

# DRAFT

## MINUTES – 24 SEPTEMBER 2019



### PORT STEPHENS COUNCIL

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 24 September 2019, commencing at 5.49pm.

**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, Acting Corporate Services Group Manager, Acting Facilities and Services Group Manager, Development Services Group Manager and Governance Section Manager.

<b>160</b>	<b>Councillor Jaimie Abbott</b> <b>Councillor Steve Tucker</b>  It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 10 September 2019 be confirmed.
	There were no Declaration of Interest received.

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# COUNCIL REPORTS

**ITEM NO. 1**

**FILE NO: 19/302103  
EDRMS NO: PSC2019-03573**

**DEPUTY MAYOR ELECTION**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Determine the term of the Deputy Mayor.
  - 2) Determine the method of voting to elect the Deputy Mayor.
  - 3) Authorise the General Manager or his delegate to conduct the election of the Deputy Mayor.
- 

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>161</b>	<p><b>Mayor Ryan Palmer</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that:</p> <ol style="list-style-type: none"><li>1) The term of office for the Deputy Mayor be for a period of one year.</li><li>2) The method of voting to elect the Deputy Mayor be by Ordinary ballot.</li><li>3) Authorise the General Manager or his delegate to conduct the election of the Deputy Mayor.</li></ol> <p>The Mayor then handed over to the Returning Officer to conduct the election of the Deputy Mayor.</p> <p>At the close of nominations for Deputy Mayor, nominations were received from:</p> <p>Cr Chris Doohan Cr Sarah Smith</p> <p><u>First round of voting for the election of Deputy Mayor</u></p> <table><tr><td>Cr Chris Doohan</td><td>6 votes</td></tr><tr><td>Cr Sarah Smith</td><td>4 votes</td></tr></table>	Cr Chris Doohan	6 votes	Cr Sarah Smith	4 votes
Cr Chris Doohan	6 votes				
Cr Sarah Smith	4 votes				

## MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

	Cr Chris Doohan was declared elected as Deputy Mayor for a period of one year.
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### BACKGROUND

The purpose of this report is to elect the Deputy Mayor.

The election of the Deputy Mayor is to be held in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005, should Council wish to proceed with the election of Deputy Mayor. The role of Deputy Mayor is not required under the Local Government Act 1993.

The General Manager has appointed Council's Governance Section Manager as Returning Officer for the election, should Council wish to proceed.

The current term of the Deputy Mayor is one (1) year. Council may fix the Deputy Mayor term for a period not greater than the Mayoral role, which is four (4) years. The role of Deputy Mayor is only paid an allowance in the absence of the Mayor, which is funded from the Mayoral allowance.

### NOMINATIONS

Nominations may be made without notice and should be made in writing by two (2) or more Councillors (one of whom may be the nominee) or the Mayor. A nomination is not valid unless the nominee has indicated consent in writing. The Returning Officer will announce the name(s) of the nominee(s) at the Council meeting at which the election is to be held. If more than one Councillor is nominated an election will take place.

### DETERMINE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

- a) Preferential Ballot.
- b) Ordinary Ballot.
- c) Open Voting.

### STATEMENT FROM DEPUTY MAYORAL CANDIDATES (OPTIONAL)

A time limit of five minutes per candidate will apply in accordance with Council's Code of Meeting Practice.

### COMMUNITY STRATEGIC PLAN

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

**FINANCIAL/RESOURCE IMPLICATIONS**

There is no annual fee for the role of Deputy Mayor. The Deputy Mayor will receive an allowance for any period acting as Mayor for a period greater than seven (7) days. The allowance is deducted from the Mayoral allowance, in accordance with the legislative provisions.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There is no legal requirement under the Local Government Act 1993 to elect a deputy mayor.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that in the absence of the Mayor Council would not have an elected representative to act as the Mayor.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**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. 2**

**FILE NO: 19/244835  
EDRMS NO: 16-2018-534-2**

**DEVELOPMENT APPLICATION 16-2018-534-2 SECTION 4.55 (1A)  
MODIFICATION TO ALTERATIONS AND ADDITIONS TO EXISTING TOURISM  
RESORT - 20 GLAMPING TENTS WITH AMENITIES, KOALA SANCTUARY AND  
CLINIC, VEGETATION REMOVAL AND CAR PARKING AT 562 GAN GAN ROAD,  
ONE MILE (LOT: 2 DP: 1109948)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application (DA No. 16-2018-534-2) subject to the amended Conditions of Consent contained within **(ATTACHMENT 3)**.
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**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>162</b>	<b>Councillor Paul Le Mottee Councillor Sarah Smith</b>  It was resolved that Council approve Development Application (DA No. 16-2018-534-2) subject to the amended Conditions of Consent contained within <b>(ATTACHMENT 3)</b> .
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

**BACKGROUND**

The purpose of this report is to present to Council for determination a Section 4.55(1A) Modification of Consent to the approved tourist development (Koala Sanctuary) on land located at 562 Gan Gan Road, One Mile, legally identified at LOT: 2 DP: 1109948 (the 'subject site'). A locality plan is provided at **(ATTACHMENT 1)**.



The development application (DA) is being reported to Council as the development is being carried out by Council.

DA No. 16-2018-534-1 (Original Consent)

The original development was assessed under Port Stephens Local Environment Plan 2013 (LEP 2013) and Port Stephens Development Control Plan 2014 (DCP 2014) and approved by the elected Council at the Council Meeting held on 12 February 2019.

The approved development included alterations and additions to the existing Treescape Camping and Accommodation Park, including twenty (20) glamping tents with amenities, koala sanctuary and clinic, tourism centre, vegetation removal, car parking and roads.

Proposed Modifications

The application proposes to modify the layout of the approved tourist related development at 562 Gan Gan Road, One Mile. Specifically, the modification includes amendments to reconfigure the layout of the access road, parking areas, glamping tent locations and minor changes to both the Tourism Centre and Koala Clinic buildings. Details of the modifications are included below:

- The main vehicle entry to the site has been reconfigured to include the 2 bus parking spaces that are being relocated from the main parking area. The bus parking area will be located to the north of the entry road. As a result of this modification, an additional tree is to be removed to facilitate the bus parking area.
- The main parking area (adjacent to the reception building) has been reconfigured to remove the bus parking spaces (as discussed above). The proposal also includes 14 additional parking spaces and reduces the hardstand areas.
- Minor changes to the internal access roads required as a result of the reconfiguration of the main parking area. The proposed modifications will result in the removal of one (1) tree.
- Minor changes to the locations of the glamping tent sites are proposed and these will now be located more centrally between the Tourism Centre and the Koala Clinic. There is no change in the number of glamping tents proposed, however seven (7) trees will be removed to facilitate the relocation.
- Minor changes are proposed to the Tourism Centre building, which includes:
  - minor changes to the façade design that will replace the curved design with a more angular built form.
  - internal layout changes in the southern building that involves moving the toilets from the western end to the eastern end of the building, alterations to the layout of the café, kitchen and retail area.
  - internal layout changes in the northern building that involves alterations to the layout of kitchen, administration/ticket and retail space. The kitchen is to be relocated to the northern section of the building, while

the administration/ticket and retail space is to be located along the southern section.

- the outdoor seating area associated with the café has been removed.
- Internal layout improvements to the Koala Clinic that involves a reduction in the garage and workshop area. Design changes to the building have created minor internal layout changes to the internal rooms of the clinic.

### Assessment Outcomes

The proposed amendments to the original consent meet the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

- Section 4.55(1A)(a) – Minimal environmental impact.

The proposal only results in minor environmental impacts, which includes:

### Tree Removal

The proposed modifications will result in the removal of an additional nine (9) trees.

The comments received from Council's Natural Resources team did not raise any additional concern for the proposed tree removal. A notation was also placed on the approved plans requiring consultation with Council prior to determining the specific location of the glamping tent or tents to maximise tree retention.

- Section 4.55(1A)(b) – Substantially the same development.

The development as modified is substantially the same as the approved development for the following reasons:

- The use of the site and structures remains consistent with the original approval.
- There is no increase to the development footprint or major changes that will result in an increased impact.
- The design changes do not substantially change or increase the buildings impact on the site or the intended purpose of the building.
- The modification will result in minor layout and reconfigurations of the vehicle routes.

On this basis, the application is considered substantially the same.

## **COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

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

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing Budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.12)	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 proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; State Environmental Planning Policy No. 44 – Koala Habitat Protection, State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy (Coastal Management) 2018, Port Stephens Local Environmental Plan 2013 (LEP 2013) and Port Stephens Council Development Control Plan 2014 (DCP 2014). A detailed assessment against these requirements are contained within the Planners Assessment Report contained in **(ATTACHMENT 2)**.

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

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The amended design only proposes minor changes that will enable the efficient operation of the approved facility.

The amended development is generally consistent with surrounding character and is in keeping with the context of the locality, with no increase to the approved building footprint. The development is not anticipated to result in significant adverse impacts on the locality, surrounding properties or public places.

A detailed assessment of the proposed development has been carried out against the requirements of the EP&A Act 1979 and has been provided at **(ATTACHMENT 2)**.

#### Social and Economic Impacts

The social and economic impact of the development remain consistent with those discussed in the original assessment.

#### Impacts on the Built Environment

The modification includes design and material changes to the Tourism Centre and Koala Clinic. The changes have been assessed as not adversely changing or resulting in harm to the bushland setting of the site. The proposed modification does not result in any adverse impacts to the built environment.

#### Impacts on the Natural Environment

The modification results in a minor increase to the number of trees being removed on the site. Consideration of tree removal has been provided elsewhere within the report. The amended Conditions of Consent **(ATTACHMENT 3)** include an additional condition to mitigate adverse impacts to the natural environment.

### **CONSULTATION**

Consultation with key stakeholders has been undertaken. Notification of the application was not required as the changes were not considered to increase impact and no submissions were received in the notification of the original development application.

#### Internal

The application was referred to the following Council sections:

- Development Engineering
- Natural Recourses (Vegetation Management and Ecology)
- Building Surveying
- Environmental Health

The referral comments from the officers were considered as part of the Planners Assessment Report contained in **(ATTACHMENT 2)**.

