

DRAFT

MINUTES – 27 OCTOBER 2015



PORT STEPHENS

C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 27 October 2015, commencing at 5.52pm.

PRESENT:

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

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| 300 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that there were no apologies received. |
| 301 | Councillor Paul Le Mottee Councillor Steve Tucker |

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| MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015 |
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| | It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 22 September 2015 be confirmed. |
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| | Declaration of Interests from Cr Paul Le Mottee was received and noted for Items 2, 7 and 8 and Notice of Motion 3. Cr Le Mottee declared a pecuniary conflict of interest in item 2, 7 and 8. A less than significant non-pecuniary conflict of interest was declared for Notice of Motion item 3. The nature of the being the Le Mottee Group have undertaken survey work on the site. |
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MAYORAL MINUTES

MAYORAL MINUTE**ITEM NO. 1****FILE NO: PSC2015-01000/999
TRIM REF NO: PSC2014-03240****FIT FOR THE FUTURE**

THAT COUNCIL:

- 1) Congratulate the General Manager, Management and staff of Port Stephens Council for their excellent work and dedication to duty which has ensured that Port Stephens Council has the scale, capacity and financial resources to remain an independent entity and has been deemed by the Independent Pricing and Regulatory Tribunal as being 'Fit for the Future'.
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**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

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| 302 | Mayor Bruce MacKenzie It was resolved that Council congratulate the General Manager, Management and staff of Port Stephens Council for their excellent work and dedication to duty which has ensured that Port Stephens Council has the scale, capacity and financial resources to remain an independent entity and has been deemed by the Independent Pricing and Regulatory Tribunal as being 'Fit for the Future'. |
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BACKGROUND

The purpose of this report is to congratulate the General Manager, Management and staff of Port Stephens Council for their excellent work and dedication to duty undertaken to ensure that Port Stephens Council has the scale, capacity and financial resources to remain an independent entity and deemed as 'Fit for the Future' through the findings of the Independent Pricing and Regulatory Tribunal (IPART).

The recent IPART findings confirm the independent analysis on the operations of Port Stephens Council previously undertaken by NSW Treasury and the Independent Local Government Review Panel. Port Stephens Council has been assessed as meeting the criteria considered in the assessment, resulting in our being 'fit' to continue on as is, into the future.

Port Stephens Council is committed to working for its community each and every day. It is an Award winning, financially responsible organisation, with the lowest residential property rates in the Lower Hunter.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

Council is committed to, and has a proven track record of delivering on its community strategic plan undertakings and this is reflected in the high community satisfaction survey results. Council is committed to working with and for its community to make Port Stephens better for all residents, ratepayers, businesses and visitors.

Importantly, the IPART 'Fit for the Future' findings give assurance to the people of Port Stephens that their Council is not only sustainable now and into the future, but is indeed operating in a way that delivers good value for money services.

This assessment is a huge endorsement of the approach Council has taken to its operations, based on a sustainability model that continually re-evaluates the way we deliver services to the community.

Appreciation is expressed to the team that worked on the 'Fit for the Future' submission – Wayne Wallis, Fran Flavel, Tim Hazell, John Maretich, Glen Peterkin, and Penny Amberg, in particular for the time, effort and detail that went into this submission.

MAYORAL MINUTE**ITEM NO. 2****FILE NO: PSC2015-00378/122
TRIM REF NO: PSC2015-01024****M1 TO RAYMOND TERRACE PACIFIC MOTORWAY EXTENSION PROJECT**

THAT COUNCIL:

- 1) As part of its submission on the concept design of the M1 to Raymond Terrace Pacific Motorway Extension project advocate for the integration of rail infrastructure to provide connection to the Port Stephens Local Government Area, in particular access through to Newcastle Airport.
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**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

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| 303 | Mayor Bruce MacKenzie Councillor Steve Tucker It was resolved that as part of its submission on the concept design of the M1 to Raymond Terrace Pacific Motorway Extension project advocate for the integration of rail infrastructure to provide connection to the Port Stephens Local Government Area, in particular access through to Newcastle Airport. |
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BACKGROUND

The purpose of this Mayoral Minute is for Council to advocate to the NSW Roads and Maritime Services (RMS) to consider the incorporation of rail infrastructure as part of the concept design of the M1 to Raymond Terrace Pacific Motorway Extension project. The intention of this would be to explore and enable the future development of rail linkages to the Port Stephens Local Government Area, in particular access through to Newcastle Airport.

The RMS has released concept designs of the M1 to Raymond Terrace Pacific Motorway Extension project for public comment until 6 November 2015. Council officers are currently preparing a submission on the concept design of the project. Should this recommendation be supported, Councils' submission would include this detail for RMS to consider as part of the project.

MOTIONS TO CLOSE

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 1

FILE NO: PSC2015-01000/942

TRIM REF NO: PSC2012-4965

MOTION TO CLOSE

REPORT OF: WAYNE WALLIS - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (b) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Hardship relief - interest application**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - discussion in relation to the personal hardship of a resident or ratepayer.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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ORDINARY COUNCIL MEETING - 27 OCTOBER 2015

MOTION

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| 304 | <p>Councillor Chris Doohan Councillor Paul Le Mottee</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (b) of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 0 on the Ordinary agenda namely Hardship relief - interest application.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• discussion in relation to the personal hardship of a resident or ratepayer.3) That the report remain confidential and the minute be released in accordance with Council's resolution. |
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**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

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| 305 | Mayor Bruce MacKenzie Councillor Chris Doohan It was resolved that Council bring Notice of Motion items 2 and 3 to be dealt with prior to Item 1 of Council reports. |
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COUNCIL REPORTS

NOTICE OF MOTION

ITEM NO. 2

FILE NO: PSC2015-01000/935

TRIM REF NO: PSC2015-01021

SALT ASH SPORTS GROUND (BRUCE MACKENZIE COMPLEX)

MAYOR: BRUCE MACKENZIE

COUNCILLOR: CHRIS DOOHAN
KEN JORDAN
STEVE TUCKER
PAUL LE MOTTEE

THAT COUNCIL:

- 1) Prepare and lodge a DA for the construction of a BMX track at Salt Ash Oval (Bruce MacKenzie Complex).
- 2) Provide an estimate for completion of works.
- 3) Prepare a risk management plan for the BMX facility that;
 - i) Identifies any risks;
 - ii) Provides an assessment of such risks using Council's adopted risk management framework and;
 - iii) Proposes treatments to manage such risks.
- 4) Funds the proposed work via repealed S94 funds as per resolution (Min.212) of Council Meeting 12 August 2014 and resolution (Min. 295) of 11 November 2014.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

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| 306 | <p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Resolve to build a BMX Track at Salt Ash Sports Ground.2) Prepare a Review of Environmental Factors (REF) for the construction of a BMX Track at Salt Ash.3) Prepare a risk management plan for the BMX facility that;<ol style="list-style-type: none">i) Identifies any risks;ii) Provides an assessment of such risks using Council's adopted risk management framework and;iii) Proposes treatments to manage such risks.4) Funds the proposed work via repealed S94 funds as per resolution |
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MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

(Min.212) of Council Meeting 12 August 2014 and resolution (Min. 295) of 11 November 2014.

The motion was carried.

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 AMENDMENT

Councillor Geoff Dingle left the meeting at 06:56pm, during Notice of Motion Item 2.
Councillor Geoff Dingle returned to the meeting at 06:58pm, during Notice of Motion Item 2.

Councillor Peter Kafer left the meeting at 07:04pm, during Notice of Motion Item 2.
Councillor Peter Kafer returned to the meeting at 07:06pm, following the voting on the amendment.

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| 307 | <p>Councillor John Nell Councillor Geoff Dingle That Council:</p> <ol style="list-style-type: none">1) Resolve to build a BMX Track at Salt Ash Sports Ground.2) Prepare a report for Council on:<ol style="list-style-type: none">a) The Review of Environmental Factors (REF) for the construction of a BMX Track at Salt Ash.b) A risk management plan for the BMX facility that;<ol style="list-style-type: none">i) Identifies any risks;ii) Provides an assessment of such risks using Council's adopted risk management framework and;iii) Proposes treatments to manage such risks.c) Funds the proposed work via repealed S94 funds as per resolution (Min.212) of Council Meeting 12 August 2014 and resolution (Min. 295) of 11 November 2014. |
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The amendment on being put was lost.

BACKGROUND REPORT OF: JASON LINNANE – GROUP MANAGER FACILITIES AND SERVICES

BACKGROUND

The proposed BMX facility would be consistent with the zoning of the land.

Staff are aware that there is no resolution of support for the proposed BMX track from the Salt Ash Sportsground Committee.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

Council staff are of the opinion that with proper design, risk assessment and implementation of controls the risks associated with such a facility would be within acceptable parameters.

Council staff will liaise with its insurer on the design of the proposed facility to ensure risks are managed appropriately.

The proposed works have been considered by Council at its meeting 12 August 2014 (Min. 212) and were subsequently placed on public exhibition. A further report was provided to Council at its meeting on 11 November 2014 and inter alia Council resolved (Min. 295) to include the works in the Asset Management Plan as approved works.

NOTICE OF MOTION

ITEM NO. 3

FILE NO: PSC2015-01000/940

TRIM REF NO: PSC2015-03200

**NAMING OF STREET CONNECTING PEPPERTREE AND MEDOWIE ROAD TO
MUIR STREET**

COUNCILLOR: CHRIS DOOHAN

THAT COUNCIL:

- 1) Endorse the naming of the new street connecting Peppertree Road and Medowie Road, Medowie to "Muir Street".
 - 2) Apply to the Geographical Names Board for approval to name the street "Muir Street" in accordance with the Geographical Names Board's policies and procedures, including Gazettal of the new street.
 - 3) Subject to the approval of the Geographical Names Board, the General Manager arrange for the installation of the new street sign.
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**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

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| 308 | <p>Councillor Chris Doohan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the naming of the new street connecting Peppertree Road and Medowie Road, Medowie to "Muir Street".2) Apply to the Geographical Names Board for approval to name the street "Muir Street" in accordance with the Geographical Names Board's policies and procedures, including Gazettal of the new street.3) Subject to the approval of the Geographical Names Board, the General Manager arrange for the installation of the new street sign. |
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**BACKGROUND REPORT OF: CARMEL FOSTER – GROUP MANAGER
CORPORATE SERVICES**

BACKGROUND

As part of Council development of Lot 240 DP1027965, also known as 795 Medowie Road Medowie, Medowie a new road has been created off Peppertree Road. The name proposed is "Muir Street" and the Geographical Names Board (GNB) has advised Council that it would support this name.

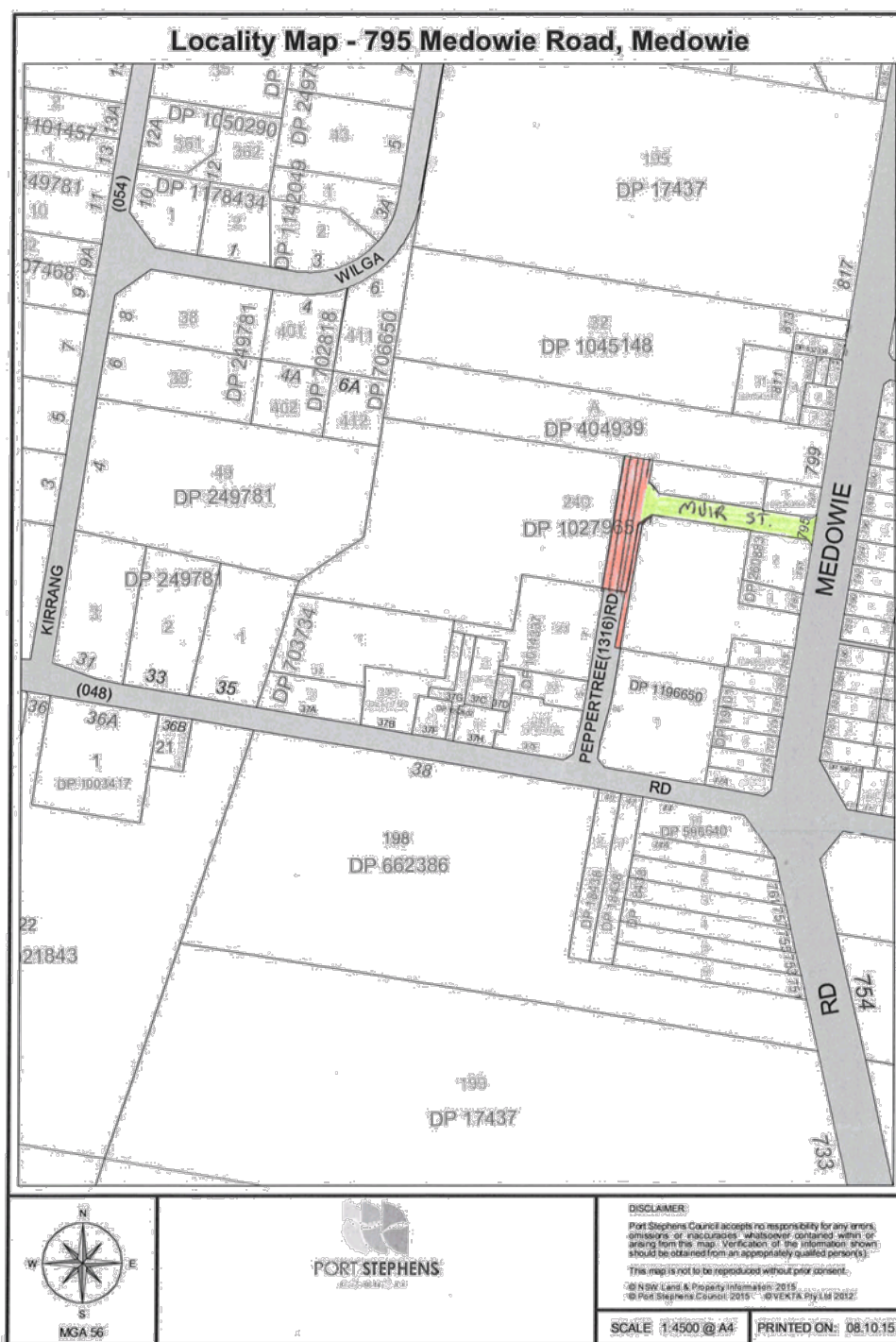
The late Mr Ken Muir was a Medowie icon for many years being a war veteran and local business owner, as well as a former Port Stephens councillor. Ken founded many and varied clubs and associations in Medowie and was admired for his work with youth and veterans of the area. Mr Muir was a compassionate and generous man and it would be appropriate to have the name of this street titled "Muir Street" in his honour.

To finalise the naming of the new road, Council is required to make application to the GNB via Land & Property Information (LPI) online application process. This will generate the proposed name and, once approval is given by GNB, the name will be officially named in the NSW Government Gazette as part of GNB policy and procedures.

See **(ATTACHMENT 1)** for a locality map.

ATTACHMENTS

- 1) Location Map.



MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 1

FILE NO: PSC2015-01000/664

TRIM REF NO: PSC2006-1515

PLANNING PROPOSAL - 8 WAROPARA ROAD MEDOWIE (LOT 10 DP 1051742)

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Subject to adoption of a development contributions plan for traffic and transport infrastructure in Medowie – Adopt the planning proposal (**ATTACHMENT 1**) to amend minimum lot size provisions from 10,000m² to 1,000m² applying to part of 8 Waropara Road Medowie (Lot 10 DP 1051742).
 - 2) Request the NSW Minister for Planning make the necessary amendments to the Port Stephens Local Environmental Plan 2013 under Section 59 of the *Environmental Planning and Assessment Act 1979* (NSW).
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ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 MOTION

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| 309 | Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council move into Committee of the Whole. |
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COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Paul Le Mottee left the meeting at 07:08pm.

Councillor Paul Le Mottee returned to the meeting at 07:09pm.

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| | Councillor Ken Jordan Councillor Steve Tucker That the recommendation be adopted. |
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Cr Geoff Dingle.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

Councillor Paul Le Mottee left the meeting at 07:34pm following the block vote of item 1 to 18, excluding 2, 7 and 8.

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| 310 | <p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Subject to adoption of a development contributions plan for traffic and transport infrastructure in Medowie – Adopt the planning proposal (ATTACHMENT 1) to amend minimum lot size provisions from 10,000m² to 1,000m² applying to part of 8 Waropara Road Medowie (Lot 10 DP 1051742).2) Request the NSW Minister for Planning make the necessary amendments to the Port Stephens Local Environmental Plan 2013 under Section 59 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW). |
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Cr Geoff Dingle.

BACKGROUND

The purpose of this report is to consider submissions received during public exhibition of a planning proposal (**ATTACHMENT 1**) to amend minimum lot size provisions under the Port Stephens Local Environmental Plan 2013 (LEP 2013) from 10,000m² to 1,000m² applying to part of 8 Waropara Road Medowie (Lot 10 DP 1051742).

The objective of the planning proposal is to permit, with development consent, subdivision on part of the subject land for smaller lot sizes than is currently permissible. This report recommends that – subject to the adoption of a development contributions plan for traffic and transport infrastructure in Medowie – Council resolve to proceed with the planning proposal and request that the Minister for Planning make the necessary amendments to LEP 2013 for its implementation.

Proponent: Carman Surveyors (on behalf of the landowner)
Planning Proposal: (**ATTACHMENT 1**)

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| Subject Land: | Part of Lot 10 DP 1051742 (ATTACHMENT 2) |
| Submission Summary Table: | (ATTACHMENT 3) |
| Current Zoning: | R5 Large Lot Residential (proposed to remain unchanged) |
| Current Minimum Lot Size: | 10,000m ² |
| Proposed Minimum Lot Size: | 1,000m ² (for approximately 2.3 hectares of the site fronting Waropara Road) |
| Potential Yield: | 15 to 20 allotments (estimate) |

The planning proposal was placed on public exhibition from 11 September 2014 to 2 October 2014. One (1) public submission was received objecting to the proposed increase in development density, one (1) submission was also received from the Worimi Local Aboriginal Land Council (WLALC). The key issue raised is the future change to the semi-rural character and amenity of the area.

In addition to the above submissions, a number of submissions have been received from public authorities. Key issues raised by public authorities (including the Office of Environment and Heritage, Hunter Water Corporation, Department of Defence, Roads and Maritime Services and Rural Fire Service) relate to environmental issues, water quality, and aircraft noise.

Council has been working with the Proponent to address these issues after the public exhibition and is now comfortable that these issues have been resolved as outlined in Consultation section of this report and detailed in the planning proposal at (**ATTACHMENT 1**).

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|--|--------------------------------------|
| Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations. | Provide strategic planning services. |

FINANCIAL/RESOURCE IMPLICATIONS

There are no immediate financial/resource implications should Council resolve to proceed with the recommendation of this report.

If the planning proposal proceeds, Stage 3 Gazettal rezoning fees (\$7,673) will apply in accordance with Council's Fees and Charges Schedule 2015-2016.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|-----------------|--------|--------------|---------|
| Existing budget | No | | |
| Reserve Funds | No | | |
| Section 94 | No | | |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

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| External Grants | No | | |
| Other | Yes | 12,149 | Stage 1 & 2 rezoning fees already received. |

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979 (NSW)

The planning proposal was originally considered as a 'draft local environmental plan' under superseded provisions of the *Environmental Planning and Assessment Act 1979* (the Act). It has since been converted to a 'planning proposal' and a conditional Gateway Determination has been issued. Plan-making functions under Section 59 of the Act were delegated to Council for the planning proposal, however are not being exercised in this instance due to public authority concern about aircraft noise (Department of Defence) and environmental issues (Office of Environment and Heritage). These issues are discussed further under Consultation.

Lower Hunter Regional Strategy

The planning proposal is consistent with the Lower Hunter Regional Strategy which identifies Medowie 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 which identifies the subject land as a potential future residential area.

Medowie Strategy

The planning proposal is consistent with the Medowie Strategy which identifies the subject land for residential use.

Port Stephens Comprehensive Koala Plan of Management

The proposed change to minimum lot size provisions will have potential to impact approximately two (2) hectares of land identified as 'Preferred Link Over Marginal Habitat' in the Port Stephens Koala Plan of Management (CKPOM). The planning proposal does not meet Performance Criteria B) allow for only low impact development within areas of Supplementary Koala habitat and Habitat Linking Areas and Performance Criteria D) not result in development which would sever koala movement across the site of the CKPOM.

The Proponent seeks to address these concerns by implementing on-site management measures including establishing a habitat management zone and undertaking habitat rehabilitation, with particular reference to an area of Preferred Koala Habitat and associated buffer area in the lower-lying eastern part of the site. These measures are illustrated in the Proponent's Concept Layout and Site

Revegetation Plan (**ATTACHMENT 4**). The outcome of the planning proposal is considered satisfactory, principally because the eastern part of the site will afford some ongoing protection for higher value koala habitat – subject to the Proponent being required to implement the proposed management measures at the development control plan (DCP) and development application stages.

Port Stephens Local Environmental Plan 2013

The provisions of Part 6 Urban release areas of LEP 2013 will apply to the subject land. These provisions require satisfactory arrangements to be made for the provision of designated State infrastructure contributions (SIC); public utility infrastructure; and preparation of a site-specific DCP prior to approval for the development of the land.

Port Stephens Development Control Plan 2014

In addition to general DCP 2014 provisions, a site-specific DCP will be required for the subject land. It must address a range of detailed subdivision development matters including: staging transport and traffic management; landscaping; stormwater and water quality management. This provides Council with the ability to proceed with the planning proposal while undertaking further detailed site planning following the proposed amendment to LEP 2013.

Port Stephens Development Contributions Plan 2007

There are currently no provisions in the Port Stephens Section 94 Development Contributions Plan 2007 (Section 94 Plan) to respond directly to urban growth under the Medowie Strategy (which identifies the need to create a Section 94 contributions plan for the area).

Separate to the planning proposal, Council placed on exhibition a draft amendment to the Section 94 Plan to include local area contributions for traffic and transport infrastructure in Medowie, which will be the subject of a separate report to Council in 2015. Until that amendment is adopted, future development will be subject to 'standard' contributions under the Section 94 Plan and there is a risk that adequate funding for traffic and transport infrastructure in Medowie will not be available.

It is a recommendation of this Report to proceed with the planning proposal – subject to the amendment of the Section 94 Plan to include local area contributions for traffic and transport infrastructure in Medowie. It is planned that the local area contributions for traffic and transport infrastructure in Medowie will be reported to Council for adoption at its meeting on 24 November 2015.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|--|-----------------------------------|
| There is a risk that development is approved prior to the preparation of a Section 94 Plan that responds directly to growth under the Medowie Strategy resulting in a lack of adequate funding for necessary traffic and transport infrastructure. | Medium | Resolve to proceed with the planning proposal –subject to a development contributions plan being in place for traffic and transport infrastructure in Medowie. | Yes |
| There is a risk that development is not consistent with the CKPOM. | Low | Implement environmental management measures at the DCP and development application stages. | Yes |
| The site may be periodically overflowed by RAAF aircraft even though it is outside of ANEF contours. | Low | Proceed with the planning proposal. No noise attenuation is required under planning policy and the site is identified for development in planning strategies. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal will have positive social and economic benefits by providing approximately fifteen to twenty allotments on the subject land for residential development (subject to obtaining development consent).

The planning proposal has manageable environmental impacts, provided that habitat management measures are implemented at subsequent stage of the development process. These include:

- Establishment of a habitat management zone and habitat management buffer 100m wide in the east and protected by a restriction/covenant;
- Rehabilitation of koala habitat in the east;
- Establishment of a restriction/covenant protecting vegetation in the rear of proposed western lots and planting of koala preferred species along boundaries to allow for fauna movement; and
- Planting of koala food trees as street trees.

The proponent has satisfied concerns regarding the implied loss of koala habitat. The planning proposal indicates adequate commitment to protect habitat and maintain

fauna connectivity. This will need to be investigated and confirmed at subsequent stages of the development process.

The subject land is located within a drinking water catchment. The proponent acknowledges that additional work is required at subsequent stages of the development process to demonstrate neutral or beneficial effect on water quality. This will be formally assessed through the provisions of DCP 2014 as it relates to development within drinking water catchments.

CONSULTATION

The planning proposal was placed on public exhibition from 11 September 2014 to 2 October 2014. One (1) public submission was received and one (1) submission was received from the Worimi Local Aboriginal Land Council (WLALC). Key public authorities consulted were the NSW Office of Environment and Heritage (OEH), Hunter Water Corporation (HWC) and Department of Defence (DoD).

Public Submission

One (1) public submission was received objecting to the proposed increase in development density. The key issue raised is the future change to the semi-rural character and amenity of the area. Other issues include: drainage; the condition and safety of roads; footpath construction associated with the nearby school; and lighting and noise impacts from the school on nearby residences.

The matters raised in the public submission are acknowledged. The planning proposal will increase permitted development density and contribute to a change in character of the area from rural-residential to residential. However this change is consistent with strategic planning for the area, which identifies the subject land for the delivery of land for housing. Development of the subject land will be required to address drainage, road infrastructure and amenity issues in further detail at the development control plan and development application stages.

Worimi Local Aboriginal Land Council Submission

The Worimi Local Aboriginal Land Council (WLALC) do not object to the planning proposal proceeding, however note the lack of investigation into Aboriginal heritage at this stage of the planning process. The WLALC position is that, during the development application stage, it shall be provided with ample opportunity to assess the subject land prior to any development occurring. This will need to occur in accordance with relevant guidelines and requirements.

NSW Office of Environment and Heritage

The Office of Environment and Heritage comments the planning proposal does not demonstrate the maintenance or improvement of biodiversity using bio-banking methodology, or demonstrate consistency with Planning Direction 2.1 Environmental Protection issued under the Act.

The Proponent submits that after the adoption of the planning proposal they will continue to work with Council along with other authorities and specialist consultants to determine the best outcomes for the subject land. Council's Strategy and Environment Section is satisfied that the planning proposal has manageable environmental impacts, provided that the proposed habitat management measures put forward by the proponent and illustrated (**ATTACHMENT 4**) are implemented at subsequent stages of the development process. The proposed change to minimum lot size provisions is also consistent with Council's strategic planning for the area.

Hunter Water Corporation

Hunter Water Corporation initially raised concern about potential for impact on water quality, however subsequently provided updated comment that, given the stated intention to route stormwater to Campvale Drain, demonstration of neutral or beneficial effect on water quality is appropriate at a later stage of the development process in this instance. This will occur at subsequent stages of the development processes in accordance with the provisions of Council's DCP 2014.

Department of Defence

Department of Defence do not support the planning proposal due to aircraft noise concerns. Council's Strategy and Environment Section's position is that the planning proposal should proceed. The subject land: is identified for urban land use in planning strategies; is not located within the Council's Aircraft Noise Planning Area; future development will not be subject to aircraft noise considerations under LEP 2013 and DCP 2014. Proceeding with the planning proposal is assessed as acceptable under Council's Aircraft Noise Policy 2010.

