

DRAFT

MINUTES – 9 JULY 2019



PORT STEPHENS COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 9 July 2019, commencing at 7.29pm.

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

	There were no apologies received.
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137	Councillor Jaimie Abbott Councillor Sarah Smith It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 25 June 2019 be confirmed.
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	<p>Cr Jaimie Abbott declared a pecuniary conflict of interest in item 3. The nature of the interest is Cr Abbott works at RAAF Base Williamtown and is an employee of the Department of Defence.</p> <p>Cr Arnott declared a pecuniary conflict of interest in item 3. The nature of the interest is Cr Arnott is a property owner within the mapping area.</p>
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MINUTES ORDINARY COUNCIL - 9 JULY 2019

	<p>Cr Doohan declared a less than significant non-pecuniary conflict of interest in item 3. The nature of the interest is Cr Doohan works for a Department of Defence dependant company that supports RAAF operations.</p>
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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO: 19/170660
EDRMS NO: PSC2015-02919

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)j of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely **Sale of 2 Jessie Road, Anna Bay (formerly Anna Bay Oval)**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION

138	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (d)j of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely Sale of 2 Jessie Road, Anna Bay (formerly Anna Bay Oval).2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: 19/147524
EDRMS NO: 16-2019-24-1**

DEVELOPMENT APPLICATION 16-2019-24-1 FOR A TELECOMMUNICATIONS FACILITY AT 41 FISHERMANS BAY ROAD, FISHERMANS BAY (LOT: 1 DP: 1094320).

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2019-24-1 for a Telecommunications Facility (Mobile Phone Base Station comprising 25 metre monopole and associated infrastructure) at 41 Fisherman's Bay Road, Fisherman's Bay (Lot: 1 DP: 1094320) subject to the Recommended Conditions of Consent contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

139	<p>Councillor Ken Jordan Councillor Jaimie Abbott</p> <p>It was resolved that Council defer item 1 to allow for discussions between Optus and Telstra to explore co-location, and report the development application to the Council meeting to be held on 13 August 2019.</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 present Development Application (DA) No.16-2019-24-1 to Council for determination. The DA has been reported to Council in accordance with Council's Development Applications to be reported to Council Policy as 3 Councillors (Councillor Sarah Smith, Councillor Steve Tucker and Councillor

Chris Doohan) have requested the development application be reported to Council for determination (**ATTACHMENT4**).

The subject DA relates to land located at 41 Fisherman's Bay Road, Fisherman's Bay legally identified as Lot: 1 DP: 1094320 (the subject site). The subject site contains an existing 30 metre Freeview Digital Television Tower and water reservoir. Access to the site is via a formalised access track from Clark Street through the Tomaree National Park. The land is owned by Hunter Water Corporation. A Locality Plan is provided at (**ATTACHMENT 1**).

Proposal

The applicant seeks approval for a Telecommunications Facility consisting of a monopole and associated infrastructure for the mobile phone network. The proposal would provide mobile phone, wireless broadband and data services to Fisherman's Bay and Boat Harbour areas. The proposal includes the installation of the following:

- A 25 metre high monopole with antenna mounting frames resulting in a total height of 28.5 metres.
- Telecommunication panel antennas, remote radio units, outdoor equipment cabinets and ancillary equipment associated with the on-going operation and maintenance of the Telecommunications Facility (as outlined in detail within the Planners Assessment Report contained in (**ATTACHMENT 2 provided under separate cover**)).

Site description and history

The subject site is owned by Hunter Water Corporation, is square in shape and measures a total area of 1,762m². The site contains an existing 30 metre Freeview Digital Television Tower and water reservoir. The closest residential dwelling to the proposed monopole is approximately 70 metres, accessible from Clark Street. The Early Learning Centre is located 300 metres from the proposed development. Development identified within a 400 metre radius of the subject site includes residential dwellings and an Early Learning Centre however, the predominant adjoining land use is the Tomaree National Park.

Key issues

The key issues that arose during the assessment related to consideration of Electromagnetic Emissions (EME) and the visual impacts of the proposed development upon the built environment. A detailed assessment of the development is contained in the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**).

Electromagnetic Emissions (EME)

Telecommunications facilities generating Electromagnetic Emissions (EME), such as the proposed development, are required to comply with EME standards mandated by the Australian Communications and Media Authority (ACMA), which includes a maximum exposure limit expressed as percentage value of 100%. The exposure of 100% is considered safe under the Australian Standard (AS1055)

The Environmental EME Report submitted with the application (prepared by Optus and dated 28 May 2019) demonstrates that the maximum predicted EME levels of the proposed development will equate to 7.8% of the maximum exposure limit, which is 92.2% below the allowable exposure limit under the Australian Standard. As such, the proposed development is considered satisfactory in this regard.

The nearest residential property is approximately 70 metres from the proposed development. The calculated maximum cumulative EME levels at the closest dwellings are approximately 2.24% and 3.71%. The calculated maximum cumulative EME level at the Early Learning Centre is 0.37%. These levels are well below the maximum exposure limit of 100%.

It is noted that there are changes in predicted EME levels from the original EME Report exhibited with the proposed development. This has been a result of the following:

- An agreement with Vodafone to share the proposal and therefore ensure all three major mobile phone networks would be providing services in the area.
- Modifications to the panel configuration to allow for future 5G capabilities.
- At the request of nearby property owners, changes have been made to the direction of some antennas. The antenna with a direction of 320 degrees has been changed. The antennas are facing 50, 50, 135, 135, 265 and 265 degrees. There is a higher EME level due to the cumulative radio signal from multiple antennas facing the same direction.

Impacts on the built environment

The proposed height will result in the structure being visible from a number of locations within the surrounding area. The nature of telecommunications facilities require them to be located at an elevated position to gain the best coverage possible.

Notwithstanding, a number of methods have been integrated into the design of the facility in order to mitigate the visual impacts of the structure, including:

- Use of slim line monopole in a natural grey colour.
- The antenna directions have been changed following consideration and feedback from local residents.
- Locating the structure in proximity to existing vertical elements including light poles and existing Freeview pole.

- Use of earthy colours for cabinet structures.

Subject to the Recommended Conditions of Consent (**ATTACHMENT 3**) it is considered that the proposed development will not result in unacceptable visual impacts to the surrounding locality or residential amenity.

Conclusion

The proposed development is consistent with the relevant environmental planning instruments applicable to the subject site including:

- Section 4.15 of the Environmental Planning and Assessment Act 1979.
- State Environmental Planning Policy No 55 - Remediation of Land and State Environmental Planning Policy Infrastructure (2007).
- Port Stephens Local Environmental Plan 2013 (LEP).
- Port Stephens Development Control Plan 2014 (DCP).

The proposed development will provide an important community benefit by providing access to critical mobile telecommunications services and greatly improved mobile coverage in the area.

The key issues arising through the assessment of the application have been satisfactorily addressed and supported by sufficient mitigation measures as provided within the Recommended Conditions of Consent contained in (**ATTACHMENT 3**).

Accordingly, the proposed development supports and promotes the public interest, and is recommended for approval.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

The application could potentially be challenged in the Land and Environment Court. Defending Council's determination could have financial implications.

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

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Source of Funds	Yes/No	Funding (\$)	Comment
Reserve Funds	No		
Developer Contributions (\$7.12)	Yes		Development levy to be paid to Council based on a percentage relating to the Capital Investment Value (CIV) of the development.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application, subject to the Recommended Conditions of Consent (**ATTACHMENT 3**), is consistent with the objectives of the applicable environmental planning instruments, being; State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy Infrastructure (2007), Port Stephens Local Environmental Plan 2013 (LEP) and Port Stephens Council Development Control Plan 2014 (DCP). A detailed assessment against these requirements are contained within the Planners Assessment Report contained in (**ATTACHMENT 2 provided under separate cover**).

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the application may be challenged in the Land and Environment Court.	Low	Approve the application in line with the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed development will result in positive social and economic impacts by enhancing access to critical mobile telecommunications services and mobile coverage. The Electromagnetic Emissions (EME) report submitted with the application shows that the maximum predicted EME levels will equate to 7.8% of the public exposure limit. This estimate is based on worst-case scenario. The calculated maximum cumulative EME levels at the closest dwellings are approximately 2.24% and 3.71%. The calculated maximum cumulative EME level at the early learning centre is 0.37%. 100% EME is considered to be 'safe' under the Australian Standard AS1055.

The height of the structure (28.5 metres) results in an inevitable visibility from Gan Gan Road and surrounds across Anna Bay and Boat Harbour. However, a number of methods have been integrated into the design of the facility to satisfactorily mitigate the visual impact of the structure as detailed within the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**). Subject to the Recommended Conditions of Consent (**ATTACHMENT 3**) it is considered that the proposed development will not result in unacceptable visual impacts to the surrounding locality or residential amenity.

CONSULTATION

Internal

Consultation was undertaken with the Development Contributions officer. The referral comment from this officer was considered as a part of the Planners Assessment Report contained in (**ATTACHMENT 2 provided under separate cover**) and accordingly in the Recommended Conditions of Consent contained in (**ATTACHMENT 3**).

External

Consultation was undertaken with Hunter Water Corporation (HWC) and Rural Fire Service (RFS). Consultation was undertaken with HWC regarding the bushfire management strategies active over the subject site, given the subject site is owned by HWC. HWC advised their current bushfire management strategy is to manage low intensity events with the ring road acting as an APZ in major events.

The application was also referred to RFS in accordance with clause 4.14 of the EP&A Act. In response advice has been received regarding design and construction requirements, this advice has been placed as a condition in the Recommended Conditions of Consent (**ATTACHMENT 3**).

Public Exhibition

In accordance with Council's notification requirements the application was originally notified and publically advertised for a period of 14 days between 7 February 2019 and 21 February 2019. The application was re-notified and advertised for a period of 14 days between 21 February 2019 and 7 March 2019. 60 submissions inclusive of 38 pro-forma submissions and 22 standard submissions, with a total of 66 signatures were received during the notification and advertising period in relation to the proposed development.

The key issues raised within the submissions have been addressed in detail within the Planners Assessment Report contained in (**ATTACHMENT 2 provided under separate cover**). It has been identified that the concerns raised within the submissions can be adequately addressed by the proposed development and Recommended Conditions of Consent contained in (**ATTACHMENT 3**).

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Planners Assessment Report. (Provided under separate cover)
- 3) Recommended Conditions of Consent.
- 4) Call to Council Form.

COUNCILLORS ROOM

- 1) Development Plans.
- 2) Environmental EME Report.
- 3) Submissions.

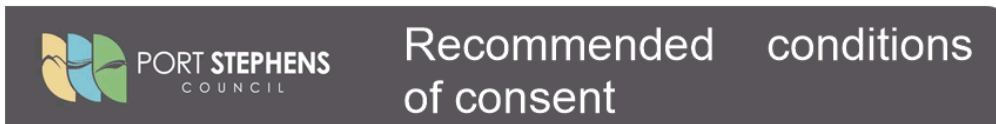
Note: Any third party reports referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.



118 Adelaide Street, Raymond Terrace NSW 2224. Phone: (02) 49800255 Fax: (02) 49873812 Email: council@portstephens.nsw.gov.au



CONDITIONS THAT IDENTIFY APPROVED PLANS

- The development shall be carried out in accordance with the stamped approved plans and documentation as listed below, except where modified by any condition of this consent or as shown in red colour on the plans.

Plan/Doc. Title	Plan Ref. No	Sheet.	Date	Drawn By
Site Plan, Elevations, Site Layout	03	S2513-P1 and S2513-P2	25/04/2019	Huawei Technologies Pty Ltd

Note 1: In the event of any inconsistency between the:

- Approved plans and the conditions, the conditions will prevail; or
- Approved plans and supplementary documentation, the plans will prevail.

Note 2: The consent relates only to those works indicated as proposed on the approved plans. No assessment has been undertaken of those structures marked as existing, and this consent does not extend to include any such structures.

Note 3: Modifications to the approved plans will require the lodgement and consideration by Council of a modification application pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

- A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
- The requirements from the following agencies must be complied with prior to, during, and at the completion of the development.

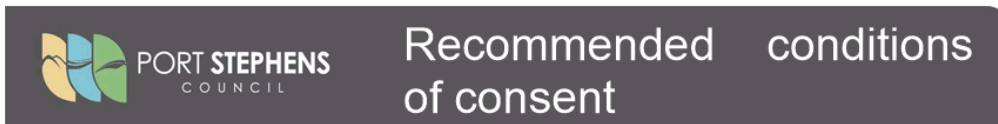
The Requirements are:

- Rural Fire Service, reference D19/1780 dated 11 June 2019.

A copy of the Requirements is attached to this determination notice.

CONDITIONS THAT IDENTIFY CONTRIBUTIONS AND FEES

- A monetary contribution is to be paid to Council, pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Port Stephens Council Fixed Development Contributions Plan, related to the Capital Investment Value (CIV) of the development as determined in accordance with clause 25j of the *Environmental Planning and Assessment Regulation 2000* and outlined in the table below.



Capital Investment Value	Levy Rate (% of CIV)
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

The payment of the fixed development consent levy is to be accompanied by a Cost Summary Report Form setting out an estimate of the CIV in accordance with Schedule 1 of the Port Stephens Council Fixed Development Contributions Plan. Where the estimated cost of carrying out the whole of the development is more than \$1,000,000, the Cost Summary Report Form must be completed by a Quantity Surveyor who is a registered Associate member or above, of the Australian Institute of Quantity Surveyors. This condition cannot be taken to be satisfied until a payment has been made in accordance with the CIV stated on a cost summary report submitted to Council in accordance with this condition.

Payment of the above amount shall apply to Development Applications as follows:

- a. Building work only - **prior to issue of the Construction Certificate.**

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions are to be complied with, to the satisfaction of the Certifying Authority, prior to the issue of the Construction Certificate.

- 5. **Prior to issue of a Construction Certificate**, detailed design plans of any retaining wall required to support the approved development, that do not meet the requirements for exempt development, shall be submitted to the Certifying Authority for approval.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATIONS OR CONSTRUCTION

The following conditions are to be complied with prior to the commencement of works on the subject site(s).

- 6. **Prior to the commencement of works**, the applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists.

**Recommended conditions
of consent**

7. **Prior to the commencement of works**, a waste containment facility is to be established on site. The facility is to be regularly emptied, and maintained for the duration of works. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site shall be cleared of all building refuse and spoil immediately upon completion of the development.
8. **Prior to the commencement of works**, the property shall be protected against soil erosion, such that sediment is not carried from the construction site by the action of stormwater, wind or "vehicle tracking". Protection measures may include erosion and sedimentation controls as required. All protection measures are to be installed to the satisfaction of Council and must be regularly maintained for the duration of works and until the site is stabilised by vegetation or the like.

CONDITIONS TO BE SATISFIED DURING WORKS

The following conditions are to be complied with during works.

9. The development shall comply with the Australian Communications Industry Forum Industry Code entitled CIF C564:2004 Deployment of Mobile Phone Network Infrastructure.
10. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
11. The Principal Contractor (or Owner/Builder) shall erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work. The sign shall also display the name, address and telephone number of the Principal Contractor for the work (or Owner/Builder) and shall state that unauthorized entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.
12. All building work shall be carried out in accordance with the requirements of the Building Code of Australia.
13. A temporary toilet(s) shall be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided shall be one toilet per 20 persons or part thereof employed on the site at any one time. The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.
14. Unless otherwise approved by Council in writing, all general building/demolition work shall be carried out between the hours of:
 - a. 7.00am to 5.00pm Monday to Saturday

**PORT STEPHENS
COUNCIL****Recommended conditions
of consent**

- b. No construction is to be carried out at any time on a Sunday or a public holiday.

Any work performed outside the abovementioned hours or on a public holiday that may cause offensive noise, as defined under the *Protection of the Environment Operations Act 1997*, is prohibited.

15. No building materials, plant, equipment, refuse or spoil is to be deposited on or be allowed to remain on Council's footpath or outside the boundaries of the development site unless approved by Council in writing. Where building activity cannot avoid occupation of the public road reserve, (such as, for the erection of hoarding, scaffolding, partial closure) separate approval from Council for the use of the road reserve is required.
16. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
17. All excavated and/or filled areas are to be retained or battered and suitably drained so as to prevent any subsidence of the surrounding land and constructed so as to deny any flow of water into or around the building or neighbouring buildings or onto neighbouring land.
18. The only fill material that may be received at the development site is:
- a. Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997 (POEO)*; or
 - b. Any other waste-derived material the subject of a resource recovery exemption under s.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

19. All associated excavations and backfilling associated with the development must be executed safely and in accordance with the appropriate professional standards, and must be properly guarded and protected to prevent them from being dangerous to life or property.
20. All retaining walls, including all footings, drainage and backfill are to be located wholly within the property boundaries, and are to include a sub-surface drain that connects to a stormwater disposal system in accordance with the requirements of Councils DCP.
21. The monopole as well as any antennas and radio communication dishes shall be painted a suitable colour such as shale grey to blend into the surrounding landscape.



22. All trees must be protected in accordance with AS4970 'Protection of Trees on Development Sites' for the duration of construction.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF USE

23. The cost of repairing any damage caused to Council or other Public Authority's assets adjoining the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant prior to the commencement of use.

CONDITIONS TO BE SATISFIED AT ALL TIMES

The following conditions are to be complied with at all times.

24. The development is to be carried out in accordance with recommendations made in the Bushfire Report provided with the DA prepared by Building Code & Bushfire Hazard Solutions 20th May 2019.

ADVISORY NOTES

The following advice is limited in scope and should not be understood to encompass all areas of responsibility of the consent holder, relating to the development.

- A. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
- B. Before any excavation work starts, contractors and others should phone the "Dial Before You Dig" service to access plans/information for underground pipes and cables. www.dialbeforeyoudig.com.au
- C. In the event of any aboriginal artefact, object or structure being unearthed, all work must cease immediately in the affected area, and the Office of Environment and Heritage (OEH) shall be informed of the discovery. Work must not recommence until the material has been inspected and permission has been given by OEH to proceed.
- D. You are advised that, in accordance with the EP&A Act, (Section 6.8) payment of the building industry Long Service Leave levy, where applicable, must be paid **prior to the issue of any Construction Certificate.**



PORT STEPHENS
COUNCIL

Recommended conditions of consent

SCHEDULE 3

RIGHT OF APPEAL

If you are dissatisfied with this decision:

- a review of determination can be made under Section 8.2 of the Act, or
- a right of appeal under Section 8.7 of the Act can be made to the Land and Environment Court within six (6) months from the date on which that application is taken to have been determined.

NOTES

- This is not an approval to commence work. Building works cannot commence until a construction certificate is issued by Council or an accredited certifier.
- Consent operates from the determination date. For more details on the date from which the consent operates refer to Section 4.20 of the Environmental Planning and Assessment Act 1979.
- Development consents generally lapse five years after the determination date, however different considerations may apply. For more details on the lapsing date of consents refer to Section 4.53 of the Environmental Planning and Assessment Act 1979.

 **PORT STEPHENS COUNCIL** **CALL TO COUNCIL FORM DEVELOPMENT APPLICATION**

Development application (DA) call to Council request:	
I/We (Mayor/Councillor/s) <u>SARAH SMITH</u> request that DA number <u>16-2019-24-1</u> for DA description <u>Telecommunications Facility at</u> located at <u>41 Fishermans Bay Road, Fishermans Bay</u> be reported to Council for determination.	
Reason:	
<u>Community interest</u>	
Declaration of Interest:	
I/We have considered any pecuniary or non-pecuniary conflict of interest (including political donations) associated with this DA on my part or an associated person.	
I/We (Mayor/Councillor/s) <u>SARAH SMITH</u> have a conflict of interest:	
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
If yes , please provide the nature of the interest and reasons why further action should be taken to bring this DA to Council:	
Signed: Please sign or type name & attached to an email.	Date: Click here to enter a date. <u>28.2.19.</u>
Signed: Please sign or forward supporting email.	Date: Click here to enter a date. <u>4/3/19</u>
Signed: Please sign or forward supporting email.	Date: Click here to enter a date. <u>12/5/19</u>

During item 2, Nigel Waters was expelled from the public gallery by the Chairperson in accordance with clause 15.14 of the Code of Meeting Practice.