### External

The application was notified to the following external authorities:

- Hunter Water Corporation (HWC)
- Ausgrid
- Rural Fire Service (RFS)

HWC and Ausgrid were notified of the proposed modifications, with neither raising any concerns or issues. The RFS were notified of the modification submitted to Council. To date, no concerns or issues have been raised.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Locality Plan. [↓](#)
- 2) Planners Assessment Report. [↓](#)
- 3) Amended Conditions of Consent. [↓](#)

### **COUNCILLORS ROOM**

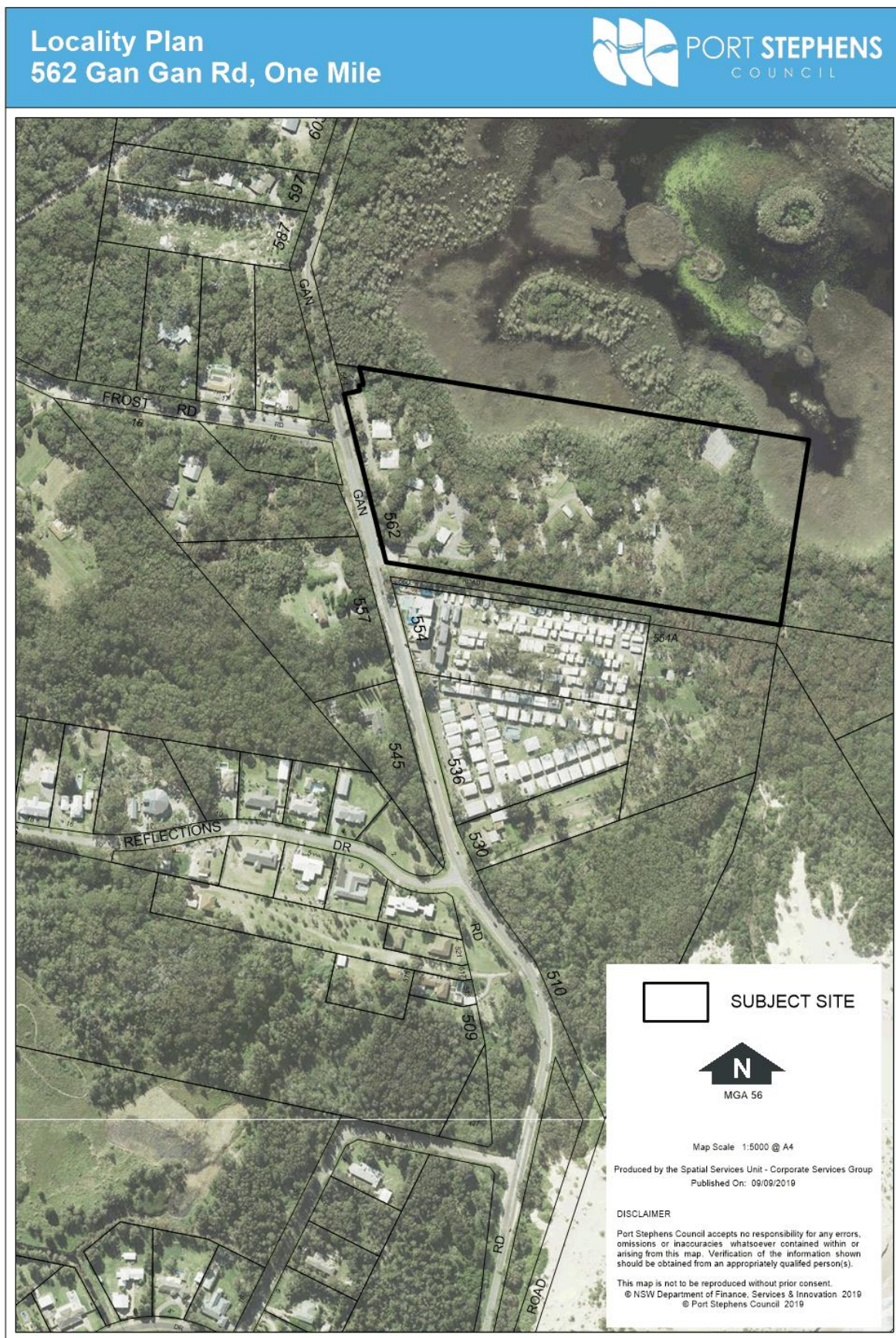
- 1) Development Plans.

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

### **TABLED DOCUMENTS**

Nil.





PORT STEPHENS  
COUNCILS4.55(1A) MODIFICATION APPLICATION  
ASSESSMENT REPORT

## APPLICATION DETAILS

<b>Modification application no.</b>	16-2018-534-2
<b>Development description</b>	Alterations and additions to existing tourism resort – twenty (20) glamping tents with amenities, koala sanctuary and clinic, tourism centre, vegetation removal and car parking.
<b>Modification description</b>	S4.55 1(a) modification to koala sanctuary
<b>Applicant</b>	PORT STEPHENS COUNCIL
<b>Date of lodgement</b>	26/08/2019

**Modification proposal**

The application proposes to modify the layout of the approved tourist related facility at 562 Gan Gan Road, One Mile. Specifically the modification includes amendments to reconfigure the layout of the access road, parking areas, glamping tent locations and minor changes to both the Tourism Centre and Koala Clinic buildings. Details of the modifications are included below:

- The main vehicle entry to the site has been reconfigured to include the two bus parking spaces that are being relocated from the main parking area. The bus parking area will be located to the north of the entry road. As a result of this modification, an additional tree is to be removed to facilitate the bus parking area.
- The main parking area (adjacent to the reception building) has been reconfigured to remove the bus parking spaces (as discussed above). The proposal also includes 14 additional parking spaces and reduces the hardstand areas.
- Minor changes to the internal access roads will be required as part of the reconfiguration of the main parking area. The proposed modifications will result in the removal of one (1) tree.
- Minor changes to the locations of the glamping tent sites are proposed and these will now be located more centrally between the tourism centre and the koala clinic. There is no change in the number of glamping tents proposed, however seven (7) trees will be removed to facilitate the relocation.
- Minor changes are proposed to the tourism centre building, which includes:
  - minor changes to the façade design that will replace the curved design with a more angular built form;
  - internal layout changes in the southern building that involves moving the toilets from the western end to the eastern end of the building, alterations to the layout of the café, kitchen and retail area;
  - internal layout changes in the northern building that involves alterations to the layout of kitchen, administration/ticket and retail space. The kitchen is to be relocated to the northern section of the building, while the administration/ticket and retail space is to be located along the southern section;
  - the outdoor seating area associated with the café has been removed.



ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2018-534-2

- Internal layout improvements to the Koala Clinic that involves a reduction in the garage and workshop area. Design changes to the building have created minor internal layout changes to the internal rooms of the clinic.



Figure 1: Approved plans under DA 16-2018-534-1

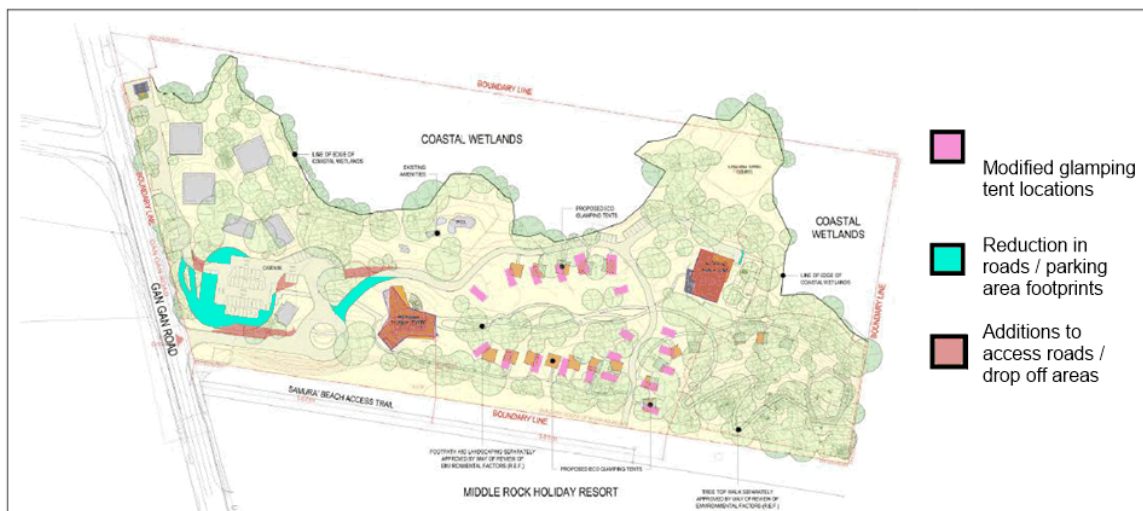


Figure 2: Proposed modification overlaying the approved development



## ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2018-534-2

Background

The original approval was granted by the elected Councillors at Council Meeting 12 February 2019 as the site is Council owned.

The modification does not propose changes to the use or purpose of the facility. The koala clinic will care for and rehabilitate sick and injured koalas. The facility will be licenced by the NSW Department of Primary Industries.

Site History

There are a number of historic approvals over the site detailed in the below table.

DA no. and description	Determination
7-1998-3863-1 – Holiday Village.	8 July 1998
16-2001-1521-1 – 50 temporary camp sites.	23 November 2001
16-2002-1272-1 – Redevelopment of tourist resort.	3 March 2003
16-2002-1272-2 – s96(1A) modification – delete condition 16 (relating to gravel footway in Gan Gan Rd), include ancillary manager's residence, incorporate 1.8m timber fence along Gan Gan Rd.	7 November 2003
16-2004-1154-1 – pool plant shed.	22 June 2005
16-2002-1272-3 – s96(2) modification to redevelopment of tourist resort.	12 February 2015
16-2018-534-1 - Alterations and additions to existing tourism resort – twenty (20) glamping tents with amenities, koala sanctuary and clinic, tourism centre, vegetation removal and car parking.	12 February 2019

No matters which would restrict the proposed development are apparent within the historic approvals.

It is noted that an application under Part 5 of the EP&A Act is currently being assessed by Council as the proponent and determining authority. This assessment will consider the impacts resulting from the proposed walking paths, elevated walkway, koala enclosure fencing / pens and external servicing works on the subject site. No matters which would restrict the proposed development have been identified in the Part 5 assessment.

**PROPERTY DETAILS**

Property address	562 Gan Gan Road ONE MILE
Lot and DP	LOT: 2 DP: 1109948
Zoning	RE1 PUBLIC RECREATION
Site constraints that affect the modification	SEPP Coastal Management 2018; Acid Sulfate Soils – Class 4 (front) and 5 (rear); Endangered ecological communities – fresh water wetlands, swamp sclerophyll forest; Koala habitat – preferred;

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## ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2018-534-2

Notifiable noxious weeds – Chinese violet;  
 Bushfire prone land – vegetation category 1;  
 Hunter Water Corporation – Special Areas (2005);  
 LEP2013 – wetlands; and  
 Drinking water catchment – Tomaree Special Areas.

