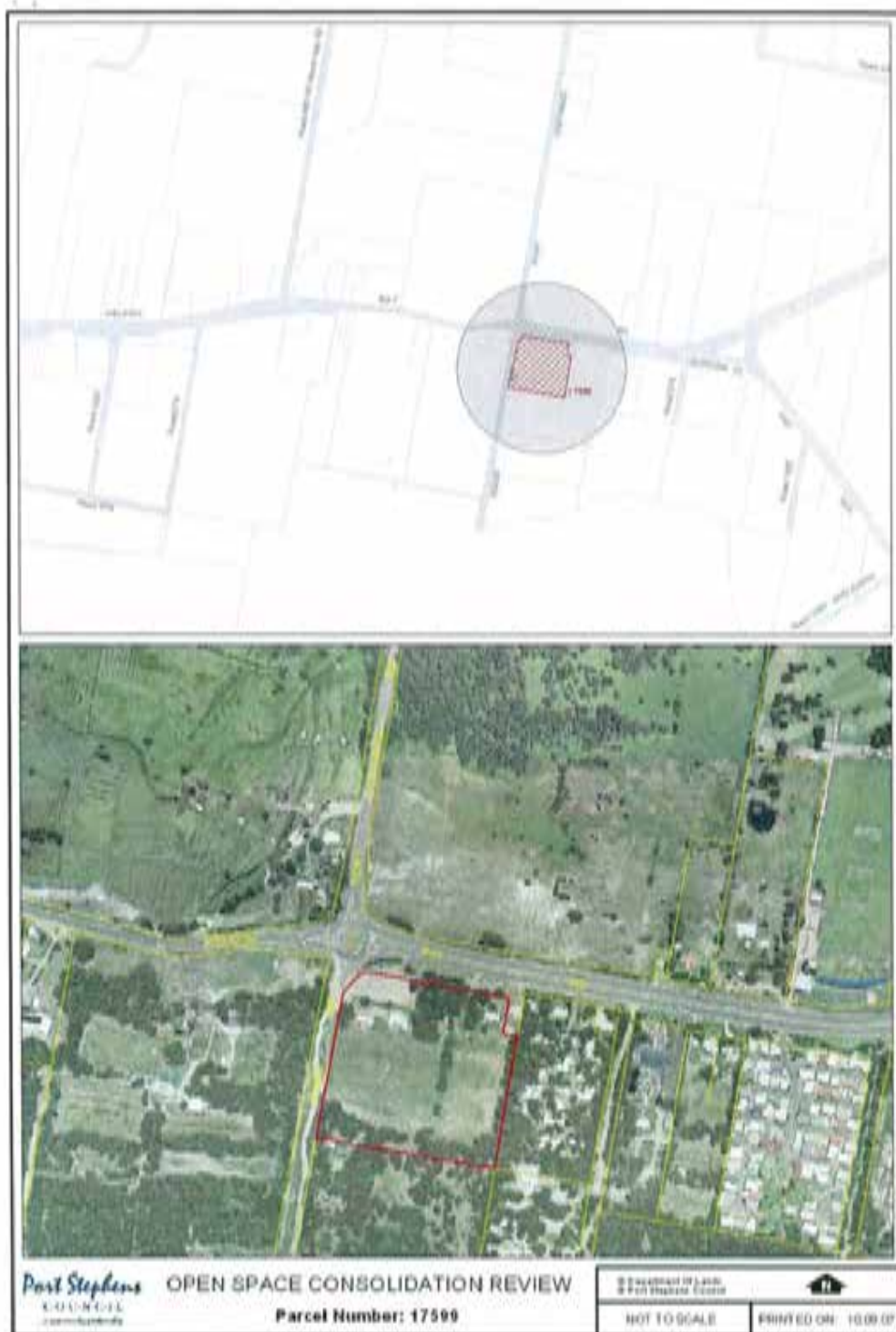
Parcel Number	Street Address	Zoning	Area (m ²)	Current Use	Potential Use	Potential Value	Comments
17599	2 Jessie Road Anna Bay	6a	3.5 hectares	Former sportsground	Commercial, industrial, tourism	\$850,000	Site not suitable for sporting use due to location, access and size. Tomaree Sports Council supports rationalisation with view to improving sporting facilities elsewhere on the Tomaree Peninsula. Infrastructure on the site is in extremely poor condition. Note that the portion of the site used by Anna Bay Pony Club is to be retained for their use. Reclassification to operational land will not impact on their ongoing use of the site. It will actually make it easier for future management purposes. These have been approached from a number of organisations who are interested in this site. Further possible use as a Council Depot needs to be considered.

East Ward

Parcel Number	Street Address	Zoning	Area (m ²)	Current Use	Potential Use	Potential Value	Comments
17298	35a Blanch Street Boat Harbour	6a	1466	Tennis courts	residential	\$1,150,000	As per adopted tennis strategy, relocation of courts to new One Mile Beach site being pursued. Will provide for greater use, sustainability and meet future needs of the broader community. Proposed site at One Mile Beach can cater for 4-6 courts and meet broader recreation needs. Additional open space in this precinct is not required due to other existing provision nearby.









ORDINARY COUNCIL – 28 MAY 2013

ITEM NO. 2

FILE NO: PSC2009-00382

RECLASSIFICATION OF LOT 10 DP 729986 - 2 JESSIE ROAD, ANNA BAY (FORMER ANNA BAY OVAL)

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (included at **ATTACHMENT 2**);
- 2) Forward the Planning Proposal to the NSW Department of Planning and Infrastructure under section 56 in the Environmental Planning and Assessment Act 1979 with a request for a Gateway Determination;
- 3) Request a Written Authority to Exercise Delegation under section 59 of the Environmental Planning and Assessment Act 1979 to make the draft local environmental plan.

**ORDINARY COUNCIL MEETING – 28 MAY 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Bruce MacKenzie Councillor Ken Jordan
	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 Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Morello and Sally Dover.

Those against the Motion: Cr John Neil.

MOTION

137	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that the Committee of the Whole recommendation be adopted.

ORDINARY COUNCIL – 28 MAY 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 Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Morello and Sally Dover.

Those against the Motion: Cr John Nell.

Cr John Nell recorded his name against the resolution.

BACKGROUND

The purpose of this report is to seek Council's support for the request to prepare a Planning Proposal on behalf of Council's Property Services Section - Corporate Services Group to reclassify the former Anna Bay Oval from community land to operational land.

Council resolved to support the request to submit a planning proposal at its meeting on 27 March 2012 as the landowner. However, consideration of the Planning Proposal as the Relevant Planning Authority, requires a separate assessment report. The subject land has been identified as being surplus to Council's needs as part of the Open Space Consolidation Review (2007).

It is proposed to amend either the Port Stephens Local Environmental Plan 2000 or the Port Stephens Local Environmental Plan 2013 (whichever instrument is in force when the plan is made) to reclassify the land from community land to operational land under the provisions of the Local Government Act 1993. The amendment will revoke the public reserve status of the land.

Proposal Details

Planning Proposal: To reclassify the former Anna Bay Oval from community land to operational land under the Local Government Act 1993 as an amendment to either the Port Stephens LEP 2000 or the Port Stephens LEP 2013 as outlined in **(ATTACHMENT 2)**.

Subject Land: Lot 10 DP 729986, 2 Jessie Road Anna Bay

Proponent: Port Stephens Council; Property Services Section - Corporate Services Group

Current Zone: Zone 6(a) General Recreation "A"

Owner: Port Stephens Council

A locality plan identifying the land and the proposed reclassification map subject to the Planning Proposal is included at **(ATTACHMENT 1)**.

The Planning Proposal prepared by Strategy Hunter Consultants does not identify any issues that would preclude support of the proposal. The proposal clarifies that Council does not seek to rezone the land. The existing 6(a) General Recreation 'A' zone permits a broad range of land uses that are yet to be explored by Council.

ORDINARY COUNCIL – 28 MAY 2013

The planning proposal has been updated to reference the Draft Port Stephens Local Environmental Plan 2013 (final version adopted by Council on 26 March 2013) as this draft LEP was not exhibited before the original planning proposal was prepared. The draft LEP adopts Zone RE1 Public Recreation for the subject land.

The Anna Bay Pony Club (who occupies part of the site under existing licence arrangements) will be specifically consulted as part of the public exhibition process. The remainder of the site is largely unused.

FINANCIAL/RESOURCE IMPLICATIONS

The Planning Proposal will be processed using fees collected under the current Fees and Charges Schedule. Stage 1 fees totalling \$37,800 have been paid by Council's Corporate Services Group. Stage 2 fees will be levied post-Gateway Determination.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		LEP Amendment Fees & Charges Schedule

LEGAL, POLICY AND RISK IMPLICATIONS

The Planning Proposal will be processed in accordance with the plan making procedures in the Environmental Planning and Assessment Act 1979 and LEP Practice Note Practice Note PN 09-003.

Local Government Act 1993

Reclassification of the land from community land to operational land under the Local Government Act 1993 will allow Council to explore options to develop the land for other land uses that are permissible in the current 6(a) General Recreation 'A' zone, without being constrained to use the land for a community purpose as required with the public reserve status of the land and its associated community land classification.

Section 117 Ministerial Direction 4.2 – Reserving Land for Public Purposes

This Direction requires the approval of the Director-General of the Department of Planning and Infrastructure to remove the reservation of land for a public purpose. The reclassification of the subject land from community land to operational land will involve the revocation of the public reserve status of the land. The reasons for this direction are provided in Council's adopted Open Space Consolidation Review (2007) and actioned through the Planning Proposal. Council will seek this approval as part of the plan-making process.

ORDINARY COUNCIL – 28 MAY 2013

Council resolution 27 March 2012

The planning proposal actions the resolution of Council as landowner from its meeting on 27 March 2012 to submit a request to reclassify the subject land.

Port Stephens Local Environmental Plan 2000

The proposal seeks to amend the Port Stephens Local Environmental Plan 2000 by inserting the following into Part 2 of Schedule 1 as identified on the relevant land reclassification map as "operational land" (**ATTACHMENT 1**).

Schedule 1 Classification and reclassification of public land

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1 Locality	Column 2 Description	Column 3 Any trusts etc not discharged
Anna Bay, 2 Jessie Road	Lot 10, DP 729986 as shown edged heavy black on the map marked "Port Stephens Local Environmental Plan 2000 (Amendment No. XX)."	Nil

Port Stephens Local Environmental Plan 2013

Should the Port Stephens LEP 2013 be in force prior to the finalisation of this planning proposal, then this LEP will be amended by inserting the text above into Part 2 in Schedule 4. A new Land Reclassification Map layer (RPL series) will also be required to be included in this LEP. The site will be identified as "operational land" on the Land Reclassification Map.

