

DRAFT

MINUTES 10 MARCH 2015



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 10 March 2015, commencing at 5.30pm.

PRESENT:

Mayor B MacKenzie; Councillors G. Dingle; C. Doohan; S. Dover; P. Kafer; P. Le Mottee; J. Morello; J. Nell; S. Tucker; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Governance Manager.

038	Councillor Paul Le Mottee Councillor Chris Doohan
	It was resolved that the apology from Cr Ken Jordan be received and noted.

039	Councillor Steve Tucker Councillor John Morello
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 24 February 2015 be confirmed.

	Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 1. The nature of the interest is the Le Mottee Group prepared the application.

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COUNCIL REPORTS

MINUTES ORDINARY COUNCIL – 10 MARCH 2015**ITEM NO. 1****FILE NO: 16-2014-222-1**

DEVELOPMENT APPLICATION FOR A CHANGE OF USE FROM TOURIST LODGE AND MANAGERS RESIDENCE TO DETACHED DUAL OCCUPANCY DEVELOPMENT AT NO 713 NEWLINE ROAD, EAGLETON (LOT 11 DP881743)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-222-1 for change of use from Tourist Facility to Detached Dual Occupancy Development at 713 Newline Road, Eagleton (Lot 11 DP 881743) for the following reasons:
 - a. The proposed development is prohibited under Clause 4.28 of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979);
 - b. The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979);
 - 2) Council officers write to the owner/applicant encouraging them to lodge a planning proposal for consideration by NSW Planning and Environment to amend the Port Stephens LEP 2013 to enable an additional permitted use on the site (for purposes of a dual occupancy).
-

ORDINARY COUNCIL MEETING – 10 MARCH 2015**MOTION**

040	Councillor Steve Tucker Councillor John Nell
	It was resolved that Council move into Committee of the Whole.

Cr Paul Le Mottee left at 5.31pm, prior to Item 1, in Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Mayor Bruce MacKenzie Councillor Sally Dover
	That Council: 1) Refuse Development Application 16-2014-222-1 for change of use

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	<p>from Tourist Facility to Detached Dual Occupancy Development at 713 Newline Road, Eagleton (Lot 11 DP 881743) for the following reasons:</p> <ul style="list-style-type: none"> c. The proposed development is prohibited under Clause 4.28 of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979); d. The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979; <p>2) Council officers write to the owner/applicant encouraging them to lodge a planning proposal for consideration by NSW Planning and Environment to amend the Port Stephens LEP 2013 to enable an additional permitted use on the site (for purposes of a dual occupancy).</p> <p>3) Given Council has previously indicated support for this rezoning application via minute no 221 of 28 July 2009, and it was Council's understanding the proposal would be included in the comprehensive Local Environmental Plan (LEP), Council resolve that no fees are applicable for the planning proposal.</p>
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In accordance with Section 375A of the *Local Government Act 1993*, a division is required for this item.

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

MOTION

Cr Paul Le Mottee left the meeting at 6.04pm, prior to Item 1, in Open Council.

042	<p>Councillor Chris Doohan Councillor John Nell</p> <p>It was resolved that Council:</p> <ul style="list-style-type: none"> 1) Refuse Development Application 16-2014-222-1 for change of use from Tourist Facility to Detached Dual Occupancy Development at 713 Newline Road, Eagleton (Lot 11 DP 881743) for the following reasons: <ul style="list-style-type: none"> e. The proposed development is prohibited under Clause 4.28
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	<p>of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979);</p> <p>f. The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the Environmental Planning & Assessment Act 1979;</p> <p>2) Council officers write to the owner/applicant encouraging them to lodge a planning proposal for consideration by NSW Planning and Environment to amend the Port Stephens LEP 2013 to enable an additional permitted use on the site (for purposes of a dual occupancy).</p> <p>3) Given Council has previously indicated support for this rezoning application via minute no 221 of 28 July 2009, and it was Council's understanding the proposal would be included in the comprehensive Local Environmental Plan (LEP), Council resolve that no fees are applicable for the planning proposal.</p>
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In accordance with Section 375A of the *Local Government Act 1993*, a division is required for this item.

Those for the motion: Mayor Bruce MacKenzie, Crs Peter Kafer, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

BACKGROUND

The purpose of this report is to present to Council for determination development application 16-2014-222-1. The application has been called to Council by Councillor Jordan due to community interest. A copy of the call up form is included at **(ATTACHMENT 1)**.

Proposal

The application seeks to change the approved use of a tourist facility and managers residence to a detached dual occupancy under the Port Stephens Local Environmental Plan 2013 located at 713 Newline Road, Eagleton **(ATTACHMENT 2)**.

The key issue with the application relates to permissibility under the Port Stephens Local Environmental Plan 2013. Other impacts of the development are suitable and compliant with the relevant Development Control Plan (DCP) requirements. This is outlined in the Assessment **(ATTACHMENT 3)**.

Since 2006, Council staff have advised the owner/applicant on a number of occasions that the change of use is prohibited. A report to Council in 2009 resulted in the issue of a refusal. Council has previously advised via Council resolution it would support a planning proposal to change the zoning provisions to accommodate such a use.

Site History

Approval for a tourist facility, managers residence and a subdivision was granted pursuant to Clause 12(b) of the Port Stephens Local Environmental Plan 1987 (DA 1055/98) on 5 November 1998. This clause allowed for subdivision of rural land for an approved use, excluding dwellings, therefore did not include a dwelling entitlement.

The tourist facility was sought to be run as a water-ski school and associated tourist lodge. The site is burdened with an 88B instrument restriction under the *Conveyancing Act 1919* prohibiting a dwelling or duplex.

In 2006 the owners sought Council's approval to remove the restriction on the use of the land contained in the 88B instrument. The basis of the request related to changes to the way in which the water-ski school was able to operate, which the owner advised would render the business unviable.

In 2003, the Department of Land & Conservation, Waters Authority and Port Stephens Council undertook a joint investigation into stream bank erosion and the adoption of a new Boating Traffic Management Plan for the Williams River. Following this, Boating Traffic Management Plans were adopted which prohibit slow speed towing, including wakeboarding or knee boarding in the stretch of the river some distance either side of the subject site's frontage to the river. The owner advised that this impacted negatively on the business as novice skiers or wake boarders could not be trained properly without being able to access other areas on the river and requested removal of the 88B restriction.

At the time of the request, Council advised that the restriction could not be removed given a dwelling or duplex was prohibited under the Port Stephens Local Environmental Plan 2000 (as a result of the previous subdivision not being for this purpose).

In 2009, the owners lodged another development application for a change of use from tourist facility to dual occupancy and sought amendment to Clause 14 of Council's Local Environmental Plan 2000 to allow the development. The development application was also refused by Council as consent for the subdivision had been granted pursuant to Clause 12(b) of Port Stephens Local Environmental Plan 1987 on the basis that the new lot would only be for the tourist facility and development for a dual occupancy was prohibited.

Although the site is considered suitable for the proposed development from a merits perspective, the application cannot be supported given the proposal is not permissible under the Port Stephens LEP 2013. The purpose of this LEP provision is to minimise the fragmentation of agricultural land.

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Council officers have sought to assist the owner/applicant by seeking them to lodge a planning proposal requesting an amendment to the Port Stephens LEP 2013 to enable an additional permitted use on the site (for the purposes of a dual occupancy). If a planning proposal was lodged, Council officers have advised they would support making a submission to the NSW Planning & Environment for their consideration.

FINANCIAL/RESOURCE IMPLICATIONS

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is prohibited under Council's Local Environmental Plan 2013 and is therefore not consistent with the requirements of Section 79C(a) of the *Environmental Planning & Assessment Act 1979*.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination may be challenged in the Land and Environment Court.	Low	Council is confident the assessment is robust and if required is able to proceed through the legal process.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Part of Council's role is to provide services and make decisions that enhance quality of life. The proposal seeks to return a viable use to the land and there are no social and economic implications for Council by allowing for provision of housing within buildings that currently exist on the land.

The Applicant advises that the current existing use was rendered inoperable as a result of concerns over boating and stream bank erosion of the Williams River.

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Both the manager's residence and tourist lodge (originally a dwelling) exist on the site. The site is well maintained and the proposal does not have any adverse environmental impacts nor will the development have any adverse social or economic implications.

CONSULTATION

The application did not require public notification in accordance with Council's policies. The application was referred to Council's building surveyors in accordance with Council's service level agreements. Consultation with the applicant and site inspection with the owners has taken place.

OPTIONS

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

ATTACHMENTS

- 1) Councillor Call to Council Form;
- 2) Locality Plan;
- 3) Assessment;
- 4) Conditions/Reasons for refusal.

COUNCILLORS ROOM

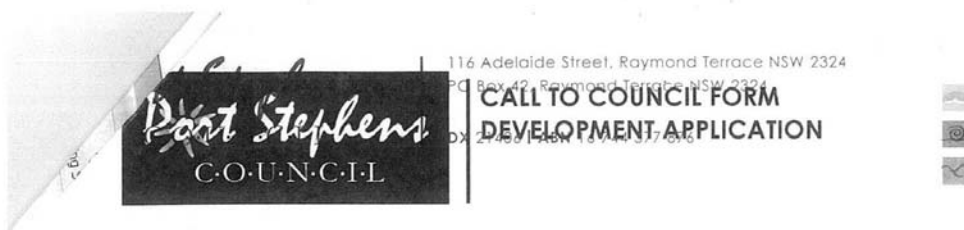
- 1) Statement of Environmental Effects;
- 2) Site Photos.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

COUNCILLOR CALL UP FORM



J. Councillor Ken Jordan

require Development Application Number.....16-2014-222-1.....

for a :change of use – tourist lodge to dual occ

at 713 Newline Road, Eagleton.....

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

Reason:

The reason for this call-up to Council is so the

applicant can do public access and the Councilors can do site visit.

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: 20/1/2012

ATTACHMENT 2
LOCALITY PLAN



ATTACHMENT 3
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 is for a change of use from the approved tourist facility and managers residence to a detached dual occupancy under Port Stephens Local Environmental Plan 2013.

THE APPLICATION

Owner	Mr. G.A & Ms N M Wright
Applicant	Le Mottee Group

THE LAND

Property Description	Lot 11 DP881743
Address	713 Newline Road, Eagleton
Area	The site has an area of 5.258ha.
Dimensions	The site has irregular dimensions, however, is generally rectangular in shape and has frontage to the Williams River.
Characteristics	Bushfire prone land, Acid Sulphate Soils (ASS) Class 5, Koala Habitat (cleared buffer/preferred), Prime Agricultural land (classes 1-3), Partially flood affected.

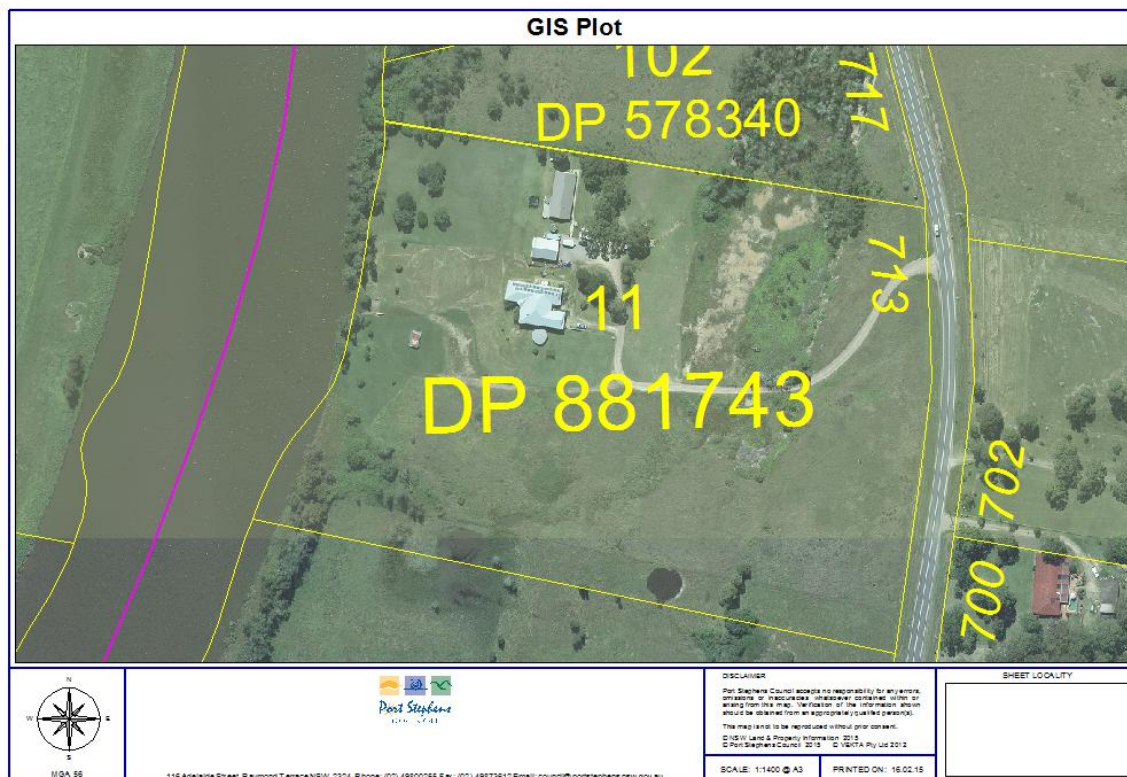


Figure 1 – Aerial Image of Development Site

THE ASSESSMENT

PLANNING PROVISIONS

<i>Environmental Planning and Assessment Act 1979</i>	s.79C Planning provisions <i>Rural Fires Act 1997 (79BA)</i>
State Environmental Planning Policies	State Environmental Planning Policy Rural Lands (2008) State Environmental Planning Policy No.44 – Koala Habitat Protection (and Port Stephens Comprehensive Koala Plan of Management)
Port Stephens Local Environmental Plan (2013)	Zone RU1 Primary Production Clause 4.2B Erection of dwelling houses on land in certain rural, residential and environmental protection zones Cl.7.1 Acid sulphate soils. Cl.7.10 – Williams River Catchment
Port Stephens Development Control Plan 2013	B2 Environment and Construction Management

B3 Parking and Traffic
B6 Single and Dual Occupancy Dwellings

Port Stephens Section 94 Plan

Section 94 contributions are not applicable as section 94 levies raised under DA 1055/98.

