

# DRAFT

## MINUTES – 25 JUNE 2019



### PORT STEPHENS COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 25 June 2019, commencing at 5.49pm.

**PRESENT:**

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

<b>125</b>	<b>Councillor Jaimie Abbott Councillor Glen Dunkley</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 11 June 2019 be confirmed.
<b>126</b>	<b>Councillor Ken Jordan Councillor Glen Dunkley</b>  It was resolved that the apology from Cr Chris Doohan be received and noted.
	Mayor Ryan Palmer declared a significant non-pecuniary conflict of interest in item 1. The nature of the interest is that the land known as 57 Slades Road, Williamtown is leased to the Newcastle Airport and Mayor Palmer is a Board member of Newcastle Airport.

**MINUTES ORDINARY COUNCIL - 25 JUNE 2019**

	Cr Abbott declared a pecuniary conflict of interest in item 1. The nature of the interest is that Cr Abbott works within the Department of Defence.
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**ORDINARY COUNCIL MEETING - 25 JUNE 2019  
MOTION**

<b>127</b>	<b>Councillor Giacomo Arnott Councillor Steve Tucker</b>  That the business paper recommendation for item 4 be split, with items 1 to 3 and 4 and 5 being separate recommendations.
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The motion on being put was lost.

Councillor Giacomo Arnott requested his vote be recorded against the resolution.

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# COUNCIL REPORTS

## MINUTES ORDINARY COUNCIL - 25 JUNE 2019

Mayor Ryan Palmer left the meeting at 5:56pm. Councillor Sarah Smith, Deputy Mayor, chaired the meeting in the absence of the Mayor.

Councillor Jaimie Abbott left the meeting at 5:57pm.

### ITEM NO. 1

FILE NO: 19/130644  
EDRMS NO: 58-2017-15-1

### PLANNING PROPOSAL - HOUSEKEEPING AMENDMENT TO THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013

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

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note submissions received during the public exhibition of the Planning Proposal for a housekeeping amendment to the Port Stephens Local Environmental Plan 2013 (**ATTACHMENT 1**).
- 2) Adopt the updated Planning Proposal (**TABLED DOCUMENT 1**) as follows:
  - a. Proceed with Item 1 - rezone the following land from RU2 Rural Landscape zone to SP2 Defence zone to reflect ownership by the Commonwealth Department of Defence:
    - 2117 Nelson Bay Road, Williamtown (Lot 1 DP 665835)
    - 2119 Nelson Bay Road, Williamtown (Lot 1 DP 665836)
    - 11A Lavis Lane, Williamtown (Lot 67 DP 753192)
    - 14 Lavis Lane, Williamtown (Lot 3 DP 853312)
    - 40 Lavis Lane, Williamtown (Lot 3 DP 741996)
  - b. Proceed with Item 2 - rezone 601 Cabbage Tree Road, Williamtown (Lot 1 DP 195630) from RU2 Rural Landscape zone to E1 National Parks and Nature Reserves zone to reflect ownership by the Minister Administering the National Parks and Wildlife Act 1974 (NSW) and the addition of the land to the Hunter Wetlands National Park.
  - c. Do not proceed with Item 3 - review zone map alignments along various stretches of Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass) to reflect the completion of upgrades or associated intended purchase by NSW Roads and Maritime Services (RMS) for road planning purposes (this Item did not proceed to public exhibition as instructions for proposed amendments were not provided by RMS).
  - d. Proceed with Item 4 - update the zoning of 57 Slades Road, Williamtown (Lot 21 DP 1053667) from SP2 Defence to SP2 Defence (Air Transport Facility) to reflect the commercial airport lease conditions that apply to the land.

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- e. Do not proceed with Item 5 - rezone 1 Tuncurry Close, Nelson Bay (Lot 6 section 4 DP 242131) from R2 Low Density Residential Zone to RE1 Public Recreation zone to reflect the existing dedication (Crown Land – Port Stephens Council as Trustee) and current use as public open space.
  - f. Do not proceed with Item 6 - correct an error in the description of land listed in Schedule 1 'Additional Permitted Uses' for certain land at Valerie Road, Salt Ash, from 'DP 79221' to 'DP 792211' (this Item was included in Port Stephens Local Environmental Plan 2013 (Amendment No 23).
  - g. Proceed with Item 7 – Identify 'storage premises' (including 'self-storage units') as a use that is permissible with consent in the IN1 General Industrial zone.
  - h. Proceed with Item 8 - Identify 'mortuaries' and 'recreation facilities (indoor)' as uses that are permissible with consent in the IN2 Light Industrial zone and note the proposal to permit a 'dwelling house' in industrial areas is suitably addressed by a 'caretakers' flat' being permitted under the State Environmental Planning Policy Exempt and Complying Development Codes 2008 (NSW).
  - i. Proceed with Item 9 – Identify 'recreation facilities (outdoor)' as a use that is permissible with consent in the RU2 Rural Landscape zone.
  - j. Proceed with Item 10 - Address various minor split-zone boundary alignments resulting from subdivision and cadastral map boundary shifts.
  - k. Proceed with Item 11 - Correct errors in the numbering, address descriptions and mapping of various heritage items.
- 3) Exercise delegations under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW) to finalise the plan.

## ORDINARY COUNCIL MEETING - 25 JUNE 2019 MOTION

<b>128</b>	<p><b>Councillor Paul Le Mottee</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive and note submissions received during the public exhibition of the Planning Proposal for a housekeeping amendment to the Port Stephens Local Environmental Plan 2013 (<b>ATTACHMENT 1</b>).</li><li>2) Adopt the updated Planning Proposal (<b>TABLED DOCUMENT 1</b>) as follows:<ol style="list-style-type: none"><li>a. Proceed with Item 1 - rezone the following land from RU2 Rural Landscape zone to SP2 Defence zone to reflect ownership by the Commonwealth Department of Defence:<ul style="list-style-type: none"><li>• 2117 Nelson Bay Road, Williamtown (Lot 1 DP 665835)</li><li>• 2119 Nelson Bay Road, Williamtown (Lot 1 DP 665836)</li><li>• 11A Lavis Lane, Williamtown (Lot 67 DP 753192)</li></ul></li></ol></li></ol>
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- 14 Lavis Lane, Williamtown (Lot 3 DP 853312)
  - 40 Lavis Lane, Williamtown (Lot 3 DP 741996)
- b. Proceed with Item 2 - rezone 601 Cabbage Tree Road, Williamtown (Lot 1 DP 195630) from RU2 Rural Landscape zone to E1 National Parks and Nature Reserves zone to reflect ownership by the Minister Administering the National Parks and Wildlife Act 1974 (NSW) and the addition of the land to the Hunter Wetlands National Park.
- c. Do not proceed with Item 3 - review zone map alignments along various stretches of Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass) to reflect the completion of upgrades or associated intended purchase by NSW Roads and Maritime Services (RMS) for road planning purposes (this Item did not proceed to public exhibition as instructions for proposed amendments were not provided by RMS).
- d. Proceed with Item 4 - update the zoning of 57 Slades Road, Williamtown (Lot 21 DP 1053667) from SP2 Defence to SP2 Defence (Air Transport Facility) to reflect the commercial airport lease conditions that apply to the land.
- e. Do not proceed with Item 5 - rezone 1 Tuncurry Close, Nelson Bay (Lot 6 section 4 DP 242131) from R2 Low Density Residential Zone to RE1 Public Recreation zone to reflect the existing dedication (Crown Land – Port Stephens Council as Trustee) and current use as public open space.
- f. Do not proceed with Item 6 - correct an error in the description of land listed in Schedule 1 'Additional Permitted Uses' for certain land at Valerie Road, Salt Ash, from 'DP 79221' to 'DP 792211' (this Item was included in Port Stephens Local Environmental Plan 2013 (Amendment No 23)).
- g. Proceed with Item 7 – Identify 'storage premises' (including 'self-storage units) as a use that is permissible with consent in the IN1 General Industrial zone.
- h. Proceed with Item 8 - Identify 'mortuaries' and 'recreation facilities (indoor)' as uses that are permissible with consent in the IN2 Light Industrial zone and note the proposal to permit a 'dwelling house' in industrial areas is suitably addressed by a 'caretakers' flat' being permitted under the State Environmental Planning Policy Exempt and Complying Development Codes 2008 (NSW).
- i. Proceed with Item 9 – Identify 'recreation facilities (outdoor)' as a use that is permissible with consent in the RU2 Rural Landscape zone.
- j. Proceed with Item 10 - Address various minor split-zone boundary alignments resulting from subdivision and cadastral map boundary shifts.
- k. Proceed with Item 11 - Correct errors in the numbering, address descriptions and mapping of various heritage items.

## MINUTES ORDINARY COUNCIL - 25 JUNE 2019

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|  | 3) Exercise delegations under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW) to finalise the plan. |
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Giacomo Arnott, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

### ORDINARY COUNCIL MEETING - 25 JUNE 2019 MATTER ARISING

<b>129</b>	<b>Councillor John Nell</b> <b>Councillor Ken Jordan</b>  It was resolved that Council call on the Department of Defence for a report on the management of their land holding east of Nelson Bay Road.
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### BACKGROUND

The purpose of this report is to recommend that Council:

1. Receive and note submissions received during the public exhibition of a proposed amendment to the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) **(ATTACHMENT 1)**.
2. Adopt the updated Planning Proposal that has been amended following exhibition **(TABLED DOCUMENT 1)**.
3. Exercise delegations under section 3.36 of the Environmental Planning and Assessment Act 1979 (NSW) to finalise the plan.

The overall purpose of the housekeeping amendment is to address minor and other administrative matters that have arisen since the commencement of the PSLEP 2013.

The NSW Department of Planning and Environment (the Department) issued a Gateway Determination on 21 February 2018, authorising Council to exercise delegations to finalise the plan following public exhibition and referral to public authorities. Prior to exhibition, the Planning Proposal was updated to address the conditions of the Gateway Determination including detailed mapping for specific sites.

The public exhibition period took place from 31 January 2019 to 28 February 2019.



The Planning Proposal was also referred to relevant public authorities for comment and no objections were received.

The issues raised in submissions are addressed in the Consultation section of this report and summarised in the Submission Summary Table (**ATTACHMENT 1**).

Since Council resolved to prepare the Planning Proposal the following changes have been made:

Item 3 - review zone map alignments along Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass) to reflect the completion of upgrades or associated intended purchase by RMS for road planning purposes. This Item did not proceed to public exhibition because instructions were not provided by RMS. This Item may be suitable for inclusion in future housekeeping amendments on instruction from RMS.

Item 5 - rezone 1 Tuncurry Close, Nelson Bay (Lot 6 section 4 DP 242131) from R2 Low Density Residential zone to RE1 Public Recreation zone to reflect its existing dedication (Crown Land – PSC Trustee) and use as public open space. This Item has been deferred subject to further consultation and consideration as part of the proposed divestment of land from the Crown to Council and the implementation of recent Crown land reforms.

Item 6 - correct an error in DP description listed in Schedule 1 Additional Permitted Uses for certain land at Valerie Road, Salt Ash, from DP 79221 to DP 792211. This Item was resolved in Port Stephens Local Environmental Plan 2013 (Amendment No 23).

**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.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no financial or resource implications for Council in adopting the recommendations of this report and proceeding with the Planning Proposal.

<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		

**MINUTES ORDINARY COUNCIL - 25 JUNE 2019**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**Environmental Planning and Assessment Act 1979 (NSW)

Council is the relevant planning authority under the provisions of the Environmental Planning and Assessment Act 1979 (NSW) (the Act). The Gateway Determination issued by the Department, requiring the Planning Proposal to proceed to public exhibition and referral to public authorities, included written authorisation for Council to exercise the plan-making functions of the then NSW Minister for Planning.

Port Stephens Local Environmental Plan 2013

The overall purpose of undertaking the Planning Proposal is to address minor and administrative matters that have been identified since the commencement of the PSLEP 2013. The intended outcomes will be achieved by amending the provisions of the PSLEP 2013 including the relevant applicable land-use tables, land use planning maps and the schedule of heritage items in accordance with the Planning Proposal (**TABLED DOCUMENT 1**).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that proceeding with Item 5 at this time will limit further opportunities for consultation and consideration of the implications of the change, in particular the opportunity to consider the matter in the context of the implementation of recent reforms to Crown Land that will result in the divestment of Crown Land parcels to Council.	Medium	Do not proceed with Item 5 of the Planning Proposal and retain the existing R2 Low Density Residential zoning of the land at this time.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Planning Proposal has the potential to create positive social, economic and environmental effects through the improved administration of the PSLEP 2013 and its land use planning provisions.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section, including public exhibition, notification to affected and adjoining landowners, and referral to relevant public authorities.

The Planning Proposal was placed on public exhibition from 31 January 2019 to 28 February 2019.

One (1) submission was received from the general public. One (1) submission was received from Council's Property Services Section.

The Planning Proposal was also referred to relevant public authorities for comment.

All submissions and referral comments are summarised and addressed in the Submission Summary Table (**ATTACHMENT 1**).

### Internal

Council's Property Services Section submitted comments on the proposed rezoning of 1 Tuncurry Close, Nelson Bay, from R2 Low Density Residential zone to RE1 Public Recreation zone (Item 5), in summary:

The subject land is currently Crown Land, with Council nominated as Trustee. The site is listed on the Crown Lands Register to be divested from the Crown to Council as part of the implementation of recent Crown Land reforms. Upon divestment to Council, it would be open to Council to consider seeking reclassification of former Crown Land to Operational Land, including this site. A range of matters would be relevant to a decision to pursue reclassification, including an assessment of the site potential and the requirements for open space in the locality.

Given the above, it is recommended that the Planning Proposal should not include this item and that the above matters should be subject to further consultation and consideration as part of any proposed divestment of the land from the Crown to Council.

The submission also advises that there are no objections to the items in the Planning Proposal that address minor split-zone map alignments relevant to land owned by Council at 47 Martens Avenue, and 40C and 64B Joseph Sheen Drive, Raymond Terrace (Item 10).

External

During the exhibition one (1) submission was received from the community. The submission supports the proposed resolution of various split-zone map alignments resulting from subdivision and cadastral map shifts, with specific reference to the land in the Kinross Industrial Estate (Item 10).

Public Authorities

The following public authorities were consulted in accordance with the Gateway Determination:

- NSW Rural Fire Service.
- NSW Office of Environment and Heritage (National Parks and Wildlife Service).
- NSW Office of Environment and Heritage (Heritage).
- NSW Department of Lands (Crown Lands).
- NSW Department of Primary Industries (Agriculture).
- Commonwealth Department of Defence.

No objections were received to the items in the Planning Proposal. A summary of the submissions from public authorities is included in the Submission Summary Table (**ATTACHMENT 1**).

**OPTIONS**

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

**ATTACHMENTS**

- 1) Submission Summary Table.

**COUNCILLORS ROOM**

- 1) Copy of Submissions.

**TABLED DOCUMENTS**

- 1) Planning Proposal.

**ITEM 1 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.**

**Submission Summary Table – Housekeeping Planning Proposal**

No.	Public Submission	Council response
1	<p>Submission from a consultant on behalf of the owner of certain land at the Kinross Industrial Estate, Heatherbrae.</p> <p>The subject development was approved in September 2009. The boundaries have since been modified via various Section 96 applications, the most notable being as a result of the RMS Bypass intrusion into the development site. The DA plan was modified to suit the adopted RMS Bypass corridor and was approved on the 16<sup>th</sup> June 2011, which defined the eastern boundary of the site in its currently approved position.</p> <p>As noted in the attached (exhibited) plan provided by Council, there is a minor discrepancy between the approved boundaries and the current zone boundary along the eastern edge of approved Lot 903. The discrepancy appears to be within Lots 509 and 510 DP 1246458, just north and south of the common boundary and west of the RMS bypass corridor.</p> <p>The proposed housekeeping amendment to realign existing zone boundary to be coincident with the approved property boundaries is supported by our client, CABP Group Pty Ltd and WTEX Pty Ltd, being the owner and developer of the subject site.</p> <p>Provided a copy of the approved plan (11433-SUB-006-Z) for information, together with the DWG file of the same plan, to assist with council's review and re-mapping of the zone boundary.</p> <p>Requested review of the attached plan and confirm that Council are in agreement that the zone boundary will be updated to reflect the approved property boundaries as shown in the attached plan.</p> <p>It should be noted that construction of Stage 9 is about to commence and that contracts have been issued for the sale of Lot 903 in its approved form. Registration of Stage 9 is currently scheduled for August/September this year.</p>	<p>Noted, the submission supports the proposal to review and address various split zone map alignments resulting from subdivision and cadastral map shifts (Item 10) with particular reference to land at the Kinross Industrial Estate, Heatherbrae. The mapping including with the recommended planning proposal has been updated to address the matters raised in the submission.</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.**

Public Authority Referral Comments	Council response
<p><b>Port Stephen Council Property Services Section</b></p> <p>Council's Property Services Section submitted comments on the proposed rezoning of 1 Tuncurry Close, Nelson Bay, from R2 Low Density Residential zone to RE1 Public Recreation zone (Item 5), in summary:</p> <ul style="list-style-type: none"> <li>• The subject land is currently Crown Land, with Council nominated as Trustee. The site is listed on the Crown Lands Register to be divested from the Crown to Council as part of the implementation of recent Crown land reforms;</li> <li>• Upon divestment to Council, it would be open to Council to consider seeking reclassification of former Crown land to Operational Land, including this site;</li> <li>• A range of matters would relevant to a decision to pursue reclassification, including an assessment of the site potential and the requirements for open space in the locality.</li> </ul> <p>Property Services Section additionally advised it has no objection to the proposal to address minor split-zone map alignments (Item 10) in relation to Council-owned land at 47 Martens Avenue, 64B and Joseph Sheen Drive and 40C Joseph Sheen Drive, Raymond Terrace.</p>	<p>It is recommended that the Planning Proposal should not include this item and that the matters raised in the submission should be subject to further consultation and consideration as part of any proposed divestment of the land from the Crown to Council.</p> <p>No objection to the resolution of minor split-zone map alignments on certain Council-owned land at Raymond Terrace is noted.</p>
<p><b>NSW Rural Fire Service (RFS)</b></p> <p>RFS reviewed the information received for the proposal and raise no objection to the proposal proceeding and note that any future development permitted under the proposal on bushfire prone land will be subject to the requirements of <i>Planning for Bushfire Protection</i>.</p>	<p>The submission from RFS is noted. RFS has no objection to the planning proposal, and any resulting future development will be subject to the requirements of <i>Planning for Bushfire Protection</i>.</p>
<p><b>Commonwealth Department of Defence (Defence)</b></p> <p>Defence reviewed the referral regarding the proposed housekeeping amendments and advised there are no concerns and therefore no comments from Defence.</p>	<p>The submission from Defence is noted. Defence reviewed the Planning Proposal (including proposed Item 1 and Item 10 in relation to the rezoning of Defence-owned land) and have no concerns.</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.**

Public Authority Referral Comments	Council response
<p><b>NSW Office of Environment &amp; Heritage (National Parks &amp; Wildlife)</b></p> <p>OEH (National Parks and Wildlife) confirmed 601 Cabbage Tree Road, Williamtown (Lot 1 DP 195630), should be zoned E1 National Parks and Nature Reserves to reflect its reservation as Hunter Wetlands National Park under the <i>National Parks and Wildlife Act 1974 (NSW)</i> (the NPWS Act) on 9 October 2015.</p> <p>OEH (National Parks and Wildlife) also identified other parcels of land within Port Stephens LGA that may require updating to E1 National Parks and Nature Reserves. NPWS records these lands as reserved under the NPWS Act and requests Council review the lands listed below for possible rezoning:</p> <ul style="list-style-type: none"> <li>• Lot 1 DP 1192418 (17 Notts Lane, Glen Oak 2320);</li> <li>• Lot 2 DP 1168926 (716C Dunns Creek Road, Dunns Creek 2321);</li> <li>• Lot 1 DP 1168926 (716 B Dunns Creek Road, Dunns Creek 2321);</li> <li>• Lot 119 DP 752445 (716A Dunns Creek Road, Dunns Creek 2321);</li> <li>• Lot 12 DP 1081193 (162 B Masonite Road, Williamtown 2318);</li> <li>• Lot 1 DP 156512 (162B Masonite Road, Williamtown 2318); and</li> <li>• Lot 22 DP 1150980 (319A Tomago Road, Tomago 2322).</li> </ul> <p>OEH (National Parks and Wildlife) included a diagram showing an area of land with no folio identifier that is reserved as Hunter Wetlands National Park and requests review for possible rezoning to E1 National Parks and Nature Reserves (the diagram is on Council file and available separately) and provided a link to copy of the current NPWS from the SEED data portal <a href="https://www.seed.nsw.gov.au/">https://www.seed.nsw.gov.au/</a> searching 'NSW National Parks and Wildlife Service (NPWS) Estate' gazettal information for lands reserved under the NPWS Act.</p>	<p>The submission from OEH (National Parks and Wildlife) is noted. OEH support Item 2 of the planning proposal to rezone 601 Cabbage Tree Road, Williamtown (Lot 1 DP 195630) from RU2 Rural Landscape to E1 National Parks and Nature Reserves to reflect its purchase (ownership) by the Minister Administering the <i>National Parks and Wildlife Service Act 1974 (NSW)</i> for addition to the Hunter Wetlands National Park.</p> <p>It is not proposed to include the additional parcels of land identified by the OEH (National Parks and Wildlife Service) in the Planning Proposal at this time, as they did not form part of the Council decision and Gateway Determination in relation to the Planning Proposal.</p> <p>It is recommended that rezoning those parcels are included with any future housekeeping amendment to the PSLEP 2013.</p>
<p><b>NSW Office of Environment &amp; Heritage (Heritage)</b></p>	
<p>No comment was received from OEH (Heritage).</p>	<p>The Planning Proposal was referred to OEH (Heritage) however no comment (or objection) was received. It is recommended to proceed with the administrative amendments to PSLEP 2013 to correct errors in the numbering, address descriptions, and mapping of various heritage items (Item 11).</p>

**ITEM 1 - ATTACHMENT 1 SUBMISSION SUMMARY TABLE.**

Public Authority Referral Comments	Council response
<p><b>NSW Department of Lands (Crown Lands)</b></p>	
<p>The submission from Crown Lands notes the proposal to update the zoning at 1 Tuncurry Close, Nelson Bay from R2 Low Density residential to RE1 Public Recreation to reflect its existing ownership, dedication and use as public open space (Item 5) and supports the changes because they reflect the current reservation purpose of drainage and public recreation.</p>	<p>The submission from Crown Lands advising of no objection to the proposed change in zoning of 1 Tuncurry Close, Nelson Bay, from R2 Low Density to RE1 Public Recreation (Item 5) is noted.</p> <p>However, it is a recommendation of this report that Council does not proceed with the proposed rezoning of this site, following the consideration of the submission from the Council's Property Services Section.</p>
<p><b>NSW Dept. of Primary Industries (Agriculture) (DPI Agriculture)</b></p>	
<p><u>NSW Department of Primary Industries (Agriculture)</u></p> <p>Supports the amendment to add 'recreation facilities (outdoor)' as permissible with consent to the RU2 Rural Landscape Zone with the condition that a Landuse Conflict Risk Assessment (LUCRA) be undertaken as part of any proposed recreational facility (outdoor) proposal.</p> <p>Advises that by undertaking a LUCRA this will help identify and reduce any potential landuse conflict with existing or future agriculture or other industries and land uses in the RU2 or neighbouring zones.</p> <p>Provides link to guidelines on how to undertake LUCRA <a href="https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra">https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra</a></p>	<p>Noted, the DPI (Agriculture) supports the proposed amendment to add 'recreation facility (outdoor)' as permissible with consent in the RU2 Rural Landscape Zone (Item 9). If this Item proceeds (as recommended) future development will be subject to obtaining development consent. This will include assessment against the matters for consideration of development applications listed under section 4.15 of the EP &amp; A Act.</p> <p>DPI comments in relation to requiring a Landuse Conflict Risk Assessment (LUCRA) with any proposed development may be addressed at DA stage. A LUCRA can be requested as part of any subsequent applicable development application, based on the potential risk and circumstances of the proposed development, and in accordance with assessing suitability of a site and evaluating the effects of a development application, consistent with the provisions of section 4.15 of the EP &amp; A Act.</p>



## MINUTES ORDINARY COUNCIL - 25 JUNE 2019

Mayor Ryan Palmer returned to the meeting at 6:11pm and resumed the Chair.

