

# DRAFT

## MINUTES – 10 JULY 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 – 10 July 2018, commencing at 5.38pm.

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

194	<p><b>Councillor Giacomo Arnott</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that the apology from Cr Sarah Smith be received and noted.</p>
195	<p><b>Councillor Jaimie Abbott</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 26 June 2018 be confirmed.</p>
	<p>Cr John Nell declared a less than significant non-pecuniary conflict of interest in item 15. The nature of the interest is Cr Nell is the President of the Tomaree Neighbourhood Centre.</p>

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Cr Ken Jordan declared a significant non-pecuniary conflict of interest in confidential item 2. The nature of the interest is Cr Jordan is a friend of the owner/contractor.

Cr Jaimie Abbott declared a significant non-pecuniary conflict of interest in confidential item 2. The nature of the interest is the location is in proximity of the PFAS management area, and Cr Abbott's employment at the RAAF Base Williamtown.

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# MOTIONS TO CLOSE

**ITEM NO. 1**

**FILE NO: 18/139008  
EDRMS NO: PSC2016-01484**

**MOTION TO CLOSE**

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

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2) (d)ii 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 ***Koala Sanctuary***.
- 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 competitor of the council.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>196</b>	<p><b>Councillor Paul Le Mottee Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) That pursuant to section 10A(2) (d)ii 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 <b><i>Koala Sanctuary</i></b>.</li><li>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"><li>• information that would, if disclosed, confer a commercial advantage on a competitor of the council.</li></ul></li><li>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</li></ol>
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**ITEM NO. 2**

**FILE NO: 18/139012  
EDRMS NO: PSC2008-3848**

**MOTION TO CLOSE**

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

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**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 **398 Cabbage Tree Road, Williamtown**.
- 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.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

	<p><b>Councillor Giacomo Arnott Councillor John Nell</b></p> <p>That Council consider confidential item 2 in Open Council, and that the background of the report remain confidential.</p>
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The motion on being put was lost.

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>197</b>	<p><b>Councillor Paul Le Mottee Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>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</li></ol>
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**MINUTES ORDINARY COUNCIL - 10 JULY 2018**

	<p>namely <b><i>398 Cabbage Tree Road, Williamtown.</i></b></p> <p>2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:</p> <ul style="list-style-type: none"><li>• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</li></ul> <p>3) That the report remain confidential and the minute be released in accordance with Council's resolution.</p>
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# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: 18/110961  
EDRMS NO: PSC2018-02031**

**DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN (AMENDMENT NO. 7) - ADMINISTRATIVE AMENDMENT**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Resolve to prepare the draft Port Stephens Development Control Plan (Amendment No. 7) (the Amendment) (**ATTACHMENT 1**) in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979* (NSW).
- 2) Exhibit the Amendment for 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000* (NSW).
- 3) If no submissions are received, approve the Amendment as exhibited.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>198</b>	<b>Councillor Giacomo Arnott Councillor Steve Tucker</b>  It was resolved that Council that Council move into Committee of the Whole.
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**COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Steve Tucker Councillor Glen Dunkley</b>  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, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>199</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Resolve to prepare the draft Port Stephens Development Control Plan (Amendment No. 7) (the Amendment) (<b>ATTACHMENT 1</b>) in accordance with Section 3.43 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</li><li>2) Exhibit the Amendment for 28 days in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW).</li><li>3) If no submissions are received, approve the Amendment as exhibited.</li></ol>
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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, Ken Jordan, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**BACKGROUND**

The purpose of this report is to seek approval to place the draft Port Stephens Development Control Plan (Amendment No. 7) – Administrative Amendment (the Amendment) (**ATTACHMENT 1**) on public exhibition for a minimum period of 28 days.

The Amendment makes administrative changes to the current Port Stephens Development Control Plan 2014 (DCP 2014) including by updating cross references to sections in the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) and omitting existing savings and transitional provisions that are no longer necessary.

The EP&A Act was renumbered in March 2018 and it is proposed to amend the DCP 2014 to include updated section references.

The DCP 2014 also includes savings and transitional provisions that allows applications that were lodged, but not determined, prior to the commencement of DCP 2014 on 6 August 2015 to continue to be assessed under the previous adopted Development Control Plan. The vast majority of applications lodged prior to August 2015 have already been determined and therefore this clause is no longer necessary.

There are applications lodged prior to August 2015 that remain under assessment and the Amendment will enable these applications to be assessed under the provisions of the current DCP 2014. A review of these applications has been undertaken, and it is considered appropriate to assess these applications under the DCP 2014 because site specific provisions in the DCP 2014 will facilitate the development proposed.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Thriving and safe place to live.	Provide land use plans, tools and advice that sustainably support the community. Enhance public safety, health and liveability through use of Council's regulatory controls and services.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no known financial or resource implications resulting from the proposed recommendation.

Strategic Planning has initiated the Amendment and prepared this report. All future costs associated with processing and assessment (including public exhibition costs) of the Amendment can be accommodated within the existing Strategic Planning budget.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no known significant legal, policy or risk implications resulting from the proposed recommendation.

*Environmental Planning and Assessment Act 1979*

The EP&A Act specifies requirements for amending a Development Control Plan. Should Council resolve to proceed with the Amendment, community consultation will

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be carried out in accordance with the EP&A Act and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

### *Port Stephens Local Environmental Plan 2013*

The aim of the Development Control Plan is to facilitate development in accordance with the *Port Stephens Local Environmental Plan 2013 (NSW) (LEP)*. The administrative changes proposed will not affect the operation of the LEP.

### *Current Development Applications*

The Development Assessment and Compliance Team has conducted a review of all Development Applications and the vast majority of applications will not be impacted by the Amendment. Three Development Applications lodged prior to August 2015 remain under assessment and the Development Assessment and Compliance Team advise the amendments will facilitate the determination of these applications.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
If the amendment is not made, there may be a legal risk for some applications lodged prior to August 2015.	Medium	Adopt the recommendations.	Yes
If the amendment is not made, there is a risk that the DCP will contain out of date references to legislation.	Low	Adopt the recommendations If the amendment is not supported, the savings and transitional provisions in the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i> apply to ensure references to old legislation can be read as per current.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Amendment is of a minor nature and is considered to be administrative. It is not anticipated that there will be any social, economic or environmental implications as a direct result of the Amendment.

## **CONSULTATION**

### Internal

The Amendment is proposed in accordance with advice provided by the Development Assessment and Compliance Team and they support the outcomes the Amendment seeks to achieve. Internal consultation has also been undertaken with the Facilities and Services Section and no issues have been raised.

### External

The purpose of this report is to endorse the Amendment for public exhibition.

If supported, the Amendment will be placed on exhibition for a minimum period of 28 days. An advertisement will be placed in the Port Stephens Examiner and the Amendment will be made available on Council's website as well as a hard copy at Council's Administration Building (Raymond Terrace).

Submissions on the Amendment will be invited during the exhibition period and, if submissions are received, they will be considered in a future report back to Council with detail of any post-exhibition changes to the Amendment.

## **OPTIONS**

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

## **ATTACHMENTS**

Nil.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

- 1) Draft Port Stephens Development Control Plan (Amendment No.7).

**ITEM NO. 2**

**FILE NO: 18/136370  
EDRMS NO: T07-2018**

**T07-2018 SHOAL BAY HOLIDAY PARK AMENITIES BUILDING**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act, 1993*, the Council resolve to close to the public that part of its meetings to discuss Item 2 on the Ordinary Council agenda namely T07-2018 Shoal Bay Holiday Park Amenities Building.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
  - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
  - ii) In particular, the report includes confidential pricing information in respect of the T07-2018 Shoal Bay Holiday Park Amenities Building.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*.
- 5) That Council reject all tenders submitted from PDA Building Pty Ltd, Graph Building, Drew Construction Group, Demato Commercial Pty Limited, and Bennett Lister Developments Pty Ltd.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell Councillor Chris Doohan</b></p> <p>That Council reject all tenders submitted from PDA Building Pty Ltd, Graph Building, Drew Construction Group, Demato Commercial Pty Limited, and Bennett Lister Developments Pty Ltd.</p>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>200</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council reject all tenders submitted from PDA Building Pty Ltd, Graph Building, Drew Construction Group, Demato Commercial Pty Limited, and Bennett Lister Developments Pty Ltd.</p>
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**BACKGROUND**

The purpose of this report is to reject all tender submissions received for the Shoal Bay Holiday Park Amenities Building.

The purpose for this rejection is that all tender submissions exceeded the budget allocations for this project.

The tender submissions were received from:

- PDA Building Pty Ltd;
- Graph Building;
- Drew Construction Group;
- Demato Commercial Pty Limited;
- Bennett Lister Developments Pty Ltd.

The tender was advertised and closed on 28 May 2018 with a total of five submissions received at the close of the tender period, a summary which is included as **(ATTACHMENT 1)**.

The objective of the project was to construct a new amenities building for the Shoal Bay Holiday Park.

The work is comprised of two phases, firstly a construction phase followed by a demolition phase. The work includes (but is not limited to) the supply of all materials, demolition and construction of the following items:

- Construct new pre-cast concrete amenities building and civil works;
- Demolition of existing masonry amenities building;
- Disposal of waste;
- Connect to existing services.

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The weightings agreed for this tender were:

Criteria	Weighting (%)
Price	25
Commercial Terms	5
Capability	20
Timing & Work Plan	20
Relevant Experience / Expertise	30
<b>Total</b>	<b>100</b>

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maintain strong financial sustainability.

### FINANCIAL/RESOURCE IMPLICATIONS

There is a significant implication with regards to the budget for this project, and all tender submissions exceeded the funding arrangement for the project scope. All tender prices were in the vicinity of \$2M, which exceeded the budgetary amount allocated for this project.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	1M	Holiday Parks Cluster Plan.
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal, policy and risk implications.

Changes to the *Local Government Act 1993* have made it possible to delegate acceptance of tenders to the General Manager, however, where tenders are to be rejected this must be presented to Council for resolution.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that exceeding the allocated budget will adversely impact on other projects in the Holiday Parks and Crown Reserves.	High	Reject the tender.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There is a social implication, whereby not building a new amenities block may affect the holiday park guests.

**CONSULTATION**

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

Internal

- Holiday Park management;
- Holiday Park staff.

External

- Park guests;
- Design consultants.

**OPTIONS**

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

**ATTACHMENTS**

- 1) CONFIDENTIAL Weighted criteria methodology summary. (Provided under separate cover)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 3**

**FILE NO: 18/123970  
EDRMS NO: PSC2017-01717**

**PROPOSED SPECIAL RATE VARIATION APPLICATION**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves the development of a Special Rate Variation application to the Independent Pricing and Regulatory Tribunal to fund new town centres, infrastructure, service delivery and maintenance; and
- 2) Endorses the Communications and Engagement Plan that has been developed as part of the Special Rate Variation application process.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Paul Le Mottee Councillor Chris Doohan</b></p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>201</b>	<p><b>Councillor Chris Doohan Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Approves the development of a Special Rate Variation application to the Independent Pricing and Regulatory Tribunal to fund new town centres, infrastructure, service delivery and maintenance; and</li><li>2) Endorses the Communications and Engagement Plan that has been developed as part of the Special Rate Variation application process.</li></ol>
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Cr Giacomo Arnott requested his vote be recorded opposing the motion.

## **BACKGROUND**

The purpose of this report is to seek approval to apply for a Special Rate Variation (SRV) and to endorse the Communications and Engagement Plan (CEP) that supports the application.

Special variation applications provide an opportunity for councils to vary general income by an amount greater than the annual rate peg.

There are two special variations under the *Local Government Act 1993*:

- 1) Under section 508A, a successive annual percentage increase over a period of between 2 and 7 years. These may be permanent or temporary.
- 2) Under section 508(2), a single year percentage increase that may be either permanent or temporary.

The Office of Local Government establishes guidelines for applying for special variations. The Independent Pricing and Regularity Tribunal (IPART) assesses and determines special variation applications by councils.

Applications are assessed under five criteria:

- Demonstrated financial need for and purpose of the SRV;
- Demonstrated community awareness and engagement;
- Reasonable impact on ratepayers;
- Integrated Planning and Reporting documents publicly exhibited and adopted by Council;
- Clear productivity improvements and cost containment strategies.

The expected timeline for applications is:

### **2018**

#### July – August

- Consult with the community on the proposed options.

#### September – October

- Review community consultation results, revise IP&R documents;
- Endorse draft revised IP&R documents and place on Public Exhibition.

#### December

- Notify IPART of intention to apply for a SRV.

### **2019**

#### February

- SRV application due to IPART.

March

- Public submissions to IPART close.

May

- IPART determinations announced.

July

- If application successful, new rates are applied.

The CEP has been developed to ensure thorough consultation and engagement with stakeholders, to ensure the SRV considers the vision and aspirations of the community. It outlines how Council will engage on the SRV across Port Stephens during the exhibition period from mid-July to end-August 2018. Digital and face to face engagement will be undertaken using various communication methods including workshops, community meetings and public information sessions as well as consultation with media and local businesses **(ATTACHMENT 1)**.

The SRV is a major factor in being able to fund a significant, Council-led capital infrastructure project within Port Stephens.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maintain strong financial sustainability.

**FINANCIAL/RESOURCE IMPLICATIONS**

The costs for community consultation are largely absorbed by Council's operational budget, however some minor costs are anticipated for printing of flyers, postage, advertisements and resourcing.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the community does not support the SRV.	Medium	Adopt Communications and Engagement Plan.	Yes
There is a risk that the Independent Pricing and Regulatory Tribunal (IPART) of New South Wales could reject the SRV application based on insufficient evidence of community consultation.	Low	Adopt Communications and Engagement Plan.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications.

The social and economic implications need to be carefully considered as part of the community engagement process and must be included in any SRV application.

**CONSULTATION**

Internal

- Executive Leadership Team;
- SRV Project Team.

External

Included in broad terms within the Community Strategic Plan and recent community engagement/exhibition process for the Integrated Planning and Reporting documents.

In accordance with local government legislation the draft SRV will go on public exhibition from Monday 23 July 2018 to Friday 24 August 2018.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Proposed Special Rate Variation Communications and Engagement Plan.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 3 - ATTACHMENT 1 PROPOSED SPECIAL RATE VARIATION COMMUNICATIONS AND ENGAGEMENT PLAN.**

**Proposed Special Rate Variation –  
Communications and Engagement Plan**

This communications and engagement plan (CEP) is for the proposed Special Rate Variation (SRV) project - *Investing in our community*.

Communications and engagement activities for the proposed SRV are based on social justice principles - ensuring equity and fairness and to provide opportunities for individuals, regardless of background or socio economic status, to participate in decisions that can affect their quality of life. The activities outlined are open to all stakeholders with some targeted activities for specific groups of ratepayers.

**What level of engagement will occur?**

Council plans community engagement across the Local Government Area (LGA) during a five week period exhibition period.

Council's approach to stakeholder engagement is encapsulated in Council's Engagement Framework, available on Council's website. The Framework is based on the International Association for Public Participation (IAP2) Spectrum for Public Participation. Engagement for the Special Rate Variation is assessed as a *Level 3: Participate*.

The aim is to consult with the community to ensure the proposed SRV reflects the vision and aspirations of the community, and that the community's priorities and feedback on the proposed SRV are broadly captured.

The CEP will provide a range of opportunities to:

- 1) Inform the community on the proposal and associated processes, and
- 2) Provide a range of opportunities for the community to provide feedback.

It is planned to consult the community on the SRV proposal in July/August 2018, note the community's feedback and then modify and exhibit elements of the Integrated Planning and Reporting (IP&R) Framework as legislatively required. This is a separate consultation process.

If the SRV application is successful, the Operational Plan for 2019-2020 may be revised and exhibited in May 2019. This is also a separate exhibition process.

**Community Engagement Activities**

One of the five criteria against which Council's SRV application may be assessed is the level of community consultation. Council is required to demonstrate an appropriate variety of engagement methods to ensure community awareness and input.

To achieve this, a range of events are planned to inform and engage a diverse range of Port Stephens residents and ratepayers.

**Community stakeholders**

- Port Stephens residents and ratepayers – residential, farmland and businesses
- Community organisations and relevant special interest groups
- Real estate and property management agents (representing non-resident ratepayers)
- Significant ratepayers, eg Department of Housing, Defence Housing, Tomago Aluminium, Worimi and Karuah Local Aboriginal Land Councils
- Council committees and advisory groups

**ITEM 3 - ATTACHMENT 1 PROPOSED SPECIAL RATE VARIATION COMMUNICATIONS AND ENGAGEMENT PLAN.****Key Message**

The proposed SRV project is the community's opportunity to confirm to Council of its aspirations and priorities for the future (already articulated as part of the IP&R consultation process) and provide feedback on identified major infrastructure projects and proposed increased services.

**Public exhibition period**

The proposed public exhibition and consultation period is Monday 23 July 2018 to Friday 24 August 2018, subject to Council endorsement.

**Council in the community****Face to face sessions**

These sessions will be conducted over five weeks. The earlier sessions will promote information about the proposed SRV and explain the process. The face to face sessions are divided into four types:

**1) Road Shows**

Three Road Shows about the proposed SRV, one to be held in each Ward with Councillors and Council officers in attendance to outline proposed projects (PowerPoint presentation), answer questions and assist with explaining the proposed SRV. Special interest groups to be invited to these sessions.

Location	Venue
Salamander Bay	Tomaree Community Centre
Raymond Terrace	Council Administration Building
Medowie	Medowie Community Hall

**2) Information Sessions**

Held at various locations around Port Stephens as required. They will include a short presentation (using PowerPoint where possible) to explain the SRV process, its implications and the need for community consultation.

For example:

	Location	Venue
1	Anna Bay	Birubi Surf Life Saving Club
2	Fern Bay	Community Hall
3	Karuah	Karuah Working Together Centre
4	Lemon Tree Passage	Club Lemon Tree
5	Nelson Bay	Community Hall
6	Raymond Terrace	Council Committee Rooms
7	Seaham	Seaham Hall

**3) Listening Posts**

Information booths at a range of community events at which residents attend to distribute information about the proposed SRV.

**ITEM 3 - ATTACHMENT 1 PROPOSED SPECIAL RATE VARIATION COMMUNICATIONS AND ENGAGEMENT PLAN.**

Examples include:

<b>Location</b>	<b>Venue</b>
Anna Bay	Anna Bay markets
Raymond Terrace	Raymond Terrace Library
Raymond Terrace	Rectory Markets
Salamander Bay	Tomaree Library
Lemon Tree Passage	Chemical Waste Drop day
Nelson Bay	Love Seafood Festival
Medowie	Medowie Markets
General	PSC Business Lunch
Karuah	Monthly car boot sale

**4) Round tables**

Round tables offered to community groups, real estate agents and community generally. One per Ward and as required.

<b>Location</b>	<b>Venue</b>
Raymond Terrace	Council Administration Building
Salamander Bay	Tomaree library
Anna Bay	Birubi Surf Life Saving Club

The schedule for these activities will be promoted on Council’s website, by email, advertisement, flyer, poster and social media.

**Phone Survey**

Council will commission an external research company to undertake a phone survey to achieve at least 400 responses.

This survey will provide a representative sample of ratepayers, measuring community awareness and affordability of the intended SRV and provide a clear measure of what would constitute an acceptable rate variation.

**Other**

**Community/special interest/industry groups**

- Key community groups will be contacted with information about the information sessions and other engagement activities.
- Council’s 355C committees will be contacted with information about the project.
- Key community groups will be contacted with information about the project with information – offer to present at scheduled meetings.
- Offer a dedicated meeting for real estate and property management agents.

**Communications**

**Direct promotion to residents**

**August rates notice: letter to all residents**

- Introduce SRV proposal to the community and seek their input
- Outline key dates for community input
- Confirm feedback mechanisms for residents

**ITEM 3 - ATTACHMENT 1 PROPOSED SPECIAL RATE VARIATION COMMUNICATIONS AND ENGAGEMENT PLAN.**

**Week One of public exhibition period: DL card mail out**

- Includes magnet card for residents to place on their fridge
- Confirm funding package proposals and associated projects
- Outline key dates for community input
- Contact details for more information

**January 2019 (via planned waste mailer): letter to all residents (TBC)**

- Provide an update on project and the next steps
- Contact details for more information

Throughout project, other channels will be used such as InforMe, BusLink, and contact with targeted groups via email/letter and material emailed to community newsletters.

**Advertising**

Paid advertising campaign to drive traffic to EHQ utilising established print media outlets and PSC owned social media channels, including Port Stephens Examiner, News of the Bay, Facebook and Instagram.

**Media**

Proactive media releases distributed as external communications, interviews and *op ed* opportunities also offered to editorial staff at print, radio and broadcast media outlets to outline the proposed SRV and encourage community input via the consultation activities.

**Digital Presence**

**Council's website**

Council's website will be the main platform for up to date information on the SRV proposal for the term of the project. It will include a timeline, copies of all factsheets, FAQs, a link to a video etc.

**Engagement HQ – Council's online community engagement software**

Using Engagement HQ (EHQ), Council will offer a moderated online forum to host a community conversation/FAQ site for the proposed SRV and a short submission facility.

With the site open 24/7, residents can have their say on the proposed SRV and associated documents at a time that suits them, engage in two-way discussion with other stakeholders, learn more about the plan or just observe the community conversations.

**Internal media channels**

The SRV project will also activate established internal media channels to disseminate information to residents via staff.

**Communication materials**

A package of materials will be produced to increase awareness and understanding amongst ratepayers, promote the project events and drive engagement to community feedback initiatives.

**ITEM 3 - ATTACHMENT 1 PROPOSED SPECIAL RATE VARIATION COMMUNICATIONS AND ENGAGEMENT PLAN.**

All events will be advertised in print and online.

<b>Proposed documents and advertisements</b>		
	<b>TYPE</b>	<b>CONTENT</b>
1	DL trifold	General information on the proposed SRV
2	DL card	Time line for the SRV project and general information
3	Fact sheet – proposed SRV	General outline what will be funded Detail on each item or group items
4	FAQ sheet	General questions that the community may ask about the project
5	Factsheet - SRV – Residential rating category	A4 flyer – information showing the impact on residential rates for the various options
6	Factsheet - SRV – Farmland rating category	A4 flyer – information showing the impact on farmland rates for the various options
7	Factsheet - SRV – Business rating category	A4 flyer – information showing the impact on business rates for the various options
8	Factsheet – impact on resident non ratepayers	TBC - Outlines potential impact on resident non ratepayers
9	Advertisements	Paid ads in local newspapers. Cinema, billboard and bus stop advertising TBC
10	Poster	A4 size – for local businesses
11	Video	Promotional video highlighting initiative, also short versions for social media
12	Social media boosts	Social media boosts during PE

**Other**

A dedicated email address [svr@portstephens.nsw.gov.au](mailto:svr@portstephens.nsw.gov.au) will be utilised for the project. Others as identified during the project.

**Submission formats**

Community members will be able to provide feedback in the following ways:

- 1) A short submission via the EHQ platform on Council's website.
- 2) An email to [svr@portstephens.nsw.gov.au](mailto:svr@portstephens.nsw.gov.au) (receipt will be acknowledged).
- 3) In writing to Port Stephens Council.

A random sample will be selected to participate in a phone survey.

**ITEM NO. 4**

**FILE NO: 18/94533  
EDRMS NO: PSC2008-2574**

**BIRUBI POINT ABORIGINAL PLACE MANAGEMENT PLAN**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and notes the submissions to the draft Birubi Point Aboriginal Place Management Plan (**ATTACHMENT 1**).
  - 2) Endorse the Birubi Point Aboriginal Place Management Plan (**TABLED DOCUMENT 1**).
- 

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor John Nell Councillor Glen Dunkley</b></p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>202</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receives and notes the submissions to the draft Birubi Point Aboriginal Place Management Plan (<b>ATTACHMENT 1</b>).</li><li>2) Endorse the Birubi Point Aboriginal Place Management Plan (<b>TABLED DOCUMENT 1</b>).</li></ol>
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**BACKGROUND**

The purpose of this report is to seek Council's endorsement of the draft Birubi Point Aboriginal Place Management Plan (**TABLED DOCUMENT 1**).

Birubi Point Aboriginal Place ('the Place') was gazetted in 2007 and includes land that is part of the Tomaree National Park, Crown Land and Crown Land that is managed in trust by Port Stephens Council. Council established the Birubi Point Cultural Heritage Advisory Panel (a 355c Committee of Council) ('the Panel') in 2014 with the purpose of overseeing the development of a management plan for the Place. The purpose of the management plan is to ensure the protection of Worimi cultural and spiritual values and the enhancement of the environment.

The development of the management plan commenced early in 2017 and has followed a three stage process consisting of:

- Stage 1 – Concept visions for community consultation (completed 7 June 2017).
- Stage 2 – Master plan for Council endorsement (completed 28 November 2017).
- Stage 3 – Management Plan for community consultation (completed 2 May 2018).

The Management Plan was endorsed by the Panel on 24 May 2018.

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Recognised Traditions and Lifestyles.	Recognise and support local Aboriginal and Torres Strait Islander people. Support and promote local cultural activities.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The management plan is designed to be progressively delivered over a 10 year period. A review of the plan is scheduled for year five and a comprehensive review after year 10. All capital works described in the plan will require detailed design, costing and approvals prior to implementation. Maintenance costs of the Place will increase as more capital investment is made and more people visit the Place.

The deployment of the management plan will be through an annual works program that will be endorsed by the Panel. This works program will include sources of funds for the works required in each year and the source of funds.

Funding will be sourced from a number of areas including but not limited to:

- General revenue.
- Revenue from ongoing agreements between Council, Worimi Conservation Lands Board of Management and Worimi Local Aboriginal Land Council.
- Direct investment from Department of Industry (Lands) or NSW Office of Environment and Heritage.
- Grants.
- Contributions in kind, such as from surf club members, Landcare or local schools.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes	20M	Estimated capital value over a 10 year period of all works in the Management Plan including a tourism transport interchange. Note that this is an estimate only and has not been quantity surveyed.

**LEGAL, POLICY AND RISK IMPLICATIONS**

Aboriginal Places are gazetted under the *National Parks and Wildlife Act 1974 (NP&W Act)*. The management plan must comply with the New South Wales Office of Environment and Heritage's (OEH) 'Guidelines for developing management plans for declared Aboriginal Places'. The Birubi Point Aboriginal Place Management Plan complies with this guideline.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not endorsing the Management Plan will result in the Aboriginal Place not having an agreed approach to the protection of Aboriginal cultural values leading to legal risk from actions or inactions that result in damage to the Place.	High	Endorse the Management Plan in the knowledge that it complies with the OEH guidelines for Aboriginal Place management plans and has been through extensive consultation.	Yes

**MINUTES ORDINARY COUNCIL - 10 JULY 2018**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that endorsing the Management Plan may raise unrealistic expectations in the community regarding the delivery of all proposed improvements resulting in reputational damage.	Low	Implement a communication plan that clarifies the Aboriginal Place management plan and timelines associated with program delivery.	Yes
There is a risk that endorsing the Management Plan for the Place may be confused with the Worimi Conservation Lands Management Plan resulting in confusion in the community and misrepresentation of facts in social media.	Low	Implement a communication plan that clarifies the Aboriginal Place management plan and timelines associated with program delivery. Correct false statements in social media relating to the Aboriginal Place.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Endorsing the management plan provides the whole community with a clear vision for how the Place will be developed and managed into the future. It removes potential for speculation and rumour through lack of information in the community. The development proposals in the management plan are intended to provide recreation spaces that are attractive and of a quality that is befitting of an international tourism destination and a valued community.

The proposal to develop a tourism transport interchange at the 4WD track entrance to Worimi Conservation Lands is the linchpin to the success of the management plan. An interchange designed for tourism reception and transfer to the dunes will create jobs in the construction phase, as well as create an opportunity for a third party to manage the site under a commercial lease. Work is currently well underway to design the interchange using funding from the NSW Tourism Demand Driver Infrastructure Fund. An application for \$5.5M has been made to the NSW Office of Premier and Cabinet for majority funding of the interchange through the Growing Local Economies Fund.

The management plan has a focus on improving the environment of the Place by focusing on weed removal, sand dune stabilisation and vegetation development. It is expected that the management plan, when fully implemented, will produce a net benefit to the landscape and ecology of the area.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Services Section. The objective of the consultation has been to ensure that Aboriginal cultural values are prioritised and balanced with contemporary values of Birubi Point Aboriginal Place.

In addition to all consultation undertaken during 2017 for the concept vision and master plan stages, the following consultation has been delivered for the management plan stage.

### Internal

Birubi Point Cultural Heritage Advisory Panel consists of representatives from Port Stephens Council, Worimi Local Aboriginal Land Council, Worimi Conservation Lands Board of Management, Registered Traditional Owners of Worimi Conservation Lands, NSW Department of Industry (Lands), NSW National Parks and Wildlife Service, Birubi Point Surf Life Saving Club and an Anna Bay community representative. There are 14 members of which seven are Aboriginal people who are considered the Registered Aboriginal Parties to the Place as listed on the gazettal for the Place.

Council engaged the services of a consultant, Umwelt, to prepare the management plan.

In addition to emails and telephone conversations with Panel Members, the Panel has formally met on the following occasions to oversee the project:

- Consultant briefing and project plan endorsement.
- Review and endorsement of draft plan working draft.
- Review and endorsement of draft plan draft for exhibition.
- Review and endorsement of final plan.

Council's Community and Recreation Assets team were involved in the development of the draft plan and community engagement aspects of the project have benefited from the involvement of the Community Development and Engagement team.

