

DRAFT

MINUTES – 22 SEPTEMBER 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 – 22 September 2015, commencing at 5.43pm.

PRESENT:

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

278	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>It was resolved that an apology from Cr John Morello be received and noted.</p>
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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

279	Councillor Ken Jordan Councillor Paul Le Mottee It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 8 September 2015 be confirmed.
	There were no Declaration of Interests received.

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MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

**FILE NO: PSC2015-01000/860
TRIM REF NO: PSC2013-02086**

ENVIRONMENTAL INVESTIGATION - RAAF BASE WILLIAMTOWN

THAT COUNCIL:

- 1) Make urgent representations to the Department of Defence and the New South Wales Environment Protection Authority urging the expeditious resolution to the current environmental investigations on and around Williamtown RAAF Base and Newcastle Airport and requesting both agencies to establish a clear framework with timelines for action, consultation and assistance available to affected local residents.

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION**

280	Mayor Bruce MacKenzie It was resolved that Council make urgent representations to the Department of Defence and the New South Wales Environment Protection Authority urging the expeditious resolution to the current environmental investigations on and around Williamtown RAAF Base and Newcastle Airport and requesting both agencies to establish a clear framework with timelines for action, consultation and immediate assistance, including access to free public health checks, financial hardship assistance and access to town water made available to affected local residents.
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BACKGROUND

On 3 September 2015, the Department of Defence and the Environmental Protection Authority (EPA) informed the community that preliminary tests had identified perfluorooctane sulphonate (PFOS) and perfluorooctanoic acid (PFOA) in groundwater south of Williamtown RAAF Base and Newcastle Airport. These substances were also identified in Tilligerry Creek and Fullerton Cove and some aquatic life in these waterways.

Residents in the affected area have been advised to avoid drinking bore water, eating fish caught from Tilligerry Creek or Fullerton Cove or consuming eggs from backyard chickens in this area.

The environmental investigations have caused significant community concern around matters of public health livelihoods, property values, health of domestic animals and livestock and the local environment.

Port Stephens Council has offered to assist with providing information about the water contamination at RAAF Williamstown and surrounding areas to keep the community properly and speedily informed.

Council welcomes the establishment of the two State Government Reviews initiated to both advise government on the planned and ongoing management of the contamination and to review the EPA's management of contaminated sites.

In addition, the Williamstown Community Reference Group (WCRG) has recently been formed at the direction of the NSW Premier by the Parliamentary Secretary for the Hunter to support local communities to address concerns relating to the contamination. Council's General Manager, Mr Wayne Wallis has been invited to represent Port Stephens Council on the WCRG.

Council has also put forward a number of local community members to participate in the WCRG to ensure all community concerns are captured and documented in this forum.

Council's continued focus is to help the community in relation to this issue as directed by lead federal and state government agencies. This includes ongoing advocacy and representation to the Department of Defence and the EPA for clear guidance on the action going forward and immediate support to be made available to residents.

COUNCIL REPORTS

ITEM NO. 1**FILE NO: PSC2015-01000/483
TRIM REF NO: PSC2015-01924****DEPUTY MAYOR ELECTION****REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Determine the term of the deputy mayor.
 - 2) Determine the method of voting to elect the deputy mayor.
 - 3) General Manager or his delegate to conduct the election of the deputy mayor.
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ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015**MOTION**

281	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that:</p> <ol style="list-style-type: none">1) the Deputy Mayoral term be for a period of one year.2) the method of voting be by open voting. <p>The Mayor then handed over to the Returning Officer to conduct the election of the Deputy Mayor.</p> <p>At the close of nominations only one (1) nomination was received. The nomination was received from Cr Chris Doohan. Cr Doohan was elected unopposed as Deputy Mayor for a period of one (1) year.</p>
282	<p>Councillor Steve Tucker Councillor Paul Le Mottee</p> <p>It was resolved that Council move into Committee of the Whole.</p>

BACKGROUND

The purpose of this report is to elect the Deputy Mayor.

The election of the Deputy Mayor is to be held in accordance with the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation*

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

2005, should Council wish to proceed with the election of Deputy Mayor. The role of Deputy Mayor is not required under the *Local Government Act 1993*.

The General Manager has appointed Council's Governance Manager as Returning Officer for the election, should Council wish to proceed.

The current term of the Deputy Mayor is one (1) year. Council may fix the Deputy Mayor term for a period not greater than the Mayoral role, which is four (4) years. The role of Deputy Mayor is only paid an allowance in the absence of the Mayor, which is funded from the Mayoral allowance.

NOMINATIONS FOR THE OFFICE OF DEPUTY MAYOR

Nominations may be made without notice and should be made in writing by two (2) or more Councillors (one of whom may be the nominee) or the Mayor. A nomination is not valid unless the nominee has indicated consent in writing. The Returning Officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than one Councillor is nominated an election will take place.

DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

- a) Preferential Ballot
- b) Ordinary Ballot
- c) Open Voting

STATEMENT FROM DEPUTY MAYORAL CANDIDATES (OPTIONAL)

A time limit of five minutes per candidate will apply in accordance with Council's Code of Meeting Practice.

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		With existing budget.
Reserve Funds	No		
Section 94	No		

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement under the *Local Government Act 1993* to elect a deputy mayor.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of the Mayor Council would not have an elected representative to act as the Mayor.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

FILE NO: PSC2015-01000/474
TRIM REF NO: A2004-0372

COUNCIL MEETING CYCLE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Continue with the current meeting cycle in Option 1, shown at **(ATTACHMENT 1)**.
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ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Steve Tucker That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 MOTION

283	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council continue with the current meeting cycle in Option 1, shown at (ATTACHMENT 1) .
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BACKGROUND

The purpose of this report is to inform Council of the current Council meeting cycle and consider the future Council meeting cycle.

Council at its meeting in September 2012, 2013 and 2014, adopted its current meeting cycle to meet on the second and fourth Tuesday of each month.

The adopted meeting and inspection cycle for each month is shown below:

1) Week 1

No meetings, inspections and/or two way conversations.

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2) Week 2

Inspections and/or two way conversations as required. Followed by public access, if required and then the Ordinary Meeting of Council.

3) Week 3

Inspections and/or two way conversations as required.

4) Week 4

Inspections and/or two way conversations as required. Followed by public access, if required and then the Ordinary Meeting of Council.

5) Week 5

No meetings, inspections and/or two way conversations.

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

All financial implications are provided for within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Options 1 and 2 are provided for in the existing budget. If Council elects to move towards a different meeting cycle additional cost implication would need to be provided.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 365 of the *Local Government Act 1993* requires Council to meet at least **10 times** per year in different months. The *Local Government (General) Regulation 2005* provides for Council to establish such committees as it considers necessary. Council must specify the functions of such committees.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of the <i>Local Government Act 1993</i> if it failed to meet at least 10 times a year.	Low	That Council hold at least 10 meetings per year.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) General Manager.

OPTIONS

- 1) Accept the recommendations.
- 2) Should Council amend the recommendation, the following will also need to be adopted;
 - i) Make the relevant changes to the Code of Meeting Practice, should Council elect to make changes to the meeting cycle and publicly exhibit for 28 days; and
 - ii) Should there be no submissions, the Code of Meeting Practice be adopted as exhibited without a further report back to Council.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Meeting cycle options.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 MEETING CYCLE OPTIONS.

WEEK	OPTION 1 Current meeting cycle	OPTION 2	OPTION 3
1	No meetings or inspections	4.00 to 5.30pm 2-way conversation program	4.00 to 5.30pm 2-way conversation program 5.30pm Public Access, if required Followed by Council Committee Meeting
2	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.00 to 5.30pm 2-way conversation program 5.30pm Public Access, if required Followed by Council Committee Meeting	4.00 to 5.30pm 2-way conversation program 5.30pm Ordinary Council Meeting
3	4.30 to 6.30pm 2-way conversation program Presentations and Workshops as required.	4.00 to 5.30pm 2-way conversation program 5.30pm Public Access, if required	4.00 to 5.30pm 2-way conversation program 5.30pm Public Access, if required followed by Council Committee Meeting
4	4.30 to 5.00pm 2-way conversation program 5.30pm Public Access, if required followed by Ordinary Council Meeting	4.00 to 5.30pm 2-way conversation program 5.30pm Ordinary Council Meeting	4.00 to 5.30pm 2-way conversation program 5.30pm Ordinary Council Meeting
5	No meetings or inspections	4.00 to 5.30pm 2-way conversation program 5.30pm presentations and workshops as required.	4.00 to 5.30pm 2-way conversation program 5.30pm Presentations and Workshops as required.

ITEM NO. 3**FILE NO: PSC2015-01000/473****TRIM REF NO: A2004-0373****COUNCIL PRAYER AND ACKNOWLEDGEMENT OF COUNTRY AT COUNCIL MEETINGS**

REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Continue with the Acknowledgement of Country; and
- 2) Continue with the Council prayer at Council meetings.

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

	Councillor Sally Dover Councillor Ken Jordan That the recommendation be adopted.
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Councillor Peter Kafer left the meeting at 06:30pm during Item 3, in Committee of the Whole, prior to voting. Cr Kafer did not return to the meeting.

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION**

284	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Continue with the Acknowledgement of Country; and2) Continue with the Council prayer at Council meetings.
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BACKGROUND

The purpose of this report is allow Council the opportunity to consider whether to continue with the prayer and Acknowledgement of Country at Council meetings. Council's current Code of Meeting Practice makes provision for the prayer at the commencement of all Ordinary Meetings of Council.

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The current Council prayer is as follows:

"We ask Almighty God to give us wisdom and courage so we can serve our community, and uphold justice and equality in Port Stephens, in Jesus' name. Amen"

Council previously passed a resolution to include an Acknowledgement of Country at each Council meeting. The Acknowledgement of Country is to follow the Prayer at the commencement of each Council meeting.

The Acknowledgement of Country is as follows:

"Today, we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow".

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement to include the prayer or traditional welcome in Council meeting proceedings.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may	Low	Adopt the recommendations.	Yes

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

be affected should the recommendations not be adopted.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Worimi Local Aboriginal Land Council.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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**

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

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
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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

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.

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.

ATTACHMENTS

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

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

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	<p>To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people.</p> <p>To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.</p>	Quarterly	Development Services	<p><i>Cr Peter Kafer</i> <i>Cr Sally Dover</i></p> <p><u>Alternate</u> <i>Cr Steve Tucker</i></p>
2	Anna Bay, Birubi Point Reserves, Hall & Tidy Towns Committee	<p>To assist Council in the management of Anna Bay Hall.</p> <p>To undertake maintenance and improvements to designated parks & reserves (as per map included in committee constitution).</p>	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr John Morello</i>
3	Audit Committee	<p>The Audit Committee is an advisory committee of Council comprising of two Council representatives and two external representatives.</p> <p>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.</p>	<i>At least four times a year or when necessary</i>	General Manager's Office	<p><i>Cr Ken Jordan</i> <i>Cr John Morello</i></p> <p><u>Alternate</u> <i>Cr Chris Doohan</i></p> <p><i>DLG guidelines preclude the Mayor from being a member of the Committee.</i></p>

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).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Sally Dover Cr John Morello</i>
5	Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Steve Tucker</i>
6	Corlette Headland & Hall Committee	To assist Council in the management of Corlette Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr John Nell</i>
7	Corlette Parks, Reserves & Landcare Group	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	<i>Cr John Morello</i>
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).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Geoff Dingle</i>

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

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

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).	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr John Nell</i>
18	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker</i>
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.	<i>Every 4 months— February, June, October 1st Monday</i>	Facilities & Services	<i>Cr Geoff Dingle Cr Chris Doohan Cr Steve Tucker</i>
20	Medowie Tidy Towns & Cycleway 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	<i>Cr Geoff Dingle Cr Steve Tucker Cr Chris Doohan</i>
21	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall Committee.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Sally Dover</i>
22	Nelson Bay West Parkcare 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	<i>Cr John Nell</i>
23	Ngioka Centre Advisory Panel	To assist and provide feedback on the future development and planning of the Ngioka Centre.		Facilities & Services	<i>Cr Sally Dover</i>

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 Neil

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

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	<i>Cr Ken Jordan</i>
36	Seaham Park & Wetlands 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	<i>Cr Ken Jordan Cr Peter Kafer Cr Paul Le Mottee</i>
37	Section 94 Panel	Oversee the allocation of Section 94 contributions.	<i>Six monthly</i>	Development Services	<i>Mayor Bruce Mackenzie Cr Ken Jordan Cr Steve Tucker</i>
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	<i>Cr John Morello</i>
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	<i>Cr Sally Dover</i>
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	<i>Quarterly – 2nd Wednesday of the month</i>	Development Services	<i>Cr Steve Tucker Cr John Nell Cr Paul Le Mottee</i>
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	<i>Cr Steve Tucker Mayor Bruce MacKenzie</i>

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 administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months—February, June, October</i> <i>3rd Monday</i>	Facilities & Services	<i>Cr Steve Tucker Mayor Bruce MacKenzie</i>
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.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Sally Dover</i>
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 administrating sports are accurately identified and brought to the attention of Council.	<i>Every 4 months—February, June, October</i> <i>3rd Wednesday</i>	Facilities & Services	<i>Cr John Nell Cr John Morello Cr Sally Dover</i>

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.	<i>Meet Quarterly</i>	Facilities & Services	<i>Cr John Nell</i>
46	Tilligerry 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	<i>Cr Steve Tucker</i>
47	West Ward Cemeteries Committee	To undertake maintenance and improvements to cemeteries in West Ward.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Peter Kafer</i>
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.	<i>Every 4 months—February, June, October 2nd Monday</i>	Facilities & Services	<i>Cr Ken Jordan Cr Paul Le Mottee Cr Peter Kafer</i>
49	Williamstown Hall Committee Note: Correction of name from Williamstown Public Hall Committee	To assist Council in the management of Williamstown Hall.	<i>Committees are required to hold meetings at least quarterly at a time to be decided by the committee.</i>	Facilities & Services	<i>Cr Geoff Dingle</i>

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

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>

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	<i>Twice a year</i>	General Manager's Office	<i>Mayor Bruce MacKenzie Cr Ken Jordan Cr Chris Doohan Cr John Nell (1 Councillor from each Ward). Alternative Cr Geoff Dingle</i>
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	<i>To be left open for all Councillors to attend.</i>
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	<i>Cr John Nell</i>
58	Hunter Councils	To discuss regional issues in the Hunter.		General Manager's Office	<i>Mayor Bruce MacKenzie Delegate must be the Mayor</i>
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	<i>Cr Geoff Dingle</i>

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	<p>To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area.</p> <p>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.</p>	As required	Development Services	<p><i>Mayor Bruce MacKenzie</i></p> <p><i>Alternates</i> <i>Cr Paul Le Mottee</i> <i>Cr John Nell</i> <i>Cr Geoff Dingle</i></p>
61	Karuah Working Together Inc.	<p>The Committee is a peak group comprising representation of key organisations, businesses and industry representatives in Karuah.</p> <p>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>.</p>	3 rd Monday evening of the month	Development Services	<p><i>Cr Peter Kafer</i> <i>Cr Paul Le Mottee</i> <i>Cr Ken Jordan</i></p>
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	<p><i>Cr Peter Kafer</i> <i>Cr John Nell</i></p>
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>

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	<i>Mayor Bruce MacKenzie</i>
66	Lower Tilligerry Floodplain Risk Management Committee	To oversee the Flood Studies for the Tilligerry Creek catchment.		Development Services	<i>Cr Steve Tucker Mayor Bruce MacKenzie</i>
67	Marine Parks Advisory Panel <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.		Development Services	<i>Cr John Nell</i>
68	Medowie Floodplain Risk Management Committee	To oversee the Flood Studies for the Williams River catchment including Dungog shire.		Facilities & Services	<i>Cr Geoff Dingle Cr Steve Tucker Cr Chris Doohan Cr Peter Kafer</i>
69	Nelson Bay Community College	This committee is an advisory committee for Adult Education.		General Manager's Office	<i>Cr Sally Dover Cr John Morello</i>
70	Newcastle Airport Partnership Company No. 3 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.		General Manager's Office	<i>Mayor Bruce MacKenzie (General Manager)</i>
71	Newcastle Airport Partnership Company No. 4 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.		General Manager's Office	<i>Mayor Bruce MacKenzie (General Manager)</i>
72	Newcastle Airport Partnership	The partnership is responsible for the development and management of Newcastle Airport and related infrastructure.		General Manager's Office	<i>Mayor Bruce MacKenzie (General Manager)</i>
73	Newcastle Airport Pty Ltd	To manage the operations of Newcastle Airport.		General Manager's Office	<i>General Manager</i>
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	<i>Cr Ken Jordan Cr John Nell Mayor Bruce MacKenzie</i>

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
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</i> <i>Mayor Bruce MacKenzie</i> <i>Cr Ken Jordan</i> <i>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>

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 Nell 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 Ministerial Appointment	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 Doohan (nominated by the Council) Councillor (nominated by the General Manager)</i>

ITEM NO. 5**FILE NO: PSC2015-01000/768
TRIM REF NO: 14/584****SECTION 96 DEVELOPMENT APPLICATION FOR A MACHINERY SHED AT
LOT:1A, 2A & 6A DP:9901 NO.7, 9 & 11 HIGH ST, HINTON****REPORT OF: MATTHEW BROWN - DEVELOPMENT ASSESSMENT &
COMPLIANCE SECTION MANAGER
GROUP: DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

Approve the Section 96 Development Application 16-2014-384-2 (Machinery Shed) for an earth mound and machinery shed for the following reasons:

- 1) The proposed Section 96 application reduces the previously approved shed footprint by 60% minimising the impact on the site, local environment and risk to person and property.
 - 2) The proposal seeks to lower the previously approved Flood Planning Level (FPL) from 6.0m AHD to 5.34m AHD to match the existing shed floor level for usability and access with the adjacent structure and economical construction methods.
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**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Chris Doohan 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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION**

286	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council approve the Section 96 Development Application 16-2014-384-2 (Machinery Shed) for an earth mound and
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	machinery shed for the following reasons: 1) The proposed Section 96 application reduces the previously approved shed footprint by 60% minimising the impact on the site, local environment and risk to person and property. 2) The proposal seeks to lower the previously approved Flood Planning Level (FPL) from 6.0m AHD to 5.34m AHD to match the existing shed floor level for usability and access with the adjacent structure and economical construction methods.
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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: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, Bruce MacKenzie, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a Section 96 development application to Council for determination. Council staff have elected to put the Section 96 application before Council as the original DA was determined by Council and a reduction to the previously approved Flood Planning Level (FPL) has been sought.

The proposal

The S96 application seeks two amendments to the original approval:

- Reduce the overall development footprint by 60% which in turn reduces the impact on the site, local environment and risk associated to flooding.
- Reduce the previously approved FPL by 0.66m from 6.0m AHD to 5.34m AHD to align with the existing shed.