ITEM NO. 2

**FILE NO: 19/139041
EDRMS NO: 16-2018-386-1**

DEVELOPMENT APPLICATION 16-2018-386-1 FOR MIXED USE DEVELOPMENT AT NO. 35-39 DONALD STREET AND 1 YACAABA STREET, NELSON BAY (LOTS 22-25 SEC 5 DP 17805)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application No. 16-2018-386-1 for a Mixed use development – Residential flat building (56 residential units comprising a mix of one, two and three bedrooms), commercial premises (three units), basement car parking (109 spaces) and associated works including demolition of existing carpark, at 35-39 Donald Street and 1 Yacaaba Street, Nelson Bay (Lots: 22-25 Sec: 5 DP: 17805) subject to the Reasons for Refusal contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

140	<p>Mayor Ryan Palmer Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Note the applicants variation request made pursuant to clause 4.6 'exceptions to development standards' of Port Stephens Local Environmental Plan 2013 (LEP2013), to the 15 metre development standard prescribed by clause 4.3 'building height' of LEP2013, and find the request to be justified in the circumstances as it adequately addresses the matters prescribed by clause 4.6(3) of LEP2013, and2. Find the development to be in the public interest because it is consistent with the objectives of clause 4.3 'building height' of LEP2013 and the objectives for development within the B2 Local Centre in which the development is proposed to be carried out, and3. That Development Application No. 16-2018-386-1 for a mixed use development – Residential flat building (56 residential units comprising a mix of one, two and three bedrooms), commercial premises (three units), basement car parking (109 spaces) and associated works
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	<p>including demolition of existing carpark, at 35-39 Donald Street and 1 Yacaaba Street, Nelson Bay (Lots: 22-25 Sec: 5 DP: 17805) be approved and consent granted subject to conditions, as tabled, and</p> <p>4. That those persons who made submissions be advised of Council's determination.</p>
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Cr Giacomo Arnott moved a motion of dissent in the Chairperson. The motion lapsed without a seconder.

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 present Development Application (DA) No.16-2018-386-1 to Council for determination. The DA has been reported to Council in accordance with Council's 'Development Applications to be Report to Council Policy' as the application has been submitted with a clause 4.6 variation request which seeks to vary a development standard by more than 10%.

The subject DA relates to land located at 35-39 Donald Street and 1 Yacaaba Street, Nelson Bay, legally identified as Lots: 22-25 Sec: 5 DP: 17805 (the subject site). The subject site is zoned B2 Local Centre and is located within the Nelson Bay Town Centre. A Locality Plan is provided at **(ATTACHMENT 1)**.

Proposal

The applicant seeks approval for a 'mixed use development', to be known as the 'Manta Ray', comprising a residential flat building (containing 56 residential units with a mix of one, two and three bedrooms), commercial premises (three units), basement car parking (109 spaces), and associated works including demolition of existing carpark.

The proposed development is nine storeys above ground with two basement levels, and 30.6 metres in height. The key aspects of the proposed development include: demolition of existing car park, earthworks – excavation to facilitate basement level parking, and construction of mixed use development containing 56 residential units comprising:

- 5 x one bedroom units (floor area 77m²)
- 27 x two bedroom units (floor area 80-84m²)
- 24 x three bedroom units (floor area 104m²)

11 of the proposed units are designed to be universal in configuration and include features which allow for changing needs of occupants, such as wider circulation spaces and level threshold transitions.

Three ground floor commercial units having a total gross floor area (GFA) of 422m²:

- Tenancy 1 - 123 m²
- Tenancy 2 - 114 m²
- Tenancy 3 - 185 m²

Car parking: Two basement levels and ground floor car parking catering for 109 spaces, comprising:

- 83 resident car parking spaces, including 4 accessible spaces (basement level 1 and 2)
- 19 residential visitor spaces (basement level 1)
- 8 commercial spaces (ground floor)
- 7 motor bike spaces (basement level 1 and 2)
- 18 wall mounted bicycle racks for residential use (ground floor)

Entry to the car park is provided from the north-east corner of the site via a vehicle crossing from Donald Street, with the car park exit located at the south-west corner of the site via two vehicle crossings from Yacaaba Street (one facilitating vehicle egress from the ground level and one facilitating vehicle egress from basement level one). Vehicle access is controlled via security roller doors located within the lot boundary. Additional residential storage areas are also provided within the two basement levels.

Communal spaces including pool and landscaping:

- An outdoor pool and landscaped communal area have been provided along the eastern elevation of level 1.
- Landscaping has been provided along the full extent of the eastern boundary at level one. Plantings have also been provided to portions of the southern, northern and western boundaries at level 1.
- Street trees and landscape treatment has been proposed along Donald and Yacaaba Street frontages.

Pedestrian access to the residential units is provided by Donald Street to the entry lobby. Direct access to the commercial tenancies is provided by Donald Street and Yacaaba Street.

Residential and commercial waste storage areas have been provided within the ground floor level. Kerbside collection is proposed with all waste equipment movements to be managed by the building manager and /or cleaners.

It is noted that there is no subdivision proposed as part of this application.

Copies of the development plans have been provided to Councillors in the Councillors Room.

Site description

The site is located on the corner of Donald and Yacaaba Streets and has a total area of approx. 2018m². The site is generally regular in shape having the following dimensions; a 40.23 metre frontage to Donald Street, a 50.29 metre frontage to Yacaaba Street, a 37.49 metre eastern boundary and a 40.1 metre southern boundary. The site is relatively flat with a gradual slope / cross fall from 14.77 metres AHD from the rear south-east corner to 11.54 metres AHD to the front north-west corner.

The site currently contains a bitumen carpark which is utilised by the public, however the land is private property. The site is located within the Nelson Bay Town Centre and is approximately 300 metres to the south of the Nelson Bay Foreshore. The adjoining land to the north of the site comprises commercial and business premises and a multi-storey car parking facility. The land to the east of the site comprises a mix of residential accommodation including single storey dwellings and multi-dwelling housing. To the west there is a mix of commercial and retail premises, including cafes and restaurants. A mixed used development containing residential apartments and ground floor retail directly adjoins the site to the south.

Key issues

The key issues that arose during the assessment related to consideration of the proposed design including compliance with the Apartment Design Guide and the height of the development, as outlined below. A detailed assessment of the development is contained within the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**).

Design – Apartment Design Guide

State Environmental Planning Policy State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development (SEPP No. 65) applies to assessment of the proposed development. SEPP No. 65 aims to improve the quality of residential apartment development and provides an assessment framework ('the Apartment Design Guide') to facilitate the assessment of 'good design'.

The application was lodged on 13 June 2018 and was originally referred to the Newcastle City Council Urban Design Consultative Group (UDCG) for consideration at its meeting of 15 August 2018. The role of the UDCG is to undertake an assessment of the development against the Apartment Design Guide (ADG). The UDCG identified that the original development failed to satisfy the provisions of the ADG and required significant design changes in order to achieve compliance. Key

consideration of the UDCG included; the proposed developments variation to existing and proposed height controls, setbacks to adjoining properties, façade treatment and design, internal amenity of residential units, landscaping and solar access.

The applicant submitted amended plans on 12 October 2018 and again on 9 November 2018. The amended design was referred to the UDCG for a second time on 21 November 2018. The UDCG considered the plans submitted by the applicant on 9 November 2018 and again noted that whilst the overall design had been improved, a number of non-compliances with the ADG were still evident. These matters included; exceedance of existing and proposed height controls, façade design and treatment, requirement for commercial uses at ground level, isolation of adjoining lots and solar impacts.

On 17 January 2019, the applicant submitted amended plans which sought to respond to the matters raised by the UDCG. The amended plans comprised substantial design amendments such as; modification to the building façade, reduction in number of residential units and an increase to the proposed number of commercial tenancies and area (further details are provided within the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**)). However, the proposed height of the development remained unchanged from the plans submitted on 21 November 2018 being 30.6 metre or nine stories. A further set of amended plans were submitted on 16 May 2019 which resulted in minor modifications to the submitted design, including the conversion of a proposed café (food and drink premises) to a commercial tenancy and amendments to car parking space allocation. The amended plans provided by the applicant substantially addressed the outstanding matters raised by the UDCG, therefore the amended application was not referred to the UDCG for a third time.

This report and the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**) considers the revised proposal submitted in November 2018 as amended by the modified plans provided in May 2019. The assessment has determined that, other than the non-compliance with height, the applicant's amended design adequately responded to the matters raised by the UDCG at its meeting of 21 November 2018.

The proposal has been assessed against both the design principles and controls contained within the ADG and is considered satisfactory, with the exception of the proposed variation to the existing 15 metre height control. The overall aesthetics of the development are good quality with the inclusion of range of materials, textures and colours. Further, the range of materials and colours in conjunction with the articulation and modulation of building facades visually reduce the perception of the bulk and scale of the development.

Height

Clause 4.3 of the Port Stephens Local Environmental Plan 2013 (LEP2013) aims to ensure that the height of buildings is appropriate for the context and character of the area, and to ensure that building heights reflect the hierarchy of centres and land use

structure. To achieve these aims, clause 4.3(2) LEP2013 specifies that the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map' (HBM). The HBM identifies a 15 metre height limit applies to the subject site.

The proposed development has a maximum height of 30.60 metre and exceeds the prescribed maximum building height limit by 15.6 metre or 68.42%. The applicant has submitted a clause 4.6 variation request seeking to vary the maximum building height development standard on the basis that the 'Progressing the Nelson Bay Town Centre and Foreshore Strategy: A revised implementation and delivery program ('NB Strategy'), which was adopted by Council at its meeting of 25 September 2018, endorsed a 28 metre building height for the subject site. The proposed development exceeds the endorsed 28 metre building height by 2.6 metre or 8.87%.

Clause 4.6 LEP2013 provides a mechanism to vary the development standards, such as building height, prescribed within PSLEP2013, in order to facilitate an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. However, clause 4.6(3) provides that development must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- a. 'that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.'

In addition, clause 4.6(4) specifies that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied of certain preconditions, including that the applicants written request adequately addresses clause 4.6(3) and that the proposed development is in the public interest. For a proposed development to be considered in the public interest it is required to be consistent with the objectives of the particular standard and zone in which the development is proposed to be carried out.

A detailed assessment against clause 4.6 is contained within the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**). The assessment has identified that the applicant's justification for the clause 4.6 variation to the 15 metre building height control does not adequately demonstrate that; a) compliance with the development standard is unreasonable or unnecessary, or b) sufficient environmental planning grounds exist to justify contravening the development standard.

The applicant's justification for the variation is primarily reliant upon the identified 28 metre height limit endorsed within the NB Strategy. Unfortunately, whilst it is acknowledged that Council resolved to adopt the NB Strategy at its meeting of 25 September 2018, the Planning Proposal which seeks to deliver three of the adopted actions from the NB Strategy, including the adoption of the identified increased building heights for the Nelson Bay Town Centre is still being considered by the Department of Planning and Environment (DPE) for Gateway determination and has not yet been publically exhibited.

As outlined by the Land and Environment Court in *Terrace Tower Holdings Pty Ltd v Sutherland Shire Council* [2003] NSWCA 289 (Terrace Tower) it is not until a Planning Proposal is in draft form and its provisions have a perception of imminence, that it will have significant weight in the determination of a development application. Therefore in accordance with the current legislative framework, the proposed 28 metre height limit does not form a relevant consideration during the assessment of the application. Council staff are required to consider the applicant's clause 4.6 variation request, and assess the proposed development, against the current development standards. As such, the proposed exceedance must be demonstrated to be reasonable having regard to the current 15 metre height development standard applying to the subject land.

It is considered that the applicant's clause 4.6 variation request did not adequately demonstrate that there were sufficient environmental planning grounds to justify contravening the current 15 metre height limit by 15.6 metre or 68.42%. The applicant's submission provides that the additional height will not cause significant overshadowing impacts, or any other environmental impact. However, it is considered that the additional 15.6 metres of height will cast significantly increased shadows upon the adjoining land holdings, in comparison to a compliant design. The development as proposed would also have an increased impact to adjoining properties in respect to: bulk and scale, natural ventilation, privacy, and amenity, in comparison to a development that was compliant with the 15 metre height controls. Furthermore, the additional 15.6 metre height facilitates an increased residential yield and density on the site in comparison to what could be achieved by a compliant design. Whilst the proposed development has been considered on merits to be satisfactory with respect to traffic and parking, a compliant design would arguably have a reduced impact with respect to these matters than the development as proposed.

Accordingly, the applicant's clause 4.6 variation request has not been supported and the application has been recommended for refusal subject to the reasons contained in **(ATTACHMENT 3)**.

It is noted that had the Planning Proposal have the status of being publically exhibited, it is likely that the 2.6 metre or 8.87% variation to the proposed 28 metre height limit could have been supported on its merits noting that the upper levels have been recessed behind the predominate building line and have been treated with dark colours which minimises the overall visual bulk of the building.

Accordingly, the bulk, scale and overshadowing impacts are not considered unreasonable in themselves, rather it is the extent of the change in these impacts between the proposed development and a comparable development complying with the 15 metre height development standard that is the key factor in the assessment of the clause 4.6 variation.

Conclusion

As a result of the non-compliance with the building height development standard the application is considered to be inconsistent with the relevant environmental planning instruments applicable to the subject site including:

- Environmental Planning and Assessment Act 1979.
- State Environmental Planning Policy No. 65 - Quality Design of Residential Apartment Development (SEPP No. 65).
- The Apartment Design Guide.
- Port Stephens Local Environmental Plan 2013 (LEP2013).

Accordingly, the application has been recommended for refusal subject to the reasons contained in **(ATTACHMENT 3)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
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 determination of the application could potentially be challenged in the Land and Environment Court. Defending Council's determination could have financial implications. Further, should Council determine to approve the application, development contributions would be required to be levied in accordance with Council's Development Contributions Plan.

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

MINUTES ORDINARY COUNCIL - 9 JULY 2019

Source of Funds	Yes/No	Funding (\$)	Comment
Developer Contributions (S7.11)	Yes		Should Council determine to approve the application s.7.11 development contributions would be applicable and would be levied in accordance with conditions of consent.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The development application is inconsistent with the following planning instruments due to the proposed variation to the existing 15 metre building height limitation: Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development, Apartment Design Guide, and Port Stephens Local Environmental Plan 2013. A detailed assessment against these instruments and other applicable planning policies, is contained within the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**). As noted above, the determination of the application could potentially be challenged in the Land and Environment Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the determination of the application may be challenged in the Land and Environment Court.	Medium	Accept the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and economic impacts

If approved the proposed development will result in additional residential development in the LGA through the provision of a wide range of accommodation units. It would result in a large capital investment in the local economy and will create a number of short and indirect long term employment opportunities. Furthermore, if approved the development would attract development contributions which will be used to create and improve community facilities, public open space, sport facilities, and infrastructure and the like, further adding to the positive economic impact of this development.

The proposed development would also provide additional housing opportunities that can rely upon existing social and recreational infrastructure existing within the Nelson Bay Town Centre. The development provides a range of apartment mix, including apartments of universal design, to cater for a range of housing needs.

However, despite these positive social and economic impacts the development has been recommended for refusal as the proposed 15.6 metre variation to Council's maximum building height development standard cannot be supported by Council staff.

Built environment – Design and visual impact

The overall aesthetics of the development are of good quality with the inclusion of a range of materials, textures and colours. The range of materials and colours in conjunction with the articulation and modulation of building facades visually reduce the perception of the bulk and scale of the development to ensure consistency with surrounding development. The development will also result in the activation of both Donald and Yacaaba Street, Nelson Bay.

However, as outlined elsewhere within this report the development results in a 15.6 metre exceedance to the existing 15 metre height limitation applicable to the site. The additional height results in a development which has increased impacts, primarily in respect to overshadowing, in comparison to a compliant design. As such, the impacts of the development upon the built environment are considered unacceptable.

Built environment - View sharing

The primary property affected by the development with respect to potential view loss is No. 3 Yacaaba Street. Views obtained from this property are only likely to be achieved from the higher levels of the existing development and are likely to be distant and obstructed views of the foreshore and bay. The views would be obtained primarily from bedrooms and bedroom balconies as a result of the orientation of the units within the development. Further, the views are obtained across private property.

It is likely that even a compliant design (i.e a 15 metre high development) would result in obstruction of any views obtained from No. 3 Yacaaba Street. On this basis, and in accordance with the planning principles set out by the Land and Environment Court in *Tenacity Consulting v Warringah* [2004] NSWLEC 140, the proposed development is not considered to significantly or unreasonably reduce the amenity enjoyed by occupants of adjoining residential land.

The Nelson Bay Town Centre and Foreshore Strategy (dated 2012) identifies view corridors within the public realm which should be protected. View corridor No.12 which traverses the length of Yacaaba Street and is located within proximity to the subject land. The proposed development does not encroach upon the identified view corridor and a direct line of sight is maintained ensuring that views enjoyed from the

public domain are not adversely impacted. As such, the proposed development is satisfactory with respect to view sharing.

Infrastructure and services – Traffic

The applicant submitted a Traffic Impact Assessment, prepared by SECA Solution (dated 27 September 2018) which included the results of traffic surveys undertaken at the intersection of Donald Street and Yacaaba Street. Council's assessment has identified that a satisfactory level of service 'A' relating to delay and queuing at the Donald Street and Yacaaba Street intersection will be maintained for the projected 2028 growth and 50% increase for holiday periods. In addition, the proposed one-way entry to the site via Donald Street and exit via Yacaaba Street is considered to reduce the length of delays experienced by through traffic at Donald Street had a two-way entry been proposed. In this respect, the development is considered to be satisfactory.

The impacts of the development during construction were also considered during the assessment. The existing road network can sufficiently cater for traffic movements arising during construction and subject to standard conditions of consent noise impacts can be adequately mitigated. Should Council elect to approve the proposed development conditions of consent could be recommended which would adequately mitigate any potential traffic impacts arising from the development during construction.

Infrastructure and services – Car parking

The development exceeds the car parking requirements for the proposed residential use, however a shortfall of three commercial car spaces is proposed. Council's Development Contribution Plan 2007 provides a mechanism for the levying of a monetary contribution in lieu of the provision of off-street car parking for new commercial and/or retail development within the Nelson Bay Commercial/Retail and Foreshore Area as it is recognised that the provision of off-street car parking can restrict the ability to develop commercial / retail premises.

The proposed commercial car parking shortfall generates a development contribution payment of \$45,705 (subject to CPI). Should Council determine to approve the proposed development a condition of consent would be recommended to capture the required payment of this development contribution prior to the issue of any Construction Certificate. The levying of contributions for the shortfall is considered to adequately address this issue.

It is also noted that whilst the subject land is currently utilised for the purposes of a public car park, the car park is located on private property which is subject to a commercial lease agreement. Should Council determine to approve the proposed development, Council's Property Services Section have confirmed that an alternative site in Stockton Street Nelson Bay has been secured to replace the current car park.

CONSULTATION

Consultation with key stakeholders has been undertaken for the purposes of the assessment of the application, including consultation with the public through the notification and advertising process.

Internal

Consultation was undertaken with internal technical staff to facilitate the assessment of the application including:

- Building and Developer Relations
- Development Engineering
- Strategic Planning (Development Contributions)
- Natural Resources (Vegetation Management)
- Spatial Services
- Waste Management
- Community and Recreation

The referral comments provided by these officers were considered as part of the detailed assessment and are discussed within the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**). All internal referral officers supported the proposed development subject to conditions of consent. However, the proposed development is recommended for refusal due to the proposed variation to Council's existing 15 metre height control pursuant as prescribed by LEP2013.

External

Consultation was undertaken with the following external agencies and groups as part of the assessment process:

- Ausgrid.
- Department of Planning and Environment (now Department of Planning, Industry and Environment).
- Newcastle City Council's Urban Design Consultative Group (UDCG).

The comments provided by these external agencies and groups were considered during the detailed assessment and are discussed within the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**). It is noted that the Department of Planning, Industry and Environment confirmed that Council could rely on the assumed concurrence of the Secretary in the determination of the application should it resolve to support the applicants proposed clause 4.6 variation request to vary Council's current 15 metre height development standard.

Public exhibition

The proposal was advertised and notified in accordance with the requirements of the EP&A Act, EP&A Regulations, and Chapter A of DCP2014. Due to the applicant submitting amended plans the application was placed on public exhibition a total of three times as follows:

- for a period of 21 days from 21 June 2018 to 13 July 2018 (standard 14 day notification extended by one week).
- for a period of 14 days from 1 November 2018 to 15 November 2018.
- for a period of 14 days from 28 February 2019 to 14 March 2019.

The third round of public exhibition related to the current proposed development. In response to this round of public exhibition, Council received 81 submissions including 51 submissions in support and 30 submissions in objection from 34 signatories. A detailed assessment of the submissions received is outlined within the Planners Assessment Report (**ATTACHMENT 2 provided under separate cover**).

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan.
- 2) Planners Assessment Report. (Provided under separate cover)
- 3) Reasons for Refusal.

COUNCILLORS ROOM

- 1) Development Plans.
- 2) Clause 4.6 Assessment – Building height (prepared by Monteath and Powys).
- 3) Submissions.

Note: Any third party reports referenced in this report or the Planners Assessment Report can be inspected upon request.

TABLED DOCUMENTS

Nil.

ITEM 2 - ATTACHMENT 1 LOCALITY PLAN.