The project has been endorsed by the Aboriginal Strategic Committee and this committee has been updated regularly on the development of the plan.

External

Council's consultant for the project, Umwelt, has contacted individual Aboriginal families who are known to have an interest in the cultural values of the Birubi Point Aboriginal Place.

The OEH has been involved in the review of the management plan process and has endorsed the approach that Council has taken in developing the management plan for the Place.

Whilst not a requirement of any legislation, the draft plan went on public exhibition for 28 days from Thursday 5 April 2018 to Tuesday 2 May 2018 and 11 submissions were received. A summary of key points made in the submissions and responses from the relevant land manager and the Panel is shown at **(ATTACHMENT 1)**.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Draft Birubi Point Aboriginal Place Management Plan - Submissions.

**COUNCILLORS ROOM**

- 1) Submissions.

**TABLED DOCUMENTS**

- 1) Birubi Point Aboriginal Place Management Plan.

ITEM 4 - ATTACHMENT 1 DRAFT BIRUBI POINT ABORIGINAL PLACE MANAGEMENT PLAN - SUBMISSIONS.

Submission Number	Submitted by	Key points	Port Stephens Council response	National Parks and Wildlife Service response	Birubi Point Cultural Heritage Advisory Panel response
1	Resident	1. Recommends starting a weed biological control program.	1. Noted. Eradication of weeds is a management objective for the management plan and will be undertaken by qualified Council staff or suitable contractors procured through Council's procurement process.	None required	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.
2	Resident	1. Recommends free and unlimited access to all of Birubi Point and headland by residents and visitors 2. Objects to restricting access to Birubi Point and headland in the name of conservation and reconciliation with Aboriginal Peoples. 3. Objects to the giving away of control of Birubi Point and headland to Aboriginal people.	1. Not endorsed. Free and unlimited access to the headland and Birubi Point is the cause of damage to Aboriginal cultural values, artifacts and the coastal environment. 2. Objection noted. Not endorsed. Restricted access to areas of the headland and Birubi Point is designed to conserve Aboriginal cultural values and is a practical demonstration of reconciliation between non Aboriginal and Aboriginal people. 3. Objection noted. Not endorsed. Birubi Point Aboriginal Place is controlled by National Parks and Wildlife Service, Department of Primary Industry (Crown Lands) and Port Stephens Council. The management plan is a tool to ensure Aboriginal cultural values are conserved in the gazetted Aboriginal Place. An Aboriginal Place does not denote ownership of land rather that the land contains Aboriginal cultural values that are required to be protected and conserved by law.	None required	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.
3	Resident	1. Recommends clarification as to whether the area is formally known as Birubi, Birubi Point or Anna Bay. 2. Recommends involvement of Rotary in future redesign of skate-park as they initiated the original skate park. 3. Recommends clarification as to how the management plan fits with a proposal for an alternative park at the northern end of Ocean Ave/Morna Point? 4. Recommends that the author of the plan use fewer words and pages to ensure people can read the plan.	1. Birubi Point Aboriginal Place is located in the town of Anna Bay. References to just "Birubi" will be replaced with Birubi Headland to remove confusion. 2. Noted. Redesign of Robinson Reserve will involve further community consultation in which Rotary is able to participate. 3. The management plan has no reference or link to any alternative park at the northern end of Ocean Ave/Morna Point. 4. Noted. The size and scale of the plan reflects the complexity of the issues relating to managing contemporary issues in a cultural landscape.	None required.	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.
4	Resident	1. Recommends a roundabout be installed at the intersection of James Paterson Street and Gan Gan Road Anna Bay. 2. Recommends pathway from proposed transport interchange to headland be designed to take a small buggy transporter to ferry people to and from the headland and interchange. 3. Recommends toilets at the interchange. 4. Recommends reuse of recycled water at the proposed interchange to help establish plants to stabilize the dunes.	1. Noted. Endorsed in principle. The concept of a roundabout at James Paterson Street and Gan Gan Road Anna Bay will be included in the management for further investigation. 2. Noted. The Birubi Point Aboriginal Place Master Plan proposes a pathway from the proposed transport interchange to the headland. Delivery of the works requires detailed design and approvals prior to construction. Use of the pathway for independent mobility scooters will be considered in the detailed design phase. 3. Noted. Endorsed. Toilets will be included in the design of the tourism transport interchange. 4. Noted. Endorsed. The reuse of waste water will be considered in the detailed design phase of the tourism transport interchange.	None required.	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.



ITEM 4 - ATTACHMENT 1 DRAFT BIRUBI POINT ABORIGINAL PLACE MANAGEMENT PLAN - SUBMISSIONS.

Submission Number	Submitted by	Key points	Port Stephens Council response	National Parks and Wildlife Service response	Birubi Point Cultural Heritage Advisory Panel response
5	Resident	<ol style="list-style-type: none"> <li>Supports overall management plan objectives.</li> <li>Supports the inclusion of new walking pathways through the Tomaree National Park area adjacent to Ocean Avenue that links Anna Bay with Fisherman's Bay.</li> <li>Concerned that new formal pathways may block access to rock pools.</li> <li>Concerned that materials used in construction of new pathways could negatively impact naturalness and beauty of the coastal fringe. Requests consultation with locals on materials and pathway location.</li> <li>Recommends that new pathways adjacent to Ocean Avenue permit the use of the pathways by people walking dogs.</li> <li>Recommends retention of existing uses of the rock pools adjacent to Ocean Avenue for people walking and swimming with their dogs.</li> </ol>	<ol style="list-style-type: none"> <li>Support for management plan noted with pleasure.</li> <li>Referred to National Parks and Wildlife Service</li> </ol>	<ol style="list-style-type: none"> <li>Support for management plan noted with pleasure</li> <li>Support for new walking pathways in Tomaree National Park noted with pleasure.</li> <li>Concern noted and to be considered in design of new pathways.</li> <li>Concern noted and to be considered in design of new pathways</li> <li>In accordance with Tomaree National Parks Plan of Management and consistent with policy and regulations for national parks in New South Wales domestic pets, stock and other introduced animals (such as horses) will not be permitted in the park with the exception of authorised companion animals, such as guide dogs.</li> <li>In accordance with Tomaree National Parks Plan of Management and consistent with policy and regulations for national parks in New South Wales domestic pets, stock and other introduced animals (such as horses) will not be permitted in the park with the exception of authorised companion animals, such as guide dogs.</li> </ol>	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.
6	Resident	<ol style="list-style-type: none"> <li>Supports overall management plan objectives.</li> <li>Recommends more indigenous information.</li> <li>Recommends provision of first aid kits on site.</li> </ol>	<ol style="list-style-type: none"> <li>Support for management plan noted with pleasure.</li> <li>Noted. Endorsed. Content and placement of interpretative signage to be considered during detailed design phase.</li> <li>Noted. Not endorsed.</li> </ol>	<ol style="list-style-type: none"> <li>Support for management plan noted with pleasure</li> <li>None required</li> <li>None required</li> </ol>	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.
7	Resident	<ol style="list-style-type: none"> <li>Supports overall management plan objectives.</li> <li>Supports the inclusion of new walking pathways through the Tomaree National Park area adjacent to Ocean Avenue that links Anna Bay with Fisherman's Bay.</li> <li>Recommends retention of ocean launching site from Robinson Reserve for fishing or rescue vessels.</li> <li>Recommends maintaining existing informal walking track from Pacific Avenue at the Cemetery to Iris Moore Park.</li> <li>Recommends maintaining existing access to walking tracks adjacent to Ocean Avenue for dog walking.</li> </ol>	<ol style="list-style-type: none"> <li>Support for management plan noted with pleasure</li> <li>Referred to National Parks and Wildlife Service</li> <li>Noted. Endorsed. Gate access to beach from Robinson Reserve will be retained for licensed commercial fishers and rescue craft.</li> <li>Referred to National Parks and Wildlife Service</li> <li>Referred to National Parks and Wildlife Service</li> </ol>	<ol style="list-style-type: none"> <li>Support for management plan noted with pleasure</li> <li>Support for new walking pathways in Tomaree National Park noted with pleasure.</li> <li>None required</li> <li>Noted and to be considered in design of new pathways.</li> <li>In accordance with Tomaree National Parks Plan of Management and consistent with policy and regulations for national parks in New South Wales domestic pets, stock and other introduced animals (such as horses) will not be permitted in the park with the exception of authorised companion animals, such as guide dogs.</li> </ol>	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.
8	Resident	<ol style="list-style-type: none"> <li>Supports the inclusion of new walking pathways through the Tomaree National Park area adjacent to Ocean Avenue that links Anna Bay with Fisherman's Bay.</li> <li>Supports viewing platforms at Birubi Point headland</li> <li>Supports improved car parking facilities along Ocean Avenue access to Robinson Reserve</li> <li>Supports better signage for the area</li> <li>Recommends for guided walks by local Aboriginal community along Birubi headland to Fisherman's Bay.</li> <li>Recommends greater use of Tomaree National Park area for people with domestic pets with additional clean up provisions.</li> </ol>	<ol style="list-style-type: none"> <li>Referred to National Parks and Wildlife Service.</li> <li>Support noted with pleasure.</li> <li>Support noted with pleasure.</li> <li>Support noted with pleasure.</li> <li>Noted. Not a matter for the management plan. Referred to Worimi Local Aboriginal Land Council for consideration.</li> <li>Referred to National Parks and Wildlife Service.</li> </ol>	<ol style="list-style-type: none"> <li>Support for new walking pathways in Tomaree National Park noted with pleasure.</li> <li>None required</li> <li>None required</li> <li>None required</li> <li>Noted and for consideration by Worimi Conservation Lands Board of Management.</li> <li>In accordance with Tomaree National Parks Plan of Management and consistent with policy and regulations for national parks in New South Wales domestic pets, stock and other introduced animals (such as horses) will not be permitted in the park with the exception of authorised companion animals, such as guide dogs.</li> </ol>	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.



ITEM 4 - ATTACHMENT 1 DRAFT BIRUBI POINT ABORIGINAL PLACE MANAGEMENT PLAN - SUBMISSIONS.

Submission Number	Submitted by	Key points	Port Stephens Council response	National Parks and Wildlife Service response	Birubi Point Cultural Heritage Advisory Panel response
9	Resident	<ol style="list-style-type: none"> <li>1. Recommends retention of access by people walking dogs along foreshore adjacent to Ocean Avenue.</li> <li>2. Objects to proposed new pathways adjacent to Ocean Avenue as proposed in the management plan.</li> </ol>	<ol style="list-style-type: none"> <li>1. Referred to National Parks and Wildlife Service</li> <li>2. Referred to National Parks and Wildlife Service</li> </ol>	<ol style="list-style-type: none"> <li>1. In accordance with Tomaree National Parks Plan of Management and consistent with policy and regulations for national parks in New South Wales domestic pets, stock and other introduced animals (such as horses) will not be permitted in the park with the exception of authorised companion animals, such as guide dogs.</li> <li>2. Objection noted.</li> </ol>	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.
10	Resident	<ol style="list-style-type: none"> <li>1. Recommends retention of access by people walking dogs along foreshore adjacent to Ocean Avenue.</li> <li>2. Objects to proposed new pathways adjacent to Ocean Avenue as proposed in the management plan.</li> </ol>	<ol style="list-style-type: none"> <li>1. Referred to National Parks and Wildlife Service</li> <li>2. Referred to National Parks and Wildlife Service</li> </ol>	<ol style="list-style-type: none"> <li>1. In accordance with Tomaree National Parks Plan of Management and consistent with policy and regulations for national parks in New South Wales domestic pets, stock and other introduced animals (such as horses) will not be permitted in the park with the exception of authorised companion animals, such as guide dogs.</li> <li>2. Objection noted.</li> </ol>	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.
11	Resident	<ol style="list-style-type: none"> <li>1. Supports overall management plan objectives.</li> <li>2. Supports the inclusion of new walking pathways through the Tomaree National Park area adjacent to Ocean Avenue that links Anna Bay with Fisherman's Bay.</li> <li>3. Concerned that new formal pathways may block access to rock pools.</li> <li>4. Concerned that materials used in construction of new pathways could negatively impact naturalness and beauty of the coastal fringe.</li> <li>5. Concerned that new pathways close to the coastal fringe would be a substantial safety issue given narrowness of coastal fringe.</li> </ol>	<ol style="list-style-type: none"> <li>1. Support for management plan noted with pleasure</li> <li>2. Referred to National Parks and Wildlife Service</li> <li>3. Referred to National Parks and Wildlife Service</li> <li>4. Referred to National Parks and Wildlife Service</li> <li>5. Referred to National Parks and Wildlife Service</li> </ol>	<ol style="list-style-type: none"> <li>1. Support for management plan noted with pleasure</li> <li>2. Support for new walking pathways in Tomaree National Park noted with pleasure.</li> <li>3. Concern noted and to be considered in design of new pathways.</li> <li>4. Concern noted and to be considered in design of new pathways.</li> <li>5. Concern noted and to be considered in design of new pathways.</li> </ol>	Responses from Port Stephens Council and National Parks and Wildlife Service endorsed 24 May 2018.



**ITEM NO. 5**

**FILE NO: 18/119005  
EDRMS NO: PSC2014-00869**

**ROAD WIDENING - 828 PATERSON ROAD, WOODVILLE.**

REPORT OF: PHILIP MILES - CAPITAL WORKS SECTION MANAGER  
GROUP: FACILITIES & SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Authorise the General Manager to proceed and finalise the acquisition for road widening over 828 Paterson Road Woodville.
- 2) Grants Authority for the General Manager and the Mayor to sign and affix the seal of Council to any related documents and plans.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Ken Jordan Councillor Giacomo Arnott</b></p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>203</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Authorise the General Manager to proceed and finalise the acquisition for road widening over 828 Paterson Road Woodville.</li><li>2) Grants Authority for the General Manager and the Mayor to sign and affix the seal of Council to any related documents and plans.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend for Council to acquire by agreement, road widening over 828 Paterson Road Woodville.

Rehabilitation of part of Paterson Road Woodville near Iona Public School was completed by Capital Works this year.

During construction it was determined that part of the existing road shoulder was on private property. Improvements to the road for safety reasons included shoulder widening and bitumen sealing.

A small triangle of land was required to be acquired from the subject property to ensure that the sealed road shoulder was entirely within the road reserve.

Agreement with the property owner was reached to allow the works to proceed without monetary payment of compensation. The agreed compensation for the road widening included practical works in flattening the batter within the subject property and some fencing construction in the vicinity of the road widening.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Thriving and safe place to live.	Enhance public safety, health and liveability through use of Councils regulatory controls and services.

**FINANCIAL/RESOURCE IMPLICATIONS**

There was a substantial implication to the Capital Works program and financial costs if agreement with the property owner could not be reached as construction was to take place on private property. Construction would have to be stopped causing the shutdown of the construction team on this project and relocation to another project, hence causing financial loss. With agreement being reached with the property owner, works could proceed and the necessity for valuations and legal costs eliminated, saving about \$5,000 plus relocation of the construction team. Additional financial cost was kept to a minimum.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Capital Works.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	Yes		Materials contribution by owner.

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal implications if the acquisition proceeds.

Due to operational requirements and the owner being amicable to a quick resolution for construction to proceed, deviation from the acquisition and divestment of land policy was required. This action alleviated an owner initiated acquisition and delays to construction and additional costs. With the agreement being reached with the owner there was a saving in the cost of valuation for Council and the owner's cost that Council is responsible for (separate owner valuation and legal fees).

There are no risk implications if the acquisition proceeds.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the acquisition does not proceed the property owner will object to the location of the road.	Medium	Proceed with acquisition.	Low

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Socially the community will benefit from the safer road and entrance to the Public School and Woodville School of Arts.

Rehabilitation of the road provides a longer design life for this asset and will provide a long term economic benefit.

All environmental considerations were taken into account during the initiation and design phases. Environmental constraints were adhered to during construction.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Capital Works Section.

Consultation with the design team concluded that time delays and redesign to move the road alignment would be more significant than the additional works in proceeding with the agreed compensation for road widening.

#### Internal

- Capital Works Section Manager;
- Capital Works Program Coordinator;
- Senior Survey and Land Information Manager;
- Civil Project Team.

External

- Property owner agreed to the acquisition and compensation for works.

**OPTIONS**

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

**ATTACHMENTS**

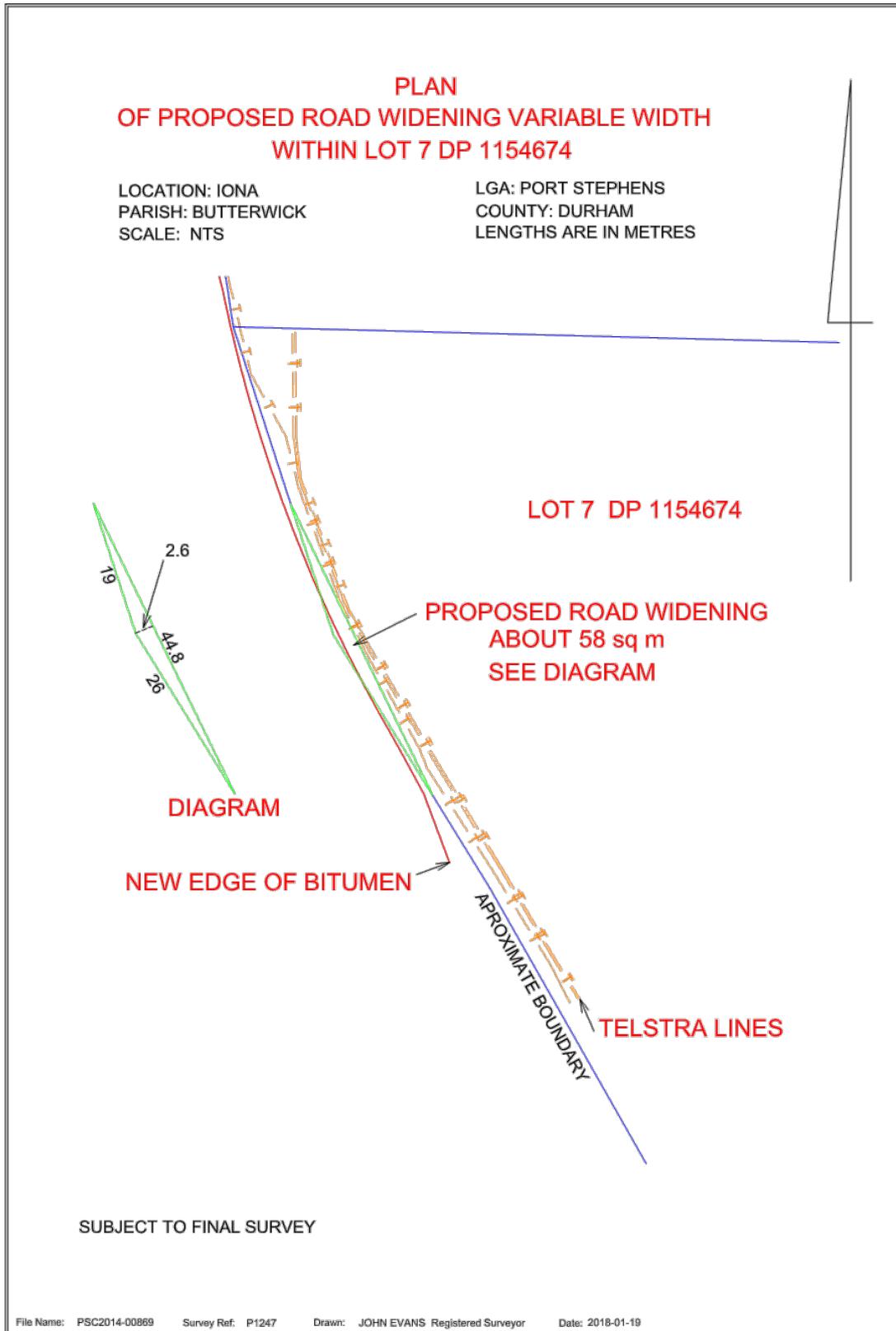
- 1) Proposed Acquisition Plan.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**ITEM NO. 6**

**FILE NO: 18/126524  
EDRMS NO: PSC2005-3899**

**MEDOWIE COMMUNITY PRESCHOOL SUBDIVISION - BOUNDARY  
REALIGNMENT**

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

---

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Authorise the General Manager to proceed with approved subdivision (Subdivision Certificate Number 2018/2).
- 2) Grants authority to the General Manager and the Mayor to sign and affix the seal of Council to any related documents and plans.
- 3) Enters into negotiations with Medowie Community Preschool Incorporated to establish a ground only lease.

---

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Steve Tucker</b></p> <p>That the recommendation be adopted.</p>
--	--

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<p><b>204</b></p>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Authorise the General Manager to proceed with approved subdivision (Subdivision Certificate Number 2018/2).</li><li>2) Grants authority to the General Manager and the Mayor to sign and affix the seal of Council to any related documents and plans.</li><li>3) Enters into negotiations with Medowie Community Preschool Incorporated to establish a ground only lease.</li></ol>
-------------------	--

## **BACKGROUND**

The purpose of this report is to obtain Council's authorisation for the registration of approved Lots 1 and 2 set out in **(ATTACHMENT 1)**.

Council at its meeting of 11 July 2017 resolved to:

- 1) Fund the preparation and lodgement of a development application to subdivide 42 Kindlebark Drive, Medowie (lot 58, DP 730472) and 40 Kindlebark Drive, Medowie (part lot 59, DP 730472) to create one lot to encompass the building and playground areas of the preschool facility which enables a ground lease to be negotiated with Medowie Community Preschool Incorporated (ABN 366 477 688 40) and therefore remove the need for the current licence agreement.
- 2) Refund all back payments of lease fees for the original lease agreement.

The purpose of the subdivision was to create a single lot encompassing the building and playground area of the Medowie Community Preschool Incorporated (ABN 366 477 688 40) to allow the negotiation of a ground only lease. A ground only lease must be registered on title and therefore applies to the entire lot.

The proposed subdivision was identified as an exempt development and did not require a development application. The subdivision was endorsed by Council's Development Assessment and Compliance Section on 13 February 2018. Registration of the subdivision plan can occur following Council endorsement.

Details of the subdivision are as follows:

- Lot 1 - consolidate 42 Kindlebark Drive (Lot 58 DP 730472) and 40 Kindlebark Drive (Part Lot 59, DP 730472) to encompass the Medowie Community Preschool building, playground and car park.
- Lot 2 - consolidate 40 Kindlebark Drive (Part Lot 59, DP 730472), 38 Kindlebark Drive (Lot 129, DP 710216) and 6 Agonis Place (Lot 52, DP 833110) into a single lot to align with the sportsground purpose.

A copy of the subdivision plan is included in **(ATTACHMENT 1)** and a plan of the current lot layout is included in **(ATTACHMENT 2)**.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Community diversity.	Provide facilities and services for children.

**FINANCIAL/RESOURCE IMPLICATIONS**

Costs associated with the subdivision plan registration will be absorbed within Council's existing operational budget.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	1,200	Plan registration costs.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

**Community Strategic Plan 2013-2023**

The subdivision is consistent with Action: 1.4.1.2 Provide facilities for community based preschools and childcare centres to operate from, through tenancy agreements.

**Local Government Act 1993 (LG Act)**

The registration of the subdivided lots would dissolve existing Lot 58 DP 730472 currently listed in the Generic Urban Parks Plan of Management and Lot 59 DP 730472, Lot 129 DP 710216 and Lot 52 DP 833110. The *LG Act* requires all parcels of community land to be managed in accordance with a plan of management. Council would therefore be required to update its plans of management to include the newly created lots.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if the subdivision plan is not registered that the proposed lease agreement cannot proceed.	Medium	Council authorise the registration of the approved lots.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications.

The endorsement of this subdivision plan will not result in any adverse social, economic or environmental implications. The lot changes will not change the current land use. All parcels are to remain classified as community land.

**CONSULTATION**

This report has been prepared to action the recommendations of Council's Notice of Motion dated 11 July 2017 (**ATTACHMENT 3**), therefore no additional consultation has been undertaken.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Subdivision Certificate and Plan.
- 2) Current Lot Layout.
- 3) Notice of Motion - Medowie Community Prechool 11 July 2017.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.





Telephone Inquiries: Brett Gardiner  
File No: 14-2018-6000-1  
Parcel No: 21082

13 February 2018

PORT STEPHENS COUNCIL  
PO BOX 42  
RAYMOND TERRACE NSW 2324

Dear Sir/Madam,

**RE: Subdivision Certificate Application**

**PROPERTY: LOT: 58 DP: 730472  
42 Kindlebark Drive Medowie**

Please find enclosed documentation in relation to the above subdivision certificate application. These have been endorsed by the Authorised Person and issued with a Subdivision Certificate Number 2018/2.

Copies have been forwarded to Telstra Australia.

Yours faithfully

A handwritten signature in black ink, appearing to read "B. Gardiner".

**Brett Gardiner**  
*Planning and Developer Relations Coordinator*  
Phone: 02 4988 0213 Mobile: 0417 474 901  
Email: [brett.gardiner@portstephens.nsw.gov.au](mailto:brett.gardiner@portstephens.nsw.gov.au)  
Web: [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)

Enc.

PORT STEPHENS COUNCIL

116 Adelaide Street  
Raymond Terrace NSW 2324

PO Box 42  
Raymond Terrace NSW 2324

Phone: 02 4980 0255  
Email: [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

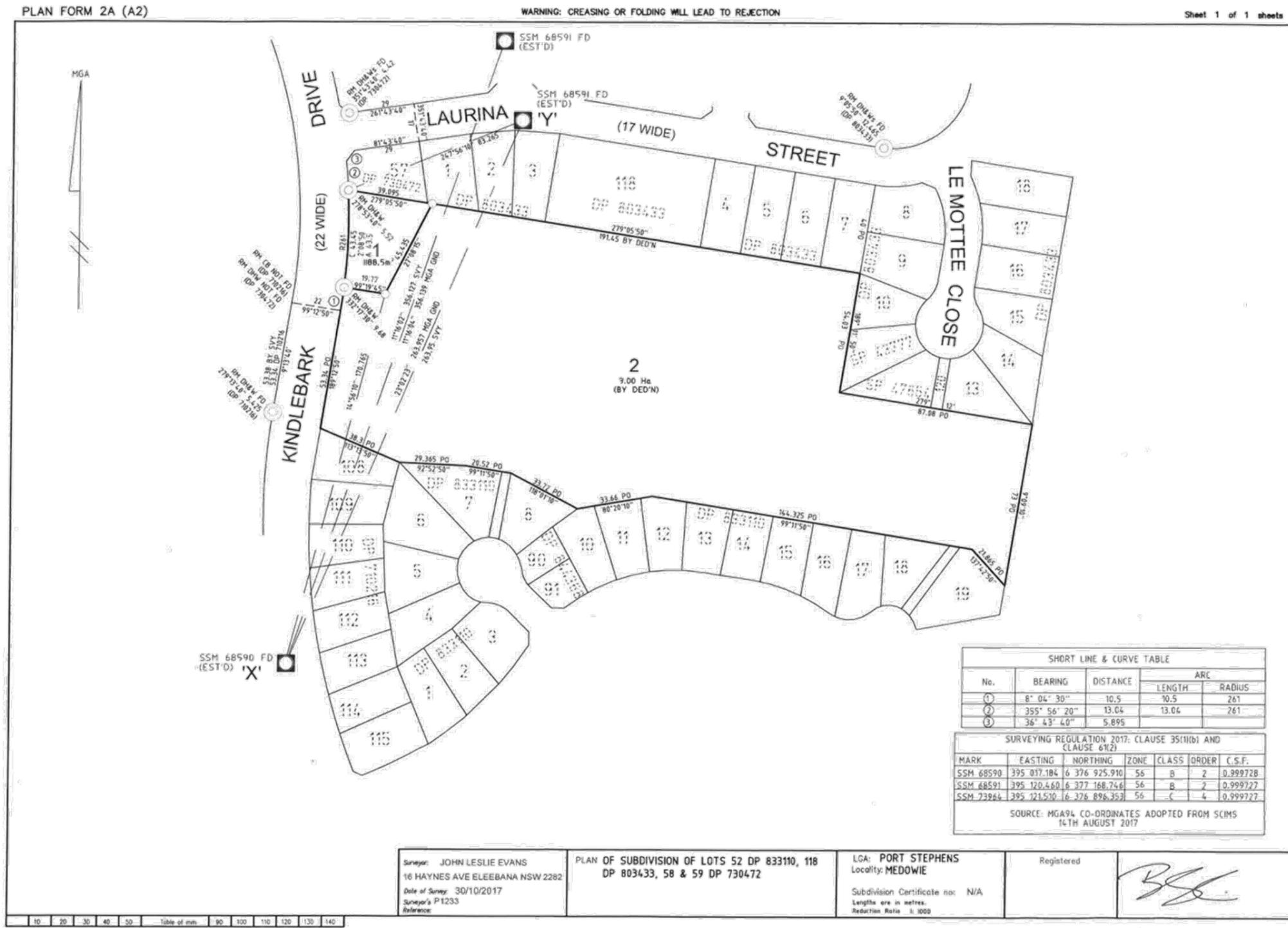
[www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)  
ABN 16 744 377 876



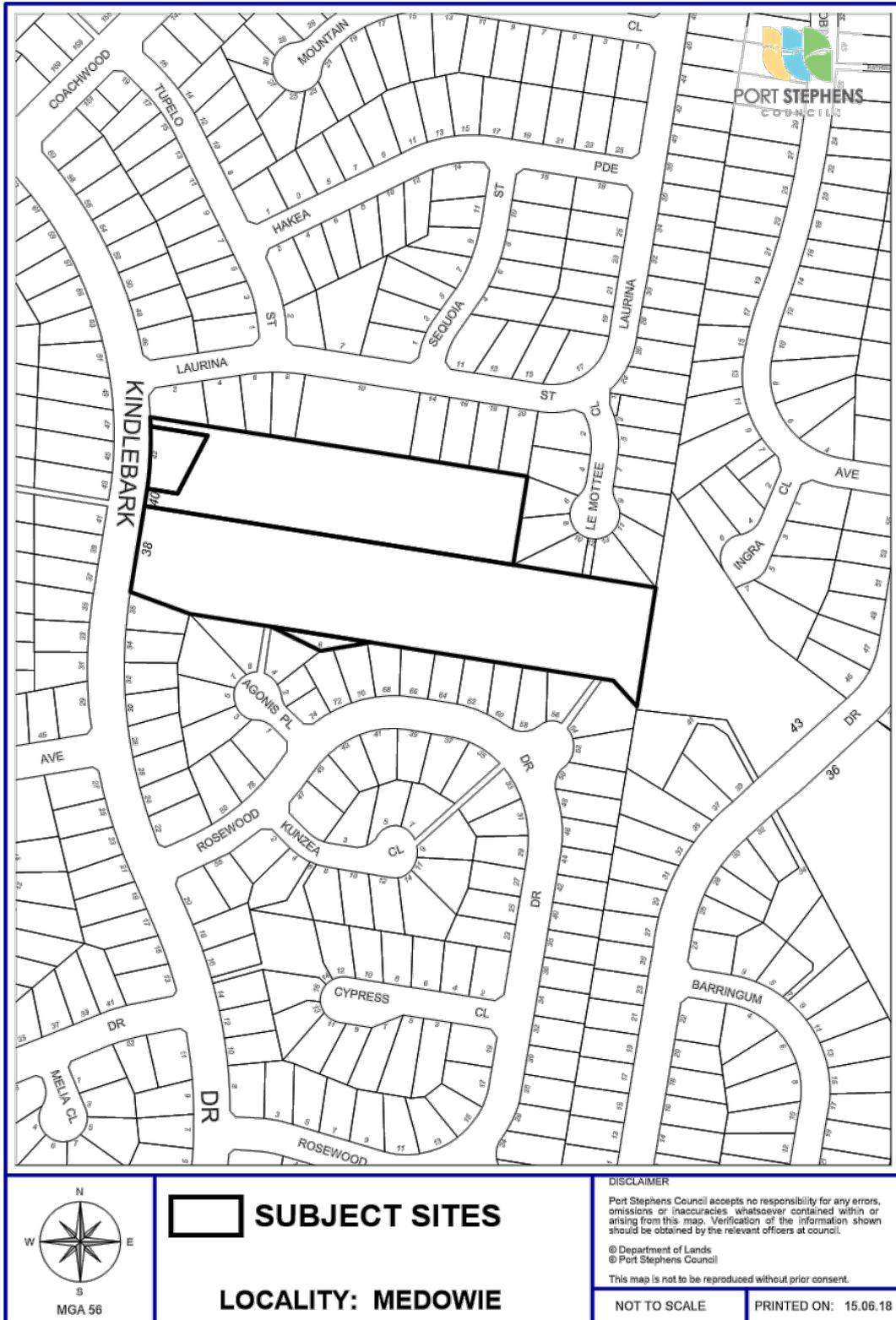
ITEM 6 - ATTACHMENT 1 SUBDIVISION CERTIFICATE AND PLAN.