**ASSESSMENT SUMMARY**

Designated Development	The application <u>is not</u> designated development
Integrated Development	The application <u>does</u> require additional approvals listed under s.4.46 of the EP&A Act
Concurrence	The application <u>does not</u> require the concurrence of another body

**Internal Referrals**

The proposed modification was referred to the following internal specialist staff. The comments of the listed staff listed have been used to carry out the assessment against the S4.15 Matters for Consideration below.

Development Engineer – No objections were made as the modification is substantially the same as the previously determined DA. The changes will not materially affect the stormwater system and the conditions that were included in the initial consent remain unchanged.

Building Surveyor – No objections were made to the modification, the design changes do not require any additional conditions than those listed in the original referral for the original application.

Natural Resources and Vegetation Management – No objections were made to the proposed modification. The only requirement placed on the development was the inclusion of an annotated plan that provides flexibility in the location of the glamping tents. The glamping site selection will be undertaken in consultation with Council's vegetation management officer to maximise tree retention.

Environmental Health – The conditions in the Consent remain applicable to the modification. No additional conditions required.

**External Referrals**

The proposed modification was notified to the following external agencies in accordance with clause 120 of the EP&A Regulations:

Rural Fire Service (RFS) – The initial application was referred to the RFS as integrated development as a special fire protection purpose under Section 100B of for the *Rural Fires Act 1997*, being 'other tourist accommodation' and General Terms of Approval (GTA) under Division 4.8 of the *Environmental Planning and Assessment Act 1979* were issued. The RFS were notified of the modification. No comments or issues have been raised by the RFS.

Hunter Water Corporation – The initial application was referred to Hunter Water Corporation as the proposed development falls within the Nelson Bay Sandbeds Special Area as gazetted in the *Hunter Water Regulation 2015*. A review of the modification was undertaken and does not appear to change the matters raised by HWC relating to the Neutral of Beneficial Effect (NorBE)

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**ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

16-2018-534-2

requirements in terms of wastewater. HWC was notified of the proposed modifications and the authority were satisfied that if the works would not alter impacts on the Special Area.

Ausgrid – The initial application was referred to Ausgrid for comment in accordance with Clause 45(2) of the *State Environmental Planning Policy (Infrastructure) 2007*. No objection was raised regarding the original application subject to specific conditions relating to existing network access. Ausgrid was notified of the proposed modification and the authority were satisfied that the works did not increase or change the initial referral comments received. Therefore, the previous comments still apply.

**MODIFICATIONS INVOLVING MINIMAL ENVIRONMENTAL IMPACT – S4.55(1A)****S4.55(1A)(a) – Minimal Environmental Impact**

The development as modified is of minimal environmental impact, the amendments and reconfiguration of the car parking layouts, glamping tent sites location and minor changes to the Tourism Centre and Koala Clinic do not further increase the level of environmental impact. As a result of the modification, an additional nine (9) trees are required to be removed. The additional tree removal is likely to be mitigated following Natural Resource comments above requiring Councils Vegetation Management to be consulted with regarding the final siting location for the glamping tents. The applicant has noted that an updated Bushfire Vegetation Management Plan was provided to Council Natural Resource team for review and comment as a result of the additional tree removal. The comments received from Councils Natural Resource team did not raise any concern for the proposed tree removal.

The relocating of glamping tents does not change the Asset Protection Zone (APZ) requirements, or require any additional tree removal to achieve bushfire requirements. The Bushfire Report provided with the initial application included an alternate solution that proposed a central safe refuge in the café/tourism centre in close proximity to the tent sites. As the site is located within an existing caravan park, where currently there is no central safe refuge, the alternative solution to include a central safe refuge is an improved outcome for the site.

The amended car park layout will increase the number of car parks by 14 from the approved 42 spaces to 56 spaces (including 2 disabled spaces). The footprint of the parking hardstand area will also be reduced. It is therefore considered that the alterations in the car park will not increase the environmental impacts.

On this basis, the proposed modification is considered to be of minimal environmental impact.

**S4.55(1A)(b) – Substantially The Same Development**

The development as modified is substantially the same as the approved development for the following reasons:

- The use of the site and structures remains consistent with the original approval;
- There is no increase to the development footprint, intensification of use or major changes that will result in an increased impact;
- The proposed design changes do not substantially change or increase the buildings impact on the site or the intended purpose of the building.
- The modification will result in minor layout and reconfigurations of the vehicle routes.

On this basis, the application is considered substantially the same.

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**ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.**

16-2018-534-2

**S4.55(1A)(c) – Notification**

Council staff made the decision not to notify the application as the proposed changes are minor in nature and no submissions were received during notification of the original application.

**S4.55(1A)(d) – Submissions**

There were no submissions received relating to this application.

**S4.55(3) – S4.15(1) Assessment**

**s4.15(1)(a)(i) – The provisions of any EPI**

The application is consistent with the provision of the PSLEP2103 and all relevant SEPPs applicable to the proposal.

**s4.15(1)(a)(ii) – Any Draft EPI**

		Notes
	<input checked="" type="checkbox"/> There are no draft EPI's that are relevant to the proposed development	

**s4.15(1)(a)(iii) – Port Stephens Development Control Plan 2014**

Chapter	Compliant	Notes
B	<input checked="" type="checkbox"/> General Controls	<p><i>B2 Natural Resources</i></p> <p>The initial application assessment included a review of the endangered ecological communities and identified that the proposed development will not result in unacceptable adverse impacts on wetlands or the local ecology. These impacts were reviewed against the proposed modification and do not include amendments that are likely to increase the impacts previously assessed. The conditions included in the consent will remain, however, the site plans provided with the application have been amended to require consultation with Council's Vegetation Management Office prior to deciding on the final glamping tent locations to maximise tree retention on the site.</p> <p><i>B3 Environmental Management</i></p> <p>The modification does not amend or change the initial assessment undertaken on the proposal relating to Acid Sulfate Soils or earthworks. Earthworks proposed for the modification are likely to include cut and fill to support a level building platform for each element in the proposal. Conditions remain unchanged relating</p>

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## ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

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		<p>to earthworks and fill.</p> <p>The subject site is identified as containing class 4 (front) and class 5 (rear) acid sulfate soils (ASS). It has been identified that the proposed works may result in the excavation of soil below 2 metres of the natural ground surface. Conditions of Consent remain unchanged relating to impact of works of ASS.</p> <p><i>B4 Drainage and water quality</i></p> <p>The modification does not adversely increase or change matters relating to the drainage and water quality for the site. The modification does not make changes to the stormwater run-off and treatment. The modification was considered by Councils Development Engineer where it was determined that the modification does not change or impact on the initial approval or recommended conditions of consent.</p> <p><i>B9 Road network and car parking</i></p> <p>The modification includes amendments to the internal road layout, car parking and bus parking spaces.</p> <p><u>Road network</u></p> <p>The modification proposes the main entry be relocated, however access is still directly from Gan Gan Road. The modification seeks to move the bus parking to create bus parking spaces along the side of the entry access road as opposed to within the car park area.</p> <p><u>Car parking</u></p> <p>The change to the main entry and removal of the bus parking from the car park provides an opportunity to improve the car parking on the site. The original assessment noted that the DCP and RTA Guide to Traffic Generating Development did not provide an appropriate parking rate for the development. However, based on the anticipated traffic and movements on the site a total of 57 spaces (including at least one accessible space) plus 2 bus spaces are required. This requirement remains unchanged.</p> <p>The following changes to car parking are included in the modification:</p> <ul style="list-style-type: none"> <li>• The amended car parking layout (being the redevelopment of the existing carpark near</li> </ul>
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		<p>the reception area), approved with 42 spaces, has been amended to change the layout and increase the spaces to 56, including two disabled spaces. An increase of 14 spaces.</p> <ul style="list-style-type: none"> <li>• Five existing spaces located at the north eastern corner to the glamping tents are to be amended to two disabled spaces.</li> <li>• Seven existing car spaces to the North West of the proposed Koala Clinic are to be removed.</li> <li>• The approved enclosed parking garage associated with the koala clinic has been amended and reduced in size. However the number of car spaces remains a total of three.</li> </ul> <p>The total number of car spaces available on the site is 61 (including four accessible spaces) and two bus spaces, remaining consistent with the requirement for the site.</p>
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s4.15(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 93F

	Notes
<input checked="" type="checkbox"/> There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.	

s4.15(1)(a)(iv) – The regulations

	Notes
<input checked="" type="checkbox"/> There are no matters within the regulations that are relevant to the determination of the application.	

s4.15(1)(b) – The likely impacts of the development

	Notes
<input checked="" type="checkbox"/> Social and Economic Environment: There would be beneficial impacts as a result of the development.	The social and economic impact of the development remain consistent with those discussed in the original assessment.
<input checked="" type="checkbox"/> Built Environment: The proposed development would not cause harm to the existing character.	The modification includes design and material changes to the tourism centre and koala clinic. The assessed modifications do not adversely change or create harm to the existing bushland setting of the location. The proposed

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	modification does not result in any adverse impacts to the built environment.
<input checked="" type="checkbox"/> Natural Environment: There are no adverse impacts expected as a result of the proposed development and appropriate conditions have been added.	The modification results in a minor increase to the number of trees being removed on the site. Assessment and consideration of tree removal has been provided elsewhere within the report. The proposed development is considered unlikely to result in significant adverse impacts to the natural environment.

s4.15(1)(c) – The suitability of the site

The suitability of the site was considered in the initial assessment report. The amendments considered in this application assess the site as remaining suitable for the proposed development. A summary of the key reasons for its suitability is provided below:

- The proposed modification works are consistent with the established tourism use of the subject site;
- The proposed modification protects and enhances the natural assets of the subject site and Port Stephens Local Government Area (LGA) as a whole;
- The proposed modification of the subject site will facilitate economic growth that contributes to long-term and self-sufficient employment locally;
- The site is appropriately zoned and is of an appropriate size to accommodate the proposed development;
- The subject site is visually isolated from sensitive receivers and can be developed without any adverse amenity impacts to the surrounding area; and
- Despite being within an ecologically diverse location, provided appropriate mitigation and management measures are implemented, the site can be developed without any significant impacts on the natural environment.

s4.15(1)(d) – Any submissions

No submissions have been received in relation to the proposed development.

s4.15(1)(e) – The public interest

The proposed development will contribute to an important tourism generating use in the Port Stephens LGA and result in a design and business model that better serves the intended purpose of the subject site. Furthermore, the proposed development involves a number of protective measures which will ensure that impacts on the surrounding environment will be appropriately managed and minimised. Accordingly, the proposed development supports and promotes the public interest.