Statutory Acts and Regulations

Environmental Planning and Assessment (EP&A) Act 1979 **Section 79C – Planning Assessment**

An assessment under Section 79C of the EP& A Act 1979 has been undertaken throughout this report.

Rural Fires Act 1997 (Section 79B)

The proposed development is located on bushfire prone land (south east corner of the site only). The two existing building structures on site were in existence prior to the change of use to the mangers residence and tourist lodge in 1998. The change of use to a dual occupancy development is not a 'special fire protection purpose' under 100B of the *Rural Fires Act 1997* and the proposal is not integrated development under s.91 of the *EP&A Act 1979*. The site is clear of trees and is not within 100m of any significant vegetation. The site is also within 70m of the Williams River. The proposal therefore satisfies Planning for Bushfire Requirements 2006 and does not require referral to RFS, or any upgrades should Council elect to approve the dwelling.

State Environmental Planning Policies

State Environmental Planning Policy (Rural Lands) 2007

The proposal complies with the aims of this State Policy which include the facilitation of the orderly and economic use and development of rural lands for rural and related purposes. The approved use on the site is no longer viable and return of the site to a dual occupancy use will ensure the ongoing viability of land use having regard to social, economic and environmental considerations.

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 containing Preferred Koala Habitat/cleared buffer area (western and south western part of the site only). The site is mostly cleared and

contains little vegetation. The proposal does not include tree removal and the change of use to dual occupancy development will not impact upon koala habitat.

Port Stephens Local Environmental Plan (2013)

Zone RU1 Primary Production

The land is zoned RU1 Primary Production. The proposed development is not inconsistent with the objectives of the zone. Dwelling houses and Dual Occupancies are permissible forms of development under the provisions of the RU1 Zone, subject to compliance with the other provisions of the LEP.

Clause 4.2B Erection of dwelling houses on land in certain rural, residential and environment protection zones

Clause 4.2B(3) states that development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land:

- (a) Is a lot that is at least the minimum lot size shown on the Lot Size Map under Port Stephens Local Environmental Plan 2013.

The current lot size is 5.258ha and therefore does not meet the minimum lot size of 20ha required under this Clause.

Alternatively, Clause 4.2B(3) states development consent can be granted for land in the RU1 Primary Production zone if it is a lot created before the Plan commenced that has an area of at least 4,000 square metres and on which the erection of a dwelling house was permissible immediately before that commencement.

This Clause does not apply because the original approval under Clause 12(B) of Port Stephens Local Environmental Plan 1987 for a Tourist Facility, Manager's Residence and Subdivision resulted in extinguishing the dwelling entitlement relating to this land.

The applicant provided an argument that the development should be permissible as the buildings were already in existence and clause 4.2B relates to the 'erection' of dwelling houses and dual occupancies. Council officers sought legal advice in this regard (from Local Government Legal) who confirmed that the term dwelling house encompasses both the development and use of the land (see case law *Dobrohotoff v Bennic [2013]*)

Furthermore, the *Interpretations* Act 1987 provides that in interpreting a provision of an Act the interpretation that would best achieve the purpose of object (whether or not that purpose is expressly stated) is to be preferred.

In this regard, the principle objective of Clause 4.2(B)3 is to minimise unplanned rural residential development. The objective is achieved by restricting new dwelling entitlements on land to which the clause applies. The objective of Clause 4.2B would be undermined if the clause were interpreted to allow Council to grant consent to a

change of use of a building for the purpose of a dwelling/dual occupancy. In addition an interpretation of Clause 4.2B that would allow a change of use to a building so as to create a primary dwelling entitlement is contrary to the objectives of the RU1 Primary Production zone. Therefore, legal advice confirmed that Clause 4.2B should be interpreted as if it was drafted as follows:

'development consent must not be granted for the erection of, or for the purpose of a dwelling house on land...

Clause 7.1 Acid Sulphate soils

The subject site is identified as containing Acid Sulphate soils (ASS). No works are being undertaken as part of the proposal which is likely to lower the water table below. The proposal is therefore not inconsistent with the provisions of clause 7.1.

Clause 7.3 – Flood Planning

The site is partially flood prone, however, both of the buildings are located outside of the area on the site subject to flooding. In this regard, the proposed development is compatible with the flood hazard of the land and there will be no unsustainable impacts.

Clause 7.10 – Williams River Catchment

The objectives of this clause include environmental protection of the Williams River Catchment. The proposal will promote the sustainable use of the land and will have less impact than the existing approved use of the site given skiing and wakeboarding activities will no longer be undertaken within the river.

Port Stephens Development Control Plan 2013

B2 Environmental and Construction Management

The proposal does not result in adverse impacts to the environment. As detailed above, it is anticipated environmental impacts will decrease (bank erosion within the Williams River) as a result of a decrease in skiers and wakeboarders associated with the tourist facility.

B3 Parking and Traffic

The site provides for existing parking and access and is not considered to require further consideration under Port Stephens Development Control Plan 2013.

B6 Single and Dual Occupancy Dwellings

The two buildings currently exist on the site and comply with the relevant requirements for dwellings under the plan.

Section 94 Contribution Plan

Section 94 Levies were raised under DA 1055/98 at the time the land was subdivided and therefore are not applicable to the subject proposal.

Community consultation

Consultation with the applicant and site inspection with the owners has taken place.

Internal referrals

Building

The application was referred to Council's Building Surveying Team for review and it was identified that the proposal was satisfactory in regard to building matters.

Likely impacts of the development

The proposal does not present any significant adverse impacts to the environment or surrounding rural amenity.

Suitability of the site

There are no physical constraints on the site that make the land unsuitable for the proposed development. The site is well maintained, retains its rural character and amenity and is suitable for the proposed development.

Public interest

The development does not result in negative social, economic and environmental outcomes. Council has no significant issues with the proposed use of the site, however, the change of use is prohibited under Port Stephens Local Environmental Plan 2013.

**ATTACHMENT 4
REASONS FOR REFUSAL**

- 1) The proposed development is prohibited under Clause 4.2B of Port Stephens Local Environmental Plan 2013 (Section 79C(1)(a) of the *Environmental Planning & Assessment Act 1979*); and
- 2) The site does not satisfy the minimum lot size and other requirements for Dual Occupancy development on Rural Land under the Port Stephens Local Environmental Plan (LEP) 2013 (Section 79C(1)(a) of the *Environmental Planning & Assessment Act 1979*)

ITEM NO. 2

FILE NO: PSC2006-2237

PLANNING PROPOSAL - KINGSTON - MEDOWIE ROAD MEDOWIE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Amend the Planning Proposal as exhibited to include an additional local provisions clause into Part 7 of the *Port Stephens Local Environmental Plan 2013* requiring satisfactory arrangements for the decommissioning of the poultry farm operating at Lot 199 DP 17437 as follows:
"Clause 7.20 Development at Medowie Road, Medowie
 - (1) *This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 & Lots 7-9 DP 855814.*
 - (2) *Despite any other provision of this Plan, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437."*
- 2) Subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie - proceed with the Planning Proposal at **(ATTACHMENT 1)** and request the NSW Minister for Planning to amend the *Port Stephens Local Environmental Plan 2013* in accordance with the provisions of Section 59 of the *NSW Environmental Planning and Assessment Act 1979* to rezone land at Medowie Road Medowie for residential and environmental conservation purposes as follows:
 - a) Rezone Lots 1 & 2 DP 567481; Lots 7 & 8 DP 855814; part of Lot 200 DP 19739; part of Lot 199 DP 17437; and part of Lot 9 DP 855814 from RU2 Rural Landscape to R2 Low Density Residential;
 - b) Rezone part of Lot 9 DP 855814 from RU2 Rural Landscape to part E2 Environmental Conservation.

ORDINARY COUNCIL MEETING – 10 MARCH 2015

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Geoff Dingle Councillor Chris Doohan
	That the recommendation be adopted.

Cr Paul Le Mottee returned to the meeting at 5.34pm, during Item 2, in Committee of the Whole.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

In accordance with Section 375A 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, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

MOTION

Cr Paul Le Mottee returned to the meeting at 6.04pm, during Item 2, in Open Council.

043	<p>Councillor John Morello Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Amend the Planning Proposal as exhibited to include an additional local provisions clause into Part 7 of the <i>Port Stephens Local Environmental Plan 2013</i> requiring satisfactory arrangements for the decommissioning of the poultry farm operating at Lot 199 DP 17437 as follows: <i>"Clause 7.20 Development at Medowie Road, Medowie</i><ol style="list-style-type: none">(1) <i>This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 & Lots 7-9 DP 855814.</i>(2) <i>Despite any other provision of this Plan, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437."</i>2) Subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie - proceed with the Planning Proposal at (ATTACHMENT 1) and request the NSW Minister for Planning to amend the <i>Port Stephens Local Environmental Plan 2013</i> in accordance with the provisions of Section 59 of the <i>NSW Environmental Planning and Assessment Act 1979</i> to rezone land at Medowie Road Medowie for residential and environmental conservation purposes as follows:<ol style="list-style-type: none">c) Rezone Lots 1 & 2 DP 567481; Lots 7 & 8 DP 855814; part of Lot 200 DP 19739; part of Lot 199 DP 17437; and part of Lot 9 DP 855814 from RU2 Rural Landscape to R2 Low Density Residential;d) Rezone part of Lot 9 DP 855814 from RU2 Rural Landscape to part E2 Environmental Conservation.
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In accordance with Section 375A 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, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

BACKGROUND

The purpose of this Report is to consider submissions received during the public exhibition of a Planning Proposal to rezone land at Medowie Road, Medowie for residential development and environmental conservation. Further to Council's resolution of 26 February 2008 to prepare a plan to rezone the land, the Planning Proposal was placed on public exhibition with four submissions received. In consideration of submission and public agency comments received, amendments to the publicly exhibited Planning Proposal to address the specific matters raised specifically relate to Recommendation (1) for additional processes to minimise potential odour impacts from an existing poultry farm.

This Report recommends that – subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie - Council resolve to amend the Planning Proposal as exhibited and proceed with an updated Planning Proposal (**ATTACHMENT 1**) and request the NSW Minister for Planning to make the necessary amendments to the *Port Stephens Local Environmental Plan 2013* to rezone the subject land (**ATTACHMENT 2**).

Proponent:	ADW Johnson (on behalf of the landowners)
Planning Proposal:	(ATTACHMENT 1)
Subject Land:	(ATTACHMENT 2)
Submissions:	(ATTACHMENT 3)
Current Zoning:	RU2 Rural Landscape (approximately 41 hectares)
Proposed Zoning:	R2 Low Density Residential (approximately 27 hectares); E2 Environmental Conservation (approximately 2.5 hectares); RU2 Rural Landscape (approximately 11.5 hectares)
Potential Yield:	350 lots (approximate)

Implementing the Planning Proposal will be achieved by amending the *Port Stephens Local Environmental Plan 2013* as follows:

- Amending the *Port Stephens Local Environmental Plan 2013* Land Zoning Map to rezone the land from RU2 Rural Landscape Zone to part R2 Low Density Residential Zone and part E2 Environmental Conservation Zone in accordance with the Draft Land Zoning Map (**ATTACHMENT 4**);
- Amending the *Port Stephens Local Environmental Plan 2013* Lot Size Map to apply a minimum lot size of 500m² in the R2 Low Density Residential Zone and a minimum lot size of 20 hectares in the E2 Environmental Conservation Zone in accordance with the Draft Lot Size Map (**ATTACHMENT 5**);

- Amending the *Port Stephens Local Environmental Plan 2013* Height of Buildings Map to apply a maximum building height of 9m within the R2 Low Density Residential Zone in accordance with the Draft Height of Buildings Map (**ATTACHMENT 6**);
- Amending the *Port Stephens Local Environmental Plan 2013* Urban Release Area Map in accordance with the Draft Urban Release Area Map (**ATTACHMENT 7**);
- Inserting an additional local provisions clause into Part 7 of the *Port Stephens Local Environmental Plan 2013* requiring satisfactory arrangements for the decommissioning of the poultry farm on Lot 199 DP 17437 as detailed in Recommendation (1) to Council.

The proposed residential zone is located to avoid flood prone land (with very minor exception which can be managed via the Development Control Plan and Development application stage).

The majority of the proposed residential zone is located on cleared land however a total of 3 hectares of 'Supplementary Koala Habitat' on the eastern side of Medowie Road will be impacted. The Planning Proposal seeks to maintain an east-west environmental corridor by rezoning 2.5 hectares of land in the south east part of the subject site from RU2 Rural Landscape to E2 Environmental Conservation.

Proceeding with the Planning Proposal is consistent with strategic planning for the area including the Lower Hunter Regional Strategy, Port Stephens Planning Strategy and the Medowie Strategy.

The Planning Proposal was placed on public exhibition from 22 May to 26 June 2014. During the exhibition period three submissions were received from the general public and a submission was also received from the Port Stephens Comprehensive Koala Plan of Management (CKPOM) Steering Committee. Comments were also received from relevant public authorities. The key issues raised are: potential impact on the nearby macadamia farm; infrastructure and transport planning; environmental impact; and water quality.

The key issues raised in the submissions are addressed in the Consultation section of this Report and in the Submission Summary Table (**ATTACHMENT 3**).

FINANCIAL/RESOURCE IMPLICATIONS

There are no immediate financial/resource implications if Council resolves to proceed with the recommendation of this Report to rezone the land however future development will create infrastructure that will require ongoing maintenance by Council (for example local roads, footpaths and detention basins).