PLAN FORM 6 (2013) WARNING: Creasing or folding will lead to rejection	
DEPOSITED PLAN ADMINISTRATION SHEET Sheet 1 of 1 sheet(s)	
Registered: Title System: TORRENS Purpose: SUBDIVISION	Office Use Only
PLAN OF SUBDIVISION OF LOTS 52 DP 833110, 118 DP 803433, 58 & 59 DP 730472	LGA: PORT STEPHENS Locality: MEDOWIE Parish: SUTTON County: GLOUCESTER
Crown Lands NSW/Western Lands Office Approval	Survey Certificate
I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: ..... Date: ..... File Number: ..... Office: .....	I, JOHN LESLIE EVANS of 16 HAYNES AVENUE, ELEEBANA 2282 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: * <del>(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on</del> * <del>(b) The part of the land shown in the plan (*being*<sup>^</sup>excluding<sup>^</sup> LOT 1, ..... ) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on, 30/10/2017 the part not surveyed was compiled in accordance with that Regulation.</del> * <del>(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</del> Signature: <i>John Evans</i> Dated: 30/10/2017 Surveyor ID: 1002 Datum Line: 'X' - 'Y' Type: *Urban* <sup>#</sup> Rural- The terrain is *Level-Undulating / *Steep-Mountainous- *Strike through if inapplicable. <sup>^</sup> Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.
Subdivision Certificate I, <u>BRET GARDNER</u> *Authorised Person* <sup>#</sup> General Manager/ <sup>#</sup> Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: <i>Bret Gardner</i> Accreditation number: ..... Consent Authority: <u>PORT STEPHENS COUNCIL</u> Date of endorsement: <u>13 FEBRUARY 2018</u> Subdivision Certificate number: <u>2018/2</u> File number: <u>16-2018-6000-1</u> *Strike through if inapplicable.	Plans used in the preparation of survey/compilation. DP 710216, DP 730472, DP 803433, DP 833110  If space is insufficient continue on PLAN FORM 6A
Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.	Surveyor's Reference: P1233 - Reference to File '2017M7100 (1902) Partial Survey'
Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	









**ITEM 6 - ATTACHMENT 3 NOTICE OF MOTION - MEDOWIE COMMUNITY  
PRECHOOL 11 JULY 2017.**

**MINUTES ORDINARY COUNCIL - 11 JULY 2017**

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 17/123273**

**RM8 REF NO: PSC2017-00019**

**MEDOWIE COMMUNITY PRESCHOOL**

**COUNCILLOR: CHRIS DOOHAN**

**THAT COUNCIL:**

- 1) Fund the preparation and lodgement of a development application to subdivide 42 Kindlebark Drive, Medowie (lot 58, DP 730472) and 40 Kindlebark Drive, Medowie (part lot 59, DP 730472) to create one lot to encompass the building and playground areas of the preschool facility which enables a ground lease to be negotiated with Medowie Community Preschool Incorporated (ABN 366 477 688 40) and therefore remove the need for the current licence agreement.

Councillor Peter Kafer left the meeting at 8:13pm in open Council and did not return to the meeting.

**ORDINARY COUNCIL MEETING - 11 JULY 2017  
MOTION**

<b>179</b>	<p><b>Councillor Chris Doohan Councillor Paul Le Mottee</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Fund the preparation and lodgement of a development application to subdivide 42 Kindlebark Drive, Medowie (lot 58, DP 730472) and 40 Kindlebark Drive, Medowie (part lot 59, DP 730472) to create one lot to encompass the building and playground areas of the preschool facility which enables a ground lease to be negotiated with Medowie Community Preschool Incorporated (ABN 366 477 688 40) and therefore remove the need for the current licence agreement.</li><li>2) Refund all back payments of lease fees for the original lease agreement.</li></ol>
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**ITEM 6 - ATTACHMENT 3 NOTICE OF MOTION - MEDOWIE COMMUNITY  
PRECHOOL 11 JULY 2017.**

**MINUTES ORDINARY COUNCIL - 11 JULY 2017**

**BACKGROUND REPORT OF: STEVEN BERNASCONI – COMMUNITY SERVICES  
SECTION MANAGER**

**BACKGROUND**

Council owns the land and improvements on 42 Kindlebark Drive, Medowie (lot 58, DP 730472) and 40 Kindlebark Drive, Medowie (part lot 59, DP 730472) known as Medowie Community Preschool. The land is classified as community land and Lot 58 is managed in the Urban Parks Generic Plan of Management. Lot 59 is not included in any current plan of management.

Council executed a licence agreement with Medowie Community Preschool Incorporated (ABN 366 477 688 40) on 17 May 2017. The licence is a 10 year agreement with an option to renew for a further 10 years in favour of Medowie Community Preschool Incorporated.

Preparation and lodgement of a development application for a subdivision of this nature is estimated to cost approximately \$5,000. This includes survey, legal costs, DA fees and lodgement with Land and Property Information.

The negotiation of a ground only lease will result in a new lease arrangement which, if generally under the terms and conditions of the current licence agreement, will be required to be registered on title. The cost of this is approximately \$300. Valuation and legal costs of creating the ground lease will cost approximately \$3,500.

The Medowie Community Preschool has confirmed that it is agreeable to taking full ownership of all current and future improvements on the land for the duration of a ground only lease.

The approximate total cost, excluding staff time is \$8,800.

**ATTACHMENTS**

Nil.

**ITEM NO. 7**

**FILE NO: 18/108714  
EDRMS NO: PSC2013-00406**

**POLICY REVIEW: DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL POLICY**

REPORT OF: KATE DRINAN - DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Development Applications to be reported to Council Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Development Applications to be reported to Council Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted as amended, without a further report to Council.
- 3) Revoke the Development Applications to be reported to Council Policy dated 10 November 2015 (Minute Number 339) should no submissions be received.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Giacomo Arnott Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Development Applications to be reported to Council Policy shown at <b>(ATTACHMENT 1)</b>, subject to amending the requirement of three signatures to call up a development application to Council, to two signatures.</li><li>2) Place the Development Applications to be reported to Council Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Development Applications to be reported to Council Policy dated 10 November 2015 (Minute Number 339) should no submissions be received.</li></ol>
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The motion on being put was lost.

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Development Applications to be reported to Council Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Development Applications to be reported to Council Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Development Applications to be reported to Council Policy dated 10 November 2015 (Minute Number 339) should no submissions be received.</li></ol>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>205</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Development Applications to be reported to Council Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Development Applications to be reported to Council Policy, as amended, on public exhibition for a period of 28 days and should no submissions be received, the Policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Development Applications to be reported to Council Policy dated 10 November 2015 (Minute Number 339) should no submissions be received.</li></ol>
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Cr John Nell requested his vote be recorded opposing the motion.

**BACKGROUND**

The purpose of this report is to provide Council with the reviewed Development Applications to be reported to Council Policy ('the Policy').

The current Policy was adopted on 26 February 2002 and amended on 13 August 2013 and 10 November 2015. A review of the Policy has been undertaken and amendments made to reflect existing practices and Development Assessment Best Practice Guide issued by the Department of Planning and Environment in March 2017. A copy of the revised Policy is provided in **(ATTACHMENT 1)**.

The Policy continues to ensure Councillors are provided with the opportunity for input prior to the determination of a Development Application (DA).

The following amendments have been made:

- Modifications to the number of Councillors required to call a Development Application (DA) to Council. This has been modified from one (1) Councillor to three (3) Councillors to reflect the Development Assessment Best Practice Guide for Council's which was released by the Department of Planning and Environment in March 2017. Further, the requirement for three Councillors to call up a DA reflects the existing practice for rescission motions. The associated 'DA Call Up' form has been amended to reflect the revised Policy and is provided in **(ATTACHMENT 2)**.
- New provisions requiring the following applications to be reported to Council:
  - DA's and Section 4.55 (1A) and (2) modification applications and where Council is the owner of the land on which the development is to be carried out or where the development is being carried out on behalf of Council. Currently the Call to Council Policy provides no guidance on the determination of Council DA's. The additional provisions seek to ensure consistency and transparency in the decision making process for those DA's where Council has a direct interest. This reflects current practice for Council DA's.
  - DA's and Section 4.55 modification applications where the application relates to the carrying out of development on community land, other than where the proposed works comprise amenity buildings and structures such as; toilet facilities, playgrounds, small refreshment kiosks and the like. This provision is a requirement under the *Local Government Act 1993*.
  - Section 4.55 (2) modification applications, where the original DA was determined by full Council, will be reported to Council.

Councillors will be advised via PS Newsletter prior to the determination of Section 4.55 (1A) (minor) modification applications where the original DA was determined by full Council.

The above is representative of the Council's current practice.

## MINUTES ORDINARY COUNCIL - 10 JULY 2018

- DA's which include a Clause 4.6 Variation Request which seeks to vary a development standard by greater than 10%.
- Modification to method of circulation of the weekly DA report from email to PS Newsletter.
- Modifications consistent with the new policy template and adopted style guide.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and safe place to live.	Provide land use plans, tools and advice that sustainably support the community. Enhance public safety, health and liveability through use of Council's regulatory controls and services.

### FINANCIAL/RESOURCE IMPLICATIONS

There are minimal direct financial/resource implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Policy update & implementation within existing budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy and risk implications in reviewing existing policies and this Policy is considered to assist in facilitating more efficient and robust decision making. The revisions are reflective of current practices and also Best Practice Guidelines.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk of making inconsistent decisions as a result of an out-dated policy.	Medium	Adopt recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are minimal direct sustainability implications. The Policy enables the effective determination of DA's on a merits basis considering all respective legislation.

**CONSULTATION**

Consultation has been undertaken with the Executive Team and within the Development Assessment & Compliance Section, including relevant Coordinators within both the Planning and Developer Relations and Building and Developer Relations Teams that directly implement this Policy.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Development Applications to be reported to Council Policy.
- 2) Call to Council Form.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 7 - ATTACHMENT 1 DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL POLICY.

Policy



**FILE NO:** PSC2013-00406  
**TITLE:** DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL  
**POLICY OWNER:** SECTION MANAGER DEVELOPMENT ASSESSMENT & COMPLIANCE

**1. PURPOSE:**

1.1 To ensure that Councillors are provided with the opportunity for input into the determination of Development Application's (DA's) prior to decisions being finalised and determinations granted.

**2. CONTEXT/BACKGROUND:**

2.1 The majority of DA's are determined by Council's assessment officers, utilising delegated authority and may require review in accordance with Council's Development Assessment Process (DAP). This Policy is aimed at ensuring that Councillors are aware of how they can access information on the receipt and determination of DA's.

**3. SCOPE:**

- 3.1 The use of delegated authority provides an opportunity for effective and timely decision making; however, it is appropriate that Council is informed of the exercise of delegated authority.
- 3.2 Given the scope of planning decisions, it is appropriate that delegated assessment staff, are able to use their discretion and judgement for those matters which should be reported to Council.
- 3.3 The delegations are drafted such that a **the Mayor/Councillors** may request the staff delegation be withdrawn and a DA be reported to Council for determination. To do this, a **the Mayor/Councillor** completes the DA Call Up Form **and obtains two (2) other supporting Councillor signatures**.

**4. DEFINITIONS:**

DA Development Application  
DAP Development Assessment Process

Policy

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ITEM 7 - ATTACHMENT 1 DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL POLICY.

Policy



~~PR~~ Peer Review  
~~SOD~~ Single Officer Determinations

5. POLICY STATEMENT:

5.1 Council shall be informed with regard to planning matters in the following way:

- 5.1.1 All current DA's lodged are publicly available and listed on the Council website via the DA Tracker.
- 5.1.2 A report is generated weekly of all new DA's lodged and this is circulated weekly via email PS Newsletter to all the Mayor/Councillors and other relevant internal staff.
- 5.1.3 At any time prior to determination of a DA, the Mayor/Councillor may request that the application be reported to Council for determination by completing a DA Call Up Form with two (2) other supporting Councillor signatures. If a completed DA Call Up Form is submitted to Council prior to determination of the DA, a report will be forwarded to Council at the completion of the assessment.
- 5.1.4 DA's and Section 4.55(1A) and (2) modification applications will be reported to Council where Council is the owner of the land on which the development is to be carried out or where the development is being carried out on behalf of Council.
- 5.1.5 DA's and Section 4.55 modification applications will be reported to Council where the application relates to the carrying out of development on community land, other than where the proposed works comprise amenity buildings and structures such as; toilet facilities, playgrounds, small refreshment kiosks and the like.
- 5.1.6 Section 4.55(2) modification applications where the original DA was determined by Council, will be reported to Council for determination.
- 5.1.7 Councillors will be advised via PS Newsletter prior to the determination of Section 4.55 (1A) modification applications where the original DA was determined by Council.
- 5.1.8 DA's with a Clause 4.6 Variation Request which seeks to vary a development standard by greater than 10% will be reported to Council for determination.
- 5.1.9 The Group Manager, Development Services and/or Section Manager, Development Assessment & Compliance, at their discretion, may report any DA to Council for determination.

Policy

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ITEM 7 - ATTACHMENT 1 DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL POLICY.

Policy



~~Determination of DA's under delegated authority, are in accordance with set procedures. The procedures for determination include Single Officer Determinations (SOD's), Peer Review (PR), DAP review.~~

**6. POLICY RESPONSIBILITIES:**

6.1 Development Assessment and Compliance section is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the Policy.

**7. RELATED DOCUMENTS:**

- 7.1 Sustainability Review – End to End Process.
- 7.2 Development Control Plan.
- 7.3 Work Practice Note: Development Assessment Process.
- 7.4 *Environmental Planning & Assessment Act 1979.*
- 7.5 Development Application Guide. **Department Planning and Environment (DPE) – Development Assessment Best Practice Guide – March 2017**
- 7.6 ~~ICAC Corruption Risks in NSW DA process position paper.~~

**CONTROLLED DOCUMENT INFORMATION:**

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a>			
<b>TRIM container No</b>	PSC2013-00406 (previously S9100-023)	<b>TRIM record No</b>	
<b>Audience</b>	Elected Council, Public and Development Services		
<b>Process owner</b>	Manager Development Assessment & Compliance		
<b>Author</b>	Coordinator Planning & Developer Relations		
<b>Review timeframe</b>	Two Years	<b>Next review date</b>	<b>June 2020</b>
<b>Adoption date</b>	26/02/2002		

Policy

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**ITEM 7 - ATTACHMENT 1 DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL POLICY.**

Policy

**VERSION HISTORY:**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Details</b>	<b>Minute No.</b>
1	26/2/2002	Group Manager Sustainable Planning	Original planning matters to be reported to Council policy.	048
2	23/6/2013	Manager Development Assessment and Compliance	Updated policy to Development applications to be reported to Council.	217
3	10/11/2015	Coordinator Planning and Developer Relations	Review and minor updates to policy.	339

Policy

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ITEM 7 - ATTACHMENT 1 DEVELOPMENT APPLICATIONS TO BE REPORTED TO COUNCIL POLICY.

Policy



4	June 2018	Manager Development Assessment and Compliance	<p>Updated to new policy template to include paragraph numbering and update version control.</p> <p>3.3: Updated number of Councillors required to call a DA to Council to reflect the DPE Development Assessment Best Practice Guide.</p> <p>5.1.2: Modified mechanism to report weekly DA list to Mayor/Councillors.</p> <p>5.1.3: Updated requirements for Call to Council form.</p> <p>5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8: Included additional DA types to be reported to Council for determination.</p> <p>7.5 Inclusion of Department Planning and Environment (DPE) – Development Assessment Best Practice Guide.</p>	TBA
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ITEM 7 - ATTACHMENT 2 CALL TO COUNCIL FORM.



CALL TO COUNCIL FORM  
DEVELOPMENT APPLICATION

I/We, .....  
.....

require Development Application Number.....

for .....

at .....

to be subject of a report to Council for determination by Council.

**Reason:**

The reason for this call-up to Council is .....

.....

.....

.....

**Declaration of Interest:**

I/we have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this development application on my/our part or an associated person.

I/we have a conflict of interest? Yes/No (delete the response not applicable).

If yes, please provide the nature of the interest and reasons why further action should be taken to bring this matter to Council:

.....

.....

.....

Signed: .....Date: .....

Signed: .....Date: .....

Signed: .....Date: .....

**ITEM NO. 8**

**FILE NO: 18/118939  
EDRMS NO: A2004-0853**

**POLICY REVIEW: ACQUISITION AND DIVESTMENT OF LAND POLICY**

REPORT OF: JANET MEYN - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receives and notes the submission received.
- 2) Adopts the Acquisition and Divestment of Land policy.
- 3) Revokes the Acquisition and Divestment of Land policy dated 23 February 2016 (Minute No. 034).

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>206</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receives and notes the submission received.</li><li>2) Adopts the Acquisition and Divestment of Land policy.</li><li>3) Revokes the Acquisition and Divestment of Land policy dated 23 February 2016 (Minute No. 034).</li></ol>
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**BACKGROUND**

The purpose of this report is to consider a submission received in relation to the public exhibition of the Acquisition and Divestment of Land policy (**ATTACHMENT 1**). The Acquisition and Divestment of Land policy was reviewed with amendments made to reflect current legislation and amending the process for non-binding offers to sell

## MINUTES ORDINARY COUNCIL - 10 JULY 2018

being documented prior to a formal resolution being secured. There were also amendments made to specify marketing of divestment lands in certain circumstances.

Council resolved at its meeting on 10 April 2018 to place the Draft Acquisition and Divestment of Land policy on public exhibition for a period of 28 days as required under the *Local Government Act (1993)*.

As part of the public exhibition, one submission was received on behalf of the Tomaree Ratepayers and Residents Association (TRRA) and EcoNetwork Port Stephens Inc in relation to the policy. The key issues raised in this submission are shown at **(ATTACHMENT 2)**. No changes have been made as a result of the submission.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Financial Management	Maximise non-rate revenue to support Council services.

### FINANCIAL/RESOURCE IMPLICATIONS

There are minimal direct financial/resource implications.

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

### LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy and risk implications in reviewing the Acquisition and Divestment of Land policy. It is considered that the policy adequately outlines the process of land acquisition and divestment in a transparent manner.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk of acquiring or divesting property in an inconsistent process.	Medium	Adopt recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are minimal sustainability implications as a result of this policy.

**CONSULTATION**

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

**Internal**

Consultation has been undertaken with the Executive Team and within the Property Services Section including the relevant Coordinators and Land Acquisition Manager and Investment and Asset Manager.

**External**

Subsequently, a public notice was placed in the Port Stephens Examiner on 19 April 2018 inviting submissions up until 17 May 2018 with copies of the draft policy being available to view on Council's website and at Council's Administration Building and libraries.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Acquisition and Divestment of Land policy.
- 2) Summary of Submission Received.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 8 - ATTACHMENT 1 ACQUISITION AND DIVESTMENT OF LAND POLICY.

Policy



**FILE NO:** A2004-0853  
**TITLE:** ACQUISITION AND DIVESTMENT OF LAND POLICY  
**POLICY OWNER:** PROPERTY SERVICES SECTION MANAGER

**1. PURPOSE:**

1.1 To define the criteria which must be considered prior to the acquisition of land or the divestment of Council owned land and to define the process and procedures, including public consultation and notification, required to be undertaken prior to the divestment of any Council owned land.

**2. CONTEXT/BACKGROUND:**

2.1 The acquisition and divestment of land by Council requires a formal process that is underpinned by probity, due diligence, analysis of risk and other key objectives. The number of land acquisitions and/or divestments undertaken by Council in any given year, although relatively low, is crucial to the strategic provision of open space, operational and community benefits, achieving planning outcomes and commercial gains from land development.

2.2 This policy applies to the acquisition of all land as defined in this policy. It acknowledges the principles set out in Chapter 3 of the *Local Government Act 1993* providing guidance to enable Councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous. It also acknowledges Circular 15-09 from the Office of Local Government dated 25 February 2015 relating to compulsory acquisitions.

2.3 This policy applies only to the divestment of Operational Land as defined under the *Local Government Act 1993* but applies to the acquisition of all land either for Community or Operational purposes.

**3. SCOPE:**

3.1 To define the criteria which must be considered prior to the acquisition of land or the divestment of Council owned land and to define the process and procedures, including public consultation and notification, required to be undertaken prior to the divestment of any Council owned land. The objectives of this policy aim to provide Council with a framework which adopts the following principles:

- Probity
- Statutory compliance
- Commercial optimisation, flexibility and confidentiality

Policy

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- Transparency of process; and
- Achievement of specific strategic outcomes of Council and the community.

All decisions and actions in relation to the acquisition or divestment of land will have due regard to the following fundamental principles:

- Best value for money - achieving 'best value' may include financial, social and environmental benefits;
- Transparency - processes must be open to scrutiny, provide full information and record the reasons behind decisions;
- Accountability - demonstrate the best use of public resources and the highest level of performance through appropriate record keeping and audit trails;
- Impartiality - address perceived or actual conflicts of interests.

**4. DEFINITIONS:**

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

Act means the *Local Government Act 1993*.

Contract means any form of contract which legally binds the Council [or potentially binds Council] to acquire or dispose of land or any interest therein and includes formal contracts for sale and purchase and other forms of contractual arrangements including heads of agreement, in principle agreement, options to purchase etc.

Land is as defined in section 21 of the *Interpretation Act 1987*.  
As a more specific reference for the purpose of this policy, 'land' is defined as:

Land as a physical entity including:

- any building or structure on or improvement to land; or
- any stratum of land whether below or above ground; or
- a strata lot pursuant to relevant strata subdivision legislation.

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Programmed acquisition means when Council requires the affected land and initiates the acquisition process.

Regulation means the *Local Government (General) Regulation 2005* and any replacement Regulation.

**5. POLICY STATEMENT:**

5.1 The purpose of this policy is to describe the manner in which Port Stephens Council will undertake the acquisition and divestment of land assets and to provide Council with:

- a documented reference to guide its decision making process;
- a reference that will survive successive Councils;
- an endorsed framework to enable and pursue land acquisition and divestment opportunities of merit and proactively present such opportunities to Council;
- to establish delegations necessary to allow implementation functions to be addressed to meet market drivers;
- to set out the principles, framework, responsibilities and processes for Council and officers to account for and manage the acquisition and divestment of Council land assets;
- to identify, manage and mitigate the risks associated with the acquisition and divestment of land; and
- to ensure impartiality, transparency, accountability and the delivery of best value in the divestment of land ('fundamental principles').

**6. POLICY RESPONSIBILITIES:**

6.1 Land Acquisition Procedure

6.1.1 Fundamental Principles

6.1.2 Council will acquire land for the purpose of carrying out its functions under the Act. Any land to be acquired by Council is subject to a formal resolution of Council.

6.2 Independent Valuation Benchmark and Purchaser's Premium

6.2.1 Any land acquisition is to be benchmarked to an independent valuation of land unless the size of the land or the agreed value is negligible.

6.2.2 In some cases there will be a justified basis for Council acquiring land at a price above the valuation benchmark (ie Purchaser's Premium) in order to guarantee the

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successful securing of the land to achieve defined goals and objectives of Council or to acquire the land with a view to adding value (or reducing risk) to a larger scheme or development (future or current).

- 6.2.3 Any Purchaser's Premium should be determined and quantified within the initial decision of Council and referenced to the achievement of specific goals and objectives of Council. In essence, Council can make a commercial decision to pay in excess of the valuation due to the importance of the acquisition for the public purpose.

6.3 Acquisition Process

- 6.3.1 Section 377(1)(h) of the *Local Government Act 1993* requires a specific resolution of Council to acquire land. This decision cannot be delegated. While the General Manager and/or their delegate may make preliminary enquiries and negotiations regarding a possible purchase and purchase price, any offer to acquire land must state that the proposed acquisition is conditional upon a resolution of Council authorising the acquisition. The General Manager and/or their delegate shall:

- Be responsible for the conduct of all negotiations;
- Have regard to an independent valuation obtained from a registered valuer;
- Seek such other professional advice as is considered necessary in the circumstances;
- Have regard to the Independent Commission Against Corruption publication *Direct Negotiations* so far as is appropriate in the circumstances; and
- Report the outcome of all negotiations to the Council for determination.

- 6.4 Prior to finalisation of an acquisition, Council shall determine the classification of the land as either Operational or Community.

- 6.5 Council's process of land acquisition must include the following steps:

- Identification of the land acquisition opportunity by Council and/or the responsible officer;
- In principle decision by the General Manager to commence the pre-acquisition process;
- Preparation of a comprehensive assessment of the land acquisition including:
  - required due diligence;
  - independent rental or purchase valuation;
  - assessment against the principles and objectives of Council's Integrated Planning framework;

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- identification of funding source and assessment against Council's Long Term Financial Plan; and
- a statement of goals and objectives for the proposed land to be acquired including a statement of any 'Purchaser's Premium' deemed appropriate by Council;
- Formal consideration by Council of dealing with the matter and, if required, in accordance with Section 10A of the Act be dealt with in a closed meeting;
- Formal report to Council including the land acquisition assessment and documented reasons for Council's acquisition of the land and, if supported, delegation to the General Manager to negotiate an outcome subject to the financial and risk parameters as determined by Council;
- Negotiation and, if successful, implementation of all matters necessary for the preparation, signing and sealing of contract documentation required;
- Once completed the General Manager to advise Council of the outcome (successful or otherwise).

The process is designed to ensure fairness and equity.

6.6 Methods of Acquisition

6.6.1 Wherever possible Council's preferred method of acquisition is to acquire land through mutual agreement with the owner of the land. The key principles in the acquisition of land are:

- Opportunistically by responding when the desired land is offered to the market; and
- Pro-actively by initiating negotiations for the desired land.

6.6.2 Council's preferred position is not to acquire land through compulsory acquisition, however, Council has an obligation to provide services to the community and, if required, Council may consider utilising its powers under the *Local Government Act 1993* in respect of 'compulsory acquisition'.