Department of Planning and Environment

It is recommended that the planning proposal be forwarded to the Department of Planning and Environment with a request that the Minister make the necessary amendments to LEP 2013 for its implementation.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal - 8 Waropara Road Medowie. (Provided under separate cover)
- 2) Site Location Map. (Provided under separate cover)
- 3) Submission Summary Table. (Provided under separate cover)
- 4) Proponent Concept Layout and Site Revegetation Plan. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

Councillor Paul Le Mottee left the meeting at 07:18pm, in Committee of the Whole.

ITEM NO. 2

FILE NO: PSC2015-01000/965

TRIM REF NO: PSC2014-03597

PLANNING PROPOSAL - 2885 PACIFIC HIGHWAY - MOTTO FARM MOTEL

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**ATTACHMENT 1**) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 (NSW) Schedule 1 - Additional Permitted Uses to permit (with consent) a 'service station', 'restaurant or café' and 'take-away food and drink premises' on land at 2885 Pacific Highway, Heatherbrae.
 - 2) Exercise delegation to make this plan under the *Environmental Planning and Assessment Act 1979* (NSW) s 59(1).
-

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

| | |
|--|---|
| | Councillor Ken Jordan Councillor Steve Tucker That the recommendation be adopted. |
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 MOTION

| | |
|------------|---|
| 311 | Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: 1) Adopt the Planning Proposal (ATTACHMENT 1) as publicly exhibited to amend the Port Stephens Local Environmental Plan 2013 (NSW) Schedule 1 - Additional Permitted Uses to permit (with |
|------------|---|

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

| | |
|----|--|
| | consent) a 'service station', 'restaurant or café' and 'take-away food and drink premises' on land at 2885 Pacific Highway, Heatherbrae. |
| 2) | Exercise delegation to make this plan under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) s 59(1). |

Councillor Paul Le Mottee returned to the meeting at 07:34pm.

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

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to consider submissions during the public exhibition of a planning proposal (the proposal) to permit (with consent) a 'service station', 'restaurant or café' and 'take-away food and drink premises' at 2885 Pacific Highway, Heatherbrae (the site). The details of the proposed could be summarised as follows:

| | |
|-------------------------|---|
| Subject land: | 2885 Pacific Highway, Heatherbrae (Motto Farm Motel) |
| Lot/DP: | Lots 1, 2 and 3 DP 264023 Lot 1, DP 350551 Pt Lot 101, DP 807522 |
| Proponent: | TFA Project Group |
| Landowner: | Motto Farm Motel C/-TFA Project Group |
| Total Area: | 4.9 Hectares |
| Existing Zoning: | RU2 Rural Landscape |
| Proposed Clause: | Amend the Port Stephens Local Environmental Plan 2013 (NSW) Schedule 1 – Additional Permitted Uses to permit (with consent) a 'service station', 'restaurant or café' and 'take-away food premises' on land at 2885 Pacific Highway, Heatherbrae, NSW, 2324 |
| Delegation: | Council has delegation to make this plan. |

The site is currently operating as 'Motto Farm Motel', which is made-up of a number of buildings over the site, including motel accommodation, dining and restaurant facilities. The proposal seeks to expand the site's existing motel use to accommodate a service station, take-away food and drink premises and restaurant dining facilities.

A 'service station', 'restaurant or café' and 'take-away food and drink premises' is not currently permissible within the RU2 – Rural Landscape zone under the Port Stephens Local Environmental Plan 2013 (NSW) (the LEP).

The current use as a motel operates under existing-use rights. The owner is committed to expanding the current commercial offering to capitalise on the site's location on the Pacific Highway. The proposal aims to achieve this by amending Schedule 1 of the LEP to permit (with consent) the additional land uses on the site within the Zone RU2 – Rural Landscape. Council previously considered this matter at their 10 February 2015 meeting and resolved to seek a Gateway Determination in order to place the matter on public exhibition.

In accordance with the Council resolution the proposal was forwarded to the Department of Planning and Environment (the Department) on the 12 February 2015. The Department subsequently advised Council of a number of key matters raised by the Roads and Maritime Services (RMS), being:

- The required separation of vehicle flows for the existing motel from those of a future service station; and
- The proposed access point to the Pacific Highway to ensure adequate acceleration from the site and to minimise traffic conflict.

These matters were resolved by Council, the applicant and RMS. A Gateway Determination was subsequently received on 26 June 2015. The proposal was then placed on public exhibition for 35 days during which time three submissions were received from the RMS, Hunter Water Corporation and the Rural Fire Service (RFS). No objections to the proposed development were received. The proponent also completed a Stage 1 – Contamination Assessment that concluded that the site was suitable for the proposed service station development, provided that measures are adopted to address potential contamination if encountered during construction.

It is noted that a previous DA for change of use on the site – restaurant to hotel and associated alterations and additions – was refused by Council in 2011, and the subsequent Land and Environment Court appeal was dismissed. The development that would be permissible (with consent) under this proposal is of a small scale and a different type to the use that was previously sought under this development application. In addition, the specific land uses to be allowed by the proposal have been specifically defined to limit adverse amenity, social and traffic impacts for this locality.

A summary of reasons for past refusal of this development application included a loss of amenity, traffic and social concerns, which principally related to the impacts of alcohol consumption.

The proposal seeks to address previous concerns related to the development application by excluding 'pubs' and 'small bars' as permissible land uses on the site. The proposal limits additional land uses to a 'service station', 'restaurant or café' and 'take-away food premises'. Any liquor served as a part of a restaurant or cafe is not anticipated to have the negative social impact of the former proposed development application. Additionally, any alcohol serving components of a new restaurant or café will be assessed and managed at the development application stage and relevant liquor licencing requirements.

At this point, there are no information requirements that would inhibit Council in exercising their delegations to make this Plan.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2015-2019 |
|--|--|
| Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations. | Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services. |

FINANCIAL/RESOURCE IMPLICATIONS

The proponent has paid the relevant rezoning fees in line with the Council's Fees and Charges Policy. In accordance with Council's Fees and Charges 2015-2016, a Stage 3 fee of \$5,250 will be required if the recommendation is supported by Council and prior to the proposal being forwarded to Parliamentary Counsel for gazettal.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|------------------------|---------------|----------------------|---|
| Existing budget | Yes | 10,500 10,500 | Stage 1 fees – paid 16 October 2014 Stage 2 fees – paid 10 August 2015 |
| Reserve Funds | No | | |
| Section 94 | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979

Council is the relevant planning authority for making the plan under the *Environmental Planning and Assessment Act 1979 (NSW)*. The proposal has followed the following process for amending a Local Environmental Plan, which is detailed under the *Environmental Planning and Assessment Act 1979 (NSW)*

| EP andA Act 1979 | Date | Comment |
|---------------------------------|------------------------------|----------------|
| S54 Relevant Planning Authority | 10 February 2015 | |
| S55 Planning Proposal | 12 February 2015 | |
| S56 Gateway Determination | 26 June 2015 | |
| S57 Community Consultation | August 2015 - September 2015 | |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

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|--|--|-------------------------------|
| S58 Relevant Planning Authority to vary or proceed | | Subject to Council Resolution |
| S59 Making of Plan | | Subject to Council Resolution |

S117 Ministerial Directions

The proposal (**ATTACHMENT 1**) lists consistency and minor inconsistencies with those applicable ministerial directions. As part of the Gateway Determination the Department has stated that the inconsistencies with 1.5 – Rural Lands, 4.1 – Acid Sulfate Soils and 4.3 – Flood Prone Land are of minor significance and that no further approval is required in relation to these Directions.

Gateway Determination

The Department in their Gateway Determination listed the following specific requirements:

- 1) Prior to public exhibition, remove the site layout drawings from the proposal.
 - The site layout drawings were removed prior to exhibition.
- 2) An initial site contamination investigation report is to be prepared and placed on public exhibition with the planning proposal.
 - A report was prepared and placed on public exhibition. It concluded that the site was suitable provided that contingency measures are adopted to address potential contamination during construction. This will be further addressed at the development application stage.
- 3) The Proposal is to be placed on exhibition for 28 days in accordance with the NSW Government. 2013, 'A Guide to Preparing LEPs'
 - The proposal was placed on public exhibition for 35 days in accordance with this Guide.
- 4) Consultation is required with Hunter Water, RMS and RFS.
 - No concerns that would delay the LEP amendment were raised in the submissions received from these agencies during the exhibition period (**ATTACHMENT 1**).
- 5) A public hearing is not required.
 - A public hearing was not requested and in turn not held.
- 6) The LEP is to be completed within 6 months.
 - The LEP is to be completed by 31 December 2015.

Draft Raymond Terrace and Heatherbrae Strategy (the Draft Strategy)

The Port Stephens Council 2015, 'Draft Raymond Terrace and Heatherbrae Strategy' (the Draft Strategy) was placed on public exhibition from Thursday, 6 August to Thursday 3 September 2015. The Draft Strategy does not specifically identify the site, but reinforces the goal for Heatherbrae as 'a key destination for bulky goods'.

The proposal will not undermine the commercial hierarchy identified by the SGS, 2010, 'Commercial and Industrial Lands Study' given its customer base will be Pacific Highway users. Having regard to the nature of the existing uses as a motel and its

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

locational context it is not likely to undermine the proposed future direction of Heatherbrae for bulky goods under the Draft Strategy.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|--|-----------------------------------|
| There is a risk that the Schedule 1 approach allows development types that are not representative of a rural zone. | Low | The proposed uses are not representative of a rural zone. The standard instrument LEP has a limited number of zones and in turn Schedule 1 of the LEP provides the appropriate means to introduce additional land use for the site without undermining the broader commercial hierarchy and also provides certainty to residents about future permissible development types. | Yes |
| There is a risk the plan will get delayed in the plan-making phase by Parliamentary Counsel. | Low | If Council resolves to support the recommendation of this report it is recommended that Council exercises its delegation under the <i>EP and A Act (NSW)</i> to expedite the matter. | Yes |
| There is a risk that the proposal will enable land uses that will have amenity, social and traffic impacts on the locality. | Low | The specific land uses to be allowed by the proposal have been specifically defined to limit adverse amenity, social and traffic impacts for this locality. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are limited environmental implications given that the proposal will enable a limited number of additional permitted uses on the site, which is an extension of the existing motel. The following will need to be further addressed at the development application stage:

- Potential for noise impacts on motel guests and nearby residents as a result of trucks decelerating and accelerating from a potential service station;

- Contingency measures may be required to address potential contamination if encountered during construction;
- Potential for tree removal and appropriate compensatory landscaping;
- Separation of vehicle flows; and
- Access to the Pacific Highway.

The proposal has been identified as having the potential to have positive economic implications with REMPLAN forecasting thirteen jobs and an output of \$685,000.

The proposal will also have a positive social impact by encouraging highway commuters to stop and revive. A development application for a 'change of use' from a restaurant to a hotel and associated alterations and additions was lodged and refused by Council in 2011 (DA 2010-487). A court appeal was subsequently dismissed. The group term 'food and drink premises' would allow for a pub and in turn has not been proposed through this amendment. In turn, a pub or small bar continues to be considered as prohibited development at this site.

CONSULTATION

In accordance with the Gateway Determination the proposal was exhibited from Thursday, 6 August to Thursday, 10 September 2015 (35 days) during normal business hours at the following locations:

- Council's Administration Building, 116 Pacific Highway, Raymond Terrace.
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace.
- Port Stephens Council Website www.portstephens.nsw.gov.au.

No concerns were raised by the submissions received from the RMS, Hunter Water Corporation and the RFS. RMS stated they have no objection to the proposal provided that the following matters are considered by Council:

- The proposed design must allow vehicles to be able to enter and exit from all proposed access points, including Kingston Parade;
- The proposed ingress from and egress to the Pacific Highway, and associated road works shall be designed and constructed in accordance with the 'Austroads Guide to Road Design (2010)' and RMS supplements, to the satisfaction of RMS and Council. Provision is to be made for cyclists and pedestrians as necessary;
- All road works shall be undertaken at full cost to the developer, and no cost to RMS or Council; and
- As part of any future development application, RMS shall require the developer to undertake a Traffic Impact Study to identify the likely impacts and subsequent road upgrade requirements, prepared in accordance with the RTA. 2002, 'A Guide to Traffic Generating Developments' shall also be submitted for review.

It is considered appropriate that these matters be addressed at the development assessment stage.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal. (Provided under separate cover)

COUNCILLORS ROOM

- 1) Port Stephens Local Environmental Plan 2013.
- 2) Lower Hunter Regional Strategy.
- 3) Port Stephens Planning Strategy.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: PSC2015-01000/700

TRIM REF NO: PSC2006-0072

LOCAL HERITAGE ASSISTANCE FUND 2015-2016

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of \$22,500 for the Local Heritage Assistance Fund 2015-2016 annual grant as below:
 - a) \$2,500 to Helen Taylor (individual) for Tanilba House for dry stone wall and stone walls of house repairs.
 - b) \$1,415 to Helena and Victor Groves (individual) for Anglican Rectory for repair works to existing timber columns and dry rot to window sill.
 - c) \$2,000 to St Brigid's Catholic Church for emergency repairs to sacristy floor and piers under floor.
 - d) \$1,650 to Raymond Terrace and District Historical Society Inc for Sketchley Cottage for tree branch removal.
 - e) \$1,350 to Lisa Kavanagh (individual) 159 Adelaide Street, Raymond Terrace for exterior painting of residence and landscaping.
 - f) \$2,000 to Jeff Bretag (individual) 165 Adelaide Street, Raymond Terrace for front picket fence and gates.
 - g) \$1,000 to Karuah Progress Association Inc. for research, information booklet and signage.
 - h) \$2,000 to St Johns Anglican Church for floor repairs.
 - i) \$918 to Denise Gaudion (individual) for Cecilia Cromarty Grave for repairs to fencing and research.
 - j) \$5,667 to Port Stephens Council for Summerhouse (Tanilba Bay) for repairs to frame and flooring.
 - k) \$2,000 to Adele Berry (Individual) 13 Kia Ora Street, Raymond Terrace for roof replacement.
 - 2) Advertise by way of Public Notice for 28 days allocation of funding points a), b), e), f), i) and k) above (to individuals) and should no submissions be received adopt recommendation for funding.
-

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

Councillor Paul Le Mottee returned to the meeting at 07:20pm.

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| | Mayor Bruce MacKenzie Councillor Steve Tucker That the recommendation be adopted. |
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ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 MOTION

| | |
|------------|---|
| 312 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the allocation of \$22,500 for the Local Heritage Assistance Fund 2015-2016 annual grant as below:<ol style="list-style-type: none">a) \$2,500 to Helen Taylor (individual) for Tanilba House for dry stone wall and stone walls of house repairs.b) \$1,415 to Helena and Victor Groves (individual) for Anglican Rectory for repair works to existing timber columns and dry rot to window sill.c) \$2,000 to St Brigid's Catholic Church for emergency repairs to sacristy floor and piers under floor.d) \$1,650 to Raymond Terrace and District Historical Society Inc for Sketchley Cottage for tree branch removal.e) \$1,350 to Lisa Kavanagh (individual) 165 Adelaide Street, Raymond Terrace for front picket fence and gates.f) \$2,000 to Jeff Bretag (individual) 159 Adelaide Street, Raymond Terrace for exterior painting of residence and landscaping.g) \$1,000 to Karuah Progress Association Inc. for research, information booklet and signage.h) \$2,000 to St Johns Anglican Church for floor repairs.i) \$918 to Denise Gaudion (individual) for Cecilia Cromarty Grave for repairs to fencing and research.j) \$5,667 to Port Stephens Council for Summerhouse (Tanilba Bay) for repairs to frame and flooring.k) \$2,000 to Adele Berry (Individual) 13 Kia Ora Street, Raymond Terrace for roof replacement.2) Advertise by way of Public Notice for 28 days allocation of funding points a), b), e), f), i) and k) above (to individuals) and should no submissions be received adopt recommendation for funding. |
|------------|---|

BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of the 2015-2016 annual Local Heritage Assistance Fund for projects as recommended by Council's Heritage Advisory Committee.

The Local Heritage Assistance Fund is an annual, one-off small grants program and has been running since approximately 2000 (at the formation of the Heritage Advisory Committee). Its purpose is to support heritage projects that promote a positive approach for the conservation and management of heritage items within the Port Stephens Local Government Area.

Since the beginning of 2015, a review of current heritage processes including the governance of the Local Heritage Assistance Fund has been undertaken to improve transparency and consistency of delivery for the community. A review of the fund cycle recommended the Local Heritage Assistance Fund to be reported to Council for approval.

Applications to the 2015-2016 annual round of funding opened 6 July 2015 and closed on 3 August 2015. The total amount of funding available from Council is \$22,500. Twelve applications were received and assessed; with one application being withdrawn as it did not meet the stated aims and assessment criteria of the fund as per the Local Heritage Assistance Fund Guidelines (**ATTACHMENT 1**). The eleven applications have a work value of \$88,989. All eleven applications were supported and endorsed by the Port Stephens Heritage Advisory Committee at its meeting on the 19 August 2015 (**ATTACHMENT 2**).

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|--|--|
| Port Stephens has a vibrant cultural life. | Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture. |

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$22,500 is available to fund projects under the Local Heritage Assistance Fund in the 2015-2016 financial year. The recommended projects do not exceed this limit available and total \$22,500.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|------------------------|---------------|---------------------|---|
| Existing budget | Yes | 15,000 | Sourced from the 2015-2016 allocation for the Local Heritage Assistance Fund. |
| Reserve Funds | No | | |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

| | | | |
|-----------------|-----|-------|--|
| Section 94 | No | | |
| External Grants | Yes | 7,500 | NSW Heritage Office has provided Port Stephens Council a one-year grant to contribute to the Local Heritage Assistance Fund. |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed recommendation has been established in accordance with Section 356 of the *Local Government Act 1993* and aligns with Council's key recommendations in the Grants, Sponsorship and Donations Review, endorsed by Council on 25 August 2015.

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

In accordance with the conditions of the Local Heritage Assistance Fund all recipients shall accept full responsibility for the liability of any programs or projects funded.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|--|-----------------------------------|
| There is a risk of adverse public perception regarding projects that are funded. | Low | Ensure proper processes are followed in accordance with the Local Heritage Assistance Fund guidelines and conditions of funding. | Yes |
| There is a risk that some grant recipients may fail to comply with required terms of funding. | Low | Through ongoing communication, ensure proper processes are followed in accordance with the Local Heritage Assistance Fund guidelines and conditions. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The funding directly supports heritage assessments, conservation work on heritage buildings, and projects that further heritage aims. The fund is intended to "kick-start" funding to encourage the joint funding of heritage projects and promote greater interest in the protection of local heritage as a cultural community asset.

Council's investment of \$22,500, which includes support from the NSW Heritage Office, will enable \$88,989 worth of works. This is a significant contribution from the community and local asset owners allowing works to be done which may have otherwise not been achieved if not for the funding.

CONSULTATION

During the funding application period the following community consultation occurred:

- 1) Advertisements in the Port Stephens Examiner.
- 2) Advertisements and updated information on Council's website and social media accounts.
- 3) One on one consultation with potential applicants.
- 4) Council's Heritage Advisory Committee meeting to assessment and endorse applications – 19 August 2015.

As recommended to Council it is proposed to publically exhibit the proposed allocation of funding to individuals in accordance with the requirements of the *Local Government Act 1993*. This will occur subject to Council's resolution for a period of 28 days. Should any submissions be received the relevant applications will be reported back to Council for consideration.

OPTIONS

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

ATTACHMENTS

- 1) Local Heritage Assistance Fund Guidelines.
- 2) Local Heritage Assistance Fund 2015-2016 Recommendations Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 LOCAL HERITAGE ASSISTANCE FUND GUIDELINES.

Local Heritage Assistance Fund Guidelines

1. Background

A Local Heritage Fund has been established by Port Stephens Council with the aid of a grant from the Heritage Branch, NSW Environment and Heritage.

Council's annual local heritage funding program will generally fund between 9 – 11 projects each year. Grant funding of around \$2,000 can be made available towards a heritage project valued at \$4,000 or more.

2. Purpose of the fund

The purpose of the fund is to provide financial support for the owners of heritage-listed items and items in conservation areas identified in the Port Stephens Local Environmental Plan 2013. This small grants program encourages conservation works to commercial, residential and other places of heritage value within the Port Stephens Local Government Area. The fund seeks to engender greater interest and concern for conservation for local heritage items.

Eligible projects can include the following:

- heritage assessments, conservation policies and conservation plans to guide conservation works;
- conservation works and maintenance including structural repairs and reconstruction of missing items such as fences, verandahs, roof cladding and decorative detail;
- to meet Building Code of Australia upgrades (fire, services and access) for ongoing and new uses;
- heritage colour schemes;
- heritage landscape works including repairs to significant garden elements;
- interpretation projects involving research and presentation of heritage items.

3. Who can apply

Owners and managers of heritage items or items located in a conservation area in the Port Stephens Council Local Environmental Plan 2013 are invited to apply. The program can be extended to places and items that are not currently heritage listed if it can be proved, by an appropriate heritage assessment, that there is sufficient justification for heritage listing.

4. Level of funding available

The maximum level of funding per project will be limited to \$2,000. Greater funding may be made if the circumstances warrant it and applicants applying for increased funding will need to justify that need. You will be required to provide at least matching finance for the project. There will clearly be cases where you may yourself wish to contribute more to the project.

More information can be obtained by contacting Council on (02)49 800 141 and documents are available on Council's web page at www.portstephens.nsw.gov.au under the Community Section/ Community Grants.

ITEM 3 - ATTACHMENT 1
GUIDELINES.

LOCAL HERITAGE ASSISTANCE FUND

Local Heritage Assistance Fund Guidelines

5. Projects not funded

Funding will generally not be provided for the following projects:

- Where assistance is available from another source;
- Where substantial assistance has been previously provided;
- Where the applicant has yet to complete another assisted project;
- Purchase of a new building, site or movable item;
- A new addition to a heritage building (including new internal fittings such as new kitchens and bathrooms);
- Retrospective work is not funded;
- The relocation of a heritage building or work on a relocated building; or
- Work on a government owned building still used for a government purpose.

6. Opening and closing dates for applying

Applications open in July and close in August. Applications are called for once every year. From approval you will have 12 months to complete your project. (Note: all projects must be completed by the beginning of May each year so that reports can be prepared for NSW office of Environment and Heritage).

7. Assessment criteria

The following matters will be taken into account by Council in assessing the priority of your application. Please note that it is not necessary for your project to meet all of the following criteria:

- ability to demonstrate technical and financial responsibility with regard to the project and demonstrated ability to complete the project within twelve months;
- the degree to which the applicant is financially contributing to the project and/or their ability to quickly return borrowed heritage funds;
- how the project clearly complements broader conservation objectives (e.g. projects which implement key findings of heritage studies or projects in designated heritage main street or conservation areas);
- encourage the conservation of other heritage items;
- demonstrates heritage value to the community; commonly the item concerned will appear on many heritage lists (e.g. the restoration of an important local heritage house);
- are highly visible to the public (e.g. the replacement of a verandah to a building in a prominent location);
- have a high public accessibility (e.g. a local museum or building which is open to the public several times a year);
- in an area which has received little or no funding;
- involving aspects of heritage which have received little or no funding (e.g. historic gardens);
- projects subject to conservation controls where the owner is able to show hardship arising from conservation work required to the item;
- urgent projects to avert a threat to a heritage item.

The Local Heritage Fund is a targeted funding program. Projects must meet the assessment criteria. However, in exceptional circumstances, Council reserves the right to recommend funding for projects that may not fully meet these requirements.

More information can be obtained by contacting Council on (02)49 800 141 and documents are available on Council's web page at www.portstephens.nsw.gov.au under the Community Section/ Community Grants.

ITEM 3 - ATTACHMENT 1 LOCAL HERITAGE ASSISTANCE FUND GUIDELINES.

Local Heritage Assistance Fund Guidelines

8. Applying for funding

Contact Council's Heritage Advisor

It is suggested that you set down the work you propose to do and then contact the Heritage Advisor to discuss the eligibility and other details of your project. This service is provided free of charge. The advisor will be able to assist you in making an application. If the project is too large the advisor may suggest you get the services of a conservation specialist for the project.

Council's Heritage Advisor is Lillian Cullen. You can make an appointment to see or speak to Lillian by ringing Jessica Franklin on (02) 4980 0141.

Background Research

It will greatly assist your case if you can properly demonstrate why the work you propose is appropriate from a heritage point of view. To do this you may need to do some research (e.g. the Council may have information on the item, or the Library, or you may be able to obtain photographs from the local historical society or from previous owners). The Heritage Advisor may also have some suggestions to follow up.

Work to be carried out

You then need to decide in detail what work you want to carry out. This should be put down in a clear itemised job schedule.

Quotes

Next, as with any work, you need to get quotes and it is suggested that you get at least two quotes for the work. Put these costs alongside the schedule of work you have prepared.

Plans and Sketches

Depending on the size of the job you may need to attach plans and sketches to your application for funding.

Photographs

Take a photograph of the setting of the item. If it is a building, photograph each elevation and take close-ups of any particular job to be done.

Fill in the application form

Fill in the attached application form, keep a copy for your records, staple on the attachments/ include electronic files and submit it to Council as soon as possible.

Approval for Funding

Council will write to you with the approved amount of funding available for your project, conditions for the project will be included and the steps required to be completed before the funding is paid.

9 Processing your application

1. Council will acknowledge receipt of your application a week after the closure of the application period.
2. Projects will be assessed and approved by Council. In assessing your application, the quality and clarity of information provided will be taken into account.
3. A funding offer and contract will be sent to successful applicants in September. Council will also advise unsuccessful applicants during this time.
4. All projects must be completed and all funding claimed by beginning of May 2016 at the latest.

10 FURTHER INFORMATION

Can be obtained by contacting Council on (02)49 800 141 and documents are available on Council's web page at www.portstephens.nsw.gov.au under the Community Section/ Community Grants.

More information can be obtained by contacting Council on (02)49 800 141 and documents are available on Council's web page at www.portstephens.nsw.gov.au under the Community Section/ Community Grants.

