

MINUTES 22 JULY 2014



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 22 July 2014, commencing at 5.31pm.

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

180	Councillor Steve Tucker Councillor Ken Jordan
	It was resolved that the apologies from Cr John Morello and Cr Chris Doohan be received and noted.
181	Councillor Steve Tucker Councillor John Nell
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 8 July 2014 be confirmed.
	There were no Declaration of Interests received.

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MATTER OF URGENCY

ITEM NO. 1**FILE NO: PSC2014-01764 &
PSC2014-01738****FINANCIAL ASSISTANCE - SUBMISSIONS****REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) For Council's consideration.
-

ORDINARY COUNCIL MEETING – 22 JULY 2014**MOTION**

182	Mayor Bruce MacKenzie Councillor Peter Kafer
	<p>It was resolved that Council allocate funds as follows:</p> <ul style="list-style-type: none">1) To Michael Weir and Brooke Walker in the amount of \$475 from Mayoral Funds.2) To Aled Siever and Corey Hollaway in the amount of \$1,000 each (total \$2,000) from West Ward Funds.

BACKGROUND

The purpose of this report is to allow Council to consider submissions from the community following public consultation.

Council at its meeting on 10 June 2014, resolved to place on public exhibition the proposal to provide funds to Michael Weir and Brooke Walker in the amount of \$475 and to Aled Siever and Corey Hollaway in the amount of \$1,000 each.

The proposal was placed on public exhibition from 19 June 2014 to 17 July 2014 and two submissions were received. Both submissions are shown at **(ATTACHMENT 1)**. A response has been provided to the author of the submission dated 25 June 2014 answering concerns raised in items 1 to 3.

The proposal to provide funds as outlined above is for Council consideration.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	2, 475	\$2,000 from West Ward funds and \$475 from Mayoral funds
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 356 of the Local Government Act 1993, requires Council to public exhibit any proposal to provide funds to an individual and should there be any submissions as a result of the public exhibition, Council is required to consider the submission before providing the funds.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council is setting a precedent and may result in reputation damage in the future if future requests are approved/declined.	Medium	That Council consider each application on its merits in accordance with legislative requirements.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Council;
- 2) Port Stephens community in the Port Stephens Examiner on 19 June 2014 and 3 July 2014.

OPTIONS

- 1) Grant funding request.
- 2) Refuse funding request.

ATTACHMENTS

1) Submissions.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Tony Wickham

From: [REDACTED]
Sent: Wednesday, 25 June 2014 9:22 PM
Subject: Financial Assistance to Individuals - Submission - Public Exhibition Period

Relating to the current public exhibition period for assistance to individuals, could you please clarify the following for me:-

1. What DA application fee does the reimbursement to Michael Weir and Brooke Walker apply? Was it a sports organisation or community organisation. If so why didn't the organisation apply for the funds? There is no mention of what this is in the agenda papers or the minutes.
2. What kind of precedent is Council setting in providing assistance to individuals to represent Australia overseas, especially in such a relatively obscure sport as Futsal? Why was the contribution doubled at the Council meeting from what appeared on the agenda as \$250 each to \$1,000 each. That is quite a substantial rise. I have observed that these items are rushed through with little discussion, regardless of the precedents they could be setting. Fully recognise the cost of such representation. However, transparent guidelines do need to be publicly available and should be included within the Financial Assistance policy document. The contribution should not be set at the whim of an individual Councillor(s).
3. Do the individuals have to provide receipts and acquit the expenditure, regardless of the amount involved.

I am not at all happy with the path Council seems to be taking in raising expectations within the community that somehow Council can afford it all when clearly simple basic maintenance is being neglected. Contributions to individuals becomes most unfair and unwieldy, as honourable as their personal cases may be. If the policy was amended, it was not exhibited in a transparent way so that the public recognise the full implication of the change.

Organisations which go through the Financial Assistance Grant twice yearly rounds are required make a formal application within a set timeframe and to acquit amounts over \$500. It is most unfair to them as well.

I object on the basis that a review needs to take place of contributions to individuals. The precedent being set is most inappropriate and taking Council down the wrong path and will lead to a quite unwieldy and unfair system.

[REDACTED]
Corlette 2315
Phone: [REDACTED]

Tony Wickham

From: [REDACTED]@bigpond.com>
Sent: Thursday, 26 June 2014 7:02 PM
Subject: Re: Futsal Public Submission.

Dear Council,
Travelling overseas for any sport is a personal thing > it's just like a holiday.
As shown over the years, residents that leave the safety of our shores from Australia do so with increasing risks.
These young boys will learn nothing from this venture > they are too young.
Q. Where did you go when you were 13 ? Kiama, Broken Hill, then your Gap Year, Now you folks are Local Govt Reps.
A strong character and understanding is gained in part by going without.

It is good that local councils act as a safety- net to help people in times of hardship, bad weather etc
Rate payers fund infrastructure for sport and that's enough (one football club is getting more money than the other) been there.
The cross over with Fed, State and Local is great for Jobs > then these people pay tax etc etc > but do you run your home like this ?
Once all the pot holes are fixed again and PSC becomes 98% pro-active then the rate payers should still reject this request.

[REDACTED]
[REDACTED] SPoint
[REDACTED] SPoint
[REDACTED] SBay

COUNCIL REPORTS

ITEM NO. 1**FILE NO: PSC2006-1515****PLANNING PROPOSAL – 8 WAROPARA ROAD MEDOWIE**

REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Not proceed with a request from the Proponent to modify the Planning Proposal for No. 8 Waropara Road Medowie (Lot 10 DP 1051742) to extend the potential development footprint across the subject land and increase the minimum lot size from 1,000m² to 2,000m²;
- 2) Continue with the Planning Proposal for No. 8 Waropara Road Medowie (Lot 10 DP 1051742) as previously endorsed by Council at its meeting on 28 May 2013 for a potential development footprint of 1,000m² on part of the subject land.

ORDINARY COUNCIL MEETING – 22 JULY 2014**MOTION**

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

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker 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, Steve Tucker, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Nil.

MOTION

185	Councillor Ken Jordan Councillor Peter Kafer
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Not proceed with a request from the Proponent to modify the Planning Proposal for No. 8 Waropara Road Medowie (Lot 10 DP 1051742) to extend the potential development footprint across the subject land and increase the minimum lot size from 1,000m² to 2,000m²; 2) Continue with the Planning Proposal for No. 8 Waropara Road Medowie (Lot 10 DP 1051742) as previously endorsed by Council at its meeting on 28 May 2013 for a potential development footprint of 1,000m² on part of the subject land.

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, Steve Tucker, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to advise Council of a request from the Proponent to modify a previously endorsed Planning Proposal for Lot 10 DP 1051742 (8 Waropara Road, Medowie).

Proponent:	Carman Surveyors (on behalf of the landowner)
Subject Land:	Lot 10 DP 1051742 (8 Waropara Road, Medowie)
	Refer to (ATTACHMENT 1).
Subject Land Area:	6.1 hectares (61,000m ²)
Existing Zoning:	R5 Large Lot Residential (to be retained in the Planning Proposal)
Existing Minimum Lot	1 hectare (10,000m ²)
Size Under LEP 2013:	
Endorsed Amendment	1,000m ² (applying to 2.4 hectares western part of the site
to Minimum Lot Size:	only).
	Preliminary Estimated Potential Lot Yield 17.
	Refer (ATTACHMENT 2).
Requested	2,000m ² (applying to 6.1 hectares entire site).
Modification to	Estimated Potential Lot Yield 22.
Minimum Lot Size:	Refer to (ATTACHMENT 3).

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

Council resolved at its meeting on 28 May 2013 to endorse a Planning Proposal to amend the Port Stephens Local Environmental Plan 2013 to change the minimum lot size applying to part of the site fronting Waropara Road from 1 hectare to 1,000m² (refer to **ATTACHMENT 2**).

The Proponent is requesting modification to the Planning Proposal to change the minimum lot size from 1,000m² to 2,000m² across the entire site including the lower lying eastern portion (refer to **ATTACHMENT 3**). This part of the site is identified as flood prone and comprises higher value vegetation compared to the land already endorsed for potential development in the Planning Proposal. The Proponent seeks to address these issues through management measures as summarised in this Report and Attachments.

The Proponent's Development Concept Plan for the requested modification is at (**ATTACHMENT 3**). The proposed modification would yield 22 lots relative to the 17 lots yielded from the existing endorsed planning proposal.

A Planning Proposal Assessment Report for the additional land is attached to this Report at (**ATTACHMENT 4**). It concludes that the requested modification to include the additional land is not supported for the following summary reasons:

- The additional land is not identified for urban development in the Medowie Strategy and there is no significant strategic difference in lot yield under the proposed scenario.
- Flooding and drainage – the additional land does not demonstrate satisfaction of NSW Planning Direction 4.3 Flood Prone Land – some provisions are satisfied and a technical solution is presented however there is not an agreed strategic position on rezoning flood fringe land for urban development in Medowie.
- Flora and fauna impacts – the additional land does not satisfy the performance criteria for rezoning of the Port Stephens Comprehensive Koala Plan of Management and NSW Planning Direction 2.1 Environmental Protection Zones.

FINANCIAL/RESOURCE IMPLICATIONS

The Planning Proposal will be progressed using rezoning fees.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	12,149	Stage 1 and 2 rezoning fees

LEGAL, POLICY AND RISK IMPLICATIONS

A Gateway Determination has been issued by NSW Planning and Infrastructure to proceed with the Planning Proposal previously endorsed by Council on 28 May 2013. It requires Council to consult with the NSW Office of Environment and Heritage, the

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

NSW Aboriginal Land Council and NSW Rural Fire Service, and requires the exhibition of the Planning Proposal for a period of 14 days. Consultation and exhibition of the previously endorsed Planning Proposal will occur following Council's consideration of this Report. If Council resolves to modify the Planning Proposal it will require referral to NSW Planning and Infrastructure for a revised Gateway Determination.

The modification sought by the Proponent is inconsistent with the Medowie Strategy. The additional land is not identified for potential urban development due to a combination of flooding and environmental issues further, the modification is not considered to be consistent with established State Government directions on development in flood prone land and the protection of environmentally sensitive land.

The Planning Proposal endorsed by Council at its meeting on 28 May 2013 is consistent with the Medowie Strategy which identifies part of the site fronting Waropara Road as suitable for residential development.

The Medowie Strategy is under review and it is unlikely that flood prone land will be recommended for residential development: other flood free land is available for consideration. The proposed modification does not warrant a change to the current provisions of the Medowie Strategy. Proceeding with a modified planning proposal may set a precedent for rezoning the flood prone land in Medowie with no significant strategic difference in lot yield from the previously endorsed planning proposal.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the proposed modification will unnecessarily expose future property to flood prone land.	Medium	Proceed with the endorsed Planning Proposal for the western elevated part of the site only.	Yes
There is a risk that the proposed modification will have impacts on flora and fauna.	Medium	Proceed with the endorsed Planning Proposal and consult Office of Environment and Heritage as per gateway re biodiversity offsets to the satisfaction of NSW Planning & Environment.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Flora and Fauna

The low-lying parts of the site being sought for inclusion in a modified Planning Proposal comprise Coastal Plains Smooth Barked Apple – Melaleuca Swamp

Woodland in varying condition. This vegetation community is consistent with the Endangered Ecological Community 'Swamp Sclerophyll Forest on Coastal Floodplains'. This vegetation type generally coincides with Preferred Koala Habitat and Buffer to Preferred Koala Habitat on the site, and contains a number of koala feed trees. The site shows evidence of ongoing use by koalas. The proposed modification has potential to impact on this area through clearing and earthworks. The Proponent proposes to manage environmental impacts through the retention and replanting of vegetation where possible and limiting clearing to defined building envelopes.

In terms of ecological impact the following conclusions are advised regarding the requested modification to the Planning Proposal:

- The scale of development is excessive given the ecological constraints;
- The performance criteria for rezoning requests in the Port Stephens Comprehensive Koala Plan of Management are not met (and therefore the modification is inconsistent with State Environmental Planning Policy No 44 Koala Habitat Protection);
- The impact of filling the site on the endangered ecological community and koala habitat is uncertain; and
- A number of issues will need to be resolved at the DA stage, including provisions of suitable offsets even if the proposal is redesigned to meet the Port Stephens Comprehensive Koala Plan of Management.

Flooding and Drainage

The eastern part of the site being sought for inclusion in a modified Planning Proposal is low-lying and mapped in part as flood prone land. The eastern part of the site is within a "flood fringe" area which is defined as "the remaining area of flood prone land after floodway and flood storage areas have been defined" and is categorised as "low hazard".

Under the flood planning level predicted in the Medowie Flood Study up to 8 of the proposed lots in the modified proposal may be affected and will require either localised site regrading or elevated subfloors for proposed dwellings.

The Proponent generally describes the development as follows: some site regrading will be required in the low-lying areas, to provide suitable building envelopes and to control the extent of localised flooding during large events. The outlet point for stormwater runoff generated within the site's catchment would be the Campvale Main Drain in the north-eastern corner of the site. It is proposed that a grassed open drain and bunding is constructed along the eastern boundary to convey stormwater from the drainage system to the Main Drain. An outlet structure at the interface with the Main Drain will enable slow release of stormwater run-off, utilising the proposed open drain and adjacent low-lying areas of the site as wetland detention storage during flood events.

The proposal to rezone flood prone land for residential use is inconsistent with a number of the provisions of Ministerial Direction 4.3 Flood Prone Land (issued under

Section 117(2) of the Environmental Planning and Assessment Act 1979) given: the extent of the works required to satisfy flooding and drainage issues for the subsequent development of the land; the development (rezoning) within the flood fringe is not considered on a strategic policy basis within Medowie; and unresolved environmental impacts as a result of proposed works.

A technical solution to resolving flooding issues in the 'flood fringe' is likely to be available as proposed and assessed however should be considered on a strategic basis as opposed to an ad-hoc approach. Other flood-free land is available for consideration for rezoning for residential use, within Medowie.

CONSULTATION

The Planning Proposal has not been placed on public exhibition. Consultation will occur in accordance with the Gateway determination, should the amended Planning Proposal be supported.

OPTIONS

- 1) Proceed with the Planning Proposal as previously endorsed by Council on 28 May 2013 and apply a minimum lot size of 1,000m² to the western part of the subject land (only) as shown in **(ATTACHMENT 2)**. This is the recommended option;
- 2) Modify the Planning Proposal as requested by the Proponent and apply a minimum lot size of 2,000m² across the site (as shown in **ATTACHMENT 3**). This is not the recommended option.

ATTACHMENTS - All listed below are provided under separate cover

- 1) Location Map;
- 2) Endorsed Amendment to Minimum Lot Size Map;
- 3) Proponent's Development Concept Plan;
- 4) Assessment Report.

COUNCILLORS ROOM

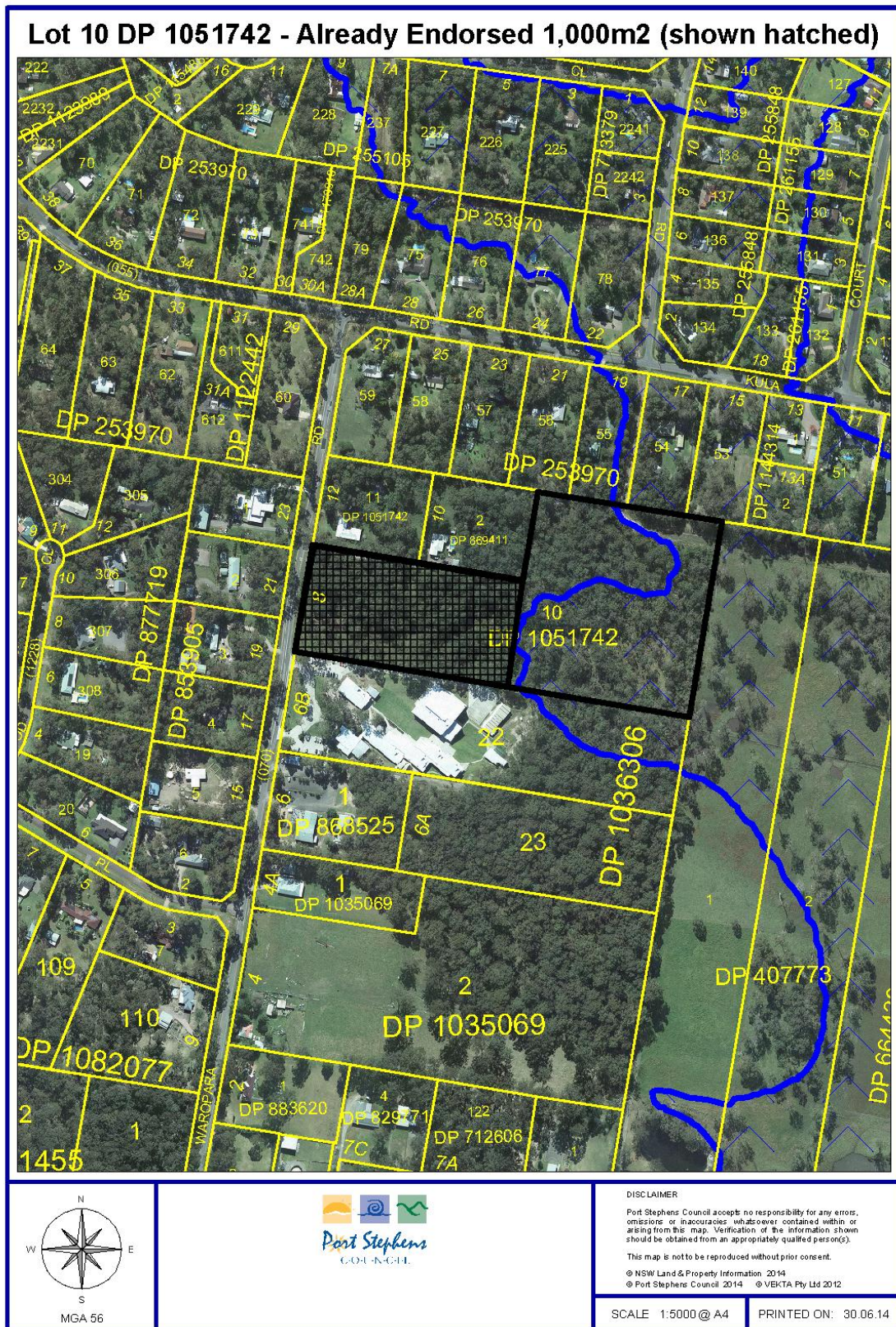
- 1) Planning Proposal, Carman Surveyors, November 2010;
- 2) Flooding and Drainage Study, Carman Surveyors, Revision B, October 2013;
- 3) Seven Part Test Report, Wildthing Environmental Consultants, March 2014.

