

MINUTES 11 NOVEMBER 2014



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 11 November 2014, commencing at 5.38 pm.

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

288	Councillor Steve Tucker Councillor Sally Dover
	It was resolved that the apology from Cr J Nell and Cr John Morello be received and noted.

Council observed a Minute Silence in a mark of respect for Remembrance Day.

289	Councillor Steve Tucker Councillor Ken Jordan
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 28 October 2014 be confirmed.

	There were no Declaration of Interest received.

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COUNCIL REPORTS

ITEM NO. 1

FILE NO: 16-2014-406-1

DEVELOPMENT APPLICATION FOR NEIGHBOURHOOD SHOPS, SIGNAGE AND USE (PHARMACY) AT NO. 1339 CLARENCE TOWN ROAD, SEAHAM

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy) subject to the conditions contained in **(ATTACHMENT 3)**.

Council at its meeting of 28 October 2014, resolved to defer this item to allow for a site inspection by Councillors. The site inspection was held on Monday 3 November 2014.

The report is re-submitted for Council's consideration.

**ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014
MOTION**

290	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Sally Dover
	That Council: <ol style="list-style-type: none"> 1) Approve Development Application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy) subject to the conditions contained in (ATTACHMENT 3). 2) The following conditions be included within (ATTACHMENT 3): <ol style="list-style-type: none"> 9A. The intersection of the access road to the subject development and Clarence Town Road shall be upgraded to a type AUL(S) intersection, for northbound traffic turning left into the development site from Clarence Town Road.

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	<p>The intersection shall be designed and constructed in accordance with Austroads guidelines (with RMS supplements) to the satisfaction of Council. Provision shall be made for on-road cyclists through the intersection. Detailed design to be provided prior to Roads Act approval.</p> <p>9B. Where road upgrades are undertaken to satisfy condition 9A and 9B above, the public drainage system is to be upgraded in accordance with Councils Policy. A detailed engineering design is to be provided to Council, prior to the issue of a construction certificate.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Steve Tucker and Sally Dover.

Those against the Motion: Crs Peter Kafer, Ken Jordan, Chris Doohan and Geoff Dingle.

The motion was carried on the casting vote of the Mayor.

MOTION

	<p>Councillor Chris Doohan Councillor Peter Kafer</p>
	<p>That Council refuse the development application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy).</p>

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

Those for the Motion: Crs Chris Doohan, Peter Kafer, Ken Jordan and Geoff Dingle.

Those against the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Steve Tucker and Sally Dover.

The motion on being put was lost.

292	<p>Councillor Paul Le Mottee Councillor Sally Dover</p>
	<p>It was resolved that Council:</p>

	<p>1) Approve Development Application 16-2014-406-1 for Neighbourhood Shops, Signage and Use (Pharmacy) subject to the conditions contained in (ATTACHMENT 3).</p> <p>2) The following conditions be included within (ATTACHMENT 3) at:</p> <p style="padding-left: 40px;">9A. The intersection of the access road to the subject development and Clarence Town Road shall be upgraded to a type AUL(S) intersection, for northbound traffic turning left into the development site from Clarence Town Road. The intersection shall be designed and constructed in accordance with Austroads guidelines (with RMS supplements) to the satisfaction of Council. Provision shall be made for on-road cyclists through the intersection. Detailed design to be provided prior to Roads Act approval.</p> <p style="padding-left: 40px;">9B. Where road upgrades are undertaken to satisfy condition 9A and 9B above, the public drainage system is to be upgraded in accordance with Councils Policy. A detailed engineering design is to be provided to Council, prior to the issue of a construction certificate.</p> <p>3) A further condition be included to require left turn only when exiting the subject site.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Steve Tucker, Geoff Dingle and Sally Dover.

Those against the Motion: Crs Peter Kafer and Chris Doohan.

BACKGROUND

The purpose of this report is to present to Council for determination development application DA16-2014-406-1 for neighbourhood shops, signage and use (pharmacy) at 1339 Clarence Town Road, Seaham. The application is referred to Council following a call up from Councillor Jordan on the basis of community concern. A copy of the call-up-form is included as **(ATTACHMENT 4)** to this report.

The applicant seeks approval for the erection of two (2) neighbourhood shops with associated car parking and unloading bay, signage and the first use of one of the tenancies as a pharmacy.

The application is recommended for approval as it provides additional small scale commercial opportunities in the township to cater for the needs of the local

community. Sufficient on-site car parking is proposed for the development and access and egress arrangements are suitable. The small scale nature of the development is anticipated to have a minimal impact on the amenity of surrounding developments. The proposal meets the requirement of the Port Stephens Local Environmental Plan (PSLEP) and the Port Stephens Development Control Plan 2013.

Following a notification and advertising process, five submissions were received objecting to the development. The objections raised concerns primarily regarding context and amenity, and road safety.

An assessment of the development carried out under section 79C of the *Environmental Planning and Assessment Act, 1979* determined that the proposal was in keeping with the local context and would not have a significant impact on amenity of surrounding properties. Further, sufficient sight lines are available to enable safe access and egress to and from the property. Any submissions on the grounds of competition cannot be included in this assessment as competition is not a planning consideration under section 79C of the *Environmental Planning and Assessment Act, 1979*.

The subject site is zoned R2 Low Density Residential under the PSLEP. Neighbourhood shops and signage are permissible forms of development in the R2 zone. Further, it is considered that a pharmacy meets the definition of a neighbourhood shop given the business supplies personal care products that provide for the day to day needs of the people who live in the locality, as well as providing a service to the local community. Accordingly, use of one of the tenancies as a pharmacy is permissible in the zone.

The proposal is located in the township of Seaham, a small predominantly residential town. A small number of existing non-residential developments are located in the central northern portion of the town on Warren Street. There is no business zoned land within the township. Developments adjoining and located in the immediate vicinity of the subject site are low density residential in nature.

The subject site is a vacant lot located on Clarence Town Road. The residential zoning of the land permits neighbourhood shops and there is sufficient land area to construct the proposed building, associated car parking and to provide for on-site sewage management. The land form is adequate to provide suitable vehicular access to and from the site which is considered suitable for the proposed development.

A detailed assessment of the proposal against relevant requirements has been carried out in **(ATTACHMENT 2)** to this report in accordance with Section 79C of the *Environmental Planning and Assessment Act, 1979*.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications resulting from the recommendation before Council.

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

LEGAL AND POLICY IMPLICATIONS

There are no foreseen legal and/or policy implications resulting from the recommendation before Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the development application is refused the applicant will appeal to the Land and Environment Court.	Medium	Support the recommendation and approve the development application subject to conditions of consent	Yes
There is a risk that some of the objector's issues may not be addressed to the desired level.	Low	Support the recommendation and approve the development application subject to conditions of consent	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social

The proposed development has a positive social impact through the provision of additional small scale commercial opportunities in the locality. The additional facilities include the use of one of the tenancies as a pharmacy. This will increase availability of services to the community. On-site car parking provides suitable access to the development.

Economic

In addition to the \$350,000 construction direct economic output, further economic output of \$232,000 will occur in terms of supporting goods and services being

supplied during the construction (from other sectors in the economy). A further \$73,000 of economic output will occur as those working on the project get paid and spend money in the local economy. Meaning total economic output for this development (direct, indirect and consumption) is \$655,000. As well as the 3 new jobs identified for the business, an increase in economic output of \$655,000 during construction will create 2 jobs.

Environment

The subject site is clear of vegetation except a small number of trees to the rear of the lot. The proposed development does not include the removal of any vegetation except grasses and weeds. The proposed development is not anticipated to negatively impact on any threatened species, populations or endangered ecological community.

A bushfire assessment has been carried out for the proposed development in accordance with Planning For Bushfire Protection 2006. A geotechnical assessment of the land has also been submitted. No matters are raised in these reports that compromise the viability of the proposal.

CONSULTATION

In accordance with Council's Notification Policy, the proposed development was advertised and notified for a period of fourteen (14) days from 14 to 30 July 2014. Following the submission of revised plans the application was advertised and notified for a further period of fourteen (14) days from 27 August to 10 September 2014. As a result of this process, five (5) submissions were received objecting to the development. The objections raised concerns regarding:

1. Competition with existing commercial operations in Seaham;
2. Context;
3. Noise;
4. Road safety;
5. Property value;
6. Permissibility under the PSLEP;
7. Pedestrian safety;
8. Crime;
9. Operational Hours;
10. Waste water disposal; and
11. Stormwater disposal.

Consideration of the submissions has been carried out in more detail in the assessment report contained in **(ATTACHMENT 2)**.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan;
- 2) Assessment;
- 3) Conditions of consent
- 4) Call-up-form.

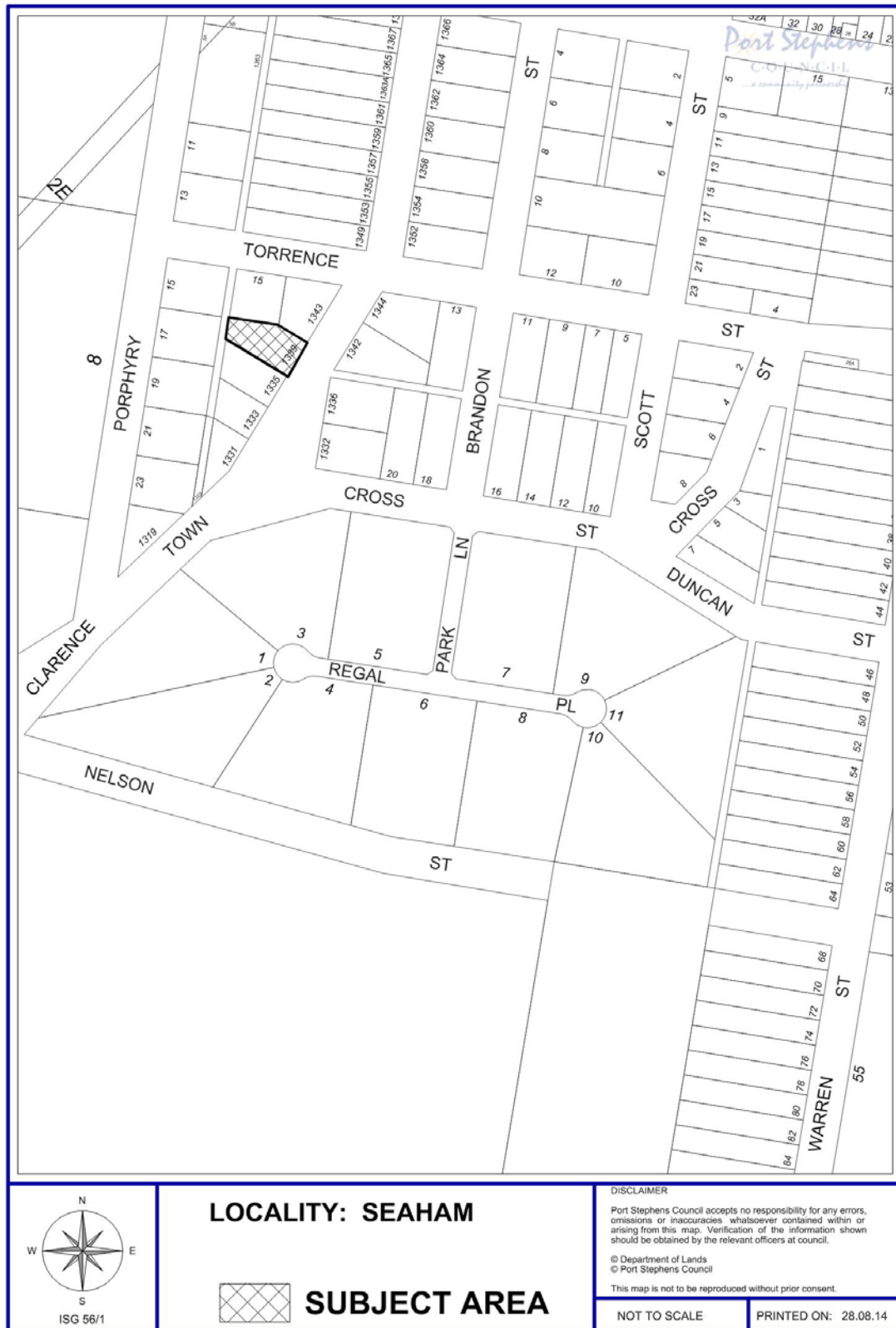
COUNCILLORS ROOM

- 1) Statement of Environmental Effects including sub-reports;
- 2) Development Plans.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1 LOCALITY PLAN



ATTACHMENT 2 ASSESSMENT

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

THE PROPOSAL

The application proposes two (2) neighbourhood shops with associated car parking and unloading facilities, first use of one of the tenancies as a pharmacy and signage.

The proposed neighbourhood shops comprise:

- Shop 1 with a retail floor area of 70m², accessibility facilities, sanitary facilities, a staff room and outdoor deck;
- Shop 2 with a retail floor area of 30m², accessibility features, sanitary facilities and a staff room;
- A communal loading dock and associated manoeuvring area;
- An car park featuring nine (9) regular car parking spaces and two (2) accessible car parking spaces; and
- Landscaping to the front of the site and surrounding the proposed car park.

The application includes the operation of shop 1 as a pharmacy with operating hours Monday to Friday, 8:30am to 6:00pm and Saturday 8:30am to 2:00pm. The business will employ 3 full-time staff members with an expected patronage of 40 to 60 customers per day. No use is proposed for shop 2 at this point in time. Future use of this tenancy will be subject to a separate application.

A two (2) metre high v-shaped plinth sign is proposed adjacent to the front boundary line to address oncoming traffic from both directions along Clarence Town Road. Each facet of the signage structure features a 1.2 metre high by 0.6 metre wide signage panel. In addition, a 1.2 metre by 1.2 metre wall sign is proposed to the eastern façade of the building, as well as fascia signage to the northern façade.

THE APPLICATION

Owner	Ms N Prasad
Applicant	Neelam Prasad
Detail Submitted	Statement of Environmental Effects including: Development Plans, Crime Risk Assessment, Detail Survey, Stormwater management Plan, Bushfire Hazard Assessment, Geotechnical and On-site Effluent Disposal Assessment, and Accessibility Assessment.

THE LAND

Property Description	Lot 4, Sec 26, DP 758899
Address	1339 Clarence Town Road, Seaham
Area	The site has an area of 822m ²
Characteristics	Bushfire prone land, Acid Sulfate Soils (ASS) Class 5, Koala Habitat (Mainly Cleared), Hunter Water Corporation Drinking Water Catchment, Prime Agricultural Land (Classes 1-3)

THE ASSESSMENT PLANNING PROVISIONS

<i>Environmental Planning and Assessment Act 1979</i>	s.79C Planning provisions s.79BA Bushfire Prone Land
State Environmental Planning Policies	State Environmental Planning Policy 64 – Advertising and Signage State Environmental Planning Policy No.44 – Koala Habitat Protection (and Port Stephens Comprehensive Koala Plan of Management)
Port Stephens Local Environmental Plan (2013)	Zone R2 Low Density Residential Cl.7.1 Acid sulfate soils. Cl.7.2 Earthworks Cl.7.6 Essential services
Port Stephens Development Control Plan 2013	B2 Environment and Construction Management B3 Parking and Traffic B12 Advertising Signs C10 Disability Access
Port Stephens Section 94A Plan	Section 94A contributions to be levied

STATUTORY ACTS AND REGULATIONS

Environmental Planning and Assessment (EP&A) Act 1979 *Section 79BA – Consideration of Bushfire Prone Land*

The proposed development is located on bushfire prone land. Neighbourhood Shops are not listed as 'special fire protection purpose' under 100B of the *Rural Fires Act 1997* and the development is therefore not integrated development under s.91 of

the EP&A Act. A bushfire hazard assessment was submitted with the application. The assessment determines that BAL-12.5 construction requirements should be applied to the development to enable compliance with *Planning for Bushfire Protection, 2006*.