Councillor Jaimie Abbott returned to the meeting at 6:11pm.

**ITEM NO. 2**

**FILE NO: 19/137263**  
**EDRMS NO: PSC2006-0066V2-054**

### **AMENDMENT TO THE PORT STEPHENS DEVELOPMENT CONTRIBUTIONS PLAN 2007 TO REGULATE MANUFACTURED HOME ESTATES**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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#### **RECOMMENDATION IS THAT COUNCIL:**

- 1) Receive and note the submissions from the public exhibition of the draft Port Stephens Development Contribution Plan 2007 (Amendment No. 12).
- 2) Adopt the Port Stephens Development Contribution Plan 2007 (Amendment No. 12) as amended (**TABLED DOCUMENT 1**), and notify the decision in accordance with the Environmental Planning and Assessment Regulations 2000 (NSW).

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#### **ORDINARY COUNCIL MEETING - 25 JUNE 2019**

##### **MOTION**

<b>130</b>	<p><b>Councillor Sarah Smith</b> <b>Councillor John Nell</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Receive and note the submissions from the public exhibition of the draft Port Stephens Development Contribution Plan 2007 (Amendment No. 12).</li><li>2) Adopt the Port Stephens Development Contribution Plan 2007 (Amendment No. 12) as amended (<b>TABLED DOCUMENT 1</b>), and notify the decision in accordance with the Environmental Planning and Assessment Regulations 2000 (NSW).</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, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

## **BACKGROUND**

The draft Port Stephens Development Contribution Plan 2007 (Amendment No. 12) (draft amendment) seeks to ensure that manufactured home estates are charged development contributions at a rate that better reflects the impact of this type of medium density development on Council funded local infrastructure. The draft amendment also gives Council the discretion to discount contributions for manufactured home sites in caravan parks, given this type of development can contribute to supply of affordable housing.

On 12 March 2019, Council resolved to exhibit the draft amendment for 28 days in accordance with the Environmental Planning and Assessment Regulations 2000 (**ATTACHMENT 1**). The Council resolution is provided below.

Minute Number 045: It was resolved that Council:

- 1) Endorse the preparation and submission of a Planning Proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the Port Stephens Local Environmental Plan 2013 to enable Council to better plan for manufactured home estates in appropriate locations.
- 2) Prepare an amendment to the Port Stephens Development Contributions Plan 2007 to increase the rate of development contributions charged for manufactured home estates (Amendment No.12).
- 3) Exhibit Amendment No.12 for 28 days in accordance with the Environmental Planning and Assessment Regulation 2000.
- 4) If no submissions are received in relation to Amendment No.12, approve the plan as exhibited in accordance with the Environmental Planning and Assessment Regulation 2000.

Public exhibition occurred from 4 April 2019 to 2 May 2019 and two submissions were received during that time. These submissions are summarised in (**ATTACHMENT 2**).

During exhibition, the draft amendment was reviewed to ensure the above policy intent would be achieved. Administrative amendments have been made following exhibition to ensure the plan, if adopted, will achieve the stated policy outcomes and these have been highlighted in (**TABLED DOCUMENT 1**).

## **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.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are positive financial implications if Council adopts the recommendations. The proposed amendment to the Development Contribution Plan will ensure Council's facilities and infrastructure are adequately funded to meet demand.

<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**

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

Part 7 of the EP&A Act authorises the collection of local infrastructure contributions subject to a contributions plan prepared under that Act. The draft amendment to the Port Stephens Development Contribution Plan 2007 has been prepared and exhibited in accordance with the planning legislation, including the Development Contributions Practice Note (issued July 2005 by the then Department of Infrastructure Planning and Natural Resources) and the relevant Ministerial Directions issued under Section 7.17 of the EP&A Act.

Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)

The draft amendment has been prepared and exhibited in accordance with the requirements of the EP&A Regulation, including the requirement to exhibit the draft for a minimum of 28 days.

<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 amended contribution plan is not adopted, Council will not be able to collect the funds required to provide the infrastructure needed to support growth.	High	Adopt the recommendations.	Yes

## MINUTES ORDINARY COUNCIL - 25 JUNE 2019

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the amended contributions rate would negatively impact on the provision of affordable housing in the LGA.	Low	The draft amendment gives Council the discretion to discount contributions for manufactured home sites in caravan parks, as this type of development can contribute to affordable housing stock. Adopt the recommendations.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The amendments will have an overall positive impact as it will enable Council to provide adequate infrastructure, including social infrastructure, to support growth in our communities.

Manufactured home estates are increasingly a form of medium density housing servicing a permanent residential population in Port Stephens. The draft contribution plan will allow Council to collect sufficient funds to meet the infrastructure needs of these new populations. The amendment will also allow for more equitable contributions charges as it will bring contributions rates for manufactured home estates in line with the rates that apply to other types of permanent medium density development (e.g. community title developments).

It is acknowledged that there will be an increase in the cost of development for new manufactured home estates. However, the amendment provides for Council to, at its discretion, apply a discounted rate for manufactured home sites in caravan parks. Manufactured home sites in caravan parks have previously represented a supply of affordable housing stock and the amendment will enable this to continue.

Therefore the proposed amendments to the contribution plan is expected to have overall positive sustainability implications.

### **CONSULTATION**

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

#### Internal

Consultation with Council's Development Contributions Analysis Team has been undertaken and the draft amendments to the plan have been approved. Consultation has also been undertaken with Council's Planning and Developer Relations Unit with no objections raised.

External

The draft contribution plan was placed on exhibition from 4 April 2019 to 2 May 2019. Public notice was published in the Port Stephens Examiner and on Council's website. A copy of the document was made available online and in the Administration Building (Raymond Terrace) and Tomaree Library.

During the public exhibition, two submissions were received. One submission was received in support and one submission objected to the amendments on the basis that manufactured home estates regularly include facilities that reduce the demand for public facilities. Given the residents of manufactured home estates also utilise public infrastructure, recreation and community spaces funded by development contributions outside of the estate (such as roads, aquatic centres, parks and beaches) in the same way as the residents of other medium density housing estates, the proposed amendment is considered appropriate. These submissions are summarised in **(ATTACHMENT 2)**.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Minute No.045 - 12 March 2019.
- 2) Summary of Submissions.

**COUNCILLORS ROOM**

- 1) Copy of Submissions.

**TABLED DOCUMENTS**

- 1) Port Stephens Development Contribution Plan 2007 (Amendment No. 12).

**MINUTES ORDINARY COUNCIL - 12 MARCH 2019**

**ITEM NO. 1**

**FILE NO: 19/31793  
EDRMS NO: 58-2019-1-1**

**AMENDMENTS TO THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN  
2013 AND PORT STEPHENS DEVELOPMENT CONTRIBUTIONS PLAN 2007 TO  
REGULATE MANUFACTURED HOME ESTATES**

**REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER**

**GROUP: DEVELOPMENT SERVICES**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the preparation and submission of a Planning Proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the *Port Stephens Local Environmental Plan 2013* to ensure manufactured home estates are only permitted on land where caravan parks are permissible.
- 2) Prepare an amendment to the Port Stephens Development Contributions Plan 2007 to increase the rate of development contributions charged for manufactured home estates (Amendment No.12) (**ATTACHMENT 1**).
- 3) Exhibit Amendment No.12 for 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000*.
- 4) If no submissions are received in relation to Amendment No.12, approve the plan as exhibited in accordance with the *Environmental Planning and Assessment Regulation 2000*.

**ORDINARY COUNCIL MEETING - 12 MARCH 2019  
MOTION**

<b>045</b>	<p><b>Councillor Ken Jordan Councillor Paul Le Mottee</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the preparation and submission of a Planning Proposal for a Gateway certificate to the NSW Department of Planning seeking to amend the <i>Port Stephens Local Environmental Plan 2013</i> to enable Council to better plan for manufactured home estates in appropriate locations.</li><li>2) Prepare an amendment to the Port Stephens Development Contributions Plan 2007 to increase the rate of development contributions charged for manufactured home estates (Amendment No.12) (<b>ATTACHMENT 1</b>).</li><li>3) Exhibit Amendment No.12 for 28 days in accordance with the</li></ol>
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**MINUTES ORDINARY COUNCIL - 12 MARCH 2019**

	<p><i>Environmental Planning and Assessment Regulation 2000.</i></p> <p>4) If no submissions are received in relation to Amendment No.12, approve the plan as exhibited in accordance with the <i>Environmental Planning and Assessment Regulation 2000.</i></p>
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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, Chris Doohan, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Cr Giacomo Arnott.

**BACKGROUND**

The purpose of this report is to seek approval for proposed amendments to the Port Stephens Local Environmental Plan 2013 (PSLEP) and the Port Stephens Development Contributions Plan 2007 to better regulate manufactured home estates.

The proposed amendment to the PSLEP is necessary to restore a policy and legal position that existed prior to recent case law in relation to the permissibility of manufactured home estates.

The proposed amendment to the Port Stephens Development Contributions Plan 2007 (Amendment No.12) (**ATTACHMENT 1**) will ensure that manufactured home estates are charged development contributions at a rate that better reflects the impact of this type of medium density development on Council funded local infrastructure.

Proposed amendment to the Port Stephens Local Environmental Plan

The proposed amendment to the PSLEP will ensure manufactured home estates can only be developed under the provisions of *State Environmental Planning Policy No 36—Manufactured Home Estates*, which permits this land use wherever caravan parks are permitted.

This will restore the position prior to the Land and Environment Court's determination in *TMT Devco Pty Ltd v Cessnock City Council* [2016] NSWLEC1161, where the Court held that a manufactured home estate could be characterised as 'multi dwelling housing' for the purposes of the relevant LEP and establishing land use permissibility. Multi dwelling housing is a permissible use in a wide range of zones.

This decision represents a change from the policy position outlined in the NSW Department of Planning and Environment's Discussion Paper: 'Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and Camping Grounds (published November 2015)':

**MINUTES ORDINARY COUNCIL - 12 MARCH 2019**

*Manufactured homes and manufactured home estates are not defined in the Standard Instrument LEP as a land use term and can therefore not be included in any of the zones. Manufactured home estates can therefore only be developed under the provisions of State Environmental Planning Policy (SEPP) 36, which permits them wherever caravan parks are permitted.*

As a result of the change, the proposed amendment is necessary to enable Council to continue to zone land for residential and other purposes without inadvertently permitting new manufactured home estates.

Proposed amendment to the Port Stephens Development Contributions Plan 2007

Manufactured homes and moveable dwellings are an alternative form of tourist or low cost residential accommodation capable of being relocated or transported to other sites. Manufactured home estates often include on site facilities for residents such as tennis courts, swimming pools and other recreation spaces.

Under the current Port Stephens Development Contributions Plan 2007, manufactured home estates and moveable dwellings are charged the same rate of contributions as for caravan parks. They are subject to a discount of more than 50% of the contributions rate applied to single dwellings. The rate is discounted to encourage affordable housing choices and to reflect the lower demands on Council funded local infrastructure that these types of less permanent residential accommodation can have.

Increasingly manufactured home estates have become an alternative form of medium density permanent residential accommodation. Innovations in building and construction techniques to meet changing housing needs has meant that manufactured home estates are becoming a popular housing choice. 'Moveable dwellings' are now being constructed on site and are being built in larger sizes and to a higher standard. The cost of homes in new manufactured home estates are often equivalent to Torrens title single dwellings in many areas in Port Stephens, for example two bedroom manufactured homes at Palm Lake Resort at Fern Bay are currently listed at \$680,000 (Source: <https://palmakeresort.com.au/homes-for-sale/fern-bay-villa-150/>).

Given these changes, it is no longer considered appropriate to discount development contributions for manufactured home estates as a form of low cost affordable housing and the development contributions rate is proposed to be increased to reflect the more permanent nature of this type of medium density housing.

In addition, other types of medium density development that can be 'gated communities' with onsite communal facilities for residents are not granted any discounts for development contributions (**Table 1**).



**MINUTES ORDINARY COUNCIL - 12 MARCH 2019**

<b>Development Type</b>	<b>Current contributions*</b>	<b>Proposed</b>
Multi dwelling housing (eg 2 Bagnall Avenue, Corlette)	\$15,428 per dwelling	No change
Townhouses and terraces	\$15,428 per dwelling	No change
Seniors housing (not provided by a social housing provider) (eg Regis Aged Care, Corlette)	\$15,428 per dwelling	No change
Community title schemes (eg Seaside Estate, Fern Bay)	\$15,428 per dwelling	No change
Manufactured home estates (eg Latitude One, Anna Bay)	\$ 7,438 per dwelling	\$15,428 per dwelling

**Table 1      Development contributions rates for medium density development**

\*Current levies, indexed for CPI as at December 2018

**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.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are positive financial implications if Council adopts the recommendations. The proposed amendment to the Development Contributions Plan will ensure Council's facilities and infrastructure are adequately funded to meet demand. The amendments will be prepared using Council's existing resources.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		The amendments have been prepared using existing Council resources.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**MINUTES ORDINARY COUNCIL - 12 MARCH 2019**

**LEGAL, POLICY AND RISK IMPLICATIONS**

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

Part 3 of the EP&A Act details the legislative process for making and amending Local Environmental Plans. The Planning Proposal would be prepared in accordance with the EP&A Act, and exhibited in accordance with any community consultation requirements in a Gateway Certificate, should it be issued by the Department of Planning and Environment.

Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)

Under Clauses 28 and 29 of the EP&A Regulations, amendments to a Development Contributions plan are required to be placed on public exhibition for a minimum of 28 days.

<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 PSLEP is not amended, manufactured home estates will be permissible in locations that may not be suitable for this type of medium density development.	High	Adopt the recommendations.	Yes
There is a risk that if the Developer Contributions Plan is not amended that Council will not be able to collect the appropriate level of contributions for this type of medium density development to support local infrastructure needs.	High	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed amendments to the PSELP are necessary to restore the policy and legal position that existed prior to the legal case in 2016 and will enable Council to plan for residential and other purposes without inadvertently permitting new manufactured home estates. Positive social, economic and environmental implications are expected as a result of the proposed amendment.

**MINUTES ORDINARY COUNCIL - 12 MARCH 2019**

The amendment to the Development Contributions plan ensures that Council will be able to fund the local infrastructure to support this type of medium density development.

**CONSULTATION**

Appropriate consultation with key internal stakeholders has been undertaken by the Strategy and Environment Section.

Internal

Consultation with Council's Development Contributions Analysis Team has been undertaken and the draft amendments to the plan have been approved. Consultation has also been undertaken with Council's Planning and Developer Relations Unit with no objections raised.

External

If supported, Amendment No.12 to the Port Stephens Development Contributions Plan 2007 will be notified and exhibited in accordance with the EP&A Regulation. 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) and Tomaree Library. If submissions are received during exhibition, they will be considered in a future report back to Council with the detail of any post-exhibition changes.

If the proposed amendment to the PSLEP is supported, a Planning Proposal will be forwarded to the NSW Department of Planning and Environment for a Gateway certificate and consultation on the proposal will be undertaken in accordance with the Gateway determination, where issued.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Excerpt from Port Stephens Contributions Plan 2007 Amendment No.12.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 2 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.**

**Summary of Submissions**

<b>No.</b>	<b>Author</b>	<b>Comments</b>	<b>Council Response</b>
1.	Tomaree Residents Ratepayers Association (TRRA)	The amendments to the contribution plan were supported.	Nil.
2.	ADW Johnson	<p>Manufactured home estates regularly include facilities that reduce the demand for public facilities. In addition the demographics of residents are not generally representative of that of the broader community.</p> <p>Whilst it was acknowledged that there will be some increase in demand for public facilities, additional investigations in the type of facilities needed should be undertaken so as to not rely on dwelling prices or sizes to determine the nexus.</p>	<p>Council acknowledges that a number of existing manufactured home estates provide facilities that Council may collect contributions for, such as recreational and open space facilities and community facilities. However, it has also been noted that residents also utilise recreational and community spaces outside of the development, such as aquatic centres, parks and beaches. Therefore it is expected that the population would still require facilities comparable to other dwellings and hence the proposed rate is considered appropriate.</p> <p>It should be noted that the casual nexus is defined in the Port Stephens Development Contribution Plan 2007 and it does not rely on dwelling sizes or land prices. It is not proposed to amend the nexus between development and the contribution rate; rather, the amendment highlights that manufactured home estates are no longer transient accommodation styles and hence the population increase is comparable to standard forms of residential development. Therefore it is considered that the nexus between the manufactured home estates and the full</p>

ITEM 2 - ATTACHMENT 2 SUMMARY OF SUBMISSIONS.

			contribution rate is considered sound.  Overall no changes to the exhibited amendments are recommended.
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**ITEM NO. 3**

**FILE NO: 19/125546  
EDRMS NO: PSC2018-03515**

**ALCOHOL MANAGEMENT - PROPOSED RE-ESTABLISHMENT OF ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE**

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER

GROUP: DEVELOPMENT SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Exhibit the proposal for the re-establishment of Alcohol Free Zones (AFZ) in Anna Bay, Lakeside, Nelson Bay and Raymond Terrace (**ATTACHMENT 1**) in accordance with section 644A of the Local Government Act 1993 (NSW).
- 2) Extend the existing AFZ in Nelson Bay to include the Yacaaba Street extension (**ATTACHMENT 2**) and exhibit in accordance with section 644A of the Local Government Act 1993 (NSW).
- 3) If no objections are received, adopt the proposal to re-establish the above AFZs and establish the AFZ in Yacaaba Street, Nelson Bay, for four years.

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**ORDINARY COUNCIL MEETING - 25 JUNE 2019  
MOTION**

<b>131</b>	<p><b>Councillor John Nell Councillor Glen Dunkley</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Exhibit the proposal for the re-establishment of Alcohol Free Zones (AFZ) in Anna Bay, Lakeside, Nelson Bay and Raymond Terrace (<b>ATTACHMENT 1</b>) in accordance with section 644A of the Local Government Act 1993 (NSW).</li><li>2) Extend the existing AFZ in Nelson Bay to include the Yacaaba Street extension (<b>ATTACHMENT 2</b>) and exhibit in accordance with section 644A of the Local Government Act 1993 (NSW).</li><li>3) If no objections are received, adopt the proposal to re-establish the above AFZs and establish the AFZ in Yacaaba Street, Nelson Bay, for four years.</li></ol>
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## **BACKGROUND**

The purpose of this report is to seek a Council resolution to undertake the consultation process as required by section 644A of the Local Government Act 1993 (NSW) to:

- Re-establish the existing Alcohol Free Zones (AFZs) in Anna Bay, Lakeside, Nelson Bay and Raymond Terrace (**ATTACHMENT 1**); and
- Extend the existing AFZ in Nelson Bay to include the Yacaaba Street extension (**ATTACHMENT 2**).