TABLED DOCUMENTS

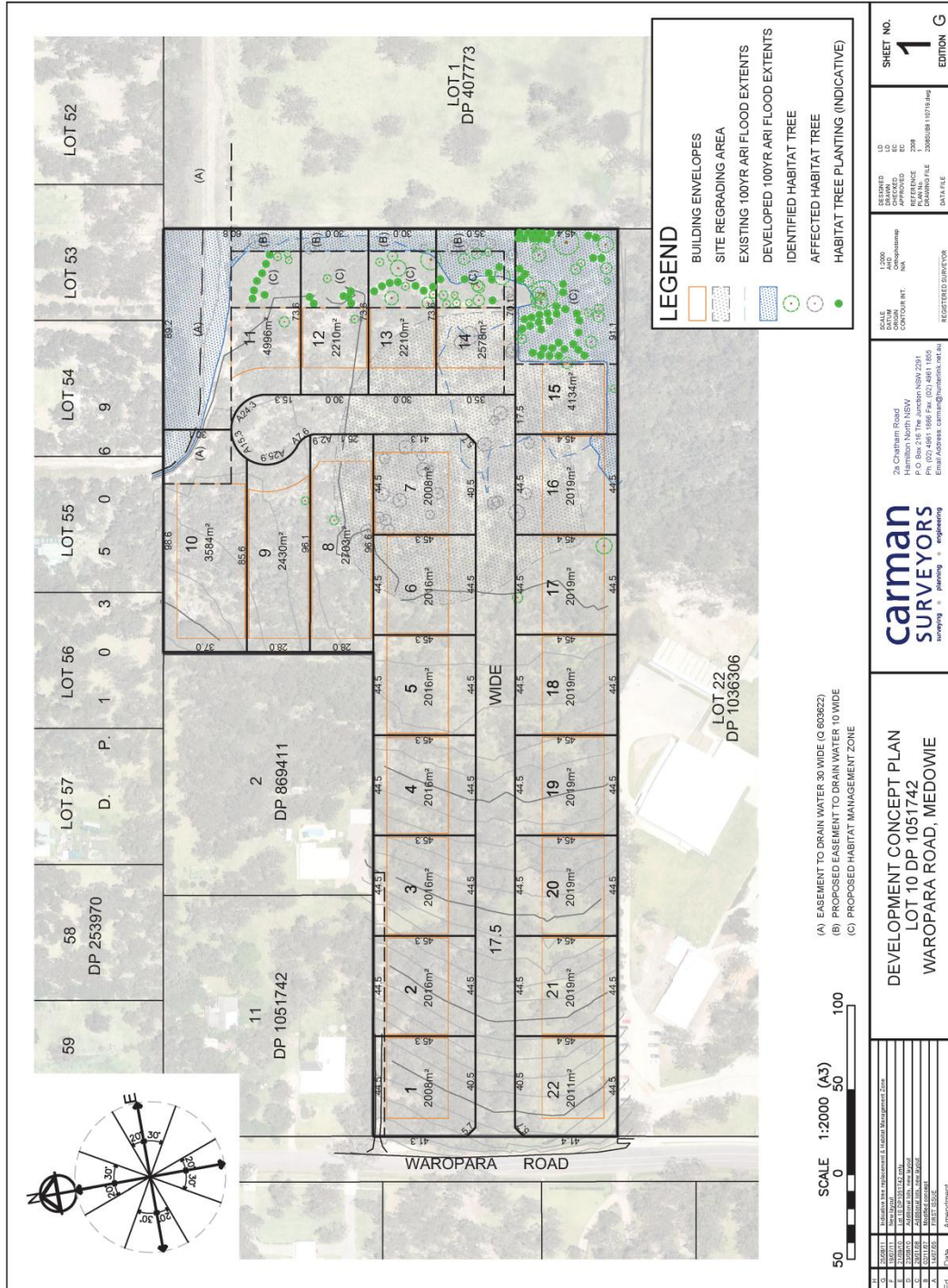
Nil.

ATTACHMENT 2

ENDORSED AMENDMENT TO MINIMUM LOT SIZE MAP



ATTACHMENT 3 PROPONENT'S DEVELOPMENT CONCEPT PLAN



ATTACHMENT 4
ASSESSMENT REPORT



**PLANNING PROPOSAL
ASSESSMENT REPORT**

Proposed amendment to Port Stephens Local Environmental Plan 2013

Proposal to include additional land to the Planning Proposal for land at
Lot 10 DP 1051742
8 Waropara Road Medowie

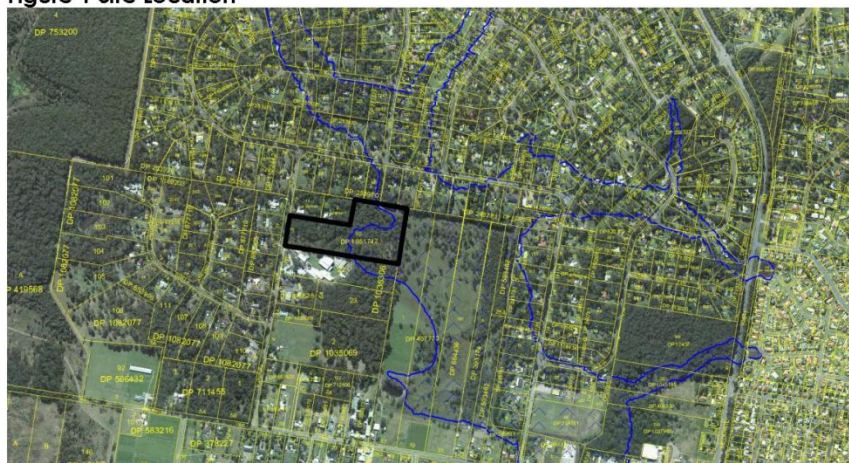
July 2014

Waropara Road, Medowie Planning Proposal – July 2014 1

The Planning Proposal

This Assessment Report addresses the principal planning issues associated with a request to extend the development footprint and amend the minimum lot size provisions of a Planning Proposal endorsed by Council at its meeting on 28th May 2014 for land at 8 Waropara Road Medowie (Lot 10 DP 1051742). The Planning Proposal has not yet proceeded to public exhibition.

Figure 1 Site Location



The merit of proceeding with a planning proposal to permit a minimum lot size of 1,000m² on part of the site immediately adjoining Waropara Road has already been established and is not the subject of this Report.

The Proponent requests that Council consider extending the potential development footprint for the Planning Proposal to the rear of the site and increasing the minimum lot size to 2,000m². The effect is an increase in the developable area and an increased minimum lot size across the whole site.

The Proponent's Development Concept Plan and a figure indicating the requested modification are attached to this Report.

The potential lot yield does not substantially change at a strategic level under an amended Planning Proposal. The Proponent's Development Concept Plan shows 22 lots and a preliminary estimate of the previously endorsed development footprint is 17 lots (indicative only and based on 70% of the land area required for infrastructure such as roads and stormwater detention).

The additional land under consideration is constrained compared to the land already endorsed by Council. It is mapped as flood prone ('flood fringe') and comprises higher-value environmental characteristics (including Preferred Koala Habitat, Preferred 100m Buffer Over Marginal Habitat, and the

vegetation type Coastal Plains Smoothbarked Apple – Melaleuca Swamp Woodland vegetation which is in varying condition).

To support the requested extension the Proponent has submitted the following;

- Flooding and Drainage Study (Carman Surveyors, Revision B, October 2013 and additional information by letter dated 29 November 2013); and
- Seven Part Test Report (Wildthing Environmental Consultants, March 2014) (Note: this includes Koala Habitat Assessment & is effectively a Flora and Fauna Report).

In summary the Proponent submits that despite flooding/drainage and flora and fauna issues the 'additional land' is suitable for rezoning and development if management measures are applied including: filling and site regrading including provision of building pads; a detention basin and open drain; provision of building envelopes; and retention and replanting of vegetation where possible.

Medowie Strategy

The additional land is not identified for rezoning for residential development in the Medowie Strategy (which is under review). It is flood prone and comprises higher value vegetation compared to the elevated part of the site endorsed by Council at its meeting on the 28th May 2013 and that is identified for potential development in the Medowie Strategy.

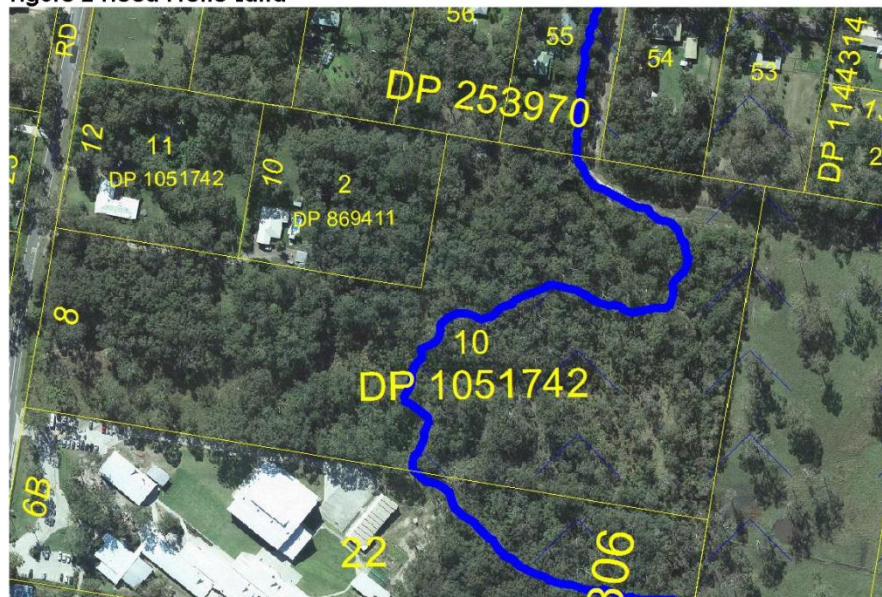
It is unlikely that flood prone land (such as the additional land subject of this Assessment Report) will be recommended for residential development in the review of the Medowie Strategy for a range of policy and legislative reasons (including Planning Direction 4.3 Flood Prone Land issued under Section 117 of the Environmental Planning and Assessment Act 1979, the Lower Hunter Regional Strategy Sustainability Criteria and the Port Stephens Policy Areas Affected by Flooding and/or Inundation). Other flood free land is available for consideration to rezone for future residential development (a strategic position could be investigated on the rezoning of flood fringe land as opposed to an ad-hoc approach).

Some vegetated land may be considered for inclusion however would also be subject to legislative and policy considerations (such as the provision of biodiversity offsets).

Flooding and Drainage

The additional land requested for inclusion is low-lying. A large portion is identified as flood prone land in the Port Stephens Local Environmental Plan 2013 and in Council's mapping system as shown in Figure 2 Flood Prone Land.

Figure 2 Flood Prone Land



The Medowie Drainage and Flood Study Final Report (WMA Water, May 2012) identifies the land within a 'flood fringe area' which is categorised as 'low hazard' and defined as "the remaining area of flood prone land after floodway and flood storage areas have been defined. Development in flood fringe areas would not have any significant effect on the pattern of flood flows and/or flood levels" (NSW Floodplain Development Manual 2005, page L2).

The site is not located within the 'Campvale Drain Inundation Area'.

Concerning localised flooding the Proponent describes the existing conditions for the eastern portion of the site (the additional land) as appearing to be "...frequently saturated due to the shallow grades, lack of soil infiltration, and no apparent drainage paths (Flooding and Drainage Study, Carman Surveyors, 2013, page 5). The Proponent proposes a range of measures to make the additional land suitable for residential development. These are reflected in the proposed development which is briefly described by the Proponent as follows:

"Some site regrading would be required in the low-lying areas, to provide suitable building envelopes and to control the extents of localised flooding during large storm events. The outlet point for stormwater runoff generated within the site's catchments would be the Campvale Main Drain in the north-eastern corner of the site. It is proposed that a grassed open drain and bunding is constructed along the north-eastern boundary to convey the stormwater from the street drainage system to the Main Drain. An outlet structure at the interface with the Main Drain will enable slow release of

stormwater runoff, utilising the proposed open drain and adjacent low-lying areas of the site as wetland detention storage during flood events'.

(Flooding and Drainage Study, Carman Surveyors, 2013, Page 3)

For flood management the Proponent proposes the following flood control measures:

'The Concept Development Plan proposes that some site filling is undertaken within the 1% AEP flood extents for the purposes of road construction and the provision of suitable building envelopes with reduced local flooding. Preliminary calculations have estimated that approximately 1,100m³ of fill may be placed below the flood level. Consideration has been given to the reduction of the regional flood storage volume, and it has been proposed that the volume can be compensated for by excavation of an equivalent volume from the proposed drainage channel along the eastern boundary of the site.

To meet Council's requirements for detention within the Campvale Swamp Catchment, the low-lying area within the south-eastern portion of the site will be utilised as a wetland detention area. An outlet structure will be constructed between the proposed drainage channel and the Main Drain. Approximately 4,000m³ of extended detention volume can be created by construction of a bund along the southern and eastern boundaries. As the low-lying areas of the site are frequently saturated at present, the effects of increased inundation periods upon the vegetation communities are expected to be minimal...."

(Flooding and Drainage Study, Carman Surveyors, 2013, Page 4)

A copy of the Proponent's Development Concept Plan is included at the rear of this Assessment Report.

Council's Facilities and Services Group has reviewed the information submitted by the Proponent and provide the following advice:

- Filling may be acceptable in this area for building pads, as this area is outside the Campvale Drain Inundation Area. However the following matters are reiterated:
 - Detention storage must include loss of storage due to filling as well as the extra volume of water due to the development;
 - The Waropara Road Drainage system must be incorporated into the proposed drainage system;
 - All upstream catchments must be included in designing the drainage system for the proposed development;
 - All stormwater for the development must be directed through the proposed detention basin and routed through the basin prior to discharging into the Council drainage system;
 - The detention basin area must be designated as drainage reserve and must have an access from the road for maintenance purposes;

- o All channels must have a 4.5m wide maintenance access and must be accessible from the road. Drainage channel and access roads must be covered with appropriate easements; and
- o Stormwater from the adjoining school must be collected and discharged through the development area with an appropriate easement.

The above matters are generally able to be addressed at the development application stage if the additional land is included in the Planning Proposal.

A technical engineering solution to flooding and drainage issues is available as presented by the Proponent and assessed by Council's Facilities and Services Group; however policy and legislative issues require consideration at the rezoning stage as flood prone land is generally not suitable for rezoning for residential purposes. Furthermore it encourages a strategic land use direction precedent that other similar flood prone land is acceptable for residential development in Medowie. Previously this Assessment Report notes that the Medowie Strategy is the subject of a review and it is unlikely to be recommended that flood prone land is included as suitable for future residential development. There is other less constrained land available for consideration for rezoning for residential purposes in Medowie.

NSW Planning Direction 4.3 Flood Prone Land

The NSW Minister for Planning issues Directions under Section 117(2) of the NSW Environmental Planning and Assessment act 1979 that must be taken into consideration when preparing a Planning Proposal. Direction 4.3 Flood Prone Land is relevant in considering the Proponent's request to include the additional 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 Floodplain Development Manual 2005, and
- To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Assessment of the additional land against the provisions of Direction 4.3 Flood Prone Land is provided in the following table (an assessment is not included within the Proponent's Planning Proposal).

Figure 3 - Section 117 Direction 4.3 Flood Prone Land

What a relevant planning authority must do if this direction applies	Comment
<i>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guidelines on Development Controls on Low Flood Risk Areas).</i>	<p>The Proponent has not specifically addressed whether the inclusion of the additional land satisfies the provisions of the NSW Flood Prone Land Policy and Floodplain Development Manual.</p> <p>Council does not have a finalised floodplain risk management plan for Medowie that identifies flood fringe land as suitable for rezoning for residential development on a strategic basis. Council could strategically consider whether flood fringe areas are desirable for rezoning for residential development.</p> <p>Including the additional land does not currently satisfy this provision.</p>
<i>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</i>	<p>The subject land is currently zoned R5 Large Lot Residential. This existing zoning will be retained. The Planning Proposal is inconsistent with this part of the Direction because it seeks to increase residential density on flood prone land by amending the relevant Minimum Lot Size Map in the Port Stephens Local Environmental Plan 2013.</p> <p>Including the additional land does not currently satisfy this provision.</p>
<i>A planning proposal must not contain provisions that apply to flood planning areas which:</i>	-
<i>a. Permit development in floodway areas.</i>	<p>The additional land is not located in a floodway.</p> <p>Including the additional land is consistent with this provision.</p>
<i>b. Permit development that will result in significant flood impact to other properties.</i>	<p>Development of the additional land (only) is unlikely to result in significant flood impact to other properties given the extent of development proposed. The cumulative impact of proceeding with similar requests in Medowie has not been established because rezoning of flood prone land to facilitate residential development is generally not encouraged.</p> <p>Including the additional land is consistent with this provision.</p>
<i>c. Permit a significant increase in the development of that land.</i>	<p>The Proponent submits that approximately 8 of the proposed lots may be affected by the proposed Flood Planning Level and will require either localised site regarding or elevated subfloors. 8 dwellings may be considered a significant increase in the development of the land. Precedent may also be set to encourage further development on flood prone (flood fringe) land in Medowie.</p>

	Including the additional land does not currently satisfy this provision.
d. <i>Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</i>	<p>The Meadowie Flood Study is a staged process that will identify measures to improve/better manage flooding issues within Meadowie and influence spending on flood mitigation and infrastructure.</p> <p>In isolation the additional land is not likely to have a significant impact spending on flood mitigation and infrastructure.</p> <p>The cumulative impact of proceeding with similar requests in Meadowie has not been established because rezoning of flood prone land to facilitate residential development is not encouraged in the Meadowie Strategy.</p> <p>Including the additional land appears to satisfy this provision.</p>
e. <i>Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</i>	<p>Development consent will be required for future development on the site.</p> <p>Including the additional land is consistent with this provision.</p>
<i>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director General (or an officer of the Department nominated by the Director General).</i>	<p>The Planning Proposal does not seek to apply flood related development controls above the residential flood planning level set for Meadowie. The Proponent's Flood and Drainage Study relevantly states:</p> <p>"Based on the Meadowie Flood Study's predicted 1% AEP flood level of 8.7m AHD in the vicinity of the site and an adopted freeboard of 0.5m, the minimum floor level for proposed dwellings is expected to be 9.2m AHD. Up to 8 of the proposed 22 lots may be affected by the flood planning level, which will require either localised site regrading or elevated subfloors for the proposed dwellings. It has been determined that within the lowest building envelope, the flood planning level may be 0.8m above the existing surface." (Flood and Drainage Study, Carman Surveyors 2013:4).</p> <p>Including the additional land is consistent with this provision.</p>
<i>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development</i>	<p>The Planning Proposal does not seek to apply a new flood planning level.</p> <p>Including the additional land is consistent with this provision.</p>

<p><i>Manual 2005 (including the Guidelines on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director General).</i></p>	
<p>Consistency- A planning proposal may be inconsistent with this Direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:</p>	
<p>a. <i>The planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</i></p>	<p>It is not demonstrated that the inclusion of the additional land is in accordance with a floodplain risk management plan for Medowie (which is not yet completed).</p> <p>Including the additional land does not currently satisfy this provision.</p>
<p>b. <i>The provisions of the planning proposal that are inconsistent are of minor significance.</i></p>	<p>The works required to make the land suitable for residential development can be considered significant. Up to 8 of the proposed 22 total lots may be affected by the flood level (which will require either site regrading or elevated subfloors for the proposed dwellings) and the Concept Development Plan provides that approximately 1,100m³ of fill may be placed below the flood level. Alternatively it could be considered that the land is within a 'flood fringe' area and the Proponent's proposed management measures present a technical solution to be applied at the development application stage.</p> <p>Including the additional land can be considered significant however the Proponent proposes management measures to develop the land within the flood fringe.</p>

Flora & Fauna

The additional land comprises Coastal Plains Smoothbarked Apple – Melaleuca Swamp Woodland in varying condition. This vegetation assemblage has been subject to disturbance from periodic under-scrubbing and its condition varies from 'disturbed understory', 'canopy and understory previously removed' to 'intact understory'.