There are currently no additional provisions in the *Port Stephens Section 94 Development Control Plan 2007* to respond directly to urban growth under the

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Medowie Strategy. It is a recommendation of this Report to proceed with the Planning Proposal – subject to Council exhibiting and adopting a Section 94 Development Contributions Plan for traffic and transport in Medowie (which is the subject of a separate report to Council). Until such a plan is adopted future development will be subject to 'standard' contributions applied under the *Port Stephens Section 94 Development Contributions Plan 2007* and there is a risk that adequate funding for traffic and transport infrastructure in Medowie will not be available.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		\$4,000 Stage 1 Lodgement Fee (paid 14 September 2005). \$30,555 Stage 2 Exhibition Fee (paid 1 June 2011).
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979

The Planning Proposal was originally considered as a 'draft local environmental plan' under superseded provisions of the *Environmental Planning and Assessment Act 1979*. On 23 December 2010 it was converted to a 'planning proposal' and a conditional Gateway Determination issued. Plan-making functions of the Minister for Planning under Section 59 of the Act were delegated to Council for the Planning Proposal on 8 May 2013. However given the length of time the Planning Proposal has been under consideration and lack of clarity around whether all conditions for use of delegated authority have been met, it is recommended that Council does not use delegated plan making functions and requests that the Minister make the Plan.

Lower Hunter Regional Strategy

The Planning Proposal is consistent with the Lower Hunter Regional Strategy. Medowie is identified as a proposed urban area with boundaries to be defined through local planning.

Port Stephens Planning Strategy

The Planning Proposal is consistent with the Port Stephens Planning Strategy. The subject land is identified as a potential future residential area.

Medowie Strategy

The Planning Proposal is generally consistent with the residential development and environmental management land uses as identified for the Site in the Medowie Strategy. The intent of the Medowie Strategy is achieved by the Planning Proposal.

The potential development footprint has minor inconsistencies with the current Strategy including:

- Reducing the proposed permissible minimum lot size from 1,000m² to 500m² on the development area south-west of Medowie Road (Lot 200 DP 19739, 717 Medowie Road). This area is cleared of vegetation. The change will increase lot yield with minimal or no potential environmental impact;
- Reducing the proposed permissible minimum lot size from 1,000m² to 500m² on the development area south-east of Medowie Road (part of Lot 9 DP 855814, 688 Medowie Road). This area is vegetated however the change will increase potential lot yield with minimal potential additional environmental impact. The potential to retain any vegetation on lots with a minimum area of 1,000m² as per the current Strategy is unlikely (for example due to dwelling construction and protection from bushfire based on changes to legislative provisions);
- Removing an area of identified open space identified in the Strategy in the north-east part of the site (part of Lot 1 DP 567481, 730 Medowie Road). It is recommended to zone this area R2 Low Density Residential. This will help to facilitate logical subdivision design and reduce future asset maintenance for Council. There is existing adequate open space in the area to accommodate future residents.

Proceeding with the Planning Proposal is also highly likely to be consistent with the outcomes intended for the site under a revised Medowie Strategy.

Port Stephens Comprehensive Koala Plan of Management

The large majority of the site proposed for development is cleared. However a total of 3 hectares of 'Supplementary Koala Habitat' is likely to be impacted under the Planning Proposal. The main area of concern is 1.7 hectares in the south-east of the site (within Lot 9 DP 855814, 688 Medowie Road) that contributes to an east-west environmental corridor across Medowie Road. Rezoning this area does not meet Performance Criteria *b) allow for only low impact development within areas of Supplementary Koala Habitat (SKH) and habitat linking areas* of the Comprehensive Koala Plan of Management. Notwithstanding the inconsistency with the CKPOM it is recommended to proceed with the Planning Proposal principally because it is consistent with strategic planning for the area. A mitigating factor is approximately 2.5 hectares of 'Supplementary Koala Habitat' and 'Link Over Cleared Land' on part of Lot 9 DP 855814 (688 Medowie Road) is proposed to be rezoned from RU2 Rural Landscape to E2 Environmental Conservation to maintain the east-west environmental corridor identified in the Medowie Strategy in this location. Further detailed assessment of potential impact will be assessed at development application stage.

Urban Release Areas (Port Stephens Local Environmental Plan 2013)

Under Part 6 Urban Release Areas of the *Port Stephens Local Environmental Plan 2013* satisfactory arrangements will need to be made for the provision of designated State infrastructure (State infrastructure contributions); public utility infrastructure; and preparation of a site-specific development control plan, prior to consent being granted for any subsequent development application. These provisions will be addressed at development application stage.

Additional Local Provisions (Port Stephens Local Environmental Plan 2013)

A poultry farm is currently in operation on Lot 199 DP 17437 (733 Medowie Road) and has the potential to expose future residents to unacceptable risk of odour impacts. The consideration of a development application for residential development is likely to be negatively impacted by its continued operation. To manage this risk it is proposed to introduce a clause to the *Port Stephens Local Environmental Plan 2013* requiring satisfactory arrangements to be in place for decommissioning the poultry farm prior to development taking place. The proposed clause is:

"Clause 7.20 Development at Medowie Road, Medowie

- (1) This clause applies to land at Medowie Road, Medowie, being Lots 200 DP 19739, Lot 199 DP 17437, Lots 1-2 DP 567481 & Lots 7-9 DP 855814.*
- (2) Despite any other provision of this Plan, development consent must not be granted to the development on land to which this clause applies unless the consent authority is satisfied that arrangements, acceptable to the consent authority, have been made for the decommissioning of the poultry farm operating on Lot 199 DP 17437."*

The effect is to: allow rezoning of the land to proceed; provide certainty for its intended future use; and also to ensure the poultry farm ceases to operate prior to any development of the land taking place to avoid any potential odour impacts.

It should also be noted that if Lot 199 DP 17437 (688 Medowie Road) is rezoned from RU2 Rural Landscape to R2 Low Density Residential the ability of the poultry farm to expand at a future time may be limited in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Drinking Water Catchments (Port Stephens Local Environmental Plan 2013)

The subject land is located within the drinking water catchment for Grahamstown Dam and water quality is an important consideration for its development. Clause 7.8 *Drinking water catchments* of the *Port Stephens Local Environmental Plan 2013* applies and will require the consent authority to consider the impact on water quality, and to be satisfied that any impacts are appropriately managed prior to granting development consent.

Hunter Water Corporation makes the following summary comments on the Planning Proposal regarding water resources:

- Development in the Medowie Catchment is of considerable importance because urban runoff from this catchment enters Grahamstown Dam drinking water source via the Campvale Canal. Grahamstown Dam supplies approximately 40% of the region's drinking water and therefore protecting and maintaining its physical and chemical condition is essential.
- Hunter Water Corporation is currently working with Council to implement best practice stormwater management in Medowie. Effective development controls are a key mechanism by which water quality within the drinking water catchments is protected and maintained. It is therefore important that the proposed development is consistent with strategic objectives for protecting water quality.
- The development is of a scale that could have a significant adverse impact on water quality during construction and operational phases if water quality measures are not implemented.
- Requires that the development has a demonstrated *neutral or beneficial effect* on stormwater quality that flows from the site, and requests Council ensure that the development includes the design, construction and maintenance of water quality improvement devices that have a demonstrated capacity to remove all additional contaminants from stormwater runoff.
- Hunter Water Corporation have no objections to the Planning Proposal, but the developer will have to continue to liaise with the Corporation to ensure that the site is effectively serviced and best practice stormwater is implemented.

Stormwater detention basins will need to be located within the proposed R2 Low Density Residential zone. Until such time that a catchment-wide solution for Medowie is determined a site-specific solution with a drainage and flooding strategy is required (such as an on-site detention pond that would retain the additional stormwater run-off from the development for long periods to allow a slow release that will not increase flood inundation times downstream of the site – a 72 hour event needs to be considered). The Proponent has provided a preliminary concept plan showing the potential location of stormwater detention basins.

Stormwater detention and water quality issues will be further addressed in the preparation of a site-specific development control plan and development application for the subject land.

The land proposed to be rezoned R2 Low Density Residential is not identified as flood prone, with minor exception on land north-east of Medowie Road which will be addressed at development control plan and development application stage.

Port Stephens Development Control Plan 2013

A site-specific development control plan must be prepared for the subject land prior to any development consent being granted in accordance with the provisions of Clause 6.3 *Development Control Plan* of the Port Stephens Local Environmental Plan 2013. The DCP must address a range of subdivision development matters including - but not limited to - staging; transport and traffic management; landscaping; stormwater and water quality management. This provides Council with the option of

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proceeding to rezone the land and subsequently consider further detailed planning for the site to address detailed infrastructure issues.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that development will proceed prior to the adoption of a Section 94 Development Contributions Plan to respond directly to urban growth under the Medowie Strategy.	Medium	Proceed with the Planning Proposal – subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure under the Medowie Strategy.	Yes
There is a risk that odour from the poultry farm on Lot 199 DP 17437 (733 Medowie Road) will prevent residential development from being approved on the subject land.	Medium	Insert an "Additional local provisions" clause to the <i>Port Stephens Local Environmental Plan 2013</i> requiring satisfactory arrangements to be made for decommissioning the poultry farm prior to development being approved on the subject land.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Planning Proposal has positive social and economic implications. It will facilitate the provision of additional land for housing. A preliminary concept plan provided by the Proponent indicates that approximately 350 allotments could be provided subject to gaining development consent. Economic modelling estimates a direct increase in economic output of \$98 million and the corresponding creation of direct jobs is estimated at 220 jobs. Total output including all direct, industrial and consumption effects is estimated to increase by up to \$191 million.

The Planning Proposal has both positive and negative environmental implications. The proposed development footprint is primarily cleared. However it will negatively affect a total of approximately 3 hectares of 'Supplementary Koala Habitat' on the eastern side of Medowie Road (1.7 hectares in the south-east corner of the site and 1.3 hectares in the north-east corner of the site). The vegetation in these areas is likely to be substantially impacted or removed as part of any development. The potential implications have been considered, with the Planning Proposal consistent with strategic planning for the Medowie area.

A positive environmental implication includes the retention of an environmental corridor on the south-east part of the subject land. This corridor is approximately 2.5 hectares in area and comprises 'Supplementary Koala Habitat' and 'Link Over

Cleared Land' and is proposed to be rezoned from RU2 Rural Landscape to E2 Environmental Conservation. The proposed E2 Environmental Conservation zoning is consistent with the environmental corridor identified in the Medowie Strategy. The NSW Office of Environment and Heritage has no objection to the Planning Proposal however notes that the Proponent has yet to demonstrate how an 'improve or maintain' outcome will be achieved for biodiversity values across the site.

There is a need to provide traffic intersection facilities on Medowie Road as part of any future development. A detailed traffic assessment will need to be undertaken in relation to preferred intersection treatments. This matter is able to be further investigated during the preparation of a site-specific development control plan and development application for the subject land. In addition, it is recommended that the request of the Minister for Planning to amend the *Port Stephens Local Environmental Plan 2013* is subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure in Medowie to enable levying appropriate contributions for traffic, pedestrian and cycling infrastructure in Medowie. This will ensure the appropriate framework is in place for future infrastructure provision.

CONSULTATION

The Planning Proposal was placed on public exhibition from 22 May to 26 June 2014. Four submissions were received from members of the public. The key issues raised are potential impact on a nearby macadamia farm and infrastructure and transport planning. A summary is provided as **(ATTACHMENT 3)**.

Impact on Macadamia Farm

Issue: Development has the potential to encroach upon and restrict the operations of the nearby macadamia farm (which also operates an ancillary café).

Response: The potential impact of future development on the macadamia farm is mitigated by separation between these land uses by a proposed 120m wide E2 Environmental Conservation Zone. The E2 Environmental Conservation Zone will act as a buffer. Further mitigation measures can also be considered during the preparation of a site-specific development control plan for the subject land.

Infrastructure and Transport Planning

Issue: Improved infrastructure planning is required to accommodate urban growth on the subject land in Medowie.

Response: Council is continuing its review of the Medowie Strategy to ensure it is underpinned by appropriate infrastructure planning. This includes the consideration of a Section 94 Development Contributions Plan for traffic and transport infrastructure under the current Medowie Strategy and reflected in Recommendation (2) to Council.

A site-specific development control plan addressing infrastructure and transport planning for the subject land will also need to be prepared and adopted prior to development consent being granted, in accordance with the provisions of Clause 6.3 *Development Control Plan* of the *Port Stephens Local Environmental Plan 2013*.

Port Stephens Comprehensive Koala Plan of Management Steering Committee

Issue: the Steering Committee states that the koala population in Medowie is under significant pressure from development and submits the following:

- a. Requests the remainder of Lot 200 DP 19739 (717 Medowie Road) on the western side of Medowie Road be rezoned from RU2 Rural Landscape to E2 Environmental Conservation;
- b. Supports the rezoning of the southern portion of Lot 9 DP 855814 (688 Medowie Road) from RU2 Rural Landscape to E2 Environmental Conservation; and
- c. Objects to the rezoning of the northern portion of Lot 9 DP 855814 (688 Medowie Road) for residential development and recommends that this area is rezoned from RU2 Rural Landscape to E2 Environmental Conservation.

Response: The Planning Proposal is consistent with strategic planning for Medowie.

- a. Although the vegetated area on the remainder of Lot 200 DP 19739 (717 Medowie Road) is identified as Preferred Koala Habitat it has not been considered for rezoning for E2 Environmental Conservation and retains its current RU2 Rural Landscape zoning under the Planning Proposal;
- b. Noted.
- c. The northern portion of Lot 9 DP 855814 (688 Medowie Road) is identified for residential development by the Medowie Strategy.

The consistency of the Planning Proposal with the CKPOM is discussed previously in this Report and in the Planning Proposal (**ATTACHMENT 1**).

Public Authority Comments

Comment was sought from relevant public authorities on the Planning Proposal. Although matters were raised for consideration no public authority objected to the Planning Proposal proceeding. The principal authorities are Hunter Water Corporation (who raised servicing and water quality issues) and the NSW Office of Environment and Heritage (who raised issues of impact within the development zone footprint). The matters raised are able to be addressed further during the preparation of a site-specific development control plan and development application stage, enabling the Planning Proposal to proceed.

All submissions including from public authorities are addressed the Submission Summary Table (**ATTACHMENT 3**).