The previously approved shed has floor area of 380m², the proposal seeks to reduce that to 150m², approximately a 60% reduction in size. It is expected that the building heights will remain the same size although with a reduction in FLP the eaves and ridge will be 0.66m lower than previously approved. This lowering of the eaves and ridges will help reduce the overall impact on the streetscape. A shed already exists on site and this section 96 is a reduction in size of the previously approved shed.

It is not practical to require an extension to an existing shed to be considerably higher than that of the existing structure. Whilst Council will be approving an extension to an existing shed that may be subject to flood waters in the future, the building exists today and is non-habitable, hence there is minimal increased risk.

Consideration should be given to the changes in overall visual massing of the amended shed as it is located approximately 140m from Hinton Bridge (State

Heritage Item) and adjacent the Hinton Heritage conservation area. The reduced shed size will have a lesser impact than that previously approved on the visual amenity of these areas due to the reduction in bulk and scale.

Flood Planning Level Risk Rationale

A risk assessment was carried out based on the advice received by Council's Flooding Engineering Report, the proposed reduction of development footprint and the lowering of the FPL by 0.66m. The risk assessment was carried out in accordance with Council's Corporate Risk Management Framework with the following results:

- The overall risk rating was determined as (6) Medium which is situated below the ALARP (As Low As Reasonably Practicable). Further detail on the assessment can be found in **(ATTACHMENT 2)**.

Role of the Office of Environment and Heritage

Due to the proximity of the development to the Hinton Spillway concurrence has been sought with Office of Environment and Heritage. This was done through a clause 256 referral which required additional works in increasing the stabilisation of the levee bank around shed. Engineering plans have been received outlining the works required although no General Terms of approval (GTA) have been received to date from the Office of Environment and Heritage (OEH). This is a separate process as an applicant can elect to either combine or separate the approval processes from the OEH.

The proposed 60% reduction in shed size is supported and the reduced level of the shed FPL, although not consistent with Council's ideal FPL, is supported due to the minor impact of the development and the medium to low risk rating associated to the relevant policies and development guidelines.

Based on the above it is proposed that the application be supported.

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

There are no foreseeable financial or resource implications which result from the proposed recommendation.

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

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 risk assessment has been carried out based on the information at hand with a outcome falling below the ALARP line of a Medium Risk rating. This has been provided for Councillors information.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the property floods and there is damage/loss to property/life.	Medium	<p>The risk assessment outlines the new risk is not high. There is an existing shed onsite approved by Council and there are no habitable rooms within the proposed structure.</p> <p>Determine the application as the recommendation which resulting in an approval with conditions.</p>	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Property and life could be compromised as owners/occupiers/property could potentially be exposed to floodwaters or isolated on or from the property for long periods of time during flooding events imposing demands on local and SES resources. The proposal however is for a non-habitable shed.

CONSULTATION

The application did not require public notification in accordance with Councils policies. The application was referred to Council's flooding engineers as per Councils service level agreements. Appropriate consultation with the applicant has been followed during the assessment process.

OPTIONS

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

ATTACHMENTS

- 1) Location Plan.
- 2) S96(2) Assessment Report.
- 3) Conditions of Consent.

COUNCILLORS ROOM

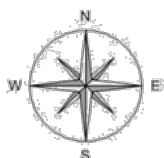
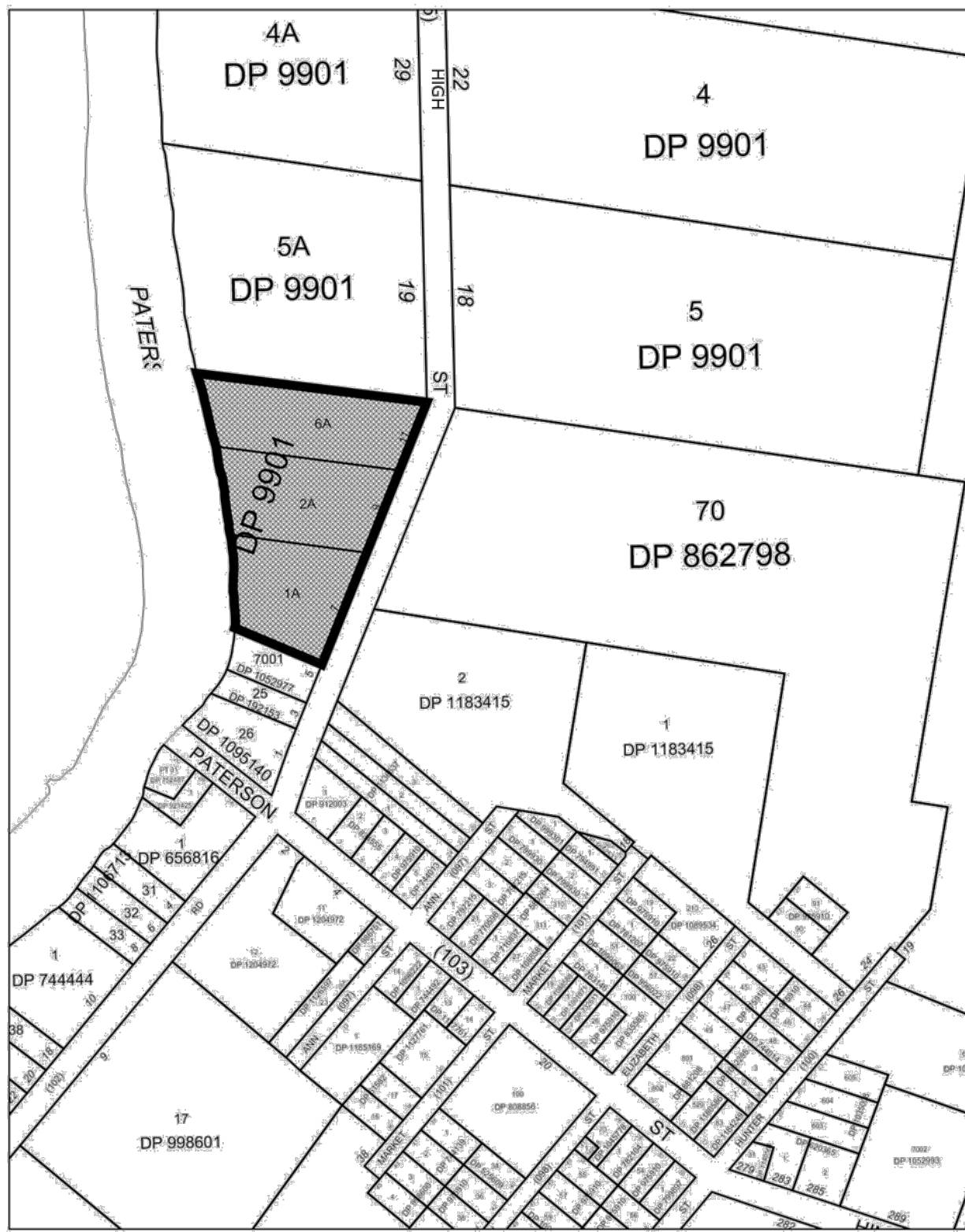
- 1) HTP – 1502-001-SHT1-1 – Architectural Plans and Elevations
- 2) 15040 C00-C02 Rev A – Engineering Plans

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 LOCATION PLAN.

Hinton



SUBJECT AREA



DISCLAIMER

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ITEM 5 - ATTACHMENT 2 S96(2) ASSESSMENT REPORT.

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

THE PROPOSAL

The applicant proposes amendments to the construction of a Machinery shed and associated earth mound approved by Council under Consent No 16-2014-384-1.

THE APPLICATION**16-2014-384-2****THE APPLICATION**

Owner	Mr W B Dark
Applicant	Mr W B Dark
Detail Submitted	Development plans including: Site Plan, Plans and elevations

THE LAND

Property Description	Lot:1A, 2A & 6A DP:9901
Address	No.7,9 & 11 High St, Hinton
Area	Approx 21,780m ² (3 lots combined)
Site description	The site has existing storage sheds with fill and is located to the east of the Patterson River.
Characteristics	Flood prone land Acid Sulfate Soils (class 4)

THE ASSESSMENT**PLANNING PROVISIONS**

<i>Environmental Planning and Assessment Act 1979</i>	79C Planning provisions
Port Stephens Local Environmental Plan (2013)	Zone RU1 Rural Primary Production Clause 4.3 Height of buildings Clause 7.1 Acid sulfate soils Clause 7.2 Earthworks Clause 7.3 Flood planning Clause 7.6 Essential services
Port Stephens Development Control	B6 Single and Dual Occupancy Dwellings

ITEM 5 - ATTACHMENT 2 S96(2) ASSESSMENT REPORT.

Plan 2013

Statutory Acts and Regulations

Environmental Planning and Assessment (EP&A) Act 1979

Section 79C – Planning Assessment

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

Port Stephens Local Environmental Plan (2013)

Zone RU1 Rural Primary Production

Dwellings and associated fill are permissible within the land zoning.

Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base:

Additional Fill will reduce potential land for production use.

- To encourage diversity in primary industry enterprises and systems appropriate for the area:

No industry use proposed in the application, application is for machinery shed only, although it appears some current agricultural use is active on site.

- To minimise the fragmentation and alienation of resource lands:

No subdivision is proposed although the use of large fill mounds may introduce fragmentation of the land.

- To minimise conflict between land uses within this zone and land uses within adjoining zones:

N/A adjacent zone are zone similarly and proposed development is permissible under the LEP

Clause 4.3 Height of buildings

Clause 4.3 specifies the maximum height of buildings for development is not to exceed the maximum height shown for the land of the 'height of buildings map'. No specified height is mapped for the property although due to the combination of fill and a ridge height of 6.187m, the overall development from natural ground is approximately 8.3m. The height is on the threshold or most residential zoning maps of 8-9m.

Clause 7.1 Acid sulfate soils

The subject site is identified as Class 4 acid sulfate soils (ASS). Accordingly works more than 2 metres below the natural ground surface and works by which the watertable is likely to be lowered more than 2 metres below the natural ground

ITEM 5 - ATTACHMENT 2 S96(2) ASSESSMENT REPORT.

surface. as a result of excavations for footings, utility services and drainage. Due to the amount of fill excavation it is anticipated that ground disturbance kept to a minimum, although if the requirements above are triggered the applicant shall provide an acid sulphate management plan is to be submitted to council.

Clause 7.2 Earthworks

The below information still remains relevant from the original report, although concurrence has been sought with Office of Water through a 256 referral in response to works required in stabilising the levee bank around the proposed work. Engineer plans have been received outlining the works required although no GTA have been received to date from the Office of Environment and Heritage.

(Original Report 16-2014-384-1)

"Clause 7.2 seeks to ensure that earthworks will not have a detrimental impact upon the environment or surrounding properties. The development requires earthworks involving a maximum 1meter of fill to facilitate services and construction. The proposed earthworks are in excess of the 1m max required by the DCP and could have a major impact on the visual amenity of the landscape, redirection of potential floodwaters and or inundation patterns. Minimal and unclear information regarding the amount of fill required was submitted with the application. The area of the top of the pad is unspecified with unclear parameters on the amount of fill required to achieve the desired level. This will introduce a significant amount fill required on site as the average depth required is approximately 2m deep

The application lacked clear information regarding existing levels and the proposed amount of fill, the extent of fill and heights of the fill and the machinery shed. The fill site has been previously identified by the Office of Environmental Heritage's floodplain Engineer to potentially have impacts on the levee banks structure. Correspondence was received regarding concerns with erosion and the following comment was made " During recent June flood erosion has occurred at the edge of the building which in a bigger flood event may have led to the levee failing in that location which would have allowed additional floodwaters into the Hinton Area".

Clause 7.3 Flood Planning

Clause 7.3 seeks to minimise the flood risk to life and property associated with the use of land and to allow development only where it is compatible with the land's flood hazard so as to ensure that significant adverse impacts on flood behaviour and the environment are avoided. The application is not favourable when considered in the context of clause 7.3 as the site is classified as floodway and is located within an area that conveys a significant portion of the flood flow. As such the proposed development may adversely affect other areas and adjoining properties.

A risk assessment has been carried out based on the advice given below in the flooding referral report from Council's Flooding engineer and the changes to the development size and FPL. The results are as following accordance with Council's Corporate Risk Management Framework:

Likelihood category of: **L3 Possible** – Once every 10 years

Consequence category of: **C2 Minor** – Minor Isolated environmental impact – First Aid, Contained noncompliance or breach with short term significance or minor financial impact .

ITEM 5 - ATTACHMENT 2 S96(2) ASSESSMENT REPORT.

Based on the above an overall risk rating of **(6) Medium** was determined situated below the **ALARP** (As Low As Reasonably Practicable) with an Action of:

- The proposed task or process can proceed as the work is considered safe but the risk control measures need monitoring to ensure the risk level does not increase during the task or process.

Flooding Referral

Refer to Internal Referral Section Below

Clause 7.6 Essential services

To be conditioned to comply with relevant legislation and flood planning guidelines

N/A

Port Stephens Development Control Plan 2013**Part B6 Single and Dual Occupancy Dwellings**

The application has been assessed against the provisions of Development Control Plan 2013 (DCP2013), B6 – Single and Dual Occupancy Dwellings and is considered medium risk development. The shed design is considered satisfactory although the land use but is medium risk due to high flooding risk. The structure will be used as a non-habitable building reducing the overall threat to life and injury.

4.1 Site Coverage – N/A

4.2 Height – No Specific height limits are set for the property although the current design reached approximately 7.63m above natural ground due building height and the amount of fill required to build above the 1% AEP level.

4.3 Number of Storeys – N/A**4.4 Setbacks – N/A**

4.5 Rural Setbacks - Compliant, the development is approximately 23m from High St.

4.6 Building Form and Streetscape –

The S96 proposal seeks to reduce the overall bulk scale and height of the development helping reduce the impact on the surrounding environment as outlined below in the original assessment report.

"Original Report 16-2015-384-1

The continual approval of large fill mounds to accommodate residential development, sheds and associated infrastructure to support the habitable uses will eventually impacting on the overall landscape. The introduction of isolated mounds/hills will detract from the natural landscape creating an irregular undulating landscape in what is a predominantly flat grazing land. The elevated pockets associated to dwellings could also have an impact on the distant surrounding vistas due to the height of fill required for each development again detracting from the existing scenic outlooks."

ITEM 5 - ATTACHMENT 2 S96(2) ASSESSMENT REPORT.

4.7 Orientation to the Street Frontage – Well setback from the street, not an issue

4.8 Bulk and Scale - Bulk and scale of mound will have significant impacts on the visual amenity of the properties as mentioned in 4.6 above.

4.9 Solar access – Complies

4.10 Privacy – Complies

4.11 Landscaping – Complies

4.12 Private Open Space – Complies

4.13 Car Parking – Complies

4.14 Earthworks – Earth works are well in excess of the permissible 1m fill in the DCP. It is proposed an approximate 1.33m of fill is required (excluding the batter banks) to elevate the development to a level outside the 1% AEP. No details on showing the extend of the pad and proposed volumes were submitted. This amount of fill is considered undesirable and could have potential negative impacts on the rural landscape and also alter the flow paths of the flood waters. All could have a negative impact on adjacent properties and potential devaluation of properties.

The application proposes to build the shed to the level of the existing shed. A FPL of 6m has been provided by the flooding engineers in the original report, a new level of 6.5m AHD (including a 0.5m Freeboard) has now been provided. It is now proposed to lower the floor level of the shed to match the existing reducing the amount of fill on site. No specific details of the existing slab levels are provided although the survey plan nominates an existing Level of 5.34m AHD which the proposed shed will now match for construction and access purposes.

4.15 Stormwater and Drainage – Stormwater will be conditioned to comply with councils current policies

4.16 Heritage and Conservation Areas – N/A

4.17 Energy Efficiency – Compliant

6.5 Retaining walls – N/A

Existing Approvals

An approval by Council for a 380m² shed has been issue don the site. The S96 seeks to amend this application by reducing the shed size by 60% and the finished floor level by 660mm.

"Original Report 16-2014-384-1

An existing approval exists on site for a Machinery Shed 16-2010-815-1 which has been erected. The proposed development wished to abut this development and expand the storage/workshop area. NO

ITEM 5 - ATTACHMENT 2 S96(2) ASSESSMENT REPORT.

flood planning level has been noted on the DA, the current development wants to build to the existing level although a FPL of 6m has been provided although it is difficult to determine if this is in line with existing height. The new development will have to be built to the new FPL."

Community consultation

In accordance with Council's Notification Policy, the proposed development was not required to be notified or advertised.

External Referrals**Clause 256 Water Management Act**

The development is located within 50m of the Hinton spill way and required a 256 referral under the water management act to gain concurrence from the minister and GTA's for the development. This process has been acted on although the GTA's have not yet been supplied to Council. Engineer plans have been prepared for the works required by the Office of Water which relate to the proposed development and s6tabaliation of the Levee bank.

Internal referrals**Flood Engineer**

I can't see the details of any electrical fixtures, goods storage etc, I haven't seen any information about whether the structure is to be constructed to withstand hydraulic loading due to flood events up to the PMF (and therefore not impact on downstream residents, SES etc) and I haven't seen any flood report to assess the impact of this proposal.

There is a wall of water metres high through this area when a flood goes through.

The property Lot 1A DP 9901, 7 High Street, Hinton is identified as flood prone in the Port Stephens LEP 2013.

According to Council's most recent flood study for the area (Paterson River Flood Study (2001)):

- the 0.5% AEP flood level for this property is 6.8m AHD
- the PMF level for this property is 7.8m AHD
- the 5% AEP flood level for this property is 6.0m AHD

The Flood Planning Level for habitable rooms is based on the 0.5% AEP flood level in this area and would therefore be 6.8m AHD.

"Flood Planning Level" defines the area of land subject to flood-related development controls (refer Port Stephens LEP Section 7.3, Flood Manual Section 4). "Habitable room" in a residential situation is a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom; in an industrial or

ITEM 5 - ATTACHMENT 2 S96(2) ASSESSMENT REPORT.

commercial situation is an area used for offices or to store valuable possessions susceptible to flood damage (refer Flood Manual Section 4). "AEP" is Annual Exceedance Probability (these are the flood standards and 1% AEP is the event likely to occur only once in 100 years, or has a 1% chance of occurring every year) and "AHD" is Australian Height Datum (this is the base for the survey system based on mean sea level set in the mid to late 1960s).

This is the legislated approach for habitable rooms.

However, for structures that don't meet the "habitable room" definition (eg non-housing that isn't used to store valuable possessions), Council uses its DCP provisions (which affords some flexibility).

B5.2 Development considers the following:

- A non-habitable room demonstrates the following:
- Electrical fixtures, such as power points, light fittings and switches are located above the FPL, or if possible above the PMF
- Provides an area where goods can be stored above the PMF
- Fill should not substantially impede the flow of floodwater, and must not contribute to flooding or ponding of water on other properties
- A garage or carport demonstrates the following:
- Electrical fixtures, such as power points, light fittings and switches are located above the FPL, or if possible above the PMF
- Finished floor height 0.5m above the 5% AEP

It would be an acceptable approach to use the same finished floor level as a carport or garage – in this location would be (the 5% AEP level plus 0.5m freeboard) 6.5m AHD.