Section 79C – Planning Assessment

An assessment under Section 79C of the Act has been undertaken throughout this report.

State Environmental Planning Policies

State Environmental Planning Policy No. 44 – Koala Habitat Protection and Port Stephens Comprehensive Koala Plan of Management (CKPoM)

State Environmental Planning Policy No.44 – Koala Habitat Protection 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.

The site is mapped as mainly cleared. The proposed development is not considered to pose a threat to any koala population or habitat.

State Environmental Planning Policy No. 64 – Advertising and Signage

The applicant has proposed the use of 4 business identification signs being:

12. Fascia Signage to the northern façade of the building;
13. A Wall Sign to the eastern façade of the building; and
14. 2 panels on a v-shaped plinth.

A condition of consent is proposed to restrict the proposed signage to that defined as business identification signage. The proposed plinth sign will include uplighting and is visible from Clarence Town Road. The application has proposed landscaping in the proximity of the sign to reduce the impact on neighbouring properties. A condition of consent is proposed that will require the use of mature specimens in this part of the development. It is considered that uplighting is an acceptable illumination method in this instance as it is unlikely to result in unacceptable glare that would cause a safety hazard to users of Clarence Town Road.

Port Stephens Local Environmental Plan (2013)

Zone R2 Low Density Residential

The proposed development is considered to meet the objectives of the R2 Low Density Residential zone as it is a small scale development in keeping with the character of bulk and scale in the locality. Further the development, including the proposed pharmacy use will provide facilities or services to meet the day to day needs of residents.

Clause 7.1 Acid sulfate soils

The subject site is identified as Class 5 acid sulfate soils (ASS). Accordingly any works within 500 metres of Class 1,2,3 or 4 land which are likely to lower the watertable below 1 metre AHD on the adjacent land requires an Acid Sulfate Soils Management Plan. The proposed development is not likely to lower the watertable of adjacent land and is not inconsistent with the provisions of clause 7.1.

Clause 7.2 Earthworks

The application proposes minimal earthworks for footings which meet the requirements of the DCP chapter.

Clause 7.6 Essential services

The subject lot is not serviced by reticulated sewer, and consequently the applicant has lodged an application for an on-site waste water system. A condition of consent is proposed that the applicant show documentary evidence of availability of services to the site prior to the issue of a construction certificate.

Port Stephens Development Control Plan 2013

B2 Environmental and Construction Management

The application has been assessed against the provisions of Development Control Plan 2013 (DCP2013), B2 – Environmental and Construction Management and is satisfactory subject to conditions. The proposed development requires minimal cut/fill and vegetation removal. Further, it has been demonstrated that adequate waste water management and treatment systems can be provided on-site to cater for the development.

B3 Parking and Traffic

There is sufficient area on-site to accommodate for parking demand. A total of 11 car parking spaces are proposed, including 2 accessible spaces. The proposed car parking exceeds the 7 spaces required under the DCP. In addition, the applicant has proposed an unloading bay and associated turning area to cater for delivery vehicles up to a small ridged vehicle. The proposal is located on Clarence Town

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Road in a 60km/h zone with adequate site distances to allow safe access and egress to and from the site.

Section 94A Contribution Plan

A contribution of \$3500 is payable under the Section 94A Contribution Plan and has been included as a condition of consent.

Community consultation

In accordance with Council's DCP, the proposed development was advertised and notified to adjoining neighbours. In response 5 submissions were received objecting to the proposal. The key items raised within the objections are outlined as follows:

Matter raised	Response
Competition with existing commercial operations in Seaham	Commercial competition is not a head of consideration under the <i>Environmental Planning and Assessment Act 1979</i> . Regardless, the proposal includes an application for the use of one of the proposed tenancies. The proposed use is for a pharmacy which is considered to be different to the services currently available in the locality and shall compliment the existing commercial operations.
Context	The proposed use meets the objectives of the R2 Low Density Residential zone under the PSLEP 2013, which include both residential and small scale commercial improvements. The proposed development uses a small portion of the subject lot and proposes the installation of landscaping around the property boundary. This achieves a similar bulk and scale, and separation from adjoining buildings that is prevalent throughout the locality.
Noise	The proposed development includes operational hours for the pharmacy which are considered to be acceptable in the context of the residential locality. A condition of consent is proposed that restricts the developments operational hours. In addition, a condition of consent is proposed that restricts deliveries and the servicing of any on-site sewage management system to the same hours.
Road safety	The proposed development is located on Clarence Town Road in a 60km/h zone. Minimum sight distances are acceptable for safe access and egress to and from the site. Road safety risk is further reduced by the provisions of on-site car parking which exceeds the minimum amount required under Council's DCP and provides a buffer during peak service periods. The potential for on-street car parking is further reduced by the topography of the land which includes drainage culverts on either side of the road rendering on-street parking impractical.
Property value	The proposed development represents an increase in services and amenity to the locality. There is no evidence that this will

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	lead to a decrease in property values.
Permissibility under the PSLEP	The proposed development is for the erection of Neighbourhood Shops and the use of one of the tenancies as a pharmacy. Neighbourhood Shops are a permissible form of development in the R2 Low Density Residential zone. Further, a pharmacy meets the definition of Neighbourhood Shop as it will sell general merchandise such as personal care products to provide for the day-to-day needs of people who live in the local area.
Pedestrian safety	It is considered that the proposed development is unlikely to generate any significant amount of pedestrian traffic due to the nature of a pharmacy being primarily a service based operation. Regardless, a traversable footway exists along the western side of Clarence Town Road providing a level of pedestrian access commensurate with that found throughout the township. Additionally, the road adjacent to the subject development is within a 60km/h zone with adequate sight distances to allow for pedestrians to cross the road. The proposed development is not considered to present an increased risk to pedestrian safety in the locality.
Crime	A Crime Risk Assessment was submitted with the application which assessed the potential impact of the development on crime in the locality. The assessment reported that the development would present a positive impact on crime in the locality through increased surveillance afforded by customers frequenting the business and clear sightlines into the development. The proposal will use appropriate landscaping and proposes car parking that will provide a clear demarcation between public and private space. There is also a lack of entrapment spaces on the site. The above are in accordance with the crime prevention through environmental design principles contained in the <i>Crime Prevention and the Assessment of Development Applications</i> guideline from the Department of Planning and Environment.
Operational hours	The proposed operational hours are considered to be acceptable in a residential context being largely contained to regular business hours. A condition of consent is proposed to limit the operation of the development, including servicing by delivery vehicles and on-site sewage management vehicles to the hours nominated in the application.
Waste water disposal	An application for an on-site sewage management system has been lodged with Council which proposes a pump-out system. Given the nature of the proposed development, the proposed system is considered to be of a sufficient size that servicing of the system will not occur on a frequent basis. Additionally, an on-site manoeuvring area is available for smaller service trucks to turn and park without impeding any car parking spaces. A geotechnical assessment submitted with the development application reports a pump out system

	as being the most suitable system for the site. Waste water from the proposed development is considered to be adequately managed through this system.
Stormwater disposal	A proposed stormwater management system including on-site detention and overflow to the natural drainage line at the rear of the property is proposed in accordance with Council's policy for stormwater disposal. The anticipated stormwater release is considered to be in keeping with the context of local stormwater systems and disposal mechanisms.

Internal referrals

Development Engineering

The application was referred to Council's Development Engineering Section for comment. Subject to conditions of consent the proposed development has been determined to be satisfactory with regard to engineering considerations.

Environmental Health (Wastewater)

Council's Environmental Health Officer has assessed the applicants proposed on-site sewage management system and considers that waste water management can be suitably achieved on site subject to conditions of consent.

Landscaping

Council's Vegetation Management Officer has reviewed the proposed development and holds no objection to the proposed landscaping.

Traffic Engineer

The application was referred to Council's Traffic Engineer who noted that the development could potentially impact pedestrian safety and traffic safety should vehicles attempt to park on the road. It is considered that there is an existing low level of pedestrian traffic in the township due to lack of pedestrian facilities and that the nature of the business would be unlikely to generate a significant volume of pedestrian traffic. It is also considered that the on-site car parking is sufficient to cater for expected visitors to the business and that the topography of the land will discourage on-street car parking. In this regard there are no significant impacts on traffic and pedestrian safety that would warrant refusal of the development.

Building

The application was referred to Council's Building Team for review and it was identified that the proposal was satisfactory subject to conditions.

Likely impacts of the development

The assessment has considered the likely impact of the development by identifying the potential impacts of the proposal, available measures to ameliorate impacts and frequency/severity of impacts. The development can be carried out on site without significant adverse impacts to the environment or surrounding residential amenity subject to the conditions held at **ATTACHMENT 3**.

The proposed development is consistent with the relevant clauses of Council's LEP and DCP. It is compatible and sympathetic with the existing and envisaged future character of the locality.

Suitability of the site

The subject site is of sufficient size to cater for the proposed development and associated car parking and waste water facilities. The proposal is consistent with the context of the locality and maintains adequate separation from existing buildings so as to prevent unreasonable impact on the amenity of those improvements. Access and egress to and from the site can be carried out safely and in a forward direction. The subject site is suitable for the proposed development.

Public interest

The development will result in positive social and economic outcomes to the subject site and the surrounding local community. The concerns raised during public exhibition have been addressed. The development is in the public interest.

**ATTACHMENT 3
CONDITIONS OF CONSENT**

SCHEDULE 2

CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

- The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan Title	Plan Ref. No.	Plan No.	Revision	Date	Drawn By
Site Plan	140303	A01	4	6/8/2014	Hack Architecture
Sections And Elevation	140303	A02	4	6/8/2014	Hack Architecture
Erosion and Sediment Control Plan	40538-ER	1 - 2	A	23/5/14	Forum Consulting Engineers
Stormwater Management Plan	40538-SWD	1 - 2	A	28/5/14	Forum Consulting Engineers

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent development shall prevail to the extent of any inconsistency.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

- Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

The enclosure or bin shall be maintained for the term of the construction to the completion of the development. The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site. Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

- Section 94 contribution – Section 80A(1)

Prior to issue of Construction Certificate, and pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Port Stephens Section 94A Development Contributions Plan, a contribution of **\$3500** shall be paid to Council.

A cost summary report form (attached) setting out an estimate of the proposed cost of carrying out the development in accordance with schedule 1 of the port stephens section 94a development contributions plan, must be approved by council prior to issue of the construction certificate.

- Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitability qualified person, has been prepared in accordance with Council's Development Control Plan Section B2 – Environmental and Construction Management. Form 1 of the DCP is to be completed and submitted with the following details:
 - (a) Location of on-site storage space for materials for reuse, and containers for recycling and disposal.
 - (b) Vehicular access to and within the site.
 - (c) Facilities for on-site recycling.
- Prior to the issue of the Construction Certificate, a construction management plan shall be submitted to and approved by Council. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not be limited to what actions and works are proposed to ensure safe access to and from the site, as well as what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- A separate wastewater application for the installation of a waste treatment device *or* human waste storage facility shall be approved by Council **prior to the issue of any Construction Certificate** for works associated with this Development Consent. The application is to be accompanied by full details of the proposed system including a site and soil assessment complying with Part 2, Division 4 of the *Local Government (General) Regulation 2005* and Council's On-site Sewage Management Policy.
- Prior to the issue of any Construction Certificate, the Principal Certifying Authority shall approve plans and specifications complying with the specified level of construction. The development shall be constructed to **BAL12.5 under AS3959 – 2009** 'Construction of Buildings in Bushfire Prone Areas'.

- The sign as shown on drawing A01 and A02 Issue 4 dated 6/8/14 by Hack Architecture shall be relocated to be wholly within the property boundary and be structurally certified by a practicing qualified structural engineer. All details shall be submitted and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
- Stormwater Plan 40538-SWD-01 Rev A and 40538-SWD-02 Rev A dated 28/5/14 by Forum Consulting Engineers shall be modified so that all collected stormwater runoff shall be piped to an infiltration trench in accordance with **Council's Standard Drawing S136** with an overflow pipe to the natural water course at the rear of the lot.

The infiltration trench cannot be located under hardstand areas, nor can trees with a mature height of more than 1.5metres be located within the Zone of Influence of the infiltration trench.

A Construction Certificate cannot be issued until details of the infiltration trench, including scour protection are provided to the Certifying Authority for assessment and determined to be satisfactory by the Principal Certifying Authority.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

- All building work is to be carried out in accordance with the provisions of the Building Code of Australia.
- Unless otherwise approved by Council in writing, all general building work shall be carried out between the hours of:
 - a. 7.00am to 6.00pm Monday to Friday
 - b. 7.00am to 5.00pm Saturday
- A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- 1) be prominently displayed at the boundaries of the site for the purpose of informing the public that unauthorised entry to the site is not permitted
- 2) display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- 3) be durable and weatherproof
- 4) display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- 5) be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

- Sanitary facilities are to be provided for all tradespersons from the time of commencement until the building is complete. The facilities shall be located wholly within the subject lot and placed so as to have minimal impact on adjoining properties.
- Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during the construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

- **Prior to the issue of an occupation certificate:**
 - a. Landscaping is to be planted with mature specimens, in accordance with the approved plans;
 - b. The Principal Certifying Authority is to be satisfied that concrete wheel stops have been located and installed to all carspaces in accordance with AS2890.1;
 - c. A total of 11 car parking spaces including 2 accessible spaces shall be constructed on the site in accordance with the minimum requirements of Australian Standard AS/NZS 2890, in accordance with the approved plans. The car parking spaces are to be identified on-site by line marking and the required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons;
 - d. The Principal Certifying Authority shall obtain written confirmation from Port Stephens Council verifying that a satisfactory final inspection has been carried out in relation to any Waste Water Treatment system/human waste storage facility, the subject of a *Local Government Act 1993*, Section 68 approval as required under the provisions of this consent;
 - e. Documentary evidence is to be submitted to the Principal Certifying Authority demonstrating satisfactory arrangements for the connection of water, electricity and telecommunications to the development.
- Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

- At least once in each twelve (12) month period, fire safety statements in respect of each required essential fire safety measure installed within the building are to be submitted to Council and the NSW Fire Commissioner. Such certificates are to state that:
 - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building).Such statements are to be in accordance with Division 5 of Part 9 of the Environmental Planning and Assessment Regulation, 2000.

Note: Statements to the NSW Fire Commissioner are to be submitted electronically to afss@fire.nsw.gov.au.

