

DRAFT

MINUTES – 11 OCTOBER 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 – 11 October 2016, commencing at 5.30pm.

PRESENT:

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

287	Councillor John Nell Councillor Peter Kafer It was resolved that the apology from Cr Ken Jordan be received and noted.
------------	--

The General Manager advised the meeting that Cr Geoff Dingle has requested leave of absence from this meeting and for the remainder of 2016.

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2016

ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION

288	Councillor John Nell Councillor Peter Kafer It was resolved that leave of absence be granted to Cr Dingle from this meeting and for the remainder of 2016.
289	Councillor John Nell Councillor Steve Tucker It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 27 September 2016 be confirmed.
	There were no declaration of interest received.

INDEX

SUBJECT

PAGE NO

MAYORAL MINUTES 4

1. EXPRESSIONS OF INTEREST - PROPERTY DEVELOPMENTS -
RAYMOND TERRACE5

MOTIONS TO CLOSE..... 7

1. MOTION TO CLOSE.....8

COUNCIL REPORTS 9

1. DRAFT AMENDMENT TO PORT STEPHENS DEVELOPMENT
CONTROL PLAN 2014 - B1 TREE MANAGEMENT10
2. PROPOSED TEMPORARY SUSPENSION OF THE ALCOHOL FREE
ZONE AND ALCOHOL PROHIBITED AREA IN NELSON BAY
DURING THE 'TASTES OF THE BAY' FESTIVAL21
3. WAIVING OF FEES - DEVELOPMENT APPLICATION (MARGI'S
HOUSE) - 69 GOVERNMENT ROAD NELSON BAY31
4. CHANGE IN LEASE TERMS OF 528 HUNTER STREET,
NEWCASTLE.....35
5. TENDER: T03-2016 KING PARK AMENITIES BUILDING SEWER
REPAIRS39
6. 2016 NSW COASTAL CONFERENCE - COFFS HARBOUR 9-11
NOVEMBER 2016.....45
7. LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2016 -
SUBSTITUTE VOTING DELEGATE57
8. INFORMATION PAPERS60

INFORMATION PAPERS 61

1. DESIGNATED PERSONS RETURNS - PECUNIARY INTEREST 01
JULY 2015 TO 30 JUNE 201663

CONFIDENTIAL 66

1. CODE OF CONDUCT67

MAYORAL MINUTES

MAYORAL MINUTE**ITEM NO. 1****FILE NO: 16/432506
RM8 REF NO: PSC2013-02079 &
PSC2005-0065V1****EXPRESSIONS OF INTEREST - PROPERTY DEVELOPMENTS - RAYMOND TERRACE**

THAT COUNCIL:

- 1) Calls for Expressions of Interest for the development of 50 William Street, Raymond Terrace and 96-100 Port Stephens Street, Raymond Terrace.
-

ORDINARY COUNCIL MEETING - 11 OCTOBER 2016**MOTION**

290	Mayor Bruce MacKenzie Councillor Peter Kafer It was resolved that Council call for Expressions of Interest for the development of 50 William Street, Raymond Terrace and 96-100 Port Stephens Street, Raymond Terrace.
------------	--

BACKGROUND

The purpose of this report is to recommend that Council seeks Expressions of Interest (EOI) from suitably qualified and capable parties for the development of two key strategic land holdings in Raymond Terrace.

The first site is a vacant block located on the corner of Adelaide and Williams Streets. The site is considered a prime location for a gateway development as an entrance point into the Raymond Terrace central business district. A recent feasibility study has identified the site is ideally located for a mixed use development with a focus on residential units.

The second site is a parcel currently used for informal car parking located on the corner of Port Stephens Street and Glenelg Street. On the verge of the commercial area of Raymond Terrace but surrounded by residential dwellings, this site also lends itself to a residential type development with the benefit of being in close proximity to the river front.

The development of these sites will focus on providing high quality but affordable housing options in Raymond Terrace and will facilitate the continued economic

growth of the central business district. Council's focus is for the sites to be developed in the short to medium term and submissions must reflect this.

Following the completion of this EOI process, a full report will be brought back to Council with recommendations on preferred proposals.

MERGER PROPOSAL IMPLICATIONS

There are no implications from this EOI process where any merger proposal is concerned.

MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 16/427165
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 1 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 - 11 OCTOBER 2016
MOTION**

291	<p>Councillor John Nell Councillor Sally Dover</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.
------------	--

COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 16/418268
RM8 REF NO: PSC2015-01575**

**DRAFT AMENDMENT TO PORT STEPHENS DEVELOPMENT CONTROL PLAN
2014 - B1 TREE MANAGEMENT**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft amendments to the Port Stephens Development Control Plan 2014 in respect of B1- Tree Management **(ATTACHMENT 1)**.
- 2) Place the proposed draft amendments to the Port Stephens Development Control Plan on public exhibition for a period of 28 days.
- 3) Should no submissions be received endorse the proposed draft changes.
- 4) Continue to waive the tree removal notification fee during the proposed 12 month moratorium.

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION**

292	Councillor Paul Le Mottee Councillor Peter Kafer It was resolved that Council move into Committee of the Whole.
------------	---

COMMITTEE OF THE WHOLE RECOMMENDATION

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

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, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION**

293	Councillor Chris Doohan Councillor John Morello It was resolved that Council: <ol style="list-style-type: none">1) Endorse the draft amendments to the Port Stephens Development Control Plan 2014 in respect of B1- Tree Management (ATTACHMENT 1).2) Place the proposed draft amendments to the Port Stephens Development Control Plan on public exhibition for a period of 28 days.3) Should no submissions be received endorse the proposed draft changes.4) Continue to waive the tree removal notification fee during the proposed 12 month moratorium.
------------	--

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, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to outline a proposed draft amendment to the Port Stephens Development Control Plan (PSDCP) B1 – Tree Management Chapter to give effect to Council's Notice of Motion (NoM) from its meeting 13 September 2016 that Council:

"Provide a moratorium on the need to obtain a pre-approval for the removal of trees or vegetation covered by Council's tree preservation requirements where there is risk to human life or property for an extended period of 12 months".

The PSDCP previously included such a provision which in accordance with Councils resolution of May 2015 lapsed on 3 September 2016. Councils NoM on 13 September 2016 serves to reinstate the provision for an additional 12 months. Council also resolved in May 2015 to waive the tree removal notification fee during the previous moratorium. It is recommended that this continue as part of the reinstatement of the proposed moratorium for an additional 12 months.

The proposed amendment includes specific exemptions to be in force for a period of 12 months from the date of its commencement, including:

- Removal on the grounds that it is not an immediate threat, but poses a direct threat to human life or property. This is only when Council is provided with a tree removal notification post-event within 10 working days of removal – onus of proof is on the landholder, photos should be taken before and after removal.

In order to reinstate the Dangerous Trees moratorium for a further 12 months, the PSDCP – B1 Tree Management Chapter will be required to be amended as Councils previous resolution specifically limited the moratorium to a 12 month period.

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

There are minimal financial and resource implications associated with the proposed recommendations of this report. The public exhibition of the proposed amendments will require advertising costs covered by Council's existing budget.

It is also acknowledged that Council resolved on 26 May 2015 to waive the tree removal notification fees for the 2015-2016 period.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning & Assessment Act 1979 (EP&A Act)

The draft plan has been prepared in accordance with the provisions of the *Environmental Planning & Assessment Act 1979* (EP&A Act), which sets a hierarchal relationship between planning documents. For example, the EP&A Act clearly states that a DCP is a key matter for consideration under s79C – Matters for Consideration.

The role of a DCP is to facilitate development under the Port Stephens LEP 2013 by providing local matters for consideration in the determination of a development application. S.26 of the EP&A Act provides that a LEP may make provisions for DCPs to specify kinds of trees and vegetation to be included or excluded from requiring approval.

Port Stephens Local Environmental Plan 2013

The preservation of trees and vegetation within the Port Stephens local government area (LGA) is provided for by the provisions of Clause 5.9 of the Port Stephens LEP 2013 which gives effect to S.26 of the EP&A Act and enables Council to specify trees and vegetation to be excluded through the DCP controls.

Port Stephens Development Control Plan 2014

Council's Port Stephens DCP 2014 gives effect to the Port Stephens LEP 2013 by listing those trees or other vegetation that require approval in urban areas being land to which the Native Vegetation Act 2004 does not apply. It contains a range of existing exemptions for pre-approval for the removal of trees or vegetation in areas outside of the Native Vegetation Act and other relevant legislation. This amendment reinstates the previous exemptions that existed from 3 September 2015 to 3 September 2016 in response to the declared natural disaster.