The site is classified as part of the High Hazard Floodway area.

"High hazard" flood area is 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 (refer Flood Manual Appendix L).

"Floodway area" refers to the land that is a pathway taken by major discharges of floodwaters, the obstruction or partial obstruction of which would cause a significant redistribution of floodwaters, or a significant increase in flood levels. Floodway areas are often aligned with natural channels, are usually characterised by deep and relatively fast flowing water, and have major damage potential (refer Flood Manual Section 4).

Council's DCP 2014 provisions relating to development on land categorised as High Hazard Floodway areas (B5.7 and B5.8) state:

B5.7 Development located within a high hazard category demonstrates the following:

ITEM 5 - ATTACHMENT 2 S96(2) ASSESSMENT REPORT.

- Development does not become an isolated island during a flood event. A flood refuge is required where isolation is likely to occur unless at least 40m of the PMF event
- Flood refuge incorporates convenient access to flood free ground, which:
Is a route that is fail safe, plainly evident and self-directing
Situated above the PMF
Caters for the number of persons that could reasonably be expected to be on-site
Provides emergency lighting
Be constructed to withstand hydraulic loading due to flood events up to the PMF

B5.8 Development located within High Hazard 1 – Floodway adheres to the following:

- New buildings or structures and fill are not supported unless accompanied by a report
Note: Development within a floodway is not encouraged. An application may only be considered where it demonstrated to have specific community needs/benefits, which does not relate to the provision of housing.

Based on the information provided, I cannot support the construction of 200 square metres of shed (15m x 13.5m) at 5.34m AHD.

"Original application Referral 16-2014-384

Development Description:

- Machinery Shed – Proposed floor level no provided – ("same as existing", however no details as to what the existing building level is).
- No description given as to purpose of the development.
- An existing machinery shed is located on the site, for which development was approved in 2010. Cannot see a flood referral completed on TRIM – See (16-2010-815-1)

Catchment: Paterson River

Flood study: Paterson River Floodplain Management Study and Plan

	5% AEP	2% AEP	1% AEP	0.5% AEP	0.2% AEP	PMP
Flood Level (mAHD)	6.0	6.6	6.6	6.8	7.0	7.5
FPL (m AHD)			7.1			
Hazard Cat						
High			High	High	High	High
Hydraulic Cat			Floodway			

Notes:

Flood Level – Figure 4.10 to 4.14

Extreme Flood level – Figure 4.9 – Hard to read exactly – no contours only colour gradients.

Provisional Hazard Categories – Figures 5.3 to 5.5

Hydraulic Cat –Figure 5.7

The flood characteristics local to the subject site;

1. Channelised river flows run south adjacent to the subject site.
2. During Flooding events, the floodway runs east-west, across the subject site.

Assessment

PSC LEP (section 7.3 – Flood Planning)

Flood Compatibility

ITEM 5 - ATTACHMENT 2 S96(2) ASSESSMENT REPORT.

a. *PSC LEP (2013) requires development consent must not be granted to development on land which this clause applies unless the consent authority is satisfied that the development;*

i. *is compatible with the flood hazard of the land, and*

The subject site is located within a high hazard flood storage area for the Paterson River. High hazard floodway areas are incompatible with all forms of urban development. High velocities and/or depths associated with Paterson River would put people in undue danger.

ii. *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*

Filling the floodway and building adjacent to the Hinton Spillway will have an impact on the flood behaviour. This is not addressed in the application. Ian Jackson, flood engineer from OEH, as also noted with reference to the existing building on the subject site;

"During recent June flood erosion has occurred at the edge of the building which in a bigger flood event may have led to the levee failing in that location which would have allowed additional floodwaters into the Hinton Area" (pers Com email – Ian Jackson Dated 5 Sept 2011)

Further expansion of the building adjacent to the levee could put the levee at more risk, or in the least further restrict future mitigation works to be carried out to protect the levee

iii. *incorporates appropriate measures to manage risk to life from flood, and*

As noted above, the development is located within a high Hazard floodway. No mitigation measures are noted in the development application.

iv. *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*

The development is located within the Paterson river riparian corridor (RC). Additionally, it is located within the designated vegetated riparian zone (VRZ) (within 30 metres of a 3th order. This development would impede future efforts to rehabilitate the RC/VRZ.

v. *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Assessment Outcome

In conclusion the proposed 60% reduction in shed size is supported and the reduced level of the shed FPL although not consistent with Council's policies is supported due the minor impact of the development and the medium risk rating associated to the relevant policies and development guidelines. Based on the above it is proposed that the application be supported.

ITEM 5 - ATTACHMENT 3 CONDITIONS OF CONSENT.

1. Prior to the commencement of any works approval under Clause 256 of the Water Management Act 2000 is to be attained.
2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
3. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent.
4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
5. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
 - Monday to Friday, 7am to 6pm;
 - Saturday, 8am to 1 pm;No construction work to take place on Sunday or Public Holidays.
6. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA. the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
7. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced.
8. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats.
9. Collected stormwater runoff shall be piped to designated onsite stormwater tanks. All collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties.
10. Prior to the issue of any Occupation Certificate the proposed earth mound shall be fully turfed and be maintained for the life of the development. The top of constructed building mound shall not extend more than 3m from the perimeter of proposed structure. A maximum 1 in 4 gradient shall be used in the construction of the batter banks.

ITEM 5 - ATTACHMENT 3 CONDITIONS OF CONSENT.

11. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited.
12. Upon completion of the landfill activities, submit a survey plan prepared by a registered surveyor confirming that the landfilling has been undertaken in accordance with Condition 13 and the stated flood planning level.
13. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005). The Flood Planning Level for this development is 5.34 metres AHD.

The following design precautions must be adhered to:-

- a. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods.
 - b. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible.
 - c. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level.
 - d. All electrical wiring below the Flood Planning Level shall be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed.
 - e. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
 - f. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level.
 - g. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning.
-
14. The Designated flood is the 1 % AEP Flood. A structural engineer shall design and provide certification to Council that all building structures and earth mounds are able to withstand the hydrostatic and hydrodynamic flood forces, including debris impact and buoyancy uplift for the 1 % AEP Flood prior to the issue of the Construction Certificate.

ITEM NO. 6

**FILE NO: PSC2015-01000/798
TRIM REF NO: PSC2011-00188**

NEW LEASE TO CROWN LANDS OF GROUND FLOOR SHOP 2 AT 437 HUNTER STREET, NEWCASTLE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the Mayor and the General Manager to sign and affix the Seal of Council to the lease documentation and any associated legal documentation for Shop 2 at 437 Hunter Street, Newcastle.
-

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

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

287	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council authorise the Mayor and the General Manager to sign and affix the Seal of Council to the lease documentation and any associated legal documentation for Shop 2 at 437 Hunter Street, Newcastle.
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BACKGROUND

The purpose of this report is to advise Council that the NSW Department of Trade and Investment (Crown Lands), which has been a long standing tenant of the Council owned premises at 437 Hunter Street, Newcastle, has sought a new lease over Shop 2.

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

The property at 437 Hunter Street comprises four tenanted levels. The ground floor is divided into two separate retail spaces of which Crown Lands occupy Shop 2. In addition, they also lease floors 2, 3 and 4 with Wine Selectors tenanted the first floor.

The upper levels (2, 3 and 4) are subject to the provisions of an option associated with the original leases which commenced on 1 August 2012. The execution of this option for an additional lease period was authorised by a resolution of Council in 2012. Crown Lands is exercising this option at this time for another three year period for levels 2, 3 and 4.

However, the lease over ground floor shop 2 was for a shorter term with no option period available and, as a consequence, did not require registration or the affixing of the Seal at the time. While the intended period of this lease is still for only a three year period (and consequently does not require the Seal), it is recommended to execute all documents in the same manner when dealing with the Crown. Managing the leases in a consistent manner will provide clarity for Council and the Crown in future dealings for the property.

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

A key strategy in managing the Council's Commercial Property portfolio is to create secure lease agreements for the longest available period to a viable tenant. In doing so Council is best protected with known returns over the term of the lease.

The total annual income for the combined leases covering shop 2 and levels 2, 3 and 4 is \$690,625.60 plus GST, with fixed annual increases over the term of 3.75%.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		This income has been accounted for in the current year's financial budgets.

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that by not having a formalised lease in place a tenant could vacate at short notice and there would be a loss of income as a result.	HIGH	Formalise the lease document as recommended.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Investment and Asset Manager.
- 2) Harris Wheeler Lawyers.
- 3) Tew Property Consultants.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7**FILE NO: PSC2015-01000/766
TRIM REF NO: A2004-0869****NEW LEASE TO BEST AND LESS OVER COUNCIL OWNED PREMISES AT 49
WILLIAM STREET, RAYMOND TERRACE****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the lease documentation including that relating to change of control of the parent entity and any other documentation relating to the lease or any further option period for 49 William Street, Raymond Terrace.
-

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

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

288	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the lease documentation including that relating to change of control of the parent entity and any other documentation relating to the lease or any further option period for 49 William Street, Raymond Terrace.
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BACKGROUND

The purpose of this report is to inform Council that Best and Less has requested to renew the lease of 49 William Street Raymond Terrace, following expiry of the previous lease on 16 September 2015.

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

The new lease is to be for a five (5) year term and with a further option of five (5) years, carrying forward the same conditions from the prior lease agreement. New lease documentation has been drafted by Council's legal representatives to reflect the agreed terms.

It is further noted that there has recently been a change in control of the parent entity of Best and Less. Until recently, Best and Less was owned by Pepkor South East Asia Ltd, which has now been acquired by Steinhoff International Holdings Ltd. Council has received the associated documentation including an authorisation as landlord to consent to the change in control of Best and Less.

It is considered that this change does not adversely affect or disadvantage Council's position in any way.

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

A key strategy in managing the Council's Commercial Property portfolio is to create secure lease agreements for the longest available period to a viable tenant. In doing so Council is best protected with known returns over the term of the lease.

The new rental has been determined (following a market review) at \$242,050 plus GST per annum. This is a modest increase on the previous years lease, and forward years lease amounts are subject to CPI increases.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		This income has been budgeted within the current budget year.
Reserve Funds	No		
Section 94	No		
External Grants	No		

Other	No		
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LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the provisions of the *Conveyancing Act*, leases in excess of three (3) years total duration, inclusive of the option period, are to be registered upon the title of the land to which they apply. Accordingly, if the lease is to be registered the Common Seal must be affixed upon signing under Clause 400, *Local Government (General Regulation) 2005*.

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

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that with no formalised lease in place a tenant could vacate at short notice and there would be a loss of rental income as a result.	High	Formalise the lease documentation as recommended.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Investment and Asset Manager.
- 2) Harris Wheeler Lawyers.
- 3) Tew Property Consultants.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8

FILE NO: PSC2015-01000/730
TRIM REF NO: PSC2005-5359

LOCATION OF A NEW MULTI PURPOSE COMMUNITY FACILITY IN FERN BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the location of a new multi-purpose community facility at Fern Bay Reserve, 8 Vardon Road, Fern Bay **(ATTACHMENT 1)**.
-

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

	Councillor Geoff Dingle Councillor Steve Tucker That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION

289	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council endorse the location of a new multi-purpose community facility at Fern Bay Reserve, 8 Vardon Road, Fern Bay (ATTACHMENT 1) .
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BACKGROUND

The purpose of this report is to seek endorsement for the location of a new multi-purpose community facility at Fern Bay Reserve.

Fern Bay Reserve at 8 Vardon Road **(ATTACHMENT 1)** includes the existing public hall, two tennis courts, a storage shed, public amenities and a children's playground. The replacement of Fern Bay Hall was scheduled and funded in the Capital Works Program to be completed in the 2015-2016. During consultation with the Mayor and Central Ward Councillors to detail the project scope of the works, it was concluded that alternative locations for this proposed facility should be examined before continuing with the project.

A site analysis including alternative sites was undertaken. Alternative sites included other privately owned land parcels and surrounding future land release/developments.

Fern Bay Reserve at 8 Vardon Road is the only Council owned land in Fern Bay.

The developers of future land releases in Fern Bay were consulted to determine if there is opportunity and space to provide a joint facility within any currently proposed new release areas. None of the currently proposed new release areas has a provision for a facility of this type.

Fern Bay Reserve at 8 Vardon Road provides the ability to provide a multi-use facility with the potential to combine the existing public hall, public amenities, tennis clubhouse and storage shed into the one facility. Fern Bay Reserve is also part of the existing pathway network, which provides public access to the site. The playground at Fern Bay Reserve is also currently being replaced and will provide an attractor for potential hall users for activities such as birthday parties. For these reasons, Fern Bay Reserve was deemed most appropriate for the construction of this facility.

The proposed facility would have a 245m² floor area that will include a hall area, office areas, storage kitchen and public amenities. The facility will provide for the Fern Bay Hall Committee, Fern Bay Parks and Reserves Committee and the Fern Bay Tennis Club. Council has also been approached about the possibility of the facility being utilised for before and after school care and the new facility will be designed with this potential use in mind.

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 funding for the construction of the new multi-purpose community facility has been drawn from Section 94 funding. The Fern Bay-Fullerton Cove planning district had a population of 2,652 that is predicted to almost double by 2032 with a predicted population of 5,250. This population growth is predicted due to the number of ongoing land release areas within the Fern Bay-Fullerton Cove planning district.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

Section 94	Yes	\$800,000	Approved section 94 funding allocated to the project.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal and policy implications involved in adopting the recommendation.

The risk implications are shown in the table below.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that asbestos containing material is present in the building leading to potential exposure by users.	Low	Adopt the recommendation and replace the Fern Bay Hall, Fern Bay Tennis Clubhouse, Storage Shed and Public Amenities with a new multi-purpose facility. Works to be undertaken in accordance with the Asbestos Containing Material removal procedures.	Yes
There is a risk that Councils infrastructure backlog will continue to grow without undertaking rehabilitation and replacement of assets that have reached their economic life leading to increased maintenance funds being spent to keep the asset functioning.	Low	Adopt the recommendation.	Yes
There is a risk that the existing assets do not meet the current safety standards leading to public injury and financial risk to Council.	Medium	Adopt the recommendation.	Yes
There is a risk that the existing aging facility does not meet the needs of the community leading	Low	Adopt the recommendation.	Yes

to public reputation risk to Council.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Community facilities are provided to benefit the community and contribute to residents' quality of life and wellbeing. Community facilities aim to:

- Target local needs: Facilities will address the social needs and interests of the surrounding community and desired social outcomes by offering a range of relevant programs, services and activities.
- Build community cohesion: Programs, activities and events will be designed to encourage social interaction between and involvement of different people and groups in the community to generate social capital.
- Creation of community hubs: Facilities can be co-located to provide a focal point for the community. This facility would be located adjacent to the Fern Bay School as well as being on the same parcel as the Fern Bay tennis courts and playground.

Fern Bay Hall is an old-fashioned community hall that has limited use due to its design. The proposed facility can host a larger number of activities leading to increased income for the Hall Committee. This income can be used to fund facility maintenance and upkeep.

The new multi-purpose community facility will include solar hot water systems, LED lighting, insulation and rain water tanks to ensure that it keeps its energy and water usage to a minimum.

CONSULTATION

- 1) Capital Works Section.
- 2) Public Domain and Services Section.
- 3) Environment and Strategy Section.

Prior to development of construction plans, the draft concept plan would be presented to the Ward Councillors, Fern Bay Hall Committee and the Fern Bay Tennis Club to ensure that the layout meets their operational requirements.

OPTIONS

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

ATTACHMENTS

- 1) Fern Bay Multi-purpose Community Care Centre - Draft Concept Plan

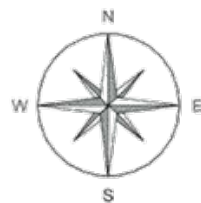
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

GIS Plot



MGA 56



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

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SHEET LOCALITY

ITEM NO. 9

FILE NO: PSC2015-01000/794
TRIM REF NO: PSC2011-02312

APEX PARK, NELSON BAY - DRAFT MASTER PLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the Apex Park Draft Master Plan (**ATTACHMENT 1**) on public exhibition for a period of 42 Days and accept public submissions on the document.
-

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

	Councillor John Nell Councillor Sally Dover That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION

290	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council place the Apex Park Draft Master Plan (ATTACHMENT 1) on public exhibition for a period of 42 Days and accept public submissions on the document.
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BACKGROUND

The purpose of this report is to seek Council's endorsement to place the draft master plan for Apex Park, Nelson Bay on public exhibition.

Apex Park is located in Nelson Bay and is bounded by Laman Street, Victoria Parade and Teramby Road. The park comprises 1.22 hectares of Crown Land which lists Council as the trustee and contains pathways, park furniture, a war memorial and the visitor's information centre.

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

The Nelson Bay Town Centre and Foreshore Strategy, which was adopted in 2012, identified the need for the revitalisation of Apex Park with the development of a master plan being the first step in this process.

Due to its central location, Apex Park is vital in the revitalisation of the Town Centre and Foreshore areas. The Nelson Bay Town Centre and Foreshore Strategy states:

"Apex Park holds significance for a number of community groups such as the veterans as the War Memorial is located within the centre of the park. It has the potential to play a greater role as a civic space and to attract a range of age groups through its proximity to the Town Centre and Foreshore, restaurants, tourist services, cycle ways and pathways, the beach and its open space features."

The draft master plan proposes five (5) key design components, which are:

- Terraced seating on the western slope to provide an informal amphitheatre;
- Consistent palette of materials and park furniture throughout the park;
- Restoration of the 1929 Memorial Steps;
- Creating a strong axis between Town Centre and Foreshore areas; and
- Stabilisation of the embankment fronting Teramby Road.

Following the public exhibition period, a further report will be submitted to Council detailing the submissions received and any changes proposed for the draft master plan. An implementation program and funding strategy for the range of works identified in the master plan will then be prepared to determine the priority of works as funding becomes available. Detailed resolution of the design, materials and finishes for each of these works will be undertaken in the future. Allocation of funds will be considered via Councils 10 year works program.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2014-2019
Provide passive and active recreation and leisure services and facilities.	Maintain and develop recreational facilities for residents and visitors.

FINANCIAL/RESOURCE IMPLICATIONS

A cost estimate for all works proposed in the master plan and a funding strategy will be reported back to the Council following the exhibition period.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Advertising expenses within current budget.
Reserve Funds	No	Nil	
Section 94	No	Nil	

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

External Grants	No	Nil	
Other	No	Nil	

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legislative process for the preparation of a master plan. The recommended works are consistent with the Crown Lands status of the land.

