

DRAFT

MINUTES – 12 JUNE 2018



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 – 12 June 2018, commencing at 6.12pm.

PRESENT:

Mayor R Palmer, Councillors J Abbott, G Arnott, C. Doohan, G Dunkley, K. Jordan, P. Le Mottee, J Nell, S Smith, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Development Services Group Manager and Governance Manager.

Councillor Ken Jordan left the meeting at 6:13pm.

Councillor Paul Le Mottee was not present at the commencement of the meeting.

150	<p>Councillor Chris Doohan Councillor Giacomo Arnott</p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 22 May 2018 be confirmed.</p>
	<p>Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 2. The nature of the interest is the Le Mottee Group has clients directly affected by the proposed changes.</p>

MINUTES ORDINARY COUNCIL - 12 JUNE 2018
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	<p>Cr Jaimie Abbott declared a pecuniary conflict of interest in Item 2. The nature of the interest is one of the developers of a proposed development affected by this policy contributed financially to my Federal campaign in 2013.</p>
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	<p>Cr Giacomo Arnott declared a less than significant non-pecuniary conflict of interest in Item 5. The nature of the interest is Cr Arnott is a recent former financial member of Raymond Terrace Historical Society.</p>
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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 18/115256
EDRMS NO: PSC2017-02092

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 ***Acquisition of a drainage easement over 9 Nulla Nulla Lane, Hinton.***
- 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 - 12 JUNE 2018
MOTION

151	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved:</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 <i>Acquisition of a drainage easement over 9 Nulla Nulla Lane, Hinton.</i>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: 18/115392
EDRMS NO: PSC2008-2574

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 2 on the Ordinary agenda namely ***Birubi Point Aboriginal Place tourism transport interchange - acquisition of land.***
- 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 - 12 JUNE 2018
MOTION

152	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved:</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 2 on the Ordinary agenda namely <i>Birubi Point Aboriginal Place tourism transport interchange - acquisition of land.</i>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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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 18/113174
EDRMS NO: PSC2006-2237**

DRAFT DEVELOPMENT CONTROL PLAN CHAPTER D16 MEDOWIE PLANNING STRATEGY (PRECINCT E)

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve the Development Control Plan Chapter D16 Medowie Planning Strategy (Precinct E) in accordance with the *Environmental Planning and Assessment Regulation 2000 (NSW)* (**ATTACHMENT 1**).
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**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

153	Councillor Chris Doohan Councillor Jaimie Abbott It was resolved that Council move into Committee of the Whole.
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COMMITTEE OF THE WHOLE RECOMMENDATION

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

Those for the Motion: Mayor Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION

154	Councillor Chris Doohan Councillor Jaimie Abbott It was resolved that Council approve the Development Control Plan Chapter D16 Medowie Planning Strategy (Precinct E) in accordance with the <i>Environmental Planning and Assessment Regulation 2000 (NSW)</i> (ATTACHMENT 1).
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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 Ryan Palmer, Crs Jaimie Abbott, Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to recommend that Council adopt the Development Control Plan Chapter D16 Medowie Planning Strategy (Precinct E) following a period of public exhibition and the receipt of one (1) submission from an adjoining landowner.

The purpose of the Development Control Plan is to provide additional guidance to the potential development of the relevant land, following its recent rezoning to a combination of R2 Low Density Residential and E2 Environmental Conservation and identification as a planning precinct in the Medowie Planning Strategy.

The recommended Development Control Plan responds to the matters raised in the submission by limiting the shown extent of the shared pathways only to land that is the direct subject of the Development Control Plan (i.e. pathways are not shown on adjoining land to the north).

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

Preparation of the Development Control Plan is included within fees and charges for planning proposals that have been paid by the proponent for consideration of the rezoning of the subject land.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	\$42,228	Included within planning proposal fees for consideration of rezoning the subject land (inclusive of stages 1 to 3).

LEGAL, POLICY AND RISK IMPLICATIONS**Port Stephens Development Control Plan 2014**

The Development Control Plan will be added as a site-specific chapter to the comprehensive Port Stephens Development Control Plan 2014 (PSDCP2014). It sets controls to provide additional direction on site-specific matters including:

- Development layout
- Development in sub-precincts (including for 'lifestyle developments')
- Connection to Medowie Road
- Shared-path connections
- Storm water basin locations
- Stormwater culverts under Medowie Road
- Vegetation management and offsets
- Landscaping along Medowie Road
- Managing the potential requirement for land remediation
- Managing the risk from odour and noise from poultry farming
- Considering road noise from Medowie Road
- Ensuring any requirements for extraneous lighting and building height associated with Williamtown RAAF Base and Newcastle Airport are addressed (note: the land is not within 2012 or 2025 Australian Noise Exposure Forecast contours).

The general controls of the comprehensive Port Stephens PSDCP2014 will also apply, to manage relevant general matters relating to development and avoid the unnecessary duplication of development controls (for example: C1 Subdivision; B9 Road Network and Parking; B4 Drainage and Water Quality; B5 Flooding; B2 Natural Resources; B7 Williamstown RAAF Base – Aircraft Noise and Safety).

Port Stephens Local Environmental Plan 2013

Adopting the Development Control Plan will satisfy Part 6 Urban Release Areas of the Port Stephens Local Environmental Plan 2013 which requires the preparation of a Development Control Plan for the site before development consent can be granted within the urban release area. The general purpose is to ensure that development on land in urban release area occurs in a logical and cost effective manner, in accordance with a staging plan, and with controls that accommodate specific site considerations.

Development Application 16-2017-799-1

The part of the land on the western side of Medowie Road is subject to Development Application 16-2017-799-1 (the DA). The DA, lodged on 7 November 2017, is for multi-dwelling housing (comprising 238 moveable dwellings, community facilities, swimming pool and associated infrastructure). It is seeking a number of variations to standard development controls to achieve a 'lifestyle' development outcome.

The Development Control Plan facilitates the consideration of the DA by requiring applications for 'lifestyle' developments to include a master plan, demonstrating consideration and achievement of the objectives of the Port Stephens Development Control Plan 2014 Chapter C5 Multi Dwelling Housing or Seniors Living, and the identification of common development design controls for dwellings (for example for dwelling setbacks).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that consideration of development applications in the precinct will be delayed.	Medium	Adopt the recommended Development Control Plan including post-exhibition amendments.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

The Development Control Plan has positive social and economic outcomes by providing further site-specific guidance for the development and conservation of the subject land in addition to its respective R2 Low Density Residential and E2 Environmental Conservation zonings.

It also assists to achieve the planning outcomes envisioned for the site identified by the Medowie Planning Strategy, including urban development, conservation outcomes, and road and shared-path connections to surrounding areas.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section. The objective of the consultation is to provide formal opportunity for the community and adjoining landowners to make a submission on the Development Control Plan and to satisfy legislative requirements.

Internal

A preliminary draft of the Development Control Plan was provided to the Facilities and Services Group for review during its initial preparation. A development control was subsequently inserted requiring the consideration of the existing stormwater drainage culverts under Medowie Road and minimising the duplication of controls for matters that are already adequately provided for in other existing sections of the comprehensive PSDCP 2014.

External

The draft Development Control Plan was placed on exhibition from 26 April 2018 to 24 May 2018. Notice of the exhibition was placed in the Port Stephens Examiner. Adjoining landowners were notified in writing.

One (1) submission was received during the public exhibition period. The submission supports the need for residential development close to the town centre. It objects to access from development through adjoining private land, commenting that there has not been any consultation with the affected landowners by developers. The submission comments that connectivity to the town centre is important and that adjoining landowner support for the development would only be in consultation with the developers.

The recommended Development Control Plan responds to the matters raised in the submission by limiting the shown extent of the shared pathways only to land that is the direct subject of the Development Control Plan (i.e. pathways are not shown on adjoining land to the north). The shared pathway can be extended in the future with the potential future development of the adjoining land, or be subject to separate negotiation. Importantly, the option for a direct connection to the Ferodale Park Sport Complex, directly to the west, has been retained. A shorter pathway, linking directly to the community centre has also been removed from the locality controls map. It is retained in the written controls as a 'consideration' (only) as it may be more feasible to construct a pathway on nearby land along Medowie Road.

OPTIONS

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

ATTACHMENTS

- 1) Draft Development Control Plan Chapter D16 Medowie Planning Strategy (Precinct E).

COUNCILLORS ROOM

- 1) Individual Submissions Folder.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN
CHAPTER D16 MEDOWIE PLANNING STRATEGY (PRECINCT E).

D16
MEDOWIE PLANNING STRATEGY (PRECINCT E)

D16 Medowie Planning Strategy (Precinct E)

Application		
This part applies to the land identified in Figure DAG Medowie Planning Strategy (Precinct E) Land Application Map.		

Objectives		
D16.A	Layout and Staging	<ul style="list-style-type: none"> To ensure the timely and efficient release of urban land. To make provision for necessary infrastructure and sequencing. To ensure consideration is given to the overall planning and coordination of development within the precinct and sub-precincts.

Requirements		
D16.1	Layout	Overall development layout needs to be consistent with the Figure DAH.
D16.2	Staging	A development application for large-scale residential accommodation or major subdivision must include a staging plan demonstrating that development will occur in a coordinated sequence.
D16.3		Initial residential accommodation or major subdivision is to take place in proximity to the main intersection with Medowie Road and be staged sequentially from that location.
	Sub-Precincts	A development application for large-scale residential accommodation or major subdivision is able to occur separately within 'sub-precincts': one on the western side of Medowie Road and another on the eastern side of Medowie Road.
D16.4	'Lifestyle' Developments	A development application for 'lifestyle' residential accommodation must include a master plan demonstrating consideration and achievement of the objectives of C5 Multi Dwelling Housing or Seniors Living and identifying key common development design controls for dwellings (for example dwelling setbacks).

Objectives		
D16.B	Natural Resources	<ul style="list-style-type: none"> To provide an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and landscaping requirements for both the public and private domain. To provide an attractive and low maintenance landscape along Medowie Road.

Requirements		
D16.5	General	Environmental areas, corridors and additional planting with koala feed trees will be retained and enhanced in general accordance with Figure DAH.
D16.6	Vegetation management and biodiversity offsets	Development must take into consideration the implications of the Vegetation Management Plan that applies to land within the precinct.
D16.7		Clearing of land on the eastern side of the precinct shall not occur until the requirements of the associated Vegetation Management Plan are implemented (a Vegetation Management Plan has been prepared that provides for vegetation offsets and improvements to vegetation corridors within the site – refer to Vegetation Management Plan, Kleinfelder, 10 March 2017).
D16.8	Landscaping along Medowie Road	A landscaping plan for major residential development or major subdivision must provide for an attractive and low maintenance landscape along the frontage with Medowie Road.

ITEM 1 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN
CHAPTER D16 MEDOWIE PLANNING STRATEGY (PRECINCT E).

D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

Objectives		
D16.C	Transport Movement Hierarchy	<ul style="list-style-type: none"> To provide an overall transport movement hierarchy for major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists. To maintain good traffic flow and safety along Medowie Road. To achieve connection between adjoining land and potential future residential precincts identified by the <i>Medowie Planning Strategy</i>. To ensure pedestrian and cycle connections are provided to the town centre, the Ferodale Park Sports Complex and the Medowie Community Centre for precinct residents and the broader community.
Requirements		
D16.9	General	The transport movement hierarchy for private vehicles, pedestrians and cyclists needs to be generally consistent with the layout shown in precinct plan at Figure DAH.
D16.10	Road Connections to other Precincts	The road layout must provide for potential future connections to other potential future residential planning precincts identified by the <i>Medowie Planning Strategy</i> including Brocklesby Road.
D16.11	Road Connections to Medowie Road	A roundabout intersection must be provided to Medowie Road to serve as the main access point for development.
D16.12		The main roundabout intersection must be designed to accommodate upgrades for increased future traffic flows along Medowie Road identified by the <i>Medowie Planning Strategy</i> .
D16.13		The main roundabout intersection may be provided by a staged approach to facilitate development of a single sub-precinct. Consideration for the future roundabout intersection must be included in the design and construction of any interim intersection.
D16.14		Additional intersections (intersections in addition to the main roundabout intersection with Medowie Road) must be limited in number and provided as left-in/left-out only.
D16.15		No direct driveway access to and from Medowie Road is permitted.
D16.16		Walking and cycling infrastructure which connects the precinct to adjacent areas must be made accessible to precinct residents and the broader community.
D16.17	Shared Path Connections	A shared path must be provided along the eastern side of Medowie Road, in conjunction with the development of the land on the eastern side of Medowie Road. The shared-use path must be provided along the eastern frontage with Medowie Road and connect north to Ferodale Road (to the extent that a shared path is able to be accommodated).
D16.18		A shared path must be provided along the western side of Medowie Road, in conjunction with the development of land on the western side of Medowie Road. The shared path must be provided along the western frontage with Medowie Road and connect north to Ferodale Road and connect south to the small local neighbourhood centre (to the extent that a shared path is able to be accommodated).
D16.19		A shared path must be provided directly linking the precinct to the Ferodale Sports Complex, in conjunction with the development of land on the western side of Medowie Road - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.
D16.20		Consideration must be given to a potential mid-block shared path linking the western sub-precinct to the Medowie Community Centre - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.

ITEM 1 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN
CHAPTER D16 MEDOWIE PLANNING STRATEGY (PRECINCT E).

D16

MEDOWIE PLANNING STRATEGY (PRECINCT E)

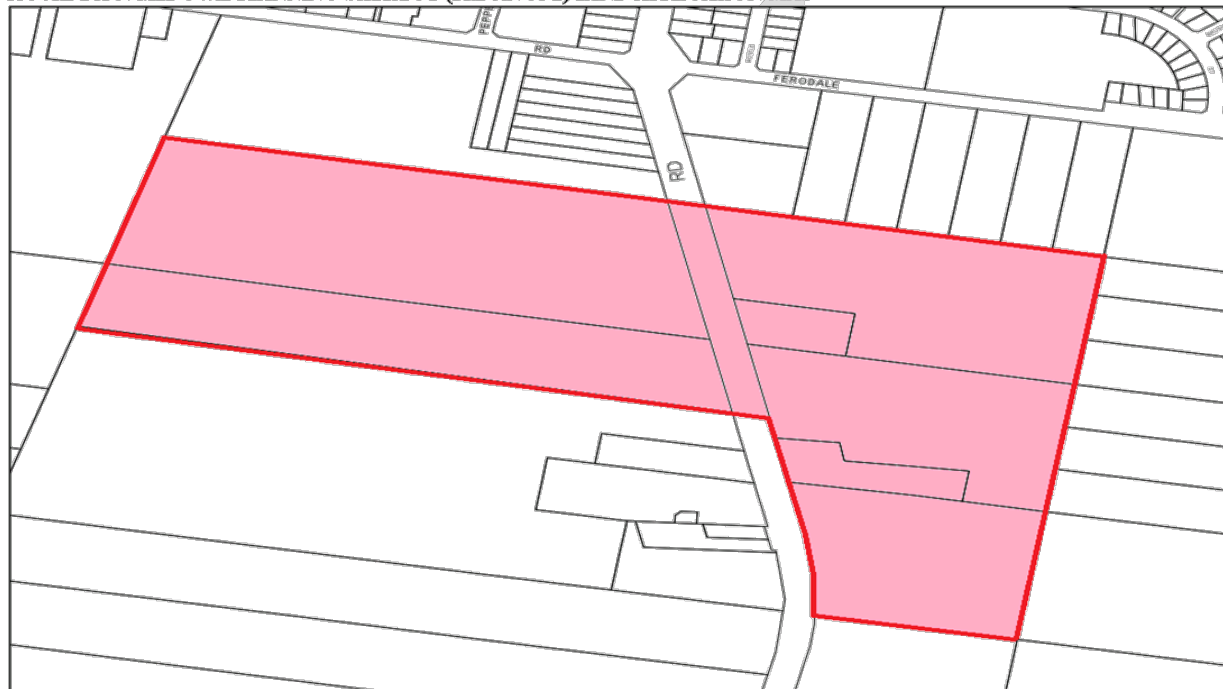
Objectives		
D16.D	Managing Risk from Agricultural Land Uses	<ul style="list-style-type: none"> To ensure the land is suitable for residential occupation in relation to previous agricultural land uses. To ensure the potential for negative effects from the operation of poultry sheds on residential amenity are adequately managed.
Requirements		
D16.21	Managing the potential requirement for land remediation	A development application for large-scale residential accommodation or major subdivision must be accompanied by the contamination and remediation reports identified by NSW State Environmental Planning Policy No. 55 – Remediation of Land with particular regard to the previous agricultural activities on the subject land.
D16.22	Managing Potential Risk from Odour and Noise from Poultry Farming	New residential allotments and dwellings must not be constructed until the poultry sheds at 733 Medowie Road (Lot 199 DP 17437) are decommissioned.
Objectives		
D16.E	Road Noise	<ul style="list-style-type: none"> To ensure that development is not adversely affected by noise and vibration from traffic on Medowie Road.
Requirements		
D16.23	Considering Road Noise from Medowie Road	A development application for large-scale residential accommodation or major subdivision must demonstrate by provision of an acoustic report that future residential development will meet appropriate noise and vibration standards for development along Medowie Road.
Objectives		
D16.F	Stormwater	<ul style="list-style-type: none"> To provide for common and adequate stormwater management within the precinct.
Requirements		
D16.24	Stormwater Basins	Stormwater basins are located in general accordance with Figure DAH.
D16.25	Stormwater Culverts under Medowie Road	Development must address the potential effect on the two main culverts under Medowie Road (the desirable design standard for these culverts is 1% AEP+0.3m obvert freeboard for 2100 climate change conditions).
Objectives		
D16.G	Williamstown RAAF Base – Aircraft Safety	<ul style="list-style-type: none"> To ensure that development adequately considers aircraft safety.
Requirements		
D16.26		Any requirements for dwellings are placed on the title of the land (for example for extraneous lighting and building height).

