

DRAFT

MINUTES – 27 SEPTEMBER 2016



PORT STEPHENS C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 27 September 2016, commencing at 5.30pm.

PRESENT:

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

Cr Chris Doohan entered the meeting at 5.32pm.

268	Councillor John Nell Councillor John Morello It was resolved that the apologies from Cr Geoff Dingle and Cr Peter Kafer be received and noted.
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MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016

269	Councillor Ken Jordan Councillor John Nell It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 13 September 2016 be confirmed.
	Cr Paul Le Mottee declared a significant non-pecuniary conflict of interest in Item 7. The nature of the interest is that the Le Mottee Group 'donated' survey works for this matter.

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MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 16/410751
RM8 REF NO: PSC2016-02365**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Sale of 1 Lyndel Close, Soldiers Point**.
 - 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
 - 3) That the report remain confidential and the minute be released in accordance with Council's resolution.
-

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

270	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely Sale of 1 Lyndel Close, Soldiers Point.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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ITEM NO. 2

**FILE NO: 16/417577
RM8 REF NO: PSC2015-01018**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (i) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **Code Of Conduct**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - alleged contraventions of any code of conduct requirements applicable under section 440.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

271	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>It was resolved that Council</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (i) of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely Code Of Conduct.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• alleged contraventions of any code of conduct requirements applicable under section 440.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 16/405986
RM8 NO: PSC2016-02691**

DEPUTY MAYOR ELECTION

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

RECOMMENDATION IS THAT COUNCIL:

- 1) The term of the deputy mayor be for the period of one year or up until a merger announcement is made for Port Stephens Council, whichever occurs first.
 - 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 - 27 SEPTEMBER 2016

	Council did not resolve into Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

272	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that the term of the deputy mayor be for the period of one year or up until a merger announcement is made for Port Stephens Council, whichever occurs first.</p> <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.</p>
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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 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, however it is recommended that Council appoint the Deputy Mayor up until an announcement is made on the merger or up to one year, whichever occurs first.

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 2013-2017
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 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: 16/355708
RM8 REF NO: PSC2016-01630**

PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the planning proposal at **(ATTACHMENT 2)** to reclassify the subject site from 'community' to 'operational' land.
 - 2) Forward the planning proposal to the NSW Department of Planning and Environment under Section 56 of the *Environmental Planning and Assessment Act 1979* with a request for a Gateway determination.
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**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

273	<p>Mayor Bruce MacKenzie Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the planning proposal at (ATTACHMENT 2) to reclassify the subject site from 'community' to 'operational' land.2) Forward the planning proposal to the NSW Department of Planning and Environment under Section 56 of the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway determination.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to obtain Council's endorsement of the planning proposal at **(ATTACHMENT 2)** and request a gateway determination from the Department of Planning & Environment under Section 54 of the *Environmental Planning and Assessment Act 1979*.

Subject land:	Lot 644 DP 658258, 9B Diemars Road, Salamander Bay.
Proponent:	Port Stephens Council - Property Services Section.
Area of land:	3,684m ²
Zone:	IN4 – Working Waterfront Zone (rezoning of land is not proposed).
Current classification:	Community.
Proposed changes:	Reclassify from 'community' to 'operational' land.
Purpose:	To enable sale of land to adjoining property owner/s.

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013 (LEP 2013)* by reclassifying Lot 644 DP 658258, 9B Diemars Road, Salamander Bay from 'community' to 'operational' land in order to facilitate its sale to an adjoining landowner. The planning proposal does not seek to amend the zoning. The proposed future use of the site for oyster farming operations is permissible in the IN4 – Working Waterfront zone and would be subject to a separate development application.

The site is zoned IN4 – Working waterfront and is approximately 3,684m². The site has direct water access to the west and is landlocked by privately owned IN4 zoned land to the north, south and east, which is used for oyster farming operations, oyster processing and a retail facility. The site does not have legal street access.

Part of the site is currently being used, without a formal licence from Council, for the storage of oyster racks and associated materials by an adjoining landholder/oyster farmer. This use is consistent with the IN4 Zone.

A preliminary ecological assessment undertaken identifies that the site contains Swamp Oak Sedge Forest and cleared grassland. This Swamp Oak Sedge Forest consists of an overstorey dominated by Forest Red Gum (*Eucalyptus tereticornis*) and Swamp Oak (*Casuarina glauca*). The understorey was dominated by weed species such as Morning Glory, Asparagus, Lantana and Large-leaved Privet.

The land formed part of the former Naval Base lands, purchased by Council in the 1956/1957. The site was zoned 6(a) Public Recreation under the Port Stephens Local Environmental Plan 1987 and classified as 'community land'. Under the Port Stephens Local Environmental Plan 2000, the site was zoned 4(a) General Industrial.

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Adjoining land was reclassified in 1997 under Amendment No 112 to the LEP 1987 from 'community' to 'operational' land and subsequently sold. This had the effect of land locking the subject site.

On 25 November 2008, Council considered a proposal to reclassify the site. At this time, it was resolved that:

Council note further investigation of this land be held in abeyance pending adoption of the draft Foreshore Management Plan.

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The key considerations for any future development proposal include consideration of visual amenity and foreshore stability.

On 27 October 2015, Council resolved to formally prepare a planning proposal to submit to the Department of Planning & Environment for the reclassification of this and another site. However, given that the report was prepared by Council's Property Services Section, a separate report from Council's Strategic Planning Section, as the relevant planning authority, is required.

It is considered that the planning proposal has sufficient merit to proceed to gateway.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

The cost of processing the planning proposal will be covered by Rezoning Fees, in accordance with Council's Fees & Charges. The planning proposal is categorised as a Category B Planning Proposal. Fees are detailed below:

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

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Other	Yes	\$5,302.50	Category B Planning Proposal: Stage 1 Paid (18 May (\$5,302.50) 2016) Stage 2 Required prior (\$10,500) to exhibition Stage 3 Required prior (\$5,250) to gazettal
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The landlocked nature of the site is likely to affect the value of the property as it does not have legal street access, which limits its practical use. A formal valuation, along with negotiations, will form the basis of the sale price for the property to be recommended to Council, following the reclassification.

LEGAL, POLICY AND RISK IMPLICATIONS

The planning proposal will be processed in accordance with the plan making procedures in the *Environmental Planning and Assessment Act, 1979*, the *Local Government Act 1993* and the Department of Planning and Environment's Practice Note PN09-003 (12 June 2009) *Classification and reclassification of public land through a local environmental plan*.

In accordance with the practice note, Council must provide a Statement of Interest when the planning proposal is exhibited. The Statement of Interest seeks to:

- a) Identify land owned by Council proposed to be reclassified; and
- b) Allow the community the opportunity to assess the proposal with a full appreciation of all relevant information.

A copy of the Statement can be found in the planning proposal at **(ATTACHMENT 2)**.

Environmental Planning and Assessment Act 1979

The planning proposal is being progressed in accordance with Part 3 of the *EP&A Act, 1979*.

Local Government Act 1993

Reclassification of the site from 'community' to 'operational' land under the *Local Government Act 1993* will allow Council to sell the land.

The proposed reclassification is to be the subject of a public hearing pursuant to section 29 of the *Local Government Act 1993*.

S117 Ministerial Direction

The planning proposal is consistent with relevant s117 Directions, as detailed in the planning proposal at **(ATTACHMENT 2)**.

State Environmental Planning Policies

There are no existing or draft State Environmental Planning Policies that prohibit or restrict the proposed development as outlined in the planning proposal. An assessment of relevant State Environmental Planning Policies against the planning proposal is provided in **(ATTACHMENT 2)**.

Department of Planning & Environment Practice Note PN09-003 (12 June 2009) – Classification and reclassification of public land through a local environmental plan

The purpose of the *Department of Planning & Environment Practice Note PN09-003 (12 June 2009) – Classification and reclassification of public land through a local environmental plan* is to provide guidance on how to classify and reclassify public land through a local environmental plan. The planning proposal is consistent with the Practice Note.

Port Stephens Local Environmental Plan 2013

The objectives of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

Amend Part 2 Land classified, or reclassified as operational land – interests changed, Schedule 4 Classification and reclassification of public land to include the subject site as follows:

Locality	Description	Any trusts etc discharged
9B Diemars Road, Salamander Bay	Lot 644 DP 658258,	Nil

Foreshore Management Plan 2009

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The Strategy provides a framework that can be used to protect and enhance the environmental, recreational, aesthetic, economic and cultural values of the Port Stephens foreshore. It provides key considerations for development on the foreshore, such as visual amenity and foreshore stability.

While the Foreshore Management Plan seeks to ensure that foreshore land remains in Council ownership for public use, the landlocked nature of this site limits opportunities for community use. A significant amount of publicly accessible foreshore land is located within 100m from the site.

Open Space Analysis Review 2005

Council has acquired community land via a range of means that have not always resulted in a medium to long term net gain for the community. In the past there has been a lack of coordination and control mechanisms governing the acquisition of community land. This has resulted in Council receiving community land with little community recreation, environmental, social or cultural value.

The planning proposal is an outcome of the Open Space Consolidation Review undertaken in 2006 and 2007.

The Open Space Consolidation Review took a consistent LGA wide approach to directing Council's open space resources. This Review identified that a number of sites were surplus to Council's open space requirements based on a set of selection criteria which reflected Council's open space standards of provision. Council's 2010 draft Open Space Strategy has refined these criteria, and the sites would not be identified as suitable for open space under the draft Open Space Strategy. From an operational perspective, the review of land classifications also resulted in a number of sites being recommended for reclassification to operational land to facilitate improved management regimes.

The site was identified in the Open Space Analysis Review (May 2005) as being suitable for disposal to adjoining land holders as its landlocked nature provides limited opportunities for community use.

The proposed reclassification will allow the site to be sold by Council. An adjoining landholder has expressed interest in purchasing the site for oyster farming operations, consistent with the IN4 zoning.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council becomes liable for illegal use of the land.	Low	Adopt the recommendation to reclassify the site so that it can be sold to adjoining land holders.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are limited social and economic implications arising from this planning proposal. Council will gain an economic benefit from the disposal of the land by generating non-rate income from the sale of the property. Council will save a nominal amount of money in maintenance cost, which includes a biannual inspection and the regular removal of illegally dumped rubbish.

A small disturbed example of Swamp Oak Floodplain Forest, which is listed as an endangered ecological community under the *Threatened Species Conservation Act* 1995, was recorded on site. The vegetation is considered to be of low to moderate quality due to the absence of a native understorey and ground layer.

Council's Vegetation Management Officer conducted a site inspection on 1 July 2016 to identify whether the Swamp Oak Forest was being utilised by koalas. The outcome of the inspection concluded that koalas are utilising the Forest Red Gum (*Eucalyptus tereticornis*) on site.

On review of Council's Biodiversity connectivity corridors, the vegetation present on site has been identified as part of a landscape habitat and local stepping stone wildlife corridor and a landscape link for Koalas.

The planning proposal to reclassify the land will be unlikely to impact on these threatened species and endangered ecological communities. Any future development should be restricted to cleared grassland areas of the site and will need to address the potential environmental impacts.

A review by Council of the Department of Primary Industry Estuarine vegetation mapping identified seagrass (*Zostera*) adjacent to the site. Any future development proposals would need to consider any potential impacts on this sensitive community, such as a decrease in water quality from runoff and sedimentation.

MERGER PROPOSAL IMPLICATIONS

The proposed merger is not anticipated to have any implications on the planning proposal.

CONSULTATION

The planning proposal has been prepared by Strategic Planning, in consultation with Property Services Section.

Internal

Council's Natural Resources team provided comments on the ecological assessment and Foreshore Plan of Management.

External

Government agency - Government agency consultation will be undertaken in accordance with the Gateway determination. It is anticipated that the following agencies will be consulted:

- Department of Primary Industry (Fisheries)
- Office of Environment and Heritage

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- Worimi Local Aboriginal Land Council

Community - The planning proposal will be exhibited in accordance with the Gateway determination. Due to the low impact nature of the planning proposal, is anticipated that an exhibition period of 14 days will be required.

In accordance with the *Local Government Act 1993*, a public hearing must be held on the matter following the exhibition period.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Planning Proposal - 9B Diemars Road, Salamander Bay.

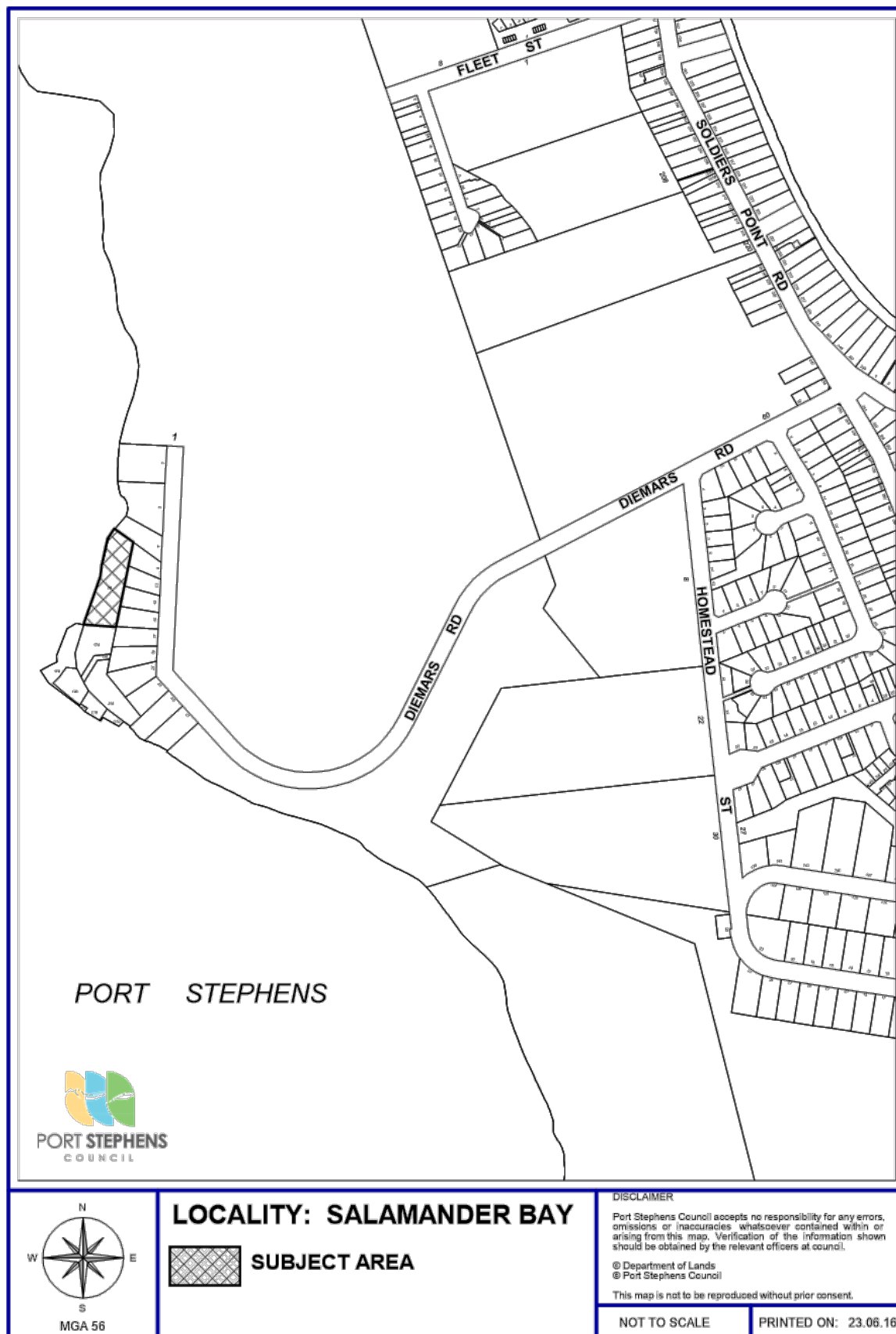
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 LOCALITY PLAN.

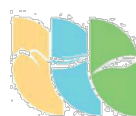




Planning Proposal – 9B Diemars Road, Salamander Bay

**Proposed amendment to Port Stephens Local
Environmental Plan 2013**

Reclassification of Lot 644 DP 658258,
9B Diemars Road, Salamander Bay



PORT STEPHENS
COUNCIL

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**FILE NUMBERS**

Council: PSC2015-01630
Department: To be provided at Gateway Determination.

SUMMARY

Subject land: Lot 644 DP 658258, 9B Diemars Road, Salamander Bay
Proponent: Property Services Section
Zone: IN4 – Working Waterfront Zone (rezoning of land is not proposed)
Current classification: Community
Proposed changes: Reclassify from 'community' to 'operational' land
Purpose: To enable sale of land to adjoining property owner/s

BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP 2013) by reclassifying Lot 644 DP 658258, 9B Diemars Road, Salamander Bay from 'community' to 'operational' land to facilitate the sale of the land to adjoining landowner.

The land is zoned IN4 – Working Waterfront under the PSLEP 2013. The planning proposal does not seek to amend the zoning. The proposed future use of the site for oyster farming operations is permissible in the zone and would be subject to a separate development application.