**MODIFIED CONDITIONS**

The yellow highlighted items have been updated/amended

The green highlighted items are additions.

## ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

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**Existing conditions**

1. 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
Tree Removal Plan	2017140	DA-004	12/07/2018	Jackson Teece
Site Plan	2017140	DA-005	12/07/2018	Jackson Teece
Tourism Centre – Floor Plan	2017140	DA-100	12/07/2018	Jackson Teece
Tourism Centre – Elevations	2017140	DA-102	12/07/2018	Jackson Teece
Koala Clinic – Floor Plan	2017140	DA-110	12/07/2018	Jackson Teece
Koala Clinic – Elevations	2017140	DA-112	12/07/2018	Jackson Teece
Concept Stormwater Drainage and Level Plan Sheet 1	NL172522	DA-C3.01	07.11.18	Northrop
Concept Stormwater Drainage and Level Plan Sheet 2	NL172522	DA-C3.02	07.11.18	Northrop
Swept Path Analysis	NL172522	DA-C5.01	07.11.18	Northrop

**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*.

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**Modified Condition**

1A. 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
Tree Removal Plan	2017140	DA-004	12/07/2018	Jackson Teece
Site Plan	18083	001	27/08/2019	BKA Architecture
Proposed Site Works – Car Parking	18083	002	13/09/2019	BKA Architecture
Proposed Site Works – Demolition	18083	003	27/08/2019	BKA Architecture
Proposed Site Works – Glamping/Interpretive Walk	18083	004	27/08/2019	BKA Architecture
Tourism Centre – Floor Plan	18083	TC 100	2/9/2019	BKA Architecture
Tourism Centre – Elevations	18083	TC 200 – TC 201	27/8/2019	BKA Architecture
Tourism Centre – Elevations	18083	TC 202	2/9/2019	BKA Architecture
Site Clearing / Tree Demolition / Earthworks – Koala Clinic	18083	KC 001	15/7/2019	BKA Architecture
Koala Clinic – Floor Plan	18083	KC 100	27/8/2019	BKA Architecture
Koala Clinic – Elevations	18083	KC 200 – 201	27/8/2019	BKA Architecture
Concept Stormwater Drainage and Level Plan Sheet 1	NL172522	DA-C3.01	07.11.18	Northrop
Concept Stormwater Drainage and Level Plan Sheet 2	NL172522	DA-C3.02	07.11.18	Northrop
Swept Path Analysis	NL172522	DA-C5.01	07.11.18	Northrop

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

- Approved plans and the conditions, the conditions will prevail; or

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- 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*.

**Additional Condition**

- 13.1. **Prior to the removal of vegetation or works relating to the glamping sites**, detail on the glamping sites locations shall be determined in consultation with Councils Vegetation Management Officer to maximise tree retention on the site. Note: refer to amendment in red on the approved plan titled Proposed Site Works – Glamping, Drawing number 004, prepared by BKA Architecture, dated 27/08/2019.



### SCHEDULE 1 – CONDITIONS OF CONSENT

#### CONDITIONS THAT IDENTIFY APPROVED PLANS

1A. 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
Tree Removal Plan	2017140	DA-004	12/07/2018	Jackson Teece
Site Plan	18083	001	27/08/2019	BKA Architecture
Proposed Site Works – Car Parking	18083	002	13/09/2019	BKA Architecture
Proposed Site Works – Demolition	18083	003	27/08/2019	BKA Architecture
Proposed Site Works – Glamping	18083	004	27/08/2019	BKA Architecture
Tourism Centre – Floor Plan	18083	TC 100	2/9/2019	BKA Architecture
Tourism Centre – Elevations	18083	TC 200 –TC 201	27/8/2019	BKA Architecture
Tourism Centre – Elevations	18083	TC 202	2/9/2019	BKA Architecture
Site Clearing / Tree Demolition / Earthworks – Koala Clinic	18083	KC 001	15/7/2019	BKA Architecture
Koala Clinic – Floor Plan	18083	KC 100	27/8/2019	BKA Architecture
Koala Clinic – Elevations	18083	KC 200 - 201	27/8/2019	BKA Architecture
Concept Stormwater Drainage and Level Plan Sheet 1	NL172522	DA-C3.01	07.11.18	Northrop
Concept Stormwater Drainage and Level Plan Sheet 2	NL172522	DA-C3.02	07.11.18	Northrop
Swept Path Analysis	NL172522	DA-C5.01	07.11.18	Northrop

#### PORT STEPHENS COUNCIL

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## ITEM 2 - ATTACHMENT 3 AMENDED CONDITIONS OF CONSENT.

**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*.

#### CONDITIONS THAT IDENTIFY LIMITATIONS OF CONSENT

- The development is to be carried out in accordance with the General Terms of Approval issued by the following approval bodies:
  - New South Wales Rural Fire Service dated 5 October 2018 (ref. no.: D18/6830)

A copy of the General Terms of Approval is attached to this determination notice.
- In accordance with Clause 4.17 of the *Environmental Planning and Assessment Act 1979*, this consent modifies DA 16-2002-1272-3 by deleting Condition No.2; which states:

*Approval is granted for: 48 camp sites and 15 powered short term van sites, 10 dormitory style tent accommodation, and six "first-time" camping sites.*

**Prior to issue of a Construction Certificate**, the person having the benefit of this consent shall submit to Council a 'Notice of Modification' to give effect to this condition in accordance with Clause 97(1) of the *Environmental Planning and Assessment Regulation 2000*.

#### 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

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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 a Construction Certificate.**

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR REMOVAL OF VEGETATION**

*The following conditions are to be complied with, to the satisfaction of the Certifying Authority, prior to the issue of the Construction Certificate or removal of vegetation (whichever occurs first and as specified within the condition).*

PLANNING AND BUILDING

5. **Prior to issue of a Construction Certificate**, a Compliance Certificate under Section 50 of the *Hunter Water Act 1991*, for this development, shall be submitted to the Principal Certifying Authority.
6. **Prior to the issue of a Construction Certificate**, a geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works an ASS Management Plan is to be prepared by a suitably qualified engineer and submitted to the Certifying Authority for approval. The recommendations and/or mitigation measures contained within the Acid Sulfate Soils (ASS) Management Plan shall be complied with during works.

ENGINEERING

7. **Prior to issue of a Construction Certificate**, detailed civil and stormwater drainage plans are to be submitted to the Certifying Authority for approval. The detailed plans are to be in accordance with the applicable Port Stephens Council Development Control Plan and Infrastructure Specifications as well as the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council), and include the following information:
  - a. An emergency overland flow path for major storm events, catering for a range of rainfall scenarios up to and including the 1% AEP Rainfall Event;
  - b. Conveyance where necessary, of stormwater through the site from upstream catchments, (including roads and adjoining properties);
  - c. Detailed pavement finished surface levels, to ensure stormwater runoff is directed into the stormwater system;
  - d. Interallotment drainage;
  - e. Water quality control devices that comply with the requirements of the applicable Port Stephens Development Control Plan;
  - f. An Operation and Maintenance Plan for the stormwater system, prepared by a suitably qualified and experienced person, detailing a regular maintenance programme for the stormwater management system, a copy of which shall be supplied to the owner; and
  - g. Evidence of Council (or relevant authority) approval for stormwater connection to

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**ITEM 2 - ATTACHMENT 3      AMENDED CONDITIONS OF CONSENT.**

the public system, with the above supporting details endorsed, under Section 68 of the *Local Government Act 1993* or Section 138 of the *Roads Act 1993*.

The above works are to be completed **prior to the issue of a Final Occupation Certificate**.

**ENVIRONMENTAL HEALTH**

8. **Prior to the issue of a Construction Certificate**, details of the short-term glamping sites demonstrating compliance with the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* shall be submitted to Council for approval.
9. **Prior to the issue of a Construction Certificate**, a kitchen fit out plan shall be provided to Council in accordance with the Food Standards Code for approval.

**NATURAL RESOURCES**

10. **Prior to the removal of vegetation or issue of a Construction Certificate (whichever occurs first)**, a site survey by a suitably qualified ecologist must be conducted to identify whether *Diuris arenaria* and/or *D. praecox* are present on the subject site. The surveys must be undertaken during the known flowering periods of both species.  
  
Should *Diuris arenaria* and/or *D. praecox* be identified on the subject site, an assessment must be undertaken by a suitably qualified ecologist which details recommendations to illustrate how the proposal will avoid or minimise impacts on these threatened species and evidence of flowering of reference sites.  
  
A copy of the site survey and assessment (if required) must be submitted to Council within 14 days of completion. **Vegetation removal and/or the issue of a Construction Certificate** shall not occur until Council has provided written correspondence that the site survey and assessment (if required) is satisfactory.
11. **Prior to the removal of vegetation or issue of a Construction Certificate (whichever occurs first)**, a Bushfire and Vegetation Management Plan (BVMP) for the construction and operational phases of the development must be prepared by a suitably qualified ecologist and submitted to Council within 14 days of completion.

The BVMP shall be prepared in accordance with the Biodiversity Development Assessment Report (prepared by Jackson Teece and WSP, dated 1 October 2018 (Revision C) and referenced PS109520-ECO-REP-001), Letter response (prepared by WSP, dated 25 October 2018 and referenced PS109520-ECO-LTR-001 RevA), Port Stephens Council Technical Specification Vegetation – May 2014, Port Stephens Council Technical Specification Noxious Weeds, NSW Rural Fire Service General Terms of Approval and any other relevant Commonwealth or NSW State Government guidelines or requirements. The BVMP must also include:

- a. A tree schedule and map that identifies tree number, scientific name, common name, age class and significance such as hollows present or koala feeds trees or any other specific comments or recommendations;
- b. Details of any permanent protection measures such as barriers or signage and associated operational maintenance requirements;

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- c. A maintenance and monitoring schedule that includes submission of monitoring reports to Council after initial clearing works are completed, then annually for a period of five years post issuing of the occupation certificate and thereafter once every five years for the life of the development;
- d. Any hold points required;
- e. Details of any training or awareness activities such as environmental site inductions and environmental emergency response training relevant to the operation of the development; and
- f. A description of appropriate contingencies to be implemented, if management measures are identified as being ineffective and/or result in environmental harm.

**Vegetation removal and/or the issue of a Construction Certificate** shall not occur until Council has provided written correspondence that the BVMP is satisfactory.

12. **Prior to the removal of vegetation or issue of a Construction Certificate (whichever occurs first)**, a Construction and Environmental Management Plan (CEMP) must be prepared by a suitably experienced consultant in preparation of such plans in accordance with the most recent version of the NSW Department of Planning and Environment's Guidelines for preparation of a CEMP.