6.6.3 Circular 15-09 from the Office of Local Government dated 25 February 2015 outlines changes to the process for acquiring privately owned land by compulsory process, to improve fairness and transparency. The new requirements apply to all acquiring authorities in NSW, including local Councils. Compliance with the requirements is mandatory. NSW Office of Finance and Services (OFS) has issued Circular No 2015-01 (of 1 January 2015) setting out the new requirements. Before making an application for approval to compulsorily acquire private land, Councils must provide the land owner with information about the compulsory acquisition process. OFS has prepared a "Land

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Acquisition Information Guide", which Councils can use for that purpose. In addition, Councils must make additional efforts to negotiate with the land owner, including making every reasonable effort to have at least one face to face meeting with the land owner and/or their representative. Councils seeking to acquire privately owned land by compulsorily process, either under the *Local Government Act 1993* or the *Roads Act 1993*, must comply with the new requirements. Councils will need to provide evidence of having complied with these requirements with their Compulsory Acquisition application form.

6.6.4 Compliance with the new requirements is mandatory. They should be applied to all proposals to acquire private land currently under consideration by Councils and to all future proposals for the acquisition of private land where it is deemed appropriate for additional negotiation to occur.

6.6.5 If the land is to be acquired for future development or strategic investment purposes, the acquisition of the land will be through negotiation between Council and the vendor on the basis of a valuation to determine a fair market value plus or minus 10% for the purposes of negotiation. The key principles of the acquisition are to be:

- Location
- Topography
- Area
- Zoning

6.6.6 A business case and feasibility study will be prepared to determine the viability and development potential for the land to be included in the report to Council.

6.7 Compensation

6.7.1 Compensation will apply to land owners affected by acquisition under the following provisions:

- Owner initiated acquisitions
- Programmed acquisitions

6.7.2 In determining the amount of compensation to which a person is entitled, Part 3 Division 4 of the *Land Acquisition (Just Terms Compensation) Act, 1991* requires that regard must be given to the following matters only:

- a) The market value of the land on the date of its acquisition;
- b) Any special value of the land to the person on the date of its acquisition;
- c) Any loss attributable to severance;
- d) Any loss attributable to disturbance;

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- e) Solatium (ie compensation for non-financial disadvantage arising the need to relocate as a result of the acquisition); and
- f) Any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.

6.7.3 Land owners claiming hardship in accordance with section 24 of *the Land Acquisition (Just Terms Compensation) Act, 1991* provisions should note that Council is not required to acquire land unless it is of the opinion that the owner will suffer hardship (within the meaning of section 24 of this Act. An owner of land suffers hardship if:

- a) The owner is unable to sell the land, or is unable to sell the land at its market value, because of the designation of the land for acquisition for a public purpose; and
- b) It has become necessary for the owner to sell all or any part of the land without delay:
  - i. For pressing personal, domestic or social reasons, or
  - ii. In order to avoid the loss of (or a substantial reduction in) the owner's income.

6.7.4 However, if the owner of the land is a corporation, the corporation does not suffer hardship unless it has become necessary for the corporation to sell all or any part of the land without delay for pressing personal, domestic or social reasons of an individual who holds at least 20 per cent of the shares in the corporation, or in order to avoid the loss of (or a substantial reduction in) the income of such an individual.

6.8 Land Divestment Procedures

6.8.1 Fundamental Principles

6.8.2 All decisions and actions in relation to the divestment of land will have due regard to the following fundamental principles:

- Best Value for Money - Achieving 'best value' may include financial, social and environmental benefits;
- Transparency - processes must be open to scrutiny, provide full information, and record the reasons behind decisions;
- Accountability - demonstrate the best use of public resources and the highest level of performance through appropriate record keeping and audit trails;

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- Impartiality - address perceived or actual conflicts of interests, ensuring fairness and equity.

6.9 Land Deemed to be Surplus

6.9.1 'Land' includes all real property whether vacant or improved. Land may not be sold by Council unless it is classified as 'Operational Land' under section 25 of the *Local Government Act, 1993*.

6.9.2 In order to establish whether or not land is deemed to be surplus, a process of consultation is required to be completed across relevant divisions of Council prior to reclassification in accordance with the *Local Government Act, 1993*.

6.10 Delegated Authority

6.10.1 Section 377 (1) (h) of the *Local Government Act 1993* requires a specific resolution of Council to dispose of land. The decision cannot be delegated.

6.10.2 The report to Council is to include reference to the manner of divestment (often contained within a confidential report) in regards to the terms of the sale and the agreed price, or range for negotiations. The sale cannot proceed outside of such parameters (without a further resolution).

6.10.3 The resolution should also provide for the General Manager to have delegated authority to negotiate any outstanding, usually minor, conditions and to be authorised to execute any documents in relation to the matter deemed appropriate by Council's legal advisors.

6.10.4 A copy of the report and resolution is to be provided to Council's legal advisors upon instruction, as authority to act and to ensure compliance with the resolution.

6.10.5 While the General Manager and/or their delegate may enter into preliminary discussions or negotiations regarding a possible sale of Council land, all pre-sale discussions/negotiations with potential purchasers must always be qualified by the statement "subject to a resolution of Council authorising the sale" if there is no current resolution of Council to dispose of the land.

6.10.6 The General Manager and/or their delegate may enter into non-binding indicative offers in the form of a:

- a) Letter; or
- b) Heads of Agreement; or
- c) Memorandum of Understanding

provided that the document clearly states the offer is:

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- i. Not legally binding; and
- ii. Subject to:
  - a) Adoption of a final Council resolution authorizing the sale; and
  - b) Legally binding Contracts for Sale and Purchase of Land on terms acceptable to both parties being entered into.

6.11 Marketing Process

6.11.1 Except in exceptional circumstances such as the sale to an adjoining owner of "landlocked" land that does not have legal access to a public road, any divestment of Council land must be preceded by a commercial marketing campaign which may include one or more of the following:

- a) Appointment of a licensed real estate agent.
- b) Online advertising.
- c) Advertising in print media; and
- d) Sign boards on the land.

6.12 Valuation Process

6.12.1 At least one formal market valuation undertaken by a valuer registered to value such land is required to be commissioned prior to all land divestments.

6.12.2 Two valuations may be required when the value of the land is likely to exceed \$2,000,000 and/or the process of divestment is not competitive (as defined below).

6.12.3 An internal review of the valuation(s) is to be carried out and reported, with specific attention to the valuation rationale, method of valuation, calculations and sales evidence used. After such review, the valuation is to be considered in the setting of an asking price for sale, reserve price for auction or benchmark for negotiations, tender or expression of interest.

6.12.4 When two valuations have been provided, averaging is the preferred method for considering the price, when any difference in the valuation is 10% or less. Differences in valuations of more than 10% require an assessment of the reasons why they are different and more detailed justification of the price.

6.12.5 An updated valuation or valuation advice is required after 12 months of the date of the original valuation if the land is not sold, or at any time, there is considered to be a material movement in the value.

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6.12.6 The valuation instructions must clearly state the following:

- The purpose of the valuation being 'divestment'.
- The basis of valuation being 'market value highest and best use', unless an alternative basis is considered more appropriate in the circumstances.
- That the valuation is to be marked confidential; and
- That the valuation includes market commentary, including supply and demand details of sales evidence and adjustments, valuation rationale and methodology, a valuation range (for negotiations) and comments on marketability, most appropriate method of divestment and opportunities to add value.

6.12.7 In addition, the valuer must make a statement that there is no actual or perceived conflict of interest in undertaking the valuation.

6.13 Methods of Divestment

6.13.1 An open competitive process of divestment is required using one of the following methods:

- Expression of interest - used for unusual properties capable of a variety of development, difficult to determine a market value.
- Tender - least common and used predominantly in high value, limited market situations;
- Auction - the most open and public method, favoured by government but reliant on high levels of competition. Often achieves a quick sale. Can fail in poor market.
- Private Treaty - most common, where an asking price is set and negotiated with individuals, usually through a real estate agent (who can be an independent third party to the negotiation process) and can arise after an unsuccessful auction.

6.13.2 Council may approve a non-competitive process of divestment such as direct negotiations, subject to clearly documented reasons and the employment of risk mitigation measures.

6.13.3 Risk mitigation measures for direct negotiations may include:

- Obtaining two valuations where the land may be valued at more than \$2,000,000; and consequently establishing a range for negotiation, having regard to the two valuations;
- Managing conflicts of interest with declarations of no personal or financial associations;

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- Establishing a Negotiation Protocol, describing the manner in which meetings, negotiations, decisions and progress reporting is to be managed and documented; and
- Limitation on marketing budget and exclusive agency periods.

6.13.4 In rare circumstances, land may be disposed of to achieve strategic outcomes. In such situations, 'best value' may comprise financial, environmental or social elements, with the price falling below the 'market value' range.

6.13.5 The report seeking resolution of Council should clearly state the reasons for such sale and quantify the amount below market value attributable to each element. The obligation to obtain a market valuation exists in accordance with the above, in order to provide a measure of the non-financial elements of the sale.

6.14 Sale to Adjoining Owners

6.14.1 In circumstances where land is not able to be sold in isolation on the open market (such as small parcels, undersized lots, former road widening, closed laneways, boundary adjustments etc) and the only potential purchasers are adjoining owners, the land must be offered in equal proportions to each adjoining owner on identical sale terms and conditions.

6.14.2 Where an adjoining owner does not wish to purchase their proportion of the land, the rejected land will be equally offered to the remaining adjoining owner.

6.14.3 The recommended method of determining the sale price is the 'Before and After' valuation method for the purchaser's land. For small portions of land, the 'piecemeal' (\$ rate per square metre) method may be more appropriate.

6.14.4 An essential condition of sale is that the purchaser is required to consolidate the subject land with their existing holding at no cost to Council.

6.14.5 The costs associated with the sale process will be borne by the prospective purchaser.

6.15 Sale of Roads – Roads Act, 1993

6.15.1 No road can be sold until it is formally closed in accordance with the provisions of the *Roads Act, 1993*.

6.15.2 For purchaser initiated closures and sales, the costs associated with the road closure will be borne up front by the prospective purchaser.

6.15.3 When Council initiates the road closure (in order to realise the value of surplus land), the costs will be borne by Council as development costs.

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6.15.4 The agreed purchase price and estimated costs will be reported to Council seeking resolution agreeing to make application to close the road and dispose of the land upon closure in accordance with the terms of sale.

6.15.5 In accordance with section 43 of the *Roads Act, 1993*, funds from the sale of roads are required to be set aside for acquiring Land for public roads or for carrying out work on public roads.

6.16 Confidentiality

6.16.1 In the majority of divestments of land, the information contained in reports to Council to sell land may confer an advantage upon a person with whom Council is, or proposes, to be conducting business. On balance, it would be contrary to the public interest for Council to deal with such matter in an open session because release of the information could prejudice Council's ability to obtain the maximum return on the land.

6.16.2 It is acknowledged therefore that reports to Council on the divestment of land will be generally deemed confidential under section 10A (2) (c) of the *Local Government Act, 1993*. This confidentiality may be lifted by Council resolution upon settlement, if considered to be in the public interest.

6.16.3 The need for confidentiality also arises for acquisitions of land by Council, as business papers for resolutions will contain an indicative budget amount for the acquisition thus providing an advantage to the potential vendor. Hence, Section 10A (2) (c) should also apply to all acquisitions by Council.

6.17 Distribution of Funds

6.17.1 Net profit received from sales of surplus Community Land that has been rezoned and reclassified will be entirely allocated to the Asset Rehabilitation reserve.

6.17.2 Net profit received from the sale of land from road closures, boundary adjustments, small parcels and surplus operational land will be assigned to general revenue.

6.17.3 Where land development activities on land in the operational development land bank produce a net profit, 70% will be allocated to the Property Investment restricted fund and 30% will be allocated to Ward funds. The 30% Ward funds will be spent in accordance with the integrated strategic plans.

6.17.4 Should an allocation of funds be sought contrary to the ratio stated within this policy, a Council resolution will be required to amend the ratio.

Policy

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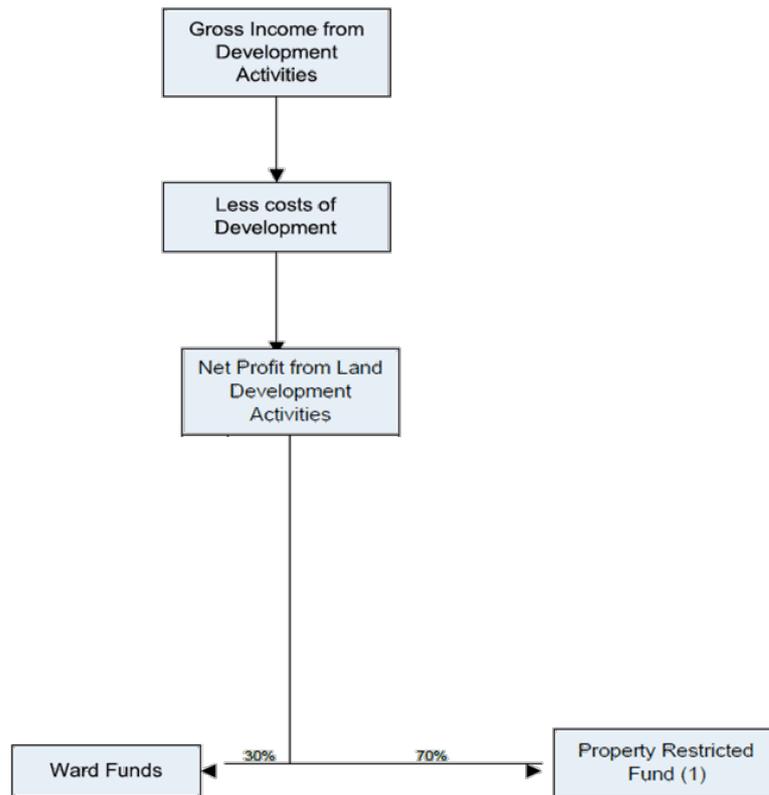


ITEM 8 - ATTACHMENT 1 ACQUISITION AND DIVESTMENT OF LAND POLICY.

Policy



Land Development Activities



Policy

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ITEM 8 - ATTACHMENT 1 ACQUISITION AND DIVESTMENT OF LAND POLICY.

Policy



6.18 Environmental Implications

6.18.1 Environmental considerations for land that is to be reclassified or rezoned will be addressed at the time of the preparation of the Planning Proposal. The development of land will require a Development Application at which time it will be necessary to prepare a Statement of Environmental Effects, which will assess any environmental impacts.

6.19 Relevant Legislative Provisions

6.19.1 *The Local Government Act, 1993* vests authority in Council to sell or exchange Real Property. In respect of this policy, 'exchange' includes land acquisition and other related activities including land swaps etc.

6.19.2 In accordance with section 377 of the Act, any decision to dispose of land must be made by resolution of Council as the power to sell, exchange or surrender land cannot be delegated.

6.19.3 Section 45 of the Act prevents Council from selling, exchanging or otherwise disposing of community land other than to become or be added to a Crown Reserve or National Park.

6.19.4 Section 55 of the Act requires tenders to be called in certain circumstances. However, it is not necessary to call tenders for the sale of land.

6.19.5 In accordance with Council's Purchasing policy and Disposal policy, land acquisition and divestment activities are excluded from the provisions of the Purchasing policy.

6.19.6 Council's real estate activities will be managed within the legislative parameters of the:

- *Local Government Act, 1993;*
- *Valuation of Land Act, 1916;*
- *Conveyancing Act, 1919;*
- *Environmental Planning and Assessment Act, 1979;*
- *Residential Tenancies Act, 1987;*
- *Land Acquisition (Just Terms Compensation) Act, 1991;*
- *Roads Act, 1993;*
- *Retail Leases Act, 1994;*
- *Crown Lands Act, 1989;*
- *Environment Protection and Biodiversity Conservation Act, 2000;*
- *National Parks and Wildlife Conservation Act, 1975;*
- *Real Property Act, 1919;*

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**ITEM 8 - ATTACHMENT 1 ACQUISITION AND DIVESTMENT OF LAND POLICY.**

**Policy**



- Regulations under each of the above Acts;
- Relevant Codes, Plans and Policies referred to in Section 13 of this policy; and
- Any other legislation applicable to the policy.

**6.20 Contract for the Sale of Land**

6.20.1 Contracts for the sale of land will usually contain standard conditions of sale. Any unusual or special conditions of sale require the approval of Council or the General Manager under delegation.

6.20.2 Council's legal representative is responsible to ensure contracts for the sale of land satisfy statutory disclosure and warranty obligations (*Conveyancing (Sale of Land) Regulation 2017*).

**6.21 Departure from this Procedure**

6.21.1 Any provision of this procedure may be varied to meet the needs of a particular matter, by resolution of the Council. The reasons for change will be clearly articulated within the report submitted for consideration by Council in adopting such resolution and will only apply to such matter.

**7. RELATED DOCUMENTS:**

- 7.1 Property Investment Policy
- 7.2 Cash Investment Policy
- 7.3 Long Term Financial Plan
- 7.4 Financial Business Rules Management Directive
- 7.5 Local Government Act, 1993
- 7.6 Land Acquisition (Just Terms Compensation) Act, 1991
- 7.7 Land Acquisition Information Guide

**CONTROLLED DOCUMENT INFORMATION:**

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<b>EDRMS container No</b>	A2004-0853	<b>EDRMS record No</b>	18/139237
<b>Audience</b>	Council Staff		
<b>Process owner</b>	Property Services Section Manager		

Policy

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**ITEM 8 - ATTACHMENT 1 ACQUISITION AND DIVESTMENT OF LAND POLICY.**

Policy



<b>Author</b>	Land Acquisition and Development Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	###/###/2020
<b>Adoption date</b>	29 May 2012		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	29 May 2012	Property Services Section Manager	Original policy.	110
2	14 April 2015	Land Acquisition and Development Manager	Changes to position titles and dates.	079
3	23 February 2016	Land Acquisition and Development Manager	Policy has been formatted into new template. No changes required to policy – only review date.	034
4	###/### 2018	Land Acquisition and Development Manager	2.2 - Background updated to reflect current legislation by removing reference to the Council Charter.  6.9.6 - Policy amended to set out process for non-binding offers to sell being documented prior to a formal resolution being secured.  6.10 - Policy amended to specify marketing of divestment lands in certain circumstances.	

Policy

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**ITEM 8 - ATTACHMENT 2 SUMMARY OF SUBMISSION RECEIVED.**

**Submission Summary**

Acquisition and Divestment of Land policy

<b>Received from</b>	<b>Issues raised</b>	<b>Response</b>
On behalf of Tomaree Ratepayers and Residents Association Inc (TRRA) and EcoNetwork Inc.	TRRA supports the policy as the major decisions are to be made by Council rather than Delegated Authority as it will ensure the process is transparent and accountable.	The policy supports transparent and accountable processes.
	Questioning the transparency principle in "provide full information and record reasons behind decisions".	As most negotiations are Commercial-in-Confidence we are unable to provide specific confidential detail to members of the public. There are reputational considerations for PSC as parties may not wish to negotiate with PSC if they are not able to do so in a confidential manner and furthermore, jeopardise negotiations and influence outcomes.
	Request that proposed acquisitions and divestments are made public.	Any proposed divestment of land is classified and zoned as 'operational', any associated studies required for divestment of the property have been undertaken.
	Proposing that an indicative price range is made available to the public to assist public debate about proposed acquisition and divestment.	Any proposed acquisitions or divestments are the subject of an external independent valuation and assessment of the property's value.  Properties are offered to the open market via Expression of Interest or Auction, confirming full transparency.

**ITEM 8 - ATTACHMENT 2 SUMMARY OF SUBMISSION RECEIVED.**

	Council leases land to private interests – requesting transparency.	Any leasing of land is covered under both the Community Leasing policy and the Commercial Leasing policy.
	Requesting that financial details are readily available.	Council reports annually on all financial transactions including the sale of land.  Independent audits are undertaken annually by Certified Auditors.
	Reference to policy of allocating 30% funds and preferential treatment by way of 'queue jumping' the 'wait list' within Wards.	The allocation of funds can only be allocated to works within the Strategic Asset Management Plan (SAMP).  Any projects are subject to approval of a Business Paper.

**ITEM NO. 9**

**FILE NO: 18/124858  
EDRMS NO: PSC2013-02707**

**POLICY REVIEW: WORKPLACE SURVEILLANCE**

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES  
GROUP: CORPORATE SERVICES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the revised Workplace Surveillance policy shown at **(ATTACHMENT 1)**.
- 2) Places the Workplace Surveillance policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revokes the Workplace Surveillance policy dated 12 July 2016, Minute No. 207 should no submissions be received.

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>That the recommendation be adopted.</p>
--	--

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>207</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses the revised Workplace Surveillance policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Places the Workplace Surveillance policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revokes the Workplace Surveillance policy dated 12 July 2016, Minute No. 207 should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to provide Council with the revised Workplace Surveillance policy ('policy'). The policy has been reviewed as part of Council's ongoing policy review program and is shown at **(ATTACHMENT 1)**.

It is the intention of the policy to, where reasonably practicable, provide a safe and healthy workplace for its workers and others. The *Workplace Surveillance Act 2005* (NSW) requires that workers and the community are made aware of surveillance undertaken by Port Stephens Council. This policy will assist Council in complying with its legal obligations by informing workers and others of the surveillance devices used in our workplace in order to enhance safety outcomes for Council.

The policy is presented for Council's consideration.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Thriving and Safe Place to Live	Enhance public safety, health and liveability through use of Council's regulatory controls and services.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial implications.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

It is a requirement of the *Workplace Surveillance Act 2005* (NSW) that a policy is in place informing staff and the community of our usage of surveillance technology.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without the appropriate policy and guidelines in place, Council would not be meeting its obligations under the Act.	Low	Adopt the recommendations.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Organisation Development Section in order to ensure that all employees and the community are aware of the objectives of the policy.

#### Internal

- The Executive Leadership Team has been consulted to seek management endorsement.
- The Consultative Committee has been consulted in order to seek feedback from the workforce.

#### External

Following Council endorsement, the policy will be placed on public exhibition in the Port Stephens Examiner and on Council's website.

In accordance with the *Local Government Act 1993* the draft policy will go on public exhibition from 16 July 2018 to 12 August 2018 for 28 days.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Revised Workplace Surveillance policy.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

Policy



**FILE NO:** PSC2009-02488  
**TITLE:** WORKPLACE SURVEILLANCE  
**POLICY OWNER:** HUMAN RESOURCES MANAGER

**1. PURPOSE:**

1.1 The *Workplace Surveillance Act 2005* (NSW) requires that workers and the community are made aware of surveillance undertaken by Port Stephens Council (Council).

The purpose of this policy is to comply with Council's legal obligations by informing workers and others of the surveillance devices used in our workplace and to enhance safety outcomes for Council.

**2. CONTEXT/BACKGROUND:**

2.1 The rights of Council, its employees and others, as prescribed in workplace surveillance and privacy legislation, calls for management processes to ensure continued legislative compliance. This Workplace Surveillance policy establishes the protocol to meet Council's legislative obligations.

2.2 Technology advances have made optical devices commonplace through camera and tracking capabilities being part of most mobile devices. Council, in the course of its business, uses these devices. Individual workers have similar capabilities with a Council supplied mobile device or their personal mobile device.

**3. SCOPE:**

3.1 Council recognises its obligations to ensure, where reasonably practicable, a safe and healthy workplace for its workers and others.

3.2 The use of certain devices has the potential through the:

- provision of tracking devices, to identify the geographical location of a worker, if they are in need of emergency assistance;
- provision of CCTV, and surveillance cameras to deter a possible assailant and reduce the safety risks associated with workers and others, to deter assault, vandalism and criminal activity, and/or to capture evidence for environmental investigations;

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## Policy



- monitoring of inputs and outputs of data to manage the risks associated with non-compliance to Council's Code of Conduct and Work Health and Safety (WHS) requirements.
- 3.3 Existing workers of Council shall be notified of the installation and intent of tracking devices, CCTV camera and data surveillance through the dissemination of this policy.
- 3.4 Workers yet to commence with Council shall be given notification of this policy as part of their offer of employment. By accepting employment with Council, the worker will be consenting to the conducting of surveillance in accordance with this policy, immediately upon the commencement of employment with Council.
- 3.5 Information stemming from the use of surveillance, as outlined in this policy, will not be used for the purposes below:
- As the sole and primary means of disciplinary action.
  - To target or victimise employees.
  - As a form of real time employee performance monitoring.
- 3.5.1 This means that surveillance information can be used for disciplinary purposes only to substantiate allegations stemming from other sources. This prevents victimisation in the workplace and prevents the potential abuse of power on part of those who have access to the surveillance information.
- 3.5.2 It has the secondary benefit of not viewing employees under surveillance in terms of Lowest Common Denominator thinking, in that Council expects the worst from their employees. Trust in the workplace is a vital component to increase productivity beyond that of doing merely the bare minimum.
- 3.6 From time to time staff who are required as part of their role to assist with maintaining security and safety at Council owned facilities may view CCTV vision to assist with these requirements of their role.
- 3.7 Tracking Devices
- 3.7.1 Council, at times, requires workers to work alone and in isolation to the general workplace. To reduce the risks associated with this, Council may introduce tracking devices to identify the location of the worker, should an emergency response be required. Where tracking devices are utilised surveillance will be continuous and ongoing.

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- 3.7.2 Increasingly, Council's vehicle fleet has equipment that provides back to base, real time capability with regard to location, engine revolutions per minute (RPM), gear ratio and other performance data **through in vehicle management systems (IVMS)**. This data is invaluable in informing our process improvement activities and for identifying obstacles to our teams that currently prevents them from doing an even better job than they do now. Where a vehicle is supplied standard with **an IVMS or** GPS device, the vehicle will display notification that a GPS device is installed in the vehicle.
- 3.7.3 Where the **there is** provision of the device in the vehicle is optional, a risk assessment process shall be completed to ascertain the need for such device. This will occur prior to any operation or function of such device. If the risk assessment deems it necessary to install a GPS device, the vehicle will display notification that a GPS device is installed in the vehicle.
- 3.7.4 For an 'on person' device, workers will be informed that they are required to carry such a device whilst at work, based on a risk assessment identifying the need for such a device. This will occur prior to any operation or function of any such device.
- 3.7.5 A Health and Safety Representative (HSR) shall be involved throughout all risk assessments undertaken under this policy.
- 3.7.6 All Council issued mobile devices that have GPS functionality, can be tracked by Council's Information Communication and Technology Unit.
- 3.8 Closed Circuit Television
- 3.8.1 Council uses CCTV surveillance cameras and overt/covert surveillance devices in and around various Council worksites and facilities. This camera surveillance monitors or records visual images of activities on premises or, in any other place. CCTV camera surveillance will be continuous and ongoing.
- 3.8.2 Signs are located within each site/location to identify the areas affected by the camera surveillance, and are clearly visible at each entrance to that site or location. In the event where Council is conducting an operation in relation to environmental offences and/or investigations, Council will not display signage.
- 3.8.3 Where Council intends to install new CCTV devices, workers will be notified prior to any operation or function of the new installations which occur after the date of acceptance of this policy by Council.

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3.8.4 From time to time staff who are required as part of their role to assist with maintaining security and safety at Council owned facilities may view CCTV vision to assist with these requirements of their role.

3.9 Use of Surveillance Records – Tracking Devices and CCTV

3.9.1 Council may use and disclose confidentially the surveillance records where that use or disclosure is for a purpose related to the matter raised below regarding workers and management of Council.

3.9.2 Council may also use and disclose the surveillance records where that use or disclosure is related to Council's business activities including:

- To a law enforcement agency in connection with an environmental offence or alleged environmental offence, a criminal offence or alleged criminal offence;
- In connection with bona-fide legal proceedings; or
- As reasonably believed to be necessary to avert an imminent threat of serious violence or substantial damage to property.

3.9.3 Examples of instances in which use or disclosure of surveillance records might occur include but, are not limited to:

- Allegations of breaches of Council's Code of Conduct;
- Allegations of poor performance or unacceptable behaviour;
- Allegations of illegal dumping or other environmental offences;
- If there is an assault, or suspected assault of a person;
- If theft of Council's property (or that of a related entity of Council) is suspected or;
- Criminal damage to Council's equipment or facilities (or that of a related corporation of Council) has occurred;
- A serious WHS incident as defined by the *Work Health and Safety Act 2011* (NSW);
- By request of a worker and union representative regarding any bona-fide investigation.

3.9.4 All surveillance records are available under the *Government Information (Public Access) Act 2009 (GIPA)*; however, persons wishing to access these records should be aware that there are provisions under GIPA that may override the release of the information.

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3.9.5 Generally, CCTV surveillance records will not be used or disclosed unless that disclosure is:

- for a legitimate purpose related to employment of workers or legitimate business activities or functions of the employer; or
- to a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of a criminal offence; or
- for a purpose that is directly or indirectly related to the taking of criminal proceedings; or
- reasonably believed to be necessary to avert an imminent threat of serious violence to persons or of substantial damage to property.

### 3.10 Data Surveillance and Retrieval

3.10.1 The computer usage of workers is not routinely read or monitored, however, they are records of Council and shall be managed accordingly. At times, Council may retrieve or review electronic files, records and correspondence of workers. This applies to all Council's Information and Communication systems including telephones, mobile phones and mobile computing technology. Council also provides a number of software systems, which have the ability to track changes made to data.

3.10.2 Designated workers of Council are also required to utilise a variety of security systems such as silkeys and alarm systems, which provide access to Council sites based on unique logins allocated to workers. Surveillance of workers' use of all of these systems and equipment is undertaken by Council on a continual basis.

### 3.11 Camera Devices

3.11.1 Council frequently uses camera devices to take pictures, or videos, eg for the safety of its employees, promotions, press releases, training applications or incident/environmental investigations. At times, this may require including workers, and/or others in the picture, or video. To comply with the relevant legislation, the following shall apply:

- A Council worker authorised to operate a Council camera device shall obtain express, or implied, consent from workers and or others, prior to taking the photograph or video.