On 25 November 2008, Council considered a proposal to reclassify the site. At this time, it was resolved that:

Council note further investigation of this land be held in abeyance pending adoption of the draft Foreshore Management Plan.

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The key considerations for any future development proposal include consideration of visual amenity and foreshore stability. Further detail on this matter is provided below.

It is considered that the planning proposal has sufficient merit to proceed to gateway.

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.

SITE

The site is zoned IN4 – Working waterfront and is approximately 3,684m². The site has direct water access to the west and is landlocked by privately owned IN4 zoned land to the north, south and east, which is used for oyster farming operations, oyster processing and a retail facility. The site does not have legal street access.

Part of the site is currently being used, without a formal licence from Council, for the storage of oyster racks and associated materials by an adjoining landholder/oyster farmer. This use is consistent with the IN4 Zone.

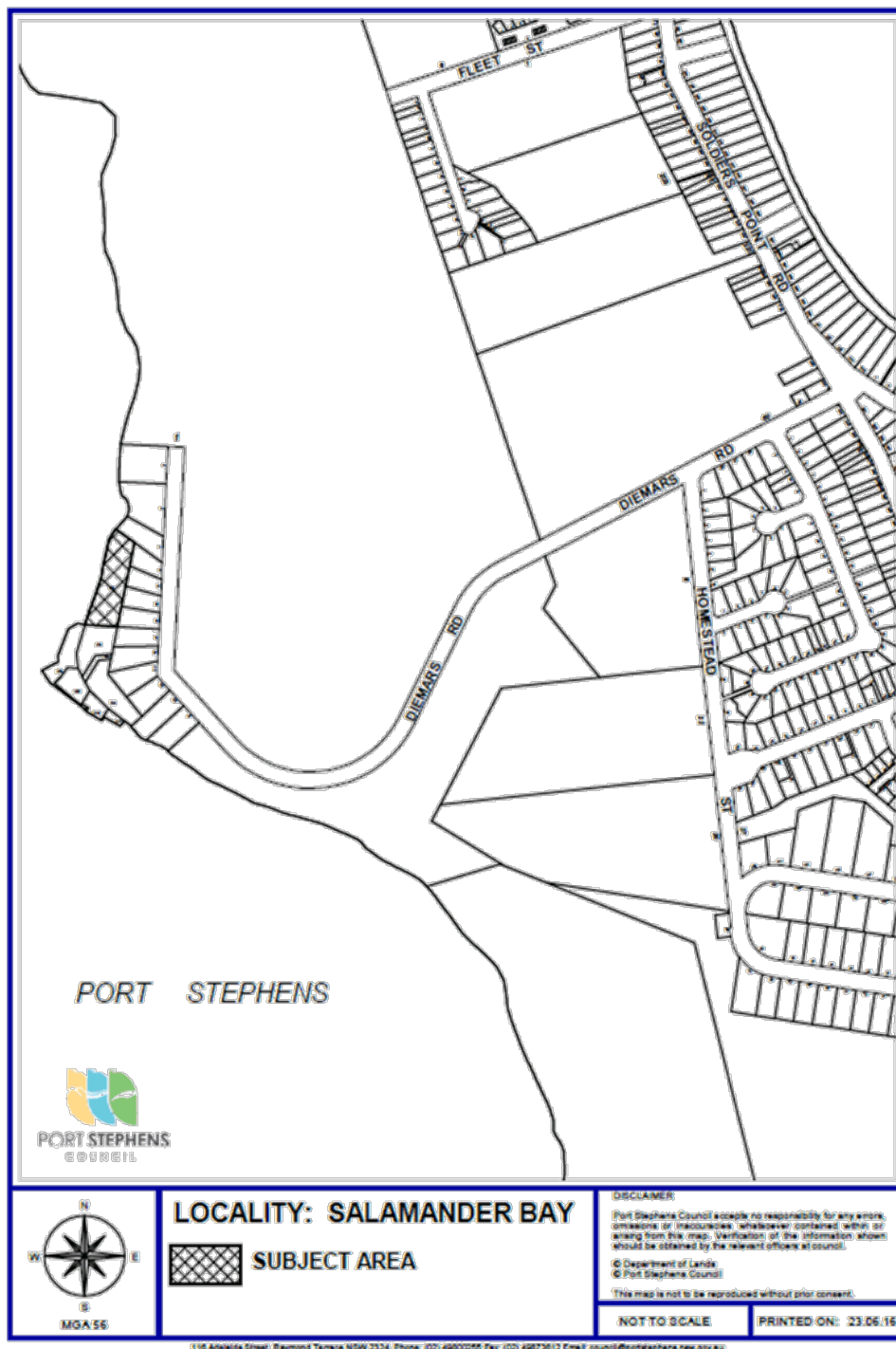
The site contains two vegetation types, being Swamp Oak Sedge Forest and cleared grassed land. A preliminary ecological assessment undertaken identifies that the site contains Swamp Oak Sedge Forest and cleared grassland. This Swamp Oak Sedge Forest consists of an overstorey dominated by Forest Red Gum (*Eucalyptus tereticornis*) and Swamp Oak (*Casuarina glauca*). The understorey was dominated by weed species such as Morning Glory, Asparagus, Lantana and Large-leaved Privet.

The site formed part of the former Naval Base lands, purchased by Council in the 1956/1957. The site was zoned 6(a) Public Recreation under the Port Stephens Local Environmental Plan 1987 and classified as 'community land'. Under the Port Stephens Local Environmental Plan 2000, the site was zoned 4(a) General Industrial and maintained its 'community' land classification. Adjoining land (Lots 1, 2 and 3 DP 212233) was reclassified in 1997 under Amendment No 112 to the LEP 1987 from 'community' to 'operational' land and subsequently sold. This had the effect of land locking the subject site.

Figure 1– 9B Diemars Road, Salamander Bay (page 4) identifies the subject land

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.

FIGURE 1 – NAME OF SITE (land subject to Planning Proposal is shown in red)



ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**PART 1 – Objective of the proposed Local Environmental Plan**

The planning proposal seeks to reclassify the land from 'community' to 'operational' land under the *Local Government Act, 1993*.

The proposal will allow the site to be sold by Council. An adjoining landholder has expressed interest in purchasing the site for oyster farming operations, consistent with the IN4 zoning.

PART 2 – Explanation of the provisions to be included in proposed LEP

The objectives of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

Amend Part 2 Land classified, or reclassified as operational land – interests changed, Schedule 4 Classification and reclassification of public land to include the subject site as follows:

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc discharged
9B Diemars Road, Salamander Bay	Lot 644 DP 658258,	Nil

No mapping amendments are proposed.

PART 3 – Justification for the Planning Proposal**SECTION A – Need for the Planning Proposal****Is the planning proposal a result of any strategic study or report?**

Council has acquired community land via a range of means that have not always resulted in a medium to long term net gain for the community. In the past there has been a lack of coordination and control mechanisms governing the acquisition of community land. This has resulted in Council receiving community land with little community recreation, environmental, social or cultural value.

The planning proposal is an outcome of the Open Space Consolidation Review undertaken in 2006 and 2007.

The Open Space Consolidation Review took a consistent LGA wide approach to directing Council's open space resources. This Review identified that a number of sites were surplus to Council's open space requirements based on a set of selection criteria which reflected Council's open space standards of provision. Council's 2010 draft Open Space Strategy has refined these criteria, and the sites would not be identified as suitable for open space under

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.

the draft Open Space Strategy. From an operational perspective, the review of land classifications also resulted in a number of sites being recommended for reclassification to operational land to facilitate improved management regimes.

The site was identified in the Open Space Analysis Review (May 2005) as being suitable for disposal to adjoining land holders as its landlocked nature provides limited opportunities for community use.

The proposed reclassification will allow the site to be sold by Council. An adjoining landholder has expressed interest in purchasing the site for oyster farming operations, consistent with the IN4 zoning.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Land can be reclassified by either:

- a resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act)
- a local environmental plan

Although councils are encouraged to reclassify land through the *Local Government Act, 1993*, this proposal does not meet the requirements of the *LG Act* for reclassification of land. As such, the planning proposal to amend the *Port Stephens Local Environmental Plan 2013* is the only mechanism available to reclassify this land.

Is there a community benefit?

There is limited community benefit. Given the property's landlocked nature, the community has limited access to the site. There is sufficient and accessible public open space within 100m of the site. There is unlikely to be a negative public impact resulting from the loss of public land.

Council will gain an economic benefit by the disposal of the land.

SECTION B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (LHRS)

The planning proposal is of minor consequence and not within the scope of the LHRS. The planning proposal is not inconsistent with the objectives of the LHRS.

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.

Draft Lower Hunter Growth Plan

The planning proposal is of minor consequence and not within the scope of the Draft Lower Hunter Growth Plan. The planning proposal is not inconsistent with the objectives of the Growth Plan.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022), in particularly Action 2.3.1 – Implement the draft Open Space Strategy, as this land was identified, through the open space analysis review as being suitable for disposal to adjoining land holders due to its landlocked nature and no public access.

Port Stephens Planning Strategy (PSPS) 2011

The planning proposal is of minor consequence and not within the scope of the PSPS. Notwithstanding, there is an identified shortfall of industrial zoned land in Salamander Bay. The reclassification will allow the land to be used for an industrial development that is consistent with the IN4 – Working Waterfront Zone.

Foreshore Management Plan 2013

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The Strategy provides a framework that can be used to protect and enhance the environmental, recreational, aesthetic, economic and cultural values of the Port Stephens foreshore. It provides key considerations for development on the foreshore, such as visual amenity and foreshore stability.

While the Foreshore Management Plan seeks to ensure that foreshore land remains in Council ownership for public use, the landlocked nature of this site limits the opportunities for community use. A significant amount of publicly accessible foreshore land is located within 100m from the site.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no existing or draft State Environmental Planning Policies that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant State Environmental Planning Policies against the planning proposal is provided below.

SEPP 44 – Koala Habitat Protection

Aims & objectives

This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.

habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

Consistency / inconsistency

The 2002 Port Stephens Comprehensive Koala Plan of Management mapping identified the majority of the site as cleared, however this is not consistent with the vegetation identified on site during a site inspection. The vegetation is dominated by Forest Red Gum, a preferred koala feed tree, and Swamp Oak. More detailed koala habitat mapping prepared by Council for the Salamander Bay area identifies the site as Marginal and Cleared.

Based on the results of the preliminary ecological assessment and site inspection by Council, this vegetation represents an existing wildlife corridor from the foreshore through Stoney Ridge Reserve and is likely to represent preferred/supplementary koala habitat.

Council's Natural Resources Team have advised that the site is suitable for reclassification, however further assessment would be required for any future development application proposal.

SEPP 62 – Sustainable Aquaculture

Aims & objectives

The Sepp encourages sustainable aquaculture, including sustainable oyster aquaculture, in the State, namely, aquaculture development which uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced. It also sets development standards for aquaculture, including oyster aquaculture, across the State.

Consistency/inconsistency

The site is within a 'priority oyster aquaculture area', therefore oyster aquaculture can be undertaken without consent pursuant to Clause 8A(3)(a). The proposed reclassification will not prevent future aquaculture development.

The planning proposal is consistent with SEPP 62.

SEPP 71 – Coastal Protection

Aims & objectives

Clause 7(a) of SEPP 71 requires Council to consider a number of matters when preparing a draft LEP on land within the coastal zone in order to protect and manage the the natural, cultural, recreational and economic attributes of the New South Wales coast.

Consistency / inconsistency

The planning proposal has been considered against the Clause 8 matters contained in the SEPP. The planning proposal is consistent with these matters.

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SALAMANDER BAY.**

7. Is the planning proposal consistent with applicable Ministerial Directions?

The planning proposal is consistent with relevant s117 Directions, as detailed below:

1.1 – Business and Industrial Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone.

The site is zoned IN4 – Working Waterfront Zone. The planning proposal does not seek to rezone the site. The reclassification of the site will allow adjoining landholders (should they purchase the site) to utilise the site for oyster operation, consistent with the zone.

The planning proposal is consistent with Direction 1.1.

1.4 – Oyster Aquaculture

Direction 1.4 applies as the site is located in a Priority Oyster Aquaculture Area.

The site will not adversely impact on oyster farming in the area. Land adjoining the site is currently used for oyster operations. Given the landlocked nature of the site, it is likely that it will be purchased by adjoining landholders for use associated with oyster operations. The planning proposal does not seek to amend the zoning of the property.

The planning proposal is consistent with Direction 1.4.

2.2 – Coastal Protection

This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.

The planning proposal is not inconsistent with this Direction. While the Coastal Policy seeks to ensure public access to the foreshore is maintained, the subject site does not currently have public road or pedestrian access. The planning proposal will not impact on the quality of waterways, visual amenity, cultural heritage or coastal processes. These matters may need to be addressed should a development application be lodged over the site in the future.

2.3 – Heritage Conservation

This direction applies when a relevant planning authority prepares a planning proposal.

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The site is not known to contain any items of European or Aboriginal heritage significance. The Foreshore Management Plan does not identify the site as an 'Area of Aboriginal Heritage Sensitivity'.

The proposed reclassification will not have an impact on known European or Aboriginal Heritage. The planning proposal is consistent with Direction 2.3.

SECTION C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A small disturbed example of Swamp Oak Floodplain Forest, which is listed as an endangered ecological community under the *Threatened Species Conservation Act 1995*, was recorded on site. The vegetation is considered to be of low to moderate quality due to the absence of a native understorey and ground layer.

Council's Vegetation Management Officer conducted a site inspection on 1 July 2016 to identify whether the Swamp Oak Forest was being utilised by koalas. The outcome of the inspection concluded that koalas are utilising the Forest Red Gum (*Eucalyptus tereticornis*) on site.

On review of Council's Biodiversity connectivity corridors, the vegetation present on site has been identified as part of a landscape habitat and local stepping stone wildlife corridor and specifically a landscape link for Koalas. The planning proposal to reclassify the land will be unlikely to impact on these threatened species and endangered ecological communities. Any future development should be restricted to cleared grassland areas of the site.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A review by Council of the Department of Primary Industry Estuarine vegetation mapping identified seagrass (*Zostera*) adjacent to the site. Any future development proposals would need to consider any potential impacts on this sensitive community such as a decrease in water quality from runoff and sedimentation.

10. Has the planning proposal adequately addressed any social and economic effects?

There are limited social and economic implications arising from this planning proposal. Council will gain an economic benefit from the disposal of the land by generating non-rate income from the sale of the property. Council will save a nominal amount of money in maintenance cost, which includes a biannual inspection and the regular removal of illegally dumped rubbish.

SECTION D – State and Commonwealth interests

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11. Is there adequate public infrastructure for the planning proposal?

The site is landlocked and does not have road access. Without legal access, it is likely that the site will be sold to adjoining property owners, who have sufficient access to their land via Diemars Road.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with relevant State and Commonwealth Agencies will be undertaken following a Gateway Determination. It is envisaged that the following agencies will be consulted with:

- Department of Primary Industry (Fisheries)
- Worimi Local Aboriginal Land Council
- Office of Environment and Heritage

Part 4 - Mapping

The planning proposal does not propose any mapping amendments.

Part 5 - Details of Community Consultation

Community consultation will be undertaken in accordance with the gateway determination. Due to the low impact of the planning proposal, it is anticipated that a 14 day exhibition period will be required.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay

The planning proposal will also be available on Council's website.

In accordance with the *Local Government Act 1993*, a public hearing will be held on the matter, following the exhibition period.