The risk implications associated with adopting the recommendation are listed below:

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without having planning and investigation studies completed, Council's ability to make informed sustainable decisions would be affected leading to re-work and unidentified costs.	Low	Adopt the Recommendation to allow for the appropriate planning and investigation studies to be undertaken, so that Council is able to make informed and sustainable decisions.	Yes
There is a risk that the proposed master plan may have inadequate design proposals that do not meet the needs of the community leading to the asset not being valued by the community.	Low	Adopt the Recommendation to invite the community to provide their feedback on the future vision for Apex Park.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft master plan will enable greater public use and enjoyment of the site through the provision of new infrastructure and facilities. The proposal provides a continuous connection for pedestrians in a west/east direction and has an improved connection between Stockton Street and the foreshore including connecting the Bridle Path.

The draft master plan shows stabilisation of the embankment fronting Teramby Road. This will be achieved through the removal of noxious weeds and the planting of species native to the local area.

To ensure that Apex Park continues to be an attractive area to host events, the provision of electricity points has been included which will allow for easier set up of temporary facilities without the need for multiple extension cords.

CONSULTATION

In the development of the draft master plan, consultation was undertaken with NSW Crown Lands and a meeting was held on the 14th May 2015 with the Nelson Bay West Parks and Reserves Committee, Corlette Parks and Reserves Committee, Tomaree Ratepayers and Residents Association and the Nelson Bay Returned Servicemen's League.

Where possible, the specific suggestions and ideas gained from this consultation have been incorporated into the draft master plan. Following the compilation of the Draft Master Plan, a subsequent meeting with stakeholders was held to explain where suggestions couldn't be incorporated and reasons why.

The sections of Council that have been consulted in the development of this master plan include:

- Strategy and Environment Section;
- Public Domain and Services Section; and
- Communications Section.

The recommendation is to place the Draft Master Plan on public exhibition to allow the community an opportunity to comment on the proposed plan. As the consultation to date has been thorough, the proposed method for future consultation includes:

- viewing of the Draft Master Plan at Council's Administration Building, Raymond Terrace Library, Tomaree Library and Tilligerry Library;
- available on Council's website; and
- one "Drop In Information Session" at the Visitors Information Centre

Interested stakeholders will be notified in writing of the information session and the public will notified through Council Public Notices.

OPTIONS

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

ATTACHMENTS

- 1) Apex Park Draft Master Plan

COUNCILLORS ROOM

- 1) Apex Park Draft Master Plan.

TABLED DOCUMENTS

- 1) Apex Park Draft Master Plan.



- | | | | |
|---|---|---|--|
| <p>1 PARK SEAT to be upgraded and relocated with consideration for view corridor</p> <p>2 OPEN GRASSED AREA and VEGETATION CORRIDOR to be retained and managed as appropriate</p> <p>3 Maintain and upgrade BRIDLE PATH as necessary. Provide measures to slow cyclists and reduce potential pedestrian and cyclist conflict.</p> <p>4 GRASSED TERRACE AMPHITHEATRE - Create low seating walls to existing grass slope to enhance / encourage passive use of the park</p> | <p>5 EMBANKMENT STABILISATION works including the establishment of low vegetation</p> <p>6 RETAINING WALLS to be upgraded along northern boundary to match existing material used along eastern boundary retaining walls</p> <p>7 '1929 MEMORIAL STEPS' to be retained and restored. Provide interpretive signage.</p> <p>8 PARK FURNITURE to be upgraded throughout the park to a consistent style</p> <p>9 'LONE PINE' to be retained and protected</p> | <p>10 Upgrade RETAINING WALL surrounds to match existing on lower side of park</p> <p>11 Widen ENTRY PATHWAY, upgrade footpath pavement and create a WATER FEATURE along the pathway edge. Upgrade existing banner poles to incorporate suitable LIGHTING and minimise visual clutter.</p> <p>12 Widen ENTRY STEPS and upgrade paving material and railings</p> <p>13 Retain existing WAR MEMORIAL MONUMENTS and investigate design solutions to better integrate the area into the overall character of the park</p> | <p>14 Upgrade existing RAMP to meet access requirements in accordance with relevant Standards</p> <p>15 Future consideration to be given to the VISITORS CENTRE park frontage to encourage activation between the building and the park</p> <p>Install SIGNAGE to improve legibility, clarity and character of existing park entrances</p> <p>Park ELECTRICAL upgrade to incorporate provision of three phase power for events support</p> |
|---|---|---|--|

APEX PARK MASTER PLAN DRAFT MAY 2015





MASTER PLAN NOTE

Example of the desired open grass and tree character for the park



MASTER PLAN NOTE 11

Example of a possible water feature treatment along the edge of the main entry pathway



MATERIAL PALETTE

Palette examples



MASTER PLAN NOTE 4

Examples of grassed terraces with low sitting walling; to enhance and encourage passive use of the park



MASTER PLAN NOTE 8

Example park furniture palette

APEX PARK : DESCRIPTION NOTES

ITEM NO. 10

FILE NO: PSC2015-01000/740
TRIM REF NO: PSC2005-2767

PATHWAYS PLAN

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Pathways Plan document (***Tabled Document***).
 - 2) Place the draft Pathways Plan on public exhibition for a period of 42 days and receive a report back to Council following public exhibition.
-

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

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

ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015 MOTION

291	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Endorse the draft Pathways Plan document (<i>Tabled Document</i>).2) Place the draft Pathways Plan on public exhibition for a period of 42 days and receive a report back to Council following public exhibition.
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BACKGROUND

The purpose of this report is to seek Councils endorsement to place the draft Pathways Plan on public exhibition. For the purpose of this report and the Pathways Plan, the term 'pathways' refer to footpaths, cycleways and shared paths.

The draft Pathways Plan is a series of maps, which document all existing and proposed footpaths, cycleways and shared paths throughout the Port Stephens

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

Council Local Government Area. The proposed pathways have been identified as sections of the network that:

- have missing links;
- provide connections for the community between destinations such as residential areas to shopping centres;
- can promote an alternative transport mode;
- provide a safer route than on road travel; and
- increase leisure activities and hence possible tourist attractions.

The proposed Pathways Plan identifies an increase in the network totalling 196km. This includes approximately 52km of footpaths and 144km of shared paths.

Once adopted, the Pathways Plan will be included in the next iteration of the Strategic Asset Management Plan. The Pathways Plan will also be introduced into the next revision of Council's Section 94 Plan. The Pathways inclusion in the Strategic Asset Management Plan and the Section 94 Plan will not only provide a strategic approach to deliver the pathways network, but also allow Council to seek developer contribution to fund the proposed pathway works.

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

Documenting and endorsing the Pathways Plan will assist Council in establishing Council's position on future pathways and improve Council's ability to attract funding opportunities.

Funding opportunities include the Transport for NSW Walking and Cycling Program, Country Passenger Transport Infrastructure Grant Scheme (CPTIGS), Section 94 developer contributions and Council's own sources of funds. It should be noted that as a whole the construction of proposed pathways are not yet funded and will be considered through the 10yr works program process.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		The proposed pathways are currently not funded and will be considered through the 10yr works program process.
Reserve Funds	No		
Section 94	No		

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council has a responsibility to provide an environment that is safe and conducive for alternative transport modes and that will improve connection to communities between destinations. Council seeks to promote and facilitate walking and cycling as viable alternatives to private vehicle use.

Any works will be carried out in accordance with relevant standards and legislation requirements.

The identification of existing and future pathways will provide a framework to assist Council in meeting the goals of the NSW 2021 State Plan to double the mode share of bicycle trips and to increase the mode share of walking to 25% by 2021.

The adoption of a pathways plan also allows these proposed works to be placed in the next revision of the Council Section 94 Plan and 10yr works program.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not having an adopted Pathways Plan will reduce Council's ability to attract funding opportunities leading to Council having to solely fund future works.	Medium	Adopt the recommendation and add the proposed sections into the next revision of the S94 Plan.	Yes
There is a risk that not exhibiting the pathway plan and gaining feedback from the community may lead to a pathway plan that is not complete or which contains missing links.	Low	Adopt the recommendation and seek community input into the proposed pathways.	Yes
There is a risk that identifying proposed pathways will lead to an expectation that all pathways will be funded and constructed, leading to reputational risk to	Medium	Adopt the recommendation though clearly explain through community consultation that these identified future works provide a mechanism to attract funding.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

A constructed pathway network will:

- encourage people to be physically active, socially connected and to have an increased sense of wellbeing;
- provide infrastructure for people of all ages;
- provide additional transport options, improve driver and pedestrian safety and assist in the reduction of motor vehicle pollution;
- provide for people with disabilities, enabling them to move around the community safely in other modes of transport such as mobility scooters; and
- contribute to the local economy by providing an enhanced tourism experience

CONSULTATION

Consultation on the proposed pathways plan has been undertaken with the Strategy and Environment Section.

The Mayor and most Councillors were verbally briefed on the purpose of the Pathways Plan and the next stages of consultation required to gain input.

The recommendation is to place the draft Pathways Plan on public exhibition. The community engagement and communications plan includes:

- Public exhibition period of Wednesday 30 September to Tuesday 10 November 2015;
- Public exhibition of the plan with maps at Council's administration building, Raymond Terrace and the Tomaree Library, Salamander Bay;
- Drop in information sessions at three locations in the local government area:
 - East Ward - Tomaree Library;
 - Central Ward - Medowie Community Hall;
 - West Ward – Council's Committee Rooms, Raymond Terrace;
- Notice in informMe in the Port Stephens Examiner;
- Media release to notify community;
- Email sent to community associations to broadcast to their networks; and Social media.

Community feedback will be used to adjust proposed pathways and to better identify areas of need. Once any adjustments are made, the Pathways Plan will be reported back to Council for adoption. At this point in time staff will recommend priority strategy for implementation.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Draft Port Stephens Council Pathways Plan.

ITEM NO. 11**FILE NO: PSC2015-01000/819
TRIM REF NO: PSC2005-3572****355C COMMITTEES ANNUAL FINANCIAL STATEMENTS 2014**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive the 355(c) Committees Annual Financial Statement for the period 1 January 2014 to 31 December 2014.
 - 2) Note that all eligible 355(c) Committees and Sports Councils have received the annual operating subsidy.
-

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

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

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION**

292	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Receive the 355(c) Committees Annual Financial Statement for the period 1 January 2014 to 31 December 2014.2) Note that all eligible 355(c) Committees and Sports Councils have received the annual operating subsidy.
------------	---

BACKGROUND

The purpose of this report is to recommend to Council the receipt of the 355(c) Committees Annual Financial Statements for 2014 and to note the disbursement of the annual operating subsidies to eligible committees and sports councils.

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

The 355(c) Committees Annual Financial Statement for the period 1 January 2014 to 31 December 2014 is a summary of closing balances of all committees and the annual operating subsidy paid in 2015 (**ATTACHMENT 1**). (**TABLED DOCUMENT 1**) shows the detailed financial statements of committee cashbooks for the same period.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2014-2019
The community is a partner in developing the future of the local government area.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

FINANCIAL/RESOURCE IMPLICATIONS

The total amount of funds held by the 48 committees and sports councils as at 31 December 2014 was \$887,518. This is a decrease from last year of \$79,599.

Out of the total amount:

- Twelve (12) committees held over \$20,000 (total value \$634,773), of which the sports councils and Salt Ash Sports Ground Committee held a total of \$404,355.
- Eight (8) committees held between \$10,000 and \$20,000 (total value \$119,040).
- Twenty three (23) committees held less than \$10,000 (total value \$133,705).
- Five (5) committees/sports councils changed status or ceased to operate in 2014 (**ATTACHMENT 1**).

The use of these funds should be in line with Council's strategic directions and be committed to the objectives of each committee's constitution. A focus on maintenance and renewal of facilities will ensure the long-term sustainability of these community facilities.

Council's Assets Section works with Hall Committees and Sports Councils to allocate committee funds to projects that assist in maintaining or upgrading Council's assets. For example, in the past year the following large investments by committees include:

1. Tomaree Sports Council:
 - a. Don Waring Floodlights - \$50,000.
 - b. Over sowing with rye grass of Tomaree Sports Complex fields 2 & 3 and Salamander Sports Complex Rugby League Field - \$20,000.
 - c. Salamander Sports Complex field renovation – \$16,000.
2. West Ward Sports Council:
 - a. Seaham Netball Shelter – \$10,000.
 - b. Vi Barnett long jump run up - \$19,300.
 - c. Seaham Tennis Courts renewal - \$4,000.
 - d. Bowthorne Oval fencing - \$5,000.

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

3. Medowie Sports Council:
 - a. Yulong Oval new synthetic cricket pitches - \$2,500.
 - b. Yulong Oval field 3 upgrade - \$5,000.
 - c. Defibrillators for each sports facility - \$12,500.
 - d. Ferodale netball shelter \$7,000.
4. Tilligerry Sports Council:
 - a. Over sowing of rugby league and soccer fields - \$12,000.
 - b. New goal posts for spare field - \$5,000.
5. Karuah Hall Committee:
 - a. New dishwasher and air conditioning - \$5000.
6. Medowie Community Centre Committee:
 - a. Installed solar panels to offset power costs - \$8000.

The Medowie and Tomaree Sports Councils have also identified major upgrades that they will be contributing to in the next few years; these being the Ferodale Sports Complex upgrade and the construction of a new touch football and football (soccer) building at Tomaree Sports Complex. These projects are currently being scoped to determine costs and committee contribution.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	87,500	Total cost of the Operational Subsidy for 355(c) Committees & Sports Councils from the 2015-2016 budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	887,518	Funds held in individual bank accounts by 355(c) Committees & Sports Councils as at 31 December 2014.

LEGAL, POLICY AND RISK IMPLICATIONS

Section 355(c) of the *Local Government Act 1993* allows Council to delegate certain functions. A Section 355(c) Committee is an entity of Port Stephens Council and as such is subject to the same legislation, accountability and probity requirements as Council.

All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

Funds administered by 355(c) Committees must meet Council's standards of compliance, management and transparency and committees are required to comply with standard record keeping practices, including submission of reports by due dates.

355(c) Committees use a cashbook style financial record keeping system (format supplied by Council in the form of a carbonised book or Excel spreadsheet). The cashbook is completed each month and the totals of each month are entered into the Annual Summary Reporting page, which is forwarded to Council annually.

The system was developed in line with recommendations/requirements of Council's auditors to provide a uniform format and transparent auditing of committee financial transactions, which meet the requirements for accountability and GST reporting. The system provides committees with a simplified financial process and staff support.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that funds held in 355(c) Committee bank accounts may be subject to fraudulent acts resulting in legal, financial and reputation damage.	Medium	This risk will be reduced by ensuring Council is noted on individual bank accounts. This will also assist committees to demonstrate transparent and compliant management of Council funds.	Yes
There is a risk that funds held in 355(c) Committee bank accounts are not used to contribute to cost of asset renewal resulting in greater drain on ratepayer revenue.	Low	This risk will be reduced as staff work with committees to combine asset and community input to develop asset management plans with agreed funding contributions from the facility income.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council establishes community committees to undertake projects and to assist in the management of parks, reserves, open space, services and facilities. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved with the management of the facilities they use. Society as a whole benefits when people are engaged in meaningful and resourced volunteering services.

The delivery of these activities ensures that Council is providing facilities and services that the community values in the best ways possible. The use of these funds

will be used in the local area through local contractors and the like, thus adding to the local economy.

Park and Reserve Committees operate under direction from Council staff with the majority of projects being asset beautification and environmental rehabilitation projects.

The focus for all committees is to ensure projects are undertaken in accordance with recognised practices and to deliver ongoing sustainable projects.

CONSULTATION

- 1) Executive Leadership Team.
- 2) 355(c) Committees and Sports Councils.
- 3) Volunteers Coordinator.
- 4) Community and Recreation Assets Coordinator.
- 5) Finance Officer – Organisational Support.

OPTIONS

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

ATTACHMENTS

- 1) Summary of funds held by 355(c) Committees 2014.

COUNCILLORS ROOM

- 1) 355(c) Committees Annual Financial Statement Spread sheet for 2014.

TABLED DOCUMENTS

- 1) 355(c) Committees Annual Financial Statement Spread sheet for 2014.

ITEM 11 - ATTACHMENT 1 SUMMARY OF FUNDS HELD BY 355(C) COMMITTEES 2014.
ATTACHMENT 1
Summary of Funds held by 355(c) Committees 2014

355(c) Committee	Opening Balance including Investments 1/1/2014 \$	Closing Balance including Investments 31/12/2014 \$	Annual Operating Subsidy to be paid in 2015
Anna Bay , Birubi Point Reserves, Hall and Tidy Town Committee	6,261.33	7,566.96	1,500.00
Boat Harbour Parks & Reserves Committee	7,356.00	8,478.98	1,500.00
Bobs Farm Public Hall Committee	7,034.53	8,042.49	1,000.00
Corlette Headland and Hall Committee ¹ .	4,223.47	19,089.99	1,500.00
Corlette Reserves & Hall 355(b) Committee ¹ .	12,029.72	0.00	-
Corlette Parks, Reserves & Landcare Group ¹ .	-	2,205.24	1,500.00
Fern Bay Public Hall, Reserves and Tidy Towns Committee	6,205.52	6,657.35	1,500.00
Fingal Bay Parks & Reserves Committee	3,685.23	4,767.79	1,500.00
Hinton School of Arts Committee	14,969.63	14,285.75	1,000.00
Karuah Community Hall Committee	12,425.89	6,313.15	1,000.00
Karuah Tidy Towns / Parks / Reserves and Wetlands Committee	8,050.64	9,719.54	1,500.00
LTP Parks & Reserves Committee	8,510.64	3,984.35	1,500.00
Mallabula Community Centre Committee	27,070.22	31,237.40	1,000.00
Mallabula Parks & Reserves Committee	7,056.44	8,716.30	1,500.00
Mambo Wanda Wetlands, Reserves & Landcare 355(b) Committee	8,392.92	5,722.00	1,500.00
Medowie Community Centre Committee	45,938.05	43,015.28	1,000.00
Medowie Sports Council	111,957.77	39,923.55	9,000.00
Medowie Tidy Town & Cycleway Committee	2,095.66	5,514.09	1,500.00
Nelson Bay Australia Day 355(c) Committee	14,699.69	18,219.33	-
Nelson Bay Senior Citizens Hall Committee	38,990.34	38,523.33	1,000.00
Nelson Bay West Parkcare Committee	5,732.77	7,130.95	1,500.00
Ngioka Centre Committee ² .	25,208.68	0.00	-
Port Stephens Adult Choir Committee	5,734.62	5,017.31	1,000.00
Port Stephens Community Bands Committee	6,670.80	6,345.20	1,000.00
Port Stephens Native Flora Garden Committee	2,032.88	3,309.04	1,500.00
Port Stephens Sister Cities Committee	22,853.42	20,268.24	1,000.00
Raymond Terrace Parks, Reserves & Tidy Towns Committee	16,904.26	18,321.94	1,500.00
Raymond Terrace Senior Citizens Hall Management Committee	47,841.10	48,493.42	1,000.00
Raymond Terrace Sports Council ³ .	24,807.28	-	-
Rural West Sports Council ³ .	19,578.93	-	-
Salt Ash Community Hall, Reserves and Tennis Courts Committee	1,926.42	1,822.47	1,500.00

ITEM 11 - ATTACHMENT 1 SUMMARY OF FUNDS HELD BY 355(C) COMMITTEES 2014.