118 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873812 Email: council@portstephens.nsw.gov.au



Reasons for Refusal

The application is recommended for refusal on the following grounds:

1. The development fails to comply with clause 4.3 (Building Heights) of Port Stephens Local Environmental Plan 2013 (s.4.15(1)(a)(i) Environmental Planning and Assessment Act 1979 (EP&A Act)),
2. The development fails to satisfy the principles of the Apartment Design Guide and aims and objectives of State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development due to the proposed 15.6m height variation (s.4.15(1)(a)(i) EP&A Act),
3. The development results in unreasonable impacts to the built environment due to the proposed 15.6m height variation (including overshadowing, view sharing, natural ventilation, amenity and traffic impacts) (s.4.15(1)(b) EP&A Act), and
4. Due to the 15.6m exceedance to the building height control the development is not considered to be in the public interest (s.4.15(1)(c) & (e) EP&A Act).

Councillor Jaimie Abbott left the meeting at 8:31pm, prior to item 3.
Councillor Giacomo Arnott left the meeting at 8:31pm, prior to item 3.
Councillor Chris Doohan left the meeting at 8:32pm, prior to item 3.

ITEM NO. 3

FILE NO: 19/152729
EDRMS NO: PSC2006-0038

DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 (AMENDMENT NO.8) AMENDED AIRCRAFT NOISE PLANNING AREA

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and notes the submission received during the exhibition of draft Port Stephens Development Control Plan 2014 (Amendment No.8) **(ATTACHMENT 1)**.
 - 2) Approve the Port Stephens Development Control Plan 2014 (Amendment No.8) **(TABLED DOCUMENT 1)**.
 - 3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning & Assessment Regulation 2000.
-

ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION

141	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receives and notes the submission received during the exhibition of draft Port Stephens Development Control Plan 2014 (Amendment No.8) (ATTACHMENT 1).2) Approve the Port Stephens Development Control Plan 2014 (Amendment No.8) (TABLED DOCUMENT 1).3) Provide public notice that the amendment to the Port Stephens Development Control Plan 2014 has been approved in accordance with the Environmental Planning & Assessment Regulation 2000.
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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 Mayor Ryan Palmer, Glen Dunkley, Ken Jordan, Paul Le Mottee, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council approval for the Port Stephens Development Control Plan 2014 (Amendment No. 8) (DCP) which replaces the Aircraft Noise Planning Map with the RAAF Base Williamtown and Salt Ash Weapons Range 2025 Australian Noise Exposure Forecast Map (ANEF 2025) and makes the necessary related consequential amendments to the written controls and wording in the DCP.

The proposed amendment follows a resolution of Council on 13 February 2018 to amend the Aircraft Noise Planning Map in the DCP to reflect only the 2025 ANEF in response to a Notice of Motion. Since this resolution, Council has prepared and publically exhibited this amendment, which is the subject of this report.

The purpose of providing development controls for aircraft noise in the DCP is to ensure that the matter is adequately taken into consideration in the preparation of development applications by applicants and their subsequent assessment by Council.

Council currently takes a conservative approach in the Aircraft Noise Planning Map which is a composite of the following:

- 2025 ANEF (the current ANEF and identifying the noise created by the flight paths of the Joint Strike Fighter aircraft); and
- 2012 ANEF (the former ANEF and identifying the noise created by the flight paths of the Hornet aircraft).

On 28 August 2018, Council resolved to exhibit the draft DCP for 28 days, which occurred from 13 September 2018 to 11 October 2018. One submission was received from the Commonwealth Department of Defence in support of the amendment (**ATTACHMENT 1**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live.	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There may be some potential financial/resource implications in adopting the proposed amendment to the DCP (refer to the Legal, Policy and Risk Implications section of this report).

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

LEGAL, POLICY AND RISK IMPLICATIONS

Using the existing adopted Aircraft Noise Planning Map facilitates the consideration of noise from both the Joint Strike Fighter (ANEF 2025) and the Hornet aircraft (ANEF 2012). This approach is prudent because they have different flight paths as shown in a comparison between the maps at **(TABLED DOCUMENT 2)** and **(TABLED DOCUMENT 3)**.

Using the Aircraft Noise Planning Map is a unique approach because under Australian Standard AS2021-2015 *Acoustics – Aircraft noise intrusion – Building siting and construction* it is established convention that there will only be one current ANEF for a given airport at any one time. For the RAAF Base Williamtown and the Salt Ash Air Weapons Range the current ANEF issued by the Commonwealth Department of Defence is the 2025 ANEF.

The Joint Strike Fighter is being gradually phased in to replace the existing Hornet at RAAF Base Williamtown. This process has already commenced and is anticipated to be completed by the year 2023. It is likely that the noise impact from the Hornet will progressively become less relevant as their number is reduced and ceases. Conversely, the noise impact from the Joint Strike Fighter will progressively become more relevant as their number is increased.

While there are aircraft still flying in accordance with the 2012 ANEF (the Hornet) Council has an obligation to consider the related noise impacts when assessing development applications. This mainly relates to limited areas of potential urban infill development at Raymond Terrace and to areas surrounding the Salt Ash Air Weapons Range. Council also has a duty of care to notify potential purchasers of property when issuing planning certificates (see *Port Stephens Shire Council v Booth & Ors*; *Port Stephens Shire Council v Gibson & Anor* [2005] NSWCA 323).

While the Hornet is being phased out there is an interim medium risk that adopting the ANEF 2025 could result in an inadequate assessment of noise impacts. The risk could be avoided if the amendment is not adopted. Alternatively, the risk can be mitigated by evaluating the interim noise impacts from the Hornet with the general matters for consideration under the planning legislation for development applications, and continuing to notify potential purchasers of property when issuing planning certificates. This would need to be considered under a review of Council’s Aircraft Noise Policy, which is currently being completed.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that new development on land affected by the former 2012 ANEF does not provide adequate noise attenuation.	Medium	Assess all relevant noise impacts when evaluating development applications under the planning legislation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are positive economic implications for some landowners in the areas affected by only the 2012 ANEF because they will no longer be required to provide acoustic reports and incorporate noise attenuation measures for development. This is likely to be limited to new urban release areas in the vicinity of Raymond Terrace. There may also be short term negative acoustic impacts in these areas in the period that the Hornet is phased out and the Joint Strike Fighter introduced.

CONSULTATION

Internal

Internal consultation with the Development Assessment and Compliance Section was undertaken with no objection to the proposed amendment made. Internal advice on legal risk implications was also sought and considered in making the recommendations of this report.

External

No submissions were received from the community and one (1) submission was received from the Commonwealth Department of Defence generally in support of the amendment (**ATTACHMENT 1**).

OPTIONS

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

ATTACHMENTS

- 1) Commonwealth Department of Defence Submission.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Excerpt from draft Development Control Plan 2014 (Amendment No.8).
- 2) Aircraft Noise Planning Map.
- 3) RAAF Base Williamtown and Salt Ash Weapons Range 2025 Australian Noise Exposure Forecast Map.

ITEM 3 - ATTACHMENT 1 COMMONWEALTH DEPARTMENT OF DEFENCE
SUBMISSION.



Australian Government
Department of Defence
Estate and Infrastructure Group

Sonya Dare
Director Land Planning and Regulation
Estate Planning Branch
Brindabella Business Park (BP26-1-A053)
PO Box 7925
Department of Defence
CANBERRA BC ACT 2610
☎: (02) 6266 8291
✉: sonya.dare@defence.gov.au

ID-EP-DLP&R/OUT/2018/BI3647469

The General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Att: Mr Matthew Borsato –Strategic Planner

Dear Mr Borsato


**RE: DRAFT PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014 - B7
WILLIAMTOWN RAAF BASE – AIRCRAFT NOISE AND SAFETY – MINOR
AMENDMENTS**

Thank you for forwarding the draft *Port Stephens Council Development Control Plan (DCP) 2014 Chapter B7 Williamtown RAAF Base – Aircraft Noise and Safety* Minor Amendments to the Department of Defence (Defence) for comments. I note that the amended draft DCP proposes to remove any reference to the former 2012 Australian Noise Exposure Forecast for RAAF Base Williamtown in order to reference the current 2025 ANEF for RAAF Base Williamtown.

Defence is generally supportive of the Aircraft Noise Guideline and the proposed amendments to the DCP, which provides Council’s policy framework for planning decisions and other Council programs relating to aircraft noise. It also defines the area covered by the DCP as land which is wholly or partially within the ANEF 20 contour, and provides clear consideration to matters that have the potential to impact on the long-term operation of the Williamtown RAAF Base, including notification requirements for development located within the Aircraft Noise Planning Area.

Should further reviews take place, Defence would appreciate the opportunity to make further comment. Should you wish to discuss the content of this submission further, my point of contact is Mr Tim Hogan at DSRGIDEP.ExecutiveSupport@defence.gov.au or by telephone on (02) 6266 8193.

Yours sincerely


Tim Hogan
A/g Director
Land Planning and Regulation
Estate Planning Branch

3 October 2018

Defending Australia and its National Interests

Councillor Jaimie Abbott returned to the meeting at 8:35pm, prior to item 4.
Councillor Giacomo Arnott returned to the meeting at 8:35pm, prior to item 4.
Councillor Chris Doohan returned to the meeting at 8:35pm, prior to item 4.

ITEM NO. 4

FILE NO: 19/149541
EDRMS NO: PSC2006-0072

HERITAGE PROJECTS FUND 2019-2020

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of funding for the Heritage Projects Fund 2019-2020 annual grant in accordance with the amounts and purposes prescribed below:
 - a. \$2000 to Raymond Terrace Bowling Club for the establishment of a garden bed to protect heritage listed Norfolk Pine Trees.
 - b. \$2000 to Tomaree Family History Group Nelson Bay NSW Inc. for the publication of a book detailing the lives of those buried at the heritage listed Birubi Cemetery.
 - c. \$1128 to St Johns Anglican Church Raymond Terrace for works to prevent deterioration of sandstone blocks and interior plaster caused by rising damp.
 - d. \$944 to Glenn Short and Deirdre Hall (individuals) for a management plan and works for State heritage listed trees at the State heritage item Tanilba House.
- 2) Place the funding of individuals (Glen Short and Deirdre Hall) on Public Exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations for funding without a further report to Council.

ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION

142	Councillor John Nell Councillor Ken Jordan It was resolved that Council adopt items 4 to 8 together by way of a single resolution.
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Cr Giacomo Arnott requested his vote be recorded against the motion above.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

143	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the allocation of funding for the Heritage Projects Fund 2019-2020 annual grant in accordance with the amounts and purposes prescribed below:<ol style="list-style-type: none">a. \$2000 to Raymond Terrace Bowling Club for the establishment of a garden bed to protect heritage listed Norfolk Pine Trees.b. \$2000 to Tomaree Family History Group Nelson Bay NSW Inc. for the publication of a book detailing the lives of those buried at the heritage listed Birubi Cemetery.c. \$1128 to St Johns Anglican Church Raymond Terrace for works to prevent deterioration of sandstone blocks and interior plaster caused by rising damp.d. \$944 to Glenn Short and Deirdre Hall (individuals) for a management plan and works for State heritage listed trees at the State heritage item Tanilba House.2) Place the funding of individuals (Glen Short and Deirdre Hall) on Public Exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations for funding without a further report to Council.
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BACKGROUND

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

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

Applications for grants opened on 8 April 2019 and closed on 13 May 2019.

Four (4) applications were received. Council's Heritage Consultant and the Committee reviewed and assessed the applications. One application included elements that are ineligible for funding and is therefore only partly supported for the eligible elements.

All other applications have been recommended for funding as outlined in **(ATTACHMENT 1)**.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Council has allocated \$5,500 to the Heritage Projects Fund, and the NSW Heritage Division has awarded Council a \$5,500 grant to contribute to the Fund. Accordingly there is \$11,000 available in the 2019-2020 financial year.

The projects recommended for grants are under budget and applications for funding will be opened for a second round in order to exhaust the total amount of grant funding. Projects recommended for funding as part of a second round of grant applications will be subject to further Council approval.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	Yes		NSW Heritage Office has approved the grant to Port Stephens Council to contribute to the Heritage Projects Fund.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The recommendations have been made in accordance with Local Government Act 1993 (NSW) (s356) and Council's adopted Grants and Donations Policy. The recommendations for funding also aligns with Council's relevant Fund Guidelines.

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.

Heritage Projects Fund Guidelines

Under the Heritage Projects Fund Guidelines (the Guidelines), grants of up to \$2000 are available towards heritage projects. The recommendations meet this criteria.

One application includes elements that are ineligible for funding and that application is therefore only supported for the eligible elements. All other applications have been recommended for funding in accordance with the evaluation criteria in the Guidelines.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Heritage Projects Fund aims to improve heritage preservation and promotion in the Port Stephens area. The fund is intended to provide seed funding to community and other projects and promote greater community interest in the preservation and conservation of local heritage as a cultural community asset.

Whilst the grants will provide seed funding, applicants will be required to fund the balance of the project costs. The estimated total cost of all the projects proposed to be funded is \$29,800.76. This is a significant contribution from the community and local asset owners allowing works to be done which may have otherwise not been achieved if not for the funding.

CONSULTATION

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

Internal

The following internal consultation has taken place:

- Review of each application by Council's Heritage Advisor.
- Review and assessment of applications at a meeting of the Heritage Advisory Committee.
- Review of project proposals relating to trees and gardens by Council's Vegetation Management Officer.

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

External

The following external consultation has taken place:

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

In addition, the following external consultation will take place:

- All individual applications will be advertised for 28 days.
- Further consultations will be undertaken with the Office of Environment and Heritage, NSW Heritage Division on the terms of the grant funding and Council's Section 355c Heritage Advisory Committee in relation to the expenditure of remaining funds.

OPTIONS

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

ATTACHMENTS

- 1) Recommendations Summary - Heritage Fund 2019 - 2020.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 RECOMMENDATIONS SUMMARY - HERITAGE FUND 2019 - 2020.

Heritage Advisory Committee

Local Heritage Fund 2019-20: Recommendations Summary from

Heritage Item/ conservation area	Project Summary	Total Cost of Project	Amount Requested	Amount Recommended by Heritage Committee	Comments
Raymond Terrace Bowling Club: St Johns Church former Rectory & Norfolk Island Pine Trees Local Heritage Item	Norfolk Pines Garden Garden to be placed under the Norfolk Pine trees at the Rectory to allow them to survive the bacterial infection that has currently claimed one tree	9,816	\$2,000	\$2,000	Recommended for approval.
Tomaree Family History Group Nelson Bay NSW Inc Local Heritage Item	Birubi Cemetery Book detailing the lives of those buried in Birubi Cemetery	\$15,640	\$2,000	\$2,000	Recommended for approval with the applicant providing a draft copy prior to final printing. Book is to include referencing to historic sources, PS Council Logo and OEH logo. 2 copies of the book are to be provided for PS Council Library.
St Johns Anglican Church (1862) Raymond Terrace Local Heritage Item	Works to stop deterioration of external sandstone blocks and interior plaster, from rising Damp	\$2,478	\$1,128	\$1,128	Recommended for approval.
Tanilba House State Heritage Item	Management plan for significant heritage trees and care for olive tree	\$1,866.76	\$944	\$944	Recommended for approval.
Tanilba House State Heritage Item	Replace broken glass in windows and doors	[1,250]			Not recommended for approval as considered to be an insurance matter
Total		\$29,800.76	\$6,072.00	\$6,072.00	

Further Recommendation from the Heritage Advisory Committee:

It is recommended that any remaining funds in the programme be targeted towards small heritage projects for local heritage item owners and managers across the Port Stephens LGA.

ITEM NO. 5

**FILE NO: 19/142179
EDRMS NO: PSC2014-01592**

ABORIGINAL PROJECTS FUND 2019-2020

REPORT OF: STEVEN BERNASCONI - COMMUNICATIONS SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of \$30,370 for the Aboriginal Projects Fund 2019-2020 annual grant round in accordance with the amounts and purposes prescribed below:
 - a. \$5000 for Hunter Region Botanic Gardens for Worimi Art at The Botanic Gardens.
 - b. \$3500 for Karuah Indigenous Corporation for Warm Winter Project.
 - c. \$9370 for Port Stephens Surf School for Indigenous Surf Safety and Awareness Program.
 - d. \$2500 for Soldiers Point Public School for Teach us Gathang project.
 - e. \$10,000 for Irrawang High School for the Ngarralbaa Learning Yarning Circle Project.
- 2) Endorse the allocation of the remaining Aboriginal Projects Fund amount of \$4630 be allocated to fund additional 2019 NAIDOC week activities.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

144	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the allocation of \$30,370 for the Aboriginal Projects Fund 2019-2020 annual grant round in accordance with the amounts and purposes prescribed below:<ol style="list-style-type: none">a. \$5000 for Hunter Region Botanic Gardens for Worimi Art at The Botanic Gardens.b. \$3500 for Karuah Indigenous Corporation for Warm Winter Project.c. \$9370 for Port Stephens Surf School for Indigenous Surf Safety and Awareness Program.d. \$2500 for Soldiers Point Public School for Teach us Gathang project.
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MINUTES ORDINARY COUNCIL - 9 JULY 2019

	<p>e. \$10,000 for Irrawang High School for the Ngarralbaa Learning Yarning Circle Project.</p> <p>2) Endorse the allocation of the remaining Aboriginal Projects Fund amount of \$4630 be allocated to fund additional 2019 NAIDOC week activities.</p>
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BACKGROUND

The purpose of this report is to seek Council's endorsement for the allocation of 2019-2020 Aboriginal Projects Fund for projects as recommended by Council's 355c Aboriginal Strategic Committee.

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

Applications for the 2019-2020 round of funding opened on 8 April 2019 and closed on 13 May 2019. The total amount of funding is \$35,000. A total of 5 applications were received, valued at \$34,934 as outlined in **(ATTACHMENT 1)**.

The recommended funding amount from the Aboriginal Strategic Committee is a total of \$30,370. It is recommended that the remaining amount of \$4,630 be allocated to fund 2019 NAIDOC Week activities.

The proposed projects and programs recommended for funding through the Aboriginal Projects Fund meet the objectives of the fund, in particular through fostering strong personal identity and safety of Aboriginal children. This is to be achieved through interactive education and experiences across the Port Stephens area.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Recognised Traditions and Lifestyles	Recognise and support local Aboriginal and Torres Strait Islander people.

FINANCIAL/RESOURCE IMPLICATIONS

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

MINUTES ORDINARY COUNCIL - 9 JULY 2019

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications.

The recommendations have been made in accordance with the Local Government Act 1993 (NSW) (s356) and Council's adopted Grants and Donations Policy. The recommendations for funding also aligns with Council's relevant Fund Guidelines.

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.

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

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

CONSULTATION

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

Internal

Internal meetings with Council staff responsible for the administration of the financial assistance programs were held to plan and deliver the 2019 media launch of Council's Financial Assistance grant programs.

Council's 355c Aboriginal Strategic Committee presentation and assessment meeting was held on 23 May 2019.

External

The Communications team promoted the round opening for the fund widely through social media, Council's website and notices appeared in Council pages of the Port Stephens Examiner.

The 2019 media launch was on Monday 8 April 2019 and closed on Monday 13 May 2019. There is a cheque presentation planned for grant recipients and Councillors to attend on 25 June 2019.

There were 2 information sessions held with 10 people in attendance at both the sessions held in Raymond Terrace and Nelson Bay.

OPTIONS

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

ATTACHMENTS

- 1) Aboriginal Projects Fund Assessment Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 ABORIGINAL PROJECTS FUND ASSESSMENT SUMMARY.