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Part 6 – Project timeline

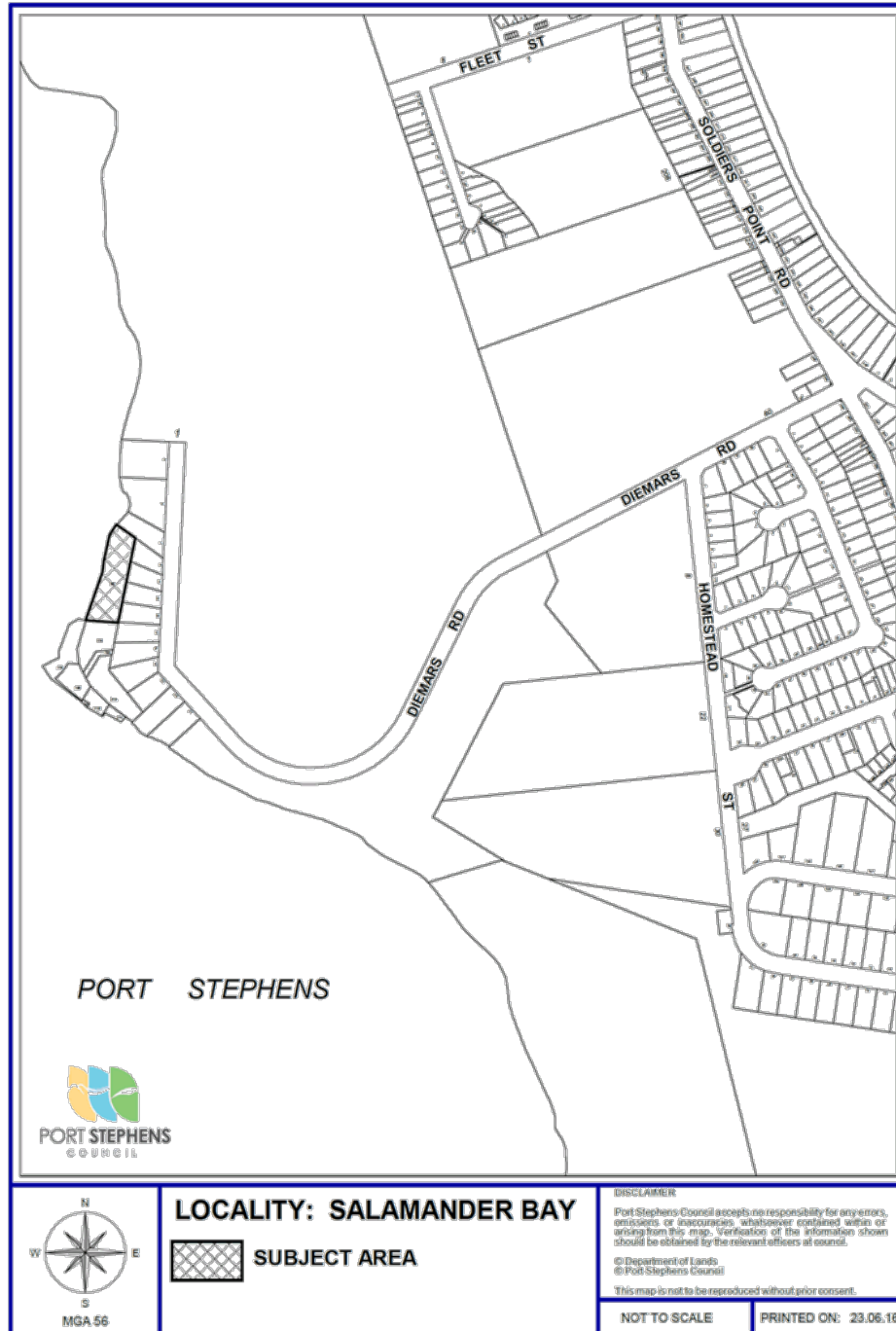
The planning proposal is expected to be reported to Council following the completion of the public exhibition period.

The following timetable is proposed:

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Gateway Determination								
Agency Consultation								
Public Exhibition								
Notification of Public Hearing								
Public Hearing								
Council Report								
Parliamentary Counsel								

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.

Attachment One – Locality Plan



ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.

Attachment Two – Statement of Interest – Reclassification of Lot 644 DP 658258, 9B Diemars Road, Salamander Bay

Introduction

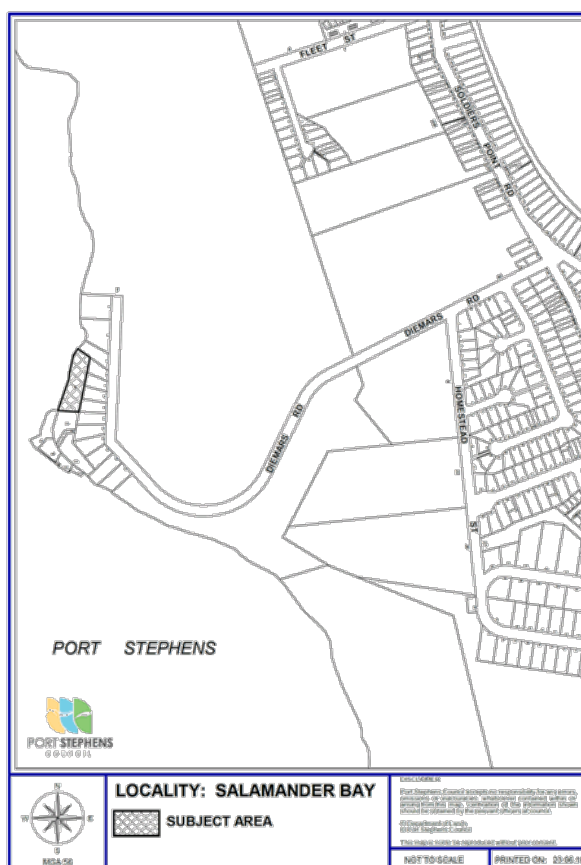
This Statement of Interest (Statement) concerns the reclassification of land under the *Port Stephens Local Environmental Plan 2013*. The proposed reclassification has been prepared in accordance the requirements of Section 27(1) of the *Local Government Act 1993*, and the NSW Department of Planning Practice Note PN 09-003 (12 June 2009) *Classification and reclassification of public land through a local environmental plan* (Practice Note).

The purpose of this Statement is to:

- (a) Identify land owned by Council proposed to be reclassified; and
- (b) allow the community the opportunity to assess the proposal with a full appreciation of all relevant information.

Subject land

The following Statement of Council's Interest concerns Lot 644 DP 658258, 9B Diemars Road, Salamander Bay



ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.

Statement of Council's Interest

- *Current classification of the land*

The land is currently classified as 'community' land under the Local Government Act 1993.

- *Proposed classification of the land*

It is proposed to reclassify the land to 'operational' land under the *Local Government Act 1993*.

- *Justification for the planning proposal*

The site was identified in the Open Space Analysis Review (May 2005) as being suitable for disposal to adjoining land holders due to its landlocked nature and no public access.

- *Council's interest in the land*

Port Stephens Council is the land owner.

- *Reasons why Council acquired an interest*

The land formed part of the former Naval Base lands, purchased by Council in the 1956/1957.

- *Details of any proposal to extinguish or retain other interests in the land through the reclassification*

Council intends to dispose of the land.

- *A justification / explanation as to why such interests are being extinguished*

Council intends to extinguish its interests as the land is surplus to the recreational needs of the community as identified in the Open Space Analysis Review (May 2005).

- *Any rezoning associated with the reclassification*

The site will retain its IN4 – Working Waterfront zoning.

- *Any agreements over the land*

There are no current agreements over the land. An adjoining land owner uses the site informally for the storage of oyster racks and the like in conjunction with oyster farming operations.

- *An indication of the financial gain or loss from the reclassification and the types of benefit that could arise*

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Council intends to sell the site to an adjoining landholder. The landlocked nature of the site is likely to affect the value of the property as it does not have legal street access, which limits its practical use. A formal valuation, along with negotiations, will form the basis of the sale price for the property to be recommended to Council, following the reclassification.

- *Asset Management Objectives*

The planning proposal is consistent with the Open Space Analysis Review that identified the land as surplus to Council's needs and suitable for disposal, due to its landlocked nature, no public access and sufficient public open space within 100m from the site.

- *Whether there has been any agreement for the sale and lease of the land*

There has been no agreement for the sale or lease of the land. The landlocked nature of the site limits the potential buyers to adjoining property owners. An adjoining property owner has informally expressed interest in purchasing the property. All adjoining property owners will be given opportunity to purchase the property.

- *Council's proposed future use of the site*

Council intends to sell the asset.

- *How the reclassification relates to Council's Strategic Framework*

Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022), in particularly Action 2.3.1 – Implement the draft Open Space Strategy, as this land was identified, through the open space analysis review as being suitable for disposal to adjoining land holders due to its landlocked nature and no public access.

Port Stephens Planning Strategy (PSPS) 2011

The planning proposal is of minor consequence and not within the scope of the PSPS. Notwithstanding, there is an identified shortfall of industrial zoned land in Salamander Bay. The reclassification will allow the land to be used for an industrial development that is consistent with the IN4 – Working Waterfront Zone.

Foreshore Management Plan 2013

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The key considerations for any future development proposal include consideration of visual amenity and foreshore stability.

Port Stephens Myall Lakes Estuary Management Plan 2000

The importance of oyster farming at Cromarty Bay is noted in the Management Plan, and strategies related to water quality and wetland protection including the management of stormwater, oyster leases and septic systems is identified. The proposed reclassification is consistent with the strategy. Any future development

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.

application will need to give consideration to the matters containing in the Port Stephens Myall Lakes Estuary Management Plan 2000.

- *Site specific requirements*

There are no site specific requirements

- *Any preliminary comments by a relevant government agency, including and agency in which the land is vested or held*

No preliminary advice of government agencies has been obtained. Consultation with relevant agencies will occur in accordance with Gateway requirements.

- *Consideration of any relevant directions, eg section 117 Direction 6.2 – Reserving Land for Public Purposes*

The planning proposal is consistent with relevant s117 Directions, as detailed below:

1.1 – Business and Industrial Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone.

The site is zoned IN4 – Working Waterfront Zone. The planning proposal does not seek to rezone the site. The reclassification of the site will allow adjoining landholders (should they purchase the site) to utilise the site for oyster operation, consistent with the zone.

The planning proposal is consistent with Direction 1.1.

1.4 – Oyster Aquaculture

Direction 1.4 applies as the site is located in a Priority Oyster Aquaculture Area.

The site will not adversely impact on oyster farming in the area. Land adjoining the site is currently used for oyster operations. Given the landlocked nature of the site, it is likely that it will be purchased by adjoining landholders for use associated with oyster operations. The planning proposal does not seek to amend the zoning of the property.

The planning proposal is consistent with Direction 1.4.

2.2 – Coastal Protection

This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.

The planning proposal is not inconsistent with this Direction. While the Coastal Policy seeks to ensure public access to the foreshore is maintained, the subject site does not currently have public road or pedestrian access. The planning proposal will not impact on the quality of waterways, visual amenity, cultural heritage or coastal processes. These matters may need to be addressed should a development application be lodged over the site in the future.

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SALAMANDER BAY.

2.3 – Heritage Conservation

This direction applies when a relevant planning authority prepares a planning proposal.

The site is not known to contain any items of European or Aboriginal heritage significance. The Foreshore Management Plan does not identify the site as an 'Area of Aboriginal Heritage Sensitivity'.

The proposed reclassification will not have an impact on known European or Aboriginal Heritage. The planning proposal is consistent with Direction 2.3.

- *Relevant matters required in plan making under the EP&A Act*

The reclassification is being processed in accordance with Part 3 of the *EP&A Act*.

Public hearing

The proposed reclassification is to be the subject of a public hearing pursuant to section 29 of the *Local Government Act 1993* and *PN09-003*.

ITEM NO. 3

FILE NO: 16/356442
RM8 REF NO: PSC2014-00920

**PLANNING PROPOSAL - KINDLEBARK DRIVE AND HERITAGE AVENUE,
MEDOWIE**

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal at (**ATTACHMENT 1**) to amend the *Port Stephens Local Environmental Plan 2013* by:
 - a) Rezoning from R5 Large Lot Residential to R2 Low Density Residential (including an amendment to the Lot Size Map to 500m² and Height of Building Map to 9m) in respect of 142 Kindlebark Drive (Lot 10 DP 1154803); 1A Heritage Avenue (Lot 61 DP 1106425); 140A Kindlebark Drive (Lot 2 DP 270731); 140 Kindlebark Drive (Lot 3 DP 270731); 1/1 Heritage Avenue (Lot 4 DP 270731); 2/1 Heritage Avenue (Lot 5 DP 270731); and 140B Kindlebark Drive (Lot 6 DP 270731); and
 - b) Including Schedule 1 *Additional permitted uses* in respect of land at 142 Kindlebark Drive (Lot 10 DP 1154803) to permit:
 - hotel or motel accommodation;
 - function centre;
 - restaurant or café;
 - small bar;
 - cellar door premises;
 - commercial premises being 'business premises', 'shops' and 'takeaway food and drink premises.
 - 2) Exercise its delegations under Section 59 of the *Environmental Planning and Assessment Act 1979* (NSW) to finalise the plan.
-

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

274	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council: <ol style="list-style-type: none">1) Adopt the Planning Proposal at (ATTACHMENT 1) to amend the <i>Port Stephens Local Environmental Plan 2013</i> by:a) Rezoning from R5 Large Lot Residential to R2 Low Density Residential (including an amendment to the Lot Size Map to 500m²
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	and Height of Building Map to 9m) in respect of 142 Kindiebark Drive (Lot 10 DP1154803); 1A Heritage Avenue (Lot 61 DP 1106425); 140A Kindiebark Drive (Lot 2 DP 270731); 140 Kindiebark Drive (Lot 3 DP 270731); 1/1 Heritage Avenue (Lot 4 DP 270731); 2/1 Heritage Avenue (Lot 5 DP 270731); and 140B Kindiebark Drive (Lot 6 DP 270731); and
b)	Including Schedule 1 <i>Additional permitted uses</i> in respect of land at 142 Kindiebark Drive (Lot 10 DP 1154803) to permit: <ul style="list-style-type: none">- hotel or motel accommodation;- function centre;- restaurant or café;- small bar;- cellar door premises;- commercial premises being 'business premises', 'shops' and 'takeaway food and drink premises.
2)	Exercise its delegations under Section 59 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) to finalise the plan.

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

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to consider submissions following public exhibition of the Planning Proposal to rezone the subject land from R5 Large Lot Residential to R2 Low Density Residential (including an amendment to the Lot Size Map to 500m² and Height of Building Map to 9m).

The proposal also seeks to formalise and provide limited expansion of the existing uses on Lot 10 DP 1154803 (142 Kindiebark Drive, Medowie) by amending Schedule 1 *Additional permitted uses* of *Port Stephens Local Environmental Plan 2013* to permit with development consent: hotel or motel accommodation; function centre; restaurant or café; small bar; cellar door premises; business premises; shops; and takeaway food and drink premises.

Proponent:	Untapped Planning (on behalf of the landowners)
Subject Land:	142 Kindlebark Drive (Lot 10 DP 1154803) 140 Kindlebark Drive (Lot 3 DP 270731) 140A Kindlebark Drive (Lot 2 DP 270731) 140B Kindlebark Drive (Lot 6 DP 270731) 140C Kindlebark Drive (Lot 1 DP 270731) 1A Heritage Avenue (Lot 61 DP 1106425) 1/1 Heritage Avenue (Lot 4 DP 270731) 2/1 Heritage Avenue (Lot 5 DP 270731)
Total Area:	1.06 Hectares
Existing Zoning:	R5 Large Lot Residential
Current Uses:	142 Kindlebark Drive: Pioneer Ridge Boutique Winery with cellar door sales, restaurant and function centre, garden centre and gift gallery. 140, 140A, 140B, 140C Kindlebark Drive; 1A, 1/1, 2/1, Heritage Avenue: a single dwelling, an approved seniors housing complex with four of the approved 17 units constructed (or under construction) and includes Middleby Road, an open access way.
Proposed Amendment:	a) Rezone from R5 Large Lot Residential to R2 Low Density Residential (including accompanying amendment to the Lot Size Map to 500m ² and Height of Building Map to 9m). b) Additional permitted uses within 142 Kindlebark Drive: hotel or motel accommodation; function centre; restaurant or café; small bar; cellar door premises; business premises; shops; and takeaway food and drink premises. c) Restriction of size of Additional permitted uses by limiting the retail floor space of individual tenancies to 100sqm and restrict the combined commercial premises to 15% of the land.
Potential Lot Yield:	Approximately 15 residential allotments and 1 lot with additional permitted uses.

At its meeting on 28 July 2015 Council resolved to prepare the Planning Proposal and seek a Gateway determination from the NSW Department of Planning and Environment (the Department). The report also requested a traffic impact assessment and additional economic advice post-Gateway Determination.

A conditional Gateway determination was received from the Department on the 15 September 2015.

Additional information was submitted by the Proponent in January 2016 to address the Gateway determination and Council resolution prior to consultation with public authorities and public exhibition.

Consultation with public authorities was undertaken and the key matters raised from the submissions can be appropriately addressed at the development application stage. The public authorities raised no objection to the Planning Proposal proceeding.

In accordance with the Gateway determination, the Planning Proposal was placed on public exhibition for 14 days from 2 June 2016 until 16 June 2016. Additional notification was also given in writing to adjoining landowners during the exhibition stage. However, no submissions were received.

The Department was consulted post exhibition regarding the adequacy of the additional information. At this point, there are no information requirements that would inhibit Council in exercising their delegations to make this Plan.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

The Proponent has paid Stage 1 and 2 rezoning fees in accordance with the Council's Fees and Charges Scheme. In accordance with Council's Fees and Charges 2015-2016, a Stage 3 fee of \$5,250 will be required if the recommendation is supported by Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	2,000 10,500 5,250	Stage 1 fees – 20/02/2014 Stage 2 fees – 13/05/2016 Stage 3 fees – date to be advised
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979

If Council resolves to proceed with the recommendation of this Report it will be forwarded to the Department to request Council to use its delegations under Section 59 of the *Environmental Planning and Assessment Act 1979* (NSW) to finalise the plan and amend the *Port Stephens Local Environmental Plan 2013*.

Consistency with relevant Ministerial 117 directions and State Environmental Planning Policies

The proposal (**ATTACHMENT 1**) lists consistency with those applicable State Environmental Planning Policies (SEPP) and relevant s. 117 Ministerial Directions. As part of the gateway determination the Department requested additional information for SEPP 44 Koala Habitat Protection and SEPP 55 Remediation of Land which have now been addressed in the Planning Proposal. The Department has been consulted post exhibition to confirm the adequacy of the additional information and satisfaction in addressing those SEPPs as well as consistency with relevant s. 117 Ministerial Directions.