Environment Policy

Council's Environment Policy (adopted 8 March 2016) states Council's commitment to the principles of ecologically sustainable development which includes the conservation of biological diversity and ecological integrity. Extending the existing moratorium is inconsistent with Council's Environment Policy on the basis that it would not allow Council to satisfy itself that tree removal would not have an impact on the conservation of biological diversity and ecological integrity.

Tree removal data

Data on tree removal applications assessed throughout the current amended DCP period (3 September 2015 to 3 September 2016) indicate no increase in applications on the 12 months prior with 110 applications received in each twelve month periods. Of the 110 applications received during the amended DCP period only 13 (12%) applications were refused on any grounds, however in only 2 instances did the applicant seek a reassessment (a process available to any unsuccessful applicant). In both of these instances the reassessment was approved.

The proposed reinstatement of the moratorium would not allow Council to provide advice on potential non-compliance with other environmental legislation for which Council is not the appropriate regulatory authority, and therefore potentially leave the community exposed should they inadvertently undertake works that are noncompliant with this legislation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk to human life and property associated with dangerous trees.	Low	Implement the proposed amendments to the DCP.	Yes
There is a risk that extension of the moratorium will result in impacts to biodiversity and amenity of the LGA.	Medium	The proposed amendments to the DCP aim to provide weight to circumstances related to risk to human life and property. The proposed changes to the DCP do not affect other relevant legislation that relates to the protection and management of trees or vegetation.	Yes
There is a risk that Council exceeds its legislative powers in relation to tree management.	Medium	Ensure DCPs controls are consistent with LEP which make provisions for DCPs to specify kinds of trees and vegetation to be included or excluded from requiring approval.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

As established in Council's existing DCP, the provisions relating to tree and vegetation management only apply to defined urban areas across the LGA. In all areas outside of these defined urban areas the provisions of the Native Vegetation Act 2003 apply to vegetation removal and management, with Hunter Local Land Services being the consent authority.

It remains the land owner's responsibility to ensure compliance with all legislative requirements including those for the protection of vegetation, threatened species, or ecological communities or their habitats.

MERGER PROPOSAL IMPLICATIONS

There are implications as a consequence of the proposed recommendation for a merger. It is anticipated that alignment of LEP and DCP controls of respective local government areas will be addressed as part of a standard work program for any new merged entity to address over time.

CONSULTATION

Consultation with key stakeholders will be undertaken by the Strategy and Environment Section.

Internal

Internal consultation will be undertaken during the exhibition process.

External

In accordance with *Environmental Planning and Assessment Regulation 2000* the draft DCP will go on public exhibition for 28 days from 19 October 2016 to 16 November 2016.

Notification will be placed in the 'Port Stephens Examiner'. The exhibition material was available for viewing at Port Stephens Council Administration Building, Tomaree Library and Councils website under 'What's on Exhibition'.

Consultation with key stakeholders will be undertaken by the Strategy and Environment Section.

OPTIONS

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

ATTACHMENTS

- 1) Draft PSDCP 2014 - B1 Tree Management.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

B1

TREE MANAGEMENT

B1 Tree Management

Application		
<ul style="list-style-type: none"> This Part applies to development to remove or prune trees or other vegetation within urban areas. Development to remove or prune trees or other vegetation within non-urban areas is provided under the Native Vegetation Act 2003 		
Objective		
B1.A	Urban Areas	<ul style="list-style-type: none"> To give effect to PSLEP 2013 clauses 5.9 and 5.9AA by listing those trees or other vegetation that require approval
Requirement		
B1.1	<ul style="list-style-type: none"> Council approval is required to remove or prune trees or other vegetation listed under Column 1, except where those circumstances listed under Column 2 are satisfied 	
Column 1 – Approval Required		Column 2 – When approval is not required
<ul style="list-style-type: none"> NSW Christmas Bush - <i>Ceratopetalum gummiferum</i> Cabbage Tree Palm – <i>Livistona australis</i> species listed under the TSC Act 1995 trees or vegetation listed under the register of significant trees³ trees or vegetation positioned on land containing a heritage item or within a heritage conservation area trees or other vegetation where height exceeds 3m or circumference breast height exceeds 300mm 		<ul style="list-style-type: none"> Dead, if native fauna habitat does not exist Urgent removal on account of immediate failure when Council is provided with a tree removal notification post-event, onus of proof is on the landholder, photos should be taken before and after removal
		<ul style="list-style-type: none"> within 5m of the wall of an approved structure measured from the wall to the trunk of the tree in accordance with a construction/subdivision certificate a tree grown for fruit or nut production vegetation clearing work authorised under the Rural Fires Act 1997 – e.g. covered by the 10/50 Vegetation Clearing Code of Practice maintenance of less than 12 months growth or 10% of foliage in accordance with AS4373-2007 declared as an exotic species within parks, easements or reserves when work is undertaken by a responsible authority Dead, if native fauna habitat does not exist

B-1

B1

TREE MANAGEMENT

	<ul style="list-style-type: none"> ▪ Urgent removal on account of immediate failure. This is only when Council is provided with a tree removal notification post-event, onus of proof is on the landholder, photos should be taken before and after removal ▪ In response to the Natural Disaster Declaration for storms and flooding occurring from 20 April 2015-For a period of 12 months from xx to xx following the date of commencement of this amendment the following circumstance applies: <ul style="list-style-type: none"> o removal on the grounds that it is not an immediate threat, but poses a direct threat to human life or property. This is only when Council is provided with a tree removal notification post-event within 10 working days of removal – onus of proof is on the landholder, photos should be taken before and after removal <p>Note: Refer to A.3 (p. A-8) for the date this amendment commenced.</p> <p>Landowners are encouraged to seek the advice of a qualified arborist in determining the direct threat of the tree.</p>
<p>Note: Applicants for tree clearing and removals will also need to consider the provisions of other legislation including but not limited to the following:</p> <ul style="list-style-type: none"> ▪ Environment Protection and Biodiversity Conservation Act 1999 (Cth) – protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. Contact the Commonwealth Department of the Environment. ▪ National Parks and Wildlife Act 1974 (NSW) – fauna habitat, protected plants. Contact the National Parks and Wildlife Service at the NSW Office of Environment and Heritage (OEH). ▪ Threatened Species Conservation Act 1995 (NSW) –ecological communities, critical habitat, endangered and vulnerable species, key threatening processes, recovery plans. Contact NSW OEH. ▪ Native Vegetation Act 2003 (NSW) – clearing of native vegetation, regional vegetation management plans, property agreements. Contact NSW OEH. ▪ Fisheries Management Act 1994 (NSW) – prohibits cutting of mangroves. Contact the NSW Department of Industry and Investment. ▪ Water Management Act 2000 (NSW) – A controlled activity approval under the WMA is required for certain types of development and activities that are carried out in or near a river, lake or estuary (e.g. for the removal of material or vegetation). Contact NSW Department of Primary Industries (DPI). ▪ Rural Fires Act 1997 (NSW) - '10/50 Vegetation Clearing Code of Practice for NSW', and authorised removal of fire hazards. Contact the NSW Rural Fire Service. ▪ Heritage Act 1977 (NSW) – sites under conservation orders, relics, etc. Contact NSW OEH. ▪ Noxious Weeds Act 1993 (NSW) – clearing of noxious weeds. Contact DPI. 	
Objective	