The Proponent's additional information provided to address threatened species via a Seven Part Test is noted and accepted. Of particular note is the description of the Coastal Plains Smooth Barked Apple – Melaleuca Swamp Woodland Community as consistent with the Endangered Ecological

Community Swamp Sclerophyll Forest. Filling of the area is not supported as it may change the hydrology of the area and require additional vegetation removal.

The additional land comprises Preferred Koala Habitat towards the eastern boundary. There is also an area of Koala feed trees at a lower density within the buffer area to the west of the Preferred Habitat that would qualify as Preferred 100m Buffer of Supplementary Habitat.

The Proponent's Flora and Fauna Assessment found that no Koala scats were found beneath the Koala feed trees, however a small number of trees did have scratches consistent with Koalas and past evidence of Koala activity on site has been recorded. It also identifies that the low incidence of Koala activity indicates that the habitat on site is probably only used on an occasional basis.

The following is a summary of the Proponent's Flora and Fauna Report recommendations to manage environmental impacts:

- The removal of trees beyond what is necessary to accommodate dwellings within designated building envelopes and other infrastructure is avoided where possible;
- If removal of any koala feed trees cannot be avoided they be replaced at a ratio of at least 2:1;
- To limit impact on the EEC Swamp Sclerophyll Forest it is recommended trees and shrubs be retained where possible and relevant species used in landscaping;
- Weed control is undertaken;
- Any habitat trees be retained where possible;
- If removal of habitat trees cannot be avoided any hollow-bearing trees to be removed are inspected and a wildlife carer or ecologist is present during removal and compensatory nest boxes installed at a replacement ratio of 2:1;
- If the site is to be fenced it is recommended that the type of fencing allow the movement of animals (particularly koalas) and barbed wire is avoided; and
- Habitat attributes should be retained wherever possible within the development.

The ability to implement the above measures in concert with requirements for bushfire protection is not demonstrated.

Port Stephens Comprehensive Koala Plan of Management

The Port Stephens Comprehensive Koala Plan of Management (CKPoM) is applied in Port Stephens LGA for the purpose of implementing State Environmental Planning Policy No. 44 Koala Habitat Protection. The SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline by:

- Requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat;
- Encouraging the identification of areas of core koala habitat; and
- Encouraging the inclusion of areas of core koala habitat in environment protection zones.

The following table provides an assessment of the additional land and the Proponent's and proposed management measures against the performance criteria for rezoning of the CKPoM.

Figure 4 – Comprehensive Koala Plan of Management – Performance Criteria

Criteria	Comment
a. <i>Not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers</i>	<p>It appears as though some of the building envelopes are within Preferred Koala Habitat areas and are definitely within the buffer to Preferred Habitat.</p> <p>It should be noted that the Proponent's report appears to use compensatory plantings and other ameliorative measures, fences etc. as a means to meet the performance criteria – this is not acceptable under the CKPoM. Any plantings will take in excess of 15-20 years before they provide appropriate habitat for Koalas and other species.</p> <p>This criterion is not currently satisfied.</p>
b. <i>Allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas.</i>	<p>The size of building envelopes depicted on the lot layout does not leave much scope for this criterion to be met. Again the proposal seeks to meet this criterion with compensatory plantings however any plantings will take in excess of 15-20 years before they provide appropriate habitat for koalas and other species.</p> <p>This criterion is not currently satisfied.</p>
c. <i>Minimise the removal of any individuals preferred koala food trees, where they occur on the site.</i>	<p>Without a lot layout overlain on the Koala Habitat Assessment that includes Koala feed trees this is difficult to assess, however it may be that Figure 3 <i>Development Concept Plan</i> of the Proponent's report that denotes the Habitat Trees are actually Koala feed trees. In any case the size of the building envelopes depicted on the lot layout, and the commentary in the Proponent's report regarding the need to fill the site does not leave much scope for this criterion to be met.</p> <p>This criterion is not currently satisfied.</p>
d. <i>Do not result in development which would sever koala movement across the site. This should include consideration of the</i>	<p>The inclusion of a Habitat Management Zone in the east would assist with this criterion however the size of the building envelopes detracts from the likelihood of safe travel for Koalas and other fauna.</p> <p>This criterion is not currently satisfied.</p>

<p><i>need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i></p>	
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NSW Planning Direction 2.1 Environmental Protection Zones

NSW Planning Direction 2.1 Environmental Protection Zones is also relevant in considering the additional land. The objective of this Direction is to protect and conserve environmentally sensitive areas.

The following table provides an assessment of the additional land against the Direction.

Figure 5 - Section 117 Direction 2.1 Environmental Protection Zones

What a relevant planning authority must do if this Direction applies	Comment
<i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i>	<p>The land is not identified for environmental protection purposes in the Port Stephens Local Environmental Plan 2013 (it is currently zoned R5 large Lot Residential). The Planning Proposal seeks to amend the minimum lot size provisions to facilitate the development of environmentally sensitive areas.</p> <p>This requirement is not currently satisfied.</p>
<i>A planning proposal that applies to land within an environmental protection zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</i>	<p>The land is not identified for environmental protection purposes in the Port Stephens Local Environmental Plan 2013 (it is currently zoned R5 large Lot Residential). However, it is included within this requirement because it seeks to reduce the environmental standards applying to the land by reducing minimum lot size provisions to facilitate its residential development.</p> <p>This requirement is not currently satisfied.</p>
Consistency - A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:	
<i>a. Justified by a strategy which: gives consideration to the objectives of this direction; and Identifies the land which</i>	<p>The additional land is not identified for rezoning for residential development in the Medowie Strategy.</p> <p>Including the additional land does not currently satisfy this provision.</p>

<p><i>is subject of the planning proposal (if the planning proposal relates to a particular site) and; is approved by the Director-General of the Department of Planning, or</i></p>	
<p>b. <i>Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction, or</i></p>	<p>The Proponent has submitted a Flora and Fauna Assessment that includes management measures to address the environmental impact of including the additional land however these measures have been assessed to not satisfy environmental issues including the Port Stephens Comprehensive Koala Plan of Management.</p> <p>The Planning Proposal does not demonstrate satisfactory provision of biodiversity offsets in accordance with NSW Office of Environment and Heritage Guidelines.</p> <p>Including the additional land does not currently satisfy this provision.</p>
<p>c. <i>in accordance with the relevant regional strategy which gives consideration to the objective of this Direction, or</i></p>	<p>Medowie is identified in the Lower Hunter Regional Strategy as a proposed urban area with boundaries to be defined through local planning. Council subsequently prepared the Medowie Strategy and the additional land being sought for inclusion in the Planning Proposal is not identified for rezoning in the Medowie Strategy.</p> <p>Including the additional land does not satisfy the Sustainability Criteria of the LHRs Criteria No. 5 Avoidance of Risk: no residential development within the 1:100 year floodplain.</p> <p>The additional land does not currently satisfy this provision.</p>
<p>d. <i>Is of minor significance.</i></p>	<p>Including the additional land will result in the removal of vegetation including Coastal Plains Smoothbarked Apple Forest – Melaleuca Swamp Woodland (Endangered Ecological Community) and areas of Preferred Koala Habitat including koala feed tree species. Notwithstanding the proposed management measures recommended by the Proponent including the additional land is not of minor significance.</p> <p>Including the additional land does not currently satisfy this provision.</p>

Table 1 Assessment - Lower Hunter Regional Strategy Sustainability Criteria

1. Infrastructure provision - mechanisms in place to ensure utilities, transport, open space, and communication are provided in a timely and efficient way.	
Development is consistent with any regional strategy, subregional strategy, State Infrastructure Strategy, or Section 117 Direction.	<p>Medowie is identified in the Lower Hunter Regional Strategy as a proposed urban area with boundaries to be defined through local planning. Council subsequently prepared the Medowie Strategy.</p> <p>The additional land being sought for inclusion in the Planning Proposal is not identified for rezoning in the Medowie Strategy.</p> <p>Inclusion of the additional land does not demonstrate satisfaction of Section 117 Direction 2.1 Environmental Protection Zones or Direction 4.3 Flood Prone Land for the reasons set out in this Assessment Report.</p> <p>This criterion is currently not satisfied.</p>
The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.	<p>Although costing has not been provided the additional land would be a feasible addition to the land already endorsed in the Planning Proposal.</p> <p>This criterion is likely to be satisfied.</p>
Preparedness to enter into a development agreement.	<p>The developer has not stated whether they are prepared to enter into a development agreement however one may not be necessary.</p> <p>This criterion is likely to be satisfied.</p>
2. Access - accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	
<p>Accessibility of the area by public transport and/or appropriate road access in terms of:</p> <p>Location/land use – to existing networks and related activity centres.</p> <p>Network – the area's potential to be serviced by economically transport services.</p> <p>Catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to the achievement of travel and vehicle</p>	<p>The additional land is located immediately adjacent to the land in the endorsed Planning Proposal.</p> <p>This criterion is satisfied.</p>

use goals. No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.	
3. Housing diversity - provide a range of housing choices to ensure a broad population can be housed.	
Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.	Including the additional land will not make a significant difference to the endorsed Planning Proposal. This criterion is satisfied.
4. Employment Lands – Provide regional/local employment opportunities to support the Hunter's expanding role in the wider regional and NSW economies.	
Maintain or improve the existing level of subregional employment self-containment and meets subregional employment projections.	Including the additional land will not make a significant difference to the endorsed Planning Proposal. This criterion is satisfied.
5. Avoidance of risk – land use conflicts and risk to human health and life avoided	
No residential development within 1:100 floodplain.	The additional land is identified as flood prone land ('flood fringe'). This criterion is not currently satisfied.
Avoidance of physically constrained land e.g. high slope, highly erodible.	The additional land is not physically constrained by high slope, highly erodible soils. This criterion is partly satisfied.
Avoidance of land use conflict with adjacent existing or future land use as planned under relevant subregional or regional strategy.	Including the additional land will not create land use conflict with adjacent existing or future land uses under the Lower Hunter Regional Strategy. This criterion is satisfied.
Where relevant available safe evacuation route (flood and bushfire).	The Proponent states that for a Probable Maximum Flood Event: <i>"It is evident from the predicted PMF extents of the Medowie Flood Study that the lower areas of the site will be affected during a PMF event. The primary concern is to establish a suitable egress path for residents during severe flood events.</i> <i>Although any dwelling that is located below the PMF may be inundated during extreme flood events, evacuation from these dwellings should be easily achievable providing that sufficient warning time is given. The topography of the site lends itself to a logical egress path towards the higher ground of Waropara Road."</i>

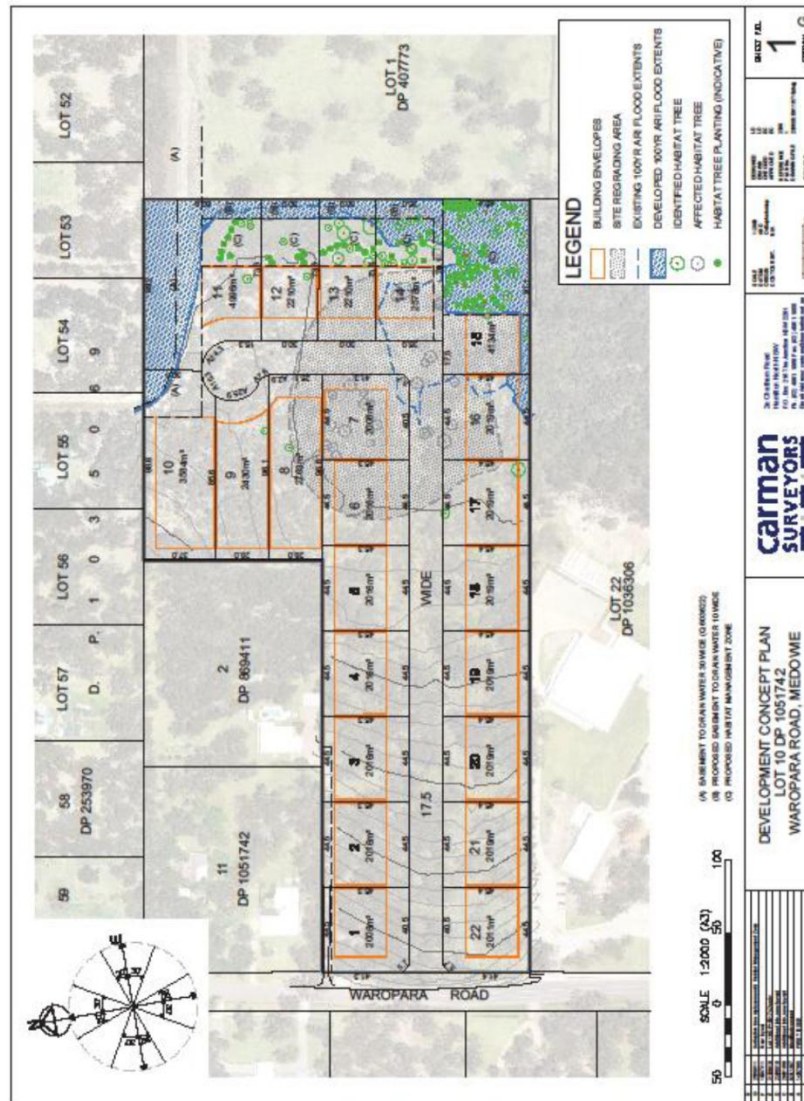
	<p>A bushfire evacuation route requires clarification however would be provided through to Waropara Road.</p> <p>This criterion is likely to be satisfied.</p>
6. Natural resources - natural resource limits not exceeded/environmental footprint minimised.	
Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.	<p>Inclusion of the additional land will not place unacceptable pressure on environmental flows.</p> <p>This criterion is satisfied.</p>
Demonstrates most efficient/suitable use of land: (avoids identified significant agricultural land, avoids productive resource lands - extractive industries, coal, gas and other mining, and quarrying).	<p>The additional land is not used for agriculture nor comprise productive resource land.</p> <p>This criterion is satisfied.</p>
Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.	<p>Inclusion of the additional land will not place unacceptable additional pressure on energy supply.</p> <p>This criterion is satisfied.</p>
7. Environmental protection - protect and enhance biodiversity, air quality, heritage and waterway health.	
Consistent with Government-approved Regional Conservation Plan.	<p>The Flora and Fauna Assessment submitted by the Proponent recommends management measures however does not demonstrate satisfaction of the requirements of the Regional Conservation Plan.</p> <p>Referral to the NSW Office of Environment and Heritage may confirm whether including the additional land is consistent with the Regional Conservation Plan.</p> <p>This criterion is not currently satisfied.</p>
Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.	<p>Inclusion of the additional land does not demonstrate maintenance or improvement of regionally significant biodiversity. It will impact upon threatened species (koala) and a significant vegetation community (Coastal Plains Smoothbarked Apple).</p> <p>This criterion is not currently satisfied.</p>
Maintain or improve existing environmental condition for air quality.	<p>The inclusion of the additional land will not impact on air quality compared to the endorsed Planning Proposal.</p> <p>This criterion is satisfied.</p>