Gateway Determination

The requirements of the Gateway determination that was issued by the Department on 9 December 2014 have been satisfied:

- 1) Update the Explanation of Provisions section in the Planning Proposal to refer to the correct lot size map LSZ_004B and amend the Objectives section to refer to the full list of additional permitted uses proposed for the site.
 - Council has amended the Planning Proposal to address this.
- 2) Amendments to the assessments against SEPP 55 – Remediation of Land and the performance criteria for rezoning requests in the Port Stephens Comprehensive Koala Plan of Management (SEPP 44 - Koala Habitat Protection).
 - Further information was received which satisfies the requirements of both SEPPs.
- 3) Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
 - Consultation took place from Thursday, 2 June to Thursday, 16 June 2016 (in accordance with the NSW Government, 2013, Department of Planning & Infrastructure (former title) A Guide to Preparing LEPs).
- 4) Consultation is required with Hunter Water Corporation and NSW Rural Fire Service under section 56(2)(d) of the EP&A Act.
 - Both agencies were consulted during April 2016.
- 5) A public hearing is not required.
 - A public hearing was not held.
- 6) The timeframe for completing the LEP is twelve months.

- The Planning Proposal is on track to meet the completion time. If required a gateway extension will be requested.

Lower Hunter Regional Strategy

The *Lower Hunter Regional Strategy* identifies Medowie as an urban area with boundaries to be defined through local planning. The Planning Proposal is of local planning significance and is not inconsistent with the relevant objectives and actions of the Lower Hunter Regional Strategy.

Port Stephens Planning Strategy

The *Port Stephens Planning Strategy* identifies Medowie as a Priority 1 Infill and New Release Area. The Planning Proposal is generally consistent with the Port Stephens Planning Strategy. The Planning Proposal does not seek to impact on floor space demand in the town centre by limiting the additional permitted land uses and floor space through Schedule 1 Additional Permitted Uses of *Port Stephens Local Environmental Plan 2013*.

Medowie Strategy

The subject land is not identified for a change in land use in the *Medowie Strategy*. The Medowie Strategy (currently under review) encourages consolidation of commercial uses within the town centre, and supports existing unique commercial uses on prominent sites (such as Pioneer Ridge Boutique Winery subject to of this Planning Proposal) as important local attractions.

The introduction of a Schedule 1 Additional permitted uses clause would allow limited expansion of the established existing use to include limited specific complementary uses on the site. This approach permits the future growth of the existing business without impacting on existing commercially zoned land in the Medowie town centre. The proposed limitations will ensure the activities on the site will not fragment the commercial hierarchy of the LGA or the Medowie town centre, but will allow a modest expansion of the subject land as a site specific local attraction.

The subject land is a large land holding close to the town centre, providing opportunity for infill development and urban consolidation to help achieve housing targets in Medowie. The subject land is located on the fringe of the R5 Large Lot Residential Zone and adjacent to land zoned R2 Low Density Residential with potential for infill development. The proposed rezoning is consistent with the existing adjacent land zoning to the south.

Port Stephens Local Environmental Plan 2013

The Planning Proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* Land Zoning Map, Lot Size Map, and Height of Building Map. It also proposes to introduce additional permitted uses to Schedule 1 *Additional permitted uses* clause.

MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the proposed expansion of the commercial uses could negatively impact on the Medowie Town Centre.	Medium	Limit the range and floor area of permitted land uses via Schedule 1 <i>Additional permitted uses</i> of the Port Stephens Local Environmental Plan 2013.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Planning Proposal will have a positive social and economic effect through the provision of a potential long term lot yield of 15 residential lots in Medowie. The Planning Proposal will allow limited expansion of commercial land uses will support the existing business operating from the site without impacting on the Medowie Town Centre.

The site is primarily cleared of vegetation. Environmental impacts can be managed at the development application stage. This is consistent with the cleared nature of the majority of the site.

The additional daily traffic generated by the Planning Proposal is within the capacity of both Medowie Road and Kindlebark Drive.

Additional works which require further consideration at the development application stage are:

- Parking provision;
- Site access (any access and egress to the site will be required via Kindlebark Drive or Heritage Avenue);
- The existing road reserves (Middleby Grove) will need to be widened to meet the requirements of Council's Infrastructure Specifications; and
- Footpath connections will be required to existing bus facilities on Medowie Road and an extension of the shared path along Medowie Road.

MERGER PROPOSAL IMPLICATIONS

The Newcastle City Council or Dungog Council and Port Stephens merger proposals are not anticipated to have any implications on the Planning Proposal.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Planning within the Strategy and Environment Section.

Internal

- Internal consultation on the planning proposal was undertaken with Economic Development, Natural Resources and Assets Section.
- At its meeting on 28 July 2015 Council resolved to prepare the Planning Proposal and seek a Gateway determination from the NSW Department of Planning and Environment (the Department).

External

- A conditional Gateway determination was received from the Department of Planning & Environment on the 15 September 2015.
- Hunter Water Corporation and NSW Rural Fire Service were consulted in April 2016 in accordance with the Gateway Determination. The issues identified in submissions from public authorities are considered minor and can be addressed at development application stage. A submission summary table is provided in **(ATTACHMENT 2)**.
- The Planning Proposal was placed on public exhibition from 2 June 2016 to 16 June 2016 (14 days) during normal business hours in accordance with the Gateway Determination. Notification was given in writing to adjoining and adjacent landowners during the exhibition stage. No submissions were received.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal - Kindlebark Drive, Medowie. (Provided under separate cover)
- 2) Summary of Public Authority Responses.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 2 SUMMARY OF PUBLIC AUTHORITY RESPONSES.

Public Authority Responses

The following is an overview of the consultation that has been undertaken, in April 2016, in accordance with the Gateway Determination:

Public Authority	Summary of Advice Received	Planning Response
Hunter Water Corporation	<p>No objections to the Planning Proposal. The developer will have to continue to liaise with Hunter Water as additional information will be required at development application stage.</p> <p><i>Water Supply</i> The development site has frontage to a 200mm UPVC water main in Medowie Road. There is currently sufficient capacity available in this main to serve the proposed development.</p> <p><i>Wastewater Transportation</i> The nearest point of connection to the existing sewer system is to manhole. The developer should confirm by field survey the ability of all land within the development site to drain to this point. There is currently sufficient capacity available in this main to serve the proposed development.</p> <p><i>Water Resources</i> The majority of the development site falls within Hunter Water's Grahamstown Dam Drinking Water Special Area as gazetted in the NSW <i>Hunter Water Regulation 2015</i>. The site falls entirely within the Campvale Canal catchment, which drains to Grahamstown Dam. Hunter Water expects that all development in drinking water catchments will demonstrate Neutral or Beneficial Effect on Water Quality (NorBE). The development application should demonstrate how the stormwater and drainage systems will meet NorBE.</p>	The comments can be addressed at development application stage.
NSW Rural Fire Service	<p>No objection to the proposal.</p> <p>The future subdivision of the land must comply with the <i>Planning for Bushfire Protection 2006</i>. This includes:</p> <ul style="list-style-type: none"> • Provision of Asset Protection Zones within the proposed lots in accordance with Table A2.4 and Table A2.6; and • Access and services to be provided in accordance with the design specification set out in section 4.1.3 Standards for Bush Fire Protection Measures for Residential and Rural Residential Subdivision. 	The comments can be addressed at development application stage.

ITEM NO. 4

**FILE NO: 16/392117
RM8 REF NO: PSC2015-03989**

SUSTAINABILITY REVIEW - PORT STEPHENS BUSINESS CENTRE

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Note the information contained in the Service Strategy Review of the Port Stephens Business Centre **(TABLED DOCUMENT 1)**.
 - 2) Endorse the recommendations contained within the Service Strategy Review of the Port Stephens Business Centre including the closing down of the Port Stephens Business Centre.
-

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

275	<p>Councillor Ken Jordan Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Note the information contained in the Service Strategy Review of the Port Stephens Business Centre (TABLED DOCUMENT 1).2) Endorse the recommendations contained within the Service Strategy Review of the Port Stephens Business Centre including the closing down of the Port Stephens Business Centre.
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BACKGROUND

The purpose of this report is to present to Council the outcomes of the Service Strategy Review of the Port Stephens Business Centre and seek endorsement of the recommendations contained within the report.

Service Strategy Review

A formal review of the Port Stephens Business Centre (PSBC) was endorsed by Council at its meeting of 14 April 2015 (Minute No. 073), as an outcome of the Sustainability Review undertaken of the Strategy and Environment Section. The review of the PSBC has focused on the current service provision and whether the programs initially set up in 2000 remain worthwhile and add value to the objectives of Council's Economic Development program.

The purpose of the Economic Development program is to facilitate economic growth and capacity within Port Stephens by attracting investment to the area and providing a business enabling environment. This is achieved by the Economic Development Unit's focussing resources on:

- Economic Data Analysis and Advice;
- Business Liaison and Support;
- Business Advocacy and Communications; and
- Place Management and Activation.

Port Stephens Business Centre

Port Stephens Business Centre (PSBC), formerly Communicate Port Stephens (2009-2014) and Port Stephens Telecentre, opened in 2000. Its establishment resulted from a State Government grant and funding from Council to provide community access to the latest in computer technology which, at the time, was less common in households as it is today. The PSBC currently occupies shops 6, 7, and 8 on 42 William Street Raymond Terrace Centre, property owned by Council.

Originally the centre hosted work experience students, volunteers and *Work for the Dole* participants with 1 FTE Council employee. Currently operations include 1 FTE from the Economic Development Unit of Strategy & Environment, with help from 2-3 volunteers covering front office duties. The *Work for the Dole* contract was not renewed in September 2015.

Services currently provided include: business workshops; room hire (users include education providers, employment agencies, training providers, community and business); office and internet services; handling general business and tourism enquiries; and managing the Raymond Terrace CCTV system.

Monthly reporting undertaken following Council's decision in April 2015 has monitored the scope and scale of activities undertaken to confirm if the resources allocated to the PSBC are the best use of Council and Economic Development resources. This found that the scope of services had moved away from supporting small business, towards community services which could be provided more efficiently through other sources and providers including the Raymond Terrace Library. These findings are summarised within the Service Strategy Review – Port Stephens Business Centre as outlined below and included as **(TABLED DOCUMENT 1)**.

Service Review Findings

The Service Strategy Review – Port Stephens Business Centre indicates when the PSBC was established there was a gap in the market for internet service provision. Over time the market has matured and changing technology has increased public and private access to the internet. In addition, if the centre was to provide high quality and up to date information technology services there would be considerable additional cost to provide a service now available in most households.

This change over time has seen business activities reduced with a move towards supporting the disadvantaged and seniors who are now using the PSBC for office services and room hire. It is also evident in the types of programs being run through the centre e.g. Education Providers running Employment Pathway programs, Seniors IT Training programs, and a Broadband for Seniors Kiosk.

Service Review Recommendations

- a) Discontinue Economic Development unit's role and commitments to the Port Stephens Business Centre and focus the unit on core economic development objectives that provide the greatest value to Council and local business;
- b) Develop communications and transition plans to provide suitable alternative arrangements and options for all stakeholders and users currently using the PSBC premises, with Property Services taking up complete ownership of building and property management;
- c) Engaging Organisational Development to assist with staff/volunteers at the centre with respect to employment/volunteer opportunities at Council;
- d) Negotiating an alternate strategy for the management of, and liaising with Local Area Command in relation to the Raymond Terrace CCTV system (currently housed within the PSBC); and
- e) Organising an internal working group to coordinate the ongoing ownership and management of assets located at the centre.

Summary

The review provides compelling operational grounds for the consolidation of Economic Development resources and services to be focused on activities that provide the greatest value to Council and local business. Consequently the best option is to discontinue Economic Development's roles and commitments to the PSBC and focus these on core economic development objectives.

Subject to appropriate consultation and negotiation, with no current licence agreements in place with respect to room hire or programs being run, it is recommended that discussions with stakeholders progress with the aim of the Economic Development unit's involvement ceasing as soon as practicably possible.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Economic Development.	Provide processes and services that deliver benefit to tourism in Port Stephens. Provide Economic Development services to local business.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications arising from this recommendation, with funding reallocated to Economic Development to achieve core objectives.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are minimal legal, policy and risk implications involved in adopting the recommendation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the current room hire occupants may not wish to negotiate tenancy arrangements with Council.	Low	Consult with existing room hire occupants at the centre to facilitate negotiation with the Property section of Council.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There is a risk of substantial expenditure to modernise the facility to meet the current market environment should Council elect to retain the PSBC in its existing format. Capital budget has not been allocated to modernise the facility nor is this recognised as a sustainable business model.

MERGER PROPOSAL IMPLICATIONS

The proposed recommendation has no impact on any potential Council amalgamations involving Port Stephens Council.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section.

Internal

Extensive internal consultation with the following sections of Council: Property Services, Community Services, Communications, Organisational Development and staff directly involved in the operation of the centre.

External

Existing stakeholders of the centre with room hire of two days per week have been advised of the review process. Whilst there are no current lease arrangements in place, we will continue to liaise with stakeholders on the short to medium term operation of the centre.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Service Strategy Review – Port Stephens Business Centre.

ITEM NO. 5

**FILE NO: 16/409140
RM8 REF NO: PSC2013-00406**

POLICY REVIEW: CORPORATE SPONSORSHIP POLICY

REPORT OF: ROSS SMART - COMMUNICATIONS SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Corporate Sponsorship Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Corporate Sponsorship 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 Corporate Sponsorship Policy dated 13 August 2013, Minute No. 219 **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

276	<p>Councillor Chris Doohan Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Corporate Sponsorship Policy shown at (ATTACHMENT 1).2) Place the Corporate Sponsorship 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 Corporate Sponsorship Policy dated 13 August 2013, Minute No. 219 (ATTACHMENT 2), should no submissions be received.
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BACKGROUND

The purpose of this report is to seek Council's resolution to place the revised Corporate Sponsorship Policy on public exhibition for 28 days and to invite submissions. This is the third iteration of the policy which was first adopted in 2009 and last revised in August 2014.

A number of changes have been made in this version of the policy, the vast majority of which relate to minor wording and syntax-related amendments. The policy has also been placed into the new template in order to align to Council branding which was revised post the last adoption of the policy.

Material changes to the policy relate to the increase of the dollar amount which can be authorised by delegation of the General Manager without requiring a Council resolution, from \$10,000 under the current version of the policy to \$20,000 in the revised. This change is in line with the recommendations contained within the Grants, Donations and Sponsorships Review, which was endorsed by Council at its meeting of 25 August 2015, Minute No. 250, namely:

- i) Review all sponsorship programs and streamline programs.

This change was made in collaboration with the Strategy & Environment Section Manager and the Tourism & Events Coordinator, who are responsible for overseeing execution of the majority of Council sponsorships. It will allow greater flexibility to timely negotiate and enter into agreements with organisations and groups while also increasing the level of oversight and approval than is evident in the current version of the policy.

The other material change to the policy is contained within the Scope section of the document, providing further clarity around sponsorship's role as a marketing and advertising function of the organisation, as opposed to the provision of financial assistance under the *Local Government Act 1993*. This distinction was another key outcome of the review into Grants, Donations and Sponsorships in 2015.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Reputation.	Strengthen Council's brand and reputation.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications related to the adoption of the revised policy.

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

MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016

Source of Funds	Yes/No	Funding (\$)	Comment
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Corporate Sponsorship Policy provides an equitable framework through which Council can both sponsor community and commercial initiatives and also seek sponsorship for its own activities.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may enter into sponsorship arrangements without a formal framework in place, leading to financial and reputation loss.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Corporate Sponsorship Policy ensures equitable decisions are made by Council with regard to sponsorship arrangements while at the same time ensuring community expectations are met.

MERGER PROPOSAL IMPLICATIONS

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications Section to ensure alignment with corporate objectives and also to ensure community and commercial expectations continue to be met.

Internal

Strategy & Environment Section; Tourism & Events Unit; Grants, Donations & Sponsorships Review Team; Development Services Group Manager.

External

It is proposed to place the draft Corporate Sponsorship Policy on public exhibition for a period of 28 days and invite members of the community to make submissions.

OPTIONS

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

ATTACHMENTS

- 1) Revised Corporate Sponsorship Policy.
- 2) Corporate Sponsorship Policy dated 13 August 2013, Minute No. 219.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2013-00406

TITLE: CORPORATE SPONSORSHIP POLICY

POLICY OWNER: COMMUNICATIONS SECTION MANAGER

PURPOSE:

This policy provides clarity around the means in which Council distributes and receives sponsorship, enabling Council to engage in corporate sponsorship arrangements. This policy will allow openness, transparency and accountability in the execution of Council sponsorship, and allow Council to take a proactive approach to providing sponsorship as a marketing tool.

CONTEXT/BACKGROUND:

Corporate sponsorship is a key marketing function of Port Stephens Council. Through its sponsorship program, Council sponsors initiatives and events through the provision of financial and in-kind support, as well as seeking sponsorship from business for those Council programs which offer direct community benefit.