Salt Ash Sports Ground Committee	92,286.27	99,746.30	1,000.00
Seaham Park and Wetlands Committee	9,294.72	12,923.51	1,500.00
Seaham School of Arts and Community Hall Committee	13,742.80	12,612.58	1,000.00
Shoal Bay Beach Preservation Committee	10,820.96	4,439.94	1,500.00
Soldiers Point / Salamander Bay Tidy Towns and Landcare Committee	8,522.43	7,071.44	1,500.00
Tanilba Bay Parks, Reserves and Hall Committee	6,489.49	11,884.32	1,500.00
Tomaree Cemeteries Committee	1,183.05	3,183.37	1,000.00
Tomaree Education Complex Multi-Purpose Centre Committee	18,849.86	24,132.68	-
Tilligerry Aquatic Centre Advisory Committee ⁴ .	1,682.15	-	-
Lemon Tree Passage Old School Centre	20,504.71	24,747.34	1,000.00
Tilligerry Sports Council	38,288.54	39,601.05	9,000.00
Tomaree Sports Council	192,231.49	184,481.85	9,000.00
West Tilligerry Tidy Towns and Landcare Committee	7,457.83	7,959.04	1,500.00
West Ward Cemeteries Committee	4,999.34	6,386.41	1,000.00
West Ward Sports Council ³ .	-	40,602.28	14,500.00
WW-subcommittee Karuah Columbarium	3,310.85	3,351.85	-
Williamtown Public Hall Committee	11,208.20	11,702.83	1,000.00
Totals	967,117.54	887,518.23	87,500.00

NOTES

1. Corlette Reserves and Hall Committee split in 2014 to become the Corlette Headland and Hall Committee and the Corlette Parks, Reserves and Landcare Group.
2. Ngioka Centre Committee wound up in 2014. An Advisory Panel is now in place but with no operating subsidy.
3. Raymond Terrace Sports Council and Rural West Sports Council merged in early 2014. In 2014 the new West Ward Sports Council received the combined operating subsidy that used to be shared between the two former Sports Councils.
4. The Tilligerry Aquatic Centre Advisory Committee wound up in 2014.

ITEM NO. 12

FILE NO: PSC2015-01000/738
TRIM REF NO: PSC2015-01866

POLICY REVIEW - MARKETS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Markets Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the draft Markets Policy on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted without a further report to Council.
 - 3) Revoke the Community and Cultural Markets policy dated 18/11/1997 (Min. No. 1362) as shown at **(ATTACHMENT 2)** should no submissions be received.
-

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

	Councillor Chris Doohan Councillor John Nell That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION

293	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Endorse the draft Markets Policy shown at (ATTACHMENT 1).2) Place the draft Markets Policy on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted without a further report to Council.3) Revoke the Community and Cultural Markets policy dated 18/11/1997 (Min. No. 1362) as shown at (ATTACHMENT 2) should no submissions be received.
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BACKGROUND

The purpose of this report is to endorse the draft Markets Policy (**ATTACHMENT 1**) and place it on public exhibition. The draft Policy is designed to replace the existing Community and Cultural Markets Policy dated 18/11/1997 (Min. No. 1362) (**ATTACHMENT 2**). The existing Policy is out dated and has been superseded operationally by the Event and Activity Assessment Guidelines that have been developed as part of the Events Policy.

Council licenses land to three existing market operators. Two operate from Crown land (Nelson Bay and Raymond Terrace) and one operates under agreement with the Tomaree Sports Council.

The drafting of this new Policy ensures that existing market operators retain existing approvals for one year upon adoption of the new Policy after which they will retain a first right of refusal for a further two year approval. The new Policy does not change the arrangements that enable Sports Councils to grant approvals for market operators on facilities under the management of a Sports Council.

The new Policy aims to encourage a diversity of markets on other Council owned and managed land to encourage a vibrant addition to the local tourism industry.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2014-2019
Port Stephens has a sustainable and diversified economy.	Provide processes and services that deliver benefit to tourism in Port Stephens.

FINANCIAL/RESOURCE IMPLICATIONS

The licensing of Council land for markets raises approximately \$20,000 in external income. This income is used to offset the cost of maintaining public open space and the subsequent cost to ratepayers.

The implementation of this Policy falls to the Strategy and Environment Section.

The main improvement brought about by the processes that will support the new Policy is the simplification and fairness of the fee estimation process. In short the fee structure to be set out in the Events and Activity Assessment Guidelines and the Fees and Charges Schedule will be:

(1) Not for profit and charity market operators	
a. Administration fee	\$150.00 per contract
b. Annual fee	15% of gross stall holder fees
c. Site maintenance fee	As negotiated

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

(2) Commercial market operators	
a. Administration fee	\$295.00 per contract
b. Annual fee	25% of gross stall holder fees
c. Site maintenance fee	As negotiated

The new Policy in effect will reduce the cost to the not for profit/community/charities however the Policy also opens the door for more markets on other sites that will in turn bring in more revenue.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	20,000	Income is used to help offset operational costs.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Any activity on Crown land or Council owned Community land require formal approval under either the *Crown Lands Act 1989* or the *Local Government Act 1993*.

This Policy has similar objectives to the Events Policy and the Commercial Operators Policy in that it aims to create new economic opportunities through the equitable distribution of Council owned and managed land and the clear understanding of the rights and responsibilities of all stakeholders.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not having a Markets Policy may result in market operators conducting unapproved and unsuitable business on Council land resulting in safety, legal, financial, environment and reputation damage.	Low	Adopt the recommendations.	Yes
There is a risk that not having a Markets Policy may result in conflict	Low	Adopt the recommendations.	Yes

between prospective market operators and the general community resulting in safety and reputation damage.			
There is a risk that not having a Market Policy may result in lengthy decision making processes when assessing requests for use of Council land resulting in added costs to small business and reputation damage to Council.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations creates opportunities for people to participate in vibrant community and cultural experiences on Council owned and managed land. Managing the allocation of foreshores and park areas needs to be carefully considered through this Policy as these areas attract large numbers of people at peak times and the interaction between passive users and commercial operators has the potential to create conflict.

The local economy benefits from this Policy because small enterprises are able to access Council owned and managed land and conduct their businesses at reasonable rates for their customers.

This Policy and the conditions contained in the Events and Activity Assessment Guideline ensure that environmental constraints at any given site are fully considered and managed.

CONSULTATION

Prior to public exhibition:

- 1) Internal – Executive Leadership Team; Communications Section Manager; Tourism and Events Coordinator; Contracts and Services Coordinator; Community and Recreation Assets Coordinator; Community Development Engagement Coordinator.
- 2) External – Legacy (Nelson Bay).

During public exhibition:

- 3) Public Notice in Port Stephens Examiner/Internet with 28 day exhibition period.
- 4) Direct letter with draft policy to existing three market operators and Tomaree Sports Council with the option to meet and discuss in person.

OPTIONS

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

ATTACHMENTS

- 1) Draft Markets Policy 1
- 2) Community and Cultural Markets policy dated 18/11/1997.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2015-01866
TITLE: MARKETS POLICY
POLICY OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

PURPOSE:

The purpose of this policy is to establish an approach to the approval of markets and the level of commitment it requires from Market Operators to achieve quality markets. It aims to achieve well-managed markets that complement the offerings of local businesses.

CONTEXT/BACKGROUND:

Port Stephens Council (Council) recognises the benefit that markets provide the community. Well-managed markets are an important part of the development of vibrant and sustainable local communities.

Council has held a policy position on markets since 1993. The approach to markets over these years has been to enable community groups to run monthly craft and cultural markets on Council owned and managed land. Since these early times though, the demand for Council owned and managed land has increased and the standards for community health, safety and environmental controls have changed.

The intent of this policy is to clearly define how Council will continue to approve markets that complement the local businesses, support the visitor economy and provide diverse social opportunities.

SCOPE:

1. The Markets Policy applies to Ongoing Markets on Council owned and managed land within the Port Stephens Council local government area. Ongoing Markets are classified as markets that operate more than four occasions in a calendar year.
2. Markets that are not covered by this policy include:
 - 2.1. Markets that are part of an event;
 - 2.1.1. Markets that are part of an event are managed under the Council's Event Policy and must meet requirements of the Event and Activity Assessment Guidelines and receive an event approval before operation.
 - 2.2. Temporary Markets that operate up to four occasions within a calendar year;

Policy

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Policy



- 2.2.1. Temporary markets are managed under the Council's Event Policy and must meet requirements of the Event and Activity Assessment Guidelines and receive an event approval before operation.
- 2.3. Markets on land that is not Council owned or managed land;
- 2.3.1. The Markets Policy does not apply to markets on land that is not owned or managed by Council. Markets on land that is not owned or managed by Council may require other development approvals.

DEFINITIONS:

Council Land	Land that is owned or managed by Council.
Event	A planned (public or private) activity held on publicly owned or managed land requiring formal assessment and approval.
Event Approval	Formal approval granted by Council for an event or temporary market.
Event Advisory Group	A group comprising a minimum of three Council representatives with relevant knowledge of outdoor events and trading. It may engage additional members to provide expert advice on specific site and issues.
Event and Activity Assessment Guidelines	Includes guidelines, processes and other internal documents used by Council staff in the assessment and approval of event applications and market applications.
Market Approval	Formal approval granted by Council for a market to begin operation.
Market Operator	The individual or group who intend to operate the market and who will enter into an agreement with Council for use of the site.
Market Proposal	A detailed document describing the layout, management and preliminary operational plans for a market. The Market Proposal is submitted after a Market Application has been given in principal support to finalise approval.
Market Application	An application form enabling Market Operators to indicate interest in using a site on Council land to operate a market.
Ongoing Market	A regularly scheduled outlet for the sale of goods and services at the same or similar location, with the majority of goods and services provided by the producer, grower, craftsperson or service person.

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Priority Locations	A site that may be activated as required if deemed necessary or appropriate by Council.
Temporary Market	A market that operates up to 4 times within a calendar year.

POLICY STATEMENT:

Council is committed to:

1. Supporting quality markets that demonstrate capacity to meet community needs, strengthen the local economy and complement the offerings of local businesses;
2. Ensuring a consistent assessment framework including an equitable fee structure for the approval of Market Proposals and Market Applications;
3. Markets that minimise the impact on the environment, local residents and nearby businesses;
4. Market sites being well maintained by Market Operators;
5. Markets that ensure community health and well-being;
6. Assessing applications for markets based on this policy and the criteria set out in the Events and Activity Assessment Guidelines;
7. Approving Ongoing Markets at the following locations:
 - 7.1. Karuah, Longworth Park – Lot 7010 / DP 1050943,
 - 7.2. Lemon Tree Passage, Henderson Park – Lot 93 / DP 217567,
 - 7.3. Nelson Bay, Apex Park – Lot 7145 / DP 1063859 and Lot 155 / DP 753204,
 - 7.4. Nelson Bay, Neil Carrol Park – Lot 101 / DP 1175980,
 - 7.5. Nelson Bay, Tomaree Sports Complex – Lot 1 / DP 1136350,
 - 7.6. Nelson Bay, Town Centre – various lots,
 - 7.7. Raymond Terrace, Riverside Park – Lot 7005 / DP 94774,
8. Approving Ongoing Markets at Priority Locations;
 - 8.1. From time to time Council may initiate a process to identify suitable markets for locations that require activation;
9. A one year moratorium from the commencement date of this policy on the terms and conditions of all current markets on Council owned and managed land, after which these markets shall be assessed and approved under this policy and the Event and Activity Assessment Guidelines; and

Policy

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Policy



10. Ensuring security of tenure for approved Market Operators. Accordingly, those Market Operators shall be offered the first right of refusal for any new licence subject to all requirements of the *Local Government Act 1993*, the *Crown Lands Act 1989* and the assessment criteria set out in Council's Event and Activity Assessment Guidelines.

POLICY RESPONSIBILITIES:

Overall review and evaluation of this policy lies with the Communications Section Manager.

Key areas for implementation are delegated to the following positions:

- Tourism and Event Coordinator – implement the policy, review and update the Events and Activity Assessment Guidelines and supporting documents relating to this policy; issuing of market approvals under delegation; Internal and external relationship management.
- Community and Recreation Assets Coordinator – provides advice on the implementation of the policy.
- Tourism & Events Team: Operational implementation of the policy and associated documentation.

RELATED DOCUMENTS:

- 1) Events Policy (PSC2015-01072)
- 2) Setting of Fees and Charges Management Directive
- 3) Port Stephens Local Environment Plan 2013
- 4) Local Government Act 1993
- 5) Food Act 2003
- 6) Advertising Signs Policy
- 7) Alcohol in Parks and Reserves Policy
- 8) Mobile Food Vending Vehicle Policy 2014
- 9) Temporary Structures on Footways Policy
- 10) Port Stephens Foreshores Generic Plan of Management
- 11) Port Stephens General Community Use Generic Plan of Management
- 12) Port Stephens Natural Areas Generic Plan of Management
- 13) Port Stephens Urban Parks Generic Plan of Management
- 14) Port Stephens Sportsgrounds Generic Plan of Management
- 15) Port Stephens Council Event and Activity Assessment Guidelines

Policy

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Policy

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TRIM container No	PSC2015-01866	TRIM record No	001
Audience	Existing and potential Market Operators; Event Operators; local business associations and their members; Destination Port Stephens and its members, Tomaree Sports Council.		
Process owner	Tourism and Events Coordinator.		
Author	Tourism and Events Coordinator. Community Services Section Manager.		
Review timeframe	Every four years	Next review date	June 2019.
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
0.1	17/06/15	K Latham/S Bernasconi	Draft version for public exhibition.	

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**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.*****PORT STEPHENS COUNCIL POLICIES***

DEPARTMENT	COMMUNITY & RECREATION SERVICES
POLICY TITLE	COMMUNITY & CULTURAL MARKETS
FILE REFERENCE	R7700-61
Date Adopted	18/11/97 Min 1362
Date of Review	

OBJECTIVES

To regulate markets and fairs in Port Stephens Council so as to support:

- Charity
- Tourism
- Employment
- Art, Craft and Cultural Heritage

DEFINITIONS

Management	Development Applicant or Permit Holder
Market	Shall be read to include a fair and any other event which involves more than six stalls on the one site or adjacent sites, at which goods and services of any description are offered for sale to the public. Annual shows, carnivals, festivals held within this Shire are exempted from the requirements of this Policy. This will be determined by Council during the assessment of any such application.
Permit Holders	Shall be the person/organisation to whom a permit to run a market is issued.
Stall Holder	The person to whom a site is issued by market management.
Authorised Employee	A designated employee of Port Stephens Council.

POLICY STATEMENT**1. Definition and Application**

This Policy applies to the "monthly" markets held at Nelson Bay CBD, Neil Carroll Park, Nelson Bay or any other market approved by Council.

The Council will regulate markets conducted on any Council controlled land as defined in the Local Government Act, 1993, and will participate in policing of the provision of the Act, or other relevant Acts, e.g. Food Act, 1989, in those areas declared to be "market locations" by Council within the meaning of that Act.

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

The Council shall, in implementing this policy, liaise with the Police Services, Department of Land and Water Conservation, community groups and service organisations within the Port Stephens area or any one or more of such bodies in any manner considered necessary by Council to achieve the policy objectives.

2. Market Income

The management of the market must be charity and community based, in that net profit is directed to benefit local charity and community based organisations.

3. Supplementary Market

Market Frequency - Markets may only be held on any one site at a frequency of not more than 28 market days per calendar year. The dates of these market days will be submitted by the operator and approved by Council staff by the end of November each year.

FAIRS AND MARKETS - REGULATING CODE

1. Market Management - Responsibility

The management of each market will be responsible to Council for the entire management of the market and enforcement of this code. Market Management shall be the permit holder as described under "Definitions". The market manager shall ensure that the conduct of the market, all stall holders and any charity workers is at all times in accordance with these provisions and the requirements of all relevant Legislation, Acts and Ordinances.

A copy of this policy and code is to be retained on site by the Market Management and its personnel at all times when a market is in progress and made available upon request from a member of the public

The Market Management shall be present at the market at all times. The Market Management or his or her delegated personnel shall immediately act on any instruction issued by an authorised employee of Council.

The Market Management or his or her personnel shall be properly identified and recognisable by members of the public at all times a market is in progress.

The Market Management or his or her personnel shall ensure that licensing requirements of the Police eg: sale of second hand goods, are to be met.

2. Development Consent

Each market proposal shall be accompanied by a Development Application which adequately addresses all matters detailed in this policy and code and satisfies all other requirements of the Environmental Planning & Assessment Act, 1979, as amended. No market shall be conducted without site specific development consent of Council.

Approval for single event markets must be obtained and no approvals will be granted for markets which would clash with regular established ones.

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

Only one approval for a regular market will be given in or adjacent to existing localities of the shire.

The development application must specify the names of Market Management Personnel.

All Development Consent conditions shall be specified as an attachment to this agreement. The Development Applicant or Permit Holder shall be responsible for compliance with these conditions and all associated costs in complying with those conditions.

3. Agreement and Permit

(a) Agreement:

Management must enter into an agreement with Council. The term of the agreement will be up to five consecutive years and will be accompanied by a permit and set of conditions. The agreement will be terminated if the permit conditions are not satisfactorily complied with.

(b) Permit:

Management will be granted a twelve month permit. The permit will set out conditions which will be in accordance with the requirements of this Policy. The permit will be automatically renewed each year for the life of the agreement unless the permit conditions are not met. If the permit is not renewed the agreement is automatically terminated.

4. Management Plan

A requirement of this Policy shall be that a management plan be submitted together with the development application of any market proposed within the Port Stephens Council.

5. Management Plan Criteria

(a) Stall Layout Plan

- (i) Plan view of market site and proposed location of stalls.
- (ii) Total number of stalls.
- (iii) Distance between stalls and between rows.

(b) Capital Expenditure

- (i) Forecast of expected costs involved in running the markets which may require consideration by Council, i.e.:
 - Hiring of traffic control personnel;
 - Hiring of amenities; and;
 - Fee for inspection by Council authorised officers.

*(c) Compliance with Legislation e.g. Local Government Act, Trade Practices Act and Fair Trading Act,
Noise Control Act, Food Act. Motor Traffic Regulations.*

- (i) Method of ensuring market operation is in accordance with all relevant legislation,

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

6. Ground Maintenance

Each Market Management shall be responsible for reinstating the condition of the market site grounds immediately after each market to the satisfaction of the Community & Recreation Services Manager or the controlling authority of the ground. It is therefore in the interest of the Market Management to ensure that stall holders are strictly controlled in their vehicle movement, stall erection, etc. with particular emphasis on the control during or after periods of wet weather.