ITEM 3 - ATTACHMENT 2 LOCAL HERITAGE ASSISTANCE FUND 2015-2016 RECOMMENDATIONS SUMMARY.
Local Heritage Assistance Fund 2015/2016 Recommendations Summary

| Heritage Item or address in Conservation Area | Project summary | Amount requested | Amount recommended by Heritage Advisory Committee |
|--|---|-------------------------|---|
| Helen Taylor (Individual) - Tanilba House State item - 32 Caswell Crescent, Tanilba Bay | Dry stone wall and stone walls of house repairs | \$2,500 | \$2,500 as requested |
| Helena and Victor Groves (Individual) - Anglican Rectory Local item - 48 Sturgeon Street, Raymond Terrace | Repair works to existing timber columns & dry rot to window sill | \$1,415 | \$1,415 as requested |
| St Brigid's Catholic Church - Local item - 69 William Street Raymond Terrace | Emergency repairs to sacristy floor & piers under floor (already completed) | \$2,000 | \$2,000 as requested |
| Raymond Terrace and District Historical Society Inc. - Sketchley Cottage Local item - 1 Sketchley Street, Raymond Terrace | Tree branch removal | \$1,650 | \$1,650 as requested |
| Lisa Kavanagh (Individual) - Raymond Terrace Heritage Conservation Area -165 Adelaide Street, Raymond Terrace | Exterior painting of residence & landscaping | \$1,350 | \$1,350 as requested |
| Jeff Bretag (Individual) - Raymond Terrace Heritage Conservation Area - 159 Adelaide Street, Raymond Terrace | Front picket fence & gates | \$2,000 | \$2,000 as requested |
| Raymond Terrace Heritage Conservation Area - 165 Adelaide Street, Raymond Terrace | Driveway repair work | \$1,000 | Withdrawn |
| Karuah Progress Association Inc. - Indigenous heritage | Research, publish information booklet and signage | \$1,000 | \$1,000 as requested |
| St Johns Anglican Church - Local item - 45 Sturgeon Street, Raymond Terrace | Floor repairs | \$2,000 | \$2,000 as requested |
| Denise Gaudion (Individual on behalf of Cromarty families) - Cecilia Cromarty Grave Local item - 147A Soldiers Point Road, Soldiers Point | Repairs to fencing & research | \$918 | \$918 as requested |
| Port Stephens Council - Summerhouse (Tanilba Bay) (Council Project) Local item - 44 Caswell Crescent, Tanilba Bay | Repairs to frame and flooring | \$5,667 | \$5,667 as requested |
| Adele Berry (Individual) - Local item - 13 Kia Ora Street, Raymond Terrace | Roof cladding replacement (zincalume) | \$15,400 | \$2,000 as recommended by Heritage Advisor and Heritage Fund guidelines |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015**ITEM NO. 4****FILE NO: PSC2015-01000/812****TRIM REF NO: PSC2005-3553****DISCONTINUE 355C COMMITTEE: PORT STEPHENS COMMUNITY BAND**

REPORT OF: ROSS SMART - COMMUNICATIONS SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse a request of the 355c Port Stephens Community Band Committee to discontinue operations as a 355c Committee of Council.
- 2) Transfer current assets of the 355c Port Stephens Community Band Committee to the Port Stephens Police Citizens Youth Club for continued use of the community.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

| | |
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| | Councillor John Nell Councillor Geoff Dingle That the recommendation be adopted. |
|--|--|

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

| | |
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| 313 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse a request of the 355c Port Stephens Community Band Committee to discontinue operations as a 355c committee of Council.2) Transfer assets consisting of ageing musical equipment valued at approximately \$10,000, sheet music valued as \$3,000 and cash balance of up to \$4,950 to Port Stephens Police Citizens Youth Club in line with Council's Asset Disposal (other than property) Policy dated 25 March 2014, Minute Number 63. |
|------------|--|

BACKGROUND

The purpose of this report is to recommend that Council endorse the request of the 355c Port Stephens Community Band Committee to cease operations as a 355c Committee of Council.

The current Port Stephens Community Band Committee's schedule to constitution was last reviewed in 2001 and notes the committee's delegated functions to promote, organise and train the Port Stephens Community Band, the Port Stephens Concert Band and the Port Stephens Marching Band.

The purpose of the respective bands was to combine those skills in brass, concert or stage for civic events and other relevant cultural activity.

In 2015, band membership is limited to the Port Stephens Community Band with no specific intent or capacity to perform as a concert or marching band. Members continue to practice weekly and on occasions, such as the recent 40 year Port Stephens Police Citizens Youth Club (PCYC) celebration, perform. It is the band's intention under new management to continue to perform at community events when possible.

It has been a number of years since the band performed at a civic function on behalf of Council and foresees its longer term future being more aligned to the functions of the PCYC rather than Port Stephens Council and the legislative requirements of a 355c committee.

A number of discussions have been held between the PCYC and band representatives, facilitated by Council staff. This has resulted in an in principle agreement to transfer operations to the PCYC. The agreement is supported by both groups in writing and acknowledges new opportunities provided by the proposed new operating structure.

If this proposal is adopted, the committee will close its current bank account and transfer the balance of funds to PCYC. These funds will be identified by the PCYC for future use by the band. Council staff would continue to facilitate the transfer to ensure all parties are suitably transitioned to the new arrangements.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|--|--|
| Port Stephens has a vibrant cultural life. | Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture. |

FINANCIAL/RESOURCE IMPLICATIONS

As of 1 September 2015, the Port Stephens 355c Community Band Committee had \$4,950 in available funds and ageing equipment valued at approximately \$13,000

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

(including sheet music valued at \$3,000). The available funds and equipment would provide adequate resources for the band over the next two years to transition successfully to the new management model proposed with the PCYC. They would no longer be eligible for the annual grant allocation provided to 355c committees. However, they would be eligible to apply for Cultural Project Funding (through the PCYC) and other grant programs to support their work in the community.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|-----------------|--------|--------------|--|
| Existing budget | Yes | 4,950 | Funds currently in the committee's bank account. |
| Reserve Funds | | | |
| Section 94 | | | |
| External Grants | | | |
| Other | | | |

LEGAL, POLICY AND RISK IMPLICATIONS

The Band Committee has struggled in recent years to be fully compliant with all requirements outlined in the constitution for 355c Committee. It no longer fully provides a service aligned to Council business as required of a 355c committee. By operating under the alternative management structure of the PCYC, future liability to Council and exposure to risk as a result of non-compliance is removed.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|---------------------|-------------------------------------|----------------------------|
| There is a risk that should the band continue as a 355c Committee of Council that it will not be able to satisfactorily meet legislative requirements and those outlined in the group's constitution. | Medium to High | Transition to community management. | Yes. |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Under the current operating structure, the Port Stephens 355c Community Band Committee would struggle to sustain itself in an efficient manner and provide a suitable range of activities for the community. By transitioning to a community management model under leadership of the PCYC, the capacity for the community band to attract new members, in particular younger members will be significantly

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

increased. The Port Stephens PCYC will also benefit significantly with a new program to be offered that will complement existing programs.

CONSULTATION

- 1) Initial consultation with Port Stephens 355c Community Band Committee members, February 2015.
- 2) Meeting with Port Stephens PCYC, March 2015.
- 3) Ongoing communication between stakeholders to finalise proposed transition.
- 4) Final meeting of all parties to confirm plans, September 2015.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015**ITEM NO. 5****FILE NO: PSC2015-01000/895****TRIM REF NO: A2008-0846V2****SALE OF 33 RESIDENTIAL LOTS AT 3 TARRANT ROAD, SALAMANDER BAY**

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents for the subdivision and lot sales.
- 2) Authorise the real estate agent to sell each lot in accordance with the Agency Agreement and the draft Contract of Sale for not less than the set reserve price.
- 3) Authorise the real estate agent to execute any Contracts of Sale on behalf of Council and exchange contracts with purchasers for not less than the reserve price.
- 4) Adopt reserve prices as detailed in the Confidential Supplementary Information Paper.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

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| | Councillor Chris Doohan Councillor John Nell That the recommendation be adopted. |
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**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

| | |
|------------|--|
| 314 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents for the subdivision and lot sales.2) Authorise the real estate agent to sell each lot in accordance with the Agency Agreement and the draft Contract of Sale for not less than the set reserve price.3) Authorise the real estate agent to execute any Contracts of Sale on behalf of Council and exchange contracts with purchasers for not less than the reserve price.4) Adopt the lot sale prices for each of the 33 residential lots as |
|------------|--|

| | |
|--|--|
| | detailed in the confidential Supplementary Information report. |
|--|--|

BACKGROUND

The Tarrant Road 33 lot residential development is nearing physical completion. As such, the purpose of this report is to secure Council resolution to sell each of the 33 developed residential lots, authorise the real estate agent to execute Contracts of Sale on behalf of Council and authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents relating to the subdivision and the lot sales.

The auction date has been set by the real estate agent as Saturday, 21 November 2015. The real estate agent will require Council's formal instructions on the reserve price for each lot so that the lots can either be sold "under the hammer" once the reserve price for each lot is reached/exceeded or "passed in" for further negotiations post-auction. As per the above recommendations, the agent will only be authorised to sell the lots for no less than the set reserve figures for each individual lot. These reserve prices are the subject of a Confidential Supplementary Information Paper to be provided prior to the meeting.

The Section 88B Instrument and the Plan of Subdivision will require execution under Council Seal by the Mayor and the General Manager before they can be lodged for registration at the Land Title Office. Registration is required before any lot sales can be settled.

Following a competitive tender earlier in 2015 for real estate agency services for this development, Council entered into an Exclusive Auction Agency Agreement with LJ Hooker Nelson Bay. One of the standard Agency Agreement conditions states:-

"In the event of a sale the Agent is authorised to enter into and complete a Contract of Sale in accordance with terms provided by the vendor or the vendor's solicitor".

Apart from the draft Contracts of Sale provided by Council's external solicitors to the real estate agent containing the "terms" for each lot, the only other "term" to be provided will be the reserve price. The real estate agent will be authorised by Council to exchange contracts on its behalf for any lot sold on the day (either at auction or immediately thereafter) provided the reserve price is met or exceeded. Lots not sold on the day of the auction then revert to a "Private Treaty" agency arrangement with the reserve price becoming the asking price. The real estate agent can continue to market the lots for sale and exchange contracts on Council's behalf, again provided the sale price meets or exceeds the asking price.

Council's consultant valuer has been instructed to review the market including comparable sales information, liaise with the real estate agent as to market sentiment for the lots and, subsequently, report on the appropriate reserve prices. Due to the timing in obtaining the valuation report, a Confidential Supplementary Information

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

Paper will be prepared to advise Council on the reserve prices for the auction and seek a resolution to adopt the reserve prices.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|---|---|
| Port Stephens Council's services and assets are sustainable in the longer term. | Council will reduce its underlying deficit to break even in 2014-2015 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations. |

FINANCIAL/RESOURCE IMPLICATIONS

There are no known resource implications associated with these resolutions. The financial implications are that at completion of the marketing and sales campaign a net return to Council (after deduction of all development and sales costs) in the order of \$2,500,000 has been estimated. This may increase if sale prices exceed expectations and if development costs end up lower than budgeted. It is anticipated that the majority of lots will sell at the auction scheduled for 21 November 2015 and that any residual lots will sell in this financial year. The Council resolution of 14 April 2015 addressed the issue of the payment of the real estate agent.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|-----------------|--------|--------------|---|
| Existing budget | Yes | | Sales commission will be deducted by the real estate agent from deposits held. |
| Reserve Funds | Yes | | Legal fees for the preparation and completion of Contracts of Sale for all 33 lots. |
| Section 94 | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

There are legal implications related to the sale of the lots by way of public auction and, as such, the draft Contracts of Sale have been prepared by Council's external legal advisors.

There are no known policy implications associated with these recommendations.

There is a risk that without the pre-determined reserve prices and without the authority for the agent to enter into Contracts, the auction will not proceed and will adversely impact on the sale campaign.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|----------------------------|-----------------------------------|
| There is a risk that the auction will not proceed without reserve prices. | High | Adopt the recommendations. | Yes |
| There is a risk that sales will not proceed if the agent is not authorised to exchange Contracts. | High | Adopt the recommendations. | Yes |
| There is a risk that sales will not settle if documentation is not executed by the Mayor and General Manager. | High | Adopt the recommendations. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social implications include the addition of home sites to the local market. Economic implications include short term residential construction employment and ongoing services employment opportunities. The increase in housing for permanent residents in the area may have positive impacts on the local available workforce.

The anticipated return to Council resulting from the development will contribute to non-rate revenue sources, improving Council's financial position without affecting rates.

Environmental implications include Council's commitment to maintaining Lot 34 in the subdivision in perpetuity to protect its identified ecological values and the greatly improved treatment of stormwater control in the surrounding localised area.

CONSULTATION

- 1) Property Development Coordinator.
- 2) Land Acquisition & Development Manager.
- 3) Governance Manager.
- 4) Local Government Legal.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6**FILE NO: PSC2015-01000/808****TRIM REF NO: PSC2015-00987****PROPOSED CLOSURE OF PART OF THE UNNAMED PUBLIC LANEWAY
ADJACENT 50 SEASPRAY AVENUE, NELSON BAY**

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consents to the closure and sale of a section of unnamed public laneway adjacent to 50 Seaspray Avenue, Nelson Bay.
- 2) Makes application under Section 34 of the *Roads Act 1993* to Department of Primary Industries - Lands (Crown Land) for the closure to be processed.
- 3) Completes the required Council Road Closure Process as per instructions on Crown Lands website if consent is provided by Crown Lands.
- 4) Obtains a valuation from a registered valuer to inform the purchase price.
- 5) Prepares a land transfer on finalisation of the closure and payment of all costs including the purchase price by the applicant.
- 6) Lodges subdivision application with Council for the lot, as required by Land and Property Information NSW (LPI).
- 7) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents, if the matter is successfully concluded.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

| | |
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| | Councillor Ken Jordan Councillor John Morello That the recommendation be adopted. |
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**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

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|------------|--|
| 315 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Consents to the closure and sale of a section of unnamed public laneway adjacent to 50 Seaspray Avenue, Nelson Bay.2) Makes application under Section 34 of the <i>Roads Act 1993</i> to |
|------------|--|

| | |
|----|--|
| | Department of Primary Industries - Lands (Crown Land) for the closure to be processed. |
| 3) | Completes the required Council Road Closure Process as per instructions on Crown Lands website if consent is provided by Crown Lands. |
| 4) | Obtains a valuation from a registered valuer to inform the purchase price. |
| 5) | Prepares a land transfer on finalisation of the closure and payment of all costs including the purchase price by the applicant. |
| 6) | Lodges subdivision application with Council for the lot, as required by Land and Property Information NSW (LPI). |
| 7) | Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents, if the matter is successfully concluded. |

BACKGROUND

The purpose of this report is to recommend the closure of a section of unnamed public laneway for its sale to the adjoining owners of 50 Seaspray Avenue, Nelson Bay (Strata Plan 43290) should the closure be approved through the Crown Lands Roads Closure Process. See Locality Map at **(ATTACHMENT 1)** and Proposed Laneway Closure Plan at **(ATTACHMENT 2)**.

50 Seaspray Avenue, Nelson Bay is a two lot strata development. Council has received an application from the two lots' owners to close and purchase a section of unnamed public laneway as shown by black hatching at **(ATTACHMENT 2)**. The applicants have requested the closure of a part of the unnamed public laneway to improve yard privacy facing onto Seaspray Avenue, which itself forms part of the Community Property within a Community Title subdivision. The applicants have legal access over Seaspray Avenue via a Right of Carriageway set down in the 88B Instrument for the Community Title subdivision.

The area to be closed is approximately 3m wide by 40m long, being half of the full laneway width. An executed Agreement between Council and the applicants **(ATTACHMENT 3)** sets out the process for the road closure to occur. Council's Facilities & Services staff have indicated this section is clear of stormwater drainage pipes which are within the other half of the laneway width. All other Council Sections have no objection to the closure. All relevant Service Authorities have advised Council they have no objection to the proposal.

If the laneway closure through Crown Lands is successful and a Plan of Survey is registered, a Certificate of Title will issue in Council's name and this will be transferred to the applicants on receipt of payment of the purchase price and all other costs associated with the closure process. As is normal in these matters, a registered valuer will be instructed by Council to provide a valuation for the closed laneway and this will be used as the purchase price.

The applicants will be responsible for consolidation of the newly purchased land with their property at their own cost.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2013-2017 |
|---|---|
| Port Stephens Council's services and assets are sustainable in the longer term. | Council will reduce its underlying deficit to break even in 2014-2015 financial year. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations. |

FINANCIAL/RESOURCE IMPLICATIONS

As this area of public laneway is unused and, therefore, unnecessary and only adds to the total area of road reserve to be maintained by mowing etc, it seems practical to dispose of it. The *Roads Act 1993* states any income benefit from sale must be expended on roads in the vicinity. It is recommended that the proceeds from the proposed sale be allocated to road improvements in the vicinity.

The applicant must meet all costs associated with the closure process. If these costs are not met at different stages through the process the next stage is not commenced, until such payment is made.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|------------------------|---------------|---------------------|-----------------------------------|
| Existing budget | No | | There will be no cost to Council. |
| Reserve Funds | No | | |
| Section 94 | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

All actions relating to the road closure and purchases are controlled by the *Roads Act 1993* with the application being made under Section 34. Once Council consents to the closure, the Crown Lands Office is then responsible for the process in that it makes the final decision on the road closure and then gazettes the road closure. The

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

Conveyancing Act controls the actual sale process once the new Certificate of Title has been issued. Council's Road Closure Policy details the actions to be followed.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|--|-----------------------------------|
| There is a risk that Crown Lands will reject the application. | Low | Advise the applicant of the rejection by Crown Lands Office. No further action by Council but the applicant has further avenues of action available to them. | Yes |
| There is a risk that the applicant will not be able to cover the costs. | Low | Council and Crown Lands Office will not continue the process if fees are not paid by the applicant as per Council's Fees and Charges. | Yes |
| There is a risk that adverse submissions will be received from the public upon advertising. | Low | The applicant is required to deal with these objections before the matter can proceed. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There should be no implications as the section of public laneway to be closed is unused and current drainage requirements are unaffected.

CONSULTATION

- 1) Applicants.
- 2) Crown Lands Office East Maitland.
- 3) Drainage & Flooding Coordinator.
- 4) Property Officer.
- 5) Civil Assets Engineer.
- 6) Land Acquisition & Development Manager.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.
- 2) Proposed Laneway Closure Plan.

- 3) Road Closure Process Agreement.

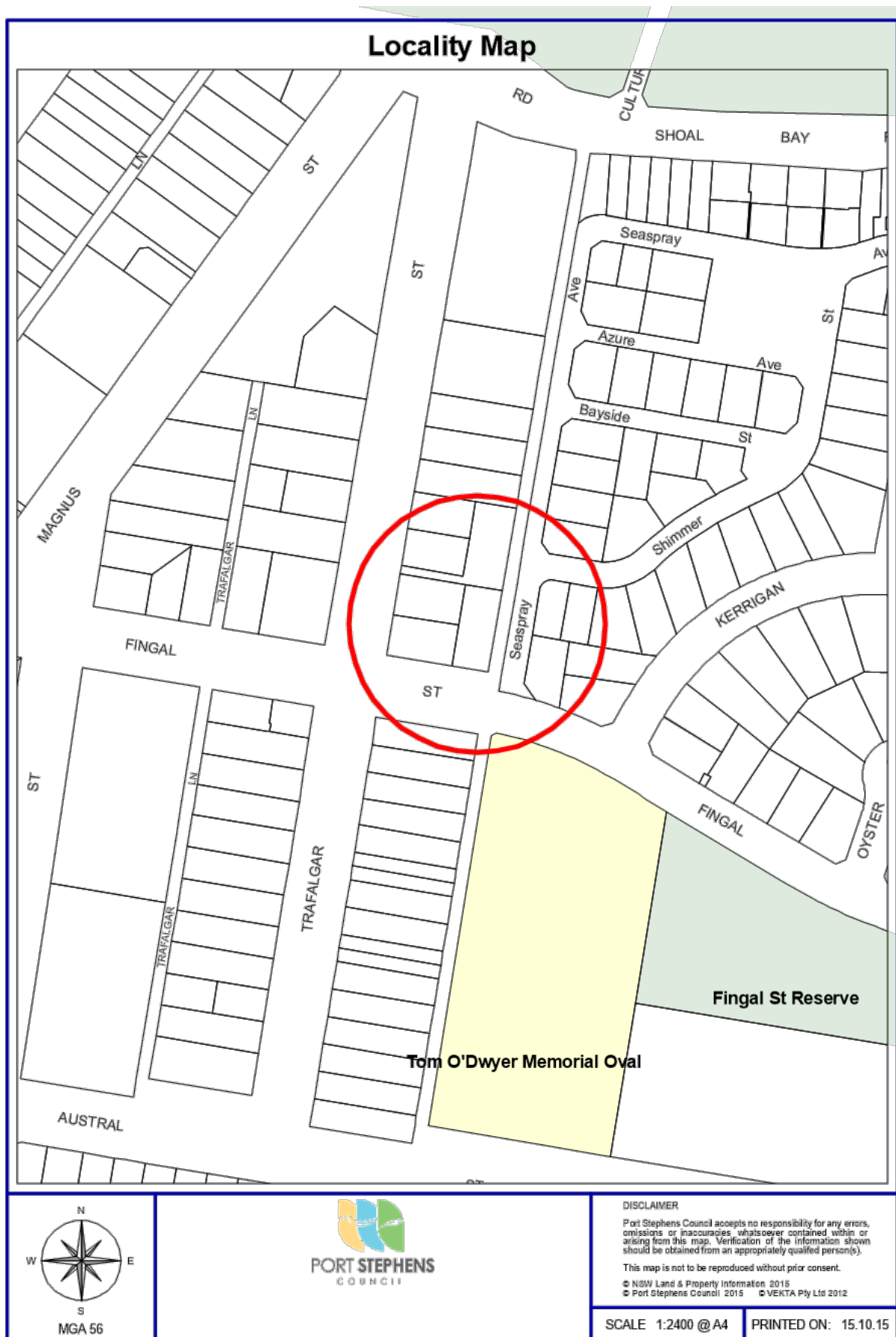
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 LOCALITY MAP.







Proposed Road Closure and Purchase Agreement

Council has received an application and non-refundable payment for proposed closure and purchase of part of an unnamed laneway off Fingal Street at Nelson Bay adjacent to SP43290 and Seaspray Ave. Both Proprietors of SP43290 have jointly applied to close and purchase with [REDACTED] (Applicant) of 1/50 Seaspray Ave, Nelson Bay nominated as the contact for this matter.

This agreement, between the Applicant (as above) and Port Stephens Council (Council) 116 Adelaide Street, Raymond Terrace outlines the actions and requirements of both parties to initiate and progress the road closure and purchase process.

1. The applicant will complete and send the Council Road Closure Application Form with the required fee paid to Council
2. Council will begin the required Council Road Closure Process as outlined by the Business Centre Crown Lands (BCCL)
3. Council will advertise and provide written correspondence as required to adjoining owners and public utilities. The applicant is to negotiate and overcome any objections received regarding the proposed closure before any further action
4. The applicant will pay Council (or relevant supplier) all costs associated with each stage of the application including administration fees as per indicatives costs previously provided and as invoiced. Continued processing will not commence until payment to Council of any invoices have been made
5. The applicant acknowledges that success of the application is not ensured and refusal can occur at any stage of the process. All costs paid for work complete are non-refundable regardless of the outcome of the application
6. The applicant understands and agrees that the BCCL is the Authority responsible for the final decision regarding closure and purchase
7. Council will liaise with the Applicant regarding preparation and payment of a survey plan and any associated documents required for lodgement at the office of Land & Property Information (LPI) N.S.W for the "Road Closure"

Council File Number: PSC2015-00987

ITEM 6 - ATTACHMENT 3 ROAD CLOSURE PROCESS AGREEMENT.

8. Council will arrange for a registered Valuer to prepare a valuation resulting in the agreed purchase price of the land and invoice the Applicant for the valuation accordingly
9. The Applicant to arrange payment for the purchase price of the land as per the terms of the invoice. If required the applicant can apply to make weekly payments via Direct Debit over a period no longer than 12 months from the date of initial invoice to complete the payment for the land. This must be agreed to by Council beforehand
10. On completion of payment for the land and all other outstanding costs as invoiced Council will arrange for the preparation and endorsement of a Transfer document
11. Applicant to endorse the Transfer document and return to Council for forwarding to the Commissioner of State Revenue for stamping, along with required payment of any Stamp Duty
12. Council to arrange lodgement of Transfer and Notice of Sale documents at LPI. The Applicant will pay and costs associated with this process
13. Applicant to arrange with a surveyor the preparation of a Consolidation Plan of the closed road area with their adjoining land which is to be lodged and registered at LPI
14. Applicant to arrange with their solicitor to make available all relevant legal documents for the consolidation with their land

[Redacted Signature]
(Applicant)

[Redacted Signature]
(Applicant)

[Redacted Signature]
(Witness)

X
[Redacted Signature]
(Witness)

14/08/2015
Date

16/8/15
Date

[Redacted Signature]
Date

Date

Council File Number: PSC2015-00987

ITEM NO. 7**FILE NO: PSC2015-01000/809
TRIM REF NO: PSC2015-01138****PROPOSED ACQUISITION OF AN EASEMENT FOR DRAINAGE AND ACCESS
OVER PART OF 335 HINTON ROAD, HINTON****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Authorises the General Manager to negotiate appropriate compensation.
- 2) Endorses the payment of agreed compensation for the acquisition of an easement for drainage and access thereto over part of 335 Hinton Road, Hinton.
- 3) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

Councillor Paul Le Mottee left the meeting at 07:21pm.

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| | Councillor Ken Jordan Councillor Sally Dover That the recommendation be adopted. |
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**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

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|------------|---|
| 316 | Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Authorises the General Manager to negotiate appropriate compensation.2) Endorses the payment of agreed compensation for the acquisition of an easement for drainage and access thereto over part of 335 Hinton Road, Hinton.3) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents. |
|------------|---|

BACKGROUND

The purpose of this report is obtain Council resolution to acquire an easement for drainage and access thereto over part of 335 Hinton Road, Hinton which is shown by red edge on the Locality Map at **(ATTACHMENT 1)**. The legal documents, when prepared, will comprise the Deposited Plan Administration Sheet and associated Deposited Plan and 88B Instrument.

The current Facilities & Services works program at this location involves the widening and resurfacing of Hinton Road between Bounty Close in the east and Swan Street in the west, along with the provision of kerb and gutter to the southern side of Hinton Road and redirection of stormwater. Within the road reserve adjacent to the subject property there are four stormwater outlets which direct stormwater onto that property.

Initial discussions with the landowner indicated the desire to reduce the four outlets to two outlets and there to be no easements for drainage taken over the property. The design has increased pipe size from a single 375mm diameter to 2 x 525mm diameter pipes. In between the initial discussions and Council works commencing, the property has changed hands (inter family). The new owners now agree "in principle" to the granting of an easement for drainage and access, with its design and size yet to be formally agreed by the owners and Council, but generally in the location as shown in red on the Approximate Easement Plan at **(ATTACHMENT 2)**.

The easement will ensure Council has the correct legal mechanism over the affected area to enable the proper management of the stormwater infrastructure.

Council and the new landowners have each retained the services of a consultant valuer to assist the parties in negotiating satisfactory compensation for the grant of the easement. This will avoid the need to finalise the matter by way of compulsory acquisition and is considered a preferred approach.