**Vegetation removal and/or the issue of a Construction Certificate** shall not occur until Council has provided written correspondence that the CEMP is satisfactory.

13. **Prior to the removal of vegetation issue of a Construction Certificate (whichever occurs first)**, photographic documentation and/or written particulars shall be submitted to Council within 14 days of completion demonstrating that:

- a. The construction boundary has been fenced;
- b. Pre-clearance tree tagging has occurred; and
- c. Tree protection fencing and vegetation exclusion fencing has been installed in accordance with the conditions of this consent.

**Vegetation removal and/or the issue of a Construction Certificate** shall not occur until Council has provided written correspondence that the abovementioned works have been completed to Council's satisfaction.

- 13.1. **Prior to the removal of vegetation or works relating to the glamping sites**, detail on the glamping sites locations shall be determined in consultation with Councils Vegetation Management Officer to maximise tree retention on the site. Note: refer to amendment in red on the approved plan titled Proposed Site Works – Glamping, Drawing number 004, prepared by BKA Architecture, dated 27/08/2019.

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS**

*The following conditions are to be complied with prior to the commencement of works involving vegetation removal, excavation, demolition or construction on the subject site(s).*

**PLANNING AND BUILDING**

14. **At least two days prior to the commencement of works**, the applicant shall submit to Council a "Notice of Commencement and Appointment of Principal Certifying Authority" form.

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**ITEM 2 - ATTACHMENT 3      AMENDED CONDITIONS OF CONSENT.**

15. **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.
16. **Prior to the commencement of work**, a 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people. No materials, waste or the like are to be stored on the all-weather access at any time except with the agreement of the Principle Certifying Authority.
17. **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.
18. **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.

**NATURAL RESOURCES**

19. **Prior to the commencement of any works**, all trees and vegetation identified for retention on the approved plan (prepared by Jackson Teece, reference: 2017140, Rev: A, and dated 12/07/2018) must have protection fencing installed in accordance with AS4970-2009.

The tree and vegetation protection fencing shall:

- a. Be a minimum height of 1.2 metres;
  - b. Incorporate steel star pickets at a maximum distance of 2 metres between pickets;
  - c. Include a minimum of 3 strands of steel wire;
  - d. Include orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter;
  - e. Tree protection fencing shall be installed beneath the tree canopy under the supervision of a suitably qualified arborist, bushland regenerator or ecologist with experience in tree protection measures; and
  - f. Vegetation protection fencing must be installed under the supervision of a suitably qualified flora ecologist.
20. **Prior to the commencement of works involving vegetation removal**, a preclearance fauna survey must be conducted by a suitably qualified ecologist. A copy of the preclearance fauna survey shall be submitted to Council within 14 days of completion. Works involving vegetation removal shall not occur until Council has provided written correspondence that the preclearance fauna survey has been completed to Council's

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**ITEM 2 - ATTACHMENT 3      AMENDED CONDITIONS OF CONSENT.**

satisfaction.

**CONDITIONS TO BE SATISFIED DURING WORKS**

*The following conditions are to be complied with during works.*

**PLANNING AND BUILDING**

21. 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.
22. 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.
23. All building work shall be carried out in accordance with the requirements of the Building Code of Australia.
24. 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.
25. 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
  - 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.

26. 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.
27. Suitable and adequate measures are to be applied to restrict public access to the site and building works, materials and equipment.
28. 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.

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29. 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.

**INFRASTRUCTURE**

30. Works undertaken to Ausgrid assets are to be undertaken with care and in accordance with all relevant statutory requirements including, but not limited to; Worksafe Document – Work Near Overhead Powerlines and Ausgrid Network Standard Document NS 220 – Overhead Design Manual.
31. Any new private electrical work, or alterations, should be done in accordance with the Service and Installation Rules of NSW and Standards Australia – AS/NZS 3000 Wiring Rules.

**NATURAL RESOURCES**

32. **During works**, the requirements of the Bushfire and Vegetation Management Plan (BVMP) prepared in satisfaction of Condition No. 11 shall be implemented.
33. **During works**, to ensure the protection of trees identified for retention occurs, the following must be undertaken:
- a. Tree protection fencing must be maintained and only be removed once the site has been stabilised;
  - b. Any damage to vegetation within the tree and vegetation protection areas or outside the construction footprint must have remedial action carried out by a suitably qualified ecologist;
  - c. Storage or disposal of materials must not occur within the fenced tree protection areas;
  - d. Soil or fill material must not be placed within the dripline of a tree; causing changes in surface level by more than 50mm from the existing level and must not to be compacted. Such soil fill must not be finer than that being covered in situ, e.g. clay must not be placed over loam soil; and
  - e. Salvaging useable trees and shrubs which are felled shall occur for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an appropriately licensed facility to accept such waste.
34. **During works involving vegetation removal**, a suitably qualified ecological must:
- a. Supervise the removal of all trees and vegetation and advise the site manager and tree clearing staff of any habitat potential and precautions necessary;
  - b. Ensure the felling of trees occurs away from any adjoining habitats;
  - c. Set traps for several nights to allow fauna to relocate from any trees or hollows proposed for removal. Non-threatened native fauna found or trapped in hollows, nests or non-hollow bearing trees must be relocated by a licensed wildlife carer or consultant;

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**ITEM 2 - ATTACHMENT 3      AMENDED CONDITIONS OF CONSENT.**

- d. Provide a minimum 48 hour window for any threatened fauna species to vacate. If the fauna does not vacate in this time, a plan of management (POM) for the relocation of the species must be submitted to Council for review. Works cannot continue on site until Council has provided written correspondence that the POM is satisfactory; and
  - e. Treat any injured wildlife, including veterinary treatment or transfer of the animal to a local volunteer wildlife carer group.
35. **During works involving vegetation removal**, any hollows or nests that can be salvaged from the clearing process must be mounted on existing trees on the subject site. Salvaged hollows shall be used in preference to the use of nest boxes. If hollows cannot be salvaged, suitably sized nest boxes at a ratio of two nest boxes for one hollow removed, specific to the fauna species identified onsite, shall be installed firmly to existing trees on the subject site by a suitably qualified ecologist. The nest boxes shall be positioned at a suitable height off the ground as per the individual species habitat preferences and as directed by the ecologist on site.

**CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

*The following conditions are to be complied with, to the satisfaction of the Principal Certifying Authority, prior to the issue of either an Interim or Final Occupation Certificate (as specified within the condition).*

PLANNING AND BUILDING

36. **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent. No occupational use is permitted until the Principal Certifying Authority issues an Occupation Certificate.  
**Note:** The Principal Certifying Authority must submit a copy of the Occupation Certificate to Council, with all associated documentation, within two days of it being issued.
37. **Prior to the issue of an Occupation Certificate**, car parking for the development shall be provided in accordance with the approved plans, with a minimum allocation for the development of 57 car parking spaces, two bus parking spaces and at least one accessible car parking space. Car parking spaces are to be appropriately delineated and designed in accordance with AS2890.1:2004 (Off-street car parking).
38. **Prior to the issue of each Occupation Certificate**, a fire safety schedule and a fire safety certificate issued under Divisions 2 and 4, Part 9 of the *Environmental Planning and Assessment Regulations 2000* (the Regs) must be submitted to the Principal Certifying Authority, Council and the Commissioner of New South Wales Fire Brigades. A copy of the schedule and certificate must also be prominently displayed in the building. Subsequent annual fire safety statements issued under Division 5, Part 9 of the Regs are to be provided to the authorities listed in this condition and displayed within the building each year.

NATURAL RESOURCES

39. **Prior to the issue of any Occupation Certificate**, seventy-four (74) *Eucalyptus tereticornis* (Forest Red Gum) trees shall be planted at 10 Hannah Parade One Mile

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**ITEM 2 - ATTACHMENT 3      AMENDED CONDITIONS OF CONSENT.**

(Lot 7310 DP1129641) to replace the trees to be removed from the site. The replacement plantings are to be planted in accordance with Council's Tree Technical Specification and are to be tube stock. Documentary evidence is to be provided to Council demonstrating compliance with this condition and an Occupation Certificate cannot be released until Council has provided written correspondence that the replacement plantings are satisfactory.

The replacement plantings are to be maintained to maturity through use of mulch and watering. Maintenance activities can cease once the replacement plantings achieve natural height.

40. **Prior to the issue of an Occupation Certificate**, permanent regulatory signage is to be installed limiting vehicle speeds through the development to a maximum speed of 40 kilometers per hour. Koala crossing signage must also be installed throughout the development and shall include visible native fauna rescue numbers (such as Port Stephens Koalas 0418 628 483.). The required signage shall be maintained in good repair for the life of the development.

**PRIOR TO COMMENCEMENT OF USE**

*The following conditions are to be satisfied prior to commencement of the use of the approved short-term glamping sites.*

41. **Prior to commencement of the use of the short-term glamping sites**, the applicant shall obtain a separate Approval to Operate a Caravan Park/Camping Ground under Section 68 of the *Local Government Act 1993*.
42. **Prior to commencement of the use of the short-term glamping sites**, a copy of the community map indicative to the layout of the site as approved under this consent shall be provided to Council. Any amendments to the map shall be forwarded to Council as soon as practicable after Council has endorsed in writing any such amendments.

**CONDITIONS TO BE SATISFIED AT ALL TIMES**

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

PLANNING AND BUILDING

43. **At all times**, a copy of the Fire Safety Schedule and Fire Safety Certificate shall be prominently displayed in the building and a copy forwarded to the Commissioner of New South Wales Fire Brigades in accordance with Division 4 and Division 5 of Part 9 of the Environmental Planning and Assessment Regulation 2000.

ENGINEERING

44. **At all times**, all collected stormwater including overflows from any rainwater tanks shall be dispersed at ground level, so as not to be concentrated or create nuisance flows onto any buildings, or neighbouring properties. The discharge location shall be at least 3m down slope of the building and 6m minimum clearance from receiving down slope property boundaries.

NATURAL RESOURCES

45. **For the life of the development**, maintenance and monitoring reports in accordance

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**ITEM 2 - ATTACHMENT 3      AMENDED CONDITIONS OF CONSENT.**

with the Bushfire and Vegetation Management Plan (BVMP) shall be submitted to Council for review as specified in Condition No. 11 of this consent. The applicant shall undertake any action recommended by Council arising from the review of the maintenance and monitoring reports.

46. **For the life of the development**, the koala crossing signage installed on the roads internal to the subject site as specified in Condition No. 40 shall be maintained.
47. **At all times**, dogs or cats are prohibited on the development site.