ITEM 1 - ATTACHMENT 1 DRAFT DEVELOPMENT CONTROL PLAN CHAPTER D16 MEDOWIE PLANNING STRATEGY (PRECINCT E).

D16

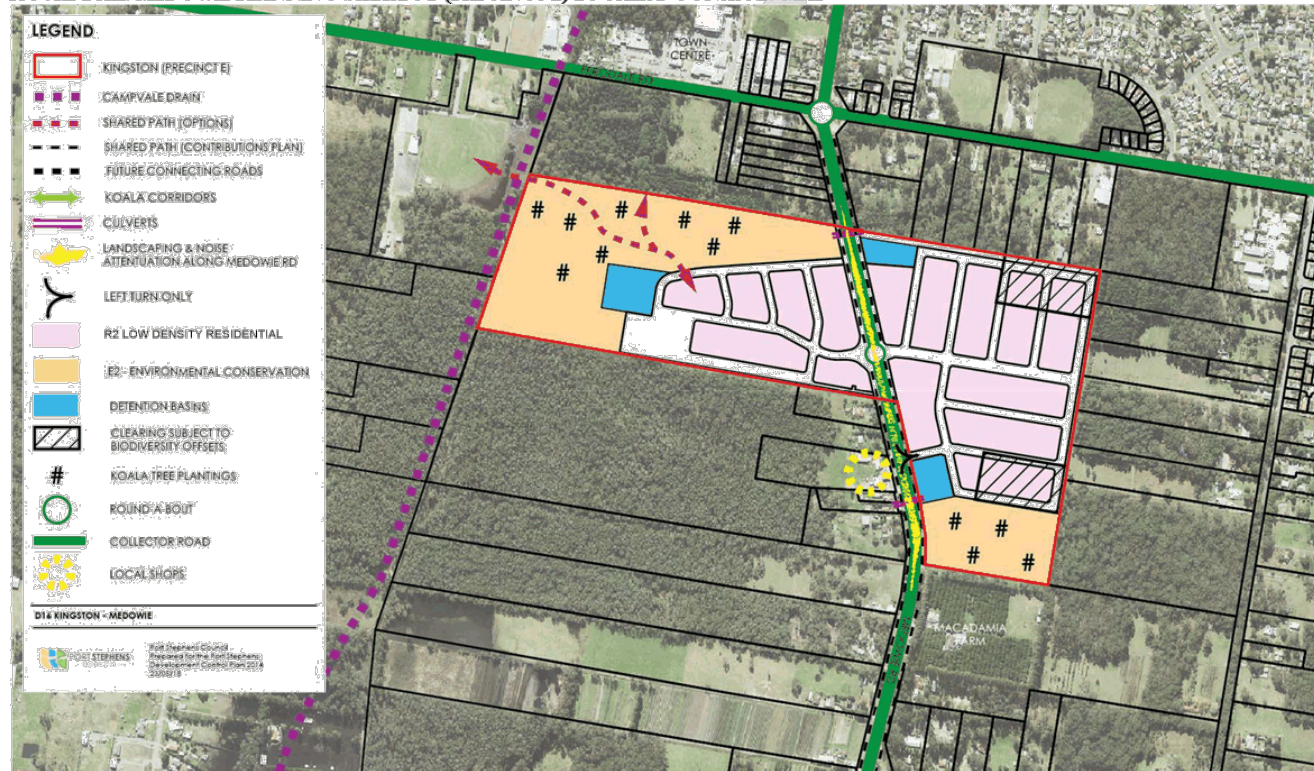
MEDOWIE PLANNING STRATEGY (PRECINCT E)

FIGURE DAG: MEDOWIE PLANNING STRATEGY (PRECINCT E) LAND APPLICATION MAP



D16
MEDOWIE PLANNING STRATEGY (PRECINCT E)

FIGURE DAH: MEDOWIE PLANNING STRATEGY (PRECINCT E) LOCALITY CONTROLS MAP



Councillor Ken Jordan returned to the meeting at 6:22pm in Committee of the Whole.

Councillor Jaimie Abbott left the meeting at 6:22pm in Committee of the Whole.

ITEM NO. 2

FILE NO: 18/58062
EDRMS NO: PSC2015-00487

PROPOSED AMENDMENT TO THE PORT STEPHENS RURAL RESIDENTIAL POLICY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the amendment (**ATTACHMENT 1**) as exhibited, with the addition of the following note to the relevant assessment criteria:

Note: Any planning proposal, including for land outside of the 500m buffer, may be required to provide additional expert reports to justify setbacks from existing agricultural industries.

ORDINARY COUNCIL MEETING - 12 JUNE 2018
COMMITTEE OF THE WHOLE RECOMMENDATION

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

Those for the Motion: Crs Chris Doohan and Ken Jordan.

Those against the Motion: Crs Giacomo Arnott, Glen Dunkley, John Nell, Ryan Palmer, Sarah Smith and Steve Tucker.

MINUTES ORDINARY COUNCIL - 12 JUNE 2018

ORDINARY COUNCIL MEETING - 12 JUNE 2018 MOTION

	Councillor John Nell Councillor Giacomo Arnott That Council take no action on the proposed amendments to the Port Stephens Rural Residential Policy.
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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 Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Chris Doohan and Ken Jordan.

Councillor Jaimie Abbott left the meeting at 07:03pm in Open Council.
Councillor Paul Le Mottee left the meeting at 07:03pm in Open Council.

ORDINARY COUNCIL MEETING - 12 JUNE 2018 MOTION

155	Councillor John Nell Councillor Giacomo Arnott It was resolved that Council take no action on the proposed amendments to the Port Stephens Rural Residential Policy.
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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 Ryan Palmer, Crs Giacomo Arnott, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Crs Chris Doohan and Ken Jordan.

Councillor Jaimie Abbott returned to the meeting at 7:03pm in Open Council.

Councillor Paul Le Mottee returned to the meeting at 7:04pm in Open Council.

BACKGROUND

The purpose of this report is to seek Council endorsement for amendments to the Port Stephens Rural Residential Policy (the Policy).

Exhibited amendment

On 13 February 2018, Council resolved to exhibit a proposed amendment to the Policy, to give effect to Council's resolution dated 14 November 2017, being that Council:

- 1) Place on public exhibition a proposal to modify the Rural Residential Policy to allow development a minimum of 500 metres from existing chicken sheds or the boundary of the lot containing existing chicken sheds.
- 2) Update the mapping to include the modifications.

Currently, the adopted Policy includes management criteria for rezonings that includes:

Development is a minimum 1km buffer from existing agricultural industries (eg Poultry farms, aquaculture) measured from property boundary to property boundary. Development proposed within the 1km buffer is required to provide expert reports to establish appropriate setbacks. These reports may relate to, but not be limited to, noise, odour, visual amenity and biosecurity risks.

In accordance with the Council resolution dated 13 February 2018, the following amendment to the Policy was exhibited:

Development has a minimum 500m buffer from existing agricultural industries (eg Poultry farms, aquaculture) or the boundary of the lot containing the existing agricultural industry. If required, development proposed within the 500m buffer is to provide expert reports to establish appropriate setbacks. These reports may relate to but not be limited to noise, odour, visual amenity and biosecurity risks.

Submissions

The proposed amendment was placed on exhibition for 28 days, from 22 February 2018 until 22 March 2018.

Eleven (11) submissions were received; including five objections, five in support, and one neutral submission. A summary of the issues raised in the submissions is provided in the report below, and a detailed summary of each submission, and Council response, is provided in **(ATTACHMENT 2)**.

The objections to the amendment raised concerns around land use conflicts and the protection of existing agricultural enterprises.

Justification for recommendation

The purpose of the criteria in the Policy is to ensure that land use conflict between residential development and agricultural uses is minimised. The criteria defining relevant buffer distances is defined as management criteria, which applies to constraints where further site specific assessments may be required. Poultry farms, for example, can cause noise (from birds, delivery trucks or equipment), odour (from sheds, waste disposal areas including disposal of dead birds and direct land application of manure), dust (from sheds, feed hoppers, and delivery trucks), light spillage and visual impact on adjoining properties.

However, regardless of the buffer distances prescribed by the Policy, any development (including development proposed outside of the buffer) can still be required to submit expert reports demonstrating that it will not be incompatible with nearby land uses to meet not only the Policy, but also other State legislation and policies that may apply. Each rezoning proposal is considered on a case by case basis, having regard for individual site characteristics.

For this reason, it is proposed to include the following note to make it clear that the buffer distance in the Policy is a guide for when additional expert reports are required and reports may nevertheless be required to justify rezonings outside of the buffer distance:

Note: Any planning proposal, including for land outside of the 500m buffer, may also be required to provide additional expert reports to justify setbacks from existing agricultural industries.

Given the proposed note is an explanatory note and it does not change the way the policy is currently administered, re-exhibition is not considered necessary.

The exhibited amendment to the adopted Policy, with the addition of the proposed note, is considered consistent with the assessment approach of other Hunter Councils, the 'Best Practice Management for Meat Chicken Production in NSW: Manual 1 – Site Selection & Development', prepared by the Department of Primary Industries, and the Draft Primary Production and Rural Development State Environmental Planning Policy (SEPP).

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 proposed amendment will be undertaken within the strategic planning budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget
Reserve Funds	No		
Developer Contributions (Section 7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONSState Environmental Planning Policy (SEPP) (Rural Lands) 2008

A key consideration in the assessment of planning proposals for rural residential development will be ensuring that the proposal will not have a significant impact on, or be incompatible with nearby agricultural enterprises. In order to fully consider this, it may be necessary to obtain relevant expert assessments as part of the planning proposal, regardless of Council's Policy requirements.

Ministerial Direction (Division 9.1) No 1.5 – Rural Lands

This direction seeks to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes. A planning proposal, to which this Direction applies, must be consistent with the SEPP (Rural Lands) 2008, including the relevant considerations as noted above.

Draft Primary Production and Rural Development SEPP

The NSW Government is currently proposing changes to the planning system to further support sustainable agriculture, aquaculture and rural development. The proposed changes aim to simplify the planning system by minimising the duplication of provisions, currently contained in five SEPPs, the Standard Instrument LEP and in plan-making Ministerial directions.

Changes proposed include consolidating the five existing SEPPs into one *Primary Production and Rural Development SEPP*; including a revised set of planning principles to be included the Ministerial directions.

The proposed package of reforms will replace the following existing SEPPs:

1. *State Environmental Planning Policy (Rural Lands) 2008* (Rural Lands SEPP).
2. *State Environmental Planning Policy NO 30 -Intensive Agriculture* (SEPP 30).
3. *State Environmental Planning Policy No 52 -Farm Dams and Other Works in Land and Water Management Plan Areas* (SEPP 52).
4. *State Environmental Planning Policy No 62 - Sustainable Aquaculture* (SEPP 62).
5. *Sydney Regional Environmental Plan No 8 - Central Coast Plateau Areas* (SREP 8).

The proposed amendments aim to ensure that both the rights of farmers to carry out farming activities, and the minimisation of land use conflicts, are key considerations when changes to local planning controls are proposed.

The draft *Primary Production and Rural Development SEPP* and package of reforms was exhibited from 23 October 2017 to 15 January 2018. The exhibited material states that an appropriate buffer distance should not be based on a one-size-fits-all approach, but requires consideration of site characteristics and the nature of the land use.

The reforms have not been finalised, however if they are, any planning proposal for rural residential development will need to comply with the new legislation once it is adopted. The exhibited reform proposals may also be relevant considerations in the assessment of development applications. The proposed amendments to the Policy are not inconsistent with the exhibited material.

Draft Newcastle Metropolitan Plan

The draft Newcastle Metropolitan Plan was released on 30 November 2017 and includes actions relating to rural residential development. These actions include focusing lots greater than 2000m² in locations where:

- The land is unlikely to be required for more intensive urban purposes in the future due to physical constraints such as slope, environmental characteristics or natural hazards.
- Less intensive development will result in better management of the land.
- The delivery of infrastructure required to service the development is physically and economically feasible.
- The above criterion has been demonstrated through a local planning strategy endorsed by the NSW Department of Planning and Environment.

These actions seek to coordinate a strategic approach to identifying and then facilitating land for rural residential development.

In accordance with advice received from the Department of Planning and Environment during the preparation of the adopted Policy, Council is currently preparing a Local Housing Strategy which will give effect to the actions in the draft Newcastle Metropolitan Plan (including the actions related to rural residential development) and it will incorporate the criteria currently specified in the Policy (as adopted). It is intended to exhibit a draft of the Local Housing Strategy and it will be submitted to the Department of Planning and Environment for endorsement, if adopted by Council.

The proposed amendments to the Policy are not inconsistent with the draft Newcastle Metropolitan Plan.

Hunter Council buffer requirements

A review of various Hunter Council Development Control Plans (DCP) has been undertaken to ascertain land use buffers in surrounding areas (**Table 1 - Summary of relevant development controls across Hunter Councils**). It should be noted that these buffers are requirements for development applications on land already zoned for development, whereas the Policy applies to planning proposals seeking to rezone land.

While most Councils have a numerical standard (which is based on the type of agricultural activity, for example poultry farms and feedlots generally have different buffers, yet they are both within the definition of 'intensive livestock agriculture'), the approach of undertaking a merits based assessment that gives consideration to individual site characteristics is generally accepted. A merits based assessment may serve to either increase or decrease the numerical standard specified in the DCP. The numerical standard is generally to be used as a tool to determine development feasibility prior to undertaking detailed assessments.

Table 1 – Summary of relevant development controls across Hunter Councils

LGA	Buffer	Notes
Cessnock	500m – 1000m	The buffer is determined by the type of agricultural use. The stated separation distance is a guide only and a merits based approach is required in every case as environmental conditions such as topography or vegetation will affect the potential impacts.
Muswellbrook	500m – 1000m	The buffer is determined by the type of agricultural use. Individual assessment of a proposal based on site characteristics is still required to determine appropriate separation distance.

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LGA	Buffer	Notes
Lake Macquarie	'Adequate'	DCP requires expert reports (such as acoustic, vibration and air quality) where a proposal has the potential to be impacted by, or on agricultural land uses.
Dungog	200m – 1000m	The buffer is determined by the type of agricultural use. Buffer to be determined having regard for individual site characteristics.
Upper Hunter Shire	500m	May vary depending on individual circumstances and site characteristics.
Gloucester (now part of Midcoast)	400m – 5000m	The buffer is determined by the type of agricultural use.

The current Port Stephens Rural Residential Policy does not differentiate between the type of agricultural enterprise (such as poultry farms (meat or eggs), dairy farms, piggeries or feedlots). The buffer distance that currently applies is a generic 1km buffer to agricultural industries.

The proposed addition of a note advising that expert reports may still be required to justify any planning proposal, regardless of its location, is consistent with the approach of many Hunter councils, as noted in Table 1 above.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that future planning proposals for rural residential development will not be supported by the State Government.	High	Ensure the strategic justification submitted for rural residential development is robust and supported by expert reports where necessary.	Yes
There is a risk that reducing the buffer gives a false impression that all land outside of the buffer is suitable for rural residential development.	Medium	Add a note to the proposed clause to clarify that any rezoning proposal, even those outside of the buffer, may require expert reports to demonstrate that they will not impact on, or be impacted by nearby agricultural industries.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed buffer reduction is unlikely to have a significant social, economic or environmental implication as, regardless of the size of the buffer identified in the Policy, Council may still request expert reports should they be required in order to be satisfied that the planning proposal does not have any adverse implications on agricultural enterprises in the vicinity of a planning proposal. The addition of the proposed note will clarify this.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Planning Team.