ABORIGINAL PROJECTS FUND ASSESSMENT SUMMARY

PROJECT	ORGANISATION	AMOUNT REQUESTED	AMOUNT FUNDED
Ngarralbaa Learning Yarning Circle Construction of an Aboriginal cultural learning and yarning circle	Irrawang High School	\$9,839	\$10,000
Indigenous Surf Safety School 6 week course in learning to surf and learning surf safety for 20 participants	Port Stephens Surf School	\$9,370	\$9,370
Worimi Art at the Botanic Gardens Construction of weather shelters and painting of mural by Worimi artist Jason Russell	The Hunter Region Botanic Gardens	\$10,000	\$5,000 For the mural only
Teach Us Gathang Gathang classes for Aboriginal students	Soldiers Point Public School	\$2,375	\$2,500
Warm Winter Project Firewood chopped for thirty homes in the Karuah Mission	Karuah Indigenous Corporation	\$3,350	\$3,500
TOTAL AMOUNTS		\$34,934	\$30,370

ITEM NO. 6

**FILE NO: 19/136539
EDRMS NO: PSC2019-00747**

CULTURAL PROJECTS FUND 2019-2020

REPORT OF: STEVEN BERNASCONI - COMMUNICATIONS SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of \$54,050 from the Cultural Projects Fund 2019-2020 annual grant round in accordance with the amounts and purposes prescribed below:
 - a. \$3000 to the Sea Side Singers for the Universal Harmony Project.
 - b. \$3000 to Port Stephens Sister Cities Committee for Tateyama Sister Cities 10th anniversary cultural exchange.
 - c. \$3000 to the Port Stephens Community Arts Centre Trust for the Skills Development Workshops 2019.
 - d. \$3000 to the Soldiers Point Lions Club for the Street Art Bus Shelters Project.
 - e. \$3000 to the Tilligerry Community Association for the 2019 Tilligerry Festival.
 - f. \$3000 to Little Brandy Hill (Bronwyn White) for the I Walk, I Run, I Drum Project.
 - g. \$2000 to the Tomaree Family History Group for the Birubi Cemetery Book event.
 - h. \$2550 to Police Citizens Youth Clubs NSW (Port Stephens Branch) for the Community Band Development Project.
 - i. \$3000 to Alisha Fewster for Story Maps Project.
 - j. \$3000 to Hunter Region Botanic Gardens for the artist in residence Voyage of Discovery Project.
 - k. \$1000 to the Lions Club of Medowie for the 2019 Medowie Art and Craft Show.
 - l. \$3000 to the Tomaree Business Chamber for the Nelson Bay Civic Pride Mural Project.
 - m. \$3000 to the Lions Club of Raymond Terrace for their 2019 Cultural Events Program (Celebration of Words Festival; Seaham Carols; Rhythm in the Rotunda).
 - n. \$3000 to Tomaree Youth Community Action Inc. for the Code Movers Project.
 - o. \$2000 to the Raymond Terrace & District Historical Society Inc. for the What a Drama Historical Interactive Walk Project.
 - p. \$3000 to Thou-Walla Family Centre for the Banners of Blessing Project.
 - q. \$3000 to Up & Up (Shane Kennedy) for the Salt Ash Bus Stop Art Project.
 - r. \$1000 to The Bayway Strummers Ukulele Group (Michael Sinclair) for their self-titled Project.

MINUTES ORDINARY COUNCIL - 9 JULY 2019

- s. \$3000 to Tomaree Youth Community Action Inc. for Rubbish into Art Youth Competition and Robinson Reserve event 2019.
 - t. \$3000 to Port Stephens Celtic Association for the Clans on the Coast 2019 event.
 - u. \$500 to Tilligerry Adult and Community Education (TACE) for the 2019 Port Stephens Literature Awards.
- 2) Place the funding of individuals, Michael Sinclair (Bayway Strummers), Shane Kennedy (Up & Up), Bronwyn White (Little Brandy Hill) and Alisha Fewster (Story Maps Project) on public exhibition for a period of 28 days, and should no submissions be received, adopt the recommendations for funding without a further report to Council.
- 3) Transfer the balance of the Cultural Projects Fund (\$5,950) to the budget allocation to deliver key actions of the 2019 Port Stephens Cultural Plan, once developed.

ORDINARY COUNCIL MEETING - 9 JULY 2019 MOTION

145	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>It was resolved that Council:</p> <ul style="list-style-type: none">1) Endorse the allocation of \$54,050 from the Cultural Projects Fund 2019-2020 annual grant round in accordance with the amounts and purposes prescribed below:<ul style="list-style-type: none">a. \$3000 to the Sea Side Singers for the Universal Harmony Project.b. \$3000 to Port Stephens Sister Cities Committee for Tateyama Sister Cities 10th anniversary cultural exchange.c. \$3000 to the Port Stephens Community Arts Centre Trust for the Skills Development Workshops 2019.d. \$3000 to the Soldiers Point Lions Club for the Street Art Bus Shelters Project.e. \$3000 to the Tilligerry Community Association for the 2019 Tilligerry Festival.f. \$3000 to Little Brandy Hill (Bronwyn White) for the I Walk, I Run, I Drum Project.g. \$2000 to the Tomaree Family History Group for the Birubi Cemetery Book event.h. \$2550 to Police Citizens Youth Clubs NSW (Port Stephens Branch) for the Community Band Development Project.i. \$3000 to Alisha Fewster for Story Maps Project.j. \$3000 to Hunter Region Botanic Gardens for the artist in residence Voyage of Discovery Project.
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- k. \$1000 to the Lions Club of Medowie for the 2019 Medowie Art and Craft Show.
 - l. \$3000 to the Tomaree Business Chamber for the Nelson Bay Civic Pride Mural Project.
 - m. \$3000 to the Lions Club of Raymond Terrace for their 2019 Cultural Events Program (Celebration of Words Festival; Seaham Carols; Rhythm in the Rotunda).
 - n. \$3000 to Tomaree Youth Community Action Inc. for the Code Movers Project.
 - o. \$2000 to the Raymond Terrace & District Historical Society Inc. for the What a Drama Historical Interactive Walk Project.
 - p. \$3000 to Thou-Walla Family Centre for the Banners of Blessing Project.
 - q. \$3000 to Up & Up (Shane Kennedy) for the Salt Ash Bus Stop Art Project.
 - r. \$1000 to The Bayway Strummers Ukulele Group (Michael Sinclair) for their self-titled Project.
 - s. \$3000 to Tomaree Youth Community Action Inc. for Rubbish into Art Youth Competition and Robinson Reserve event 2019.
 - t. \$3000 to Port Stephens Celtic Association for the Clans on the Coast 2019 event.
 - u. \$500 to Tilligerry Adult and Community Education (TACE) for the 2019 Port Stephens Literature Awards.
- 2) Place the funding of individuals, Michael Sinclair (Bayway Strummers), Shane Kennedy (Up & Up), Bronwyn White (Little Brandy Hill) and Alisha Fewster (Story Maps Project) on public exhibition for a period of 28 days, and should no submissions be received, adopt the recommendations for funding without a further report to Council.
- 3) Transfer the balance of the Cultural Projects Fund (\$5,950) to the budget allocation to deliver key actions of the 2019 Port Stephens Cultural Plan, once developed.

BACKGROUND

The purpose of this report is to seek Council's endorsement for the allocation of 2019-2020 Cultural Projects Fund grants for projects as recommended by Council's 2019 Cultural Project Fund assessment Panel, in consultation with Council's 355c Strategic Arts Committee.

The purpose of the Cultural Projects Fund is to support projects that celebrate and promote culture in Port Stephens through the delivery of programs, events and other activities that encourage direct participation in cultural life.

Applications to the 2019-2020 round of funding opened on Monday 8 April 2019 and closed on Monday 13 May 2019. The total amount of funding available is \$60,000. A total of 21 applications were received as outlined in **(ATTACHMENT 1)**.

The diverse range of projects proposed include visual arts, music, performance and events. Some projects contribute to place activation and place making in specific local areas, some celebrate significant cultural achievement within the community. All projects encourage local participation in cultural life.

Only one of the applications received was deemed not appropriate for this funding program based on the Funding Guidelines. The Department of Education requested \$2,500 towards the general operating costs of the annual Star Struck event. While it was acknowledged that young people from the local area participate in Star Struck, this is a major regional event that draws upon larger corporate sponsorship to meet costs.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Recognised Traditions and Lifestyles	Support and promote local cultural activities.

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$60,000 is available to fund projects under the Council’s Cultural Projects Fund program in the 2019-2020 financial year. The projects recommended in this report total \$54,050. It is recommended that the remaining funds (\$5,950) be allocated to the delivery of key actions identified in the review of the Port Stephens Cultural Plan, including the digital documentation of successful projects funded that enhance the cultural identity and capacity of the Port Stephens community.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

The recommendations have been made in accordance with the Local Government Act 1993 (NSW) (s356) and Council's adopted Grants and Donations Policy. The recommendations for funding also aligns with Council's relevant Fund Guidelines.

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.

Recipients of funding under the Cultural Projects Fund shall accept full responsibility for the liability of any programs or projects funded. All recipients must provide evidence of appropriate insurances as required.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Cultural Projects Fund directly supports ongoing investment in organisations and individuals involved in the production and delivery of cultural activities and services that are accessible to people from a range of social, economic and cultural backgrounds.

The proposed projects will:

- Provide arts based skills development for residents of all ages.
- Encourage community partnerships and build social cohesion through participation in planning and delivery of projects.
- Generate direct economic return for some of the organisations involved, and more broadly, some of the projects will help activate spaces that in turn will support ongoing economic activity.

- Support inclusive practice.
- Celebrate heritage and our natural and built environments.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications Section, to promote the funding opportunity. Promotion began with a media campaign followed by face to face information sessions and other community forums. Copies of funding guidelines and draft application forms were made available via online platforms and at information sessions.

Ongoing support to successful applicants will be provided by the Community Development and Engagement team. This support work to build relationships, ensure project outcomes and funding requirements are met and encourages broader community reach.

Internal

Collaboration with council staff officers responsible for administering other financial assistance programs is essential to develop most effective systems to promote and manage application processes.

External

- Advertised in the Port Stephens Examiner, Councils website and social media throughout the month of April and early May 2019.
- Presented information at the Port Stephens Community Interagency meeting, Tuesday 9 April 2019.
- Hosted to face to face information sessions, Wednesday 17 April 2019 at Raymond Terrace Library and Thursday 18 April 2019 at Tomaree Library.
- Hosted an information stall at the Art Expo, Nelson Bay on Friday 3 May 2019.

OPTIONS

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

ATTACHMENTS

- 1) Summary of Funding - Cultural Projects Fund 2019-2020.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 SUMMARY OF FUNDING - CULTURAL PROJECTS FUND 2019-2020.

Cultural Projects Fund 2019 -2020

No	Applicant name and brief project description	Amount Requested	Comments from Strategic Arts Committee and Community Development staff	Outcome
1	<p>Seaside Singers Choirs from the Hunter Region and a choir from Japan will come together in Port Stephens over a 3 day period in October to sing, creating universal harmony and raising cultural awareness.</p>	\$3000	<p>Engages community and encourages participation.</p> <p>Strategic Arts Committee to assist in formulating ideas for additional activities to support the choral singing, providing a festive atmosphere.</p>	Fully Fund \$3000
2	<p>Port Stephens Sister Cities Committee Introduce Japanese visitors to Port Stephens' heritage, arts, culture, natural environment and Aboriginal culture, and to local lifestyles through home hosting.</p>	\$3000	Encourages cultural exchange and something more diverse for the community.	Fully Fund \$3000
3	<p>Port Stephens Community Arts Centre Trust Skills development subsidy for specialist craft groups.</p>	\$3000	Enables greater local participation.	Fully Fund \$3000
4	<p>Soldiers Point Lions Club Soldiers Point Lions owns and maintains several bus shelters in the local area and this project is about using these venues to support and contribute to a stronger pride in our community utilising local artists.</p>	\$3000	Builds on past work and adds to growing interest in this art form.	Fully Fund \$3,000

ITEM 6 - ATTACHMENT 1 SUMMARY OF FUNDING - CULTURAL PROJECTS FUND 2019-2020.

5	<p>Tilligerry Community Association Tilligerry Festival is all about Tilligerry Peninsula - community displays, sail past, raffles, market stalls, community group displays, stage, cultural events, Santa, fairground, food, activities</p>	\$3000	Provides employment opportunities for artists. Brings a creative element to a community event.	Fully Fund \$3000
6	<p>Little Brandy Hill (Bronwyn White)-Individual I Walk I Run I Drum is a positive cultural project that puts Seaham and Butterwick on the map in a healthy way, by introducing community members to ongoing cultural activities/workshops that will increase and celebrate community pride.</p>	\$3000	Provides cultural activity in western edge of LGA. Innovative and builds on success of previous program.	Fully Fund \$3000
7	<p>Tomaree Family History Group The launch of the Birubi Cemetery Book will take place when Tomaree Family History Group celebrates its 20th Birthday on 7 March 2020. This marks the 20th anniversary of the group.</p>	\$2000	Promotion of historically significant story in the community and schools.	Fully Fund \$2,000
8	<p>Police Citizens Youth Clubs NSW (Port Stephens branch) By increasing the public profile of the community band, this project aims to expose young people and the community to the benefits and joys of making music together as a product of teamwork, in a friendly and non-competitive environment.</p>	\$2550	Scholarships are a worthwhile initiative to encourage participation of young people.	Fully Fund \$2550

ITEM 6 - ATTACHMENT 1 SUMMARY OF FUNDING - CULTURAL PROJECTS FUND 2019-2020.

9	Alisha Fewster (individual) A skill building workshop which provides local children with a focussed environment in which to hone art and writing skills through the completion of a project focussed on sense of place in the Port Stephens community. The program will involve 10 sessions and ultimately result in the production of a Zine and map.	\$3000	Innovative idea	Fully Fund \$3000
10	Hunter Region Botanic Gardens The "Artists in Residence" project supports local artists; Folk Rhythm Music, Weaving and Botanic Art to create arts within our natural bushland setting at the Hunter Region Botanic Gardens to connect artistic creativity with the theme "250th Anniversary Voyage of Discovery by James Cook" with an emphasis on plants.	\$3000	Great to have an artist in residence program. Has enjoyed some initial success already.	Fully Fund \$3000
11	Lions Club of Medowie Medowie Art and Craft show; Local artists and Craft people introducing photography and junior artists after the successful showing in 2018. Exhibition and sale of art and craft.	\$1000	Part fund due to budget being largely promotion and administration costs.	Fully Fund \$1000
12	Tomaree Business Chamber The Nelson Bay Civic Pride Mural Project Will complete the half-finished mural in the laneway between the Naked Alley Café and the Bayside Jewellers in Magnus Street. A completed mural will make the laneway look more attractive and contribute to making the Nelson Bay Town Centre more vibrant for both local residents and visitors.	\$3000	A professional standard mural for Nelson Bay CBD and employment of a local artist.	Fully Fund \$3000

ITEM 6 - ATTACHMENT 1 SUMMARY OF FUNDING - CULTURAL PROJECTS FUND 2019-2020.

13	Lions Club of Raymond Terrace Celebration of Words 2019 Year 10 Public Speaking Event; Christmas Carols in Seaham Park; Public music presentation Rhythm in the Rotunda in Riverside Park	\$3000	Lions Club looking to deliver local cultural based events in Raymond Terrace area.	Fully Fund \$3000
14	Tomaree Youth Community Action Inc. Robot Design and Coding Challenge: The project allows participants to explore their own creativity through the world of robotics and coding. Participants will be given a design brief and then given the opportunity to design and build their own unique designs into robots. Participants will learn to program their robots to manoeuvre through a maze of challenges.	\$3000	Supporting innovative and challenging programs for young people.	Fully Fund \$3000
15	Raymond Terrace & District Historical Society Inc. The What a Drama Historical Interactive Walk project will re- enact short historical stories on Riverside precinct of Raymond Terrace. Featuring mini dramas at various sites along King St, Riverside Park and Glenelg St.	\$1000	Great concept with ability for them to be re-enacted elsewhere. Very low budget estimate.	Fully Fund \$2000 (\$1000 requested and an additional \$1000 to cover total cost of project).
16	Thou Walla Family Centre. The Banners of Blessing project entails a community arts project where local community will be invited to be part of a fun and meaningful process, where they can make banner bunting around the concept of 'Gratitude'. The project will include community banner making workshops. Once completed this will be shared and displayed at community events.	\$3000	An inclusive project for the community building resources for community events.	Fully Fund \$3000

ITEM 6 - ATTACHMENT 1 SUMMARY OF FUNDING - CULTURAL PROJECTS FUND 2019-2020.

17	<p>Star Struck 2019 No Limits NSW Department of Education annual performing arts event for Hunter and Central Coast students. It is a showcase of dance, drama and music performed by students from Kindergarten to Year 12 from a vast network of NSW public schools.</p>	\$2500	A large event that receives significant sponsorship. Occurs after funding round is distributed.	Not Funded
18	<p>Up & Up (Shane Kennedy-individual) The Inspiration Salt Ash bus stop Art project Will create an inspiring mural that celebrates the Salt Ash area. Team UP&UP will connect with the students from Salt Ash Public School to design a mural that captures the area. The mural will then be installed on the bus stop on Nelson Bay Road, outside of Salt Ash Public School.</p>	\$3000	A great community project involving students to take pride in their area outside of school.	Fully Fund \$3000
19	<p>The Bayway Strummers Ukulele Group (Michael Sinclair-individual) Group of aged residents of Bayway Village Fern Bay gather weekly to learn and play the Ukulele. The objective is to give them an activity to help in keeping them active, both physically and mentally. Ultimately the group intends to entertain other Bayway residents and surrounding aged and community groups.</p>	\$1000	Often a forgotten community that requires additional support.	Fully Fund \$1000
20	<p>Tomaree Youth Community Action Inc. The Rubbish Into Art Youth Comp. is a recycled art competition for the local youth of Port Stephens, giving primary and high school aged children an opportunity to create original artworks.</p>	\$3000	Great educational connection between art and the environment.	Fully Fund \$3000

ITEM 6 - ATTACHMENT 1 SUMMARY OF FUNDING - CULTURAL PROJECTS FUND 2019-2020.

21	Port Stephens Celtic Association. Clans on the Coast is an annual Celtic Event now in its 13th year. Musical, dancing, singing and sporting activities. Keeping alive some of the sights and sounds that have been inherent in our culture since the early settlers.	\$3000	A worthy project. Need to think how we fund community events like this that occur every year.	Fully Fund \$3000
22	Tilligerry Adult and Community Education The Port Stephens Literature Awards are organised by Tilligerry Adult & Community Education Inc. We are based in LTP Community Library and have run the awards for approximately 15 years. There are very limited opportunities for writers to participate in competitions across Australia so ours have generally been very well received. Some years we have had up to 180 entrants.	\$500	Great participation rates to encourage local writers.	Fully Fund \$500
TOTAL REQUESTED		\$55,550		
TOTAL FUNDS ALLOCATED		\$54,050		

ITEM NO. 7

**FILE NO: 19/148821
EDRMS NO: PSC2019-00747-004**

ENVIRONMENTAL PROJECTS FUNDS 2019-2020

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of \$9900 for the project applications under the 2019-2020 Environmental Projects Fund – 355c Committee/Council Volunteer Group annual grant round in accordance with the amounts and purposes below:
 - a. \$2000 to Lemon Tree Passage Parks, Reserves and Landcare Group to plant Koala feed trees in sites where trees have been lost, to restore links and strengthen wildlife corridors.
 - b. \$500 to Corlette Reserves & Landcare Group (a volunteer group of Port Stephens Council) to purchase and plant local endemic species at their Corlette work sites.
 - c. \$2000 to Tilligerry Landcare Group for ongoing regeneration program at Tilligerry Koala Forest.
 - d. \$1400 to Tilligerry Landcare Group for the planting of Koala Feed Trees at Tanilba Point.
 - e. \$2000 to Anna Bay / Birubi Community Hall and Landcare Group to extend and strengthen the Hannah Reserve Wildlife Corridor.
 - f. \$2000 to Soldiers Point Salamander Bay Reserves & Landcare to remove invasive coral trees at Bagnalls Avenue reserve and replant with native vegetation.
- 2) Endorse the allocation of \$6500 for the project applications under the 2019-2020 Environmental Projects Fund – Schools annual grant round in accordance with the amounts and purposes below:
 - a. \$1000 to Iona Public School for a vertical garden.
 - b. \$1000 to Hinton Public School Preschool for the implementation of native stingless bee hives.
 - c. \$1000 to Medowie Christian School to build a new shed to raise and care for chickens.
 - d. \$1000 to Soldiers Point Public School for the construction of their vegetable and fruit gardens.
 - e. \$1000 to St Brigid's Parish School for the creation of their school garden.
 - f. \$1000 to Wallalong Preschool for their Hand Water Pump for Preschool Playground.
 - g. \$500 to Bob's Farm Public School for the redevelopment of their school garden.
- 3) Allocate the remaining funds for schools (\$500) to buying trees for interested schools to participate in Schools National Tree Day on 26 July 2019.