It is important that sponsorships meet community expectations while also supporting and promoting the organisations key objectives. This policy ensures consistency in approach and effective outcomes for the organisation and the community.

Sponsorship should be advantageous to both parties, however Council must ensure sponsorship agreements do not compromise or bring into question the integrity of Council operations.

SCOPE:

This policy provides a framework through which Council enters into sponsorship arrangements. Particularly, it applies when Council:

- provides sponsorship to third parties (Council as sponsor); or
- seeks sponsorship from third parties for Council initiatives.

Sponsorship is a form of advertising Council as an organisation for branding or reputation related return on investment, rather than providing conditional funding to persons in order to exercise Council's functions. As a result, sponsorship is not considered to be financial assistance under the *Local Government Act 1993*, but is a key marketing function of Council as an organisation.

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Policy



As a result, this policy does not apply to other forms of financial assistance, including grants, donations, and loans, in all their various forms. Such arrangements are governed under Council's Grants and Donations Policy.

DEFINITIONS:

An outline of the key definitions of terms included in the policy.

Sponsorship	A commercial relationship between Council and a third party (organisation, group or individual), governed by written agreement. Sponsorship involves provision of financial or non-financial (in-kind) support in return for mutually agreed economic, cultural, community or reputational benefits.
Financial assistance (grants, donations, loans)	Other financial mechanisms provided by Council to organisations or individuals to support activities in line with Council's Community Strategic Plan. Such mechanisms include grants, donations and loans, provided under the cover of s356 of the <i>Local Government Act 1993</i> and Council's Grants and Donations Policy.

POLICY STATEMENT:

Port Stephens Council is committed to entering into sponsorships that offer mutually agreed benefit to all parties as well as benefits to the wider community. Sponsorship can take the form of Council providing or seeking sponsorship from a third party of money, goods or services.

Criteria for providing sponsorship (Council as sponsor):

All sponsorship applications are considered on a case-by-case basis. To be eligible to apply to Council for financial or in-kind sponsorship, the following criteria must be met:

- Applications must be submitted to Council more than 28 days out from the event or initiative that is the subject of the sponsorship application. Applications received less than 28 days out from the event or initiative will not be considered;
- In the event of a sponsorship application from a group or organisation, the group or organisation must be legally registered or constituted and not part of Council;
- Council may, at its discretion, enter into fixed-term, multi-year sponsorship agreements with suitable organisations for proven events or initiatives;
- In the event of a sponsorship application from a group or organisation, it is preferable that the group or organisation be based in or operate from within the Port Stephens LGA. However, applications from outside of the LGA may also be considered; and

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Policy



- In the event of a sponsorship application from an individual, the individual must reside within the Port Stephens LGA.

One or more of the following should be demonstrated in support of the sponsorship application:

- Economic benefit to the community. This could be in terms of increased visitation, increased economic activity by way of visitor spend, overnight accommodation take up, or increased consumption or promotion of local products.
- Reputational return to Council. Branding opportunity to raise the profile of the Council should be evident and quantified. This could be in terms of inclusion in event promotions, signage and advertising, or by allowing Council involvement in the event (through speeches from elected officials, provision of community engagement opportunities, or other clearly defined opportunities) which allows Council the opportunity to strengthen its ties to the community.
- Reputational return to the Port Stephens area. Promotional opportunity for the Port Stephens area should be evident and quantified. This may be through an event or initiative's core purpose (such as tourism, food, wine, agribusiness, clean environment etc), or through the provision of opportunities for local providers to be involved in the sponsored event or initiative.
- Provision of legacy infrastructure. In some cases, delivery of major events will necessitate the implementation of hard infrastructure (community facilities or ancillary services) on public land. Works may be conducted by Council or by event or initiative organisers, with approval from Council. In such cases, sponsorship applications should include detail of infrastructure needs and their long term community benefits.

Criteria for seeking sponsorship (Sponsorship of Council initiatives):

Council must ensure a consistent and strategic approach is applied when seeking financial or in-kind sponsorships to assist in the staging of its promotions and activities.

Opportunities to sponsor a Council activity must be advertised and clearly communicated to the public through an Expression of Interest (EOI) process. If an overwhelming reason exists not to undertake an EOI process (ie demanding timeframes or availability of relevant sponsors) this must be first approved by the relevant Group Manager and the Communications Section Manager prior to entering any agreement.

EOI's will be evaluated against the following criteria:

- Is the business/organisation offering sponsorship which the Council wishes to be identified with i.e. will not bring the Council into disrepute?

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Policy



- Is there a risk that a public perception could be formed that an individual/business has received favourable treatment due to its sponsorship?
- Would the donation signify to the community a religious or political bias?

Benefits supplied to sponsors will be determined by:

- The value of the sponsorship in dollar terms;
- The length of the sponsorship; and
- The type of assets, services, function or program being sponsored.

All arrangements must be finalised in writing prior to implementation or exchange of money or receipt of sponsorship benefits.

The following is a list of the types of benefits that may be offered by Council when developing a sponsorship package:

- Acknowledgement of the sponsor, via the inclusion of sponsor branding in promotional material associated with the event or initiative.
- Allowing display signage and other promotional material on behalf of the sponsor at selected Council events or facilities associated with the sponsorship.
- Where appropriate, invitation to sponsor officials to participate in formal proceedings as part of the event or initiative.
- Reference to the sponsor in official media releases issued by Council promoting the event/activity.

Sponsorship Partners

Council will only enter into sponsorship agreements with reputable organisations or groups. The public image, products or services of sponsorship partners must be consistent with the values, goals and policies of Port Stephens Council.

Any organisation or group that has the potential to involve Council in controversial issues, or expose the Council to adverse criticism will not be considered for sponsorship or as a sponsor.

No sponsorship arrangements will be entered into which impose or imply conditions that would limit, or appear to limit Council's ability to carry out its functions fully and impartially.

No Councillor or employee, or members of their families, are to receive personal benefit from the sponsorship.

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Policy



Should a Councillor or employee perceive a potential conflict of interest in dealing with a sponsor on Council's behalf, that potential conflict of interest is to be declared to the General Manager.

Sponsorship agreements

All sponsorship agreements must be subject to a written contract and conditions will be fully described in a written agreement which clearly sets out:

- The term of the sponsorship and any conditions regarding renewal;
- The benefits available to Council and the sponsor;
- Financial accountability requirements;
- The scope of uses which the sponsor can make of the sponsorship arrangement including brand marks, logos, use of Council's name etc; and
- Provision for termination or suspension of the agreement.

Written agreements must include a statement that Council's functions will continue to be carried out fully and impartially, notwithstanding the existence of a sponsorship arrangement.

The agreement will include a statement to the effect that any attempted influence of Council's regulatory functions will result in an automatic review and/or termination of the sponsorship arrangement.

Approval of sponsorship

Sponsorships to the value of up to \$20,000 (financial and in-kind value) may be approved by the Communications Section Manager on receipt of a recommendation from the section and group manager of the business unit proposing the sponsorship.

Sponsorships to the value of \$20,001 or more (financial and in-kind value) can only be approved by Council resolution. In such cases, the Council report and recommendation is the responsibility of the section manager of the business unit proposing the sponsorship. Prior to making a recommendation to Council, consultation must occur with the relevant group manager and the Communications Section Manager.

All sponsorship agreements must be signed by the General Manager.

Monitoring and evaluation

Metrics for evaluation should be established with the sponsor before the activity and should align with the terms included in the sponsorship agreement.

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Policy



Groups or individuals who receive Council sponsorship are required to provide a financial report detailing how the sponsorship was spent at the conclusion of each sponsored event. This is in order to allow Council to accurately and transparently report upon its sponsorship activities.

A written evaluation must be completed by the relevant Council officer rating the performance of the sponsorship activity and adherence to the agreement. These evaluations will form part of the assessment for future sponsorship.

POLICY RESPONSIBILITIES:

- 1) The Communications Section Manager has overall responsibility for implementation of this policy.
- 2) Applications for sponsorship may be received and coordinated at coordinator level, if relevant to their roles at Council. In all cases, consultation with the relevant section and group manager, as well as the Communications Section Manager, must occur prior to agreement being entered into.
- 3) The relevant section manager is responsible for reporting sponsorship requests of over \$20,001 to Council for endorsement.

RELATED DOCUMENTS:

- 1) Port Stephens Council Code Of Conduct.
- 2) Grants & Donations Policy.
- 3) *Local Government Act 1993.*
- 4) *Sponsorship in the public sector – A guide to developing policies and procedures for both receiving and granting sponsorship; Independent Commission Against Corruption (ICAC), May 2006.*

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2013-00406	RM8 record No	
Audience	Event organisers, community organisations and the Port Stephens community.		
Process owner	Communications Section Manager.		

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Issue Date: 08/12/2009

Printed: 22/08/2016

Review Date: XX/08/2019

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Policy



Author	Communications Section Manager.		
Review timeframe	Two years	Next review date	xx/xx/2018
Adoption date	08/12/2009		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	08/12/2009	Communications & Customer Relations Manager	First version	410
2	13/08/2013	Economic Development & Communications Section Manager	First revision of policy. Increased detail around provision of mutually agreed benefits.	219

Policy

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Policy



3	Xx/xx/xxxx	Communications Section Manager	<p>Transition into new template, with information from various sections of the existing policy used to craft new context/background and scope sections;</p> <p>Provision, in the scope section, of clarity around sponsorship's role as a marketing and advertising function of Council, as opposed to financial assistance under the <i>Local Government Act 1993</i>. This distinction was a key outcome of the review into Grants, Donations and Sponsorships conducted during 2015;</p> <p>An increase of the dollar amount per sponsorship (from \$10,000 to \$20,000 cash and in-kind) which can be approved without requiring Council endorsement. This is another improvement to come out of the review into Grants, Donations and Sponsorships and was implemented into the policy following consultation with the Strategy & Environment Section and Tourism & Events Unit, which is responsible for the majority of sponsorships in this dollar range; and</p> <p>General copy and content editing consisting of small, non-material edits throughout the document.</p>	Draft
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Issue Date: 08/12/2009

Printed: 22/08/2016

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ITEM 5 - ATTACHMENT 2 CORPORATE SPONSORSHIP POLICY DATED 13 AUGUST 2013, MINUTE NO. 219.



POLICY

Adopted: 8/12/2009
Minute No: 410
Amended: 13/08/2013
Minute No: 219

FILE NO: PSC2013-00406

TITLE: CORPORATE SPONSORSHIP POLICY

RESPONSIBLE OFFICER: ECONOMIC DEVELOPMENT AND COMMUNICATIONS
SECTION MANAGER

BACKGROUND

Corporate sponsorship is a key marketing function of Port Stephens Council. As many sponsorship opportunities have become competitive and regulated, this policy will ensure consistency in approach and effective outcomes for the organisation and the community.

It is important that sponsorships meet our community's expectations while also supporting and promoting the organisations key objectives.

Sponsorship should be advantageous to both parties, however Council must ensure sponsorship agreements do not compromise or bring into question the integrity of Council operations.

Definition

Sponsorship refers to a commercial relationship between two parties, governed by a written agreement. It involves provision of financial or non-financial (in-kind) support in return for mutually agreed economic, cultural, community or reputational benefits.

Sponsorship should not be confused with Grants or Donations. For more information about Grants & Donations, please refer to Council's Financial Assistance Policy.

OBJECTIVE

The objective of this policy is to provide clarity around the means in which Council distributes and receives sponsorship.

This policy enables Council to engage in corporate sponsorship arrangements that are beneficial to the organisation and community.

ITEM 5 - ATTACHMENT 2 CORPORATE SPONSORSHIP POLICY DATED 13 AUGUST 2013, MINUTE NO. 219.

This policy and related documents will allow openness, transparency and accountability throughout the execution of Council sponsorship, and allow Council to take a proactive approach in seeking and providing sponsorship as a marketing tool.

POLICY STATEMENT

Sponsorship can take the form of Council providing or seeking sponsorship from a third party of money, goods or services to support activities in exchange for a mutually agreed benefit.

Groups and organisations may be sponsored by Council under S356 of the Local Government Act (1993).

When providing sponsorship, Council must also consider the provisions relating to granting financial assistance under S356 of the Local Government Act (1993) and Council's current Financial Assistance Policy.

Criteria for providing sponsorship (Council as sponsor)

To be eligible to apply to Council for financial or in-kind sponsorship, the following criteria must be met:

- The group or organisation applying must be legally registered or constituted and not part of Council;
- Individual applicants will be considered on a case-by-case basis and must apply with more than 28 days' notice ;
- It is preferable that groups or individuals are based in or operate within the Port Stephens LGA, however applications from outside of the LGA may also be considered;
- Individuals must be from within the Port Stephens LGA.

One or more of the following should also be evident from the information provided to support the application for sponsorship.

- The economic benefit to the community should be argued in terms of increased visitation, increased economic activity by way of increasing utilisation of accommodation, local product etc;
- Widespread branding opportunity to raise the profile of the Council or the region or both;
- Increased promotion of the Council and/or identification of the LGA with a recognised product such as food, wine, agribusiness, clean environment etc;
- Council can clearly recognise the value of its assistance in the event, promotion etc. This must be quantifiable;
- Will it strengthen Council's ties to the community?
- Will it provide relevant and required infrastructure/services to the community?
- Will it demonstrate Council's commitment to sustainability?

ITEM 5 - ATTACHMENT 2 CORPORATE SPONSORSHIP POLICY DATED 13 AUGUST 2013, MINUTE NO. 219.**Criteria for seeking sponsorship (Sponsorship of Council initiatives)**

Council must ensure a consistent and strategic approach is applied when seeking financial or in-kind sponsorships to assist in the staging of its promotions and activities.

Opportunities to sponsor a Council activity must be advertised and clearly communicated to the public through an Expression of Interest (EOI) process. If an overwhelming reason exists not to undertake an EOI process (ie demanding timeframes or availability of relevant sponsors) this must be first approved by the relevant Group Manager and the Manager Economic Development and Communications prior to entering any agreement.

EOI's will be evaluated against the following criteria:

- Is the business/organisation offering sponsorship which the Council wishes to be identified with i.e. will not bring the Council into disrepute?
- Is there a risk that a public perception could be formed that an individual/business has received favourable treatment due to its sponsorship?
- Would the donation signify to the community a religious or political bias?

Benefits supplied to sponsors will be determined by:

- The value of the sponsorship in dollar terms;
- The length of the sponsorship;
- The type of assets, services, function or program being sponsored.

All arrangements must be finalised in writing prior to implementation or exchange of money.

The following is a list of the types of benefits that may be offered by Council when developing a sponsorship package.

- Acknowledgement of the sponsor, including their logo in a range of promotional material associated with the event/promotion including fliers, brochures, invitations, programs and promotional banners;
- Reference to the sponsor's name and logo in print, radio and television advertising with the event or promotion;
- Reference to the sponsor in official media releases issued by Council promoting the event/activity;
- Allowing display signage and other promotional material on behalf of the sponsor at selected Council events or facilities associated with the sponsorship.

Sponsorship Partners

Council will look to negotiate sponsorship agreements with any reputable company, partnership or community group who wishes to participate in Council's sponsorship and whose public image, products or services are consistent with the values, goals and specific policies of Port Stephens Council.

Any organisation that has the potential to involve Council in controversial issues, or expose the Council to adverse criticism will not be considered for sponsorship or as a sponsor.

ITEM 5 - ATTACHMENT 2 CORPORATE SPONSORSHIP POLICY DATED 13 AUGUST 2013, MINUTE NO. 219.

No sponsorship arrangements will be entered into which impose or imply conditions that would limit, or appear to limit Council's ability to carry out its functions fully and impartially.

No Councillor or employee, or members of their families, are to receive personal benefit from the sponsorship.

Should a Councillor or employee perceive a potential conflict of interest in dealing with a sponsor on Council's behalf, that potential conflict of interest is to be declared to the General Manager.

Sponsorship agreements

All sponsorship agreements must be subject to a written contract and conditions will be fully described in a written agreement which clearly sets out:

- The benefits including economic benefits, available to Council and the sponsor; also
- The scope of uses which the sponsor can make of the sponsorship arrangement including logos, Council's name etc;
- The term of the sponsorship and any conditions regarding renewal;
- Financial accountability requirements;
- Provision for termination or suspension of the agreement.

Written agreements must include a statement that Council's functions will continue to be carried out fully and impartially, notwithstanding the existence of a sponsorship arrangement.

The agreement will include a statement to the effect that any attempted influence of Council's regulatory functions will result in an automatic review and/or termination of the sponsorship arrangement.

Approval of sponsorship

Approval for sponsorship involving less than \$10,000 (financial and in-kind value) may be provided by the Manager Economic Development and Communications.

Financial or in-kind sponsorship of major events (greater than \$10,000 value) must have a Council resolution with recommendation drafted by the Manager Economic Development and Communication.

Final approval for sponsorship arrangements must be signed by the General Manager.

Monitoring and evaluation

The Manager Economic Development and Communications will manage the sponsorship policy implementation.