Internal

Internal consultation was undertaken during the preparation of the Policy. Internal stakeholders were given the opportunity to comment on the proposed amendment during the exhibition period. There were no submissions received from the internal review.

External

The proposed amendment was exhibited for a period of 28 days, from 22 February 2018 to 22 March 2018. Eleven (11) submissions were received during this time. A detailed summary of submissions is provided in **(ATTACHMENT 2)**.

OPTIONS

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

ATTACHMENTS

- 1) Rural Residential Policy.
- 2) Submissions Table.

COUNCILLORS ROOM

- 1) Copy of submissions.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 RURAL RESIDENTIAL POLICY.

Policy



FILE NO: PSC2015-00487

TITLE: PORT STEPHENS RURAL RESIDENTIAL POLICY

POLICY OWNER: SECTION MANAGER, STRATEGY AND ENVIRONMENT

1) PURPOSE:

- 1.1 The purpose of this policy is to provide a framework for which Council can use to assess the appropriateness of rural residential development planning proposals in the short term.
- 1.2 This Policy should be read in conjunction with the Port Stephens Rural Residential Assessment Criteria (**APPENDIX 1**) (consistency with the Assessment Criteria constitutes consistency with the Policy).

2) CONTEXT/BACKGROUND:

- 2.1 Port Stephens Council is facing increasing pressure in relation to development and rezoning of rural lands for residential purposes. While existing studies and strategies have been carried out on existing rural lands, Council does not have a specific policy that deals with the social, economic and environmental challenges faced by rural residential land planning.
- 2.2 Rural residential development is one of the many housing types that contribute to the diversity and choice of housing in Port Stephens LGA and the Hunter Region. It does however require special consideration because rural residential development can have environmental, social and economic costs that are significantly higher than those of standard residential development.
- 2.3 The Hunter Regional Plan states it will provide guidance in local land use strategies for expanding rural villages and rural residential development so that such development will:
 - 2.3.1 Not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;
 - 2.3.2 Not impact on drinking water catchments;
 - 2.3.3 Not result in greater natural hazard risk;
 - 2.3.4 Occur on land that is unlikely to be needed for urban development;
 - 2.3.5 Contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and
 - 2.3.6 Facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.

Policy

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ITEM 2 - ATTACHMENT 1 RURAL RESIDENTIAL POLICY.

Policy



2.4 It is considered that the long term planning around rural villages including appropriate zonings and lot sizes should be undertaken as part of the Port Stephens Planning Strategy review.

2.5 The Policy and Assessment Criteria provides a framework for which council can assess the appropriateness of rural residential development proposals in the interim of undertaking further work as part of the Port Stephens Planning Strategy review.

3) SCOPE:

3.1 This policy relates specifically to the following Council functions:

- 3.1.1 Consideration of planning proposals (rezoning requests) in the short term;
- 3.1.2 Inform appropriate land uses in the medium to long term as part of the Port Stephens Planning Strategy review; and
- 3.1.3 Provide a policy position to further consult with the State Government to endorse rural residential development.

3.2 This Policy does not provide for additional subdivision and minor amendments to lot sizes, but rather provides a coordinated approach to the consideration of rezoning additional land in the Local Government Area for Rural Residential Development.

4) DEFINITIONS:

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

Rural Residential Development	Land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture. Rural residential development is defined by a combination of land use zone including R5 Large Lot Residential and E4 Environmental Living and lot sizes between 4000m ² up to 2 hectares.
Planning Proposal	A request to amend the <i>Port Stephens Local Environmental Plan 2013</i> is known as a planning proposal or rezoning application. This process involves a number of steps that include Council assessment, public and government agency consultation and approval from the NSW Department of Planning and Environment.

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Policy



5) POLICY STATEMENT:

5.1 The Port Stephens Rural Residential Policy aims are:

- 5.1.1 To provide a criteria for which Council can assess the appropriateness of rural residential development planning proposals in the short term.
- 5.1.2 To provide Council and the community with further clarity around the future use and development of rural lands.
- 5.1.3 To identify preferred areas physically suitable for rural settlement which are compatible with surrounding land uses.
- 5.1.4 To ensure future development protects the environmental and cultural values of the area.
- 5.1.5 To ensure that existing prime agricultural land is preserved and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses.
- 5.1.6 To ensure that rural residential development does not hinder the strategic development of urban settlements in the future.
- 5.1.7 To ensure new developments can have access to an appropriate level of community services in a cost effective manner.

6) POLICY RESPONSIBILITIES:

6.1 The Strategic Planning Team (policy review and planning proposal assessment).

7) RELATED DOCUMENTS:

- 7.1 [Environmental Planning and Assessment Act 1979](#)
- 7.2 [State Environmental Planning Policy \(Rural Lands\) 2008](#)
- 7.3 [Hunter Regional Plan 2036](#)
- 7.4 [Port Stephens Planning Strategy 2011](#)
- 7.5 [Port Stephens Local Environmental Plan 2013](#)

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EDRMS container No	PSC2015-00487	EDRMS record No	N/A
Audience	General		
Process owner	Strategy and Environment		
Author	Section Manager, Strategy and Environment		
Review timeframe	Two years	Next review date	13/06/2019
Adoption date	13/06/2017		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	13/06/2017	Section Manager, Strategy and Environment	Adopted by Council on 13/06/2017.	123
2.0	30/11/2017	Section Manager, Strategy and Environment	Draft version for exhibition purposes in accordance with the terms outlined in Council's resolution dated 14/11/2017.	277
3.0	12/6/2018	Section Manager, Strategy and Environment	Included numbering to each paragraph and updated version control. Appendix 1 – updated amendments to the Exhibited Policy to address issues raised in the submissions received.	

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APPENDIX 1 RURAL RESIDENTIAL ASSESSMENT CRITERIA

The following assessment criteria outlines the key constraints that require consideration in the assessment of a planning proposal for rural residential development.

The assessment criteria includes two (2) types of criteria:

1. *Exclusionary Criteria* – where development is not appropriate due to land suitability, and proposals that are inconsistent with this criteria will require extensive justification at Planning Proposal stage;
2. *Management Criteria* - applies to constraints where further site specific assessment is required at planning proposal stage to determine whether rural residential development is appropriate such as, infrastructure requirements, environmental impacts and buffers to adjacent land uses. Such constraints are likely to require accompanying studies to justify the suitability of the planning proposal.

1.0 LAND TO WHERE THE ASSESSMENT CRITERIA APPLIES

- Zoned RU1 – Primary Industry, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living.
- Located a minimum of 800 metres from existing RU5 - Rural Village or R2 Low Density Residential zoned land.
- Located within 800 metres of existing R5 Large Lot Residential zoned land.

2.0 EXCLUSIONARY CRITERIA

- Located within a Future Urban Growth Areas identified in a Local or Regional Strategic Plans, as they are proposed to be developed for urban purposes including land within (Karuah, Raymond Terrace, Medowie, Mallabula, Anna Bay, Nelson Bay and Fern Bay).
- Within a 2km distance from existing or planned major employment areas.
- Slopes greater than 18 degrees because of slope instability and clearing of vegetation are restricted under State legislation including the Native Vegetation Act 2003.
- Class 1 and 2 acid sulphate soils because of the high risk of exposing acid soils during dwelling and infrastructure construction.
- Below the flood planning level as identified on Councils Flooding Hazard map.
- High environmental value land including SEPP 14 Coastal Wetlands or local wetlands plus a 100 m buffer or any SEPP 71 Coastal Lakes.
- Noise exposure areas within an ANEF 25 or greater, in keeping with Australian Standards and Port Stephens Aircraft Noise Policy.
- Identified as Important Agricultural Land as defined by the Biophysical Strategic Agricultural land (BSAL) mapping prepared by the State Government for the purposes of Strategic Regional Land Use Planning.
- Located on known extractive industries, quarrying or mining or within a 500m buffer.
- Identified by the State Government as having known mineral resource potential in accordance with S117 Directions.

ITEM 2 - ATTACHMENT 1 RURAL RESIDENTIAL POLICY.**3.0 MANAGEMENT CRITERIA****Flooding**

- Development that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.
- Development in floodprone areas are to identify minimum lot sizes that provide appropriate stock refuge in the event of flooding.

Bushfire

- Development on areas identified as bush fire prone on Councils Bush Fire Prone Land Map must demonstrate consistency with the planning principles for rezoning including the provision of contour map with Bushfire Attack Level (BAL) applied.

Environmentally Sensitive Land

- Development identified in SEPP 71 Coastal Zone needs to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development.
- Koala habitat areas and corridors are to be protected in accordance with the Port Stephens Comprehensive Koala Plan of Management.
- Development must not impact on native vegetation, endangered ecological communities, threatened species or habitats.
- Development must contribute to the conservation of important biodiversity values or the establishment of important biodiversity corridor linkages.

Aircraft Noise

- Development must include a provision to ensure that development meets AS 2021-2015 regarding interior noise levels in areas where the ANEF is between 20 and 25.

Non-Aboriginal Cultural heritage

- Development near items identified within the PSLEP 2013 need to consider the impact on heritage values, including the setting of the items and any archaeological remains.

Aboriginal Cultural heritage

- Any development should undertake an initial assessment of the likelihood of Aboriginal cultural heritage values including:
 - a search of the Aboriginal Heritage Information Management System (AHIMS);
 - Determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects;
 - Site inspections; and
 - Consultation with the Aboriginal community.

Drinking Water Catchments

- Development within a drinking water catchment must be able to be connected to reticulated sewer and able to demonstrate NorBE 'neutral and beneficial effect' in accordance with Hunter Water requirements.

[TEXT AS EXHIBITED]**Rural Land Resources**

- Development has a minimum 4km 500m buffer from existing agricultural industries (e.g. Poultry farms, aquaculture) measured from property boundary to property boundary or the boundary of the lot containing the existing agricultural industry. Development proposed within the 4km 500m buffer is required to provide expert

ITEM 2 - ATTACHMENT 1 RURAL RESIDENTIAL POLICY.

reports to establish appropriate setbacks. These reports may relate to but not be limited to noise, odour, visual amenity and biosecurity risks.

[TEXT AS AMENDED AFTER EXHIBITION]

Rural Land Resources

- Development has a minimum 500m buffer from existing agricultural industries (e.g. Poultry farms, aquaculture) or the boundary of the lot containing the existing agricultural industry. Development proposed within the 500m buffer is required to provide expert reports to establish appropriate setbacks. These reports may relate to but not be limited to noise, odour, visual amenity and biosecurity risks.

Note: Any planning proposal, including for land outside of the 500m buffer, may be required to provide additional expert reports to justify setbacks from existing agricultural industries.

- Development must not impact on strategic or important energy, mineral or extractive resource viability.

Scenic Amenity

- A visual impact assessment is required for land within a high or very high landscape area as defined in the Rural Land Study.
- Development fronting road corridors to identify appropriate buffer zone to prevent clearing and protect scenic qualities.

Infrastructure and Services

- Development must be accessed via sealed roads.
- Development must not result in the creation of direct access to a state road.
- Local infrastructure contributions must not require a level of infrastructure greater than the nexus of apportionment and/or are equivalent to \$20,000 per lot, or less.
- Development must not create additional demand for unplanned state infrastructure upgrades.
- Development must be able to be connected to reticulated power supply.
- Development requiring on-site sewage disposal must be carried out in accordance with Councils Development Assessment Framework (DAF) for the management of on-site sewage management, which includes a performance standards and recommendations about appropriate areas.

ITEM 2 - ATTACHMENT 2 SUBMISSIONS TABLE.

Submissions Table

Submission No.	Submission	Planning comment
1. Individual landholder	1. Objects to the proposed 500m buffer and requests that it remains at 1km.	1. Noted. While it is recommended that the buffer distance be reduced to 500m as exhibited, it is recommended to add an explanatory note to make it clear that the buffer distance in the Policy is a guide for when additional expert reports are required and reports may nevertheless be required to justify rezonings outside of the buffer distance.
2. Individual landholder	<ol style="list-style-type: none"> 1. Objects to the proposed amendment and requests that the existing Assessment Criteria be retained. 2. Concerned about impact on established poultry farm. 3. There is a high risk of land use conflict between existing intensive agricultural enterprises, such as poultry operations, that are adjacent to new rural residential developments. 4. The proposed amendment is in conflict with an objective of the Policy, which seeks to <i>"ensure that existing prime agricultural land is preserved and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses"</i>. 5. Believes that the requirement for expert odour reports for proposed development within the current 1km buffer is not unreasonable. The proposal to halve the trigger point for preparing 	<ol style="list-style-type: none"> 1. Noted. See comment 1.1 2. Noted. 3. Regardless of the requirements of the Port Stephens Rural Residential Policy, Council must be satisfied that any planning proposal for rural residential development is consistent with State Environmental Planning Policy (SEPP) (Rural Lands) 2008 and Section 117 Ministerial Direction No. 1.4 – Rural Lands. This legislation requires Council to consider whether or not a proposal is likely to have a significant impact on adjoining land uses or whether development is likely to be incompatible with adjoining uses. As such, proposals that are considered to be inconsistent with this policy may still require additional expert reports, such as noise and odour assessments, to justify a planning proposal. The proposed addition of a note on

ITEM 2 - ATTACHMENT 2 SUBMISSIONS TABLE.

	<p>expert studies would exclude potentially large residential areas from requiring assessment, leading to future land use conflict.</p> <p>6. Claims that the current 1km buffer sterilises potential rural residential land are unsubstantiated as the current Policy allows for rural residential development within 1km of agricultural industry provided that expert reports can demonstrate that there will be no unacceptable adverse impacts on future residents. This sound development safeguard should not be diminished.</p> <p>7. Existing extensive farming operations in Port Stephens are under increasing threat from continued development proposals, underlining the requirement for maintaining a robust Rural Residential Policy.</p> <p>8. The proposed 500m buffer will only lead to greater certainty of land use conflict.</p>	<p>the assessment criteria will make it clear to developers that such justification will be required, regardless of the sites location in relation to nearby agricultural industry.</p> <p>4. See comment 2.3</p> <p>5. See comment 2.3</p> <p>6. Agree.</p> <p>7. Agree.</p> <p>8. See comment 2.3</p>
3. Individual landholder	<p>1. Objects to reduced buffer</p> <p>2. Buffer zones are established to reduce land use conflicts (that result from activities such as noise generated by heavy machinery, dust and emissions and spray drift) between residents of rural subdivisions and existing rural enterprises.</p> <p>3. A 1km buffer is considered to be an appropriate distance to negate these potential impacts.</p> <p>4. Advises that property at Nelsons Plains produces a much higher stocking rate of cattle on fertile soil than the NSW average (1 cow/2.5</p>	<p>1. Noted.</p> <p>2. Agree.</p> <p>3. See comment 2.3</p> <p>4. Noted.</p> <p>5. Noted.</p> <p>6. Noted.</p> <p>7. Agree. The Assessment Criteria contained in the Port Stephens Rural Residential Policy seeks to minimise impacts on agricultural land from rural residential development.</p>

ITEM 2 - ATTACHMENT 2 SUBMISSIONS TABLE.

	<p>acres compared to 1 cow/ 6 acres), which highlights the productivity of land in the area.</p> <p>5. Port Stephens contains some of the most significant agricultural land in the Lower Hunter region.</p> <p>6. The agricultural industry in the area is a diverse and adaptable sector which has the potential to continue to supply regional, state and global markets, adding to the local economy.</p> <p>7. Impacts from encroachment on agricultural land, specifically cattle enterprises, from increasing development includes:</p> <ul style="list-style-type: none"> • Changes to local hydrology and infrastructure, increasing run off and potentially local flooding, as well as increasing water pollution; • New residential or commercial development located on land above the floodplain can marginalise the available local lands able to be used by livestock farmers for animal and equipment refuge during flood periods; and • Increased intolerance of urban and rural-residential residents for noise, odour, light (at night) and dust pollution from adjacent and heavy vehicle movements associated with established agricultural operations. 	
4. Individual landholder	1. Objects to the proposed amendment due to potential impacts on existing poultry farm from a	<p>1. Noted.</p> <p>2. See comment 2.3</p>

ITEM 2 - ATTACHMENT 2 SUBMISSIONS TABLE.