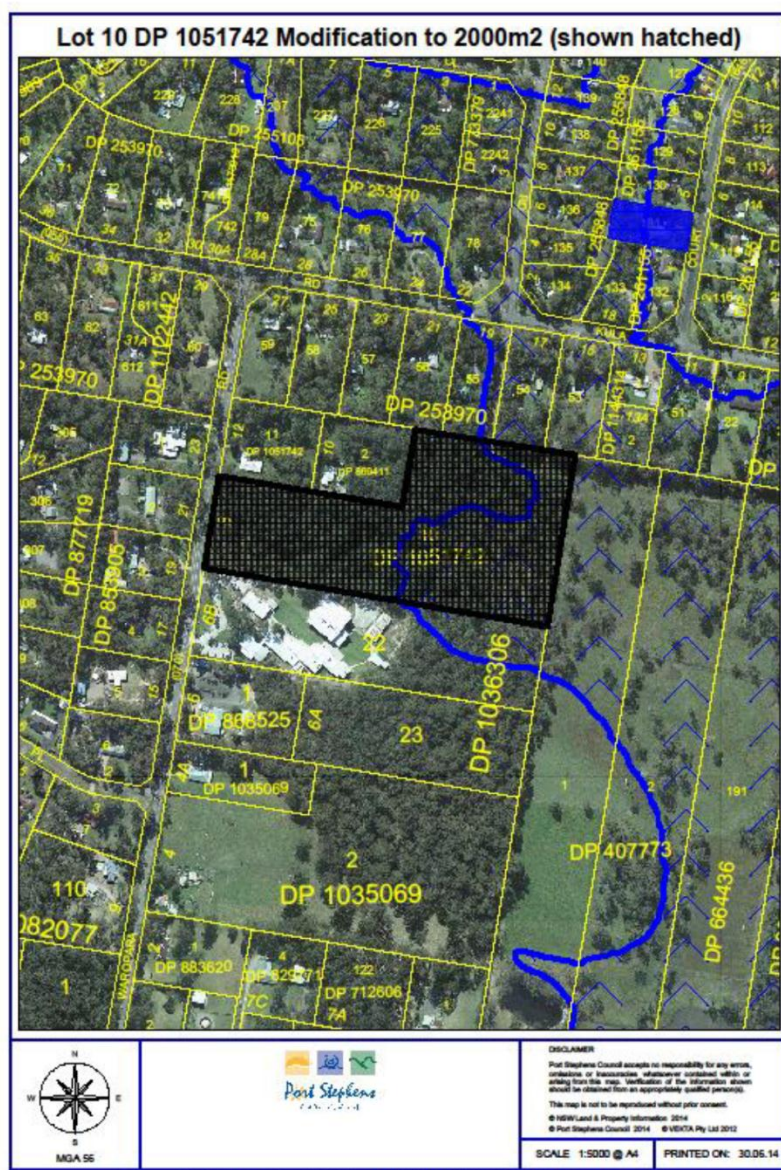
Maintain existing environmental condition for water quality (consistent with community water quality objectives for recreational water use and river health (DEC and CMA) and consistent with catchment and stormwater management planning (CMA and Council).	<p>The Proponent submits that stormwater quality will be addressed by a combination of treatment devices , with Water Sensitive Urban Design principles being implemented where it is feasible and will include the use of rainwater tanks, tree retention and planting and grassed swales, with further hydrological modelling to be undertaken to determine final details at the development application stage to satisfy Council's Development Control Plan and Urban Stormwater and Rural Water Quality Management Plan.</p> <p>The Planning Proposal has not been referred to Hunter Water Corporation for comment. Hunter Water is generally concerned that urban development in Medowie will impact on water quality in Grahamstown Dam.</p> <p>This criterion is partly satisfied.</p>
Protect areas of Aboriginal cultural heritage (as agreed by DEC).	<p>The endorsed Planning Proposal states that an Aboriginal archaeological and cultural heritage impact assessment has not been undertaken on the site and that it is anticipated the Worimi Local Aboriginal Land Council will be consulted on this matter.</p> <p>The Planning Proposal can be referred to the relevant organisations and authorities for comment if required.</p> <p>This criterion may be satisfied.</p>
8. Quality and equity in services - quality health, education, legal, recreational, cultural and community development and other government services are accessible.	
Available and accessible services (do adequate services exist? Are they at capacity or is some capacity available? Has government planned and budgeted for further service provision? Developer funding for required service upgrade/access is available.	<p>Inclusion of the additional land will not impact on the provision of services compared to the Planning Proposal as already endorsed. The change in potential yield is not significant.</p> <p>This criterion is satisfied.</p>

Conclusion

The inclusion of the additional land is not supported for the following summary reasons:

- Potential flora and fauna impacts - the additional land does not satisfy the performance criteria for rezoning of the Port Stephens Comprehensive Koala Plan of Management and NSW Planning Direction 2.1 Environmental Protection Zones;
- It is not demonstrated that the inclusion of the additional land satisfies the requirements of Direction 4.3 Flood Prone Land issued under Section 117(2) of the NSW Environmental Planning and Assessment Act 1979 – some provisions are satisfied and a technical solution is presented however there is not an agreed strategic position on rezoning flood fringe land for urban development in Medowie;
- The additional land is not identified for urban development in the Medowie Strategy and there is no significant strategic difference in lot yield between the modified or endorsed potential development footprint.





ITEM NO. 2**FILE NO: PSC2005-4446****PORT STEPHENS/MYALL LAKES ESTUARY AND COASTAL ZONE
MANAGEMENT COMMITTEE – TERMS OF REFERENCE****REPORT OF: TIM CROSDALE - STRATEGY AND ENVIRONMENT SECTION MANAGER**
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee terms of reference (**ATTACHMENT 1**);
- 2) Dissolve the current Estuary Committee and reform the new committee in accordance with the endorsed terms of reference.

ORDINARY COUNCIL MEETING – 22 JULY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

186	Councillor Ken Jordan Councillor Peter Kafer
	It was resolved that Council: <ol style="list-style-type: none">1) Adopt the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee terms of reference (ATTACHMENT 1);2) Dissolve the current Estuary Committee and reform the new committee in accordance with the endorsed terms of reference.

BACKGROUND

The purpose of this report is to adopt the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee terms of reference.

The Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee was established by Port Stephens Council and Great Lakes Council to address the requirements of the NSW Estuary Management Manual (1992). This manual and

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

guidelines have since been replaced by the Guidelines for Preparing Coastal Zone Management Plan (July 2013).

Whilst there is no longer any requirement to have a formal Coastal Zone Management Committee both Councils recognise the value of the committee structure to provide stakeholder input to implement the Port Stephens/Myall Lakes Estuary Management Plan. A revised Estuary Committee is therefore proposed to continue this work.

The objective of the Estuary Committee is to provide strategic-level advice for Port Stephens Council and Great Lakes Council that will assist in the implementation of the Port Stephens/Myall Lakes Estuary Management Plan, relevant coastal zone management plans and associated studies.

In response to the changed requirements, at the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee held on 13 November 2013, a motion was carried to review the existing terms of reference and the membership list with a view to ensuring that the committee focuses on the implementation of the Port Stephens/Myall Lakes Estuary Management Plan. The committee saw this was vital, as the terms of reference had not been reviewed in many years and it was essential that the most appropriate members were represented on the committee.

Consultation and review of the committee endorsed terms of reference, has been undertaken with the current Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee.

Representatives of a new committee shall be selected following the advertisement of an expression of interest as outlined in the terms of reference. Nominations will be assessed by Council officers and a recommendation made to each Council.

Great Lakes Council is also submitting a report recommending the adoption of the terms of reference at their Council meeting to be held on Tuesday 22 July, 2014.

FINANCIAL/RESOURCE IMPLICATIONS

While the committee itself has no budget, staff resources are allocated to ensure its success.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	500	Recurrent staff funding
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments to adopting the recommendation.

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

The recommendation is aligned with the stated objectives of the Port Stephens/Myall lakes Estuary Management Plan. A copy of the minutes of the meeting of 14 May 2014 endorsing the terms of reference is included (**ATTACHMENT 2**).

The risks associated with adopting the recommendations are detailed in the table below.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the function of the committee does not meet intended outcomes.	Low	Council staff will ensure that the committee is present to provide strategic-level advice to assist in the implementation of the appropriate plans and studies within the scope of the terms of reference.	Yes
There is a risk that both Councils no longer recognise the value of the committee and the committee is disbanded.	Low	Adoption of revised terms of reference. Council staff will ensure that the committee function within the scope and objectives outlined in the terms of reference.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation will enhance the ability of the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee to continue providing strategic level advice to Port Stephens/Myall Lakes Estuary Management Plan, relevant coastal zone management plans and associated studies.

There are no foreseeable implications for the local economy either positive or negative.

CONSULTATION

Consultation and review of the committee endorsed terms of reference, has been undertaken with the current Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee. The committee endorsed the revised terms of reference at its meeting on 14 May 2014.

OPTIONS

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

ATTACHMENTS

- 1) The committee endorsed Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee terms of reference;
- 2) The committee endorsement to revise the terms of reference – minutes from meeting 14th May 2014.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

The Committee endorsed Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee Terms of Reference

**Port Stephens / Myall Lakes Estuary and
Coastal Zone Management Committee
TERMS OF REFERENCE**

The Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee was established by Port Stephens Council (PSC) and Great Lakes Council (GLC) to address the requirements of the NSW Estuary Management Manual (1992). These guidelines have been replaced by the Guidelines for Preparing Coastal Zone Management Plan (July 2013).

There are no longer any requirements to have a Coastal Zone Management Committee however, both Councils recognise the value of the committee providing stakeholder input to implement the Port Stephens/Myall Lakes Estuary Management Plan.

The following Terms of Reference were endorsed by the committee at its meeting on **14 May 2014**.

1. Name

The name of the committee shall be the **Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee** (the Estuary Committee).

2. Objective

The objective of the Estuary Committee is to provide strategic-level advice for Port Stephens Council and Great Lakes Council that will assist in the implementation of the Port Stephens/Myall Lakes Estuary Management Plan, relevant Coastal Zone Management Plans and associated studies.

3. Functions

The primary functions of the Estuary Committee are to:

- provide advice in the implementation of the Port Stephens/Myall Lakes Estuary Management Plan, relevant Coastal Zone Management Plans and associated studies;
- provide stakeholder input to the review of the Port Stephens/Myall Lakes Estuary Management Plan, relevant Coastal Zone Management Plans and associated studies;
- assist to inform, educate, raise awareness and encourage the involvement of the community in the implementation of the Port Stephens/Myall Lakes Estuary Management Plan, relevant Coastal Zone Management Plans and associated studies;
- provide advice on strategic estuarine issues and emerging policy; and,
- identify issues of prime consideration based on best available scientific information and input from key stakeholders, interest groups and the wider community.

4. Reporting Structure

The Estuary Committee will make recommendations and provide advice to Port Stephens Council and Great Lakes Council.

5. Committee Scope

In fulfilling the above functions, the Estuary Committee shall consider the following:

- The type, nature, extent and significance of coastal and estuarine processes, their interactions and how they are affected by human activities;
- Essential features and current state of the coastal zone and estuaries, including physical, chemical, ecological, aesthetic, recreational, cultural, social and economic attributes;

- The best available professional advice and scientific information on which to base decisions;
- Current uses and conflict in uses of the coastal zone and estuaries;
- Possible future developments and land uses and their impacts on the natural processes and essential features;
- The need for nature conservation and remedial measures;
- Adaptation and mitigation for climate change;
- The identification and assessment of management objectives;
- Strategies to achieve these objectives such as statutory controls, works, education programs and monitoring;
- Community needs and desires;
- Funding opportunities and budget limitations; and,
- The advice of other relevant advisory committees operating in the estuary (such as the Port Stephens Great Lakes Marine Park Advisory Committee).

6. Membership

6.1. Composition

The Estuary Committee shall be selected from the following:

- Boating industry interest (1)
- Community representative Great Lakes (3)
- Community representative Port Stephens (3)
- Department of Planning and Environment/ Office of Environment and Heritage/ Regional Operations – Lower North Coast (1)
- Department of Trade and Investment, Regional Infrastructure and Services/ Department of Primary Industries/ Fisheries NSW/ Aquaculture, Conservation and Marine Parks/ Port Stephens - Great Lakes Marine Park Office (1)
- Department of Trade and Investment, Regional Infrastructure and Services/ Department of Primary Industries/ Land and Natural Resources/ NSW Crown Lands Division (1)
- Environmental interest group representative (1)
- Great Lakes Council Councillor (1)
- Great Lakes Council staff member (1)
- Hunter Local Land Services (1)
- Oyster Industry Representative (1)
- Port Stephens Council Councillor (1)
- Port Stephens Council staff member (1)
- Professional and amateur fishing industry (1)
- Relevant Aboriginal Land Council (2)
- Tourism Industry representative (1)
- Transport for NSW/ Roads and Maritime Services/ Hunter/Inland Regional Office Maritime – Newcastle (1)

Additional representatives from the above bodies, or other organisations, may attend meetings as required. An individual may represent more than one organisation.

6.2. Appointment of Representatives

Representatives shall be selected following the advertisement of an Expression of Interest. Nominations will be assessed by Council Officers and a recommendation made to each Council. The following criteria may be used to guide the assessment of nominations:

- (a) Knowledge and/or skills of the nominee relevant to:
 - o Estuarine and/or coastal zone issues/management (including biodiversity, water, heritage, recreation and hazard issues/management);
 - o Coastal zone and estuarine legislation and policy; and
 - o Community support programs.
- (b) An understanding of the role of Local Government;
- (c) Commitment to participative and consultative processes;
- (d) Credibility with relevant interest groups;
- (e) Ability to develop and sustain contacts with key individuals and groups within the local community; and
- (f) Willingness / ability to engage with their community on estuary and coastal zone management issues and promote the implementation of the plans.

An Eligibility List may be created if the number of suitable candidates exceeds the number required for the Committee.

Members of the Estuary Committee are considered volunteers under the relevant Council's volunteer policy. Volunteers are required to abide by the relevant codes of conduct, volunteer protocols and media policies, copies of which are available on request.

6.3. Term of Appointment

Appointments to the Estuary Committee are for a period of four years or as otherwise determined by Council Officers. Unless otherwise notified by Council Officers, membership of the Estuary Committee shall cease one month after the general election of Council. Members of the committee may stand for re-appointment.

Membership positions vacated during the appointment period will be filled in accordance with Sections 6.1 and 6.2. If a government position becomes vacant, it can be filled by another suitable representative from the same body without requiring reappointment. If a government restructure affects committee membership, existing members can continue as committee members, or the restructured body can nominate other suitable representatives.

The membership list in Section 6.1 will be updated to reflect government restructures.

A community representative vacancy may be filled by another person drawn from the Eligibility List, or by another call for Expressions of Interest.

6.4. Cessation of Membership

A person ceases to be an Estuary Committee member if the person:

- resigns that membership in writing;
- is absent for three (3) consecutive meetings of the Estuary Committee without leave or apology; or
- has been found to have breached Port Stephens Council's code of conduct.

If a representative of one of the government bodies outlined in Section 6.1 ceases to be an Estuary Committee member, a new suitable representative of the body should be appointed by that organisation.

7. Operating Procedures

The following procedures will guide the operation of the Estuary Committee:

- (a) The Estuary Committee shall meet a minimum of four times per year or as required by Council Officers (meetings may be supplemented with correspondence via email or telephone). A maximum of one meeting per year will be hosted by Great Lakes Council in Hawks Nest / Tea Gardens unless otherwise agreed by Council staff.
- (b) A Port Stephens Council Officer will be appointed annually (at the end of the financial year) as Estuary Committee secretary and will provide administrative support. The secretary will distribute draft minutes to all members after each committee meeting, for confirmation at the next ordinary meeting.
- (c) A quorum shall consist of six members, including a Council Officer. Any meetings of the Estuary Committee at which a quorum is not present shall lapse.
- (d) The Estuary Committee will be chaired by a Councillor from either Port Stephens Council or Great Lakes Council.
- (e) Special meetings of the Estuary Committee may be called by a Council Officer. At least 48 hours notice of special meetings shall be required to be given to all members of the Estuary Committee.
- (f) Limited term working groups may be convened to address specific issues and report to the Estuary Committee.
- (g) The Estuary Committee may request Council Officers, representatives of the community, volunteer organisations, interest groups, or representatives of government to provide further technical advice and assistance however any impacts on budget are at the discretion of Port Stephens Council and Great Lakes Council.
- (h) For the purposes of deciding matters at the Estuary Committee, each member shall be entitled to one vote. A decision shall be made if half of the Estuary Committee Members present at the meeting plus one additional vote are in agreement. Where appropriate, decisions can also be made via email or telephone (must have a quorum of respondents (via phone/email/face to face) and half of the Estuary Committee respondents plus one additional vote in agreement to make a decision).
- (i) All members of the committee are to report to their representative group for example industry groups, associations, community, or other staff within an organisation on the activities of the Estuary Committee.
- (j) Each committee member will assist with delivering and achieving the tasks set out in this Terms of Reference.
- (k) Terms of reference and committee operations are to be reviewed annually.

8. Dissolution of the Estuary Committee

The Estuary Committee may be dissolved by agreement between Port Stephens Council and Great Lakes Council.

9. Definitions**9.1. Port Stephens / Myall Lakes Coastal Zone**

The coastal zone encompasses the interface between land and sea. It is a zone of interaction between terrestrial and marine systems and processes. Within this zone there is a wide variety of landscapes and habitats, including beaches, headlands, rock platforms, dunes, foreshores, estuaries and marine waters.

The Port Stephens / Myall Lakes Coastal Zone is defined in accordance with the Coastal Protection Act 1979, namely:

- One kilometre landward from the open coast from Fern Bay in the south to Seal Rocks in the north;

- Generally, three nautical miles seaward from the mainland;
- Generally, one kilometre landward from Port Stephens Estuary; and,
- Generally one kilometre landward from the tidal waters of rivers flowing into Port Stephens to the limit of mangroves or the tidal limit, whichever is closer to the sea.

The islands off-shore from Port Stephens are excluded from this definition as they are under the management of the NSW Office of Environment and Heritage.

9.2. Estuary Management Plan

A plan that has been produced in accordance with the guidelines given in the Government's Estuary Management Manual 1992 that consists of a scheduled sequence of recommended activities to be undertaken to achieve the stated estuary management objectives. Should an Estuary Plan be updated it will need to comply with 'Guidelines for Preparing Coastal Zone Management Plan July 2013' and will become a Coastal Zone Management Plan.

9.3. Coastal Zone Management Plan

A plan that has been produced in accordance with the 'Guidelines for Preparing Coastal Zone Management Plan July 2013' and having regard to the *NSW Coastal Policy 1997* and that promotes the sustainable use, development and protection of the coastal zone and its natural and non-natural resources.