OPTIONS

- 1) Proceed with the Planning Proposal (**ATTACHMENT 1**) – subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure as a result of future urban growth identified in the Medowie Strategy - and forward it to the NSW Minister for Planning with a request that the necessary amendments to the *Port Stephens Local Environmental Plan 2013* are made to rezone the land;
- 2) Proceed with the Planning Proposal at (**ATTACHMENT 1**) – without being subject to the adoption of a Section 94 Development Contributions Plan for traffic and transport infrastructure as a result of future urban growth identified in the Medowie Strategy - and forward it to the NSW Minister for Planning with a request that the necessary amendments to the *Port Stephens Local Environmental Plan 2013* are made to rezone the land;
- 3) Do not proceed with the Planning Proposal at (**ATTACHMENT 1**). This is not the recommended option as it will delay the delivery of land for housing.

ATTACHMENTS – (All listed below are provided under separate cover)

- 1) Planning Proposal;
- 2) Location Map;
- 3) Submission Summary Table;
- 4) Draft Land Zoning Map;
- 5) Draft Lot Size Map;
- 6) Draft Height of Buildings Map;
- 7) Draft Urban Release Area Map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: PSC2012-02056

MEDOWIE LOCAL AREA CONTRIBUTIONS PLAN – TRAFFIC AND TRANSPORT

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the *Port Stephens Section 94 Development Contributions Plan 2007* and *Port Stephens Section 94A Development Contributions Plan*, incorporating the draft Medowie Local Area Contributions Plan – Traffic and Transport on public exhibition for a minimum period of 28 days in accordance with the provisions of Clause 26 of the *Environmental Planning and Assessment Regulation 2000*;
- 2) Following public exhibition, report the matter back to Council for its consideration of any submissions;
- 3) If no submissions are received during the public exhibition period, adopt the *Port Stephens Section 94 Development Contributions Plan 2007* and *Section 94A Development Contributions Plan*, incorporating the draft Medowie Local Area Contributions Plan – Traffic and Transport.

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COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Geoff Dingle
	That the recommendation be adopted.

AMENDMENT

	Councillor Bruce MacKenzie Councillor Paul Le Mottee
	That Council: <ol style="list-style-type: none">1) Place the <i>Port Stephens Section 94 Development Contributions Plan 2007</i> and <i>Port Stephens Section 94A Development Contributions Plan</i>, incorporating the draft Medowie Local Area Contributions Plan – Traffic and Transport on public exhibition for a minimum period of 28 days in accordance with the provisions of Clause 26 of the <i>Environmental Planning and Assessment Regulation 2000</i>;2) Following public exhibition, report the matter back to Council for its consideration.

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

In accordance with Section 375A 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, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

MOTION

044	Councillor John Morello Councillor Chris Doohan
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Place the <i>Port Stephens Section 94 Development Contributions Plan 2007</i> and <i>Port Stephens Section 94A Development Contributions Plan</i>, incorporating the draft Medowie Local Area Contributions Plan – Traffic and Transport on public exhibition for a minimum period of 28 days in accordance with the provisions of Clause 26 of the <i>Environmental Planning and Assessment Regulation 2000</i>;2) Following public exhibition, report the matter back to Council for its consideration.

In accordance with Section 375A 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, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell, John Morello and Sally Dover.

Those against the motion: Nil.

BACKGROUND

The purpose of this report is to present a draft "*Medowie Local Area Contributions Plan – Traffic and Transport*" to Council for consideration. Should Council be satisfied with the content of the draft Plan it is recommended that it be incorporated into the existing *Port Stephens Section 94 Development Contributions Plan 2007 (Amendment No 9)* and *Port Stephens Section 94A Development Contributions Plan* and placed on exhibition for public comment for a minimum of 28 days, as required by Clause 26 of the *Environmental Planning and Assessment Regulation 2000*.

Anticipated growth in Medowie will result in the need for new and/or augmented infrastructure and services. The Medowie Strategy, Council's strategic plan to facilitate this growth, is under review and this may result in identification of other

infrastructure and service needs, beyond traffic and transport matters, that should attract developer contributions. However, current development pressure means there is a need for an interim local area contributions plan for Medowie to ensure legitimate Section 94 and Section 94A revenue is collected.

Preparation and implementation of adequate development contributions plans is directly linked to the Infrastructure, Sustainable Development and Strategic Land Use Planning Delivery Program provisions of Council's *Integrated Plans 2013 – 2023*.

Medowie Strategy

The Medowie Strategy, adopted by Council in 2009, indicates a population growth of 6,520 people, requiring 3,105 new dwellings. It is under review to ensure consistency with recent strategic planning work undertaken by Council, and by the Department of Planning and Environment in preparing the draft Lower Hunter Regional Growth Plan. As noted previously in this Report, additional/revised infrastructure requirements identified in the current review of the Medowie Strategy could be accommodated in future amendments to Council's development contribution plan.

The proposed interim Medowie Local Area Contributions Plan – Traffic and Transport is based on the existing Medowie Strategy (as this is Council's current adopted policy for future development within Medowie) and a *Traffic and Transport Study for Medowie* (prepared by consultants URAP in December 2012) and complementary *Section 94 Contributions Plan for Medowie - Traffic and Transport* (also prepared by URAP in January 2015).

Existing Contributions Plans

Council's existing Port Stephens Section 94 Development Contributions Plan 2007 (Amendment No 9) and Port Stephens Section 94A Development Contributions Plan make provision for 'Local Government Area (LGA)-Wide Contributions', 'Additional Local Area Contributions' and 'Contributions in Cross Boundary Areas'. The Medowie traffic and transport contributions would be an 'Additional Local Area Contribution' (site-specific contribution), charged in addition to any 'LGA-Wide Contributions'.

Medowie Local Area Contributions

The Medowie traffic and transport development contribution provisions would be implemented by amending the *Port Stephens Section 94 Development Contributions Plan 2007 (Amendment No. 9)* and the works schedules in the *Port Stephens Section 94A Development Contributions Plan*. The proposed amendments and works required to introduce the Medowie provisions to these LGA-wide plans are summarised at **(ATTACHMENT 1)** and full copy is provided in the **(COUNCILLORS ROOM)**. The various components of the Medowie contributions provisions are:

- A new "Medowie - Traffic and Transport" chapter to be inserted in Section 4.7 "Local Area Contributions" of the Section 94 Plan;

- A new work schedule of costed infrastructure works, relating to road network infrastructure and pedestrian and cycleway infrastructure, to be inserted in Section 5 “Work Schedules” of both the Section 94 and 94A Plans;
- A new Medowie contributions area map to be inserted in Section 6 “Work Schedule Mapping” of both the Section 94 and 94A Plans.

In summary, the Medowie Local Area Contributions Plan – Traffic and Transport identifies works with a total value of \$30.4M comprising traffic management works costed at \$24.1M and pedestrian and cycleway works costed at \$6.3M. Because the proposed works will be used by existing residents (57% of planned future population of Medowie) and new residents (43% of planned future population of Medowie) new developments can only be charged a total of 43% of estimated works costs. This translates to a contribution of **\$4,210 per additional lot or dwelling**, in addition to applicable LGA-wide contributions, currently \$13,612 per additional lot or dwelling.

It is proposed that these additional Local Area Contributions only be levied on developments occurring within the study area boundary identified in the current Medowie Strategy, as this boundary was the basis for the Traffic and Transport Study that justifies an additional levy. This boundary may be expanded to include additional lands, through the current review of the Medowie Strategy. The area to which the draft Medowie Local Area Contributions Plan applies has also been expanded to include Pacific Dunes following the resolution of Council 24 April 2012 to include this site as part of the review of the Medowie Strategy.

FINANCIAL/RESOURCE IMPLICATIONS

The financial or resource implication resulting from this report is that legitimate development contributions for necessary traffic and transport works in Medowie cannot be collected by Council in the absence of a specific local area contributions plan. The cost of preparing and exhibiting a draft contributions plan can be met through the existing operational budget and development contribution funds.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	500	Managed within existing budget resources.
Reserve Funds	No		
Section 94	Yes	18,700	Consultant's costs associated with preparing, implementing and administering development contributions plans can be funded through the contributions levied.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979

Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979* allows a consent authority (Council) to impose development conditions requiring:

- (a) the dedication of land free of cost, or
- (b) the payment of a monetary contribution,

or both (Section 94); or to levy contributions based on a fixed percentage of development costs (Section 94A); if it is satisfied that the development will increase the demand for public amenities and public services within the area.

Evidence base for Contributions Plan

The evidence base for works proposed to be funded by the Medowie Local Area Contributions Plan is provided through the adopted Medowie Strategy, and the *Traffic and Transport Study for Medowie* (URAP December 2012) and complementary *Section 94 Contributions Plan for Medowie – Traffic and Transport* (URAP January 2015) (**ATTACHMENTS 2 & 3**).

There are some inconsistencies between the adopted Medowie Strategy and the *Traffic and Transport Study for Medowie*. Not all roads identified in the Medowie Strategy are required for future growth. The *Traffic and Transport Study for Medowie* establishes the appropriate nexus between required traffic infrastructure for the growth of Medowie and the proposed local area contributions plan.

Council has delayed finalising a draft local area contributions plan for Medowie pending preparation of a draft Lower Hunter Regional Growth Plan by the Department of Planning and Environment (final plan expected in 2015) and review of the Medowie Strategy by Council (currently underway).

However, renewed development pressure in the Medowie area means an interim local area contributions plan, addressing identified traffic and transport needs, should be implemented as soon as practical, and updated if necessary when State and local strategic planning work is finalised.

Work Schedules and Priorities

The report *Section 94 Contributions Plan for Medowie* (URAP January 2015) confirms the scope of traffic and transport works originally set out in the *Traffic and Transport Study for Medowie* (also prepared by URAP December 2012), and provides up-to-date costings for each item. Due to recent development activity, including the Voluntary Planning Agreement with Woolworths, and the current review of the Medowie Strategy which focuses on improvements to the town centre, it is recommended that the scope of works to be exhibited for the road network include the upgrading and extension of Peppertree Road.

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The additional Local Area Contribution of \$4,210 per additional lot or dwelling, when combined with existing LGA-wide contributions, is still below the contribution caps set by the NSW State Government (currently set at \$30,000). This means that no further approval is required from Independent Pricing and Regulatory Tribunal (IPART) should Council adopt the new contributions regime for Medowie.

It is considered that the strategies and studies underpinning the draft Medowie Local Area Contributions Plan, and the recent reviews of scope of works, costing and priorities, provide a robust basis for its implementation, and minimise the potential for successful appeal against development conditions requiring payment of Local Area Contributions in Medowie.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council will be legally unable to collect legitimate development contributions related to development proposals in the Medowie catchment.	High	Support the recommendation and place the draft Medowie Local Area Contributions Plan – Traffic and Transport on public exhibition for comment.	Yes
There is a risk that the Medowie Local Area Contributions Plan will need to be reviewed and re-exhibited when the current review of the Medowie Strategy is finalised. However, the risk associated with any confusion this may cause is less significant than the risk of being unable to collect legitimate development contributions for existing development pressure in the Medowie area.	Low	Support the recommendation and place the draft Medowie Local Area Contributions Plan – Traffic and Transport on public exhibition for comment.	Yes
There is a risk that development conditions imposed in accordance with any contributions plan adopted for the Medowie might be challenged by appeal to the NSW Land and	Low	Ensure the development contributions sought by any adopted contributions plan are based on a sound evidence base that has adequately demonstrated the nexus between development occurring in the Medowie	Yes

Environment Court.		area and increased demand for public amenities and services.	
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Medowie Local Area Contributions Plan seeks to facilitate improved social outcomes through improved access to housing, jobs and services for new and existing residents of Medowie. It does this by introducing a sustainable funding source for upgrading the road network and pedestrian and cycleway facilities to appropriate and acceptable standards.

The draft Medowie Local Area Contributions Plan seeks to facilitate improved economic outcomes by ensuring new development funds an appropriate portion of the cost of public services and facilities required to sustain growth in Medowie and the LGA generally. It does this by determining an equitable balance in funding of necessary services and facilities between existing (Council funds/rates) and new residents (development contributions) in the Medowie catchment.

The draft Medowie local Area Contributions Plan seeks to facilitate improved environmental outcomes by reducing congestion related pollution and by encouraging alternatives to use of private vehicles. It does this by ensuring road network improvements meet RMS Level of Service requirements and by providing commuting and recreational cycle ways and pedestrian paths as an alternative to motor vehicle use.

Implementation of the Local Area Contributions Plan will directly contribute to delivery of the Infrastructure, Sustainable Development and Strategic Land Use Planning Delivery Program outcomes of Council's *Integrated Plans 2013 – 2023*.

CONSULTATION

In accordance with Section 26 of the *Environmental Planning and Assessment Regulation 2000* community consultation will be undertaken by placing the draft contributions plan on public exhibition for a minimum of 28 days.

Internal consultation with the Facilities and Services Group has been undertaken to ensure agreement on work schedules, costing and priorities.

As noted throughout this Report, the Medowie Strategy is currently being reviewed in consultation with the Medowie Strategy Review Consultative Panel established by Council in 2013. The Panel have been advised of this proposed contributions plan.

OPTIONS

- 1) Adopt the Recommendations;
- 2) Amend the recommendations;
- 3) Refuse the Recommendations.

ATTACHMENTS – (All listed below are provided under separate cover)

- 1) Proposed amendment to Port Stephens Section 94 and 94A Development Contributions Plans (summary sheet);
- 2) URAP Section 94 Contributions Plan for Medowie – Traffic and Transport, January 2015 (under separate cover);
- 3) URAP Traffic and Transport Study for Medowie, December 2012 (under separate cover).

COUNCILLORS ROOM

- 1) Proposed Port Stephens Section 94 and 94A Development Contributions Plans (full copy).

TABLED DOCUMENTS

Nil.