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- Workers wishing to take pictures or videos from their personal camera device shall respect a person's privacy and obtain express or implied consent from that person or persons prior to taking the picture or video. Council shall devise such policy and procedures to facilitate this approval. In the event where relevant legislation proves that Council can collect evidence/samples as part of an investigation, Council is not required to obtain consent from the person or persons prior to taking the picture or video.
- Pictures or videos of Council processes, procedures or practices shall not be taken without first obtaining permission from the worker's Manager.
- Managers shall ensure that pictures or videos for a use, other than for internal purposes, shall be approved by the Communications Section Manager, prior to use.

### 3.12 Recordings of Conversations

- 3.12.1 On occasion Council may wish to record conversations. Council will not record a private conversation without the consent, of the principal parties to the private conversation or the persons who took part in the activity, as per the requirements of the *Surveillance Devices Act 2007*.
- 3.12.2 If expressly agreed, when a recording of a conversation is made in relation to a Council worker who is participating in an investigation, the worker will receive a copy of the recording together with a transcript of the recording which they will then be asked to sign and verify as a true and correct record. This recording cannot occur without the express permission of the worker involved. Council, at no stage, will apply any duress for any interview to be recorded.

### 3.13 Confidentiality and Records

- 3.13.1 Council workers shall at all times exercise duty of confidentiality. Data shall only be released in compliance with the *Workplace Surveillance Act 2005* (NSW) and on a need to know basis as prescribed by this policy or by a worker's request.
- 3.13.2 Non-compliance with duty of confidentiality requirements shall render a Council worker liable to disciplinary procedures which may include termination of employment.

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- 3.13.3 All documents created in relation to this policy will be kept in accordance with the *State Records Act 1998* (NSW) and Port Stephens Council's Records Management Management Directive.
- 3.13.4 Members of the public can make application to access Council's data in accordance with the *Government Information Public Access (GIPA) Act 2009* and the *Privacy and Personal Information Protection Act (PPIPA) 1998*.
- 3.13.5 For the purposes of determining compliance to this policy, random audits will be undertaken of data generation and collection activities by Council's internal auditor. Audit results shall be reported to the relevant Group Manager for determination and the Consultative Committee for review.

### 3.14 Training

- 3.14.1 New workers shall be made aware of this policy during the induction process.
- 3.14.2 Record of worker's awareness of their internet obligations under this management directive shall be achieved by an on-screen declaration prior to internet access.
- 3.14.3 Record of user awareness and understanding of this management directive will be obtained by the completion of toolboxing of the policy in accordance with the Toolbox Procedure and by publication on Council's Intranet and Internet Site.
- 3.14.4 Ongoing training and awareness of this policy shall be provided by Council management throughout the employment relationship.

### 3.15 Requesting access to information

- 3.15.1 All requests for information under this policy from members of the public will be assessed under the *Government Information (Public Access) Act 2009*.
- 3.15.2 All requests for data retrieval or review from workers (other than approved Information and Communication Technology workers) can only be approved by any two of the following workers, with the exception of the General Manager who may request data retrieval or review without the approval of another manager:
- the General Manager; or
  - a Group Manager;

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Policy



- a Section Manager;
- the Executive Officer;
- the Legal Services Manager;
- the Human Resources Manager.

3.15.3 Any request must specify the reason for data retrieval or review, the specific period to be accessed and the Approved Worker(s) undertaking the investigation.

3.15.4 All requests and approvals must be given in writing.

This shall not apply to requests where an individual piece of data directly related to a task being undertaken by a worker is required. In such case a request to gain the individual piece of data shall require approval from the worker's manager.

3.15.5 Where a worker is required to respond to an investigation or disciplinary matter where data collected through surveillance is utilised, the worker will be entitled to review the data upon which Council is relying as part of any investigation or disciplinary matter prior to responding to any allegations.

**4. DEFINITIONS:**

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

Worker	In this policy, a Worker has the same meaning as Worker under section 7 of the <i>Work Health and Safety Act 2011</i> , being: <ul style="list-style-type: none"> <li>a) an employee, or</li> <li>b) a contractor or subcontractor, or</li> <li>c) an employee of a contractor or subcontractor, or</li> <li>d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or</li> <li>e) an outworker, or</li> <li>f) an apprentice or trainee, or</li> <li>g) a student gaining work experience, or</li> <li>h) a volunteer, or</li> <li>i) a person of a prescribed class</li> </ul>
Council	Port Stephens Council
WHS	Work Health and Safety

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HSR	Health & Safety Representative
Workplace	Means premises, or any other place, where employees work, or any part of such premises or place
GPS	Global Positioning System
IVMS	In Vehicle Management System

**5. POLICY STATEMENT:**

5.1 Council recognises they have it has a number of electronic systems in place which are utilised for surveillance. The surveillance devices used by Council are primarily in place to assist Council to capture relevant data needed for the operation of Council's business, improve service delivery, enhance safety outcomes and ensure compliance with relevant legislative requirements.

**6. POLICY RESPONSIBILITIES:**

6.1 The Human Resources Manager is responsible for implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

**7. RELATED DOCUMENTS:**

- 7.1 Port Stephens Council Enterprise Agreement.
- 7.2 Code of Conduct.
- 7.3 Records Management Management Directive.
- 7.4 Information & Communication Technologies (ICT) Systems & Information Access Management Directive.
- 7.5 Information & Communication Technologies (ICT) Assets Management Management Directive.
- 7.6 Use of Mobile Devices Management Directive
- 7.6 Information & Communication Technologies (ICT) Physical & Environmental Protection Management Management Directive.
- 7.7 Telecommunications Management Directive.
- 7.8 Toolbox Procedure.
- 7.9 State Records Act 1998 (NSW).
- 7.10 Local Government Act 1993 (NSW).
- 7.11 Workplace Surveillance Act 2005 (NSW).
- 7.12 Workplace Surveillance Regulations 2012 (NSW)
- 7.13 Surveillance Devices Act 2007 (NSW).

Policy

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Policy



7.14 *Privacy and Personal Information Protection Act 1998* (NSW).

7.15 *Government Information (Public Access) Act 2009* (NSW).

7.16 *Industrial Relations Act 1996* (NSW).

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<b>EDRMS container No</b>	PSC2009-02488	<b>EDRMS record No</b>	16/318726 18/142277
<b>Audience</b>	All Employees		
<b>Process owner</b>	Human Resources Manager		
<b>Author</b>	Human Resources Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	
<b>Adoption date</b>	13 August 2013		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	13/08/13	Human Resources Manager	Adopted.	228

Policy

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Policy



2	12/07/2016	Human Resources Manager	<p>The Workplace Surveillance Policy was reviewed and updated in the new policy template.</p> <p>Reference was changed to the Port Stephens Council Enterprise Agreement 2015.</p> <p>Policy reviewed and updated to ensure less duplication.</p> <p>Reference to Mobile Phones has been updated to Mobile Devices.</p> <p>Surveillance used for environmental investigations and offences has been included in this policy.</p> <p>Scope updated to clarify under what circumstances GPS surveillance will be used by Council.</p>	207
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Policy

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Policy



<p>3</p>		<p>Human Resources Manager</p>	<p>The Workplace Surveillance policy was reviewed and updated in the new policy template.</p> <p>3.2 – CCTC changed to CCTV.</p> <p>3.6 – inserted “From time to time staff who are required as part of their role to assist with maintaining security and safety at Council owned facilities may view CCTV vision to assist with these requirements of their role.”</p> <p>3.7.1 – changed “required” to “requires”.</p> <p>3.7.2 – inserted “through in vehicle management systems (IVMS). Deleted “standard”, inserted “an IVMS or” and deleted “GPS”.</p> <p>3.7.3 – deleted “the” and inserted “there is”, deleted “is optional”, and “GPS” twice.</p> <p>3.8.4 – inserted “From time to time staff who are required as part of their role to assist with maintaining security and safety at Council owned facilities may view CCTV vision to assist with these requirements of their role.”</p>
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Policy



			<p>3.9.3 – changed “disclose” to “disclosure”.</p> <p>4.1 – added definitions for GPS and IVMS.</p> <p>5.1 – deleted “they have” and inserted “it has”.</p> <p>7.6 – deleted “Use of Mobile Devices Management Directive” and added “Information &amp; Communication Technologies (ICT) Physical &amp; Environmental Protection Management Management Directive.”</p> <p>Changed EDRMS record number in Controlled Document Information to 18/142277.</p>	
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Policy

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**ITEM NO. 10**

**FILE NO: 18/130579  
EDRMS NO: PSC2008-1759**

**POLICY REVIEW: PARKS AND ROADSIDE MEMORIALS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submission.
- 2) Endorse the revised Parks and Roadside Memorials Policy shown at **(ATTACHMENT 1)**.
- 3) Revoke the Parks and Roadside Memorials policy dated 8 September 2015 (Minute No. 268).

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Glen Dunkley</b></p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>208</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive and note the submission.</li><li>2) Endorse the revised Parks and Roadside Memorials Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>3) Revoke the Parks and Roadside Memorials policy dated 8 September 2015 (Minute No. 268).</li></ol>
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## **BACKGROUND**

The purpose of this report is to seek Council's adoption of the Parks and Roadside Memorials Policy (**ATTACHMENT 1**). During the public consultation period only one submission was received (**ATTACHMENT 2**).

The submission noted that this approach to roadside memorials also has another benefit to warn drivers of the potential dangers of some sections of the road network and is shown in (**ATTACHMENT 2**). The submission did not require the advertised policy to be modified or changed.

The purpose of the Parks and Roadside Memorials Policy is to provide a framework that documents Council's position on memorials such as crosses, plaques and the placement of tributary items such as flowers, cards and photographs erected on roadsides, as well as memorials such as seats, plantings and plaques within parks.

This draft policy has converted the previously 2015 adopted policy into Council's new policy format.

Council does receive requests from individuals or organisations for the installation of memorial plaques or for the donation of park furniture or the planting of trees in memory of a deceased person. The Policy has been enacted a number of times in the assessment of new and existing memorials. The Policy has also been used for relocation, removal and the downsizing of a number of memorials in our road reserves in a number of locations. All with positive outcomes for Council and the families involved.

Following the Parks and Roadside Memorials Policy and the associated assessment process allows Council Officers to monitor changes to memorials over time. This assessment also allows for a period of mourning and avoidance of anniversaries and birthdays when making contact with families in relation to downsizing, relocations or removals.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Infrastructure and facilities.	Plan civil and community infrastructure to support the community.

## **FINANCIAL/RESOURCE IMPLICATIONS**

The full cost of a park memorial installation is borne by the applicant with the Public Domain and Services Section completing installation and maintenance for the life of the asset. Roadside memorials are to be installed by the applicant.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

Council has an obligation to ensure that items within our parks and road reserves are installed safely and the memorials do not place the public in danger. It should be noted that Council does not encourage the placement of memorials within the road reserve. The placement and visiting a memorial near moving traffic can be considered dangerous at some locations along the road reserve.

Under Section 138 of the *Roads Act 1993*, a person must not:

- a. Erect a structure or carry out work in, on or over a public road.
- b. Dig up or disturb the surface of a public road.
- c. Remove or interfere with a structure, work or tree on a public road, other than with the consent of the appropriate road authority.

While the memorial object and the act of placing a memorial within the road reserve can be considered a risk, this policy does recognise the social and community benefit of memorials if undertaken as per the attached guidelines.

There are no policy or legislation issues for memorials in our parks.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that non-conforming memorials such as distracting non-frangible objects are placed in our road reserve leading to general driving public being placed in danger.	Medium	Adopt the policy so that memorials are consistent and placed in safe locations away from moving traffic.	Yes

**MINUTES ORDINARY COUNCIL - 10 JULY 2018**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Councils reputation may be impacted by removal of roadside memorials if not dealt with in a respectful manner leading to reputation risk to Council.	Low	Adopt the policy so that if any memorial is required to be moved, removed or resized a process is followed that allows for respect for the mourning family.	Yes
There is a risk that Council will not have a consistent approach to the implementation of park memorials leading to Council being provided with various assets/objects of differing size and type in our parklands.	Low	Adopt the policy and apply the reference guidelines to allow a consistent approach to managing memorials.	Yes
There is a risk that Council will have to many assets within parks and reserves leading to increased pressure on maintenance budgets.	Low	Adopt the policy and apply the reference guidelines to allow a consistent approach to managing memorials.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

A behavioural study conducted into previous Memorial Policies outlines the effects of driver behaviour in the presence of roadside memorials. The study suggests policies allowing the use of memorials helps grieving loved ones, and at the same time, if employed correctly, may also help the driving public understand the objective risk of driving and promote safer driving. The study also revealed memorial use might endanger drivers in the case where distraction is evident and memorials have been allowed to remain present.

Essentially studies have revealed:

- Memorials are more likely to slow some drivers down.
- Memorials are more likely to make some drivers more cautious possibly reducing crashes and crash related costs to the community.
- Incorrectly placed memorials may distract some drivers.
- Drivers prefer policy supporting memorial use.

Overall, drivers appeared to support roadside memorials and reported more positive influences than negative effects.

The continued assessment and regulation of Parks and Roadside Memorials is used to place new or move existing memorials to a safe location. Safe locations increase the distance of persons who may view, visit or maintain a memorial away from moving traffic.

The Parks and Roadside Memorials Policy will assist Council to manage the road corridor by providing a safe clear zone for errant vehicles. Additionally, the placement of memorials outside the clear zone assists roadside mowing contractors to carry out their works without obstruction.

Park memorials are a way of recognising the community's connection with their local parks and reserves. This connection can range from local to even sometimes state or national in their significance and can help educate the public about significant people and events connected with parks.

## **CONSULTATION**

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

### Internal

- Public Domain and Services Section.

### External

- External consultation has been undertaken through the public exhibition process.

In accordance with local government legislation the draft Parks and Roadside Memorials Policy went on public exhibition from 4 May to 1 June 2018 for 28 days.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Parks and Roadside Memorials Policy.
- 2) Parks and Roadside Memorials Policy Submission Summary.

## **COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

Policy



**FILE NO:** PSC2008-1759  
**TITLE:** PARKS AND ROADSIDE MEMORIALS POLICY  
**POLICY OWNER:** ASSETS SECTION MANAGER

**1. PURPOSE:**

1.1 To establish a framework that provides Council's position on memorials such as crosses, plaques and the placement of tributary items such as flowers, cards and photographs erected on roadsides, as well as memorials such as seats, plantings and plaques within parks.

**2. CONTEXT/BACKGROUND:**

2.1 Requests for memorials are becoming more prevalent with the changing cultural practices relating to the memorialisation of the deceased.

2.2 Roadside memorials symbolically mark a location where a person has died as a result of a motor vehicle crash or other road related incident. Structures such as crosses or objects such as wreaths, cards, photographs and ornaments are often placed as close as possible to the location of the crash.

2.3 Park memorials are a way of recognising the community's connection with parks. Memorials may add to the cultural and heritage value to the landscape and can help educate the public about significant people and events connected with parks and reserves.

**3. SCOPE:**

3.1 The placement of roadside memorials is a matter for individual families. Council respects the wishes of families wanting to place memorials and will provide sympathetic advice for people making enquiries of this nature.

**3.2 Road Reserve**

3.2.1 Council does not encourage the placement of roadside memorials and tributary items, and will not install or maintain memorials on behalf of families or individuals. However, this policy does recognise the social and community benefit of memorials and will approve them if undertaken safely as per the Roadside Memorials Assessment Process, Assessment of Roadside Memorials Guideline and Assessment Template.

Policy

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Policy



3.2.2 Roadside memorials include:

- Crosses
- Wreaths
- Cards
- Photographs
- Ornaments

3.3 Parks

3.3.1 Council provides a framework which allows families or individuals to place memorials within Council owned or managed parks and reserves. The placement of memorials within Councils Parks and Reserves will be managed in accordance with Park Memorial Guidelines and the Park Memorial Application Process.

3.3.2 Park Memorials include:

- Seats
- Seats with plaque
- Trees
- Trees with plaque

4. DEFINITIONS:

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

Memorial	An object established in memory of a person or event.
Plaque	A flat tablet of metal, stone or other appropriate material, which includes text and/or images, which commemorate a person or an event and/or provide historical text or information relevant to its location. Such tablet to be affixed to an object, building or pavement.

5. POLICY STATEMENT:

5.1 Council recognises the social and community benefits of memorials in our parks and roads.

Policy

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Policy



Council shall:

- 5.2 Recognise the deep emotions attached to memorials and to be sensitive in dealing with the issues regarding their location within or adjacent to Council's parks and roads.
- 5.3 Provide consistent information on the placement, modification, relocation or removal of memorials.
- 5.4 Limit Council's exposure to the potential road safety and public liability risks memorials.
- 5.5 Follow the relevant guideline in the assessment of memorials.

**6. POLICY RESPONSIBILITIES:**

- 6.1 Civil Assets Planning Coordinator – Responsible for the overall implementation of the policy for roadside memorials.
- 6.2 Community and Recreation Coordinator – Responsible for the overall implementation of the policy for park memorials.

**7. RELATED DOCUMENTS:**

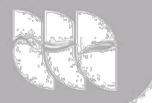
- 7.1 Assets Management Policy.
- 7.2 Guideline – Assessment of Roadside Memorials.
- 7.3 Roadside Memorials Assessment.

**CONTROLLED DOCUMENT INFORMATION:**

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<b>EDRMS container No</b>	PSC2015-01000	<b>EDRMS record No</b>	18/94493
<b>Audience</b>	Community, Public Domain and Services, Assets Section and Corporate Risk Management		
<b>Process owner</b>	Assets Section Manager		
<b>Author</b>	John Maretich		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	01/04/2020
<b>Adoption date</b>	28/01/03		

Policy

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Policy



**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1	28/01/03	Phil Buchan	Roadside Tributes and Memorials Policy	24
2	14/09/10	John Maretich	Roadside Memorials Policy	280
3	08/09/15	John Maretich	Updated Roadside Memorials Policy to incorporate Brand Identity Style Guide V1.0 and introduced parks memorials into the previous Roadside Memorials Policy	268
4	24/04/18	John Maretich	Global Review and updated to policy to new Policy Template. 3.3.2 - Removal of Plaques 7 - Addition of 7.1 and Removal of Assessment and Maintenance of Roads Policy & Assessment and Maintenance of Footpath and Cycleways Policy. Following Public Exhibition 1 Submission was received and comments noted. No change to content of policy however formatted to reflect new template.	095

Policy

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**ITEM 10 - ATTACHMENT 2    PARKS AND ROADSIDE MEMORIALS POLICY  
SUBMISSION SUMMARY.**

**Submission Summary**

Parks and Roadside Memorials Policy

Received From	Issues/Comments	Response
Port Stephens Resident	Roadside Memorials also serve as a warning to drivers as to the dangerous sections of a road	The submission has been received and noted.

**ITEM NO. 11**

**FILE NO: 18/115508  
EDRMS NO: PSC2014-01593**

**CULTURAL PROJECTS FUND 2018 2019**

REPORT OF: STEPHEN CROWE - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the allocation of \$60,000 from the Cultural Projects Fund in accordance with the amounts and purposes prescribed below:
  - a) \$2,000 to the Artisan Collective for the inaugural Artisan Collective Port Stephens Expo 2019.
  - b) \$3,000 to Baylife Church for the 2018 Carols at the Bay event.
  - c) \$3,000 to Community Helping Community Inc. for the project, Painting the Joy back into our Lives.
  - d) \$2,000 to Denise Duffy (individual) for the project, Creative Connections by the Sea.
  - e) \$3,000 to Hunter Region Botanic Gardens for the project, Beats, Reed Weaves and Art – Artist in Residence.
  - f) \$3,000 to Janie Gibson (individual) for the project, Shakespeare in the Botanic Gardens.
  - g) \$2,000 to the Mambo-Wanda Wetlands Conservation Group for the project, Mambo Wanda Wetlands – The Film.
  - h) \$2,000 to Medowie Little A's for the project, Arty Athletics.
  - i) \$1,823 to Michelle Nicholas (individual) for the revised project, Genres Festival; Story Tellers Market.
  - j) \$3,000 to the Port Stephens Community Arts Centre for the project, Port Stephens Art Prize 2019.
  - k) \$3,000 to the Raymond Terrace Lions Club for the project, Cows, Carols and Music.
  - l) \$1,040 to Sally Walker (individual) for the project, Building Bridges.
  - m) \$3,000 to Screen Hunter for the project, The Real Film Festival.
  - n) \$3,000 to the Sea Side Singers Inc. for the project, Presenting Port Stephens in Concert.
  - o) \$2,890 to Shoal Bay Public School for the project, DRUMBEAT Program.
  - p) \$2,900 to the Tilligerry Art Group (TAG) for the project, Tilligerry Art Escape Workshops.
  - q) \$2,000 to the Tilligerry Art Group (TAG) for the project, A Learning Experience not to be Missed.
  - r) \$500 to Tilligerry Adult and Community Education for the project, Port Stephens Literature Awards 2018.
  - s) \$1,847 to the Tilligerry Community Association for the project, Collaboration Portrait Series.
  - t) \$3,000 to the Tilligerry Community Association for the project, Tilligerry Festival Fun Day 2018.

**MINUTES ORDINARY COUNCIL - 10 JULY 2018**

- u) \$3,000 to Toonworld (Sole Trader) for the project, Toonworld in the Terrace.
- v) \$3,000 to Toonworld (Sole Trader) for the project, Stop Animation.
- w) \$3,000 to Tomaree Youth Community Action Inc. (TYCA) for the project, TYCA Amplified.
- x) \$3,000 to the King St Preservation and Action Group Raymond Terrace Inc. for the project, STEP BACK into King Street Heritage Festival 2019.

2) Advertise by way of Public Notice for 28 days allocation of funding to the following individuals: Sally Walker (\$1,040 for Building Bridges Project); Denise Duffy (\$2,000 for Creative Connections by the Sea); Janie Gibson (\$3,000 for Shakespeare in the Botanic Gardens); Michelle Nicholas (\$1,823 for Genres Festival; Story Tellers Market); Toonworld (Sole Trader; \$3,000 for Toonworld in the Terrace and \$3,000 for Stop Animation project) and should no submissions be made adopt recommendations for funding.

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Glen Dunkley</b></p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>209</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"> <li>1) Endorse the allocation of \$60,000 from the Cultural Projects Fund in accordance with the amounts and purposes prescribed below:             <ol style="list-style-type: none"> <li>a) \$2,000 to the Artisan Collective for the inaugural Artisan Collective Port Stephens Expo 2019.</li> <li>b) \$3,000 to Baylife Church for the 2018 Carols at the Bay event.</li> <li>c) \$3,000 to Community Helping Community Inc. for the project, Painting the Joy back into our Lives.</li> <li>d) \$2,000 to Denise Duffy (individual) for the project, Creative Connections by the Sea.</li> <li>e) \$3,000 to Hunter Region Botanic Gardens for the project, Beats, Reed Weaves and Art – Artist in Residence.</li> <li>f) \$3,000 to Janie Gibson (individual) for the project, Shakespeare in the Botanic Gardens.</li> <li>g) \$2,000 to the Mambo-Wanda Wetlands Conservation Group for</li> </ol> </li> </ol>
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**MINUTES ORDINARY COUNCIL - 10 JULY 2018**

- the project, Mambo Wanda Wetlands – The Film.
- h) \$2,000 to Meadowie Little A's for the project, Arty Athletics.
  - i) \$1,823 to Michelle Nicholas (individual) for the revised project, Genres Festival; Story Tellers Market.
  - j) \$3,000 to the Port Stephens Community Arts Centre for the project, Port Stephens Art Prize 2019.
  - k) \$3,000 to the Raymond Terrace Lions Club for the project, Cows, Carols and Music.
  - l) \$1,040 to Sally Walker (individual) for the project, Building Bridges.
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  - n) \$3,000 to the Sea Side Singers Inc. for the project, Presenting Port Stephens in Concert.
  - o) \$2,890 to Shoal Bay Public School for the project, DRUMBEAT Program.
  - p) \$2,900 to the Tilligerry Art Group (TAG) for the project, Tilligerry Art Escape Workshops.
  - q) \$2,000 to the Tilligerry Art Group (TAG) for the project, A Learning Experience not to be Missed.
  - r) \$500 to Tilligerry Adult and Community Education for the project, Port Stephens Literature Awards 2018.
  - s) \$1,847 to the Tilligerry Community Association for the project, Collaboration Portrait Series.
  - t) \$3,000 to the Tilligerry Community Association for the project, Tilligerry Festival Fun Day 2018.
  - u) \$3,000 to Toonworld (Sole Trader) for the project, Toonworld in the Terrace.
  - v) \$3,000 to Toonworld (Sole Trader) for the project, Stop Animation.
  - w) \$3,000 to Tomaree Youth Community Action Inc. (TYCA) for the project, TYCA Amplified.
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- 2) Advertise by way of Public Notice for 28 days allocation of funding to the following individuals: Sally Walker (\$1,040 for Building Bridges Project); Denise Duffy (\$2,000 for Creative Connections by the Sea); Janie Gibson (\$3,000 for Shakespeare in the Botanic Gardens); Michelle Nicholas (\$1,823 for Genres Festival; Story Tellers Market); Toonworld (Sole Trader; \$3,000 for Toonworld in the Terrace and \$3,000 for Stop Animation project) and should no submissions be made adopt recommendations for funding.

**BACKGROUND**

The purpose of this report is to seek Council endorsement for the allocation of funds from the 2018-2019 Cultural Projects Fund for cultural projects as recommended by Council's Cultural Project Fund Assessment Panel, in consultation with Council's 355c Strategic Arts Committee.

The Cultural Projects Fund purpose is to support projects that celebrate local cultural development and diversity of cultural practice in line with the Port Stephens Cultural Plan 2014-2018.

Funding applications opened on Monday 9 April and closed Monday 7 May 2018. The total amount of funding available annually is \$60,000 and the 2018 round attracted 25 applications valued at \$67,177 from 23 applicants.

Of the 23 different applicants, nine were applying to the funding program for the first time. Three others were building on projects first funded in 2017 and a total of six individuals applied for funding with plans to work in partnership with local organisations and businesses.

A summary of all projects is shown in **(ATTACHMENT 1)**. Of the 25 applications received one is not recommended for funding and four are recommended for part funding.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Recognised traditions and lifestyles.	Support and promote local cultural activities.

**FINANCIAL/RESOURCE IMPLICATIONS**

A total of \$60,000 is available for projects under Council's Cultural Projects Fund in the 2018-2019 budget. The projects recommended in this report total \$60,000.

All funded projects will be required to adhere to the conditions of funding as stipulated in the funding guidelines.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	60,000	Sourced from the 2018-2019 allocation for Cultural Projects Fund.
Reserve Funds	No		

## MINUTES ORDINARY COUNCIL - 10 JULY 2018

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

### LEGAL, POLICY AND RISK IMPLICATIONS

Recipients of funding under the Cultural Projects Fund shall accept full responsibility for the liability of any programs or projects funded. All applicants are required to provide a copy of their Certificate of Currency as part of the application process.

Liability for property and or assets such as public artworks created as part of a project and then installed on Council owned land, with the appropriate permission of Council (sought as part of the application process), will remain the responsibility of Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding those funding requests supported in full against those part funded or not funded at all.	Low	Ensure that appropriate processes are followed in accordance with the Cultural Project Funds Guidelines and Funding Criteria.	Yes
There is a risk that some grant recipients may fail to comply with required reporting and acquittal processes.	Low	Ensure that appropriate processes are followed in accordance with Cultural Projects Fund Guidelines and Reporting Requirements.	Yes

### SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The funding directly supports significant ongoing investment by community organisations, social enterprises and individuals who share a passion and commitment to improving access for Port Stephens residents from a diverse demographic base, to quality arts based activities.

The total in-kind contribution from all projects is valued at \$150,400 and the value of other sources of income generated by the projects is \$25,700. In total the total value-add across all projects is close to \$180,000, three times the total value of funds recommended for allocation.

The projects put forward to be endorsed will:

- Promote the visual arts in Port Stephens and create opportunities for local people to develop their skills and interests in this area of the arts.
- Bring a focus to story-telling and in particular stories told by local people that celebrate the local culture and way of life in Port Stephens.
- Support important community cultural infrastructure and the capacity of local organisations to deliver a high quality program of local cultural events.
- Generate both social and economic outcomes for the community through the active participation of local people, and visitors to our community, in cultural events and workshops.
- Provide opportunities for local creative producers to provide a service in their local community and be financially rewarded for their efforts, helping to ensure creative ideas and skills remain within our community for the future.
- Provide access to education and learning opportunities for local residents.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Communication Section with the Community Development and Engagement Team ensuring that a broad cross section of the community was aware of the funding opportunity and given the opportunity to discuss individual project ideas with Council staff responsible for managing the funding program.

### Internal

Internal meetings with Council staff responsible for the administration of the financial assistance programs were held to plan and deliver the 2018 launch of Council's Financial Assistance Grant programs.