	<p>planning proposal to rezone rural land to rural residential</p> <p>2. Believes that the proposed amendment will significantly impact property and its future operation and growth.</p> <p>3. The proposed amendment does not meet an objective of the Policy, which seeks <i>"to ensure that existing prime agricultural land is preserves and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses"</i></p>	<p>3. See comment 2.3</p>
<p>5. Scott McDonald MLC Parliamentary Secretary for Planning, the Central Coast and the Hunter</p>	<p>1. Advised that NSW Planning is undertaking a review of SEPPS as they relate to primary production, including State Government policies on the 'Right to Farm'.</p> <p>2. Urges council to be mindful of this review and possible regulations that protect important agricultural enterprises, including those in the Lower Hunter.</p>	<p>1. Noted.</p> <p>2. The proposed amendments to the NSW planning legislation have been considered in the Council report. A key priority of the amendments is to minimise land use conflict and the protection of agricultural enterprises. These amendments do not specify a buffer distance, but advise that the LEP amendments must support the right to farm and protect rural land from fragmentation and land use conflict. The Policy is not inconsistent with this approach. Any planning proposal for rural residential development will need to comply with these amendments, once adopted.</p>
<p>6. Individual landholder</p>	<p>1. Supports the reduced buffer as there is a strong demand for rural residential development, it would enable future development of their</p>	<p>1. Noted. See comment 2.3</p>

ITEM 2 - ATTACHMENT 2 SUBMISSIONS TABLE.

	property and would be compatible with surrounding Council provisions.	
7. Individual landholder	<ol style="list-style-type: none"> 1. Supports 500m buffer 2. Would like to see the area of Nelsons Plains continue to grow as more people means more work, more houses, more money and better living. 3. Additional 1 to 2 acre lots will keep money flowing in to the Port Stephens LGA. 4. Inappropriate to amend the buffer to 1km from poultry farms when development has already occurred within 500m 5. New farming technologies mean that poultry farms produce less odour. 6. 500m is consistent with NSW standard and is sufficient and sustainable. 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Noted. 4. The submission maker has confused the intention of the proposed amendment, which seeks to decrease the buffer from 1km to 500m, not increase from 500m to 1km as stated in the submission. As such, the submission maker supports the amendment. 5. Noted. Expert reports should reflect reduced odour from poultry farms. It should be noted however, that impacts from noise, truck movements, dust and light spillage also need to be taken in to consideration. 6. The 'Best Practice Management for Meat Chicken Production in NSW: Manual 1 – Site Selection & Development', prepared by the Department of Primary Industries states that poultry farms within 500m of a residential zone, having regard to topography and local meteorological conditions, are likely to affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste. <p>While the 500m buffer is provided as a guide, the Manual also suggests that a developer should:</p> <p><i>'Consult with the local council or planning</i></p>

ITEM 2 - ATTACHMENT 2 SUBMISSIONS TABLE.

		<p><i>consent authority about any recommended setbacks from boundaries or neighbouring residents, and be prepared to justify any variation as part of a subsequent DA'</i></p> <p>The proposed addition of a note will ensure consistency with this standard.</p>
8. Landholder	<ol style="list-style-type: none"> 1. Supports 500m buffer. (submission wrongly stated that the buffer was being amended from 500m to 1km). 2. A 1km buffer to intensive agriculture is inconsistent with other Hunter Councils 3. A 1km buffer would unduly and unreasonably restrict the development of rural residential land 4. any development in the vicinity of intensive agricultural operations requires various reports, such as odour, regardless 5. Existing State legislation and agricultural reforms specifically mention that 500m is a suitable distance 6. 500m is a good balance between protecting agricultural land while allowing appropriate development 7. A blanket 1km buffer is unreasonable and appropriate buffers should be determined on a case by case basis having regard for local conditions. 8. 1km, rather than 500m is inconsistent with the aims and objectives of the Rural Residential Policy 9. 500m buffer is more reflective of the technical 	<ol style="list-style-type: none"> 1. Noted. See comment 7.4 2. A number of Hunter councils have buffer zones within their development control plans. The size of the buffer is generally determined by the type of agricultural industry (e.g. poultry farm, piggeries, feedlots etc), with site-specific reports required to ensure that the buffer is appropriate. It should also be noted that these buffer zones are within their DCP, and are for consideration at the development application stage, rather than the rezoning stage, such as in the case of the Port Stephens Rural Residential Policy. 3. The 1km buffer does not restrict rural residential development, rather it requires that appropriate reports are submitted to ensure land use conflict between existing agricultural enterprises and proposed development is minimised. 4. Agree. 5. See comment 7.6 6. land use conflict is a significant issue with rural residential developments, and Council needs to be prudent in the assessment of

ITEM 2 - ATTACHMENT 2 SUBMISSIONS TABLE.

	<p>advances in agricultural industry.</p> <p>10. 500m setback to an existing dwelling (other than one on the same land) is consistent with the Department of Planning Intensive Agriculture publication of 2017.</p> <p>11. With modern technology and changes in management practices and improved management of dead birds, odours from poultry sheds have been demonstrably lower.</p>	<p>planning proposals.</p> <p>7. Expert reports will be required where there is a proposed variation to the buffer. It is widely accepted that individual site conditions will influence the appropriate separation distance.</p> <p>8. Disagree. The 1km buffer zone is not inconsistent with the Policy objectives, in particular those that seek to protect prime agricultural land for agricultural industries.</p> <p>9. Noted. See comment 7.5</p> <p>10. Noted.</p> <p>11. Noted. See comment 7.5</p>
9. Individual landholder	<p>1. Supports 500m buffer</p> <p>2. Would like to see more 1 – 2 acre lots in the Nelsons Plains area to enable further growth</p> <p>3. Objects to changing the buffer to poultry sheds from 500m to 1km as previous developments have been allowed within the 500m buffer area</p> <p>4. The precedent has been set, and a 1km buffer is ethically unfair.</p> <p>5. New technologies now used in the poultry industry have resulted in less odour being produced.</p> <p>6. 500m is sufficient and consistent with NSW standard.</p>	<p>1. Noted.</p> <p>2. Noted.</p> <p>3. See comment 7.4</p> <p>4. Noted. See comment 7.4</p> <p>5. See comment 7.5</p> <p>6. See comments 7.6</p>
10 individual landholder	<p>1. Supports the 500m buffer</p> <p>2. A number of young families have moved to the area with ambitions for agricultural pursuits, however they are aware that the need for housing developments to bring people and wealth to the area to increase demand for</p>	<p>1. Noted.</p> <p>2. Noted.</p> <p>3. A planning proposal needs to be strategically justified in order to be supported by Council, not just whether or not the land is fertile.</p> <p>4. The land in the area has been zoned with the</p>

ITEM 2 - ATTACHMENT 2 SUBMISSIONS TABLE.

	<p>products and goods.</p> <p>3. Less fertile land lends itself to development, while flood prone land is unsuitable for development.</p> <p>4. The development of appropriate land in the area is being adversely affected by pockets of agricultural industries that have no historical existence in the region or economic reason to remain in the area.</p> <p>5. A distance of 500m is more practical and suitable to modern farming technologies and practices.</p> <p>6. The onus should be on the poultry farm to minimise odour, rather than rely on a 1km buffer distance.</p> <p>7. If a neighbour were to develop a fish farm within 1km of our land, the cost of development would be increased, despite it having no historical link to the land. 500m is more practical and less costly for preparing reports.</p>	<p>intention of it being used primarily for primary production.</p> <p>5. See comment 7.5</p> <p>6. See comment 8.7. The Policy aims to ensure that existing prime agricultural land is preserved and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses</p> <p>7. See comment 2.3</p>
11 NSW Farmers Association	<p>1. Objects to the proposed 500m buffer</p> <p>2. Future development should protect environmental and cultural value of the area. Farmland in the area is located close to major urban areas and farmers are aware of the impacts that their operations have on surrounding populated areas.</p> <p>3. Farming has been conducted since the area was first settled, and is more culturally significant than rural residential development.</p> <p>4. A statement could be included in the Policy</p>	<p>1. Noted.</p> <p>2. Noted. The Policy seeks to ensure that the environmental and cultural value of the land is protected through assessment criteria</p> <p>3. Noted.</p> <p>4. The Policy is not a suitable location for a 'buyers beware' statement as it seeks to provide Council with a framework to assess planning proposals for rural residential development.</p> <p>5. See comments 2.3 and 8.7</p>

ITEM 2 - ATTACHMENT 2 SUBMISSIONS TABLE.

	<p>notifying potential buyers of the impact of nearby farming operations.</p> <p>5. Current setbacks should be rigorously enforced, and where possible exceeded in order to be consistent with 'right to farm' legislation.</p> <p>6. The LEP is the most suitable framework for the preservation and expansion of agricultural industries and any LEP amendments should have transparent process of community consultation.</p> <p>7. New developments in the area may hinder access to important markets in Newcastle and Sydney through increased regulation, which may put local farmers out of business.</p> <p>8. Rural residential development should be more rigorously defined so that occupants don't have unrealistic expectations as unfounded nuisance claims can cause distress to farmers.</p> <p>9. Current practices for controlling weeds in rural residential developments are inadequate and this should be considered in overall strategy.</p>	<p>6. All planning proposals that seek to amend the LEP must be exhibited for comment from the community.</p> <p>7. Noted.</p> <p>8. This is outside of the scope of the Policy, but could be investigated through the Housing Strategy.</p> <p>9. This is outside of the scope of the Policy.</p>
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MINUTES ORDINARY COUNCIL - 12 JUNE 2018

Councillor Jaimie Abbott returned to the meeting at 6:48pm in Committee of the Whole.

Councillor Paul Le Mottee entered the meeting at 6.48pm in Committee of the Whole.

ITEM NO. 3

FILE NO: 18/75534
EDRMS NO: PSC2016- 03310

REQUEST TO RE-ESTABLISH THE ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) AT MEDOWIE AND SHOAL BAY

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Acknowledge and endorse the request from NSW Police – Port Stephens Hunter Police District – (PSHPD) to commence public consultation to consider the re-establishment of the Alcohol Free Zones (AFZ) and Alcohol Prohibited Areas (APA) in Medowie and Shoal Bay as per **(ATTACHMENT 1)**.
 - 2) Commence public consultation for a period of 28 days in accordance with the *Local Government Act 1993* (NSW) (Local Government Act) to consider the re-establishment.
 - 3) If no objections are received, re-establish the AFZs and APAs for a period of four years without further reporting to Council.
-

ORDINARY COUNCIL MEETING - 12 JUNE 2018 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Glen Dunkley That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 12 JUNE 2018 MOTION

156	Councillor Chris Doohan Councillor Jaimie Abbott It was resolved that Council: 1) Acknowledge and endorse the request from NSW Police – Port Stephens Hunter Police District – (PSHPD) to commence public consultation to consider the re-establishment of the Alcohol Free
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	<p>Zones (AFZ) and Alcohol Prohibited Areas (APA) in Medowie and Shoal Bay as per (ATTACHMENT 1).</p> <p>2) Commence public consultation for a period of 28 days in accordance with the <i>Local Government Act 1993</i> (NSW) (Local Government Act) to consider the re-establishment.</p> <p>3) If no objections are received, re-establish the AFZs and APAs for a period of four years without further reporting to Council.</p>
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BACKGROUND

The purpose of this report is to acknowledge and endorse the request from NSW Police to commence public consultation to consider the re-establishment of the Alcohol Free Zones (AFZ) and Alcohol Prohibited Areas (APA) in Medowie and Shoal Bay as per **(ATTACHMENT 1)**.

The Medowie and Shoal Bay AFZs and APAs were both established in 2007 and have been re-established every four years since. The AFZs were last re-established in 2014 at the request of NSW Police. The AFZs and APAs are both due to expire on 6 September 2018. Council has received an application to re-establish the existing AFZs and APAs for a further four years, effective 6 September 2018 until midnight 5 September 2022.

AFZs can only be created on public roads, footpaths and in public car parks. Private car parks (being on private land and not under the control of Council) may not be included. AFZs are created in accordance with the Ministerial Guidelines for Alcohol Free Zones 2009 as set out in the Local Government Act. These provisions enable Council to declare AFZs for a period of up to four years and the zone will operate twenty-four hours a day.

APAs can only be created on Council managed parks, reserves, foreshores and beaches in accordance with the Local Government Act. This includes Council managed Crown land as governed in the *Crown Land Management Act 2016* (NSW) (Crown Land Management Act).

AFZs and APAs are an effective tool for local Police to address alcohol related offences and to assist with the reduction of anti-social behaviour to provide safer environments for the community. There is evidence that when alcohol-free zones are established in appropriate areas and operated with the required level of resources to promote and enforce the zones, they are an effective tool in assisting Police and Council to manage public safety. The Bureau of Crime Statistics and Research data reflects that the implementation of these AFZs and APAs within Port Stephens has contributed to the reduction of alcohol related crime as a whole.

AFZs and APAs give Police the power to seize and tip out or otherwise dispose of alcohol without the need to issue a warning and they can also use their discretion to issue a warning to a person who is drinking in an AFZ or APA. In circumstances where a person does not co-operate with a Police Officer, persons can be charged with obstruction under section 660 of the Local Government Act which carries a maximum penalty of \$2,200.

In some circumstances an AFZ may be proposed for an area that includes footpath alfresco dining areas for cafés and restaurants which fall within the zone. These areas are exempt from the zone if the business holds a current appropriate liquor license.

The locations of the AFZs and APAs being considered for re-establishment are detailed in **(ATTACHMENT 1)**.

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 cost of re-establishing an AFZ and APA includes installing new, or amending the existing, AFZ and APA signs and the public consultation and notification process. Funds to cover these costs will be sourced from Strategic Planning and Assets existing budgets.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes Yes		Public Notices Exhibition Advertisement – Strategic Planning. AFZ signage – Public Domain and Services. APA signage - Community and Recreation.
Reserve Funds	No		
Developer Contributions (Section 7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Local Government Act provides the legislative power for Council's to establish AFZs and APAs in NSW.

As set out in section 646 of the Local Government Act, the Ministerial Guidelines on Alcohol Free Zones 2009 must be used by Council's when re-establishing an AFZ or APA.

Council must undertake a consultation process in accordance with the Ministerial Guidelines on Alcohol Free Zones 2009 before deciding if the re-establishment of the AFZs and APAs is appropriate.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
If the AFZs and APAs are not re-established, there is a risk of increasing anti- social behaviour and malicious damage.	Medium	Re-establish the AFZs and APAs.	Yes
There is a risk of safety to the community and damage to property without AFZs and APAs in place.	Medium	Re-establish the AFZs and APAs.	Yes

SUSTAINABILITY IMPLICATIONS

The re-establishment of the existing AFZs and APAs will assist NSW Police in reducing anti-social and criminal behaviour in public places. The establishment of these AFZs and APAs in the past has helped to improve public perceptions of safety in these areas. Reduced crime leads to reductions in the costs of repairing vandalised premises, replacing stolen goods and insurance premiums due to alcohol related crimes.

Changing the patterns of alcohol consumption in these areas has also reduced the amount of litter and broken glass found in the area and improved the overall amenity and safety of these environments.

CONSULTATION

The public consultation process to address the re-establishment of the AFZs and APAs is governed by the Local Government Act and contained in the Ministerial Guidelines on Alcohol-Free Zones 2009.

The consultation process would commence subject to Council's resolution to endorse the recommended commencement of the public consultation in support of the request from NSW Police to re-establish the AFZs and APAs.

Internal

No internal consultation is formally required as it is not part of the legislative process under the Ministerial Guidelines for Alcohol Free Zones 2009.

Strategic Planning have liaised with Public Domain and Services and Community and Recreation to ensure appropriate resources are in place to support the reestablishment of the AFZs and APAs.

External

External consultation will take place once Council resolve to commence public consultation as per the requirements outlined in the Local Government Act and the Ministerial Guidelines for Alcohol Free Zones 2009.

OPTIONS

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

ATTACHMENTS

- 1) Proposal to re-establish Alcohol Free Zones (AFZs) and Alcohol Prohibited Areas (APAs) in Medowie and Shoal Bay.