Use of delegation under s59 of EPAA to prepare draft LEP

It is proposed to request use of Council's delegation to prepare the draft local environmental plan. This delegation (should it be granted) will expedite the plan-making process by allowing Council to write the legal draft environmental plan following the exhibition process.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Planning Proposal will be rejected at the Gateway Determination.	Low	Ensure that the relevant planning issues are addressed in the Planning Proposal. To this end, the Planning Proposal has been updated to include reference to the Port Stephens LEP 2013.	Yes

ORDINARY COUNCIL – 28 MAY 2013**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The earlier Council report in March 2012 identified that the subject land is surplus to the open space requirements of Council and is largely unused. Reclassifying the land will provide Council with the opportunity to explore opportunities for the use of this land that will have greater benefit for the community.

CONSULTATION

A two way conversation was held with Councillors on the 23 August 2011 regarding the reclassification and rezoning of Council owned land. This was to determine any sites of concern or that they wanted to revisit. Anna Bay Oval (2 Jessie Road, Anna Bay) formed part of the presentation. At the time, Councillors had no concerns with that site and did not want to visit it. Another two way conversation was held on the 21 February 2012 only on Anna Bay Oval where a number of proposed uses for the site were tabled for consideration by Councillors.

Further Community consultation has already occurred with relevant stakeholders as reported to Council in the March 2012 report. This consultation will continue during the plan-making process.

The Anna Bay Pony Club (who currently occupies part of the site through a licence arrangement) will be specifically consulted.

Council has not identified any government agencies or authorities to be consulted in relation to this planning proposal. Council will consult with any agencies identified in the Gateway Determination.

The public exhibition process will be conducted for 28 days in accordance with the relevant provisions in the Environmental Planning and Assessment Act 1979, section 5.5.2 in the Department's publication "A guide to preparing local environmental plans" (April 2013) and the Department's LEP Practice Note PN 09-003. A public hearing will be conducted after the close of the public exhibition period in accordance with section 57(6) in the Act.

OPTIONS

- 1) Adopt the recommendation in this report to submit the Planning Proposal to the NSW Department of Planning and Infrastructure with a request for a Gateway Determination;
- 2) Amend one or more of the provisions in the Planning Proposal prior to submitting the Planning Proposal to the NSW Department of Planning and Infrastructure with a request for a Gateway Determination;
- 3) Reject the recommendations in this report and not proceed with the Planning Proposal. In this instance, the subject site will remain largely unused and present as a cost burden to Council and Council's resolution to reclassify the land will not be achieved.

ORDINARY COUNCIL – 28 MAY 2013

ATTACHMENTS – All listed below are provided under separate cover.

- 1) Locality Plan and Reclassification Map – 2 Jessie Road, Anna Bay;
- 2) Planning Proposal (02 May 2013).

COUNCILLORS ROOM

NIL.

TABLED DOCUMENTS

NIL.



Contact: Dylan Meade
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Dylan.Meade@planning.nsw.gov.au
Postal: PO Box 1025, Newcastle NSW 2300
Our ref: PP_2013_PORTS_003_00 (13/06477)
Your ref: PSC2013-01904

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Attn: Peter Marler

Dear Mr Gesling,

Planning proposal to amend Port Stephens Local Environmental Plan (LEP) 2000 or draft Port Stephens LEP 2013

I am writing in response to your Council's letter dated 30 May 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to reclassify Lot 10 DP 729986 at 2 Jessie Road, Anna Bay from 'community' to 'operational' land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 2.1 Environment Protection Zones is of minor significance. No further approval is required in relation to this Direction. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, Council is reminded that the Director General's agreement to the reduction of land for public purposes is still required and is to occur prior to the plan being made.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's practice note PN09-003, *Classification and reclassification of public land through a local environmental plan*. Council is to place practice note PN09-003 on public exhibition with the planning proposal.

Council is to ensure that the Nelson Bay Pony Club and adjoining landowners, including Energy Australia are consulted with directly on the proposed reclassification and the timeframes and public exhibition details of the proposal.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan because the Governor's approval is required in relation to reclassification of land. Reclassification proposals where the Governor's approval is required cannot be delegated back to Council.


The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9229 5111 Facsimile: (02) 9229 5455 Website: www.planning.nsw.gov.au

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Dylan Meade of the regional office of the department on 02 4904 2700.

Yours sincerely,

 9.7.13
Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery



Gateway Determination

Planning proposal (Department Ref: PP_2013_PORTS_003_00): to reclassify land at Anna Bay from 'community' to 'operational' land.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan (LEP) 2000 or draft Port Stephens LEP 2013 to reclassify Lot 10 DP 729986 at 2 Jessie Road, Anna Bay from 'community' to 'operational' land should proceed subject to the following conditions:

1. Council is to ensure the planning proposal addresses the Director-General's requirements relating to the reclassification of public land consistent with section 5.5.4 of *A Guide to Preparing LEPs*.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to clarify that the reclassification of land at Anna Bay from 'community' to 'operational' land may remove public access to the land and remove opportunities for the recreational use of the land. Council is to place on public exhibition with the planning proposal, the Open Space Consolidation Review (2007) and practice note PN09-003, *Classification and reclassification of public land through a local environmental plan*.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
4. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.
5. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.

PORT STEPHENS PP_2013_PORTS_003_00 (13/09477)



6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 9th day of July 2013.

Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure

PORT STEPHENS PP_2013_PORTS_003_00 (13/59477)



Planning &
Infrastructure

Mr Peter Gesling
General Manager
Port Stephens Shire Council
PO Box 42
Raymond Terrace NSW 2324

Our ref: PP_2013_PORTS_003_00 (13/09477)
Your ref: PSC2013-01904

Attention: Jeffrey Bretag

Dear Mr Gesling

**Planning Proposal PP_2013_PORTS_003_00 Gateway Determination Extension
2 Jessie Road, Anna Bay**

I refer to your Council's request of 17 February 2014 to extend the time for completion of the above. I have determined as delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination Dated 9 July 2013 for PP_2013_PORTS_003_00 which expires on 15 April 2014.

The Gateway Determination is amended by extending the time for the completion of the Planning Proposal by an additional 6 months. The Planning Proposal is now due for completion by 16 October 2014. This is to allow time for the public hearing and subsequent consideration by Council before the PP can be submitted for making.

Council's request for the agency to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

If you have any questions in relation to this matter, please contact Ken Phelan of the agency's Newcastle Office on (02) 4904-2705.

Yours sincerely

5 March 2014

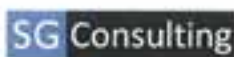
David Rowland
General Manager
Hunter & Central Coast Region

Hunter & Central Coast Region Level 2, 26 Honeysuckle Drive, Newcastle PO Box 1226 NEWCASTLE 2300
Telephone: (02) 4904 2700 Facsimile: (02) 4904 2701 Website: www.planning.nsw.gov.au

**Public Hearing –
Reclassification of 2 Jessie
Road (Lot 10 DP 729986),
Anna Bay**

prepared for
Port Stephens Council

13th April 2014



ABN: 55 036 846 897
Merewether NSW 2295
shay@sgconsulting.net.au
0402 802537

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List of attachments

Attachment 1 Public Meeting Presentation

1. Introduction

1.1 Background

The Council owned former Anna Bay Oval (Lot 10 DP 729986, 2 Jessie Road, Anna Bay) is proposed for reclassification from community land to operational land under the *Local Government Act 1993* (LG Act).

The reclassification was identified during an Open Space Consolidation Review conducted by Council in 2007.

The reclassification proposal was publicly exhibited between 29th August and 30th September 2013. Five submissions were received during the public exhibition period. Two of these submissions were from State Government agencies. Some submissions objected, while others had no objections.

The key matters raised in these submissions were as follows:

- The need to acknowledge the existing informal car park
- The need to explain why the land is being reclassified and proposed future uses
- Discussion of future site uses, such as a transport interchange, car parking for car poolers or a Visitor Information Centre
- The need to ensure consultation takes place with the Pony Club

The site was previously used as a Sports Ground and currently retains this category under the *Local Government Act 1993*.

A Public Hearing is required for the proposed reclassification, under Section 57(5) and (6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Section 29 of the *Local Government Act 1993*.

1.2 Purpose of report

This report constitutes an independent record of community feedback received at the public hearing held to reclassify Council owned land at 2 Jessie Rd, Anna Bay (Lot 10 DP 729986) from community to operational land as required Section 57(7) of the EP&A Act.

The meeting was held at 6pm, Tuesday 25th March 2014 at Elizabeth Waring Function Room, Tomaree Sports Complex, Nelson Bay Road, Nelson Bay.

2. Issues Raised

The Public Hearing received five speaker registrations:

1. Nigel Waters, Tomaree Ratepayers & Residents Association Pty Ltd
2. Chris Fogg, Port Stephens Coaches
3. Sue Woolaston, Nelson Bay Pony Club
4. Sherryn Burger, Nelson Bay Pony Club
5. Margaret Blanch, Nelson Bay Pony Club

The meeting was attended by 11 community members, Jeffrey Bretag (Strategic Planner, Port Stephens Council), Carmel Foster (Property Services Section Manager, Port Stephens Council) and Shay Gill (Independent Facilitator, SG Consulting).

2.1 Open questions/comments

Open questions/comments received (in italics) and Council responses below:

- *What agencies made submissions?*
Rural Fire Service as required by the Gateway Determination. Crown Land in their capacity as adjoining land owner.
- *Why was Roads and Maritime Services (RMS) not consulted?*
Since there is no subdivision or development proposed, RMS do not provide comment.
- *Council were looking at combining the RFS site into this lot? What is the status?*
Currently in negotiations with Crown Land who have identified the land as surplus to their needs. Once acquired, it will be classified as Operational.
- *The Pony Club land was previously Crown Land where the Club house is adjacent to RFS site. How did Council acquire this land? Pony Club has also lost access to other portions since acquisition by Energy Australia.*
The land may have been vested to Council previously.
- *Supposed to be a public meeting but even the nearest neighbours weren't notified.*
The legislation only requires advertising and notification to those who made submission during the exhibition period. The proposal does not constitute a development application and therefore doesn't trigger Council's usual notification requirements.
- *When was it in the paper?*
21 days prior to the public meeting.
- *Original Council process planned to have the process finished by now. Why the delay?*
16 sites are being proposed for reclassification. The goal was to progress these concurrently, hence a delay with one of the other sites has caused delay with this one.
- *Has any changes to the Proposal been made in response to feedback?*
Not yet. Following the Public Hearing feedback will be considered, which may influence the proposal.
- *What was the purpose and nature of the briefing to Councillors in 2012?*

Council were considering reclassification and rezoning but the land uses under the current zoning provide sufficient options without all the expense and effort of rezoning.