ITEM NO. 4

FILE NO: PSC2014-01594

CULTURAL PROJECTS FUND – ROUND TWO, 2015

REPORT OF: ROSS SMART - COMMUNICATIONS SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of \$30,205 from the Cultural Projects Fund for round two in accordance with the amounts and purposes prescribed below:
 - a) \$2,000 to KU Pre School for delivery of its Cultural Inclusion and Education program;
 - b) \$3,000 to Port Stephens Choral Ensemble for delivery of its Choral Concert program;
 - c) \$3,000 to Tilligerry Arts Group (TAG) for delivery of the Tilligerry Arts and Craft Show;
 - d) \$2,200 to Musical Matinee Inc. for the 'Night in Paris' gala event and related community activity;
 - e) \$2,500 to Tilligerry Adult and Community Education for the Port Stephens Literature Awards and related events;
 - f) \$3,000 to the SeaSide Singers for their 'Singing for Peace' project;
 - g) \$3,000 to the Hunter Botanic Gardens for the 2015 Sculpture Prize and event;
 - h) \$3,000 to the Tilligerry Association for the Tilligerry Festival 2015;
 - i) \$2,960 to Riding for Disabled Raymond Terrace and Lower Hunter for its sensory garden project;
 - j) \$3,000 to Hunter Arts Exchange for its Raymond Terrace Riverside Circus project and community workshops;
 - k) \$2,545 to Port Stephens PCYC for its project 'Young Beats of the Bay'.
- 2) Allocate the balance of Cultural Projects Fund 2014-2015 (\$1,295) to the delivery of the recently endorsed Port Stephens Cultural Plan 2015 -2018.

ORDINARY COUNCIL MEETING – 10 MARCH 2015

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Chris Doohan
	That the recommendation be adopted.

MOTION

045	Councillor John Morello Councillor Chris Doohan
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the allocation of \$30,205 from the Cultural Projects Fund for round two in accordance with the amounts and purposes prescribed below:<ol style="list-style-type: none">a) \$2,000 to KU Pre School for delivery of its Cultural Inclusion and Education program;b) \$3,000 to Port Stephens Choral Ensemble for delivery of its Choral Concert program;c) \$3,000 to Tilligerry Arts Group (TAG) for delivery of the Tilligerry Arts and Craft Show;d) \$2,200 to Musical Matinee Inc. for the 'Night in Paris' gala event and related community activity;e) \$2,500 to Tilligerry Adult and Community Education for the Port Stephens Literature Awards and related events;f) \$3,000 to the SeaSide Singers for their 'Singing for Peace' project;g) \$3,000 to the Hunter Botanic Gardens for the 2015 Sculpture Prize and event;h) \$3,000 to the Tilligerry Association for the Tilligerry Festival 2015;i) \$2,960 to Riding for Disabled Raymond Terrace and Lower Hunter for its sensory garden project;j) \$3,000 to Hunter Arts Exchange for its Raymond Terrace Riverside Circus project and community workshops;k) \$2,545 to Port Stephens PCYC for its project 'Young Beats of the Bay'.2) Allocate the balance of Cultural Projects Fund 2014-2015 (\$1,295) to the delivery of the recently endorsed Port Stephens Cultural Plan 2015 -2018.

BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of round two of the Cultural Projects Fund, for projects as recommended by the Cultural Projects Fund Assessment Panel in consultation with Council's 355c Strategic Arts Committee.

The purpose of the Cultural Projects Fund is to support projects that celebrate and promote culture in Port Stephens through the delivery of programs, events and other activities that increase sense of belonging in the community.

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

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

Council delivers this through the Operational Plan 2014-2015:

7.1.1.1 Coordinate Council's Cultural Projects Fund.

Funding applications for round two of the Cultural Projects Fund 2014-2015 program opened on 1 December 2014 and closed on 7 January 2015. The total amount of funding currently available under the Cultural Projects Fund is \$31,500. Round two attracted 13 applications valued at \$38,045 as outlined in **(ATTACHMENT 1)**.

Of the applications received, four were new to the funding program while three applied for funding for a second consecutive year to build on initiatives seeded previously. Six applicants have received cultural project funding over a number of years, based on the successful delivery of ongoing cultural development activity that offers residents ongoing access to cultural events, workshops and exhibits at minimal cost to Council.

In the assessment of applications, strong consideration has been given to the capacity of projects to create opportunity for participation in cultural production. This is in line with the overall intent and strategic direction outlined in the Port Stephens Cultural Plan 2015-2018.

The Cultural Plan 2015-2018 was formally adopted on 10 February 2015 and will provide an important reference point for all cultural projects fund applications in the future.

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$31,500 is available under the Council's Cultural Projects Fund for round two 2014-2015. The projects recommended in this report total \$30,205. It is proposed that the remaining balance of \$1,295 be made available for the implementation of the Cultural Plan 2014-2015.

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	31,500	Sourced from the 2014-2015 allocation for Cultural Projects Fund.
Reserve Funds	No		

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications as a result of the proposed recommendation.

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

The issue of adequate insurance coverage was raised by the assessment panel. It was recommended that successful applicants be required to provide a copy of their insurances to be outlined in the letter of grant offer. This letter will include other matters including requirement of groups to acknowledge the support of Council's Cultural Projects Fund.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The funding directly supports significant ongoing investment by organisations and individuals into cultural activities, ones which are accessible to people from a range of social, economic and cultural backgrounds.

The proposed projects will:

- Provide high quality events, attractive to a regional audience, that encourage local participation;
- Provide arts/performance based learning opportunities for residents of all ages;
- Create employment opportunities for local artists;
- Encourage strong community partnerships and compliment the work of a number of established community organisations e.g. Riding for the Disabled;
- Provide direct service to the community, offering opportunities in a range of cultural industries including performance, sculpture, visual arts and craft.

The total value of in-kind support committed by applicants towards projects nominated for endorsement is estimated at approximately \$60,440, largely consisting of volunteer labour. A total of \$9,700 of other grant funding and sponsorship will be contributed by applicants, along with \$16,475 of their own funds. A total of \$22,961 is expected to be raised as revenue, largely through ticket sales to performances and events. The majority of this income is re-invested back into projects and the ongoing operation of organisations to ensure that access to cultural activity in Port Stephens continues to grow.

CONSULTATION

- 1) Six grant workshops delivered across the LGA between 10 – 19 November 2014;
- 2) Cultural Interagency workshop;
- 3) Port Stephens Councils 355C Strategic Arts Committee;
- 4) Cultural Projects Fund Assessment Panel;
- 5) Advertisement in Port Stephens Examiner, placement on Council's website;
- 6) One-on-one consultations with potential applicants.

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

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

CULTURAL PROJECTS FUND GRANT PROGRAM 2014/2015 – ROUND 2 : SUMMARY					
No	Applicant name and project title	Amount Request	Brief description	Recommendation of Strategic Arts Committee (SAC)	Assessment Panel decision
1	KU Pre- school; Cultural Inclusion and Education	\$3,000	To increase current cultural programs from monthly to fortnightly. Current programs focused on play based emergent education and opportunities for the children to engage in culture through experiences and opportunities accessed from the local community e.g. Indigenous arts, African culture and music. Through play and investigation, children develop skills, knowledge and self worth in a supportive engaging environment.	Part Fund \$2,000 See this as a pilot project, stage 2 of KU Cultural Program, potential for KU to pick up funding in future years	FUND as per SAC Recommendation.
2	Port Stephens Choral Ensemble Incorporated; While Away the Afternoon, a choral concert.	\$3,000	A classical concert of choruses and waltzes from opera, operetta and musical theatre from across the world, featuring piano solo and duets, a vocal soloist and the Port Stephens Choral Ensemble Inc. (PSCE) which consists of around 24 men and women, to be performed at Stanley Park, Fullerton Cove on a Saturday afternoon. A partnership with the local Tomaree High School will be established through a workshop. Two senior students will be awarded scholarships to train and perform with our ensemble throughout the year.	Fully Fund \$3,000 Will complement and enhance current performing arts program in Port Stephens. Interested in proposed scholarships and how this might be developed.	FUND as per SAC Recommendation.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

3	Tilligerry Arts Group (TAG); Tilligerry Arts, Craft and Quilting Show 2015	\$3,000	The Tilligerry Festival Arts, Craft and Quilting Show is held annually to showcase the skills of local artisans to community members and the visiting public. The Show is the major artistic event held on the peninsula and brings together a wide range of groups and individuals wishing to present their work to the public.	Fully Fund \$3,000 Recognise value of long standing event however relationship with other funded Tilligerry projects and Tilligerry festival needs to be clarified.	FUND as per SAC Recommendation. Meeting on 17th February 2015 of all relevant Tilligerry groups.
4	Musical Matinees Inc.; A Night in Paris	\$3,000	Join international jazz singing sensation Asha Lunarzewski and her band as they take you on a journey of Parisian perfection. Asha's stunning vocal prowess will make you believe you are in Paris in the early 20th century with songs made famous by superstars like Edith Piaf and The Andrews Sisters. As well as a stellar career as a solo and ensemble singer, Asha dedicates her time to educating young musicians. Students from St Pius High School will host the concert, continuing this tradition of supporting local emerging artists.	Part Fund \$2,200 Will definitely complement, and enhance current performing arts program in Port Stephens. See as a trial event with view that local participation of Port Stephens residents and schools needs to be encouraged more.	FUND as per SAC Recommendation.
5	Tilligerry Adult and Community Education Inc. (TACE); PS Literature Awards	\$2,500	The awards offer recognition for writers of our area and the people of Australia. The event is expanding this year as we are working with Writers Groups from Nelson Bay and Raymond Terrace and ABC Open, who have given us positive feedback to host a writing workshop to launch the event. We are again offering a children's section and will be working with schools in	Fully Fund \$2,500 Recognise effort to develop existing program through new partnerships. Given new direction the event needs to stand alone from the	FUND as per SAC Recommendation.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

			the area (particularly Tanilba Bay Public School) to promote writing to primary school age children. This will also include approx. 7 other locals schools who have been involved in writing and publishing poetry in 2014. There are plans to link the awards in with a greater celebration of words across Port Stephens that is being encouraged by Council.	Tilligerry Festival. Important to encourage literature as part of local arts portfolio.	
6	Hook Line and Sinker Inc.: From Screenplay to Showreel – Acting for the Camera	\$3,000	Acting for the Camera workshops for aspiring and professional actors. Training will be provided in terms of a series of contemporary filmic scene studies, with the best work being filmed so that as an outcome.	NOT Fund Previous acquittals not submitted as required by Funding Guidelines.	NOT FUND as per SAC Recommendation.
7	Sea Side Singers Inc; Singing for Peace	\$3,000	September 21st is International Peace Day. On September 20, 2015, the SeaSide Singers will bring together as many residents as they can to "sing for peace", in the belief that if peace is to be found then the quest for it has to start locally. In preparation for this day, the choir will present a bracket of peace songs at every concert presented by them in 2015 in the lead up to 20th September. The choir will also work with school, churches and other organisations to encourage them to take part in the event.	Fully Fund \$3,000 Given international nature of event there is a good opportunity to explore other sources of funding to complement Council funds and deliver on an expanded program. Proven providers of local cultural activity that is well received by community and adds real value to our cultural	FUND as per SAC Recommendation.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

				program.	
8	The Hunter Botanic Gardens; 2015 Gardens Sculpture Prize	\$3,000	The Garden's Sculpture Prize is a public art event that celebrates and supports the local artistic community. Sculptors, local and non- local, are invited to submit works in both indoor and outdoor categories. Larger works are displayed on The Eucalyptus Lawn which is a landscaped natural outdoor space used for large events and is a popular spot for visitors, particularly families. Smaller works are displayed in the HRBG Visitors Centre Gallery. The sculptures are on display for the month of May. Two other cultural activities (Mothers Day celebration and Music in the Gardens) will also be held in May, complimenting the show of works.	Fully Fund \$3,000 An established event delivered by an important community organisation that has an established cultural program offering opportunity for sculptures (one of kind in LGA). Commission on works sold offers opportunity to raise much needed funds.	FUND as per SAC Recommendation.
9	Tilligerry Association; 2015 Tilligerry Festival	\$3,000	Tilligerry Festival Community and Culture plans to bring a series of small events into a community celebration of our lifestyle, promote our heritage, art and culture and explore our cultural identity and value systems. It aims to involve the whole community; young to old, different cultural backgrounds, all art forms. Key objectives are to forge partnerships between many groups, promoting a community space and a sense of place (associated with bush and water).	Fully fund \$3,000 An important local event for the community however needs to be reviewed in conjunction with other Tilligerry Festival identified events.	FUND as per SAC Recommendation. Meeting on 17th February 2015 of all relevant Tilligerry groups to discuss future funding.
10	Tomaree Youth Community Action Inc. (TYCA); Bang	\$3,000	An open air public art event in the Nelson Bay business district, to be the forefront of large public	NOT Fund Project underdevelop	NOT FUND as per SAC Recommendation.

	Out The Bay public art event.		artworks created by local artist and 1 or 2 national artist. This will give the residents and visitors a chance to see how large scale artworks come together and also a piece of art to admire time and time again. Will bring a sense of vitality and urban feel to help stimulate the CBD experience for visitors and locals alike.	ed at this stage. No evidence of permissions from relevant organisations and site owners. Budget low. Recommend that idea be further developed with possible re submit in May round. Innovative and creative proposal but needs to be better planned.	
11	Riding for Disabled; Sensory Garden Art	\$2,960	The project involves creating new design elements and re-facing worn elements of 4 existing themed water tank rooms/areas in a sensory garden. The Garden aims by use of bright, interesting, active and colourful designs to stimulate the interest of and encourage speech and interaction of riders with disabilities to assist in improving their concentration, decision making, enjoyment and motor skills Project involves partnering with schools, RDA volunteers and teaching skills involved in creating murals.	Fully Fund \$2,960 A very worthwhile project supporting a community organisation that is greatly valued and utilised by community. Important that partnerships with community/sc hools are well developed.	FUND as per SAC Recommendation.
12	Hunter Art Exchange; Passing the Flame Project	\$3,000	40 Circus workshops by Soulfire Circus professional trainers plus 11 performances for up to 36 local youth aged 6-16 to establish an independent	Fully Fund \$3,000 A very innovative and new idea for	FUND as per SAC Recommendation.