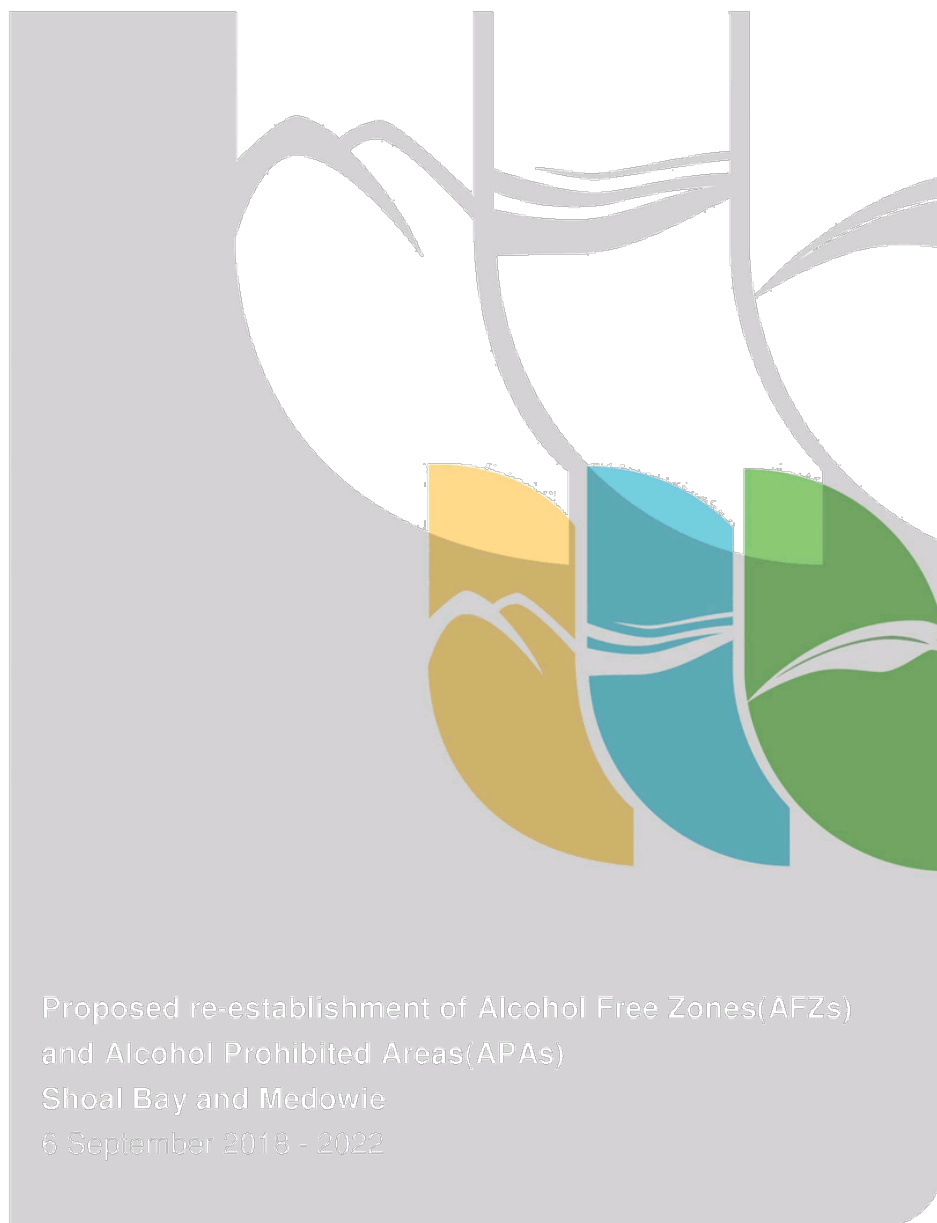
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) IN MEDOWIE AND SHOAL BAY.



ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) IN MEDOWIE AND SHOAL BAY.

AFZ	Alcohol Free Zone
LGA	Local Government Area
PSHPD	Port Stephens Hunter Police District
APA	Alcohol Prohibited Area

Figures:

1. Shoal Bay APZ and APA
2. Medowie AFZ and APA
3. Port Stephens Liquor offences graph 2014-2017
4. Port Stephens Liquor offences by premises graph January 2017- December 2017
5. Medowie premises reported incidents January 2017 – December 2017
6. Incidents of Liquor offences – Medowie January 2014 – December 2017
7. Shoal Bay reported liquor offences by premises January 2017 – December 2017

LEGISLATION AND GUIDELINES

[Local Government Act 1993](#)
[Ministerial Guidelines on Alcohol Free Zones 2009](#)
[Liquor Act 2007](#)
[Crown Land Management Act 2016](#)

FILE NUMBER

Council: PSC2016-03310

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) IN MEDOWIE AND SHOAL BAY.**PROPOSAL**

The Ministerial Guidelines on Alcohol Free Zones 2009 which supplement the relevant provisions of the *Local Government Act 1993 (NSW)* (Local Government Act) provides for Council to prepare a proposal for Alcohol Free Zones (AFZ) and Alcohol Prohibited Areas (APAs) to be established for a period not exceeding four years.

NSW Police - Port Stephens Hunter Police District (PSHPD) have requested the re-establishment of the AFZs and APAs in Medowie and Shoal Bay. A proposal has been prepared to re-establish the AFZs and APAs in Medowie and Shoal Bay for a period of four (4) years.

BACKGROUND

Port Stephens Council has received the request from PSHPD to re-establish the AFZs and APAs located in Shoal Bay and Medowie.

The Local Government Act provides the legislative powers for local councils to establish AFZs and APAs in NSW. There is evidence that when AFZs and APAs are established in appropriate areas and operated with the required level of resources to promote and enforce the zones, they are an effective tool in assisting Police and Council to manage public safety. Council has the power to declare AFZs and APAs for a period of up to four years and the enforceable zones will operate twenty-four hours a day.

AFZs can only be created on public roads, footpaths and in public car parks. Private car parks (being on private land and not under the control of the council) may not be included. In some circumstances an AFZ may be proposed for an area that includes footpath alfresco dining areas for cafés and restaurants which fall within the enforceable zone. These areas are exempt from the enforceable zone if the business holds a current appropriate liquor license.

APAs can only be created on Council managed parks, reserves, foreshores and beaches in accordance with section 632 of the Local Government Act 1993 (NSW). This includes Council managed Crown Land which is made under section 156 of the *Crown Land Management Act 1989 (NSW)* (Crown Land Management Act).

The identification of these areas requiring enforcement is one part of Council's ongoing strategies to assist with the reduction of alcohol related anti-social behaviour in Port Stephens. AFZs and APAs compliment other strategies that Council and NSW Police are working on together to keep our community safe, informed and aware.

PUBLIC CONSULTATION

If Council endorses the process to commence public consultation to re-establish the AFZs and APAs at Medowie and Shoal Bay the following consultation will be executed:

- The requirements of section 644 of the Local Government Act 1993 (NSW) by way of an advertisement in the Port Stephens Examiner notifying the proposal being open for public comment for a period of 28 days.
- Under the requirements of section 644 of the Local Government Act 1993 (NSW), after public consultation closes, Council will consider any objections and submissions, and can reinstate the AFZs and APAs by way of public notice, a copy of the proposal will be sent to the PSHPD, and local licensed premises within the re-establishment areas.

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) IN MEDOWIE AND SHOAL BAY.

DURATION OF THE AFZ AND APA

After reviewing and assessing any submitted concerns or objections from public consultation, Council can resolve to adopt the re-establishment of the AFZs and APAs for the maximum period of four years as permitted under section 644 of the Local Government Act 1993 (NSW) and by the Ministerial Guidelines on Alcohol Free Zones 2009.

The AFZs and APAs would commence 7 days after publication of Council's decision to establish the AFZs and APAs and when these areas affected are adequately signposted.

PROPOSED AFZ & APA LOCATIONS

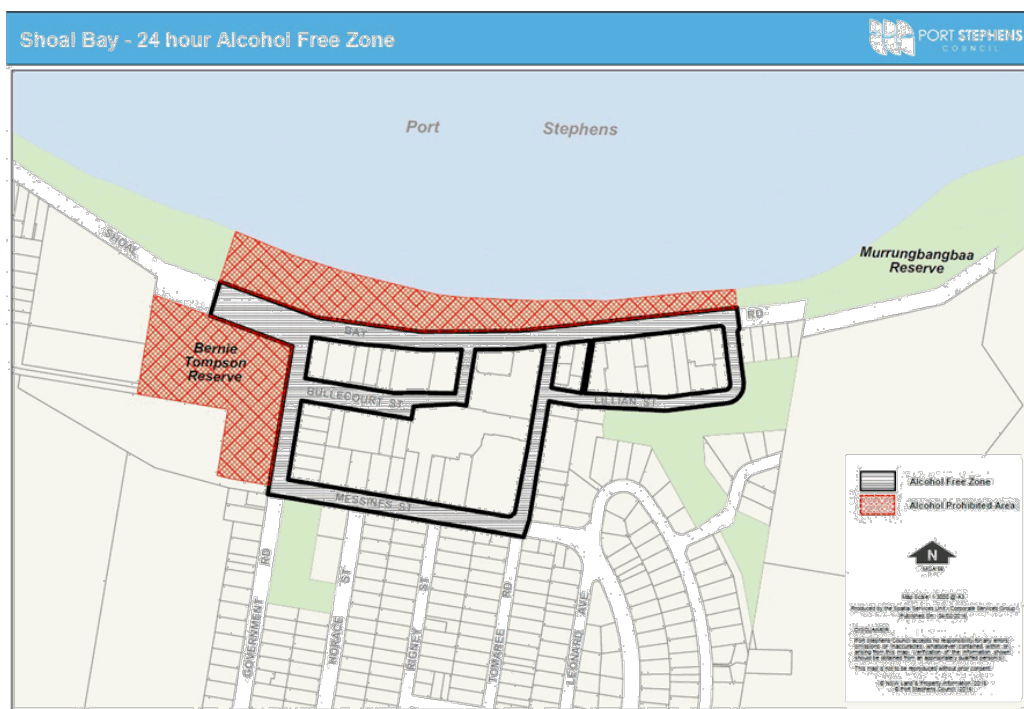


Figure 1: Shoal Bay APZ and APA

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) IN MEDOWIE AND SHOAL BAY.

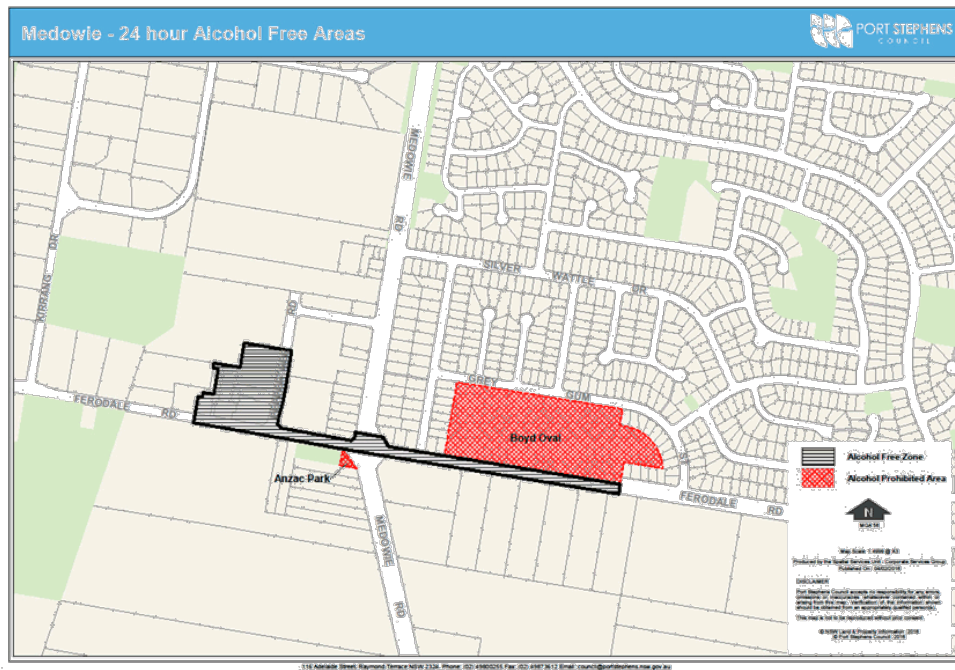


Figure 2: Medowie AFZ and APA

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) IN MEDOWIE AND SHOAL BAY.

CRIME STATISTICS

PORT STEPHENS LGA

As indicated in **Figure 3**, the incidents of liquor offences reported in the Port Stephens LGA from January 2014 to December 2017 have remained stable. The implementation of AFZs and APAs within Port Stephens were first implemented in 2007 which assisted to achieve this result.

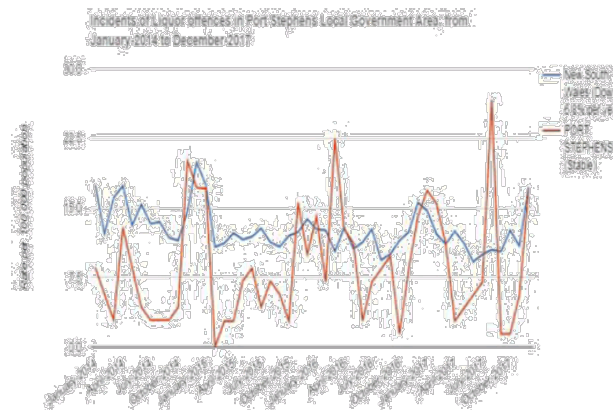


Figure 3: Port Stephens Liquor offences graph 2014-2017
SOURCE: Bureau of Crime Statistics and Research

Incidents of liquor offences within the Port Stephens LGA from January 2017 – December 2017 have been reported predominantly at Licensed Premises and on roadways or footpaths. As shown in **Figure 4**, there were 82 alcohol-related recorded criminal incidents occurring in Port Stephens LGA in the year 2017 by premises type.

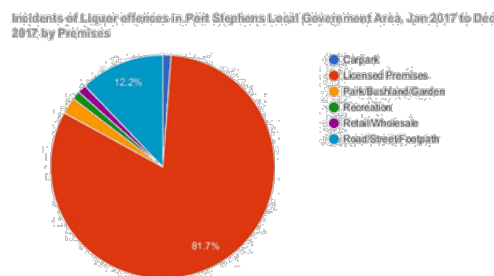


Figure 4: Port Stephens Liquor offences by premises graph January 2017- December 2017
SOURCE: Bureau of Crime Statistics and Research

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) IN MEDOWIE AND SHOAL BAY.

Medowie

All reported liquor offences in Medowie in the last 12 months were reported to have occurred at licensed premises as shown in **Figure 5**.

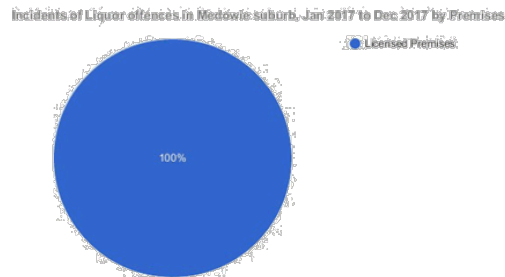


Figure 5: Medowie premises reported incidents January 2017 – December 2017
 SOURCE: NSW Bureau of Crime Statistics and Research

Over the course of the last four years in Medowie the numbers of reported alcohol related incidents have improved and remain stable due to the establishment of the AFZs and APAs from 2014-2018 as shown in **Figure 6**.

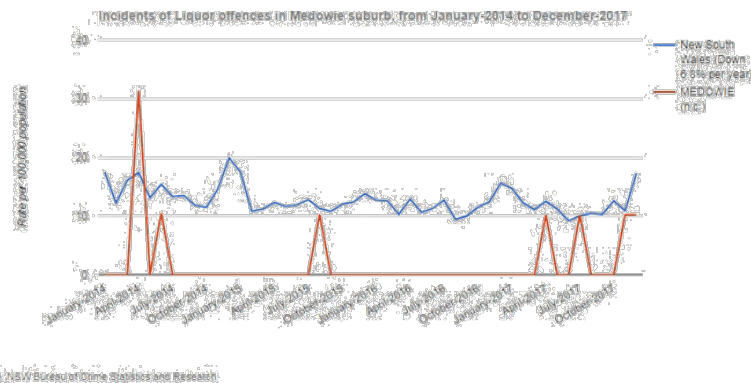


Figure 6: Incidents of Liquor offences – Medowie, January 2014 – December 2017
 SOURCE: NSW Bureau of Crime Statistics and Research

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) IN MEDOWIE AND SHOAL BAY.

Shoal Bay

As shown in **Figure 7**, 93.8% of reported incidents of alcohol related offences within Shoal Bay from Jan 2017 – December 2017 were committed predominantly at licensed premises locations with 6.3% reported as being committed on roads and footpaths.