ATTACHMENT 2

The Committee endorsement to revise The Terms of Reference – minutes from meeting 14th May 2014



VENUE: Port Stephens Council Chambers – Committee Rooms

Cr John Neil Port Stephens Chair	Michael Osborne Port Stephens Council	Charlene Wellard Port Stephens Council	Bryce Cameron Port Stephens Council	Linda Strachan Port Stephens Council	Robert Bailey Marina Association	Tony Minchin Port Stephens Pro-Am
Cr Len Robert's Great Lakes Council	Neil Kelleher Office of Environment & Heritage	Richard McEvilly Port Stephens – Great Lakes Marine Park	Frank Future Port Stephens Tourism/ECONET PS	Debbi Delaney Great Lakes Council	Gordon Grainger Myall River Action Group	Iain Watt Port Stephens ECO Network
Peter Chappelow GLSC/North Arm Cove Residents Association						

Apologies: Rob Micheli, Luke Erskine, Sally Whitelaw, Don Burgoyne, Scott Carter

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

Topic	Time Required	Responsible Officer	Action/Decision	Status
1	5 mins	Chair		
2	5 mins	Chair	Moved – Tony Minchin Second – Robert Bailey	
3	5 mins		Nil	
4	10 mins	Michael Osborne	Minor changes discussed and made including up to 3 community representatives from each Council. Both Councils to put report to Council to adopt The Terms of Reference – June 2014 Report to go on exhibition calling for Expressions of Interest with new Committee to be elected and first meeting to be held in October 2014. Updated attachment provided with minutes. Committee endorsed the Terms of Reference. Moved – Gordon Grainger Second – Robert Bailey	
5	15 mins	Bryce Cameron	Tanilba Bay - Stage 2 Grant lodged – plans supplied at meeting for Committee to view. Timeframe commencement will be March 2015. Updates will be given at each Committee Meeting.	

2

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

Topic	Time Required	Responsible Officer	Action/Decision	Status
▪			<p>Seawall Assessment – Council has assessed 75 seawalls along the foreshore from Shoal Bay to midway Soldiers Point, only 2 have DA approval.</p> <p>Briefing Report will be going to Council in June. All information will be provided to Marine Parks, Crown Land, and Great Lakes Council.</p> <p>Committee motioned that both Council's complete an audit system and priorities by budget.</p> <p>Moved – Len Roberts Second – Iain Watt</p>	
6	Great Lakes Council's Update To be provided.	25 mins	Debbi Delaney	Provided – see attached
7	Proposed Engagement Strategy for the Development of the Karuah Catchment Plan	20 mins	Debbie Delaney	Provided in Great Lakes Council update
8	List of current strategic estuarine issues and emerging policy	20 mins		Updated attachment provided with minutes.
9	General Business	10 mins	Committee	Navigation Dredging – Oyster Cove. Letters forwarded to Council from concerned residents. The channel is becoming too shallow for commercial and private operators to access. This has meant that operators have to take their business interstate for maintenance and repair works. Some members of the committee believe this site is critical

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

Topic	Time Required	Responsible Officer	Action/Decision	Status
			<p>to the economics of the area. Funding is available if Council is willing to contribute 50%.</p> <p>Committee recommended that Council explore the dredge of Oyster Cove channel as a top priority. Foreshore Management Plan to be checked as reference.</p> <p>Moved – Frank Future</p> <p>Second – Iain Watt</p> <p>Note: It is not within the role of the committee to direct Councils works, scoping of the project can be put on Councils Forward Works Plan and will be prioritised alongside all other projects. See Terms of Reference clause 7(g).</p> <p>Reconstruction of Shoal Bay Jetty – Could this be revisited in the Future Works Program. Jetty is virtually unusable by commercial vessels.</p> <p>Committee motioned that Council look into an engineering solution for commercial and private vessel use.</p> <p>Moved – Frank Future</p> <p>Second – Robert Bailey</p> <p>Note: It is not within the role of the committee to direct Councils works, scoping of the project can be put on Councils Forward Works Plan and will be prioritised alongside all other projects. See Terms of Reference</p>	

4

Topic	Time Required	Responsible Officer	Action/Decision	Status
			<p>clause 7(g).</p> <p>Cromarty Wharf – In disrepair. The Wharf is privately owned and Council has carried out several infrastructure assessments and notified the asset owner who has chosen to ignore. Next step is for Council to close the Wharf to public use.</p> <p>Council to discuss amendments to off-leash dog exercise areas within Port Stephens with Government agencies – Great Lakes Marine Park, OEH.</p>	
10	Date of Next Meeting		To be advised Port Stephens Council	
11	Close – There being no further business the meeting closed at 2:20pm			

Meeting Code of Cooperation

- We start on time and finish on time.
- We all participate and contribute – everyone is given opportunity to voice their opinions.
- We use improvement tools that enhance meeting efficiency and effectiveness.
- We actively listen to what others have to say, seeking first to understand then to be understood.
- We follow up on the actions we are assigned responsibility for and complete them on time.
- We give and receive open and honest feedback in a constructive manner.
- We use data to make decisions (whenever possible).
- We determine issues arising by consensus or refer to the GM for consideration.
- We strive to continually improve our meeting process and build time into each agenda for reflection.
- We will promote best practice, keeping open minds, combining our experiences and shared learning's to inform our deliberations.

ITEM NO. 3**FILE NO: PSC2014-02260****MARTIN'S CREEK QUARRY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Write to the NSW Environment Protection Authority to seek clarification regarding the Environmental Protection Licence for the Martin's Creek Quarry.

ORDINARY COUNCIL MEETING – 22 JULY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

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

AMENDMENT

	Councillor Peter Kafer Councillor Steve Tucker
	That Item 3 be deferred to the next Ordinary Meeting of Council to allow for the preparation of further information.

The amendment on being put was lost.

MOTION

187	Councillor Ken Jordan Councillor Peter Kafer
	It was resolved that Council write to the NSW Environment Protection Authority to seek clarification regarding the Environmental Protection Licence for the Martin's Creek Quarry.

BACKGROUND

This report has been prepared at the request of Dungog Shire Council and relates to their concerns regarding the operations of Martins Creek Quarry, specifically to variations that have been made to the quarry's Environmental Protection Licence (EPL) issued by the Environment Protection Authority (EPA). Dungog Council have written to the EPA raising legal concerns with the variations to the EPL and inconsistencies with the approved development consent for the quarry.

Dungog Council have requested that Port Stephens Council similarly write to the EPA seeking clarification regarding the absence of notification to this Council, given that the changes to the EPL have potential implications on the Port Stephens Local Government Area (LGA). It is understood that a further review of the EPL is due shortly and it would be timely for the matters of concern to be raised with the EPA. This report provides the Council with a brief overview of the concerns being raised by Dungog Council and recommends that Council write to the EPA to seek clarification on the matter.

The Martins Creek Quarry is located at Station Street, Martins Creek in the Dungog LGA. It is understood that the quarry is licenced by the Environment Protection Authority (EPA) under an Environment Protection Licence (EPL). Dungog Council have recently written to the EPA outlining concerns with the current operation of the quarry and inconsistencies with the development consent history of the site, as well as variations to the EPL that have already been made by the EPA or that are currently being proposed. The EPA is currently seeking comment from Dungog Council regarding a proposed EPL variation to increase the hours of operation of the quarry. Dungog Council have advised the EPA that development consent will be required before any such variation should be considered.

Dungog Council have also raised concerns regarding a previous EPL variation which was granted to the quarry in 2007 which purported to allow the quarry to increase the maximum scale of material extracted, processed or stored on the premises from 500,000 tonnes per annum to 2,000,000 tonnes per annum. Dungog Council's legal advisors have raised concerns with the EPA about their jurisdiction and ability to vary the EPL in the manner that they have in the absence of consent under the *Environmental Planning and Assessment Act 1979 (NSW)*. The EPA have advised Port Stephens Council that the then quarry operator applied to increase the "fee based activity scale" on the licence and believe that Dungog Council had not placed a limit on production or called upon the EIS. In this regard, the EPA believed there were no legal grounds to decline the application and the licence was granted. They further state that there were no notification requirements for the licence amendment as the original designated development was advertised at the time it was lodged.

Dungog Council's position is that the intensity of operations and heavy vehicle movements associated with the current operation of the quarry is causing major impacts on the environment and the community of Dungog. Dungog acknowledges that these impacts are not limited to the Dungog local area and neighbouring Councils are also affected and believe that the EPA should also have consulted with such Councils in the granting of the licence variations. To date consideration forth

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

the EPA has not occurred. Given the ongoing community concerns regarding the operation of the quarry, Dungog Council intends to organise a public forum on the matter. Port Stephens Council have been invited to attend the forum where there will be opportunities to discuss amenity and other potential issues, such as increased heavy traffic movements that are being experienced in the Port Stephens LGA as a result of the expanded operations of the quarry. Maitland City Council have also recently adopted to write to the EPA.

The EPA advise they have discussed alleged breaches of the development consent in relation to production levels over a period of years with Dungog Council and encouraged Dungog Council to seek a resolution to the consent issue with the licensee. EPA note that the development consent for the premises has a specific condition to limit the amount of product that may be transported by road from the quarry. The EPA are of the opinion that the licence cannot be used to regulate trucks once they leave the quarry premises.

In conclusion, the issues raised are significant, particularly in relation to variations to the EPL licence arrangements and whether they were consistent with the existing development consent. It is therefore recommended that Council write to the EPA seeking further clarification on the issues and the legal process.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or other resource implications associated with the recommendation to write to the NSW EPA.

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

LEGAL, POLICY AND RISK IMPLICATIONS

At this stage no legal, policy or risk implication is envisaged for forwarding correspondence to the EPA outlining Council's concerns.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council do not write to the EPA, the potential impacts to the Port Stephens Local Government Area will	Low	Follow the recommendation.	Yes

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

not be adequately considered.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council should ensure the Martin's Creek Quarry operations and associated heavy vehicle movements do not cause impacts on the environment and the community of Port Stephens.

CONSULTATION

- 1) Development Assessment and Compliance Section Manager;
- 2) Planning and Developer Relations Coordinator;
- 3) Infrastructure Planning Coordinator; and
- 4) Traffic Engineer;
- 5) Dungog Council Representatives.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

FILE NO: PSC2014-01593

CULTURAL PROJECTS FUND – ROUND ONE, 2014 - 2015

REPORT OF: ROSS SMART – COMMUNICATIONS SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of \$31,270 from the Cultural Projects Fund for round one in accordance with the amounts and purposes prescribed below:
 - a. \$3,000 to Bobs Farm Public School to assist with the publication of *Then and Now* book and research for school centenary;
 - b. \$3,000 to Robert Harper (individual) for development of a promotional video *Come see my backyard*;
 - c. \$2,500 to Hook Line and Sinker Inc. for contribution to video production skills development workshops for youth;
 - d. \$3,000 to Karuah Public School for young person's and community photography project;
 - e. \$2,000 to Karingal Preschool (Nelson Bay) for *Karingal meets Murrook* workshops;
 - f. \$3,000 to King Street Preservation and Action Group Inc. for King Street Heritage Festival;
 - g. \$3,000 to Port Stephens Community Arts Centre for the 2015 Port Stephens Art Prize;
 - h. \$1,270 to Raymond Terrace Community Markets for its multicultural and community family fun day;
 - i. \$3,000 to Raymond Terrace Arts and Crafts Inc. for the Raymond Terrace Art Show – workshop and exhibition;
 - j. \$1,000 to Raymond Terrace Writers Group for book publication of *You'll never know till you try*;
 - k. \$1,500 to Gan Gan Centre Anna Bay Public School for *My family mandala*;
 - l. \$500 to Tilligerry Adult and Community Education for the Port Stephens Literature Award;
 - m. \$2,500 to Mem's Soul Food for family cultural events; and
 - n. \$2,000 to Tanilba Bay Parks, Reserves and Hall 355c Committee for historical Tanilba Bay signage.
- 2) Advertise by way of Public Notice for 28 days allocation of funding to Robert Harper (individual) and should no submissions be made adopt recommendation for funding.
- 3) Allocate the balance of Cultural Projects Fund (\$28,730) to round two;
- 4) Endorse the recommendation that for 2015-2016, the Cultural Project Fund become an annual grant program in line with the Aboriginal Projects Fund;

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

- 5) Advertise by way of Public Notice for 28 days the proposed amendment to the Cultural Projects Fund for 2015-2016 and should no submissions be made, the amendment be adopted following public exhibition.

ORDINARY COUNCIL MEETING – 22 JULY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

188	Councillor Ken Jordan Councillor Peter Kafer
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the allocation of \$31,270 from the Cultural Projects Fund for round one in accordance with the amounts and purposes prescribed below:<ol style="list-style-type: none">a. \$3,000 to Bobs Farm Public School to assist with the publication of <i>Then and Now</i> book and research for school centenary;b. \$3,000 to Robert Harper (individual) for development of a promotional video <i>Come see my backyard</i>;c. \$2,500 to Hook Line and Sinker Inc. for contribution to video production skills development workshops for youth;d. \$3,000 to Karuah Public School for young person's and community photography project;e. \$2,000 to Karingal Preschool (Nelson Bay) for <i>Karingal meets Murrook</i> workshops;f. \$3,000 to King Street Preservation and Action Group Inc. for King Street Heritage Festival;g. \$3,000 to Port Stephens Community Arts Centre for the 2015 Port Stephens Art Prize;h. \$1,270 to Raymond Terrace Community Markets for its multicultural and community family fun day;i. \$3,000 to Raymond Terrace Arts and Crafts Inc. for the Raymond Terrace Art Show – workshop and exhibition;j. \$1,000 to Raymond Terrace Writers Group for book publication of <i>You'll never know till you try</i>;k. \$1,500 to Gan Gan Centre Anna Bay Public School for <i>My family mandala</i>;l. \$500 to Tilligerry Adult and Community Education for the Port

	<p>Stephens Literature Award;</p> <p>m. \$2,500 to Mem's Soul Food for family cultural events; and</p> <p>n. \$2,000 to Tanilba Bay Parks, Reserves and Hall 355c Committee for historical Tanilba Bay signage.</p>
2)	Advertise by way of Public Notice for 28 days allocation of funding to Robert Harper (individual) and should no submissions be made adopt recommendation for funding.
3)	Allocate the balance of Cultural Projects Fund (\$28,730) to round two;
4)	Endorse the recommendation that for 2015-2016, the Cultural Project Fund become an annual grant program in line with the Aboriginal Projects Fund;
5)	Advertise by way of Public Notice for 28 days the proposed amendment to the Cultural Projects Fund for 2015-2016 and should no submissions be made, the amendment be adopted following public exhibition.

BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of round one of Cultural Projects Fund for projects as recommended by Council's Cultural Project Fund Assessment Panel, in consultation with Council's 355c Strategic Arts and Culture Committee and also to seek support for the Cultural Project Fund to become an annual program in line with the Aboriginal Projects Fund.

The Cultural Projects Fund is currently a biannual grant program. Its purpose is to support projects that celebrate and promote our diverse culture in Port Stephens by supporting cultural programs, events and other activities that increase our sense of belonging in our community.

The Port Stephens Community Strategic Plan 2013-2023 states that Council will:

7.1.1 Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture.

Council delivers this through the Operational Plan 2014-2015:

7.1.1.1 Coordinate Council's Cultural Projects Fund.

Funding applications for round one of the Cultural Projects Fund 2014-2015 program opened on 5 May and closed on 6 June 2014.

The total amount of funding available under the Cultural Projects Fund program in 2014-2015 is \$60,000. Round one attracted 18 applications valued at \$44,290.

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

Of the 18 applications, eight organisations were applying to the program for the first time. A number of other applicants applied for funding to build on achievements realised in the past two years as a result of previous grants received under the Cultural Projects Fund.

For the first time, two applications were submitted by individuals.

The Cultural Projects Assessment Panel met on Thursday 26 June 2014 and recommended that 14 of the 18 applications be funded in round one, 2014-2015. The four remaining applicants were not successful as they did not meet the criteria for funding or did not provide enough information to consider the grant.

A number of the projects proposed by the unsuccessful applicants demonstrate potential to be further developed and the applicants will be encouraged to re submit for round two funding in early December 2014.

A summary of all projects is shown in **(ATTACHMENT 1)**.

It is proposed that the Cultural Projects Fund become an annual grant program in line with the Aboriginal Projects Fund. This will reduce possible duplication of applications, allow applications to be considered across the two programs in the same timeline and allow for a more strategic approach to the program. This has been discussed with the 355c Strategic Arts and Cultural Committee and Cultural Projects Fund Assessment Panel. By considering this approach now, the community can be prepared for the change in 2015, if adopted.

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$60,000 will be available for projects under Council's Cultural Projects Fund in the 2014-2015 budget. The projects recommended in this report total \$31,270. It is proposed that the remaining balance of \$28,730 be made available for round two of the 2014-2015 funding program.

All funded projects will be required to adhere to the conditions of funding as stipulated in the funding guidelines and as outlined in a funding agreement established between Council and the funding recipient.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	60,000	Sourced from the 2014-2015 allocation for Cultural Projects Fund
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Recipients of funding under the Cultural Projects Fund shall accept full responsibility for the liability of any programs or projects funded. Liability for property and or assets such as public art works created as part of a project and then installed on Council owned land, with the appropriate permission of Council, will remain the responsibility of Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding those funding requests supported against those not supported.	Low	Ensure that proper processes are followed in accordance with Cultural Projects Fund conditions.	Yes
There is a risk that some grant recipients may fail to comply with required reporting and acquittal processes.	Low	Ensure that proper processes are followed in accordance with Cultural Projects Fund conditions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The funding directly supports significant ongoing investment by community organisations and individuals in arts based cultural activities that are accessible to a large proportion of people in Port Stephens from a range of social, economic and cultural backgrounds.

The projects put forward to be endorsed will:

- Improve local heritage infrastructure and create a strong sense of place for many residents through events, workshops and publishing initiatives;
- Bring community together to recognise and celebrate our diversity and the growing number of residents from non-english speaking backgrounds;
- Provide access to learning and skills development through workshop activity and professional support;
- Support employment for local artists; and
- Support the ongoing delivery of important local cultural service and infrastructure by community groups at a very minimal cost to Council.

The total value of in-kind support committed by applicants towards projects nominated for endorsement is approximately \$66,000 with an expected \$13,000 to be raised as revenue. The majority of this income is re-invested by community groups

into the ongoing operations of the organisation to ensure that access to cultural activity in Port Stephens continues to grow.