MINUTES ORDINARY COUNCIL – 10 MARCH 2015
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			Port Stephens Circus Performing Group - in response to identified local business/tourist and community needs for a high impact community engagement activity and cultural attraction. Nine performances will be supported by 4 adult professional Soulfire Circus performers - passing knowledge and skills from the Newcastle based circus to the Raymond Terrace group. The project will culminate in an independent show by this newly established Raymond Terrace 'Riverside Circus' in October.	the area. A true 'seed project' that offers a lot of in kind support and capacity to build into a valuable community project.	
13	Port Stephens PCYC; Young Beats of the Bay Music Program	\$2,545	To create a space where Port Stephens youth will have a safe place to come, have fun and feel comfortable to learn new musical skills and expand their already existing artistic talents in a non-sport vocation. The project will commence in Term 2 of 2015, and will continue into Term 3 & Term 4 of 2015. The expansion of the Jam Room is intended to be rolled out in Term 4 seeing the further expansion of the Beats of the Bay program move into Stage 2 for 2016 & beyond.	Fully Fund \$2,545 See this as a pilot project to be delivered by an established organisation that will have capacity to sustain activities into the future.	FUND as per SAC Recommendation.
TOTALS		\$38,005		\$30,205	

ITEM NO. 5

FILE NO: PSC2015-00567

**SPONSORSHIP REQUEST: 2015 PCYC NATIONS OF ORIGIN,
RAYMOND TERRACE****REPORT OF: ROSS SMART – COMMUNICATIONS SECTION MANAGER**
GROUP: DEVELOPMENT SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve \$10,000 in Council sponsorship for the Police Citizens Youth Clubs (PCYC) to assist it in hosting the 2015 Nations of Origin Rugby League 7's event at the Lakeside Sporting Complex, Raymond Terrace;
- 2) Authorise the General Manager to execute the appropriate documents.

ORDINARY COUNCIL MEETING – 10 MARCH 2015**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Mayor Bruce MacKenzie Councillor Chris Doohan
	That the recommendation be adopted.

MOTION

046	Councillor John Morello Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none">1) Approve \$10,000 in Council sponsorship for the Police Citizens Youth Clubs (PCYC) to assist it in hosting the 2015 Nations of Origin Rugby League 7's event at the Lakeside Sporting Complex, Raymond Terrace;2) Authorise the General Manager to execute the appropriate documents.

BACKGROUND

The purpose of this report is to confirm Port Stephens Council's support for the 2015 PCYC Nations of Origin Rugby League 7's event proposed to occur at Lakeside Sports Complex, Raymond Terrace in July. Hosting major events such as the Nations

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

of Origin fulfils objective 12.1.1.4 in Council's operational plan 2014-15: "Sponsor major events that deliver economic benefit to the Port Stephens community".

Nations of Origin is a state-wide event which aims to promote the values of reconciliation, education and cultural identity within communities across New South Wales, and also to engage Aboriginal and Torres Strait Islander and non-Aboriginal members in Police Citizens Youth Clubs (PCYC) through sport and leadership. Using sport as a tool for uniting communities, the event culminates each year during NAIDOC week and in recent years has been hosted by Dubbo City Council. Nations of Origin organisers approached Port Stephens Council about hosting the event in 2015 as a direct result of its successful hosting of the NSW Aboriginal Rugby League knockout between 2012 & 2014.

The Nations of Origin concept features teams consisting of youth aged 13-16, from both Aboriginal and non-indigenous backgrounds, competing under the banner of their local Aboriginal Nation. This provides competitors and their families the opportunity to identify with their culture and foster pride in their heritage, while also fostering greater understanding of Aboriginal culture in the wider community. The event emphasises the importance of education with all competitors required to meet strict school and training attendance criteria.

The event is expected to attract 900 players to Raymond Terrace and the wider Port Stephens region over two days of competition, with the addition of family, friends and officials swelling anticipated attendance numbers to 6,500. The estimated direct economic benefit to the local government area is in excess of \$1Million with the majority of teams expected to be accommodated within Port Stephens itself, many of those at Council-run Holiday Parks.

Council's Tourism & Events team is working work closely with PCYC to ensure the event is conducted in accordance with Council requirements, whilst also maximising the opportunity for teams to be accommodated locally.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	10,000	Within existing budgets.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no direct legal, policy or risk implications associated to the adoption of the recommendation. Risks related to the hosting of the event will be addressed in the assessment and approval of the event, with Council's record of successfully hosting

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

major sporting and lifestyle events in recent years meaning these risks are expected to be minor in nature.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk to Council's reputation if sponsorship support is not forthcoming.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Economic benefits of the event will be far reaching and will inject over \$1Million into the Port Stephens economy based on commonly-used ratios supplied by Tourism Research Australia (TRA).

Social benefits of the event are significant, with cooperative relationships existing between NSW Education, NSW Police and NSW Rugby League. During the competition all participants are required to attend a career expo held in conjunction with the event, with exhibitors including the University of NSW, the University of Newcastle, Australian Defence Force Recruiting, NSW Police Recruitment, and IPROWD (Indigenous Police Recruiting Our Way, an initiative of TAFE NSW).

CONSULTATION

Internal council stakeholders including the General Manager and Councillors.

External stakeholders including Local Area Police Command and the Raymond Terrace Sports Council.

Meetings with Council's Event Advisory Group including internal and external stakeholders will be held in the lead up to the event.

OPTIONS

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

ATTACHMENTS

- 1) Draft letter of agreement.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
Draft letter of Agreement



SPONSORSHIP AGREEMENT

THIS AGREEMENT is made on January 2015

BETWEEN

PORT STEPHENS COUNCIL, ABN 16 744 377 876

of 116 Adelaide Street, Raymond Terrace

(Council)

AND

POLICE CITIZENS YOUTH CLUBS NSW LTD ABN 89 401 152 271

of 1C Mimika Avenue, Whalan

(Organiser)

RECITALS

- A. The Organiser is a non-government, not-for-profit charitable organisation who arranges for indigenous Australian and non-indigenous Australian youth to compete in the annual New South Wales Nations of Origin Tournament (**Event**).
- B. The 2015 Event will be held at Lakeside Sports Complex Raymond Terrace in July 2015.
- C. The Organiser is responsible for managing and controlling the Event.
- D. The Council has agreed to provide sponsorship (a mixture of both cash and in-kind support if deemed appropriate) in respect of the Event and the Organiser has agreed to grant Council the right to sponsor the competition upon the terms and conditions and for the consideration hereinafter expressed.
- E. In consideration of the sponsorship payment, the Organiser agrees to position Council as a Support Partner of the Event.



THE PARTIES AGREE:

1. In this Agreement the term 'sponsorship rights' shall mean:
 - a) The right of sponsorship of all matches which comprise the competition.
 - b) Sponsorship recognition in the use of Council's logo in advertising and marketing promotions as well as signage on the fields of play;
 - c) The right for the Mayor of Port Stephens or an elected representative to take part in the official opening ceremony and other official ceremonies during the event;
 - d) The right to present prizes in respect of winning teams during the course of the competition.
2. The Organiser covenants and agrees to allow the Port Stephens Visitor Information Centre (**VIC**) of 60 Victoria Parade Nelson Bay to handle accommodation bookings for the event.
3. The Organiser covenants and agrees with Council that it will extensively promote the competition through various media outlets throughout the term.
4. The Organiser will adhere to and comply with all consent conditions applied by Council and external stakeholders in respect of the Event.
5. The Council guarantees to provide sponsorship in the sum of ten thousand dollars (\$10000.00) comprised of both in-kind support and cash sponsorship in respect of the Event.
6. In return for Council sponsorship the Organiser agrees to either provide, or allow Council the opportunity to make arrangements for the display of Council signage, as follows:
 - (a) Grass signage – Council's logo is to be displayed in a prominent and visible position on all fields of play, either on the fifty (50) metre line or in another position agreed to by both parties;
 - (b) Perimeter Fencing Signage – Council's logo or other branding is to be displayed at regular intervals on the perimeter fence of all grounds used.
7. The Council will provide support and advice to the Organiser in the development of a Management Plan in respect of the Event.
8. The Council will convene regular meetings with key stakeholders to ensure the successful delivery of the Event in conjunction with the Organiser if appropriate.
9. **Acquittal**
The Organiser agrees to submit to Council a final Event Report which evaluates the outcomes and contribution of the event to the local economy, including a full Financial Report no later than eight (8) weeks after the conclusion of the event.



10. **Relationship**

Nothing expressed or implied in this Contract constitutes either party as the partner, agent, employee or officer of, or as a joint venture with, the other party, and neither party may make any contrary representation to any third person.

11. **Intellectual Property**

Each party acknowledges the other party's Intellectual Property is the Property of the owning party, and it has no right, title or interest in or to the Intellectual Property of the other party.

12. **Confidentiality**

Neither party may disclose any Confidential Information of the other party without obtaining the prior written consent of the other party.

13. **Warranty**

Both parties warrant to the other that they have full power, capacity and authority to enter into and perform their respective obligations under this Agreement.

14. **Indemnities**

(a) The Organiser agrees to indemnify and keep indemnified the Council against any liability, actions, claims, demands, damages, costs and expenses incurred or suffered by the Council in connection with or arising in any way out of the sponsorship or a breach by the Organiser of the provisions of this Agreement.

(b) Notwithstanding any other provision of this Agreement, neither party shall be liable to the other for indirect, incidental, special, consequential or punitive loss or damages howsoever.

15. **Termination**

Either party may terminate this Agreement should either party default in the performance of any obligation on its part to be performed and should such default, being capable of remedy, continue for fourteen (14) days after service upon such party of notice to remedy such default in writing.

16. **Notices**

(a) All notices to be given under this Agreement are to be in writing addressed as follows:

To the Organiser:

Mr Justin Hayes, Police Citizens Youth Clubs NSW Ltd, 1C Mimika Avenue, Whalan NSW 2270, Telephone: 02 9625 9111

To the Council:

Port Stephens Council, PO Box 42, Raymond Terrace NSW 2324, Telephone: 02 4980 0255, Facsimile: 02 4987 3612, Attn: Kim Latham.



- (b) Notices must be forwarded to the other party by prepaid post or registered mail to the addresses set out in this Agreement or otherwise as notified in writing to the other party from time to time.
- (c) All notices served under this Agreement will be considered to have been received 3 business days after posting, unless sent by facsimile in which case the notice shall be deemed to have been received on the date shown on the sender's transmission report.

17. **Severability**

If any part of this Agreement is held to be invalid or unenforceable in any way, the remaining provisions will not be affected and remain in full force for the Term

18. **Assignment**

Neither party may assign its rights or obligations under this Agreement without the prior consent of the other party.

19. **Waiver**

No waiver by either party of any provisions of this Agreement will amount to a waiver of any other provision of this Agreement unless made in writing and signed by the party against whom the waiver would have been enforced.

20. **Variation**

Any variation to this Agreement must be in writing and signed by both parties.

21. **Governing Law**

This Agreement will be governed by the laws of New South Wales, and the parties irrevocably submit to the non-exclusive jurisdiction of the courts in that State.

22. **Entire Agreement**

This Agreement constitutes the entire agreement between the parties in respect of the sponsorship and supersedes all prior agreements, representations, negotiations and correspondence.



EXECUTED as an Agreement

SIGNED for and on behalf of **PORT
STEPHENS COUNCIL** ABN 16 744 377 876
by its authorised representative in the
presence of:

Signature of witness

Signature of authorised representative

Print name of witness

Print name of authorised
representative

Print address

SIGNED for and on behalf of **POLICE
CITIZENS YOUTH CLUBS NSW LTD**
ABN 89 401 152 271 by its authorised
representative in the presence of:

Signature of witness

Signature of authorised representative

Print name of witness

Print name of authorised
representative

Print address

ITEM NO. 6

FILE NO: PSC2010-03190

REMOVAL OF BUSINESS UNITS FROM COUNCIL'S ACCOUNTING SYSTEM

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to declassify business units within Council. Specifically; Property Development, Holiday Parks, Civil Works, and Newcastle Airport;
- 2) That the declassification be effective from the 2014-2015 financial year;
- 3) Following declassification, no Special Purpose Annual Financial Reports be prepared.

ORDINARY COUNCIL MEETING – 10 MARCH 2015**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Geoff Dingle
	That Council resolve not to declassify business units within Council specifically; Property Development, Holiday Parks, Civil Works, and Newcastle Airport.

AMENDMENT

	Mayor Bruce MacKenzie Councillor Paul Le Mottee
	That Council defer Item 6 to allow for a briefing to Councillors on the matter.

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

MOTION

047	Councillor John Morello Councillor Chris Doohan
	It was resolved that Council defer Item 6 to allow for a briefing to Councillors on the matter.

BACKGROUND

In July 1997 the Department of Local Government released a publication called "Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality". The aim of this document was to assist councils on applying the principle of competitive neutrality as part of the Competition Principles Agreement.

These policy statements set out a small number of activities which are classified by the Australian Bureau of Statistics as business activities. Council was required therefore to regard these activities as businesses. These activities are:

- Water Supply;
- Sewerage Services;
- Abattoirs;
- Gas Production and Reticulation.

Council was also required to proactively look at other functions to determine whether or not it had any other activity that should be classified as a 'business'.

There are a number of issues that Council has to consider in determining whether an activity should be classified as a business.

These include but are not limited to:

- Is the activity intended to make a profit?
Clearly, if the intention is to run the activity at a profit, this suggests a clear business activity link;
- Does the Council bid for external contracts?
An activity that bids for external contracts again, is more likely to be considered a business activity than one which is entirely internally focused;
- What economic impact does the activity have?
For example, a small scale activity included as part of a larger scale function may not have a significant impact on the local or regional economy. It may also be inefficient to separate it from the larger function;
- What is the nature of the activity and how important is it to the local community?
Some activities that have a clear community service focus may be extremely difficult to consider as a business activity no matter how large the turnover.

The fact that a function satisfies one or more of the criterion above does not necessarily in and of itself mean that Council is carrying on a business. Council was also required to examine a cost benefit analysis in determining whether or not it discloses and reports on business units.