CONDITIONS TO BE SATISFIED AT ALL TIMES

- At all times, the hours of operation are to be restricted to within:

Monday to Friday – 8.30am to 6pm
Saturday – 8.30am to 5pm

Other internal operations such as cleaning, preparation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.
- At all times, deliveries to the site, and servicing of the on-site sewage management system shall occur only within the hours of:
Monday to Friday – 7am to 6pm
Saturday – 7.30am to 5pm
- No vehicles larger than a small rigid vehicle shall enter the site during operational hours of the business.
- All approved signage shall comply with the definition of 'business identification signage' as described in the Port Stephens Local Environmental Plan 2013. Illumination of signage shall be fitted with an automatic timing device to extinguish the illumination between the hours of 10.00pm and 7.00am.
-

ATTACHMENT 4
CALL-UP-FORM



CALL TO COUNCIL FORM
DEVELOPMENT APPLICATION



I, Councillor Jordan
require Development Application Number.....
for Seaham Shop
at Seaham

to be subject of a report to Council for determination by Council.

Reason:

The reason for this call-up to Council is Community
Anger

Declaration of Interest:

I have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my part or an associated person. I have a conflict of interest? Yes/No (delete the response not applicable).

If yes, please provide the nature of the interest and reasons why further action should be taken to bring this matter to Council:

Signed: Date: 26/8/2014

ITEM NO. 2

FILE NO: PSC2013-05184

DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Draft Port Stephens Development Control Plan 2014 (**ATTACHMENT 1**) to place on public exhibition for a minimum period of 28 days;
- 2) Following public exhibition, report the matter back to Council for their consideration of submissions.

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Chris Doohan
	That the recommendation be adopted.

Cr Ken Jordan left the meeting at 6.01pm, during Item 2.
Cr Ken Jordan returned to the meeting at 6.04pm, during Item 2.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Steve Tucker, Sally Dover, Peter Kafer, Ken Jordan, Chris Doohan and Geoff Dingle.

Those against the Motion: Nil.

MOTION

293	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none"> 1) Endorse the Draft Port Stephens Development Control Plan 2014 (ATTACHMENT 1) to place on public exhibition for a minimum period of 28 days; 2) Following public exhibition, report the matter back to Council for their consideration of submissions.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Steve Tucker, Sally Dover, Peter Kafer, Ken Jordan, Chris Doohan and Geoff Dingle.

Those against the Motion: Nil.

BACKGROUND

The purpose of this Report is to seek Council's support to place the Draft Port Stephens Development Control Plan 2014 (the Draft DCP) on public exhibition.

Generally, the primary role of a Development Control Plan (DCP) is to:

- Give effect to the LEP;
- Facilitate permissible development under the LEP;
- Assist in achieving the objectives of the LEP; and
- Provide flexibility to allow alternative solutions to meet the LEP objectives.

The Draft DCP aims to repeal and revoke the existing Port Stephens Development Control Plan 2013 (the Existing DCP). The Existing DCP replaced the former Port Stephens Development Control Plan 2007 when it commenced on 22 February 2014. This housekeeping arrangement was intended to provide further guidance to the LEP until this comprehensive review of the DCP was complete.

The Draft DCP is included as **(ATTACHMENT 1)**.

Scope of the DCP Review

The Review seeks to implement the LEP in a more comprehensive manner than the transitional arrangements provided by the Existing DCP. The Draft DCP builds on the successful structure of the single dwelling and dual occupancy chapter that was supported by Council on 18 October 2011.

The new format of the Draft DCP is showcased by the new reference tables at the start of each Part and the diagrams that directly relate back to the reference requirements. This has resulted in a Plan that is easy to navigate and provides the foundation for the next progressive step, being an 'online DCP'. This format also allows for greater flexibility in the assessment of development applications through encouraging a merits-based approach. This all results in a Draft DCP that is easier to interpret and implement.

The Review has aimed to produce this significantly improved DCP by:

- Facilitating development that is permissible under the LEP;
- Rolling-over existing provisions in a concise manner;
- Innovative reference tables to enable a smooth transition to e-planning;
- Eliminating misinterpretation by providing a comprehensive glossary;

- Ensuring consistent language, terminology and formatting;
- Being user-friendly by incorporating lodgement requirements and checklists;
- Adhering to the broader legislative context; and
- Implementing relevant site specific strategies, such as the Nelson Bay Strategy.

Structure and Content of the DCP

The Draft DCP is structured into five Sections, which are made-up of Parts, Objectives and Requirements. The five sections of the Draft DCP are:

- 1) Section A – Introduction
 - Explains the purpose and legislative requirements of the Draft DCP.
- 2) Section B – General Provisions
 - Provides development objectives and requirements that relate to the site in all locations in which development is proposed (e.g. flood prone land). This Section is to be referenced by all development applications.
- 3) Section C – Development Types
 - Provides development objectives and requirements that relate to specific development types (e.g. commercial). Development will generally fall within one of these specified development types. The Requirements under this Section are to be read in conjunction with the General Provisions, which relate to all development applications.
- 4) Section D – Specific Areas
 - Provides development objectives and requirements that relate to a specific locality in which development is proposed (e.g. Karuah). The provisions of this Section provide specific location requirements that apply in conjunction with other sections and prevail to the extent of any inconsistency. This Part provides for the implementation of existing strategies and plans and will be amended as further strategies are developed, updated or finalised (e.g. Kings Hill).
- 5) Section E – Schedules
 - Provides important terms and references to assist in the accurate interpretation of the Draft DCP.

Changes from the Port Stephens Development Control Plan 2013 (the Existing Plan)

A comparison against parts of the Existing DCP is provided as **(ATTACHMENT 2)** and a detailed explanation of those key changes is provided as **(ATTACHMENT 3)**. The key amendments and/or proposed policy changes include:

- 1) Structure and Formatting provides the foundation to develop and implement electronic development assessment, known as e-planning;
- 2) Removal of Floor Space Ratios (FSR);
- 3) Water quality provisions for Drinking Water Catchments;
- 4) Incorporation of the relevant principles of the Nelson Bay Town Centre and Foreshore Strategy;
- 5) New local provisions for Seabreeze Estate, Nelson Bay;
- 6) Revised local provisions for Pacific Dunes, Medowie;

- 7) New local provisions for the Defence and Airport Related Employment Zone;
- 8) New technical specifications for environmental management;
- 9) New provisions for matters of heritage significance;
- 10) New provisions for Department of Defence considerations; and
- 11) Separate consideration of specific parts such as Kings Hill, Raymond Terrace and Heatherbrae, pending the outcomes of developing strategies.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council as a consequence of the proposed recommendation. The development of the Draft DCP and Proposal has been managed within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning & Assessment Act 1979

Part 3 of the Environmental Planning & Assessment Act 1979 defines the purpose of a development control plan with clause 74BA, which states:

- (1) *The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
 - a. *Giving effect to the aims of any environmental planning instrument that applies to the development,*
 - b. *Facilitating development that is permissible under any such instrument,*
 - c. *Achieving the objectives of land zones under any such instrument**The provisions of a development control plan made for that purpose are not statutory requirements.*

This legislative framework has informed the content of the Draft DCP and reinforces that the role of a development control plan is to provide further guidance to the provisions contained within the LEP. Under Clause 79C, the Draft DCP becomes a key matter for consideration in the assessment of a development application, but not until it has been formally exhibited and then adopted to repeal and revoke the Existing DCP by Council.

Environmental Planning & Assessment Regulation 2000

Part 3 of the Environmental Planning & Assessment Regulation 2000 provides further guidance in regard to the form, structure and subject matter of development control plans. Council will continue to monitor its progress against the regulations to ensure the requirements are met at drafting, exhibition and adoption of the Draft DCP.

EP&A Regulation 2000	Date	Comment
S16 DCP Preparation	2013/14	
S18 DCP Public Exhibition		Subject to Council Resolution
S20 DCP Submissions		Subject to Council Resolution
S21 DCP Approval		Subject to Council Resolution
S22 DCP Repeal of existing		Subject to Council Resolution

Port Stephens Local Environmental Plan 2013 (the LEP)

The LEP is the primary statutory instrument for development within Port Stephens. As outlined above the role of the development control plan is to provide further guidance to environmental planning instruments, which primarily includes the LEP.

The Draft DCP is therefore required to be consistent and not override the provisions of the LEP. For example, it cannot prohibit development that is already considered permissible by the LEP.

Port Stephens Council Integrated Planning and Reporting Framework

The Draft DCP is a statutory planning document, which either directly or indirectly addresses a broad range of measures contained within Council's integrated plans, such as Direction 11.1.1.2 – Prepare and review statutory plans. The Draft Plan is a product of the review of the Existing Plan, which will be repealed and replaced by the Draft DCP in accordance with the process outlined above.

Port Stephens Planning Strategy

The Draft DCP is consistent with the directions adopted by the Port Stephens Planning Strategy (PSPS). For example, the PSPS provides a centre hierarchy and then describes the role and services of each centre within that hierarchy (i.e. Newcastle/Williamstown Airport). The Draft DCP seeks to assist the PSPS in achieving the defined roles of these centres by providing site specific sections, such as DAREZ.

Nelson Bay Town Centre and Foreshore Strategy (the Strategy)

Council adopted the Strategy on 23 October 2013. The recommendations of the Strategy have been incorporated within the Draft DCP. A detailed list of recommendations has been provided as **(ATTACHMENT 3)**.

MINUTES FOR ORDINARY MEETING – 11 NOVEMBER 2014

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Existing DCP contains more onerous provisions than the PSLEP 2013, which in turn have no weight, such as FSR	Low	Support the process to repeal the Existing DCP by resolving to place the Draft DCP on public exhibition. This has been based on the legislative changes that took place in late 2012 relating to clearly defining the role of DCPs	Yes
There is a risk that corresponding projects, such as Kings Hill may overlap or contain conflicting provisions	Low	Council Officers to communicate internally as to the timeframes for these corresponding Plans and the Draft DCP has provided the scope for the incorporation of these Strategies (e.g. designated parts) through subsequent amendments.	Yes
There is a risk that stakeholders will not have awareness or understanding of the requirements contained within the Draft DCP	Low	Consult internally as the content of the Draft DCP and conduct a series of workshops during the public exhibition period to increase awareness and understanding of the Draft DCP.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Draft DCP and Proposal seek to facilitate improved social outcomes, such as non-discriminatory access and social impact assessment. For example, Part B10 Access of the Draft Plan requires an access audit to accompany a development application for development that is regularly accessed by the public.

The Draft DCP and Proposal seek to facilitate improved economic outcomes for Port Stephens by some of the following key measures:

- Providing requirements that enable a merit based approach to assessment;
- Removal of Floor Space Ratios, which are detached from economic feasibility;
- Activated street frontages contribute to the desirability of the public domain;
- Providing a plain English document reduces interpretation issues; and
- Improved Structure allows a more streamlined transition to e-planning.

The Draft DCP seeks to facilitate improved environmental outcomes for Port Stephens by providing three Parts that have direct reference to Environmental matters, being B1 Tree Management, B2 Natural Resources and B3 Environmental Management. These Parts are accompanied by a suite of technical specifications.

CONSULTATION

In accordance with s18 of the Environmental Planning & Assessment Regulation 2000 community consultation will be undertaken by placing the Draft DCP on public exhibition for a minimum of 28 days.

Internal Consultation

Significant internal consultation has occurred from various Groups for the relevant specific themes, including engineering, natural resources, sewage, building/surveying and development assessment. Information obtained from these discussions has informed the Draft DCP.

External Consultation

Following Council's resolution to place this matter on public exhibition, the following consultation with external stakeholders will commence:

- 1) Public exhibition in late January (following the Christmas holidays) for a minimum period of 28 days. This approach will provide adequate time for feedback from the community; and
- 2) Council Officers will hold a number of workshops during the public exhibition period that will allow for direct communications on the details of the Draft DCP and the Proposal.

This Plan focuses on directly notifying those active community groups, industry groups and government agencies. This will result in the opportunity for individual consultation with Council Officers on the details of the Draft DCP and Proposal.

Councillor Consultation

A two-way presentation took place on 18 March 2014 to outline the structure of the DCP Review and invite Councillors to arrange a time to speak with Council Officers. Subsequent notifications and meetings took place, with information obtained from these discussions having contributed to the Draft DCP.

Following the completion of the exhibition period, a two-way presentation will take place prior to the matter being reported back to Council.

OPTIONS

- 1) Adopt the Recommendation;
- 2) Amend the Draft Stephens Development Control Plan 2014 (**ATTACHMENT 1**);

MINUTES FOR ORDINARY MEETING – 11 NOVEMBER 2014

- 3) Reject the recommendation by refusing this Draft Development Control Plan 2014.

ATTACHMENTS

All Listed Below are provided under separate cover:

- 1) Draft Port Stephens Development Control Plan 2014;
- 2) A Comparison of Parts against the Existing DCP;
- 3) An Explanation of Key Changes – the Draft DCP.

COUNCILLORS ROOM

- 1) Port Stephens Local Environmental Plan 2013.

TABLED DOCUMENTS

Nil.]

[

ITEM NO. 3

FILE NO: PSC2014-03302

MEMBERSHIP OF THE PORT STEPHENS/MYALL LAKES ESTUARY AND COASTAL ZONE MANAGEMENT COMMITTEE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) [Endorse the membership of the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee (**ATTACHMENT 1**).]

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Sally Dover
	That the recommendation be adopted. Plus supplementary

MOTION

294	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council [endorse the membership of the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee (ATTACHMENT 1) of the Supplementary Information.]

BACKGROUND

[The purpose of this report is to endorse the membership of the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee for the next 4 years.

On 22 July 2014 Port Stephens Council resolved to;

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

Great Lakes Council also endorsed the terms of reference and called for expressions of interest on 22 July 2014.

MINUTES FOR ORDINARY MEETING – 11 NOVEMBER 2014

Nominations for the new committee were open for a 5 week period closing on 30 September. During this period, 15 nominations were received and considered successful; a summary of the successful candidates is included as **(ATTACHMENT 1)**.

Currently vacancies still exist for representatives from the Worimi Local Aboriginal Land Council and an additional representative from the Professional and Amateur fishing industry. It is expected that nominations from each of these bodies will be received prior to the first meeting currently scheduled for early 2015. At the close of the nomination period a vacancy also existed for the third Port Stephens local government area representative.

The Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee was established in 1994 by Port Stephens Council and Great Lakes Council to address the requirements of the NSW Estuary Management Manual (1992). This manual and 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. The revised Estuary Committee will continue this work under the new terms of reference in accordance with Councils resolution of 22 July 2014.

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.]

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 policy or risk impediments to adopting the recommendation.

The recommendation is aligned with the stated objectives of the Port Stephens/Myall lakes Estuary Management Plan.