Upon agreement of the compensation by both parties, the Deposited Plan Administration Sheet and the 88B Instrument can be executed, compensation can be paid and the documents lodged at Land and Property Information NSW for registration of the easement on the Certificate of Title to the landowners' land. Council will also pay the landowners' reasonable legal and valuation fees.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|--|--|
| Port Stephens' infrastructure and utilities meet the needs of all sections of the community. | Reduce the infrastructure backlog on all Council assets. |

FINANCIAL/RESOURCE IMPLICATIONS

The amount of compensation is yet to be agreed but could extend to \$20,000. Other costs will include survey/plan lodgement fees, valuer's fees and legal fees. These other costs should not exceed \$10,000.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|-----------------|--------|--------------|--|
| Existing budget | Yes | | Acquisitions are funded through the Facilities & Services Roads Projects Budget. |
| Reserve Funds | No | | |
| Section 94 | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

In obtaining the easement, there are no known legal or policy implications. There are risk implications around management of stormwater.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|---------------------|----------------------------|----------------------------|
| There is a risk that Council will be held liable for stormwater damage if no easement and infrastructure is in place. | High | Adopt the recommendations. | Yes |
| There is a risk that Council will not be able to manage stormwater appropriately without the correct legal instrument in place. | Medium | Adopt the recommendations. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The acquisition of the easement will provide a benefit to this and surrounding properties with the controlled drainage of stormwater to reduce the possibility of property damage. It will enable Council to manage the stormwater more effectively and mitigate the risk associated with stormwater.

CONSULTATION

- 1) Project Manager.
- 2) Land Acquisition & Development Manager.
- 3) Property Officer.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.
- 2) Approximate Easement Plan.

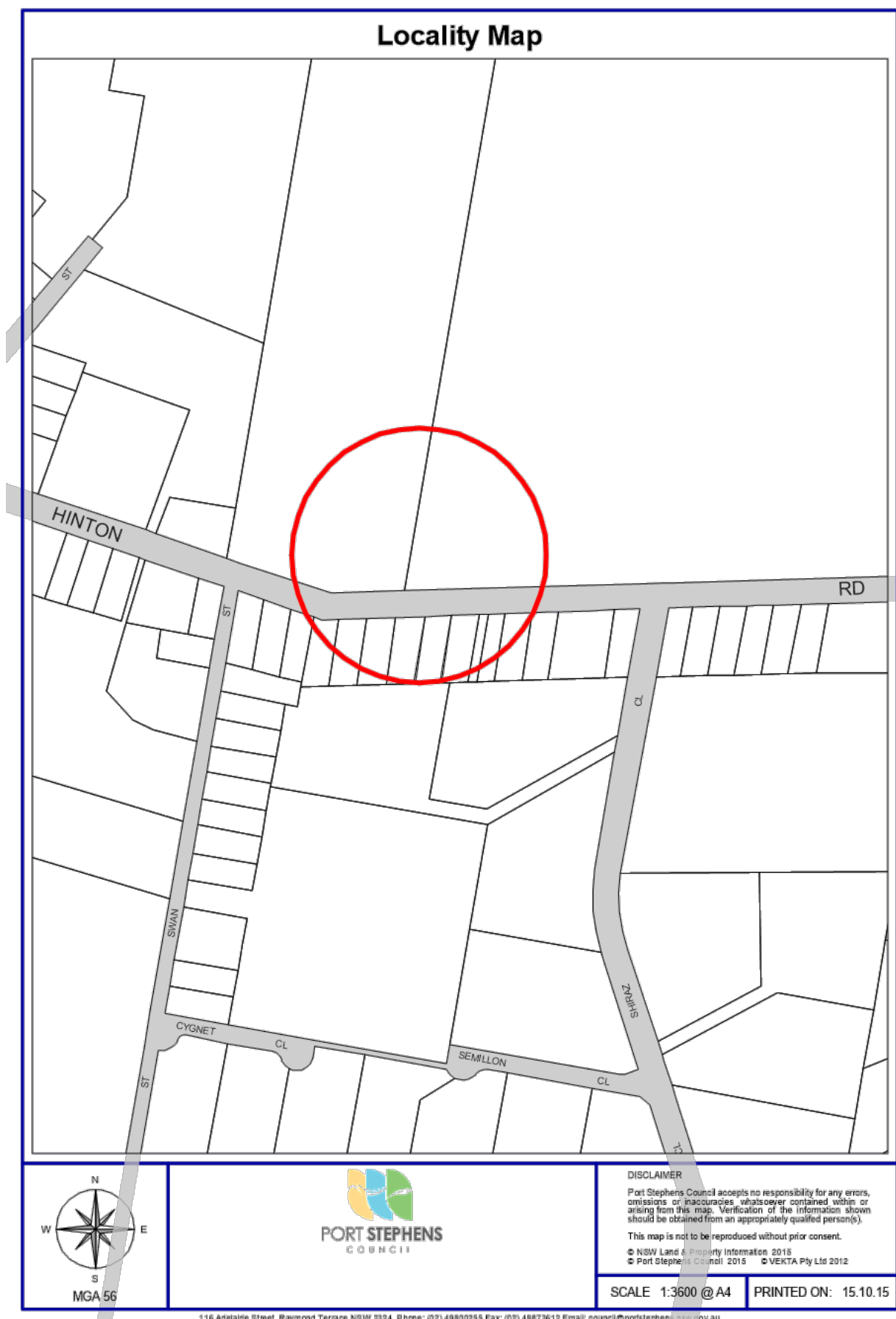
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 LOCALITY MAP.





MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 8

FILE NO: PSC2015-01000/826

TRIM REF NO: A2004-0790

DEDICATION OF PUBLIC ROAD AT MEDOWIE

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolves to dedicate as Public Road the land edged red on **(ATTACHMENT 1)**.
 - 2) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents.
-

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015

COMMITTEE OF THE WHOLE RECOMMENDATION

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

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015

MOTION

| | |
|------------|---|
| 317 | Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Resolves to dedicate as Public Road the land edged red on (ATTACHMENT 1).2) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents. |
|------------|---|

BACKGROUND

The purpose of this report is to obtain a Council resolution to dedicate as Public Road the new road construction through Council land at 795 Medowie Road, Medowie.

A tender process for road construction resulted in a resolution of Council on 23 June 2015 to award the tender to Keller Civil Engineering Pty Ltd. Works began on 14 September 2015 to extend Peppertree Road from its current dead end adjacent the

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

Coles and Woolworths supermarkets, through Council owned land to connect with Medowie Road between house numbers 791 and 797. Council has recently acquired a small strip of land from house number 797 to accommodate a new footpath as part of the road extension and this land will also be dedicated as Public Road.

The new road will have the effect of reducing traffic pressure on the current intersection of Peppertree Road and Ferodale Road, adjacent the Woolworths supermarket. As a consequence, the remainder of the Council owned land being 795 Medowie Road will have frontage to a formed Public Road which will allow future development to occur as the market demands. The approximate boundaries of the new Public Road are shown by red edge on the Public Road Dedication Plan at **(ATTACHMENT 1)**.

A Survey Plan has been prepared and will be registered to subdivide the Council land at 795 Medowie Road to dedicate the Peppertree Road extension as Public Road and leave a residual area for future development/sale by Council. The dedication as Public Road will reduce Council's liability in the event of an accident once it is opened to traffic.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|--|--|
| Port Stephens has an integrated, connected transport system. | Promote sustainable and improved, accessible and flexible transport modes. |

FINANCIAL/RESOURCE IMPLICATIONS

The costs of the Survey Plan and its registration are being borne by Facilities & Services as part of its construction budget for the road extension. There are no other resource implications.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|-----------------|--------|--------------|--|
| Existing budget | Yes | | Funding from Facilities & Services 2015-16 budget. |
| Reserve Funds | No | | |
| Section 94 | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

The *Roads Act 1993* applies to this matter. There is a greater risk to Council if the Peppertree Road extension is opened to traffic but has not been dedicated as Public Road as any accident will have occurred on private land.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|--------------------------------|----------------------------|---|
| There is a risk that Council will have greater liability if the dedication does not occur before the road is opened. | Medium | Adopt the recommendations. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no known social, economic or environmental implications associated with the dedication of the road as Public Road.

CONSULTATION

- 1) Project Engineer.
- 2) Property Officer.
- 3) Land Acquisition & Development Manager.

OPTIONS

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

ATTACHMENTS

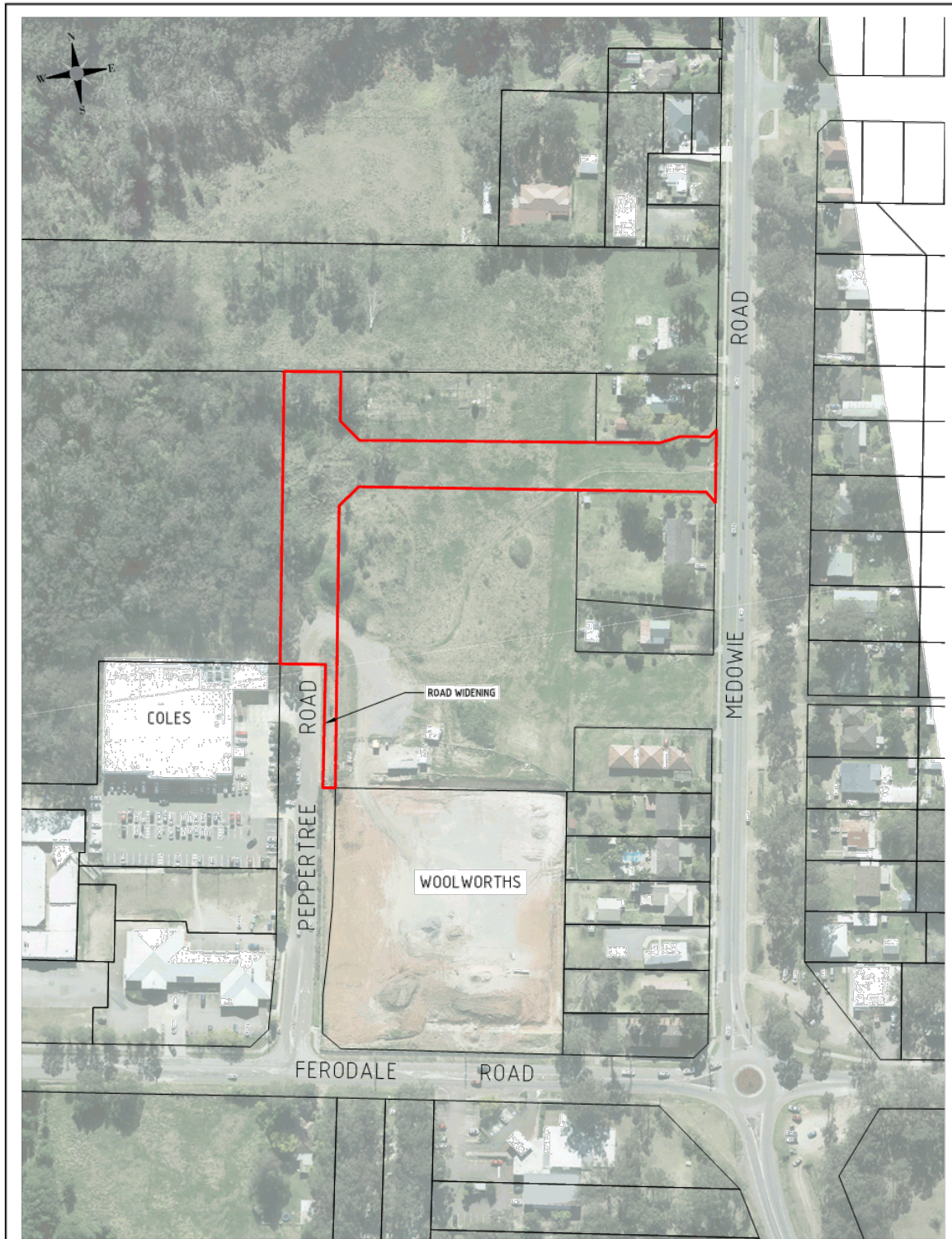
- 1) Public Road Dedication Plan.


COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



| | | | |
|--|--|---|---|
|  <p>PORT STEPHENS COUNCIL</p> <p>Directory: X</p> | | <p>Drawing: PUBLIC ROAD DEDICATION</p> <p>Scale: 1:2000</p> <p>Survey: X</p> <p>Drawn By: D BRAKE</p> | <p>Job Title: PEPPERTREE RD EXTENSION MEDOWIE</p> <p>Date: 17 SEPT 15 Sheet No.: 1 of 1</p> <p>Job No.: X Plan No.: X</p> |
|--|--|---|---|

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 9

FILE NO: PSC2015-01000/883
TRIM REF NO: PSC2010-05281

SALE OF BIOBANKING CREDITS FROM THE KARUAH BIOBANKING SITE

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the sale of 182 Ecosystem Credits at a purchase price of \$2,300 per credit (total \$418,600).
 - 2) Endorse the sale of nine Ecosystem Credits at a purchase price of \$2,300 per credit (total \$20,700).
-

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

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

Councillor Paul Le Mottee returned to the meeting at 07:22pm, prior to voting on Item 9.

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 MOTION

| | |
|------------|--|
| 318 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the sale of 182 Ecosystem Credits at a purchase price of \$2,300 per credit (total \$418,600).2) Endorse the sale of nine Ecosystem Credits at a purchase price of \$2,300 per credit (total \$20,700). |
|------------|--|

BACKGROUND

The purpose of this report is to seek Council resolution for two previous sales of Ecosystem Credits from Council's Biobanking site located at Karuah (**ATTACHMENT 1**). The two sales are to the Australian Rail Track Corporation for 182 credits and to Diverse Property Construction Holdings for nine credits.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

Council owned land at 210-262 Tarean Road, Karuah was registered with the Office of Environment & Heritage (OEH) on 20 March 2013 as Biobanking Agreement No 97 under the *Threatened Species Conservation Act 1995*. The boundaries of the Biobanking site are shown in red in **(ATTACHMENT 2)**. 1,768 ecosystem credits and 90 species credits were assessed on the site from a wide variety of vegetation types.

At the meeting of 10 July 2012, Council resolved to sell all credits via the Office of Environment & Heritage website, with pricing to be determined on an individually negotiated basis reflecting market conditions at the date of each sale. Sales in this catchment (Karuah/Manning) have ranged from \$1,100/credit to \$2,300/credit. Council has received two separate offers to purchase Ecosystem Credits from the available credits at \$2,300/credit, totalling \$439,300 in sales and these are recommended for acceptance.

The Agreement requires Council pass on the first \$555,819 in credit sales to OEH, known as the "Part A" payment. The Part A payment is invested in a Trust Fund from which annual payments are made back to Council to carry out annual management actions set out in the Agreement.

Once Council's contributions reach 80% of the \$555,819, (\$444,655), Council receives an annual contribution towards the management and maintenance of the site. The total sales to date paid into the OEH Trust fund are \$533,800. Once the \$555,819 (an additional \$22,019 in credit sales) is paid in full the remaining sales revenue will be profit to Council.

Council received the first annual payment in 2013 of \$111,456 and has received a second annual payment in 2014 of \$43,000. The sums of these payments are in accordance with a scheduled program of required maintenance and management works for the site.

The credits are advertised on the OEH website and on Council's website. Accredited Biobanking Assessors in the region are aware of the types of credits available and can direct developers seeking to acquire these types of credits to Council.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2015-2019 |
|---|--|
| Port Stephens Council's services and assets are sustainable in the longer term. | <p>Council will reduce its underlying deficit to break even in 2014-2015 financial year.</p> <p>Council will increase its revenue from non-rates sources.</p> <p>Manage risks across Council.</p> <p>Attract, retain and develop staff to meet current and future workforce needs.</p> <p>Provide enabling business support services for Council's operations.</p> |

FINANCIAL/RESOURCE IMPLICATIONS

The sale of Ecosystem Credits will be ongoing until all credits generated are exhausted. Excluding the 191 credits in these two transactions, Council has a further 1,532 credits available for sale. A business paper will be prepared at each instance of any sale of credits for Council's endorsement.

Council is paid a variable annual fee to carry out pre-determined management actions on the site such as fencing, weed removal and feral animal control. Natural Resources carries out and/or supervises these actions and aims to complete same for less than the annual payment amount from OEH, resulting in a modest surplus each year, carried forward for unexpected events such as bushfire damage to fencing, illegal dumping clean-up and the like.

There is no cost to Council associated with the process of selling these credits to other parties.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Biobanking was established by the NSW State Government and is fully legislated and controlled by OEH.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|----------------------------|-----------------------------------|
| There is a risk that the purchasers could obtain the credits from another Biobanking site, reducing Council's Reserve Funds from the sale of credits. | Medium | Adopt the recommendations. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

- Generate additional income from non-rateable sources.
- Receive annual payments from the Office of Environment & Heritage to undertake management actions.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

- Provides a mechanism and method to address the loss of bio diversity and threatened species.

CONSULTATION

- 1) Group Manager Corporate Services.
- 2) Land Acquisition & Development Manager.
- 3) Property Development Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map - Karuah.
- 2) Karuah Biobank Site Boundaries.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.





MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 10

FILE NO: PSC2015-01000/954
TRIM REF NO: PSC2015-01625

RECLASSIFICATION OF TWO COUNCIL PROPERTIES AT SALAMANDER BAY

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolves to formally prepare and submit a Planning Proposal to the Department of Planning for two reclassifications of Council property.
 - 2) Resolves to approve the funding required to prepare the Planning Proposal as detailed in the body of this report.
 - 3) Upon gazettal of the reclassifications, authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents.
-

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

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

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 MOTION

| | |
|-----|---|
| 319 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Resolves to formally prepare and submit a Planning Proposal to the Department of Planning for two reclassifications of Council property.2) Resolves to approve the funding required to prepare the Planning Proposal as detailed in the body of this report.3) Upon gazettal of the reclassifications, authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents. |
|-----|---|

BACKGROUND

The purpose of this report is to seek Council resolution to proceed with the reclassification of two Council owned properties, one for potential sale to adjoining owners and another to formalise a Public Road use.

The properties are both located in Salamander Bay (**shown in red in ATTACHMENT 1**), are currently classified Community Land and are described in the following table:-

| Address | Current Zoning | Proposed Zoning | Comments | Intentions |
|-------------------------|-----------------------|------------------------|--|--|
| 9B Diemars Road | IN 4 | IN 4 | Land is landlocked, adjoining owner is seeking to acquire. | Reclassify and sell to adjoining owner(s). |
| 308 Soldiers Point Road | RE 1 | RE 1 | Part not formalised but currently in use as George Road. | Reclassify part, dedicate as Public Road. |

Specific details of each property are as follows:-

The property at 9B Diemars Road (**shown in red in ATTACHMENT 2**) comprises a waterfront parcel that is landlocked (ie it has no frontage to a public road) and is partially cleared.

The property is 3,681sqm and consists of some grassed areas and mature vegetation. The land parcel falls moderately to the water and is joined on three sides by properties owned by (1) VC Diemar & Sons Prop P/L and (2) DJ, CE & BG Holbert, both local oyster growers.

The property has absolute waterfrontage to Cromarty's Bay. The southern half of the property is in use unofficially for the storage of oyster racks and the like by Diemars, for which there is no approval or licence from Council. The northern half adjoins Holbert's Oyster Farm processing/retail facility. At the time of writing this report Diemars have expressed interest in acquiring the property, however, both adjoining property owners will be offered the opportunity to acquire the subject property or part thereof.

The landlocked nature of the parcel affects the property's value as it does not have legal street access which limits its practical use. The adjoining lands have an industrial type use and have the same zoning as the subject lot, namely IN4 Working Waterfront. Local industrial land values may provide a guide but will require adjustments for both the landlocked nature of the property and its absolute waterfrontage. A formal valuation, along with negotiations, will form the basis of the sale price for the property to be recommended to Council, once the reclassification has occurred.

The second subject property fronting Soldiers Point Road is a Public Reserve of some 7,645sqm and comprises three distinct sections as follows:

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

- Section One runs between the two sections of George Road – about 2,300sqm;
- Section Two (**shown in red in ATTACHMENT 3**) is in use as the northern section of George Road where it intersects with Soldiers Point Road - requires formalisation as Public Road Reserve - about 765sqm improved with tar sealed road surface, concrete kerb and gutters, above ground electricity supply;
- Section Three north of George Road, part of which is improved with the Soldiers Point Rural Fire Station – about 4,580sqm.

It is proposed that only Section Two (the unofficial road reserve) be reclassified. This section will be dedicated as Public Road Reserve, removing a potential legal risk to Council as vehicles travelling along this section of George Road have been travelling over non-Public Road.

The appropriate Council staff have been consulted and no objections have been raised to the proposed reclassification, however, Strategic Planning has advised that the zoning of the Soldiers Point Road parcel should remain as RE 1 Public Recreation in accordance with NSW Department of Planning Practice Note - Zoning for Infrastructure in LEPs.

For the above two properties, a planning proposal will be required for which Property Services will seek fee proposals from suitably experienced planning consultants. The planning proposal will be overseen by Council's Strategic Planning department. A budget for the preparation of the planning proposal is around \$8,000 along with the standard \$21,000 Council fee as advised to Property Services by Strategic Planning.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2015-2019 |
|---|--|
| Port Stephens Council's services and assets are sustainable in the longer term. | <p>Council will reduce its underlying deficit to break even in 2014-2015 financial year.</p> <p>Council will increase its revenue from non-rates sources.</p> <p>Manage risks across Council.</p> <p>Attract, retain and develop staff to meet current and future workforce needs.</p> <p>Provide enabling business support services for Council's operations.</p> |

FINANCIAL/RESOURCE IMPLICATIONS

Formal quotations for the preparation of the planning proposal for these two lots are yet to be obtained, however, fees in the range of \$8,000 to \$10,000 are anticipated in line with previous recent experience. The \$21,000 Council fee will apply for the planning proposal. Total costs are therefore estimated at \$30,000 but will increase if

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

additional studies are required as part of the Gateway determination process. Funding will come from the Property Reserve Fund and will be recovered from the sale proceeds.

The sale proceeds from the sale of the Diemars Road property are difficult to estimate due to its landlocked nature and waterfront location but will be determined by a Council-instructed valuation which will inform negotiations between Council and the prospective purchasers.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|-----------------|--------|--------------|---|
| Existing budget | No | | |
| Reserve Funds | Yes | | Will require fee proposals from suitably qualified planning consultants and Council's fixed Planning Proposal fee. Costs will be funded from the Property Reserve and recovered from the sale proceeds. |
| Section 94 | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

There are legal and risk implications around the unofficial use of part of the Diemars Road property by one of the adjoining owners for storage purposes. There are legal and risk implications around the use of part of the Soldiers Point Road property as informal Public Road.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources ? |
|--|---------------------|----------------------------|-----------------------------|
| There is a risk that without reclassification and dedication as Public Road of the Soldiers Point Road lot, the Council may be liable in the event of an accident. | High | Adopt the recommendations. | Yes |
| There is a risk that Council may be liable in the event of an accident arising from any informal use of the land at Diemars Road that is not | Medium | Adopt the recommendations. | Yes |

| | | | |
|---|--|--|--|
| subject to a formal agreement or licence. | | | |
|---|--|--|--|

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It appears unlikely that extensive environmental assessments will be required given the generally cleared nature of the land and the continuation of the long practised surrounding land uses.

The economic implications are the reduction of Council maintenance costs by disposal of the Diemars Road property, the ability to generate non-rate income from the sale of the Diemars Road property and the reduction in liability by dedicating part of the Soldiers Point Road property as Public Road.

CONSULTATION

- 1) Land Acquisition & Development Manager.
- 2) Property Development Coordinator.
- 3) Drainage & Flooding Coordinator.
- 4) Property Development Coordinator.
- 5) Community & Recreation Coordinator.
- 6) Strategic Planner.
- 7) Asset Section Manager.
- 8) Group Manager Facilities & Services.

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.
- 2) Diemars Road.
- 3) Soldiers Point Road.

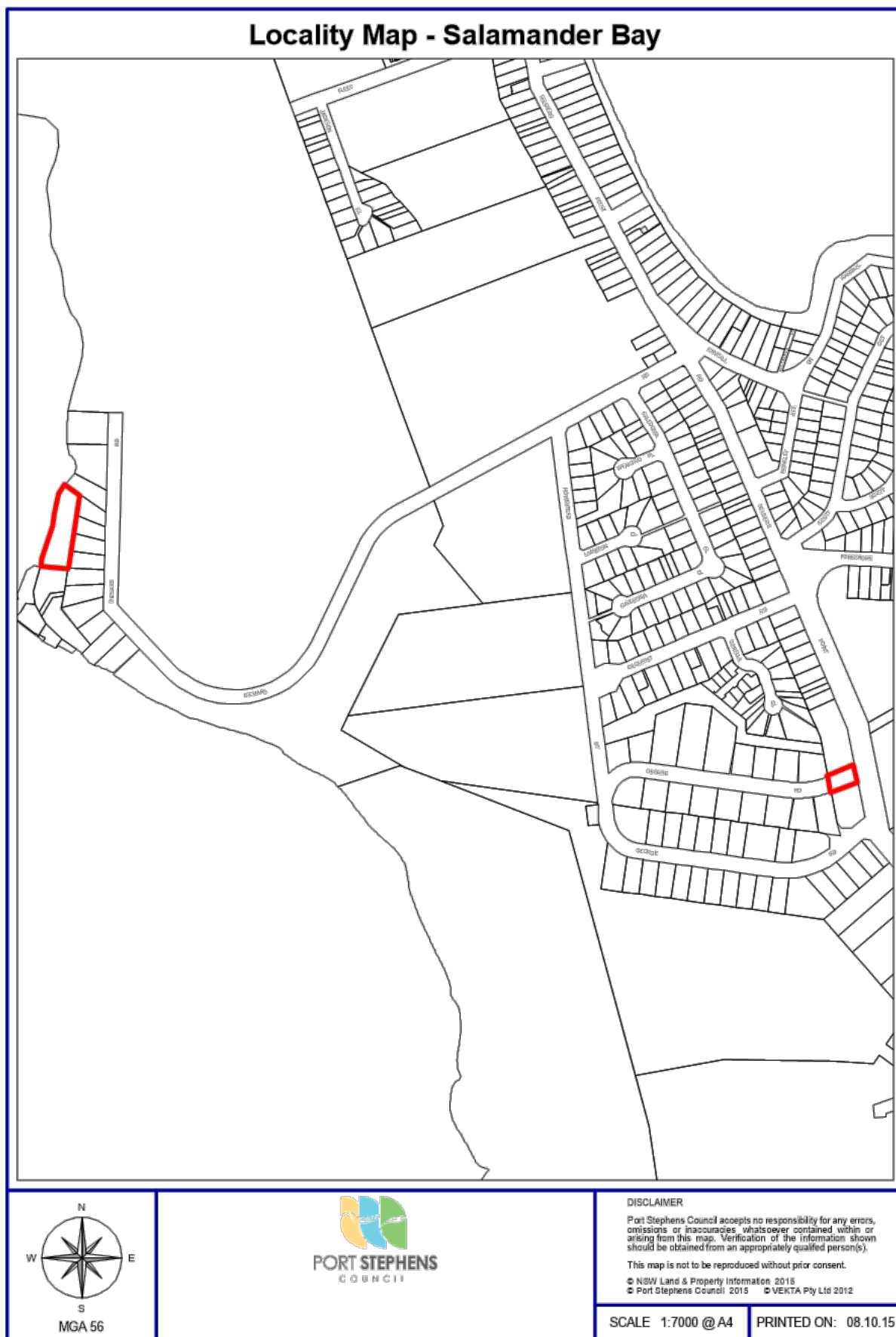
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 LOCALITY MAP.