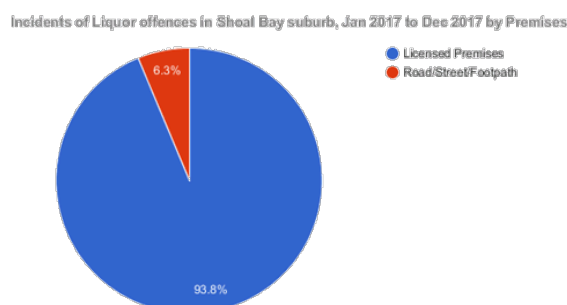


Figure 7: Shoal Bay reported liquor offences by premises January 2017 – December 2017
SOURCE: NSW Bureau of Crime Statistics and Research

REASONS TO SUPPORT THE REESTABLISHMENT OF THE AFZS AND APAS

Reasons for supporting the re-establishment of the existing Shoal Bay and Medowie AFZs and APAs are justified in the NSW Bureau of Crime Statistics presented above that indicate that irresponsible behaviour arising from the consumption of alcohol is still occurring. Both of the proposed AFZ and APA re-establishment areas contain licensed premises being the 'Bull n Bush' Hotel located in Medowie and the Shoal Bay Country Club located in Shoal Bay.

Residents and local businesses in these areas are continually raising their concerns with Police about the after-hours and weekend consumption of alcohol. Local Police have confirmed that the re-establishment of these AFZs and APAs would continue to assist Police to deal with alcohol-related offences in an effort to contain anti-social behaviour and continue to provide a safe street environment for these communities.

NSW Police crime data indicates that ongoing alcohol-related crime in Shoal Bay is exacerbated by special events such as New Year's Eve and Australia Day celebrations. Other reported alcohol related incidents such as malicious damage has occurred with several businesses having been targeted, and there have been several past cases of resist, hinder and assaults.

There have also been reported instances of obstruction and littering requiring NSW Police intervention which assists to alleviate more serious offences under the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW), the *Summary Offences Act 1988* (NSW) (Summary Offences Act) or the *Crimes Act 1900* (NSW) (Crimes Act), such as malicious damage, etc.

The re-establishment of the existing AFZs and APAs in Shoal Bay and Medowie will allow the continuation of deterring anti - social behaviour and continue to assist the NSW Police with enforcement.

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AND ALCOHOL PROHIBITED AREAS (APAS) IN MEDOWIE AND SHOAL BAY.

Re-establishment of the AFZs and APAs in Shoal Bay and Medowie will also assist NSW Police to offer support to the licensees of the licensed premises, local security officers and will continue to curb drinking in these designated AFZs and APAs.

NSW Police believe that if these AFZs and APAs are not re-established that ongoing anti-social behaviour relating to alcohol will occur and may escalate to a significant level.

ITEM NO. 4**FILE NO: 18/61951
EDRMS NO: PSC2017-02600****DEDICATION AS PUBLIC ROAD OF PART LOT 61 DP24067 - 162 ADELAIDE STREET, RAYMOND TERRACE**

REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the survey plan dedicating a section of an existing and constructed road as a dedicated public road upon registration of the Plan of Road Opening over Lot 61 DP24067.
- 2) Grants authority for Council's Seal to be affixed to the Plan of Road Opening and any other documents required by NSW Land Registry Services (LRS).

Councillor Ken Jordan left the meeting at 6:49pm in Committee of the Whole and did not return to the meeting.

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Glen Dunkley That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

157	Councillor Chris Doohan Councillor Jaimie Abbott It was resolved that Council: <ol style="list-style-type: none">1) Endorses the survey plan dedicating a section of an existing and constructed road as a dedicated public road upon registration of the Plan of Road Opening over Lot 61 DP24067.2) Grants authority for Council's Seal to be affixed to the Plan of Road Opening and any other documents required by NSW Land Registry Services (LRS).
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BACKGROUND

The purpose of this report is to recommend Council approves and endorses a survey plan dedicating a section of Kinross Street, Raymond Terrace (the Site) as public road. The location of the Site is indicated by a white circle on **(ATTACHMENT 1)**. Registration of the Plan of Road Opening over Lot 61 DP24067, also known as 162 Adelaide Street, Raymond Terrace will formalise this constructed road corridor. The area is shown hatched black in **(ATTACHMENT 2)** and **(ATTACHMENT 3)** is an aerial photo with the area shown outlined white.

Council GIS with Aerial Imagery shows the constructed road traversing Greenhill Park and that it is not within a road reserve.

The road has been constructed for many years and has serviced the Kinross Subdivision Deposited Plan numbered 24067 registered on 2 June 1952 to the west of the Pacific Highway.

This Plan of Road Opening will formalise Kinross Street as a public road under Section 9(1) of the *Roads Act 1993*.

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

Plan preparation has been completed with minimal costs anticipated by Council's surveyors for lodgement and registration with these costs already included in the Facilities & Services budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within current Facilities & Services budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are legal and risk implications around the current use of the Site as informal public road, namely Council liability in the event of a traffic accident on non-dedicated public road and ease of identification of the full extent of Kinross Street by emergency services.

There are no apparent policy implications from the recommendations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that without dedication as Public Road Council may be liable in the event of an accident.	High	Adopt the recommendations.	Yes
There is a risk that if the road is not identified, emergency services may be at risk of being unable to locate it quickly.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no apparent social implications relating to these recommendations.

The economic implications are the reduction in liability by dedicating part of the Site as public road.

Environmental implications are unlikely due to the nature of the current and continued use of this section of the land as public road.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Services section. The purpose of the internal consultation was to determine if there was any objection to the dedicating of the land as Public Road. There were no external consultation requirements.

Internal

- Senior Survey and Land Information Manager
- Civil Assets Planning Manager
- Community & Recreation Coordinator

MINUTES ORDINARY COUNCIL - 12 JUNE 2018

- Land Acquisition and Development Manager
- Property Officer

External

- Nil

OPTIONS

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

ATTACHMENTS

- 1) Locality Map.
- 2) Road Opening Survey Plan.
- 3) Area of Road Opening.

COUNCILLORS ROOM

Nil.

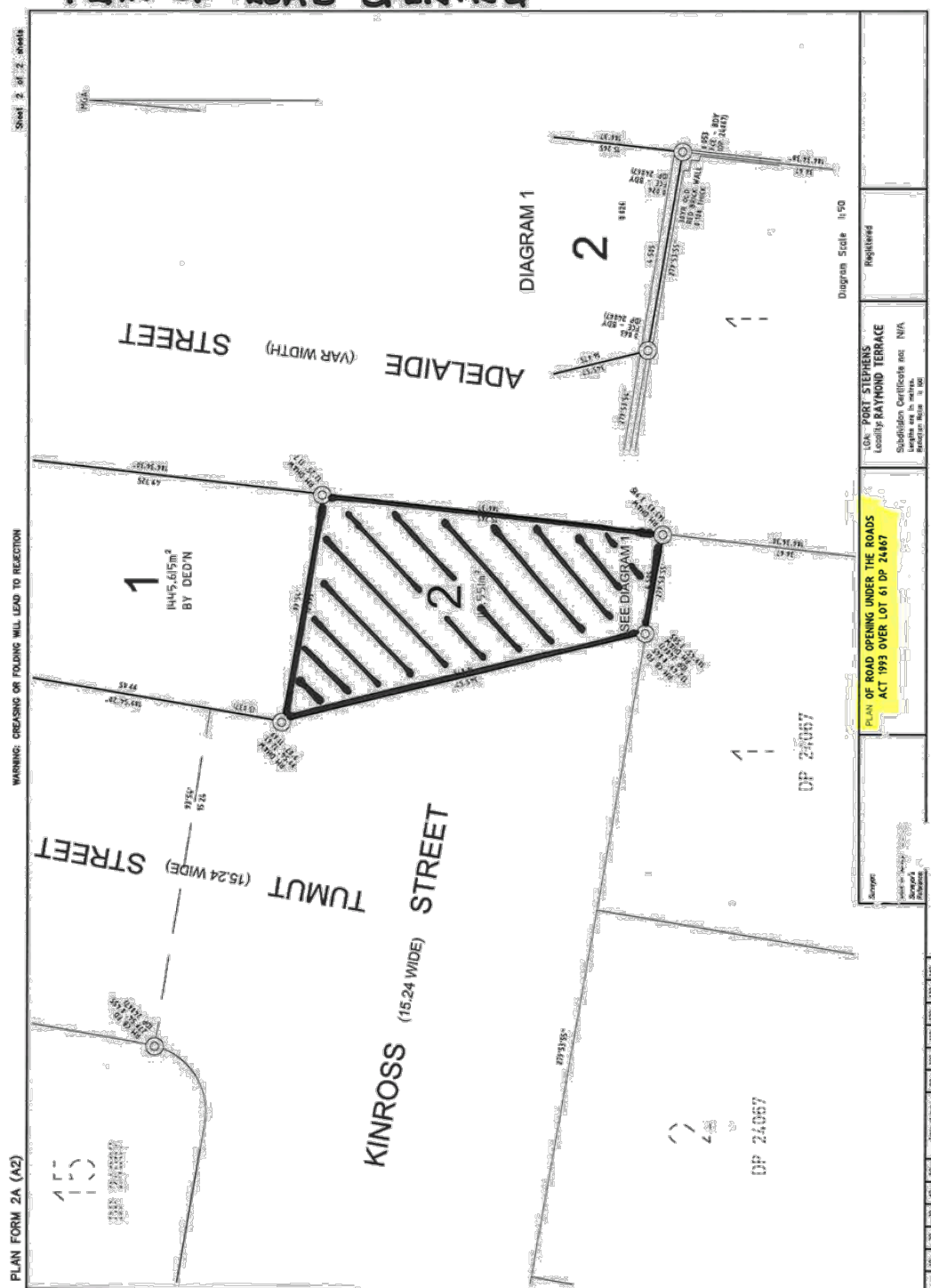
TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 LOCALITY MAP.



PLAN OF ROAD OPENING



ITEM 4 - ATTACHMENT 3 AREA OF ROAD OPENING.



MINUTES ORDINARY COUNCIL - 12 JUNE 2018

Councillor Giacomo Arnott left the meeting at 6:50pm in Committee of the Whole.

ITEM NO. 5

FILE NO: 18/66113
EDRMS NO: PSC2017-01845

LEASE OF OPERATIONAL LAND TO RAYMOND TERRACE HISTORICAL SOCIETY - SKETCHLEY COTTAGE

REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the Mayor and General Manager to sign and affix the Seal of the Council to the lease documentation including documentation relating to any further option periods following execution of the lease documents by the tenant.
-

ORDINARY COUNCIL MEETING - 12 JUNE 2018 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Paul Le Mottee Councillor Chris Doohan That the recommendation be adopted.
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Councillor Giacomo Arnott left the meeting at 07:04pm in Open Council.
Councillor Giacomo Arnott returned to the meeting at 07:04pm in Open Council.

ORDINARY COUNCIL MEETING - 12 JUNE 2018 MOTION

158	Councillor Paul Le Mottee Councillor Chris Doohan It was resolved that Council authorise the Mayor and General Manager to sign and affix the Seal of the Council to the lease documentation including documentation relating to any further option periods following execution of the lease documents by the tenant.
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BACKGROUND

The purpose of this report is to recommend the granting of a Community ground lease, under Port Stephens Council's Community Leasing and Tenancy policy, to the Raymond Terrace Historical Society (RTHS) over the site known as 'Sketchley Cottage' situated at 1 Sketchley Road, Raymond Terrace, Lot 1 DP 1093118.

The site on which the cottage sits has been reclassified to Operational land to enable a ground lease to be provided to the RTHS. This will ensure their tenure over the site is protected. RTHS currently occupies the site under a deed of agreement entered into in 1976. A deed only provides a commitment whereas a lease provides security of tenure through a legal interest on the land that will be registered on Title.

A lease agreement entered into under the Community Leasing and Tenancy policy will afford the RTHS exclusive possession of the site for the term of the lease agreement.

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 ground lease terms include a rental of \$500 per year which is matched by Port Stephens Council contributions of \$500 a year to the cottage's outgoings therefore there is no net increase of the current contributions to be paid by the RTHS.

It is proposed that the term of the ground lease be a 25 year term with two option periods of 10 years each.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The granting of a ground lease to the RTHS will facilitate its exclusive possession of the site for the term of the lease.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the current deed of agreement does not afford the same level of protection as a lease agreement.	Medium	Approve a granting of the lease under the Community Leasing and Tenancy policy.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The RTHS provides an important historical link to Raymond Terrace and the broader local government area. Council is committed to supporting the preservation of a historically important asset for the Raymond Terrace area by securing the tenure of the site for the RTHS.

CONSULTATION

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

Internal

- Community and Recreation Coordinator
- Planning and Development Relations Coordinator

External

- Raymond Terrace Historical Society

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 12 JUNE 2018

Councillor Giacomo Arnott returned to the meeting at 6:50pm in Committee of the Whole.

ITEM NO. 6

FILE NO: 18/98867
EDRMS NO: PSC2007-3076

POLICY REVIEW: RATE DONATIONS FOR COMMUNITY GROUPS - OUTCOME OF PUBLIC EXHIBITION

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Note that one submission was received.
 - 2) Adopt the Rate Donations for Community Groups policy.
 - 3) Revoke the Rate Donations for Community Groups policy dated 12 August 2014 (Minute No. 210).
-

ORDINARY COUNCIL MEETING - 12 JUNE 2018 COMMITTEE OF THE WHOLE RECOMMENDATION

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

ORDINARY COUNCIL MEETING - 12 JUNE 2018 MOTION

159	Councillor Chris Doohan Councillor Jaimie Abbott It was resolved that Council: <ol style="list-style-type: none">1) Note that one submission was received.2) Adopt the Rate Donations for Community Groups policy.3) Revoke the Rate Donations for Community Groups policy dated 12 August 2014 (Minute No. 210).
------------	--

BACKGROUND

The purpose of this report is to consider a submission received in relation to the public exhibition of the Rate Donations for Community Groups policy (**ATTACHMENT 1**). The Rate Donations for Community Groups policy was reviewed with no amendments made.

Council resolved at its meeting on 27 March 2018 to place the Draft Rate Donations for Community Groups policy on public exhibition for a period of 28 days as required under the *Local Government Act (1993)*.

Subsequently, a public notice was placed in the Port Stephens Examiner on 5 April 2018 inviting submissions up until 3 May 2018 with copies of the draft policy being available to view on Council's website and at Council's Administration Building and libraries.

As part of the public exhibition, one submission (**ATTACHMENT 2**) was received by an anonymous Port Stephens citizen in relation to the policy. The key issues raised in this submission were:

- The Port Stephens citizen is concerned that the Nelson Bay Masonic Lodge is not providing any benefit to the broader community and is not providing evidence of the associated work and does therefore not meet the requirement of section 356 of the *Local Government Act (1993)*.
- The Port Stephens citizen raised concern that Council does not promote the Rate Donations for Community Groups policy and did not subsequently advertise the policy in the newspaper.

Port Stephens Council acknowledges these concerns but notes that the Nelson Bay Masonic Lodge does not have the charity and rate exemption status claimed by other groups, however, claims to offer a wider community benefit, a claim that has been historically accepted by Council. Any other group working within the community who is unable to gain charity status from the Taxation Office is eligible to apply for rate relief under this policy. To date, no other such group has made application.

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.

MINUTES ORDINARY COUNCIL - 12 JUNE 2018

	Provide enabling business support services for Council's operations.
--	--

FINANCIAL/RESOURCE IMPLICATIONS

The current financial implication is around \$4,000 per annum and is within current budget allocations.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within existing budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal, policy or risk implications.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that rate relief will not be available.	Low	Accept risk and community benefit not realised.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

CONSULTATION

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

Internal

- Executive Team – policy circulated and issues discussed.

External

- Policy submitted for public exhibition in accordance with Council process.
- Public submissions requested and now presented for Council consideration.

OPTIONS

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

ATTACHMENTS

- 1) Draft Rate Donations for Community Groups policy.
- 2) Submission Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 DRAFT RATE DONATIONS FOR COMMUNITY GROUPS POLICY.

Policy



FILE NO: PSC2007-3076

TITLE: RATE DONATIONS FOR COMMUNITY GROUPS

POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER

1. PURPOSE:

- 1.1 To provide clear guidelines for donation of rates and charges to rateable community groups and to provide financial assistance for community groups that are unable to meet the cost of rates and charges.

2. CONTEXT/BACKGROUND:

- 2.1 This policy identifies those community groups in Port Stephens that are subject to rates and charges to which Council will annually make a donation. Council may donate funds in accordance with section 356 of the *Local Government Act 1993* for the purpose of exercising its functions.
- 2.2 The provision of financial assistance for rates and charges assists community groups to survive financially and direct their financial resources towards their aims and objectives. Community groups act as a social binder for communities providing social opportunities, leadership, positive role models and structure within a community.
- 2.3 There are very few community groups that are both liable for rates and are not a public charity or public benevolent institution. The cost of providing this annual assistance is not significant and has no economic implications for Council or Port Stephens.