B-2

B1

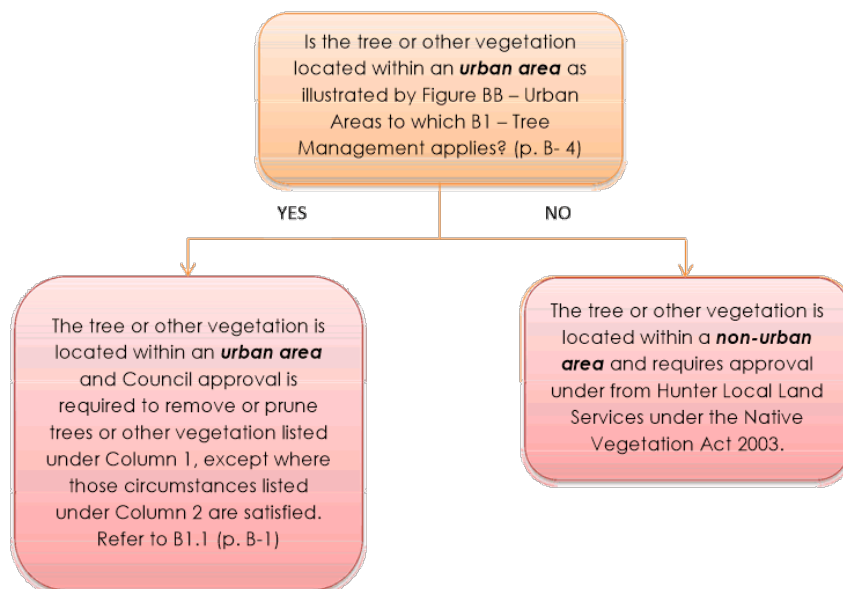
TREE MANAGEMENT

B1.B	Heads of Consideration	<ul style="list-style-type: none"> To ensure adequate consideration is provided to the relevant matters for the removal of trees or vegetation
Requirement		
B1.2		<ul style="list-style-type: none"> Council approval to remove or prune trees or other vegetation has regard for: <ul style="list-style-type: none"> damage to an existing structure or utility service substantiated by a qualified person interfering with a solar photovoltaic/hot water system interfering with the amenity of a habitable room threatened by a development consent consistency with a flora, fauna or conservation strategy the tree is interfering, or likely to interfere, with the provision of a public utility or road/driveway construction, provided the impact on the trees has been considered in the design phase impact on threatened species, populations or ecological communities and their habitats retention value under the tree technical specification¹ other relevant circumstances
Objective		
B1.C	Supporting Information	<ul style="list-style-type: none"> To ensure adequate information is provided to determine the application for the removal of trees or vegetation
Requirements		
B1.3		<ul style="list-style-type: none"> An arborist report consistent with tree technical specification¹ is required: <ul style="list-style-type: none"> for a tree or other vegetation listed under register of significant trees³ to assess the impact on existing trees as part of a Development Application as per AS 4970-2009 to support reassessment of applications for tree removal on a technical basis to support the release of a tree bond
B1.4		<ul style="list-style-type: none"> A tree bond consistent with the tree technical specification¹ is imposed where Council deems a public tree is at risk
B1.5		<ul style="list-style-type: none"> A request to remove 20 or more trees requires a vegetation management plan consistent with vegetation technical specification² <p>Note: B4.4 (p. B-30) requires an application to remove 20 or more trees to be provided to Hunter Water by the assessing officer for a period of 14 days</p>
B1.6		<ul style="list-style-type: none"> Compensatory planting consistent with the tree technical specification¹ may be required when council approval to remove trees is provided
B1.7		<ul style="list-style-type: none"> A hollow tree assessment is required to remove hollow bearing trees <ul style="list-style-type: none"> Two replacement hollows are provided for each hollow tree identified by the hollow tree assessment Salvaged hollows are preferred over nest boxes, which are consistent with the nest box technical specification⁵ <p>Note: B2.1 (p. B-30) requires a hollow tree assessment and replacement or salvaged hollows if a Flora and Fauna Survey Report proposes their removal</p>

B2

NATURAL RESOURCES

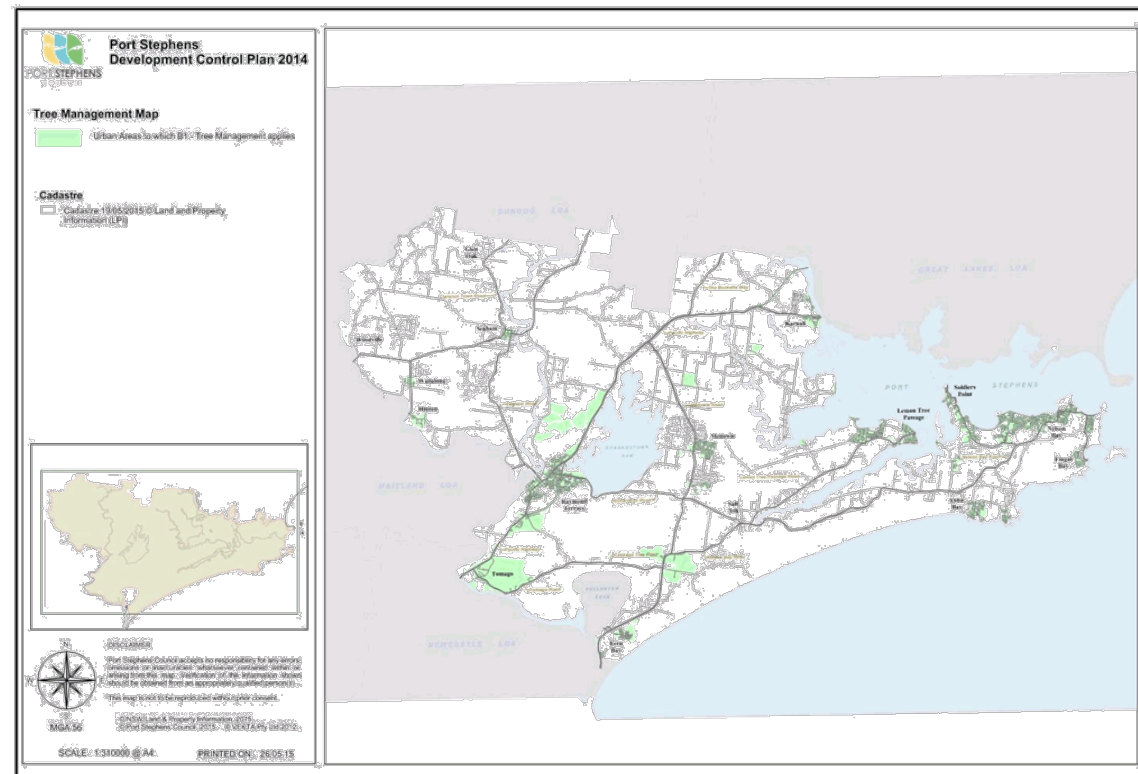
Figure BA: Explanation of Requirement B1 – When approval is required (p. B-15)



B10

SOCIAL IMPACT

Figure B8:
Urban Areas
to which B1 –
Tree
Management
applies



B-5

ITEM NO. 2

**FILE NO: 16/420618
RM8 REF NO: PSC2016-0222**

**PROPOSED TEMPORARY SUSPENSION OF THE ALCOHOL FREE ZONE AND
ALCOHOL PROHIBITED AREA IN NELSON BAY DURING THE 'TASTES OF THE
BAY' FESTIVAL**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the temporary suspension of part of the Nelson Bay Alcohol Free Zone (AFZ) outlined in **(ATTACHMENT 1)** for the purpose of the 'Tastes of the Bay' Festival on 5 and 6 November 2016 between 9am and 5pm.
- 2) Approve the temporary suspension of the Alcohol Prohibited Area (APA) outlined in **(ATTACHMENT 1)** for the purpose of the 'Tastes of the Bay' Festival on 4 November 2016 between 5.30pm and 7.30pm and 6 November 2016 between 12pm and 2pm.
- 3) The proposed temporary suspension of alcohol free areas, dates and times be publicly notified seven days prior to the event.

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION**

294	Councillor Chris Doohan Councillor John Morello It was resolved that Council: 1) Approve the temporary suspension of part of the Nelson Bay Alcohol Free Zone (AFZ) outlined in (ATTACHMENT 1) for the purpose of the 'Tastes of the Bay' Festival on 5 and 6 November 2016 between 9am and 5pm. 2) Approve the temporary suspension of the Alcohol Prohibited Area
------------	--

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2016

	(APA) outlined in (ATTACHMENT 1) for the purpose of the 'Tastes of the Bay' Festival on 4 November 2016 between 5.30pm and 7.30pm and 6 November 2016 between 12pm and 2pm.
3)	The proposed temporary suspension of alcohol free areas, dates and times be publicly notified seven days prior to the event.

BACKGROUND

The purpose of this report is to inform Council that two requests have been received from Tomaree Business Chamber requesting the proposed temporary suspension of the AFZ and APA in Nelson Bay for the purpose of this year's annual "Tastes of the Bay" Festival.

The Festival Launch will be held 4 November 2016 from 5.30pm to 7.30pm, tastings on 5 and 6 November 2016 between 9am and 5pm and High Tea between 12pm and 2pm on 6 November 2016. The proposed changes are outlined and summarised below. **(ATTACHMENT 1)**.

Alcohol Free Zone Area 1: The proposed temporary suspension of part of the Nelson Bay Alcohol Free Zone located at:

- Magnus Street (between Yacaaba and Stockton Streets); and
- Stockton Street (between Victoria Parade and Donald Street) for tastings on Saturday 5 November 2016 between 9am and 5pm and on Sunday 6 November 2016 between 9am and 5pm.

Alcohol Prohibited Area 2: The proposed temporary suspension of the Alcohol Prohibited Area in Apex Park, Victoria Parade, Nelson Bay on:

- Friday 4 November 2016, from 5.30pm until 7.30pm for festival launch; and
- Sunday 6 November 2016 between 12pm to 2pm.

The applicant will be required to provide additional security guards and to comply with serving of alcohol requirements as outlined in the attached NSW Police Force Licensing Unit Conditions **(ATTACHMENT 2)**.