MINUTES FOR ORDINARY MEETING – 11 NOVEMBER 2014

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]	[Council staff will ensure that the committee function within the scope and objectives outlined in the terms of reference.]	[Yes]
[There is a risk that the positions become vacant.]	[Medium]	[Port Stephens Council will approach the organisation in question directly to ensure adequate and balanced representation on the committee.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[Endorsing the committee membership will enable 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

[The nomination period for the committee extended for 5 weeks closing on 30 September 2014. Information was circulated through the following avenues;

- Council Notices section of the Port Stephens Examiner on two occasions;
- Social media;
- Councils website;
- Direct invitation to past members;
- Invitations to relevant community organisations such as Parks & Reserves Committee, dive groups, fishing groups, environmental groups, Rotary, Progress

MINUTES FOR ORDINARY MEETING – 11 NOVEMBER 2014

Associations, Tomaree Rate Payers Association, cultural networks and environmental education network;

- Great Lakes Council undertook additional promotion within their own council area.

The previous Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee endorsed the revised terms of reference at its meeting on 14 May 2014.

It is anticipated that a similar report will go to Great Lakes Council for consideration on 22 November 2014.]

OPTIONS

- [Adopt the recommendation;
- Reject the recommendation.]

ATTACHMENTS

- 1) [Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee proposed membership.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.

ATTACHMENT 1

**PORT STEPHENS/MYALL LAKES ESTUARY & COASTAL ZONE MANAGEMENT COMMITTEE
PROPOSED MEMBERSHIP**

Category	Name
Boating industry interest (1)	Robert Bailey (Cove Marine) Alternate member - John Bradshaw (D'Albora Marina)
Community representative Great Lakes (3)	1. Peter Chappelow (North Arm Cover Residents Association) 2. Peter Economos (Pindimar – Bundabah Community Association) 3. Gordon Grainger (Myall River Association)
Community representative Port Stephens (3)	1. Vicki Davis 2. Colin Howard (Soldiers Point Community Group) 3. VACANT
Department of Planning and Environment/ Office of Environment and Heritage/ Regional Operations – Lower North Coast (1)	Neil Kelleher - Senior Natural Resource Officer (Coastal)
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)	Luke Erskine – Manager Marine Parks
Department of Trade and Investment, Regional Infrastructure and Services/ Department of Primary Industries/ Land and Natural Resources/ NSW Crown Lands Division (1)	Rob Micheli – Group Leader, Property Management
Environmental interest group representative (1)	Iain Watt (Econetwork)
Great Lakes Council Councillor (1)	Cr Len Roberts
Great Lakes Council staff member (1)	Gerrard Tuckermen
Hunter Local Land Services (1)	Ingrid Berthold – Acting Lower Hunter District Coordinator & Community Education coordinator
Oyster Industry Representative (1)	Don Bergoyne
Port Stephens Council Councillor (1)	Cr John Nell Alternative members as per council nomination Cr John Morello & Cr Paul Le Mottee
Port Stephens Council staff member (1)	Tim Crosdale

MINUTES FOR ORDINARY MEETING – 11 NOVEMBER 2014

Professional and amateur fishing industry (2)	1. Tony Michin – PROAM 2. VACANT
Relevant Aboriginal Land Council (2)	1. Lennie Anderson CEO Karuah LALC 1. VACANT (Worimi)
Tourism Industry representative (1)	Frank Future – Destination Port Stephens
Transport for NSW/ Roads and Maritime Services/ Hunter/Inland Regional Office Maritime – Newcastle (1)	Paul Hearfield – Boating Safety Officer

ITEM NO. 4

FILE NO: PSC2014-01452

EXHIBITION OF SECTION 356 DONATIONS AND INCLUSION OF FURTHER WORKS IN THE CURRENT WORKS PLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Submissions be considered and noted;
- 2) Grant financial assistance under Section 356 of the Local Government Act to recipients as advertised (**ATTACHMENT 1**);
- 3) Include the works as advertised (**ATTACHMENT 1**) within the Council's asset management plan as approved works.]

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

295	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none"> 1) Submissions be considered and noted; 2) Grant financial assistance under Section 356 of the Local Government Act to recipients as advertised (ATTACHMENT 1); 3) Include the works as advertised (ATTACHMENT 1) within the Council's asset management plan as approved works.]

BACKGROUND

The purpose of this report is to consider public submissions received in relation to the exhibition of:

- 1) Proposal granting of Financial Assistance to Recipients (**ATTACHMENT 1**);
- 2) Proposal for inclusion of works within the Council's asset management plan (**ATTACHMENT 1**).

Council resolved at its meetings on 10 June 2014 and 12 August 2014 (which was a correction to the matters reported on 10 June 2014) to allocate \$300,000 from Repealed Section 94 funds towards works and financial assistance. Following the Council resolution, projects not within the existing works program and categorised as a donation under Section 356 were required to be exhibited in accordance with the Local Government Act 1993 Integrated Planning and reporting requirements.

During the exhibition one (1) submission was received in relation to financial assistance under 356(2) and one (1) submission was received in relation to inclusion of works in the work plan. Council is required to consider the submissions prior to release of the exhibited funds.]

FINANCIAL/RESOURCE IMPLICATIONS

]In accordance with Councils resolution of 10 June 2014 and 12 August 2014, the funds for the projects, namely \$300,000, will be sourced from Repealed Section 94 funds.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes	300,000	Expenditure from repealed section 94 funds in accordance with Council's resolutions.]
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Local Government Act 1993 – Section 356

Under the Local Government Act 1993 Council must give consideration to submissions received during the exhibition of proposed financial assistance.

Local Government Act 1993 – Integrated Planning and Reporting Guidelines

Works are required to be included with Council's works plan, new works are required to be exhibited for inclusion within the works plan under the Local Government Act 1993 to ensure compliance with Integrated Planning and Reporting requirements.

Financial Assistance Policy

Council has adopted the Financial Assistance Policy to guide donations for "not for profit organisations", which limits community assistance to \$2,000 and capacity building grants to \$10,000 maximum. Some projects fall outside of this policy and have been exhibited.

MINUTES FOR ORDINARY MEETING – 11 NOVEMBER 2014

Facilities and Services Quarterly Meeting

All new items must be scheduled at the next quarterly Facilities and Services meeting in December 2014.

There is a risk of a precedent of Council allocating funds outside of the Capital Works planning process or other adopted policies of Council. There is a need, when allocating Council funds, to maintain a clear and transparent approach in accordance with the Local Government Act 1993 integrated reporting framework in order to maintain public confidence in Council's decision making in relation to expenditure of funds. Accordingly, the relevant funds have been exhibited in accordance with the requirements of the Local Government Act 1993 integrated reporting framework in response to Council's resolution to expend these funds.]

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
[There is a risk that Council has not been transparent in the proposed expenditure in accordance with its resolution of 10 June 2014 and 12 August 2014.]	[Medium]	[Exhibition of expenditure within the local government area.]	[Yes]
[There is a risk that works completed by a third party will not meet Councils standards.]	[Medium]	[Align the projects with the Capital Works Program to ensure that projects are appropriately implemented and acquitted.]	[Yes]
[There is a risk that expenditure of programs does not follow Councils procurement guidelines.]	[Medium]	[Ensure that each Project Officer aligns the projects in accordance with Council's current procurement process.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[There are no Social, Economic and Environmental Implications.]

CONSULTATION

[All projects have been exhibited for the required period (28 days) under the Local Government Act 1993 and one (1) submission was received in relation to the inclusion of additional works and proposed financial assistance under 356(2) of the Local Government Act 1993. The key issues raised are:

- Funds not being allocated for its original purpose;
- The process is not fair and equitable;
- Other Grants should be applied.

The submissions and a summary of all issues raised by the submissions are included in **(ATTACHMENT 2)**.]

OPTIONS

- 1) [Adopt the projects as exhibited;
- 2) Amend and reallocate the Repealed Section 94 funds;
- 3) Reject the proposed recommendation.]

ATTACHMENTS

- 1) [Projects as advertised;
- 2) Summary of Submission received during exhibition of projects.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.

ATTACHMENT 1 Projects as Advertised

Advertising relating to 10 June 2014 Business Paper

Granting Financial Assistance to Recipients (Section 356 of the Local Government Act 1993):

Performability Dance Group		\$1,500
Ms Mem Hockley	Donation to as a contribution to her work in the local community	\$1,000

Works for inclusion in the 2014 – 2015 Works Program:

Nelson Bay Town Centre	street furniture	\$10,000
Tomaree Street Nelson Bay	Construction of footpath	\$20,000
Nelson Bay	expansion of skate park	\$10,000
Coachwood Reserve	dog off leash	\$15,000
Tanilba Bay Sailing Club	sealing of entrance way	\$3,000
Lemon Tree Passage Old School Centre	sewing room fit out	\$5,000
Lemon Tree Passage Road	Roundabout landscaping upgrade	\$1,500
Yulong Oval	public address system	\$5,000
Ferodale Oval	Air conditioning function room	\$5,000
Boyd Oval (Meadowie Rugby Club)	repaint with members to do the work	\$1,000
Ferodale Oval	spectator seating for netball courts	\$1,000
Medowie Skate Park	purchase of bubbler	\$900
Tilligerry Youth Centre	contribution to Skate Park improvement	\$5,000
Seaham Park	irrigation system for trees	\$4,000
Boomerang Park	construction of fitness trail	\$10,000
Hinton Forshore	installation of 3 picnic tables	\$2,000
Raymond Terrace Mens Shed	contribution to construction of the new facility	\$10,000
Hinton foreshore	replace fence	\$4,000
Tilligerry Tidy Towns	Tanilba Bay Boardwalk Extension	\$7,000
Ross Walridge Reserve	clean up vegetation to improve access	\$5,000
Woodville Hall	patch and repaint hall interior	\$30,000
Karuah Progress Association	Contribution to projects	\$3,500

Advertising relating to 12 August 2014 Business Paper

Karuah Hall	air conditioner	\$5,000
Salt Ash Sportsground Complex	BMX Track	\$10,000
Medowie Assembly of God Church	for use as part of the Foodway program	\$5,000
Marsh road, Bobs Farm	Drainage Works	\$5,000

ATTACHMENT 2

Summary of submissions received – proposed grant for Financial Assistance (\$356 LGA)

Summary of submissions received in respect of additional works to Capital Works Program

1. Submission 1
Fairness to community and should be considered under Council financial assistance guidelines or community capacity guidelines, Sports council or other government grants. System not fair and equitable, allocation of funds to favourites. Projects lower priority and less merit than current projects waiting, funding is clearly inequitable, projects should have gone through same competitive process as other organisations and no public input.
Nelson Bay Town Centre: street furniture
Why not paint the existing ones
Will the money sit in the bank account waiting for the rest of the funding?
Tomaree Street Nelson Bay: Construction of footpath
Queue jumping
Nelson Bay: expansion of skate park
Is there a plan, how far will this go or will the money sit in an account
Coachwood Reserve dog off leash
Need funding allocation for fences everywhere for dogs off leash areas
Tanilba Bay Sailing Club
Queue jumping
Lemon Tree Passage Old School Centre: sewing room fit out
Why didn't they apply for a financial assistance grant?
Yulong Oval: public address system
Why didn't they apply for a Sports Funding Grant or Volunteer Equipment Grant funding?
Ferodale Oval: Air conditioning function room
How many people will benefit
Why not use Sporting Council funding
Their balance at the end of last year showed huge balances, why can't that be applied
Medowie Skate Park: bubbler
Why not use Financial Assistance Application?
Tilligerry Youth Centre: Skate Park improvement
Will this be enough to finish the project or will it just sit in an account?
Seaham Park: irrigation
Could have been used to put irrigation into systems in public parks at Tomaree Peninsula
Boomerang Park: fitness trail
Will this be enough to finish the project or will it just sit in an account?
Priority should be installed at Nelson Bay where it would receive more use
Hinton Park: 3 picnic tables
Why not use Financial Assistance Application?
Where is the closest 355c Committee and do they have the money?
Raymond Terrace Mens Shed
Should be competing for Community Capacity Grants
Why just Raymond Terrace, setting huge precedents
Strongly object and have major issues with funding to individuals when originally intended for infrastructure, they should apply for funding under financial assistance grants
Performability Dance Group
No details about what it is for and setting precedent
Mem Hockley
Not transparent and unfair should have applied for funds through community service grants and not from funds meant for infrastructure. Why has this person been singled out, hundreds of people in the community doing the same good work
Medowie Assembly of God Church
Port Stephens Council is not a charity, neglecting maintenance of basic services
Karuah Hall
Why does this hall surpass other halls in need of painting

BMX Track
Why has this not been through the sports council funding process
Marsh Road Bobs Farm
Why is this more important than fixing the drain at Roy Wood Reserve, Corlette?

2. Submission 2
Tilligerry Tidy Towns: Tanilba Bay Boardwalk Extension
Why not apply for a Community Capacity competitive funding process
Unfair and queue jumping
Ross Watridge Reserve: clean up vegetation to improve access
Why not apply for a Landcare or Environmental grant, nothing to do with infrastructure
Woodville Hall: Patch and repaint hall interior
Why not apply for a Government Grant
Not a Council owned property with returning coming back to Council
Karuah Progress Association: Contribution to projects
Queue jumping
Why not apply for a Government Grants or Financial Assistance Grants

ITEM NO. 5

FILE NO: PSC2013-05305

PORT STEPHENS YOUTH STRATEGY 2015-2018

REPORT OF: ROSS SMART – COMMUNICATIONS SECTION MANAGER

GROUP: DEVELOPMENT SERVICES]

RECOMMENDATION IS THAT COUNCIL:

- 1) [Endorse the Port Stephens Youth Strategy 2015-2018 (**ATTACHMENT 1**) and place it on public exhibition for 28 days;
- 2) Should no submissions be made, the Port Stephens Youth Strategy 2015-2018 be adopted following exhibition.]

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

296	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council:
	<ol style="list-style-type: none"> 1) [Endorse the Port Stephens Youth Strategy 2015-2018 (ATTACHMENT 1) and place it on public exhibition for 28 days; 2) Should no submissions be made, the Port Stephens Youth Strategy 2015-2018 be adopted following exhibition.]

BACKGROUND

[The purpose of this report is to recommend to Council the adoption of the Port Stephens Youth Strategy 2015-2018.

Recommendations outlined in Council's first Sustainability Review conducted in 2011 led to significant changes in how Council supported young people in Port Stephens. Under the guidance of Council's former Social Planning Unit, youth services moved from providing an operational service managed by a Youth Service team (first implemented in 1999) to a developmental approach that had capacity to capture the broader spectrum of services delivered by Council that benefited local young people. In order to sustain this new approach to service delivery, the development of a strategy to guide future youth development initiatives was proposed.

The need for a youth strategy is identified in Council's Community Strategic Plan 2013- 2023 (5.1: Young people have safe and appropriate places to learn, develop and interact). Provisions for young people, including implementing a Youth Strategy, are also identified in the 2013-2014 and 2015-2015 Operational Plans.

Research and consultation of the Youth Strategy began in mid-2013. A Youth Advisory Panel pilot project was initiated for 12 months to assist with research. Youth Advisory Panel participants also assisted with the evaluation of research findings under the mentorship of research professional, Bronwyn Hall (The Research Den).

From this, a summary of research findings and processes was developed, including a Consultation Report – Port Stephens Youth Strategy and the Port Stephens Youth Research Findings Report prepared by The Research Den. This work highlights the origins and importance of the key objectives and actions outlined in the Strategy.