3. SCOPE:

- 3.1 Council's policy towards making donations to rateable community groups for rates and charges will be documented and transparent.
- 3.2 Council will recognise potential financial hardship in considering which community groups are to receive rates and charges donations.
- 3.3 Groups seeking to access assistance under this policy must have a community service objective similar to Council's as their predominant aim or objective under their charter.

Policy

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Page: 1 of 4

ITEM 6 - ATTACHMENT 1
GROUPS POLICY.

DRAFT RATE DONATIONS FOR COMMUNITY

Policy



4. DEFINITIONS:

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

Public charity	A public charity in accordance with sections 556 and 559 of the <i>Local Government Act 1993</i> .
Public benevolent institution	A public benevolent institution in accordance with sections 556 and 559 of the <i>Local Government Act 1993</i> .

5. POLICY STATEMENT:

- 5.1 Organisations that are public charities or public benevolent institutions receive a rate exemption while other organisations that do good works to benefit the community do not enjoy an exemption.
- 5.2 Council will annually donate the rates and Hunter Local Land Services Catchment Contribution for the organisations and properties specified in this policy. The organisations are still required to pay waste management charges, waste service charges and on-site sewerage management fees if applicable.
- 5.3 The organisations are not required to make an annual application and this donation will be ongoing, subject to normal policy reviews. Donations made under this policy will apply from the commencement of the rating year in which Council resolves to include the organisation in the list of specified organisations.
- 5.4 Should an organisation wish to be included on the list, contact is to be made with Council's Finance Revenue Coordinator who will request the necessary information and make arrangements for a report to be submitted to Council for consideration.
- 5.5 Specified organisations:

5.5.1 Masonic Holdings Limited (Nelson Bay Masonic Centre).

6. POLICY RESPONSIBILITIES:

- 6.1 Finance Officer - Revenue Team Leader.
- 6.2 Finance Revenue Coordinator.
- 6.3 Financial Services Section Manager.

Policy

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Page: 2 of 4

ITEM 6 - ATTACHMENT 1 DRAFT RATE DONATIONS FOR COMMUNITY GROUPS POLICY.

Policy



7. RELATED DOCUMENTS:

- 7.1. Debt Recovery and Hardship Policy.
7.2. Ss.356,556 *Local Government Act 1993*.

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RM8 container No	PSC2007-3076	RM8 record No	18/111914
Audience	Council Staff and Community		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	XX/XX/2020
Adoption date	27/11/2007		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	27/11/2007	Financial Services Section Manager	Policy adopted.	330
2.0	26/06/2012	Financial Services Section Manager	Revised policy adopted.	154
3.0	12/08/2014	Financial Services Section Manager	Revised policy adopted.	210

Policy

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**ITEM 6 - ATTACHMENT 1
GROUPS POLICY.****DRAFT RATE DONATIONS FOR COMMUNITY**

Policy



4.0	15/02/2016	Financial Services Section Manager	Policy reviewed and formatted into the new template. Table of definitions added. Position titles updated to reflect current organisational chart. Adopted 24/5/2016.	138
5.0	15/02/2018	Financial Services Section Manager	Policy reviewed. No changes required. New corporate numbering system has been included.	

Policy

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Page: 4 of 4

ITEM 6 - ATTACHMENT 2 SUBMISSION SUMMARY.**Submission Summary****Rate Donations for Community Groups**

Received from	Issues raised	Response
Port Stephens Resident	<p>The Port Stephens citizen is concerned that the Nelson Bay Masonic Lodge is not providing any benefit to the broader community and is not providing evidence of the associated work and does not therefore meet the requirement of <i>Section 356 of the Local Government Act (1993)</i>.</p> <p>The Port Stephens citizen raised concern that Council does not promote the Rate Donations for Community Groups Policy and did not subsequently advertise the Policy in the newspaper.</p>	<p>The concerns raised have been noted by the appropriate section of Council.</p>

ITEM NO. 7

FILE NO: 18/51037
EDRMS NO: PSC2014-01788

DRAFT PORT STEPHENS RECREATION STRATEGY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Draft Port Stephens Recreation Strategy and place on public exhibition for a period of 28 days (**TABLED DOCUMENT 1**).
 - 2) Should no submissions be received adopt the Draft Port Stephens Recreation Strategy without a further report to Council.
-

ORDINARY COUNCIL MEETING - 12 JUNE 2018
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Sarah Smith Councillor Glen Dunkley That the recommendation be adopted.
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ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION

160	Councillor Chris Doohan Councillor Jaimie Abbott It was resolved that Council: <ol style="list-style-type: none">1) Endorse the Draft Port Stephens Recreation Strategy and place on public exhibition for a period of 28 days (TABLED DOCUMENT 1).2) Should no submissions be received adopt the Draft Port Stephens Recreation Strategy without a further report to Council.
------------	---

BACKGROUND

The purpose of this report is to seek the endorsement of Council to publicly exhibit the Draft Port Stephens Recreation Strategy.

The purpose of the draft strategy is to provide a clear understanding of the current supply and demand for recreation facilities, to identify deficiencies and opportunities for new provision and to improve quality through better management so as to meet the recreational needs of current and future populations.

Port Stephens Council recognises the social, environmental and economic importance of recreation to the community. As such, the draft strategy will provide the overarching framework and strategic direction for the planning and improvement for recreation facilities and services in Port Stephens up to 2036.

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 Draft Port Stephens Recreation Strategy will have positive financial implications for both Council and the Port Stephens community. The gap analysis and trend data will allow for strategic approaches to be taken to cater for growing and changed needs of residents and visitors to Port Stephens. The hierarchical classification system of sports facilities and public reserves will allow for a clearly defined asset framework. From this system, improved capital funding and maintenance programs can be developed that will allow for better decision making and facilities management. This will lead to an improved financial management result and a strategic approach to community and recreation expenditure.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	Nil	The draft strategy has been developed by internal staff.
Reserve Funds	No		
Developer Contributions (Section 7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The following risks and risk treatments have been identified.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that should the document not be exhibited and adopted that the trends and actions identified will not be addressed as part of Council's Integrated Planning and Reporting Framework.	Medium	The recommendation for the exhibition of the document be supported by the elected Council.	Yes
There is a risk that without the adoption of a strategic approach to community and recreation assets, Council will lack long term direction for asset improvement and management.	Low	The recommendation for the exhibition of the document be supported by the elected Council.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Draft Port Stephens Recreation Strategy uses these three key sustainability considerations as a premise for decision making and recommendations. The strategy and actions derived from it are considered to have positive social, economic and environmental outcomes for the Port Stephens community.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community and Recreation Section. To date this consultation has included:

Internal

- Assets.
- Community Services.
- Strategy and Environment.
- Public Domain and Services.
- Communications.
- Two-way presentation and discussion with the elected Council held on 15 May 2018.

External

Subject to the endorsement of the Council, the Draft Port Stephens Recreation Strategy will go on public exhibition from 18 June to 15 July 2018 for 28 days.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

- 1) Draft Port Stephens Recreation Strategy; Volume 1 and 2.

TABLED DOCUMENTS

- 1) Draft Port Stephens Recreation Strategy; Volume 1 and 2.

ITEM NO. 8

**FILE NO: 18/82394
EDRMS NO: PSC2008-2574**

**BIRUBI POINT ABORIGINAL PLACE TOURISM TRANSPORT INTERCHANGE -
FUNDING STRATEGY**

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Acknowledge that the cost of developing a tourism transport interchange at Anna Bay is estimated at \$6,000,000 plus the cost of any land acquisitions.
- 2) Acknowledge the Council submission to the NSW Growing Local Economies Fund for \$5,500,000 for the construction phase of the proposed Birubi Point Aboriginal Place tourism transport interchange.
- 3) Acknowledge that the NSW Growing Local Economies Fund may invite further detailed information to progress the submission which may include a funding ratio and a subsequent increase in funding from Council to realise the project.
- 4) Endorse and allocate the funding model for a tourism transport interchange at Anna Bay as detailed in this report and being:
 - NSW Growing Local Economies Fund: \$5,500,000.
 - Section 7.11: \$500,000 (subject to the Section 7.11 funding process).
- 5) Quarantine \$1,600,000 from Section 7.11 (subject to the Section 7.11 funding process) for future negotiations relating to funding contributions from the NSW Growing Local Economies Fund or any other grant scheme.
- 6) Acknowledge the confirmed grant of \$150,000 from NSW Tourism Demand Driver Infrastructure fund (NSW Department of Industry) with matching Council funding for the master plan design phase and stage 1 development designs for DA in 2017-18.

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Glen Dunkley That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

161	<p>Councillor Chris Doohan Councillor Jaimie Abbott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Acknowledge that the cost of developing a tourism transport interchange at Anna Bay is estimated at \$6,000,000 plus the cost of any land acquisitions.2) Acknowledge the Council submission to the NSW Growing Local Economies Fund for \$5,500,000 for the construction phase of the proposed Birubi Point Aboriginal Place tourism transport interchange.3) Acknowledge that the NSW Growing Local Economies Fund may invite further detailed information to progress the submission which may include a funding ratio and a subsequent increase in funding from Council to realise the project.4) Endorse and allocate the funding model for a tourism transport interchange at Anna Bay as detailed in this report and being:<ul style="list-style-type: none">• NSW Growing Local Economies Fund: \$5,500,000.• Section 7.11: \$500,000 (subject to the Section 7.11 funding process).5) Quarantine \$1,600,000 from Section 7.11 (subject to the Section 7.11 funding process) for future negotiations relating to funding contributions from the NSW Growing Local Economies Fund or any other grant scheme.6) Acknowledge the confirmed grant of \$150,000 from NSW Tourism Demand Driver Infrastructure fund (NSW Department of Industry) with matching Council funding for the master plan design phase and stage 1 development designs for DA in 2017-18.
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BACKGROUND

The purpose of this report is to confirm Council's funding strategy and support for the development of the Birubi Point Aboriginal Place tourism transport interchange at Anna Bay.

Council endorsed the Birubi Point Aboriginal Place Master Plan ('Master Plan') on 28 November 2017 (Minute 293). The Master Plan includes an area of land at the intersection of Gan Gan Road Anna Bay and the 4WD access track to Worimi Conservation Lands for a proposed tourism transport interchange ('the interchange'). The interchange is intended to be a purpose built facility for sand dune adventure

based tourism to receive customers from coaches, buses and small vehicles before venturing into the Worimi Conservation Lands for sand dune and cultural tours.

Whilst Council has made application for a \$5.5M grant as a majority funding source, in all likelihood it is plausible to only expect funding on a ratio closer to dollar for dollar. Therefore the funding strategy has been put together anticipating the best result but anticipating a realistic outcome.

The goals of the interchange are:

- 1) To protect the cultural values of the Birubi Point Aboriginal Place.
- 2) To improve the visitor experience to Birubi Point Aboriginal Place and Worimi Conservation Lands.
- 3) To improve the quality of life for Anna Bay residents.

The demand for the interchange is quantified by an independent financial and economic assessment which was undertaken in December 2017. The results of the assessment are that the interchange will have a positive Benefit Cost Ratio of 2.5 over a 30 year period. Photographic evidence of the peak tourism demand for the site **(ATTACHMENT 1)** also demonstrates the need for the interchange.

The interchange has been discussed at length for some 10 years. The Master Plan has brought the proposal to a point where all key stakeholders are now poised to work together to realise the interchange in the foreseeable future. Council has the lead role to play in this proposal as the interchange will bring about real and significant economic development for Anna Bay and the tourism sector in general. Council is best placed to facilitate the proposal through its existing network of stakeholders in the Birubi Point Cultural Heritage Advisory Panel.

The land in question for the proposed interchange includes one parcel of Crown Land for Stage 1 design and potentially one parcel of private land for a Stage 2 design **(ATTACHMENT 2)**. Council has made formal representation to the Department of Industry Lands and Water ("Crown Lands") to become Crown Lands Trust Manager of the Crown Land parcel. Crown Lands support this request and are in the process of changing the reserve trust to Port Stephens Council.

Discussions are being held with the owner of the private land regarding a mutually acceptable arrangement for the use or change in ownership of the private land to Council. This will require further consultation and another report to Council in due course.

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

Council has invested \$155,000 to match a NSW Tourism Demand Driver Infrastructure (TDDI) grant (total \$305,000) for the design, master planning and development application of a stage 1 design in 2018.

Council has made a funding submission to the NSW Growing Local Economies Fund for \$5,500,000 for the construction phase of the interchange proposal. Staff have made representation to the Section 7.11 Committee seeking \$2,100,000 to be allocated to the interchange proposal – subject to the Section 7.11 funding process.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (S7.11)	Yes	500,000	To be confirmed as Council's contribution towards a \$6M project with \$5.5M from NSW Growing Local Economies Fund.
Developer Contributions (S7.11)	Yes	1,600,000	To be quarantined in S7.11 for future negotiations relating to funding contributions from the NSW Growing Local Economies Fund or any other grant scheme.
External Grants	Yes	5,500,000	NSW Growing Local Economies Fund. Council has been invited to submit a detailed business case for the project. Whilst this application has been made on a majority grant funded project it is plausible that the fund may expect a funding ratio closer to dollar for dollar.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The allocation of S7.11 funds in the proposed manner is in line with Council's Policy on the use of Section 7.11. The Section 7.11 Analysis Team has reviewed the use of this funding source for the proposed interchange – subject to the Section 7.11 funding process.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the proposed interchange will not move beyond good intentions and fail without a funding strategy and project leadership by Council.	High	Adopt the recommendations and continue to pursue the development of a tourism transport interchange at Anna Bay.	Yes
There is a risk that Council's reputation may be damaged by not supporting the development of a tourism transport interchange at Anna Bay.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations will provide certainty that the interchange proposal will have sufficient funding to support the primary funding source being NSW Growing Local Economies Fund. Should all funding sources be realised, the development of a tourism transport interchange at Anna Bay will:

- 1) Improve quality of life for residents of Anna Bay in particular those of James Patterson Street by removing large vehicles (coaches) from the residential street streetscape.
- 2) Improve the visitor and tourism experience by having a purpose built quality facility that is the reception area for all tourism transactions for the Worimi Conservation Lands.
- 3) Create economic opportunities by means of greater spending potential at the Anna Bay town centre and the interchange through a kiosk/café, souvenir shop.
- 4) Improve protection of cultural heritage and environmental aspects of Birubi Point Aboriginal Place by focusing peak load tourism traffic to the interchange.

CONSULTATION

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

The objective of the consultation has been to explore the demand for the interchange, support for the interchange, practical management of the interchange once constructed, design and use of the interchange.

Internal

Council's Traffic Engineer, Transport Project Officer and Road Safety and Traffic Officer have been involved in collecting traffic data, reviewing design concepts and overseeing interim traffic management and parking improvements to James Patterson Street Anna Bay.

The Economic Development and Tourism Coordinator has introduced the interchange proposal to Destination Port Stephens and championed the proposal to the wider tourism sector in Port Stephens.

The Financial Services Section Manager has reviewed and endorsed the proposed funding model.

The Section 7.11 Analysis Team has reviewed and endorsed the use of S7.11 for the proposed interchange.

The Birubi Point Cultural Heritage Advisory Panel has endorsed the location of the interchange and supports its development as per the adopted Birubi Point Aboriginal Place Master Plan.

External

A key stakeholder group has been established for the design master planning and stage 1 development design phase of the interchange. This group has representatives from Worimi Local Aboriginal Land Council, Worimi Conservation Lands Board of Management, Registered Traditional Owners of Worimi Conservation Lands, National Parks and Wildlife Service, Destination Port Stephens, Sand Dune Adventure operators and transport sector leaders. This group has been engaged to provide feedback to the consultant architectural firm designing the interchange master plan and preparing the Stage 1 aspects for development application.

OPTIONS

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

ATTACHMENTS

- 1) Birubi Point Tourism Interchange - peak tourism contrast photos.
- 2) Birubi Point Tourism Interchange - Stage 1 and Stage 2 site plan.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 BIRUBI POINT TOURISM INTERCHANGE - PEAK
TOURISM CONTRAST PHOTOS.



Birubi Point Tourism Interchange

Loving it to death



council@portstephens.nsw.gov.au | 02 4988 0255
PORTSTEPHENS.NSW.GOV.AU



ITEM 8 - ATTACHMENT 2 BIRUBI POINT TOURISM INTERCHANGE - STAGE 1
AND STAGE 2 SITE PLAN.

BIRUBI POINT ABORIGINAL PLACE TOURISM TRANSPORT INTERCHANGE –
PROPOSED STAGE 1 AND STAGE 2 SITES.