As required by legislation, Council will notify the public of the proposed temporary suspension of the existing APA and AFZ locations, and associated dates and times via the local newspaper.

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

Event organisers are responsible for the cost of the public notice in the local paper informing the public of the temporary suspension of AFZ and APA areas and the alcohol signage amendments.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Applicant responsible for cost incurred for public notice and alcohol signage amendments.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The existing APA and AFZ restrict alcohol 24 hours seven days a week. Suspensions of AFZ are guided by Section 645 of the Department of Local Government's Ministerial Guidelines on AFZ, which states:

"A Council is not limited in the reasons for which it may suspend an Alcohol Free Area. A suspension would not usually be appropriate for any period longer than one month, and generally would be of a much shorter duration (eg to accommodate a specific event)."

In accordance with the Ministerial Guidelines, Alcohol Free Zones 2009 the proposed temporary suspension of alcohol free areas, dates and times are required to be notified to the public seven days prior to the event.

Event organisers will be responsible for covering and uncovering alcohol restricted signage within the Nelson Bay CBD event area and Apex Park for the temporary suspended period.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that other visitors to Apex Park can also drink in the approved alcohol times.	Medium	NSW Police have agreed to the temporary suspension of alcohol in Apex Park for this event.	Yes
There is a risk that broken glass and litter could be left in Apex Park by other visitors	Medium	Council has increased the waste management in place in Apex Park for this event.	Yes

outside the event marquee area.			
------------------------------------	--	--	--

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The temporary suspension of the alcohol free areas within Nelson Bay will assist to support a successful local event which will promote economic benefits within the local business community.

MERGER PROPOSAL IMPLICATIONS

There are no implications as a result of this application.

CONSULTATION

Consultation with key stakeholders has been undertaken by Council's Tourism and Events Unit.

Internal

Council's Tourism and Events staff have liaised with Strategic Planning regarding the requirements to temporarily suspend part of the alcohol restricted areas at Nelson Bay for this event.

External

Meetings with Port Stephens Local Area Command Licensing Officers have been held to discuss the proposed event, alcohol licensing conditions and temporary suspension of alcohol restricted area recommendations. It was noted that event approval is subject to the event operator obtaining a 'Limited' Special Event Liquor License for this proposed event.

The Port Stephens local NSW Police Licensing Officer has been consulted and the temporary suspension of the alcohol restrictions has been approved with conditions for the event applicant to comply with.

OPTIONS

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

ATTACHMENTS

- 1) NSW Police Force Licensing Unit Conditions.
- 2) Alcohol Free Zone - Nelson Bay Taste of the Bay Event Areas.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 2 - ATTACHMENT 1 NSW POLICE FORCE LICENSING UNIT
CONDITIONS.**

**NEW SOUTH WALES POLICE
Port Stephens Local Area Command**



Port Stephens Licensing Unit

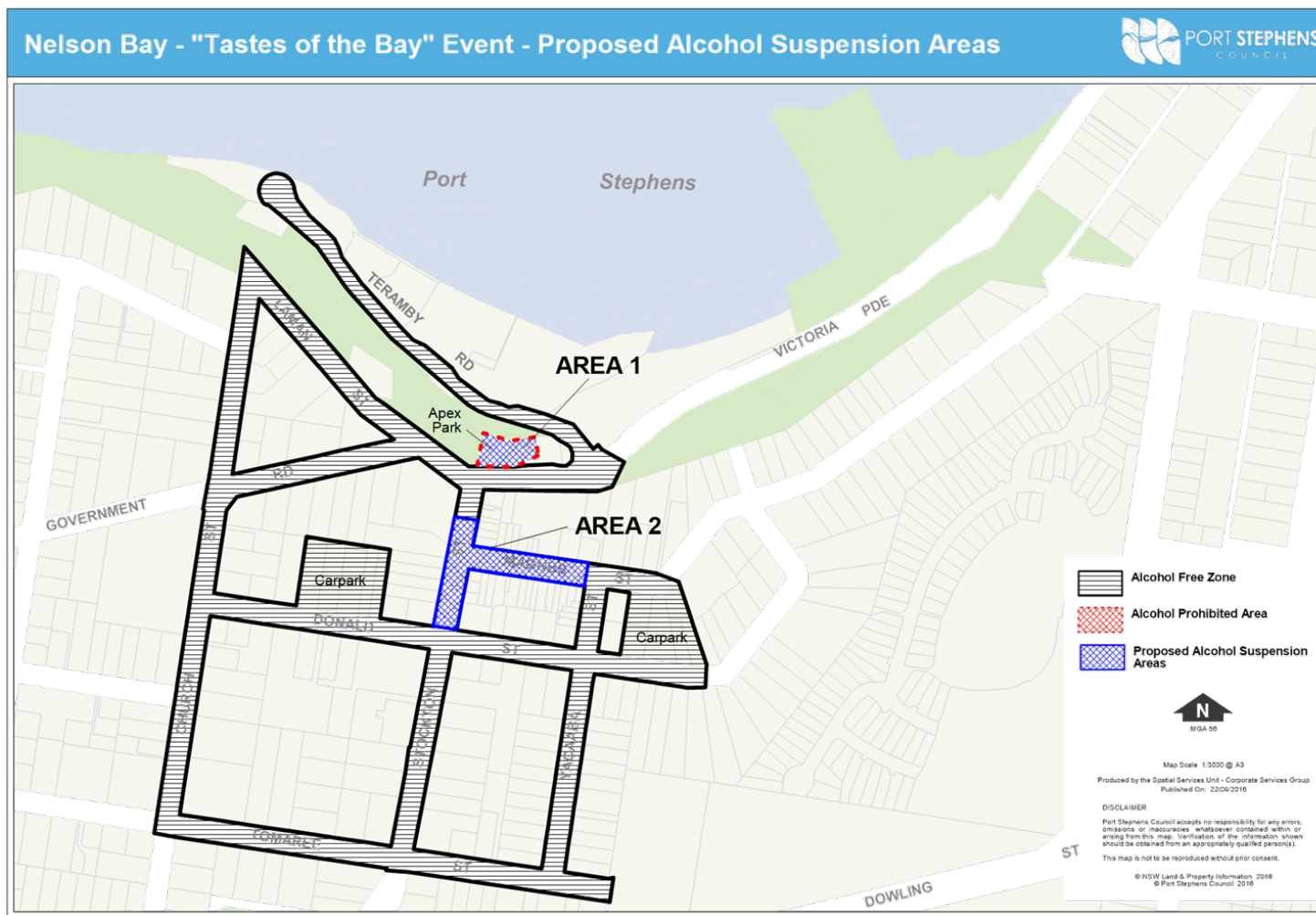
2016 Tastes of the Bay Festival.

1. No shots, no mixed drinks with more than 30mls of alcohol, and no RTD, (ready to drink) drinks with alcohol by volume greater than 4% to be sold at the event.
2. The licensee will limit the sale and supply of alcoholic beverages during the event to a maximum of four drinks per patron.
3. Free water stations to be placed on every bar.
4. Sale and supply of alcohol shall cease 30 minutes before closing.
5. Security guards to be present at the event and are to patrol and be responsible for the vicinity of the premises to a 100 metre radius.
6. The Licensee must ensure the following will be the minimum deployment at the bar where alcohol is sold or supplied.
 - a) 1 x Bar Manager
 - b) 1 x Static Security guard
 - c) 1 x RSA Marshall
7. Immediately after the person in charge of the licensed event becomes aware of an incident involving an act of violence causing an injury to a person on the premises, the person must,
 - a. Take all practical steps to preserve and keep intact the area where the act of violence occurred, and retain all material and implements associated with the act of violence in accord with Crime Scene Preservation Guidelines, issued by NSW Police,
 - b. Make direct contact with the Local Area Commander or his delegate, and advise of the incident,
 - c. Comply with the directions given by the Commander or delegate to preserve or keep intact the area where the act of violence occurred.
8. For the duration of the event all drinks sold or supplied for consumption on the premises shall be in shatter proof containers or cans.
9. The Licensee shall not permit staff to consume liquor on the premises while engaged in the sale and supply of liquor, (including during any meal or other break.)
10. The Licensee shall comply with any direction(s) of the Executive Director of the Office of Liquor Gaming and Racing NSW (or his or her delegate) or the Local Area Commander of Port Stephens Local Area Command (or his or her delegate) concerning the manner of operation of the licence of the conduct of the event as may be issued to the Licensee in writing. Directions may relate to, but are not restricted to, intoxication and the responsible service of liquor, standards to be observed on the premises for preventing the misuse or abuse of liquor, the level of noise emanating from the licensed premises, the steps that need to be taken to prevent patrons from disturbing the neighbourhood and the hours during which liquor may be sold or supplied under the authority of the licence on that particular day.