AFZs act to prohibit the consumption of alcohol on specified public roads, footpaths and car parks and are in force 24 hours per day. They provide Police with the power to seize and dispose of alcohol from a person if they are drinking it in an AFZ or if there is reasonable cause to believe the person is about to drink alcohol in the AFZ.

The intent of these measures is to improve public safety by preventing anti-social behavior and alcohol related crime taking place on public roads and car parks, however it should be noted that there is the ability to suspend AFZs for events (for example, the annual Tastes of the Bay event in Nelson Bay) and to allow alfresco dining, subject to alcohol license conditions.

AFZs were first established in Port Stephens in 2007 and have assisted in stabilising the number of liquor offences in the Local Government Area (LGA). The subject AFZs are set to expire in September 2019 and a proposal to re-establish the zones has been prepared (**ATTACHMENT 1**) in accordance with section 644 of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol-Free Zones (published February 2009).

The Yacaaba Street extension in Nelson Bay was completed in 2018 and adjoins the existing AFZ established in Nelson Bay. It is proposed to extend the AFZ in Nelson Bay to include this part of Yacaaba Street as it is a key public domain precinct (**ATTACHMENT 2**).

The proposal highlights that AFZs have been an effective tool in preventing disorderly behaviour caused by the consumption of alcohol in public areas (**ATTACHMENT 1**). It is considered that, without the establishment of AFZs, there would be an increase in disorderly behaviour and for that reason it is recommended that the AFZs be re-established for a period of four years.

This is in response to a request from Port Stephens Hunter Police.

**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**

The management of AFZs will be managed within the existing 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**

Local Government Act 1993 (NSW)

Part 4 of Chapter 16 of the Local Government Act 1993 (NSW) provides Council with the legislative powers to establish an AFZ for a period of up to four years, operating 24 hours per day, on public roads, footpaths and in public car parks in locations where antisocial behaviour or crime has been linked to the public consumption of alcohol. Section 644A includes the consultation requirements and the recommendations are in accordance with this section.

Ministerial Guidelines on Alcohol-Free Zones 2009

The Ministerial Guidelines on Alcohol Free Zones 2009 supplements the relevant provisions of the Local Government Act 1993 (NSW) and provides detailed procedures to be followed when considering the establishment (including the re-establishment) of an AFZ. The guideline contains evaluation criteria for Councils to use when re-establishing an AFZ. The criteria has been addressed in the proposal at **(ATTACHMENT 1)**.



Alcohol Management on Public Land Policy 2018

The Policy seeks to manage anti-social behaviour and improve public safety through alcohol regulation in public areas. The Policy details Council's strategies, including the establishment of AFZs, to reduce alcohol-related crime. Council's actions are therefore in accordance with this Policy.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
If the AFZs are not re-established, there is a risk of increased anti-social behaviour leading to a disruption in public safety and property.	Medium	Re-establish the AFZs for a period of four years.	Yes
There is a risk that AFZs are not adequately signposted.	Low	Review current signposts to ensure that they are clearly and accurately signposted. Ongoing consultation is undertaken with Facilities and Services to ensure signage is maintained and current.	Yes
There is a risk that members of the community or key stakeholders do not support the re-establishment of the AFZs and extension of the Nelson Bay AFZ to the Yacaaba Street extension.	Low	Provide explanatory information outlining the importance of AFZs in managing alcohol related crime in the community. Existing provisions are in place for temporary suspension of AFZ's for events and alfresco dining where appropriate licencing is in place.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The establishment of the subject AFZs in the past has helped to improve public perceptions of safety in these areas. The re-establishment of the AFZs and the extension of the Nelson Bay AFZ to the Yacaaba Street extension will assist Police in reducing anti-social and criminal behaviour in public places, as well as reduce the costs to Council for repairing property damage caused by such behaviour.

Therefore, it is considered that the recommendations would have positive sustainability implications.

## **CONSULTATION**

### Internal

The Strategy and Environment Section are responsible for alcohol management in Council. Internal consultation with Facilities and Services regarding signage of AFZs has been undertaken to ensure that signage is current and comprehensible. Should the proposal be adopted, further consultation with Facilities and Services will be undertaken to ensure signage is updated and new signage installed in Yacaaba Street, Nelson Bay.

### External

Should Council endorse the proposal, public consultation will be undertaken in accordance with section 644A of the Local Government Act 1993 (NSW), as follows:

- A notice will be published in the Port Stephens Examiner and on Council's website, advising that Council proposes to re-establish the AFZs and expand the Nelson Bay AFZ to include the Yacaaba Street extension. The notice will clearly indicate the location and hours of operation of the proposed AFZs, the location, dates and times that the proposal can be inspected and will invite public comment to be made on the proposal within 30 days of the notice being published.
- A copy of the proposal will be provided to the Port Stephens Hunter Police District and local licensed premises within the AFZ areas, allowing 30 days to provide a response.

Should objections to the proposal be received, a further report will be made to Council addressing the submissions, together with an amended proposal if required.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Proposal to re-establish Alcohol Free Zones in Anna Bay, Lakeside, Nelson Bay and Raymond Terrace.
- 2) Alcohol Free Zone - Nelson Bay (including Yacaaba Street).

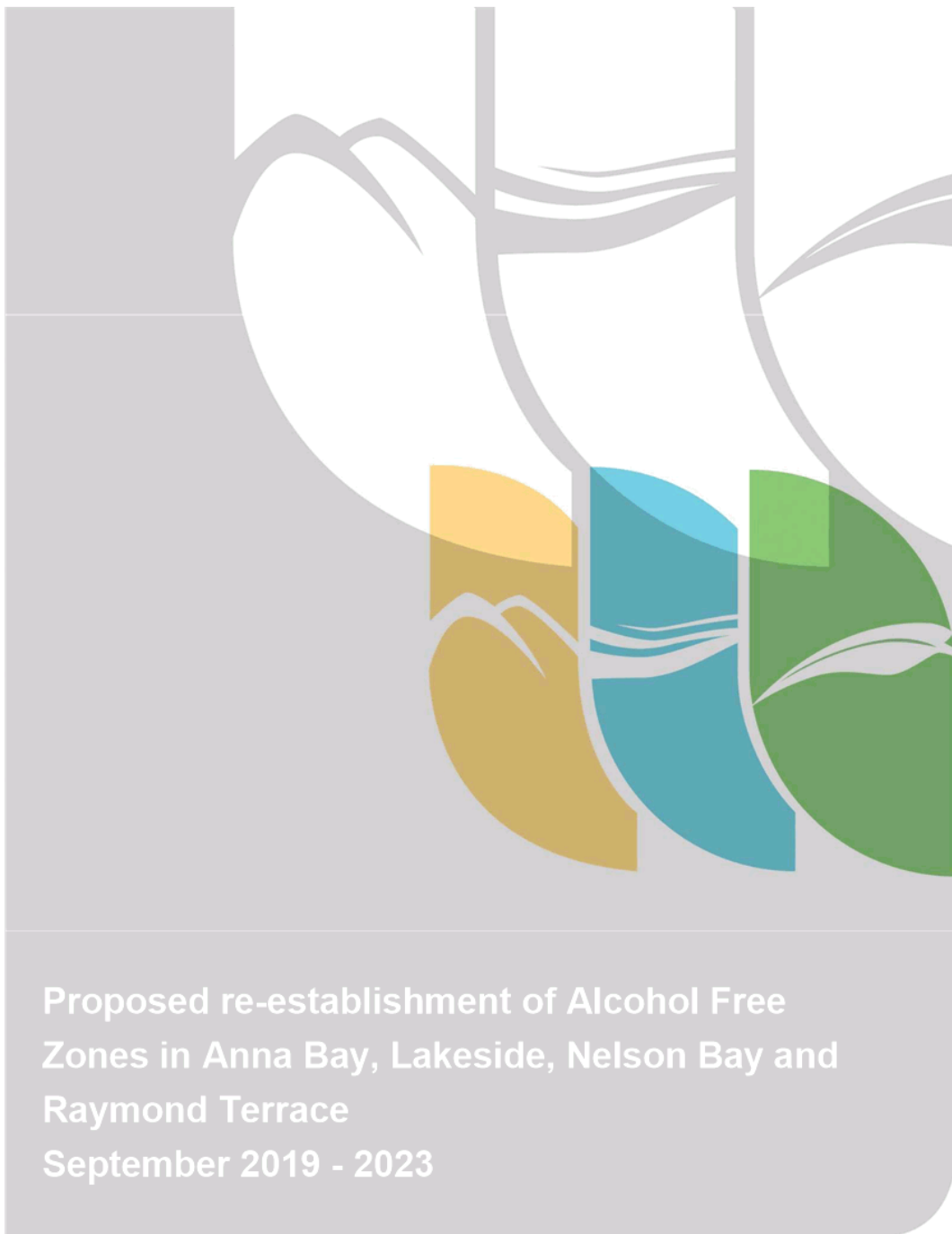
**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.



**ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.**

**FILE NUMBERS**

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PSC2018-03515

19/138110

**LEGISLATION & POLICY**

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Local Government Act 1993 (NSW)

Ministerial Guidelines on Alcohol Free Zones 2009

Liquor Legislation Amendment Bill 2010

Alcohol Management on Public Land Policy 2018 (NSW)

**FIGURES**

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1. Anna Bay Alcohol Free Zone
2. Lakeside Alcohol Free Zone
3. Nelson Bay Alcohol Free Zone
4. Raymond Terrace Alcohol Free Zone
5. Incidents, by type, with an alcohol factor in Anna Bay (May 2018 – April 2019)
6. Incidents, by type, with an alcohol factor in Lakeside (May 2018 – April 2019)
7. Incidents, by type, with an alcohol factor in Nelson Bay (May 2018 – April 2019)
8. Incidents, by type, with an alcohol factor in Raymond Terrace (CBD) (May 2018 – April 2019)
9. "Hotspots" Map showing incidents of Assault (Non-domestic) from January 2018 to December 2018 in Port Stephens LGA

**PROPOSAL**

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This proposal seeks to re-establish the Alcohol Free Zones (AFZs) in Anna Bay, Lakeside, Nelson Bay and Raymond Terrace and to expand the existing AFZ in Nelson Bay to include the Yacaaba Street extension for a period of four (4) years, operating for 24 hours a day in accordance with Section 644A of the *Local Government Act 1993* (NSW).

The proposal is the result of a request from the NSW Police - Port Stephens Hunter Police District (PSHPD) to have Alcohol Free Zones retained and extended in the subject areas.

**BACKGROUND**

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The Ministerial Guidelines on Alcohol Free Zones 2009 (the Guidelines), which supplement the relevant provisions of the *Local Government Act 1993*

**ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.**

(NSW), enable Council to prepare a proposal to establish an Alcohol Free Zone on a public road, footpath or public carpark. Private car parks (being on private land and not under the control of the council) may not be included. In some circumstances an AFZ may be proposed for an area that includes Cafés or restaurants with footpath alfresco dining areas, however these are exempt from the enforceable zone if the business holds a current appropriate liquor license.

An AFZ can be established for a period of up to four years, with the enforceable zones operating for 24 hours per day.

A request to establish an AFZ can be submitted by any person living or working in the area, the local police or a local community group. Alternatively, a local council itself can decide to establish an AFZ.

The principal objective of an AFZ is to prevent disorderly behavior caused by the consumption of alcohol in public areas in order to improve public safety.

Evidence indicates that when AFZs are established in appropriate areas and operated with the required level of resources to promote and enforce the zones, they are an effective tool in assisting Police to manage alcohol-related crime and improve public safety. Within an AFZ, an enforcement officer has the power to issue warnings, seize and dispose of alcohol or charge an uncooperative person with obstruction under section 660 of the *Local Government Act 1993* (NSW), which carries a maximum penalty of \$2,200.

Police have noted the success of the existing AFZs in reducing alcohol related crime and anti-social behaviour, but have indicated that alcohol remains a factor for crimes such as assault, malicious damage and anti-social behaviour in these areas. The number of such offences would likely increase should the AFZs not be re-established.

#### **PUBLIC CONSULTATION**

Should Council endorse the proposal, public consultation will be undertaken in accordance with section 644A of the *Local Government Act 1993* (NSW), as follows:

- A notice will be published in The Port Stephens Examiner and on Council's website, advising that Council proposes to re-establish the AFZs and expand the Nelson Bay AFZ to include the Yacaaba Street extension. The notice will clearly indicate the location and hours of operation of the proposed AFZs, the location, dates and times that the proposal can be inspected and will invite public comment to be made on the proposal within 30 days of the notice being published; and
- A copy of the proposal will be provided to the Port Stephens Hunter Police District and local licensed premises within the AFZ areas, allowing 30 days to provide a response.

**ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.**

Should objections to the proposal be received, a further report will be made to Council addressing the submissions, together with an amended proposal if required.

**DURATION OF ALCOHOL FREE ZONES**

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Under section 644(3) of the *Local Government Act* (1993), Council can resolve to establish an AFZ for a maximum period of four years. Once established, an AFZ applies for 24 hours per day.

The AFZs will become operational 7 days after a notice advising of their establishment has been published in *The Port Stephens Examiner* and the affected areas are adequately signposted.

**PROPOSED LOCATION**

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ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.

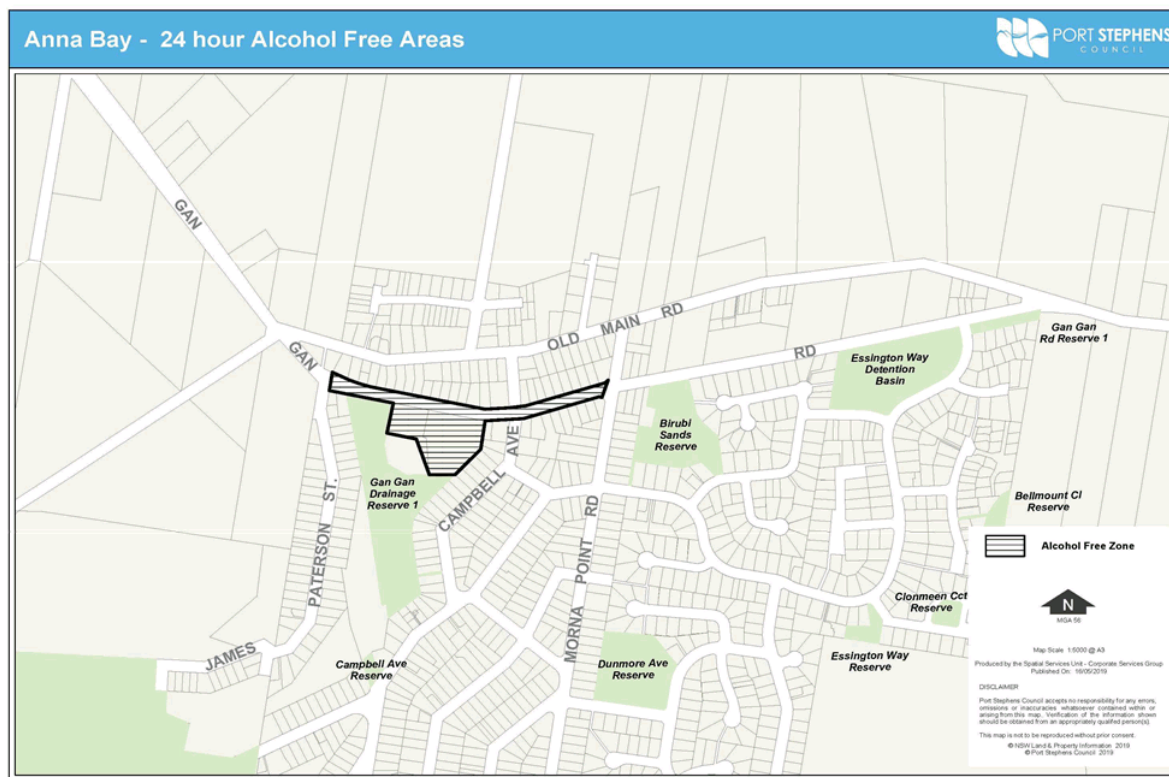


Figure 1: Anna Bay Alcohol Free Zone



ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.

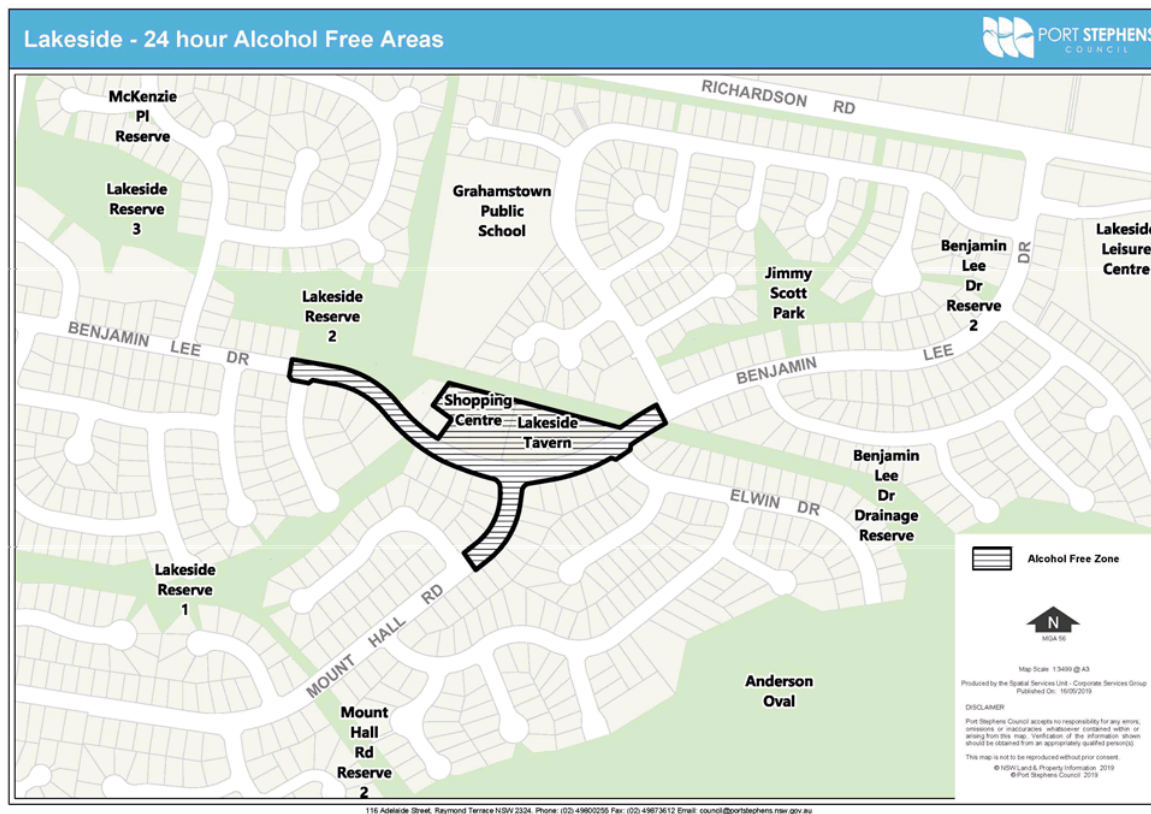


Figure 2: Lakeside Alcohol Free Zone

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.

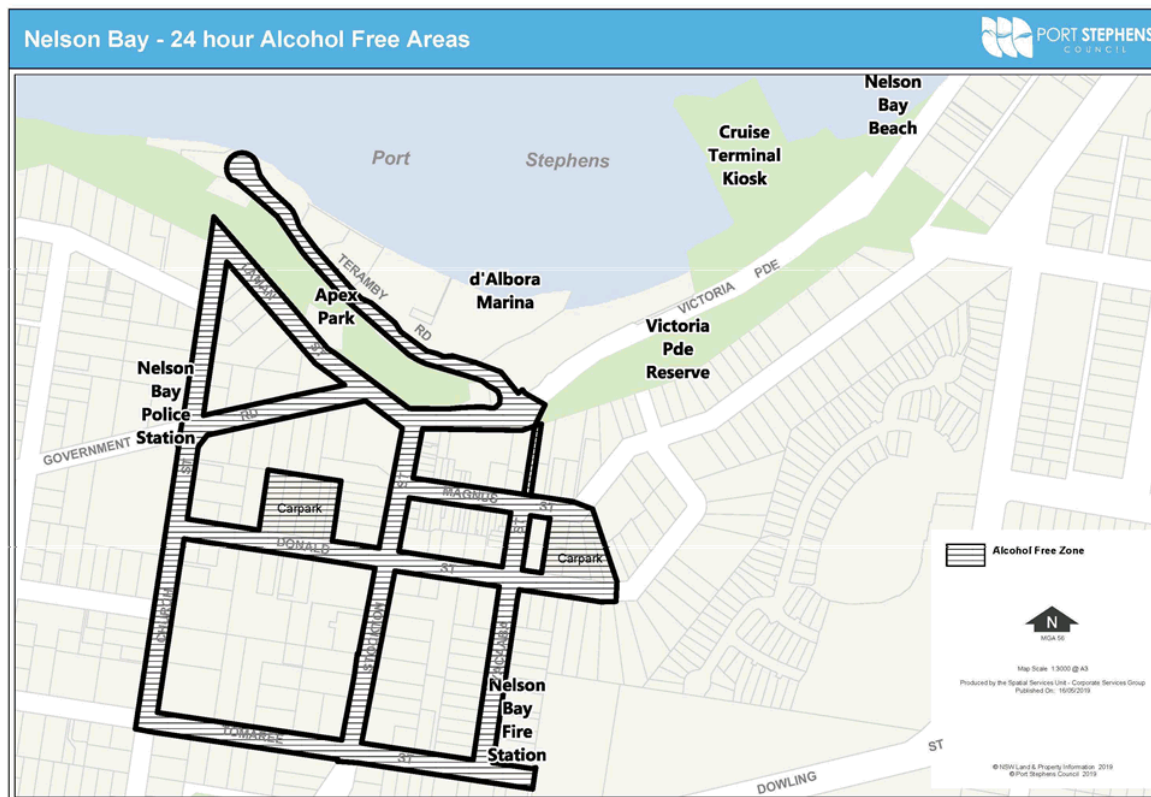


Figure 3: Nelson Bay (including Yacaaba Street extension) Alcohol Free Zone

ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.