STAGE 1 SITE



STAGE 2 SITE

ASSUMES SUCCESSFUL ACQUISITION OF PRIVATE LAND

ITEM NO. 9**FILE NO: 18/116682
EDRMS NO: PSC2017-02839****LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2018****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 2018 to be held on 21-23 October 2018 at the Albury Entertainment Centre, Albury.
 - 2) Nominate four (4) voting delegates.
-

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Giacomo Arnott That Council: <ol style="list-style-type: none">1) Nominate Mayor Ryan Palmer, Cr Paul Le Mottee, Cr Steve Tucker, Cr Giacomo Arnott and Cr Ken Jordan to attend the Local Government NSW Annual Conference 2018 to be held on 21-23 October 2018 at the Albury Entertainment Centre, Albury.2) Nominate Mayor Ryan Palmer, Cr Paul Le Mottee, Cr Steve Tucker and Cr Giacomo Arnott as voting delegates for Port Stephens Council at the 2018 Local Government NSW Annual Conference.
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**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

162	Councillor Chris Doohan Councillor Jaimie Abbott It was resolved that Council: <ol style="list-style-type: none">1) Nominate Mayor Ryan Palmer, Cr Paul Le Mottee, Cr Steve Tucker, Cr Giacomo Arnott and Cr Ken Jordan to attend the Local Government NSW Annual Conference 2018 to be held on 21-23 October 2018 at the Albury Entertainment Centre, Albury.
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MINUTES ORDINARY COUNCIL - 12 JUNE 2018

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|--|---|
| | 2) Nominate Mayor Ryan Palmer, Cr Paul Le Mottee, Cr Steve Tucker and Cr Giacomo Arnott as voting delegates for Port Stephens Council at the 2018 Local Government NSW Annual Conference. |
|--|---|

BACKGROUND

The purpose of this report is to inform Council of the Local Government NSW Annual Conference 2018 to be held on 21-23 October 2018 at the Albury Entertainment Centre, Albury.

Each member Council of LG NSW has a voting entitlement at the conference. The voting entitlement for Port Stephens Council is four (4) delegates. Council is requested to nominate its four (4) voting delegates that will attend the conference.

A casual vacancy exists in the Rural/Regional Councils category of the Association. The casual vacancy of the office of Vice President on the Board of the Association is required to be filled, with the Australian Electoral Commission causing the Election Notice inviting nominations from Friday, 13 July 2018 in the LGNSW Weekly journal. The date that nominations close and the date that the ballot opens/closes will be contained in the Election Notice.

The Conference program is not available at this time. A copy of the program will be provided to Councillors once it becomes available.

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 \$5,000 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 national debate on key Local Government matters in NSW.	Low	Adopt the recommendation.	Yes

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.

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. 10**FILE NO: 18/104719
EDRMS NO: PSC2017-00178****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:
 - a. Shoal Bay Public School Parents and Citizens Association: Mayoral Funds - \$500 donation towards sponsorship of the Shoal Bay Public School Breakfast Club.
 - b. Seaham Park and Wetlands 355c Committee: Cr Ken Jordan (West Ward) - \$500 donation towards a water tank for Seaham Cemetery.
 - c. Mount Kanwary Public School Parents and Citizens Association: Cr Ken Jordan (West Ward) - \$500 donation towards participation in the Recorder Festival at the Opera House.
 - d. UP&UP Medowie: Mayoral Funds - \$500 donation towards 2018 Medowie Skate Park event.
 - e. Port Stephens Sister Cities Committee: Mayoral Funds - \$500 donation towards Worimi Cultural Experience.

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Glen Dunkley That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

163	Councillor Chris Doohan Councillor Jaimie Abbott It was resolved that Council approve provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Mayor and Ward Funds to the following:
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MINUTES ORDINARY COUNCIL - 12 JUNE 2018

	<ul style="list-style-type: none">a. Shoal Bay Public School Parents and Citizens Association: Mayoral Funds - \$500 donation towards sponsorship of the Shoal Bay Public School Breakfast Club.b. Seaham Park and Wetlands 355c Committee: Cr Ken Jordan (West Ward) - \$500 donation towards a water tank for Seaham Cemetery.c. Mount Kanwary Public School Parents and Citizens Association: Cr Ken Jordan (West Ward) - \$500 donation towards participation in the Recorder Festival at the Opera House.d. UP&UP Medowie: Mayoral Funds - \$500 donation towards 2018 Medowie Skate Park event.e. Port Stephens Sister Cities Committee: Mayoral Funds - \$500 donation towards Worimi Cultural Experience.
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BACKGROUND

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

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

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

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

The requests for financial assistance are shown below:-

WEST WARD – Councillors Arnott, Jordan and Le Mottee

Seaham Park and Wetlands 355c Committee	Committee formed to assist Council in the management, maintenance and improvements to the park and wetlands.	\$500	Donation towards a water tank for Seaham Cemetery.
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MINUTES ORDINARY COUNCIL - 12 JUNE 2018

Mount Kanwarly Public School Parents and Citizens Association	A group of community minded people, parents and citizens.	\$500	Donation towards participation in the Recorder Festival at the Opera House.
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MAYORAL FUNDS – Mayor Palmer

Shoal Bay Public School Parents and Citizens Association	A group of community minded people, parents and citizens.	\$500	Donation towards sponsorship of the Shoal Bay Public School Breakfast Club.
UP&UP Medowie	UP&UP engages in meaningful relationships with individuals and communities by working on collaborative arts and wellness projects.	\$500	Donation towards 2018 Medowie Skate Park event.
Port Stephens Sister Cities Committee	A 355c Committee of Council to create and strengthen partnerships between Australia and international communities.	\$500	Donation towards Worimi Cultural Experience.

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

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

MINUTES ORDINARY COUNCIL - 12 JUNE 2018

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Manager's Office.

Consultation has been taken with the key stakeholders to ensure budget requirements are met and approved.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 11**FILE NO: 18/115515
EDRMS NO: PSC2017-00015****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 12 June 2018.

No:	Report Title	Page:
1	Designated Persons' Return	101

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Glen Dunkley That the recommendation be adopted.
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164	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council move out of Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

165	Councillor Chris Doohan Councillor Jaimie Abbott					
	<p>It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 12 June 2018.</p> <table><tr><td>No:</td><td>Report Title</td><td>Page:</td></tr><tr><td>1</td><td>Designated Persons' Return</td><td>101</td></tr></table>	No:	Report Title	Page:	1	Designated Persons' Return
No:	Report Title	Page:				
1	Designated Persons' Return	101				

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 18/100130
EDRMS NO: PSC2017-01523**

DESIGNATED PERSONS' RETURN

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

BACKGROUND

The purpose of this report is to advise Council of new Council staff who have submitted their Designated Persons' Return/s (Return).

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

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

- Ranger (PSC017)
- Development Services Group Manager (PSC013)
- Land Acquisition and Development Manager (PSC775)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' returns.

NOTICES OF MOTION

NOTICE OF MOTION**ITEM NO. 1****FILE NO: 18/105802
EDRMS NO: PSC2017-00019****FORESHORE EROSION NORTH OF SOLDIERS POINT MARINA****COUNCILLOR: JOHN NELL**

THAT COUNCIL:

- 1) Request the General Manager to prepare a report on the erosion of the bank adjacent to the boundary of Thou Walla Sunset Retreat, Soldiers Point north western beach.
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**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

166	Councillor John Nell Councillor Chris Doohan It was resolved that Council defer the Notice of Motion for a site inspection.
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BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER**BACKGROUND**

The purpose of this report is a response to a Notice of Motion made by Cr Nell requesting a report on the erosion of the bank adjacent to the boundary of Thou Walla Sunset Retreat. The subject site is the area located between the Soldiers Point Marina and Soldiers Point boat ramp, immediately west of the Thou Walla Sunset Retreat.

The site has been subject to varying levels of bank erosion for a prolonged period of time. The site is largely impacted by its inability to retain sand deposits and form a graded bank and vegetation back toward Thou Walla. The sand in the area moves with the water current in a north south direction, where it typically by-passes this rocky beach area and is deposited to the south of the Soldiers Point Marina on Sunset Beach.

The subject site and the surrounding area forms part of the Soldiers Point Aboriginal Place. As such, any works proposed within this area are required to be carried out in accordance with the provisions of the Soldiers Point Aboriginal Place Management Plan (SPAPMP). With reference to the western foreshore area, the SPAPMP notes

that 'sand replenishment' is a permitted use. The manual deposit of sand is not considered a suitable means of addressing the bank erosion issue. The water current movement in the area transports the sand away and continued deposits have the potential to overload the downstream area.

The suitable foreshore treatment for this location is considered a rock revetment wall with a footpath located along the top section. This type of treatment is not reliant upon sand replenishment and does not require a rigorous maintenance regime.

However, this type of treatment does involve a large capital cost in order to be established.

Based on a high level cost estimate using unit rates from other similar projects it would be expected that a project cost of \$143,000 would be required. This is based on \$1,250 per lineal metre of rock revetment, \$165 per square metre of concrete footpath, \$25,000 for necessary approval documentation and allowing for a 10% project contingency.

These works are not a Council sanctioned project in Council's Community Strategic Plan, Long Term Financial Plan or 10 Year Capital Works Program. To include the works in Council's 10yr Capital Works Program would require Councillors to agree that this project is a priority ahead of other projects and adequate funding would need to be allocated.

ATTACHMENTS

Nil.

NOTICE OF MOTION**ITEM NO. 2****FILE NO: 18/120720
EDRMS NO: PSC2017-00019****WILLIAM THE FOURTH****COUNCILLOR: KEN JORDAN**

THAT COUNCIL:

- 1) Express appreciation to the Newcastle Maritime Museum and Newcastle City Council for the loan of the figurehead 'William the Fourth' carved by local artist Matthew Harding.
-

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

167	Councillor Giacomo Arnott Councillor Chris Doohan It was resolved that Council express appreciation to the Newcastle Maritime Museum and Newcastle City Council for the loan of the figurehead 'William the Fourth' carved by local artist Matthew Harding.
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BACKGROUND REPORT OF: WAYNE WALLIS – GENERAL MANAGER**BACKGROUND**

With great assistance from the Newcastle Maritime Museum and Newcastle City Council, Port Stephens Council has been granted loan of the replica of the 'William the Fourth' figurehead – carved from Australian Red Cedar and designed, carved and painted in 1986 by local artist Matthew Harding. The figurehead was further restored by Matthew in 1991.

The 'William the Fourth' figurehead is now on display at the Administration Building, Raymond Terrace, proudly located beside Council's scale model replica of the 'William the Fourth' paddlewheel steamship.

Matthew Harding was a local artist whose great and great-great grandfathers were captains on steamships in and around Newcastle Harbour. Matthew was an innovative Australian artist/designer engaged in a diverse practice of sculpture, public art and design. Trained in the visual arts, construction industries and various craft traditions, Matthew produced sculptural forms and design pieces in stone, wood,

metal, glass and ephemeral media. Many of Matthew's works can be found in Australia, Tasmania and China and have been on display in Boston, Chicago and London.

Tragically Matthew's life ended on 22 February 2018.

'William the Fourth' was the first Australia built Coastal Paddlewheel Steamship. It was built by William Low and James Marshall on the banks of the Williams River at Clarence Town NSW. Local timbers of Flooded Gum, Iron Bark and Cedar were used to construct the ship at the Deptford Shipyard at Clarence Town.

The construction commenced in February 1831, she was launched as a side Paddle-wheeler fully rigged in November 1831. William the Fourth was commissioned by owner Mr J H Grose and commanded by Captain Taggart, when she was sailed to Sydney to be fitted with a boiler and single cylinder side beam engine of 16hp, giving her a speed of 8 knots.

Around 1850 she was cut in two and an extra 12ft was added to the length of the ship to accommodate a larger engine of 45hp. This gave her only a marginal increase in speed.

William the Fourth provided a good service for thirty years, carrying passengers and cargo between Sydney and the NSW coastal and river towns of Grafton, Port Macquarie, Clarence Town, Morpeth, Newcastle, Wollongong and Kiama. She was a very lucky ship surviving storm and tempest, when many of her contemporaries were shipwrecked or lost at sea. History lost track of 'William the Fourth' after she was sold and sailed to China in 1862.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

**FILE NO: 18/120735
EDRMS NO: PSC2017-00019**

**NSW GOVERNMENT FUNDING FOR NELSON BAY ROAD AND PROPOSED
FINGAL BAY LINK ROAD**

COUNCILLOR: JAIMIE ABBOTT

THAT COUNCIL:

- 1) Seek the Premier of NSW's intervention to:
 - a. Activate NSW Government funding for the duplication of Nelson Bay Road; and
 - b. Request the proposed Fingal Bay Link Road be re-classified a State Road and funded and constructed by NSW Roads and Maritime Services.
-

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

168	Councillor Jaimie Abbott Councillor Glen Dunkley It was resolved that Council seek the Premier of NSW's intervention to: <ol style="list-style-type: none">a. Activate NSW Government funding for the duplication of Nelson Bay Road; andb. Request the proposed Fingal Bay Link Road be re-classified a State Road and funded and constructed by NSW Roads and Maritime Services.
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The motion on being put was carried.

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
AMENDMENT**

	Councillor Giacomo Arnott Councillor John Nell That Council: <ol style="list-style-type: none">1) Note the NSW Government promised to fully duplicate the Nelson
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MINUTES ORDINARY COUNCIL - 12 JUNE 2018

	<p>Bay Road in early 2015, however the works are yet to commence.</p> <p>2) Seek the Premier of NSW's intervention to:</p> <ol style="list-style-type: none">Activate NSW Government funding for the duplication of Nelson Bay Road; andRequest the proposed Fingal Bay Link Road be re-classified a State Road and funded and constructed by NSW Roads and Maritime Services.
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The amendment on being put was lost.

BACKGROUND REPORT OF: JOHN MARETICH – ASSET SECTION MANAGER

BACKGROUND

Nelson Bay Road

Nelson Bay Road is a NSW State Road that is managed and maintained by NSW Roads and Maritime Services.

Council is aware that some funding has been allocated towards planning for future upgrades to Nelson Bay Road. It should be noted that the timing of future works such as duplication is dependent on funding allocations.

Fingal Bay Link Road

Council is still in discussion with the land owner to acquire a parcel of land adjacent to Nelson Bay Road. Following the land acquisition, Council will then need to undertake the following reports to meet the legal requirements to build a road at this location:

- Environmental Assessment
- Archaeological Investigation
- Survey
- Geotechnical Investigation
- Traffic Study
- Road Geometric Design
- Quantity Surveyor
- Community Consultation

As some of these reports require currency of three years, Council will only commence them once we are close to resolving the land acquisition issue. Then Council will be in a position to seek funding to build the link road. As the estimated cost to build the link road is substantially larger than Council's capital works program, Council will be seeking assistance from other levels of government.

Through a NSW State Government election promise, \$3 million was allocated to this project. This allocation is appropriate to undertake the required planning works noted above only, not any physical works.

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 – 12 JUNE 2018 MOTION

169	Councillor Chris Doohan Councillor Sarah Smith 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
Assets Section Manager
Acting Property Services Section Manager

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 18/2069
EDRMS NO: PSC2017-02092**

**ACQUISITION OF A DRAINAGE EASEMENT OVER 9 NULLA NULLA LANE,
HINTON**

REPORT OF: PETER MOELLER - ACTING PROPERTY SERVICES SECTION
MANAGER
GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

170	<p>Councillor Paul Le Mottee Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Acquires an easement for stormwater drainage and access over 9 Nulla Nulla Lane, Hinton.2) Authorise the Mayor and the General Manager to affix the Council Seal and sign all documents pertaining to the Grant of Easement.
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CONFIDENTIAL

ITEM NO. 2

**FILE NO: 18/109298
EDRMS NO: PSC2008-2574**

**BIRUBI POINT ABORIGINAL PLACE TOURISM TRANSPORT INTERCHANGE -
ACQUISITION OF LAND**

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

**ORDINARY COUNCIL MEETING - 12 JUNE 2018
MOTION**

171	<p>Councillor Chris Doohan Councillor Glen Dunkley</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the funding strategy for the purchase of 84A Gan Gan Road Anna Bay as detailed in the body of this report.2) Commence discussions with the owner of 84A Gan Gan Road Anna Bay with a view to the purchase of the land by way of Private Treaty.3) Should negotiations for Private Treaty purchase of 84A Gan Gan Road Anna Bay not be successful within six months that Council commence the compulsory acquisition process of 84A Gan Gan Road Anna Bay.4) Any contract amendments (excluding purchase price) be delegated to the General Manager for negotiation and approval.5) Authorise the Mayor and General Manager to affix the Council Seal and sign all documentation relevant for the purchase.
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ORDINARY COUNCIL MEETING – 12 JUNE 2018
MOTION

172	Councillor Chris Doohan Councillor Jaimie Abbott It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 7.34pm.