- 4) Allocate the remaining funds for 355c and Council Volunteer Groups (\$10,100) to the delivery of key actions identified in the Community Strategic Plan, specifically Councils Environmental Education Program.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

146	<p>Councillor Jaimie Abbott Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the allocation of \$9900 for the project applications under the 2019-2020 Environmental Projects Fund – 355c Committee/Council Volunteer Group annual grant round in accordance with the amounts and purposes below:<ol style="list-style-type: none">a. \$2000 to Lemon Tree Passage Parks, Reserves and Landcare Group to plant Koala feed trees in sites where trees have been lost, to restore links and strengthen wildlife corridors.b. \$500 to Corlette Reserves & Landcare Group (a volunteer group of Port Stephens Council) to purchase and plant local endemic species at their Corlette work sites.c. \$2000 to Tilligerry Landcare Group for ongoing regeneration program at Tilligerry Koala Forest.d. \$1400 to Tilligerry Landcare Group for the planting of Koala Feed Trees at Tanilba Point.e. \$2000 to Anna Bay / Birubi Community Hall and Landcare Group to extend and strengthen the Hannah Reserve Wildlife Corridor.f. \$2000 to Soldiers Point Salamander Bay Reserves & Landcare to remove invasive coral trees at Bagnalls Avenue reserve and replant with native vegetation.2) Endorse the allocation of \$6500 for the project applications under the 2019-2020 Environmental Projects Fund – Schools annual grant round in accordance with the amounts and purposes below:<ol style="list-style-type: none">a. \$1000 to Iona Public School for a vertical garden.b. \$1000 to Hinton Public School Preschool for the implementation of native stingless bee hives.c. \$1000 to Medowie Christian School to build a new shed to raise and care for chickens.d. \$1000 to Soldiers Point Public School for the construction of their vegetable and fruit gardens.e. \$1000 to St Brigid's Parish School for the creation of their school garden.f. \$1000 to Wallalong Preschool for their Hand Water Pump for Preschool Playground.g. \$500 to Bob's Farm Public School for the redevelopment of their school garden.
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MINUTES ORDINARY COUNCIL - 9 JULY 2019

	<p>3) Allocate the remaining funds for schools (\$500) to buying trees for interested schools to participate in Schools National Tree Day on 26 July 2019.</p> <p>4) Allocate the remaining funds for 355c and Council Volunteer Groups (\$10,100) to the delivery of key actions identified in the Community Strategic Plan, specifically Councils Environmental Education Program.</p>
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BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of funds for applications under the 2019-2020 Environmental Projects Fund.

The Environmental Projects Fund was created in 2016 as part of the review of Council's funding program with the amalgamation of two programs known as the 'Small Environmental Grants' program and the 'Environmental Education Fund'. These programs were successfully implemented over the previous 10 years.

Applications for the 2019-2020 round of funding opened on 8 April 2019 and closed on 13 May 2019. A summary of application details is provided in **(ATTACHMENT 1)**. All applications were assessed against evaluation criteria provided within the guidelines for 355c Committees/Council Volunteer Groups (Former 355c Committees) and Schools.

The Environmental Projects Fund has two components:

355c Committees/Council Volunteer Groups – total funding available \$20,000

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

Six (6) eligible applications were received from 355c Committees/Council Volunteer groups totalling \$9900.

One (1) 335c Committee application was deemed by the assessment panel to not meet the 2019 guidelines as it was a) the third application by the group and b) the applicant wished to carry out the project on land managed by National Parks, therefore it has not been considered for funding in this round of grants. This

MINUTES ORDINARY COUNCIL - 9 JULY 2019

application was received from Tilligerry Landcare Group for the value of \$2000 to plant koala feed trees on National Parks Land.

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

Schools - total funding available \$7000

Applications were sought from schools for up to \$1000 per school. The school's component is established to promote and encourage student participation and awareness of environmental issues, as well as strengthening partnerships between local schools and Council.

Seven (7) applications were received from local schools totalling \$6500. Two (2) applications received exceeded the individual funding limit of \$1000. Medowie Christian School applied for \$2000 to fund their Hen Pecking project – rebuilding their chicken shed and Iona Public School for their Vertical Garden. Unfortunately upon reviewing both of these applications the panel deemed the projects to be unable to be funded above the \$1000 limit, as on this occasion, there is not the capacity to fund beyond the guideline limit due to the interest from schools. Therefore it is recommended funding both projects up to the maximum value of \$1000.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$27,000 is available to fund projects under the Council's Environmental Projects Fund - \$20,000 for 355c and Council Volunteer Groups and \$7000 for Schools. It is recommend that the remaining funds for Schools (\$500) be allocated to buying trees for interested Schools to participate in Schools National Tree Day (26 July 2019) and the remaining funds for 355c and Council Volunteer Groups (\$10,100) be allocated to the delivery of key actions identified in the Community Strategic Plan, including to protect and enhance local natural environment and educate the community about the natural environment. This would be carried out as part of Councils Environmental Education Program where we aim to enhance Port Stephens environmental identity and increase the capacity and understanding of the Port Stephens community towards our natural environment.

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

MINUTES ORDINARY COUNCIL - 9 JULY 2019

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

The recommendations have been made in accordance with the Local Government Act 1993 (NSW) (s356) and Council's adopted Grants and Donations Policy. The recommendations for funding also aligns with Council's relevant Fund Guidelines.

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.

Recipients of funding under the Environmental Projects Fund shall accept full responsibility for the liability of any programs or projects funded. All recipients must provide evidence of appropriate insurances as required.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Environmental Projects Fund supports ongoing investment in Council 355c Committees, Council Volunteer Groups and Schools within the Port Stephens LGA. These entities are involved in the production and delivery of environmental projects and activities that are accessible and beneficial for the Port Stephens Community, leading to social, economic and environmental development.

The proposed projects will:

- Encourage community partnerships through the revitalisation of our natural environment.
- Educate the community about the natural environment and its importance.
- Provide students the chance to develop skills in environmental activities such as building, composting and bee keeping.
- Reduce the community's environmental footprint.
- Celebrate our natural environment, species and habitats.
- Promote environmentally sustainable practices.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment and Communications Sections. Promotion began with a media campaign followed by face to face information sessions and other community forums. Copies of funding guidelines and draft application forms were made available via online platforms and at information sessions. These documents were also directly emailed to all Schools in the LGA, and to all eligible 355c and Council Volunteer groups.

Ongoing support to successful applications will be provided by the Natural Resources team. This support works to build relationships. Ensure project outcomes and funding requirements are met and encourages broader community and environmental reach.

Internal

Collaboration with council staff officers responsible for administering other financial assistance programs is essential to develop most effective systems to promote and manage application processes.

External

- Advertised in the Port Stephens Examiner, Councils website and social media throughout the month of April and early May 2019.
- Email updates sent to eligible/previous applicants in April and May 2019.
- Hosted face to face information sessions, Wednesday 17 April 2019 at Raymond Terrace Library and Thursday 18 April 2019 at Tomaree Library.

OPTIONS

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

ATTACHMENTS

- 1) Environmental Projects Fund 2019-2020 project applications.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 ENVIRONMENTAL PROJECTS FUND 2019-2020 PROJECT APPLICATIONS.

Environmental Projects Fund 2019-2020 project applications.

Applicant	Project Title	Short Project Description	Funding amount applied for?	Approved Funding Amount
Lemon Tree Passage Parks, Reserves and Landcare Group	Putting trees back into Lemon Tree Passage	To plant Koala feed trees in Lemon Tree Passage in sites where trees have been lost, to increase the amount of suitable habitat and to restore links and strengthen wildlife corridors.	\$2,000.00	\$2000.00
Corlette Reserves & Landcare Group (a volunteer group of Port Stephens Council)	Supplementary Planting Funding	A grant to enable our group to purchase local endemic species from other sources when the Ngioka facility cannot supply the varieties we require.	\$500.00	\$500.00
Tilligerry Landcare Group	Tilligerry Koala Forest	Ongoing program to remove weeds and regrow Tilligerry Koala Forest on sand mined land near Mallabula Sports Field.	\$2,000.00	\$2,000.00
Tilligerry Landcare Group	Saving Tanilba Point Koalas	Plant koala feed trees to supplement the population of large old gums either already removed or which have planned removal. Planting will protect koala habitat.	\$1,400.00	\$1,400.00
Anna Bay / Birubi Community Hall and Landcare Group	Hannah Reserve Wildlife Corridor	To extend and strengthen the wildlife corridor that extends towards Anna Bay Shops to Campbell Ave Spring behind caravan park. This will include planting Robusta Eucalypts, clearing the area of weeds and coral trees, and heavily mulching the area.	\$2,000.00	\$2,000.00
Soldiers Point - Salamander Bay Reserves & Landcare 355c Committee	Blue Tongue Hollow Reserve - Coral Tree Removal	To remove large and dangerous Coral trees around Bagnalls Avenue Reserve. Coral trees are an invasive species and will be replaced with native species.	\$2,000.00	\$2,000.00
Total			\$9,900.00	\$9,900.00
			Funding Allocation	\$20,000.00
Soldiers Point Public School	Life's a Garden - Dig It	The project to upgrade and construct vegetable and fruit gardens as part of our school's sustainability program where the students will learn the skills to grow	\$1,000.00	\$1,000.00

**ITEM 7 - ATTACHMENT 1 ENVIRONMENTAL PROJECTS FUND 2019-2020
PROJECT APPLICATIONS.**

		and cultivate their own food.		
Medowie Christian School	Hen Pecked	To build a new shed that is safe and secure to raise and care for chickens. The chickens are a valuable part of our Agriculture plot and our community and students from Prep to Year 10 are involved in the project.	\$2,000.00	\$1,000.00
Iona Public School	Vertical Garden	The project is to build a vertical garden containing edible herbs and flowers to create a sustainable pest free growing environment.	\$1,200.00	\$1,000.00
Bobs Farm Public School	Bobs farm nature area and garden	Rejuvenate and revitalise vegetable and herb gardens and establish new woodchip nature based area in the playground with students and parent involvement.	\$500.00	\$500.00
Hinton Public School	Hinton Public Native bees	To increase the native bee population and student education on the importance of Native bees in our environment.	\$1,000.00	\$1,000.00
Wallalong Preschool	Hand Water Pump for Preschool Playground	The purchase and installation of a hand water pump for our preschool playground. The pump will be used in conjunction with our rain water tank to teach the children the importance of water usage, conservation and management.	\$1,000.00	\$1,000.00
St Brigid's Primary School	Tree Planting	The school is going to add more trees and shrubs to gardens and create a new garden for the school.	\$1,000.00	\$1,000.00
		Total	\$7,700.00	\$6,500.00
			Funding Allocation	\$7,000.00

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

147	Mayor Ryan Palmer Councillor Steve Tucker It was resolved that Cr Giacomo Arnott be granted additional time to speak on the items.
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ITEM NO. 8

**FILE NO: 19/140125
EDRMS NO: PSC2019-00747-006**

COMMUNITY PROJECTS FUND 2019-2020

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

RECOMMENDATION IS THAT COUNCIL:

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

EAST WARD – total \$11,815

- a. Corlette Reserves and Landcare Group – contribution towards way-finding maps for bush walks in Corlette - \$1400.
- b. Shoal Bay Tennis Club Inc. – contribution towards maintaining and upgrading courts and equipment - \$1000.
- c. Port Stephens Sailing and Aquatic Club – contribution towards the purchase of personal floatation devices - \$500.
- d. Nelson Bay Junior Cricket Club – contribution towards the purchase of synthetic nets - \$1000.
- e. Tomaree Neighbourhood Centre – contribution towards delivery of a course to help children with anxiety - \$1915.
- f. Nelson Bay Girl Guides – contribution towards the installation of lighting and electric fans at the Guide Hall - \$2000.
- g. Hunter Horse Haven Inc. – contribution towards delivery of a program to enable mentally handicapped people to interact with horses - \$1000.
- h. Community Drug Action Taskforce – contribution towards the delivery of drug awareness seminars - \$2000.
- i. Greater Port Stephens Dragon Boat Club Inc. – contribution towards the purchase of a trailer to transport dragon boats to the water - \$1000.

CENTRAL WARD – total \$8250

- j. Hunter Horse Haven Inc. – contribution towards delivery of a program to enable mentally handicapped people to interact with horses - \$1000.
-

MINUTES ORDINARY COUNCIL - 9 JULY 2019

- k. Medowie Assembly of God Inc. – contribution towards the Food Way program - \$2000.
- l. Port Stephens Church of Christ – contribution towards community meals program - \$1250.
- m. Rotary Club of Williamstown Inc. – contribution towards the Rotary Medowie Christmas Carnival - \$2000.
- n. Mallabula Anglican Church Dog Club – contribution towards the purchase of a lawn mower - \$2000.

WEST WARD – total \$7100

- o. Hunter Region Botanic Gardens – contribution towards the purchase of an air conditioner for the café kitchen - \$2000.
- p. Hunter Region Botanic Gardens – contribution towards the purchase of tools - \$2000.
- q. Raymond Terrace Writers Group – contribution towards the publication of a selection of writings by the group - \$1200.
- r. Rivergum Grandparents as Parents Support Group Inc. – contribution towards the production of a video to advertise sporting activities available to disadvantaged children - \$1900.

ORDINARY COUNCIL MEETING - 9 JULY 2019 MOTION

148	<p>Councillor Giacomo Arnott Councillor John Nell</p> <p>It was resolved that Council endorse the provision of financial assistance from applications received from the Community Projects Fund under section 356 of the Local Government Act 1993 from Ward Funds, as detailed below:</p> <p><u>EAST WARD – total \$11,815</u></p> <ul style="list-style-type: none">a. Corlette Reserves and Landcare Group – contribution towards way-finding maps for bush walks in Corlette - \$1400.b. Shoal Bay Tennis Club Inc. – contribution towards maintaining and upgrading courts and equipment - \$1000.c. Port Stephens Sailing and Aquatic Club – contribution towards the purchase of personal floatation devices - \$500.d. Nelson Bay Junior Cricket Club – contribution towards the purchase of synthetic nets - \$1000.e. Tomaree Neighbourhood Centre – contribution towards delivery of a course to help children with anxiety - \$1915.f. Nelson Bay Girl Guides – contribution towards the installation of lighting and electric fans at the Guide Hall - \$2000.
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MINUTES ORDINARY COUNCIL - 9 JULY 2019

- g. Hunter Horse Haven Inc. – contribution towards delivery of a program to enable mentally handicapped people to interact with horses - \$1000.
- h. Community Drug Action Taskforce – contribution towards the delivery of drug awareness seminars - \$2000.
- i. Greater Port Stephens Dragon Boat Club Inc. – contribution towards the purchase of a trailer to transport dragon boats to the water - \$1000.

CENTRAL WARD – total \$8250

- j. Hunter Horse Haven Inc. – contribution towards delivery of a program to enable mentally handicapped people to interact with horses - \$1000.
- k. Medowie Assembly of God Inc. – contribution towards the Food Way program - \$2000.
- l. Port Stephens Church of Christ – contribution towards community meals program - \$1250.
- m. Rotary Club of Williamtown Inc. – contribution towards the Rotary Medowie Christmas Carnival - \$2000.
- n. Mallabula Anglican Church Dog Club – contribution towards the purchase of a lawn mower - \$2000.

WEST WARD – total \$7100

- o. Hunter Region Botanic Gardens – contribution towards the purchase of an air conditioner for the café kitchen - \$2000.
- p. Hunter Region Botanic Gardens – contribution towards the purchase of tools - \$2000.
- q. Raymond Terrace Writers Group – contribution towards the publication of a selection of writings by the group - \$1200.
- r. Rivergum Grandparents as Parents Support Group Inc. – contribution towards the production of a video to advertise sporting activities available to disadvantaged children - \$1900.

BACKGROUND

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

Council called for Community Grant applications from 8 April 2019 to 13 May 2019. All applications received are shown at **(ATTACHMENT 1)**. A total of 23 applications were received (27 applications in 2018).

The total value of the applications received is:

East Ward	\$ 21,215 – shown in blue in the attachment
Central Ward	\$ 10,250 – shown in yellow in the attachment
West Ward	\$ 8376 – shown in green in the attachment
	\$ 39,841

The assessment panel comprising the Mayor, Councillors Abbott, Doohan, Jordan and General Manager assessed the applications in accordance with the policy and guidelines. The total value of the assistance that the assessment panel is recommending is \$27,165.

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

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward funds are the funding source for all financial assistance. Council has made provision of \$36,000 per year. These applications are limited to \$2000 per grant. Community Capacity Building Funds are available subject to the balance available from Ward funds.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	36,000	Council Ward Funds.
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

The Policy interpretation required is whether the Council believes that:

- a) the 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) the applicants do not act for private gain.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

Consultation with key stakeholders was undertaken to promote the funding opportunity and past previously funded successful projects. The guidelines and objectives of the Community Projects Fund were also promoted widely and in person at the information sessions.

External

- Advertisements in the Port Stephens Examiner, on Council's website, and social media.
- Public grants information sessions were held on 17 April 2019 at Raymond Terrace Library and 18 April 2019 at Tomaree Library.

OPTIONS

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

ATTACHMENTS

- 1) 2019-2020 Community Projects Fund.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

No.	Page No.	Q3: Organisation/committee or individual/s name	Q16: Project name/title	Description	Q18: Detailed description of project (No more than 150 words)	Total project costs	Total Funding Requested
1	1	Corlette Reserves and Landcare Group (a volunteer group of Port Stephens Council)	Way-Finding Maps for Bush Walks in Corlette	Professionally designed way-finding maps at 5 locations (to be negotiated) in Corlette to encourage exercise through walking in the natural bushland environment and to provide educational information on local flora and fauna. Improvement to existing old estate signage on Spinnaker Way to reflect changes to access point.	Three Maps funded via a 2016 small community grant now guide residents to the Salamander Tops walking trail (a 1.7 km circular fire trail behind houses). We propose to extend these maps to a wider area within Corlette to guide residents and visitors to enjoy walking through our natural bushland as an alternative to using regular roadside footpaths. We already have 5 map stands. We need professionally designed maps. Volunteers and interested community members will select the most suitable places for installations and consult on the content with Council officers and other specialists. Should sufficient funds remain from the grant, negotiations will also commence for improvement of the existing old estate signage located on the now closed public access adjacent No 71 Spinnaker Way. New signage needs to reflect where other entry points exist. The signage will acknowledge Council contribution and include a small educational component on local endemic species.	\$ 1,400.00	\$ 1,400.00
2	6	Corlette Reserves & Landcare Group (a volunteer group of Port Stephens Council)	Beachside seats for Dogs Off Leash Area - Bagnall Beach Reserve	Provide 2 replacement bench seats with back rests for rusted high set single plank seats for the elderly to rest when supervising their dogs when using dogs off leash area at Bagnall Beach Reserve.	The two basic seats installed many years ago on the shoreline at Bagnall Beach Reserve are now rusting and could present a future hazard to those who use them. This very popular dogs off leash area is used by many elderly people to exercise their dogs. Some of the elderly really require a solid type of seat with a backrest to rest before they continue exercising their dogs. Quotations have been obtained for Building Trades to replace them. However, no funding is available from that source. There are seats within the bush area. However, these are not accessible to the actual beach where the elderly exercise their dogs.	\$ 1,600.00	\$ 1,600.00
3	11	Shoal Bay Tennis Club Incorp	Shoal Bay Tennis Club court maintenance and equipment upgrade	Maintaining and upgrading the courts and equipment at the Shoal Bay Tennis Courts for the members and local community of Shoal Bay and District - for both our Senior and Junior players - providing a safe facility for their enjoyment and health benefits.	Purchase of new nets x 2, Purchase of new balls, Raquets and other equipment for our Junior members, Purchase of a new Aussie Clean Sweep court groomer to maintain the courts. And the art work and printing of flyers to promote our Junior club.	\$ 2,553.00	\$ 2,000.00
4	16	Port Stephens Sailing and Aquatic Club	Port Stephens Community Sailing Program	PSSAC'S Community Sailing Program is an extension of a pilot project run for the local campus of the ALESCO College. We take people of all genders and ages and teach them the skills and delights of sailing small boats. They learn new skills, improve fitness, gain self respect and feel the exhilaration of sailing.	Port Stephens is regarded as the premier sailing venue in NSW. Each year PSSAC runs four major regattas, attracting > 300 competitors bringing some \$240, 000 to the Bay. However, despite school sporting sailing programs we get proportionally little take up from our local youth and address a gender gap. Our Community Sailing Program is designed to redress this imbalance, and encourage a wider range of people. Currently we are in discussion with the Yacaaba Centre to widen the scope of our program. Fully funded by PSSAC members, we supply the boats, equipment and qualified coaches. There is no charge to the participants. The program lasts for three weeks, by which time everyone will be able to safely handle a boat. As PSSAC is co-located and cooperates with the Triathlete Club, we can expand the program beyond sailing to include other on water activities. The PFDs purchased with these funds will find a wider usage.	\$ 8,400.00	\$ 500.00
5	21	Nelson Bay Junior Crikcet Club	Korora Oval, Practice Facility, 2 Lane Synthetic Cricket Net	Korora Oval is a satellite match ground (secondary ground) for Nelson Bay Jnr Cricket Club. There are currently no synthetic training nets at this facility. This development would eliminate existing pressures experience of crowded and over use of the Salamander Oval nets. In addition to eliminating this concern, a new training facility would activate the ground for public user access, outside of these times, allowing these nets available to the wider community	These nets are important as they would allow more comprehensive training sessions for junior and senior players in a safe and controlled area. New nets would also be accessible to the public. This would achieve an increased profile of cricket facilities in the area and encourage locals and tourists to come and have a hit. The impact on the local cricket community would see increases in participation in the sport of cricket. The East ward of Port Stephens (Nelson Bay, to Fingal Bay, Corlette, Shoal bay and Soldiers Point) located on the Tomaree Peninsula has experienced extensive population growth of 13% sourced from Port Stephens council website. The cricket club has also experienced growth, but the area only provides one training net facility located at Salamander Sports Complex. Due to the small window of opportunity for dedicated training days the one facility cannot manage both junior and senior teams.	\$ 57,500.00	\$ 2,000.00