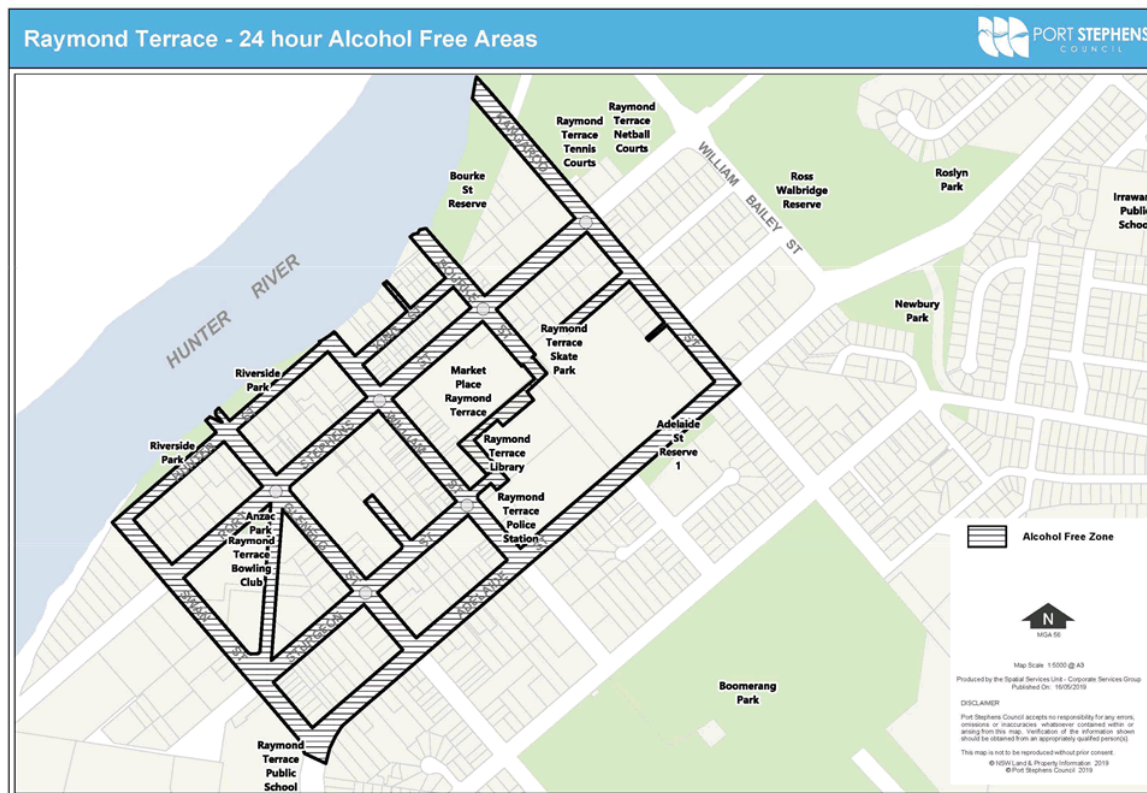


Figure 4: Raymond Terrace Alcohol Free Zone

Email: council@portstephens.nsw.gov.au

**ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.**

**CRIME STATISTICS**

**Anna Bay**

Figure 5 shows that a number of incidents, with alcohol as a factor, occurred in Anna Bay between May 2018 and April 2019, with the type of incidents varying considerably. Re-establishing the AFZs will continue to provide Police with a useful tool to manage this range of offences.

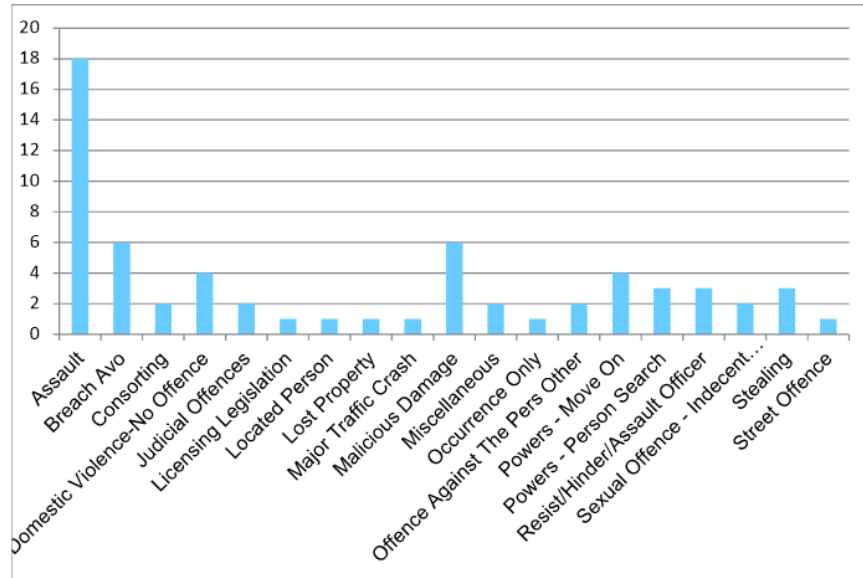


Figure 5: Incidents, by type, with an alcohol factor in Anna Bay (May 2018 – April 2019)

**Lakeside**

Figure 6 (page 10) shows the number of incidents, with alcohol as a factor, which occurred at Lakeside between May 2018 and April 2019. Re-establishing the AFZs will continue to assist Police in the management of this alcohol-related anti-social behaviour.

**ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.**

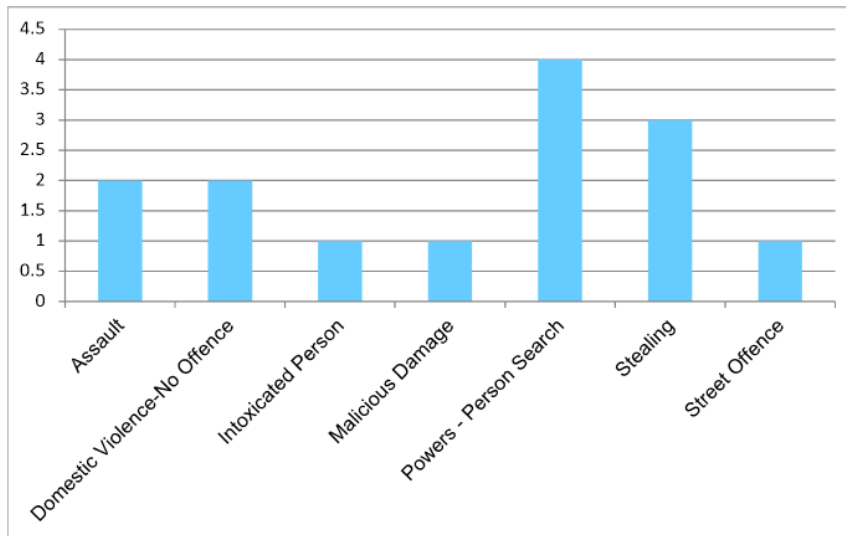


Figure 6: Incidents, by type, with an alcohol factor in Lakeside (May 2018 – April 2019)

**Nelson Bay**

Nelson Bay continued to experience a high number of incidents, with alcohol as a factor, between May 2018 and April 2019, as shown in Figure 7 (page 11). The Nelson Bay CBD is considered a "hot spot" for incidents of assault (non-domestic) as shown in Figure 9 (page 12). Police have advised that the level of violence and anti-social behaviour in the streets around Nelson Bay is a direct result of alcohol and intoxication. Maintaining the existing AFZ and expanding it over the Yacaaba Street extension will continue to assist Police in managing this issue and providing a safe area for the community and visitors.

**ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.**

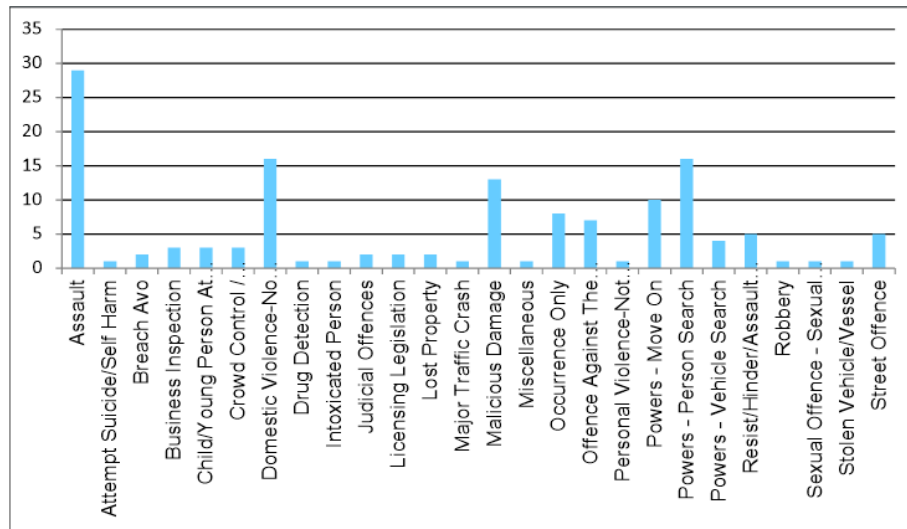


Figure 7: Incidents, by type, with an alcohol factor in Nelson Bay (May 2018 – April 2019)

**Raymond Terrace**

Figure 8 shows the variety of incidents, with an alcohol factor, that occurred in Raymond Terrace between May 2018 and April 2019. The Raymond Terrace CBD is identified as a "hot spot" for incidents of assault (non-domestic), as shown in Figure 9 (page 12). The re-establishment of AFZs will continue to assist Police in managing this wide range of alcohol-related offences.

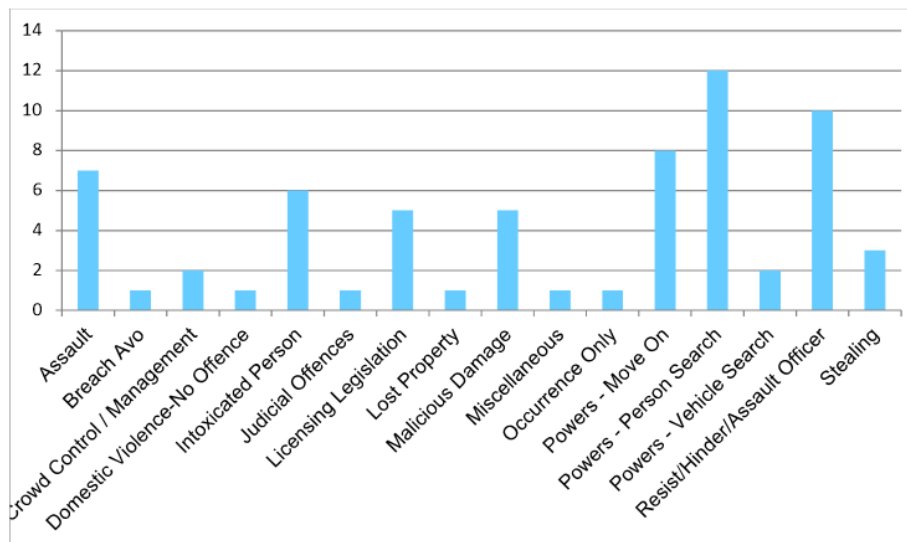


Figure 8: Incidents, by type, with an alcohol factor in Raymond Terrace (CBD) (May 2018 – April 2019)



ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.

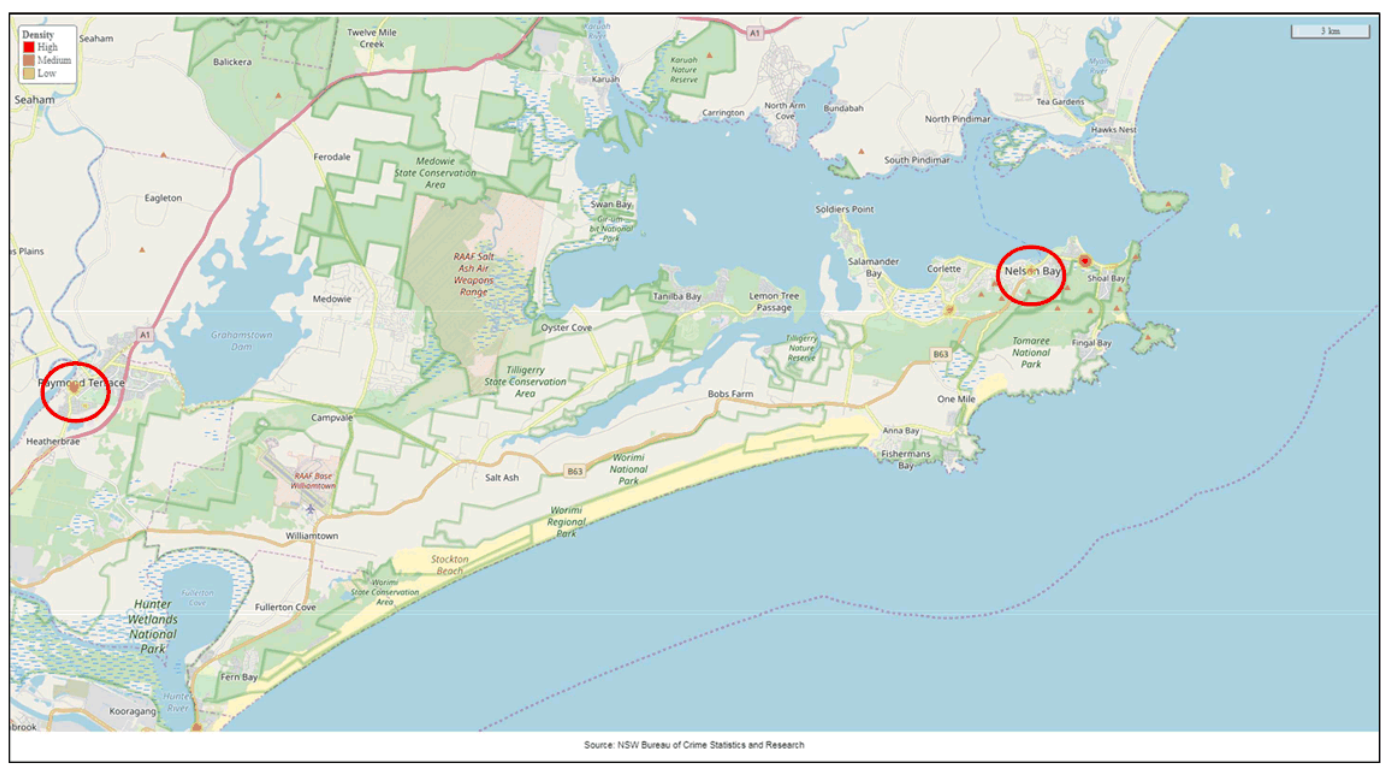


Figure 9: "Hotspots" Map showing incidents of Assault (Non-domestic) from January 2018 to December 2018 in the Port Stephens LGA

**ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.**

**CONCLUSION**

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The re-establishment of the AFZs in Anna Bay, Lakeside, Nelson Bay and Raymond Terrace and the proposed expansion of the AFZ over the Yacaaba Street extension in Nelson Bay should be supported as the NSW Bureau of Crime statistics presented above indicate that alcohol-related crime is still occurring in these areas.

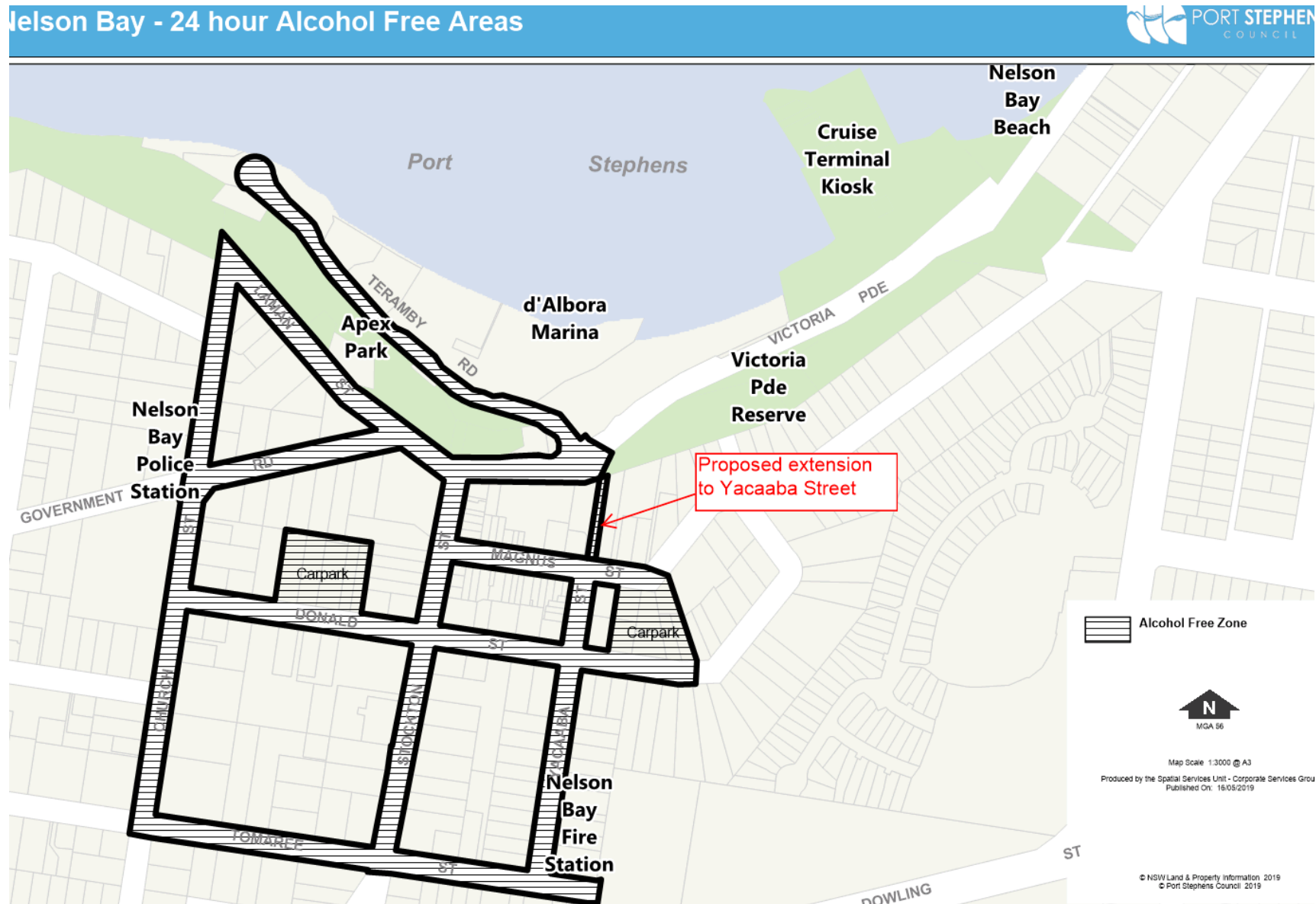
Local Police recommend the re-establishment of AFZs and have confirmed that the AFZs will continue to assist them in managing and enforcing alcohol-related offences, containing anti-social behaviour and providing a safe street environment in these communities. Police have expressed concern that if alcohol consumption was permitted in these areas, anti-social behaviour would escalate to a significant level. It is therefore recommended that the AFZs be re-established for a period of four years.



**ITEM 3 - ATTACHMENT 1 PROPOSAL TO RE-ESTABLISH ALCOHOL FREE ZONES IN ANNA BAY, LAKESIDE, NELSON BAY AND RAYMOND TERRACE.**

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ITEM 3 - ATTACHMENT 2 ALCOHOL FREE ZONE - NELSON BAY (INCLUDING YACAABA STREET).