**ITEM 2 - ATTACHMENT 1 NSW POLICE FORCE LICENSING UNIT
CONDITIONS.**

2

11. The Licensee shall take reasonable steps to ensure that liquor is not brought into the licensed premises area except where that liquor is proposed to be sold or supplied by the licensee under the authority of the licence.
12. The Licensee must ensure that all liquor sold to patrons is consumed or disposed off within 30 minutes after the closing time of the bar area and liquor must not be consumed after that time.
13. The Licensee must ensure noise emanating from the area to which the Limited Licence – Single Function relates, from entertainment or other activities and conduct by any person within the area or while entering or leaving the permitted area is not such as to unduly disturb or inconvenience the owners or occupiers of neighbouring premises.
14. Within 14 days every member of staff will be notified in writing of these conditions and advised of the need to apply RSA practises.



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49890255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

ITEM NO. 3**FILE NO: 16/425833
RM8 REF NO: 16-2016-666-1****WAIVING OF FEES - DEVELOPMENT APPLICATION (MARGI'S HOUSE) - 69
GOVERNMENT ROAD NELSON BAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Waive the development application fees for development application 16-2016-666-1 (Margi's House).
-

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Mayor Bruce MacKenzie Councillor Peter Kafer That the recommendation be adopted.
--	--

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, Peter Kafer, Paul Le Mottee, Bruce MacKenzie, John Morello, John Nell and Steve Tucker

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION**

295	Councillor Chris Doohan Councillor John Morello It was resolved that Council waive the development application fees for development application 16-2016-666-1 (Margi's House).
------------	--

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2016

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, Peter Kafer, Paul Le Mottee, Bruce MacKenzie, John Morello, John Nell and Steve Tucker

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to request Council waive the development application and building certification fees for development application (16-2016-666-1).

The NSW Police have requested Council consider waiving the fees for the development application and construction certificate application including undertaking the appropriate mandatory inspections.

The works are to aid the family of a fallen police officer with the renovations to be aired on national television on 'A Current Affair'. The application consists of first floor addition and decks, internal renovations to the lower floor and new carport and outdoor cabana.

The works are scheduled to start on, or around 15 October 2016. The plans were received by Council on 22 September 2016.

Under the circumstances, the Development Assessment and Compliance Section (DAC) are willing to absorb the application fees within current budget constraints with the approval of Council.

It is not considered to create a precedent as this is the first request of this specific nature Council staff recall receiving.

It is noted that the Council report is only to consider waiving the fees, not the merits of the development application itself.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Community Planning and Partnerships.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

FINANCIAL/RESOURCE IMPLICATIONS

The applicable fees for the combined DA/CC application and mandatory inspections are approximately \$1,250. Development Assessment and Compliance have reviewed current budget limitations and are comfortable in the ability to absorb these costs within our current budget model and within current resources.

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2016

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The waiving of fees would be absorbed within current budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The waiving of fees is not considered to present any precedent implications as the NSW Police Service does not approach Council regularly to undertake or be involved in these activities often.

Section 610E of the *Local Government Act 1993*, allows Council to waive or reduce a fee payable.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that should Council not waive fees of negative feedback through media portals could be experienced.	High	Adopt recommendation.	Yes
There is a risk that the waiving of fees could present a precedent of waiving other fees in the future.	Low	It is not considered to be a common occurrence that we are approached by such entities to waive fees.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

MERGER PROPOSAL IMPLICATIONS

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Development Assessment and Compliance Section.

The objective of the consultation was to review budgetary constraints and the capacity to absorb these fees within the current model

Internal

Consultation on the timeframe involved, discussing the waiving of fees process and assessment of the application was discussed.

External

Nil

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4**FILE NO: 16/419026
RM8 REF NO: PSC2009-02366****CHANGE IN LEASE TERMS OF 528 HUNTER STREET, NEWCASTLE****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the lease documentation and any associated legal documentation including the Option Lease if exercised.
-

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION**

296	Councillor Chris Doohan Councillor John Morello It was resolved that Council authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the lease documentation and any associated legal documentation including the Option Lease if exercised.
------------	---

BACKGROUND

The purpose of this report is to authorise the Mayor and the General Manager to sign and affix the Seal of the Council to secure a long term commercial lease located at 528 Hunter Street, Newcastle.

At its meeting dated 8 July 2014, Min No. 172, Council's resolution was to authorise the Mayor and the General Manager to sign and affix the Seal of the Council to the lease documentation and any associated legal documentation including the Option Lease if exercised.

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2016

The expiry of that lease occurred on 31 July 2014 and Property Services had negotiated a new Option Lease for a term of seven (7) years (1 August 2014 to 31 July 2021) with a further option of three (3) years.

It has since been negotiated to have the new Option Lease for a term of ten (10) years (1 August 2014 to 31 July 2024) with a further option of three (3) years.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
A Sustainable Council.	Council will maintain its underlying financial performance to budget at break even or better. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

The income to be derived from this proposed lease agreement has been accounted for in the current budget.

The rent of \$620,000 represents a significant annual income stream to Council being the result of securing a key asset which is now located within a very desirable precinct and will continue to appreciate in value over the shorter to medium term.

There is a significant benefit to Council in negotiating this lease internally as opposed to having it undertaken by an external letting agency in that we have realised a saving of letting fees to the order of \$45,000.

The net rental derived from this transaction reflects a net return on value (yield) of 8.50% which is in line with targeted outcomes for the Property Investment portfolio.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The rental income forms part of the FY2015 budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

The desired outcome of acquiring and leasing of the Investment Property portfolio is to create secure Leases for the longest available periods to viable tenants. The expected outcome is that Council is protected by a secure agreement with known returns over the term. The income received contributes to Council's non-rates funding thereby reducing the call on rates income.

Importantly, in having a valid and enforceable Lease, Council is protected and having the ability to recover costs means that the property returns funds to Council as opposed to contributing as a liability for rates, maintenance, asset management and other factors.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that should there not be a formalised lease in place a tenant could vacate at short notice and there would be a loss of income as a result.	Medium	Formalise the lease document as recommended.	Yes
There is a risk that should there not be a formalised lease in place that the obligations of the landlord and the tenant are not clear creating confusion and possible legal arguments.	High	Formalise the lease document as recommended.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

MERGER PROPOSAL IMPLICATIONS

There are no apparent merger proposal implications from the recommendation.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services Section.

The objective of the consultation has been to determine lease conditions that best suit the long term management of a Council owned asset for commercial use.

Internal

- Investment and Asset Manager.
- Property Services Section Manager.

The lease terms and conditions have been prepared to maximise the use of Council's commercial asset.

External

- Manpower Services (Australia) Pty. Limited.
- Harris Wheeler Lawyers.
- Tew Property Consultants.

The lease terms and conditions have been prepared by Harris Wheeler

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 5

**FILE NO: 16/400423
RM8 REF NO: T03-2016**

TENDER: T03-2016 KING PARK AMENITIES BUILDING SEWER REPAIRS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act, 1993*, the Council resolve to close to the public that part of its meetings to discuss Item 5 on the Ordinary Council agenda namely TENDER: T03-2016 KING PARK AMENITIES BUILDING SEWER REPAIRS.
 - 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the TENDER: T03-2016 KING PARK AMENITIES BUILDING SEWER REPAIRS.
 - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
 - 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*.
 - 5) That Council accept the tender submitted from Mullane Maintenance Pty Limited for \$171,105 for the repairs of the sewer system in the ground floor of the amenities building at King Park, Raymond Terrace.
 - 6) That the contract will tentatively commence on 12 October 2016 (subject to the service provider's availability), with an expected contract program of four weeks.
 - 7) That Council formally vote the funds to the extent of the contract for these works.
-

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Nell Councillor Peter Kafer</p> <p>That Council:</p> <ol style="list-style-type: none">1) Accept the tender submitted from Mullane Maintenance Pty Limited for \$171,105 for the repairs of the sewer system in the ground floor of the amenities building at King Park, Raymond Terrace;2) That the contract will tentatively commence on 12 October 2016 (subject to the service provider's availability), with an expected contract program of four weeks; and3) Formally vote the funds to the extent of the contract for these works.
--	---

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION**

297	<p>Councillor Chris Doohan Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Accept the tender submitted from Mullane Maintenance Pty Limited for \$171,105 for the repairs of the sewer system in the ground floor of the amenities building at King Park, Raymond Terrace;2) The contract will tentatively commence on 12 October 2016 (subject to the service provider's availability), with an expected contract program of four weeks; and3) Formally vote the funds to the extent of the contract for these works.
------------	--

BACKGROUND

The purpose of this report is to recommend the acceptance of the tender received from Mullane Maintenance Pty Limited for \$171,105 for the provision of repairs to the sewer system at the amenities building at King Park, Raymond Terrace.