**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](http://www.dialbeforeyoudig.com.au)
- C. The works associated with the connection of electricity may be 'contestable' and would be developer funded. Information regarding Contestability and connection to the Ausgrid network can be found in the Ausgrid Electricity Supply Standards.
- D. **Prior to works commencing**, all contractors, sub-contractors, and personnel shall be notified of vegetation protection requirements detailed in this consent. Site inductions for all personnel and visitors in accordance with the vegetation management plan approved by Council shall be provided by a suitably qualified ecologist during construction.

**SCHEDULE 2 - REASONS FOR DETERMINATION AND REASONS FOR CONDITIONS****REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

*The determination decision was reached for the following reasons:*

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Port Stephens Local Environmental Plan 2013 (PSLEP), State Environmental Planning Policy (Coastal Management) 2018, State Environmental Planning Policy No. 44 – Koala Habitat Protection and State Environmental Planning Policy No 55 - Remediation of Land.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Port Stephens Council Development Control Plan 2014 (PSDCP).
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the PSLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.

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**ITEM 2 - ATTACHMENT 3      AMENDED CONDITIONS OF CONSENT.**

- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- Council has given due consideration to community views when making the decision to determine the application.

**REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

1. Confirm and clarify the terms of Council's Approval;
2. Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
3. Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
4. Set standards and performance measures for acceptable environmental performance; and
5. Provide for the ongoing management of the development.

**SCHEDULE 3 – RIGHT OF APPEAL AND REVIEW****RIGHT OF APPEAL**

If you are dissatisfied with this decision (including a determination on a review under Section 8.2), Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after:

- a) the date on which you receive this notice, or
- b) the date on which that application is taken to have been determined under Section 8.11.

Section 8.8 of the Environmental Planning and Assessment Act 1979, does not give a right of appeal to an objector who is dissatisfied with the determination of the Council to grant consent to a development application, unless the application is for designated development (including designated development that is integrated development). The objector may, within 28 days after the date on which the notice of the determination was given in accordance with the regulations, and in accordance with rules of the Court, appeal to the Court.

**RIGHT OF REVIEW**

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six months after the date as specified in this notice of determination, together with payment of the appropriate fee. **(See exclusions note below).**

**Exclusions:** A request to review the determination of a development application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979 can only be undertaken where the consent authority is Council, other than:

- a) A determination to issue or refuse to issue a complying development certificate, or
- b) A determination in respect of designated development, or
- c) A determination made by the Council under Division 4 in respect of an application by the Crown.

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**ITEM NO. 3**

**FILE NO: 19/220665  
EDRMS NO: PSC2006-0072**

**HERITAGE PROJECTS FUND 2019 - 2020 (SECOND ROUND)**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the allocation of funding for the Heritage Projects Fund 2019-2020 (Round 2) annual grant in accordance with the amounts and purposes prescribed below:
    - a. \$2000 to St Brigid's Catholic Church for the repair of leaks around windows in a heritage listed building.
    - b. \$995 to the Raymond Terrace Historical Society for the production of a heritage walk brochure and map for Raymond Terrace Heritage Conservation Area.
- 

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>163</b>	<p><b>Councillor Chris Doohan Councillor Ken Jordan</b></p> <p>It was resolved that Council endorse the allocation of funding for the Heritage Projects Fund 2019-2020 (Round 2) annual grant in accordance with the amounts and purposes prescribed below:</p> <ol style="list-style-type: none"><li>a. \$2000 to St Brigid's Catholic Church for the repair of leaks around windows in a heritage listed building.</li><li>b. \$995 to the Raymond Terrace Historical Society for the production of a heritage walk brochure and map for Raymond Terrace Heritage Conservation Area.</li></ol>
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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**).

The report seeks Council endorsement for the allocation of a second round of grant funding because there were funds remaining after the initial allocation of grants in July 2019.

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 Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (formerly the Office of Environment and Heritage).

The current funding for the year 2019 consisted of a total pool of \$11,000. Council's contribution (\$5500) being matched dollar for dollar (\$5500) by the BCD.

The first round of grant funding (Round 1) received 4 applications which were all recommended for funding as resolved by Council on 9 July 2019.

The amount of funds awarded in Round 1 totalled \$6072, leaving \$4928 of grant funding remaining. If grant funding is not allocated within the 2019-2020 financial year, the funds are returned to Council and the BCD.

Therefore, a second round of grant funding (Round 2) was advertised from 20 June 2019 to 18 July 2019, with 3 applications received. The applications were reviewed, and 2 applications are recommended for funding as outlined in **(ATTACHMENT 1)**.

One (1) application was assessed as inconsistent with the Heritage Projects Fund Guidelines and is not recommended for funding as outlined in **(ATTACHMENT 1)**.

## **COMMUNITY STRATEGIC PLAN**

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

There is \$11,000 available annually from the Heritage Projects Fund. Round 1 awarded in July 2019 totalled \$6072.

Round 2 will total \$2995 if all of the recommended grant funding is awarded.

Of the remaining funds (\$1933) allocated for this purpose, 50% (\$966.50) will be returned to Council, and 50% will remain with the BCD.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes	2464	Sourced from the 2018 – 2019 financial year allocation for Heritage Projects Fund. \$1933 funds remaining if all of the recommended grant funding is awarded.



## MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Source of Funds	Yes/No	Funding (\$)	Comment
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	Yes	2464	NSW Heritage Office has approved the grant to Port Stephens Council to Contribute to the Heritage Project 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 align 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.

Council's Heritage Advisory Committee recommended that an application by the Soldiers Point Lions Club for Aboriginal themed street art on bus shelters is ineligible for funding as outlined in **(ATTACHMENT 1)**. The Soldiers Point Lions Club was allocated \$3000 in grant funding for this project through Council's Cultural Projects Fund earlier in 2019.

All projects recommended for funding satisfy the Guidelines **(ATTACHMENT 1)**.

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

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

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications.

The Heritage Projects Fund aims to improve heritage preservation and promotion in the Port Stephens local government area (LGA). 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 provide seed funding, applicants are required to fund the balance of the project costs. The estimated total cost of all the projects proposed to be funded in Round 2 is \$7295. 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 advertisements in the Port Stephens Examiner, Council's website and social media, and consultation with potential applicants.

#### Internal

The following internal consultation has taken place:

- Review and assessment of each application by Council's Heritage Advisor.
- Review and assessment of each application by the Heritage Advisory Committee.

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

### External

The following external consultation has taken place:

- Email notifications to a range of community organisations about the availability of the Heritage Grants.
- Information about Heritage Grants was provided to members of the Heritage Advisory Committee with a request to distribute amongst potential applicants.
- Advertisements in the Port Stephens Examiner, Council's website and social media.
- One-on-one consultation with potential applicants by Council's Heritage Advisor.

Communication will continue throughout the project period to assist successful applicants.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Heritage Committee - Grant Recommendations (Round 2) 2019-2020. [↓](#)

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

**ITEM 3 - ATTACHMENT 1 HERITAGE COMMITTEE - GRANT  
RECOMMENDATIONS (ROUND 2) 2019-2020.**
Heritage Advisory Committee
Heritage Projects Fund 2019-2020 (Round 2) - Recommendations

Applicant & Project Proposal	Amount Requested	Committee Recommendation	Comments
<p>Soldiers Point Lions Club</p> <p><b>Project:</b> Street art on bus shelters with Aboriginal themed art undertaken by local artist.</p>	\$2,000	Nil	<p><b>Not recommended for approval.</b></p> <p>The project is considered to be outside the purpose and scope of the funding criteria:</p> <ul style="list-style-type: none"> <li>The Heritage Fund encourages conservation works to commercial, residential and other places of heritage value within the Port Stephens Local Government Area.</li> <li>The Fund aims to create greater interest and concern for conservation of local heritage items.</li> <li>The application is not in line with eligible projects listed in the Guidelines.</li> </ul> <p>In addition:</p> <ul style="list-style-type: none"> <li>The applicant already received funding (\$3,000) from Council's Cultural Grants fund.</li> </ul>
<p>St Brigid's Catholic Church</p> <p><b>Heritage Item</b></p> <p><b>Project:</b> Conservation works on a heritage listed item; repair of leaks around windows.</p>	\$2,000	\$2,000	<p><b>Recommended for approval</b>, subject to updated quotes being submitted and approved by Council officers:</p> <ul style="list-style-type: none"> <li>New quotes are to be obtained by the applicant from an accredited heritage specialist and submitted with Council officers for approval.</li> </ul>
<p>Raymond Terrace Historical Society</p> <p><b>Heritage Conservation Area</b></p> <p><b>Project:</b> Preparation of a heritage walk brochure for King Street and the Raymond Terrace Heritage Conservation Area.</p>	\$995	\$995	<p><b>Recommended for approval</b>, subject to updated Scope of Works being submitted and approved by Council officers:</p> <ul style="list-style-type: none"> <li>The inclusion of a detailed map with points of interest and the option to print in colour or B&amp;W.</li> <li>Provide more information about the future distribution of the brochure.</li> <li>Logos of Council, NSW Heritage Office and Raymond Terrace Historical Society to be included.</li> <li>A condition of the future grant agreement is that a draft of the brochure needs to be approved by Council officers prior to printing.</li> </ul>
<b>Total</b>		<b>\$2,995</b>	

**ITEM NO. 4**

**FILE NO: 19/229869  
EDRMS NO: PSC2019-03**

**ELECTRIC VEHICLE CHARGING POINTS FOR NEW DEVELOPMENTS**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Note the report on the review of proposed requirements for Electric Vehicle (EV) Charging Points **(ATTACHMENT 2)**.
  - 2) Note the proposed changes to the national building regulations and NSW planning system to support requirements for EV Charging Points.
  - 3) Amend the Port Stephens Development Control Plan 2014 to enable new commercial and other business uses required to provide parking in town centres to seek a reduction in parking requirements if they provide EV equipped car share spaces.
- 

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>164</b>	<p><b>Councillor John Nell</b> <b>Councillor Jaimie Abbott</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Note the report on the review of proposed requirements for Electric Vehicle (EV) Charging Points <b>(ATTACHMENT 2)</b>.</li><li>2) Note the proposed changes to the national building regulations and NSW planning system to support requirements for EV Charging Points.</li><li>3) Amend the Port Stephens Development Control Plan 2014 to enable new commercial and other business uses required to provide parking in town centres to seek a reduction in parking requirements if they provide EV equipped car share spaces.</li></ol>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

## **BACKGROUND**

On 9 July 2019, Council resolved to request the General Manager to prepare a report on the inclusion of Electric Vehicle (EV) Charging Points for all new developments in Port Stephens (Minute No.154) **(ATTACHMENT 1)**.