**ITEM NO. 4**

**FILE NO: 19/107625  
EDRMS NO: PSC2018-03637**

**DRAFT FEES AND CHARGES SCHEDULE 2019 TO 2020, SCHEDULE OF RATES AND CHARGES 2019 TO 2020 AND FUNDING FOR MEDOWIE SPORTS AND COMMUNITY FACILITY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Notes the amendments requested in the submissions received for the draft Fees and Charges Schedule 2019 to 2020 (**ATTACHMENT 1**).
- 2) Adopts the amended draft Fees and Charges Schedule 2019 to 2020 (**TABLED DOCUMENT 1**).
- 3) Makes rates and charges in accordance with the Schedule of Rates and Charges 2019 to 2020 (**ATTACHMENT 2**).
- 4) Authorises the General Manager to secure loan funding up to \$3.5 million for the Medowie Sports and Community Facility.
- 5) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to secure the loan.

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**ORDINARY COUNCIL MEETING - 25 JUNE 2019  
MOTION**

<b>132</b>	<p><b>Councillor Giacomo Arnott Councillor Steve Tucker</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Notes the amendments requested in the submissions received for the draft Fees and Charges Schedule 2019 to 2020 (<b>ATTACHMENT 1</b>).</li><li>2) Adopts the amended draft Fees and Charges Schedule 2019 to 2020 (<b>TABLED DOCUMENT 1</b>).</li><li>3) Makes rates and charges in accordance with the Schedule of Rates and Charges 2019 to 2020 (<b>ATTACHMENT 2</b>).</li><li>4) Authorises the General Manager to secure loan funding up to \$3.5 million for the Medowie Sports and Community Facility.</li><li>5) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to secure the loan.</li></ol>
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## **BACKGROUND**

The purpose of this report is to provide Council with information regarding submissions received for the draft Fees and Charges Schedule 2019 to 2020, and information regarding the Schedule of Rates and Charges 2019 to 2020.

In accordance with local government legislation, the draft Fees and Charges Schedule 2019 to 2020 was exhibited for a period of 28 days from 27 March 2019 to 24 April 2019. Within that period 5 submissions were received.

The Fees and Charges Schedule 2019 to 2020 is a key resource and source of revenue for Council. Should the Fees and Charges Schedule 2019 to 2020 fail to be adopted before 30 June 2019, Council will be unable to charge for any facilities or services for which it sets fees under section 608 of the Local Government Act 1993.

Council is required to make rates and charges for 2019 to 2020. Two proposed rates and charges schedules were provided within the Delivery Program and Operational Plan 2018-2021, due to Council's 2019 application for a Special Rate Variation (SRV). The SRV application was not approved by the Independent Pricing and Regulatory Tribunal (IPART). Council will therefore make ordinary rates using rate peg only, which has been set at 2.7% by IPART.

Council at its meeting of 13 November 2018 resolved to the overall cost of the Medowie Sports and Community Facility Minute No. 142 (**ATTACHMENT 3**), noting the need to secure \$3.5 million in external loan funding. This report is now serving to provide the necessary delegations to have this loan taken out.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Financial Management	Maximise non-rate revenue and investment to support Council services. Maintain strong financial sustainability.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Adoption of the Fees and Charges Schedule 2019 to 2020 will be within existing budget allocations. The changes requested within the 5 submissions will not have an adverse financial impact.

Rate and charge income must be collected in a timely manner to ensure adequate cash flow to fund Council operations.

There are no adverse financial implications regarding the loan for the Medowie Sports and Community Facility.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Levy and collection functions are within existing operational budget.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

The exhibition of the draft Fees and Charges Schedule 2019 to 2020 was compliant with the requirements of section 610F of the Local Government Act 1993.

Legislation requires rates and charges to be made annually by Council resolution and served by 1 August 2019.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council does not adopt the draft Fees and Charges Schedule 2019 to 2020 in the required timeframe. This would result in breach of legislation, financial and reputational loss.	Low	Council adopt the draft Fees and Charges Schedule 2019 to 2020 as shown at <b>(TABLED DOCUMENT 1)</b> before 30 June 2019.	Yes
There is a risk that failure to make and serve rate notices by 1 August 2019 will defer the due date of the first instalment payment to 30 November 2019, which would adversely affect cash flow.	High	Make rates and charges and serve notices before 1 August 2019.	Yes
There is a risk that income may exceed the rate pegging limit.	Low	Calculate notional income prior to levy.	Yes

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The draft Fees and Charges Schedule 2019 to 2020 has been developed in accordance with Council's Pricing Policy, and has full regard to cost recovery being dependant on the users' ability to pay. Rate and charge income is necessary for Council to deliver the services outlined in the Integrated Plans.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Financial Services Section via public exhibition. Five submissions for the Fees and Charges Schedule 2019 to 2020 were received within the designated timeframe, and a summary has been provided to Council at **(ATTACHMENT 1)**.

### Internal

Each section within Council was invited to review and provide feedback on the draft Fees and Charges Schedule 2019 to 2020.

### External

In accordance with local government legislation the draft Fees and Charges Schedule 2019 to 2020 was placed on public exhibition for 28 days, from 27 March 2019 to 24 April 2019.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Summary of submissions.
- 2) Schedule of Rates and Charges 2019 to 2020.
- 3) Minute No. 142 - 13 November 2018.

## **COUNCILLORS ROOM**

- 1) Draft Fees and Charges Schedule 2019 to 2020 – Un-redacted Submissions.

## **TABLED DOCUMENTS**

- 1) Draft Fees and Charges Schedule 2019 to 2020 – Amended.

**ITEM 4 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.**

**Submission Summary**

Draft Fees and Charges Schedule 2019 – 2020

No.	Author of submission	Comment	Council response
1	Council staff	Original proposal regarding Cat Trap hire was \$40.00 per week with an \$80.00 refundable deposit. This means Council can afford to replace the trap if it is lost, damaged or not returned. The proposed schedule for 2019 – 2020 does not include the \$40.00 per week fee. It is proposed to include the \$40.00 fee so that Council may recoup loss.	Acknowledged receipt and advised would be considered by Council.  <i>Recommendation: That the suggestion is adopted.</i>
2	Council staff	<ol style="list-style-type: none"> <li>1. Change of wording requested for Snooker Groups – from 'per player per game' to 'per player per attendance'</li> <li>2. Additional two fees to be added 'Other Hire – Garage – for-profit users &amp; private bookings - \$50.00 – per month – market pricing' and 'Other Hire – Garage – Registered charities and community groups - \$40.00 – per month – market pricing'.</li> </ol>	Acknowledged receipt and advised would be considered by Council.  <i>Recommendation: That both suggestions are adopted.</i>
3	Tomaree Ratepayers & Residents Association Inc (TRRA)	<ol style="list-style-type: none"> <li>1. Suggestion that future Fees &amp; Charges show clearly the proposed changes. It is not clear within the document what changes have been applied.</li> <li>2. Query regarding Council's discretion to decide which pricing to apply to services and facilities.</li> <li>3. Suggest that in future a briefing document be prepared and provided to Councillors and the public on how PSC fees and charges compare with other Councils.</li> </ol>	Acknowledged receipt and advised would be considered by Council.  <i>Recommendation: That Council review Fees &amp; Charges process to provide greater transparency and clarity</i>

**ITEM 4 - ATTACHMENT 1 SUMMARY OF SUBMISSIONS.**

No.	Author of submission	Comment	Council response
4	Resident	<ol style="list-style-type: none"> <li>1. Request that dinghy storage cost be reduced from \$100.00 to \$80.00. Rationale is that this pricing is more appropriate for Port Stephens plus dinghies are largely used by pensioners.</li> <li>2. Please provide a definition regarding 'regular users' of Community Halls</li> <li>3. Please provide a definition of 'Community Groups'</li> <li>4. Fee differentiation between some halls for 'for profit and private bookings' and 'registered charities and community groups' seems unfair.</li> </ol>	<p>Acknowledged receipt and advised would be considered by Council.</p> <p><i>Recommendation:</i></p> <ol style="list-style-type: none"> <li>1. <i>That storage cost remains at \$100.00 in line with other Councils in this region. For example, Lake Macquarie charge \$125.00.</i></li> <li>2. <i>The Hall Committee determine this</i></li> <li>3. <i>'Community Groups' are registered with Australian Charities and Not-for-profits Commission (ACNC)</i></li> <li>4. <i>The Hall Committee determine this</i></li> </ol>
5	Council staff	Request to amend the proposed fee for Indoor Activities Group in Nelson Bay Hall from \$64.00 per month to \$300.00 per month.	<p>Acknowledged receipt and advised would be considered by Council.</p> <p><i>Recommendation: That the suggestion is adopted.</i></p>



**ITEM 4 - ATTACHMENT 2 SCHEDULE OF RATES AND CHARGES 2019 TO 2020.**

**SCHEDULE OF RATES AND CHARGES 2019 - 2020**

- 1) Make ordinary rates in accordance with the following schedule for 2019 - 2020.

<b>Ordinary Rates</b>				
<b>Category</b>	<b>Sub-category</b>	<b>Ad Valorem Rate c in \$</b>	<b>Base Amount \$</b>	<b>% of yield from base amount</b>
Residential	Williamstown Primary Zone	0.1554	\$189.00	35%
Residential	Williamstown Secondary Zone	0.2331	\$283.50	38%
Residential	Williamstown Broader Zone	0.27972	\$340.20	37%
Residential	Residential	0.31146	\$379.00	35%
Farmland	Williamstown Primary Zone	0.1554	\$189.00	27%
Farmland	Williamstown Secondary Zone	0.2331	\$283.50	24%
Farmland	Williamstown Broader Zone	0.27972	\$340.20	25%
Farmland	Farmland	0.31146	\$379.00	22%
Business	n/a	0.8742	\$1,599.00	35%
Mining	n/a	0.8742	n/a	n/a

- 2) Levy on behalf of Hunter Local Land Services a catchment contribution at the rate determined by the Service for 2019 -2020 on all rateable land with a land value of \$300 or more in the defined catchment area. The defined catchment area is shown on the Hunter Local Land Services Contribution Area map.
- 3) Fix the interest rate to apply to overdue rates and charges in 2019 - 2020 at the maximum rate as determined by the Minister for Local Government.
- 4) Make the following annual Domestic Waste Management Charges and Waste Management Charges for 2019 - 2020. All rateable assessments that are undeveloped (ie. have no buildings erected upon them) will be levied either a Domestic Waste Management Charge or a Waste Management Charge. All developed rateable assessments (ie. have a building/s erected upon them) will be levied either a Domestic Waste Management Service Charge or a Waste Management Service Charge in addition to the Domestic Waste Management Charge/Waste Management Charge.

<b>Charge type</b>	<b>Charge code</b>	<b>Charge name</b>	<b>Land category charge applies to</b>	<b>Amount of charge</b>
Domestic Waste Management (s496 Local Government Act, 1993)	6-63	Domestic Waste Management Charge	All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Service Charge (7-73).	\$62.00 per assessment

**ITEM 4 - ATTACHMENT 2 SCHEDULE OF RATES AND CHARGES 2019 TO 2020.**

Waste Management Charge (s501 Local Government Act, 1993)	6-64	Waste Management Charge	All rateable land categorised as Mining or Business. All rateable land categorised as Farmland except land that is levied a s501 Additional Farm Waste Management Charge (6-65). All rateable land categorised as Residential except land that is levied a s496 Domestic Waste Management Charge (6-63). All non-rateable land that uses the Domestic Waste Management Service.	\$62.00 per assessment
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**ITEM 4 - ATTACHMENT 2 SCHEDULE OF RATES AND CHARGES 2019 TO 2020.**

<b>Charge type</b>	<b>Charge code</b>	<b>Charge name</b>	<b>Land category charge applies to</b>	<b>Amount of charge</b>
Waste Management Charge ( <i>s501 Local Government Act, 1993</i> )	6-65	Additional Farm Waste Management Charge	All rateable land categorised as Farmland where more than one assessment is held in the same ownership and those assessments are operated as a single farming entity, then the Waste Management Charge (6-64) is to be levied on the first assessment and this Additional Farm Waste Management Charge (6-65) is to be levied on the second and subsequent assessments.	\$1.00 per assessment
Domestic Waste Management ( <i>s496 Local Government Act, 1993</i> )	7-73 or 10-73	Domestic Waste Management Service Charge	All developed rateable land categorised as Residential or Farmland, whether occupied or unoccupied. All non-rateable land that uses the Domestic Waste Management Service.	\$428.00 per dual 240 litre or 360 litre (recycling only) bin service
Waste Management Charge ( <i>s501 Local Government Act, 1993</i> )	7-74 or 19-74	Waste Management Service Charge	All developed rateable land categorised as Mining or Business, whether occupied or unoccupied.	\$428.00 per dual 240 litre or 360 litre (recycling only) bin service
Waste Management Charge ( <i>s501 Local Government Act, 1993</i> )	3-74	Waste Service Charge – Additional Red Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$250.00 per additional waste (red lid) bin
Waste Management Charge ( <i>s501 Local Government Act, 1993</i> )	4-74 or 18-74	Waste Service Charge – Additional Yellow Bin	All rateable land categorised as Farmland, Residential, Mining or Business where the ratepayer requests provision of the additional service. All non-rateable land where provision of the additional service is requested.	\$150.00 per additional recycling (yellow lid) bin

**MINUTES ORDINARY COUNCIL - 13 NOVEMBER 2018**

ITEM NO. 9

FILE NO: 18/195071  
EDRMS NO: PSC2015-02578**MEDOWIE SPORTS AND COMMUNITY FACILITY**REPORT OF: JOHN MARETICH - ASSET SECTION MANAGER  
GROUP: FACILITIES & SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the project scope and proceed with construction of the Medowie Sports and Community Facility.
- 2) Adopt the revised funding strategy as detailed in this report.

**ORDINARY COUNCIL MEETING - 13 NOVEMBER 2018  
MOTION**

<b>142</b>	<b>Councillor Chris Doohan Councillor Steve Tucker</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Endorse the project scope and proceed with construction of the Medowie Sports and Community Facility.</li><li>2) Adopt the revised funding strategy as detailed in this report.</li></ol>
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**ORDINARY COUNCIL MEETING - 13 NOVEMBER 2018  
MOTION**

<b>143</b>	<b>Councillor Chris Doohan Councillor Steve Tucker</b>  It was resolved that Cr Doohan be granted an extension of time to speak on Item 9 for a period of two minutes.
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**BACKGROUND**

The purpose of this report is to provide background information and updated details on the Medowie Sports and Community Facility project. Updated information is now provided for consideration, given the alterations in project scope to deliver improved community outcomes.

**MINUTES ORDINARY COUNCIL - 13 NOVEMBER 2018**

The Medowie Sports and Community Facility will provide a high quality community facility that can be utilised by the growing population of Medowie as well as the wider Port Stephens community. The project is located at 36A Ferodale Road, Medowie and the total floor area of the project is 859 sq metres. The Medowie area is a growing suburb within the Port Stephens local government area, offering a semi-rural lifestyle in close proximity to Port Stephens, Newcastle, the Williamstown RAAF base and the Hunter Valley.

The facility is an essential piece of community infrastructure, catering for a growing population's community and recreation needs. The facility is co-located within the Ferodale Sports Complex and will support the ongoing sport and leisure pursuits in the area. The facility has also been designed to provide supporting services in the event of an emergency and act as an emergency evacuation centre.

The project is linked to the Council's Integrated Plans in the following ways:

- **Community Strategic Plan** - P2 Infrastructure and Facilities – Our community's infrastructure and facilities are safe, convenient, reliable and environmentally sustainable.
- **Delivery and Operational Plan** – P2.2 Build Council's civil and community infrastructure to support the community.
- **Resource Strategy** - the project is included in Council's Strategic Asset Management Plan and was included in the proposed 2018/19 capital works plan that was advertised with the Integrated Plans.
- **Long Term Financial Plan** – Section 8 Long Term Reserve Usage Strategies specifically 8.1.3 S94/94a Developer Contributions.
- The project is identified within the following local planning strategies:
  - **Medowie Planning Strategy** – Principle 1 Development is supported by infrastructure, and Principle 2 The town centre is the focus for commercial and community activity.
  - **Ferodale Sports Complex Master Plan** - To enable greater public use and enjoyment of the site through the provision of new infrastructure and facilities, expand opportunities for sporting use as well as organised events and gatherings.

The scope of the project is as follows:

1. A multipurpose sports and community facility including a lounge area, kitchen, bar, various function rooms, storage areas and amenities.
2. A supporting car parking area providing 100 spaces.
3. Two bowling greens (one to be constructed), children's play area and associated earthworks, drainage, signage and landscaping.
4. Facilities to cater as an Emergency Evacuation Centre.

To satisfy the NSW Office of Local Government Capital Expenditure Guidelines, a Capital Expenditure Report has been prepared for the project (**TABLED DOCUMENT 1**). A requirement of these guidelines is the preparation of a preliminary business

**MINUTES ORDINARY COUNCIL - 13 NOVEMBER 2018**

case for the project which is provided as an attachment of the Capital Expenditure Report.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Infrastructure and Facilities	Build Council's civil and community infrastructure to support the community.

**FINANCIAL/RESOURCE IMPLICATIONS**

The original funding strategy for the proposal relied upon a cross catchment borrowing arrangement between the Medowie and Fern Bay planning districts. This loan arrangement has been wholly paid back since the project conception and as such, will be part funded using only developer contributions generated within Medowie.

Should the Council resolve to support the recommendation; a tender evaluation report will be provided to Council for consideration at the 27 November 2018 meeting.

The proposed funding strategy is as follows:

<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)	Yes	2,800,000	
External Grants	No		
Other	Yes	3,500,000	External loan

**LEGAL, POLICY AND RISK IMPLICATIONS**

The following risks have been identified within the below table for consideration:

**MINUTES ORDINARY COUNCIL - 13 NOVEMBER 2018**

<b>Risk</b>	<b>Risk Ranking</b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that should Council not proceed with the project, that the Medowie planning catchment will be underserviced for community infrastructure relative to projected population growth	Medium	Construct the Medowie Sports and Community Facility.	Yes
There is a risk that the project once operational does not perform as expected	Medium	Council establishes an operational committee to oversee the framework, lease arrangement and ongoing operations of the facility.	Yes
There is a risk that the costs associated with the project will impact Council's capacity to deliver new infrastructure in the Medowie planning area	Low	The funding strategy proposed for the project will not impact future infrastructure delivery. Approval of funding strategy by Financial Services.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Medowie Sports and Community Facility project is expected to have positive social and economic implications for the Medowie area. A cornerstone of the development is to create a community hub which is family friendly and fosters relationships with the local residents and visitors.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Facilities and Services Section. Over the last three (3) years, the project has been communicated to the community via the following mediums:

- Community Strategic Plan consultation.
- Operational Plan consultation.
- Delivery Plan consultation.
- Strategic Asset Management Plan.
- Medowie Strategy consultation.

**MINUTES ORDINARY COUNCIL - 13 NOVEMBER 2018**

- Ferodale Sports Complex Master Plan consultation.
- Articles in local media - Port Stephens Examiner.
- Inclusion in Council's resident newsletter.
- Meetings with Medowie Sports and Community Facility executive.

The agreed lease Memorandum of Understanding (MoU) has also been communicated to the community via the Council business paper dated 28 June 2016 (Minute No.180) and corresponding report. The development application for the project (and subsequent modifications) also required exhibition of the project to the public. This process followed the requirements of the *Environmental Planning and Assessment Act 1979*.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

- 1) Minute No. 180, 28 June 2016.

**TABLED DOCUMENTS**

- 1) Capital Expenditure Report – Medowie Sports and Community Facility.



**ITEM NO. 5**

**FILE NO: 19/75448  
EDRMS NO: PSC2005-3551**

**DISSOLUTION AND/OR CHANGE OF THREE 355C COMMITTEES**

REPORT OF: MICHELLE GILLIVER-SMITH - ORGANISATION DEVELOPMENT  
SECTION MANAGER  
GROUP: CORPORATE SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Dissolve the following two 355c committees of Council as of 30 June 2019, implementing the adopted volunteer management service review recommendations:
  - Karuah Landcare Group.
  - Shoal Bay Beach Preservation Committee.
- 2) Close the Karuah Landcare Group bank account prior to 30 June 2019, with remaining funds to be transferred to Council and be available for use by the newly formed Karuah Landcare Group until 30 June 2020.
- 3) Change the Salt Ash Community Hall Park and Reserves Committee to Salt Ash Community Hall Committee and adopt the amended Appendix to the 355c Committee Terms of Reference (**ATTACHMENT 1**).

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**ORDINARY COUNCIL MEETING - 25 JUNE 2019  
MOTION**

<b>133</b>	<p><b>Councillor Sarah Smith Councillor Glen Dunkley</b></p> <p>It was resolve that Council:</p> <ol style="list-style-type: none"><li>1) Dissolve the following two 355c committees of Council as of 30 June 2019, implementing the adopted volunteer management service review recommendations:<ul style="list-style-type: none"><li>• Karuah Landcare Group.</li><li>• Shoal Bay Beach Preservation Committee.</li></ul></li><li>2) Close the Karuah Landcare Group bank account prior to 30 June 2019, with remaining funds to be transferred to Council and be available for use by the newly formed Karuah Landcare Group until 30 June 2020.</li><li>3) Change the Salt Ash Community Hall Park and Reserves Committee to Salt Ash Community Hall Committee and adopt the amended Appendix to the 355c Committee Terms of Reference (<b>ATTACHMENT 1</b>).</li></ol>
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## **BACKGROUND**

The purpose of this report is to dissolve two 355c committees of Port Stephens Council and amend one 355c committee, progressing implementation of the volunteer management service review adopted by Council on 26 August 2018, Minute No. 267 (**ATTACHMENT 2**).