- *Operational classification would open opportunity for a range of additional uses including the rumoured caravan park. What uses are attractive to Council – why reclassify until you know what you want to use it for?*

Caravan Parks are permissible within the current classification. No future land use has been determined until more detailed studies are conducted. Reclassification would allow the opportunity for a carpark use to be proposed in the site.

Reclassification is a long legal process. It allows other land use options to be investigated and assessed with minimal cost to Council and the community.

- *This site provides the best location in the area for a tourist information centre, café and bus/car transfer location.*
- *How long will it take to reclassify?*

Aiming for Proposal to go to the Council meeting in May 2014. If approved, it would be sent to the NSW Department of Infrastructure and Planning (DP&I) for determination. This will likely take several months.

- *Hasn't Council already approved the Proposal?*

27/3/12 – Council resolved to prepare a Planning Proposal

28/5/13 – Council resolved to seek a Gateway Determination from the DP&I

Council required two separate decisions to be made – one as landowner, and one as planning authority.

- *Can the Planning Proposal include a Principle to protect a portion of the site for ongoing community uses?*

Will investigate mechanisms available.

- *Carpooling is important and should be facilitated by this site – for workers and sports people, seven days a week.*
- *Can only a portion of the site be reclassified or rezoned?*

The entire site needs to be done.

- *Why is there no Recreation Community Services representative in attendance at this meeting?*

Apologies are provided. They were invited but were unable to attend. They briefed Jeffery Bretag prior to the public hearing.

- *Is the toilet block functional (with sewer and water)?*

Toilets are locked and not open to the public. They are serviced by spear water so not always running water available. Not sewerred.

- *Is there another opportunity for community involvement with the DP&I process?*

DP&I do not have any community involvement in their stage of the process. The public is able to attend and speak at the Council meeting that will be determining the Proposal. Jeffery Bretag will notify attendees of the date when the Proposal will be discussed by Council.

2.2 Registered Speakers

Public comments in italics, Council response below.

Nigel Waters (Tomaree Ratepayers & Residents Association Pty Ltd):

- *The consultation process may be legal but it is inadequate notification of neighbours and the leasing Pony Club.*
- *Reclassification opens up wider range of uses yet does not provide the same opportunity for public comment as rezoning.*
- *No objection to the principle of reassessing the best use of Council assets to increase economic return.*
- *The process should not be done in two discrete stages. The end use should be known to adequately consider the reclassification.*
- *Planning Proposal needs to fully acknowledge and include formalising the existing use by the Pony Club and as an informal transport interchange formalised.*
- *Future uses to be promoted in the Planning Proposal:*
 - *Transport interchange (park & ride, Port Stephens Coaches pickup/drop off).*
 - *Visitor information:*
 - *Centre/static information (not staffed)*
 - *Single access point to Anna Bay, Shoal Bay, Nelson Bay, Soldiers Point etc)*
 - *"Destination Port Stephens" report identified the distinct lack of layby information bays in the area and absence of interpretative signage*
- *Council need to be open and honest about what is permissible in the RE1 Public Recreation zone that will become available following reclassification.*
- *Consider the possibility of partial sale or lease in combination with Council operational uses (transport interchange/ visitor signage).*

Chris Fogg (Port Stephens Coaches):

- *This site has been used for 20 years as an informal transport interchange.*
- *The heavily utilised school commute needs a safe, off road location for drop-offs and for passenger safety.*
- *Special events need a safe non-commercial location to prevent anti-social behaviour that tends to occur at the shopping centres.*
- *The site is the first place in Tomaree Peninsula for tourist information without having to drive into the town centre.*
- *Concern over what development may occur.*
- *Only get one chance to sell, then it is gone forever.*

Sue Woolaston, Sherryn Burger and Margaret Blanch (Nelson Bay Pony Club):

- *Council does not allow the Pony Club to maintain the grounds. So a major event was recently postponed because fences were down, rubbish and vandalism was not repaired by Council. Council will not respond to requests to maintain this site.*

- *The function as open space may not be required now, but the area will not stay non-urban forever and in 20 years there won't be any open space.*
- *Concern that once the site is reclassified, Council can sell it.*
- *Other leases and/or uses will further restrict the amount of land available to the Pony Club.*
- *The Pony Club currently uses the entire area, and could function with less if needed (albeit not preferred).*
- *Pony Club would be pleased to share the site with suitable compatible uses.*
- *Pony Club did not provide any objection since there is nothing specific to object to. Therefore did not receive notice of the public meeting.*
- *Pony Club cannot just relocate and combine with Salt Ash. Club has an individual culture and identity.*
- *Catholic Church has apparently considered the site for a school and a developer is looking at buying the caravan park and extending it to this land.*

Council was approached by the new owner of the caravan park and made clear the site was not for sale. Council do not consider a caravan park a good use of the land.

The last two elected Councils were not interested in selling the site. It is considered community land for public use. It is impossible to predict if a future Council may have a different view.

3. Conclusion

The contents of this report represent and accurate record of the Public Meeting held on Tuesday 25th March 2014 regarding the Planning Proposal for the reclassification of 2 Jessie Rd, Anna Bay.

ATTACHMENT 2

Summary of Submissions and Planning Comment

Submission Summary – 2 Jessie Rd, Anna Bay – Reclassification – Planning Proposal			
No	Name	Summary	Planning Comment
1	Rural Fire Service	1. No concerns or issues in relation to bushfire	1. Noted
2	Not Disclosed	<ol style="list-style-type: none"> 1. Suitable site to be used as a designated transport interchange/ car-pooling facility 2. Limited consultation with the Nelson Bay Pony Club. 3. The boundary of the Site and ultimate sale should be altered to provide sufficient space adjoining Nelson Bay Road to retain in public ownership and accommodate: <ul style="list-style-type: none"> o Transport Interchange o Car Parking for car poolers o A Visitor Information Bay 4. Provides the following recommendations regarding the reclassification: <ul style="list-style-type: none"> o Existing uses of the informal car parking be properly acknowledged o Technical reasons for the reclassification be explained clearly and emphasised at an early stage of the report o Discussion about potential public uses of the land following reclassification 	<ol style="list-style-type: none"> 1. The site provides a gateway to the Tomaree Peninsula. The reclassification is the first step in the process towards providing increased flexibility for future options for the site. 2. The Nelson Bay Pony Club was notified of the public exhibition of the planning proposal and was subsequently notified of the public hearing. The concerns of the Pony Club regarding their future use of the site are recorded through the public hearing report. They did not provide a formal submission. 3. The site provides a gateway to the Tomaree Peninsula. The reclassification is the first step in the process towards providing increased flexibility for future options for the site, such as a Transport Interchange, Car Parking or a Visitor Information Centre. Those persons who provided submissions and attended the public hearing have been recorded and will be involved in future discussions regarding uses of the site. 4. The following responses are provided: <ul style="list-style-type: none"> o Informal car parking is currently taking place without development approval o The Council Report seeks to provide further explanation of community versus operational land o The site provides a gateway to the Tomaree Peninsula. The reclassification is the first step in the process towards providing increased flexibility for future options for the site.
3	Not	1. Does not support reclassification of the site and at the	1. Noted. This submission has been noted as an objection.

	Disclosed	<p>very least the reclassification of the frontage to Nelson Bay Road</p> <ol style="list-style-type: none"> 2. Lack of consultation 3. Tourism Diagnostic Report states that the site should not be sold until a site for a VIC is determined 4. Suggested future use of the site as an Informal Park & Ride Facility and Council Depot 5. Consult Port Stephens Coaches 	<ol style="list-style-type: none"> 2. Consultation has taken place in accordance with the Gateway Determination. Those persons who provided submissions and attended the public hearing have been recorded and will be involved in future discussions regarding uses of the site. 3. The Tourism Diagnostic Report is not publicly available. The reclassification of the subject site was identified through the Open Space Consolidation Review 2007. 4. The site provides a gateway to the Tomaree Peninsula. The reclassification is the first step in the process towards providing increased flexibility for future options for the site. 5. Port Stephens Council provided a submission during the public exhibition period and attended the public hearing.
4	NSW Trade & Investment – Crown Lands	<ol style="list-style-type: none"> 1. No Objections and proposes that Council purchase the Old Fire Station – Crown Land Site under the Land Acquisition (Just Terms Compensation) Act 1991 	<ol style="list-style-type: none"> 1. The bushfire brigade structures were recently removed by Council as part of the sites remediation when no longer required as an active bushfire shed. The site remains vacant and is still to be assigned an alternate purpose. Acquisition would have to be resolved separately by Council as this is outside of the original resolution and the parameters of the Gateway Determination
5	Not Disclosed	<ol style="list-style-type: none"> 1. Need to acknowledge the current informal use as transport interchange for School Children 	<ol style="list-style-type: none"> 1. Informal car parking is currently taking place without development approval. The reclassification does not prevent this current informal use of the site.
6	Not Disclosed	<ol style="list-style-type: none"> 1. Council could have better explained their intentions for the future use of the site following the reclassification 	<ol style="list-style-type: none"> 1. The site provides a gateway to the Tomaree Peninsula. The reclassification is the first step in the process towards providing increased flexibility for future options for the site.

ITEM NO. 3**FILE NO: PSC2013-00693****SUSTAINABILITY REVIEW - BUSINESS SYSTEMS SUPPORT SECTION**

REPORT OF: ZOE PATTISON – BUSINESS SYSTEMS SUPPORT SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Sustainability Review – Business Systems Support Section Service Strategy and endorse the findings of the review.

ORDINARY COUNCIL MEETING – 27 MAY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Chris Doohan
	That the recommendation be adopted.

MOTION

120	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council note the information contained in the Sustainability Review – Business Systems Support Section Service Strategy and endorse the findings of the review.

BACKGROUND

The purpose of this report is to present to Council the outcomes of the sustainability review for the Business Systems Support Section and seek endorsement of the recommendations contained in the Service Strategy.