ITEM NO. 11

FILE NO: PSC2015-01000/810

TRIM REF NO: T23-2015

T23-2015: RAYMOND TERRACE LIBRARY REPAIRS

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act, 1993*, the Council resolve to close to the public that part of its meetings to discuss Item 11 on the Ordinary Council agenda namely T23-2015: Raymond Terrace Library repairs.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the T23-2015: Raymond Terrace Library repairs.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*.
- 5) Accepts the tender submitted from Ozz Projects Unit Trust, as trustee for Ozz Projects Pty Limited, for \$148,869 for the provision of the Raymond Terrace Library repairs.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

| | |
|--|--|
| | <p>Councillor Geoff Dingle Councillor John Morello</p> <p>That Council accepts the tender submitted from Ozz Projects Unit Trust, as trustee for Ozz Projects Pty Limited, for \$148,869 for the provision of the Raymond Terrace Library repairs.</p> |
|--|--|

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION

| | |
|------------|--|
| 320 | Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council accepts the tender submitted from Ozz Projects Unit Trust, as trustee for Ozz Projects Pty Limited, for \$148,869 for the provision of the Raymond Terrace Library repairs. |
|------------|--|

BACKGROUND

The purpose of this report is to recommend the acceptance of a tender received from Ozz Projects Unit Trust, as trustee for Ozz Projects Pty Limited, for \$148,869 for the provision of the Raymond Terrace Library repairs.

This work will be fully funded by the insurer and comprises flood damage repairs to the lower floor level of the building including:

- Replacement of doors;
- Replacement of floor coverings;
- Cleaning of walls;
- Minor building repairs and
- Painting.

The insurance claim has been assessed and the claim has been accepted and approved by the insurer.

The tender was advertised and closed 31 August 2015 with a total of three submissions received at the close of the tender period, a summary which is included as **(ATTACHMENT 1)**.

The weightings agreed for this tender were:

| Criteria | Weighting (%) |
|----------------------|----------------------|
| Price | 35 |
| Compliance | 5 |
| Capability/Resources | 10 |
| Experience | 25 |
| Referees | 25 |
| Total | 100 |

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|--|--|
| Port Stephens' infrastructure and utilities meet the needs of all sections of the community. | Reduce the infrastructure backlog on all Council assets. |

FINANCIAL/RESOURCE IMPLICATIONS

Internal discussions were conducted in regards to the initial funding. This will be procured through Port Stephens Council and then reimbursed by the insurer.

The financial timeline expectation of this expenditure is approximately three weeks of work and is dependent on the award and availability of materials and labour.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|------------------------|---------------|---------------------|--|
| Existing budget | No | | |
| Reserve Funds | No | | |
| Section 94 | No | | |
| External Grants | No | | |
| Other | Yes | \$148,869 | Funds will be reimbursed by Council's insurer as part of the property claim from the April 2015 storm event. |

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal or policy implications. The risk implications are listed in the table below.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|---|-----------------------------------|
| There is a risk that there is deterioration of Council's asset and possibility of the delay of the insurance claim. | Low | Accept the recommendations and complete the approved schedule of works. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There is an economic/social implication to ensure that repairs are completed to a community accepted standard, at the best possible price, and that Council assets are maintained.

There is a further social implication that the library would have ongoing closures if permanent repairs were not undertaken.

CONSULTATION

- 1) Structures & Landscapes Projects Team Leader.
- 2) Architectural Projects Officer.
- 3) Risk Management Coordinator.
- 4) Asset Section Manager.
- 5) Project Manager - Procurement & Contractor Management.
- 6) Capital Works Section Manager.
- 7) Facilities & Services Group Manager.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL Weighted criteria methodology summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 12

FILE NO: PSC2015-01000/867

TRIM REF NO: PSC2005-4217

2014-2015 GENERAL PURPOSE FINANCIAL REPORTS

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Ratifies the referring of the draft 2014-2015 General Purpose Financial Reports for audit.
 - 2) Signs the statement on the General Purpose Financial Reports.
-

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015

COMMITTEE OF THE WHOLE RECOMMENDATION

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

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015

MOTION

| | |
|------------|---|
| 321 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Ratifies the referring of the draft 2014-2015 General Purpose Financial Reports for audit.2) Signs the statement on the General Purpose Financial Reports. |
|------------|---|

BACKGROUND

The purpose of this report is to advise that the draft General Purpose Financial Reports for the period ended 30 June 2015 have been prepared and the audit commenced on Monday 28 September 2015.

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

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2015-2019 |
|---|--|
| Port Stephens Council's services and assets are sustainable in the longer term. | <p>Council will reduce its underlying deficit to break even in 2014-2015 financial year.</p> <p>Council will increase its revenue from non-rates sources.</p> <p>Manage risks across Council.</p> <p>Attract, retain and develop staff to meet current and future workforce needs.</p> <p>Provide enabling business support services for Council's operations.</p> |

FINANCIAL/RESOURCE IMPLICATIONS

The 2014-2015 General Purpose Financial Reports 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 for 2014-2015 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 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 | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|---|-----------------------------------|
| There is a risk that failure to sign the General Purpose Financial Reports will result in non-compliance with legislative requirements leading to potential reputational and financial loss. | Low | Adopt the recommendations and sign the General Purpose Financial Reports. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no significant sustainability implications.

CONSULTATION

- 1) Pitcher Partners - Council's external auditor.

OPTIONS

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

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 12 - ATTACHMENT 1 GENERAL PURPOSE FINANCIAL STATEMENTS -
STATEMENT BY COUNCILLORS AND MANAGEMENT.**

Financial Statements 2015

Port Stephens

General Purpose Financial Statements
for the financial year ended 30 June 2015

Statement by Councillors and Management
made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

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

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

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

- present fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

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

Signed in accordance with a resolution of Council made on 27 October 2015.

Bruce MacKenzie
MAYOR

COUNCILLOR

Wayne Wallis
GENERAL MANAGER

Tim Hazell
RESPONSIBLE ACCOUNTING OFFICER

page 2

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 13

FILE NO: PSC2015-01000/852

TRIM REF NO: A2004-0709

DRAFT 355(C) COMMITTEE TERMS OF REFERENCE

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the draft 355(c) Committee Terms of Reference as shown in **(ATTACHMENT 1)** and the draft Committee Appendix Template as shown in **(ATTACHMENT 2)**.
 - 2) Delegate authority to the General Manager to make any minor amendments to the Terms of Reference and Committee Appendix Template as adopted to correct any drafting errors.
 - 3) Revoke the 355(c) Committee Standard Constitution as amended by Council on 13 September 2011 Minute Number 329 **(ATTACHMENT 3)**.
 - 4) Receive further reports to endorse the adoption of individual 355(c) Committee Appendices following consultation with each Committee.
-

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

| | |
|--|---|
| | Councillor Geoff Dingle Councillor Chris Doohan That the recommendation be adopted. changes |
|--|---|

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 MOTION

| | |
|------------|--|
| 322 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: 1) Adopt the draft 355(c) Committee Terms of Reference as shown in (ATTACHMENT 1) and the draft Committee Appendix Template as shown in (ATTACHMENT 2) , subject to rewording clause 7.6 j) to read " Committee's that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least on member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years, is |
|------------|--|

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

| | |
|----|---|
| | required to be on site working with the young person in question. |
| 2) | Delegate authority to the General Manager to make any minor amendments to the Terms of Reference and Committee Appendix Template as adopted to correct any drafting errors. |
| 3) | Revoke the 355(c) Committee Standard Constitution as amended by Council on 13 September 2011 Minute Number 329 (ATTACHMENT 3). |
| 4) | Receive further reports to endorse the adoption of individual 355(c) Committee Appendices following consultation with each Committee. |

BACKGROUND

The purpose of this report is to recommend the adoption of the revised draft 355(c) Committee Terms of Reference and the individual draft 355(c) Committee Appendix Template.

The content of the 355(c) Committee Standard Constitution has not been reviewed since 2003. It was evident that legislation, in particular regarding Work Health and Safety, had changed since 2003 and the Constitution required updating to reflect these changes. Concerns were also raised by Committee members that the terminology regarding Committee membership within the document was confusing.

Council uses the mechanisms available in section 355 of the *Local Government Act 1993* to delegate certain activities, services or events on Council land. Members of the 355(c) Committees are registered Council Volunteers and governed by Council. Their governance requirements are detailed in the draft 355(c) Committee Terms of Reference.

The review process began in April 2015, with consultation undertaken with relevant Council staff, Committee Members and Councillors. The process is detailed in the consultation section of this report.

Research into other Council's 355(c) Committees revealed that the common practice was for 355(c) Committees to be guided by a Terms of Reference rather than a Constitution, which is more commonly used for the governance of incorporated associations. It was therefore recommended throughout the consultation process of the review, that the Constitution be renamed to a Terms of Reference. This was accepted by internal Council stakeholders and Committee Members.

The main changes included in the draft 355(c) Terms of Reference are:

- 1) Updated legislation such as the *Work Health and Safety Act 2011* and changes to Council procedures including financial administration, record keeping and specific worksite inductions.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

- 2) Clarified structure of the Committees to include definitions of Executive and Advisory Members with all members being defined as General Members. All General Members are all Registered Volunteers of Council.
- 3) All Committees allowed up to fifty General Members, with voting rights at the Annual General Meeting.
- 4) Clarification between Casual Volunteers and Registered Volunteers and the Work Health and Safety requirements they operate under.
- 5) Clarification of requirements for Committees to follow Council's Procurement Management Directive when engaging others to provide goods and or services.
- 6) The inclusion of a Working With Children Check for Committee Members, with at least one General Member with a Working With Children Check to be supervising at an activity of the Committee where a Volunteer is over the age of fifteen years and under the age of eighteen years. This is a requirement under the *Working With Children (Child Protection Act) 2012* of the NSW Office of Children's Guardian. The check is free for volunteers to obtain and is valid for a period of five years.
- 7) Executive Membership is to have a maximum term of three years, unless there are no alternative nominations.
- 8) One Executive Member must remain an Executive Member each year to retain Committee knowledge.
- 9) Clarification and additional information on mechanisms and governance involved in the formation and operation of 355(c) Committees.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|---|--|
| Port Stephens has strong governance and civic leadership. | Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc. |

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from adopting the recommendations.

| 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

A 355(c) Committee Terms of Reference sets out mandatory provisions for the administration and management of the Committees and their requirements under the *Local Government Act*. This is designed to ensure that a Committee does not undertake any work or activities, whether directly or by the use of volunteer labour, that contravenes any legislation or relates to a function that cannot or has not been delegated to that Committee. The Committee can therefore exercise their delegation in a manner that is consistent with Council's policy objectives, and ensure their delegation is implemented in a manner that does not expose Council to liability.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|----------------------------|---|-----------------------------------|
| There is a risk that Council is liable for injury or incident relating to operations and work undertaken by Council Volunteers. | Medium | Ensure that all volunteers comply with Council policy procedures and processes. | Yes |
| There is a risk that Council Volunteers are unaware of their requirements as a 355(c) Committee Volunteer under the Local Government Act, and are therefore vulnerable to unwittingly cause harm to themselves or others while operating as a 355(c) Committee Volunteer. | Medium | Ensure that all volunteers comply with Council policy procedures and processes. | Yes |
| There is a risk that conflict between the 355(c) Committee Members arises due to management and operational requirements not being clearly outlined in a detailed 355(c) Committee Terms of Reference. | Low | Provide information to 355(c) Committee Volunteers that outlines their management and code of conduct responsibilities. | Yes |
| There is a risk that volunteers and committee members may view the new Terms of | Low | Adopt the recommendations in the knowledge that the Terms of Reference has been prepared in full | Yes |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

| | | | |
|---|--|---|--|
| Reference as creating more 'red tape' resulting in reputation damage. | | consultation with existing 355(c) committees. | |
|---|--|---|--|

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council establishes community committees to undertake projects and assist in Council operations under section 355(c) of the *Local Government Act*. The activities and projects undertaken by Committees are often those that would not be financially viable for Council without volunteer assistance.

Council currently has forty eight 355(c) Committees who assist in the care of Council parks, reserves, cemeteries, facilities and services. This is vital to Council working in partnership with the community and provides opportunities for volunteering for Council to be safe, accessible and enjoyable. It ensures the community has a say and can have an active role in the operation of Council facilities and services.

A number of the Committees undertake work including dune stabilisation, conservation, weed eradication and litter removal. This environmental support afforded to Council by these volunteers is invaluable. The Committees work in partnership with Council ensuring activities are performed in accordance with recognised practices that often provide long term benefits to the environment.

CONSULTATION

- 1) Relevant staff members were involved in the initial review process, providing updated information according to their area of expertise, to ensure the draft Terms of Reference meets legislation and Council policy and procedures.
- 2) Briefings were provided to Councillors on the proposed review process (25 June 2015, 30 June 2015 and 13 July 2015) with a summary of proposed recommendations and a timeline for implementation of the review. Information was also provided to Councillors in PS News Letter.
- 3) An internal Review Working Party met throughout the review process to consider recommendations and feedback for inclusion into all drafts of the document. The members of the Working Party were the Governance Manager, Legal Services Manager, Community Services Section Manager and the Volunteer Coordinators.
- 4) Sports Councils were consulted, with updates provided at Sports Council meetings. Council staff responsible for 355(c) Committees and their members, including the Aboriginal Strategic Committee, Strategic Arts Committee and the Heritage Advisory Committee provided feedback throughout the process.
- 5) The first draft was distributed to all 355(c) Committees of Council, with a summary of proposed recommendations and the review timeline. Committee Members were given six weeks to consider the draft. Nine Committees provided feedback. It was then discussed as an agenda item for both the Halls and Parks Forums in July 2015. An after-hours session was scheduled as an

opportunity for Sports Council members and 355(c) Committee Volunteers that are in paid employment for an update and discussion in person.

- 6) A second draft was then distributed to Committee Members for further consideration and feedback for inclusion in the final draft. Seven Committees provided feedback at this stage.
- 7) Once adopted the new Terms of Reference will be distributed to all 355(c) Committees for their records. A works program has been established to gradually update each and every 355(c) Committee Appendix to align with the new template. These new Appendix documents will be reported to Council in batches as they reach a final version.

OPTIONS

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

ATTACHMENTS

- 1) Draft 355(c) Committee Terms of Reference (Provided under separate cover)
- 2) Draft 355(c) Committee Appendix Template (Provided under separate cover)
- 3) 355(c) Committee Standard Constitution. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 14

FILE NO: PSC2015-01000/721
TRIM REF NO: PSC2015-01399

POLICY REVIEW: FLOODPLAIN RISK MANAGEMENT

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Floodplain Risk Management Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the draft Floodplain Risk Management Policy and Flood Hazard Maps, on public exhibition for a period of 87 days and should no submissions be received, the policy be adopted, without a further report to Council.
 - 3) Revoke the "Areas Affected by Flooding and/or Inundation" policy dated 16 December 2008 (Minute No 384) should no submissions be received.
-

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

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

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 MOTION

| | |
|------------|---|
| 323 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the revised Floodplain Risk Management Policy shown at (ATTACHMENT 1).2) Place the draft Floodplain Risk Management Policy and Flood Hazard Maps, on public exhibition for a period of 87 days and should no submissions be received, the policy be adopted, without a further report to Council.3) Revoke the "Areas Affected by Flooding and/or Inundation" policy dated 16 December 2008 (Minute No 384) should no submissions be received. |
|------------|---|

BACKGROUND

The purpose of this report is to recommend that the draft Floodplain Risk Management Policy and Flood Hazard Maps be placed on public exhibition.

This Policy updates an old policy to ensure that Council is fully consistent with the flood risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

In summary, the new Policy:

- Takes an integrated risk management approach to development of flood prone land, recognising that land should not be sterilised by unnecessarily restricting its development and that decisions take into account the flood hazard.
- Provides the framework to manage floodplain risk through cost effective measures that address the flood hazard as identified in local floodplain risk management studies and plans.
- Ensures that the Emergency Services are provided with the most up to date flood information so they can include it in their emergency response and recovery planning.

The Floodplain Risk Management Policy and Council's Development Control Plan refer to the Flood Hazard Maps, which have been compiled from Council's various flood studies that were referenced in the Port Stephens Local Environment Plan 2013. The Flood Hazard Maps present a visual representation of the technical information.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|--|--|
| Port Stephens is a community where people feel safe. | Use Council's regulatory powers and Government legislation to enhance public safety. |

FINANCIAL/RESOURCE IMPLICATIONS

The cost of the public exhibition of the Floodplain Risk Management Policy and the Flood Hazard Maps will be carried out within existing budgets.

| Source of Funds | Yes/No | Funding (\$) | Comment |
|------------------------|---------------|---------------------|--|
| Existing budget | Yes | | Within existing budget and not material. |
| Reserve Funds | No | | |
| Section 94 | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL, POLICY AND RISK IMPLICATIONS

The Local Government Act (Section 733) provides Council with a general exemption from liability with respect to flood liable land if decisions are made or advice given in accordance with the State Government's Floodplain Development Manual 2005.

This Policy will ensure that Council is fully consistent with the flood risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

The State Government has issued a direction regarding the advice to be provided on Section 149 Certificates where land is subject to flood related development controls. The direction promotes the appropriate use of flood prone land and designates the land into areas dependent upon:

- Frequency of inundation.
- Their hydraulic function (floodways in which floodwaters are conveyed, flood storage areas where flood waters are temporarily stored during flood events, and flood fringe areas).
- Flood hazard (a minimum of two categories, high and low).

The Flood Hazard Maps denote which properties will have notations on their 149 certificates.

Clause 7.3 of the Port Stephens Local Environment Plan 2013 provides that development consent must not be granted on land at or below the Flood Planning Level unless Council is satisfied that the development is compatible with the flood hazard of the land.

In addition, the new Electronic Housing Code, being implemented as part of the ePlanning customer service portal, relies on the Flood hazard Maps.

Anecdotal evidence shows that while insurance companies use a variety of flood data sources to make their own assessment of risk, it is likely that they will take a conservative view of risk. The Flood Hazard maps provide up to date data and hence should lead to reduced insurance premiums for a material number of residents.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|--------------------------------|--|---|
| There is a risk that not placing the draft Policy and Flood Hazard Maps on exhibition will lead to reputation risk for Council. | Medium | Adopt recommendations and place the draft Policy and Flood Hazard Maps on public exhibition. | Yes |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|----------------------------|---|-----------------------------------|
| There is a risk that the Flood Hazard Maps will lead to concern from residents, land holders and other public utilities. | Medium | Adopt recommendations and place the draft Policy and Flood Hazard Maps on public exhibition so the residents, land holders and other public utilities can provide comment. | Yes |
| There is a risk that not following the State Government's Floodplain Development Manual 2005 will lead to Council not meeting legislative obligations exposing Council to financial and legal risk. | High | Adopt recommendations and place the draft Policy and Flood Hazard Maps on public exhibition to continue with the State Government's Floodplain Development Manual 2005 process. | Yes |
| There is a risk that not following the State Government's Floodplain Development Manual 2005 will lead to insurance companies continuing to take a conservative view of flood risk and resulting in increased insurance premiums for residents | High | Adopt recommendations and place the draft Policy and Flood Hazard Maps on public exhibition | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Floodplain Risk Management Policy aims to systematically reduce the impact of flooding and flood liability on individual owners and reduce the private and public losses resulting from floods.

The Floodplain Risk Management Policy also recognises that flood prone land is a value resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development.

The Floodplain Risk Management Policy takes an integrated risk management approach using the best available information that classifies land in terms of flood risk so that decisions take into account flood risk while recognising the social, economic and environmental values of flood prone land.

The Floodplain Risk Management Policy will ensure that the State Emergency Service and the Port Stephens Local Emergency Management Committee are provided with the most up-to-date flood information so they can include it in their emergency response and recovery planning.

CONSULTATION

Consultation has been undertaken by the Assets Section.

Prior to public exhibition

- 1) Internal – Councillors (2 way on 20 Oct 2015), Executive Leadership Team, Communications Section Manager, Community Development and Engagement Coordinator, Strategy and Environment Section Manager, Strategy Planning Coordinator, Business Systems Support Section Manager, Spatial Systems Coordinator, Business Improvement Coordinator and Corporate Strategy & Planning Manager.
- 2) External – Floodplain Officers at NSW Office of Environment and Heritage.

A Community Engagement and Communications Plan has been established for this draft Policy.

During public exhibition

If the recommendation is adopted by Council, the draft Policy and Flood Hazard Maps will go on public exhibition from Wednesday 4 November 2015 to Friday 29 January 2016 for 87 days.

The following activities will be undertaken:

External

- 1) Public Notice in the Port Stephens Examiner on Wednesday 4 November 2015.
- 2) Documents available on Council's website under "What's on Exhibition".
- 3) Hard copies of the draft Policy and Flood Hazard Maps are available for viewing at Council's Administration Building and Tomaree Library.
- 4) Item in **informe** electronic newsletter.
- 5) Direct letter with draft Policy to Community and Industry groups
- 6) Media release/information alert to notify the community.
- 7) Briefing Drop-in sessions at venues and times yet to be confirmed.

Community feedback will be used to adjust the draft Policy.

Internal

- 1) Notice in PS News of consultation activities, times and locations.
- 2) Two way sessions with Councillors.
- 3) Listed on Myport.

OPTIONS

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

ATTACHMENTS

- 1) Existing Policy - Areas Affected by Flooding and/or Inundation
- 2) Draft Floodplain Risk Management Policy.

COUNCILLORS ROOM

- 1) Port Stephens Council Flood Hazard Maps, dated September 2015.

TABLED DOCUMENTS

- 1) Port Stephens Council Flood Hazard Maps, dated September 2015.

**ITEM 14 - ATTACHMENT 1 EXISTING POLICY - AREAS AFFECTED BY
FLOODING AND/OR INUNDATION**

Port Stephens
**C.O.U.N.C.I.L
POLICY**

Adopted: 27/1/98
Minute No: 12
Amended: 19/12/2000
Minute No: 711
Amended: 19/10/2004
Minute No: 375
Amended: 24/10/2006
Minute No: 732
Amended: 25/9/2007
Minute No: 280
Amended: 16/12/2008
Minute No: 384

FILE NO: PSC2006-2097

TITLE: AREAS AFFECTED BY FLOODING AND/OR INUNDATION

REPORT OF TREVOR ALLEN, INTEGRATED PLANNING MANAGER

BACKGROUND

Council's original policy was introduced to manage the development on land within the Council area that is affected by flooding and/or inundation. The Policy was amended in December 2000 and October 2004 in accordance with changes to Government Policy, the NSW Floodplain Development Manual and available flooding information. This policy has been now been amended to incorporate the revised NSW Floodplain Development Manual 2005 and the provisions of draft and adopted Floodplain Management Plans prepared for land within the Port Stephens Local Government Area.

OBJECTIVE

- To manage the development of land subject to or affected by the likelihood of flooding and/or tidal inundation defined as floodprone land in the Port Stephens Local Environmental Plan 2000.
- To base the nature of the restriction applied to an affected site on the principles of the NSW Floodplain Development Manual 2005, the Port Stephens Foreshore (Floodplain) Management Study and Plan 2002, the Paterson River Floodplain Management Study and Plan 2001, the draft Lower Hunter Valley Floodplain Management Study 2001, the Williamtown Salt Ash Flood Study and any further flooding information available to Council at the time.
- To ensure that decisions in relation to the acquisition and development of land are made having regard to the best flooding information available.

ITEM 14 - ATTACHMENT 1 EXISTING POLICY - AREAS AFFECTED BY FLOODING AND/OR INUNDATION

- To ensure that Council complies with the provision of S733 of the Local Government Act 1993 - Exemption from liability—flood liable land and land in coastal zone

PRINCIPLES

The policy manages development of flood prone and flood-affected land and requires assessment of the risks and consideration of satisfactory precautions where appropriate.

POLICY STATEMENT

1. Land affected by flooding should not be developed without adequate assessment of the risks and consideration of the satisfactory precautions where appropriate.
2. Council must, before granting development consent on flood prone land or on land directly or indirectly affected by flooding, consider the following:
 - The extent and nature of the flooding or inundation hazard affecting the land,
 - Whether or not the proposed development would increase the risk of or severity of flooding or inundation affecting other land or buildings, works or other land uses in the vicinity,
 - Whether the risk of flooding or inundation affecting the proposed development could be reasonably mitigated and whether conditions should be imposed on any consent to further objectives of this plan,
 - The social impact of flooding on occupants, including the ability of emergency services to access, rescue and support residents of flood affected areas, and
 - The provisions of any Floodplain Management Plan, Floodplain Study or Development Control Plan adopted by Council or in draft form.
3. (a) If Council determines that a comprehensive flood report is required to support the development application, then this shall be prepared by an experienced Flood Engineer.
3. (b) Council will then assess the applicant's flood report as part of the assessment and determination of the application. If the flood report is concluded to be inadequate to achieve full merit assessment, then the Council shall advise the applicant, in writing, within 21 days of receipt. The applicant will then have 28 days in which to provide a response to the issues. Should the response not be received within that time period, or inadequate justification is given for an extension of time, the application will be refused under delegation.
4. Land use and purchase decisions are best made with the best knowledge available of any potential risks to life and property.
5. Subdivision of Low Risk Flood Prone land shall only be granted where the minimum lot size created is one Hectare.

RELATED POLICIES

N/A

**ITEM 14 - ATTACHMENT 1 EXISTING POLICY - AREAS AFFECTED BY
FLOODING AND/OR INUNDATION**

REVIEW DATE

This policy will be reviewed as and when necessary.

RELEVANT LEGISLATIVE PROVISIONS

Environmental Planning and Assessment Act 1979 (NSW)
Local Government Act 1993 (NSW)
Port Stephens Draft Local Environmental Plan 2000

IMPLEMENTATION RESPONSIBILITY

The Integrated Planning section of Council, through its Infrastructure Planning Team is responsible for the implementation of this policy in conjunction with other staff as appropriate.