The tender was advertised and closed on 24 August 2016 with a total of three submissions received at the close of the tender period, one of which was non-conforming as it did not meet the requirements of the tender specifications. A summary of the submissions received is shown at **(ATTACHMENT 1)**.

MINUTES ORDINARY COUNCIL - 11 OCTOBER 2016

The intent is to appoint Mullane Maintenance Pty Limited who has specialist knowledge in project plumbing services to maintain the existing infrastructure. The remediation scope for this site requires a specialist to complete the works, paying particular importance and regard to: price, commercial terms, contract management and previous experience.

The tender specification and pricing requirements have been written incorporating the needs of Council as well as the relevant Standards, Code of Practice and Guidelines for this sewer project.

Mullane Maintenance Pty Limited is a specialist plumbing contractor that:

- has over 200 skilled and experienced personnel;
- has been trading since 1925 (92 years);
- is locally based in Newcastle and also works throughout the Hunter region;
- has dedicated plumbing equipment which reduces the reliance on subcontractors;
- is currently listed on Council's panel of plumbing service providers;
- has accreditation in all facets of plumbing, drainage, gas fitting and roofing services.

The divisions of Mullane Maintenance Pty Ltd include construction and maintenance, servicing the Hunter region's needs with regard to domestic and commercial customers and they have extensive experience and accreditation in all facets of plumbing, drainage, gas fitting, and roofing services.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Price	30
Commercial Terms	5
Capability	10
Technical Skills	5
Contract Management	15
Relevant Experience	25
Referees	10
Total	100

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Infrastructure.	Reduce the infrastructure backlog on all Council assets.

FINANCIAL/RESOURCE IMPLICATIONS

The program is reactive maintenance and as such has not been included in the Strategic Asset Management Plan that was adopted by Council. The works will be funded from the restricted waste reserve funds.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal and/or policy implications. The risks are detailed in the table below:

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that continuing delays to the repair of this amenity building will continue to affect the King Park user groups and damage Council's reputation with the general community.	Medium	Award the tender.	Yes
There is a risk that costs will increase over time if commencement of the works is further delayed.	Medium	Award the tender.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There will be improved social benefits in this amenities building functioning normally for the Sports Council and King Park users groups (particular focus on providing disability services at ground floor access).

It is unsustainable to continue with the building in its current state of disrepair.

MERGER PROPOSAL IMPLICATIONS

This tender was originally called prior to the proposed merger being announced. The body of work is considered necessary for the day to day operations of Council. This construction project is within Council's budget period, and will not impact on any Council merger proposal.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Facilities & Services Section to seek information of the asset owners, Sports Council and the public.

The users of this amenities building have been affected, and remedy of the existing sewer system will allow access to the amenities on the ground floor.

Internal

- Project Manager.
- Community and Recreation Asset Officer.
- F and S Officer - Recreation.
- Community and Recreation Coordinator.
- Supervisory Licensed Plumber.

External

- Sports Council.
- King Park user groups: Raymond Terrace District Cricket Club, Raymond Terrace Soccer Club.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL Weighted criteria methodology summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6**FILE NO: 16/425797
RM8 REF NO: PSC2016-02900****2016 NSW COASTAL CONFERENCE - COFFS HARBOUR 9-11 NOVEMBER 2016****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the attendance of Cr John Nell at the 25th NSW Coastal Conference to be held in Coffs Harbour from 9 to 11 November 2016.
-

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Mayor Bruce MacKenzie Councillor John Morello That the recommendation be adopted.
--	---

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION**

298	Councillor Chris Doohan Councillor John Morello It was resolved that Council endorse the attendance of Cr John Nell at the 25 th NSW Coastal Conference to be held in Coffs Harbour from 9 to 11 November 2016.
------------	--

BACKGROUND

The purpose of this report is to inform Council of the 25th NSW Coastal Conference 2016 to be held in Coffs Harbour from 9 to 11 November 2016.

The conference program is shown at **(ATTACHMENT 1)**.

The conference is open to all Councillors.

As Councillors are aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Region.

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 will be covered from within the existing budget, subject to any individual Councillor not exceeding the conference budget limits in the Policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	875	\$875 registration costs. Travel and accommodation will be additional to this cost.
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 of 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 Port Stephens Council will not be represented on matters at the conference.	Low	That the recommendation be adopted.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Ensuring the local government area is well represented in all matters at the conference will benefit the Port Stephens community. Information received will be distributed to the appropriate members of the community and relevant Council staff.

MERGER PROPOSAL IMPLICATIONS

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

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

- 1) 2016 NSW Coastal Conference Program.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



NSW COASTAL CONFERENCE

celebrating 25 years - surging forward

9-11 NOVEMBER 2016

NSW COASTAL CONFERENCE 2016

CONFERENCE PROGRAM

(as at 12th September 2016)

PROGRAM - Day 1 Wednesday 9 November

8.00am Registration

Session 1: Plenary 9.00am – 10.30am

9.00am Welcome to Country

9.15am Conference Welcome & Opening from Host Council

9.25am Celebrating 25 years Address

9.50am – 10.30am Keynote Speaker Address
Valerie Seidel, The Balmoral Group

10.30am – 11.00am Morning Tea

Session 2: Concurrent 11.00am – 12.35pm

	2A: Coastal Reforms, Management & Planning	2B: Applying Science, Technology & Innovation	2C: Connected Coastal Systems
11.00am – 11.20am	Steps Towards Developing a Risk Assessment Framework for Coastal Planning David Wainwright , University of Newcastle & Salients Pty Ltd	Regional 21st Century Sea Level Projections for the NSW Coast Xuebin Zhang , CSIRO Oceans and Atmosphere	Water Quality Management Challenges in Modified NSW Coastal Catchments Isaac Santos , Southern Cross University
5 min	<i>Changeover</i>	<i>Changeover</i>	<i>Changeover</i>
11.25am – 11.45am	Introducing CoastAdapt: A National Tool to Support Australian Coastal Decision Makers to Manage Risks Associated with Climate Change David Rissik , NCCARF	Probabilistic Modelling of Storm Wave Clustering at Old Bar, NSW, Including the Impacts of Seasonal and ENSO Cycles Gareth Davies , Geoscience Australia	Tracing the Source of Marine Debris on the Beaches of Northern NSW: the Bottles on Beaches Program Stephen Smith , National Marine Science Centre, Southern Cross University

	Session 2A Continued	Session 2B Continued	Session 2C Continued
5 min	Changeover	Changeover	Changeover
11.50am – 12.10pm	<p>11.50am – 12.00pm A Tool for Visualising Coastal Flooding and Erosion Risk in NSW and Assessing Potential Economic Cost Thomas Mortlock, <i>Risk Frontiers</i></p> <p>12.00pm – 12.10pm Protection of Marine Environments Through New Coastal Management Programs Anna Sinclair, <i>Lindsay Taylor Lawyers</i></p>	<p>11.50am – 12.00pm The Australian Wave Energy Atlas Mark Hemer, <i>CSIRO</i></p> <p>12.00pm – 12.10pm Swansea Sand Tracing Study – Highlighting the Processes Nathan Handley, <i>Department of Primary Industries – Lands</i></p>	<p>SIMP's Sandy Offshore Seafloor is No Desert Sophie Pryor, <i>Southern Cross University</i></p>
5 min	Changeover	Changeover	Changeover
12.15pm – 12.35pm	<p>Where to now for Coastal Adaptation? Neil Lazarow, <i>CSIRO</i></p>	<p>12.15pm – 12.25pm NSW Nearshore Wave Tools: 36 Years at Your Fingertips and Counting Michael Kinsela, <i>Office of Environment & Heritage</i></p> <p>12.25pm – 12.35pm NSW Nearshore Wave Tools: Innovative Approach to the Estimation of Nearshore Wave Climates Sean Garber, <i>Baird Australia</i></p>	<p>12.15pm – 12.25pm Assessment of Threats to the Marine Estate of NSW to Inform Options to Maximize Community Wellbeing Alan Jordan, <i>Department of Primary Industries</i></p> <p>12.25pm – 12.35pm Managing Boating and Boating Infrastructure on the NSW Coast – the Safety and Social Challenges, Jack Hannan, <i>Transport for NSW</i></p>