Five key objectives were identified and form the basis of the Youth Strategy action plan. These are:

- 1) Education and training;
- 2) Employment and small business development;
- 3) Participation in planning for public places and the environment;
- 4) Access to transport and local events to reduce geographical isolation; and
- 5) Input and contribution to public life and decision making processes.

The Youth Strategy provides a clearly articulated framework to guide the work of Council over the next four years that can be realistically delivered within available resources of Council. Capacity to leverage additional funds is also increased by having a detailed action plan developed within the Strategy.]

FINANCIAL/RESOURCE IMPLICATIONS

[Costs associated with the implementation of the Youth Strategy are covered in the 2014-2015 budget and will be subject to standard organisation budget review procedures and approvals.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	[Yes]	[26,000]	[Resources to implement this plan are covered within existing budget.]
Reserve Funds	No		
Section 94	No		
External Grants	[Yes]		[The Strategy will assist Council to secure external funds for specific youth related projects.]
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

[There is a risk that failure to clearly articulate Council's position on the support of young people in the region may affect Council's objective to ensure sustainable, focused services to meet strategic goals outlined in the Community Strategic Plan.]

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
[There is a risk that Council's support of young people does not match a strategic framework.]	[Low]	[Adopt the recommendations.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[Providing safe and appropriate places to learn, develop and interact assists in the social development of young people while access to education, training and employment improves economic opportunities.

Recognising young peoples' interest in maintaining the amenity of public places and the environment fosters ownership that leads to longer term environmental sustainability.

A number of key objectives represent regional as well as local challenges, such as public transport. In this case, Council continues to have an advocacy role with State and Federal governments and their agencies.]

CONSULTATION

- 1) [Online survey conducted with 254 responses;
- 2) Port Stephens Council Youth Advisory Panel;
- 3) Public consultation, Market Place Raymond Terrace, December 2013;
- 4) Public consultation, Grahamstown Dam, international Day of Disability, December 2013;
- 5) Local high schools, late 2013;
- 6) Consultation tent at Seaham community event, November 2013;
- 7) Murrook Cultural Centre Youth Day, November 2013;
- 8) Port Stephens Youth Interagency;
- 9) Bronwyn Hall, The Research Den;
- 10) Two way with Councillors 28/10/2014;
- 11) Group Manager, Development Services.]

OPTIONS

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

ATTACHMENTS

- 1) [Port Stephens Youth Strategy 2015-2018.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.

ATTACHMENT 1

Port Stephens Youth Strategy 2015-2018



Youth Strategy 2015-2018

Young people are sufficiently resourced and supported to participate in the community as role models of today and leaders of the future

Port Stephens Futures Strategy 2010

November 2014

Definitions and Acronyms

Young person is a person who is aged 12 to 24 years.

ABS	Australian Bureau of Statistics
CSP	Community Strategic Plan
PSC	Port Stephens Council
LGA	Local Government Area
YAP	Port Stephens Youth Advisory Panel Strategy

Acknowledgments

The Port Stephens Youth Strategy was developed in close partnership with the Port Stephens Youth Advisory Panel. The Panel provided significant input, support and drove the engagement process for the Strategy.

Council would also like to thank other project partners including local high schools, youth sector organisations and the various community networks that worked with the local young people and provided input into the process.

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INTRODUCTION

Port Stephens Council is committed to supporting young people in its community by providing opportunities that inspire social cohesion and a sense of belonging.

Council has a strong track record of delivering facilities and services for young people. As a demographic, 12 – 24 year olds make up approximately 16% (or 10,242) of the Port Stephens population (Census 2011, ABS). This strategy recognises the strengths and needs of these young people and will assist Council in building a community that supports.

To create this strategy, Council adopted a participatory research model with young people engaged throughout the process. They were collaborators in the final research findings report, including its presentation to Council in April 2014.

The Youth Advisory Panel was central to the development of this strategy. The panel gathered information from peers through a variety of consultation methods and has assisted in data analysis and the presentation of findings to Councillors through a Two-way Conversation in October 2014.

This collaborative process ensured strong and relevant alignment between strategic directions in the strategy and the business activities of Council.

This strategy is important as it:

- sets a clear direction for the sector
- acts as a funding and advocacy tool
- identifies gaps in service delivery
- encourages collaboration and partnership
- ensures that young people are engaged in planning and decision-making processes
- identifies pathways for young people to contribute to community building
- improves community understanding of young people and their capacity to contribute

The strategy draws on a range of quantitative and qualitative datasets from a variety of sources at the local, state, and national level. Care was taken to ensure an appropriate mix of local information was gathered to compliment work done outside of Port Stephens, whilst also making sure the strategy is in alignment with other council policies, plans, and strategies.

KEY PRINCIPLES

The Strategy is based on the underlying principle that young people are an important asset to the community and that they have skills, knowledge, capacities and the desire to be a part of creating Port Stephens' future.

It is guided by the principles of **people**, **participation** and **place** to connect young people, Council and the broader community ensuring Port Stephens is a community that is inclusive of young people.

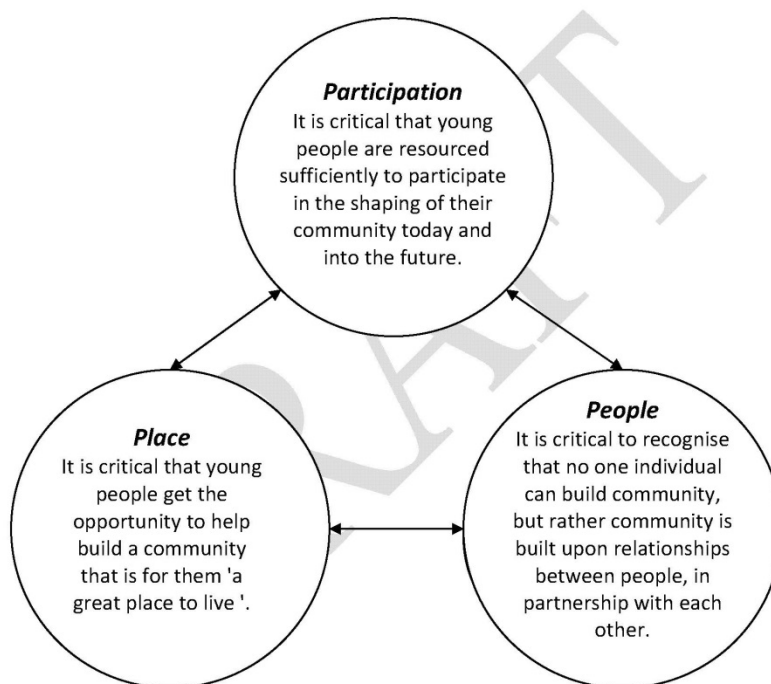


Figure 1: Three key principles underpinning the Strategy

PARTICIPATION

The benefit of meaningful consultation and involving young people in developing and managing strategies increases their level of ownership and responsibility for decisions being made.

Youth Councils, Advisory Panels or Committees are an integral tool in achieving true participation of young people, and fostering leadership and relationships between the community and Council. The Port Stephens Youth

Port Stephens Youth Strategy 2015-2018

Advisory Panel is continuing to deliver outcomes through this Youth Leadership model, assisting in the delivery of the Youth Strategy 2015-2018.

PLACE

Planning for the local community is one of the key functions of Local Government and arguably the most significant way for Council to have a positive impact on the lives of young people.

Planning for employment, recreation, transport, housing, education and training can be complex with solutions and improvements often being part of a long term plan, requiring an agency or community member to take a lead role and responsibility for achieving outcomes.

Opportunities need to be created for young people to participate in the planning process. The result is the fostering of relationships and networks built between differing demographic groups in the community and at all levels within Council.

PEOPLE

Policy is about deciding what your Council's position or direction is on a particular issue. It is important for Council to be very clear on its position and communicate this to the community and other tiers of government. Policy helps distinguish what Local Government commits to its people within the community and what local government might see as a State or Federal Government responsibility.

ALIGNING THE STRATEGY

A review of international, national, state, regional and local policies was undertaken to ensure connectivity at all levels in relation to young people.

International

From an International level the framework for youth policy is largely set by the United Nations and its various agencies and subsidiaries.

The most important piece of legislation at this level is the Convention on the Rights of the Child (1989) which addresses a range of human rights (civil, cultural, economic, political and social rights) for children and young people up to the age of 18 years.

The *World Programme of Action for Youth* (2010) is an international youth strategy which provides a policy framework and practical guidelines for national action and international support to improve the situation of young people. Priority areas are: education; employment; hunger and poverty; health; environment; drug abuse; juvenile delinquency; leisure-time activities; girls and young women; full and effective participation of youth in the life of society and in decision-making; globalization; information and communications technology; HIV/AIDS; armed conflict; intergenerational issues.

Federal

The *National Strategy for young Australians* (2010) is part of the Australian Government's ongoing process of giving young people (12-24 years) a voice in decisions that affect them. The Australian Government's vision is: *for all young people to grow up safe, healthy, happy and resilient and to have the opportunities and skills they need to learn, work, engage in community life and influence decisions that affect them*. Developed with young Australians, the Strategy describes what it is like to young in Australia today and highlights eight priority areas:

1. Improving the health and wellbeing of all young people;
2. Equipping young Australians to shape their own futures through education;
3. Supporting young Australians within their families;
4. Empowering young Australians to take part and be active in their communities;
5. Equipping young Australians with the skills and personal networks they need to gain, and be successful in employment;
6. Enabling young Australians to participate confidently and safely online;
7. Strengthening early intervention with young Australians to help prevent problems and to help young people get their lives back on track; and
8. Establishing clear cut legal consequences for behaviours that endanger the safety of others.

State

The New South Wales Government's State Plan, *NSW 2021* is based around five strategies that include: Rebuild the Economy; Return Quality Services; Renovate Infrastructure; Strengthen our Local Environment and Communities and; Restore Accountability to Government.

There are numerous State Government plans and policies relating to young people. From a review of these documents, the following priority areas relate to young people:

- Supporting young people in post school education, training and employment (apprenticeships and traineeships);
- Increasing young people's participation and engagement in decisions and process such as policy, programs and services that impact upon them;
- Building and maintaining the connections and relationships young people have with their communities and neighbourhoods (e.g. transport);
- Building on young people's knowledge and skills (youth leadership);
- Supportive pathways and access to allow young people to achieve their optimal health and wellbeing;
- The diversity, talents and abilities of young people are celebrated and fostered;
- Supporting young people to allow them to reach their potential;
- Responses to the needs of young people are evidence-based, promote prevention and early intervention and are delivered efficiently and effectively; and
- Young people experience services as positive, respectful, supportive and empowering.

Port Stephens Youth Strategy 2015-2018

The Strategy will also assist Council in meeting its obligations under Section 8 of the Local Government Act (1993). The Charter states NSW Councils are required to 'promote and to provide and plan for the needs of children' – this also includes young people. Included in this Charter is the requirement for Council's to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights. These principles were applied to the development of this Strategy.

Regional

Regional priorities in the Hunter Regional Action Plan are to drive economic growth and diversity, invest in critical infrastructure and integrated transport, improve the liveability of our City and regional areas and better support the most vulnerable members of our community.

Local

This Strategy aligns with the following Port Stephens Council integrated plans:

Community Strategic Plan 2013- 2023

- 1.1 *Port Stephens is a community where people feel safe.*
- 5.1 *Young people have safe and appropriate places to learn, develop and interact.*
- 6.1 *The community is a partner in developing the future of the local government area.*
- 9.1 *Manage the natural environment for existing and future generations.*
- 12.1 *Port Stephens has a sustainable and diverse economy.*
- 14.1 *Port Stephens has education and training opportunities for people of all ages.*
- 16.1 *Port Stephen's infrastructure and utilities meet the needs of all sections of the community.*
- 19.1 *Port Stephens Council is recognised as a leading local government organisation across the state.*

Delivery Program 2013-2017

- 5.1.1 *Council will provide resources and support for young people appropriate to their needs in the Port Stephens Local government area.*

Operational Plan 2014-2015

- 5.1.1.1 *Convene and support the port Stephens Youth interagency*
- 5.1.1.2 *Complete a Skate Parks Needs Analysis to guide the provision of skate parks*
- 5.1.1.3 *Facilitate the Youth Advisory Panel*
- 5.1.1.4 *Implement the Youth Advisory Strategy*
- 5.1.1.5 *Review Council's involvement in the Real Futures program*

KEY ISSUES AND PRIORITIES

PLACE

Issues

- Illegal dumping of rubbish, graffiti and cleanliness of public spaces
- Limited opportunities to engage in public and retail spaces
- Disability access to public spaces
- Community safety

Key priorities

- Improve access to outdoor spaces, including parks, nature reserves
- Improve and increase opportunities for engagement in outdoor activities, including management of natural resources
- Integration of pedestrian networks and links to parks and reserves
- Improvement of skate parks, including regular maintenance
- Waste management education
- Improved public spaces and amenities

PARTICIPATION

Issues

- Lack of public transport
- Lack of higher education options
- Desire for a sense of belonging
- Desire to stay in Port Stephens area following education
- Opportunities to network with each other through culture, art and music

Key Priorities

- Increase local events and activities aimed at young people
- Advocate for better public transportation
- Increase access to local opportunities for further education
- Improved networks and interest groups

PEOPLE

Issues

- Gap between older people and younger people
- Opportunities with people with disabilities
- Opportunities for participation
- Promote leadership

Key Priorities

- Develop volunteering and mentoring opportunities
- Small business development
- Outreach education and on-line learning
- Development of interest groups

KEY OBJECTIVES AND ACTION PLAN

Council's aim is for young people to have safe and appropriate places to learn, develop and interact and to provide resources and support for young people appropriate to their needs. Council's Strategic Plan 2013-2023 measures are young people's access to education, training and employment and the satisfaction with Council's services and facilities for young people.

From the key priorities identified in the research, five objectives and related actions were developed. These are:

Objective 1

Further education and training opportunities in the Port Stephens area			
Participation	Timeframe		
	Short	Medium	Long
1.1 Improve coordination of opportunities to participate in education, especially higher education		X	
1.2 Promote and enhance Mayoral Scholarship program	X		
1.3 Investigate the need for young professional networks in Port Stephens			X
1.4 Advocate with local businesses for regular youth representation at business and industry associations and promote work experience and training opportunities.		X	

Objective 2

Promote and enhance small business development and employment opportunities for young people			
People	Timeframe		
	Short	Medium	Long
2.1 Improve access to council employment by offering program and information sessions		X	
2.2 Provide business coaching programs for young people		X	
2.3 Consult and communicate with young people in identifying skills gaps			X
2.4 Promote Council's employees who were employed as trainees	X		

Objective 3

Improve opportunities for young people to participate in, plan for, and maintain the amenity of public places and the environment			
Place	Timeframe		
	Short	Medium	Long
3.1 Link programs that enable young people to participate in maintaining public places		X	
3.2 Involve young people in the development of open and public space planning		X	
3.3 Increase awareness around illegal dumping and littering			X
3.4 Investigate and implement a youth-specific online channel for young people to communicate issues to Council.		X	
3.5 Youth Advisory Panel to partner with waste services and communicate key messages in high schools		X	

Objective 4

Address limited transport options and geographic isolation through the development and promotion of localised initiatives			
Participation	Timeframe		
	Short	Medium	Long
4.1 Develop an integrated community transport map that also promotes safe cycling on low volume traffic routes			X
4.2 Youth to be represented on Transport Committee meetings and to participate in the State Government Regional Transport Forum	X		
4.3 Promote council grants and funding programs to encourage youth-specific events and competitions in localised areas, rather than large events in central locations			X
4.4 Investigate and implement ways for support services and local networks to be promoted and utilised by young people across the LGA		X	
4.5 Facilitate opportunity for community and youth sector organisations to develop place based youth initiatives including Youth Week Program			X

Objective 5

Improve opportunities for young people to make a meaningful contribution to public life and decision making processes			
People	Timeframe		
	Short	Medium	Long
5.1 Support the Youth Advisory Panel to advocate and lobby on issues that are important to them	X		
5.2 Promote the role of the Youth Advisory Panel	X		
5.3 Council help to build volunteering network and opportunities for young people; target specific community organisations and local businesses		X	
5.4 Encourage youth leadership with local community groups		X	
5.5 Investigate Youth Advisory Panel to be made a 355c committee of Council			X

Some actions are dependent on external funding.