The comprehensive review of this package has been undertaken in accordance with Clause 15.1 of the Community Strategic plan to ensure that services and assets delivered to the community are sustainable in the longer term.

The sustainability review comprises three key stages:

- Stage 1 – reviewing what is currently delivered (service drivers);
Stage 2 – reviewing what should be delivered (service levels);
Stage 3 – reviewing how services should best be delivered (service delivery method).

Business Systems Support Services

The Business Systems Support Section forms part of the Corporate Services Group. Its purpose is to support internal customers in the delivery of best value services to the community. The Section is structured around the key areas of Business Improvement, Information and Communications Technology (ICT), Information Services (Records) and Spatial Services. The Section not only delivers an operational service it also coordinates the program of corporate business improvements which supports delivery of a 'one council' approach to business improvement.

Council has adopted a centralised and shared service approach for its Business Systems Support functions. This helps to ensure consistency in the deployment of systems and processes across the various business units and the development of a common culture across the organisation.

The Business Systems Support Section has responsibility for the Knowledge Management and Information and Communications Technology strategy, which support's Council's vision for Port Stephens and the community into the future. This ensures the organisation has the capacity and capability to deliver efficient, effective and responsive services to the community.

The services offered by the Business Systems Support Section are listed below:

- Knowledge Management and Information and Communications Strategic Direction;
- Coordination of Council's implementation of the Australian Business Excellence Framework;
- Coordination of the Business Improvement Program of Works;
- Delivery of allocated Business Improvement Projects included in the Business Improvement Program of Works;
- Delivery of specialist advice, information and support to deliver Business Improvement initiatives;
- Coordination of the Enterprise Architecture framework and Information and Communications Technology Governance Framework;
- Information and Communications Technology Support Services;
- Corporate Applications Support;
- Information and Communications Technology Infrastructure;
- Recordkeeping Framework;
- Operational Records Management;
- Spatial Strategy and Governance;
- Spatial Systems Administration;
- Spatial and Land Information and advice;
- Local Emergency Management Support (mapping).

Emerging Trends

The pace of advancement for all aspects of technology, records management and spatial services is high and still increasing.

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Relevant trends impacting on Council are significant shifts in:

- Mobile working for staff, including the expansion of mobile apps and the effect on traditional corporate processes and systems;
- Customer driven transition to a customer centric digital service delivery model as the default;
- Improving capacity of telecommunications networks (with or without NBN);
- Redesigning the enabling IT support arrangements using access to hybrid cloud and IT as service. Cloud hosting (platform infrastructure and software as a services) is evolving;
- Costs of digital storage continues to decrease rapidly;
- Increasing customer and staff expectation that information and transactions are available on-line, particularly to enable personalisation of services;
- Changed Privacy legislation from March 2014 imposes additional obligations. Increasing trend to require organisations to make information available to the public on-line (GIPA Act and 'Open Data');
- How spatial information is being acquired is changing which is making it easier and more cost effective to access the data.

It is important that the organisation has in place a strategy and associated structure to deliver a service that will enable staff and Councillors to deliver valued services to our community through the use of technology.

Benchmarking

The total operating budget for the Information Services unit is comparable with other Councils.

Data indicates that Spatial Services, ICT and Business Improvement are in the bottom quartile in terms of number of people and financial spend as a percentage of total revenue and number of staff.

The ICT Helpdesk performance is in the lower quartile.

FINANCIAL/RESOURCE IMPLICATIONS

The total number of employees within the Business Systems Support Section is currently 26.63. The Service Strategy proposes to investigate redesigning a number of these roles to ensure that the focus is on developing and supporting improved customer facing systems and processes such as the internet and mobile working.

Given the importance of ensuring that Council has technology that enables best value service delivery there is strong support from the Executive Leadership team for this proposal.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	36,000	To be funded as per the current treasury model.

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Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council has an open risk appetite for technology. However current ICT policies are based on a low risk appetite and in many cases this restricts staff from delivering an effective service to the community. There needs to be a healthy balance between providing an agile and flexible technology platform that allows effective service delivery and a secure service that limits Council's financial, legal and reputation risk.

The Business Improvement team is in place to allow a 'one council' approach to continuous improvement. This ensures that the right processes, systems (including technology systems) and people are in place to deliver on the Community Strategic plan.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's technology systems and processes (including Spatial) will restrict the organisation from delivering valued services to the community.	High	Ensure that the strategy, structure, systems and processes are in place and agile enough to enable the organisation to deliver the agreed level of service in the best possible way both now and into the future. Ensure the appropriate level of security is in place whilst not locking things down so they restrict good practice.	Yes
There is a risk that the Business Improvement initiatives will not be adequately planned, resourced and executed if there is inadequate commitment from the organisation.	High	The Executive Leadership team (ELT) to endorse and monitor the progress of the Business Systems Support Program of Work, which includes the Corporate Business Improvement program.	Yes
There is a risk that the Records Management Systems will not comply with the State records Act.	High	The records framework and associated management directive set out the organisation's obligations under the State Records Act. All staff and Councillors need	Yes

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		to comply with the requirements.	
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Business Systems Support Section plays a key role in supporting the organisation to develop its capacity to ensure there is alignment with Council's strategic direction.

CONSULTATION

- 1) Executive Leadership team;
- 2) Group managers;
- 3) Section managers;

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Sustainability Review – Business Systems Service Strategy.

ITEM NO. 4**FILE NO: PSC2013-03793****PORT STEPHENS COUNCIL DRAFT FEES AND CHARGES 2014-2015****REPORT OF: WAYNE WALLIS - GROUP MANAGER****GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the submissions received and associated recommendations summarised in **(ATTACHMENT 1)**;
- 2) Adopt the draft Fees and Charges 2014-2015.

ORDINARY COUNCIL MEETING – 27 MAY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Chris Doohan
	That the recommendation be adopted.

MOTION

121	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council: <ol style="list-style-type: none">1) Note the submissions received and associated recommendations summarised in (ATTACHMENT 1);2) Adopt the draft Fees and Charges 2014-2015.

BACKGROUND

The purpose of this report is to provide to Council details of the submissions received as a result of the exhibition of the draft Fees and Charges 2014-2015, which together with recommendations for individual submissions, are noted in **(ATTACHMENT 1)**.

At its meeting on 25 March 2014 (Minute No. 068), Council agreed to place the draft Fees and Charges 2014-2015 on public exhibition for the period 1 – 30 April 2014 and to invite submissions.

Unless fees and charges are exhibited for 28 days and subsequently adopted by Council before 30 June each year, Council is unable to charge for those services and facilities for which it sets fees under Section 608 of the Local Government Act.

FINANCIAL/RESOURCE IMPLICATIONS

Copies of the adopted Fees and Charges 2014-2015 will be available on Council's website, at its libraries and Administration Building; and supplied to 355c Committees – Halls and Sports Councils.

Costs associated with Fees and Charges 2014-2015 relate to production and distribution of documents required by the legislation and Council's service delivery processes.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	497	Recurrent funding.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 610 of the Local Government Act 1993 and Regulation 201 of the Local Government (General) Regulation 2005 require that a Council must adopt a schedule of fees and charges as part of its Operational plan and budget. The draft Fees and Charges were formulated in accordance with Council's Pricing policy.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not adopt the Fees and Charges 2014-2015 before 30 June 2014 it will be unable to levy fee income resulting in financial loss.	Low	Council adopt the Fees and Charges 2014-2015.	Yes
There is a risk that if Council does not adopt the Fees and Charges 2014-2015 before 30 June 2014 it will be in breach of law resulting in reputational loss.	Low	Council adopt the Fees and Charges 2014-2015.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Fees and Charges 2014-2015 have been formulated in accordance with Council's Pricing policy which has regard to its community service obligations, economic return to Council for use of assets, paid for by the community, ability of customers to pay for services, and in accordance with Council's legal obligations.

CONSULTATION

The draft Fees and Charges 2014-2015 were placed on public exhibition from 1 – 30 April 2014. Copies were placed on Council's website, in libraries and at the Administration Building. Advertisements were placed in the Port Stephens Examiner prior to and during the exhibition period. Draft fees for children's services were separately advised to parents and carers who were also asked for written submissions.

Fees for Community Public Halls and those associated with Sports Councils were developed on the recommendation of members of the respective 355c Committees.

OPTIONS

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

ATTACHMENTS

- 1) Schedule of submissions received with individual recommendations for each submission.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

SCHEDULE OF SUBMISSIONS RECEIVED WITH INDIVIDUAL RECOMMENDATIONS FOR EACH SUBMISSION

The following table provide details of submissions received after exhibition of the Draft Fees and Charges 2014-2015 from 1 to 30 April 2014.

No.	Submission made by:	Details of Submission	Recommendation
1	Resident of Corlette	Request for Council to annually invite ratepayers to approve or reapprove the direct debit of rates. <i>The General Manager has responded separately to this submission.</i>	That Council notes the submission.
2	Resident	Request for reconsideration of Before and After School Care and Vacation Care fee increases as these are unaffordable; and there is no indication of any additional services to warrant the increases. <i>Management makes every effort to limit fee increases to minimise impact on families; however there are pressures which force fees to be increased. Staffing costs are a significant portion of the children's services operational budget and recent regulatory changes have increased the number of hours staff have been required to work in addition to face to face work with children. While the fee increase has been less than 3% this is going to make the service less affordable for many families. In July the government will as usual increase the Childcare Benefit in line with CPI and this will assist the majority of families using the Outside School Hours services.</i> <i>(Manager Community Services)</i>	That Council notes the submission.

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No.	Submission made by:	Details of Submission	Recommendation
3	General Manager	New fee: Replacement of Contractor Card \$20.00 (no GST). Full cost recovery. This is a fee to replace a lost card under the new Contractor Management System which has been purchased. <i>Knowledge of this fee being required was not available at the time of exhibition of the draft Fees & Charges 2014-2015.</i>	That Council agree to include the Contractor Card Replacement Fee in the adopted 2014-2015 Fees & Charges.

ITEM NO. 5**FILE NO: PSC2013-02542****INTEGRATED PLANS 2014-2024****REPORT OF: WAYNE WALLIS – GROUP MANAGER****GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the submissions received and associated recommendations summarised in **(ATTACHMENT 1)**;
- 2) Adopt the draft Integrated Plans 2014-2014, comprising the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024.