Once council had determined what activities it would treat as businesses, Council then needed to look at what category of business the activity will fall into for the purposes of competitive neutrality. The categories are based upon the annual sales turnover (annual gross operating income) of the activity:

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

- Business activities grossing over \$2M per year had to be treated as Category 1 businesses;
- Businesses under this threshold were Category 2 businesses.

The \$2M threshold has been set as a rule of thumb measure of the significance of those activities for the purpose of applying a corporatisation model and pricing requirements.

Council in determining which business units would be created was then required to prepare Special Purpose Financial Reports detailing the operations of the business unit.

In determination of the above criterion, Council determined to classify the following activities as a "Category 2 business":

- Property Development;
- Holiday Parks;
- Civil Works;
- Newcastle Airport.

FINANCIAL/RESOURCE IMPLICATIONS

The current process of reporting on the existing four (4) business units being Property Development, Holiday Parks, Civil Works and the Newcastle Airport is manual by nature, time consuming to prepare, confusing to the users of the financial statements, and when assessed on the whole adds no benefit to the users of Council's financial statements.

Whilst Council is not liable to pay taxes such as land tax and payroll tax, for the purpose of these "business unit" reports, Council must "self-assess" the impact of these taxes and deduct the amount in the financial statements. Council must also calculate a notional subsidy received by the "business" based on a notional return on Property Plant and Equipment, including any taxes but excluding any interest payments. Such calculations are contrived, and lead members of the public to think that Council is "propping up" a business, which may in effect, be making a profit.

It is also contended that the current classification of business units is no longer relevant to the operation of Council due to a number of significant organisational movements.

Property Development - No longer a standalone section of Council, now integrated within the Property Services Section with a number of Council Policies and Management Directives to determine the overall direction of the commercial property.

Holiday Parks – Contains a mixture of parks that are operated on behalf of the Crown and some that are wholly owned and operated by Council. Reporting is done on a re-organised basis with those parks operated on behalf of the Crown subject to a separate reporting regime through the Trust Managers to the Crown. Council owned

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

and operated parks can and will be separately reported on a basic profit/loss statement level and that information is to be publically available on an annual basis.

Civil Works – No separate unit of Council exists to fit with earlier definition. All capital works are included in the Community Strategic plan and are reported as required by legislation typically included with each formal quarterly budget review.

Newcastle Airport – Has been corporately restructured and now separate accounts on airport operations are available in the public arena.

By eliminating the classification of business units this will have a reduction in the time taken to complete the financial statements, a reduction in the time taken to audit the financial statements, and remove an area of great complexity from the interpretation of the result of the business units.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Cost savings would need to be analysed over a cycle of preparing and auditing statements.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's auditors may disagree with the proposed treatment.	Low	Liaise with external auditors as to the rationale behind the proposal.	Yes
There is a risk that members of the public may comment unfavourably regarding the removal of business units.	Medium	Prepare a communication plan detailing the key points. Highlight that nearly all information contained in the Special Purpose statements is contained in other areas of the financial statements.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications
Nil.

CONSULTATION

- 1) The Office of Local Government;
- 2) The Productivity Commission of Australia.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

FILE NO: PSC2005-4217

2013-2014 SPECIAL PURPOSE FINANCIAL REPORTS

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Ratify the referring of the draft 2013-2014 Special Purpose Financial Reports for audit;
 - 2) Sign the statement on the Special Purpose Financial Reports.
-

ORDINARY COUNCIL MEETING – 10 MARCH 2015**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor John Nell
	That the recommendation be adopted.

MOTION

048	Councillor John Morello Councillor Chris Doohan
	It was resolved that Council: <ol style="list-style-type: none">1) Ratify the referring of the draft 2013-2014 Special Purpose Financial Reports for audit;2) Sign the statement on the Special Purpose Financial Reports.

BACKGROUND

The purpose of this report is to advise that the draft Special Purpose Financial Reports for the period ended 30 June 2014 have been prepared and are to be submitted for external audit.

Under Section 413 of the *Local Government Act 1993*, Council is required to submit, with the Special Purpose Financial Reports, a statement by Councillors and Management as to its opinion on the reports (**ATTACHMENT 1**).

FINANCIAL/RESOURCE IMPLICATIONS

The 2013-2014 Special Purpose Financial Reports for have been prepared in compliance with the *Local Government Act 1993*, The Local Government Code of Accounting Practice and Financial Reporting, and the Australian Accounting Standards.

All revenues received for 2013-2014 have been recognised together with any revenues due but not yet received, which have been raised as debtors for the period.

All expenditure incurred for the period has been recognised.

Provision has been made for all unpaid creditors.

Funds received for specific purposes but not expended during the period have been identified as either an external or internal restriction.

All known assets of Council have been recognised and brought to account.

All known assets acquired during the period have been recognised at actual cost, or at fair value in line with the staged implementation of Fair Value Accounting for assets.

All known liabilities incurred during the period have been recognised at actual or committed cost.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		All activities are managed within existing resources.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Signing of the Statement giving Council's opinion on the financial reports will comply with Section 413 of the *Local Government Act 1993*.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that failure to sign the Financial Statements will result in	Low	Adopt the recommendations and sign the Financial Statements.	Yes

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

non-compliance with legislative requirements leading to potential reputational and financial loss.			
--	--	--	--

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Pitcher Partners – Council's External Auditor;
- 2) The Office of Local Government.

OPTIONS

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

ATTACHMENTS

- 1) Special Purpose Financial Statements – Statement by Councillors and Management.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Port Stephens

SPECIAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2014

*"A great lifestyle
in a treasured environment"*

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

Port Stephens

Special Purpose Financial Statements for the financial year ended 30 June 2014

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1. Statement by Councillors & Management	2
2. Special Purpose Financial Statements:	
Income Statement - Other Business Activities	3
Statement of Financial Position - Other Business Activities	5
3. Notes to the Special Purpose Financial Statements	7
4. Auditor's Report	11

Background

- (i) These Special Purpose Financial Statements have been prepared for the use by both Council and the Division of Local Government in fulfilling their requirements under National Competition Policy.
 - (ii) The principle of competitive neutrality is based on the concept of a "level playing field" between persons/entities competing in a market place, particularly between private and public sector competitors.

Essentially, the principle is that government businesses, whether Commonwealth, State or Local, should operate without net competitive advantages over other businesses as a result of their public ownership.
 - (iii) For Council, the principle of competitive neutrality & public reporting applies only to declared business activities.

These include (a) those activities classified by the Australian Bureau of Statistics as business activities being water supply, sewerage services, abattoirs, gas production and reticulation and (b) those activities with a turnover of over \$2 million that Council has formally declared as a Business Activity (defined as Category 1 activities).
 - (iv) In preparing these financial statements for Council's self classified Category 1 businesses and ABS defined activities, councils must (a) adopt a corporatisation model and (b) apply full cost attribution including tax equivalent regime payments & debt guarantee fees (where the business benefits from councils borrowing position by comparison with commercial rates).
-

Port Stephens

Special Purpose Financial Statements
for the financial year ended 30 June 2014

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- The Division of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines - "Best Practice Management of Water and Sewerage".

To the best of our knowledge and belief, these Financial Statements:

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render these Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on dd/mm/yy.

Bruce MacKenzie
MAYOR

COUNCILLOR

Wayne Wallis
GENERAL MANAGER

Tim Hazell
RESPONSIBLE ACCOUNTING OFFICER

Port Stephens

Income Statement of Council's Other Business Activities
for the financial year ended 30 June 2014

	Civil Works Category 1		Property Development Category 1	
\$ '000	Actual 2014	Actual 2013	Actual 2014	Actual 2013
Income from continuing operations				
Access charges	-	-	-	-
User charges	6,242	6,372	2,688	2,634
Fees	-	-	-	-
Interest	-	-	-	-
Grants and contributions provided for non capital purposes	23,618	19,059	-	-
Profit from the sale of assets	-	-	-	-
Other income	388	-	929	57
Total income from continuing operations	30,248	25,431	3,617	2,691
Expenses from continuing operations				
Employee benefits and on-costs	8,041	7,942	615	466
Borrowing costs	-	-	37	18
Materials and contracts	19,350	17,513	841	766
Depreciation and impairment	-	-	232	374
Loss on sale of assets	-	-	-	-
Calculated taxation equivalents	397	395	473	595
Debt guarantee fee (if applicable)	-	-	-	-
Other expenses	468	418	352	304
Total expenses from continuing operations	28,256	26,268	2,550	2,523
Surplus (deficit) from Continuing Operations before capital amounts	1,992	(837)	1,067	168
Grants and contributions provided for capital purposes	-	-	-	-
Surplus (deficit) from Continuing Operations after capital amounts	1,992	(837)	1,067	168
Surplus (deficit) from discontinued operations	-	-	-	-
Surplus (deficit) from ALL Operations before tax	1,992	(837)	1,067	168
less: Corporate Taxation Equivalent (30%) [based on result before capital]	(598)	-	(320)	(50)
SURPLUS (DEFICIT) AFTER TAX	1,394	(837)	747	118
plus Opening Retained Profits	(6,363)	(5,921)	39,422	38,734
plus/less: Prior Period Adjustments	-	-	-	(75)
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	397	395	473	595
- Debt guarantee fees	-	-	-	-
- Corporate taxation equivalent	598	-	320	50
add:				
- Disolution of business unit (*)	-	-	-	-
less:				
- TER dividend paid	-	-	-	-
- Dividend paid	-	-	-	-
Closing Retained Profits	(3,974)	(6,363)	40,962	39,422
Return on Capital %	n/a	n/a	7.8%	1.4%
Subsidy from Council	-	837	-	446

* Refer to Note 1 - Declared Business Activities

Port Stephens

Income Statement of Council's Other Business Activities
for the financial year ended 30 June 2014

	Holiday Parks		Newcastle Airport	
	Category 1		Category 1	
\$ '000	Actual 2014	Actual 2013	Actual 2014	Actual 2013
Income from continuing operations				
Access charges	-	-	-	-
User charges	9,867	9,601	11,155	10,848
Fees	-	-	-	-
Interest	-	-	325	356
Grants and contributions provided for non capital purposes	4	-	-	-
Profit from the sale of assets	-	52	-	-
Other income	60	118	24	96
Total income from continuing operations	9,931	9,771	11,504	11,300
Expenses from continuing operations				
Employee benefits and on-costs	3,462	3,910	2,090	1,918
Borrowing costs	170	276	323	439
Materials and contracts	3,238	3,286	-	-
Depreciation and impairment	1,386	1,757	1,561	1,504
Loss on sale of assets	-	-	2	2
Calculated taxation equivalents	308	356	-	-
Debt guarantee fee (if applicable)	-	-	-	-
Other expenses	1,004	1,042	5,335	5,062
Total expenses from continuing operations	9,568	10,627	9,311	8,925
Surplus (deficit) from Continuing Operations before capital amounts	363	(856)	2,193	2,375
Grants and contributions provided for capital purposes	-	-	-	-
Surplus (deficit) from Continuing Operations after capital amounts	363	(856)	2,193	2,375
Surplus (deficit) from discontinued operations	-	-	-	-
Surplus (deficit) from ALL Operations before tax	363	(856)	2,193	2,375
less: Corporate Taxation Equivalent (30%) [based on result before capital]	(109)	-	(658)	(713)
SURPLUS (DEFICIT) AFTER TAX	254	(856)	1,535	1,663
plus Opening Retained Profits	139	639	24,355	21,980
plus/less: Prior Period Adjustments	-	-	-	-
plus Adjustments for amounts unpaid:				
- Taxation equivalent payments	308	356	-	-
- Debt guarantee fees	-	-	-	-
- Corporate taxation equivalent	109	-	658	713
add:				
- Subsidy Paid/Contribution To Operations	-	-	-	-
less:				
- TER dividend paid	-	-	-	-
- Dividend paid	-	-	(593)	-
Closing Retained Profits	810	139	25,955	24,355
Return on Capital %	1.9%	-2.1%	10.5%	11.8%
Subsidy from Council	474	1,646	-	-

Port Stephens

Statement of Financial Position - Council's Other Business Activities
as at 30 June 2014

	Civil Works		Property Development	
	Category 1		Category 1	
\$ '000	Actual 2014	Actual 2013	Actual 2014	Actual 2013
ASSETS				
Current Assets				
Cash and cash equivalents	-	-	-	-
Investments	-	-	3,709	-
Receivables	2,291	1,619	315	260
Inventories	-	-	1,827	291
Other	-	-	-	-
Non-current assets classified as held for sale	-	-	-	-
Total Current Assets	2,291	1,619	5,851	551
Non-Current Assets				
Investments	-	-	-	-
Receivables	-	-	-	653
Inventories	-	-	16,193	17,338
Infrastructure, property, plant and equipment	-	-	14,220	13,162
Investments accounted for using equity method	-	-	-	-
Investment property	-	-	19,911	18,910
Other	-	-	-	-
Total Non-Current Assets	-	-	50,324	50,063
TOTAL ASSETS	2,291	1,619	56,175	50,614
LIABILITIES				
Current Liabilities				
Bank Overdraft	-	-	-	-
Payables	2,123	1,597	155	100
Interest bearing liabilities	-	-	402	-
Provisions	2,692	3,500	73	72
Total Current Liabilities	4,815	5,097	630	172
Non-Current Liabilities				
Payables	1,305	2,713	-	-
Interest bearing liabilities	-	-	3,565	-
Provisions	145	173	2	4
Other Liabilities	-	-	-	-
Total Non-Current Liabilities	1,450	2,886	3,567	4
TOTAL LIABILITIES	6,265	7,983	4,197	176
NET ASSETS	(3,974)	(6,364)	51,978	50,438
EQUITY				
Retained earnings	(3,974)	(6,364)	40,962	39,442
Revaluation reserves	-	-	11,016	11,016
Council equity interest	(3,974)	(6,364)	51,978	50,458
Non-controlling equity interest	-	-	-	-
TOTAL EQUITY	(3,974)	(6,364)	51,978	50,458

Port Stephens

Statement of Financial Position - Council's Other Business Activities
as at 30 June 2014