REVIEW AND REPORTING

The Strategy covers a three year timeframe from 2015-2018. At the completion of this period, a comprehensive evaluation will be undertaken in its final year and annual reviews will be undertaken against annual conducted along with the Action Plan. The evaluation will address the progress and impact of the Strategy on the Port Stephens youth community.

REFERENCES

Australian Bureau of Statistics 2011 Census.

REMLAN

Growing Liverpool's Young People, Liverpool Youth Strategy 2012-2017 and Action Plan 2012-2013
Maroondah City Council, Youth Plan 2012- 2016
Wyong Shire, Youth Engagement Strategy, 2010

Australian Government Office for Youth, State of Australia's Young People, 2009
Australian Government Office for Youth, Investing in Australia's Young People, 2009
Australian Government, National Strategy for Young Australians, 2010

United Nations, World Programme of Action for Youth – Economic and Social Affairs, 2010
International Convention on the Rights of the Child (1989)
Port Stephens Council, Integrated Plans - Community Strategic Plan 2013–2023, Delivery Program 2013–2017, Operational Plan 2014-2015
Port Stephens Council, Youth Strategy Consultation Report 2013-2014

NSW 2021 State Plan
NSW Long Term Transport Master Plan
NSW Government, Planning & Infrastructure, Lower Hunter Regional Strategy 2006–31 (2010)
NSW Government, Hunter Regional Action Plan (2012)
Housing NSW Youth Action Plan 2010-2014
NSW Health, Youth Health Policy 2011-2016: Health bodies, healthy minds, vibrant futures
NSW Government, Division of Local Government, Department of Premier and Cabinet, Destination 2036 Action Plan (2012)
Bikes, Bands and Strategic Plans, Local Government Association of Queensland Inc., 1997

www.youth.gov.au
<http://www.un.org/>
<http://www.undp.org/content/undp/en/home.html>
<http://www.youthpolicy.org/faq/>
<http://www.unicef.org.au/Discover/What-we-do/Convention-on-the-Rights-of-the-Child.aspx>
<http://undesadspd.org/Youth/WorldProgrammeofActionforYouth.aspx>
http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/projects_and_initiatives/dggyouth/unyouth/

ITEM NO. 6

FILE NO: A2004-0853

POLICY REVIEW: PROPERTY INVESTMENT POLICY

REPORT OF: BRETT FIELD – ACTING PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Property Investment policy shown at **(ATTACHMENT 1)**;
- 2) Place the Property Investment policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Property Investment policy dated 29 May 2012 (Min No. 110), should no submissions be received.

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Steve Tucker Councillor Sally Dover
	That the recommendation be adopted.

MOTION

297	Councillor Ken Jordan Councillor Chris Doohan
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the amendments to the Property Investment policy shown at (ATTACHMENT 1); 2) Place the Property Investment policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council. 3) Revoke the Property Investment policy dated 29 May 2012 (Min No. 110), should no submissions be received.

BACKGROUND

The purpose of this report is to review the Property Investment Policy, adopted by Council on 29 May 2012 (Min No. 110).

MINUTES FOR ORDINARY MEETING – 11 NOVEMBER 2014

The objective of the Property Investment Policy is to invest in Real Property and maintain a real estate portfolio as a strategy for providing capital growth and recurrent source of income to supplement Council's rates and other statutory income producing activities to provide services to the community.

The Policy ensures a consistent approach to the management of the Portfolio having regard to market demand, asset management and renewal.

The changes to the Policy are the result of structural change within the Property Services Section and relate to personnel job title changes or structure of the Property Reserve.]

FINANCIAL/RESOURCE IMPLICATIONS

[Costs associated with Policy review are covered in the 2014-2015 budget.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	[Yes]	[]	[Resources required to review this policy are covered within the existing budget.]
Reserve Funds	No	[]	[]
Section 94	No	[]	[]
External Grants	No	[]	[]
Other	No	[]	[]

LEGAL, POLICY AND RISK IMPLICATIONS

[There is a risk that failure to properly manage Council's documented policies, management directives, strategies and processes may affect Council's objective to ensure the long-term sustainability of services and protect the community's assets.]

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
[There is a risk that returns from Council's Property Portfolio will diminish over time if an effective Policy is not implemented]	[Medium]	[Adopt the Property Investment Policy]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[Nil.]

CONSULTATION

[Property Services Section Manager;
Investment and Asset Manager.]

OPTIONS

- 1) [Accept the recommendations;
- 2) Amend the recommendations;
- 3) Reject the recommendations.]

ATTACHMENTS

- 1) [Property Investment Policy.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.

ATTACHMENT 1



Adopted: 29 May2012
Minute No: 110
Amended:
Minute No:

FILE NO: A2004-0853

TITLE: PROPERTY INVESTMENT POLICY

RESPONSIBLE OFFICER: PROPERTY SERVICES
MANAGER

BACKGROUND

The current portfolio mix and status of Council's investment portfolio provides investment returns that currently alleviate some call on rates and continue to provide acceptable capital growth across the portfolio.

This policy provides guidelines for consideration in the process of acquisition, improvement, value adding and disposal of investment properties. Investment properties are those that provide financial return to Council and or provide strategic pathways for future income generation. Within the context of this policy, it is important to state that investment properties can also be held in some cases as land bank opportunities and while over the initial term Council may derive an income from the property, future development can be undertaken in accordance with the Acquisition and Divestment of Land Policy.

Property Investment activities and in particular lower risk investments are generally ~~longer term~~ activities spanning medium to longer terms (say 5 to 20 years).

The attractiveness of a property investment will be dependent upon a variety of factors not only inherent to a particular subject property but also upon a range of external factors such as Government fiscal, taxation and investment policies, investor confidence, availability of funds and analysed returns as compared to other investments such as the stock market for example.

Changes

Delete: longer term

The Principles of this policy provide a framework of considerations to ensure a, consistent informed approach to acquisition, management and divestment is undertaken.

It is noted that this policy refers to only Operational Land as defined under the Local Government Act 1993 and provides no structure for the acquisition or disposal of Community Land. All land required, managed or disposed of in accordance with this policy will be classified 'Operational' within the context of the Local Government Act 1993.

OBJECTIVE

- 1) To invest in Real Property and maintain a real estate portfolio as a strategy for providing capital growth and recurrent source of income in supporting Council's rates and other statutory income producing activities in the provision of services to the community.
- 2) To ~~acquire and~~ maintain a ~~optimum~~ portfolio balance of medium and longer term property investments providing acceptable growth and recurrent returns ~~in line with strategic and operational goals of the Council.~~

Delete: acquire and
Delete: optimum

Insert: returns in line with
strategic and operational
goals of the Council.

PRINCIPLES

- 1) To ensure optimum financial return is realised through appropriate ~~identification, selection and~~ management of Council's Property Investment portfolio ~~including acquisition and disposal of assets.~~
- 2) To utilise effective ~~property~~ ~~asset~~ management and ~~investment~~ ~~planning~~ practices in the management of Council's Property Investment assets to ensure maximum economic return to Council.
- 3) To satisfy the real property needs of Council by meeting the requirements and corporate objectives outlined in the current Long Term Financial Plan.
- 4) Investment decisions will have regard to the prevailing economic conditions and factors relative to property investment such as those discussed within the Property Investment policy, taking into account vacancy rates, ~~lifestyle~~ ~~lifecycle~~ costs of improvements, location ~~and~~ future development potential ~~and market demand.~~
- 5) Any decision to acquire or divest of an asset comprising part of the Investment Property Portfolio is required to be supported by a resolution of Council ~~and is to be undertaken in accordance with the~~

Delete: identification,
selection and
Delete: including acquisition
and disposal of assets
Delete: property
Insert: asset
Delete: investment
Insert: planning

Delete: and
Insert: and market demand.

Delete: lifestyle
Insert: lifecycle

related Acquisition and Divestment of Land Policy.

DEFINITIONS

'Act'	means the Local
Government Act 1993	
'Investment Property'	means built form commercial, retail, industrial or residential property that derives a rental return (yield) in accordance with the long term financial plan.
'Property Investment Portfolio'	means properties dealt with within the financial statements of Port Stephens Council at Note 14.
'Real Property'	means a freehold or leasehold or other reversionary or partial interest in improved land.

POLICY STATEMENT

- 1) The purpose of this policy is to set forth a framework under which Port Stephens Council will manage the operations of its Property Investment portfolio ensuring:
 - The establishment of a documented process to guide the decision-making process;
 - A reference guide that will survive successive Councils; and
 - The overall mix and nature of investment properties will provide a balanced source of income that complements existing investment activities.
- 2) The ~~Property~~ Investment ~~Coordinator~~ and Asset Manager (PSC275-725) will regularly review and report on the performance of its investment portfolio and use this information to determine

Insert: and is to be undertaken in accordance with the related Acquisition and Divestment of Land Policy.

Delete: Property
Delete: Coordinator
Insert: and Asset Manager
Delete: 275
Insert: 725

- recommendations to Council regarding ~~acquisition, management and divestment in respect of the~~ portfolio.
- 3) All property investment activities will be undertaken in accordance with ~~Property~~ Financial Services section Long Term Financial Plan, ~~Council's Property Investment Strategy 2008 - 2013~~ and will also reflect Council's ongoing commitment to sustainability.

RELATED POLICIES

- 1) Restricted Funds policy
- 2) Cash Investment policy;
- 3) Asset Management policy;
- 4) Long Term Financial plan;
- 5) Acquisition and Divestment of Land policy;
- 6) Integrated Strategic plans;
- 7) ~~Property Investment Strategy 2008-2013~~

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil.

ECONOMIC IMPLICATIONS

Efficient and effective management of ~~the acquisition and disposal of the Property Investment properties- Portfolio~~ will provide an ongoing income stream, which reduces the call on rate revenue and provides funds for further investment.

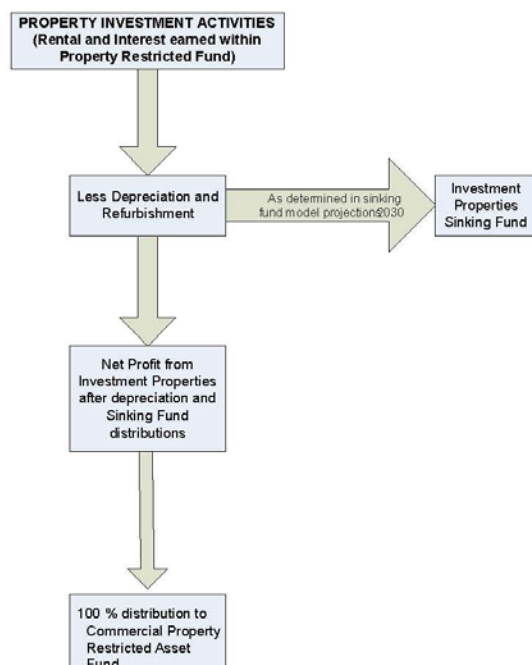
The distribution of funds received from Council's Investment portfolio is to be carried out in accordance with the following:

Delete: acquisition, management and divestment in respect of

Delete: Property
Insert: Financial
Insert: Council's Property Investment Strategy 2008 - 2013

Insert: 7) Property Investment Strategy 2008-2013

Delete: the acquisition and disposal of
Delete: properties
Insert: the Property
Insert: Portfolio



Insert: Revised diagram

100% distribution to
Commercial Property
Restricted Asset Fund

Delete: 50% distribution to
Asset Rehabilitation Restricted
Fund

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act 1993
- 2) Real Property Act 1900
- 3) Conveyancing Act 1919
- 4) Retail Leases Act 1994

IMPLEMENTATION RESPONSIBILITY

- 1) ~~Property investment Coordinator~~ **Investment and Asset Manager** PSC725

Delete: Property investment
Coordinator
Insert: Investment and Asset
Manager

REVIEW DATE

- 1) 1 May ~~2014~~ **2016** - two years from implementation

Delete: 2014
Insert: 2016

ITEM NO. 7

FILE NO: PSC2014-03305

LEASE OF LAND AT NELSON BAY FOR TEMPORARY CAR PARKING

REPORT OF: JOHN MARETICH – CIVIL ASSETS MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the General Manager and the Mayor to sign and affix the Seal of the Council to the lease documentation and any associated legal documentation including the Option Leases if exercised in respect of the Land described as Lots 22, 23, 24 and 25 in Deposited Plan 17805;
- 2) Authorise the General Manager and the Mayor to sign and affix the Seal of the Council to the lease documentation and any associated legal documentation including the Option Leases if exercised in respect of the Land described as Lots 19 and 20 in Section A of Deposited Plan 5616.

**ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Sally Dover
	That the recommendation be adopted.

MOTION

298	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none">1) Authorise the General Manager and the Mayor to sign and affix the Seal of the Council to the lease documentation and any associated legal documentation including the Option Leases if exercised in respect of the Land described as Lots 22, 23, 24 and 25 in Deposited Plan 17805;2) Authorise the General Manager and the Mayor to sign and affix the Seal of the Council to the lease documentation and any associated legal documentation including the Option Leases if exercised in respect of the Land described as Lots 19 and 20 in Section A of Deposited Plan 5616.

BACKGROUND

The purpose of this report is to seek endorsement to enter into two leases on privately owned commercial land. These leases have been negotiated for the purpose of providing temporary car parking in the Nelson Bay town centre.

This became necessary as a result of structural problems being identified with the existing Donald Street multi-storey car park which will require closure until a long term plan has been developed for the site. The closure of the car park will result in the loss of 114 car parking spaces while the leased lands will provide a projected yield of 125 in total. Other factors which are anticipated to provide further pressure on car parking in Nelson Bay over the shorter term future include the closure and redevelopment of the Coles supermarket site in Nelson Bay by Woolworths which is projected to take around 12 months and which will commence in December /January.

Discussions have been undertaken with two separate land owners and terms agreed to lease two parcels of land located within the town centre and as depicted in the aerial photograph at **ATTACHMENT 1**.