CONSULTATION

- 1) The 2014-2015 Cultural Projects Fund was launched, in conjunction with the 2014-2015 Aboriginal Projects Fund, at an official event at Port Stephens Council on Monday 5 May 2014;
- 2) Cultural Interagency;
- 3) Port Stephens Council 355c Strategic Arts and Cultural Committee;
- 4) Cultural Projects Fund Assessment Panel;
- 5) Advertisement in Port Stephens Examiner, placement on Council's website;
- 6) One-on-one consultations with potential applicants.

OPTIONS

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

ATTACHMENTS

- 1) Summary of applications – Cultural Projects Fund Round One - 2014-2015.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of applications – Cultural Projects Fund Round One - 2014-2015

1

PROJECTS RECOMMENDED			
Applicant / Project Name	Amount Requested	Project Description	Amount Recommended
Bobs Farm Public School (<i>Then and Now</i>)	\$3,000	A research based project that will see a trilogy of books on Bobs Farm produced, with a particular interest in the history of Bobs Farm School. This application is focused on stage one and publication of book one, that is to be followed up with a further two books before the final centenary celebration of the school in 2018.	\$3,000
Robert Harper - Individual (<i>Come see my backyard</i>)	\$3,000	A short video production (5-10 minutes) that explores mobility issues and access to local attractions, outdoor locations and identified venues across Port Stephens from the perspective of someone with a disability (wheelchair).	\$3,000
Hook Line and Sinker Inc. (<i>From Me 2 YouTube</i>)	\$3,000	Community based video production / skills development workshops for young people in the Tomaree community that will provide a public outcome in shape of a YouTube channel where final product will be exhibited.	\$2,500 Part fund
Karuah Public School (<i>In your face</i>)	\$3,000	A community based photography program that draws on local volunteer expertise in field of photography, working with young people from the community to create a significant piece of public art – a large scale photographic work visible from main street. The images will all be focused on local subject matter.	\$3,000
Karingal Preschool, Nelson Bay (<i>Karingal meets Murrook</i>)	\$2,220	Building community partnership and understanding of local Indigenous culture. Involves visits to Murrook Culture Centre (2) by local pre-school (Karingal – Nelson Bay) and ongoing cultural production / learning workshops at preschool throughout year.	\$2,000 (part fund)
King St Preservation & Action Group Inc. (<i>King Street Heritage</i>)	\$3,000	A signature event designed to promote the heritage values and special character of King Street (Raymond Terrace), once the main street of a major river port. A day of food, music and historical attractions	\$3,000

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

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Festival)		coordinated and delivered by the local community. Will include a visit by William IVth steamship replica built in Raymond Terrace around 1987.	
Port Stephens Community Arts Centre Inc. (Port Stephens Art Prize)	\$3,000	An annual exhibition that attracts artists from local, regional and interstate communities. In its 11 th year, it has continued to grow and become a significant event for the community and a source of income for the Arts Centre to reinvest into local cultural infrastructure, including a gallery that is accessible to community throughout the year.	\$3,000
Raymond Terrace Community Markets (Multicultural and community family fun day)	\$1,270	Building upon the establishment of the Raymond Terrace Markets, plan is to host a multicultural celebration / event that may grow into a signature event for Raymond Terrace community and at the same time, provide a focal point for the celebration and acceptance of cultural diversity in Port Stephens.	\$1,270
Raymond Terrace Arts and Craft Inc. (Workshops and exhibition)	\$3,000	Art workshops focused on skills development of participants, many of whom are older Raymond/rural west residents as well as a number of local people with a range of disabilities. There will then follow the opportunity to participate in the restructured Raymond Terrace Art Show.	\$3,000
Raymond Terrace Writers Group (You'll never know till you try)	\$1,000	A small publication by local writers group based in Raymond Terrace. First time publishing as a group.	\$1,000
Gan Gan Centre, Anna Bay Public School (My Family Mandala)	\$3,000	A community arts project focused on story-telling and art making by community members in Tomaree, including parents and particularly mothers from different places of origin. An artist will be employed to help participants to prepare a mandala with a social message and celebration of parenting.	\$1,500 Part fund
Tilligerry Adult and Community Education	\$500	Writing competition, funds providing prize money. Long standing event with entries from around Australia and includes an awards event.	\$500

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

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(Port Stephens Literature Award)			
Mem's Soul Food (Family cultural feast)	\$3,000	A monthly gathering of families in Raymond Terrace, focused on sharing knowledge of different cultures through food, music and stories. Provides a platform for local musicians to perform in a family friendly environment.	\$2,500 Part fund
Tanilba Bay Parks, Reserves and Hall 355c committee (Historical Tanilba Bay signage)	\$2,000	A place making styled project that includes the production of a heritage sign, designed to share the stories and history and heritage of Tanilba Bay. The sign will compliment two signs currently in place on the Tilligerry Peninsula.	\$2,000

PROJECTS NOT RECOMMENDED		
Applicant / Project Name	Amount Requested	Brief Description
Him Do Tae Kwon Do Academy	\$2,800	Taekwondo demonstrations and workshops across LGA. Existing self defence school wishes to promote Korean Martial Arts.
Karuah Working Together Inc.	\$1,500	Support the training of volunteers at the Karuah Centre who help to help promote local arts/craft through the sale of goods.
Real Futures Foundation (Creating Better Places in Port Stephens)	\$3,000	Involves young people designing and making public furniture to be located in key parks/open spaces in the Tomaree community.
Metta Henderson – Individual (Cabbage Tree hats in Port Stephens)	\$3,000	Research and workshop program focused on the history, production and celebration of the Cabbage Tree hat. Includes a hat festival in the longer term.

ITEM NO. 5

FILE NO: PSC2014-01592

ABORIGINAL PROJECTS FUND 2014

REPORT OF: ROSS SMART - COMMUNICATIONS SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of Aboriginal Project Funds of \$35,000 with the amounts and purposes prescribed below:
 - a) \$9,200 to Ngarrama Productions to assist with the *Looking Deadly* project in Karuah and Nelson Bay;
 - b) \$5,000 to The Real Futures Foundation to assist with the *Reconciliation Growing Together* Project with Tomaree High School;
 - c) \$8,000 to the Tanilba Bay Public School to assist with the *Count Me In Too* project;
 - d) \$3,000 to Thou-Walla Family Centre (Irrawang Public School) to assist with the Aboriginal Irrawang Community Project;
 - e) \$4,800 to the Worimi Dolphins Rugby League Football Club to assist with the purchase of football kit;
 - f) \$5,000 to Worimi Knowledgeholders Aboriginal Corporation to assist with a research project to develop a strategic plan and MOU for the traditional fishing grounds of Worimi People.

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COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Peter Kafer Councillor Steve Tucker
	That the recommendation be adopted.

MOTION

189	Councillor Ken Jordan Councillor Peter Kafer
	It was resolved that Council: <ol style="list-style-type: none"> 1) Endorse the allocation of Aboriginal Project Funds of \$35,000 with the amounts and purposes prescribed below: <ol style="list-style-type: none"> a. \$9,200 to Ngarrama Productions to assist with the <i>Looking Deadly</i> project in Karuah and Nelson Bay; b. \$5,000 to The Real Futures Foundation to assist with the

	<i>Reconciliation Growing Together Project with Tomaree High School;</i> <ul style="list-style-type: none">c. \$8,000 to the Tanilba Bay Public School to assist with the <i>Count Me In Too</i> project;d. \$3,000 to Thou-Walla Family Centre (Irrawang Public School) to assist with the Aboriginal Irrawang Community Project;e. \$4,800 to the Worimi Dolphins Rugby League Football Club to assist with the purchase of football kit;f. \$5,000 to Worimi Knowledgeholders Aboriginal Corporation to assist with a research project to develop a strategic plan and MOU for the traditional fishing grounds of Worimi People.
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BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of the Aboriginal Projects Fund for 2014, as recommended by the Council's 335C Aboriginal Strategic Committee.

The Aboriginal Projects Fund is an annual, one-off small grants program. Its purpose is to community projects designed and/or intended to empower local Aboriginal people.

Funding applications opened on Monday 5 May 2014 and closed on Friday 6 June 2014.

The Port Stephens Community Strategic Plan 2013-2023 states that Council will:

7.1.1 *Plan for and promote multiculturalism and Port Stephens' Heritage, arts and culture.*

Council delivers this through the Operational Plan 2014-2015:

7.1.1.2 *Coordinate Council's Aboriginal Projects Fund.*

A total of eleven applications were received with a total requested amount being \$94,475. The applications were assessed by the Aboriginal Strategic Committee on 24 June 2014. The Committee recommended that six of the eleven applications be funded.

Due to the large number of applications (the most ever received under this grant program), with the total requested amount significantly exceeding the available funds, Worimi Local Aboriginal Land Council withdrew its application to allow other agencies to have a stronger opportunity to receive funding.

All but one of the applicants received partial funding.

A summary of all projects is shown in **(ATTACHMENT 1)**.

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$35,000 is available to fund projects under Council's Aboriginal Projects Fund in the 2014-2015 financial year. The projects recommended in this report total \$35,000.

All funded projects will be required to adhere to the conditions of funding as detailed in this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	35,000	2014-2015 allocation for Aboriginal Projects Fund
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Recipients of funding under the Aboriginal Projects Fund shall accept full responsibility for the liability of any programs or projects funded.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding those funding requests supported against those not supported.	Low	Ensure that proper processes are followed in accordance with the Aboriginal Projects Fund Conditions.	Yes
There is a risk that some grant recipients may fail to comply with required reporting and acquittal processes.	Low	Ensure that proper processes are followed in accordance with the Aboriginal Projects Fund Conditions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The projects recommended for funding will assist in building and strengthening the well-being of the Port Stephens Aboriginal community in a number of ways including:

- Engaging local schools in a garden project that emphasises through art and culture reconciliation between Aboriginal and non- Aboriginal people.

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- Production of films through skills development workshops with local Aboriginal people on a local, national and international level to strengthen Aboriginal culture, local talent and employment opportunities.
- Culturally appropriate learning strategies in schools to improve early numeracy in students from pre-school to Year 2, and foster leadership and links with local Aboriginal families.
- Promotion of Aboriginal culture and reconciliation through art and Aboriginal spaces in local schools.
- Support sport as a tool for healthy on going engagement of Aboriginal men and women, showcasing local talent in regional and state representation.
- Support rights of Worimi community to gain access to traditional fishing grounds.

CONSULTATION

- 1) An annual joint launch of the Aboriginal Projects Fund and Cultural Projects Fund was held on Monday 5 May 2014. This gave prospective applicants the opportunity to learn about the funding programs. It also provided the opportunity for applicants to discuss their ideas with Committee members, Council staff and interested community members;
- 2) The availability for funds was widely advertised through Port Stephens Examiner, Newcastle Herald, Koori Mail, Port Stephens Council website, Port Stephens Interagency, Port Stephens Youth Interagency and Cultural Interagency;
- 3) Community events and activities;
- 4) One-on-one consultations;
- 5) Council's 355c Aboriginal Strategic Committee met on Tuesday 24 June 2014 to consider presentations made by applicants on their proposed projects. Following these presentations, the Committee finalised their assessment and formulated their recommendations to Council.

OPTIONS

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

ATTACHMENTS

- 1) Summary of applications – Aboriginal Projects Fund 2014

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of applications – Aboriginal Projects Fund 2014

PROJECTS RECOMMENDED			
Applicant / Project Name	Amount Requested	Project Description	Amount Recommended
Ngarrama Productions Looking Deadly	\$9,700	Request from community to bring program of 2013 workshops held in Newcastle to Port Stephens localities, in particular Karuah. Aim is to strengthen local employment base. Production of a cultural product through which Aboriginal people gain skills and opportunities on local and national platforms. Floating venues, including production for Karuah Working Together Inc. Worimi Project.	\$9,200
The Real Futures Foundation Reconciliation Growing Together	\$9,800	Garden and signage to engage students from local Tomaree and St Phillips High School. Tactile and sensory native plants utilised, as well as bush tucker to educate and promote reconciliation.	\$5,000
Tanilba Bay Public School Count Me In Too	\$10,000	Extending on success of Project funded in 2013, focussing on Numeracy for students from pre-school to Year 2. Relevant learning strategies for Aboriginal students and leadership and links with Aboriginal families. Development of successful outcomes to be extended and promoted to other local schools.	\$8,000
Thou-Walla Family Centre Aboriginal Irrawang Community Project	\$9,100	Engagement of Aboriginal artist to enhance and promote Aboriginal student population of Irrawang Public School. Support sponsorship of development of a meeting and safe space for Aboriginal families.	\$3,000
Worimi Dolphins RLFC Purchase of football kit	\$10,000	Purchase of football kits to support football as an engagement tool for Aboriginal men, and in 2014 Aboriginal women.	\$4,800

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		Build on successful outcomes in 2013 of healthy relationships, activity and local talent on a regional and national level.	
Worimi Knowledgeholders Aboriginal Corporation Traditional fishing grounds of Worimi people	\$5,000	Support development of Memorandum of Understanding between Worimi Knowledgeholders Aboriginal Corporation and Marine Parks Authority and Fisheries. Allow Worimi Aboriginal community to gain access to their traditional fishing grounds. Support rights of Aboriginal people. Promote Worimi history and culture and improve health of Aboriginal people in easily accessible fresh seafood.	\$5,000
TOTAL	\$53,600		\$35,000

PROJECTS NOT RECOMMENDED		
Applicant/Project Name	Amount Requested	Project Description
Karuah working Together Inc. Worimi Project	\$5,875	Murals/signage on the Highway designed by Karuah Public School
The Food War Inc. Emergency Food Relief Fund	\$10,000	Care packages of food and essential items for individuals and families in need of emergency help.
Aged Care Angels and Disability Services P/L Aboriginal transport services	\$10,000	Provide community transport for Aboriginal people in Port Stephens
AHF Community Services Birriwal Marray	\$10,000	Nutrition education and cooking and fitness classes for Aboriginal women and children in Port Stephens.
TOTAL	\$35,875	

ITEM NO. 6

FILE NO: A2004-0621

CORLETTE PARKS RESERVES AND HALL COMMITTEE

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Dissolve the Corlette Parks Reserves and Hall 355c Committee.
- 2) Establish a Corlette Parks Reserves and Landcare Group (a 355c Committee of Port Stephens Council) and adopt the Constitution Schedule for same **(ATTACHMENT 1)**.
- 3) Delegate the Corlette Hall functions of Council to the Corlette Headland 355c Committee.
- 4) Rename the Corlette Headland 355c Committee to Corlette Headland and Hall 355c Committee and adopt the amended Constitution Schedule for same **(ATTACHMENT 2)**.
- 5) Endorse one nomination for Councillor representation on the Corlette Parks Reserves and Landcare Group and one nomination for Councillor representation on the Corlette Headland and Hall Committee.
- 6) Distribute the funds and assets of the dissolved Corlette Parks Reserves and Hall 355c Committee in the following way:
 - a. The new Corlette Headland and Hall Committee to retain all funds from the former Corlette Parks Reserves and Hall 355c Committee less \$2,500;
 - b. The new Corlette Parks Reserves and Landcare Group to receive \$2,500 from the former funds of the Corlette Parks Reserves and Hall 355c Committee;
 - c. 100% of tools and paint to the new Corlette Parks Reserves and Landcare Group, excepting the mower and electric blower that is currently housed at the Corlette Hall – to remain with the newly named Corlette Headland and Hall 355c Committee;
 - d. Continued use of the shed at Corlette Hall for storage of tools and paint by the Corlette Parks Reserves and Landcare Group;
 - e. Any meetings of the Corlette Parks Reserves and Landcare Group at Corlette Hall shall be at no cost;
 - f. All keys to the Corlette Hall currently held by members of the Corlette Parks Reserves and Hall 355c Committee to be returned to the Bookings Officer for the Corlette Hall.

MINUTES FOR ORDINARY MEETING – 22 JULY 2014**ORDINARY COUNCIL MEETING – 22 JULY 2014****COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

190	Councillor Ken Jordan Councillor Peter Kafer
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Dissolve the Corlette Parks Reserves and Hall 355c Committee.2) Establish a Corlette Parks Reserves and Landcare Group (a 355c Committee of Port Stephens Council) and adopt the Constitution Schedule for same (ATTACHMENT 1).3) Delegate the Corlette Hall functions of Council to the Corlette Headland 355c Committee.4) Rename the Corlette Headland 355c Committee to Corlette Headland and Hall 355c Committee and adopt the amended Constitution Schedule for same (ATTACHMENT 2).5) Endorse one nomination for Councillor representation on the Corlette Parks Reserves and Landcare Group and one nomination for Councillor representation on the Corlette Headland and Hall Committee.6) Distribute the funds and assets of the dissolved Corlette Parks Reserves and Hall 355c Committee in the following way:<ol style="list-style-type: none">a. The new Corlette Headland and Hall Committee to retain all funds from the former Corlette Parks Reserves and Hall 355c Committee less \$2,500;b. The new Corlette Parks Reserves and Landcare Group to receive \$2,500 from the former funds of the Corlette Parks Reserves and Hall 355c Committee;c. 100% of tools and paint to the new Corlette Parks Reserves and Landcare Group, excepting the mower and electric blower that is currently housed at the Corlette Hall – to remain with the newly named Corlette Headland and Hall 355c Committee;d. Continued use of the shed at Corlette Hall for storage of tools and paint by the Corlette Parks Reserves and Landcare Group;e. Any meetings of the Corlette Parks Reserves and

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

	Landcare Group at Corlette Hall shall be at no cost; f. All keys to the Corlette Hall currently held by members of the Corlette Parks Reserves and Hall 355c Committee to be returned to the Bookings Officer for the Corlette Hall.
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BACKGROUND

The purpose of this report is to dissolve the current Corlette Parks Reserves and Hall 355c Committee and to establish a combined Corlette Headland and Hall 355c Committee and a Corlette Parks Reserves and Landcare Group.

The recommendations relate to Council's Operational Plan 2013-14 – 6.1.1.10 "Review all 355c Committees and report back to Council".

Councillors, council staff and members of the existing Corlette Parks Reserves and Hall 355c Committee have been in discussions for some time now over the future operation of this committee. The committee requested that the dual functions (parks/reserves and hall) be separated into two distinct committees. This request was denied as it is Council's position to not increase the number of 355c Committees.

The committee has since agreed to the dissolution of the existing committee and the creation of a standalone Corlette Parks Reserves and Landcare Group and the inclusion of the Corlette Hall responsibilities to the existing Corlette Headland Committee. This arrangement results in no increase to existing numbers of 355c committees of Council.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications from adopting the recommendations. There have been and will be resource implications in the form of staff time in managing the change process around the bank accounts and committee administration. These resource costs are part of the normal operation of the Community Services Section and are funded.