A report has been prepared to provide a high level review of requirements for EV Charging Points, including the options and alternatives available (the Report) **(ATTACHMENT 2)**.

The Report notes proposed changes to the national building regulations and NSW planning system which will support councils including requirements for EV Charging Points. The Report also notes proposed State requirements that would apply to new residential flat buildings. These initiatives are planned to occur in the short to medium term.

Given these related initiatives, the Report recommends facilitating EV Charging Points in town centres by providing parking concessions for commercial and other business uses if EV equipped car share spaces are provided.

This recommendation is consistent with the Greater Newcastle Metropolitan Plan and the recommendations of the Nelson Bay Independent Citizens Parking Panel.

It is noted that the Local Strategic Planning Statement (the Statement) currently being prepared will include a range of actions related to adaptive and alternative transport that can reduce pollution, congestion and transport costs. These actions will be implemented through Council's planning documents when the Statement has been adopted and the State and national policy and regulatory framework has been updated.

## **COMMUNITY STRATEGIC PLAN**

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

## **FINANCIAL/RESOURCE IMPLICATIONS**

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

**MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019**

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are no known significant legal, policy or risk implications resulting from the proposal. Legal and policy considerations have been addressed in detail at **(ATTACHMENT 2)**.

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

Division 3.6 of the EP&A Act sets out the matters that a Development Control Plan can contain. The proposed amendments are consistent with the EP&A Act.

Environmental Planning & Assessment Regulations (EP&A Regulations)

Division 2 of Part 3 of the EP&A Regulations specifies the requirements for public participation of a draft Development Control Plan. The recommendation is in accordance with the provisions of the EP&A Regulations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the amendment will be inconsistent with, or will duplicate, future State planning requirements and national building requirements related to EV Charging Points.	Low	Prepare the amendment to encourage new development to make provision for EV Charging Points rather than setting out requirements for EV Charging Points.	
There is a risk that the amendment will be subject to legal challenge.	Low	Publicly exhibit the amendment in accordance with the requirements in the EP&A Act.	

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The proposed Development Control Plan amendment will have overall positive social, environmental, and economic implications given it will support transport options that reduce pollution, congestion and costs.

## **CONSULTATION**

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

### Internal

Internal consultation with the Development Assessment and Compliance Section was undertaken with no objections to the recommendation.

### External

Community consultation, including consultation with relevant State agencies will be undertaken during the public exhibition process. Consultation during public exhibition will include the Implementation Panels for Raymond Terrace, Medowie and Nelson Bay as well as the Nelson Bay Independent Citizens Parking Panel.

In accordance with the planning legislation, the draft Development Control Plan amendment will go on public exhibition for 28 days.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Minutes No. 154 - 9 July 2019. [↓](#)
- 2) Report on Electric Vehicle Charging Points. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.



**MINUTES ORDINARY COUNCIL - 9 JULY 2019****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**

<b>154</b>	<b>Councillor John Nell Councillor Sarah Smith</b>  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.
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**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.

**MINUTES ORDINARY COUNCIL - 9 JULY 2019**

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.

**ITEM 4 - ATTACHMENT 2      REPORT ON ELECTRIC VEHICLE CHARGING POINTS.**

Author: Elizabeth Lamb, Strategic Planning Co-ordinator  
Date: 24 September 2019  
File No: PSC2019-03  
Subject: Review of Proposed Requirements for Electric Vehicle Charging Points

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**Background:**

On 9 July 2019 Council resolved to request the General Manager to prepare a report on the inclusion of Electric Vehicle (EV) Charging Points for all new developments in Port Stephens (Minute No.154).

Generally, controls to require new developments to install electric charging stations would be implemented via an amendment to the Port Stephens Development Control Plan 2014 (DCP 2014).

This Report considers the options and alternatives available, including the types of development that these controls could apply to.

**Issues:**State and national policy and regulatory framework

National building regulations have not yet been updated to provide standards for EV Charging Points. The Australian standard applicable to electrical installations (AS/NZ3000) was recently updated to include standard requirements for EV charging stations. The Building Code of Australia has not been updated to adopt the new standard because changes to the Code only occur every 3 years.

The [NSW Electric and Hybrid Vehicle Plan](#) (EHVP), sets out actions the State Government will take to support local councils in planning for the transformation of transport through technology. Under the EHVP, the State Government has committed to:

- Co-invest in EV Charging Points on major regional corridors in partnership with councils.
- Co-invest in charging points in commuter car parks.
- Adopt preferred charging standards to guide council requirements.
- Develop guidelines for the installation of charging points in roadside service centres.
- Publish guides to support EV charging through strategic land use planning by councils to prepare for EV charging.
- Further streamline approval processes for installing EV charging.
- Develop and standardise roadside wayfinding signage – to help guide motorists to charging locations.
- Model the future uptake of EVs in NSW and the likely impacts on the energy system.

1

**ITEM 4 - ATTACHMENT 2      REPORT ON ELECTRIC VEHICLE CHARGING POINTS.**

- Insert requirements for EV Charging Points for new residential flat buildings (Through State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the NSW Apartment Design Guide).

Action 14.2 in the Greater Newcastle Metropolitan Plan (GNMP) 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.

Local policy and regulatory framework

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

The Smart City Blueprint currently being prepared will also include actions to satisfy the GNMP related to clean transport technology and smart infrastructure.

The report of the Nelson Bay Independent Citizens Parking Panel included recommended actions relating to smart parking options and promoting alternative modes of transport in and around town centres.

Note: an amendment to the DCP 2014 is not required to install EV Charging Points in public car parks owned by Council.

**Implications:**

Until the State Government and the National Building Code of Australia recognise adopted standards for EV charging stations, it may be difficult to prepare and enforce development controls that require EV charging stations.

There are however examples of requirements for precinct plans in growth areas that facilitate EV charging stations in new local centres and in the design of future public spaces. The draft Wilton Growth Area Development Control Plan 2019 includes objectives for neighbourhoods to be designed to be adaptive to change in the form of electric, shared and autonomous vehicles, and to facilitate the take up of safe alternate mobility options that reduce pollution, congestion and transport costs.

Through the EHVP, the State Government has committed to providing requirements for EV charging stations will shortly apply to all new residential flat buildings through State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the NSW Apartment Design Guide.

Other types of residential accommodation (dwelling houses, attached dwellings, multi-dwelling houses) can facilitate EV charging through domestic plugs.

The remaining categories of development subject to DCP controls that have requirements to provide parking facilities include commercial premises (including business, office and retail uses) and other uses permissible in business zones such as medical centres, tourist and visitor accommodation, indoor recreation facilities, registered clubs, etc.

**ITEM 4 - ATTACHMENT 2      REPORT ON ELECTRIC VEHICLE CHARGING POINTS.**

A recent research paper on the emerging NSW planning framework for EVs and EV Charging Points recommends local councils promote EV equipped car share spaces as concessions for reduced parking requirements (Drake et al., 2019).

This approach would be consistent with directions in the GNMP and the recommendations of the Nelson Bay Independent Citizens Parking Panel. It would also avoid potential conflicts with the anticipated introduction of State and national adopted standards and proposed State-led changes to the planning system.

Currently there is only 1 car sharing service active in Port Stephens (Drivemycar, a peer-to-peer sharing service), however visitors and tourists may be using car sharing services based in metropolitan areas (e.g. Goget or Carnextdoor). A facilitative provision in the DCP may encourage developers to approach car sharing providers to enter into partnerships and increase their presence in Port Stephens.

A facilitative provision that provided parking concessions for commercial and other uses in town centres would also have the potential to reduce congestion in the long term as electric vehicles and car sharing trends increase.

**References**

Drake, P., Hornsey, R., Mannix, L. and Piatkov, V. (2019). *Electric Avenue: Preparing the NSW planning system for electric vehicles*. [online] City Futures Research Centre, UNSW Built Environment, UNSW Sydney. Available at: [https://cityfutures.be.unsw.edu.au/documents/538/Electric\\_Avenue\\_Final\\_March\\_2019.pdf](https://cityfutures.be.unsw.edu.au/documents/538/Electric_Avenue_Final_March_2019.pdf) [Accessed 19 Aug. 2019].

ClimateWorks Australia (2018). *State of Electric Vehicles in Australia. Second Report: Driving Momentum in Electric Mobility*. [online] Melbourne: ClimateWorks Australia. Available at: [https://www.climateworksaustralia.org/sites/default/files/documents/publications/climate\\_works\\_australia\\_state\\_of\\_electric\\_vehicles2\\_june\\_2018.pdf](https://www.climateworksaustralia.org/sites/default/files/documents/publications/climate_works_australia_state_of_electric_vehicles2_june_2018.pdf) [Accessed 19 Aug. 2019].

**Recommendations:**

- 1) Note the proposed changes to the national building regulations and NSW planning system to support requirements for EV Charging Points.
- 2) Amend the Port Stephens Development Control Plan 2014 to enable new commercial and other business uses required to provide parking in town centres to seek a reduction in parking requirements if they provide EV equipped car share spaces.

**Elizabeth Lamb**  
**Strategic Planning Co-ordinator**

**ITEM 4 - ATTACHMENT 2      REPORT ON ELECTRIC VEHICLE CHARGING POINTS.**

**Communication method**

- ☐ Post on myPort
  - ☐ Post on PSC website
  - ☐ Memo to section managers
  - ☐ Presentation to SLT
  - ☐ Snapshot article
  - ☐ All staff memo from General Manager
  - ☐ 2 way conversation with Councillors
  - ☐ Councillors weekly PS newsletter
  - X Report to Council
  - ☐ Media release
  - ☐ Other
-

**ITEM NO. 5**

**FILE NO: 19/231893  
EDRMS NO: PSC2016-01962**

**PCYC LEASE - 42 WILLIAM STREET, RAYMOND TERRACE**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Rescind Minute No. 239 of 23 August 2016 **(ATTACHMENT 1)**.
  - 2) Enter into a Lease with the Police Citizens Youth Club on Council owned land situated at 42 William Street, Raymond Terrace, for a period of 10 years with a 5 year option to renew.
  - 3) Authorise the Mayor and General Manager to sign and affix the Seal to all necessary documentation.
- 

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>165</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor Sarah Smith</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Rescind Minute No. 239 of 23 August 2016 <b>(ATTACHMENT 1)</b>.</li><li>2) Enter into a Lease with the Police Citizens Youth Club on Council owned land situated at 42 William Street, Raymond Terrace, for a period of 10 years with a 5 year option to renew.</li><li>3) Authorise the Mayor and General Manager to sign and affix the Seal to all necessary documentation.</li></ol>
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**BACKGROUND**

The purpose of this report is to secure approval to enter into a new 10 year Lease with the Police Citizens Youth Club (PCYC) on Council owned operational land at 42 William Street, Raymond Terrace (known as part Lot 104 DP 583648 and part Lot A DP 335934).