7. Public Risk Insurance

To operate the markets the organiser must hold a Public Risk Insurance Policy of not less than \$10 million covering the organisation of the markets. The policy is to specifically indemnify the Port Stephens Council from any claim arising from or incidental to the holding or conducting of the market. A certificate of currency is to be presented to the Council prior to the commencement of any market.

The individual stall holders must hold public liability cover and product liability cover or alternatively the organiser must hold a blanket cover for all stall holders (which they may contribute towards) with Council's interests noted accordingly.

Stall holders and/or operators of any mechanical ride or device, or any animal ride, are required to hold an individual policy specifically related to that ride or device and in the same general terms of indemnity.

8. Market - Hours of Operation

Each market licence shall stipulate the hours between which the market may operate, and where not specifically stated, these hours shall be 7.00am, but no noise before 8.00am (and to finish by 6.00 p.m.) on the day of the market. The market site must be completely vacated of all stalls and stall holders, together with their goods and chattels on the conclusion of each days trading.

9. Council Authority and Inspection

All markets will be subject to regular inspection by Council officers to ensure compliance with the provisions of this Code, the Local Government Act, the Food Act, Noise Control Act and various regulations thereunder. Market management personnel are required to act immediately on instructions issued by an authorised employee of Council. The Council Officer should liaise with market management on arrival and departure.

An inspection fee will be charged for each inspection and receipted to the Market Management when inspections are carried out by a Council employee.

The inspection fees will be determined from time to time by Council and listed in Council's fees and charges.

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.****10. Financial Report**

A financial audit, certified by an auditor, shall be submitted to Council annually. All records, including financial and trading accounts, shall be made available to Council within 14 days of a request, or at a time negotiated between management and Council. Failure to comply with this requirement will constitute grounds for immediate cancellation of permit.

11. Market Grounds - Camping or Overnight Lodging

No person shall camp or lodge overnight on a market site.

Exemption - One site may be allocated and occupied for the purposes of security.

12. Rides, Devices and Control of Animals

Market Management shall not allow on site, nor issue any permit for, any mechanical ride or any animals or device without the owner/operator of the device obtaining specific approval of Council. The operator of such a device must hold a Public Risk Insurance Policy in the terms of Clause 7 and a current license issued by WorkCover Authority, New South Wales. Each such ride is to be positioned on an outer or edge row of stalls and is to be surrounded by an adequate barricade or fixed rope or rail to keep the public clear of the operational area.

Any animal used for rides which becomes intractable or in any way poses a danger to any person or other animal shall be immediately removed from the market site. The area where animals are tethered between use periods shall be kept clean of animal droppings, excess feed, etc. Water containers and such like shall be positioned so as to not pose a hazard to any person.

Market Management shall be responsible to ensure that no cats or dogs (including 'free' puppies or kittens) are allowed on the entire market site, but excluding seeing-eye dogs. Market Management shall discuss all proposed livestock sales, such as live poultry for example, in consultation with Council Health Officers.

13. Electrical Connections and Outlets

The Market Management shall be responsible for any usage and associated costs of electricity and the provision of electricity and the maintenance of all electrical connections, outlets etc, necessary for use by any stall holder. He/she shall also be responsible to ensure that all electrical leads used by stall holders are suspended at least 2.4m from the ground and clear of the space needed by public usage, that such suspension device is non-conducting and that all leads, sockets and other connections are kept in good and serviceable condition and are used and maintained strictly in accordance with all Australian Standard Codes relating to electrical fittings and the use of electricity.

The Market Management shall immediately observe any instruction or requirement of any authorised electrical inspector, and ensure that all stall holders do likewise. Any electrical fitting, lead or connection which is suspect in any way, shall immediately be disconnected from the source of electricity supply, and shall not thereafter be used until repaired or serviced by a licensed electrician.

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

14. Fire Control

The Market Management shall be responsible for providing the following equipment which is to be kept on the market site under his or her control at all times during the conduct of a market.

- (a) 1 x 9kg dry chemical fire extinguisher
- (b) 1 x 5.5kg carbon dioxide fire extinguisher
- (c) 1 x 1800mm x 3200mm fire blanket

The Market Management shall ensure that each stall holder whose trading requires the use of cooking oils or fats, has in their possession adjacent to the cooking device the following equipment.

- (d) 1 x 5.5kg carbon dioxide fire extinguisher
- (e) 1 x 1800mm x 3200mm fire blanket.

15. Noise Control - Amplification

Council will not permit the generation of excessive noise nor the use of any device for the amplification of sound or music in the market site, subject to the following exemption:

Exemption

- *One set of equipment to be used in conjunction with the public address system to be under the personal control of market management and located adjacent to the market management base location.*
- *A second set of equipment may be used for public entertainment.*

Both sets of equipment and associated loud speakers are to be adjusted and controlled in a manner which will limit noise levels to be no more than 5 dB (A) above normal background noise levels at any location on the site boundaries.

Noise levels generally are to be controlled so as to comply with the provisions of the Noise Control Act, in any case are not to exceed 5dB(A) above background level as measured on any location on the boundaries of the market site.

16. Allocation of Stall Spaces

Preference in allocation of stall spaces will be given in the following order:

- (a) Port Stephens Council residents
- (b) Regional residents
- (c) Others

17. Goods for Sale

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

Priority will be given to home produced, crafted or recycled goods produced in the Port Stephens area and surrounding regions. The ongoing implementation of this Policy will continue to increase the local community content.

All food products must be stored, prepared and packaged for sale in strict accord with the requirements of the Food Act and Regulations thereunder.

Goods and services which have some latent danger or are hazardous, shall not be offered for sale and must comply with the relevant legislation.

18. Waste Disposal

Market Management is required to arrange for the provision and servicing of an adequate number of garbage bins or bulk waste bins to effectively dispose of all refuse and litter generated throughout the period of the market. The market site is to be maintained free of litter and to be left in a clean and tidy condition at the end of the day.

19. Public Amenities

The Market Management shall be responsible for the market day maintenance and cleanliness of public toilets used in conjunction with the market. Should it be necessary to provide temporary toilet facilities, the provision and servicing of these units, and all costs involved, are to be the responsibility of the Market Management.

20. Enforcement - Authorised Personnel

The following persons shall be authorised to police this policy.

- (a) All authorised employees of Port Stephens Council.
- (b) Officers of the New South Wales Police Service.
- (c) Market Management as consented to by Port Stephens Council.

21. Legal Action

All breaches of this Policy shall be referred to Port Stephens Council which shall determine the course of action to be taken.

22. Signs and Structures

Signs are to be erected so as to clearly display rules to members of the public entering market ground sites. The location of such signs will be determined from time to time in consultation with Council and Market Management.

REVIEW

A review of this policy relating to development consent of markets within the Port Stephens area shall be undertaken 12 months after adoption, or otherwise as determined by Council.

Authority -

- Local Government Act, 1993, As Amended

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

- Food Act
- Dog Act
- Construction and Safety Act
- Factories and Shops Act
- Motor Traffic Act
- Environmental' Offences and Penalties Act
- Secondhand Goods Act
- Environmental Planning and Assessment Act
- Public Health Act 1991

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

Extract of Minutes 15/7/97

MARKETS IN PORT STEPHENS

AUTHOR: Peter Avis and Paul Douglass

DEPARTMENT MANAGER'S RECOMMENDATION:

1. That the report be received and noted
2. That the Draft Policy for operation of Community and Cultural Markets on Council owned/managed land, as per **ATTACHMENT 6.1**, be placed on exhibition until 31 August 1997 and referred back to Council for adoption following the completion of the exhibition period and
3. That the procedure for signing Development Applications for Community and Cultural Markets as per points 1 - 4 in the Legal and Policy Implications section of the report be adopted.

Manex Comments: The appropriate co-ordination and corporate consultation has taken place.

Community and Recreation Committee's Recommendation: That the Department Manager's Recommendation be adopted.

1117 **Councillor Nell
Councillor Titmarsh**

**Resolved that the Community & Recreation
Committee's Recommendation be adopted.**

BACKGROUND

History

On the 13 August 1996 Council adopted the following Notice of Motion:-

"That Council prepare a report on markets in Port Stephens. That this report include information on the following items:

- 1 Approval process
- 2 Conditions applying
- 3 When and where they are operating
- 4 The benefits and disadvantages to Local Traders"

Prior to this, in December **1993** a report on markets on council controlled or owned land was put to Council entitled "Community and Cultural Markets" and on the 14 December **1993** Council resolved:-

1. "That the Draft Policy for Community and Cultural Benefit markets be put on public exhibition for the operation of these markets until January 1994
2. That a Development Application be submitted for the operation of these markets
3. That Council review the policy after the public exhibition period and determination of the Building Application

<http://myport/Policies/Community and cultural markets.doc>

ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY DATED 18/11/1997.

4. That markets presently operating at various locations continue until the draft policy is considered"

ATTACHMENT 6.2 contains a copy of that report.

Development Applications were submitted for 'Council' sites following the meeting but were withdrawn as the uses were not permissible. Council made application for an amendment to its 1987 Local Environmental Plan for 'Temporary use of land'. In 1995 this was approved as item 28B and states that "despite any other provision of the plan, a person may, with consent of the council, carry out development on land for any purpose (not being designated development) for a period of 28 days, whether consecutive or non-consecutive, in any one year."

When and Where are they operating

Listed below are the markets currently acknowledged by Council and operating on Council owned or managed land:

- Nelson Bay Craft Markets, Neil Carroll Park, Shoal Bay Road, Nelson Bay - run by Torch Bearers for Legacy, once per month, and fortnightly during school holidays subject to notifying Council
- Community Fair and Fireworks Display McCann Park, Lemon Tree Passage - run by the Lions Club, once per year
- Nelson Bay Business Centre - run by Chamber of Commerce, once per month, operating with development consent

Development consents for the Neil Carroll Park and McCann Park markets as yet have not been applied for and the Community and Cultural Benefit Markets Policy was not advertised as the 18 month time lapse that occurred awaiting the LEP amendment and the introduction of subsequent projects reduced the emphasis on this as a priority.

Listed below are some of the well known markets which operate on other than Council managed or controlled land:

- Waterside Fair Markets, d'Albora Marinas, Nelson Bay - last Sunday of the month
- Anna Bay Craft Markets, Lutheran Church Grounds Anna Bay - 1st Saturday of every month (1st and 3rd in December)
- Salt Ash Markets, Church Grounds Nelson Bay Rd, Salt Ash - 2nd Saturday of every month

This is not considered to be an exhaustive list of markets operating in Port Stephens.

Some of the 'Council' sites that may be considered by Council Committees or charities for Community and Cultural markets include all public halls, the Council Administration Building carpark, Raymond Terrace Indoor Sports and Community Centre, Riverside Park, Raymond Terrace, Longworth Park, Karuah and operational land owned by Council.

FINANCIAL / RESOURCE IMPLICATIONS

Development Consent conditions may be placed on Council (as land owner). Applicants (Market Organisers) would be reasonably expected to have these conditions and any associated costs passed onto them within a markets site occupation agreement

LEGAL AND POLICY IMPLICATIONS

Approval Process

The holding of markets in Port Stephens requires development consent as it is considered to be a commercial use. There are currently no policies to guide the assessment of a request to sign a development application for markets.

<http://myport/Policies/Community and cultural markets.doc>

ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY DATED 18/11/1997.

Council may have two roles, firstly it must consent to the lodging of a Development Application, if it is the land owner and secondly to assess and determine the development application through the development approval process.

A development application can only be submitted with the approval of the land-owner. In this respect if Community and Cultural markets are proposed over Council's land then Council's first opportunity to approve or disapprove is at the owner's consent stage. The suggested method for consideration of markets is :-

1. Development Application Form Completed by Applicant
2. Development Application Form submitted to owner for signature
3. If owner is Council, then delegated staff consider the proposal against approved Market Policy and either:
 - a) sign the Development Application or
 - b) return the application to the applicant with reasons
4. Ward Councillors advised of the application and its status.

Any signed applications would be advertised and adjoining property owners potentially affected notified under the normal development assessment process.

There is an increasing interest in the use of Council land for markets by individuals or business operators not necessarily linked to culture or the community. To distance itself from the issue of competition with business. Council may consider allowing only "Community and Cultural Markets" to operate on its land, unless the application is received from the area's local Chamber of Commerce.

ATTACHMENT 6.1 contains a copy of a Draft Market Policy which has been significantly amended compared to the draft policy previously considered by Council. It includes objectives, definitions, policy statements and regulating codes. The use of this policy would clearly regulate and control the operations of markets in the Port Stephens Council area.

Conditions applying

There are standard conditions that apply to current markets on Public Reserves and relate to the consideration of other park users, site usage fees and bonds, liability insurance, ablution facilities, food hygiene, vehicles on reserves, parking etc. as part of the reserve booking conditions.

Applications for markets not on Council controlled land would be conditioned under the normal development approval process.

Any consent issued to Council (as land owner) would include conditions relating to time limit of consent, limitation of hours, times, dates, vehicular access, parking, traffic control, number of stalls, types of activities, food hygiene matters and provision of ablution facilities. These conditions would be included in the markets site occupation agreement and imposed on the markets organiser.

PUBLIC IMPACT

It can be said that some community and cultural needs are satisfied with the operation of markets. Weekend markets can be useful to people with busy working lifestyles. Local community hall or reserve markets provide leisure activities for stall holders and the community and an income for community facilities either through local committees or Council fees and charges.

The benefit and disadvantages to local traders

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

This is extremely difficult to quantify. There has been mixed response in correspondence. In some localities it is considered that food establishments perceive benefits whilst general retail may perceive markets to be a disadvantage, whilst in other locations all types of business have objected.

CONSULTATION

Byron Shire Council; Phil Buchan - Engineering Services and Jim Neely - Special Projects Departments

OPTIONS

Not permit markets on Council land
Vary approval process
Vary new draft policy

Attachment 6.2

4/3130-00 COMMUNITY AND CULTURAL MARKETS

Author: Peter Avis

MANEX COMMITTEE'S RECOMMENDATION:

1. That the Draft Policy for Community and Cultural Benefit Markets be put on public exhibition until the end of January 1994.
2. That a Development Application be submitted for the operation of these markets.
3. That Council review the policy after the public exhibition period and determination of the Development Application.
4. That markets presently operating at various locations continue until the draft policy is considered.

BACKGROUND

At present markets operate approximately fortnightly at Neil Carrol Park and Tomaree Sports Complex, monthly at Lemon Tree Passage foreshore and once per year at McCann Park, Lemon Tree Passage and "Oz Ski" Raymond Terrace. It is proposed to retain these locations for markets and to include all public halls, the Council Administration Building car park, Raymond Terrace Indoor Sports and Community Centre, Riverside Park, Raymond Terrace, and Longworth Park, Karuah, as sites for these markets.

FINANCIAL IMPLICATIONS

Initial expenditure of \$100.00 for submission of the Development Application offset by continuing income rental for use of Council Managed land.

LEGAL AND POLICY IMPLICATIONS

Lodgement of Development Applications will ensure that only legal market activities occurs within the zonings. The policy will ensure all approvals comply with any development consent. **Draft Policy Attachment B**

PUBLIC IMPACT

Markets have been increasingly popular. Objections may come from local businesses.

CORPORATE CONSULTATION

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

Corporate Services and Community Planning Departments and Chamber of Commerce.

OPTIONS

Disallow market operations on Council managed land.

ATTACHMENT B

DRAFT - CULTURAL AND COMMUNITY BENEFIT MARKETS - POLICY

Policy Objective

To permit and promote markets on Council managed sites which are of community and cultural benefit.

This will be achieved if:

1. Council sites have received development consent for the operation of these markets.
2. The promoters of the markets are proven recognised non-profit organisations.
3. The promoters clearly identify the community or cultural benefits to result from the market operations.
4. Promoters of the markets are given approval in writing from Council which includes the following conditions;
 - the promoter clearly and safely defining the agreed site
 - the promoter booking of the site with Council
 - the promoter ensuring accesses, walkways and other areas are available for public use at all times
 - the promoter providing evidence that local traders are offered first option of sites
 - the promoter ensuring Council's assets are maintained in their existing condition
 - the promoter ensuring all stall holders have appropriate licences for sales and operations and comply with statutory codes and standards
 - the promoter providing evidence of the appropriate public liability insurances required for the operation
 - the promoter ensuring sign posting for markets complies with Council's policy on sign posting
 - the promoter providing additional garbage services where required
 - the promoter pay appropriate fees and charges as set by Council from time to time

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

Extract of Minutes 21/10/97

**ITEM NO 8
MARKETS IN PORT STEPHENS**

FILE NO: R7700-61

AUTHOR: Debbie Pickering

DEPARTMENT MANAGER'S RECOMMENDATION:

1. That the policy for operation of Community and Cultural Markets on Council owned/managed land be adopted.
2. That copies of the policy be forwarded to all 355B Hall Committees requesting their compliance with the policy.

Manex Comments: The appropriate co-ordination and corporate consultation has taken place.

Community and Recreation Committee's Recommendation: That the matter be deferred for consideration at the November meeting.

**1317 Councillor Creighton
Councillor Robinson**

**Resolved that the Community & Recreation
Committee's Recommendation be adopted.**

BACKGROUND

Council at its meeting 15 July 1997 resolved:

"That the Draft Policy for operation of community and Cultural Markets on Council owned/managed land, be placed on exhibition until 31 August 1997 and referred back to Council for adoption following the completion of the exhibition period"

The Draft Policy was placed on public exhibition until 31 August 1997 and no submissions were received.

FINANCIAL/RESOURCE IMPLICATIONS

Development Consent conditions may be placed on Council (as land owner). Applicants (Market Organisers) would reasonably expect to have these conditions and any associated costs passed on to them within a markets site occupation agreement.

LEGAL AND POLICY IMPLICATIONS

The use of the Community and Cultural Markets Policy would clearly regulate and control the operations of markets in the Port Stephens Council area.

<http://myport/Policies/Community and cultural markets.doc>

**ITEM 12 - ATTACHMENT 2 COMMUNITY AND CULTURAL MARKETS POLICY
DATED 18/11/1997.**

PUBLIC IMPACT

Local community markets provide leisure activities for stall holders and the community and an income for community facilities either through local committees or Council fees and charges.

CONSULTATION

Public exhibition.

OPTIONS

Accept/reject/amend report.