Following the adoption of the service review, communication was provided to all 355c committees and volunteer managers on the outcomes of the review, and intention of Council to dissolve park and cemetery committees over a two year period from August 2018.

One recommendation of the service review was to “disband 355c committee model of operation for park and cemetery committees over time and establish groups of Council volunteers working on Council land”. The primary reasons for this change are to reduce administrative workload on volunteers and encourage more people to be involved, particularly in areas not already covered by 355c committees.

Karuah Landcare Group (Annual General Meeting held 26 March 2019, **ATTACHMENT 3**) and Shoal Bay Beach Preservation Committee (Annual General Meeting held 22 February 2019, **ATTACHMENT 4**) have recently resolved to dissolve as 355c committees of Council and change to the new model of operation.

Members of the Karuah Landcare Group (355c committee) will establish a new volunteer group under Council also called ‘Karuah Landcare Group’. Volunteers in Shoal Bay have already formed two new groups to undertake park and reserve activities, being ‘Shoal Bay Landcare Group’ and ‘Shoal Bay West Landcare Group’.

Council staff and these committees have committed to working cooperatively and collaboratively over the coming months whilst transitioning to this new methodology for on-ground volunteering.

At its Annual General Meeting on 4 February 2019 (**ATTACHMENT 5**) the Salt Ash Community Hall Park and Reserves Committee resolved to change to a 355c hall management committee only, becoming ‘Salt Ash Community Hall Committee’, and to make required changes to the Committee Appendix to the Terms of Reference, bank account name, email and promotional material.

It is recognised that some park committees do not want to be dissolved, whilst others are in favour of the new model but are taking time to deliver planned projects and spend funds in their bank accounts. Reports to Council to dissolve additional 355c park committees (and change hall/park committees) are planned for December 2019 and mid-2020.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Community Diversity	Support volunteers to deliver appropriate community services.

**FINANCIAL/RESOURCE IMPLICATIONS**

Karuah Landcare Group's bank account will be closed prior to 30 June 2019, with remaining funds to be transferred to Council and be available for use by the newly formed group until 30 June 2020, following a consultation and approval process.

The Shoal Bay Beach Preservation Committee bank account was closed in March 2019 and funds transferred to Council (the two new Shoal Bay volunteer groups have access to these funds until 30 June 2019).

Funds in the Salt Ash Community Hall Park and Reserves Committee bank account will remain for hall management purposes (including the committees' interest in the adjoining playground). The committee will make required changes to the bank account name.

Karuah Landcare Group and the two Shoal Bay groups will not receive an annual operating subsidy in July 2019. Instead, the equivalent financial allocation will be retained by Council and utilised for resourcing of activities for these groups. Funds will not be rolled over from year to year.

Any minor assets of Council held by the two former 355c park committees (eg. tools and equipment) will be transferred to the new groups. They will also still be able to apply for eligible internal and external grants as they currently do to support their work in the community.

The Salt Ash Community Hall Committee will receive a \$1,000 annual operating subsidy in July 2019, in line with that received by hall committees.

<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 legal or policy impediments to accepting the recommendations. As further park committees wish to dissolve, additional reports to Council will be forthcoming to endorse such changes as required by section 355c of the Local Government Act 1993.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not accepting the recommendations will affect Council's reputation as these committees have resolved to dissolve and change to the new model of operation.	Low	Accept the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Expansion and improved satisfaction in on-ground volunteering in Port Stephens is being hampered by the current operating structure, as outlined in the volunteer management service review. By transitioning to the new group model, the administrative workload of volunteers will be reduced and volunteer engagement and satisfaction will improve. There will be more opportunities for volunteers to participate in on-ground working bee activities in our parks and reserves which will in turn will build a sense of community wellbeing and value to the local environment.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Organisation Development and Community Services Sections. Extensive engagement and consultation with volunteers, 355c committees, staff and Councillors occurred throughout 2018 as part of the service review process. Consultation both within Council and with the affected 355c committees is vital for key process changes such as this to ensure all parties are engaged in the transition and are able to provide input into the model of operation.

Internal

Consultation occurred with internal stakeholders regarding changes to the 355c committee model of operation for park and cemetery committees and development of new processes, and included:

- Public Domain and Services Section Manager.
- Organisation Development Section Manager.
- Governance Section Manager.
- Community Services Section.
- Parks Team.
- Stores Coordinator.
- Natural Resources Staff.
- Business Systems Support Staff.

### External

Following adoption of the service review package last August, communication was provided to volunteers, 355c committees and staff providing updates on the implementation process and timeframes.

In addition, the Volunteers Co-ordinator has engaged specifically with the identified three committees and attended the following meetings and conversations:

- Karuah Landcare Group (26 March 2019).
- Salt Ash Community Hall Park and Reserves Committee (31 January 2019 and 4 February 2019).
- Shoal Bay Beach Preservation Committee (31 November 2018, 31 November 2018 and 5 March 2019).

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Draft Appendix - Salt Ash Community Hall Committee.
- 2) Minute No. 267 - 26 August 2018.
- 3) Minutes of Karuah Landcare Group Annual General Meeting - 26 March 2019.
- 4) Minutes of Shoal Bay Beach Preservation Committee Annual General Meeting - 22 February 2019.
- 5) Minutes of Salt Ash Community Hall and Reserves Committee Meeting - 4 February 2019.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM 5 - ATTACHMENT 1 DRAFT APPENDIX - SALT ASH COMMUNITY HALL COMMITTEE.**

**APPENDIX TO 355(c) COMMITTEE TERMS OF REFERENCE**

Item 1	Name of committee	Salt Ash Community Hall Committee
Item 2	Purpose of committee	6.1.1 Council will engage its citizens in developing plans for the future of the Port Stephens Local Government Area.
Item 3	Functions delegated by Council to committee  (Objectives)	<ol style="list-style-type: none"> <li>1. Cooperate with Council to ensure that facilities are provided and maintained at an acceptable standard.</li> <li>2. Undertake the functions of: <ul style="list-style-type: none"> <li>▪ arranging bookings for hire of the hall;</li> <li>▪ receiving and banking fees &amp; charges;</li> <li>▪ arranging cleaning;</li> <li>▪ providing reports to Council on maintenance requirements.</li> </ul> </li> <li>3. Liaise with Council as to the development, planning and management of Salt Ash Community Hall and adjacent playground.</li> <li>4. Provide forward works priorities to Council for consideration and planning of future works.</li> <li>5. Make recommendations to Council on appropriate charges for the use of the facility.</li> <li>6. Encourage and support the community and/or community groups, to participate in programs benefiting Salt Ash.</li> <li>7. Be an avenue through which Council can engage with the community on matters that affect them.</li> </ol>
Item 4	Restrictions on functions delegated	<p>Any works undertaken will be with the knowledge and approval of the Community and Recreation Coordinator and/or Building Trades Coordinator and/or Parks Program Officer.</p> <p>Committees that have volunteers between the age of 15 to 18 years working on 355(c) projects are required to have at least one member present with a current Working With Children Check, alternatively a parent or guardian, of that person under 18 years is required to be on site working with the young person in question.</p>
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies and legislation including but not limited to:</p> <ul style="list-style-type: none"> <li>▪ Local Government Act 1993</li> <li>▪ Work Health and Safety Act 2011</li> <li>▪ Privacy and Personal Information Protection Act 1998</li> <li>▪ State Records Act 1998</li> <li>▪ <i>PSC 355c Committee Terms of Reference (2017) and Appendix</i></li> <li>▪ PSC Code of Conduct</li> <li>▪ PSC Code of Meeting Practice</li> <li>▪ PSC Access to Information Policy</li> <li>▪ PSC Procurement Policy</li> <li>▪ PSC WHS Statement of Commitment</li> </ul>
Item 6	Term of Committee	September of Council Election each four years. Council to readopt Terms of Reference within three months following election.

**ITEM 5 - ATTACHMENT 1 DRAFT APPENDIX - SALT ASH COMMUNITY HALL COMMITTEE.**

<b>Item 7</b>	Maximum number and make up of committee members	Up to fifty (50) General Members.
<b>Item 8</b>	Executive and Advisory members	Three (3) to four (4) Executive Members: <ul style="list-style-type: none"> <li>▪ Chairperson</li> <li>▪ Vice Chairperson</li> <li>▪ Treasurer</li> <li>▪ Secretary</li> </ul> <p>Up to five (5) Advisory Members</p>
<b>Item 9</b>	Councillors	As resolved by Council
<b>Item 10</b>	Council employees	Corporate Services Group Organisation Development Section Manager Organisation Development Section Community and Recreation Coordinator Building Trades Coordinator Parks Coordinator Volunteers Coordinator Finance Coordinator Facilities and Services Senior Business Support Advisor Community and Recreation Asset Officer
<b>Item 11</b>	Name of financial institution and type of account/s	To be advised by committee
<b>Item 12</b>	Name of any account operated by the committee	To be Salt Ash Community Hall Committee, a 355(c) Committee of Port Stephens Council
<b>Item 13</b>	Reporting	<p><b>Financial Record Keeping and Reporting</b></p> <ol style="list-style-type: none"> <li>1. Committees must spend their annual allocation from Council only on items and works that enable them to exercise their Functions delegated to them from Council pursuant to Clause 3 and outlined in Item 3 of the Appendix.</li> <li>2. With the introduction of the Goods and Services Tax effective from 1 July 2000, all 355(c) committees are obliged to comply with the new tax system. <ol style="list-style-type: none"> <li>a) All committees are covered under Council's Australian Business Number (16744377876)</li> <li>b) Committees are responsible for administering the requirements of GST Legislation, that is charging GST on taxable supplies and correctly identifying input tax credits claimable from ATO.</li> <li>c) Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).</li> <li>d) Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by Australian Taxation Office.</li> </ol> </li> </ol>



**ITEM 5 - ATTACHMENT 1 DRAFT APPENDIX - SALT ASH COMMUNITY HALL COMMITTEE.**

<p>Item 13 cont...</p>	<p>Reporting</p>	<p>3. The Treasurer shall be responsible for ensuring:</p> <ul style="list-style-type: none"> <li>a) The proper keeping of the books and accounts of the committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager.</li> <li>b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the committee.</li> <li>c) Forwarding monthly financial and GST reporting to Council's designated Responsible Officer each month in a format as directed by the General Manager. (Only those Committees with quarterly bank statements will be granted permission to submit quarterly financial reports, which must be received by the end of the following month.)             <ul style="list-style-type: none"> <li>i. This includes a cash book style financial record keeping system (manual or electronic) supplied by Council, which is set up to record income, expenditure, GST and reconciliations in a simple format.</li> <li>ii. The cash book is completed each month and the original forwarded to Council before the end of the following month, along with copies of tax invoices, tax input receipts and bank statements.</li> <li>iii. The totals of each month are entered onto the Annual Financial Summary reporting page.</li> </ul> </li> <li>d) Receiving monies on behalf of the committee and maintaining accurate records of the receipt of such monies.</li> <li>e) Attending to the payment of accounts and other expenses approved by the committee on behalf of the committee, and maintaining an accurate record of such payments.</li> <li>f) Issuing of tax invoices.</li> <li>g) Annual Financial Summary to be forwarded prior to 31 March each year to Council's Responsible Officer for finance in a format as provided by Council, and to include:             <ul style="list-style-type: none"> <li>▪ copy of bank statement, bank book or on-line banking printout clearly indicating the balance as at the 31st December each year.</li> <li>▪ copies of documentation supporting all increases and decreases in any investment accounts.</li> </ul> </li> </ul> <p>4. All monies received by the committee shall be deposited within seven (7) days of receipt into an account in the financial institution set out in Item 11 of the Appendix. Any such account must have the names of the account/s set out in Item 12 of the Appendix.</p>
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**ITEM 5 - ATTACHMENT 1 DRAFT APPENDIX - SALT ASH COMMUNITY HALL COMMITTEE.**

<p>Item 13 cont...</p>	<p>Reporting</p>	<p>5. The committee may only operate those accounts set out in Item 11 and 12 of the Appendix or as directed in writing by the General Manager.</p> <p>a) Any cheques drawn on behalf of the committee or withdrawals from any account operated by the committee shall be signed by any two (2) of the Executive as determined by the committee.</p> <p>b) All financial accounts must have two Council staff signatories, including all term deposit accounts in accordance with Item 10 of the Appendix.</p> <p>c) All committees are required to advise Council of the details of the persons who are authorised signatories of the committee's bank account, when a new account is opened, and when changes to the signatories occurs.</p> <p>d) All financial accounts held by the committee must include the words "A 355c Committee of Port Stephens Council" in the account name.</p> <p>e) The committee is also required to provide documentation at the Annual General Meeting, from the financial institution, listing the current signatories, on each account held. This documentation will form part of the Minutes of the Annual General Meeting.</p> <p>6. The committee must not, at any time, incur any expenditure in excess of the amount held in the committee's credit in the account operated by the committee. In any event, no expenses of any member of the committee, or the committee, shall be paid unless authorised by resolution of the committee.</p> <p>7. The committee may authorise the transfer of an amount not exceeding the sum of \$50.00, to be known as "petty cash", which shall be held by the Treasurer subject to any direction by the committee.</p> <p>8. The financial year shall be the period from the 1 January to 31 December.</p> <p><b>General Reporting</b></p> <p>1. Annual Reporting - to be forwarded prior to 31 March each year to Council's Responsible Officer for Volunteers and must include:</p> <ul style="list-style-type: none"> <li>▪ Minutes of AGM and Account Signatories.</li> <li>▪ Committee Annual Report – brief summary of activities/projects undertaken between 1 January and 31 December, and proposed projects/activities to be undertaken by the Committee during that current year.</li> <li>▪ Updated list of all General Members.</li> </ul>
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**ITEM 5 - ATTACHMENT 1 DRAFT APPENDIX - SALT ASH COMMUNITY HALL COMMITTEE.**

<p><b>Item 13 cont...</b></p>	<p>Reporting</p>	<p>2. Recommendations for Fees and Charges to be forwarded to Council by 1<sup>st</sup> December each year.</p> <ul style="list-style-type: none"> <li>a) The fees and charges are set by Council, taking into consideration the recommendations of the committee and the operating requirements of the facility.</li> <li>b) The committee is not able to provide subsidies or waive hire fees as specified in Item 4 of the Appendix.</li> </ul> <p>3. Details of Uninsured Casual Hires - committees are required to report the number of times the facility is used by uninsured casual hirers to enable Council to complete its Insurance Renewal Declaration. This information is required to be forwarded to Council's Responsible Officer for Volunteers prior to 31 March each year.</p> <ul style="list-style-type: none"> <li>▪ An uninsured 'Casual Hirer' means <i>"any person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or 12 times per calendar year"</i>.</li> </ul> <p>Notification to Council should also include a brief description of the type of use on those occasions, eg birthday party, family reunion etc.</p>
<p><b>Item 14</b></p>	<p>Changes to Terms of Reference or Appendix – Adopted by Council Meeting Date Minute No Resolution</p>	<p>Terms of Reference Adopted at Council Meeting 27 October 2015, Minute No. 322. Amended Terms of Reference adopted at Council Meeting 9 May 2017, Minute No 106.</p> <p>Schedule for Salt Ash Community Hall, Reserves and Tennis Court Committee adopted on 19 September 2000, Min No. 506.</p> <p>Appendix for Salt Ash Community Hall, Park and Reserve Committee adopted at Council Meeting 9 May 2017, Minute No 106.</p> <p>Appendix for Salt Ash Community Hall Committee adopted at Council Meeting 25 June 2019.</p>
<p><b>Item 15</b></p>	<p>Additional clauses or amendments to Terms of Reference or Schedule To be listed in full – body of terms of Reference not to be altered</p>	<p>Clause 16 – Halls The committee will be required to meet the following expenses from income received from the hire of the hall:</p> <ul style="list-style-type: none"> <li>▪ Water usage charges</li> <li>▪ Electricity charges</li> <li>▪ Cleaning costs</li> <li>▪ Agreed contribution to repairs, maintenance and ground maintenance.</li> </ul> <p>Council will meet the following expenses:</p> <ul style="list-style-type: none"> <li>▪ Council rates</li> <li>▪ Standing charges for water</li> <li>▪ Sewerage charges</li> <li>▪ Waste collection</li> <li>▪ Structural maintenance and repairs</li> </ul>

**MINUTES ORDINARY COUNCIL - 28 AUGUST 2018**

ITEM NO. 6

FILE NO: 18/143022  
EDRMS NO: PSC2017-01586**SERVICE REVIEW - VOLUNTEER MANAGEMENT**REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION  
MANAGER  
GROUP: FACILITIES & SERVICES**RECOMMENDATION IS THAT COUNCIL:**

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

**ORDINARY COUNCIL MEETING - 28 AUGUST 2018  
MOTION**

<b>267</b>	<p><b>Councillor Glen Dunkley</b> <b>Councillor Sarah Smith</b></p> <p>It was resolved that Council endorse the Volunteers Management service package as outlined, to deliver the required level of service to meet the organisation's future needs.</p>
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**BACKGROUND**

The purpose of this report is to endorse the Volunteers Management service package.

The Volunteers Management is part of the Community Services Section and the Facilities and Services Group. The vision of Volunteers Management is providing opportunities for people to have meaningful engagement in their local community.

Port Stephens has a population of 71,000 with 700 registered Council volunteers. By way of comparison, Newcastle City Council has a population of 160,000 with 350 registered Council volunteers. Creation and management of a framework to govern all Council volunteers is provided by the Volunteers Coordinator (1 FTE). It includes:

- Recruitment and registration of volunteers.
- Reward and recognition for volunteers.
- Training and development of volunteers.
- Governance and management frameworks.
- Guidelines and resources.
- Hall and park forums.

**MINUTES ORDINARY COUNCIL - 28 AUGUST 2018**

- Fees and charges.

In most cases volunteers and 355c committees are directly managed by other council teams. The Volunteers Management service review has shown that:

- 1) There is no standard practice for how Council takes over management of a hall facility when a 355c hall committee disbands.
- 2) The 355c committee model for parks groups limits growth in volunteer numbers through the formality and governance requirements of 355c of the *Local Government Act 1993 (NSW)*.
- 3) Port Stephens Council is "*the last bastion*" of 355c committees in local government with most other councils moving towards a focus on Landcare and informal working groups for their activities.
- 4) Learning and development for volunteers is largely limited to governance and compliance matters. There is a growing demand for a renewed focus on natural resource management skills development, social networking and peer support.
- 5) Parks committees are calling for more support from Council staff to help plan and resource projects. A reduction of volunteers willing to take on governance roles in committees, an ageing volunteer workforce and a growing trend in short term/project specific volunteering are driving this demand.
- 6) Financial governance requirements for parks and cemetery committees are onerous given these committees manage small sums of money yet are required to account for this money in the same manner as committees with large budgets.
- 7) There is no clear direction as to whether parks and cemetery committees' purpose is to provide hands on assistance with the maintenance of public spaces or to accumulate money with a view to directing Council's strategic asset management planning for parks and cemeteries.

The recommendations from the service review, to be deployed over a two year period in continued consultation with volunteers and 355c Committees are to:

- 1) Make no changes to 355c committees where the primary purpose is the management of bookings and financial aspects of Council facilities. This includes sports councils, hall committees, and other financial committees.
- 2) Make no changes to non-financial 355c committees where the sole purpose is an advisory role to Council.
- 3) Make no changes to how volunteers are managed directly by staff (eg Libraries, Visitors Information Centre, Public Domain and Services Section).
- 4) Initiate alternative options for hall facility management where there is no community management or where committees' capabilities are limited and do not meet Council requirements. This includes liaising with primary users to take on the role of booking agent or, leasing the hall to a tenant with provisions for community use or, commercial management of the facility.
- 5) Disband 355c committee model of operation for parks and cemetery committees over time and establish groups of Council volunteers working on Council land that report to the Parks Team of the Public Domain and Services Section.

**ITEM 5 - ATTACHMENT 2      MINUTE NO. 267 - 26 AUGUST 2018.****MINUTES ORDINARY COUNCIL - 28 AUGUST 2018**

- 6) Establish a new paid position to support the growth in parks and cemetery groups to enable these groups to formulate site specific action plans and to be the linchpin between the groups and other Council teams.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Community Diversity	Support volunteers to deliver appropriate community services.

**FINANCIAL/RESOURCE IMPLICATIONS**

The recommendations from the service review do not result in any financial gain to Council's operational budget. Existing funding arrangements for 355c committees will be retained with disbanded parks and cemetery committees pooling their annual subsidy to be used for on the ground works within the financial year. Accounting for these funds will move from a committee Treasurer and the associated paper based process to Council's job number system and financial reporting tools. Committees with banked savings will be consulted on how best to allocate these funds to local projects that align with Council's Strategic Asset Management Plan.

Funding for a new position to support parks and cemetery groups is reliant on a new funding source being determined and will result in an increased call on general revenue with existing resources or future income streams. The start date for the proposed new position will be determined by the take up of the parks and cemetery group model by existing 355c committees and aspiring and as yet unformed groups.

For clarity, the existing financial subsidy allocated to eligible 355c committees will not be used to fund the proposed new support role.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	95,000	One new FTE salary package and resource budget. Funding source to be determined through existing budgetary processes.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no legal or policy impediments to adopting this recommendation.