ITEM 14 - ATTACHMENT 2 DRAFT FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



FILE NO: PSC2015-01399
TITLE: FLOODPLAIN RISK MANAGEMENT
POLICY OWNER: ASSET SECTION MANAGER
PURPOSE:

Port Stephens Council is committed to managing flooding across the Local Government Area using an integrated risk management approach, in order to:

- 1) Systematically reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, hence reduce the losses resulting from floods.
- 2) Recognise that appropriately developed flood prone land is a valuable resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development.
- 3) Consider floodplain risk as early as possible in the planning and development process using the best available flood information.
- 4) Classify land in terms of floodplain risk so that decisions take into account the risk while recognising the social, economic and environmental values of flood prone land.
- 5) Provide the framework to manage floodplain risk through cost effective measures that address existing, future and continuing risks in a hierarchy of avoidance, minimisation and mitigation as identified in local floodplain risk management studies and plans.
- 6) Remain consistent with the floodplain risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.
- 7) Facilitate the systematic collection of flood information and floodplain risk data, and the provision of such information in a timely way so that residents can understand the severity of floodplain risk and plan their affairs accordingly.
- 8) Promote the integration between Council's floodplain risk management activities and flood related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.

The measurement of success for this policy is the implementation of the integrated risk management approach.

Policy

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Issue Date: xx/xx/xxxx

Printed: 30/09/2015

Review Date: xx/xx/xxxx

Page: 1 of 6

ITEM 14 - ATTACHMENT 2 DRAFT FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



CONTEXT/BACKGROUND:

Port Stephens covers a diverse number of catchments, generally flowing to the Hunter Estuary or the Port Stephens Estuary. The area has a number of creeks, rivers, estuaries, foreshore areas, stormwater channels and drains which are impacted by flooding or coastal inundation, sometimes with little or no warning.

Flooding is a significant issue affecting existing and future development throughout Port Stephens and may involve significant risk, including risks to life and property. While it is not usually cost effective to entirely eliminate all floodplain risks, the risks can be managed.

Council has been undertaking the necessary flood studies in accordance with the State Government's Floodplain Development Manual 2005. Where the catchments cross Local Government boundaries, Council has been working in collaboration with neighbouring Councils.

The Local Government Act (section 733) provides Council with a general exemption from liability with respect to flood liable land if the necessary studies and works are carried out in accordance with the principles contained in the NSW Floodplain Development Manual 2005.

SCOPE:

While Local Government in NSW has the primary responsibility for controlling the development within flood prone land, both the State Government (for example, Crown developments and state significant developments) and the Federal Government (for example, development on Commonwealth land) consider development on the floodplain.

Both Local Government and the State Government (principally through the State Emergency Service) are responsible for managing floodplain risk.

DEFINITIONS:

| | |
|--------------------------------------|--|
| Flood prone land (flood liable land) | Land that is likely to be inundated by the probable maximum flood (PMF is the largest flood that could conceivably occur in a particular catchment) and defines the "floodplain" for that catchment. |
|--------------------------------------|--|

| | |
|----------------------|---|
| Flood Planning Level | The level of the 1% AEP (annual exceedance probability) flood event in the year 2100 plus 0.5 metre freeboard |
|----------------------|---|

Policy

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ITEM 14 - ATTACHMENT 2 DRAFT FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



| | |
|------------------------|--|
| Floodway area | Land that is a pathway taken by major discharges of floodwaters, the partial obstruction of which would cause a significant redistribution of floodwaters, or a significant increase in flood levels. Floodways are often aligned with natural channels, are usually characterised by deep and relatively fast flowing water, and have major damage potential. |
| Flood Storage area | Those parts of the floodplain that are important for the temporary storage of flood waters. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation. |
| Flood Fringe area | The remaining area of flood prone land after the Floodway area and Flood Storage area have been defined. |
| High Hazard flood area | The area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings. |
| Low Hazard flood area | The area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety. |

POLICY STATEMENT:

Council will manage the risk of flooding on lands in accordance with State Government's Flood Prone Land Policy and Floodplain Development Manual 2005. This can be summarised as:

- 1) Following the State Government directed process for each catchment, including:
 - a. Formation of a Floodplain Risk Management Committee, including members from council, community and state government agencies.
 - b. Collection of social, economic, flooding, ecological, land use, cultural and emergency management data.
 - c. Undertaking a flood study, in accordance with "Australian Rainfall & Runoff" published by Engineers, Australia, to define floodplain risk throughout the catchment, including hydrologic and hydraulic aspects of floods of varying severity.
 - d. Identifying, assessing and comparing various risk management options through a Floodplain Risk Management Study.
 - e. Developing a Floodplain Risk Management Plan outlining the implementation of acceptable flood response and property modification measures, and is formally approved by Council after public exhibition.

Policy

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ITEM 14 - ATTACHMENT 2 DRAFT FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



- 2) Categorising floodplain risk in terms of the hazard (low hazard and high hazard), the location (floodway area, flood storage area and flood fringe area) and the chance of the flood occurring in any one year (the annual exceedance probability (AEP)), namely:
 - a. Minimal risk flood prone land (above the Flood Planning Level and below the Flood prone land extent).
 - b. Low hazard – flood fringe area.
 - c. Low hazard – flood storage area.
 - d. Low hazard – floodway area.
 - e. High hazard – flood fringe area.
 - f. High hazard – flood storage area.
 - g. High hazard – floodway area.
- 3) Undertaking a comprehensive benefit cost analysis of proposed flood modification measures (for example, levees, retarding basins, flood gates) in each catchment using a standard approach and include those measures with a benefit: cost ratio greater than 1 into Council's Strategic Asset Management Plan (where possible Council will seek State and Federal government funding for such measures).
- 4) Considering property modification measures including voluntary purchase or house raising and Development Control Plan changes based on the floodplain risk categories.
- 5) Utilising a site specific risk management approach for the finished floor level for non-residential developments, focussed on reducing risk to life and risk to property, based on the floodplain risk categories and specified in Council's DCP.
- 6) Ensuring that the State Emergency Service and the Port Stephens Local Emergency Management Committee are provided with the most up to date flood information so they can include it in their emergency response and recovery planning.
- 7) Ensuring that decisions relating to flood prone land do not have adverse consequences for emergency management or cause adverse impacts on flooding in other locations.
- 8) Ensuring that new Council assets have an appropriate floodplain risk category, so that future generations of residents and ratepayers are not inordinately burdened.
- 9) Developing a system for the timely provision of up to date flood information, to facilitate the assessment of development applications, to achieve a merit based outcome for each floodplain risk category for an individual site.

POLICY RESPONSIBILITIES:

Assets Section Manager has overall responsibility for this Policy.

Policy

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ITEM 14 - ATTACHMENT 2 DRAFT FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



Senior Flooding and Drainage Engineer is responsible for the implementation of the engineering aspects of this Policy, including management of the Floodplain Risk Management process.

Strategy and Environment Section Manager is responsible for the implementation of the strategic planning aspects of this Policy, including consideration of floodplain risk as early as possible in the planning process and the provision of the most up-to-date flood information through the issuing of Section 149 certificates.

Development Assessment and Compliance Section Manager is responsible for the implementation of the development assessment aspects of this Policy, including a merit based consideration of the floodplain risk categories for an individual site, focussed on reducing risk to life and risk to property.

Communications Section Manager is responsible for the implementation of the communications aspects of this Policy, including assisting in the coordination of community engagement through the Floodplain Risk Management process.

Facilities and Services Group Manager is responsible for the integration between Council's floodplain risk management activities and flood-related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.

RELATED DOCUMENTS:

- 1) Local Government Act 1993
- 2) Environmental Planning and Assessment Act 1979
- 3) Water Management Act 2000
- 4) Hunter Water Act 1991
- 5) State Emergency and Rescue Management Act 1989
- 6) The State Government's Flood Prone Land Policy 2005
- 7) The State Government's Floodplain Development Manual 2005
- 8) Port Stephens Local Environment Plan 2013
- 9) Port Stephens Development Control Plan 2014
- 10) Port Stephens Community Strategic Plan 2015-2025

Policy

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ITEM 14 - ATTACHMENT 2 DRAFT FLOODPLAIN RISK MANAGEMENT POLICY.

Policy



CONTROLLED DOCUMENT INFORMATION:

| | | | |
|---|----------------------------------|-------------------------|-----------------|
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| TRIM container No | PSC2015-01399 | TRIM record No | |
| Audience | Councillors, staff and community | | |
| Process owner | Manager, Assets Section | | |
| Author | Manager, Assets Section | | |
| Review timeframe | 4 years | Next review date | 27 October 2019 |
| Adoption date | | | |

VERSION HISTORY:

| Version | Date | Author | Details | Minute No. |
|---------|----------|-----------------------------|--|------------|
| 1 | 16/12/08 | Integrated Planning Manager | Policy for Areas Affected by Flooding and/or Inundation. | 384 |
| 2.1 | 27/10/15 | Asset Section Manager | Draft Floodplain Risk Management Policy for Public Exhibition. | |
| | | | | |

Policy

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MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 15

FILE NO: PSC2015-01000/889

TRIM REF NO: A2004-0284

REVIEW OF THE CODE OF MEETING PRACTICE

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Code of Meeting Practice.
 - 2) Place the draft Code of Meeting Practice on public exhibition for a period of 28 days seeking public comment.
 - 3) Should there be no submissions, the Code of Meeting Practice adopted on 12 November 2013, Minute no. 322, be revoked.
 - 4) The draft Code of Meeting Practice be adopted as exhibited without a further report to Council.
-

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

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

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015 MOTION

| | |
|------------|--|
| 324 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the draft Code of Meeting Practice.2) Place the draft Code of Meeting Practice on public exhibition for a period of 28 days seeking public comment.3) Should there be no submissions, the Code of Meeting Practice adopted on 12 November 2013, Minute no. 322, be revoked.4) The draft Code of Meeting Practice be adopted as exhibited without a further report to Council. |
|------------|--|

BACKGROUND

The purpose of this report is to provide Council with a draft of the reviewed Code of Meeting Practice (Code).

An administrative review of the Code has been undertaken and a number of amendments were identified. The amendments include:

- Timing for Notice of Motion lodgement.
- Position title changes.
- Update clause to allow a public of the meeting to provide comment at a meeting.
- Updated forms at the end of the Code with the Council logo.
- Style guide and administrative corrections.

The amendments are shown in red in the separate copy of the draft Code of Meeting Practice provided. A summary is shown at **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2015-2019 |
|---|--|
| Port Stephens has strong governance and civic leadership. | Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc. |

FINANCIAL/RESOURCE IMPLICATIONS

The Code will be implemented within current human resources.

Once adopted, the Code of meeting practice must be available for public inspection free of charge at the office of the Council during ordinary office hours. Copies of the Code must be available free of charge or, if the Council determines, on payment of the approved fee.

| 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

Under Section 361 of the Local Government Act, the draft Code must be placed on public exhibition for not less than 28 days. The council must consider all submissions received before determining the Code.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|--------------------------------|----------------------------|---|
| There is a risk that Council may be in breach of the <i>Local Government Act 1993</i> if the Code is not reviewed and maintained within the current legislative requirements | Low | Adopt the recommendation. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Code allows Councillors to effectively carry out their responsibilities at meetings of the Council and Committees of which all the members are Councillors.

CONSULTATION

- 1) General Manager.

OPTIONS

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

ATTACHMENTS

- 1) Summary of amendments to the Code of Meeting Practice
- 2) Draft Code of Meeting Practice. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 15 - ATTACHMENT 1 SUMMARY OF AMENDMENTS TO THE CODE OF MEETING PRACTICE

SUMMARY OF AMENDMENTS TO THE CODE OF MEETING PRACTICE

| Page Number | Clause | Amendment |
|-------------|-------------|---|
| 9 | 2.1 a) iii) | <p>Amend from - "unless a councillor has given notice of the business in writing before 9am on the Tuesday prior to a Council or committee meeting."</p> <p>Amend to – "unless a councillor has given notice of the business in writing seven (7) business days prior to a Council or committee meeting."</p> |
| 15 | 4.1 ii) | Amend Executive Officer title to Governance Manager. |
| 21 | 5.2 | <p>Amend from – "Members of the public are able to speak at Committee Meetings by resolution of the Committee and agreement of the Mayor."</p> <p>Amend to – "Members of the public are able to speak at Committee/Council Meetings by resolution of the Committee/Council, and agreement of the Mayor."</p> |
| 24 | 6.1(6) | <p>Amend from – "Subject to the provision of this Clause, notice of business from a Councillor is to be lodged with the General Manager 8 days prior to the scheduled meeting date."</p> <p>Amend to – "Subject to the provision of this Clause, notice of business from a Councillor is to be lodged with the General Manager seven (7) business days prior to the scheduled meeting date."</p> |
| 27 | 7.1 | <p>Amend from - Notice of Motion</p> <ol style="list-style-type: none"> 1. Notices of motion, for ordinary meetings of the Council, are to be in writing and are to be delivered, emailed, faxed or posted to the General Manager in order to reach him or her by no later than 9am on the Tuesday prior to the scheduled meeting date. 2. Notices of motion, for an extraordinary meeting of the Council, are to be in writing and are to be delivered, emailed, faxed or posted to the General Manager in order to reach him or her by no later than 3 days prior to the day of the meeting. |

ITEM 15 - ATTACHMENT 1 SUMMARY OF AMENDMENTS TO THE CODE OF MEETING PRACTICE

| | | |
|--|--|--|
| | | <p>3. A notice of motion must be signed by at least one Councillor.</p> <p>Amend to - Notice of Motion</p> <p>1. Notices of motion, for ordinary meetings of the Council, are to be in writing and are to be delivered, emailed, faxed or posted to the General Manager in order to reach him or her by no later than seven (7) business days prior to the scheduled meeting date.</p> <p>2. Notices of motion, for an extraordinary meeting of the Council, are to be in writing and are to be delivered, emailed, faxed or posted to the General Manager in order to reach him or her by no later than seven (7) business days prior to the day of the meeting.</p> <p>3. A notice of motion must be signed by at least one Councillor.</p> |
| | | A number of minor amendments to align the Code to Council's style guide and administrative corrections. |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM NO. 16

FILE NO: PSC2015-01000/899

TRIM REF NO: A2004-0984

CODE OF CONDUCT ANNUAL SEPTEMBER REPORTING

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the report.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

| | |
|--|--|
| | Councillor John Nell Councillor John Morello That the recommendation be adopted. |
|--|--|

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

| | |
|------------|---|
| 325 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council receive and note the report. |
|------------|---|

BACKGROUND

The purpose of this report is to provide the code of conduct complaint statistics to Council in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. A report is required to be provided to Council for the reporting period September 2014 to September 2015. This report must be provided within three months of the end of September.

The statistics are shown at **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2015-2019 |
|---|---|
| Port Stephens has strong governance and civic leadership. | Manage the civic leadership and governance functions of Council. Manage relationships with all levels of |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

| | |
|--|--|
| | government, stakeholder organisations and Hunter Councils Inc. |
|--|--|

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with the code of conduct complaints are within the existing budget and staff resource allocation.

| 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

Part 12.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures) requires a report to be prepared for Council's consideration within three months of the end of September each year.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|---------------------|---------------------------|----------------------------|
| There is a risk that Council would be in breach of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, and therefore in breach of the <i>Local Government Act 1993</i> , should a report not be provided to Council. | Low | Adopt the recommendation. | Yes. |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Annual Code of Conduct reporting

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 16 - ATTACHMENT 1 ANNUAL CODE OF CONDUCT REPORTING

REPORTING REQUIREMENTS – 2014-2015

PART 12.1 OF THE PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

Number of Complaints

- | | | |
|-----|---|----|
| 1 a | The total number of complaints received in the period about councillors and the general manager under the code of conduct | 19 |
| b | The total number of complaints finalised in the period about councillors and the general manager under the code of conduct | 15 |

Overview of Complaints and Cost

- | | | |
|-----|---|---------|
| 2 a | The number of complaints finalised at the outset by alternative means by the General Manager or Mayor | 15 |
| b | The number of code of conduct complaints referred to a conduct reviewer | 3 |
| c | The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer | 0 |
| d | The number of finalised code of conduct complaints investigated by a conduct reviewer | 0 |
| e | The number of finalised code of conduct complaints investigated by a conduct review committee | 0 |
| f | Number of finalised complaints investigated where there was found to be no breach | 0 |
| g | Number of finalised complaints investigated where there was found to be a breach | 0 |
| h | Number of complaints being investigated that are not yet finalised | 4 |
| i | The total cost of dealing with code of conduct complaints within the period made about councillors and the general manager including staff costs | \$8,983 |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015**ITEM NO. 17****FILE NO: PSC2015-01000/877****TRIM REF NO: PSC2015-00381****REQUEST FOR FINANCIAL ASSISTANCE**

REPORT OF: WAYNE WALLIS - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Ward Funds to the following:
 - a. East Ward Funds - Cr Sally Dover – Tomaree Youth Community Action Inc. – Donation toward the first Snak n Rap at Tanilba, Raymond Terrace, Anna Bay and Nelson Bay - \$500.
 - b. Central Ward Funds – Cr Geoff Dingle – Medowie Public School – Donation toward annual kindergarten to year 6 presentation day ceremony - \$250.
 - c. Central Ward Funds – Cr Geoff Dingle – Medowie Lions Club – Donation toward cost of hall hire - \$330.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

| | |
|--|---|
| | Councillor Geoff Dingle Councillor Paul Le Mottee That the recommendation be adopted. |
|--|---|

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

| | |
|------------|--|
| 326 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Approve the provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Ward Funds to the following:<ol style="list-style-type: none">a. East Ward Funds - Cr Sally Dover – Tomaree Youth Community Action Inc. – Donation toward the first Snak n Rap at Tanilba, Raymond Terrace, Anna Bay and Nelson Bay - \$500.b. Central Ward Funds – Cr Geoff Dingle – Medowie Public School – Donation toward annual kindergarten to year 6 presentation day ceremony - \$250. |
|------------|--|

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

| | |
|--|---|
| | c. Central Ward Funds – Cr Geoff Dingle – Medowie Lions Club – Donation toward cost of hall hire - \$330. |
|--|---|

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

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

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

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval and consider any submissions made. Council can make donations to community groups.

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

CENTRAL WARD – Councillors Dingle, Doohan and Tucker

| | | |
|-----------------------|--|----------|
| Medowie Public School | Donation toward annual kindergarten to year 6 presentation day ceremony. | \$250.00 |
| Medowie Lions Club | Donation toward cost of hall hire. | \$330.00 |

EAST WARD – Councillors Dover, Morello and Nell

| | | |
|-------------------------------------|---|----------|
| Tomaree Youth Community Action Inc. | Donation toward the first Snak n Rap at Tanilba, Raymond Terrace, Anna Bay and Nelson Bay | \$500.00 |
|-------------------------------------|---|----------|

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|---|---|
| Port Stephens has strong governance and civic leadership. | Manage the civic leadership and governance functions of Council. Manage relationships with all levels of |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

| | |
|--|--|
| | government, stakeholder organisations and Hunter Councils Inc. |
|--|--|

FINANCIAL/RESOURCE IMPLICATIONS

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

| Source of Funds | Yes/No | Funding (\$) | Comment |
|-----------------|--------|--------------|-------------------------|
| Existing budget | Yes | 1,080 | Within existing budget. |
| Reserve Funds | No | | |
| Section 94 | No | | |
| External Grants | No | | |
| Other | No | | |

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|--|---------------------|----------------------------|----------------------------|
| There is a risk that Council may set a precedent when allocating funds to the community and an expectation those funds will always be available. | Low | Adopt the recommendations. | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015**ITEM NO. 18****FILE NO: PSC2015-01000/972****TRIM REF NO: PSC2015-00381****INFORMATION PAPERS**

REPORT OF: WAYNE WALLIS - GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 27 October 2015.

| No: | Report Title | Page: |
|------------|---|--------------|
| 1 | FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE FLYING OPERATIONS OF THE JOINT STRIKE FIGHTER | 131 |
| 2 | CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2015 | 133 |
| 3 | PETITION - REQUEST FOR REDUCED RATE IN ROOM HIRE, TOMAREE LIBRARY AND COMMUNITY CENTRE | 137 |
| 4 | PETITION - IMPROVEMENT WORKS TO FORESHORE DRIVE BETWEEN ROY WOOD RESERVE AND MAMBO WETLANDS | 139 |
| 5 | COUNCILLORS EXPENSES QUARTERLY REPORT - JULY - AUGUST 2015 | 142 |
| 6 | MEMORANDUM OF UNDERSTANDING BETWEEN PORT STEPHENS COUNCIL AND DEPARTMENT OF DEFENCE | 144 |
| 7 | DESIGNATED PESONS - PECUNIARY INTEREST | 145 |
| 8 | DESIGNATED PERSONS - PECUNIARY INTEREST | 148 |

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

| | |
|------------|---|
| | Councillor Ken Jordan Councillor John Nell That the recommendation be adopted. |
| 327 | Councillor Chris Doohan Councillor John Nell It was resolved that Council move out of Committee of the Whole. |

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015

MOTION**328****Councillor Ken Jordan
Councillor Chris Doohan**

It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 27 October 2015.

No: Report Title

- | | |
|---|---|
| 1 | FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE FLYING OPERATIONS OF THE JOINT STRIKE FIGHTER |
| 2 | CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2015 |
| 3 | PETITION - REQUEST FOR REDUCED RATE IN ROOM HIRE, TOMAREE LIBRARY AND COMMUNITY CENTRE |
| 4 | PETITION - IMPROVEMENT WORKS TO FORESHORE DRIVE BETWEEN ROY WOOD RESERVE AND MAMBO WETLANDS |
| 5 | COUNCILLORS EXPENSES QUARTERLY REPORT - JULY - AUGUST 2015 |
| 6 | MEMORANDUM OF UNDERSTANDING BETWEEN PORT STEPHENS COUNCIL AND DEPARTMENT OF DEFENCE |
| 7 | DESIGNATED PESONS - PECUNIARY INTEREST |
| 8 | DESIGNATED PERSONS - PECUNIARY INTEREST |

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: PSC2015-01000/797
TRIM REF NO: PSC2012-00804**

**FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE FLYING
OPERATIONS OF THE JOINT STRIKE FIGHTER**

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT
SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

BACKGROUND

The purpose of this report is to advise Council on the response to issues raised in Council's submission on the Environmental Impact Statement (EIS) for flying operations of the Joint Strike Fighter (JSF).

As Council would be aware the Australian Government (Department of Environment) has approved the flying operations of the JSF under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (subject to conditions) on 10 July 2015.

The Final EIS was submitted by the Commonwealth Department of Defence to the Commonwealth Department of the Environment in March 2015. The Final EIS includes a Supplementary Report which addresses issues raised by submissions to the Draft EIS.

The approval conditions cover a variety of requirements such as monitoring, reporting, consultation and management. Core conditions require the Department of Defence to:

- Ensure, during the transition period, aircraft noise levels at sensitive receptors at Royal Australian Air Force (RAAF) Base(s) do not exceed the JSF aircraft noise levels predicted in the EIS.
- Implement the management and mitigation measures as outlined in the EIS and approval.
- Prepare and implement noise management plans to minimise noise disturbance at sensitive receptors which will be developed in consultation with the community.
- Prepare and implement a fauna management plan.

A copy of Approval - Flying Operations of the F-35A Lightning II (EPBC 2010/5747) including conditions is at **(ATTACHMENT 1)**.

The Department of Defence and the Royal Australian Air Force (RAAF) provided community briefings on the Final EIS. Council representatives attended a community briefing in August 2015.

On behalf of Council, the General Manager made a submission (**ATTACHMENT 2**) on the draft EIS. Council also considered the matter at its meeting on 23 September 2014. Council's submission raised the following key issues and requests:

- Land use planning (commit to providing assistance for noise attenuation to affected landowners and commit to further investigation into operating the JSF in a way to reduce the aircraft noise burden).
- General noise impacts (commit to additional mitigation measures to reduce predicted noise events and levels at Medowie, Tilligerry, and the Tomaree, and commit to providing assistance for noise attenuation on a case-by-case basis).
- Other impacts (investigate noise impacts from on-ground engine testing; and investigate the risk of, and potential impacts from, fallout of any fuel emissions on residential tank water).
- Cooperative mechanisms and information management (commit to any further communication measures that can be introduced to assist the local community in understanding RAAF flying operations and associated noise impacts).
- Community submissions (request the issues in submissions made by local residents and interest groups are given full consideration. Note: Review of the Final EIS shows that a considerable number of the submissions made were from residents of the Port Stephens Local Government Area).

It is important to note that the submission also highlighted that Council acknowledges and supports RAAF Base Williamtown as a facility of fundamental significance at all levels, and the efforts and measures of the RAAF and Department of Defence to limit the effects of aircraft noise.

A summary of the EIS response to issues raised by Council is at (**ATTACHMENT 3**). In relation to principal the matters raised in Council's submission and response in the EIS, conditional approval has been issued to require the Joint Strike Fighter to be flown as predicted in the EIS with the additional requirements for noise data sharing and base environmental management plans. In addition, the Final EIS made no commitment to the provide assistance or compensation to landholders whose properties will be negatively impacted by the flying operations of the JSF. Without these measures in place Council stated in its submission that this will remain a key concern of the Port Stephens community.

ATTACHMENTS

- 1) JSF Approval Decision. (Provided under separate cover)
- 2) Council Submission JSF EIS. (Provided under separate cover)
- 3) Summary of JSF EIS Response to Submission Issues. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

FILE NO: PSC2015-01000/873

TRIM REF NO: PSC2006-6531

CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2015

REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 30 September 2015.

ATTACHMENTS

- 1) Cash and Investments held as 30 September 2015.
- 2) Monthly Cash and Investments Balance September 2014 to September 2015.
- 3) Monthly Australian Term Deposit Index September 2014 to September 2015.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

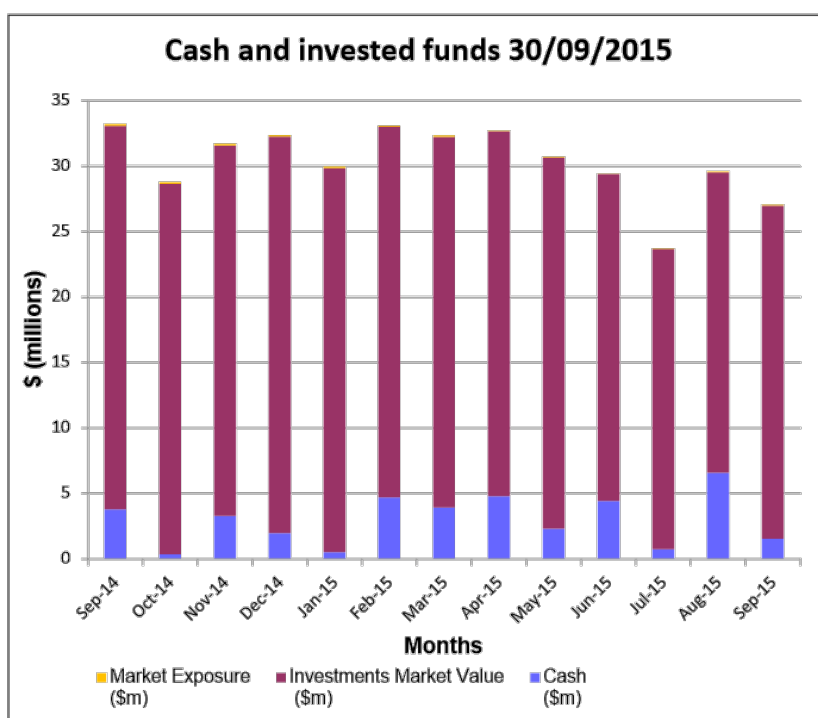
ITEM 2 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AS 30 SEPTEMBER 2015.