### External

- The Communications Team promoted the launch event widely through social media, Council's web site and notices appeared in Council pages in the Port Stephens Examiner.
- The 2018 launch event was held at Council on Monday 9 April 2018 with the general public invited and approximately 50 people attended.
- Grant programs were promoted at Community Strategic Plan community consultations at Medowie, Tilligerry, Anna Bay and Nelson Bay (throughout April 2018) and at the Community Interagency forum on Tuesday 10 April 2018.
- Council's 355c Strategic Arts Committee assessment meeting was held on 17 May 2018 to consider each application.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Cultural Projects Fund 2018-2019 Summary Report.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019 SUMMARY REPORT.**

**Cultural Projects Fund 2018-2019 Summary Report**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
1	<p><b>Artisan Collective; Port Stephens Expo 2019</b></p> <p>A showcase of 20 local artists, makers and creatives that will act as a tourist drawcard and the opportunity to promote art and culture in Port Stephens. The expo will act as a trial for future framework for promoting local creatives in the future.</p>	\$2000	<p>Would like to see funds being used to cover cost of catering / beverages re allocated to other operational expenses.</p> <p>Like overall idea and interested in outcomes from this 'trial project'. Keen to see how the proposed format succeeds in building the capacity of local artists to reach new audiences and help strengthen the local arts community.</p>	Yes fully fund \$2000
2	<p><b>Baylife Church (on behalf of Tomaree Ministers Association); Carols at the Bay</b></p> <p>Annual Combined Churches of Port Stephens carols event that is promoted as a family friendly event with grand finale fireworks a central attraction. Focus is on community and family values.</p>	\$3000	<p>It is a valued event in the community. Brings the community together.</p> <p>In the future Christmas Carols and similar annual local events might be supported through alternative financial assistance sources of council.</p>	Yes fully fund \$3000
3	<p><b>Community Helping Community Inc; Painting the Joy Back into Our Lives</b></p> <p>A community program exploring the positive aspects of living in Port Stephens through Art. Taking community on a journey where they identify why they chose to live in this beautiful part of the world, that they are resilient and not defined by current PFAS issues.</p>	\$3000	<p>Venue hire fees seem very high and need to be clarified in line with budget and suggested spend of PSC funds.</p> <p>PSC budget for venue hire clarified; is \$750 (rest to be covered by CHC funds) and remaining \$230 on stationary / promotion.</p> <p>Art therapy is a specialised field of expertise. See about linking this program in with specialised workers who have just recently launched an art therapy based program in Tomaree.</p>	Yes fully fund \$3000

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019 SUMMARY REPORT.**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
4	<p><b>Denise Duffy (Individual) ; Creative Connections by the Sea</b></p> <p>This project celebrates creativity, community connections and our beautiful coastline through an 'Artist in Residence' styled format. The focus is on many beaches and coastline areas and encouraging people within the community to explore their creativity.</p>	\$3000	<p>Good concept however hard to identify who intended participants are and how they will be initially engaged. Could work up this proposal more to involve local partnerships and link with local events as suggested eg surf carnivals</p> <p>Like use of social media to tell the story and concept of book depending on budget.</p> <p>Need to be careful not be funding a personal interest.</p> <p>If it were a stand-alone event is there scope to have participants pay a fee to help subsidise costs?</p>	<p><u>Part Fund</u> \$2000</p>
5	<p><b>Hunter Region Botanic Gardens; Beats, Reed Weaves and Art – Artist in Residence</b></p> <p>The artist in residence project, in its third year, supports local artists to create with community within natural environments and bushland setting of the Hunter Region Botanic Gardens. The program supports HRBG efforts to promote local culture and provide casual work opportunities for local people.</p>	\$3000	<p>A well supported program. Last year's Artist in Residence program had some great success to build from.</p> <p>Good promotion will be the key.</p>	<p>Yes fully fund \$3000</p>
6	<p><b>Janie Gibson (Individual); Shakespeare in the Botanic Gardens</b></p> <p>Theatre Director Janie Gibson is partnering with HRBG to present a summer festival of Shakespeare in late January/early Feb 2019. The event will be a free outdoor performance of 'A Midsummer Night's Dream', welcoming all local community and holiday</p>	\$3000	<p>A new idea that has the potential to be an annual attraction of some significance.</p> <p>Great asset for the gardens which are themselves an important local cultural resource. Promotion will be the key.</p> <p>Would like to know plans for how this event is to be promoted locally in Port Stephens. Could possibly connect with Story Tellers Market late October to</p>	<p>Yes fully fund \$3000</p>

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019 SUMMARY REPORT.**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
	makers in the region. The event will be an addition to Port Stephens tourist attraction, helping to bring visitors west of the LGA.		promote theatre event in early 2019 and build local network(s)	
7	<p><b>Karen Jane Sabre (Individual); Walls That Speak</b></p> <p>A cultural, community arts project that will promote 5 main communities of the Hunter Region, including Port Stephens. With the theme 'Better Together' the event will be focused on Mind, Body and Soul Connections. The project is part of the Kindness in Action Global Challenge . The event involves showcasing local artists and their works that are to reflect the Heart, Mind, Body and Soul of the local community.</p>	\$3000	<p>Not supported at all.</p> <p>Too unclear in terms of objectives and outcomes.</p>	Not Fund
8	<p><b>Mambo Wanda Wetlands; The Film</b></p> <p>The film will showcase for residents and visitors alike the beauty and history of this local area. The area is unique, one of only a few wetland areas fully contained in an urban environment. The film will include the strong connection of the land to the Worimi people and the unique flora and fauna. There will be a public film launch and this will be linked to organised walks in this area as part of World Wetlands Day and Reconciliation Day.</p>	\$2000	<p>Generally well supported pending all approvals for filming being granted.</p> <p>Loved idea of perhaps having this film shown alongside Sister Cities / Sea Side Singers performances in Japan where they will amongst other things, be promoting Port Stephens as a 'future destination'.</p> <p>Screenings in Japan could recognise Kushiro Wetlands Agreement with Council</p> <p>Opportunity to link launch of film early 2019 with Council supported environmental event / activity.</p>	Yes fully fund \$2000

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019 SUMMARY REPORT.**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
9	<p><b>Medowie Little A's; Arty Athletics</b></p> <p>A placemaking activity that will bring community together through art while improving the appearance of a local recreational area in Medowie (Kindlebark Oval). Builds on works that were supported by a cultural grant in previous year and will help further develop not only the physical space but local partnerships and connect for local to Little A's group.</p>	\$3000	<p>There was general support for this project however do not wish to fund food/drinks</p> <p>An opportunity to build on the work of Up &amp; Up in Medowie community, in particular their work at Medowie Public School and proposed Snak &amp; Rap activity at Medowie Skate Park, all of which will take place between June and August 2018.</p> <p>Only application from Medowie.</p>	Part fund \$2000
10	<p><b>Michelle Nicholas; The Genres Festival Raymond Terrace</b> (Individual)</p> <p>A project focused on Story Telling across a range of genres including fictional writing (poetry; short story); script writing for live performance and film; song lyrics and live music. Aim is to showcase local talent and local cultural opportunity</p>	\$3000	<p>Possibly link this to an existing event where insurances are already in place.</p> <p>A bit ambitious. Start small and grow the idea. Possibly run this in conjunction with the Rectory Markets. If this can occur in October 2018, link in with proposed Screen Hunter event based on story telling through film. Also potential link with the proposed Shakespeare at Gardens (promo) and Port Stephens Literature Awards.</p> <p>Through partnership the larger vision that was initially proposed might be partly realised.</p>	Part fund \$1823
11	<p><b>Port Stephens Community Arts; Port Stephens Art Prize</b></p> <p>This event is now a bi annual event that does attract a cross section of local artisans as well as entrants from Australia wide. The good prize money ensure a high standard of works. It's a tourist attraction and a major fund raiser for the centre. Funds from the event are reinvested in the infrastructure.</p>	\$3000	<p>Generally well supported event.</p> <p>Could break down budget better in terms of operation expenses.</p> <p>Could in future be split funding; Culture Grant for operational costs and Sponsorship for Prizemoney?</p>	Yes fully fund \$3000

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019 SUMMARY REPORT.**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
12	<p><b>Raymond Terrace Lions Club; COWS, Carols and Music</b></p> <p>A mini cultural program put forward by RT Lions Club for second half 2018. Include youth public speaking; music in the park; and a Christmas carols event in Seaham.</p> <p>Building on success of COWS in 2016 and 2017 and bring back an opportunity for local musicians to perform for families in a great local setting; Riverside Park. Carols will also be a return event, first hosted 2017.</p>	\$3000	<p>Well supported program.</p> <p>Have the group talk with the coordinators of Lemon Jam (Lemon Tree Passage), a successful monthly music event in Henderson Park Lemon Tree Passage.</p> <p>Seaham Christmas Carols is only activity taking place in rural west of LGA.</p>	Yes fully fund \$3000
13	<p><b>Sally Walker; Building Bridges</b> (Individual)</p> <p>Partnership with Community Helping Community Inc. that will endeavour to address local needs of residents defined by 'the lines called the Red Zone'.</p> <p>Will work with stained glass and copperfoil methods to create a collection of works that could be exhibited as part of a larger exhibition hosted by Community Helping Community Inc Art Group.</p>	\$1040	<p>Overall good support for this project.</p> <p>Need to explore potential for greater community outcome eg exhibition of works in partnership with Community Helping Community Inc.</p>	Yes fully fund \$1040
14	<p><b>Screen Hunter; The Real Film Festival</b></p> <p>This year the organisers of the Real Film Festival are looking to come to Port Stephens. The plan is to have a feature film screened in Port Stephens on an evening during the festival weekend. The screening will also include a Q&amp;A with the film producers / writers and it is hoped local film makers etc will come and be part of this</p>	\$3000	<p>This project was not immediately well received, given that Port Stephens was not immediately identified as being part of the festival.</p> <p>Real potential to partner with Screen Hunter and create opportunities to celebrate local stories in film eg Aunty Margo's Story (which is about the Stolen Generation from a locals experience and would link in with subject matter of proposed feature film); I WALK I RUN I</p>	Yes fully fund \$3000

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019 SUMMARY REPORT.**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
	conversation and event.		<p>DRUM (local story promoting local community).</p> <p>The proposed event would also help unearth local film makers.</p> <p>Link this event with the proposed Story Tellers Market I as they are scheduled for the same weekend. Great way to create a focus event for Raymond Terrace.</p>	
15	<p><b>Sea Side Singers; Presenting Port Stephens in Concert</b></p> <p>A partnership with Sister Cities Port Stephens that includes a 10<sup>th</sup> Anniversary Concert in Port Stephens and a 'cultural exchange' with the 3 sister cities of Kushiro, Tateyama, and Yugawara in Japan. Japanese choristers will then be encouraged to visit Port Stephens for the Sea Side Singers Choral Festival in 2019.</p> <p>Video footage of the natural flora and fauna will be used to enhance the musical performances both locally and overseas, promoting Port Stephens.</p>	\$3000	<p>Overall application well received.</p> <p>Opportunity to partner with Mambo Wetlands group and take a copy of their film to Japan, in particular to Kushiro, where a Wetland Agreement involving Port Stephens Council is in place.</p>	Yes fully fund \$3000
16	<p><b>Shoal Bay Public School; Drumbeat Program</b></p> <p>A schools and community capacity building program based around providing the required resources for local teachers who have recently been tutored in the Drumbeat Program, to enable them to deliver the program on an ongoing basis to the school community.</p>	\$2890	<p>Consider this as a pilot program.</p> <p>Drumbeat is run in a number of local primary schools in Port Stephens. The idea of creating opportunity for Shoal Bay Public School to also offer Drumbeat on an ongoing basis is exciting. Chance to link with local drumming group based at One Mile.</p> <p>Tomaree Neighbourhood Centre is also currently developing a community based drumming program for same age group.</p>	Yes fully fund \$2890

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019  
SUMMARY REPORT.**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
			They are seeking a Community Grant from Council. Explore possible links.	
17	<p><b>Tilligerry Art Group; Tilligerry Art Escape Workshops</b></p> <p>Experienced local artists and artisans to conduct a variety of subsidised workshops (6 in total) at the TAG Gallery over a 5 week period. Will be a fitting finale and celebration of regular monthly workshop program implemented in February 2018. Finished works to be included as part of art show that coincides with the Tilligerry Festival. Will promote to 'new audiences' and regulars to participate.</p>	\$2900	On the whole well received and liked the idea of giving locals the chance to develop their skills. Could be promoted beyond the Tilligerry.	Yes fully fund \$2900
18	<p><b>Tilligerry Art Group; A learning experience not to be missed.</b></p> <p>Weekend workshop to be run by an established, highly esteemed artist with aim to build networks between local artists and wider arts community of the Hunter while at same time raising the profile of TAG.</p>	\$3000	Advertising costs very high. Given the proposed workshop involves an 'esteemed artist' should be able to get a story in Examiner and save on advertising expenses.	Part fund \$2000

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019  
SUMMARY REPORT.**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
19	<p><b>Tilligerry adult Community Education; Port Stephens Literature Awards 2018</b></p> <p>Prize money (1<sup>st</sup> prize) for the winning entry of the Port Stephens Literature Awards. The Awards attract writers from across Australia, many of them regulars, and also offers locals a chance to be part of this special event that has run for a number of years. Involves a team of local volunteers who read and judge the works.</p>	\$500	<p>Long standing event. Possible to get local writers who enter the competition (entries close late Sept) to be showcased at the Story Tellers Markets in late October.</p>	<p>Yes fully fund \$500</p>
20	<p><b>Tilligerry Community Association (for John Head); Collaboration Portrait Series</b></p> <p>A photographic project developed by a local photographer (John Head) over past 12 months that is focused on portraits of people who 'give so much to their community'. There is to be an exhibition in the Tilligerry community before the images are gifted to the Raymond Terrace Historical Society.</p>	\$1847	<p>Very well received project. Great way to tell local stories.</p> <p>Given the unique aspects of the portraits (all include the photographer and refer to his 'story' in a visual way) there might be a chance to have this exhibit picked up by a larger exhibition space before the works are handed over to RTHS. Certainly a first for the grant program in terms of subject matter and intended approach to creating works.</p>	<p>Yes fully fund \$1847</p>
21	<p><b>Tilligerry Community Association ; Tilligerry Festival Fun Day 2018</b></p> <p>An annual event that brings the community together to celebrate local cultural, recreational and natural assets. In 2018 there are plans to celebrate 'bikes' working in partnership with the Not For Profit group Centre 4 Hope who have recently opened a Youth Drop In Service on the peninsula. Let's get creative with bikes!</p>	\$3000	<p>A worthy project. Need to really think how we fund community events like this that occur every year.</p> <p>A lot of the funds are returned back to council to cover of use of park and additional amenities in line with how the system currently works.</p> <p>This year hoping to bring something fresh to this event drawing on the theme of 'bikes. Might just capture the imagination of locals and visitors alike. A great chance to promote</p>	<p>Yes fully fund \$3000</p>

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019 SUMMARY REPORT.**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
			pathways etc on the peninsula and encourage visitors to the peninsula for the weekend.	
22	<p><b>Toonworld; Toonworld in the Terrace (Individual)</b></p> <p>A journey of creativity and challenges designing wonderful 'cartoon heroes to defend the lands against the evil rubbish and his stickarmy'. Essentially all about getting kids creative and encouraging them to explore the power of the pencil. Plans to have an exhibition of works</p>	\$3000	<p>On the whole well received. Looks and sounds like fun and important to get young people thinking creatively in ways that are engaging to them.</p> <p>Opportunity to link this project to Councils Waste Education program and create marketing material eg mascot to help promote waste related messages</p>	Yes fully fund \$3000
23	<p><b>Toonworld; Stop Motion Animation (Individual)</b></p> <p>Introducing participants of all ages to the world of animation and the chance to tell stories about their amazing community in very creative ways. Very focused on skills development activities and working in teams under the supervision and guidance of a local creative industries professional.</p>	\$3000	<p>On the whole well received. Something very different to what we have seen previously. Opportunity for some great inter-generational collaborations.</p> <p>Great chance to compliments the libraries current program of education programs, including IT programming. Toonworld, like the library, are a registered destination with the University of Newcastle's 'University Passbook' program. Opportunity to raise awareness of this great initiative and attract some new faces to the library – teenagers – while encouraging their learning.</p>	Yes fully fund \$3000

**ITEM 11 - ATTACHMENT 1 CULTURAL PROJECTS FUND 2018-2019 SUMMARY REPORT.**

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	SAC Recommendation
24	<p><b>Tomaree Youth Community Action Inc (TYCA); TYCA Amplified</b></p> <p>Creative arts program designed to engage local youth of Tomaree in creative pursuits that are focused on skills development and engagement with community. Will be focused this time round on DJ workshops and Urban Art.</p>	\$3000	<p>Well received program. Like the engagement of young people and linking them to their community through creative activity.</p> <p>Possibility to link activities from these workshops to larger community events eg Toyota Surf Classic in Anna Bay in November 2018.</p>	Yes fully fund \$3000
25	<p><b>King St Heritage; Step Back Into King Street 2019</b></p> <p>An annual event that really celebrates the heritage of the community of Raymond Terrace and in particular, the significance of King Street to the early developments of the town. A real community celebration that involves a high level of community partnership to make it happen.</p>	\$3000	<p>Very well supported project. Another event that is regularly funded by this program...perhaps an alternative source of funding in future?</p> <p>Following the very successful Illuminate event in Raymond Terrace, that was very successful in celebrating local community and bringing local community organisations together, it is important to recognise the potential of events like Step Back Into King Street to sustain community participation and partnerships into the future.</p>	Yes fully fund \$3000

**ITEM NO. 12**

**FILE NO: 18/117673  
EDRMS NO: PSC2014-01592**

**ABORIGINAL PROJECTS FUND 2018-2019**

REPORT OF: STEPHEN CROWE - COMMUNICATIONS SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the allocation of \$35,000 for the Aboriginal Projects Fund 2018-2019 annual grant round in accordance with the amounts and purposes prescribed below:
- a) \$5,000 for Real Futures Foundation for the Speaking In Colour and Shine program.
  - b) \$10,000 for Warlga Ngurra Women's and Children's Refuge for the fit out of their program room.
  - c) \$5,000 for the Worimi Knowledgeholders Aboriginal Corporation for further research and aboriginal liaison with Marine Parks.
  - d) \$4,000 for KU Peninsula Pre-school for cultural education in preschool and excursion to Murrook Cultural Centre.
  - e) \$4,400 for Youth Express Association Incorporated- Indigenous Advancement Strategy for STEAM Shack Quest workshop.
  - f) \$1,600 for Irrawang Public School for Sista Speak Dance group to participate in Hunter dance events.
  - g) \$5,000 for Karuah Public School for Aboriginal cultural garden an outdoor education space.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Chris Doohan Councillor Glen Dunkley</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>210</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council endorse the allocation of \$35,000 for the Aboriginal Projects Fund 2018-2019 annual grant round in accordance
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with the amounts and purposes prescribed below:

- a) \$5,000 for Real Futures Foundation for the Speaking In Colour and Shine program.
- b) \$10,000 for Warlga Ngurra Women's and Children's Refuge for the fit out of their program room.
- c) \$5,000 for the Worimi Knowledgeholders Aboriginal Corporation for further research and aboriginal liaison with Marine Parks.
- d) \$4,000 for KU Peninsula Pre-school for cultural education in preschool and excursion to Murrook Cultural Centre.
- e) \$4,400 for Youth Express Association Incorporated- Indigenous Advancement Strategy for STEAM Shack Quest workshop.
- f) \$1,600 for Irrawang Public School for Sista Speak Dance group to participate in Hunter dance events.
- g) \$5,000 for Karuah Public School for Aboriginal cultural garden an outdoor education space.

## **BACKGROUND**

The purpose of this report is to seek Council's endorsement for the allocation of 2018-2019 Aboriginal Projects Fund for projects as recommended by Council's 355c Aboriginal Strategic Committee.

The purpose of the Aboriginal Projects Fund is to support projects that empower the Aboriginal community in Port Stephens through the delivery of programs, events and other activities.

Applications for the 2018-2019 round of funding opened on 9 April 2018 and closed on 7 May 2018. The total amount of funding available is \$35,000. A total of ten applications were received, valued at \$61,090 as outlined in **(ATTACHMENT 1)**.

The proposed projects and programs recommended for funding through the Aboriginal Projects Fund meet the objectives of the fund, in particular through fostering strong personal identity of Aboriginal children through interactive cultural education and experiences at schools and in the environment by the Worimi community. Improving the lifestyle, health and wellbeing of Aboriginal children and young people are also key project outcomes.

All past funding recipients have successfully delivered and acquitted previous projects.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Recognised traditions and lifestyles.	Recognise and support local Aboriginal and Torres Strait Islander people.

**FINANCIAL/RESOURCE IMPLICATIONS**

A total of \$35,000 is available for projects under Council's Aboriginal Projects Fund in the 2018-2019 budget. The projects recommended in this report total \$35,000.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$35,000	Sourced from the 2018-2019 general revenue allocation for Aboriginal Projects Fund.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no foreseen legal, policy or risk implications related to the adoption of the recommendations.

Recipients of funding under the Aboriginal Projects Fund shall accept full responsibility for the liability of any programs or projects funded.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are funded.	Low	Ensure appropriate processes are followed in accordance with the Aboriginal Projects Fund guidelines and conditions.	Yes

## MINUTES ORDINARY COUNCIL - 10 JULY 2018

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that some grant recipients may fail to comply with required terms of funding, reporting and acquittal processes.	Low	Through ongoing communication ensure appropriate processes are followed in accordance with the Aboriginal projects Fund guidelines and conditions.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Aboriginal Projects Fund directly supports organisations and groups involved in programs to empower the Aboriginal community. The proposed projects aim to achieve this through the facilitation of:

- Aboriginal cultural education and awareness accessible to people from a range of social, economic and cultural backgrounds.
- Programs aimed to improve literacy, education and health for vulnerable Aboriginal children and their families.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Communications Section with the aim of promoting the funding opportunity and explaining the guidelines and objectives of the Aboriginal Projects Fund.

#### Internal

Internal meetings with Council staff responsible for the administration of the financial assistance programs were held to plan and deliver the 2018 launch of Council's Financial Assistance Grant programs.

#### External

- The Communications Team promoted the launch event widely through social media, Council's web site and notices appeared in Council pages in the Port Stephens Examiner.
- The 2018 launch event was held at Council on Monday 9 April 2018 with the general public invited and approximately 50 people attended.
- Grant programs promoted at Community Strategic Plan community consultations at Medowie, Tilligerry, Anna Bay and Nelson Bay (throughout April 2018) and at the Community Interagency forum on Tuesday 10 April 2018.
- Council's 355c Aboriginal Strategic Committee presentation and assessment meeting was held on 28 May 2018. The Aboriginal Projects Fund applicants presented their proposals to the Aboriginal Strategic Committee, consisting on the

## **MINUTES ORDINARY COUNCIL - 10 JULY 2018**

day of the Mayor, the General Manager (part day), two representatives from Worimi LALC, one representative from Karuah LALC, Group Manager Development Services, Section Manager Community Services with support from Council's Community Development and Engagement Officer.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Aboriginal Projects Fund 2018-2019 Summary Report.

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

**ITEM 12 - ATTACHMENT 1 ABORIGINAL PROJECTS FUND 2018-2019 SUMMARY REPORT.**

**Aboriginal Projects Fund 2018-2019 Summary Report**

<b>No</b>	<b>Applicant name and project title</b>	<b>Amount Requested</b>	<b>Comments from Aboriginal Strategic Committee</b>	<b>Assessment Panel Recommendation</b>
1	Real Futures  <i>Connect, Confidence and Courage and Life Purpose for Girls</i> (Speaking In Colour & Shine Program for girls)	\$9,500	Ensure contact with Worimi Local Aboriginal Land Council to improve involvement of local Worimi people in the program.  115 Aboriginal students (30% school population) Karuah Public School is very proactive in implementing cultural education, which will be enhanced by an outdoor cultural space for learning.	Part Fund \$5,000
2	Warlga Ngurra  <i>Koori Families Hub</i>	\$10,000	Safe nurturing and functional venue for Aboriginal children 0-17 and their families to provide life skills, education through homework and cooking groups, group programs and mentoring.	Fund \$10,000
3	Rural and Remote Mental Health  Deadly Thinking Train the Trainer	\$6,895	No prior consultation with local community regarding the need or the way in which the program would be facilitated appropriately to the local community.	Not funded
4	Karuah Rowing Club  <i>Rowing Training</i>	\$10,000	Interest in the sport of rowing not locally identified as something that the local community has an interest for participation.	Not funded
5	Worimi Knowledgeholders Aboriginal Corporation  <i>Worimi knowledge gathered and passed on to future generations</i>	\$5,000	Extremely important work to continue between Worimi Knowledgeholders and Marine Parks for aboriginal liaison.	Fund \$5,000
6	Raymond Terrace Magpies &	\$7,000	Celebration event to encourage Aboriginal	Not funded

**ITEM 12 - ATTACHMENT 1 ABORIGINAL PROJECTS FUND 2018-2019  
SUMMARY REPORT.**

<b>No</b>	<b>Applicant name and project title</b>	<b>Amount Requested</b>	<b>Comments from Aboriginal Strategic Committee</b>	<b>Assessment Panel Recommendation</b>
	Ravens RLFC  <i>Magpies &amp; Ravens Team Tag event</i>		women to get involved in RLFC. Details of event not clearly identified with the outcomes being a low priority at this stage.	
7	KU Peninsula Pre-school  <i>Engage in Aboriginal culture in an early childhood setting</i>	\$2,860	Opportunities for young children, families and educators to learn from local Aboriginal people. High priority for reconciliation and increased funding for excursion/s to Murrook Cultural Centre.	\$4,000
8	Youth Express Association-Indigenous Advancement Strategy  <i>Youth Express STEAM Shack Quest</i>	\$4,335	Enhance science, technology arts/design and maths opportunities, participation and literacy. Outreach workshop at Karuah.	\$4,400
9	Irrawang Public School  <i>Sista Speak Dance</i>	\$500.00	Sista Speak Dance Group to perform in the Hunter Schools Dance and other community events.	Fund \$1,600
10	Karuah Public School  <i>Aboriginal Cultural Garden &amp; Outdoor Learning Space</i>	\$5,000	115 Aboriginal students (30% school population) Karuah Public School is very proactive in implementing cultural education, which will be enhanced by an outdoor cultural space for learning.	Fund \$5,000

**ITEM NO. 13**

**FILE NO: 18/119334  
EDRMS NO: PSC2016-00919**

**ENVIRONMENTAL PROJECTS FUND 2018-2019**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the allocation of \$10,000 for the project applications under the 2018-2019 Environmental Projects Fund – 355c Committee annual grant round in accordance with the amounts and purposes below:
    - a. \$2,000 to Lemon Tree Passage Parks, Reserves and Landcare Group to protect littoral rainforest in Gibber Point Reserve Lemon Tree Passage.
    - b. \$2,000 to Mambo-Wanda Wetlands Reserves & Landcare Committee for Mambo Wanda Wetlands Educational Signage.
    - c. \$2,000 to Tilligerry Landcare Group for 2019 National Tree Day planting at Tilligerry Koala Forest.
    - d. \$2,000 to Tilligerry Landcare Group for the planting of Tilligerry Wildlife Corridor at Gula Park and the foreshore salt marsh.
    - e. \$2,000 to Soldiers Point Salamander Bay Reserves & Landcare for the revegetation of Wanda Wanda Head opposite 46 Randall Drive.
  - 2) Endorse the allocation of \$3,640 for the project applications under the 2018-2019 Environmental Projects Fund – Schools annual grant round in accordance with the amounts and purposes below:
    - a. \$500 to Iona Public School for a sensory garden.
    - b. \$400 to Irrawang Public School Preschool for the implementation of a school orchard.
    - c. \$740 to Medowie Christian School for their “Mushrooms for waste” project.
    - d. \$500 to Soldiers Point Public School for their frog pond upgrade and citrus garden.
    - e. \$500 to St Brigid's Parish School to build a “Secret Agent Worm Farm”.
    - f. \$500 to Tomaree Public School for the redevelopment of their school garden.
    - g. \$500 to Wallalong Preschool for their native stingless bee hive.
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan</b> <b>Councillor Ken Jordan</b></p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>211</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the allocation of \$10,000 for the project applications under the 2018-2019 Environmental Projects Fund – 355c Committee annual grant round in accordance with the amounts and purposes below:<ol style="list-style-type: none"><li>a. \$2,000 to Lemon Tree Passage Parks, Reserves and Landcare Group to protect littoral rainforest in Gibber Point Reserve Lemon Tree Passage.</li><li>b. \$2,000 to Mambo-Wanda Wetlands Reserves &amp; Landcare Committee for Mambo Wanda Wetlands Educational Signage.</li><li>c. \$2,000 to Tilligerry Landcare Group for 2019 National Tree Day planting at Tilligerry Koala Forest.</li><li>d. \$2,000 to Tilligerry Landcare Group for the planting of Tilligerry Wildlife Corridor at Gula Park and the foreshore salt marsh.</li><li>e. \$2,000 to Soldiers Point Salamander Bay Reserves &amp; Landcare for the revegetation of Wanda Wanda Head opposite 46 Randall Drive.</li></ol></li><li>2) Endorse the allocation of \$3,640 for the project applications under the 2018-2019 Environmental Projects Fund – Schools annual grant round in accordance with the amounts and purposes below:<ol style="list-style-type: none"><li>a. \$500 to Iona Public School for a sensory garden.</li><li>b. \$400 to Irrawang Public School Preschool for the implementation of a school orchard.</li><li>c. \$740 to Medowie Christian School for their “Mushrooms for waste” project.</li><li>d. \$500 to Soldiers Point Public School for their frog pond upgrade and citrus garden.</li><li>e. \$500 to St Brigid's Parish School to build a “Secret Agent</li></ol></li></ol>
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## MINUTES ORDINARY COUNCIL - 10 JULY 2018

	<p>Worm Farm”.</p> <p>f. \$500 to Tomaree Public School for the redevelopment of their school garden.</p> <p>g. \$500 to Wallalong Preschool for their native stingless bee hive.</p>
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### BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of funds for applications under the 2018-2019 Environmental Projects Fund.