No.	Page No.	Q3: Organisation/committee or individual/s name	Q16: Project name/title	Description	Q18: Detailed description of project (No more than 150 words)	Total project costs	Total Funding Requested
6	26	Tomaree Neighbourhood Centre	Port Stephens Kid's Matter	Port Stephens Kid's Matter is a parenting program for parents and carers in the local Port Stephens community with children aged 2 -12 years suffering with anxiety and feelings of frustration. The early intervention program aims to educate parents and carers of the impact of increasing anxiety in children and provided parents and carers with necessary tools to help their child manage anxiety and build resilience.	The free program will give parents a greater understanding of the problems and implications of increasing anxiety in their child and what is going on in the child's brain when they feel panicked or anxious – parents/carers will be provided with some strategies to help them at home and treatment options available. Topic covered in the program include - how the brain operates and where anxiety originates from, how to change negative enforcement into positive enforcement, implications of the adults response to the child experiencing anxiety, coverage of contemporary thinking in child development, common mistakes when addressing children with anxiety and big emotions, mindfulness exercises, emotion coaching and cognitive strategies parents can teach their child to manage anxiety and become more resilient. The grant will be used for staff training and the facilitation of the program to parents and carers in the Tomaree area - each workshop will run over three sessions.	\$ 2,941.00	\$ 1,915.00
7	31	Spark CoWork - Rebecca Morley and Naomi Farrelly	Port Stephens Community Connect	Spark CoWork provides the opportunity for not for profits and community groups in Port Stephens to meet and connect in a comfortable and professional environment. This project, called "Port Stephens Community Connect" provides free use of meeting room, dedicated hot desk and office equipment, such as computer and printer for this groups to use at their leisure.	"Port Stephens Community Connect" is a project that was initiated by Spark CoWork in 2018. Our business has been designed to provide professional business services to our small business / home based business community of Port Stephens. We assist with the provision of business facilities, that includes communal coworking space, meeting rooms and training spaces as well as support services such as fast speed internet, training programs, photocopying, printing, video conferencing and regular provision of one-on-one business advisory service through the Business Centre. This application has been developed to allow charities, not-for-profits and community groups access to these facilities and services free of charge. The directors of Spark CoWork are happy to provide assistance for these groups by way of providing guidance, printing, internet and copying services at our expense, whilst we would like the grant funding to subsidise the use of meeting room and hot desk usage.	\$ 8,120.00	\$ 2,000.00
8	36	Nelson Bay Girl Guides	See the Light & feel the Breeze	To install wall mounted fans to the Girl Guide hall and provide light and power to the shed to enable the girls to continue to meet over the winter months.	Nelson Bay Girl Guides need to install wall mounted fans in the Guide hall to give some relief from the heat of the the summer months. The hall is used for Girl Guides, Mai-Wel disability services and Yoga classes every week. There are 26 girls aged between 6 years and 14 years and to make the program relevant to all ages we split the girls into 2 units. The older girls meet outside in the shed which at the moment has no light or power. We plan to install power to the shed to enable the girls to safely meet in the evenings and to provide a valuable activity for the local youth.	\$ 2,395.00	\$ 2,000.00
9	41	Hunter Horse Haven Inc.	Disability Program	Hunter Horse Haven Inc. is endeavouring to implement a program for mentally handicapped people to interact with horses.	Hunter Horse Haven Inc. aims to provide safe areas for mentally handicapped people to interact with our horses. This is an important program for our community and has only been planned due to high demand. The interaction of horses with handicapped people provides an outing, excitement and a positive experience in their lives. Horses provide a calming and mentally reassuring stability for people. Currently we have previously depressed, suicidal teenagers who have change in such a massive positive manner due to their experience each weekend with our horses a program for mentally handicapped people to visit horses would be an asset to the community.	\$ 3,000.00	\$ 2,000.00

No.	Page No.	Q3: Organisation/committee or individual/s name	Q16: Project name/title	Description	Q18: Detailed description of project (No more than 150 words)	Total project costs	Total Funding Requested
10	46	Trustees of Church Property for the Diocese of Newcastle	Environmentally friendly reusable bags for use by the poor of Port Stephens receiving food and personal items.	All Saints Church Nelson Bay provides crisis food and personal items via their project 'Just One Thing'. We want to reduce the use of plastic bags for the environment by providing sturdy tote bags to contain these items instead of used old weak faded scribbled on scappy plastic bags.	Just One Thing project encourages community support via its requirement for citizens to donate just one grocery or personal item to low socio-economic members of Port Stephens. We want to purchase 1,000 bags at a total cost of \$2,300.00 printed with Just One Thing logo and sponsors names such as Port Stephens Council. Our recipients have often never experienced homelessness, poverty, unemployment, mental health issues, substance abuse, suicidal ideation, domestic violence before and, as a result, are embarrassed. These reusable environmentally friendly bags are just one way to give them dignity. We also want to use the bags for collection from donors by leaving a bag on each seat of the All Saints Church. Our Project Team will purchase, arrange printing and distribute the bags.	\$ 4,600.00	\$ 2,000.00
11	51	Community Drug Action Taskforce (CDAT)	Community Drug information Seminars (Crystal methamphetamine "ICE")	Community drug awareness education seminars delivered By Dr David Outridge and expert Medical Practitioner in Drug And Alcohol addiction	These seminars have already tested to appeal to the community .Our first seminar conducted in March 2019 attracted 70 Attendees who overwhelming found the seminar to meet there needs (actual Research Conducted). This seminar was conducted in Nelson Bay and our aim is to repeat it in Nelson Bay and also in Raymond Terrace. We know the need for such a seminar in Raymond terrace is significant (again by Research)	\$ 2,000.00	\$ 2,000.00
12	56	Greater Port Stephens Dragon Boat Club Inc	"Wheels to Water" - Greater Port Stephens Dragon Boats	Purchase of a trailer/trolley to transport dragon boats (12.5 metres long, 2metres wide and weight 250kg) over mixed terrain to the water.	Currently, the dragon boats are stored on Council land at Taylor's Beach no more that 5 metres from water's edge. The paddlers port the boats to the water on rollers. No trailers, trolleys or relocation devices are owned or used by the club at present. The Council has offered three permanent storage locations: Shoal Bay Outrigger Club; Tanilba Sailing Club; Salamander Sailing Club. These locations all require a trailer/trolley to transport the boats to the water. This is either due to terrain, distance or ramps or a combination of all three. As over 50% of our members are seniors (one member is 75) and the boats are heavy and long, the club will need to purchase a trailer/trolley. The trailer/trolley will have to be customised as none are readily available in Australia. The estimated cost of a trailer/trolley would be between \$1,500 - \$2,000.	\$ 1,800.00	\$ 1,800.00
13	61	South Tomaree Community Association (STCA)	Beautification of the main shopping area along Gan Gan Rd Anna Bay 2316	Anna Bay shopping precinct along Gan Gan Rd is in desperate need of a makeover. Apart from the grassed footpath area surrounded by concrete there is little or no native or ornamental vegetation. We would like to change that by making the streetscape more appealing to businesses, locals and visitors by planting native grasses and shrubs that will create not only a visual spectacle but also a colourful vista around the shopping precinct in Anna Bay.	'This project is initiated by the South Tomaree Community Association Inc (STCA) and has the unanimous support of all its members as well as the businesses along Gan Gan Rd including; -Anna Bay Chemist -Providence Medical Centre The area to be re vegetated is approx. 5x6m. Currently it is grassed over which also has to maintained and mowed regularly. This grassed area will be dug up to the depth of 10cm using a mini excavator. A truck will then remove the excavated soil and fill the area with garden soil and topped with organic mulch. Various grasses, native shrubs etc will then be planted in the entire area. This area will then be regularly maintained by staff at the Anna Bay Chemist as well as volunteers from the STCA.	\$ 1,400.00	\$ 1,000.00
14	66	Medowie Assembly of God - Food Way	Food Way	Food Way cares for the practical needs of the people of Port Stephens who find themselves in financial difficulty or have fallen on tough times. We do this by offering food parcels, hot meals, clothing and emergency relief.	We are a church based organisation. Our motto has been for many years, "God cares and so do we". We believe this is not just our job but our vocation. With this in mind we aim to meet this vocation by showing the practical love of Jesus Christ. What good is faith when people need food and clothes? We aim to show our faith practically as we offer food parcels, hot meals, clothing and emergency relief to those who find themselves in need in our community, irrespective of their background or how they have found themselves in need. In meeting our aim, we look to see people come to a place of good wellbeing once more. Each year we only find the need for such care increasing as we live in a world that has no hope. This means there are many more children and people who struggle from day to day just to put food on the table. This project has been going for over 9 years now and our aim and conviction is still the same, and we continue to work at it with the hope of seeing it fulfilled.	\$ 6,000.00	\$ 2,000.00

No.	Page No.	Q3: Organisation/committee or individual/s name	Q16: Project name/title	Description	Q18: Detailed description of project (No more than 150 words)	Total project costs	Total Funding Requested
15	71	Port Stephens Church of Christ	Salt Ash Friendship Centre	To provide food containers and other supplies used by volunteers to provide meals and friendship to the community, including meals on wheels.	Our church operates a Friendship Center on Thursdays staffed by volunteers. It is a place where people who are isolated or in need of friendship come together. Morning tea and a hot lunch is provided. Also approximately 35 -40 meals (Main Course and dessert) are provided each week for people who are shut in because of disability or sickness. Grant money will help pay for the cost of food containers and other consumables to keep our costs down.	\$ 1,250.00	\$ 1,250.00
16	76	Rotary Club of Williamstown Inc	Rotary Medowie Christmas Carnival	Community event to celebrate the festive season in Medowie. It will involve Medowie schools and community groups singing Christmas Carols. The carnival will also offer amusement rides, market stalls and food outlets.	Project will involve setting up a stage, sound system, amusement rides, market stalls and food outlets on Ferodale Oval to stage the event. Visitors will be entertained by carol singing and amusement rides market stalls and food outlets. No alcohol will be served. The event will run from 4.00pm till 8.30pm.	\$ 25,000.00	\$ 2,000.00
17	81	NextGen Academy	Next Gen Academy Uniform and Gym Grant	Money will be used to purchase gym memberships and uniforms for our twenty male and female academy participants.	'Athletes would be provided with a uniform and a gym membership at Balance in Nelson Bay. They have been given a program tailored specifically for themselves and have been taken through a 1 on 1 with our personal trainer at Balance. Participants have attended the gym at least twice a week at their own accord and attended a field session once a week with one of our coaches covering; -Flexibility -Speed -Balance -Basic ball skills -Strength and condition in a gym situation -Overall functional fitness	\$ 2,000.00	\$ 2,000.00
18	86	Maddog Mallabula Anglican church dog club	MACDOG	Local community dog training every Saturday in the church grounds. All volunteers	We require a new ride on mower as the church grounds are quite extensive and the dogs need the grass mown to do their training.	\$ 4,000.00	\$ 2,000.00
19	91	Hunter Region Botanic Gardens	No Sweat Food Prep	The Kookaburra Café at the Hunter Region Botanic Gardens is the hub for community, visitors and volunteers to relax after a stroll through the theme Gardens. The current kitchen has no air conditioner and is a hot box during the warmer months.	The HRBG Visitor Centre is where everyone gathers for gardens activities and currently is made up of six rooms. The Gardens were funded with an additional two air conditioners in the offices however the cooking area does not have an air conditioner. The funding for one installed reverse cycle air conditioner for the back kitchen would greatly reduce the heat. The kitchen heat radiates through to the main visitor centre where customers sit. 50% of our customers are older and often this area is the only cool location in the whole Botanic Gardens. The hot oven and cooktop often make the temperatures soar from December through to April reducing customer comfort. Optimum working temperature for a food preparation area is 30 degrees Celsius; this temperature regularly exceeds that during the warmer months of the year.	\$ 2,800.00	\$ 2,000.00
20	96	Hunter Region Botanic Gardens	Botanic Traffic Safety	Many visitors to the Botanic Gardens are illegally parking on lawn areas which presents a significant safety hazard for families. The Botanic Gardens wants to create a barrier of large sandstone blocks, preventing vehicular access to the lawn area, encouraging visitors to use the security and safety of the carpark.	Funding is required to purchase decorative sandstone boulders to stop visitors parking in areas not marked as designated parking areas. The 'Conditions of Entry to the Gardens' signage is only visible when walking from the designated parking lot. Those parked elsewhere may not be aware of the hazards and rules of the gardens. The designated parking area is clear of tree branches for safe parking of the public. Illegal parking compromises traffic flow due to pulling out sight unseen. Currently there is no barrier preventing drivers from accidentally driving into the pond. Aside from risk of injury, the pond is home to valuable plants and fish. The grass around the lily pond is becoming unsightly due to damage by cars. The Gardens requires motorists to park within the safety of the carpark so staff can monitor vehicle security and check movements of visitors remaining after closing time.	\$ 1,576.00	\$ 1,276.00

No.	Page No.	Q3: Organisation/committee or individual/s name	Q16: Project name/title	Description	Q18: Detailed description of project (No more than 150 words)	Total project costs	Total Funding Requested
21	102	Hunter Region Botanic Gardens	Keeping Your Botanic Gardens Beautiful	Hunter Region Botanic Gardens has 33 hectares of landscaped theme gardens for the Port Stephens community and visitors to enjoy. The Gardens provide a place to connect with nature and learn about plants. Volunteer gardeners need tools to maintain the gardens in a beautiful and safe state for all.	The grant funds would be used to purchase tools for volunteers to use to maintain the Gardens. Tools are required in the nursery to move potting mix, propagate plants and transfer them to the theme gardens or the plant sale area. Rakes are required to maintain paths in a safe condition. Parts for the irrigation program are also included in funding request, to ensure the Botanic Gardens plants obtain adequate moisture. The irrigation system needs constant maintenance by our volunteers. New volunteers to the irrigation system, grounds maintenance, nursery and vehicle maintenance areas will learn new skills with the tools and equipment purchased.	\$ 2,000.00	\$ 2,000.00
22	108	Raymond Terrace Writers Group	Publish 3rd Book	To publish a book of some of the writings of members of the Raymond Terrace Writers Group	The selection of writings by the group and have 100 copies of approximately a 100 page A5 soft cover book.	\$ 1,200.00	\$ 1,200.00
23	113	Rivergum Grandparents as Parents Support Group Inc	Rivergum Grandparents group are holding an introduction to a range of sporting activities, to disadvantaged children who are being raised by their kin	WE would like to be able to make a short video to publicise the games, so that we can attract at least 400 children to participate in the day. We believe that this sort of publicity can only enhance their enjoyment of the day.	We want to encourage these children to be inspired to participate in some type of sporting activity that they can not only enjoy, but will make them feel they are part of a team environment. Most of these children have difficulties fitting in to their environment and can become isolated and consider themselves to be 'other'. We have arranged many activities for these children and firmly believe that the fact that they meet, socialise and interact with other children in the same circumstances, helps reduce these feelings of isolation. A Day of various sports can only take this one step further and encourage them to further their socialisation with other children to help them become part of a team environment.	\$ 1,900.00	\$ 1,900.00

ITEM NO. 9

**FILE NO: 19/157753
EDRMS NO: PSC2005-4383**

**ACCEPTANCE OF TRANSFER OF LAND - 246-248 PORT STEPHENS DRIVE,
SALAMANDER BAY**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Accepts the transfer of 7 lots at Port Stephens Drive, Salamander Bay shown in white on **(ATTACHMENT 1)** from the Planning Ministerial Corporation.
- 2) Classifies the lands as Community Land under the provisions of the Local Government Act 1993.
- 3) Notes that the Land Transfer Agreement authorises the Ministerial Land Corporation to lodge a Charge and a Caveat over the lands.
- 4) Authorises the General Manager to consolidate the Lots with the adjoining Mambo Wetlands Lot 1 in Deposited Plan 1122502 and Lot 567 in Deposited Plan 27353.
- 5) Authorises the Mayor and General Manager to sign and affix the Council Seal and execute all documentation required to effect the transfer, including the Land Transfer Agreement and the Transfer document.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

149	<p>Councillor Giacomo Arnott Councillor Jaimie Abbott</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Accepts the transfer of 7 lots at Port Stephens Drive, Salamander Bay shown in white on (ATTACHMENT 1) from the Planning Ministerial Corporation.2) Classifies the lands as Community Land under the provisions of the Local Government Act 1993.3) Notes that the Land Transfer Agreement authorises the Ministerial Land Corporation to lodge a Charge and a Caveat over the lands.4) Authorises the General Manager to consolidate the Lots with the adjoining Mambo Wetlands Lot 1 in Deposited Plan 1122502 and Lot 567 in Deposited Plan 27353.
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MINUTES ORDINARY COUNCIL - 9 JULY 2019

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| | 5) Authorises the Mayor and General Manager to sign and affix the Council Seal and execute all documentation required to effect the transfer, including the Land Transfer Agreement and the Transfer document. |
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BACKGROUND

The purpose of this report is to accept the transfer of 7 Lots adjoining the Mambo Wetlands from the Planning Ministerial Corporation.

The subject lands are known as Lots 560, 561, 562, 563, 564, 565 and 566 within DP 27353 and have frontage to Port Stephens Drive and Short Street, Salamander Bay. Council is the owner of the adjoining Mambo Wetlands.

The subject lands were originally owned by the NSW Department of Education and were declared surplus to departmental needs in around 2015. They were subsequently sold to a private party through a controversial competitive market process.

The lands are considered by the local community to form part of the Mambo Wetlands and the community strongly opposes any development of them. Continued community pressure for their conservation in perpetuity ultimately led to the lands being re-transferred back into Government ownership.

The Mambo Wetlands are owned by Council. The Office of Strategic Lands has agreed to transfer the subject lands to Council for \$1.00 on the basis that they be classified as community land under the Local Government Act 1993, and their development is restricted in perpetuity.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Community Partnerships	Provide recreational and leisure services.

FINANCIAL/RESOURCE IMPLICATIONS

The agreed consideration for the transfer is \$1.00.

Each party is responsible for its own legal costs of the transaction.

The Land Transfer Agreement requires Council to pay any GST incurred by Office of Strategic Lands in finalising the transfer, and to provide s.149 Certificates for each parcel being transferred.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	5000	The required funds can be sourced from the Property Reserve.
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The lands will be covenanted so that they cannot be rezoned or developed in perpetuity and will be consolidated with the existing Mambo Wetlands.

In consideration of the transfer of the Land to Council under this Agreement, Council must not offer, sell or transfer the Land without first offering it to the Corporation. The Office of Strategic Lands will have a right of first refusal to purchase the lands in the event Council wishes to dispose of them at some point in the future. This interest in the land will be in the form of a Caveat.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a reputational risk to Council through perceived disinterest in environmental outcomes if ownership is not accepted.	High	Accept the transfer of the lands.	Yes
There is a risk of degraded environmental quality through fragmented ownership.	High	Accept the transfer of the lands so that Council manages of the whole of the wetlands.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The current fragmented ownership of the wetlands creates management inefficiencies and inequities. There is no buffer between the Council owned wetlands and the subject lands, which could lead to weed or pest infestation of the wetlands if the subject lands are not appropriately managed.

Council ownership of the whole of the site will facilitate efficient and effective management and improved environmental outcomes for the whole of the wetlands.

The management and maintenance of the site will be in accordance with a Plan of Management which will be developed and implemented for the site.

CONSULTATION

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

Internal

- Group Manager Corporate Services.
- Commercial Investment Manager.
- Financial Services Section Manager.
- Legal Services.

External

- Ministerial Planning Corporation.
- Office of Strategic Lands.

OPTIONS

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

ATTACHMENTS

- 1) Mambo Wetlands Aerial Map.