A written evaluation must be conducted by the relevant Council officer rating the performance of the sponsorship activity and adherence to the agreement. In addition, those groups or individuals who receive Council sponsorship are required to provide a financial report detailing how the sponsorship was spent at the conclusion

ITEM 5 - ATTACHMENT 2 CORPORATE SPONSORSHIP POLICY DATED 13 AUGUST 2013, MINUTE NO. 219.

of each sponsored event. This is in order to allow Council to accurately and transparently report upon its sponsorship activities. These evaluations must be provided to the Manager Economic Development and Communications and will form part of the assessment for future sponsorship.

Measurements for evaluation should be established with the sponsor before the activity.

RELATED POLICIES

- 1) Port Stephens Council Code of Conduct;
- 2) Financial Assistance Policy 2009.

SUSTAINABILITY IMPLICATIONS**SOCIAL IMPLICATIONS**

The provision of Corporate Sponsorship to worthy groups and individuals offers Council the opportunity to strengthen its ties to the Port Stephens community. It also helps to raise the profile of Council or the region locally and regionally.

ECONOMIC IMPLICATIONS

This policy provides the framework for the delivery and receipt of financial contributions related to Corporate Sponsorship. In supplying and seeking Corporate Sponsorship, Council will deliver services to the community whilst also reducing the overall impact on the rate payer.

ENVIRONMENTAL IMPLICATIONS

Nil.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act 1993;
- 2) Independent Commission Against Corruption Act 1988;
- 3) Code of Conduct 2012.

IMPLEMENTATION RESPONSIBILITY

Communications and Marketing unit.

PROCESS OWNER

Economic Development and Communications Section.

REVIEW DATE

3 years (13/8/2016)

ITEM NO. 6**FILE NO: 16/401127
RM8 REF NO: PSC2016-00308****RESERVE NAMING - NELSON BAY APEX PARK**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to request Geographical Names Board to adopt the name "Nelson Bay Apex Park".
 - 2) Notify Geographical Names Board to advertise for public comment the adopted name "Nelson Bay Apex Park".
 - 3) Erect signs at the park to reflect the adopted name "Nelson Bay Apex Park".
-

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

277	Councillor John Nell Councillor Sally Dover It was resolved that Council: <ol style="list-style-type: none">1) Resolve to request Geographical Names Board to adopt the name "Nelson Bay Apex Park".2) Notify Geographical Names Board to advertise for public comment the adopted name "Nelson Bay Apex Park".3) Erect signs at the park to reflect the adopted name "Nelson Bay Apex Park".
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BACKGROUND

The purpose of this report is to progress the matter of naming the locally known but unofficially named "Apex Park" at the Nelson Bay foreshore. As per the Geographical Names Board (GNB) policy and procedures the official name of the park will become "Nelson Bay Apex Park".

On 22 March 2016 a Notice of Motion (**ATTACHMENT 1**) resolved that Council "Make application to the Geographical Names Board for a new name for Apex Park, Nelson Bay, to be named Apex Memorial Park".

Council completed the required "Naming Proposal Form" (**ATTACHMENT 2**) and submitted it to the GNB. GNB considered the application on 17 May 2016 and rejected the proposed name. GNB provided the following response via email on 7 June 2016:

"At its meeting held on 17 May 2016 the Board resolved to uphold its decision that the name was not approved in its current form. It recommended that Council add a location descriptor to the name such as 'Nelson Bay Apex Park'. As noted 'Apex' and 'Memorial' are considered generic and may cause confusion for emergency services. The name Nelson Bay Apex Park is approved by the Board to be advertised for public comment. There are many other Apex and Memorial Parks located within NSW, a search of the Geographical Names Register (GNR) indicates that there are eleven instances of reserves featuring the name Apex Park within NSW. All of these names have a unique identifier such as a location descriptor or are named to commemorate a person such as 'Ashelford Apex Park' located within the Bathurst LGA (named in honour of Enid Ashelford). There are also one hundred and thirty one officially assigned reserves within NSW containing the word 'Memorial'. The Board acknowledges that Apex has done a lot of work within the local area and that the name Apex Park has been in use for a number of years".

Council wrote to GNB on 28 June 2016 requesting it reconsider the proposed name or provide suggested options for Council to consider. GNB has provided further advice that the proposed name does not comply with the GNB Naming Policy and is unlikely to change its position on the matter, and therefore reiterates its recommendation to adopt "Nelson Bay Apex Park" as the official name.

As the Board is the approving authority, Council should therefore resolve to request GNB approve the name "Nelson Bay Apex Park".

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Engagement.	Engage our community in conversations and provide timely & accurate information.

FINANCIAL/RESOURCE IMPLICATIONS

The application to GNB is at no cost to Council and no further costs should be associated with this matter other than sign posting which is estimated to be \$500.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The original application was prepared in accordance with Council's Naming and Renaming of Reserves Policy. Once Council resolves to request the name be approved by GNB, GNB will prepare and advertise in the local newspaper and the NSW Government Gazette as required by the *Geographical Names Board Act 1966*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not adopt the GNB recommended name the park will not be correctly identified for emergency services.	Medium	Adopt the GNB recommended name.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There is a positive social outcome in officially naming the park to correctly depict the locality and adhere to GNB policy. There does not appear to be any economic or environmental implications.

MERGER PROPOSAL IMPLICATIONS

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by Council. This consultation is an essential requirement of the GNB Policies and Procedures and must be undertaken in requesting a name for the park.

Internal

Mayor and Councillors.
Land Acquisition & Development Manager.
Property Officer.
Property Services Manager.
Community & Recreations Coordinator.

Council staff used various methods including historical data to seek details on the past and future use of the park and all stakeholders assisted with this naming process. These details and historical information was then provided to GNB with the application for consideration for the proposed name.

External

Geographical Names Board (GNB).
National and Combined Forces Associations of Australia – Nelson Bay & District Branch (NSCFAA).
Nelson Bay RSL Sub-Branch.
Apex Committee.
Crown Lands Office.

Various letters and historical data were obtained from both Council records and external stakeholders before the original application proposing to name "Apex Memorial Park" was made with GNB. Letters of support from these community groups and many photos, both historical and recent, were also sent with the original application. In accordance with Geographical Names Board Policies & Procedures the GNB will publish in the local newspaper a notice of the proposed name and allow 28 days for any submissions. GNB will then publish a notice in the NSW Government Gazette to formalise the name. Council will advise the stakeholders of the formalised name upon Gazettal.

OPTIONS

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

ATTACHMENTS

- 1) Notice of Motion 22 March 2016.
- 2) Naming Proposal Form.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 22 MARCH 2016**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 16/282406
RM8 REF NO: PSC2016-00308****RENAMING OF APEX PARK****COUNCILLOR: JOHN NELL
SALLY DOVER
JOHN MORELLO****THAT COUNCIL:**

- 1) Make application to the Geographical Names Board for a new name for Apex Park, Nelson Bay, to be named Apex Memorial Park.

**ORDINARY COUNCIL MEETING - 22 MARCH 2016
MOTION**

064	Councillor John Nell Councillor Sally Dover It was resolved that Council make application to the Geographical Names Board for a new name for Apex Park, Nelson Bay, to be named Apex Memorial Park.
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**BACKGROUND REPORT OF: CARMEL FOSTER – GROUP MANAGER,
CORPORATE SERVICES****BACKGROUND**

Council is Trust Manager of the Crown Reserves (Part R64421 & R32059) which make up Apex Park. Properties which constitute Apex Park include - Part Lot 154 DP753204, Lot 7145 DP1063859, Lot 4 DP1042475, Lots 155 and 179 DP753204 and Pt R64421. The park has been known and unofficially signposted as Apex Park for many years. In the past two years the Cenotaph, Centenary Column, National Service Memorial and the Lone Pine young tree have been replaced or upgraded within the park to more prominent positions for annual services by various veteran groups.

Council received informal requests by email in January 2016 from various community group members including; National Service and Combined Forces Associations of Australia - Nelson Bay & District Branch (NSCFAA) and Port Stephens Legacy Group (Legacy). The requests were to include "Memorial" in the name of the park as "an enduring commemoration of this extremely important part of Australian History and Spirit". Nelson Bay RSL Sub Branch (RSL) submitted an email suggesting the name

MINUTES ORDINARY COUNCIL - 22 MARCH 2016

'Nelson Bay Memorial Park', however, they now support the name "Apex Memorial Park" and have withdrawn the suggestion "Nelson Bay Memorial Park".

Apex Park has been utilised by veteran groups for Anzac Day Services, Remembrance Day, Vietnam Day, National Service Day and various other ceremonies for over 60 years. The community strongly supports the name Apex Memorial Park becoming the official and gazetted name.

Crown Lands has provided written consent to adopt the name "Apex Memorial Park".

If the Geographical Names Board agrees to the name "Apex Memorial Park", its policy and procedures will ensure the required advertising in the local Examiner newspaper. Should no submissions be received objecting to the name, the Gazette will then be published to complete the official naming process.

NCC AND PSC MERGER PROPOSAL IMPLICATIONS

There are no implications arising from this Notice of Motion.

ATTACHMENTS

Nil.

ITEM 6 - ATTACHMENT 2 NAMING PROPOSAL FORM.



Naming Proposal form

Proposed Geographical Name **APEX MEMORIAL PARK**

Local Government Area **PORT STEPHENS**

Parish **TOMAREE** County **GLOUCESTER**

State Electorate **PORT STEPHENS** Lot and DP **Various (attached list)** Area **Total approx. 12,800 sq.m**

Location / address **Various properties within in Nelson Bay CBD - see attached map**

Description of feature, including location and extent *(Limit of 650 characters)*
(Please attach identification aids e.g. marked map, marked photograph)

LONG ESTABLISHED COMMUNITY PARK, WELL GRASSED WITH EXTENSIVE PAVING AND LANDSCAPING SLOPING FROM WEST TO EAST. WITH LOWER EASTERN AREAS OF A GENTLE SLOPE DEVELOPED AND USED FOR ALL MEMBERS OF THE COMMUNITY AND VISITORS INCLUDING MEMORIAL SERVICES WITHIN A DEDICATED WAR MEMORIAL CENOTAPH/PRECINT,

Reason for choice of name *(If the name commemorates a person, please also complete commemorative naming form)*
(Limit of 320 characters. If insufficient space please attach separate page to the Naming Proposal form)

PARK HAS BEEN WELL KNOWN LOCALLY AS APEX PARK AND AS A MEMORIAL PARK DATING FROM 1929 SITE INCLUDES CENOTAPH, LONE PINE, STELLE COUNCIL RECORDS AND DESCRIPTION AS APEX PARK LONG ASSOCIATION WITH APEX ORGANISATION (ATTACHED DOCUMENTS X 2)

Naming proposals approved by the Geographical Names Board will be advertised in local newspapers.

Name of local newspaper(s) **PORT STEPHENS EXAMINER**

Applicant's name **Port Stephens Council**

Address **116 Adelaide Street (DX 21406) Raymond Terrace NSW 2324**

Telephone **02 49800309** Email **jackie.howard@portstephens.nsw.gov.au**

Contact person if not stated above **Jackie Howard - Port Stephens Council (02) 49 800309**

Date **1/3/2016** Your Reference **psc2016-00308**

SUBMIT

Please attach any supporting documents to your email

ITEM NO. 7

**FILE NO: 16/388610
RM8 REF NO: PSC2016-00031**

TWO LOT SUBDIVISION AT 17E IRRAWANG STREET RAYMOND TERRACE

REPORT OF: GREGORY KABLE - ACTING FACILITIES AND SERVICES GROUP
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the General Manager to finalise the two lot subdivision at 17E Irrawang Street Raymond Terrace (Lot 1 DP1018979) in accordance with the approved development application No.16-2015-660-1.
- 2) Grants authority for the General Manager and the Mayor to sign and affix the seal of Council to the plan of subdivision, Section 88B Instrument and any related documents.

Councillor Paul Le Mottee left the meeting at 05:40pm, prior to Item 7 being debated and voted on.

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

278	<p>Mayor Bruce MacKenzie Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Authorise the General Manager to finalise the two lot subdivision at 17E Irrawang Street Raymond Terrace (Lot 1 DP1018979) in accordance with the approved development application No.16-2015-660-1.2) Grants authority for the General Manager and the Mayor to sign and affix the seal of Council to the plan of subdivision, Section 88B Instrument and any related documents.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is for Council to proceed with the necessary steps to complete the subdivision of 17E Irrawang Street Raymond Terrace (Lot 1 DP1018979) by the lodgement with Land and Property Information NSW of a plan of subdivision bearing Council's Seal to comply with the conditions of consent of DA No. 16-2015-660-1.

This subdivision is required for the connection of utilities to the Men's Shed as utility providers will only provide a single connection to each individual subdivided lot.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Ageing Population.	Identify and plan for the future needs of an ageing population.

FINANCIAL/RESOURCE IMPLICATIONS

Program is within existing budget allocations.

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

The Council Seal is a requirement of Land and Property NSW under the *Real Property Act 1900* for the registration of plans of subdivision. There is a risk to Council that an occupation certificate is required before the building can be used.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the requirements of the DA are not completed an Occupation Certificate will not be issued.	Medium	Approve recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The completion of the conditions of consent to the DA will provide a building that will result in a positive social benefit and provide a meeting place within the community.

The development will provide an economic benefit to the community through the construction phase and the users of the facility buying locally.

The proposed building construction will not involve the loss of significant vegetation or trees.

MERGER PROPOSAL IMPLICATIONS

The development has been approved by Council and will not be affected by any proposed merger.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Development Assessment and Compliance Section for the development application. The subject of this report is part of the process required to be completed for the DA and requires no further consultation.

Internal

Nil.

External

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Plan of Subdivision and Section 88B Instrument.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Copy of Plan of Subdivision and Section 88B Instrument.

MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016

ITEM 7 - ATTACHMENT 1 PLAN OF SUBDIVISION AND SECTION 88B INSTRUMENT.

PLAN FORM 6 (2012)

WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)
Office Use Only		Office Use Only
Registered:		
Title System:		
Purpose:		
PLAN OF SUBDIVISION OF LOT 1 DP 1018979		LGA: PORT STEPHENS Locality: RAYMOND TERRACE Parish: ELDON County: GLOUCESTER
Crown Lands NSW/Western Lands Office Approval I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office:		Survey Certificate I, CRAIG WILLIAMSON of LE MOTTEE GROUP PTY LIMITED PO BOX 363, RAYMOND TERRACE, NSW 2324 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> , is accurate and the survey was completed on *(b) The part of the land shown in the plan ("being" excluding ^ LOT 1 & RIGHT OF CARRIAGEWAY) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> , is accurate and the survey was completed on 06/06/2016, the part not surveyed was compiled in accordance with that Regulation. *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> . Signature: Dated: 17/06/2016 Surveyor ID: 8249 Datum Line: 'A' - 'B' Type: *Urban/*Rural The terrain is *Level-Undulating / *Steep-Mountainous. *Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.
Subdivision Certificate I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: Accreditation number: Consent Authority: Date of endorsement: Subdivision Certificate number: File number: *Strike through if inapplicable.		
Statements of intention to dedicate public roads, public reserves and drainage reserves.		Plans used in the preparation of survey/compilation. DP 1018979 DP 28767 R 23704-1603 DP 1085482 DP 1140938 DP 1150097 DP 1063387 DP 547042 If space is insufficient continue on PLAN FORM 6A
Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A		Surveyor's Reference: 6073 DP-V1 '2016M7100 (552) Partial Survey'

ITEM 7 - ATTACHMENT 1 PLAN OF SUBDIVISION AND SECTION 88B INSTRUMENT.

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B of the Conveyancing Act 1919.

Lengths are in metres

Sheet 1 of 1 sheets

PLAN

Plan of Subdivision of Lot 1 DP 1018979
covered by Subdivision Certificate No.