The Environmental Projects Fund was created in 2016 as part of the review of Council's funding program with the amalgamation of two programs known as the 'Small Environmental Grants' program and the 'Environmental Education Fund'. These programs were successfully implemented over the previous ten years.

Applications for the 2018-2019 round of funding opened on 9 April 2018 and closed on 7 May 2018. A summary of application details is provided in **(ATTACHMENT 1)**. All applications were assessed against evaluation criteria provided within the guidelines for 355c Committees and Schools.

The Environmental Projects Fund has two components:

#### 355c Committees – total funding available \$20,000

Applications were invited for funding up to the value of \$2000 per project, with each committee able to apply for up to two projects. The 355c Committee component of the Environmental Project Fund provides vital project funding to facilitate the implementation and ownership of small scale environmental projects that would otherwise not be undertaken. Eligible projects are often beyond Council's scheduled program of works yet represent significant community and environmental value. Furthermore these projects offer additional value to the community representing the priority projects of 355c Committees and often utilise voluntary labour, and therefore the funds provided by Council often represent less than the total cost of each project.

Six (6) eligible applications were received from 355c Committees totalling \$10,000. One (1) 335c Committee application was deemed by the assessment panel to have inadequately addressed the evaluation criteria outlined in the 2018 guidelines, and has not been considered for funding in this round of grants. This application was received from Anna Bay Birubi Community Hall and Landcare Group for the value of \$350 to plant a native garden with endemic edible plants opposite Anna Bay Public School in a road reserve.

The provision of funding to successful 355c applicants is subject to further project planning and delivery in accordance with Council's systems and processes.

Schools - total funding available \$4,800

Applications were sought from schools for up to \$500 per school. The school's component is established to promote and encourage student participation and awareness of environmental issues, as well as strengthening partnerships between local schools and Council.

Seven (7) applications were received from local schools totalling \$3,640. One (1) application received exceeded the individual funding limit of \$500. Medowie Christian School applied for \$740 to fund their Mushrooms from waste project. Upon reviewing this application the panel deemed the project to be of exceptional environmental nature including environmental benefit, student participation and awareness raising. In addition, the project demonstrated a high level of community benefit and involvement in the project. This project ranked the highest across all areas of the evaluation criteria, and thus the assessment panel support the approval of the application. On this occasion, we have the capacity to fund beyond the guideline limit due to both the schools, and 335c Committees falling under the allocated budget.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Ecosystem Function.	Protect and enhance the local natural environment.

**FINANCIAL/RESOURCE IMPLICATIONS**

A total of \$24,800 is available in the 2018-2019 Environmental Projects Fund; \$20,000 being for 355c committees and \$4,800 for local schools. For 2018-2019, \$13,640 worth of projects are been recommended for funding, based on applications received.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	\$13,640	Within budget of \$24,800 available.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed recommendation aligns with Council's key recommendations in the Grants, Sponsorship and Donations Review, endorsed by Council on 25 August 2015.

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

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk of adverse public perception regarding projects that are funded.	Low	Ensure appropriate processes are followed in accordance with the fund Guidelines and conditions of funding.	Yes
There is a risk that some grant recipients may fail to comply with required terms of funding.	Low	Ongoing communication with each Committee's Parks Program Officer is a grant requirement. Time extensions can be granted in the event of adverse weather conditions.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The core purpose of the Environmental Projects Fund is to support projects that demonstrate environmental benefit, and support the participation of community volunteers and school students in the delivery of these projects.

**CONSULTATION**

Direct consultation with key external stakeholders has been undertaken by the Strategy and Environment Section as part of the wider Council grant programs.

The review and assessment of applications was undertaken by a panel consisting of members from the Natural Resources unit.

Internal

As part of the assessment process Council's Community and Recreation Assets Section and Public Domain and Services Section were consulted to ensure projects were feasible, appropriate to undertake on Council land, and wouldn't adversely impact any future Council's works or programs.

External

External communications and consultation with prospective applicants were undertaken in accordance with the recently revised Council process.

Details regarding the funding program were circulated directly to committees and schools. Information was also provided on Council's website. A launch was held to coincide with the opening of the 2018-2019 funding round on 9 April 2018. Applications closed on 7 May 2018.

Numerous individual enquiries were received during the grant application process, which were answered by Natural Resources or Community and Recreation staff.

Communication, as required, will continue throughout the project period to aid implementation.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Environmental Projects Fund - Application Summary.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 10 JULY 2018**

**ITEM 13 - ATTACHMENT 1 ENVIRONMENTAL PROJECTS FUND - APPLICATION SUMMARY.**

**ATTACHMENT 1  
Environmental Projects Fund -  
Application Summary 2018-19**

Applicant:	Project Title	Short Project Description	Funding amount applied for?	Approved Funding Amount
Lemon Tree Passage Parks, Reserves and Landcare Group	Littoral rainforest protection in Gibber Point Reserve Lemon Tree Passage	To protect, extend and enhance the littoral rainforest by conducting maintenance weeding to prevent weeds re-establishing and allow natural regrowth.	\$ 2,000	\$ 2,000
Mambo-Wanda Wetlands Reserves & Landcare Committee	Mambo Wanda Wetlands Educational Signage	To design, purchase, erect and update educational signage in Joe Redman Reserve. New signage will show Koala movements through the Mambo Wanda Reserves and depict, in words and diagrams, the historical and continued Aboriginal connection to the wetlands.	\$ 2,000	\$ 2,000
Tilligerry Landcare Group	NTD planting at Tilligerry Koala Forest July 2019	An ongoing program to regrow Tilligerry Koala Forest on what was planned to be the next sports field east of Mallabula Sportsground in July 2019.	\$ 2,000	\$ 2,000
Tilligerry Landcare Group	Tilligerry Wildlife Corridor Action 1. Gula Park 2. Foreshore salt marsh	1. Replanting koala habitat in Gula Park north of Gula Pond and removing mass invasive buffalo and other weeds from bushland, 2. Replanting salt marsh in the created foreshore salt marshes. Harsh weather and long summer drought has removed most of the plantings done about 2 years ago.	\$ 2,000	\$ 2,000
Soldiers Pt Salamander Bay Reserves & Landcare	Wanda Wanda Head Revegetation opposite 46 Randall Drive	Revegetation of steep bank area opposite 44-48 Randall Drive Salamander Bay. This area suffered storm damage and subsequent vandalism to achieve water views from residences. Seek expert advice survey from PSC Environmental Officer and/or Trees in Newcastle to establish the extent of regrowth before final estimate of the number of species of replacement trees. PSC assistance with erection of surveillance signs as a deterrent to further vandalism	\$ 2,000	\$ 2,000
Anna Bay Birubi Community Hall and Landcare Group	Native garden with endemic edible plants opposite Anna Bay Public School	To construct a garden of native edible plants between the fence line and path opposite Anna Bay Public School. The garden will be used to show school children how native endemic plants were used as a traditional food source.	\$ 350	0
<b>TOTAL</b>			<b>\$ 10,350</b>	<b>\$ 10,000</b>
			<b>Funding Allocation</b>	<b>\$ 20,000</b>
Iona PS	Sensory Garden	To establish a garden that is accessible to all students, designed with the purpose of stimulating the senses. This stimulation occurs courtesy of plants and the use of material that engage one's senses of sight, smell, touch, taste and sound. The purpose of such a provision is to provide individual and combined therapeutic and educational opportunities for the user such that they may not normally experience.	\$ 500	\$ 500
Irrawang PS Pre	Irrawang Preschool Orchard	This project will focus on aiming to grow and provide fresh fruit to the children enrolled within the preschool to consume and enjoy throughout the day, and more specifically during our healthy eating designated 'fruit break'/morning tea.	\$ 400	\$ 400
Medowie CS	Mushrooms from waste	Students will obtain coffee grounds from local coffee shops within the Medowie area and use them to grow mushrooms. These mushrooms will then be used to cook with within the schools Food Technology department and will be given to our School Community. Students will run demonstration workshops for interested community members at our Spring Fair.	\$ 740	\$ 740
Soldiers Pt PS	Frog Pond upgrade and Citrus Garden	Soldiers Point P.S. project aims to encourage new species to our school frog ponds by planting new plants and add smaller ponds. Our second project aim is to plant a citrus garden, starting with limes and lemons.	\$ 500	\$ 500

**MINUTES ORDINARY COUNCIL - 10 JULY 2018**

**ITEM 13 - ATTACHMENT 1 ENVIRONMENTAL PROJECTS FUND - APPLICATION SUMMARY.**

St Brigids	Secret Agent Worm Farm	To build a worm farm from recycled materials so the students can learn about the cycle of carbon by watching worms decompose food scraps to make worm castings and worm wee that can then be used in the school garden so that liquid fertilizers do not need to be bought.	\$ 500	\$ 500
Tomaree PS	Redevelopment of school garden	Continued education for all K-6 students, that encourages and promotes sustainable living. In 2017, TPS invested the money and human resources to maintain and build upon our gardening, recycling, in-class environmental education programs and developing community involvement within these programs. In 2018, we aim to maintain and build upon these programs.	\$ 500	\$ 500
Wallalong Pre	Native Stingless Bee Hive	In 2018 we would like to expand on our existing sensory garden with the addition of a Bee Hive in our garden. Providing a home for Native Stingless Bees will help with pollination in our preschool garden but continue to educate our children about where food comes from.	\$ 500	\$ 500
<b>TOTAL</b>			<b>\$ 3,640</b>	<b>\$ 3,640</b>
			<b>Funding Allocation</b>	<b>\$ 4,800</b>
<b>GRAND TOTAL</b>			<b>\$ 13,990</b>	<b>\$ 13,640</b>
			<b>Total Funding Allocation</b>	<b>\$ 24,800</b>

**ITEM NO. 14**

**FILE NO: 18/119971  
EDRMS NO: PSC2006-0072**

**HERITAGE PROJECTS FUND 2018 - 2019**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the allocation of funding for the Heritage Projects Fund 2018 -2019 annual grant in accordance with the amounts and purposes prescribed below:
  - a. \$2,380 to Port Stephens Historical Society for the publishing of history books on Port Stephens.
  - b. \$2,000 to Hunter Barrington Congregation of the Free Presbyterian Church of Australia for the external painting of the manse.
  - c. \$2,000 to John Clarke (individual) for publishing a historical book about Fingal Island.
- 2) Place the funding of individuals (John Clarke) on Public Exhibition for a period of 28 days, and should no submissions be received, adopt the recommendations for funding without a further report to Council.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p><b>Councillor Chris Doohan Councillor Paul Le Mottee</b></p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>212</b>	<p><b>Councillor Ken Jordan Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the allocation of funding for the Heritage Projects Fund 2018 - 2019 annual grant in accordance with the amounts and purposes prescribed below:<ol style="list-style-type: none"><li>a. \$2,380 to Port Stephens Historical Society for the publishing</li></ol></li></ol>
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## MINUTES ORDINARY COUNCIL - 10 JULY 2018

	<p>of history books on Port Stephens.</p> <p>b. \$2,000 to Hunter Barrington Congregation of the Free Presbyterian Church of Australia for the external painting of the manse.</p> <p>c. \$2,000 to John Clarke (individual) for publishing a historical book about Fingal Island.</p> <p>2) Place the funding of individuals (John Clarke) on Public Exhibition for a period of 28 days, and should no submissions be received, adopt the recommendations for funding without a further report to Council.</p>
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### BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of grants from the Heritage Projects Fund to projects recommended by Council's Section 355c Heritage Advisory Committee (the Committee) (**ATTACHMENT 1**).

Each year Council provides small grants to assist heritage projects through the Heritage Projects Fund (the Fund). Council administers this fund with support from the Office of Environment and Heritage, NSW Heritage Division.

Council has allocated \$6,000 to the Fund, and the NSW Heritage Division has awarded Council a \$6,000 grant to contribute to the Fund. Accordingly there is up to \$12,000 available annually as part of this program.

Applications for grants opened on 9 April 2018 and closed on 7 May 2018.

Four applications were received. Council's heritage consultant and the Committee reviewed and assessed the applications, with one application not supported. All other applications have been recommended for funding as outlined in (**ATTACHMENT 1**).

The application that was not supported was from the Tilligerry Community Association in relation to a production of a video of Tanilba House. This application was not supported as this is a private property and the application did not include the owner's consent. The applicants were contacted, but were unable to provide landowner's consent.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Recognised traditions and lifestyles.	Recognise and support the heritage of Port Stephens.

### FINANCIAL/RESOURCE IMPLICATIONS

Funding of up to \$12,000 is available under the Fund allocation in the 2018 – 2019 financial year.

The grant applications received were under budget and the Committee has made a recommendation to allocate the balance of funds towards minor beautification works to local heritage buildings in the LGA subject to funding and program timing as recommended by the Committee. This could include funding minor projects in King Street, Raymond Terrace (a local heritage conservation area) and would align with place activation activities in Raymond Terrace and the King Street Heritage Festival.

The expenditure of remaining funds will be subject to further Council approval following consultation with the Office of Environment and Heritage, NSW Heritage Division on the terms of the grant funding and Council's Section 355c Heritage Advisory Committee.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$6,000	Sourced from the 2018–2019 allocation for Heritage Projects Fund.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	Yes	\$6,000	NSW Heritage Office has approved the grant to Port Stephens Council to contribute to the Heritage Projects Fund.
Other	No		

## **LEGAL, POLICY AND RISK IMPLICATIONS**

The proposed recommendation has been provided in accordance with *Local Government Act 1993* (NSW) (s356) and aligns with the guidelines and criteria for the Heritage Project Fund (see below). The recommendations are also consistent with Council's adopted Grants and Donations Policy.

### Heritage Projects Fund Guidelines

Under the Heritage Projects Fund Guidelines (the Guidelines), grants of around \$2,000 are available towards heritage projects that would have a total value of around \$4,000. The recommendations meet this criteria.

On 30 May 2017, Council received grant funding from the NSW Heritage Office of up to \$6,000 per annum for the financial years ended 2017–2018 and 2018–2019 to contribute to the fund.

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

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The funding directly supports heritage conservation work on heritage buildings, and other projects that recognise heritage values in our Local Government Area. The fund is intended to provide seed funding to community and other projects and promote greater community interest in the preservation and conservation of local heritage as a cultural community asset.

Whilst the grants will provide seed funding, applicants will be required to fund the balance of the project costs. The estimated total cost of all the projects proposed to be funded is \$26,710. This is a significant contribution from the community and local asset owners allowing works to be done which may have otherwise not been achieved if not for the funding.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Communications Section. The funding opportunity was promoted widely, including at a joint launch of Council's grant programs.

#### Internal

The following internal consultation has taken place:

- Review of each application by Council's heritage consultant.
- Review and assessment of forwarded applications at a meeting of the Committee.

A summary of the recommendations from the Committee meeting is provided in **(ATTACHMENT 1)**.

External

The following external consultation has taken place:

- Advertisements in the Port Stephens Examiner, Council's website and social media.
- A public funding launch and information session on 9 April 2018.
- One on one consultation with potential applicants.
- Communication will continue throughout the project period to aid implementation.
- All individual applications will be advertised for 28 days.

Further consultations will be undertaken with the Office of Environment and Heritage, NSW Heritage Division on the terms of the grant funding and Council's Section 355c Heritage Advisory Committee in relation to the expenditure of remaining funds.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Heritage Projects Fund - Summary of Recommendations.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 14 - ATTACHMENT 1 HERITAGE PROJECTS FUND - SUMMARY OF RECOMMENDATIONS.**

**Local Heritage Place Fund 2018-19: Recommendations Summary**

<b>Heritage Item/ conservation area</b>	<b>Project Summary</b>	<b>Total Cost of Project</b>	<b>Amount Requested</b>	<b>Amount Recommended by Heritage Committee</b>	<b>Comments</b>
Port Stephens Historical Society	Publishing small history books on Port Stephens	\$2380 plus voluntary hours equivalent	\$2380	\$2380	<b>Recommended for approval</b> with content information to be provided to the heritage committee for approval prior to printing
Tilligerry Community Association	Video of Tanilba House	\$900 with additional voluntary hours	\$900	Nil	<b>NOT Recommended for approval</b> This is a private property and the funding agreement requires concurrence with the owner. The applicant has not provided evidence of this endorsement
Hunter Barrington Congregation of the Free Presbyterian Church of Australia	External Painting of Manse	\$8,000	\$2,000	\$2000	<b>Recommended for approval</b>
John Clarke	Book publishing: The history of the Outer Light on Fingal Island: The Outer Light" the fourth in a chain of history books	\$21,810	\$2000	\$2000	<b>Recommended for approval</b>
<b>Total</b>		<b>\$33,090</b>	<b>\$7,280</b>	<b>\$6,380</b>	

**ITEM NO. 15**

**FILE NO: 18/121073  
EDRMS NO: PSC2018-00172**

**COMMUNITY PROJECTS FUND 2018-2019**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the provision of financial assistance from applications received from the Community Projects Fund under Section 356 of the *Local Government Act 1993* from Ward Funds, as detailed below:

**EAST WARD**

- a. Music and Moves Playgroup (Baylife Church) – contribution towards the purchase of shade sails over children's outdoor playground - \$1,000;
- b. Nelson Bay Croquet Club – contribution towards State pennants uniforms - \$480;
- c. Port Stephens Community Arts Centre Trust– contribution towards a community street art project - \$2,000;
- d. Port Stephens Historical Society Inc. – contribution towards the purchase of a scanner/copier - \$2,000;
- e. Probus Club of Port Stephens Inc (Club No.53660) – contribution towards the upgrade of a laptop - \$1,200;
- f. Spark CoWork – contribution towards the Port Stephens Community Connect project - \$1,000;
- g. Tomaree Neighbourhood Centre – contribution towards a 10 week course to assist primary school children with low self-esteem- \$1,000;
- h. Hunter Region Botanic Gardens Ltd – contribution towards botanic digital and financial literacy - \$500;

**CENTRAL WARD**

- i. C3 Spectrum – contribution towards upgrading the Spectrum Youth Base - \$1,000;
- j. Medowie and Districts Little Athletic Inc. – contribution to improve the play area at Kindlebark Oval, Medowie both from a visual and practical perspective - \$2,000;
- k. Medowie Assembly of God Inc. – contribution towards the Food Way program - \$2,000;
- l. 1<sup>st</sup> Tilligerry Scout Group – contribution towards tree removal for safety reasons - \$1,450;
- m. Tanilba Bay District Senior Citizens and Pensioners Association – contribution towards the replacement of tables and chairs - \$2,000;
- n. Port Stephens Church of Christ – contribution towards community

## MINUTES ORDINARY COUNCIL - 10 JULY 2018

meals program - \$950;

- o. Hunter Region Botanic Gardens Ltd – contribution towards botanic digital and financial literacy - \$500;

### WEST WARD

- p. Fern Bay Fullerton Cove Progress Association Inc. – contribution towards operating and printing costs - \$500;
- q. Hunter Region Botanic Gardens Ltd – contribution towards botanic digital and financial literacy - \$1,000;
- r. Hunter Region Botanic Gardens Ltd – contribution towards a sustainable H2O to the Succulent Garden - \$2,000;
- s. Endeavour Foundation – contribution towards the purchase of new computer tablets - \$1,000;
- t. Raymond Terrace Magpies & Ravens Rugby League Football Club – contribution towards sound equipment - \$2,000;
- u. Rotary Club of Williamtown Inc. – contribution towards the Rotary Medowie Community Carols - \$2,000;
- v. Seaham Park and Wetlands Committee 355C – contribution towards shelter over picnic table in Seaham Park - \$2,000; and
- w. Karuah and District Tennis Club – contribution towards replace of two tennis nets - \$550.

### ORDINARY COUNCIL MEETING - 10 JULY 2018 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p><b>Councillor Chris Doohan</b> <b>Councillor Ken Jordan</b></p> <p>That the recommendation be adopted.</p>
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### ORDINARY COUNCIL MEETING - 10 JULY 2018 MOTION

213	<p><b>Councillor Ken Jordan</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council endorse the provision of financial assistance from applications received from the Community Projects Fund under Section 356 of the <i>Local Government Act 1993</i> from Ward Funds, as detailed below:</p> <p><b>EAST WARD</b></p> <ul style="list-style-type: none"><li>a. Music and Moves Playgroup (Baylife Church) – contribution towards the purchase of shade sails over children's outdoor playground - \$1,000;</li></ul>
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- b. Nelson Bay Croquet Club – contribution towards State pennants uniforms - \$480;
- c. Port Stephens Community Arts Centre Trust– contribution towards a community street art project - \$2,000;
- d. Port Stephens Historical Society Inc. – contribution towards the purchase of a scanner/copier - \$2,000;
- e. Probus Club of Port Stephens Inc (Club No.53660) – contribution towards the upgrade of a laptop - \$1,200;
- f. Spark CoWork – contribution towards the Port Stephens Community Connect project - \$1,000;
- g. Tomaree Neighbourhood Centre – contribution towards a 10 week course to assist primary school children with low self-esteem- \$1,000;
- h. Hunter Region Botanic Gardens Ltd – contribution towards botanic digital and financial literacy - \$500;

**CENTRAL WARD**

- i. C3 Spectrum – contribution towards upgrading the Spectrum Youth Base - \$1,000;
- j. Medowie and Districts Little Athletic Inc. – contribution to improve the play area at Kindlebark Oval, Medowie both from a visual and practical perspective - \$2,000;
- k. Medowie Assembly of God Inc. – contribution towards the Food Way program - \$2,000;
- l. 1<sup>st</sup> Tilligerry Scout Group – contribution towards tree removal for safety reasons - \$1,450;
- m. Tanilba Bay District Senior Citizens and Pensioners Association – contribution towards the replacement of tables and chairs - \$2,000;
- n. Port Stephens Church of Christ – contribution towards community meals program - \$950;
- o. Hunter Region Botanic Gardens Ltd – contribution towards botanic digital and financial literacy - \$500;

**WEST WARD**

- p. Fern Bay Fullerton Cove Progress Association Inc. – contribution towards operating and printing costs - \$500;
- q. Hunter Region Botanic Gardens Ltd – contribution towards botanic digital and financial literacy - \$1,000;
- r. Hunter Region Botanic Gardens Ltd – contribution towards a sustainable H2O to the Succulent Garden - \$2,000;
- s. Endeavour Foundation – contribution towards the purchase of new computer tablets - \$1,000;
- t. Raymond Terrace Magpies & Ravens Rugby League Football Club – contribution towards sound equipment - \$2,000;

## MINUTES ORDINARY COUNCIL - 10 JULY 2018

	<ul style="list-style-type: none"> <li>u. Rotary Club of Williamstown Inc. – contribution towards the Rotary Medowie Community Carols - \$2,000;</li> <li>v. Seaham Park and Wetlands Committee 355C – contribution towards shelter over picnic table in Seaham Park - \$2,000; and</li> <li>w. Karuah and District Tennis Club – contribution towards replace of two tennis nets - \$550.</li> </ul>
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### BACKGROUND

The purpose of this report is to provide the recommendations of the Community Projects Fund Panel to Council for determination.

Council called for Community Grant applications from 9 April 2018 to 7 May 2018. All applications received are shown at **(ATTACHMENT 1)**. A total of 27 applications were received (22 applications in 2017). A further application was received under the Community Capacity Building Fund and the Mayoral Fund.

The total value of the applications received is:

East Ward	\$ 21,680 – shown in blue in the attachment
Central Ward	\$ 10,400 – shown in yellow in the attachment
West Ward	<u>\$ 14,250</u> – shown in green in the attachment
	\$ 46,330
Mayoral Fund	\$ 3,000
Community Capacity Building	<u>\$ 1,195</u>
	\$ 50,525

The assessment panel comprising Councillors Abbott, Doohan, Jordan and the Mayor and General Manager assessed the applications in accordance with the policy and guidelines.

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 Community Strategic Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

### COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community partnerships.	Support financially creative and active communities.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council Ward funds are the funding source for all financial assistance. Council has made provision of \$36,000 per year. These applications are limited to \$2,000 per grant. Community Capacity Building Funds are available subject to the balance available from Ward funds.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (S7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK 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.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may be liable for capital projects on land other than community land should Council provide funding for such works.	Low	Council's current policy restricts such provision of funding.	Yes
There is a risk that Council will not comply with Section 356 of the <i>Local Government Act 1993</i> .	Low	Council's current policy provides specific requirements for compliance.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The provision of the Community Projects Funds allows organisations and groups to build relationships and provide events to the local community whilst further developing the cultural, social and economic aspects of the local government area.

## **CONSULTATION**

Consultation with key stakeholders was undertaken to promote the funding opportunity and past previously funded successful projects. The guidelines and objectives of the Community Projects Fund were also promoted widely and in person at the joint Launch of Council's grant programs.

### External

- Advertisements in the Port Stephens Examiner, Council's website, and social media.
- A public funding Launch and Expo held on 9 April 2018.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) 2018-2019 Community Projects Fund.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 15 - ATTACHMENT 1 2018-2019 COMMUNITY PROJECTS FUND.**

**Community Projects Fund - Summary 2018**

No. & Page	Organisation/committee or individual/s name	Project name/title	Short description (50 words maximum) (This will be used to describe your project in public documents.)	Detailed description of project (No more than 150 words)	What is the total cost of the project (exclusive of GST)?	What is the total amount of your funding requested from this grant program (exclusive of GST)?
1 page 1	Artisan Collective Port Stephens	Artisan Collective Port Stephens Website	Artisan Collective Port Stephens will use the grant to develop a web page, providing a presence that would not solely rely on a physical shop front. The web page will be used to generate sales and to promote us via social media providing a virtual outlet for the business when physical premises are not available. A website will cement us as a serious business in the minds of our community and beyond. A local web designer will help develop the site.	A Project Plan outlining the Vision, Drivers for the Website, Success Criteria, Risks, Roles in designing and maintaining the website as well as the Website Content are in place. We will require the services of a Web Designer, A Laptop Computer including web software, Purchase of a Domain Name, Subscription to Domain host.	\$1800	\$2,000
2 page 6	Music and Moves Playgroup	Shade Sails over Children's Outdoor Payground	Supply of Shade Sails and poles/hardware, to be erected over a large area of Children's outdoor Playground equipment. Volunteer labour to be provided to install the sails.	The outdoor playground area is used by over 50 young families every Friday during our Music & Moves Playgroup. At present it is under utilized due to there being no protection from the harsh sun all year round. This puts the young children at risk of excessive UV exposure which can lead to sun cancer in the future. Shade sails will offer sun protection whilst the children play.	\$2,460	\$2,000
3 page 11	Nelson Bay Croquet Club Incorporated	Nelson Bay Croquet Club - State Pennants Uniforms	Nelson Bay Croquet Club will play in the Croquet NSW State Pennants for the first time in 2018. The grant will be used to provide uniforms for the State Pennant teams in the 2019 competition to be played March-June 2019.	Nelson Bay Croquet Club was established in 1996 and, although the Club has previously participated in Regional Pennant competitions, we have never entered the Croquet NSW State Pennants until 2018. We are fielding teams in Division 2 and Division 3 and intend to participate annually in this competition. State Pennants teams comprise 4 players and each match against another club consists of two team members in a doubles match and the other two team members in singles matches. Each team comprises a squad of 8 players. The grant will be used to provide uniforms for the State Pennant teams in the 2019 competition to be played March-June 2019: 16 shirts, including embroidered club logo, @ \$30 each, total \$480	\$1000	\$480

**Community Projects Fund - Summary 2018**

<p>4 page 16</p>	<p>Committee on behalf of Wellness Centre, Port Stephens Mark and Cherrie McDougall - Owners / Managers Rebecca Morley - Business Development Consultant Saffron Quantrell - Marketing Consultant 16 x Wellness Practitioners - <a href="http://www.wellnesscentreportstephens.com.au/meet-">http://www.wellnesscentreportstephens.com.au/meet-</a></p>	<p>The S.T.A.R Program - Port Stephens</p>	<p>The S.T.A.R Program has been designed by the Wellness Centre, Port Stephens to empower and teach children - Self confidence, Teamwork, Acceptance and Resilience! The program aims to provide a facilitated one day workshop for all Year 5 and Year 6 students across all Port Stephens schools with the aim to encourage healthy, confident, positive Port Stephens kids!</p>	<p>Organisation defined health as a state of mental and social well-being. Today, more and more schools worldwide are integrating social-emotional learning into their curriculum, teaching skills such as self-awareness, empathy and active listening. In children specifically, social emotional learning has been found to: • mitigate the effects of bullying • enhance focus in children with ADHD • reduce attention problems • improve mental health and wellbeing • improve social skills when well taught and practiced in children and adolescents. The STAR program has been specifically developed for Port Stephens children in mind. The program focuses on the</p>	<p>\$14,800</p>	<p>\$2000</p>
<p>5 page 24</p>	<p>Port Stephens Community Arts Centre Trust</p>	<p>Community Street Art Project</p>	<p>Port Stephens Community Arts Centre "Community Street Art Project" will support Port Stephens Council in their Public Artworks Strategy. This Grant will enable our Artists to create a Mural on the toilet block at the entrance to the drive way on Cultural Close that will create an artistic talking point bringing a dull building to life.</p>	<p>A Project Plan outlining the vision, of the mural, success criteria, risks, roles in designing and maintaining the artwork as well as a competition to decide on the art work to be created are in place. We will require the services of a graphic designer, weather resistant outdoor wall panels and weather resistant paint suitable for outdoor use that has a guarantee to last at least ten years.</p>	<p>\$1800</p>	<p>\$2,000</p>
<p>6 page 29</p>	<p>PORT STEPHENS HISTORICAL SOCIETY INC</p>	<p>Partial funding for the purchase of a Konica/Minolta Scanner-Copying Machine, equivalent to \$2,000.</p>	<p>The Society, on the recommendation arising from a GLAM (Galleries, Libraries, Archives and Museums) Workshop in April 2018, intends to digitise its 50-year old hard-copy records file to provide a permanent electronic media collection of Port Stephens historical data. After using the Scanner, the digitised records will be notated with key words and data to permit later public access of the records at a proposed new Museum location in Nelson Bay.</p>	<p>On the assumption the entire funding will be available, the new machine will enable a permanent but accessible set of Port Stephens history records to be made available for residents and visitors. Similarly, records could be accessed by other Museums and similar organisations. The current files are up to 50 years old and consist of hand-written typed copy with little or no protection against deterioration by age or physical use or attack by other mishaps.Space is limited and will be even moreso in the new location. In an electronic form, access could then be personal by anyone using a computer terminal. Furthermore, the new data organisation will enable Members and other senior citizens to play a role in the new Museum operation to serve any public enquiry.</p>	<p>\$5,500</p>	<p>\$2,000</p>