As committees disband or change purpose further reports to Council will be forthcoming to endorse such changes as required by section 355c of the *Local Government Act 1993*.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that not adopting the recommendation will lead to existing volunteers feeling ignored resulting in volunteer disengagement.	Low	Adopt the recommendation and manage all feedback through existing communication channels.	Yes
There is a risk that adopting the recommendation will lead to existing volunteers feeling ignored resulting in volunteer disengagement.	Low	Adopt the recommendation and manage all feedback through existing communication channels.	Yes
There is a risk that not adopting the recommendation will lead to fewer volunteers as fewer people are attracted to the 355c committee model of volunteering.	Low	Adopt the recommendation.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adopting the recommendation will create more opportunities for volunteers to participate in parks, Landcare and cemetery improvement projects which in turn build a sense of community wellbeing and value to the local environment.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Community Services Section. The consultation formed part of the cyclical service review process.



**MINUTES ORDINARY COUNCIL - 28 AUGUST 2018**

Internal

Consultation using interviews, surveys, presentations and desk top analysis has involved the following internal stakeholders:

- 1) Staff who supervise or have direct contact with volunteers.
- 2) Volunteers of Council:
  - a. Park forums (March and July 2017, March and July 2018).
  - b. Hall forums (July 2017 and July 2018).
  - c. Cemetery committee engagement (May 2018.)
  - d. Park committee engagement (May 2018).
  - e. Community engagement workshop (November 2017).
  - f. Volunteer surveys and direct submissions.
  - g. "Cashless trial" with a 355c committee.
- 3) Consultative Committee.
- 4) Senior Management.
- 5) Executive Leadership Team.
- 6) Two way conversations with Councillors on 17 July and 21 August 2018.

External

Consultation using interviews and surveys has involved the following external stakeholders:

- 1) Users of Council's parks and reserves.
- 2) Regular users of Council's halls.
- 3) 21 other council's with volunteers and 355c committees.
- 4) Hunter Volunteer Centre.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil



ITEM 5 - ATTACHMENT 3 MINUTES OF KARUAH LANDCARE GROUP  
ANNUAL GENERAL MEETING - 26 MARCH 2019.



**355(c) Committee Meeting  
ANNUAL GENERAL MEETING  
MINUTES**

**Name of 355(c) committee:** Karuah Landcare Group

**Minutes of the meeting:** Held at Karuah RSL on 26<sup>th</sup> March, 2019 commencing at 5:30pm.  
Minutes amended 22/05/2019

**Meeting Opened:** 5:40 pm.

**Present:** Wade, Aaron, Torsten, Cheryl, Shane, Melinda.  
**Apologies:** Shelley, Jordan.

**Acknowledgement of Country:** Wade Cameron.

**Confirmation of a quorum:** Yes.

**Declarations of interest:** Nil.

**Adoption of minutes of previous meeting:** Not available

**Treasurer's Report / Expenditure Approval:** Not available

**ALL POSITIONS DECLARED OPEN.**

Wade Cameron was nominated for Chairperson, moved by Shane, seconded by Aaron. Position accepted.

Aaron Crotty was nominated as Deputy Chairperson, moved by Shane, seconded by Cheryl. Position accepted.

Cheryl Crotty was nominated for Secretary, moved by Wade, seconded by Aaron. Position accepted.

Torsten Landwehr was nominated for Treasurer, moved by Wade, seconded by Aaron. Position accepted.

**Advisory members:** Shane Emmanuel

**Committee Signatories:** Will remain the same until dissolution in July.

**ITEM 5 - ATTACHMENT 3 MINUTES OF KARUAH LANDCARE GROUP ANNUAL GENERAL MEETING - 26 MARCH 2019.**

**Discussion Items:**

- *Committee supports the outcomes of the Volunteer Management Service Review adopted by Council 28 August 2018 (Min. No. 267) to disband the 355c committee model of operation for park committees and transition to a new volunteer group model.*
- *To disband the Karuah Landcare Group as a 355c committee of Council as at 30 June 2019, and to close the committee bank account prior to 30 June 2019, with funds to be returned to Port Stephens Council.*
- *That a new Council volunteer group be established in the name of Karuah Landcare Group, commencing 1 July 2019, with members of the former 355c committee be registered as members of the new group.*
  
- Further discussion included requirements for annual reporting of 2018 financial year, which will require tracking down Shelley for information.  
  
Installation of signs at wetland will require submitting a form to council to get permission for works on council land. Wade to look into.

**Meeting Closed: 6:17 pm.**

**ITEM 5 - ATTACHMENT 4 MINUTES OF SHOAL BAY BEACH PRESERVATION COMMITTEE ANNUAL GENERAL MEETING - 22 FEBRUARY 2019.**

# Shoal Bay Beach Preservation Committee

(355c) of Port Stephens Council

**Minutes - Annual General Meeting - 22 February 2019**

<b>Date:</b>	22/02/2019
<b>Time:</b>	11am
<b>Place:</b>	Apollo Court Games Room, 24 Weatherly Close Nelson Bay
<b>Attendees:</b>	See 'Attendance Sheets'
<b>Apologies:</b>	See 'Attendance Sheets'
<b>Acknowledgement of Country</b>	Today we are meeting on Worimi Country, we acknowledge the past, we are working towards a better tomorrow
<b>1</b>	<i>Declaration of any pecuniary or conflict of interests:</i> NIL
<b>2</b>	<b>Review minutes of previous AGM meeting dated 23/02/18 with actions arising from those meeting:</b> NIL
<b>3</b>	<p><b>Acceptance of minutes of previous AGM meeting:</b>  Proposed resolution:  That the minutes of the AGM meeting held on the 23/02/18 be accepted.  Moved: R Harrison                      Seconded: L Millar                      Passed Unanimously</p> <p><b>Business/Action Arising:</b> NIL</p>
<b>4</b>	<b>Endorsement of new members:</b> NIL
<b>5</b>	<b>Chairperson's report:</b> Tabled (see attached)
<b>6</b>	<b>Dept. Chairperson's report:</b> NIL
<b>7</b>	<p><b>Finance report:</b> Tabled (see attached)  Auditor endorsed for 2017 – 2018:  Proposed resolution: That the finance report be accepted.  Moved: C Millar                      Seconded: C Dique                      Passed Unanimously</p>
<b>8</b>	<b>Secretary's report:</b> Correspondence Received 'In' and Sent 'Out':
<b>9</b>	<b>Business arising from correspondence:</b> NIL

**ITEM 5 - ATTACHMENT 4 MINUTES OF SHOAL BAY BEACH PRESERVATION COMMITTEE ANNUAL GENERAL MEETING - 22 FEBRUARY 2019.**

10	<b>Advisors Reports:</b> (matters arising to be dealt with in General Business) NIL
11	<b>Election of office-bearers:</b> Shoal Bay Beach Preservation Committee: NIL
12	<p><b>Motions on Notice:</b>  <b>Motion 1: That the membership of the Shoal Bay Beach Preservation Committee, a 355c Committee of PSC do hereby vote to close and disband the Shoal Bay Beach Preservation Committee, a 355c Committee of PSC and inform Port Stephens Council of their decision and actions.</b></p> <p>Moved: R Harrison                      Seconded: N Wakelin          Passed:          18 Votes in the affirmative    4 Votes against    1 Vote to Abstain – K Atkins          2 Members left the meeting prior to the vote for the above-mentioned Motion 1.</p>
13	<p><b>General Business:</b>          The 355c Shoal Bay Beach Preservation Committee is now officially closed-down and disbanded, however, all current volunteer members can continue their good works with authority from Port Stephens Council until new "local" groups are officially formed.</p> <p>Discussion Point:          In good faith to the Eastern End membership of the Shoal Bay Beach Preservation Committee, the monies remaining in the Account for the 355c Shoal Bay Beach Preservation Committee will remain open for the next two weeks, closing on the 8<sup>th</sup> of March 2019. Monies included in that account will be for their sole and exclusive use.</p> <p>Motions Without Notice:          That: the members attending this final meeting of the Shoal Bay Beach Preservation Committee and living at the Western End of Shoal Bay Beach, propose to establish the "Shoal Bay West Landcare Group" as one of a number of localised land care groups providing volunteer work for the preservation of the Shoal Bay Beach Dune System.</p> <p>The proposed remit for the Shoal Bay West Landcare Group would include the dune system from Halifax Caravan Park Little Beach, heading east and including Central Park, then continuing east through to the end of Beach road at the intersection with Shoal Bay Road, and including Anzac Park.</p> <p>Moved: R Harrison    Seconded: L Millar                      Passed Unanimously          12 Votes in the affirmative          0 Votes against</p>
14	<b>Next meeting: NIL</b>
15	<b>Meeting Closed: 12.30pm</b>
<b>Minute taker:</b>	R Harrison
<b>Signed:</b>	
<b>Name:</b>	Ralph Harrison
<b>Date:</b>	22/02/2019

ITEM 5 - ATTACHMENT 5 MINUTES OF SALT ASH COMMUNITY HALL AND RESERVES COMMITTEE MEETING - 4 FEBRUARY 2019.



## 355(c) Committee Meeting MINUTES

**Name of 355(c) committee:** Salt Ash Hall, Park and Reserve Committee

**Minutes of the meeting:** Held at Salt Ash Hall on 4.2.2019 commencing at 7.00pm

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**Meeting Opened:** 7.05pm

**Present:** James Andrews, Barbara Andrews, Glenda Faber, Helen Imber, Jennifer Baker, Melinda Anderson, Debra Todd, Maria Sharp, Brian Sharp

**Apologies:** Robert Toll, Robyn Thompson

**Acknowledgement of Country:**

We acknowledge the Worimi Aboriginal people of this area as the original custodians of the land upon which we undertake our work. We pay our respects to their elders, past present and future.

**Confirmation of a quorum:** *Yes*

**Declarations of interest:** *None*

**Adoption of minutes of previous meeting:**

Motion that the minutes of the previous meeting held 3/12/2018 are a true and accurate record.

Moved. Glenda Faber      Seconded. Helen Imber      Motion Carried

**Business arising from previous minutes:**

The filling of the park will not be going ahead as work on the new bike and skateboard park will be taking place early this year.

**Endorsement of new General Members:** Erin and George Nott, Kath Nolan

**Chairperson's Report**

**Booking Officer Report**

**Secretary's Report / Correspondence:**

**Outward**

Email to Volunteers Coordinator with AGM date for public notification.

**ITEM 5 - ATTACHMENT 5 MINUTES OF SALT ASH COMMUNITY HALL AND RESERVES COMMITTEE MEETING - 4 FEBRUARY 2019.**

**Inward**

Email from Melinda Anderson advising us of upcoming changes to how parks and reserves are maintained. Council has been advised to provide the structure for small groups to work in their area without having to be part of a formal committee. Council funds and staff would support these groups. We would have to change our name on the bank account, the email and all our promotional material.

We would still continue towards funding a BBQ in the park as it also enhances the use of the hall.

Letter from Kate Washington concerning water costs to the hall.

**Treasurer's Report / Expenditure Approval**

TREASURERS REPORT FEBRUARY 2019

	INCOME	EXPENDITURE	BALANCE
OPENING BALANCE as at the 1st December 2018			18,887.98
INCOME			
Rent	1,120		
Bond	1,400		
Interest	3.15		
TOTAL INCOME	2,523.15		21,411.13
EXPENDITURE			
Bond refund		1,400	
Lifestyle Cleaning strip & seal		275	
Lifestyle Cleaning November clean		539	
J Andrews - gift voucher for cleaner		50	
J Andrews - rubber, tap, cables		18.75	
PSC - keys		97.05	
TOTAL EXPENDITURE		2,379.8	
CLOSING BALANCE as at the 31st December 2018			19,031.33
OPENING BALANCE as at the 1st January 2019			19,031.33
INCOME			
Rent	324		
TOTAL INCOME	324		19,355.33
EXPENDITURE			
Lifestyle Cleaning December clean		330	
ERM electricity		119.73	
Water		328.87	
Water		168.44	
TOTAL EXPENDITURE		947.04	18,408.29
CLOSING BALANCE as at the 31st January 2019			18,408.29

I move that the payments be ratified Glenda Faber. Seconded...Debra Todd

**Committee Management:**

**WHS, Site Inductions & Risks / Incidents / Hazards:**

**ITEM 5 - ATTACHMENT 5 MINUTES OF SALT ASH COMMUNITY HALL AND RESERVES COMMITTEE MEETING - 4 FEBRUARY 2019.**

**General Business:**

Melinda gave further explanation of changing the committee to just a hall committee due to outcomes of the volunteer service review last August. A report will go to Council in May/June 2019 recommending changing the responsibility of this committee to a hall committee only and amending the committee Appendix. We will continue until then as a hall, park and reserve committee.

Motion to change the responsibilities of this committee to a hall only (with interest in the adjacent playground), amend the committee name to Salt Ash Community Hall Committee, and make required changes to committee Appendix, bank account name, email and promotional material. Moved...Jim Andrews. Seconded... Barbara Andrews. Motion carried

Purchase of a new phone for hall bookings.

Motion to purchase an unlocked phone up to the cost of \$500.

Moved...Barbara Andrews Seconded... Brian Sharp. Motion...carried

An Archery Club has made enquires about hiring the hall. A demonstration was given to Barbara and Jim Andrews and Glenda Faber. Assurances were given about potential damage from the equipment as protection of the walls and floor would be erected when using the hall. We only have a Friday night available and after discussion it was agreed that we would allow the booking on the condition that damage resulting in affecting other clients would terminate use.

**Upcoming activities / working bees:**

**Meeting Closed:** 7.35pm

**Next Meeting:** Salt Ash Community Hall. 6.5.2019 7pm

**Chairperson of meeting at which these minutes were endorsed:**

**ITEM NO. 6**

**FILE NO: 19/154596  
EDRMS NO: PSC2017-00178**

**REQUEST FOR FINANCIAL ASSISTANCE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:
  - a. Nelson Bay Sharks Rugby League Football Club – Cr Glen Dunkley - \$500 donation towards operational costs for the setup of the womens tag team.
  - b. Nelson Bay Golf Club – Mayoral Funds - \$500 donation towards 2019 Junior Golf Tournament.
  - c. Raymond Terrace Soccer Club – Ward Funds Cr Giacomo Arnott - \$500 donation towards 2019 Girls Gala Day.
  - d. Irrawang High School PBL – Cr Giacomo Arnott - \$500 donation towards the installation of a PBL sign at Boomerang Park.
  - e. Raymond Terrace Community PBL – Cr Giacomo Arnott - \$500 donation towards the installation of a PBL sign at Lakeside Skatepark.
  - f. Karuah Working Together Committee – Cr Giacomo Arnott - \$500 donation towards rent for the Karuah Centre building.
  - g. Karuah Public School P&C – Cr Giacomo Arnott - \$250 donation towards play equipment.
  - h. Irrawang Public School P&C – Cr Giacomo Arnott - \$250 donation towards upgrading the POS system in the school canteen.
  - i. Medowie & Districts Rugby Union Club – Cr Chris Doohan - \$500 donation towards the purchase of a junior rugby scrumming machine.



**ORDINARY COUNCIL MEETING - 25 JUNE 2019  
MOTION**

<b>134</b>	<p><b>Councillor Paul Le Mottee Councillor Ken Jordan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:<ol style="list-style-type: none"><li>a. Nelson Bay Sharks Rugby League Football Club – Cr Glen Dunkley - \$500 donation towards operational costs for the setup of the womens tag team.</li><li>b. Nelson Bay Golf Club – Mayoral Funds - \$500 donation towards 2019 Junior Golf Tournament.</li><li>c. Raymond Terrace Soccer Club – Ward Funds Cr Giacomo Arnott - \$500 donation towards 2019 Girls Gala Day.</li><li>d. Irrawang High School PBL – Cr Giacomo Arnott - \$500 donation towards the installation of a PBL sign at Boomerang Park.</li><li>e. Raymond Terrace Community PBL – Cr Giacomo Arnott - \$500 donation towards the installation of a PBL sign at Lakeside Skatepark.</li><li>f. Karuah Working Together Committee – Cr Giacomo Arnott - \$500 donation towards rent for the Karuah Centre building.</li><li>g. Karuah Public School P&amp;C – Cr Giacomo Arnott - \$250 donation towards play equipment.</li><li>h. Irrawang Public School P&amp;C – Cr Giacomo Arnott - \$250 donation towards upgrading the POS system in the school canteen.</li><li>i. Medowie &amp; Districts Rugby Union Club – Cr Chris Doohan - \$500 donation towards the purchase of a junior rugby scrumming machine.</li></ol></li></ol>
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**BACKGROUND**

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

Council's Grants and Donations Policy provides the community, the Mayor and Councillors with a number of options when seeking financial assistance from Council. Those options being:

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

**MINUTES ORDINARY COUNCIL - 25 JUNE 2019**

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

The requests for financial assistance are shown below:

**MAYORAL FUNDS – Mayor Palmer**

Nelson Bay Golf Club.	A members club with a special charter to ensure the course is open every day to the thousands of visitors to Port Stephens each year.	\$500	Donation towards 2019 Junior Golf Tournament.
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**WEST WARD – Councillors Arnott, Jordan and Le Mottee**

Karuah Working Together Committee.	A not for profit community based organisation.	\$500	Donation towards rent for the Karuah Centre building.
Karuah Public School P&C.	A NSW State primary school.	\$250	Donation towards new play equipment.
Raymond Terrace Soccer Club.	A not for profit community sporting club.	\$500	Donation towards 2019 Girls Gala Day.
Irrawang Public School P&C.	A group of community minded people, parents and citizens.	\$250	Donation towards upgrading the POS system at the school canteen.
Irrawang High School.	A NSW State high school.	\$500	Donation towards installation of a PBL sign at Boomerang Park.
Raymond Terrace Community PBL.	Positive Behaviour for Learning (PBL) is a school-wide behaviour initiative. It engages a whole	\$500	Donation towards installation of a PBL sign at Lakeside Stakepark.

**MINUTES ORDINARY COUNCIL - 25 JUNE 2019**

	systems approach to address problem behaviour and reduce its effects on student outcomes and on the school community overall.		
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**CENTRAL WARD – Councillors Doohan, Smith and Tucker**

Medowie & Districts Rugby Union Club.	Not for profit community sporting club.	\$500	Donation towards the purchase of a junior rugby
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**EAST WARD – Councillors Abbott, Dunkley and Nell**

Nelson Bay Sharks Rugby League Football Club.	Not for profit community sporting club.	\$500	Donation towards operational costs of setting up the women’s tag team.
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**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Community Partnerships	Support financially creative and active communities.

**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 AND POLICY IMPLICATIONS**

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

The Policy interpretation required is whether the Council believes that:

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

<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 set a precedent when allocating funds to the community and an expectation those funds will always be available.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

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

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 7**

**FILE NO: 19/160396  
EDRMS NO: PSC2017-00015**

**INFORMATION PAPERS**

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

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**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 25 June 2019.

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<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	May 2019 Cash and Investments	96
2	Installation of Defibrillators at Sports Complexes	99
3	Designated Persons' Return	101

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**ORDINARY COUNCIL MEETING - 25 JUNE 2019  
MOTION**

<b>135</b>	<b>Councillor Glen Dunkley Councillor Sarah Smith</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 25 June 2019. <hr/> <b>No: Report Title</b>  1 May 2019 Cash and Investments 2 Installation of Defibrillators at Sports Complexes 3 Designated Persons' Return  <b>Page:</b>
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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 19/155804  
EDRMS NO: PSC2006-6531**

**MAY 2019 CASH AND INVESTMENTS**

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

**BACKGROUND**

The purpose of this report is to present Council's schedule of cash and investments held at 31 May 2019.