CASH AND INVESTMENTS HELD AS AT 30 SEPTEMBER 2015

| ISSUER | BROKER | RATING* | DESC. | YIELD % | TERM DAYS | MATURITY | AMOUNT INVESTED | MARKET VALUE |
|--|-------------|---------|-------|---------|-----------|-----------|-----------------|--------------|
| TERM DEPOSITS | | | | | | | | |
| NATIONAL AUSTRALIA BANK LTD | NAB | AA- | TD | 2.99% | 182 | 7-Oct-15 | 2,000,000 | 2,000,000 |
| IMB | IMB | BBB+ | TD | 2.80% | 182 | 21-Oct-15 | 1,500,000 | 1,500,000 |
| BANKWEST | BANKWEST | A- | TD | 3.00% | 153 | 21-Oct-15 | 2,000,000 | 2,000,000 |
| BANKWEST | BANKWEST | A- | TD | 3.00% | 159 | 4-Nov-15 | 2,000,000 | 2,000,000 |
| NATIONAL AUSTRALIA BANK LTD | NAB | AA- | TD | 3.20% | 266 | 18-Nov-15 | 1,000,000 | 1,000,000 |
| NATIONAL AUSTRALIA BANK LTD | NAB | AA- | TD | 2.88% | 100 | 16-Dec-15 | 2,000,000 | 2,000,000 |
| ANZ | ANZ | AA- | TD | 2.90% | 188 | 6-Jan-16 | 2,000,000 | 2,000,000 |
| BANK OF QUEENSLAND LTD | BOQ | A- | TD | 3.00% | 224 | 13-Jan-16 | 2,500,000 | 2,500,000 |
| BANK OF QUEENSLAND LTD | BOQ | A- | TD | 3.00% | 224 | 27-Jan-16 | 1,500,000 | 1,500,000 |
| AMP BANK LTD | FARQUHARSON | A+ | TD | 2.90% | 182 | 10-Feb-16 | 2,000,000 | 2,000,000 |
| SUNCORP BANK | SUNCORP | A+ | TD | 2.95% | 182 | 9-Mar-16 | 2,000,000 | 2,000,000 |
| NATIONAL AUSTRALIA BANK LTD | NAB | AA- | TD | 3.00% | 182 | 23-Mar-16 | 2,000,000 | 2,000,000 |
| ARAB BANK AUSTRALIA LTD | RIM | NR | TD | 3.05% | 280 | 20-Apr-16 | 2,000,000 | 2,000,000 |
| SUB TOTAL (\$) | | | | | | | 24,500,000 | 24,500,000 |
| OTHER INVESTMENTS | | | | | | | | |
| ANZ ZERO COUPON BOND | ANZ | AA- | BOND | 0.00% | 9yrs | 1-Jun-17 | 1,017,877 | 968,001 |
| SUB TOTAL (\$) | | | | | | | 1,017,877 | 968,001 |
| INVESTMENTS TOTAL (\$) | | | | | | | 25,517,877 | 25,468,001 |
| CASH AT BANK (\$) | | | | | | | 1,541,631 | 1,541,631 |
| TOTAL CASH AND INVESTMENTS (\$) | | | | | | | 27,059,508 | 27,009,632 |
| CASH AT BANK INTEREST RATE | | | | 2.40% | | | | |
| BBSW FOR PREVIOUS 3 MONTHS | | | | 2.20% | | | | |
| AVG. INVESTMENT RATE OF RETURN | | | | 2.85% | | | | |
| TD = TERM DEPOSIT | | | | | | | | |
| *STANDARD AND POORS LONG TERM RATING | | | | | | | | |
| CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER | | | | | | | | |
| I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY | | | | | | | | |
| T HAZELL | | | | | | | | |

**ITEM 2 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE
SEPTEMBER 2014 TO SEPTEMBER 2015.**
CASH AND INVESTMENTS BALANCE

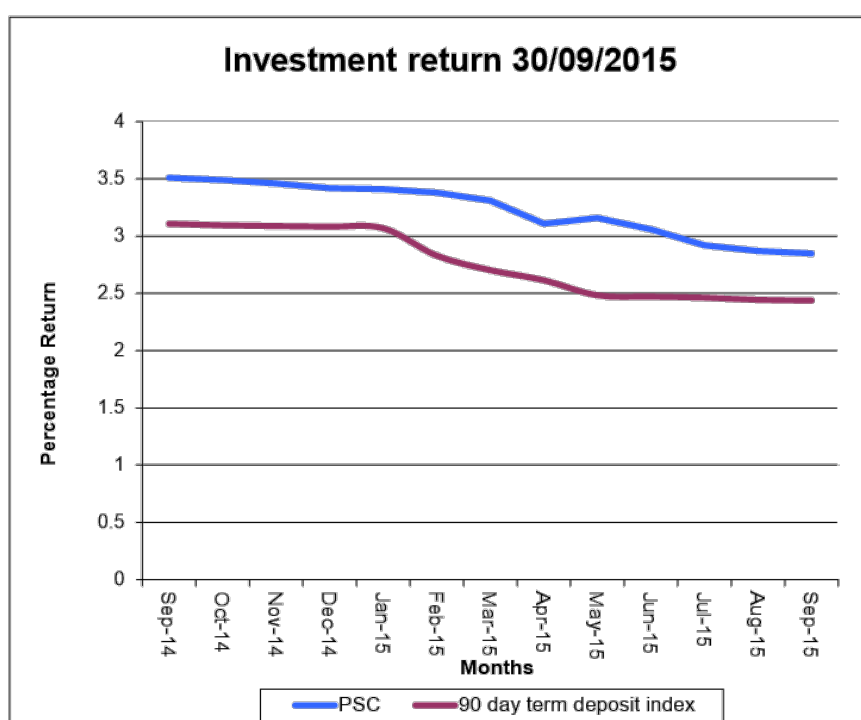
| Date | Cash (\$m) | Investments Market Value (\$m) | Market Exposure (\$m) | Total Funds (\$m) |
|--------|---------------|--------------------------------------|-----------------------------|----------------------|
| Sep-14 | 3.793 | 29.310 | 0.126 | 33.230 |
| Oct-14 | 0.350 | 28.313 | 0.123 | 28.786 |
| Nov-14 | 3.293 | 28.313 | 0.123 | 31.729 |
| Dec-14 | 1.959 | 30.317 | 0.113 | 32.389 |
| Jan-15 | 0.527 | 29.323 | 0.107 | 29.957 |
| Feb-15 | 4.691 | 28.328 | 0.103 | 33.122 |
| Mar-15 | 3.937 | 28.332 | 0.098 | 32.367 |
| Apr-15 | 4.793 | 27.867 | 0.064 | 32.723 |
| May-15 | 2.301 | 28.375 | 0.056 | 30.732 |
| Jun-15 | 4.422 | 24.967 | 0.051 | 29.440 |
| Jul-15 | 0.727 | 22.968 | 0.050 | 23.745 |
| Aug-15 | 6.590 | 22.968 | 0.050 | 29.608 |
| Sep-15 | 1.542 | 25.468 | 0.050 | 27.060 |



**ITEM 2 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX
SEPTEMBER 2014 TO SEPTEMBER 2015.**

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

| Date | 90 day term deposit index | PSC |
|-------------|----------------------------------|------------|
| Sep-14 | 3.1082 | 3.51 |
| Oct-14 | 3.0955 | 3.49 |
| Nov-14 | 3.0886 | 3.46 |
| Dec-14 | 3.0832 | 3.42 |
| Jan-15 | 3.0697 | 3.41 |
| Feb-15 | 2.8301 | 3.38 |
| Mar-15 | 2.7035 | 3.31 |
| Apr-15 | 2.6157 | 3.11 |
| May-15 | 2.4841 | 3.16 |
| Jun-15 | 2.4727 | 3.06 |
| Jul-15 | 2.4632 | 2.92 |
| Aug-15 | 2.4447 | 2.87 |
| Sep-15 | 2.4384 | 2.85 |



ITEM NO. 3

**FILE NO: PSC2015-01000/853
TRIM REF NO: PSC2015-03017**

**PETITION - REQUEST FOR REDUCED RATE IN ROOM HIRE, TOMAREE
LIBRARY AND COMMUNITY CENTRE**

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

BACKGROUND

The purpose of this report is to advise Council of a petition requesting reduced room hire fees for Tomaree Library and Community Centre for a fitness instructor providing senior's fitness classes.

The room hire fees at Tomaree Library and Community Centre are based on two main tiers being:

- 1) Charities and community groups - \$9.50 per hour.
- 2) Private, funded, government (including Council for Council business) and for profit groups - \$20 per hour.

The petition received relates to a private for profit business, which is charged the adopted rate of \$20.00 per hour.

Tomaree Library and Community Centre host other private and for profit fitness, exercise and sports groups all of whom pay the adopted rate of \$20.00 per hour.

In keeping with Council's adopted fees and charges, the room hire fees currently in place will remain applicable in this matter.

ATTACHMENTS

- 1) Petition - Request for Reduction in Fees, Salamander Community Centre.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 PETITION - REQUEST FOR REDUCTION IN FEES,
SALAMANDER COMMUNITY CENTRE.

[REDACTED]
27 The Jetty

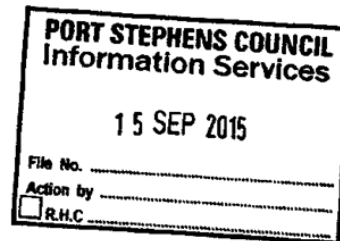
Salamander Bay

NSW 2317

11th September 2015

The Mayor and Councillors

Port Stephens Council



Dear Councillors

We, the undersigned, would like to present you with the following petition to negotiate a reduced rate in room hire for Seniors who participate in Vikki Tillott's Fitness Classes each week in the Salamander Community Centre.

As a fully trained and experienced instructor, Vikki offers a wonderful, well designed and balanced programme which definitely keeps us all so fit and active and we shall certainly not be "future burdens on society." Surely, as each one of us attending these classes is a ratepayer, we are entitled to a concession? There would definitely be more retirees attending these classes if the payment was say \$5:00 per session as was the former case when hire costs were minimal and your Council acknowledged the importance of sustaining Senior Fitness. Vikki charges only a fraction more (\$7:00) loves her work and makes little or sometimes no profit at all with your current rental hire overheads.

In the interest of keeping your residents active and healthy like our 95 yr old Clem, who is an inspiration to all, would you please place this request on the agenda for your next Council meeting.

Thank you.

Yours sincerely

[REDACTED]

Julie McAllister and the following fellow Fitness Seniors

ITEM NO. 4

**FILE NO: PSC2015-01000/929
TRIM REF NO: PSC2015-03017**

PETITION - IMPROVEMENT WORKS TO FORESHORE DRIVE BETWEEN ROY WOOD RESERVE AND MAMBO WETLANDS

REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER
GROUP: FACILITIES & SERVICES

BACKGROUND

The purpose of this report is to inform Council that a petition (237 signatures) has been submitted in relation to planned road and culvert works along Foreshore Drive, Corlette.

The petition is calling on Council to urgently organise the improvement works on Foreshore Drive between Roy Wood Reserve and the Mambo Wetlands Culvert as was included in the Council's Capital Works Plan for 2014-2015, to arrange for environmental studies, and should additional funds be required to obtain them from Council's budget rather than source funds from grants.

The road rehabilitation project commenced as part of the 2014-2015 Capital Works program. Project pre-planning highlighted that the main culvert into Mambo Creek Wetland required replacement. As the culvert is within a SEPP14 wetland, any works, even a like for like replacement triggers the requirement a significant environmental assessment.

Due to the complex environmental systems within the wetland, external consultants are being utilised for the environmental assessment requirements. This environmental assessment will include an Environmental Impact Statement (EIS) which will need to be completed before any physical works can commence. Due to this delay the project was carried over to the 2015-2016 financial year with additional funds allocated to cater for the environmental assessment.

Council maintenance crews are monitoring the site to ensure the road pavement and shoulders are safe until works can commence. It is anticipated that works will commence this financial year, pending outcomes from the environmental reports.

The petition requester will receive a written response regarding the request following Council endorsement.

ATTACHMENTS

- 1) Petition - Urgent request for improvement works on Foreshore

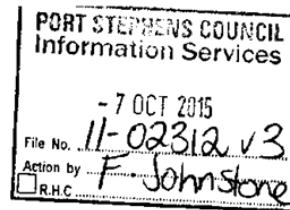
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 PETITION - URGENT REQUEST FOR
IMPROVEMENT WORKS ON FORESHORE



6th October 2015

The General Manager
Port Stephens Council
RAYMOND TERRACE
Dear General Manager

I enclose a petition containing 237 signatures gathered in a short period of time within this community calling on you to:-

1. Urgently organize the improvement works to commence on Foreshore Drive between Roy Wood Reserve and the Mambo Wetlands culvert as was included in the Council's Capital Works Plan for 2014-15.
2. Arrange for the Environmental Study, we understand is needed, and have the planned works approved by Maritime
3. Should additional funds be required to commence the project, these be obtained from Roads Rehabilitation budget or Council revenue. The further delay likely to be caused by applying for additional grants is unacceptable.

This petition has been submitted in time to be included with the agenda for the next Council meeting on 27th October 2015. However, our community expects that you as our General Manager will bring this work forward and ensure that the work is undertaken urgently.

Could you please advise receipt of this petition and provide a response as soon as possible.

URGENT REPAIRS TO FORESHORE DRIVE (EAST) & IMPROVEMENTS TO ROAD SHOULDERS - PETITION

This popular through road is in an unacceptable state of disrepair due to delays in commencing improvement works which were listed for the 2014-15 Financial year. The widening of the shoulders to protect pedestrians and cyclists from having to share the road with motorists should be a high priority for safety reasons.

We the undersigned call on the General Manager of Port Stephens Council to:

1. Urgently organize the improvement works to commence on Foreshore Drive between Roy Wood Reserve and the Mambo Wetlands culvert as was included in the Council's Capital Works Plan for 2014-15.
2. Arrange for the Environmental Study, we understand is needed, and have the planned works approved by Maritime
3. Should additional funds be required to commence the project, these be obtained from Roads Rehabilitation budget or Council revenue. The further delay likely to be caused by applying for additional grants is unacceptable

Important: Please return this petition page to 38 Ketch Close, Corlette by Monday 5th October or email a scanned copy to keithandmargw@ozemail.com.au Note: Individual Name and addresses are withheld from Council agenda papers.

Name Address Email Signature

ITEM NO. 5

**FILE NO: PSC2015-01000/772
TRIM REF NO: PSC2015-02258**

COUNCILLORS EXPENSES QUARTERLY REPORT - JULY - AUGUST 2015

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

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

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

ATTACHMENTS

- 1) Councillors Expenses Quarterly Report - July-August 2015.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM 5 - ATTACHMENT 1 COUNCILLORS EXPENSES QUARTERLY REPORT - JULY-AUGUST 2015.

| | | | Cr Bruce MacKenzie | Cr Chris Dooban | Cr Geoff Dingle | Cr John Norello | Cr John Negi | Cr Ken Jordan | Cr Paul Le Moine | Cr Peter Kiefer | Cr Sally Dwyer | Cr Steve Tucker | TOTALS |
|--|---------|--|--------------------|-----------------|-----------------|-----------------|--------------|---------------|------------------|-----------------|----------------|-----------------|-------------|
| Total Council Meetings Attended (6 held) | | | 6 | 5 | 6 | 3 | 3 | 5 | 6 | 3 | 6 | 6 | 49 |
| | | Limits as per policy | | | | | | | | | | | |
| Councillor Mobile Rental | 802.123 | \$200 per month | \$0.00 | \$202.00 | \$154.00 | \$0.00 | \$0.00 | \$0.00 | \$318.00 | \$0.00 | \$55.00 | \$0.00 | \$729.00 |
| Councillor Mobile Calls | 803.123 | | \$0.00 | \$0.00 | \$55.00 | \$170.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$55.00 | \$0.00 | \$280.00 |
| Councillor Landline Phone Rental | 804.123 | | \$0.00 | \$23.00 | \$107.00 | \$0.00 | \$0.00 | \$0.00 | \$22.00 | \$0.00 | \$0.00 | \$0.00 | \$156.00 |
| Councillor Landline Phone Calls | 805.123 | | \$0.00 | \$0.00 | \$5.00 | \$102.00 | \$0.00 | \$0.00 | \$24.00 | \$0.00 | \$0.00 | \$0.00 | \$131.00 |
| Councillor Fax Rental | 807.123 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Councillor Fax Calls | 808.123 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Councillor Internet | 806.123 | \$60 per month | \$0.00 | \$109.00 | \$109.00 | \$107.00 | \$0.00 | \$0.00 | \$109.00 | \$0.00 | \$0.00 | \$0.00 | \$434.00 |
| Councillor Intrastate Travel Expenses | 801.123 | \$6,000 per year | \$0.00 | \$143.00 | \$502.00 | \$323.00 | \$363.00 | \$171.00 | \$154.00 | \$0.00 | \$1,068.00 | \$1,416.00 | \$4,160.00 |
| Councillor Intrastate out of pocket expenses | 809.123 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Councillor Interstate Travel (out of NSW) | 810.123 | | \$0.00 | \$0.00 | \$0.00 | \$264.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$34.00 | \$298.00 |
| Councillor Interstate out of pocket expenses | 813.123 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Councillor Interstate Accommodation (out of NSW) | 811.123 | \$3,500 per year | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Councillors Intrastate Accommodation | 812.123 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Councillor Conferences | 814.123 | | \$916.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$1,599.00 | \$828.00 | \$0.00 | \$1,599.00 | \$925.00 | \$5,865.00 |
| Councillor Training | 815.123 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Councillor Partner Expenses | 816.123 | Mayor \$1,000 per term \$500 per term Crs | \$220.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$220.00 |
| Councillor Computers | 817.123 | \$3,000 per term | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$55.00 | \$55.00 |
| Councillor Stationary | 818.123 | No limit. | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$19.00 | \$19.00 |
| Councillor Awards/Ceremonies/Diners | 819.123 | \$100 per day | \$300.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$300.00 |
| Councillor Child Care Costs | 820.123 | \$2,000 per term | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Councillor Communications Bundle | 821.123 | \$120 per month | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$450.00 | \$400.00 | \$0.00 | \$0.00 | \$290.00 | \$557.00 | \$1,697.00 |
| | | | | | | | | | | | | | |
| Councillor Allowances | | Mayor \$58,447 per annum. Crs \$17,975 per annum | \$14,611.74 | \$4,493.74 | \$4,493.74 | \$4,493.74 | \$4,493.74 | \$4,493.74 | \$4,493.74 | \$4,493.74 | \$4,493.74 | \$4,493.74 | \$55,055.40 |
| TOTALS | | | \$16,047.74 | \$4,994.74 | \$5,425.74 | \$5,459.74 | \$5,306.74 | \$6,663.74 | \$5,946.74 | \$4,493.74 | \$7,560.74 | \$7,499.74 | \$69,399.40 |

ITEM NO. 6

**FILE NO: PSC2015-01000/907
TRIM REF NO: PSC2015-00052**

**MEMORANDUM OF UNDERSTANDING BETWEEN PORT STEPHENS COUNCIL
AND DEPARTMENT OF DEFENCE**

REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to inform Councillors of a Memorandum of Understanding (MOU) recently entered into between Port Stephens Council and Department of Defence.

The MOU aims to ensure Defence:

- is notified by Council of any application or planning proposal for properties wholly or partly within ANEF contours of 20 and greater, and
- has the opportunity to make a submission to Council with respect to any such matter notified to it in accordance with the MOU.

The MOU was signed by the Mayor and General Manager in late September 2015. While it is a statement of mutual intentions, the document is not intended to be legally binding.

The MOU is a further step in strengthening relations between Council as Consent Authority and joint owner of Newcastle Airport and the Department of Defence.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

**FILE NO: PSC2015-01000/874
TRIM REF NO: PSC2015-00570**

DESIGNATED PERSONS - PECUNIARY INTEREST

REPORT OF: JULIE GALLAGHER - EXECUTIVE ADMINISTRATION
COORDINATOR
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to advise Council of designated persons who have submitted returns for the 2014-2015 period.

Mayor/Councillors

Mayor Bruce MacKenzie
Cr Geoffrey Dingle
Cr Christopher Doohan
Cr Sally Dover
Cr Kenneth Jordan
Cr Peter Kafer
Cr Paul Le Mottee
Cr John Morello
Cr John Nell
Cr Steve Tucker

General Manager's Office

General Manager
Governance Manager
Legal Services Manager

Corporate Services

Group Manager Corporate Services
Business Development Manager
Business Systems Support Section Manager
Facilities Coordinator
Financial Services Section Manager
Investment and Asset Manager
Land Acquisition and Development Manager
Organisation Development Section Manager
Property Development Coordinator
Property Officer
Property Services Project Manager
Property Services Section Manager

Development Services

Group Manager Development Services
Assistant Development Planner

Building and Developer Relations Coordinator
Communicate Port Stephens Coordinator
Communication Section Manager
Compliance Officer
Development Assessment and Compliance Section Manager
Development Planner (3)
Environment Health and Compliance Project Officer (2)
Environment Health and Compliance Coordinator
Environmental Health Officer (3)
Environmental Health Team Leader
Environmental Officer
Health and Building Surveyor (4)
Natural Resources Coordinator (2)
Planning – Customer Service
Planning and Developer Relations Coordinator
Principal Strategic Planner
Ranger (4)
Senior Building Surveyor (3)
Senior Development Planner (3)
Senior Environmental Health Officer
Senior Health and Building Surveyor Fire Safety
Senior Health and Building Surveyor Swim
Senior Ranger
Senior Social Planning Officer
Senior Strategic Planner (2)
Social Planning Officer
Strategic Planner (3)
Strategic Planning Coordinator
Strategy and Environment Section Manager
Tourism and Events Coordinator
Vegetation Management Officer
Waste Compliance and Strategy Coordinator
Development Contributions Officer

Facilities and Services

Group Manager Facilities and Services
Building Trades Coordinator
Building Trades Team Leader Electrical
Building Trades Team Leader Painting
Building Trades Team Leader Plumbing
Building Asset Officer
Capital Works Section Manager
Children's Services Coordinator
Civil Assets Section Manager
Civil Projects Engineer
Community and Recreation Coordinator
Community and Recreation Planning Officer
Community Options Coordinator

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Community Services Section Manager
Coordinator – Roadside and Drainage – East
Development Engineer
Development Engineering Coordinator
Drainage and Flooding Coordinator
Facilities and Services Officer (3)
Fleet and Depot Services Coordinator
Fleet Management Supervisor
Library Services Manager
Parks and Waterways Officer
Parks Programs Coordinator
Project Manager – Construction
Project Manager – Design
Project Manager – RMS/Reseals
Project Manager – Survey
Project Manager Civil/Landscape
Public Domain and Services Manager
Transport Project Officer
Waste Management Coordinator

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns 1 July 2014 – 30 June 2015.

ITEM NO. 8

FILE NO: PSC2015-01000/891
TRIM REF NO: PSC2015-00570

DESIGNATED PERSONS - PECUNIARY INTEREST

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

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

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

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

- Economic Development Coordinator (PSC816).

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns.

ATTACHMENTS

Nil.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: PSC2015-01000/872

TRIM REF NO: PSC2015-02316

PERMIT ANCILLARY DWELLINGS ON INDUSTRIAL ZONED LAND

MAYOR: BRUCE MACKENZIE

THAT COUNCIL:

- 1) Investigate options to permit ancillary dwellings on industrial zoned land as part of the Port Stephens Local Environmental Plan 2013 Housekeeping Amendment.
-

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

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| 329 | Mayor Bruce MacKenzie Councillor Ken Jordan It was resolved that Council investigate options to permit ancillary dwellings on industrial zoned land as part of the Port Stephens Local Environmental Plan 2013 Housekeeping Amendment. |
|------------|--|

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

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

Those against the Motion: Nil

**BACKGROUND REPORT OF: TIM CROSDALE - STRATEGY AND
ENVIRONMENT SECTION MANAGER**

BACKGROUND

This Notice of Motion requests further investigation into options to permit ancillary dwellings on industrial zoned land as part of the Port Stephens Local Environmental Plan 2013 housekeeping amendment.

Under the former Port Stephens Local Environmental Plan 2000 (PSLEP 2000) dwellings were permitted on industrial land provided they were ancillary to and on the same land as other development permissible in this zone.

In 2013, the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) was gazetted in line with the State Governments Standard Instrument Template. The PSLEP 2013 has three (3) Industrial zones including; IN1 General Industrial, IN2 Light Industrial and IN4 Working Waterfront. Residential Accommodation is currently prohibited in these zones in accordance with the standard instrument provisions.

While the PSLEP 2013 permits 'rural worker's dwellings' which includes a dwelling or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land, a similar use is not available on industrial zoned land.

A housekeeping review of the PSLEP 2013 is currently underway to address any issues raised since its gazettal and improve its application.

Given that residential accommodation is permitted within industrial zones in a number of surrounding Local Government Areas including Lake Macquarie, Dungog and Maitland, further investigation will be undertaken into options to permit ancillary dwellings on industrial zoned land as part of this housekeeping review.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: PSC2015-01000/946

TRIM REF NO: PSC2011-02341

FERODALE SPORTS COMPLEX

COUNCILLOR: CHRIS DOOHAN

THAT COUNCIL:

- 1) Be provided with a report as soon as possible that outlines the concept design, estimate and funding strategy for delivery of stage 1 (community building, car park, access road, playground and bowling green) of the Ferodale Sports Complex Master Plan.

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION

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| 330 | Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council be provided with a report as soon as possible that outlines the concept design, estimate and funding strategy for delivery of stage 1 (community building, car park, access road, playground and bowling green) of the Ferodale Sports Complex Master Plan. |
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| BACKGROUND REPORT OF: JASON LINNANE – GROUP MANAGER FACILITIES AND SERVICES |
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BACKGROUND

Council adopted a master plan for the Ferodale Sports Complex in June 2015.