**Community Projects Fund - Summary 2018**

7 page34	Port Stephens Outrigger Canoe Club	Race Shirts Revitalised	The design and development of new race uniforms for the Port Stephens Outrigger Canoe Club that are suitable, fit-for-purpose, meeting safety and other requirements of the sporting code; as well as being easily identifiable as belonging to the Port Stephens region.	The provision of new uniforms to replace our current shirts that have been in use for the past four years will add to the pride in our sport and the region which we represent. It is our intention to invest in sun-smart uniforms that are specifically designed for paddling with a design that unequivocally represents Port Stephens. PSOCC is a growing club that has successfully hosted the State Titles for the past three years. We have a positive reputation amongst the outrigger community and some very competitive crews who are winning medals. We will be competing in the National titles in May, and Internationally at Norfolk Island and Tahiti next year. We are also unique in that we include social club membership that allows community members to join and use our equipment on the waterway without the rigor and training involved in ocean racing. There is the opportunity for support and participation for any interested parties, as well as the opportunity to extend or progress to racing competitively. We plan to design artwork on the shirt that is unique and recognisable as from Port Stephens.	\$4,000	\$2,000
8 page 39	PROBUS CLUB of PORT STEPHENS Incorporated. CLUB No 53660 - District 9670	Upgrade Laptop	The Probus Club of Port Stephens Inc. is a social club and a not for profit organisation under Probus South Pacific Limited which has statutory requirements for electronic member records. The clubs current laptop is 8 years old and needs to be replaced. All costs for the running of the club are funded by our members who are mostly living off limited fixed retirement incomes.	Replace outdated Toshiba Laptop, upgrade Microsoft Office software including MS Access. The club uses the laptop for the following. 1. MS Access Database to record membership details. 2. Management of our Website <a href="https://www.probusclubofportstephens.org/">https://www.probusclubofportstephens.org/</a> 3. Statutory reporting 4. Storage of clubs photographic history over the last 35 years. 5. Monthly meetings for Guest Speaker presentations to display on the Screen.	\$1,080.00	\$1200.00

Community Projects Fund - Summary 2018

9 page 44	Port Stephens Women's Crisis and Support Group Inc	Upgrade of water supply to community owned housing providing supported accommodation to mature aged women recovering from domestic violence or other personal trauma.	Three additional single bedroom accommodation units are being constructed on crown land by community funding. Hunter Water requires owners to provide adequate water supply from their mains to each dwelling requiring an increase in size of the delivery line and a new water meter at the boundary of the property.	PSWCS manages a site in Nelson Bay providing interim supported housing for women affected by domestic violence. The current 3 dwellings on the site are being augmented by another 3 to make more effective use of the site. To satisfy the conditions of the Construction Certificate an increase is required in the water supply line from Hunter Water's main line to adequately cater for the increased water usage on the site. This requires an upgrade from 25 to 40cm of the delivery line beneath the road from Hunter Water's main on the opposite side of Trafalgar Street as well as a new water meter to be installed on the boundary of the property. The work must be carried out by a registered plumber and comply with the full requirements of the local regularity authority AS 3500 and the plumbing and building codes of Australia.	\$6,573	\$2,000
10 page 50	Spark CoWork	Port Stephens Community Connect	Spark CoWork provides the opportunity for not for profits and charities in Port Stephens to meet and connect in a comfortable, professional environment. This project, called "Port Stephens Community Connect" aims to provide free use of meeting room, dedicated hot desk and office equipment, such as computer for these groups to use at their leisure.	"Port Stephens Community Connect" is a project initiated by Spark CoWork; a new business that has been created to provide business services to our community of Port Stephens. We assist with provision of business facilities, predominantly to small businesses including communal coworking space, meeting rooms and training spaces as well as support services such as fast speed internet, training programs, photocopying, printing, video conferencing and regular provision of one-on-one business advisory service through Business Centre. This application has been developed to allow charities and not-for-profits access to these facilities and services free of charge. Spark is happy to provide meeting room availability for regular meetings for these groups at our expense, whilst we would like council's grant funding to subsidise the use of "Port Stephens Community Connect" hot desk that would be furnished with computer, Microsoft Office suite of programs and security. This hot desk and computer could be available for secretary (or others within the group) to use to send minutes, respond to emails and general business in a more professional and comfortable working environment.	\$21,193	\$2000

Community Projects Fund - Summary 2018

11 page 57	Tomaree Neighbourhood Centre	Confidence Building Through African Drumming Therapy	The project will be aimed at primary school children who have been identified as being at risk of low self esteem and having low confidence. It will be a 10 week course, one hour per week. It will run after school, with a coordinator present at all times.	The program is aimed at children at risk of low self esteem, depression, anxiety, defiant behaviour, learning disabilities and attention deficit disorder. The program has proven benefits and is an excellent way for children to learn self awareness, listening skills, coordination, cooperation and patience. The program is valuable to children in our community who are at risk, to help them channel their intense emotion and teaches children how to deal with strong feeling and impulses, that could otherwise be destructive. Some other benefits are respect and cooperation, social inclusion and team work. The program will be run after school for one hour per week for ten weeks. The program will be delivered by an African drumming teacher trained to work with children from the target group. A coordinator will be present at all sessions. All children will be provided with their own drumming equipment.	\$3050.00	\$2000.00
12 page 62	C3 Spectrum Church	Spectrum Youth Base Reno.	Upgrade of Spectrum Youth Base including additional exterior flood lighting, sealing, fresh paint, colourful wall mural and new seating so our Youth workers can continue to provide on going programs and support to young people and 'at risk' youth in a comfortable and age appropriate aesthetically pleasing environment.	Additional Outdoor Flood Lighting Sealing of doors, walls and ceiling. Colourful all Mural Painting Seating	Approx \$2000	\$2000
13 page 67	Medowie & Districts Little Athletics Centre Inc	Kids @ Play @ Kindelbark	The project will see the visual and practical improvement of the play area at Kindelbark Oval, Medowie.	Four sandstone blocks will be installed around the playground area for seating and will tie in aesthetically with the existing sandstone block tiered spectator area. Further, four semi-mature trees will be planted to provide future shade for both the seating area and playground equipment. Finally, the turf area will be improved with top dressing and/or fertiliser.	2000	2000

**Community Projects Fund - Summary 2018**

14 page 72	Medowie Assembly of God Inc - Food Way	Food Way	Food Way cares for the practical needs of the people of Port Stephens who find themselves in financial difficulty or have fallen on tough times. We do this by offering food parcels, hot meals, clothing and emergency relief.	We are a Church based organisation. Our motto has been for many years, "God cares and so do we." We believe this is not just our job but our vocation. With this in mind we aim to meet this vocation by showing the practical love of Jesus Christ. What good is faith when people need food and clothes? We aim to show our faith practically as we offer food parcels, hot meals, clothing and emergency relief to those who find themselves in need in our community; irrespective of their background or how they have found themselves in need. In meeting our aim, we look to see people come to a place of good well being once more. Each year we only find the need for such care increasing as we live in a world that has no hope. This means there are many more children and people who struggle from day to day just to put food on the table. This project has been going for over 9 years now and our aim and conviction is still the same, and we continue to work at it with the hope of seeing it fulfilled.	As an ongoing project it does not have a capped cost but for a 3 month period, the cost of running this project is approximately \$6000	\$2000
15 page 77	Bobs Farm Public school	Bobs Farm Digital Storywriter's camp.	Using the expertise of a renowned children's author ( Yvonne Poshoglian) students and parents will be involved in creating and publishing an online digital story of Bobs Farm during a writer's camp in the school grounds for the school's Centenary Celebration in September 2018.	The culmination of a series of School Centenary projects will take place in September 2018. The school history book will be published and available for sale, the on-line weebly will continue to have stories and information on Bobs Farm uploaded, a bush band has been booked for a reunion event and a Centenary paved path within the school will be finalised in September. In the Centenary week, we wish to organise a professional author camp with the students and their parents to write and complete a professional standard digital story which will be published. This will be a two day event with the author staying overnight after the student creative writing event and gathering further information on the actual centenary reunion, which we will use to upload onto our bobsfarmhistorytour.weebly.com as well.	\$2000	\$2000
16 page 82	1st Tilligerry Scout Group	Removal of Tree and if any funds are left after removal they will be used on camping equipment	Removal of tree from middle of Scout Hall land as it is now a safety hazard and is dropping limbs which could be live threatening as we now have overnight camps for up to 50 children	An application for a permit to remove tree will be submitted to council. Removal of tree and to stump grind tree stump and lateral root systems	\$1450	\$1450

**Community Projects Fund - Summary 2018**

17 page 87	Tanilba Bay & District Senior Citizens & Pensioners Assoc Inc	Replacement of very ancient tables and chairs	Tanilba Bay Senior Citizens are seeking this grant to enable us to purchase new tables and chairs, which are used on a regular basis. Most of them have been donated by other organisations, are very old and probably do not comply with WHS guidelines.	Tanilba Bay Senior Citizens are a diverse organisation and as such many of our activities mean we sit around tables to participate. The table and chairs have been donated by other organisations over many years and most are over 30 years old and as such are becoming very tired, or are too heavy to move around. Also most of the tables and chairs we have probably do not comply with WHS guidelines, especially for the elderly. We are seeking this grant to enable us to purchase new tables and chairs, that are more comfortable, WHS compliant and also enhance the 'new look' after Council recently replaced the old vinyl in our hall.	\$2000.00	\$2000.00
18 page 92	Port Stephens Church of Christ	Salt Ash Friendship Centre	To provide food containers and other supplies used by volunteers to provide meals and friendship to the community, including meals on wheels.	Our church operates a Friendship Center on Thursdays staffed by volunteers. It is a place where people who are isolated or in need of friendship come together. Morning tea and a hot lunch is provided. Approximately 35 -40 meals (Main Course and dessert) are provided each week for people who are shut in because of disability or sickness. Grant money will help pay for the cost of food containers and other consumables	\$950	\$950

**Community Projects Fund - Summary 2018**

19 page 97	Fern Bay Fullerton Cove Progress Association Incorporated	The Fern Bay and Fullerton Cove Progress Association 'working together for a better community'	A dedicated group of volunteers working together to improve the infrastructure, facilities and sense of community in Fern Bay and Fullerton Cove.	Over the next year, our Progress Association is aiming to improve our ability to communicate, connect and involve are local community. We are a not-for-profit with our only source of funds being a voluntary \$5 membership fee. To date we have relied on social media for information sharing due to its free nature. However with 45% of local residents being over 50, the use of social media may be excluding many. Our aim for 2018/2019 is to utilise print media (flyers, posters and printed newsletters) distributed by volunteers. This grant would provide the funds to pay for printing costs and hire fees associated with our use of the Fern Bay Community Centre. Some of our projects to date include lobbying for better mobile reception, ensuring residents engage with Port Stephens Council regarding the Land Use Strategy, hosting information sessions on Worimi Conservation Lands and successfully advocating for a full second access point to the Seaside development.	665	500
20 page 102	Hunter Region Botanic Gardens Ltd	Botanic Digital and Financial Literacy	Desktop PC's are the tool for volunteer's digital skills in administration, volunteer induction, marketing on media platforms, education, herbarium/events management and botanic library to promote the Gardens to the community. Digital and financial literacy is an essential skill for volunteers and is critical to the function of the Gardens.	Our 190 volunteers consist of 63 'work for the dole' volunteers, joblink volunteers (gaining work experience skills), persons with disability, many seniors who are passionate about promoting the Gardens to the visiting public. The four desktop PC's will further their digital skills in administration, volunteer induction, marketing on Facebook and Instagram, education, herbarium management and botanical library. In this digital age HRBG must maintain a digital presence within the community to attract visitors and volunteers and promote the botanic gardens to the greater community. Upskilling volunteers is essential to engage in online communities and social networks to put the Gardens on a multitude of media platforms and move the digital media into digital literacy. The ability to use information and communication technologies is critical to the function of the Gardens.	4500	2000

**Community Projects Fund - Summary 2018**

21 page 107	Hunter Region Botanic Gardens Ltd	Sustainable H2O to the Succulent Garden	The project is to create sustainable H2O irrigation to the Succulent Garden by connecting it to our treated bore water irrigation system which already irrigates much of HRBG but currently does not extend to the Succulent Garden.	The Succulent Garden is currently connected to town water. The new irrigation system will connect it to the treated bore water irrigation infrastructure currently working on the premises thereby subsidizing the cost of this supplementary conservation system. This will conserve potable water and make the gardens more environmentally sustainable. Water will be pumped to the garden and stored in a tank at the Succulent Garden while the electricity which is required to power the water pumps will be trenched approximately 80 - 100 metres from the Orchid House. The water stored in the tank can also be used as an emergency water supply in the event of a bushfire.	3537	2000
22 page 112	Endeavour Foundation	Endeavour Foundation - Port Stephens Day Service - Purchase of 5 Samsung Galaxy Tablets	To assist people with a disability to develop skills such as spelling, budgeting, travel training ( looking up bus time tables etc), research healthy recipes, use social media as a way to communicate with others, explore various apps that may benefit them.	Endeavour Foundation proudly provides exceptional community services through the provision of tailored support and meaningful employment to people with disability. A highly valued support for the families of people with disability is our day services program. The day services program being established in Port Stephens by the Endeavour Foundation will provide developmental opportunities for people with disability and promote community relationships. Programs of this nature are widely used across Queensland and we are enthusiastic that our Port Stephens day services will be able to benefit from our programs. Some of these developmental programs are supported by Samsung Galaxy Tablets to assist people with a disability to develop skills such as spelling, budgeting, travel training ( looking up bus time tables etc), research healthy recipes, use social media as a way to communicate with others, explore various apps that may benefit them.	2180	2000

ITEM 15 - ATTACHMENT 1 2018-2019 COMMUNITY PROJECTS FUND.

Community Projects Fund - Summary 2018

23 page 117	Raymond Terrace Magpies & Ravens RLFC	Upgrade / Purchase of sound equipment for Raymond Terrace RLFC	Clear and audible communication systems are required for efficient communication of information to spectators, players, families and other community members who attend match days, events and training at Raymond Terrace Magpies and Ravens RLFC within Lakeside Sports Complex and specific events in the local community	Raymond Terrace Magpies & Ravens RLFC require a PA system that will allow clear and audible information to be relayed to members of our local community who attend match days, training and special events at Lake Side Sports Complex. Currently during trial matches 2018, the PA system that is borrowed from Raymond Terrace Roosters JRLFC is outdated and sound is distorted and often inaudible which can lead to confusion and lack of community engagement within the grounds. The club would also like to include live performances from the community such as live music and dance in between matches to engage the audience and promote inclusion of members from our local community. The addition of a new PA system and upgrade to speakers will contribute to the overall experience to people who attend match days and events.	2800	2000
24 page 122	Rotary Club of Williamtown Inc	Rotary Medowie Community Carols	Community event to celebrate the festive season in Medowie. It will involve Medowie schools and community groups singing Christmas Carols.	Project will involve setting up a stage and sound system on Ferodale Oval on which to stage the event. Rotary and Overflow Church catering facilities will be set up to provide light refreshments. No alcohol will be served. The event will run for approximately two hours commencing at 6.30pm.	\$12,000.00 This excludes the cost of volunteer labour	\$2000.00
25 page 127	Seaham Park and Wetlands Committee 355c	Shelter over picnic table in Seaham Park	Currently there are five picnic tables with no shelter and this project is to install an all-weather shelter over one of these picnic tables.	Ten years ago there were old 1950s concrete picnic tables and seats in Seaham Park. These were removed due to safety issues. This Committee has replaced all the picnic tables and seats with modern metal and timber ones. Progressively as funds become available the Committee has been putting all-weather shelters over these picnic tables and seats. At this point in time there are five picnic tables and seats without all-weather shelters. This project is to install another all-weather shelter over another picnic table and seats. The Committee will purchase, install and maintain this shelter. The shelter will be the same specifications as the other shelters in the Park.	\$5,500	\$2,000

**Community Projects Fund - Summary 2018**

26 page 132	TORCHBEARERS FOR LEGACY RAYMOND TERRACE BRANCH	Raymond Terrace Torchbearers for Legacy Storage	Raymond Terrace Torchbearers group has been experiencing a major problem in providing adequate storage accessibility and security for equipment and stock which is used on a regular basis.	Enquiries have been made with Advance Self Storage, 13-15 Jura Street, Heatherbrae, re a 2m. x 3m. shed for the cost of \$100.00 per month, it would be necessary to supply our own locks, and shelving. At the present time we are making use of members homes and sheds, which is a logistic nightmare for all. We have a Legacy Aluminium framed fold up Named Banner, 2 large 1 small fold up tables, plus 2 aluminium fold up chairs. China 4 Piece Dinner Settings, Glasses, Carafes for 40 people, plus cutlery, salt and peppers shakers etc. for same We have a large supply of new merchandise in stock, which members make and is used for sale on our Craft Stalls in June and November each year. (eg. cushions, teatowels, washers jumpers, etc.) Christmas Time we have a large wooden stocking in the shape of a boot which is mainly stocked with food.	\$100.00 per month	12 months at \$100.00 pr month \$1,200.00
27 page 138	Karuah and District Tennis Club Inc.	Tennis nets x 2	Replace two (2) tennis nets.	Two (2) of the Club's four (4) nets are in a state of disrepair and need to be replaced.	\$550.00	\$550.00
	<b>MAYORAL FUNDS</b>					
28 page 143	Medowie Assembly of God Inc	Food Way	Food Way cares for the practical needs of the people of Port Stephens who find themselves in financial difficulty or have fallen on tough times. We do this by offering food parcels and hot meals, clothing and emergency relief.	We are a Church based organisation. Our motto has been for many years, "God cares and so do we." We believe this is not just our job but our vocation. With this in mind we aim to meet this vocation by showing the practical love of Christ. What good is faith when people need food and clothes? We aim to show our faith practically as we offer food parcels, hot meals, clothing and emergency relief to those who find themselves in need in our community, irrespective of their background or how they have found themselves in need. In meeting our aim, we look to see people come to a place of good well being once more. Each year we only find the need for such care increasing as we live in a world that has no hope. This means there are many more children and people who struggle to put food on the table. This project has been going for over 9 years now and our aim and conviction is still the same, and we continue to work at it with the hope of seeing it fulfilled.	This is an ongoing project. It does not have a capped cost however for a 3 month period, the cost of running this project is approx \$6000	\$3000

**ITEM 15 - ATTACHMENT 1 2018-2019 COMMUNITY PROJECTS FUND.**

**Community Projects Fund - Summary 2018**

	COMMUNITY CAPACITY BUILDING					
29 page 148	Tilligerry Community Association Inc	Tilligerry Peninsula website	Tilligerry Peninsula Website allows us to document our unique peninsular environment (demographics, geology, environment and heritage) as well as do a What's Happening Blog and store the archives of Tili News so the stories from past editions can be accessed.	Tilligerry Peninsula is a unique disparate area small enough to be managed as a unit- we are talking her about the geological peninsula beginning at the intersection of Nelson Bay rd and Lemon Tree Passage Rd -not the council planning district. We would like document the site as it is now as a basis to inform the Tilligerry community, work with the community and other committees to plan improvements, plan peninsula wide environmental programs (like wildlife corridors, weed removal etc), convince the community to care for what is protected, better plan community projects (bike paths etc) and share local stories through the What's Happening Blog and archived copies of Tili News.	\$1500	\$1195

**ITEM NO. 16**

**FILE NO: 18/129965  
EDRMS NO: PSC2018-00193**

**SERVICE REVIEW - GENERAL MANAGER'S OFFICE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the General Manager's Office service package as outlined, to deliver the required level of service to meet the organisation's future needs.

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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Steve Tucker Councillor Chris Doohan</b>  That the recommendation be adopted.
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>214</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council endorse the General Manager's Office service package as outlined, to deliver the required level of service to meet the organisation's future needs.
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**BACKGROUND**

The purpose of this report is to endorse the service package review undertaken within the General Manager's Office.

The purpose of the General Manager's Office is to provide strategic leadership and direction to the organisation to align a high performance, values based culture. A large proportion of the services are provided to internal functions, as well as to Councillors and members of the public.

The General Manager's Office consists of the General Manager, Governance and Legal Services Unit, and Executive Support to the elected Council and senior management; comprising 9 FTE and a budget of \$3.2M that includes the following services:

- Access to information;
- Governance, legislative and policy advice;
- Governance Health Check;
- Internal Audit;
- Manage legal matters;
- Internal legal advice and advocacy;
- Mayor and Councillor support services;
- Executive support services;
- Administrative support services.

A service package review undertaken in 2014 introduced a stronger governance focus with the Governance and Legal Services Units becoming one Unit to improve service delivery. As part of the current Service Review it became obvious that Council should continue with the strong emphasis of governance across the organisation, due to the increasing level of legislative and compliance changes being introduced by the State Government. With this in mind, the existing Governance and Legal Services Unit will become the Governance Section within the General Manager's Office. There are no other governance changes proposed at this time.

The General Manager's Office Administration service package review proposes no change to structure or budget as a result of this review. However data collected from 27 local government councils suggests there is the potential for several processes to be transferred outside of the General Manager's Office to the areas of Communications, Finance and Governance. This would place pressure on current resources in these areas, so it is not to be considered at this time.

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance.	Provide strong civic leadership and government relations. Provide strong supportive business systems for Council's operations.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The recommendation will have a neutral effect on the existing budget.

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

### **LEGAL, POLICY AND RISK IMPLICATIONS**

Council is required to ensure it meets its governance obligations across all areas of law and other policy matters. The Governance Section supports the whole organisation with all governance and legal requirements.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that without appropriate governance and legal frameworks, and resources in place Council would be exposed to potential breaches of legislation and legal action.	Low	Endorse the recommendation.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken by the General Manager's Office Section to obtain their feedback on the current services provided and future need.

#### Internal

Surveys were conducted with Council staff and the elected Council to test the level of service delivery and determine any improvements required. Overall, the survey results were very positive and supportive of current service provisions.

The governance benchmarking conducted internally with Council employees demonstrated a good awareness of governance issues and satisfaction with the current service delivery. An increase in education and awareness would be beneficial across the organisation to add to the existing knowledge base.

External

The Governance Unit conducted benchmarking surveys with other local government councils to determine the level of service provided by those councils.

Benchmarking externally in the local government sector showed that Port Stephens Council performs well with the level of service and the current resources provided.

The Administration unit conducted benchmarking externally with other local government councils. Survey results showed that at Port Stephens there is the potential for movement of some administrative functions to the Governance area and Customer First unit, however these are not being considered at this time but may face further investigation at a later date.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 17**

**FILE NO: 18/139014  
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 10 July 2018.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	Designated Persons' Return	183

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<b>Councillor Paul Le Mottee Councillor Chris Doohan</b>  That the recommendation be adopted.
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<b>215</b>	<b>Councillor Chris Doohan Councillor Ken Jordan</b>  It was resolved that Council move out of Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>216</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 10 July 2018.  ----- <b>No: Report Title</b> <span style="float: right;"><b>Page:</b></span>  1 Designated Persons' Return
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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 18/129319  
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:

- Senior Environmental Planner (PSC818);
- Planning and Developer Relations Coordinator (PSC761);
- Development Planner (PSC080).

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' returns.

# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 18/111604  
EDRMS NO: PSC2017-00241**

**HOLIDAY PARKS SPONSORSHIP**

**MAYOR: RYAN PALMER**

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**THAT COUNCIL:**

- 1) Support the allocation of a maximum of 250 room nights per annum from Port Stephens Holiday Parks to support major event sponsorship.

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Councillor John Nell left the meeting at 7.29pm, prior to voting.  
Councillor John Nell returned to the meeting at 7.30pm, prior to voting.

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>217</b>	<p><b>Mayor Ryan Palmer Councillor Paul Le Mottee</b></p> <p>It was resolved that Council support the allocation of a maximum of 250 room nights per annum from Port Stephens Holiday Parks to support major event sponsorship.</p>
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**BACKGROUND REPORT OF: STEPHEN CROWE – COMMUNICATIONS  
SECTION MANAGER**

**BACKGROUND**

Port Stephens Council event sponsorship strategies are designed to drive economic, social and environmental benefit across the Port Stephens community. Through a targeted approach to event sponsorship, Council can reduce the effects of seasonal fluctuations, build the Port Stephens brand and create demand for the development of new services and infrastructure.

Current sponsorship investment for events in Port Stephens is provided in the form of cash. These funds are used as seed funding to grow new events, expand existing events and also provide assistance to cover the relevant fees and charges associated with holding events on Council owned or managed land. Other assistance is provided in the form of in kind marketing and communications support.

Over the past few years, there has been an increasing demand for additional support for major events in the form of discounted or complimentary accommodation for officials, VIPs and competitors.

Currently, the events unit works with event organisers to provide connections with accommodation operators across Port Stephens. This generally takes the form of an in kind event sponsorship where the host venue provides complimentary room nights in return for branding and marketing opportunities related to key markets.

This increasing demand presents an opportunity for Council owned holiday parks to drive marketing strategies through event sponsorship during low and shoulder periods at minimal cost to the Holiday Parks.

Sponsored accommodation could be linked directly to the Holiday Parks marketing plan and provide key opportunities for Council Holiday Parks to build brand awareness and drive revenues in key target markets.

Whether Council's contribution is in the form of cash or accommodation any contribution towards attracting events to Port Stephens would require the development of formal sponsorship agreements which clearly articulate the benefits provided.

## **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 – 10 JULY 2018 MOTION

<b>218</b>	<b>Councillor Chris Doohan</b> <b>Councillor Paul Le Mottee</b>  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  
Public Relations and Marketing Coordinator  
Digital Marketing and Social Media Officer

**CONFIDENTIAL**

**ITEM NO. 1**

**FILE NO: 18/106833  
EDRMS NO: PSC2016-01484**

**KOALA SANCTUARY**

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES  
GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>219</b>	<p><b>Councillor John Nell Councillor Giacomo Arnott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorses option 4 as the preferred option on the basis on financial viability, risk management and optimal economic, environmental and community outcomes.</li><li>2) Authorises the General Manager/Mayor to secure loan funding up to \$3M for the Port Stephens Koala Sanctuary.</li><li>3) Grants authority to affix the Council Seal to any documents necessary to secure the loan and any other relevant documentation.</li></ol>
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Councillor Ken Jordan left the meeting at 7.37pm, prior to confidential item 2.  
Councillor Jaimie Abbott left the meeting at 7.37pm, prior to confidential item 2.

**CONFIDENTIAL**

**ITEM NO. 2**

**FILE NO: 18/133608  
EDRMS NO: PSC2008-3848**

**398 CABBAGE TREE ROAD, WILLIAMTOWN**

REPORT OF: CARMEL FOSTER - GROUP MANAGER CORPORATE SERVICES  
GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

	<p><b>Councillor Giacomo Arnott</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Extends the Sunset Date in the Agreement for Lease to 31 December 2019 or 183 days after the final decision of the Land &amp; Environment Court case 18/174506 or any subsequent appeal or action.</li><li>2) Authorises the Mayor and the General Manager to sign and affix the Council Seal to any documentation required to vary the Agreement for Lease.</li></ol>
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The motion lapsed without a seconder.

**ORDINARY COUNCIL MEETING - 10 JULY 2018  
MOTION**

<b>220</b>	<p><b>Councillor Paul Le Mottee Councillor John Nell</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Extends the Sunset Date in the Agreement for Lease to 31 December 2020 or 365 days after the final decision of the Land &amp; Environment Court case 18/174506 or any subsequent appeal or action.</li><li>2) Authorises the Mayor and the General Manager to sign and affix the Council Seal to any documentation required to vary the Agreement for Lease.</li></ol>
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Cr Arnott moved and seconded by Cr Nell that a division be called.

Those for the Motion: Mayor Ryan Palmer, Crs Chris Doohan, Glen Dunkley, Paul Le Mottee, John Nell and Steve Tucker.

**MINUTES ORDINARY COUNCIL - 10 JULY 2018**

Those against the Motion: Cr Giacomo Arnott.

**ORDINARY COUNCIL MEETING – 10 JULY 2018  
MOTION**

<b>221</b>	<b>Councillor Chris Doohan Councillor Glen Dunkley</b>  It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 8.04pm.