**ATTACHMENTS**

- 1) May 2019 Cash and Investments.
- 2) May 2019 Cashflow Report.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**CASH AND INVESTMENTS HELD AS AT 31 MAY 2019**

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
<b>TERM DEPOSITS</b>								
AMP BANK	IMPERIUM	A+	TD	2.95%	376	13-Jun-19	1,250,000	1,250,000
NATIONAL AUSTRALIA BANK	IMPERIUM	AA-	TD	2.80%	365	13-Jun-19	1,000,000	1,000,000
BANK OF US	RIM	BBB	TD	2.95%	365	22-Jun-19	1,000,000	1,000,000
ING	IMPERIUM	A-	TD	2.83%	368	25-Jun-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	3.00%	365	28-Jun-19	800,000	800,000
BANANA COAST CREDIT UNION	RIM	NR	TD	2.95%	376	9-Jul-19	800,000	800,000
AUSTRALIAN MILITARY BANK	FARQUHARSON	NR	TD	2.78%	146	24-Jul-19	500,000	500,000
BANK OF US	CURVE	BBB	TD	2.90%	338	8-Aug-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.84%	362	21-Aug-19	1,500,000	1,500,000
QBANK	FARQUHARSON	BBB	TD	2.90%	364	30-Aug-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.84%	373	5-Sep-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.85%	384	18-Sep-19	1,500,000	1,500,000
ICBC	RIM	A	TD	2.84%	342	3-Oct-19	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	369	16-Oct-19	1,250,000	1,250,000
SOUTH WEST CREDIT UNION CO-OP	RIM	BBB	TD	2.90%	378	30-Oct-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.83%	377	13-Nov-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.86%	453	27-Nov-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.87%	399	11-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	391	18-Dec-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.70%	241	2-Jan-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.70%	248	9-Jan-20	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	412	9-Jan-20	1,000,000	1,000,000
AUSTRALIAN MILITARY BANK	LAMINAR	NR	TD	3.01%	420	22-Jan-20	1,000,000	1,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	362	5-Feb-20	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	359	19-Feb-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.95%	373	13-Mar-20	1,000,000	1,000,000
ICBC	RIM	A	TD	2.93%	509	1-Apr-20	1,000,000	1,000,000
ARAB BANK	RIM	BB+	TD	2.97%	502	20-Apr-20	1,500,000	1,500,000
BOC	CURVE	A	TD	2.88%	512	28-Apr-20	1,000,000	1,000,000
JUDO BANK	LAMINAR	NR	TD	2.70%	369	13-May-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.65%	375	9-Jun-20	1,000,000	1,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	525	5-Aug-20	1,000,000	1,000,000
<b>SUB TOTAL (\$)</b>							<b>33,100,000</b>	<b>33,100,000</b>
<b>INVESTMENTS TOTAL (\$)</b>							<b>33,100,000</b>	<b>33,100,000</b>
<b>CASH AT BANK (\$)</b>							<b>3,087,287</b>	<b>3,087,287</b>
<b>TOTAL CASH AND INVESTMENTS (\$)</b>							<b>36,187,287</b>	<b>36,187,287</b>
CASH AT BANK INTEREST RATE				1.60%				
BBSW FOR PREVIOUS 3 MONTHS				1.73%				
AVG. INVESTMENT RATE OF RETURN				2.88%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
<b>CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER</b>								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

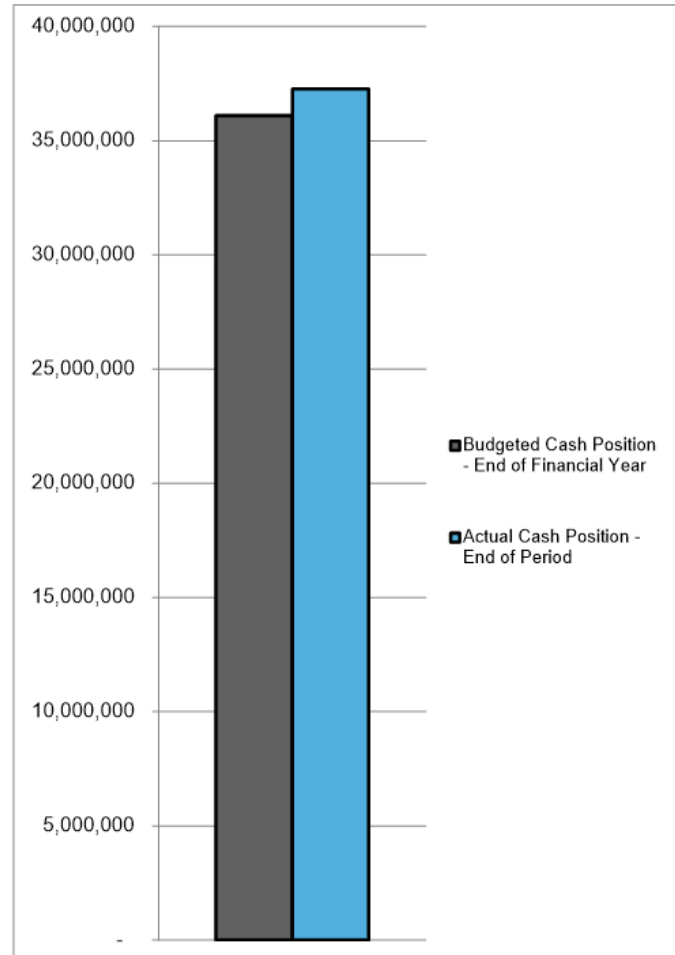


**Cash flow analysis  
31/05/2019**

**CASHFLOW STATEMENT**

Opening Cash and Investment 1 July 2018  
Closing Cash and Investment 31 May 2019  
**Movement in cash**

	YTD	Notes
Opening Cash and Investment 1 July 2018	36,013,235	
Closing Cash and Investment 31 May 2019	37,262,297	
<b>Movement in cash</b>	<b>1,249,062</b>	
<b>Movement in cash represented by:</b>		
<u>Operating Activities</u>		
Receipts from ratepayers, customers and government authorities	111,715,701	
Payments to suppliers & employees	(89,203,449)	
Interest received	1,034,839	
Interest paid	(496,459)	
<b>Total</b>	<b>23,050,631</b>	
<u>Investing Activities</u>		
Receipts from sale of Infrastructure, Property, Plant & Equipment	2,896,228	
Payments for Property, Plant & Equipment	(20,435,834)	
<b>Total</b>	<b>(17,539,606)</b>	
<u>Financing Activities</u>		
Payment of loans	(4,261,964)	
Receipt of new loans	-	
<b>Total</b>	<b>(4,261,964)</b>	
<b>Total Cash Movement</b>	<b>1,249,062</b>	
Plus: Opening Cash and Investment 1 July 2018	36,013,235	
<b>Closing Cash and Investment 31 May 2019</b>	<b>37,262,297</b>	
Budgeted Cash Movement for the Financial Year	83,765	
Plus Opening Cash and Investment 1 July 2018	36,013,235	
<b>Budgeted Cash and Investment Position 30 June 2019</b>	<b>36,097,000</b>	
In front / (behind) on budget	1,165,297	1

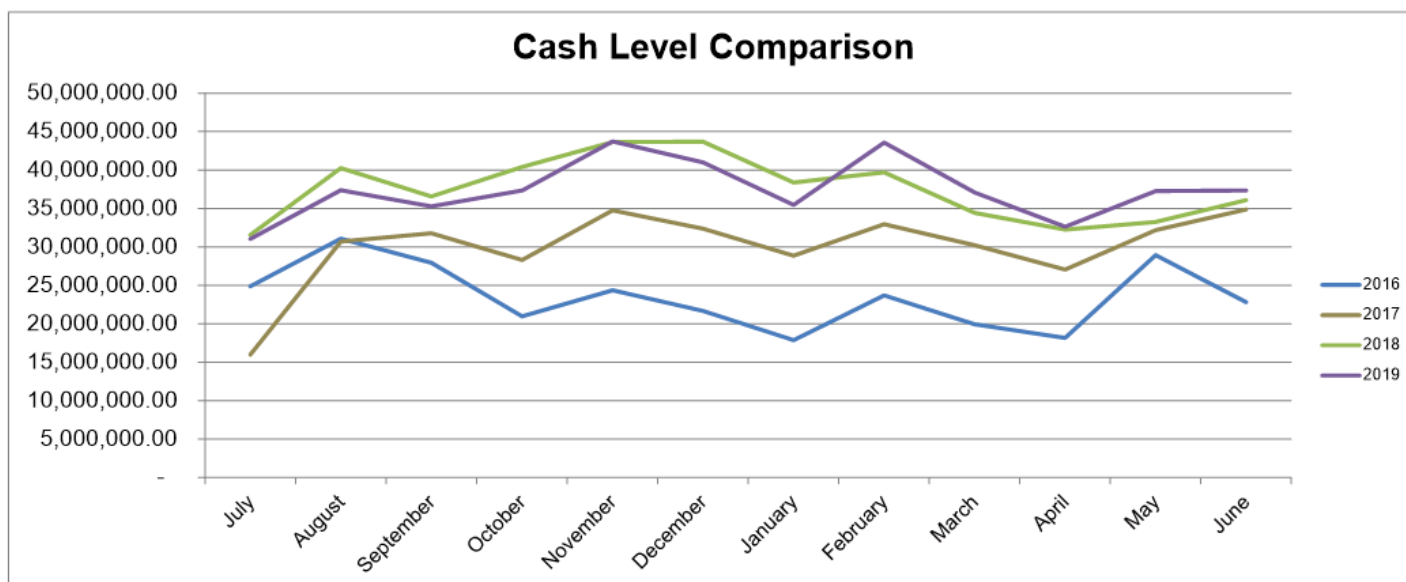


**Notes**

- 1 Council's cash position is up on the budgeted year end position by \$1 M predominately due to the following reasons:
- a) The proceeds from the sale of 15 Bagnall Beach Rd, Salamander Bay were received this month.
  - b) The proceeds from State Roads project work for February and March were received this month.

Significant future cash inflows expected in next few months include fee for service charges from the State Roads program calendar year operating grants and 4th quarter rates.

Significant future cash outflows expected in next few months include: Medowie Bowls project, Computer hardware replacement, CCTV rollout program, Tomaree road upgrade, Ferodale Sports Complex, Bagnall Beach East playground upgrade and plant purchases.



**ITEM NO. 2**

**FILE NO: 19/140999**  
**EDRMS NO: PSC2014-00800**

**INSTALLATION OF DEFIBRILLATORS AT SPORTS COMPLEXES**

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

**BACKGROUND**

The purpose of this report is to provide Council with the outcome of the installation of defibrillators across Port Stephens sporting clubs and facilities.

At Council's meeting held 24 April 2018 (Min No 097), Council resolved:

- 1) The information Paper concerning the installation of defibrillators at Sports Complexes be referred to Sports Councils.
- 2) That the response from the Sports Council be reported to Council.

The details of the information paper were presented to Medowie, Tilligerry and Tomaree Sports Council at their general meetings held in May 2018. West Ward Sports Council raised this previously at their general meeting held in February 2018.

Following the receipt of information, West Ward Sports Council resolved at their general meeting on 14 June 2018 to fund and install six defibrillators across the West Ward precinct. The purchasing of the defibrillators was also assisted with NSW State Government grant funding and units were installed at Lakeside Sports Complex, Bowthorne Oval, Stuart Park, Brandon Park, Raymond Terrace Netball/Tennis and an additional unit at King Park Sports Complex.

The preferred supplier for the defibrillators was St John's NSW with an annual inspection and operational checks included. Council funded the installation and key systems costs, ensuring defibrillators are located in suitable areas to promote shared use while minimising potential theft and vandalism.

Tomaree Sports Council was successful in receiving NSW State Government grant funding as a contribution towards purchasing two defibrillators. Tomaree Sports Council resolved at their general meeting on 27 May 2019 to install the two defibrillator units in the Elizabeth Waring Room at Tomaree Sports Complex and Salamander Sports Complex.

Medowie Sports Council has previously funded defibrillators at all five sporting facilities in Medowie. At their recent general meeting on 6 May 2019 it was moved for Sports Council to fund yearly service checks for these units through St Johns NSW to ensure all defibrillators are compliant.

Tilligerry Sports Council resolved at their general meeting on 19 February 2018 to fund 50% for the cost of defibrillators to match grant funding and ongoing maintenance.

Council is supportive for all sporting clubs across Port Stephens to apply for future defibrillator grants and recommending all defibrillators are registered with St Johns NSW for annual inspections and operation checks. Council has agreed to cover costs associated with installation of defibrillators on all Council sporting facilities.

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 3**

**FILE NO: 19/127607  
EDRMS NO: PSC2018-01339**

**DESIGNATED PERSONS' RETURN**

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

**BACKGROUND**

The purpose of this report is to table Designated Persons' Return/s (Return) submitted by new Council employees.

In accordance with the Part 4 – Pecuniary Interest of the Code of Conduct, all new employees are required to submit a Return within three (3) months of commencement. Returns are to be tabled at the first Council meeting after the lodgement date.

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

- Strategic Planner (PSC043).

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

- 1) Designated Persons' Return.

# NOTICES OF MOTION

**NOTICE OF MOTION**

**ITEM NO. 1**

**FILE NO: 19/164652  
EDRMS NO: PSC2017-00019**

**FUNDING FOR PROPOSED COMMUNITY PROJECTS**

**MAYOR: RYAN PALMER**

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**THAT COUNCIL:**

- 1) Acknowledge that the vast majority of the \$130m plus worth of projects proposed by the community for the Special Rate Variation Program can't be completed under our current budget and/or works program.
- 2) Support the following list of indicative projects across Port Stephens to be funded:
  - a. East Ward:
    - Amenities replacement – George Reserve, Salamander Bay \$150,000.
    - Foreshore improvements – Conroy Park, Corlette \$178,000.
    - Amenities replacement – Little Beach, Nelson Bay \$180,000.
    - Revetment work – Soldiers Point \$200,000.
    - Shared pathway – Shoal Bay Foreshore, Shoal Bay \$250,000.
    - Drainage works – Shoal Bay \$300,000.
    - Road upgrade – Foreshore Drive, Corlette \$400,000.
    - Stage 1, East Donald Street Carpark demolition and at grade car parking including amenities replacement – Nelson Bay \$1,400,000.
    - Tomaree Sports Complex amenities replacement – Salamander Bay \$2,000,000.
  - b. Central Ward:
    - Town centre improvements – Anna Bay \$350,000.
    - Town centre improvements (including amenities) – Medowie \$450,000.
    - Shared pathway – Waropara Road, Medowie \$500,000.
    - Shared pathway – Tanilba Bay Town Centre \$500,000.
    - Shared pathway – Gan Gan Road (missing links) Anna Bay \$700,000.
    - Shared pathway – Lemon Tree Passage Road, Mallabula to Lemon Tree Passage (missing link) \$800,000.
    - Shared pathways – Lemon Tree Passage Foreshore (Henderson park to Rudd Reserve) \$800,000.

## MINUTES ORDINARY COUNCIL - 25 JUNE 2019

- Shared pathway – Meadowie Road (Ferodale Road to South Street) Meadowie \$850,000.
- c. West Ward:
- Amenities replacement – Longworth Park, Karuah \$120,000.
  - Bus interchange – Seaham \$250,000.
  - Shared pathway – Levee bank, Raymond Terrace \$300,000.
  - Road upgrade – Mustons Road, Karuah \$500,000.
  - Shared paths – Fern Bay \$1,000,000.
  - Town Centre improvements – (road upgrade and streetscape) William Street, Raymond Terrace \$1,000,000.
  - Road upgrades – Duns Creek Road, Forest Road, Swan Bay Road \$1,000,000.
  - Amenities/clubhouse upgrade – Stuart Park, Hinton \$1,200,000.
- 3) That the proposed list of indicative projects be funded from a proposed mixture of investment income, developer contributions, borrowings, sale of property assets and potential grant funding.
- 4) Undertake further community consultation throughout the month of July to validate the priorities put forward throughout consultation held at the end of 2018. Once completed a final list of projects and defined funding sources come back to Council for endorsement at the Council meeting held on the 27 August 2019.
- 5) Request the General Manager investigate options as per above for the renewal/replacement of the Raymond Terrace works depot.

## ORDINARY COUNCIL MEETING - 25 JUNE 2019 MOTION

<b>136</b>	<p><b>Mayor Ryan Palmer Councillor John Nell</b></p> <p>It was resolved that Council:</p> <p>1) Acknowledge that the vast majority of the \$130m plus worth of projects proposed by the community for the Special Rate Variation Program can't be completed under our current budget and/or works program.</p> <p>2) Support the following list of indicative projects across Port Stephens to be funded:</p> <p>a. East Ward:</p> <ul style="list-style-type: none"><li>• Amenities replacement – George Reserve, Salamander Bay \$150,000.</li><li>• Foreshore improvements – Conroy Park, Corlette \$178,000.</li></ul>
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- Amenities replacement – Little Beach, Nelson Bay \$180,000.
- Revetment work – Soldiers Point \$200,000.
- Shared pathway – Shoal Bay Foreshore, Shoal Bay \$250,000.
- Drainage works – Shoal Bay \$300,000.
- Road upgrade – Foreshore Drive, Corlette \$400,000.
- Stage 1, East Donald Street Carpark demolition and at grade car parking including amenities replacement – Nelson Bay \$1,400,000.
- Tomaree Sports Complex amenities replacement – Salamander Bay \$2,000,000.

b. Central Ward:

- Town centre improvements – Anna Bay \$350,000.
- Town centre improvements (including amenities) – Medowie \$450,000.
- Shared pathway – Waropara Road, Medowie \$500,000.
- Shared pathway – Tanilba Bay Town Centre \$500,000.
- Shared pathway – Gan Gan Road (missing links) Anna Bay \$700,000.
- Shared pathway – Lemon Tree Passage Road, Mallabula to Lemon Tree Passage (missing link) \$800,000.
- Shared pathways – Lemon Tree Passage Foreshore (Henderson park to Rudd Reserve) \$800,000.
- Shared pathway – Medowie Road (Ferodale Road to South Street) Medowie \$850,000.

c. West Ward:

- Amenities replacement – Longworth Park, Karuah \$120,000.
- Bus interchange – Seaham \$250,000.
- Shared pathway – Levee bank, Raymond Terrace \$300,000.
- Road upgrade – Mustons Road, Karuah \$500,000.
- Shared paths – Fern Bay \$1,000,000.
- Town Centre improvements – (road upgrade and streetscape) William Street, Raymond Terrace \$1,000,000.
- Road upgrades – Duns Creek Road, Forest Road, Swan Bay Road \$1,000,000.
- Amenities/clubhouse upgrade – Stuart Park, Hinton \$1,200,000.

3) That the proposed list of indicative projects be funded from a proposed mixture of investment income, developer contributions, borrowings, sale of property assets and potential grant funding.

## MINUTES ORDINARY COUNCIL - 25 JUNE 2019

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|  | <p>4) Undertake further community consultation throughout the month of July to validate the priorities put forward throughout consultation held at the end of 2018. Once completed a final list of projects and defined funding sources come back to Council for endorsement at the Council meeting held on the 27 August 2019.</p> <p>5) Request the General Manager investigate options as per above for the renewal/replacement of the Raymond Terrace works depot.</p> |
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### PROCEDURAL MOTION

Councillor Sarah Smith and Councillor Steve Tucker moved that the motion be put.

The motion on being put was carried.

Councillor Giacomo Arnott requested his vote be recorded against the motion to have the motion put.

### BACKGROUND REPORT OF: GREG KABLE – FACILITIES & SERVICES GROUP MANAGER

#### BACKGROUND

During the community consultation in 2018 a number of projects were identified to be added to the Capital Works Plus Program.

The Special Rate Variation was identified as a funding source for these projects to proceed.

Following the unsuccessful Special Rate Variation application there is still a call to undertake these projects and Council still has a desire to complete these projects.

At present these projects are currently unfunded and Council is investigating funding models.

#### ATTACHMENTS

Nil.

**NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 19/164813  
EDRMS NO: PSC2017-00019**

**DONALD STREET EAST CAR PARK, NELSON BAY.**

**COUNCILLORS:** JOHN NELL  
GLEN DUNKLEY  
JAIMIE ABBOTT  
RYAN PALMER  
SARAH SMITH

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**THAT COUNCIL:**

- 1) Support the revitalisation of the derelict Donald Street East car park in Nelson Bay by:
  - a. Demolishing the old car park and seal the area for car parking by the end of March 2020.
  - b. Seeking government grants and partnerships:
    - i. to replace the 205 car parking spaces in the old car park with a minimum of 300 Council owned public car parking spaces in the new building.
    - ii. to develop the commercial and residential component of the car park, which would have to provide the required car parking spaces over and above the 300 public car parking spaces.
- 2) Request the General Manager to prepare a report on the feasibility of various development and funding options on the Donald Street East car park and present the report back to Council in August 2019.

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**ORDINARY COUNCIL MEETING - 25 JUNE 2019  
MOTION**

<b>137</b>	<p><b>Councillor John Nell</b> <b>Councillor Sarah Smith</b></p> <ol style="list-style-type: none"><li>1) It was resolved that Council support the revitalisation of the derelict Donald Street East car park in Nelson Bay by:<ol style="list-style-type: none"><li>a. Demolishing the old car park and seal the area for car parking by the end of March 2020.</li><li>b. Seeking government grants and partnerships:<ol style="list-style-type: none"><li>i. to replace the 205 car parking spaces in the old car park with a minimum of 300 Council owned public car parking spaces in the new building.</li></ol></li></ol></li></ol>
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## MINUTES ORDINARY COUNCIL - 25 JUNE 2019

	<ul style="list-style-type: none"><li>ii. to develop the commercial and residential component of the car park, which would have to provide the required car parking spaces over and above the 300 public car parking spaces.</li></ul> <p>2) Request the General Manager to prepare a report on the feasibility of various development and funding options on the Donald Street East car park and present the report back to Council in August 2019.</p>
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## BACKGROUND REPORT OF: CARMEL FOSTER – CORPORATE SERVICES GROUP MANAGER

### BACKGROUND

The Donald Street East (DSE) is a multi-storey public car park infrastructure covering part of the site with the balanced is unsealed. The area of the land is approximately 3,432m<sup>2</sup> and is classified operational and is zoned 'B2 Local Centre'. In total it provides 205 car spaces however only the lower level of the car park is now available for public use as the two top levels of the car park were closed in 2014 due to structural concerns. Additionally Public amenities are located within the building.

In the last 15 years Council has gone to the market 3 times with a view to redevelop the site whilst retaining the public car parking component. The successful proponents (Challenger, Nelson Bay Projects and Veritas) were unable to make the development work from a financial perspective and the developments did not progress.

A report by Hill PDA (Valuers and Property Consultants) noted that to develop the site and provide the same amount of public car parks within the development footprint and also within the proposed heights under the Nelson Bay Strategy that any development would not be financially viable.

An estimate of 1.4 Million has been provided by Assets to demolish and rebuild an at grade car park and an amenities building within the CBD.

An alternate funding model and feasibility options report will be prepared by Council staff and submitted back to Council in August 2019 for consideration.

### ATTACHMENTS

Nil.

There being no further business the meeting closed at 7.10pm.