ORDINARY COUNCIL MEETING – 27 MAY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Ken Jordan
	That Council: <ol style="list-style-type: none">1) Note the submissions received and associated recommendations summarised in (ATTACHMENT 1);2) Adopt the draft Integrated Plans 2014-2014, comprising the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024.3) Include Item 4 within ATTACHMENT 1 in the Forward Works Program.

MOTION

122	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council: <ol style="list-style-type: none">1) Note the submissions received and associated recommendations summarised in (ATTACHMENT 1);2) Adopt the draft Integrated Plans 2014-2014, comprising the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024.3) Include Item 4 within (ATTACHMENT 1) in the Forward Works Program.

BACKGROUND

The purpose of this report is to advise Council of submissions received and to seek Council adoption of the recommendations in **(ATTACHMENT 1)** related to each submission.

At its meeting on 25 March 2014 (Minute No. 069), Council agreed to place the draft Integrated Plans 2014-2014 on public exhibition for the period 1 – 30 April 2014 and to invite public submissions. The draft Integrated Plans 2014-2014, comprise the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024. Council noted at the meeting on 25 March 2014 that there were no changes to the Workforce Strategy 2013-2017 and that it was not required to be placed on exhibition.

FINANCIAL/RESOURCE IMPLICATIONS

Production of copies of the Integrated Plans 2014-2024 are included in the budget for Corporate Strategy & Planning. Copies are available on Council's website and hard copies are available in Council's libraries. Copies are available for purchase at cost on request.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	1,734	Recurrent budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Exhibition of the Integrated Plans complied with Council's obligations under the Local Government Act – Section 405(4). There are no policy implications as all aspects of the Integrated Planning and Reporting framework are mandated by legislation.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if Council fails to adopt the draft Integrated Plans 2014-2014, the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024 before 30	Low	Adopt the draft Integrated Plans 2014-2014, the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024.	Yes

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June 2014 there will be financial exposure and potential loss of revenue.			
There is a risk that if Council fails to adopt the draft Integrated Plans 2014-2014, the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024 before 30 June 2014 it will suffer reputational loss caused by breach of law.	Low	Adopt the draft Integrated Plans 2014-2014, the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Integrated Plans 2014-2024 were developed in accordance with the provisions of Section 402-404 of the Local Government Act. The Integrated plans detail how the service packages provided by Council address the social, economic and environmental as well as civic/corporate leadership pillars of sustainability.

CONSULTATION

The draft Integrated Plans 2014-2014, comprising the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024 were placed on public exhibition for the period 1 – 30 April 2014 and submissions were invited. Copies were placed on Council's website, in libraries and at the Administration Building. Advertisements were placed in the Port Stephens Examiner prior to and during the exhibition period.

OPTIONS

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

ATTACHMENTS

- 1) Schedule of Submissions with associated recommendations.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

SCHEDULE OF SUBMISSIONS WITH ASSOCIATED RECOMMENDATIONS

The following table provides details of the submissions received as a result of placing the draft Integrated Plans 2014-2014, comprising the draft Operational Plan 2014-2015, draft Long Term Financial Plan 2014-2024, and draft Strategic Asset Management Plan 2014-2024 on public exhibition for the period 1 to 30 April 2014.

No.	Submission made by:	Content of Submission	Recommendation
1	Resident of Karuah	Request to kerb and seal Riverside Drive, Karuah. <i>Riverside Drive, Karuah is an unsealed road. Utilising the criteria set by the Forward Works Plan and the methods used to allocate funding to many community projects, it is unlikely to be upgraded in the near foreseeable future.</i> <i>(Manager Civil Assets)</i>	That Council notes the correspondence.
2	Community members through Councillor Dover	Request for shoulder widening on Foreshore Drive to build a cycle way from the culvert heading east towards Sandy Point Road. This project is scheduled for 2015-2016 and it is proposed to bring it forward to 2014-2014 and to move the road rehabilitation planned for Paterson Road, Woodville to 2015-2016. <i>This request is supported.</i> <i>(Manager Civil Assets)</i>	That Council agrees to include this project in the Works Program for 2014-2015 and to move Paterson Road Woodville rehabilitation to Works Program for 2015-2016.
3	Community members through Councillor Jordan	Request to replace works in Sturgeon Street, Raymond Terrace with works on Hinton Road. <i>This change is supported because the Raymond Terrace Master Plan has not yet been completed.</i> <i>(Manager Civil Assets)</i>	That Council agrees to transfer funds allocated to Sturgeon Street Raymond Terrace, to Hinton Road in the Works Program 2014-2015; that the Sturgeon Street works be rescheduled once the Raymond Terrace Master Plan has been adopted.

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No.	Submission made by:	Content of Submission	Recommendation
4	Councillor Tucker	<p>Inclusion of the following works in the Strategic Asset Management Plan 2014-2024:</p> <ol style="list-style-type: none"> 1. Piping of the table drain from King Albert Avenue to Peace Parade Tanilba Avenue, Tanilba Bay. This table drains is difficult for residents to maintain and has proven dangerous to road safety and pedestrians in times of heavy rain. 2. Piping of the table drain on Wemyss Way, Tanilba Bay from Tilligerry Track to Conquest Crescent, Tanilba Bay. This table drain has caused localised flooding of properties in this vicinity. It is also difficult for residents to maintain and has proven dangerous pedestrians in times of heavy rain. 3. Provision of an Information Bay to be located opposite the Tanilba Bay Golf Club on Lemon Tree Passage Road, Tanilba Bay. This will provide visitors and residents with information and directions. It will replace the abundance of signs and displays currently in use with a single point of contact and enhance road safety. 	That Council notes the correspondence and asks Manager Civil Assets to liaise with Councillor Tucker to discuss scope and funding.

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No.	Submission made by:	Content of Submission	Recommendation
	Submission 4 continued.	<p>4. Landscaping replacement on the roundabout at the Intersection Lemon Tree Passage Road and Nelson Bay Road, Salt Ash.</p> <p>The replacement of landscaping on this roundabout with modern materials will complement the current upgrade of Lemon Tree Passage Road, significantly reduce maintenance costs and provide a suitable gateway to the Tilligerry Peninsula . This project will also serve as a pilot project for other isolated roundabouts in the Port Stephens LGA.</p>	As above.

ITEM NO. 6**FILE NO: PSC2013-04357****MAKING OF RATES AND CHARGES 2014-2015****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER****GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Make rates and charges for 2014-2015 in accordance with **ATTACHMENT 1**.
-

ORDINARY COUNCIL MEETING – 27 MAY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

123	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council make the rates and charges for 2014-2015 in accordance with ATTACHMENT 1 .

BACKGROUND

The purpose of this report is to make rates and charges for 2014-2015. The proposed rates and charges reflect those included in the Statement of Revenue policy contained in the Operational Plan 2014-2015. Legislation requires 2014-2015 rates to be calculated using 1 July 2013 base date land values.

FINANCIAL/RESOURCE IMPLICATIONS

The Independent Pricing and Regulatory Tribunal (IPART) has set the rate peg for 2014-2015 at 2.3%. Rate and charge income must be collected in a timely manner to ensure cash flow to fund Council operations.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Nil.	Levy and collection functions are within existing operational budget.
Reserve Funds	No		

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Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Legislation requires rates and charges to be made annually by Council resolution and served by 1 August. Council must obtain IPART approval to exceed the rate pegging limit.

Under the Debt Recovery and Hardship policy Council may provide limited financial assistance to ratepayers suffering hardship resulting from use of the new land values to calculate rates. The eligibility for assistance is limited to 5% of ratepayers, being those most adversely affected by rate increases. This equates to ratepayers whose ordinary rates have increased by at least 11.5% over 2013-2014 ordinary rates.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to make and serve rate notices by 1 August will defer the due date of the first instalment payment to 30 November adversely affecting cash flow.	High	Make rates and charges and serve notices before 1 August.	Yes
There is a risk that rate income may exceed the rate pegging limit.	Low	Calculate notional income prior to levy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Rate and charge income is necessary for Council to deliver the services outlined in the Integrated plans.

CONSULTATION

The proposals were exhibited in the Operational Plan 2014-2015.

OPTIONS

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

ATTACHMENTS

- 1) Schedule of Rates and Charges 2014-2015.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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ATTACHMENT 1

1. Make ordinary rates in accordance with the following schedule for 2014-2015 using 2013 land values.

Type of Rate	Name of Rate	Category Rate Applies to	Ad Valorem Rate c in \$	Base Amount \$	% of Yield from Base Amount
Ordinary	Residential	Residential	0.3309c	\$341.00	35%
Ordinary	Farmland	Farmland	0.3309c	\$341.00	20%
Ordinary	Business	Business	0.7879c	\$1,430.00	35%
Ordinary	Mining	Mining	0.7879c	\$0.00	

2. Levy on behalf of Hunter Local Land Services a catchment contribution at the rate determined by the Service for 2014-2015 on all rateable land with a land value of \$300 or more in the defined catchment area. The defined catchment area is shown on the Hunter Local Land Services Contribution Area map.
3. Fix the interest rate to apply to overdue rates and charges in 2014-2015 at 8.5% the maximum rate as determined by the Minister for Local Government.
4. Make the following annual Domestic Waste Management Charges and Waste Management Charges for 2014-2015. All rateable assessments that are undeveloped (ie. have no buildings erected upon them) will be levied either a Domestic Waste Management Charge or a Waste Management Charge. All developed rateable assessments (ie. have a building/s erected upon them) will be levied either a Domestic Waste Management Service Charge or a Waste Management Service Charge in addition to the Domestic Waste Management Charge/Waste Management Charge.