Amongst other things the master plan included a community building, car park, access road, playground and bowling green.

Options for funding the works are currently being investigated which may include section 94 developer contributions, subject to review and amendment of Council's section 94 contributions plan.

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| MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015 |
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The Ferodale Sports Complex Master Plan (adopted 23 June 2015) is included in the proposed revision of the Medowie Strategy.

Staff have been working on draft designs for the works mentioned in this Notice of Motion. This has included preliminary consultation with the Medowie Sports and Community Club who are the lessees of the site.

ATTACHMENTS

Nil.

RESCISSION MOTIONS

NOTICE OF RESCISSION

ITEM NO. 1

FILE NO: PSC2015-01000/875

TRIM REF NO: PSC2015-01020

MEMBERSHIP OF COMMITTEES AND GROUPS

MAYOR: BRUCE MACKENZIE

COUNCILLOR: STEVE TUCKER
KEN JORDAN

THAT COUNCIL:

- 1) Rescind its decision of 22 September 2015 on Item No. 4 Membership of Committees and Groups, pertaining to Item No. 59 "Hunter Water Corporation Community Consultative Committee".
 - 2) Appointment Cr LeMottee as the Hunter Water Corporation Community Consultative Committee representative, replacing Cr Dingle.
-

ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION

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| 331 | <p>Mayor Bruce MacKenzie Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Rescind its decision of 22 September 2015 on Item No. 4 Membership of Committees and Groups, pertaining to Item No. 59 "Hunter Water Corporation Community Consultative Committee".2) Appointment Cr LeMottee as the Hunter Water Corporation Community Consultative Committee representative, replacing Cr Dingle. |
|------------|---|

ATTACHMENTS

- 1) Ordinary Council Meeting - 22 September 2015 - Item 4 - Membership Of Committees and Groups

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS**MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015****ITEM NO. 4****FILE NO: PSC2015-01000/817****TRIM REF NO: A2004-0370****MEMBERSHIP OF COMMITTEES AND GROUPS**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominates membership of Council Committees, 355(c) Committees and Regional Committees and Groups, and amends the constitutions to include new membership where applicable (**ATTACHMENT 1**);
- 2) Re-name the following Committee/s:
 - Tanilba Bay Parks, Reserves, Foreshore & Hall Committee to Tanilba Bay Parks, Reserves & Hall Committee; and
 - Williamtown Public Hall Committee to Williamtown Hall Committee.

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

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| | Councillor Paul Le Mottee Councillor Ken Jordan That the recommendation be adopted. |
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**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION**

| | |
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| 285 | Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) All Council delegates remain the same as shown in ATTACHMENT 1, except for the following amendments:<ol style="list-style-type: none">a) Item 3 – Audit Committee – that Cr Doohan be included as a delegate and that Cr Morello be the alternate delegate.b) Item 4 – Boat Harbour Parks & Reserves Committee – that Crs Doohan and Tucker be included as delegates and that Cr Morello be removed.c) Item 8 – Fern Bay Public Hall Reserves & Tidy Towns Committee – that Crs Jordan and Le Mottee be included as delegates.d) Item 53 – Comprehensive Koala Plan of Management |
|------------|--|

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS**MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015**

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| | <p>Implementation Committee – that Crs Doohan and Tucker be included as delegates.</p> <p>e) Item 59 – Hunter Water Corporation Community Consultative Committee – that Cr Le Mottee be included as a delegate.</p> <p>f) Item 60 – Joint Regional Planning Panel – Cr Jordan be included as a delegate and that Cr Tucker be included as an alternate delegate.</p> <p>2) Re-name the following Committee/s:</p> <ul style="list-style-type: none">• Tanilba Bay Parks, Reserves, Foreshore & Hall Committee to Tanilba Bay Parks, Reserves & Hall Committee; and• Williamtown Public Hall Committee to Williamtown Hall Committee. |
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BACKGROUND

The purpose of this report is to review the various committees and groups Council has either established, or is involved with through the community.

In accordance with legislation, Council is required to nominate delegates and adopt the list of 355(c) Committees.

As part of Council's commitment to community partnerships, it provides opportunities for the community to be involved with the management of the facilities they use. Council has established over 50 community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the *Local Government Act*, which allow Council to delegate certain functions.

For a 355(c) committee, the written record of delegations is contained in the **committee constitution** as prepared and adopted by Council. Functions that cannot be delegated (under Section 377) are listed in the constitution. Any change to delegations to a 355(c) committee must be effected by resolution of Council.

The key concept is that a 355(c) committee is a **Council** committee. Committees include Councillor representation and a Council staff member responsible for liaison. A 355(c) committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are required to report on a monthly basis as is required of Council.

Council has in excess of 50 355(c) committees with over 600 members in total.

A number of 355(c) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, Tidy Towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

recognised practices.

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. Examples include:

| FACILITY MANAGEMENT | MAINTENANCE & IMPROVEMENTS TO RESERVES | OTHER |
|----------------------------|---|---------------------|
| Community Halls | Parks & Reserves | Band |
| Sporting Ovals | Foreshore Reserves | Choir |
| Cemeteries | | Advisory Committees |
| | | Sports Council |

Council can delegate certain functions to a committee: these are listed in the committee's schedule, which forms part of their constitution. A 355(c) committee constitution consists of a standard constitution, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(c) committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(c) committee members as they do for staff including Workplace Health & Safety (WH&S), Code of Conduct and responsibility for activities.

Council is currently reviewing the 355 (c) committee constitutions and it is anticipated that the review will be tabled with Council later this year.

Regional Committees and Groups

In addition to the 355(c) Committees, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

Note: The previous list of Committees and Groups are shown at (ATTACHMENT 1) with previous delegates shown in *italics*.

COMMUNITY STRATEGIC PLAN

| Strategic Direction | Delivery Program 2014-2019 |
|---|--|
| Port Stephens has strong governance and civic leadership. | Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc. |

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

FINANCIAL/RESOURCE IMPLICATIONS

Financial and Resource implications are provided for within the 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 has a legal obligation under the *Local Government Act 1993* to ensure it reviews and appoints 355 (c) Committees and delegates in accordance with the legislation.

| Risk | <u>Risk Ranking</u> | Proposed Treatments | Within Existing Resources? |
|---|---------------------|--|----------------------------|
| There is a risk that Council could be in breach of the <i>Local Government Act 1993</i> , if it fails to appoint the committees/groups/organisations as listed in (ATTACHMENT 1). | Low | Council appoint elected representatives as outlined in the report and adopt the committees/groups/organisations as listed in (ATTACHMENT 1). | Yes |

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Council employees.
- 2) General Manager.

OPTIONS

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

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ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

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| MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015 |
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ATTACHMENTS

- 1) Membership of 355(c) Committees and Regional Committees and Groups.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

ELECTION OF REPRESENTATIVES ON COUNCIL COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

The 2014/15 membership is listed below.

| Ref | Committee Name | Purpose of Committee | Meeting Cycle | Group | Current Delegates |
|-----|--|---|---|--------------------------|---|
| 1 | Aboriginal Strategic Committee | To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people. To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities. | Quarterly | Development Services | Cr Peter Kafer Cr Sally Dover <i>Alternate</i> Cr Steve Tucker |
| 2 | Anna Bay, Birubi Point Reserves, Hall & Tidy Towns Committee | To assist Council in the management of Anna Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr John Morello |
| 3 | Audit Committee | The Audit Committee is an advisory committee of Council comprising of two Council representatives and two external representatives. The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks. | At least four times a year or when necessary | General Manager's Office | Cr Ken Jordan Cr John Morello <i>Alternate</i> Cr Chris Doohan <i>DLG guidelines preclude the Mayor from being a member of the Committee.</i> |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Committee Name | Purpose of Committee | Meeting Cycle | Group | New Delegates |
|---|---|--|---|-----------------------|--|
| 4 | Boat Harbour Parks and Reserves Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Geoff Dingle Cr Sally Dover Cr John Morelio |
| 5 | Bobs Farm Public Hall Committee | To assist Council in the management of Bobs Farm Hall. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Steve Tucker |
| 6 | Corlette Headland & Hall Committee | To assist Council in the management of Corlette Hall. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr John Neil |
| 7 | Corlette Parks, Reserves & Landcare Group | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution) | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr John Morelio |
| 8 | Fern Bay Public Hall, Reserves and Tidy Towns Committee | To assist Council in the management of Fern Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Geoff Dingle |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

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|----|---|---|---|-----------------------|--|
| 9 | Fingal Bay Parks & Reserves Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr John Neil |
| 10 | Hinton School of Arts, Parks & Foreshore Committee | To assist Council in the management of Hinton School of Arts. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Ken Jordan |
| 11 | Karuah Hall Committee | To assist Council in the management of Karuah Community Centre Committee. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Peter Kafer Cr Ken Jordan |
| 12 | Karuah Tidy Towns, Parks Reserves & Wetlands Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Ken Jordan Cr Paul Le Mottee |
| 13 | Lemon Tree Passage Old School Centre Committee | To assist Council in the management of Tilligerry Community Centre and surrounds. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Steve Tucker Mayor Bruce MacKenzie |
| 14 | Lemon Tree Passage Parks, Reserves and Tidy Towns Committee | To undertake maintenance and improvements to parks in Lemon Tree Passage | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Steve Tucker Mayor Bruce MacKenzie |
| 15 | Mallabula Community Centre Committee | To assist Council in the management of Mallabula Community Centre. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Steve Tucker Mayor Bruce MacKenzie |
| 16 | Mallabula Parks and Reserves Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Steve Tucker Mayor Bruce MacKenzie |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Committee Name | Purpose of Committee | Meeting Cycle | Group | New Delegates |
|----|---|---|---|-----------------------|---|
| 17 | Mambo Wanda Wetlands, Reserves & Landcare Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr John Neil |
| 18 | Medowie Community Centre Committee | To assist Council in the management of Medowie Community Centre. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker |
| 19 | Medowie Sports Council | To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council. | Every 4 months— February, June, October 1 st Monday | Facilities & Services | Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker |
| 20 | Medowie Tidy Towns & Cycleway Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Geoff Dingle Cr Steve Tucker Cr Chris Doohan |
| 21 | Nelson Bay Community Hall Committee | To assist Council in the management of Nelson Bay Community Hall Committee. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Sally Dover |
| 22 | Nelson Bay West Parkcare Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr John Neil |
| 23 | Ngioka Centre Advisory Panel | To assist and provide feedback on the future development and planning of the Ngioka Centre. | | Facilities & Services | Cr Sally Dover |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Committee Name | Purpose of Committee | Meeting Cycle | Group | New Delegates |
|----|--|--|--|--------------------------|--|
| 24 | Port Stephens Adult Choir Committee | To promote, organise and train the Port Stephens Choir. To develop a sense of community identity and belonging by involving participants in community cultural projects. | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i> | Development Services | Cr Steve Tucker |
| 25 | Port Stephens Australia Day Coordinating Committee Note: Name change Port Stephens Australia Day Celebrations Coordinating Committee | To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council. | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i> | Development Services | Cr Sally Dover Cr John Morello Cr Ken Jordan |
| 26 | Port Stephens Sister Cities Committee | To promote positive and ongoing relationships between international communities providing opportunities for cultural exchange. | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee</i> | General Manager's Office | All Councillors |
| 27 | Port Stephens Community Band Committee | To promote, organise and train the Port Stephens Community Band. To develop a sense of community identity and belonging by involving youth and adults in community cultural projects. | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Development Services | Cr Steve Tucker |
| 28 | Port Stephens Heritage Advisory Committee | This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendation on local heritage issues. | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Development Services | Cr Paul Le Mottee |
| 29 | Port Stephens Native Flora Garden Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Quarterly | Facilities & Services | Cr John Nell |
| | | | | | |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Committee Name | Purpose of Committee | Meeting Cycle | Group | New Delegates |
|----|---|---|--|-----------------------|--|
| 30 | Port Stephens Sports Council | To provide input and forward planning, from a Council wide basis, on facilities, sporting statistics, policies and recommendations on future needs. | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Mayor Bruce MacKenzie Cr Ken Jordan |
| 31 | Raymond Terrace Parks, Reserves & Tidy Towns Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Cr Peter Kafer Cr Ken Jordan Cr Paul Le Mottee |
| 32 | Raymond Terrace Senior Citizens Hall Management Committee | To assist Council in the management of the Raymond Terrace Senior Citizens Hall. | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Cr Ken Jordan Cr Paul Le Mottee Cr Peter Kafer |
| 33 | Salt Ash Community Hall Reserves & Tennis Court Committee | To assist Council in the management of Salt Ash Community Hall & Tennis Courts. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution) | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Cr Steve Tucker Mayor Bruce MacKenzie |
| 34 | Salt Ash Sports Ground Committee | To assist Council in the management, maintenance and improvements to Salt Ash Oval. | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Cr Steve Tucker Mayor Bruce MacKenzie |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Committee Name | Purpose of Committee | Meeting Cycle | Group | New Delegates |
|----|--|---|--|-----------------------|---|
| 35 | Seaham School of Arts and Community Hall Committee | To assist Council in the management of: Seaham School of Arts Seaham Community Hall | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Cr Ken Jordan |
| 36 | Seaham Park & Wellands Committee | To assist Council in the management, maintenance and improvements to the Park. | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Cr Ken Jordan Cr Peter Kafer Cr Paul Le Mottee |
| 37 | Section 94 Panel | Oversee the allocation of Section 94 contributions. | Six monthly | Development Services | Mayor Bruce Mackenzie Cr Ken Jordan Cr Steve Tucker |
| 38 | Shoal Bay Beach Preservation Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Cr John Morello |
| 39 | Soldiers Point-Salamander Bay Tidy Towns and Landcare Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Cr Sally Dover |
| 40 | Strategic Arts Committee | To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts. To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens | Quarterly – 2 nd Wednesday of the month | Development Services | Cr Steve Tucker Cr John Nell Cr Paul Le Mottee |
| 41 | Tanilba Bay Parks, Reserves, & Hall Committee Note: change name from Tanilba Bay Parks, Reserves, Foreshore & Hall Committee | To assist Council in the management of Tanilba Bay Hall. To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | <i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i> | Facilities & Services | Cr Steve Tucker Mayor Bruce MacKenzie |

MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Committee Name | Purpose of Committee | Meeting Cycle | Group | New Delegates |
|----|---|---|---|-----------------------|---|
| 42 | Tilligerry Sports Council | To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council. | Every 4 months— February, June, October 3 rd Monday | Facilities & Services | Cr Steve Tucker Mayor Bruce MacKenzie |
| 43 | Tomaree Education Complex Multi Purpose Centre Management Committee Note: Correction of name from Tomaree Education Complex Multi Purpose Centre Committee | To assist Council with the care, management and promotion of the facility To make recommendation to Council as to the development, planning and management of Tomaree Education Complex Multi Purpose Centre. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Sally Dover |
| 44 | Tomaree Sports Council | To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council. | Every 4 months— February, June, October 3 rd Wednesday | Facilities & Services | Cr John Nell Cr John Morello Cr Sally Dover |

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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| Committee Name | Purpose of Committee | Meeting Cycle | Group | New Delegates |
|--|---|---|-----------------------|--|
| 45 Tomaree Cemeteries Committee | To undertake maintenance and improvements to cemeteries on Tomaree Peninsula. | Meet Quarterly | Facilities & Services | Cr John Neil |
| 46 Tilligerry Tidy Towns and Landcare Committee | To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution). | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Steve Tucker |
| 47 West Ward Cemeteries Committee | To undertake maintenance and improvements to cemeteries in West Ward. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Peter Kafer |
| 48 West Ward Sports Council | To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council. | Every 4 months - February, June, October 2 nd Monday | Facilities & Services | Cr Ken Jordan Cr Paul Le Mottee Cr Peter Kafer |
| 49 Williamtown Hall Committee Note: Correction of name from Williamtown Public Hall Committee | To assist Council in the management of Williamtown Hall. | Committees are required to hold meetings at least quarterly at a time to be decided by the committee. | Facilities & Services | Cr Geoff Dingle |

ITEM 1 - ATTACHMENT 1 ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 - ITEM 4 - MEMBERSHIP OF COMMITTEES AND GROUPS

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REGIONAL COMMITTEES AND GROUPS

| | Name of Organisation | Purpose of Committee | Meeting cycles | Group | New Delegates |
|----|--|--|------------------------|-----------------------|---|
| 51 | Port Stephens Community Safety Precinct Committee Note: <i>This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.</i> | To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety. ** Attendees will be by invitation only, one representative will be invited by the Police from each peak body/organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Planner Crime, and the other will be the Mayor or his/her representative if unable to attend. | Meets quarterly | Development Services | Mayor Bruce MacKenzie |
| 52 | Birubi Point Cultural Heritage Advisory panel | To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place | Meets 3 times per year | Facilities & Services | Cr Sally Dover |
| 53 | Comprehensive Koala Plan of Management Implementation Committee | Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management. | Meets every 2 months | Development Services | Cr Geoff Dingle Cr Peter Kafer |
| 54 | Public Libraries NSW Association | Country Public Libraries Association constitution requires a Councillor representative. This Association provides support for country public libraries. The Joint Library Advisory Committee's constitution also requires a Councillor representative in line with the Newcastle Regional Library agreement. | Meets 3 times per year | Facilities & Services | <i>Note: Council is required to appoint a delegate.</i> |

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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Name of Organisation | Purpose of Committee | Meeting cycles | Group | New Delegates |
|----|--|--|--|--------------------------|---|
| 55 | Financial Assistance Community Grants Panel | To make recommendations to Council on applications received through the Grants process | Twice a year | General Manager's Office | Mayor Bruce MacKenzie Cr Ken Jordan Cr Chris Doohan Cr John Nell (1 Councillor from each Ward). Alternative Cr Geoff Dingle |
| 56 | Gloucester Coal Seam Gas Project – Community Consultative Committee | The purpose of the Committee is to provide a forum for representatives to discuss the Project with the Company (Lucas Energy) | | Development Services | To be left open for all Councillors to attend. |
| 57 | Hexham Swamp-Kooragang Wetland Rehabilitation Project Steering Committee Term: 3 years from 27 November 2012. | The purpose of the Committee is to oversee project at the Hexham Swamp Kooragang Wetland. The Committee is a sub-committee of the Catchment Management Authority | Meets 2-3 times per year with and annual site inspection | Development Services | Cr John Nell |
| 58 | Hunter Councils | To discuss regional issues in the Hunter. | | General Manager's Office | Mayor Bruce MacKenzie Delegate must be the Mayor |
| 59 | Hunter Water Corporation Community Consultative Committee | This committee is an advisory committee to Hunter Water Corporation Note: Cr Nell is appointed to this Committee by Hunter Water. | | General Manager's Office | Cr Geoff Dingle |

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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Name of Organisation | Purpose of Committee | Meeting cycles | Group | New Delegates |
|----|--|---|---|-----------------------|--|
| 60 | Joint Regional Planning Panel | To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area. The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member, commencing 2012 and nomination due by 24 September 2015. | As required | Development Services | <i>Mayor Bruce MacKenzie</i> <i>Alternates</i> <i>Cr Paul Le Mottee</i> <i>Cr John Neil</i> <i>Cr Geoff Dingle</i> |
| 61 | Karuah Working Together Inc. | The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah. The Committee is responsible for ensuring community and economic development activities are co-ordinated in accordance with local needs, trends and opportunities in accordance with Council's Economic Development Strategy and as specified in the <i>Karuah Strategic Plan</i> . | 3 rd Monday evening of the month | Development Services | <i>Cr Peter Kafer</i> <i>Cr Paul Le Mottee</i> <i>Cr Ken Jordan</i> |
| 62 | Local Development Committee | Local Development Committee providing advice to Council staff on development regarding traffic matters. | As and when needed. | Facilities & Services | <i>Cr Peter Kafer</i> |
| 63 | Local Traffic Committee | This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads. | Meets 1 st Tuesday of the month | Facilities & Services | <i>Cr Peter Kafer</i> <i>Cr John Neil</i> |
| 64 | Lower Hunter Bushfire Management Committee | The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management. | Meets quarterly | Facilities & Services | <i>Mayor Bruce MacKenzie</i> |

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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Name of Organisation | Purpose of Committee | Meeting cycles | Group | New Delegates |
|----|---|--|-----------------|--------------------------|---|
| 65 | Lower Hunter Zone Liaison Committee | To review the progress of the Service Level Agreement between Port Stephens Council and NSW Rural Fire Service in the Local Government Area. | Meets quarterly | Facilities & Services | Mayor Bruce MacKenzie |
| 66 | Lower Tilligerry Floodplain Risk Management Committee | To oversee the Flood Studies for the Tilligerry Creek catchment. | | Development Services | Cr Steve Tucker Mayor Bruce MacKenzie |
| 67 | Marine Parks Advisory Panel <i>Ministerial Appointment</i> | Community Consultative Committee regarding the proposed Marine Park in Port Stephens. | | Development Services | Cr John Neil |
| 68 | Medowie Floodplain Risk Management Committee | To oversee the Flood Studies for the Williams River catchment including Dungog shire. | | Facilities & Services | Cr Geoff Dingle Cr Steve Tucker Cr Chris Doohan Cr Peter Kaler |
| 69 | Nelson Bay Community College | This committee is an advisory committee for Adult Education. | | General Manager's Office | Cr Sally Dover Cr John Morello |
| 70 | Newcastle Airport Partnership Company No. 3 Pty Ltd | Special Purpose Vehicle for the part ownership of Newcastle Airport. | | General Manager's Office | Mayor Bruce MacKenzie (General Manager) |
| 71 | Newcastle Airport Partnership Company No. 4 Pty Ltd | Special Purpose Vehicle for the part ownership of Newcastle Airport. | | General Manager's Office | Mayor Bruce MacKenzie (General Manager) |
| 72 | Newcastle Airport Partnership | The partnership is responsible for the development and management of Newcastle Airport and related infrastructure. | | General Manager's Office | Mayor Bruce MacKenzie (General Manager) |
| 73 | Newcastle Airport Pty Ltd | To manage the operations of Newcastle Airport. | | General Manager's Office | General Manager |
| 74 | Port Stephens Council Depot re-development committee | To explore the options available for re-development of the Council depot at Raymond Terrace. | Bi-annual | Facilities & Services | Cr Ken Jordan Cr John Neil Mayor Bruce MacKenzie |

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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

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| | Name of Organisation | Purpose of Committee | Meeting cycles | Group | New Delegates |
|----|---|--|--|-----------------------|--|
| 75 | Port Stephens Economic Development Advisory Panel | <ul style="list-style-type: none"> Act as a communication and advisory mechanism to Council on relevant Economic Development issues. Oversee the implementation of the Economic Development Strategy. 2012 ED Strategy review has occurred. | Quarterly | Development Services | <i>Cr Chris Doohan Mayor Bruce MacKenzie Cr Ken Jordan Cr Paul Le Mottee</i> <i>(1 Councillor from each Ward)</i> |
| 76 | Port Stephens Holiday Parks Reserve Trust | <ul style="list-style-type: none"> To act as Trust Managers of the Crown land and Holiday Parks. | Quarterly | Corporate Services | <i>All Councillors</i> |
| 77 | Port Stephens Transport Forum | The Transport for NSW convenes these forums which have been established in most LGAs throughout NSW. It provides the opportunity for local transport providers (eg: community transport, bus and taxi operators) and local residents to discuss local and regional transport related issues and to formulate appropriate strategies to more effectively improve the delivery of existing public transport services in meeting the community's transport needs. | Every 3 months convened by Ministry of Transport | Facilities & Services | <i>Cr Sally Dover</i> <i>All councillors to be notified of this meeting.</i> |
| 78 | Port Stephens Domestic Violence Committee | <p>To raise the awareness of the issues surrounding domestic violence and enhance service provision to victims by developing and maintaining effective interagency strategies.</p> <p>Note: Council staff no longer regularly attend this Committee following outcomes of sustainability review of Council's social planning service package.</p> | Meet every 2 months | Development Services | <i>Cr Peter Kafer</i> |

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ITEM 4 - ATTACHMENT 1 MEMBERSHIP OF 355(C) COMMITTEES AND REGIONAL COMMITTEES AND GROUPS.

| | Name of Organisation | Purpose of Committee | Meeting cycles | Group | New Delegates |
|----|---|--|---|--------------------------|---|
| 79 | Port Stephens East Local Health Committee | To ensure that the population of the Tomaree Peninsula has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs. | Meets on 2 nd Wed every 2 months | Development Services | <i>Cr Sally Dover</i> |
| 80 | Port Stephens West Local Health Committee | To ensure that the population of the Western area of Port Stephens (ie: west of Tomaree Peninsula) has appropriate access to a suitable baseline level of health services and facilities to meet their existing and future health needs. | Meets on 3 rd Wed every 2 months | Development Services | <i>Cr Geoff Dingle Cr Peter Kafer</i> |
| 81 | Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee | This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline. | Meets quarterly | Development Services | <i>Cr John Neil Cr Paul Le Mottee Cr John Morello</i> |
| 82 | Williams River Floodplain Risk Management Committee | To oversee the Flood Studies for the Williams River catchment including Dungog shire. | | Facilities & Services | <i>Open to all Councillors</i> |
| 83 | Williamstown Consultative Committee Forum | | | General Manager's Office | <i>Mayor Bruce MacKenzie (General Manager)</i> |
| 84 | Williamstown/Salt Ash Floodplain Committee | | | Facilities & Services | <i>Open to all Councillors</i> |
| 85 | Worimi Conservation Lands Board of Management <i>Ministerial Appointment</i> | To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government. | 4 times a year | General Manager's Office | <i>Cr Sally Dover Alternate: Cr Peter Kafer</i> |
| 86 | General Manager Performance Review Panel | To conduct evaluation of the performance of the General Manager. | At least annual | Mayor's Office | <i>Mayor Deputy Mayor Councillor Chris Doochan (nominated by the Council) Councillor (nominated by the General Manager)</i> |

CONFIDENTIAL ITEMS

In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

ORDINARY COUNCIL MEETING – 27 OCTOBER 2015 MOTION

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| 332 | Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council Move into confidential session |
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MINUTES ORDINARY COUNCIL - 27 OCTOBER 2015**CONFIDENTIAL****ITEM NO. 1****FILE NO: PSC2015-00378/103
TRIM REF NO: PSC2012-4965****HARDSHIP RELIEF - INTEREST APPLICATION****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

Councillor Geoff Dingle left the meeting at 07:58pm and did not return to the meeting.

**ORDINARY COUNCIL MEETING - 27 OCTOBER 2015
MOTION**

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| 333 | Councillor Ken Jordan Councillor Chris Doohan It was resolved that the report be received and that no further action be taken. |
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**ORDINARY COUNCIL MEETING – 27 OCTOBER 2015
MOTION**

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|------------|---|
| 334 | Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council Move out of confidential session |
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There being no further business the meeting closed at 7.59pm.