	Holiday Parks		Newcastle Airport	
	Category 1		Category 1	
\$ '000	Actual 2014	Actual 2013	Actual 2014	Actual 2013
ASSETS				
Current Assets				
Cash and cash equivalents	43	19	9,766	8,595
Investments	4,183	6,464	-	-
Receivables	-	-	1,321	1,726
Inventories	-	-	-	-
Other	-	-	70	80
Non-current assets classified as held for sale	-	-	-	-
Total Current Assets	4,226	6,483	11,157	10,401
Non-Current Assets				
Investments	-	-	-	-
Receivables	-	-	-	-
Inventories	-	-	-	-
Infrastructure, property, plant and equipment	28,299	28,267	23,920	23,822
Investments accounted for using equity method	-	-	-	-
Investment property	-	-	-	-
Other	-	-	11	15
Total Non-Current Assets	28,299	28,267	23,931	23,837
TOTAL ASSETS	32,525	34,750	35,088	34,238
LIABILITIES				
Current Liabilities				
Bank Overdraft	-	-	-	-
Payables	746	630	2,234	3,436
Interest bearing liabilities	657	1,680	230	1,627
Provisions	932	1,010	273	204
Total Current Liabilities	2,335	3,320	2,737	5,267
Non-Current Liabilities				
Payables	17,371	18,620	-	-
Interest bearing liabilities	1,022	1,679	6,318	4,557
Provisions	46	51	78	59
Other Liabilities	-	-	-	-
Total Non-Current Liabilities	18,439	20,350	6,396	4,616
TOTAL LIABILITIES	20,774	23,670	9,133	9,883
NET ASSETS	11,751	11,080	25,955	24,355
EQUITY				
Retained earnings	810	139	25,955	24,355
Revaluation reserves	10,941	10,941	-	-
Council equity interest	11,751	11,080	25,955	24,355
Non-controlling equity interest	-	-	-	-
TOTAL EQUITY	11,751	11,080	25,955	24,355

Port Stephens

Special Purpose Financial Statements
for the financial year ended 30 June 2014

Contents of the Notes accompanying the Financial Statements

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1	Summary of Significant Accounting Policies	8

Port Stephens

Notes to the Special Purpose Financial Statements for the financial year ended 30 June 2014

Note 1. Significant Accounting Policies

These financial statements are a Special Purpose Financial Statements (SPFS) prepared for use by Council and the Office of Local Government.

For the purposes of these statements, the Council is not a reporting not-for-profit entity.

The figures presented in these special purpose financial statements, unless otherwise stated, have been prepared in accordance with:

- the recognition and measurement criteria of relevant Australian Accounting Standards,
- other authoritative pronouncements of the Australian Accounting Standards Board (AASB) &
- Australian Accounting Interpretations.

The disclosures in these special purpose financial statements have been prepared in accordance with:

- the Local Government Act and Regulation, and
- the Local Government Code of Accounting Practice and Financial Reporting.

The statements are also prepared on an accruals basis, based on historic costs and do not take into account changing money values nor current values of non-current assets (except where specifically stated).

Certain taxes and other costs (appropriately described) have been imputed for the purposes of the National Competition Policy.

National Competition Policy

Council has adopted the principle of 'competitive neutrality' to its business activities as part of the national competition policy which is being applied throughout Australia at all levels of government.

The framework for its application is set out in the June 1996 Government Policy statement on the "Application of National Competition Policy to Local Government".

The "Pricing & Costing for Council Businesses A Guide to Competitive Neutrality" issued by the Office of Local Government in July 1997 has also been adopted.

The pricing & costing guidelines outline the process for identifying and allocating costs to activities and provide a standard of disclosure requirements. These disclosures are reflected in Council's pricing and/or financial reporting systems and include taxation equivalents; council subsidies; return on investments (rate of return); and dividends paid.

Declared Business Activities

In accordance with *Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality*, Council has declared that the following are to be considered as business activities:

Category 1

(where gross operating turnover is over \$2 million)

a. Civil Works

To construct and maintain the community's roads and drainage infrastructure network

b. Property Development

The acquisition and development of property for resale and investment

c. Holiday Parks

Provision of tourist accommodation and associated services

d. Newcastle Airport

Provision of regional airport facilities

Category 2

(where gross operating turnover is less than \$2 million)

Nil

Monetary Amounts

Amounts shown in the financial statements are in Australian currency and rounded to the nearest one thousand dollars.

(i) Taxation Equivalent Charges

Council is liable to pay various taxes and financial duties in undertaking its business activities. Where this is the case, they are disclosed in these

Port Stephens

Notes to the Special Purpose Financial Statements for the financial year ended 30 June 2014

Note 1. Significant Accounting Policies

statements as a cost of operations just like all other costs.

However, where Council is exempt from paying taxes which are generally paid by private sector businesses (such as income tax), equivalent tax payments have been applied to all Council nominated business activities and are reflected in these financial statements.

For the purposes of disclosing comparative information relevant to the private sector equivalent, the following taxation equivalents have been applied to all council nominated business activities (this does not include council's non-business activities):

Notional Rate Applied %

Corporate Income Tax Rate – 30%

Land Tax – The first \$412,000 of combined land values attracts 0%. From \$412,001 to \$2,519,000 the rate is 1.6% + \$100. For the remaining combined land value that exceeds \$2,519,000, a premium marginal rate of 2.0% applies.

Payroll Tax – 5.45% on the value of taxable salaries and wages in excess of \$750,000.

Income Tax

An income tax equivalent has been applied on the profits of each reported Business Activity.

Whilst income tax is not a specific cost for the purpose of pricing a good or service, it needs to be taken into account of in terms of assessing the rate of return required on capital invested.

Accordingly, the return on capital invested is set at a pre-tax level (gain/(loss) from ordinary activities before capital amounts) as would be applied by a private sector competitor – that is, it should include a provision equivalent to the corporate income tax rate, currently 30%.

Income Tax is only applied where a positive gain/(loss) from ordinary activities before capital amounts has been achieved.

Since this taxation equivalent is notional - that is, it is payable to the "Council" as the owner of business operations, it represents an internal payment and has no effect on the operations of the council.

Accordingly, there is no need for disclosure of internal charges in Council's General Purpose Financial Statements.

The rate applied of 30% is the equivalent company tax rate prevalent as at balance date. No adjustments have been made for variations that have occurred during the year.

Local Government Rates & Charges

A calculation of the equivalent rates and charges payable on all Category 1 businesses has been applied to all land assets owned or exclusively used by the Business Activity.

Loan & Debt Guarantee Fees

The debt guarantee fee is designed to ensure that council business activities face "true" commercial borrowing costs in line with private sector competitors.

In order to calculate a debt guarantee fee, council has determined what the differential borrowing rate would have been between the commercial rate and the council's borrowing rate for its business activities.

(ii) Subsidies

Government policy requires that subsidies provided to customers and the funding of those subsidies must be explicitly disclosed.

Subsidies occur where council provides services on a less than cost recovery basis. This option is exercised on a range of services in order for council to meet its community service obligations.

Accordingly, Subsidies disclosed (in relation to National Competition Policy) represents the difference between revenue generated from 'rate of return' pricing and revenue generated from prices set by the council in any given financial year.

The overall effect of subsidies is contained within the Income Statement of each reported Business Activity.

Port Stephens

Notes to the Special Purpose Financial Statements for the financial year ended 30 June 2014

Note 1. Significant Accounting Policies

(iii) Return on Investments (Rate of Return)

The Policy statement requires that councils with Category 1 businesses "would be expected to generate a return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field".

Such funds are subsequently available for meeting commitments or financing future investment strategies.

The Rate of Return on Capital is calculated as follows:

$$\frac{\text{Operating Result before Capital Income} + \text{Interest Expense}}{\text{Written Down Value of I, PP\&E as at 30 June}}$$

Written Down Value of I, PP&E as at 30 June

As a minimum, business activities should generate a return equal to the Commonwealth 10 year bond rate which is 3.56% at 30/6/14.

The actual rate of return achieved by each Business Activity is disclosed at the foot of each respective Income Statement.

(iv) Dividends

Council is not required to pay dividends to either itself (as owner of a range of businesses) or to any external entities.

ITEM NO. 8

FILE NO: PSC2013-00710

CORPORATE CATERING SUSTAINABILITY REVIEW**REPORT OF: CARMEL FOSTER – CORPORATE SERVICES GROUP MANAGER****GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Sustainability Review – Corporate Catering Service Strategy Review presented as **(TABLED DOCUMENT 1)** and endorse the findings and actions of the review.
-

ORDINARY COUNCIL MEETING – 10 MARCH 2015**COMMITTEE OF THE WHOLE RECOMMENDATION**

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

MOTION

049	Councillor John Morello Councillor Chris Doohan
	It was resolved that Council note the information contained in the Sustainability Review – Corporate Catering Service Strategy Review presented as (TABLED DOCUMENT 1) and endorse the findings and actions of the review.

BACKGROUND

The purpose of this report is to present to Council the outcomes of the Sustainability Review for the Corporate Catering functions incorporating the reallocation of Corporate Catering from the General Manager's Office to the Property Services Section and seek endorsement of the recommendations contained in the Service Strategy.

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

The sustainability review comprises three key stages:

Stage 1 – reviewing what is currently delivered (service drivers);

Stage 2 – reviewing what should be delivered (service levels);

Stage 3 – reviewing how services should be best delivered (service delivery method).

Corporate Catering

Corporate Catering functions within Council exist to provide catering to Council and other meetings such as Reserve Trust, other high level meetings and Civic functions and ceremonies.

In addition, Corporate Catering undertakes other functions such as the servicing and replenishing of the tea stations throughout the Administration Building and the provision of other catering activities such as staff farewells and milestone occasions.

Historically, these functions have reported to the General Manager's Office, however the review of these operations has determined that this structure does not reflect the best organisational solution. The review recommends the relocation of the Corporate Catering function to the Property Services Section centralising the Administration Building service functions of cleaning, maintenance, facilities operations and corporate catering all in one team.

Benchmarking Data

In undertaking the review the Corporate Catering functions were benchmarked against external providers and the findings indicate that Council receives a greater level of value for the services currently provided.

FINANCIAL/RESOURCE IMPLICATIONS

The net cost for an additional position in the building administration team will be circa \$17,000. The efficiencies gained by existing staff not having to constantly induct and train labour hire staff will enable existing staff to complete other tasks during the working week.

There is no requirement to increase the Property Services budget. Structural review will result in savings overall as discussed and outlined in **(TABLED DOCUMENT 1)**.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	17,000	Resources used to conduct the Sustainability review and structure review are covered within the existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with Clause 15.1 of the Community Strategic Plan Council is required to ensure that services and assets delivered to the community are sustainable over the longer term.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that costs may not be contained should services to the Administration Building not be centralised providing a one team approach.	Medium	Accept the findings and actions arising from the review.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Centralising the operations of all Administration Building services functions in the Property Services section in accordance with the structural changes proposed will ensure sustainability of these functions into the future.

CONSULTATION

- 1) Councillors;
- 2) Executive Leadership Team;
- 3) Section Managers.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Corporate Catering Service Strategy Review.

ITEM NO. 9

FILE NO: A2004-0135

PRIVACY MANAGEMENT PLAN - REVIEW

REPORT OF: TONY WICKHAM – GOVERNANCE MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Privacy Management Plan dated 28 February 2006 (Min No. 432) shown at **(ATTACHMENT 1)**;
 - 2) Revoke the Health Records & Information Privacy Management Plan dated 31 January 2006 (Min No. 400) shown at **(ATTACHMENT 2)**;
 - 3) Endorse the revised Privacy Management Plan shown at **(ATTACHMENT 3)**;
 - 4) Note the Privacy Code of Practice for Local Government **(ATTACHMENT 4)**.
-

ORDINARY COUNCIL MEETING – 10 MARCH 2015**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor John Nell Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

050	Councillor John Morello Councillor Chris Doohan
	<p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Revoke the Privacy Management Plan dated 28 February 2006 (Min No. 432) shown at (ATTACHMENT 1);2) Revoke the Health Records & Information Privacy Management Plan dated 31 January 2006 (Min No. 400) shown at (ATTACHMENT 2);3) Endorse the revised Privacy Management Plan shown at (ATTACHMENT 3);4) Note the Privacy Code of Practice for Local Government (ATTACHMENT 4).

BACKGROUND

The purpose of this report is to seek adoption of the revised Privacy Management Plan (PMP).

The PMP is a requirement of the *Privacy and Personal Information Act 1998* and is based on the Model Privacy Management Plan for Local Government provided by the Office of Local Government.

In addition to the Privacy Management Plan, Council also has a Health Records and Information Privacy Management Plan (HRIPMP). The HRIPMP relates to the *Health Records and Information Act 2002* (HRIPA). The HRIPMP has now been incorporated into the Privacy Management Plan and therefore Council can now revoke the HRIPMP.

Whilst it is sometime since the last review there are limited changes to the PMP. The changes are:

- Incorporates the HRIPA.
- Replaces section 12 of the Local Government Act with the *Government Information (Public Access) Act 2009* provisions.
- Removes references to the Electoral Rolls.
- Removes references to the Freedom of Information legislation.

FINANCIAL/RESOURCE IMPLICATIONS

The implementation of the PMP will be undertaken within existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to adopt a Privacy Management Plan under the *Privacy and Personal Information Act 1998*.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the <i>Privacy</i>	Low	Adopt the recommendation	Yes

MINUTES ORDINARY COUNCIL – 10 MARCH 2015

<i>and Personal Information Act 1998</i> if the Privacy Management Plan is not adopted.			
There is a risk that Council could face legal action without the Privacy Management Plan in place.	Low	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Office of Local Government.

OPTIONS

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

ATTACHMENTS – (All listed below are provided under separate cover)

- 1) Current Privacy Management Plan;
- 2) Revised Privacy Management Plan – draft;
- 3) Health Records and Information Privacy Management Plan;
- 4) Privacy Code of Practice for Local Government.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

041	Councillor Chris Doohan Councillor Paul Le Mottee
	It was resolved that Council move out Committee of the Whole.

There being no further business the meeting closed at 6.05pm.