Charge Type	Charge Code	Charge Name	Land Category Charge Applies to	Amount of Charge (ex GST)
Domestic Waste Management (s496 Local Government Act, 1993)	6-63	Domestic Waste Management Charge	All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Service Charge (7-73).	\$63.00 per assessment
Waste Management Charge (s501 Local Government Act, 1993)	6-64	Waste Management Charge	All rateable land categorised as Mining or Business. All rateable land categorised as Farmland except land that is levied a s501 Additional Farm Waste Management Charge (6-65). All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Charge (6-63). All non-rateable land that uses the Domestic Waste Management Service.	\$63.00 per assessment

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Charge Type	Charge Code	Charge Name	Land Category Charge Applies to	Amount of Charge (ex GST)
Waste Management Charge (s501 Local Government Act, 1993)	6-65	Additional Farm Waste Management Charge	All rateable land categorised as Farmland where more than one assessment is held in the same ownership and those assessments are operated as a single farming entity, then the Waste Management Charge (6-64) is to be levied on the first assessment and this Additional Farm Waste Management Charge (6-65) is to be levied on the second and subsequent assessments.	\$1.00 per assessment
Domestic Waste Management (\$496 Local Government Act, 1993)	7-73	Domestic Waste Management Service Charge	All developed rateable land categorised as Residential or Farmland, whether occupied or unoccupied. All non-rateable land that uses the Domestic Waste Management Service.	\$372.50 per dual 240 litre bin service
Waste Management Charge (s501 Local Government Act, 1993)	7-74	Waste Management Service Charge	All developed rateable land categorised as Mining or Business, whether occupied or unoccupied.	\$372.50 per dual 240 litre bin service
Waste Management Charge (s501 Local Government Act, 1993)	3-74	Waste Service Charge – Additional Red Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$180.00 per additional waste (red lid) bin
Waste Management Charge (s501 Local Government Act, 1993)	4-74	Waste Service Charge – Additional Yellow Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$90.00 per additional recycling (Yellow lid) bin

ITEM NO. 7**FILE NO: 1190-001****REQUEST FOR FINANCIAL ASSISTANCE**

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

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) West Ward Funds – Cr Ken Jordan – Karuah Golf Club – New Water Pumps - \$2,000.00;
 - b) East Ward Funds – Cr Sally Dover – Nelson Bay Indoor Activity Group – First Year Premium for Public Liability - \$797.04.
-

ORDINARY COUNCIL MEETING – 27 MAY 2014
MOTION

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor John Morello
	That the recommendation be adopted.

MOTION

124	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:- <ul style="list-style-type: none">c) West Ward Funds – Cr Ken Jordan – Karuah Golf Club – New Water Pumps - \$2,000.00;d) East Ward Funds – Cr Sally Dover – Nelson Bay Indoor Activity Group – First Year Premium for Public Liability - \$797.04.

BACKGROUND

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 MEETING – 27 MAY 2014

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 Golf Club	New Water Pumps	\$2000.00
------------------	-----------------	-----------

EAST WARD – Councillors Dover, Morello & Nell

Nelson Bay Indoor Activity Group	First Years Premium Public Liability Insurance	\$797.04
----------------------------------	--	----------

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	2,797.04	West Ward Funds \$2,000.00 East Ward Funds \$797.04
Reserve Funds			
Section 94			
External Grants			
Other			

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;

MINUTES FOR ORDINARY MEETING – 27 MAY 2014

- b) the funding will directly benefit the community of Port Stephens;
- c) applicants do not act for private gain.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
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. 8**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 May 2014.

No: Report Title

- | | |
|---|---|
| 1 | Cash and Investments Held at 30 April 2014 |
| 2 | Designated Persons – Pecuniary Interest |
| 3 | Quarterly Report of Mayor and Councillor Expenses |
| 4 | Business Improvement Quarterly Report |

ORDINARY COUNCIL MEETING – 27 MAY 2014
MOTION**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Chris Doohan
	That the recommendation be adopted.

117	Councillor Ken Jordan Councillor Steve Tucker
	It was resolved that Council move out Committee of the Whole.

MOTION

125	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 27 May 2014.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

CASH AND INVESTMENTS HELD AT 30 APRIL 2014

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 April 2014.

ATTACHMENTS

- 1) Cash and investments held at 30 April 2014;
- 2) Monthly cash and investments balance April 2013 to April 2014;
- 3) Monthly Australian term deposit index April 2013 to April 2014.

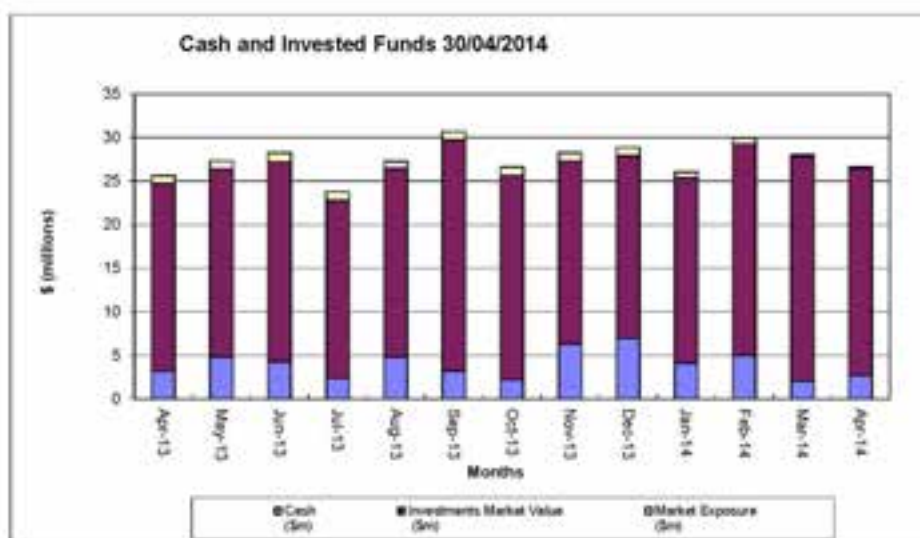
ATTACHMENT 1

CASH AND INVESTMENTS HELD AS AT 30 APRIL 2014								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
WIDE BAY AUSTRALIA LTD	CURVE	BBB	TD	3.70%	112	7-May-14	1,000,000	1,000,000
WIDE BAY AUSTRALIA LTD	CURVE	BBB	TD	3.70%	85	7-May-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	FIG	N/R	TD	4.00%	182	21-May-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	RM	N/R	TD	4.00%	184	18-Jun-14	1,000,000	1,000,000
GATEWAY CREDIT UNION LTD	CURVE	N/R	TD	3.41%	98	18-Jun-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.49%	126	2-Jul-14	1,000,000	1,000,000
INVESTEC BANK (AUSTRALIA) LTD	FIG	BBB-	TD	3.74%	112	2-Jul-14	1,000,000	1,000,000
MYSTATE LTD	RM	BBB	TD	3.74%	147	14-Jul-14	2,000,000	2,000,000
SUNCORP BANK	SUNCORP	A+	TD	3.92%	182	30-Jul-14	2,000,000	2,000,000
INVESTEC BANK (AUSTRALIA) LTD	CURVE	BBB-	TD	3.88%	182	13-Aug-14	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	RM	BB+	TD	3.75%	182	13-Aug-14	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.90%	244	10-Sep-14	1,500,000	1,500,000
AMP BANK LTD	CURVE	A+	TD	3.90%	244	10-Sep-14	1,000,000	1,000,000
ME BANK	ME BANK	BBB+	TD	3.80%	183	24-Sep-14	2,000,000	2,000,000
RURAL BANK LTD	CURVE	A-	TD	3.72%	194	8-Oct-14	2,000,000	2,000,000
THE MUTUAL	THE MUTUAL	N/R	TD	3.80%	182	22-Oct-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.74%	244	17-Dec-14	1,000,000	1,000,000
SUB TOTAL (\$)							21,500,000	21,500,000
OTHER INVESTMENTS								
DEUTSCHE BANK TELSTRA LNK DEP. NTE	FIG SECURITIES	A	FRN	4.43% 7yrs		30-Nov-14	500,000	485,000
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99% 10yrs		31-Dec-14	500,000	500,000
NEXUS BONDS LTD "TOPAZ AA-"	GRANGE	A	CDO	0.00% 10yrs		23-Jun-15	412,500	373,317
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00% 9yrs		1-Jun-17	1,017,876	902,999
SUB TOTAL (\$)							2,430,376	2,261,316
INVESTMENTS TOTAL (\$)							23,930,376	23,761,316
CASH AT BANK (\$)							2,691,914	2,691,914
TOTAL CASH AND INVESTMENTS (\$)							26,622,292	26,453,232
CASH AT BANK INTEREST RATE				2.50%				
BBSW FOR PREVIOUS 3 MONTHS				2.70%				
AVG. INVESTMENT RATE OF RETURN				3.41%				
TD = TERM DEPOSIT				FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION				FRSD = FLOATING RATE SUBORDINATED DEBT				
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 425 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
P GESLING								

ATTACHMENT 2

Cash and Investments Held

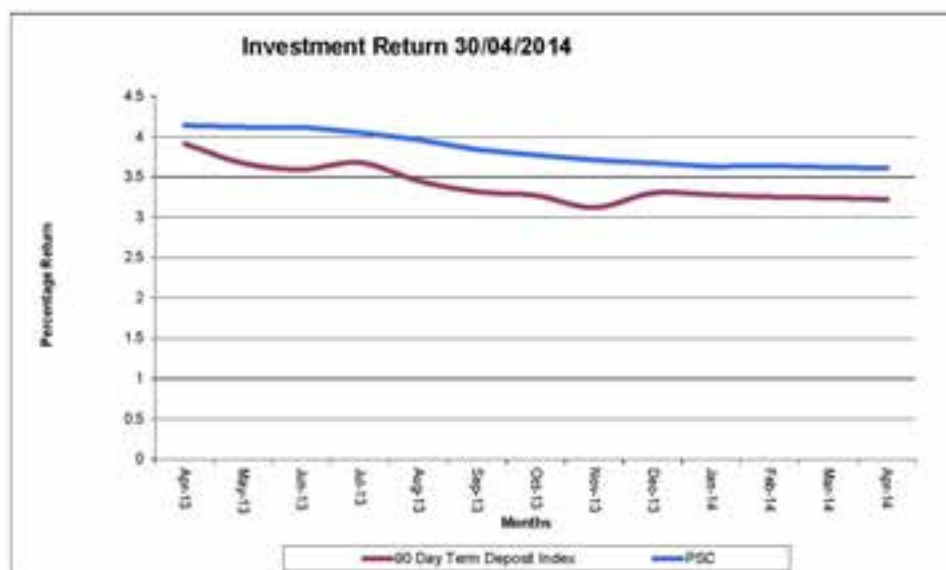
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Apr-13	3.192	21.527	0.903	25.623
May-13	4.870	21.531	0.900	27.301
Jun-13	4.302	22.926	1.005	28.232
Jul-13	2.366	20.426	1.005	23.797
Aug-13	4.847	21.578	0.852	27.278
Sep-13	3.221	26.489	0.941	30.652
Oct-13	2.193	23.484	0.946	26.623
Nov-13	6.305	20.992	0.939	28.236
Dec-13	6.932	20.992	0.939	28.863
Jan-14	4.122	21.271	0.659	26.052
Feb-14	5.006	24.274	0.656	29.936
Mar-14	2.048	25.759	0.171	27.978
Apr-14	2.692	23.761	0.169	26.622



ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	90 Day Term Deposit Index	PSC
Apr-13	3.9119	4.14
May-13	3.6715	4.12
Jun-13	3.5944	4.12
Jul-13	3.6774	4.05
Aug-13	3.4506	3.96
Sep-13	3.3183	3.84
Oct-13	3.27	3.77
Nov-13	3.1212	3.71
Dec-13	3.3007	3.67
Jan-14	3.2797	3.63
Feb-14	3.2527	3.64
Mar-14	3.2397	3.62
Apr-14	3.2216	3.61



INFORMATION ITEM NO. 2

DESIGNATED PERSONS – PECUNIARY INTEREST

REPORT OF: WAYNE WALLIS – ACTING GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2012-02853

BACKGROUND

The purpose of this report is to advise Council of those new Council staff who have submitted Returns.