Full name and address
of the owner(s) of the land:

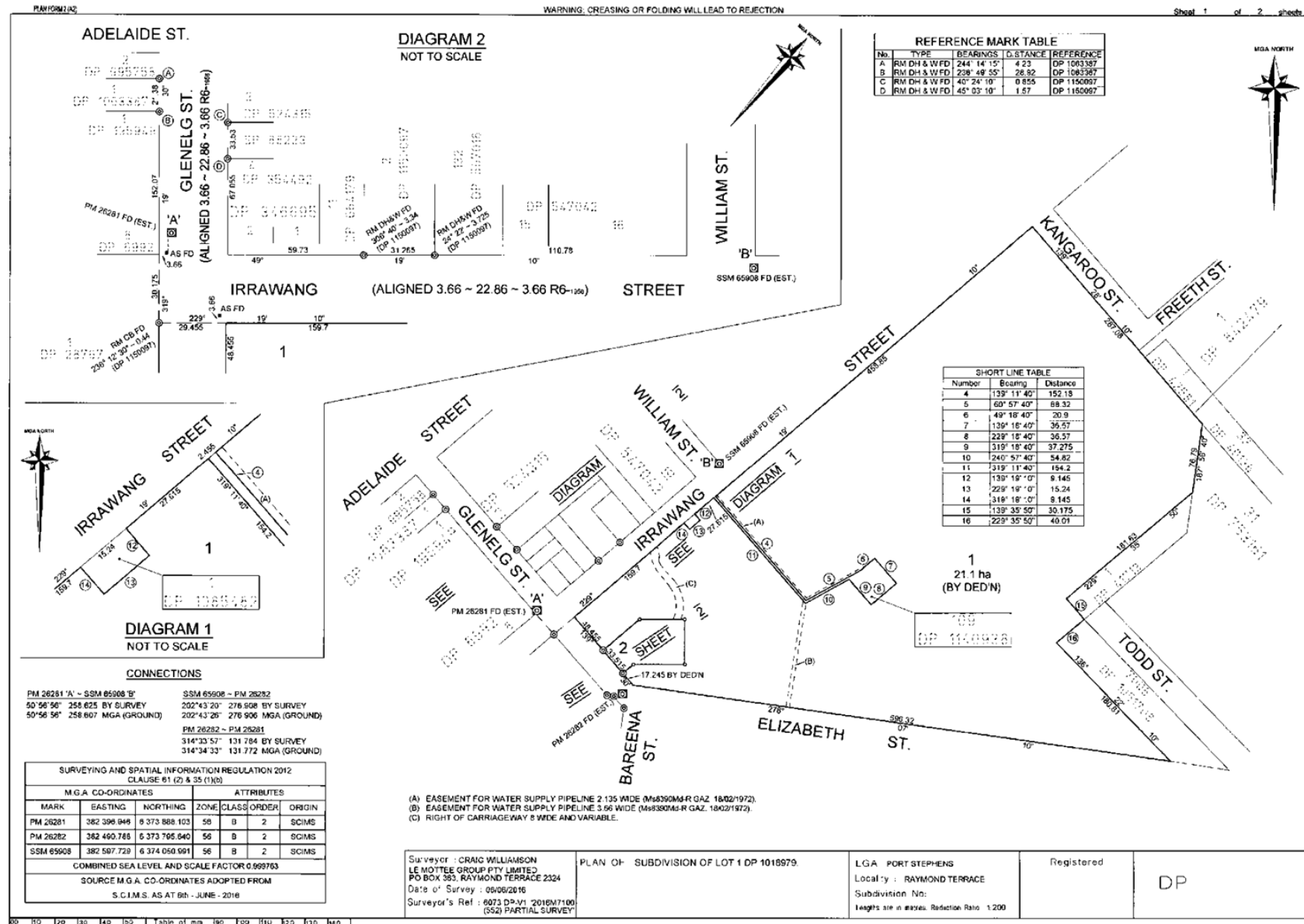
Port Stephens Council of
116 Adelaide Street,
RAYMOND TERRACE NSW 2324

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Right of Carriageway 8 Wide & Variable	1	2

MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016

ITEM 7 - ATTACHMENT 1 PLAN OF SUBDIVISION AND SECTION 88B INSTRUMENT.



ITEM 7 - ATTACHMENT 1 PLAN OF SUBDIVISION AND SECTION 88B INSTRUMENT.



ITEM NO. 8

**FILE NO: 16/370278
RM8 REF NO: PSC2005-3155**

FUNDING FOR DRAINAGE AND ROAD IMPROVEMENTS AT WATERFRONT ROAD, SWAN BAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of funds to complete drainage and road improvements to be implemented in Waterfront Road, Swan Bay.
 - 2) Place the proposed works and budgetary allocation on public exhibition for 28 days and should no submissions against the proposed works and budgetary allocation be received, approve the works to be undertaken.
-

Councillor Paul Le Mottee returned to the meeting at 05:41pm at Item 8.

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

279	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the allocation of funds to complete drainage and road improvements to be implemented in Waterfront Road, Swan Bay.2) Place the proposed works and budgetary allocation on public exhibition for 28 days and should no submissions against the proposed works and budgetary allocation be received, approve the works to be undertaken.
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BACKGROUND

The purpose of this report is to seek funding approval to implement drainage improvements and road protection works for properties and dwellings along Waterfront Road, Swan Bay.

During the significant storm events experienced in April 2015, January 2016 and June 2016 some properties and dwellings along Waterfront Road, Swan Bay sustained stormwater inundation (flooding) while the road itself has been partially

MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016

undermined due to erosive actions. It is alleged by local residents that this flooding has been exacerbated by the raising of Waterfront Road.

Council has completed an investigation into the issue and determined that additional drainage culverts are required under Waterfront Road to mitigate the risk of future stormwater inundation of the affected properties and dwellings. Further, some protective works along the road are also required to limit the impacts of future storm events.

The works required to effect the drainage and road improvements are not in Council's Integrated Works Plan for implementation and hence have no specific funding allocation. Partial funding on a 50/50 basis, for the road works is available through the Natural Disaster Relief and Recovery Arrangements (NDRRA) agreement which is administered by Roads and Maritime Services.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Community Safety.	Use Council's regulatory powers and Government legislation to enhance public safety.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with implementing and delivering this project have been calculated at \$235,000 (comprised of \$160,000 for the drainage improvements and \$75,000 for the road improvements). The calculated cost has been assessed as being within Council's existing resources. There are no direct financial implications if Council adopts the recommendation. As per the Natural Disaster Relief and Recovery Arrangements (NDRRA) Guidelines (Jan 2012) the partial funds available (ie \$37,500) will be reclaimed following completion of the works.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	194,500	Funds to be allocated to this project from existing Council budget resources.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No	37,500	Funds gained from the Natural Disaster Relief and Recovery Arrangements grant

LEGAL, POLICY AND RISK IMPLICATIONS

There is a potential for Council to be subject to legal or insurance claims or both if the drainage or road improvement works are not carried out.

There is an increased safety risk associated with doing nothing from a drainage or road perspective.

The road pavement will continue to be undermined due to erosive actions associated with storm events as well as inadequate drainage. The undermining of the road may lead to catastrophic failure of the pavement which may contribute to vehicle accidents and would certainly lead to increased safety risks.

There is a risk that further loss of the road reserve may occur if the works are not carried out resulting in a reduction of the trafficable road width and an increase in risk to vehicular traffic.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not undertaking the proposed works may lead to water over road placing drivers at risk of driving through flood waters.	High	Undertake drainage and road protection works.	Yes
There is a risk that not undertaking the works will lead to Council not accepting the funds gained from the NSW Natural Disaster Relief and Recovery Arrangements (NDRRA).	Medium	Undertake drainage and road protection works.	No
There is a risk that not undertaking the works may lead to Council being exposed to legal or insurance claims now Council is aware of the potential flooding issues.	Medium	Undertake drainage and road protection works.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The social, economic and environmental implications associated with not undertaking the works include:

- Flood affected properties and their inhabitants will continue to be detrimentally impacted.
- Decrease in property value due to ongoing and worsening flooding impacts and pavement condition.
- Loss of amenity during flood event.
- Increasing environmental impact due to erosion and wash out of material from the road pavement.
- Social impact resulting from potential vehicle incident or flooding of properties or both.
- Economic impact resulting from potential legal or insurance claims or both.

MERGER PROPOSAL IMPLICATIONS

In accordance with Section 23A of the guidelines - Council Decision Making During Merger Proposal Period, Council is required to publicly exhibit new works for 28 days.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Assets Section.

- Internal – General Manager, Group Manager Facilities and Services.
- External – Roads and Maritime Services (RMS), NSW Marine Parks Authority, and NSW DPI Fisheries.

If the recommendation is adopted by Council, the following activities will be undertaken:

- A Community Engagement and Communications Plan will be established prior to undertaking the proposed drainage and road works.

If the recommendation is adopted by Council, further consultation will be undertaken by the Assets Section as follows:

Internal

- Communications Section Manager and Community Development and Engagement Coordinator to establish Community Engagement and Communications Plan.
- Notice in PS News of consultation activities, times and locations.

External

- Public Notice in the Port Stephens Examiner a minimum of 28 days in advance of commencement of the works.
- Media release/information alert to notify the community a minimum of one month in advance of commencement of the works.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 9

**FILE NO: 16/412499
RM8 REF NO: PSC2016-01435**

LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2016

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate Council delegates to attend the Local Government NSW Annual Conference 2016 to be held on 16-18 October 2016 at the WIN Entertainment Centre, Wollongong.
 - 2) Nominate four (4) voting delegates.
-

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

280	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Nominate Mayor Bruce MacKenzie, Councillors Paul Le Mottee, Sally Dover, John Morello, Chris Doohan and Ken Jordan to attend the Local Government NSW Annual Conference 2016 to be held on 16-18 October 2016 at the WIN Entertainment Centre, Wollongong.2) The four (4) voting delegates be Mayor Bruce MacKenzie, Councillors Paul Le Mottee, Sally Dover, John Morello.
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BACKGROUND

The purpose of this report is to inform Council of the Local Government NSW Annual Conference 2016 to be held on 16-18 October 2016 at the WIN Entertainment Centre, Wollongong.

The Conference program is shown as **(ATTACHMENT 1)**.

The Conference is open to all Councillors.

The Payment of Expenses and Provision of Facilities to Councillors Policy requires a resolution of Council be sought for all travel outside of the Hunter Region area.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Governance and Civic Leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation are covered within existing budget – subject to an individual Councillor not exceeding the conference budget limits in the Policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Registration, travel and accommodation costs are covered within existing budget. The Payment of Expenses and Provision of Facilities to Councillors Policy dictates the reimbursement of all costs associated with attendance at the conference.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$3,500 per year under the Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its reputation damaged by not attending and not participating in the	Low	Adopt the recommendation.	Yes

MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016

national debate on key Local Government matters in NSW.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Councillors attending this Conference to ensure the Local Government Area has a voice in the national development of policy and initiatives.

MERGER PROPOSAL IMPLICATIONS

There will be no representation at the LGNSW Annual Conference 2016 should Port Stephens Council be merged with another entity or placed in Administration prior to the Conference.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) Draft LGNSW Annual Conference 2016 Program.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 9 - ATTACHMENT 1 DRAFT LGNSW ANNUAL CONFERENCE 2016 PROGRAM.



Local Government NSW Annual Conference 2016

Sunday 16 – Tuesday 18 October 2016

Main conference venue is WIN Entertainment Centre, Crown and Harbour Streets, Wollongong, 2500.

This program is correct at the time of publication; speakers and program details may have changed due to unforeseen circumstances.

DRAFT PROGRAM (as of 9 September 2016)

1.00pm – 4.45pm	Bump in sponsors to WIN Entertainment Centre Foyer
1.00pm – 4.00pm	Registration opens in WIN Entertainment Centre Foyer
2.00pm – 4.45pm	Councillor training sessions in Winners Room 1, Winners Room 2, Victory Room 1 <ul style="list-style-type: none"> - Understanding changes to the Local Government Act - Know your planning - Principles of good governance
2.00pm – 4.45pm	LGNSW briefing for General Managers and Interim General Managers in Premiers Room. This briefing will give progress on negotiation for a new 2017 Local Government (State) Award and workplace reform
3.00pm – 3.30pm	Afternoon tea meet the sponsors in trade exhibition next to Premiers Room
4.45pm – 5.00pm	Pre-booked local transfer buses from WIN to Lagoon Seafood Restaurant, Stuart Park, George Hanley Drive, North Wollongong
5.00pm – 7.00pm	President's Opening Reception in Lagoon Seafood Restaurant <ul style="list-style-type: none"> - Welcome To Country - Welcome from Cr Gordon Bradbery OAM, Lord Mayor of Wollongong City Council - Opening from Cr Keith Rhoades AFSM, President, LGNSW
7.00pm	Pre-booked local transfer buses will drop off back to WIN Entertainment Centre
7.00am – 5.00pm	Registration opens in Box Office of WIN Entertainment Centre Foyer Distribution of voting materials and electronic handsets
7.30am – 8.45am	NSW Reconciliation Council Breakfast, Victory Room 1 - 2 <ul style="list-style-type: none"> - Welcome from the Hon Leslie Williams MP, Minister for Aboriginal Affairs - Address to be advised Supported by NSWALC and sponsored by Aboriginal Affairs NSW
8.15am -9.00am	Trade exhibition opens in WIN Entertainment Centre Foyer
9.00am – 9.30am	Address from The Hon Mike Baird MP , Premier of New South Wales
9.30am – 10.00am	Address from Cr Keith Rhoades AFSM , President, LGNSW

ITEM 9 - ATTACHMENT 1 DRAFT LGNSW ANNUAL CONFERENCE 2016 PROGRAM.

10.00am – 11.00am	Opening of the Federal Conference, chaired by Cr Keith Rhoades AFSM including demonstration of voting units, adoption of standing orders, presentation of the auditor's report, general financial report and operating report to members. Business session and consideration of motions Opening of the State Conference, chaired by Cr Keith Rhoades AFSM including adoption of standing orders, business session and consideration of motions
11.00am - 11.30am	Morning tea in trade exhibition sponsored by LG Super
11.30am – 1.00pm	Consideration of Conference business continued, chaired by the President
1.00pm – 2.00pm	Lunch in trade exhibition sponsored by LG Super General Managers Lunch Sponsored by StateCover: StateCover, LG Super, LGP, LGNSW Member Services and councils: Building mutually beneficial partnerships, Winners Room 1 and 2
2.00pm – 3.30pm	Consideration of Conference business continued, chaired by the President
3.30pm – 4.00pm	Afternoon tea in trade exhibition
4.00pm – 5.30pm	Consideration of Conference business continued, chaired by the President Collection of all electronic handsets and voting cards Conference business session closes
5.30pm – 6.30pm	Delegate networking function in trade exhibition
6.30pm	Trade exhibition closes. Free night for delegates
7.00am – 5.00pm	Registration opens in WIN Entertainment Centre Foyer
7.30am – 8.45am	Australian Local Government Women's Association (ALGWA) Breakfast Victory Room 1 - 2: Tracy Howe , Chief Executive Officer, NSW Council of Social Service (NCOSS) Anti-Poverty Week 'Fighting Poverty Together', Winners Room 1
8.00am – 5.30pm	Trade exhibition opens in WIN Entertainment Centre Foyer
9.00am – 9.15am	Introduction by Master of Ceremonies, Tracey Spicer
9.15am – 9.30am 9.30am – 9.45am	Address from The Hon Paul Toole MP , Minister for Local Government Facilitated questions from the conference to the Minister
9.45am – 10.00am	Launch of NSW Workforce Development Strategy
10.00am – 10.30am	Morning tea in trade exhibition sponsored by NSW EPA
10.30am – 10.45am	Address from The Hon Peter Primrose MLC , Shadow Minister for Local Government
10.45am – 11.00am	Facilitated questions from the conference to the Shadow Minister
11.00am – 11.45am	Keynote: Rethinking the role of local government, Peter McKinlay , Executive Director, McKinlay Douglas Ltd.

ITEM 9 - ATTACHMENT 1 DRAFT LGNSW ANNUAL CONFERENCE 2016 PROGRAM.

11.45am – 12.30pm	Tracey Spicer facilitates a Local Government Reform Panel: Challenges and Achievements. Panellists: <ul style="list-style-type: none"> - Jane Mills, Chief Operating Officer, City of Parramatta Council - Luke Johnson, General Manager, Wollondilly Shire Council - Peter Tegart, Interim General Manager, Queanbeyan-Palerang Regional Council
12.30pm – 12.45pm	Address on Association business from Cr Keith Rhoades AFSM, President, LGNSW
12.45pm – 1.00pm	Treasurer's Report
1.00pm – 1.45pm	Lunch in the trade exhibition WIN Entertainment Centre sponsored by NSW EPA
1.45pm – 3.00pm	CONCURRENT SESSION 1 - Natural Resources and Environment Stream, Winners Room 1 – 2
1.45pm – 2.00pm	Facilitated by Barry Buffier , Chair and Chief Executive Officer, NSW Environment Protection Authority
2.00pm – 2.15pm	Underground petroleum storage systems, Justin Turk , Operations Officer, Hazardous Incidents and Environmental Health
2.15pm – 2.30pm	Developing sound planning decisions, Paul Wearne , Senior Regional Programs, Metropolitan Branch
2.30pm – 2.50pm	Crown Lands Review Update, David Clarke , Group Director Governance & Strategy, NSW Department of Primary Industries – Lands
1.45pm – 3.00pm	CONCURRENT SESSION 2 - Infrastructure and Planning, Auditorium
1.45pm – 1.50pm	Facilitated by Kylie Yates, Director Advocacy, LGNSW
1.50pm – 2.10pm	Fixing Country Roads, Fredric Horst , Principal Manager for Freight Strategy and Investment, Transport NSW
2.10pm – 2.30pm	Engaging councils in the process of allowing access to local roads for heavy vehicles, Sal Petrocchio , Chief Executive Officer, National Heavy Vehicle Regulator
2.30pm – 2.50pm	Councils investment in human and cultural infrastructure /sporting facilities, Paul Doorn , Executive Director – Sport Infrastructure, NSW Office of Sport
1.45pm – 3.00pm	CONCURRENT SESSION 3 - Capacity Building and Diversity, Victory Rooms 1 – 2
1.45pm – 1.50pm	Facilitated by Sarah Artist, Senior Manager, Innovation and Capacity, LGNSW
1.50pm – 2.05pm	Designing a capability framework for NSW local government – towards an integrated package for job design, recruitment, performance management and capacity building, Jo Grisard , Principal, Grisard Consulting (invited)
2.05pm – 2.30pm	Developing council's workforce: Case studies from Wollongong and Port Stephens Councils presented by David Farmer , General Manager, Wollongong Council and Wayne Wallis , General Manager, Port Stephens Council
2.30pm – 2.50pm	Change – Fit for Purpose presented by Nigel Ward , Chief Executive Officer and

ITEM 9 - ATTACHMENT 1 DRAFT LGNSW ANNUAL CONFERENCE 2016 PROGRAM.