As per the recommendations the bank balance of the Corlette Parks Reserves and Hall Committee will be split to fund the two new committees. The split of funds shall be \$2,500 to the Corlette Parks Reserves and Landcare Group with the remainder of approximately \$9,500 being retained by the Corlette Headland and Hall Committee.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		There are no additional financial implications for Council's operating budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

Other	Yes	12,000	Estimated bank balance of Corlette Parks Reserves and Hall Committee as at end of May 2014.
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LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy ramifications for adopting the recommendations.

The table below identifies potential risks associated with adopting the recommendations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that members of the existing Corlette Parks Reserves and Hall Committee may oppose the recommendations resulting in reputation damage caused by lack of consultation.	Low	Adopt the recommendation in the knowledge that there has been significant consultation over this matter dating back to July 2013 and that the existing committee confirmed their agreement with the recommendations by correspondence on 31 March 2014.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no economic or environmental implications from adopting the recommendations.

There are social benefits in adopting the recommendations including, but not limited to, meaningful volunteering opportunities, effective group dynamics and alignment of volunteering objectives between committee members.

CONSULTATION

Correspondence and telephone conversations have been ongoing since 10 May 2013 between the Community Services Section Manager and the committee's President, Secretary, Treasurer, Hall Bookings Officer, Cr Dover, Cr Morello and Cr Nell.

OPTIONS

- 1) Adopt the recommendations;
- 2) Amend the recommendations;
- 3) Reject the recommendations and remain with status quo.

ATTACHMENTS

- 1) Constitution Schedule for Corlette Parks Reserves and Landcare Group (a 355c Committee of Port Stephens Council);
- 2) Constitution Schedule for Corlette Headland and Hall 355c Committee.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

SCHEDULE TO CONSTITUTION

To be read in conjunction with 355(b) Committee Standard Constitution

Item 1	Name of Committee	Corlette Parks Reserves and Landcare Group (a 355c Committee of Port Stephens Council)
Item 2	Name of Council Group and Section	Facilities & Services Group/Community Services Section
Item 3	Functions delegated by Council to committee	<ol style="list-style-type: none"> 1) Co-ordinate working bees, liaise with Council staff re working bees in Corlette. Encourage and support the community and/or community groups, to participate in programs benefiting Corlette. 2) Co-ordinate and/or assist in the preparation of entries for Tidy Towns Programs for the Corlette area. 3) Co-ordinate and/or assist Council and the community in the participation in international and national environmental events. 4) Assist in the sourcing of alternate funding (eg grants) or voluntary labour (eg work for dole, community service orders) for committee projects. 5) Provide a community link to assist Council staff in consulting with the community on management plans. 6) Promote and participate in environmental education programs with schools and the community.
Item 4	Restrictions on functions delegated	Any works undertaken will be with the knowledge and approval of the Volunteers Coordinator.
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies & legislation including but not limited to:</p> <p>Local Government Act 1993 and it's Regulation as amended Crown Lands Act 1989 Work Place Health and Safety Act 2011 Privacy and Personal Information Protection Act 1988 State Records Act 1998 Port Stephens Council Code of Conduct Port Stephens Council Code of Meeting Practice Port Stephens Council Accessing Information Policy Port Stephens Council Volunteer Strategy</p>
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution within three months following election.
Item 7	Maximum number and make up of committee members	1) Up to twelve members of the Port Stephens community.
Item 8	Councillors	One (1) Councillor as resolved by Council.

MINUTES FOR ORDINARY MEETING – 22 JULY 2014
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Item 9	Council employees	Volunteer Coordinator
Item 10	Name of financial institution and type of account	Greater Building Society – Nelson Bay Cheque Account bearing interest
Item 11	Name of any account operated by the committee	Corlette Parks Reserves and Landcare Group a 355c Committee of Port Stephens Council
Item 12	Area assigned to committee and/or map	All Council owned and managed community land categorised as bushland, waterways, natural areas in the Corlette area.
Item 13	Additional clauses or amendments to Standard Constitution or Schedule. To be listed in full - body of constitution not to be altered.	Amendments 1) Clause 7.1.(a) is amended to read "The Committee, at a minimum, must appoint a Chair and Deputy Chair." 2) Clause 7.1.(b) is not applicable 3) Clause 7.1.(c) is not applicable 4) Clause 9.4.(a) is amended to read "The Committee shall hold ordinary meetings three times in a financial year and these shall be held in March, July and November." 5) Clause 10 is not applicable 6) Clause 12 is amended in its entirety to read "The Committee shall provide an annual report to Council that provides a summary of all activities undertake by the Committee in the preceding year."
Item 14	Changes to constitution or Schedule – Adopted by Council: Meeting Date: Minute No: Resolution:	

ATTACHMENT 2

SCHEDULE TO CONSTITUTION

To be read in conjunction with 355(b) Committee Standard Constitution

Item 1	Name of Committee	Corlette Headland and Hall 355c Committee
Item 2	Name of Council Group and Section	Facilities & Services Group/Community Services Section
Item 3	Functions delegated by Council to committee	<p>Corlette Headland</p> <ol style="list-style-type: none"> 1) Co-ordinate working bees, liaise with Council staff re working bees at Corlette Headland. Encourage and support the community and/or community groups, to participate in programs benefiting Corlette. 2) Co-ordinate and/or assist in the preparation of entries for Tidy Towns Programs for the Corlette Headland. 3) Co-ordinate and/or assist Council and the community in the participation in international and national environmental events. 4) Assist in the sourcing of alternate funding (eg grants) or voluntary labour (eg work for dole, community service orders) for committee projects. 5) Provide a community link to assist Council staff in consulting with the community on management plans. 6) Promote and participate in environmental education programs with schools and the community. <p>Corlette Hall</p> <ol style="list-style-type: none"> 1) To co-operate with Council to ensure that facilities are provided and maintained at an acceptable standard. 2) Undertake the functions of: 3) arranging bookings for hire of facility 4) receiving and banking fees & charges 5) arranging cleaning 6) providing reports to Council on maintenance requirements 7) To make recommendation to Council as to the development, planning and management of Corlette Hall. 8) To make recommendations to Council on appropriate charges for the use of Corlette Hall. 9) To refer requests for additional work to Council for consideration and setting of priorities.

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

		10) Provide a community link to assist Council staff in consulting with the community on management plans.
Item 4	Restrictions on functions delegated	Any works undertaken will be with the knowledge and approval of the Volunteers Coordinator.
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies & legislation including but not limited to:</p> <p>Local Government Act 1993 and its Regulation as amended Crown Lands Act 1989 Work Place Health and Safety Act 2011 Privacy and Personal Information Protection Act 1988 State Records Act 1998 Port Stephens Council Code of Conduct Port Stephens Council Code of Meeting Practice Port Stephens Council Accessing Information Policy Port Stephens Council Volunteer Strategy</p>
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution within three months following election.
Item 7	Maximum number and make up of committee members	1) Up to twelve members of the Port Stephens community.
Item 8	Councillors	One (1) Councillor as resolved by Council.
Item 9	Council employees	Volunteer Coordinator
Item 10	Name of financial institution and type of account	Greater Building Society – Nelson Bay Cheque Account bearing interest
Item 11	Name of any account operated by the committee	Corlette Headland and Hall Committee a 355c Committee of Port Stephens Council
Item 12	Area assigned to committee and/or map	All Council own and managed community land categorised as bushland, waterways, and natural areas at Corlette Headland and Corlette Hall
Item 13	<p>Additional clauses or amendments to Standard Constitution or Schedule.</p> <p>To be listed in full - body of constitution not to be altered.</p>	<p>Amendments</p> <ol style="list-style-type: none"> 1) Clause 7.1.(a) is amended to read "The Committee, at a minimum, must appoint a Chair and Deputy Chair." 2) Clause 7.1.(b) is not applicable 3) Clause 7.1.(c) is not applicable 4) Clause 9.4.(a) is amended to read "The Committee shall hold ordinary meetings three times in a financial year and these shall be held in March, July and November." 5) Clause 10 is not applicable 6) Clause 12 is amended in its entirety to read "The Committee shall provide an annual report to Council that provides a summary of all activities undertaken by the Committee in the preceding year."

MINUTES FOR ORDINARY MEETING – 22 JULY 2014
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Item 14	Changes to constitution or Schedule – Adopted by Council: Meeting Date: Minute No: Resolution:	
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ITEM NO. 7**FILE NO: PSC2007-0856****100 SALAMANDER WAY, SALAMANDER BAY****REPORT OF: BRETT FIELD – ACTING PROPERTY SERVICES SECTION MANAGER****GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the registration of the site for BioBanking Credits with the NSW Office of Environment and Heritage.
- 2) Approve the reclassification and rezoning process of the development footprint area.
- 3) Authorise by way of Public Notice for 28 days, the details of the proposed lease for car parking at the Eastern end of 100 Salamander Way, to St. Phillips Christian College.
- 4) Authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the lease documentation for the lease of Part Lot 21 DP 1044009 to St Phillip's Christian College. Subject to there being no submissions objecting to the proposed lease received during the Public Notice period.
- 5) Approve the provision of "Offsets" within the BioBanking site for the Biodiversity credits required for Lot 3 DP806310 at 155 Salamander Way, Salamander Bay.

ORDINARY COUNCIL MEETING – 22 JULY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Sally Dover
	That the recommendation be adopted.

MOTION

191	Councillor Ken Jordan Councillor Peter Kafer
	It was resolved that Council: <ol style="list-style-type: none">1) Approve the registration of the site for BioBanking Credits with the NSW Office of Environment and Heritage.2) Approve the reclassification and rezoning process of the development footprint area.3) Authorise by way of Public Notice for 28 days, the details of the proposed lease for car parking at the Eastern end of 100 Salamander Way, to St. Phillips Christian College.4) Authorise the Mayor and the General Manager to sign and affix

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

	the Seal of the Council to the lease documentation for the lease of Part Lot 21 DP 1044009 to St Phillip's Christian College. Subject to there being no submissions objecting to the proposed lease received during the Public Notice period.
5)	Approve the provision of "Offsets" within the BioBanking site for the Biodiversity credits required for Lot 3 DP806310 at 155 Salamander Way, Salamander Bay.

BACKGROUND

The purpose of this report is to inform Council of the outcomes of the BioBanking report that has been prepared for the Council owned Community land at 100 Salamander Way, Salamander Bay. The land is legally described as Lot 21 DP1044009, with the following zonings:

- RE1 – Public Recreation.
- E2 – Environmental Conservation.
- SP2 – School/Child Services.

The land area is approximately 88.5 hectares.

100 Salamander Way is located on the southern side of Salamander Way. It is bound on the West by Horizons Golf Course and on the East by St. Philip's Christian College. Property Services recently engaged Eco Logical Australia to undertake a BioBanking assessment of the site.

The strategy was to identify the following opportunities:

- Quantify Biodiversity credits for BioBanking.
- Identify a potential future Residential development footprint adjacent to Horizons Golf Course.
- Enable St. Philip's Christian College to lease a portion of Council land for the purpose of car parking, with safe ingress and egress.
- Provide "Offsets" for the Biodiversity credits required on Lot 3 155 Salamander Way.

100 Salamander Way had previously been identified as a potential residential development site due to its proximity to existing urban development. The site is also constrained by SEPP 14 wetlands and other vegetation types including Endangered Ecological Communities (EEC). A BioBanking assessment of the site was able to provide Council with a comprehensive overview of the location of the vegetation types to enable the identification of a suitable development footprint, to progress through the reclassification and rezoning process. Additionally, St. Philip's Christian College is currently informally utilising Council land for car parking. The BioBanking process has identified a potential area to be leased, enabling a formalised legal agreement to be entered into under the provisions of the Community Leasing policy.

MINUTES FOR ORDINARY MEETING – 22 JULY 2014

The assessment has mapped all vegetation types on the site and identified the Biodiversity credits and Species credits to be included in a report for submission to the Office of Environment & Heritage (OEH) for registration.

The areas identified for the development footprint and the area intended for lease to St. Philip's have a combined total area of approximately 16 hectares. This represents approximately 17% of the overall site. The remainder of the site, approximately 83% will be set aside for BioBanking. It is estimated that 651 Biodiversity credits will be created.

The credits created will provide offsets for the proposed residential development of 100 Salamander Way, Salamander Bay.

FINANCIAL/RESOURCE IMPLICATIONS

The first stage is to have the site registered as a BioBanking site. The costs involved in this process are for the payments to Eco Logical for the field work, assessment and preparation of the report to OEH.

The second stage is to enter into a lease agreement with St. Philip's School. Each party would be responsible for their own legal fees. St. Philip's are seeking a long term lease in order to achieve security of tenure given that they are to invest significant capital into infrastructure on the leased portion.

The third stage would be the reclassification and rezoning of the development footprint. The fees involved in this process are lodgement fees and costs associated with the preparation of a Planning Proposal.

The opportunity with this proposal has three main financial benefits to Council:

1. The development of a residential subdivision on the proposed development footprint has the potential to create a considerable income to Council.
2. Creation of a parcel to lease to St. Philip's will provide additional income to Council.
3. An annual payment of funds to Council, from the OEH Trust Fund, for the maintenance and management of the Biodiversity areas on the balance of the site.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	48,000	Stage 1 Only.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

BioBanking was established by the NSW State Government and is fully legislated and controlled by the Office of Environment & Heritage, therefore unlike other offset agreements, it cannot be challenged in the Land & Environment Court.

A formalised lease to St. Philip's College will clearly define the obligations of the parties and in particular formalise the arrangements over the proposed twenty (20) year lease term, where there will be four (4) sequential leases signed together each for a five (5) year period.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the number of Biodiversity credits generated will be required to offset the Development footprint.	Medium	No treatment required.	Yes
There is a risk that if the site is not registered as a BioBanking site, there would be no opportunity for the development footprint to proceed.	Low	Adopt the recommendation.	Yes
There is a risk that the sequential leases might not be accepted for registration by Land and Property Information NSW resulting in a requirement for subdivision of the part lot and resubmission of the lease documents.	Medium	Should this risk eventuate, we would need to have further discussions with St. Philip's College and adopt alternate courses of action potentially a long term licence.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Community will benefit from a residential development in a bushland setting within an existing urban area and in close proximity to many services and facilities, including:

- Golf course;
- Shopping centre;
- Schools;
- Sports fields;

- Swimming pool.

St. Philip's Christian College will benefit from additional land for infrastructure to provide for:

- Additional car parking;
- Reduced traffic congestion on the Salamander Way roundabout;
- Dedicated bus bays;
- Increased safety for parents and children;
- Increased safety for Teachers and Staff.

The Tomaree Peninsula has increasingly limited opportunities for new housing estates, due to much of the land being highly constrained. There is a need for land to be made available for future housing.

By placing the majority of the site (83%) into the BioBanking system, the site will be maintained in perpetuity for the protection of Biodiversity values and is a means of encouraging conservation. It also provides a mechanism and method to address the loss of Biodiversity and threatened species.

CONSULTATION

- 1) Group Manager Corporate Services;
- 2) Group Manager Development Services;
- 3) Councillors – 2 way conversation;
- 4) Eco Logical Australia;
- 5) Principal St. Philip's College;
- 6) North Point Surveys;
- 7) Property Development Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Aerial photograph – 100 Salamander Way;
- 2) Zoning plan – 100 Salamander Way;
- 3) Vegetation mapping with development footprint marked up.

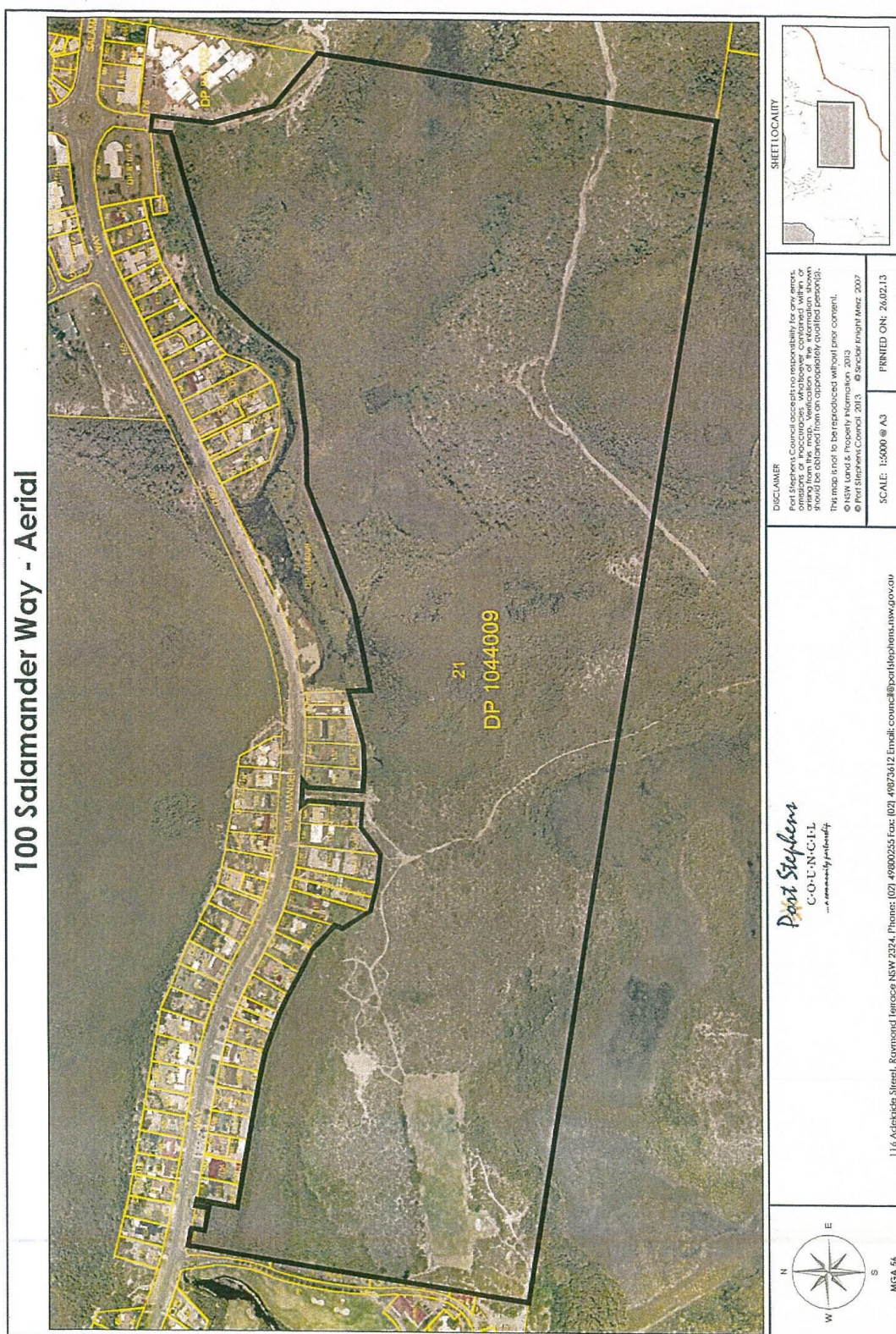
COUNCILLORS ROOM

Nil.