In accordance with Section 450A of the Local Government 1993, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

The following is a list of position/s who have submitted Return/s:

Ranger (PSC020).

ATTACHMENTS

Nil.

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns.

INFORMATION ITEM NO. 3

QUARTERLY REPORT OF MAYOR AND COUNCILLOR EXPENSES

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS GROUP

FILE: PSC2010-04205

BACKGROUND

The purpose of this report is to provide the quarterly expenses of the Mayor and Councillors which have been incurred in accordance with the Payment of Expenses and Provision of Facilities to Councillors policy.

The table at **(ATTACHMENT 1)** also includes the total number of meetings attended during the period.

ATTACHMENTS

- 1) Quarterly Report of Mayor and Councillor Expenses.

ATTACHMENT 1
QUARTERLY REPORT – JAN 2014 – MAR 2014

			Mayor Bruce MacKenzie	Cr Chris Dochow	Cr Geoff Dingle	Cr John Alvesto	Cr John Neil	Cr Ken Jordan	Cr Paul Le Moine	Cr Peter Kofke	Cr Sally Dover	Cr Steve Butler	TOTAL
Total Council Meetings Attended (kheld)			4	3	3	4	3	3	3	3	3	3	
		Limits as per policy											
Councillor Mobile Rental	802.123	\$100 per month	\$255.00		\$183.00	\$366.00		\$407.00			\$99.00	\$273.00	\$1,413.00
Councillor Mobile Calls	803.123				\$0.00					\$63.00			\$63.00
Councillor Landline Phone Rental	804.123				\$155.00			\$223.00			\$50.00	\$285.00	\$713.00
Councillor Landline Phone Calls	805.123				\$21.00	\$148.00		\$108.00			\$3.00		\$274.00
Councillor Fax Rental	807.123												\$0.00
Councillor Fax Calls	808.123												\$0.00
Councillor Internet	804.123	\$40 per month			\$164.00	\$109.00		\$109.00			\$55.00		\$427.00
Councillor Communications Bundle Option	821.123	\$200 per month									\$1,153.00		
Councillor IntraState Travel Expenses	801.123	\$4,000 per year	\$70.00		\$260.00	\$343.00	\$367.00	\$672.00			\$614.00	\$616.00	\$2,832.00
Councillor IntraState out of pocket expenses	809.123												\$0.00
Councillor Interstate Travel (out of NSW)	810.123				\$108.00								\$108.00
Councillor Interstate out of pocket expenses	813.123												\$0.00
Councillor Interstate Accommodation (out of NSW)	811.123	\$2,500 per year			\$159.00								\$159.00
Councillor IntraState Accommodation	812.123		\$948.00				\$158.00						\$1,106.00
Councillor Conferences	814.123						\$617.00						\$617.00
Councillor Training	815.123												\$0.00
Councillor Partner Expenses	814.123	Mayor \$1,000 per term Crs \$800 per term											\$0.00
Councillor Computers	817.123	\$2,000 per term						\$324.00				\$91.00	\$415.00
Councillor Stationery	818.123	No limit	\$90.00										\$90.00
Councillor Awards/Ceremonies/Diners	819.123	\$100 per day	\$314.00			\$30.00			\$64.00			\$65.00	\$473.00
Councillor Child Care Costs	820.123	\$2,000 per term											\$0.00
Councillor Allowances		Mayor \$55,400 per annum Crs \$17,490 per annum											\$0.00
TOTALS			-\$181.00	\$0.00	\$1,080.00	\$993.00	\$1,132.00	\$1,750.00	\$64.00	\$43.00	\$1,974.00	\$1,330.00	\$8,205.00

INFORMATION ITEM NO. 4

BUSINESS IMPROVEMENT QUARTERLY REPORT

REPORT OF: WAYNE WALLIS, ACTING GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2011-04300

BACKGROUND

The purpose of this report is for Council to receive and note the attached Business Improvement Process Quarterly Report 1 January 2014 - 30 March 2014.

Council is committed to work both "in" the system (delivering services) and "on" the system (continuous improvement). Opportunities for improvement are identified, prioritised and executed based on an alignment with the organisation's business objectives, risk appetite and return on investment.

The Business Improvement report lists a number of Council's improvement activities. Through the reduction of waste and an improvement in the flow of work these efficiencies contribute directly to the organisations ability improved service delivery to our community.

The progress of the Sustainability Reviews from the commencement of Round 1 in January 2011 to December 2012 is shown at **(ATTACHMENT 2)** and Round 2 from July 2013 to May 2014 is shown at **(ATTACHMENT 3)**.

ATTACHMENTS

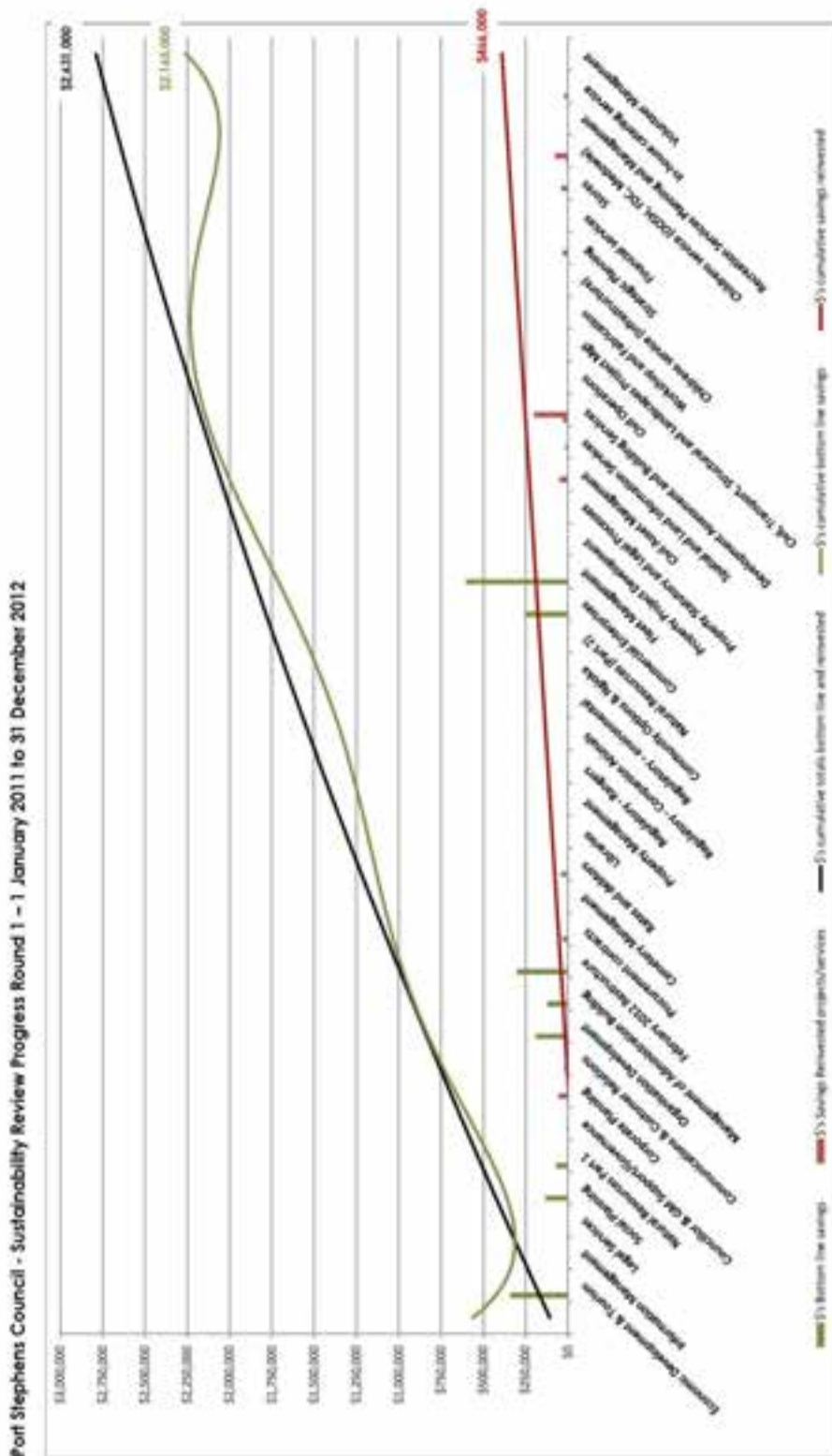
- 1) Business Improvement Quarterly Report: 1 January – 30 March 2014
- 2) Sustainability Review Progress Round 1 – 1 January 2011 to 31 December 2012
- 3) Sustainability Review Progress Round 2 – 1 July 2013 to May 2014