	Director, Australian Business Lawyers & Advisors
3.00pm – 3.15pm	RETURN TO PLENARY SESSION AND CLOSE OF CONFERENCE
3.30pm – 4.00pm	Final Keynote: Resilient leadership through cultural change within a challenging environment, Kitty Chiller , Chef de Mission, Australian Olympic Team, Rio 2016
4.00pm – 4.30pm	Afternoon tea and delegate networking function in trade exhibition
7.30pm	Doors Open
7.45pm	Delegates seated and entrée served
8.00pm	LGNSW President introduces Elite Sponsor, StateCover Mutual Limited
8.10pm	LGNSW President and Elite Sponsor present the Outstanding Service Awards
8.30pm	LGNSW Chief Executive and Bluett Trustees present AR Bluett Awards
9.00pm	Main Course served
	Entertainment and dancing
11.00pm	Function finishes

ITEM NO. 10**FILE NO: 16/410753
RM8 REF NO: PSC2016-00015****INFORMATION PAPERS****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 27 September 2016.

No:	Report Title	Page:
1	Cash And Investments Held As At 31 August 2016	99
2	Council Meeting Cycle	103
3	Council Prayer And Acknowledgement Of Country At Council Meetings	104
4	Membership Of Committees And Groups	105

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

281	Councillor Chris Doohan Councillor Sally Dover It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 27 September 2016. <table><tr><th>No:</th><th>Report Title</th></tr><tr><td>1</td><td>Cash And Investments Held As At 31 August 2016</td></tr><tr><td>2</td><td>Council Meeting Cycle</td></tr><tr><td>3</td><td>Council Prayer And Acknowledgement Of Country At Council Meetings</td></tr><tr><td>4</td><td>Membership Of Committees And Groups</td></tr></table>	No:	Report Title	1	Cash And Investments Held As At 31 August 2016	2	Council Meeting Cycle	3	Council Prayer And Acknowledgement Of Country At Council Meetings	4	Membership Of Committees And Groups
No:	Report Title										
1	Cash And Investments Held As At 31 August 2016										
2	Council Meeting Cycle										
3	Council Prayer And Acknowledgement Of Country At Council Meetings										
4	Membership Of Committees And Groups										

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 16/399830
RM8 REF NO: PSC2006-6531**

CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2016

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 2016.

MERGER PROPOSAL IMPLICATIONS

There are no merger proposal implications as this is a legislative requirement.

ATTACHMENTS

- 1) Cash and investments held at 31 August 2016.
- 2) Monthly cash and investments balance August 2015 to August 2016.
- 3) Monthly Australian term deposit index August 2015 to August 2016.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016

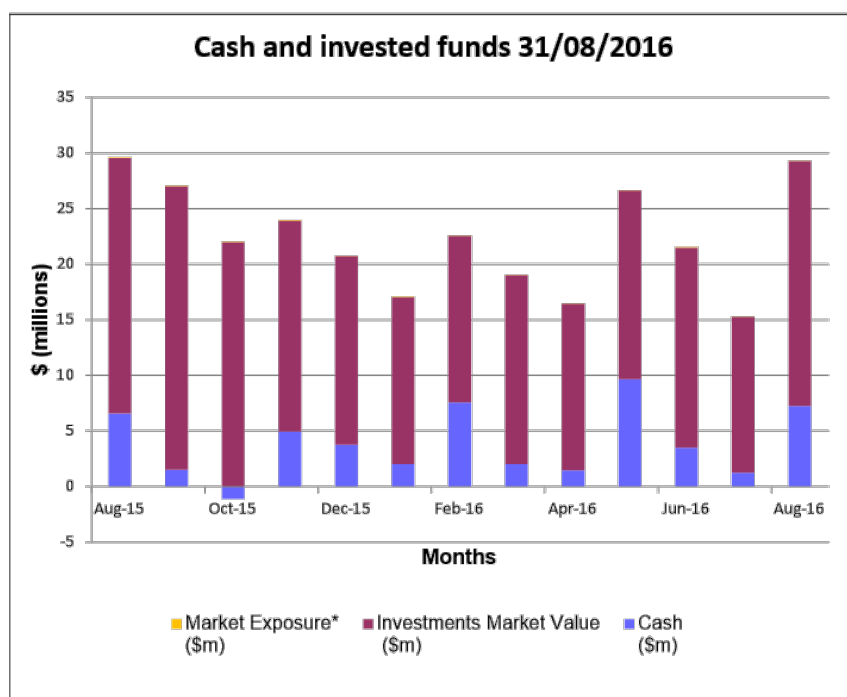
ITEM 1 - ATTACHMENT 1 CASH AND INVESTMENTS HELD AT 31 AUGUST 2016.

CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2016

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
SUNCORP BANK	SUNCORP	A+	TD	3.10%	196	21-Sep-16	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.78%	125	5-Oct-16	2,000,000	2,000,000
COMMONWEALTH BANK	CBA	AA-	TD	2.56%	58	19-Oct-16	2,000,000	2,000,000
ARAB BANK AUSTRALIA	RIM	NR	TD	3.00%	147	19-Oct-16	1,000,000	1,000,000
BANK OF QUEENSLAND	BOQ	A-	TD	3.00%	168	2-Nov-16	2,000,000	2,000,000
BANK OF SYDNEY	CURVE	NR	TD	3.15%	259	16-Nov-16	2,000,000	2,000,000
BANK OF QUEENSLAND	BOQ	A+	TD	3.00%	195	14-Dec-16	1,000,000	1,000,000
NATIONAL AUSTRALIA BANK	NAB	AA-	TD	2.63%	112	14-Dec-16	2,000,000	2,000,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	3.05%	231	11-Jan-17	1,000,000	1,000,000
ANZ	ANZ	AA-	TD	2.70%	147	25-Jan-17	2,000,000	2,000,000
ANZ	ANZ	AA-	TD	2.70%	161	8-Feb-17	2,000,000	2,000,000
AMP BANK	FARQUHARSON	A+	TD	3.00%	364	17-May-17	2,000,000	2,000,000
SUB TOTAL (\$)							21,000,000	21,000,000
OTHER INVESTMENTS								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	997,977
SUB TOTAL (\$)							1,017,877	997,977
INVESTMENTS TOTAL (\$)							22,017,877	21,997,977
CASH AT BANK (\$)							7,268,797	7,268,797
TOTAL CASH AND INVESTMENTS (\$)							29,286,674	29,266,774
CASH AT BANK INTEREST RATE				1.90%				
BBSW FOR PREVIOUS 3 MONTHS				1.93%				
AVG. INVESTMENT RATE OF RETURN				2.74%				
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 2015 TO AUGUST 2016.**
CASH AND INVESTMENTS BALANCE

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure* (\$m)	Total Funds (\$m)
Aug-15	6.590	22.968	0.050	29.608
Sep-15	1.542	25.468	0.050	27.060
Oct-15	1.092	21.968	0.050	20.926
Nov-15	4.959	18.989	0.029	23.977
Dec-15	3.759	16.989	0.029	20.776
Jan-16	2.043	14.989	0.029	17.061
Feb-16	7.589	14.989	0.029	22.607
Mar-16	2.038	16.984	0.034	19.055
Apr-16	1.469	14.990	0.028	16.487
May-16	9.650	16.990	0.028	26.668
Jun-16	3.526	17.990	0.028	21.544
Jul-16	1.277	13.998	0.020	15.294
Aug-16	7.269	21.998	0.020	29.287

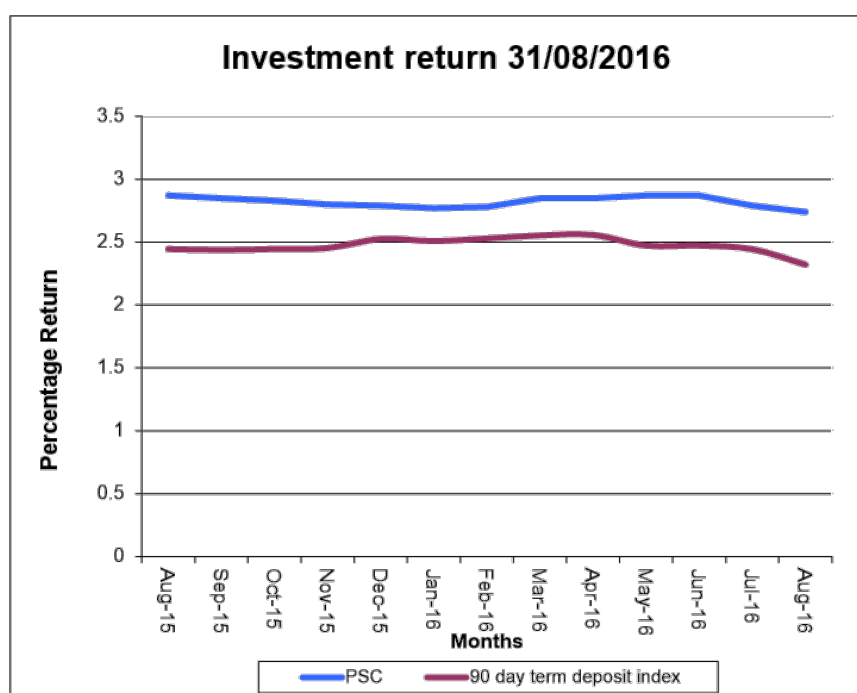


*Market exposure is the difference between the face value of an investment and its current market value.

**ITEM 1 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX
AUGUST 2015 TO AUGUST 2016.**

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
Aug-15	2.4447	2.87
Sep-15	2.4384	2.85
Oct-15	2.4458	2.83
Nov-15	2.4535	2.80
Dec-15	2.5259	2.79
Jan-16	2.5089	2.77
Feb-16	2.5293	2.78
Mar-16	2.5539	2.85
Apr-16	2.5578	2.85
May-16	2.4730	2.87
Jun-16	2.4727	2.87
Jul-16	2.4442	2.79
Aug-16	2.3210	2.74



ITEM NO. 2

**FILE NO: 16/405735
RM8 REF NO: A2004-0372**

COUNCIL MEETING CYCLE

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

BACKGROUND

The purpose of this report is to advise Council on the Council meeting cycle.

Council adopted the current council meeting cycle at its meeting on 22 September 2015. This decision is normally reviewed annually in September, however given the current merger situation it is proposed that Council continue with the current meeting cycle until an announcement is made on the council mergers involving Port Stephens.

Council can resolve to amend the current council meeting cycle should it wish.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications should Port Stephens Council merge with another council, as the meeting cycles of a new entity will be determined by the Administrator. Should Port Stephens Council be advised that it is to stand alone then a decision on council meeting cycles will be required.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 16/405799
RM8 REF NO: A2004-0373**

COUNCIL PRAYER AND ACKNOWLEDGEMENT OF COUNTRY AT COUNCIL MEETINGS

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

BACKGROUND

The purpose of this report is to advise Council on the Council prayer and Acknowledgement of Country at Council meetings.

Council adopted the current practice at its meeting on 22 September 2015. This decision is normally reviewed annually in September, however given the current merger situation it is proposed that Council continue with the current practice until an announcement is made on the council mergers involving Port Stephens.

Council can resolve to amend the current practice should it wish.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications should Port Stephens Council merge with another council, as this practice will be determined by the Administrator for the new entity. Should Port Stephens Council be advised that it is to stand alone then a decision will be required.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

**FILE NO: 16/405848
RM8 REF NO: A2004-0370**

MEMBERSHIP OF COMMITTEES AND GROUPS

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

BACKGROUND

The purpose of this report is to advise memberships on committees and groups.

Council adopted the current membership to committees and groups, including 355C committees, at its meeting on 22 September 2015. This decision is normally reviewed annually in September, however given the current merger situation it is proposed that Council continue with the current memberships, as resolved from time to time, until an announcement is made on the council mergers involving Port Stephens.

Council can resolve to amend the current membership of committees and groups should it wish.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications should Port Stephens Council merge with another council, as the memberships for the new entity will be determined by the Administrator. Should Port Stephens Council be advised that it is to stand alone then a decision will be required.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: 16/412847

RM8 REF NO: PSC2015-00036

NELSON BAY FORESHORE ADDITIONAL FUNDING 2016

COUNCILLOR: SALLY DOVER

THAT COUNCIL:

- 1) Authorise the following additional spending on the Nelson Bay beach to prepare it for the coming summer season.
 - a) Contractor to clean up the eastern end removing rubbish, weeds, dead trees etc. (\$20,000)
 - b) Three table setting installed at appropriate sites on beach reserve. (\$15,000)
 - c) Four sets of plastic steps to be installed at the end of the concrete ramps to provide safe access to the beach. (\$30,000)
 - d) Replace Bill Strong Oval toilet block, adjacent to the renovated skate park. (\$80,000)
-

ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION

	<p>Councillor Sally Dover Councillor John Nell</p> <p>That Council authorise the following additional spending on the Nelson Bay beach to prepare it for the coming summer season:</p> <ol style="list-style-type: none">a) Contractor to clean up the eastern end removing rubbish, weeds, dead trees etc. (\$20,000)b) Three table setting installed at appropriate sites on beach reserve. (\$15,000)c) Four sets of plastic steps to be installed at the end of the concrete ramps to provide safe access to the beach. (\$30,000)d) Replace Bill Strong Oval toilet block, adjacent to the renovated skate park. (\$80,000)
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AMENDMENT**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
AMENDMENT**

282	Councillor Ken Jordan Councillor John Nell It was resolved that Council authorise the following additional spending on the Nelson Bay beach to prepare it for the coming summer season: a) Clean up the eastern end removing rubbish, weeds, dead trees etc. b) Three table setting installed at appropriate sites on beach reserve or as an interim measure until funding can be gained, install three (3) used table settings as outlined in item b) of the background to the Notice of Motion. c) Repair the steps to allow access to the beach. d) Provide maintenance/clean-up to the toilet block and defer for consideration as part of the Forward Works Program.
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The amendment on being put became the motion, which was carried.

BACKGROUND REPORT OF: GREG KABLE – ACTING FACILITIES AND SERVICES GROUP MANAGER**BACKGROUND**

At present these proposed works have no allocated funding this financial year. Council staff propose the following actions in response to the notice:-

- a) Minor maintenance works are required and have been scheduled for November 2016, utilising the use of the Green Army and Council day labour staff. This will see some improvements, though to undertake a full clean as proposed in the Notice of Motion will require additional resources that are not currently funded. To undertake these works now will require a reduction in levels of service in the parks or tree maintenance areas.
- b) As an interim measure until funding can be gained Council has 3 used table settings that can be used at this location. While these tables will look different to others nearby, they will be clean and fit for purpose.
- c) The plastic stairs are not currently funded, though these works are required now to improve the beach access safety. Recent storm events over the past two years have caused extensive damage to the waterfront, whereby the dune area has been heavily eroded. There is now approximately a one meter drop at several of the beach access points. Previous storm damage works have also been eroded in the last storm. Council staff have applied for a grant to

undertake these works. As the grant application process is taking longer than expected these works will commence in the coming month. In the event that we are unsuccessful in gaining this grant, these works will be funded from a reduction in levels of service in parks maintenance.

- d) Bill Strong Oval toilet block is currently programmed in the 10 year Capital Works Program to be constructed in the 2025-2026 financial year. For this toilet block to be moved forward in the program alternative toilet block works with higher priorities would need to be postponed.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications as part of this Notice of Motion.

ATTACHMENTS

Nil.

CONFIDENTIAL ITEMS

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

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

ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2016 MOTION

283	Councillor Steve Tucker Councillor John Nell It was resolved that Council Move into confidential session.
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The following Council officers were present for the Confidential Session:

Communications Section Manager
Acting Public Relations and Marketing Coordinator

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 16/400602
RM8 REF NO: PSC2016-02365**

SALE OF 1 LYNDEL CLOSE, SOLDIERS POINT

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

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

284	Councillor John Nell Councillor Paul Le Mottee It was resolved that Council: <ol style="list-style-type: none">1) Dispose of 1 Lyndel Close, Soldiers Point on the terms and conditions detailed in this report.2) Authorise the Mayor and the General Manager to affix the Council Seal and sign all documentation and dealings necessary for the disposal.
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CONFIDENTIAL

ITEM NO. 2

**FILE NO: 16/412995
RM8 REF NO: PSC2015-01018**

CODE OF CONDUCT

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

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

285	Councillor John Nell Councillor Paul Le Mottee It was resolved that Council defer Item 2 to the next Ordinary Council meeting.
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ORDINARY COUNCIL MEETING – 27 SEPTEMBER 2016
MOTION

286	Councillor John Nell Councillor Paul Le Mottee It was resolved that Council Move out of confidential session.
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There being no further business the meeting closed at 6.18pm.