12.35pm – 1.30pm Lunch

Session 3: Concurrent 1.30pm – 3.05pm			
	3A: East Coast Low	3B: Connected Coastal Systems	3C: Applying Science, Technology & Innovation
1.30pm – 1.50pm	NSW East Coast Low Event – 3 to 7 June 2016 Weather, Wave and Water Level Matters Ed Couriel , <i>Manly Hydraulics Laboratory (MHL)</i> & Simon Louis , <i>Bureau of Meteorology</i>	Identifying and Understanding Nursery Habitats for Exploited Penaeid Shrimp in NSW Estuaries Matt Taylor , <i>NSW Department of Primary Industries</i>	Is It Sand, Rock or Coffee Rock? Meaningful Hazard Mapping in Complex Geomorphic Settings Paul Donaldson , <i>BMT WBM</i>
5 min	Changeover + Questions	Changeover	Changeover
1.55pm – 2.15pm	Contextualising the Return Period of the June 2016 East Coast Low: Waves, Water Levels and Erosion Joanna Burston , <i>Baird Australia</i>	Estuarinescape Twilight Zone – Dawn of the Clybucca Prawn? Max Osborne , <i>North Coast Local Land Services</i>	Design Through a Multiple Lines of Evidence Approach; The Palm Beach Shoreline Project Evan Watterson , <i>Royal HaskoningDHV</i>
5 min	Changeover + Questions	Changeover	Changeover
2.20pm – 2.40pm	The UNSW Airborne Lidar: Capabilities and Recent Beach Observations, Jason Middleton , <i>UNSW</i>	Insights and Learnings: Reviews of Aquatic Ecosystem Health Monitoring Programs Damion Cavanagh , <i>BMT WBM</i>	UAV Monitoring of Dune Dynamics – Anna Bay Entrance, Stockton Bight Nicolas Pucino
5 min	Changeover	Changeover	Changeover
2.45pm – 3.05pm	Beach Response at Narrabeen-Collaroy to the June 2016 Storm: High-resolution Observations Against a 40-year Record Mitchell Harley , <i>Water Research Laboratory, UNSW</i>	Returning the Tide – Restoring Estuarine Habitat to an Artificially Created Freshwater Wetland at Hexham Swamp Michael Baer & Skye Moore , <i>Hunter Local Land Services</i>	A Satellite Remote Sensing Model to Estimate Sediment Biogeophysical Properties in Coastal Waters Nagur Cherukuru , <i>CSIRO</i>
3.05pm – 3.35pm Afternoon Tea			

Session 4:		Concurrent		3.35pm – 5.10pm
	4A: Applying Science, Technology & Innovation	4B: Coastal Reforms, Management & Planning	4C: Connected Coastal Systems	
3.35pm – 3.55pm	Breakwaters and Training Walls – the Good, the Bad and the Ugly Lex Nielsen <i>Advisian WorleyParsons</i>	Coastal Planning Reforms: A Legal Analysis Megan Hawley , <i>Lindsay Taylor Lawyers</i>	Estuaries in a Changing Climate Will Glamore , <i>UNSW Australia</i>	
5 min	Changeover	Changeover	Changeover	
4.00pm – 4.20pm	The "Tripper Wall" - Managing the Breakout of Small Lagoons and Creeks Across Beaches Angus Gordon , <i>Coastal Zone Management and Planning</i>	Development Controls - Moving from Regulation to Adaptation Alexandra Macvean , <i>MidCoast Council</i>	Remediation of a Contaminated SEPP14 Coastal Wetland and Former Antimony Processing Site at Urunga, NSW Richard Chewings , <i>NSW Department of Industry – Lands</i> , Peter Menzies , <i>NSW Soil Conservation Service & Brian Cook</i> , <i>GHD</i>	
5 min	Changeover	Changeover	Changeover	
4.25pm – 4.45pm	4.25pm – 4.35pm Going Against the Grain Small Scale Sand Back Bypassing Systems a Realistic Option for the NSW Coast? Marc Daley , <i>OEH</i>	How Long Will Coastal Development Remain Compatible with Coastal Hazards? Tim Macdonald , <i>Central Coast Council</i>	4.25pm – 4.35pm Build It and They Will Come – The Rock Fillets for Fish Fillets Project Shaun Morris , <i>North Coast Local Land Services</i>	
	4.35pm – 4.45pm Jimmys Beach the Sea Strikes Back Andrew Staniland , <i>Mid Coast Council</i>		4.35pm – 4.45pm Patterns of Fishes and Invertebrates Outside the Surf Zone Vary with Wave Energy in a Subtropical Region Arthur Schultz , <i>Southswell Marine</i>	
5 min	Changeover	Changeover	Changeover	
4.50pm – 5.10pm	Coffs Harbour Northern Breakwater – Not Your Average Upgrade Craig Dengate , <i>GHD</i>	A Court Report on Coastal Protection after 25 years Karen Coleman , <i>King & Wood Mallesons</i>	Spatial Variation of Coastal Wetland Carbon Mitigation Services Christopher Owers , <i>University of Wollongong</i>	

5.10pm Close of Day One

7.00pm Welcome Reception, Coffs Harbour Surf Club Restaurant & Bar
Sponsored by "NSW Department of Industry – Lands"

PROGRAM - Day 2

Thursday 10 November

8.30am Registration (for 1 Day delegates)

Session 5: Plenary

9.00am – 10.30am

9.05am – 9.40am "Fifty years of diving at the Solitary Islands"
Dr Charlie Veron, Corals of the World

9.40am – 9.45am Address by Silver Sponsor "North Coast Local Land Services"

9.45am – 10.30am "We need to talk about Trade-offs"
Kathy Jones, newDEMOCRACY

Session 6: Concurrent

11.00am – 1.00pm

	6A: East Coast Low	6B: The Social Coast	6C: Applying Science, Technology & Innovation
11.00am – 11.20am	East Coast Low June 2016: Vulnerabilities Along the South Coast of NSW from Wollongong to Eden Aimee Beardsmore , Office of Environment and Heritage	11.00am – 11.10am DuneWatch: Launching Citizen Science in Coastal Environments Peta Leahy , Griffith Centre for Coastal Management 11.10am – 11.20am Looking Back from the Beach - a Short History of Risk from Coastal Hazards at Collaroy-Narrabeen and Why It's Important Tom FitzGerald , University of Sydney	Quantifying Change and Impacts to Lake Illawarra from a Permanent Opening, Danny Wiecek , Office of Environment & Heritage
5 min	Changeover	Changeover	Changeover
11.25am – 11.45am	Collaroy Beach 2016 - the D Day Storm - Lessons Learnt Angus Gordon , Coastal Zone Management and Planning	Oral Histories Complement and Extend Temporal Knowledge of Coastal Erosion and Estuarine Infill in the Solitary Islands Marine Park (SIMP) Nicola Johnstone , NSW DPI	Collaborate and Conquer - Coffs Harbour Slipway Contaminated Lands Rehabilitation Kurt Laboyrie , Soil Conservation Service
5 min	Changeover	Changeover	Changeover

	Session 6A Continued	Session 6B Continued	Session 6C Continued
11.50am – 12.10pm	Managing Wamberal Beach - The Forgotten Twin Doug Lord , <i>Coastal Environment Pty Ltd</i>	Approaches to Community Engagement in Integrated Water Resource Management: Targeted Stewardship Support for Marginalised Rural Landholders Annie O'Shannessy , <i>SCU</i>	Coffs Harbour Boat Ramp - Long Wave Data Collection to Evaluate Performance of Basin Extension Works Mark Kulmar , <i>Manly Hydraulics Laboratory (MHL)</i> & Malcolm Robertson , <i>Office of Environment & Heritage</i>
5 min	Changeover	Changeover	Changeover
12.15pm – 12.35pm	"Managing" a Significant East Coast Low - What to Expect when You're Expecting Todd Dickinson , <i>Northern Beaches Council</i>	Engagement and Consultation in Coastal Management. Patrick Aiken , <i>NSW Coastal Alliance</i>	Investigating Strategies to Repair Historic Tide Walls on the Clarence River and Adjacent Beach and River Bank Protection Indra Jayewardene , <i>Manly Hydraulics Laboratory (MHL)</i>
5 min	Changeover	Changeover	Changeover
12.40pm – 1.00pm	The Long and Short of Responding to East Coast Lows: Actions and Policy Response from Two Coastal Erosion Hotspots Craig Morrison , <i>Northern Beaches Council</i>	12.40pm – 12.50pm Tweed Sand Bypassing - a Case Study for Contemporary Approaches to Coastal Management Communication Catherine Kerr , <i>DPI Lands Coastal Management Unit</i>	12.40pm – 12.50pm Examples of Drone Surveying Along the NSW Coastline Alice Harrison , <i>Water Research Laboratory, UNSW</i>
		12.50pm – 1.00pm Kingscliff: the Erosion, the Monitoring, the Seawall, the Future... Matthew Lee , <i>Tweed Shire Council</i>	12.50pm – 1.00pm Long Term Monitoring of the Ex-HMAS Adelaide Artificial Dive Reef: A Case Study Kate Reeds , <i>Cardno</i>