ATTACHMENT 1

Item	Section	Service or Function	Improvement Made	Improvements Result	Completion
Corporate Services	Organisation Development	WHS	A process improvement	An improved, expanded or more efficient service	24/01/2014
A Work Health and Safety Handbook has been developed. This handbook will be provided to all new starters at PSC. It provides our workers with a complete overview of safety at PSC.					
Corporate Services	Business Systems Support	Records Management	A process improvement	An improved, expanded or more efficient service	30/01/2014
The finalisation and implementation of a Business Classification Scheme allows users an additional user-friendly method for searching for records in TRIM. This improvement also allows the records management team to apply retention schedules to containers created automatically, reducing the possibility of human error.					
Corporate Services	Business Systems Support	WHS	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	31/01/2014
Many critical Port Stephens Council functions are performed working out of the office where time-consuming manual paper-based processes are used. Staff working at sites outside the office need to complete a range of forms manually, including, work health and safety documentation, building inspections, condition inspections, to name but a few. Furthermore, paper-based information is then processed a second time as it is transcribed into PSC's business systems by administrative staff. In addition to the inefficiencies of processing the same information twice, there are often lengthy delays from initial documentation to recording it electronically in PSC business systems. The delays can create issues with compliance with WHS legislation; compliance with inspection regimes; compliance with record retention; high rework rates; and, poor Customer service.					
The deployment of Blink e-forms among the pilot 44 Staff will reduce rework for each of the four WHS form types.					
Initial data from a small sample user group indicates a savings of 1 to 2 hours per month.					
The initial data also suggest the time savings is being redirected to other areas of compliance as well as further improving tools and processes.					
Corporate Services	Organisation Development	WHS	A people/relationship improvement	An improved, expanded or more efficient service	31/01/2014
The inaugural 2014 WHS Calendar was developed. In this calendar there are safety messages along with our own workers pictured. The calendar continues to remind our workers of the importance of safety and we were also able to have a bit of fun at the same time.					
General Managers Office	Office of the General Manager	Business paper report template	A process improvement	A saving in time, An improved, expanded or more efficient service	31/01/2014
The business paper report template has been modified to reprint the headings and sub headings from being deleted. This provides a consistent reporting framework for Council reports and remove formatting issues that arise from templates being modified by individuals.					
Corporate Services	Financial Services	Rate Notices	A people/relationship improvement	A financial saving, An improved, expanded or more efficient service	28/02/2014
Port Stephens Council has entered into an agreement with Australia Post to be a provider as part of the Digital Mailbox Service. Ratepayers can register for a Digital Mailbox and subscribe to receive their rate notices directly into their Digital Mailbox. Council went live as a provider on 7 February 2014 which has provided customers with a greater choice in options to receive their rate notices. At this stage in time financial savings are limited, however as more customers come on board with this program it will lower postage and payment transaction costs in the future.					

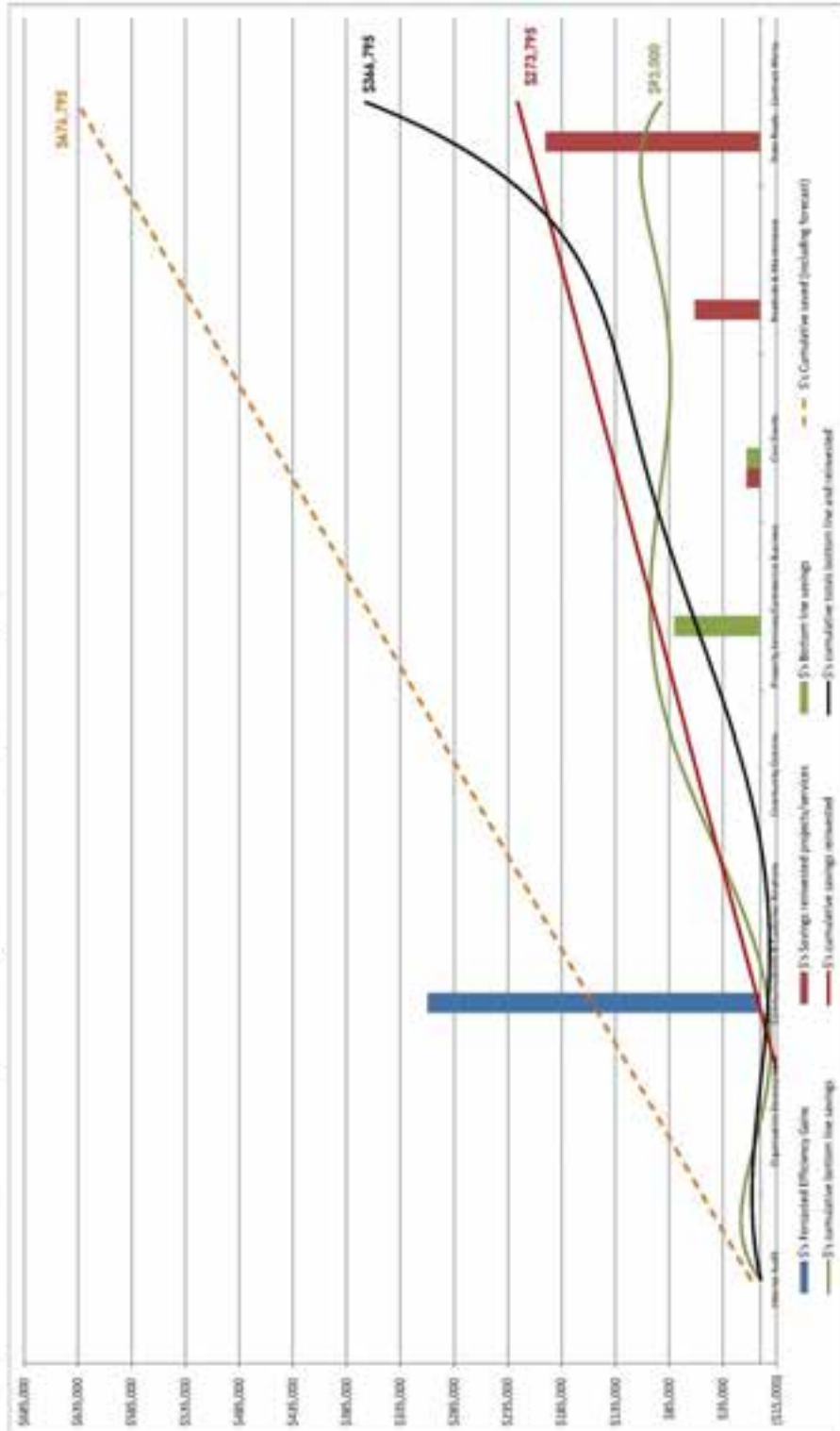
Group	Section	Service or Function	Improvement Value	Improvement Measure	Completed
Facilities and Services	Community Services	Locking of gates at the Home and Community Care Building, Port Stephens St.	A process improvement	A financial saving	25/03/2014
Previously this function was undertaken by SNP Security and frequently the gates were not secured before 7pm. Council staff located in the Children's Services administration building at the site offered to take on the responsibility for lock-up. The process is now that at 5pm all gates are secured by children's services staff.					
Corporate Services	Financial Services	Contracts Register	A process improvement	An improved, expanded or more efficient service	27/03/2014
The contracts register on Council's external webpage has been updated as per GIPA requirements. This allows staff and members of the public to easily view the register. The contracts coordinator ensures this information is accurate and kept up to date on a regular basis.					
Corporate Services	Financial Services	New bank reconciliation module	A process improvement	An improved, expanded or more efficient service	28/03/2014
The new Bank Reconciliation module allows the electronic matching of transactions eg. cheques drawn payroll and creditors EFT payments. In the old system we had to manually present all transactions through the data entry in the Bank Reconciliation Module. This program electronically loads and processes transactions through a file that is imported daily from the National Australia Bank.					

ATTACHMENT 2



ATTACHMENT 3

Port Stephens Council - Sustainability Review Progress Round 2 – 1 July 2013 to May 2014



NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217 [PSC2011-02351]

MAINTENANCE DREDGING OF NAVIGATION CHANNELS IN PORT STEPHENS

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Prepare a report on the need for maintenance dredging of navigation channels in Port Stephens.

ORDINARY COUNCIL MEETING – 27 MAY 2014 MOTION

126	Councillor John Nell Councillor Steve Tucker
	It was resolved that Council call on the Member for Port Stephens to have the NSW State Government to undertake maintenance dredging of navigation channels in Port Stephens.

BACKGROUND REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER

BACKGROUND

NSW Trade and Investment, Crown Lands are the lead agency for the coordination of navigational dredging in NSW waterways. They aim to work in partnership with the private sector, community, Local and State government to achieve balanced social, environmental and economic outcomes. This is managed through the NSW Government Sustainable Dredging Strategy.

The strategy outlines the commitment to delivering sustainable dredging in NSW waterways and aims to improve their accessibility and environmental health. This strategy also defines the project priorities and funding arrangements for the years 2012/13 to 2014/15. The existing funding arrangements allow for a maximum 50% State Government funding. It is unclear what the future funding arrangements will be.

There is no legislative obligation for Crown Lands to dredge waterways within NSW. Dredging is a discretionary activity designed and undertaken to meet community needs.

MINUTES FOR ORDINARY MEETING – 27 MAY 2014

In an effort to provide indicative costs, Crown Lands show that a minor dredging project is estimated at \$400,000 whereas a major dredging project can cost in excess of \$800,000.

If Council decided to pursue navigational dredging in Port Stephens, it would require an allocation of funds that are not currently budgeted for in the long term financial plan.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217 [16-2011-751-1]

TEMPORARY SUPERMARKET OPERATION REQUEST FOR NELSON BAY

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Call on Woolworths to operate a temporary supermarket during the development and construction of a new supermarket in Nelson Bay.

ORDINARY COUNCIL MEETING – 27 MAY 2014 MOTION

	Councillor John Nell Councillor John Morello
	That Council call on Woolworths to operate a temporary supermarket during the development and construction of a new supermarket in Nelson Bay.

AMENDMENT

127	Mayor Bruce MacKenzie Councillor Sally Dover
	It was resolved that Council inform Woolworths of the public concern and thank them for the provision of the bus service to Salamander and the home delivery service to residents of Nelson Bay.

The amendment on being put became the motion which was carried.

BACKGROUND REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER

BACKGROUND

A Woolworths Supermarket was approved on the corner of Stockton and Donald Streets, Nelson Bay in June 2012.

Currently situated on the site is an operational Coles Supermarket.

MINUTES FOR ORDINARY MEETING – 27 MAY 2014

A construction timeframe is yet to be firmly established off Woolworths in relation to the 'knock down' of the existing supermarket and construction and opening of the new supermarket, however it's a reasonable assumption this is likely to be some months.

In discussions with Councillor Nell the purpose of this Notice of Motion is to make representations to Woolworths in regards to how they are going to provide the much needed supermarket services in the locality during this period.

Council staff contacted Woolworths on 15/5/2014 and discussed the situation. Woolworths are aware of this issue and verbally advised they will be providing home delivery to the residents of Nelson Bay and also running a bus service to the Salamander shopping centre during this mentioned period.

There being no further business the meeting closed at 6.37pm.

I certify that pages 1 to 110 of the Open Ordinary Minutes of Council 27 May 2014 were confirmed by Council at its meeting held on 10 June 2014.

.....
Bruce MacKenzie
MAYOR