The proposed Lease terms for each of the parcels are identical and are summarised as follows;

Lessee	Port Stephens Council
Lessor (Lease 1)	Haxton Holdings Pty. Limited
Lessor (Lease 2)	Michael Koutsoukis and Nicky Koutsoukis
Lease term	Three (3) years
Option	Two (2) option terms of one year
Commencement rental	\$36,000 per annum Plus GST (per site)
Outgoings	Remain the responsibility of the Land owner

FINANCIAL/RESOURCE IMPLICATIONS

The total (combined) annual rental for the two sites is \$72,000 Plus GST. The Leases negotiated provide for the obligations for payment of outgoings to remain with the land owners and so no further costs to Council will be incurred as a result.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	[Yes]	[72,000 plus GST]	[To be funded through funds normally allocated to bridge repairs within the recurrent budget. If bridge works are required then it will be funded through the Capital Works Program.]
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the provisions of the Conveyancing Act, leases in excess of three years total duration, including the option period, are to be registered upon the title of the land to which they apply. Accordingly, if the lease is to be registered the common seal must be affixed upon signing under Clause 400, Local Government (General) Regulations 2005.

The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
[There is a risk that without these leases, Council will not be able to provide alternative car parking in the Nelson Bay CBD resulting in potential reputational damage risk to Council]	[High]	[Formalise the Leases in accordance with the recommendations]	[Yes]
[There is a risk that without a Lease in place. Obligations of the parties are not formalised and Council would not be guaranteed tenure of the sites for the intended period.]	[High]	[Formalise the Leases in accordance with the recommendations]	[Yes]
[There is a risk that without these leases, Council will not be able to provide alternative car parking in the Nelson Bay CBD resulting in economic risk to the many businesses Nelson Bay CBD]	[High]	[Formalise the Leases in accordance with the recommendations]	[Yes]
[As the lease agreements are to be funded through the bridge recurrent budget, there is risk that if bridge works are required there will be a shortfall in funds	[Low]	[Our bridges are relatively new and if works are required they will be minor in nature and could be covered by our local road recurrent budget OR be programed into the capital	[]

MINUTES FOR ORDINARY MEETING – 11 NOVEMBER 2014

resulting in a reduced level of service to manage our bridges]		work program for future years.]	
-----------------------------------------------------------------	--	----------------------------------	--

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Car parking spaces in the Nelson Bay is valued by business operators and visitors and is a vital link to the economic sustainability of the central business district. Car parking spaces are a premium in this area during peak holiday periods and during special events. The proposed lease agreements will enable the central business district to reclaim the 114 car parks lost with the closure of the Donald Street multi storey car park and provide an additional 11 car parking spaces.

CONSULTATION

Civil Assets Manager
Acting Group Manager Corporate Services
Acting Property Services Manager
Land Acquisition and Development Manager
Property Development Coordinator
Harris Wheeler Lawyers
Local Government Legal

OPTIONS

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

ATTACHMENTS

- 1) Aerial Photograph depicting the Proposed Lease parcels

COUNCILLORS ROOM

Nil

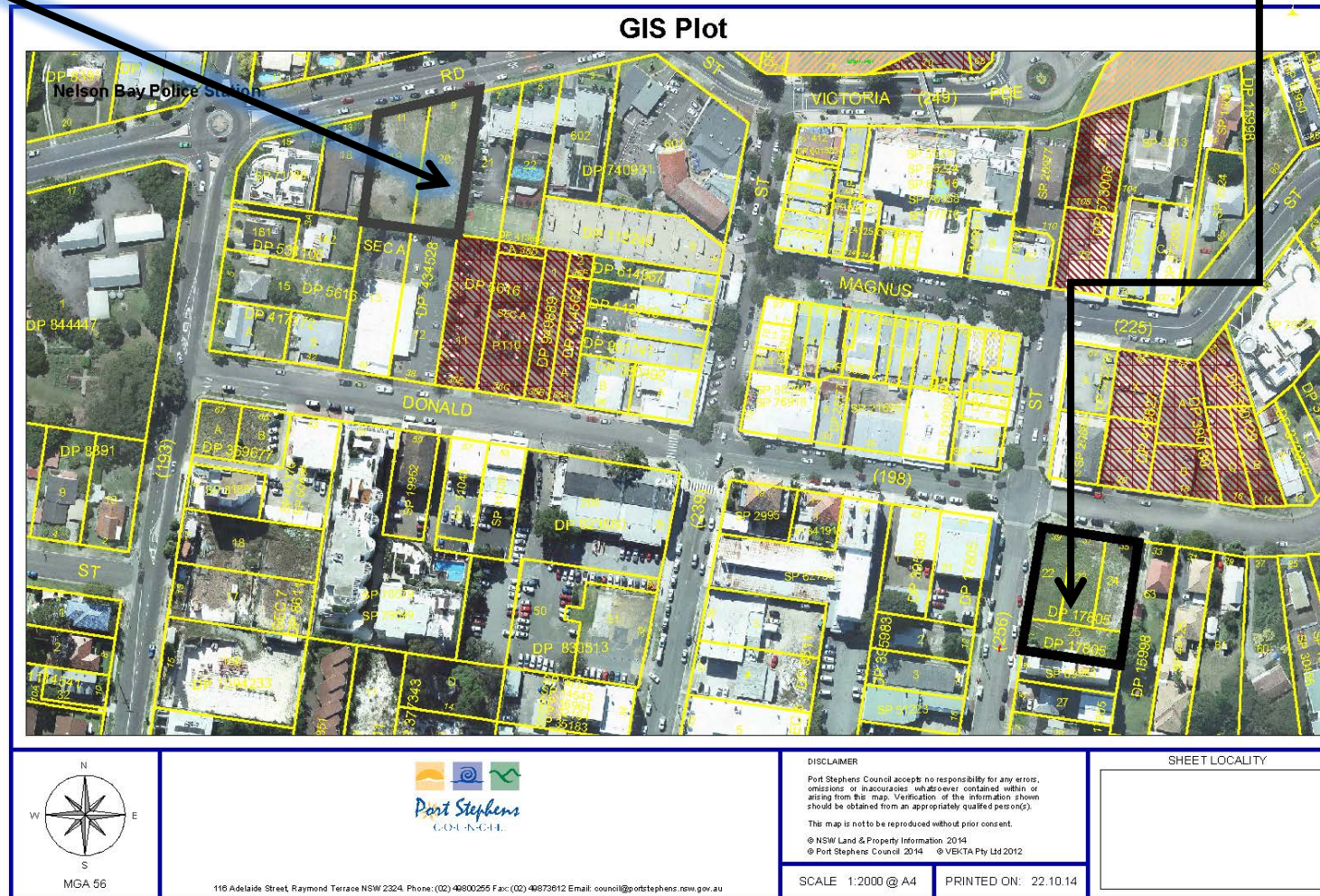
TABLED DOCUMENTS

Nil

ATTACHMENT 1

Aerial Photograph of proposed leased parcels:

35 - 39 Donald Street Nelson Bay being Lots 22 - 23 - 24 - 25 in Section 5 DP 17805 (Haxton Holdings)
 9 & 11 Government Road Nelson Bay being Lots 19 & 20 in Section A DP 5616 (Koutsoukis).



ITEM NO. 8**FILE NO: PSC2012-03445****SUSTAINABILITY REVIEW – SURVEY AND LAND TEAM**

REPORT OF: GREG KABLE – CAPITAL WORKS SECTION MANAGER
GROUP: FACILITIES AND SERVICES]

RECOMMENDATION IS THAT COUNCIL:

- 1) [Note the information contained in the Service Strategy – Survey and Land Team.
- 2) Endorse the implementation of the recommendations detailed in the Service Strategy – Survey and Land Team.]

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Steve Tucker
	That the recommendation be adopted.

MOTION

299	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none">1) [Note the information contained in the Service Strategy – Survey and Land Team.2) Endorse the implementation of the recommendations detailed in the Service Strategy – Survey and Land Team.]

BACKGROUND

[The purpose of this report is to present to Council the outcomes of the sustainability review for Survey and Land Team and to seek endorsement to implement the recommendations detailed in the Survey and Land Team Service Strategy.

The Survey and Land Team provides resources to deliver survey for planning, pre-construction, construction control and cadastral surveys. The function also provides advice on survey and land matters to other sections of Council

The restructure proposed as part of this review provides for a Graduate Surveyor who could progress to the position of Registered Surveyor with Council over the next five to six years. This development could provide significant savings to Council in replacing its current Registered Surveyor with bench mark rates for this position well outside of Council's salary structure.]

FINANCIAL/RESOURCE IMPLICATIONS

[Council's Survey and Land Team function is funded from the Capital Expenditure Budget.

Process and efficiency improvements identified in the sustainability review have the capacity to reduce annual expenditure by \$58,000, however an initial outlay of \$65,000 is required to purchase new survey equipment that is needed to drive these new efficiencies. The initial outlay will be paid for out of the Capital Works Budget with the full return on investment not being realised until the 2015/2016 financial year.

Benchmarking of major processes within the function clearly indicates Council is providing these services at a highly competitive rate with many unit rates superior to the outsourced options. Process improvement will be essential in providing cost competitive services on a continuing basis.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	[Yes]	[589,274]	[Funded by Capital Works budget. This budget figure may increase significantly as Council grows its capital works program.]
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	[Yes]	[5,000]	[External income from Lake Macquarie Council. Can vary greatly dependent upon demands of both Councils.]

LEGAL, POLICY AND RISK IMPLICATIONS

[Council has no legal requirement to undertake its own survey works on Council's assets.

There are no legal or policy impediments created by adopting the recommendations.]

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
[There is a risk that Council may not be able to provide survey work at a competitive rate which may lead to increased costs for Councils capital works.]	[Medium]	[Adopt the recommendation and continue to improve efficiencies through process improvement.]	[Yes]
[There is a risk that Council loses its Registered Surveyor and the ability to provide survey and land advice within Council, which may lead to Council having to outsource these services at an increased cost.]	[Medium]	[Adopt the recommendations and develop a Registered Surveyor from within the new structure.]	[Yes]
[There is a risk that continuous improvement of survey process ceases resulting in projects not being completed to standard, and a subsequent loss of reputation.]	[High]	[Continue to provide cost competitive services in house while improving efficiencies through process improvement.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[Adopting the recommendation will not cause any significant social or economic implications.

All works completed within this function are undertaken within existing environmental controls and specifications which are tailored to minimise the environmental impact of our works.]

CONSULTATION

- 1) [Two Way Conversation with Councillors on 11 November 2014;
- 2) Executive Leadership Team;
- 3) Human Resources Manager;
- 4) Construction Project Manager;
- 5) Design Project Manager;
- 6) Civil Assets Manager;
- 7) Roads and Maritime Services Contract Manager;
- 8) Consultative Committee.]

OPTIONS

- 1) [Adopt the recommendations contained in the Sustainability Review –Survey and Land Team;
- 2) Amend the recommendations contained in the Sustainability Review – Survey and Land Team;
- 3) Reject the recommendations contained in the Sustainability Review – Survey and Land Team.]

ATTACHMENTS

- 1) [Survey and Land Team Sustainability Review Recommendations.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

- 1) [Sustainability Review – Survey and Land Team.

ATTACHMENT 1
Survey and Land Team Sustainability Review Recommendations

Options	Details	Recurrent costs/savings
Continue on, however seek to continuously improve the service	Improvements with the capture of information and production of the computer model through the re-working of the current Magnet code library, the survey procedures and further training in the use of the total station software and the Magnet software. Move surveying software to Civil 3D being the same programme used by the Design Team	
Change the way the service is delivered (ie. process or supplier improvement)	Improvement can be achieved through efficiencies of other Council staff in the delivery of initiated capital works and better lead times for projects/construction to allow more efficient programming of the Survey Team. Obtain more technologically advanced equipment and software Train staff in the use of the more technologically advanced equipment and software	

[illegible]

Options	Details	Recurrent costs/savings
Cease the service altogether	<p>Surveying: Not possible to cease as engineering detail, cadastral boundaries and construction set out surveys are always required for the PSC asset management, maintenance and improvement.</p> <p>In particular a full survey team will be required on hand for urgent construction set out in unforeseen circumstances to avoid downtime for construction crews and plant.</p> <p>Land: Not possible to cease, professional advice and cadastral surveys are always required by PSC for the continuous improvement and maintenance of assets.</p> <p>Consultancy: Not advised to cease as the exchange of staff and equipment between Council's has already proven to provide benefits through availability and the recovery of costs by fee for service.</p>	

Completed by: Greg Kable
Position: Section Manager Capital Works
Review Team involves: John Evans, Greg Kable, Various PDSA Teams
Date: 28 October 2014]

[

ITEM NO. 9

FILE NO: PSC2010-03194

AUDIT COMMITTEE ANNUAL REPORT – 2013-14

REPORT OF: TONY WICKHAM – GOVERNANCE MANAGER

GROUP: GENERAL MANAGER'S OFFICE]

RECOMMENDATION IS THAT COUNCIL:

- [1) Adopt the Audit Committee 2013-2014 Annual Report as presented.]

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

300	Councillor Ken Jordan Councillor Chris Doohan
	[It was resolved that Council adopt the Audit Committee 2013-2014 Annual Report as presented.]

BACKGROUND

[The purpose of this report is to present to Council the Audit Committee's Annual Report for the period 2013-2014.

The Audit Committee has been established in accordance with the Office of Local Government *Best Practice Guidelines 08/64*.

The Annual Report to Council summarises the Audit Committees activities for the 2013-2014 period in accordance with the Audit Committee Charter, Item 5.1 *Reporting to Council*.]

FINANCIAL/RESOURCE IMPLICATIONS

[The only financial/resource implication arising from the annual report are staff costs.]

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

LEGAL, POLICY AND RISK IMPLICATIONS

[Audit Committee activities remain consistent with the Audit Committee Charter, all relative legislative requirements and the Office of Local Government Guidelines.]

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
[There is a risk that Council is not compliant with the Audit Committee Charter and relevant legislation.]	[Low]	[Adopt the recommendation]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that the Audit Committee will continue to add significant rigour to Council's governance framework, risk control, compliance and financial reporting and will enhance Council's reputation, operations and financial sustainability.

CONSULTATION

- 1) Audit Committee;
- 2) Executive Leadership Team;
- 3) Internal Auditors;
- 4) External Auditors.

OPTIONS

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

ATTACHMENTS

- 1) Audit Committee 2013-2014 Annual Report.

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.]

ATTACHMENT 1



116 Adelaide Street, Raymond Terrace NSW 2324
PO Box 42, Raymond Terrace NSW 2324

DX 21406 | ABN 16 744 377 876



Report

Date: 30 September 2014
File No: PSC2009-02637
Subject: Audit Committee 2013-2014 Annual Report

Background:

At its meeting held on 9 February 2010, Port Stephens Council resolved to establish a Section 355c Audit Committee (Committee) in accordance with Division of Local Government *best practice guidelines* 08/64. The objective of the Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee has no executive powers and assists Council by providing independent assurance and critical review on the organisation's governance, financial, risk control and compliance frameworks.

The Committee's Charter includes a requirement to report annually to Council on the Committee's achievements. Accordingly, the Committee is pleased to present this report on its activities for the 2013/2014 financial year.