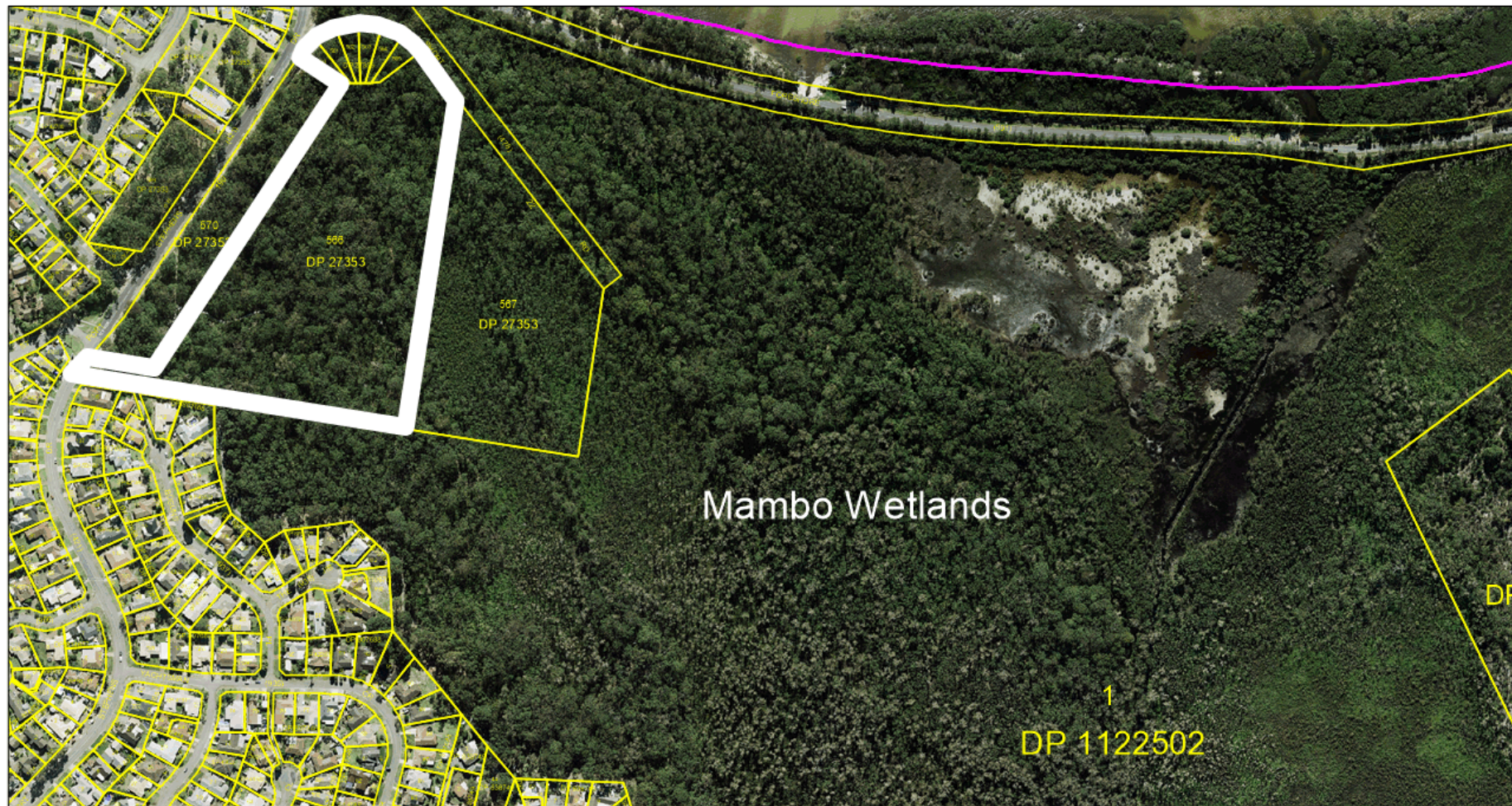
COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Mambo Wetland Aerial Map



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

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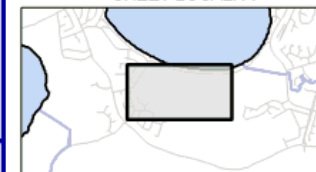
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SHEET LOCALITY



ITEM NO. 10

**FILE NO: 19/161090
EDRMS NO: PSC2017-02839**

**LOCAL GOVERNMENT PROFESSIONALS 2019 NATIONAL CONGRESS &
BUSINESS EXPO IN DARWIN FROM 31 JULY 2019 TO 2 AUGUST 2019**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse attendance for Mayor Ryan Palmer, Councillor Chris Doohan and General Manager Wayne Wallis to attend the Local Government Professionals National Congress & Business Expo being held in Darwin from 31 July 2019 to 2 August 2019.
- 2) Allow an increase of the conference allowance under the Policy for the Mayor to attend the conference.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

150	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse attendance for Mayor Ryan Palmer, Councillor Chris Doohan and General Manager Wayne Wallis to attend the Local Government Professionals National Congress & Business Expo being held in Darwin from 31 July 2019 to 2 August 2019.2) Allow an increase of the conference allowance under the Policy for the Mayor to attend the conference.
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Cr Giacomo Arnott requested his vote be recorded against the motion above.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

151	Councillor Chris Doohan Councillor Giacomo Arnott It was resolved that the Council meeting be extended beyond 9pm in accordance with clause 18.2 of the Code of Meeting Practice.
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BACKGROUND

The purpose of this report is to inform Council of the Local Government Professionals 2019 National Congress & Business Expo being held in Darwin from 31 July 2019 to 2 August 2019.

Under the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy, attendance at a conference or seminar is subject to the approval of a full Council meeting.

The conference is open to all Elected Members.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Governance	Provide strong civic leadership and government regulations.

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Registration, travel and accommodation costs are covered within the existing conference budget.
Reserve Funds	No		

MINUTES ORDINARY COUNCIL - 9 JULY 2019

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy requires Council to approve all conference attendance. The Mayor and Councillors' conference costs are limited to \$3,000 per year under the Policy.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens Council community would benefit from Elected Members attending this conference to ensure the local government area has a voice in the national development of policy and initiatives.

CONSULTATION

Nil.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 11

**FILE NO: 19/173878
EDRMS NO: PSC2017-00178**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:
 - a. Salamander Child Care Centre – Mayoral Funds - \$1000 donation towards expanding and renovating the child care play area.
 - b. Karuah Oyster & Timber Festival Committee – Mayoral Funds - \$1500 donation towards 2019 Karuah Oyster and Timber Festival event costs.
 - c. Boat Harbour Parks and Reserves 355c Committee – Cr Sarah Smith - \$500 donation towards the purchase and installation of Angel Rings on the rocks at Boat Harbour.

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

152	<p>Councillor Sarah Smith Councillor Chris Doohan</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:</p> <ol style="list-style-type: none">a. Salamander Child Care Centre – Mayoral Funds - \$1000 donation towards expanding and renovating the child care play area.b. Karuah Oyster & Timber Festival Committee – Mayoral Funds - \$1500 donation towards 2019 Karuah Oyster and Timber Festival event costs.c. Boat Harbour Parks and Reserves 355c Committee – Cr Sarah Smith - \$500 donation towards the purchase and installation of Angel Rings on the rocks at Boat Harbour.
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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

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

Salamander Child Care Centre.	A not for profit early childhood education and nurturing service.	\$1000	Donation towards expanding and renovating the child care play area.
Karuah Oyster and Timber Festival Committee.	A community festival committee.	\$1500	Donation towards 2019 Karuah Oyster and Timber Festival event costs.

CENTRAL WARD – Councillors Doohan, Smith and Tucker

Boat Harbour Parks and Reserves 355c Committee.	A committee of community volunteers.	\$500	Donation towards purchase and installation of Angel Rings on rocks at Boat Harbour.
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
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.

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12

**FILE NO: 19/170663
EDRMS NO: PSC2017-00015**

INFORMATION PAPERS

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

RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 9 July 2019.

No:	Report Title	Page:
1	DESIGNATED PERSONS' RETURN	103
2	REVISED ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST RETURNS 2019-2020	104
3	COUNCIL RESOLUTIONS	107

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

153	<p>Councillor Chris Doohan Councillor Ken Jordan</p> <p>It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 9 July 2019.</p> <hr/> <p>No: Report Title:</p> <p>1 DESIGNATED PERSONS' RETURN 2 REVISED ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST RETURNS 2019-2020 3 COUNCIL RESOLUTIONS</p>
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INFORMATION PAPERS

ITEM NO. 1

**FILE NO: 19/150959
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:

- Natural Resources Coordinator (PSC023)
- Development Compliance Officer (PSC969)
- Ranger (PSC020)
- Strategic Planner (PSC473)

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Designated Persons' Return.

ITEM NO. 2

**FILE NO: 19/169337
EDRMS NO: PSC2019-02300**

**REVISED ANNUAL DESIGNATED PERSONS - PECUNIARY INTEREST
RETURNS 2019-2020**

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

BACKGROUND

The purpose of this report is to advise Council of a revised list of persons designated to submit a Pecuniary Interest Return for the period 1 July 2019 to 30 June 2020.

Councillors

Mayor Ryan Palmer
Cr Jaimie Abbott
Cr Giacomo Arnott
Cr Christopher Doohan
Cr Glen Dunkley
Cr Kenneth Jordan
Cr Paul Le Mottee
Cr John Nell
Cr Sarah Smith
Cr Steve Tucker

General Manager's Office

General Manager
Governance Manager
Legal Services Manager
Lawyer

Corporate Services Group

Business Systems Support Section Manager
Commercial Investment Manager
Corporate Analyst
Facilities Manager
Financial Services Section Manager
Group Manager Corporate Services
Holiday Parks Operations Manager
Marketing and Promotions Manager
Organisation Development Section Manager
Property Services Section Manager

Development Services Group

Building and Developer Relations Coordinator
Bushland Management Officer
Cadet Environmental Health Officer
Communication Section Manager
Development Assessment and Compliance Section Manager
Development Compliance Officer
Development Planner (3)
Economic Development and Tourism Coordinator
Economic Development Project Officer
Environment Health and Compliance Project Officer
Environmental Health and Compliance Coordinator
Environmental Health Officer (3)
Environmental Health Team Leader
Environmental Planner
Group Manager Development Services
Health and Building Surveyor (4)
Natural Resources Coordinator
Planning and Developer Relations Coordinator
Principal Planner
Principal Strategic Planner
Ranger (3)
Ranger Team Leader and Compliance (2)
Senior Building Surveyor
Senior Development Planner (2)
Senior Environmental Planner (2)
Senior Health and Building Surveyor Swim
Senior Ranger
Senior Strategic Planner
Specialist Planner
Strategic Planner (2)
Strategic Planning Coordinator
Strategy and Environment Section Manager
Vegetation Management Officer
Waste Compliance and Strategy Coordinator

Facilities & Services Group

Assets Section Manager
Capital Works Section Manager
Community Services Section Manager
Group Manager Facilities and Services
Public Domain and Services Manager

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 19/171096
EDRMS NO: PSC2017-00105**

COUNCIL RESOLUTIONS

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

BACKGROUND

The purpose of this report is to inform Elected Members of the status of all matters to be dealt with arising out of the proceedings of previous meetings of the Council in accordance with the Code of Meeting Practice.

Note that at the time of preparing these reports there were no outstanding matters relating to the General Manager's Office.

ATTACHMENTS

- 1) Corporate Services Group. (Provided under separate cover)
- 2) Development Services Group. (Provided under separate cover)
- 3) Facilities & Services Group. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

**FILE NO: 19/166569
EDRMS NO: PSC2017-00019**

ELECTRIC VEHICLE CHARGING POINTS FOR NEW DEVELOPMENTS

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Request the General Manager to prepare a report on the inclusion of Electric Vehicle Charging Points for all new developments in Port Stephens.
-

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

154	Councillor John Nell Councillor Sarah Smith It was resolved that Council request the General Manager to prepare a report on the inclusion of Electric Vehicle Charging Points for all new developments in Port Stephens.
------------	--

BACKGROUND REPORT OF: STEVEN PEART – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

Council officers will complete a high level review on the inclusion of Electric Vehicle Charging Points for all new developments in Port Stephens and provide a future report back to Council on the options and alternatives available.

Action 14.2 in the Greater Newcastle Metropolitan Plan requires all Lower Hunter councils to:

- Plan for a changing climate by developing policies to achieve the NSW Government aspirational target of net zero emissions by 2050.

The Local Strategic Planning Statement currently being prepared will include a range of actions to satisfy this, including policies related to electric charging stations and providing priority parking spots for electric vehicles in town centres.

Generally speaking, controls to require new developments to install electric charging stations would be implemented via an amendment to the Port Stephens Development Control Plan 2014. However, Council would need to determine the types of new development that these controls would apply to.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 2

**FILE NO: 19/170636
EDRMS NO: PSC2017-00019**

ROCK REVETMENT AT KANGAROO POINT, SOLDIERS POINT

COUNCILLOR: JOHN NELL

THAT COUNCIL:

- 1) Apply for a grant to place a rock revetment at Kangaroo Point as recommended by the Kangaroo Point Foreshore Study of 2015.
-

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

155	<p>Councillor John Nell Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Apply for a grant to place a rock revetment at Kangaroo Point as recommended by the Kangaroo Point Foreshore Study of 2015.2) Write to Hunter Water seeking a contribution towards the works.3) Write to all relevant state government agencies requesting their assistance with rock revetment works at Kangaroo Point.
------------	---

BACKGROUND REPORT OF: JOHN MARETICH, ASSET SECTION MANAGER

BACKGROUND

Council engaged a suitably qualified consultant in 2015 to prepare a Foreshore Study to present options to address the ongoing erosion and the dilapidated nature of foreshore protection to the north of Kangaroo Point, on the eastern shoreline of Soldiers Point, Port Stephens.

The report presented three options:

- Option 1 - Remove existing structures: A minimalist approach which would result in a likely short term increase in shoreline erosion/recession and continuing recession into the future in the absence of any protection or mitigation works. The foreshore would return to its pre-developed, natural state.

MINUTES ORDINARY COUNCIL - 9 JULY 2019

- Option 2 - Construction of Hard Points: Including pocket beaches and some back beach protection. This would stabilise the beach around the current location while retaining sections of sandy foreshore for access.
- Option 3 - Construction of a Revetment: Including a rock revetment along the foreshore of the study area. This option would fix the shoreline at the present location but with reduced access to the foreshore and possible loss of the sandy beach over time.

In consultation with the community and relative to funding constraints, Council proceeded with Option 1. As expected, the foreshore has reverted to its natural state of peaty soil and a minor escarpment from the reserve level.

On-site meetings with the community since these works were completed has indicated general dissatisfaction and a desire to pursue Option 3. This option was costed in the order of \$160,000 to \$180,000. Council does not have an identified funding source in order to carry out these works and the project is not listed within Forward Works Programs.

Should Council resolve to support this Notice of Motion, staff will acknowledge this project as priority coastal management works and seek to identify and secure grant funding as it becomes available.

ATTACHMENTS

Nil.

NOTICE OF MOTION

ITEM NO. 3

**FILE NO: 19/172936
EDRMS NO: PSC2017-00019**

REVIEW LOCAL PROCUREMENT PRACTICES

**COUNCILLOR: RYAN PALMER
TIM HAZELL**

THAT COUNCIL:

- 1) In line with Port Stephens Council's Economic Advisory Panels key priorities, review Council's procurement practices and consider ways of increasing engagement with Port Stephens businesses.
-

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

156	Mayor Ryan Palmer Councillor Giacomo Arnott It was resolved that Council, in line with Port Stephens Council's Economic Advisory Panels key priorities, review Council's procurement practices and consider ways of increasing engagement with Port Stephens businesses.
------------	--

BACKGROUND REPORT OF: TIM HAZELL – FINANCIAL SERVICES MANAGER

BACKGROUND

Council has an official procurement policy (**ATTACHMENT 1**) that guides the organisation in the procurement of goods and services. This policy was originally adopted by Council in 2014 and was most recently reviewed and updated in December 2017. The policy is therefore due for further review in December 2019.

Whilst maintaining that Council must receive value for money in any procurement decision, the policy makes mention of preference being given to local suppliers and contractors where possible, preference given to Australian made products and preference to products supplied by registered disability enterprises.

The policy is further supported by a Procurement Management Directive **(ATTACHMENT 2)** which was originally formulated in 2014 and last reviewed and updated in 2017. Like the Council policy the Management Directive is to be reviewed later this year.

The Management Directive while stating a preference for locally sourced good and services also provides for a purchasing preference to be given to current Port Stephens contracts, pre-approved contractors/suppliers, Regional Procurement, Local Government Procurement, local suppliers and then non-local suppliers.

In considering support for local businesses careful consideration will need to be given to the clear identification of these business and the definition of locally sourced goods and services. While the local Bunnings store could be considered a 'local business' it is unclear whether a purchasing preference should be given to this business. In a similar vein consideration would also need to be given to the geographical definition of a local business and whether it should be simply constrained to the Local Government area, or perhaps the Hunter Region or some alternative geographical location.

Other issues that will need to be addressed will revolve around whether a price differential preference should be considered – for example – if a local supplier is within 5% of the price of another supplier then preference be given to the local supplier. This could raise probity issues that would need careful management and a sound governance structure.

ATTACHMENTS

- 1) Procurement Policy.
- 2) Procurement Management Directive.

ITEM 3 - ATTACHMENT 1 PROCUREMENT POLICY.

Policy



FILE NO: PSC2009-02488
TITLE: PROCUREMENT POLICY
POLICY OWNER: FINANCIAL SERVICES SECTION MANAGER

PURPOSE:

The purpose of this policy is to state Council's position on procurement matters and to provide clear direction to Council officials (Councillors, staff and delegates of Council) making procurement decisions.

Environmentally sustainable procurement results in minimisation of unnecessary purchasing, waste minimisation, water and energy saving, pollution minimisation, avoidance of toxic chemicals, reduction in greenhouse gases and decision making that incorporates biodiversity and conservation objectives.

CONTEXT/BACKGROUND:

Council procurement is required to achieve best value for money in the expenditure of public funds while being ethical, ecologically sustainable, transparent, accountable and promoting fairness and competition. This policy prescribes Council's approach to procurement and is supported by the Procurement Management Directive.

SCOPE:

This policy has been written considering the following principles:

- 1) All parties engaged in procurement activities will display high standards of behaviour and ethics.
- 2) Procurement activities aim to be efficient, effective and balance risk and total cost.
- 3) Due economy shall be exercised in all purchasing decisions.
- 4) Purchasing decisions shall consider relevant evaluation criteria including environmental sustainability, support of local suppliers, registered disability employers and Australian made goods.
- 5) Parties will conduct all procurement and business relationships with fairness and honesty.
- 6) The process for awarding contracts on government projects will be open, clear and defensible.
- 7) A party with a potential conflict of interest will declare and address that interest as soon as the conflict is known to that party.

Policy

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Policy



- 8) Parties shall comply with all legal obligations.
- 9) Parties shall not engage in practices that are anti-competitive.
- 10) Parties shall not engage in practices that aim to give a party an improper advantage over another.
- 11) Parties shall not seek or submit tenders without a firm intention and capacity to proceed with a contract.
- 12) Parties will maintain business relationships based on open and effective communication, respect and trust and adopt a non-adversarial approach to dispute resolution.

DEFINITIONS:

Procurement The act of obtaining or buying goods and services. The process includes preparation and processing of a demand as well as the end receipt and approval of payment.

POLICY STATEMENT:

1) Standards of behaviour

Council has adopted a Statement of Business Ethics that sets out the high ethical standards expected of Council officials, contractors and business associates. In addition to this, the following statements are made in relation to procurement:

- Council processes shall be fully documented and defensible.
- Council will treat all potential tenderers consistently.
- All parties shall comply with the rule of law and avoid practices that are anti-competitive or collusive.
- Council will not engage in practices that give one party improper advantage over another outside its local and Australian made preference and Registered Disability Employer preference policies.
- Council will not invite or submit tenders without a firm intention and capacity to proceed.
- Parties shall maintain open, effective communication, respect and trust and adopt a non-adversarial approach to dispute resolution.

2) Environmental sustainability

Council is committed to "properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development" as per the *Local Government Act 1993* (NSW) (The Act). The principles of ecologically sustainable development (ESD) are

Policy

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Policy



defined in The Act as the "effective integration of economic and environmental considerations in decision-making processes".

Council is committed to effective implementation for the following principles of ESD in procurement decision making; the precautionary principle; intergenerational equity; conservation of biological diversity and ecological integrity; and improved valuation, pricing and incentive mechanisms.

3) Local preference

Best value for money does not always mean lowest price. Council functions contribute to the economic success of the Local Government Area and Council expends considerable amounts annually on local economic development. Council prefers to buy from local suppliers and contractors where possible as this supports Council's local economic development initiatives.

4) Preference for Australian made products

Council prefers to buy goods made in Australia and encourages a culture of buy Australian in Council officials when evaluating the merits of purchases. Where it is cost effective to do so staff must purchase Australian made/origin supplies.

5) Preference for registered disability employers

Council prefers to buy products made by registered disability enterprises and encourages such consideration in the evaluation of purchases. Where it is cost effective to do so, staff are encouraged to buy from registered disability employers.

6) Purchase orders

Council will always issue a purchase order number for approved purchases. Suppliers are expected to cooperate by quoting the purchase order number on invoices. Council will not pay invoices where an approved purchase order number is absent.