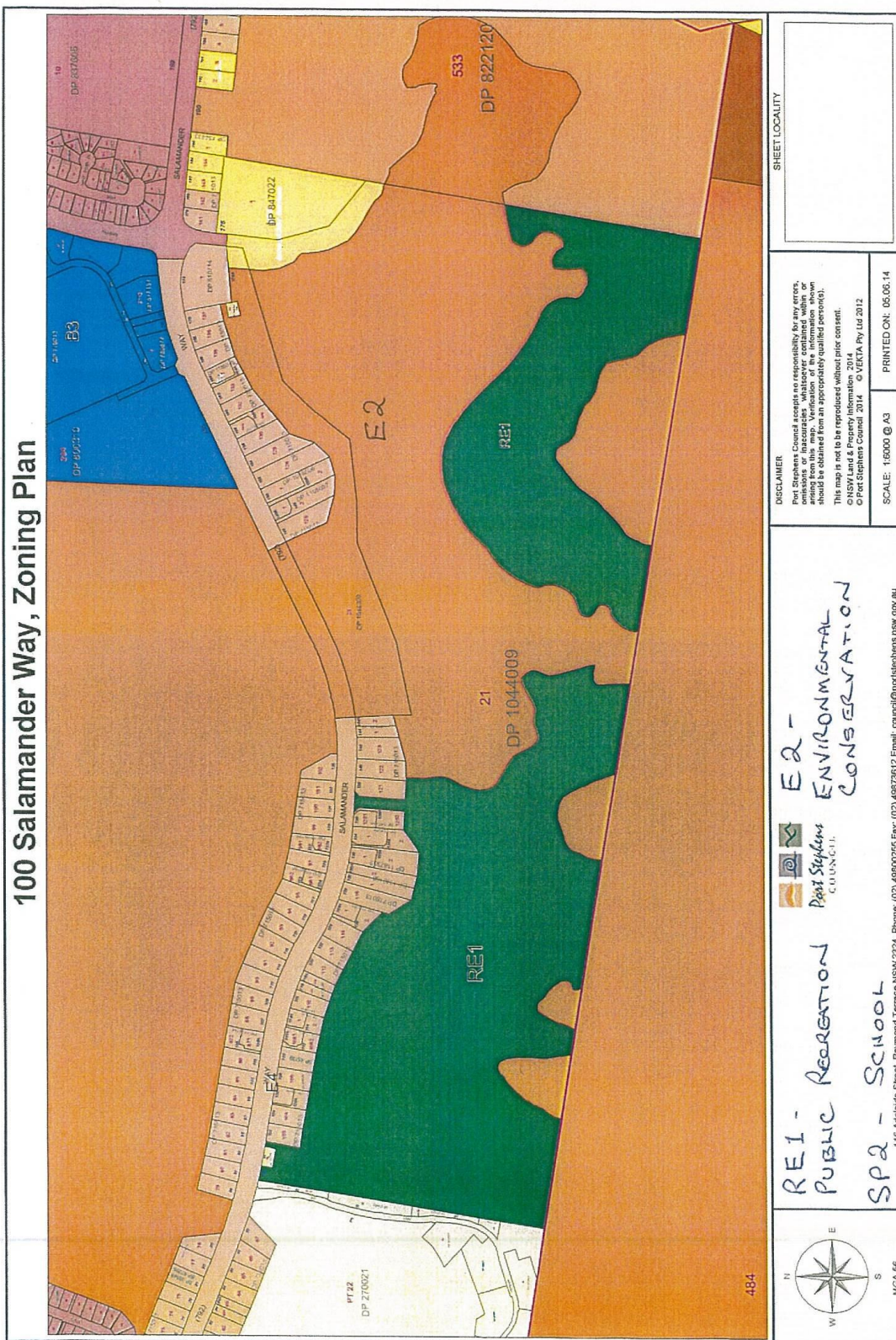
TABLED DOCUMENTS

Nil.

ATTACHMENT 1
Aerial photograph – 100 Salamander Way

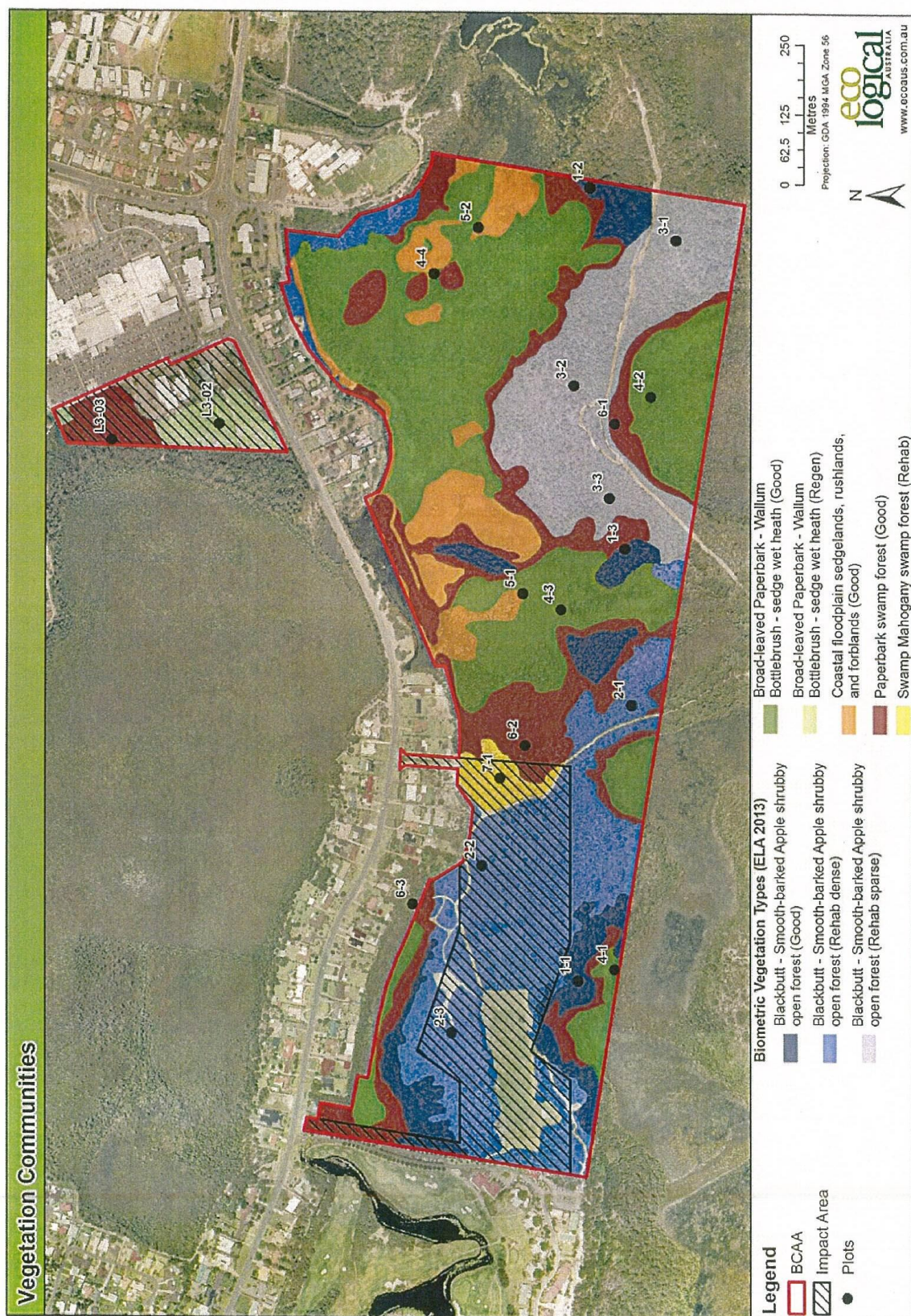


ATTACHMENT 2
Zoning Plan – 100 Salamander Way



ATTACHMENT 3

Vegetation mapping with development footprint marked up



ITEM NO. 8**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) Mayoral Funds – Mayor Bruce MacKenzie – 5th Field Ambulance Association – Centenary Ceremony 15 March 2015 - \$500.00.
-

ORDINARY COUNCIL MEETING – 22 JULY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Peter Kafer
	That the recommendation be adopted.

MATTER ARISING

	Councillor Ken Jordan Councillor Peter Kafer
	That Council increase the Mayoral Fund from \$25,000 to \$30,000 and that the balance of funds be carried over each year.

MOTION

192	Councillor Ken Jordan Councillor Peter Kafer
	It was resolved that Council approve provision of financial assistance under Section 356 of the Local Government Act from the Mayor Funds for the 5 th Field Ambulance Association – Centenary Ceremony 15 March 2015 - \$500.00.

MINUTES FOR ORDINARY MEETING – 22 JULY 2014**MATTER ARISING**

193	Councillor Ken Jordan Councillor Peter Kafer
	It was resolved that Council increase the Mayoral Fund from \$25,000 to \$30,000 and that the balance of funds be carried over each year.

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.

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:-

MAYORAL FUNDS – Mayor MacKenzie

5 th Ambulance Association	Centenary Ceremony	\$500
---------------------------------------	--------------------	-------

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	500	Mayoral Funds \$500
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may set a precedent when allocating funds to the community and an expectation 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) Reject the recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil..

ITEM NO. 9**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 22 July, 2014.

No:	Report Title	Page:
1	Cash and Investments held at 30 June 2014	

**ORDINARY COUNCIL MEETING – 22 JULY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

184	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that Council move out Committee of the Whole.

MOTION

194	Councillor Ken Jordan Councillor Peter Kafer
	It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 22 July, 2014.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

CASH AND INVESTMENTS HELD AT 30 JUNE 2014

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES GROUP

FILE: PSC2006-6531

BACKGROUND

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

ATTACHMENTS

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

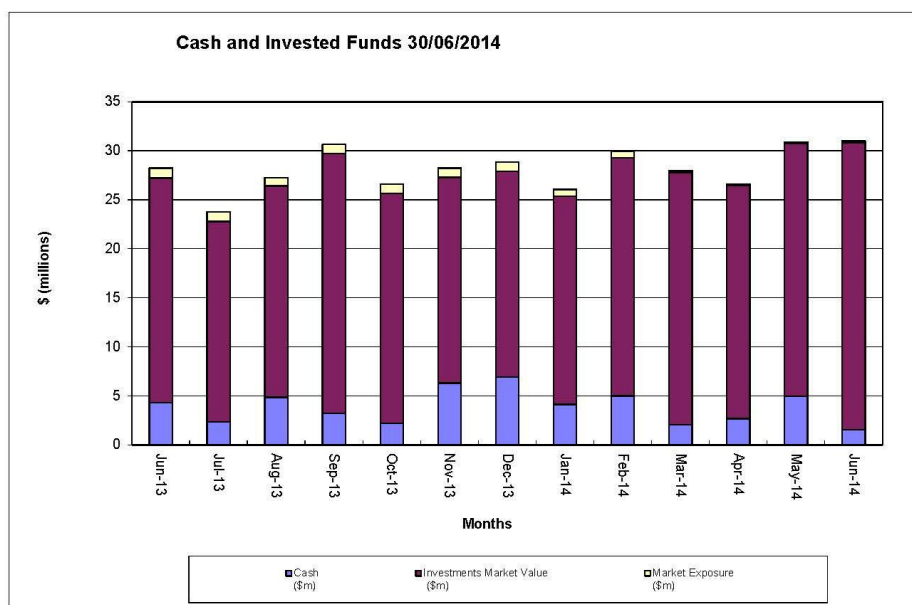
ATTACHMENT 1
Cash and Investments held at 30 June 2014

CASH AND INVESTMENTS HELD AS AT 30 JUNE 2014								
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.69%	126	2-Jul-14	1,000,000	1,000,000
INVESTEK BANK (AUSTRALIA) LTD	FIIG	BBB-	TD	3.76%	112	2-Jul-14	1,000,000	1,000,000
MYSTATE LTD	RIM	BBB	TD	3.76%	147	16-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
INVESTEK BANK (AUSTRALIA) LTD	CURVE	BBB-	TD	3.88%	182	13-Aug-14	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.75%	182	13-Aug-14	1,000,000	1,000,000
BANK OF QUEENSLAND LTD	BOQ	A-	TD	3.90%	266	10-Sep-14	1,500,000	1,500,000
AMP BANK LTD	CURVE	A+	TD	3.90%	266	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%	196	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
WIDE BAY AUSTRALIA LTD	CURVE	BBB	TD	3.75%	182	5-Nov-14	1,000,000	1,000,000
WIDE BAY AUSTRALIA LTD	CURVE	BBB	TD	3.75%	182	5-Nov-14	1,000,000	1,000,000
BANANACOST CREDIT UNION LTD	FARQUHARSON	N/R	TD	3.70%	189	19-Nov-14	2,000,000	2,000,000
BANK OF SYDNEY LTD	FIIG	N/R	TD	3.75%	196	3-Dec-14	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.74%	266	17-Dec-14	1,000,000	1,000,000
ING BANK (AUSTRALIA)	CURVE	A	TD	3.65%	182	17-Dec-14	1,000,000	1,000,000
BANK OF SYDNEY LTD	RIM	N/R	TD	3.75%	210	14-Jan-15	1,000,000	1,000,000
ARAB BANK AUSTRALIA LTD	RIM	BB+	TD	3.90%	271	11-Mar-15	1,500,000	1,500,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	N/R	TD	3.65%	224	14-May-15	2,000,000	2,000,000
SUB TOTAL (\$)							27,000,000	27,000,000
OTHER INVESTMENTS								
DEUTSCHE BANK TELSTRA LNK DEF. NTE	FIIG 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	917,249
SUB TOTAL (\$)							2,430,376	2,275,566
INVESTMENTS TOTAL (\$)							29,430,376	29,275,566
CASH AT BANK (\$)							1,571,762	1,571,762
TOTAL CASH AND INVESTMENTS (\$)							31,002,138	30,847,328
CASH AT BANK INTEREST RATE				2.50%				
BBSW FOR PREVIOUS 3 MONTHS				2.74%				
AVG. INVESTMENT RATE OF RETURN				3.62%				
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 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
W WALLIS								

ATTACHMENT 2
Monthly Cash and Investments Balance 30 June 2013 to 30 June 2014

Cash and Investments Held

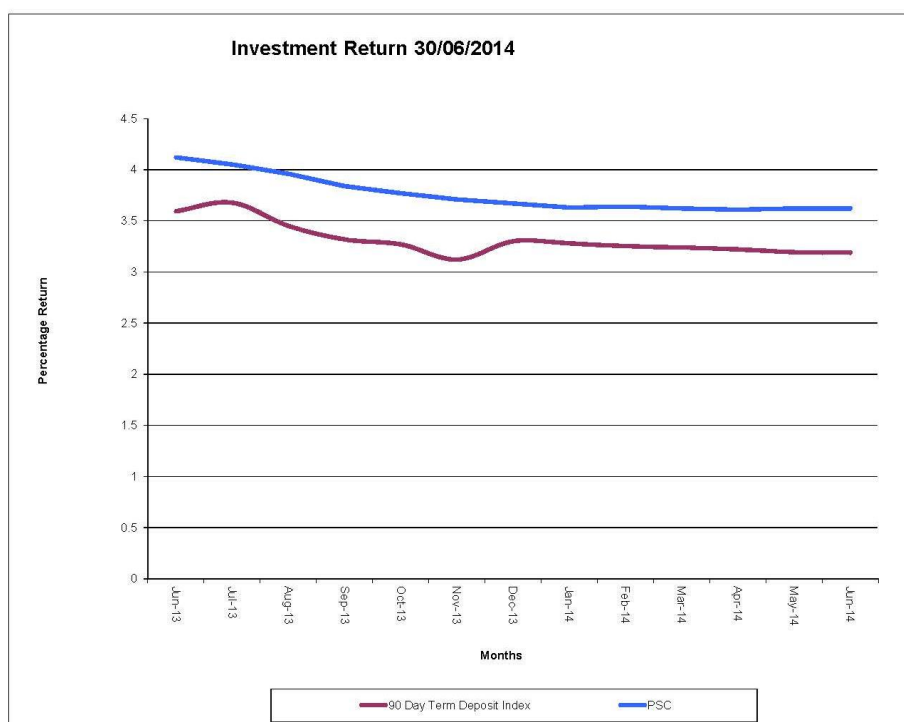
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Jun-13	4.302	22.926	1.005	28.232
Jul-13	2.366	20.426	1.005	23.797
Aug-13	4.847	21.578	0.852	27.278
Sep-13	3.221	26.489	0.941	30.652
Oct-13	2.193	23.484	0.946	26.623
Nov-13	6.305	20.992	0.939	28.236
Dec-13	6.932	20.992	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
May-14	4.964	25.775	0.156	30.895
Jun-14	1.572	29.276	0.155	31.002



ATTACHMENT 3
Monthly Australian Term Deposits 30 June 2013 to 30 June 2014

Australian Term Deposit Accumulation Index

Date	90 Day Term Deposit Index	PSC
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
May-14	3.1931	3.62
Jun-14	3.1897	3.62



There being no further business the meeting closed at 6.15pm.

I certify that pages 1 to 98 of the Open Ordinary Minutes of Council 22 July 2014 were confirmed by Council at its meeting held on 12 August 2014.

.....
Bruce MacKenzie
MAYOR