Session 7: FIELD TRIPS 2.00pm – 4.45pm

	Description (<i>Afternoon Tea included on the Field Trip</i>)
FT1	Solitary Islands Marine Park Offshore Boat Tour
FT2	Coffs Estuary Walking Tour
FT3	Contaminated Wetland Rehabilitation and Breakwater Construction Tour

4.45pm Close of Day Two

6.45pm Conference Dinner & Annual NSW Coastal Management Awards
Sponsored by "Royal HaskoningDHV"

PROGRAM - Day 3
Friday 11 November

8.30am

Registration (for 1 Day delegates)

Session 8:
Concurrent

9.00am – 11.00am

	8A: Applying Science, Technology & Innovation	8B: The Social Coast	8C: Connected Coastal Systems
9.00am – 9.20am	Regional Controls on Beach Response to East Coast Storms Michael Kinsela, OEH #107	9.00am – 9.10am NSW SES Tsunami Evacuation Area Planning Nicholas Kuster, NSW SES 9.10am – 9.20am Strategic Options for NSW Regional Ports Michaela O'Dwyer, Department of Primary Industries	9.00am – 9.10am Trial of Various Chemical Application Treatments on Juncus Acutus in Hunter Wetlands National Park Tim Mouton, WetlandCare Australia Boyd Carney & National Parks and Wildlife Service 9.10am – 9.20am Project Green Sea Turtle: Garawa Gudumang Dreaming Roberta Dixon-Valk, Take 3 Ltd
5 min	Changeover	Changeover	Changeover
9.25am – 9.45am	Physical Modelling of the Effect of Storm Sequences on Beach Profile Evolution and Beach Erosion Uriah Gravois, University of Queensland	Does Professional Fishing Still Play a Role in Regional Communities? Michelle Voyer, University of Wollongong	Integrating Habitat Mapping and Biotic Pattern Improves Spatial Planning in a Marine Park, Hamish Malcolm, NSW Department of Primary Industries
5 min	Changeover	Changeover	Changeover
9.50am – 10.10am	100 Years Without Solitude – Coastal Storms, Change and Management in the Manly-Freshwater Embayment James Carley, Water Research Laboratory UNSW Australia	'Project Blueprint' – Researching Risk and Evidence Based Drowning Prevention Strategies Adam Weir, Surf Life Saving New South Wales	Reconstruction of Critical Habitats Within Sydney Harbour: Understanding the Function of Shallow Embayments Using Ecosystem Response Models Peter Freewater, Greater Sydney Local Land Services
5 min	Changeover	Changeover	Changeover

	Session 8A Continued	Session 8B Continued	Session 8C Continued
10.15am – 10.35am	Kingscliff Seawall - Detailed Design 'Reality Check' Gary Blumberg , <i>Royal HaskoningDHV</i>	Wild About Birds – Saving Beach-nesting Birds Isabel Borelli , <i>Byron Bird Buddies</i>	World First \$16 Million Shark Management Strategy Kim Wolfenden , <i>NSW Department of Primary Industries</i>
5 min	Changeover	Changeover	Changeover
10.40am – 11.00am	Wave Forces and Overtopping on Stepped Seawalls Ben Modra , <i>Water Research Laboratory - University of NSW</i>	The Spatial Influence of Treated Effluent in Tilligerry Creek, NSW: Evidence from Stable Isotope Analysis Troy Gaston , <i>University of Newcastle</i>	10.40am – 10.50am To Swim, or Not to Swim in Estuaries, That is the Question Ana Rubio , <i>Hornsby Shire Council</i> 10.50am – 11.00am Management and Prediction of Estuarine Harmful Algal Blooms Peter Coad , <i>Hornsby Shire Council</i>

Session 9: Plenary 11.00am – 1.30pm

11.30am **The Hon. Rob Stokes**, *Minister for Planning*

12.15pm **NSW Coastal Reforms Address**

1.00pm **Announcement for 2017 NSW Coastal Conference Host Council; Poster prize winner announced**

Conference Closing & Wrap Up

1.30pm – 2.00pm LUNCH

ITEM NO. 7**FILE NO: 16/426910
RM8 REF NO: PSC2016-01435****LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2016 - SUBSTITUTE
VOTING DELEGATE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Nominate Councillor Chris Doohan as the fourth voting delegate at the Local Government NSW Annual Conference 2016 to be held on 16-18 October 2016 at the WIN Entertainment Centre, Wollongong.
-

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION**

299	Councillor Chris Doohan Councillor John Morello It was resolved that Council nominate Councillor Chris Doohan as the fourth voting delegate at the Local Government NSW Annual Conference 2016 to be held on 16-18 October 2016 at the WIN Entertainment Centre, Wollongong.
------------	--

BACKGROUND

The purpose of this report is to seek Council resolution to substitute voting delegate Councillor John Morello (council meeting 27 September 2016, Min No.280) with Councillor Chris Doohan.

Councillor Morello has advised of his inability to attend the conference.

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

There is no cost associated with substituting voting delegates already attending the conference.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Voting delegates must be either an elected member of a council, a member of the Board of the Aboriginal Land Council (ALC) or an Administrator. Registrations of voting delegates will not be accepted after the closing date, however a member may substitute the name(s) of its voting delegates, at any time.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may not be fully represented on key Local Government matters.	Low	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

MERGER PROPOSAL IMPLICATIONS

There will be no councillor 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

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8**FILE NO: 16/423346
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 11 October 2016.

No:	Report Title	Page:
1	Designated Persons Returns - Pecuniary Interest 01 July 2015 to 30 June 2016	63

**ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Chris Doohan That the recommendation be adopted.
300	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council move out of Committee of the Whole.

ORDINARY COUNCIL MEETING - 11 OCTOBER 2016
MOTION

301	Councillor Chris Doohan Councillor John Morello
	It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 11 October 2016.

	No: Report Title
	1 Designated Persons Returns - Pecuniary Interest 01 July 2015 to 30 June 2016

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 16/414531
RM8 REF NO: PSC2015-03968**

**DESIGNATED PERSONS RETURNS - PECUNIARY INTEREST 01 JULY 2015 TO
30 JUNE 2016**

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

BACKGROUND

The purpose of this report is to advise Council of designated persons who have submitted returns for the 2015-2016 period.

Mayor/Councillors

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

General Manager's Office

General Manager
Governance Manager
Legal Services Manager

Corporate Services

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

Development Services

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

Facilities & Services

Assets Section Manager
Building Trades Team Leader Carpentry
Building Trades Team Leader Electrical
Building Trades Team Leader Painting
Building Trades Team Leader Plumbing
Capital Works Section Manager
Childrens Services Coordinator
Civil Assets Planning Manager
Civil Assets Planning Engineer
Civil Projects Engineer
Community and Recreation Asset Officer
Community and Recreation Coordinator
Community and Recreation Planning Officer
Community Services Section manager
Coordinator – Roadside and Drainage
Development Engineer (2)
Engineering Services Manager
Facilities and Services Officer (3)
Fleet and Depot Services Coordinator
Fleet Management Supervisor
Group Manager Facilities and Services
Library Services Manager
Parks Programs Coordinator
Project Manager – Construction
Project Manager – Design
Project Manager – RMS/Reseals
Project Manager – Survey
Project Manager – Civil/Landscape
Public Domain and Services Section Manager
Senior Drainage and Flooding Engineer
Transport Project Officer
Waste Management Coordinator

MERGER PROPOSAL IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns 1 July 2015 to 30 June 2016.

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 – 11 OCTOBER 2016 MOTION

302	Mayor Bruce MacKenzie Councillor Steve Tucker It was resolved that Council move into confidential session.
------------	--

The following Council officers were present for the Confidential Session:

Communications Section Manager
Acting Public Relations and Marketing Coordinator
Asset Section Manager
ICT Maintenance and Support Coordinator

CONFIDENTIAL

ITEM NO. 1

**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 - 11 OCTOBER 2016
MOTION**

303	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that Council adopt the investigator's recommendations as follows:</p> <ol style="list-style-type: none">1) Councillor Dingle personally apologise to the complainant for photographing his property and his children, within the timeframe and the wording in the investigator's report;2) Council make these findings of inappropriate conduct public;3) In addition to the investigator's recommendations, Council censure Councillor Dingle for misconduct, as defined under the <i>Local Government Act 1993</i>, for failure to comply with the requirements of the Code of Conduct under section 440 of the <i>Local Government Act 1993</i>; and4) Advise the Chief Executive Officer of the Division of Local Government.
------------	---

**ORDINARY COUNCIL MEETING – 11 OCTOBER 2016
MOTION**

304	<p>Councillor Steve Tucker Councillor John Nell</p> <p>It was resolved that Council move out of confidential session.</p>
------------	--

There being no further business the meeting closed at 5.57pm.