7) Asset disposal

Council will dispose of surplus plant, vehicles, stores, materials, equipment, furniture, scrap metal, technology and other items in a competitive, transparent, cost effective and environmentally sustainable manner.

Policy

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Policy



POLICY RESPONSIBILITIES:

- 1) Section Managers generally.
- 2) Procurement and Contractor Management Specialist.
- 3) Expenditure Coordinator.

RELATED DOCUMENTS:

- 1) *Local Government Act 1993 (NSW).*
- 2) *Local Government (General) Regulation 2005.*
- 3) *Competition and Consumer Act 2010 (Cth).*
- 4) NSW Government Procurement Code of Practice.
- 5) NSW Government Procurement Policy Framework.
- 6) NSW Government Sustainability Policy.
- 7) Port Stephens Council Code of Conduct.
- 8) Procurement Management Directive.
- 9) Financial Business Rules Management Directive.
- 10) Asset Disposal (other than property) Policy.

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2009-02488	RM8 record No	17/210686
Audience	Council Staff		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	##/##/2019
Adoption date	25/03/14		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	25/03/14	Financial Services Section Manager	Policy adopted.	64

Policy

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Policy



2	25/11/14	Financial Services Section Manager	<ul style="list-style-type: none"> • Amended policy adopted. 	317
3	27/11/15	Financial Services Section Manager	<ul style="list-style-type: none"> • This policy has been reviewed and formatted into the new template. • Port Stephens Council Code of Conduct added to related documents. • Reference to the Procurement Management Directive added to the Context/Background. 	
4	09/02/16	Financial Services Manager	<ul style="list-style-type: none"> • Amended policy adopted. 	018

Policy

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Policy



5	12/12/17	Financial Services Section Manager	<ul style="list-style-type: none"> • Updated references from TRIM to RM8. • Updated RM8 record from 487 to 17/210686. • Removed NSW Government Procurement Code of Tendering from the Related Documents Section. • Added NSW Government Procurement Policy Framework, Procurement Management Directive, Asset Disposal (other than property) Policy, and Financial Business Rules Management Directive to the Related Documents Section. 	319
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Policy

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Management directive



FILE NO: PSC2013-00551
TITLE: PROCUREMENT
OWNER: FINANCIAL SERVICES SECTION MANAGER

PURPOSE:

To prescribe procurement processes, particularly:

- 1) Procurement considerations;
- 2) Procurement methods and hierarchy;
- 3) Procurement source hierarchy;
- 4) To define terms, roles and responsibilities;
- 5) To clarify sources of further guidance.

CONTEXT/BACKGROUND:

The Procurement Management Directive supports the Procurement Policy and prescribes procurement requirements.

SCOPE:

- 1) Procurement processes shall be designed to ensure implementation of Council's Procurement Policy.
- 2) The general scope stated in the Procurement Policy applies to this management directive.
- 3) Procurement activities should be structured to minimise costs for all parties.

DEFINITIONS:

An outline of the key definitions of terms included in the management directive.

Authorised Approval Officer	A staff member permitted to approve purchase orders subject to the limit of their delegation.
Authorised Approval Officer List	List of authorised Council officers with delegated purchase limits.
Contractor	A contractor (sometimes called an independent contractor) is a 'person or company that provides goods or services to a business under the terms set out in a contract'.

Management directive

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Management directive



A contractor:	<ul style="list-style-type: none"> • Works for you as part of their own business (they are not your employee); • Uses their own resources eg computer, vehicle or tools; • Controls the method and times to perform the work; and • Will often perform roles that require specialist knowledge that is not required by your business on an ongoing basis.
Council Contractor Management System	<p>Contractor registration is the process of verifying and documenting that the proposed contractor meets the requirements of Council. Completion of contractor registration in SitePass and CIMS is required to establish that the proposed contractor has appropriate:</p> <ul style="list-style-type: none"> • Safety documentation and relevant licences – SitePass; • Insurance – CIMS.
Local Supplier	<p>A business or contractor employing full-time staff permanently operating from permanent premises within the Port Stephens Local Government Area for not less than six months prior to the procurement or tender being initiated.</p>
Pre-approved contractors and suppliers	<p>Current suppliers on Council's Contract Management System.</p>
Procurement	<p>The act of obtaining or buying goods and services. The process includes preparation and processing of a demand as well as the end receipt and approval of payment.</p>
Requisitioning Officer	<p>A staff member procuring supplies.</p>
Supplier	<p>An individual or organisation that provides Council with goods or services.</p>
Supplies	<p>Goods or services.</p>

MANAGEMENT DIRECTIVE STATEMENT:

- 1) Responsibilities:
 - a) Staff involved in procurement of goods and services shall make themselves aware of and comply with all relevant policies, management directives and procedures. Related policies and management directives are listed at the end of this document.

Management directive

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Management directive



- b) Requisitioning Officers must endeavour to achieve best value for all procurements and appropriately research the market.
- c) Staff must exercise economy in purchase decisions.
- d) Staff must follow correct accounting, taxation, procurement and grant acquittal practices when procuring goods and services.
- e) Requisitioning Officers must keep records of procurement processes undertaken and decisions made where required.
- f) Responsible Officers must implement sound processes and keep sufficient records to verify Council's liability to pay for goods, services and utilities including telephone, electricity, gas and water and promptly investigate and resolve billing anomalies.

2) Purchase approval:

- a) Staff require formal delegation of authority to procure supplies.
- b) Purchases require approval by the requisitioner's supervisor or above for all purchase orders.
- c) The procurement limits in the Authorised Approval Officer List apply to purchases excluding petty cash and purchasing card.
- d) Authorised Approval Officers need to satisfy themselves that quotes have been obtained in accordance with the procurement methods.
- e) Tenders to the value of \$150,000 or over may be authorised by Level 4 Officers, as per the Authorised Approval Officer List on MyPort, after the tender has been approved by the Tender Approval Panel (TAP).
- f) An Authorised Approval Officer List is maintained by the Finance Expenditure Coordinator and updated from time to time as authorised by the appropriate level of authority shown below:

Level	Position Title
1 & 2	Financial Services Section Manager
3	Group Manager Corporate Services
4	General Manager

3) Procurement methods:

- a) Procurement approaches are highly dependent upon the nature, value and context of the supplies.
- b) The procurement methods in **(TABLE 1)** below prescribe the minimum requirements.

Management directive

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Management directive



TABLE 1

Estimated expenditure level (inc GST)	Primary method	Optional
Below \$5,000	Purchasing card (preferred) or purchase order from pre-approved contractors and suppliers with no self approval.	Verbal quote where appropriate.
\$5,001 to \$10,000	Two written quotes from pre-approved contractors and suppliers.	Additional quotes.
\$10,001 to \$50,000	Two written quotes from pre-approved contractors and suppliers.	Additional quotes. Request for quote (RFQ).
\$50,001 to \$100,000	RFQ – Three written quotes from pre-approved contractors and suppliers.	Advertise.
\$100,001 to \$149,999	RFQ – Three written quotes – advertised.	N/A.
\$150,000 and over	Tender – advertised.	N/A.

- c) Requisitioning Officers shall store written quotes in a RM8 container.
 - d) Where a Requisitioning Officer believes the primary method requirements are not appropriate to the requisition, the reasons for departure from the requirements are to be written out, signed by an Authorised Approval Officer with an appropriate limit and stored in a RM8 container.
 - e) Where one or no quote is obtained, Requisitioning Officers should check with other suppliers to ensure the proposed supplies are competitive.
 - f) Where the lowest priced bid is not accepted, the reasons must be documented, signed by an Authorised Approval Officer with an appropriate limit and stored in a RM8 container.
 - g) All RFQs and Tenders shall have a separate RM8 container.
- 4) Procurement hierarchy:
- a) Suppliers shall be sourced in accordance with the hierarchy contained in **(TABLE 2)**. Council has a preference to purchase locally sourced goods and services. Refer to clause 7 'Local preferences'.
 - b) Suppliers may be procured outside this hierarchy where quotes have been obtained that evidence best value decision, then signed by an Authorised Approval Officer with an appropriate limit and stored on a RM8 container.

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TABLE 2

Priority	Supplier
1 st	Current PSC contracts
2 nd	Pre-approved contractors and suppliers
3 rd	Regional procurement, Local Government Procurement
4 th	Local suppliers
5 th	Non-local suppliers

- 5) Purchase orders:
- a) All purchases other than by petty cash and purchasing card require a purchase order to be entered into the Authority software purchasing module.
 - b) A purchase order must be entered before supplies are ordered. Do not wait for an invoice to enter a purchase order.
 - c) Requisitioning Officers must ensure there is an approved budget before preparing a purchase order.
 - d) Staff without access to the software may use a purchase order book, with written orders given to the F&S Customer Liaison Officer for entry into Authority by the following Monday or next business day.
 - e) Staff entering purchase orders into Authority must complete training.
 - f) Purchase orders must be approved by an Authorised Approval Officer (refer to clause 2c).
 - g) A Requisitioning Officer who is also an Authorised Approval Officer may both enter and approve a purchase order within their delegated limit.
 - h) For purchases above their delegated limit Requisitioning Officers must seek approval from the Authorised Approval Officer in their unit, section or group with the necessary delegated limit.
 - i) Orders must not be split to bypass procurement limits or methods.
 - j) An approved purchase order must be provided to suppliers at the time of requesting supplies (except in the case of petty cash and purchasing card purchases).
 - k) The Requisitioning Officer must ensure the supplier quotes the purchase order number on invoices.
 - l) Ask the supplier to quote "VISA" as the order number on invoices paid with a purchasing card.
 - m) When supplies are received the Requisitioning Officer must enter a purchase order receipt or advise the Finance Officer - Procurement and Contract Management Specialist of receipt within one day.
 - n) If supplies have already been received at the time of entering the purchase order, this must be advised by entering Delivery Code one "Goods Received".
 - o) An estimate of the price (exclusive of GST) is to be entered.
 - p) Where a price estimate is not possible a best estimate should be made.
 - q) Where an invoice is received and there is no corresponding purchase order or it has not been entered as "received" in Authority, it will be routed to the Requisitioning Officer (if

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- known) for verification and purchase order entry/receipting.
- r) Where the Requisitioning Officer is not known and no purchase order exists the invoice will be deemed an unauthorised purchase, payment will be declined and the invoice returned to the supplier referring to Council's policy requiring an approved purchase order to be quoted.
 - s) All invoices must be formally reviewed by the Requisitioning Officer prior to payment.
- 6) Environmental sustainability:
- a) Prior to purchasing supplies staff must consider whether the purchase is necessary or whether it is possible to use or re-use existing resources including sharing with other sections.
 - b) Requisitioning Officers must reasonably estimate quantities ordered to ensure they are used within the products useful life.
 - c) Full life cycle costing must be used to evaluate bids.
 - d) Requisitioning Officers must consider the environmental impact associated with the manufacture, use and disposal of proposed supplies, eg sustainability of raw materials, energy used, pollution, recyclability or biodegradability.
 - e) When evaluating bids an appropriate percentage of the evaluation criteria should be applied to environmental sustainability.
- 7) Local preference:
- a) Council's preference for using local suppliers is contained in the Procurement Policy.
 - b) Where bids from a local supplier and a non-local supplier are equal, preference shall be given to the local supplier.
 - c) A "buy in Port Stephens" staff culture is encouraged including purchases made with purchasing cards.
 - d) Staff must seek local suppliers when obtaining quotes in addition to established non-local suppliers.
 - e) Where it is feasible to do so, staff must purchase low value supplies within Port Stephens LGA to support local employment.
- 8) Preference for Australian made products:
- a) A "buy Australian" staff culture is encouraged including purchases made with purchasing cards.
 - b) Where it is cost effective to do so, staff must purchase Australian made/origin low value supplies.
- 9) Preference for registered disability employers:
- a) Where it is cost effective to do so, staff are encouraged to buy from registered disability employers.

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10) Current suppliers:

- a) Council may enter into current supplier agreements following a competitive quotation process.
- b) Current supplier agreements shall only be considered where it is very likely that the particular type of supplies will be required more than once within the next 12 months and the aggregate value of that particular type of supplies is likely to exceed \$20,000 and be below \$150,000.
- c) Preferred supplier agreements will be included with the pre-approved contractors and suppliers.
- d) The decision to add a type of supplier to the pre-approved contractors and suppliers rests with the Finance Officer - Procurement and Contract Management Specialist.
- e) The following staff are responsible for populating the pre-approved contractors and suppliers:

Officer	Responsibility
Requisitioning Officer	Develop quotation specification.
Risk Management Coordinator	Specify insurance requirements.
Work Health and Safety Manager	Specify WHS requirements.
Finance Officer - Procurement and Contract Management Specialist	Complete quotation documents, advertise receive quotations.
Requisitioning Officer Finance Officer – Procurement and Contract Management Specialist	Review quotation responses, conduct capability assessment, reference checks.
Risk Management Coordinator	Review insurance response.
Work Health and Safety Manager	Review WHS response.
Finance Officer - Procurement and Contract Management Specialist Requisitioning Officer	Determine inclusion on pre-approved contractors and suppliers.
Finance Officer - Administration Support	Notify submitters.

- f) current PSC contract or the pre-approved contractors and suppliers will have had their insurance details confirmed.
- g) All RFQ and Tender documentation involving contractors required to come onto Council sites is to clearly inform intending suppliers/contractors that they will be required to register with the relevant Contractor Management System in order to supply to Council.

11) Tenders:

- a) All staff involved in tendering must read and conduct tenders in accordance with the Tendering Guidelines for NSW Local Government.

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- b) All tenderers must be advised of Council's local preference policy and preference for Australian made products.
 - c) All tender documents must be approved by the Finance Officer - Procurement and Contract Management Specialist prior to advertising.
 - d) Documents must be stored in a separate RM8 container for each tender process.
 - e) Evaluation criteria and weightings must be established before tenders close.
 - f) A tender evaluation panel must be formed to evaluate all tenders consisting of at minimum:
 - Finance Officer - Procurement and Contract Management Specialist, or Finance Expenditure Coordinator.
 - Officer responsible for tender.
 - An independent Council staff member.
 - g) Record must be kept of all communication with tenderers.
 - h) Tenderer communication is not permitted except for the tenderer to notify a mistake or anomaly or for Council to clarify something. Any clarification that involves an interpretation of the tender documents shall be provided to all tenderers;
 - i) Communication that occurs with tenderers is to be advised to all members of the tender evaluation panel.
 - j) Tenders must be evaluated promptly using the tender evaluation spreadsheet which uses weighted criteria and a normalised price score method.
 - k) Tenders must be reported to Council as soon as is practicable.
 - l) Debriefings with tenderers must maintain confidentiality of other tenderers and focus on how the tenderer's tender performed against the evaluation criteria.
- 12) Fraud and corruption prevention:
- a) Under no circumstances may staff solicit or receive gifts or benefits of any kind in return for placing orders or arranging work with a supplier. Gifts or benefits offered should be politely refused with an explanation of Council's policy on the matter. Gifts or benefits that are token in nature may be accepted, however, need to be declared. Refer to the Code of Conduct.
 - b) All suppliers/contractors must be treated equally. Where a Requisitioning Officer is making procurement decisions or a staff member is evaluating quotes or tenders he/she must declare any interest he/she has with any supplier in writing to their supervisor who may then require the staff member take no further part in the procurement decision. Refer to the Code of Conduct for further information about conflicts of interest.
 - c) Secondary employment must be declared to Council. Refer to the Code of Conduct.
 - d) Staff must not participate in any arrangement whereby a supplier is paid for goods or services that are not provided.
 - e) Authorised Approval Officers must satisfy themselves that the Requisitioning Officer's procurement is actually "needed" and in the quantities proposed. This may require the

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Authorised Approval Officer to ask questions or seek technical advice independent of the Requisitioning Officer.

- f) Supervisors must not cause a subordinate to make a purchase to avoid the approval process.
- g) All quotes must be stored in a RM8 container with the purchase order number, requisitioning officer's name, supplier's/contractor's name and date included in the document name.
- h) Ordering and verification of delivery of supplies is to be carried out by separate staff. Stocktake of stores is to be carried out by staff independent of the stores.
- i) Personal rewards/loyalty cards/schemes must not be used in conjunction with Council purchases to accrue personal benefits.
- j) Supplier/contractor products, credits, gift cards and gift vouchers must not be accepted or used by staff for personal benefit. Suppliers /contractors should instead be encouraged to reduce Council's invoice price.
- k) Two staff must be present during negotiations with suppliers and buyers and written records created and stored in a RM8 container.
- l) Unauthorised invoices must not be paid pending completion of a legitimate purchase order and verification of receipt of supplies.
- m) Contractors must record sub-contractor usage and ask permission to use sub-contractors.
- n) Suspected fraud or corruption will be dealt with according to the Code of Conduct and the Port Stephens Council Enterprise Agreement.

MANAGEMENT DIRECTIVE RESPONSIBILITIES:

- 1) Section Managers generally.
- 2) Finance Officer - Procurement and Contract Management Specialist.
- 3) Finance Expenditure Coordinator.

RELATED DOCUMENTS:

- 1) Procurement Policy.
- 2) Code of Conduct.
- 3) Contract Management Management Directive.
- 4) Contractor Management Procedure.
- 5) Fraud and Corruption Control Policy.
- 6) Hunter Council's Management Directive.
- 7) Petty Cash Management Directive.
- 8) Purchasing Card Management Directive.
- 9) Statement of business ethics.
- 10) Sustainability Policy.
- 11) Sustainability Procurement Policy.

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CONTROLLED DOCUMENT INFORMATION:

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RM8 container No.	PSC2013-00551	RM8 record No.	17/168402
Audience	Council staff		
Process owner	Financial Services Section Manager		
Author	Financial Services Section Manager		
Review timeframe	Two years	Next review date	14/09/2019
Adoption date	28/02/2014		

VERSION HISTORY:

Version	Date	Author	Details
1	28/02/2014	Financial Services Section Manager	Management directive adopted.
2	09/12/2014	Financial Services Section Manager	Revised management directive adopted.
3	15/04/2016	Financial Services Section Manager	Management Directive reviewed and formatted into the new template. Position titles updated to reflect organisational chart. Updated authorisation of the Authorised Approval Officer List from the General Manager to the appropriate level of authority – as detailed in clause 2f. Closer alignment to other relevant Management Directives.
4	06/06/2016	Financial Services Section Manager	Endorsed by the Executive Team and approved by the General Manager.

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5	25/08/2017	Financial Services Section Manager	<p>Updated RM8 number from 16/318007 to 17/168402.</p> <p>Updated the procurement limits in Table 1 from "below \$2,000" to "below \$5,000" and from "\$2,0001 to \$10,000" to "\$5,001 to \$10,000".</p> <p>Updated 2e to state that tenders to the value of \$150,000 will be approved by the Tender Approval Panel (TAP) rather than a Council resolution.</p> <p>Removed CIMS from the list of definitions.</p> <p>Added definition of Council Contractor Management System.</p> <p>Added definition of pre-approved contractors and suppliers.</p> <p>Changed pre-approved contractors and suppliers list' to 'pre-approved contractors and suppliers'.</p>
6	14/09/2017	Financial Services Manager	<p>Endorsed by the Executive Team and approved by the General Manager.</p>

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CONFIDENTIAL ITEMS

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

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

ORDINARY COUNCIL MEETING – 9 JULY 2019 MOTION

157	Councillor Steve Tucker Councillor Glen Dunkley It was resolved that Council move into confidential session.
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The following Council officers were present for the Confidential Session:

Communication Section Manager
Public Relations and Marketing Coordinator
Digital Marketing and Social Media Officer

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 19/150013
EDRMS NO: PSC2015-02919**

SALE OF 2 JESSIE ROAD, ANNA BAY (FORMERLY ANNA BAY OVAL)

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

**ORDINARY COUNCIL MEETING - 9 JULY 2019
MOTION**

158	<p>Councillor John Nell Councillor Sarah Smith</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Authorises the sale of Lot 10 in Deposited Plan 729986 identified as 2 Jessie Road, Anna Bay (formerly Anna Bay Oval) to Irukandji Shark and Ray Encounters Pty Ltd for the price listed in the report.2) Endorses the placement of a Public Positive Covenant on the land to restrict the future use of the land.3) Endorses the inclusion of a First Right of Refusal in the Contract for Sale of Land.4) Authorises the General Manager to negotiate any outstanding terms and conditions of sale.5) Authorises the Mayor and General Manager to sign and affix the Seal of Council to all relevant documentation relating to the Contract of Sale.
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ORDINARY COUNCIL MEETING – 9 JULY 2019

MOTION

159	Councillor Steve Tucker Councillor Chris Doohan It was resolved that Council move out of confidential session.
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There being no further business the meeting closed at 9.51pm.