I:/MINUTES/POLICY/MINUTES/MARKETS.DOC

<http://myport/Policies/Community and cultural markets.doc>

ITEM NO. 13**FILE NO: PSC2015-01000/836
TRIM REF NO: PSC2014-03298****SUBMISSIONS RECEIVED RELATED TO SOLDIERS POINT HALL PROPOSED FEES****REPORT OF: FRAN FLAVEL - CORPORATE STRATEGY & PLANNING
MANAGER****GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts amended fees for Soldiers Point Hall being:
 - a. \$9.50 per hour for community groups and charities for meetings less than four (4) hours duration;
 - b. Waive kitchen usage fee for community groups and charities for meetings less than four (4) hours;
 - c. Maintain the kitchen usage fee where community groups and charities have meetings or events greater than four (4) hours duration.
-

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

	Councillor John Nell Councillor Sally Dover That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION**

294	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council: <ol style="list-style-type: none">1) Adopts amended fees for Soldiers Point Hall being:<ol style="list-style-type: none">a. \$9.50 per hour for community groups and charities for meetings less than four (4) hours duration;b. Waive kitchen usage fee for community groups and charities for meetings less than four (4) hours;c. Maintain the kitchen usage fee where community groups and charities have meetings or events greater than four (4) hours
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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

duration.

BACKGROUND

The purpose of this report is to advise Council on the outcomes from the exhibition period for the proposed fees for Soldiers Point Hall that concluded on 11 September 2015. Council had agreed to place the proposed fees for Soldiers Point Hall on exhibition and invite submissions; three submissions were received from members of the public who are also members of the Soldiers Point Community Group Inc. The redacted submissions are [ATTACHMENT 1].

Council is asked to consider that the submissions have merit as the revised proposed fee is commensurate with that for the same usage at Tomaree Library and Community Centre.

One submission provided a suggestion to Council to consider leasing the building incorporating an Aboriginal theme, for example an art gallery for exhibition/sale of local artists work. Council is asked to note this suggestion.

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 may be a financial impact as the hourly rate of \$9.50 is less than the proposed fee exhibited of \$15.00 per hour; however the quantum cannot be accurately determined as it depends on the number and frequency of hire by community groups and registered charities.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Section 610F of the *Local Government Act 1993* requires Council to consider submissions received during the exhibition period before final adoption of any fee or charge. Under Council's Pricing Policy provision exists for Council to make a fee that is less than market rate in recognition of its community service obligations to its community and the recommendation is in line with this Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not consider submissions before adopting a fee.	Low	This Report provides for Council to consider the proposed fees for Soldiers Point Hall	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Soldiers Point Hall is a community facility that has been substantially refurbished as a result of removal of asbestos and making safe the Hall and its surrounds. It is now available for hire, including from entities within and outside the LGA. Therefore it provides an asset for social and economic use, and is environmentally safe.

CONSULTATION

- 1) The proposed Soldiers Point Hall hiring and associated fees were exhibited for 28 days up to close of business on 11 September 2015, having been advertised in the Port Stephens Examiner and on Council's website.

OPTIONS

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

ATTACHMENTS

- 1) Submissions received Soldiers Point Hall fees.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 13 - ATTACHMENT 1 SUBMISSIONS RECEIVED SOLDIERS POINT HALL FEES.

Fran Flavel

From: [REDACTED]
Sent: Friday, 11 September 2015 11:02 AM
Subject: Submission on Proposed Additional Fees and Charges 2015 2016

The General Manager
Port Stephens Council
PO Box 42
Raymond Terrace 23241

Dear Mr Wallis,

Proposed Additional Fees & Charges August 2015-2016

The Soldiers Point Community Group Inc. (SPCG Inc.) decided at its Annual General Meeting to explore the possibility of Hall hire at Soldiers Point for the purpose of Committee meetings and possibly other functions.

However the cost of the Hall for a period of two hours would incur a fee of \$11 per hour plus an additional \$15 should we wish to have access to the kitchen.

This would equate to \$26 for the first hour, plus an additional \$11 for the second hour making a total of \$37 if the fee was applicable for hourly hire.

When compared with the rate charged for the Tomaree Community Center fee of just \$9.50 per hour including the use of kitchen and equipment, a total of \$19, the fee for Soldiers Point Hall does not compare favourably.

As we would like to see the iconic Soldiers Point Memorial Hall restored and again used by other organisations this submission, in order to make the hire of the Hall competitive, opposes an additional fee for the use of the kitchen and equipment if the fee were to be applied for hourly hire.

Yours faithfully,

[REDACTED]
[REDACTED]
President Soldiers Point Community Group Inc
57 Cuthbert Road,
[REDACTED]
02 [REDACTED]

ITEM 13 - ATTACHMENT 1 SUBMISSIONS RECEIVED SOLDIERS POINT HALL FEES.

Fran Flavel

From: [REDACTED]
Sent: Friday, 11 September 2015 11:31 AM
Subject: Submission on Proposed Additional Fees and Charges 2015-2016?

Dear Sir/Madam

I am unsure as to the clarification of the costs you are proposing for hire of the Soldiers Point Community Hall.

It is not clear as to whether the first hour would be \$15 per hour as the hall has a kitchen and then extra hours would be at the cost of \$11 per hour, or indeed you intend to charge \$15 plus \$11 for the first hour and then \$11 per hour for subsequent hours used.

I think clarification should be taken into consideration before the charges are considered.

Being that it is a community hall, small groups and residents may wish to use it for meetings and not for functions, so would this mean that the cost does not include the kitchen fee. The fee seems to be more expensive when compared with other community halls. Clarification on the exact cost would be appreciated.

I think it would be more beneficial to the community and the Council if this iconic hall could be leased incorporating an Aboriginal theme, for example an art gallery for exhibition/sale of local artists work, the theme being Aboriginal paintings, drawings, sculptures etc. The hall then is available for tourist/residents to view this iconic hall.

I really think that the Council should open up this hall. Also the Council would be aware that with The Point and The Yacht Club there are alternatives for the community to rent a place for a venue. Let's do more with our hall and let everyone get involved with historic Soldiers Point.

[REDACTED]
[REDACTED]
[REDACTED]

ITEM 13 - ATTACHMENT 1 SUBMISSIONS RECEIVED SOLDIERS POINT HALL FEES.

Fran Flavel

From: [REDACTED]
Sent: Friday, 11 September 2015 8:31 AM
Subject: Proposed Additional Fees & Charges August 2015-2016

The General Manager, Dear Sir

At the Annual General Meeting of the Soldiers Point Community Group I was appointed a member of the committee and a matter raised for discussion at that meeting was the Soldiers Point Hall. The President made all members of the Group aware of the proposed Fees & Charges for 2015-2016 and of the closing date for submissions.

I would like to submit that the cost to "Community groups or registered charities" of \$11.00 per hour plus a one off charge of \$15.00 for kitchen hire, which presumably would apply if any tea making facilities were utilised, are excessive and non-competitive when it is considered that a Meeting Room can be hired and tea making facilities available for \$9.50 per hour at the Tomaree Library & Community Centre Salamander Bay.

Sincerely, [REDACTED]

ITEM NO. 14**FILE NO: PSC2015-01000/584
TRIM REF NO: A2004-0284****POLICY REVIEW: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES
TO COUNCILLORS****REPORT OF: TONY WICKHAM - GOVERNANCE MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Payment of Expenses and Provision of Facilities to Mayor/Councillors policy shown at **(ATTACHMENT 1)**.
 - 2) Place the Payment of Expenses and Provision of Facilities to Mayor/Councillors policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
 - 3) Revoke the Payment of Expenses and Provision of Facilities to Mayor/Councillors policy dated 26 August 2014, Min No. 229 **(ATTACHMENT 2)**, should no submissions be received.
-

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

	Councillor Paul Le Mottee Councillor Chris Doohan That the recommendation be adopted, subject to an amendment to clause 1.2.1 of the Payment of Expenses and Provision of Facilities to Mayor/Councillors policy, changing the three months period to submit claims to four months.
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**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION**

295	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council: 1) Endorse the revised Payment of Expenses and Provision of Facilities to Mayor/Councillors policy shown at (ATTACHMENT 1) , subject to an amendment to clause 1.2.1 of the Payment of Expenses and Provision of Facilities to Mayor/Councillors policy, changing the three
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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

	months period to submit claims to four months.
2)	Place the Payment of Expenses and Provision of Facilities to Mayor/Councillors policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
3)	Revoke the Payment of Expenses and Provision of Facilities to Mayor/Councillors policy dated 26 August 2014, Min No. 229 (ATTACHMENT 2) , should no submissions be received.

BACKGROUND

The purpose of this report is to provide Council with the reviewed Payment of Expenses & Provision of Facilities to Councillors Policy in accordance with Section 252 of the *Local Government Act 1993* and the Office of Local Government's Guideline.

Council last adopted the policy on 24 August 2014, which includes public consultation as required by legislation.

A copy of Council's current policy is shown at **(ATTACHMENT 2)**.

No changes to the policy are proposed, other than to transfer the policy into the new corporate policy template. The revised policy is shown at **(ATTACHMENT 1)**.

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

Expenditure associated with this policy is included in the 2015-2016 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

Under Section 252 and 253 of the *Local Government Act 1993*, Council must adopt a policy concerning the payment of expenses incurred by Councillors in relation to discharging the functions of civic office. It is a requirement of the *Local Government Act* that Council adopt the policy after June 30 each year and lodge the adopted policy with the Office of Local Government prior to November 30 each year.

Council is required to give 28 days public notice of the proposed policy changes.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council would be in breach of Section 252 & 253 of the <i>Local Government Act 1993</i> , should this policy not be adopted.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy allows Councillors to effectively carry out their responsibilities as members of the Council and as community representatives without suffering financial hardship.

CONSULTATION

- 1) Mayor and Councillors.

OPTIONS

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

ATTACHMENTS

- 1) Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy. (Provided under separate cover)
- 2) Payment of Expenses and Provision of Facilities to Councillors Policy. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 15**FILE NO: PSC2015-01000/815
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 Mayor and Ward Funds to the following:
 - a. Rapid Response – Mayor MacKenzie - Tarsha Wellings – Donation for attendance at Pacific School NSW Touch Football Championship - \$250. That the request for donation be placed on public exhibition for a period of 28 days and should no submissions be received, provide financial assistance as requested.

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

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

**ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION**

296	Councillor Paul Le Mottee Councillor Steve Tucker 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 Mayor and Ward Funds to the following:<ol style="list-style-type: none">a. Rapid Response – Mayor MacKenzie - Tarsha Wellings – Donation for attendance at Pacific School NSW Touch Football Championship - \$250. That the request for donation be placed on public exhibition for a period of 28 days and should no submissions be received, provide financial assistance as requested.
------------	--

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

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

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

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 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. Council can make donations to community groups.

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

MAYORAL FUNDS – Mayor MacKenzie

Tarsha Wellings	Donation for attendance at Pacific School NSW Touch Football Championship	\$250
-----------------	---	-------

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

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	250	Within existing budget.
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

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.

ITEM NO. 16**FILE NO: PSC2015-01000/824
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 22 September 2015.

No:	Report Title	Page:
1	Cash and investments held as at 31 August 2015	133
2	Petition - Horace Residents Flooding April 2015	137
3	Petition - Request footpath on Boulder Bay Rd, Fingal Bay	141
4	Petition - Shoal Bay Foreshore Park Shelter Replacement	146

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

	Councillor Paul Le Mottee Councillor John Nell That the recommendation be adopted.
297	Councillor Chris Doohan Councillor Ken Jordan It was resolved that Council move out of Committee of the Whole.

ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION

298	Councillor Paul Le Mottee Councillor Steve Tucker									
	<p>It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 22 September 2015.</p> <hr/> <table><tr><th>No:</th><th>Report Title</th></tr><tr><td>1</td><td>Cash and investments held as at 31 August 2015</td></tr><tr><td>2</td><td>Petition - Horace Residents Flooding April 2015</td></tr><tr><td>3</td><td>Petition - Request footpath on Boulder Bay Rd, Fingal Bay</td></tr><tr><td>4</td><td>Petition - Shoal Bay Foreshore Park Shelter Replacement</td></tr></table>	No:	Report Title	1	Cash and investments held as at 31 August 2015	2	Petition - Horace Residents Flooding April 2015	3	Petition - Request footpath on Boulder Bay Rd, Fingal Bay	4
No:	Report Title									
1	Cash and investments held as at 31 August 2015									
2	Petition - Horace Residents Flooding April 2015									
3	Petition - Request footpath on Boulder Bay Rd, Fingal Bay									
4	Petition - Shoal Bay Foreshore Park Shelter Replacement									

INFORMATION PAPERS

ITEM NO. 1

FILE NO: PSC2015-01000/785

TRIM REF NO: PSC2006-6531

CASH AND INVESTMENTS HELD AS AT 31 AUGUST 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 31 August 2015.

ATTACHMENTS

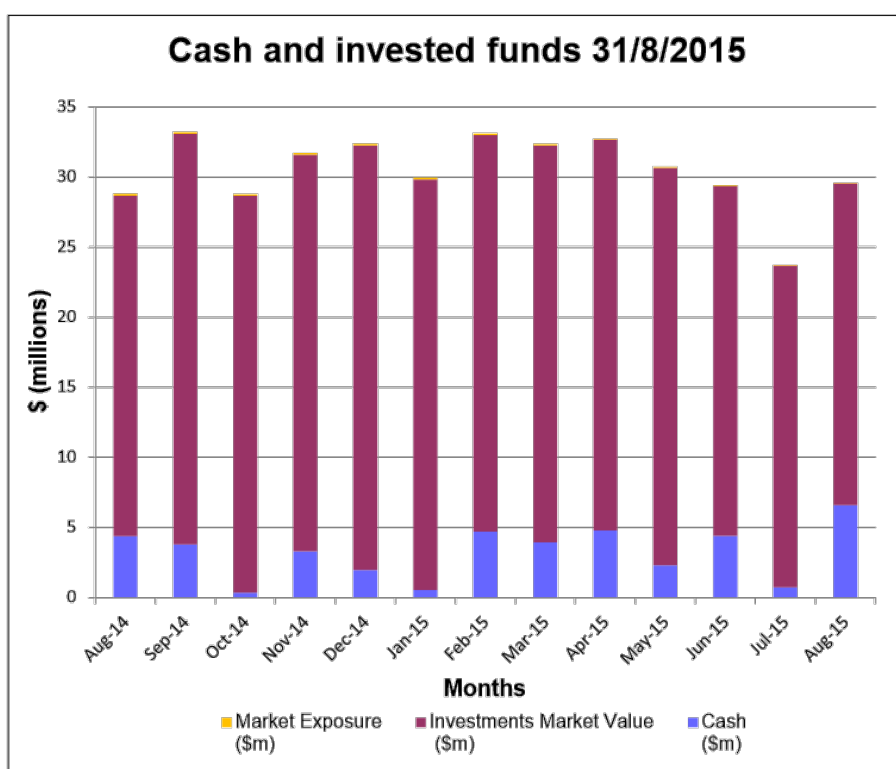
- 1) Cash and investments held as 31 August 2015.
- 2) Monthly cash and investments balance August 2014 to August 2015.
- 3) Monthly Australian term deposit index August 2014 to August 2015.

ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AS 31 AUGUST 2015.

CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2015									
ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS									
MAITLAND MUTUAL BUILDING SOCIETY	RIM	NR	TD	3.10%	182	9-Sep-15	1,500,000	1,500,000	
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.11%	182	23-Sep-15	2,000,000	2,000,000	
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	
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	
ARAB BANK AUSTRALIA LTD	RIM	NR	TD	3.05%	280	20-Apr-16	2,000,000	2,000,000	
SUB TOTAL (\$)							22,000,000	22,000,000	
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 (\$)							23,017,877	22,968,001	
CASH AT BANK (\$)							6,590,202	6,590,202	
TOTAL CASH AND INVESTMENTS (\$)							29,608,079	29,558,203	
CASH AT BANK INTEREST RATE				2.40%					
BBSW FOR PREVIOUS 3 MONTHS				2.19%					
AVG. INVESTMENT RATE OF RETURN				2.87%					
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 1 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE
AUGUST 2014 TO AUGUST 2015.**
CASH AND INVESTMENTS BALANCE

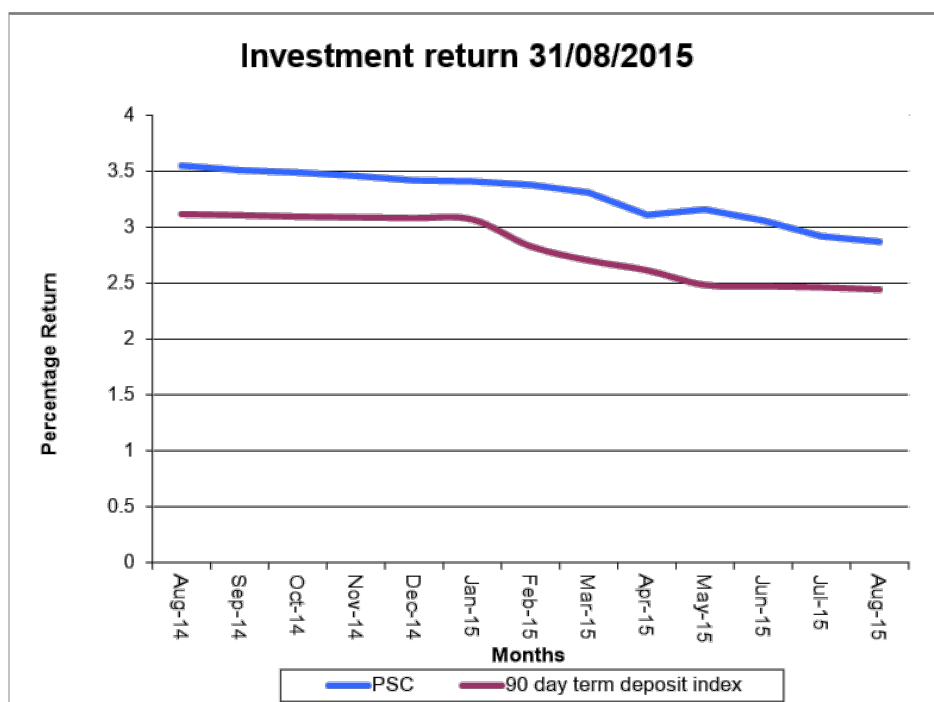
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Aug-14	4.375	24.305	0.132	28.811
Sep-14	3.793	29.310	0.126	33.230
Oct-14	0.350	28.313	0.123	28.786
Nov-14	3.293	28.313	0.123	31.729
Dec-14	1.959	30.317	0.113	32.389
Jan-15	0.527	29.323	0.107	29.957
Feb-15	4.691	28.328	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



**ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX
AUGUST 2014 TO AUGUST 2015.**

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
Aug-14	3.1182	3.55
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



ITEM NO. 2

**FILE NO: PSC2015-01000/760
TRIM REF NO: PSC2015-01247**

PETITION - HORACE RESIDENTS FLOODING APRIL 2015

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

BACKGROUND

The purpose of this information paper is to inform Council that a petition (49 signatures) has been submitted from residents of Horace Street, Shoal Bay.

The petition raises their concern with the adequacy of the existing drainage system during heavy periods of rain. Following numerous storm events this year where the stormwater had exceeded the capacity of the drainage system, some properties and the dwellings on Horace Street have been inundated with stormwater.