Management by Council of governance and risk activities is a crucial requirement for business success. The Audit Committee continues to guide Council in managing risk as an integral part of management practices and as a safe guard to ensuring continuity of business.

Audit Committee structure

The Committee has four voting members. Two are independent members in accordance with the Division of Local Government's *best practice guidelines*, and two Councillors represent Council on the committee. Non-voting members include the General Manager, Group Managers and the Executive Officer. Representatives from Council's internal audit provider, Lawler Partners and external audit provider, PricewaterhouseCoopers (former) and Pitcher Partners (current) also attend meetings as required.

Audit Committee members 2013/2014 is:

Mr David Wheeler (independent Chair)
Mr Ben Niland (independent member)
Councillor Ken Jordan (September 2013 to date)
Cr Peter Kafer (September 2013 to December 2013)
Cr Chris Doohan (September 2013 to December 2013)
Councillor John Morello (December 2013 to date)

ORDINARY COUNCIL – 11 NOVEMBER 2014

Committee meetings were held on the following dates:

- 1) 4 November 2013
- 2) 26 March 2014
- 3) 15 May 2014

The budget for the Audit Committee enables a minimum of four meetings (held quarterly) per year; however, the actual number held is dependent on the committee and the extent of issues awaiting review.

Attendance at the three meetings held to 30 June 2014 is as follows

David Wheeler	1	
Ben Niland		2
Councillor Doohan		1
Councillor Morello		2
Councillor Kafer		0
Councillor Jordan		3
General Manager (P Gesling)	1	
Group Manager Corporate Services		3
Group Manager Facilities and Services (or representative)		3
Group Manager Development Services (or representative)		3
Executive Officer		3
Internal Auditor representative		3
External Auditor representative		1

It should be noted that representation by the external auditor is only required twice per annum, reflecting key stages of the external audit scope. For this period the external auditor only attended once due to the change of contract.

Cost of audit activities to Council

The following provides an estimate of the cost of audit related activities to Council for 2013/2014:

Internal Audit contract fees	45,000
Internal Audits conduct outside the contract	9,235
2013/2014 External Audit fee	99,000
Audit Committee attendance fees	600
Sundry expenses (meeting costs, etc)	263
TOTAL	\$141,140

Engagement with external auditors

The Audit Committee undertakes a general oversight role of the external auditor's audit scope, approach and reliance on internal audit activity. The committee also monitors management's implementation of recommendations identified within the external auditor's management letters.

The Committee also has a role in the oversight of Council's financial statements. During the year the Committee considered Council's 2012/13 financial statements and external audit focus areas.

Risk management

A key role of the committee is to review and monitor the effectiveness of the key controls in place to manage and mitigate the risks encountered by Council. These matters include operational, strategic, financial and fraud control environments, as well as ensuring adequate insurance coverage and business continuity planning.

During 2013/2014, the committee considered the high priority risks facing the organisation and monitored risk treatment plans established by management to reduce or mitigate those risk exposures.

Current high priority risks include:

Asset:	Ability to adequately maintain assets, both physical and built environments
Compliance:	Records management compliance with State legislation
Governance:	Political decisions being made contrary to professional advice, policy or legislation
Financial:	Effective procurement processes and contract management
Technology:	Ability to meet business needs with appropriate technology infrastructure
People:	Health and safety systems ensuring a safe work environment
Governance:	Ability to continuously improve and innovate
Reputation:	Effective leadership management and use of social media
Reputation:	Cohesion of elected members

Legal matters

By nature of its legislative compliance role, Council has a history of various legal actions over time. Legal matters can have a significant impact on the financial and resource capacity of the organisation. Management considers the merits of all legal action and seeks to mediate and settle matters where appropriate. The committee has an oversight role on key litigation and compliance matters before the Council.

During 2013/2014 the committee considered the following significant legal matters:

- Lawrence Waterhouse Pty Ltd (in liquidation) – Council seeking to recover significant legal costs awarded by the Courts.
- Moresload, Gilson & Gilson – Land & Environment Court.
- Batten – Land & Environment Court – Appeal against orders issued by Council.
- Nichol – Appeal against refusal of development application, now final.
- Le Mottee Group – Appeal against refused development application, now final.

Internal audit

The Audit Committee at its first meeting of the year held on 4 November 2013, the Audit Committee endorsed the Internal Audit Program 2013-2015. This document represents the forward program for the Internal Auditor for the coming financial year, together with an estimated timing and risk rating of future audits across Council.

The Audit Committee has identified 6 auditable areas across Council for the period of the Internal Audit plan 2013-2014.

The table below lists internal audit reports examined by the Audit Committee at the three meetings held since 1 July 2013:

ORDINARY COUNCIL – 11 NOVEMBER 2014

Report	Risk Rating	Area/s of Council where applicable
Business Continuity Internal Audit report	Medium	Organisation Development
<p>Key findings:</p> <p>The overall results of the audit identified that there are a number of areas for improvement for Council in managing Business Continuity. Essentially, the work completed to date on Business Continuity has assisted Council however further training, cohesion between individual plans and whole of business testing would place Council in a better position for the further.</p> <p>An overall summary of the positive aspects of Business Continuity at Council are as follows:</p> <ol style="list-style-type: none"> 1) The Business Continuity Plan(BCP) is based on recognised standards and frameworks; 2) Backup personnel are nominated for each key BCP personnel identified; 3) There is oversight and coordination performed of the BCP process by Organisation Development staff; 4) Plan testing has been conducted and identified gaps have been implemented into the BCP; and 5) The Council has clearly defined backup procedures for IT systems. 		
Fraud Corruption & Prevention controls	Medium/Low	Financial Services
<p>Key findings:</p> <p>The overall results of the audit indicate that improvements should be made around segregation of duties and general ledger access, review of best practice procedures and payment authorisation processes, and inventory and asset management internal control environment.</p> <p>The positive aspects of the findings were that Council's fraud and corruption prevention internal control environment appears strong with a number of key documents and policies in place.</p>		
Grants Administration	Medium	Financial Services
<p>Key findings:</p> <p>The overall results of the audit were satisfactory with the audit finding that Council had improved over the past 12 months with the administration of grants. However, the audit did find that a consistent approach across Council is absent.</p>		
Section 356 Financial Assistance Grants	Medium/Low	General Manager's Office
<p>Key findings:</p> <p>The overall results of the audit identified a number of areas for improvement. The key areas were the acquittal and follow up process, management of conflict of interest, reputation management and possible efficiency gains through employment of a Grants Officer.</p>		
Privacy Management	Medium/Low	General Manager's Office
<p>Key findings:</p> <p>The overall result of the audit identified improvements in the areas of receipt of information</p>		

ORDINARY COUNCIL – 11 NOVEMBER 2014

when ratepayers are requesting information, unreasonable user access of TRIM, privacy refresher training and suitability data storage.

The positive aspects of the audit were that there are adequate physical access restrictions to the server room and Council's Privacy Management Plan is generally compliant.

Contractor & temporary personnel

High/Medium

Organisation Development

The overall result of the audit identified that Council did not have formal procedures in place surrounding temporary personnel, however a large number of internal guidelines and procedures existed. Further, it was identified that there was not one person or group responsible for the process.

Sustainability Reviews

Low

Business System Support

Key findings:

The overall results of the audit identified one area for improvement around cost savings realised through the Sustainability Reviews.

The audit also identified positive aspects with the audit which included the Sustainability review process is considered best practice.

Action plans to address the Internal Audit findings have been established by management and are maintained by the Committee.

The 2014-15 audit schedule will involve an assessment of the extreme and high priority corporate risks and completion of the activities scheduled below.

Area of activity	Timing for completion
Assessment of extreme and high priority corporate risks	June 2015
Asbestos Management	October 2014
WHS Compliance	October 2014
Working with Children	October 2014
IT Governance Review	February 2015
Contract Management	February 2015
Vehicle & Plant Maintenance	May 2015
Insurance Claims	May 2015
Stores	July 2015
Special Events	July 2015

General activities of the Audit Committee

The following represents a summary against the Audit Committee Charter of matters discussed at the Committee meetings held during 2013/2014:

ORDINARY COUNCIL – 11 NOVEMBER 2014

TASK	4/11/2013	26/3/2014	15/5/2014	27/6/2013
Receive presentations and reports from auditors				
Internal	✓	✓	✓	✓
External	✓			✓
Review implementation of internal and external audit recommendations	✓	✓	✓	✓
Review risk register actions and implementation	✓	✓	✓	✓
Review Fraud and corruption prevention plan	✓			
Review Risk management framework	✓	✓	✓	✓
Approve annual internal audit program	✓			
Determine Audit Committee meeting schedule	✓	✓	✓	
Review Audit Committee's performance		✓		
Review Audit Committee Charter	✓			
Review and approve the Audit Committee's annual report to Council	✓			
Review annual financial statements	✓			

Conclusion

The Committee looks forward to the opportunity to continue to provide input to Council's governance and audit processes over the coming year.

Recommendations:

- 1) Accept the Audit Committee 2013/2014 Annual Report as presented.

David Wheeler
CHAIR – AUDIT COMMITTEE

ITEM NO. 10

FILE NO: 1190-001

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – GOVERNANCE MANAGER

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 – Nelson Bay Girl Guides – Donation towards Building & Contents Insurance - \$500;
 - b) East Ward Funds – Cr Sally Dover – Tomaree Public School P&C – Donation towards Tomaree Twilight Carnival - \$2,000.00;
 - c) West Ward Funds – Cr Paul Le Mottee – Karuah Oyster and Timber Festival – Payment of park hire fees - \$299.00.

**ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Steve Tucker Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

301	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:- <ul style="list-style-type: none">a) Mayoral Funds – Mayor Bruce MacKenzie – Nelson Bay Girl Guides – Donation towards Building & Contents Insurance - \$500;b) East Ward Funds – Cr Sally Dover – Tomaree Public School P&C – Donation towards Tomaree Twilight Carnival - \$2,000.00;c) West Ward Funds – Cr Paul Le Mottee – Karuah Oyster and Timber Festival – Payment of park hire fees - \$299.00.

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:-

WEST WARD – Councillors Jordan, Kafer & Le Mottee

Karuah Oyster and Timber Festival	Donation toward park hire fees	\$299.00
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EAST WARD – Councillors Dover, Morello & Nell

Tomaree Public School P&C	Donation toward Tomaree Twilight Carnival	\$2,000.00
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MAYORAL FUNDS – Mayor MacKenzie

Nelson Bay Girl Guides	Donation toward insurance costs	\$500.00
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FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	2,799	West Ward Funds \$299.00; East Ward Funds \$2,000.00; Mayoral Funds \$500.00
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) Decline to fund all the requests.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil..

ITEM NO. 11

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 11 November, 2014.

No:	Report Title	Page:
1	Aquatic and Leisure Centre Contract Review	

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Steve Tucker
	That the Council be adopted.

291	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council move out Committee of the Whole.

MOTION

302	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 11 November, 2014.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

AQUATIC AND LEISURE CENTRE CONTRACT REVIEW

REPORT OF: STEVEN BERNASCONI
GROUP: FACILITIES AND SERVICES

FILE: PSC2010-03281

BACKGROUND

The purpose of this report is to inform Council of the current status of the Aquatic and Leisure Centre Contract which expires on 30 June 2015.

The YMCA is Council's current contractor for aquatic and leisure centre services. The YMCA has delivered the contract with a great deal of professionalism and commitment to the common goal of providing a high quality aquatic and leisure experience whilst keeping costs to ratepayers as low as practicable. This contract commenced 1 July 2010 and expires 30 June 2015. An option to extend the term by a further three years has been declined in favour of testing the market. The reasons for this approach are based on:

- there now being five consecutive years of good quality usage and financial data to make future decisions on service provision and;
- the potential to evolve the aquatic and leisure centre contract to include capital infrastructure investment by the contractor with commercial terms that enable greater service levels for patrons and retain or reduce the ratepayer operational subsidy.

The process underway is a two stage process. Stage 1 is an Expression of Interest whereby proponents will be invited to demonstrate their experience, capability, capacity and innovation in their vision of our aquatic and leisure services. This stage is designed to generate new thinking from those who are at the coal face of this field and to glean commercial arrangements that would provide best value to Port Stephens' ratepayers.

Stage 2 would then be either a selective tender or open tender depending on the results of the EOI.

The current schedule for this work is:

- 1) Expression of Interest period – November to December 2014
- 2) Report to Council on EOI and intention to proceed with RFT – February 2015
- 3) Request for Tender period - February 2015 to April 2015
- 4) Report to Council on Request for Tender – May 2015.
- 5) Start contract July 2015

An external consultant has been engaged to provide oversight and industry insight. Lawler Partners have been engaged as the Probity Auditor for the EOI and RFT process.

ATTACHMENTS

Nil.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217

COMMERCIAL DEVELOPMENT IN RURAL WEST

COUNCILLORS: PETER KAFER, KEN JORDAN, PAUL LE MOTTEE

THAT COUNCIL:

- 1) Review the strategic planning directions underpinning commercial development in Seaham and other areas of the rural west as part of the planned review of the Port Stephens Planning Strategy.

ORDINARY COUNCIL MEETING – 11 NOVEMBER 2014 MOTION

303	Councillor Peter Kafer Councillor Ken Jordan
	It was resolved that Council review the strategic planning directions underpinning commercial development in Seaham and other areas of the rural west as part of the planned review of the Port Stephens Planning Strategy.

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle and Sally Dover.

Those against the Motion: Nil.

BACKGROUND REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

The strategic consideration of future commercial development across the Port Stephens LGA is informed by Council's adopted Port Stephens Planning Strategy 2011 (PSPS 2011). Under the PSPS 2011 Council have adopted a strategic planning direction for commercial centres across the LGA to develop in accordance with a defined hierarchy of centres. This hierarchy is based on the functions that are performed by centres in provision of commercial services. This was informed by the Port Stephens Commercial and Industrial Lands Study completed in 2010.

The PSPS 2011 was developed to provide the strategic basis for future development across the LGA and directly inform the subsequent development of the Port Stephens Local Environmental Plan 2013, which was gazetted in early 2014. This process enabled the implementation of a range of LEP provisions for commercial centre development (land use zoning and other location specific provisions).

Under the PSPS 2011, Seaham is identified as a Smaller Village Centre reflective of the local services provided from these centres which are generally limited to small scale general store type development. Based on this classification in the commercial hierarchy the current zoning provisions for existing commercial development in Seaham is R2 Low Density Residential. Under the provisions of R2 Low Density Residential land uses such as neighbourhood shops are permissible with consent.

Council's Strategic Planning Unit are planning on undertaking a review of the PSPS 2011 commencing in 2015. The intent of this review is to generally update the underlying processes and trends informing the PSPS 2011. In order to maintain consistency with the established commercial hierarchy approach, the current and future strategic direction of the commercial centre of Seaham and other areas in the rural west can be reviewed and contained in a revised PSPS 2011 for the LGA.

There being no further business the meeting closed at 6.50pm.

I certify that pages 1 to 105 of the Open Ordinary Minutes of Council 11 November 2014 were confirmed by Council at its meeting held on 25 November 2014.

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Bruce MacKenzie
MAYOR