The Horace Street drainage catchment in Shoal Bay is 120Ha in size and consists predominately of residential houses, small commercial area and undeveloped bush land. The road and drainage network in this catchment was built with the subdivision in the 1970s. This drainage network and kerb and guttering is limited and would not meet the current standards if the subdivision was released today. This catchment discharges stormwater into the Shoal Bay Beach and southern headland of the entrance of Port Stephens.

Maintenance to clear any blockages and minor drainage pit works to redirect some catchment flows have been completed. These minor works will not increase the drainage capacity and properties may again be inundated with stormwater if subjected to events similar to the April 2015 storm.

To provide a cost effective solution to this drainage catchment requires a drainage study to be undertaken. This study has been scoped, tenders called and it is anticipated that the study will take under six months to complete. Once solutions are determined, the works will need to be budgeted through our 10 year Works Program process.

To reduce this time frame, preliminary drainage solutions have been designed to pre-empt the study findings. If cost effective, these preliminary works could be completed while the study is being undertaken. As the catchment is large and has development potential, these preliminary works will not be wasted and will form part of the overall solution to be identified in the drainage study.

Verbal and written communication has been provided to the residents of Horace and neighbouring streets.

ATTACHMENTS

- 1) Petition - Horace Residents Flooding April 2015

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 2 - ATTACHMENT 1
APRIL 2015**

PETITION - HORACE RESIDENTS FLOODING

Residents of Horace & Rigney Streets, Shoal Bay

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7 May, 2015

The General Manager
Port Stephens Council
116 Adelaide Street
Raymond Terrace NSW 2325

Dear Sir,

Re. Shoal Bay Drainage Issue

We write as a group of concerned residents and attach a list of those involved, all affected by recent and ongoing flooding to properties resulting from the failure of the stormwater system in the Northern area of Horace Street.

You will note that the properties concerned are Nos 3 to 25 Horace Street, Shoal Bay. All these properties experienced serious flooding in the heavy rain on Tuesday 21 April, 2015. Whilst this event could be considered extra-ordinary, the inherent problems with drainage in the area were no doubt responsible for the severity of flooding. Note that measurement of water levels were up to 300 mm deep in living areas which had not previously experienced living area flooding.

We are also aware that Rigney Street residents have been badly affected by flooding in this recent and other events and many have expressed major concerns over the areas drainage situation. We have attached a list of those in Rigney Street who have expressed their concern.

It is obvious from previous flooding in rain events which were not in any way abnormal, that the drainage system struggles to handle water from upstream in the system. Water in the area of Horace & Rigney Streets cannot enter the system and is left to build up and flood properties until such time as flows subside and allow the system to accept our water. It is also obvious that the situation is worsening as time goes by and more development occurs upstream of us. It is reasonable to assume that more rain events will occur within a short space of time which will result in more flooding unless improvements have been made to the drainage.

All of us are currently faced with varying degrees of rectification and replacement within our residences. We cannot collectively delve into the plight of each individual resident regarding the extent of their damage and any financial losses or hardship encountered. We would however appreciate your advice of any funding that may be available to cover residents' costs in this current situation. A major concern, particularly for anyone required to fund their own work is the likelihood of repeat flooding rendering their expenditure worthless.

**ITEM 2 - ATTACHMENT 1
APRIL 2015****PETITION - HORACE RESIDENTS FLOODING**

It is not fair that residents face such a dilemma from problems outside their control and which have been known about by Council for a long period of time. Some have discussed the option of selling out to avoid the issue, however we are advised that potential sale contracts would need to divulge the extent of flooding or vendors would risk future legal ramifications. We are also advised the likelihood of any sale proceeding in the current circumstances is nil, thus rendering the properties worthless. We request that Council charge future rates on these properties based on a land value of zero until the flood risk situation has been overcome.

Information provided by Council's Civil Assets Manager, Mr John Maretich to the Shoal Bay Community Association following representations from Councillor John Nell, indicates a 3 stage process to attempt to address this drainage issue:

Stage 1 - complete

- Increase pit inlet capacity on Messines St. Upstream stormwater flows past the pit into Horace Street.
- Install a flap valve on the Horace St pipe to prevent stormwater surging out onto the street and into the adjoining properties.
- This will have a small impact but is needed as part of an overall solution.

Stage 2 in the next 1-3 months to be undertaken by

- 1 pits on 15 Horace St These current pits are inefficient and cause stormwater to surcharge out of the upstream pits.
- This will reduce the impact by a percentage but we need to complete the study as noted below in stage 3.
- 2 other pits may also require upgrade. These include one on Horace St and one in the adjacent park between Horace and Government Rds. These need to be costed and compared to other solutions such as the detention basin as noted in stage 3 below. The other solutions such as the detention basin solution would nullify the need for these pits. Once these pits and basin is costed we will know which way to go.

Stage 3 – overall time not known

- External consultancy to undertake investigation of the catchment providing options that are costed.
- Preliminary options include:
 - o Creation of a dry detention basin in the park adjacent to the tennis court on Horace St.
 - o Upgrade of downstream pipe system to the bay (Shoal Bay)
 - o Upgrade Tomaree road drainage straight to bay which will divert the upstream catchment away from Horace St catchment.

It is fairly obvious that much of Stage 2 can't be done without Stage 3 which currently has no known time frame. This situation cannot remain and we request that Council: (a) commence work on the Stage 2 pits immediately, (b) commence action on the Stage 3 process as a matter of extreme urgency, and (c) leave no stone unturned in seeking funding from current disaster relief funds, Government grants or Council funds to assist residents with their current crises and fund the necessary work.

We are happy to co-ordinate the provision of any details or photographs to Council staff as and when required to facilitate the process.

As many of us are reluctant to commence any rectification work with such an uncertain future, we request your urgent response to the issues raised.

Regards



ITEM NO. 3

**FILE NO: PSC2015-01000/776
TRIM REF NO: PSC2005-4030**

PETITION - REQUEST FOOTPATH ON BOULDER BAY RD, FINGAL BAY

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

BACKGROUND

The purpose of this information paper is to inform Council that a petition (81 signatures) has been submitted by the residents of Fingal Haven Retirement Village, Fingal Bay.

The petition is requesting that a new footpath be constructed on Boulder Bay Rd between Marine Drive and Farm Road, Fingal Bay.

The footpath would link the Retirement Village to Market Street shops and waterfront on Marine Drive. The footpath would be 1.2m wide, 210m long and require the placement of two ramp connections and pedestrian refuge to access Market Street shops. Based on unit rates only, this project has a very preliminary estimation of over \$52,000.

This footpath has already been identified on Council's draft Pathway Plan as a future link, though unfortunately this project is not considered priority within the Council's 10 year Capital Works Program. Placing this proposed footpath in Council's 10 year Capital Works Program would delay other projects already in the program.

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

ATTACHMENTS

- 1) Petition - Request footpath on Boulder Bay Road, Fingal Bay.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1
BAY ROAD, FINGAL BAY.

PETITION - REQUEST FOOTPATH ON BOULDER

[REDACTED]

General Manager
Port Stephens Council
PO Box 42
Raymond Terrace

CC Cr Sally Dover
Chairman & Board Members
Port Stephens Veterans & Citizens
Aged Care Ltd

Dear General Manager

Your attention is drawn to the lack of pedestrian access along the section of Boulder Bay Road from Marine Drive to Farm Road a distance of 1 block. As you are no doubt aware the Fingal Haven Retirement Village is situated in Farm Road and the Council's Fingal Bay Holiday Centre is situated on Marine Drive. To gain access by foot from either complex to the shops and Post Office in Market Street one has to negotiate either the uneven grassed pavement area or take the extremely hazardous walk on the road itself. There are invariably cars parked on both sides of this road so in taking this course one is forced into the path of any on-coming traffic.

You will be aware of the recent expansion of Fingal Haven Retirement Village and there are now 132 dwellings with approximately 195 people in residence. As it is a retirement village residents are elderly and for those who are frail and use walking frames and other ambulatory aids to negotiate a rough grassed area is not possible. They have no choice other than to walk on the road itself. Unfortunately as mentioned due to parked cars this walk is an extremely hazardous option with the added danger that it is not an easy matter to see cars coming from the direction of Marine Drive.

In addition the Council operates Fingal Bay Holiday Centre situated on Marine Drive. At present to gain access by foot to the shopping complex in Market Street visitors face a similar hazardous walk along Boulder Bay Road. The construction of a footpath from Farm Road to Marine Drive would offer a safe option not only for the residents of Fingal Haven but also visitors of the Holiday Centre many of whom have young children.

The solution to both these perilous situations is the construction of a footpath along Boulder Bay Road on the side opposite to Market Street. The section referred to already has curbs and gutters and needs only the addition of a pedestrian path to rectify a very dangerous situation. A petition signed by concerned residents of Fingal Haven accompanies this letter with the respectful request that this matter be treated as a matter of urgency by Council.

Sincerely on behalf of residents of Fingal Haven

[REDACTED]
4 August 2015

PORT STEPHENS COUNCIL Information Services	
- 6 AUG 2015	
File No.	PSC2005 - 4030
Action by	Lisa Marshall
<input type="checkbox"/> R.H.C.	

ITEM 3 - ATTACHMENT 1
BAY ROAD, FINGAL BAY.

PETITION - REQUEST FOOTPATH ON BOULDER

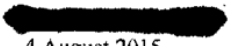
Cr Sally Dover
Port Stephens Council
PO Box 42
Raymond Terrace

Dear Cr Dover

Following our telephone conversation of 1 August 2015 please find attached letters and a petition from concerned residents of Fingal Haven to the General Manager, Port Stephens Council and the Chairman and Board of Port Stephens Veterans & Citizens Aged Care Ltd.


I would like to take this opportunity to thank you for taking the trouble to return my call and listen so patiently to the concerns raised in the attached letters.

Yours sincerely


4 August 2015

**ITEM 3 - ATTACHMENT 1
BAY ROAD, FINGAL BAY.**

PETITION - REQUEST FOOTPATH ON BOULDER


Chairman & Members of the Board
Port Stephens Veterans & Citizens
Aged Care Ltd

CC General Manager Port Stephens Council
Cr Sally Dover Port Stephens Council

Dear Chairman & Board Members

I would like to draw to your attention the hazardous nature of a walk from Fingal Haven Village to the local shops in Market Street.

After crossing Farm Road on the corner with Boulder Bay Road the footpath stops abruptly. To continue to walk towards the shops the choice is to either proceed along an uneven grassed area which is virtually impossible for the elderly and frail especially those who have to use walking frames and other ambulatory aids. The only other course is to walk on the road. As there are always cars parked on both sides of the road this necessitates walking in the middle of the road. This road is by nature a dangerous one as it rises from the beach esplanade so it is not an easy matter to see oncoming traffic thus adding to an already perilous situation.

This state of affairs has caused me much concern over the four years that I have been a resident in Fingal Haven. Approximately 3 years ago I took up a petition in the Village which was eagerly signed by every person I approached. This petition was forwarded to the Board by Margaret McMillan who was the President of the Residents Committee at the time. I understand that the Board forwarded a letter and the petition to Council but subsequently did not receive any acknowledgement.


As you will all be aware the size of our Village has increased with the addition of the new villas and apartments. Many of our residents do not drive and a walk to the local shops for just simple things such as milk, bread or a visit to the Post Office is little short of life threatening. It seems ludicrous that such a situation has been allowed to occur when the actual size of the distance in need of attention is approximately 1 block. The section already has curbs and gutters and only needs the addition of a pedestrian path.

I have already phoned Port Stephens Council and spoken to Cr Sally Dover who advised that Council will be looking at the future development of cycle ways and footpaths in the shire during the month of September. She advised me to put my concerns in writing (copy attached) and obviously an approach from The Board of Port Stephens Veterans & Citizens Aged Care Ltd. would lend weight to our petition.

I thank you most sincerely for your consideration of this problem and appeal to the Board as a matter of urgency to take this matter in hand and write again to Council requesting the construction of a footpath along the section of Boulder Bay Road from the corner of Farm Road to Marine Drive.

Please find attached a petition signed by 80 concerned residents of Fingal Haven.

Sincerely on behalf of residents of Fingal Haven


4 August 2015

ITEM 3 - ATTACHMENT 1 PETITION - REQUEST FOOTPATH ON BOULDER
BAY ROAD, FINGAL BAY.

Safety:

Petition to Port Stephens Council from the Residents of Fingal Haven
31st July 2015.

**Petition asking for the existing foot-path to please continue from the
the corner of Farm and Boulder Bay Rd and meet with the existing
foot-path on Marine Drive.**

Rational: Uneven grassy slope difficult to negotiate. Frail residents, and
especially those with walking frames and other ambulatory aids are
having difficulty walking safely to the Fingal shops. Since a prior
petition in 2012, several residents have tripped on the uneven grass.
Fortunately the two known falls, have resulted in only minor bruising.

ITEM NO. 4

**FILE NO: PSC2015-01000/790
TRIM REF NO: PSC2011-02312**

PETITION - SHOAL BAY FORESHORE PARK SHELTER REPLACEMENT

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

BACKGROUND

The purpose of this report is to inform Council that a petition (21 signatures) has been submitted by residents of Shoal Bay. The petition requests the replacement of a park shelter and table in the North Western corner of the Shoal Bay Foreshore Reserve.

The park shelter and table was removed as part of the community project to provide a walking trail to connect Shoal Bay Foreshore Reserve to Anzac Park, Shoal Bay. The park shelter and table was blocking the access way for this newly constructed pathway and was removed due to its location and poor condition. The park shelter and table was not replaced as there are two other park shelters and tables within close proximity to its former location.

A concept plan for the Shoal Bay Foreshore & Commercial Area is currently being developed and is expected to begin community consultation in November 2015. This concept plan will take into account the foreshore area as well as Shoal Bay Road, the proposed traffic lights and associated car parking.

The concept plan will propose the best location for park shelters. Replacements of park furniture in this area should await the development of this document to ensure they are in line with proposed locations and the palate of materials.

ATTACHMENTS

- 1) Resident submission - replacement of park bench/shelter on Shoal Bay Foreshore

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 RESIDENT SUBMISSION - REPLACEMENT OF
PARK BENCH/SHELTER ON SHOAL BAY FORESHORE

Thursday 21st May 2015

Port Stephens Council
116 Adelaide Street
Raymond Terrace NSW 2314

Resident submission for the replacement of Park Bench/Shelter on Shoal Bay foreshore

Council is respectfully requested to consider the attached petition by residents for the provision of a replacement park bench/shelter in the North Western corner of the Shoal Bay foreshore park in place of a park bench destroyed in the storm of 20th April 2015.

The north Western corner adjacent to the foreshore reserve is suggested for the following reasons:-

- The bench/shelter will be used by regular swimmers seeking shelter from the rain and close proximity for access to the beach.
- The absence of overhanging trees at that part of the park will help maximise sunlight and reduce the risk of damage from falling tree limbs.
- There was a bench shelter in approximately this location which was demolished to make way for the pathway which was constructed into the bushland by local volunteers in the past six months.
- Location of the new bench shelter in the north western corner will also provide ready access to the beach shower at that end of the park.

Please contact the undersigned if any further clarification is necessary.

Yours sincerely,

[Redacted Signature]
[Redacted Name]
[Redacted Address]

Shoal Bay NSW 2315

**ITEM 4 - ATTACHMENT 1 RESIDENT SUBMISSION - REPLACEMENT OF
PARK BENCH/SHELTER ON SHOAL BAY FORESHORE**

PORT STEPHENS RESIDENT/RATEPAYER/VISITOR PETITION TO PSC

REQUEST THAT COUNCIL REPLACE THE PARK BENCH AT WESTERN END OF SHOAL BAY FORESHORE PARK WHICH WAS DESTROYED IN THE STORM OF 20
APRIL 2015

#	NAME	STREET ADDRESS	SIGNATURE	DATE

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: PSC2015-01000/750

TRIM REF NO: PSC2005-3204

PORT STEPHENS SCENIC FORESHORE CYCLEWAY

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) Approve in principle the construction of the first 500 metre section of the plan between Roy Wood Reserve and Conroy Park, Corlette.
 - 2) Approve the public exhibition of the proposed works (500 metre section) to seek community feedback regarding inclusion in the 2015/16 Works Program.
 - 3) Consider a further report subsequent to the exhibition period to determine if the project will be added to the 2015/16 Works Program and the source of funding.
 - 4) Formalise arrangement with Employment Plus to provide approximately \$22,000 to subsidise up to 8 unemployed young people through the "Work for the Dole" program to construct a 500metre section from Roy Wood Reserve with supervision supplied by Port Stephens Council.
 - 5) Appoint the appropriate Council employee to oversee this project and that the person must be able to motivate and mentor the youth assigned to this project.
 - 6) Liaise with Mr Gary Edwards of Holcim of 334 Soldiers Point Road, Salamander Bay who will provide over produced concrete for the project when available and when suitable.
 - 7) Apply for grant funding for the elevated envirowalk cycleway to connect this cycleway to the Anchorage break wall.
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ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015
MOTION

	<p>Councillor Sally Dover Councillor Paul Le Mottee</p> <p>That Council:</p> <ol style="list-style-type: none">1) Approve in principle the construction of the first 500 metre section of the plan between Roy Wood Reserve and Conroy Park, Corlette.2) Approve the public exhibition of the proposed works (500 metre section) to seek community feedback regarding inclusion in the 2015/16 Works Program.3) Consider a further report subsequent to the exhibition period to determine if the project will be added to the 2015/16 Works Program
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MINUTES ORDINARY COUNCIL - 22 SEPTEMBER 2015

	and the source of funding.
4)	Investigate further arrangement with Employment plus or other work for the dole provider. To subsidise unemployed young people, through the work for the dole program to construct a 500 metre section from Roy Wood Reserve with supervision supplied by Port Stephens Council.
5)	Apply for grant funding for the elevated envirowalk cycleway to connect this cycleway to the Anchorage break wall.

ORDINARY COUNCIL MEETING - 22 SEPTEMBER 2015

MOTION:

299	Mayor Bruce MacKenzie Councillor Ken Jordan It was resolved that Council that Council defer the Notice of Motion to receive a two way conversation on the Port Stephens Scenic Foreshore cycleway proposal.
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The amendment of being put became the motion, which was carried.

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

BACKGROUND

Staff acknowledge that the proposed program will provide a number of benefits to youth of the area and that the organisation has a role to play in this regard.

Whilst recognising these benefits Council needs to take into account the following when considering this Notice of Motion:

1. The proposed project is not in the adopted works program and will require public exhibition prior to Council making a determination to include it in the 2015/16 Works Program.
2. The estimated costs to deliver the project via "work for the dole" would be approximately \$170,000. Council will need to allocate approximately \$150,000 to meet the requirements of the "Work for the Dole" program.
3. The proposed approach (via Work for the Dole) to delivering the project would cost approximately the same as if Council were to deliver the project by traditional methods.

There being no further business the meeting closed at 7.32pm.