Lease documentation had been signed by PCYC but on reviewing the documentation prior to Council's execution it became evident that the premises was incorrectly described on the Lease and in the Council report dated 23 August 2016. This report is rectifying the description of the premises.

## COMMUNITY STRATEGIC PLAN

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

## FINANCIAL/RESOURCE IMPLICATIONS

Nil.

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

The lease documentation was prepared by Local Government Legal and the description of the premises has been amended in the documentation.

There are no legal impediments for adopting the recommendations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the community may not have a gym provider in Raymond Terrace if the lease is not formalised.	Low	Accept the recommendations.	Yes
There is a risk that we will not have a legally binding agreement governing PCYC's occupation if we are unable to sign and register the lease.	Low	Accept the recommendations.	Yes



## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adopting the recommendation ensures a secure tenant for the facility and enables the tenant to manage and maintain the facility for community use. The highly valued community gym and health programs will be maintained and even increased under the management of the PCYC.

## **CONSULTATION**

Nil.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Minute No. 239 - 23 August 2016. [↓](#)

## **TABLED DOCUMENTS**

Nil.

## **COUNCILLORS ROOM**

Nil.

**MINUTES ORDINARY COUNCIL - 23 AUGUST 2016****ITEM NO. 2****FILE NO: 16/376382  
RM8 REF NO: PSC2016-01962****EXPRESSION OF INTEREST (EOI) 42 WILLIAM STREET, RAYMOND TERRACE -  
EVALUATION AND RECOMMENDATION REPORT****REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Enter into Lease for 42 William Street, Raymond Terrace with the Police Citizens Youth Club (PCYC) as per the details in the report.
- 2) Authorise the Mayor and General Manager to sign and affix the seal of Council to the Lease documentation and any other associated legal documentation for Council owned property situated at 42 William Street, Raymond Terrace (Lot 1 DP 1003417) for a lease period of 10 years plus a five year option to the Police Citizens Youth Club (PCYC).

**ORDINARY COUNCIL MEETING - 23 AUGUST 2016  
MOTION**

<b>239</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Enter into Lease for 42 William Street, Raymond Terrace with the Police Citizens Youth Club (PCYC) as per the details in the report.</li><li>2) Authorise the Mayor and General Manager to sign and affix the seal of Council to the Lease documentation and any other associated legal documentation for Council owned property situated at 42 William Street, Raymond Terrace (Lot 1 DP 1003417) for a lease period of 10 years plus a five year option to the Police Citizens Youth Club (PCYC).</li></ol>
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**BACKGROUND**

The purpose of this report is to inform Council of the process to secure a new gym operator following the Young Men's Christian Association (YMCA) ceasing operations in Raymond Terrace. On 23 June 2016, the YMCA provided notice to terminate the lease over Shops 15 and 16 - 42 William Street, Raymond Terrace, with the

**MINUTES ORDINARY COUNCIL - 23 AUGUST 2016**

proposed termination to take effect as at close of business on Friday 22 July 2016. It was evident the four week timeframe provided by YMCA NSW for Port Stephens Council to source an alternate service provider was not feasible.

As a result, Council successfully negotiated with YMCA's management to extend operations at the YMCA Raymond Terrace facility until Friday 2 September 2016. This allowed an opportunity to run an Expression of Interest (EOI) process to secure a new provider.

The EOI process was presented openly to the market with a closing date of 22 July 2016 for submissions. At closing, EOI's from the following four proponents had been received:

- Ellie Christina Fitness Centre (ECFC).
- Police Citizens Youth Club (PCYC).
- Belgravia Health & Leisure Group Pty Ltd.
- Fernwood Women's Health Clubs (Australia) Pty Ltd.

The evaluation of the EOI submissions was undertaken on Monday 25 July 2016 by a panel drawn from Property and Financial Services. The Evaluation Panel consisted of Glenn Bunny, Property Services Section Manager, Peter Moeller, Investment and Asset Manager, Rex Morrison, Finance Officer - Procurement & Contract Management Specialist.

Scoring for each criterion was based on the information presented in the proposal. The Panel objectively rated each criterion by identifying the strengths and weaknesses of each submission based on the requirements.

The Evaluation Panel considered the following selection criteria during the evaluation phase:

- Community programs and engagement methodology.
- Social impact to the community.
- Capability to operate like for like services to existing business model, including staff and resources.
- Transition Strategy - capability to provide continuity of service to existing members and the community.
- Financial capacity or demonstrated experience to maintain Council asset
- Insurances.
- Company searches.

As a result of the assessment process, the Police Citizens Youth Club (PCYC) was identified as the preferred proponent.

In order to achieve a transition whereby there is no interruption to the service provision, it is recommended that the building is licensed to the PCYC as an interim

**MINUTES ORDINARY COUNCIL - 23 AUGUST 2016**

measure until a lease can be prepared and executed. At this time the licence will be expired.

The YMCA will cease operating on 2 September 2016 and under the licence the PCYC will commence operating from 3 September 2016. Transition discussions are currently underway at the time of writing this report and include transfer of equipment leases and the like.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Recreation and Leisure.	Maintain and develop recreational facilities for residents and visitors.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council has made significant contributions to the YMCA over the term of the lease in the amount of \$376,371 in capital works costs and \$56,819 in maintenance costs. The total expenses incurred by Council over the 2010-2016 lease term to date are \$433,190. The rental return to Council over the same period is \$275,000, resulting in a \$158,190 net loss to Council.

The new lease with the PCYC complies with the Community Leasing Policy and Council will be in a substantially more favourable financial position not contributing to capital costs.

The proposed terms of the lease are 10 years with a five year option.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The lease will specify under the terms and conditions that the business will continue to operate as a gymnasium.

There are no legal impediments for adopting the recommendations.

**MINUTES ORDINARY COUNCIL - 23 AUGUST 2016**

The lease documentation will be prepared by one of Council's preferred legal providers. Council's Community Leasing and Tenancy Policy has been applied to the process.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the community may not have a community gym provider in Raymond Terrace following the departure of the YMCA.	Medium	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Adopting the recommendation ensures a secure tenant for the facility and enables the tenant to manage and maintain the facility for community use at a reasonable rent. Highly valued community gym and health programs will be maintained and even increased under the management of the PCYC.

Council's financial assistance to the facility is reduced overall. The benefit to the communities of NSW from having the presence and programs of the PCYC is estimated to be over \$20 million savings per year in crime prevention and juvenile detention expenses. Raymond Terrace will now be included in communities that experience this significant benefit.

**MERGER PROPOSAL IMPLICATIONS**

There are no merger implications as a result of this proposal.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by Council officers in order to achieve zero interruption to the operation of the gym, transition the YMCA out and secure a preferred operator for the future, and ensure the needs of Council and the community are best managed.

Internal

Property Services staff engaged with the Community Services Section Manager to ensure the best application of the Community Leasing and Tenancy Policy. The Executive Leadership Team was also consulted with to ensure that staff were affecting the best outcome in the interest of the Council.

**MINUTES ORDINARY COUNCIL - 23 AUGUST 2016**External

All proponents were consulted with during and after the EOI process, particularly with the PCYC as the preferred proponent. This will continue as a final lease is created and executed.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 6****FILE NO: 19/234021  
EDRMS NO: PSC2018-01223****SALE OF LAND FOR UNPAID RATES**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Authorise the signing of and affixing of the Council Seal to sale contracts relating to the sale of land for unpaid rates for the following 4 properties:
  - a) Lot 137 DP 753192, 39 Lavis Lane Williamtown.
  - b) Lot 211 DP 1113487, 3884 Nelson Bay Road Bobs Farm.
  - c) Lot 145 DP 1138207, 6 Stockton Bight Track Fullerton Cove.
  - d) Lot 170 DP 1146444, 725A Hinton Road Osterley.

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**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>166</b>	<p><b>Councillor Chris Doohan</b> <b>Councillor Giacomo Arnott</b></p> <p>It was resolved that Council authorise the signing of and affixing of the Council Seal to sale contracts relating to the sale of land for unpaid rates for the following 4 properties:</p> <ol style="list-style-type: none"><li>a) Lot 137 DP 753192, 39 Lavis Lane Williamtown.</li><li>b) Lot 211 DP 1113487, 3884 Nelson Bay Road Bobs Farm.</li><li>c) Lot 145 DP 1138207, 6 Stockton Bight Track Fullerton Cove.</li><li>d) Lot 170 DP 1146444, 725A Hinton Road Osterley.</li></ol>
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**BACKGROUND**

The purpose of this report is to pass a resolution to affix the Council seal to the sale contracts of properties sold at the sale of land for unpaid rates auction on 16 November 2019.

At its meeting on 28 May 2019, Minute 107 (**ATTACHMENT 1**), Council resolved to sell 6 properties for unpaid rates. Following payments received, 4 properties remain on the sale list with rates and charges outstanding for more than 5 years.

The properties are being marketed through Ray White Raymond Terrace who will conduct the auction, to be held at Pacific Dunes Golf and Country Club Championship Drive, Medowie NSW 2318 on Saturday 16 November 2019 at 10.00am.

The 4 remaining properties will be sold by auction unless the overdue rates and charges are paid in full or a satisfactory payment plan is entered into prior to the time of sale.

### **COMMUNITY STRATEGIC PLAN**

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

### **FINANCIAL/RESOURCE IMPLICATIONS**

Council is required to levy and collect rates. Sale of land for unpaid rates can only occur where the rates and charges have remained outstanding for more than 5 years.

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

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

All parties with an interest in land have been notified of the sale and the required notices placed in the Port Stephens Examiner on 18 July 2019 and the NSW Government Gazette on 19 July 2019.

Legal advice has indicated that the signing of the contract documents on the day of the auction may require the affixing of the seal in accordance with the Local Government Act 1993 and regulations.



<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that required officers may not be in attendance on the day to sign the contracts and affix the seal.	Low	The recommendation lists the permitted combinations of staff and Councillors that may affix the Council Seal in accordance with legislation.	Yes
There is a risk that failure to adhere to legislative requirements might be challenged.	Low	Sign contracts and affix the Council Seal as recommended.	Yes

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

### **CONSULTATION**

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

#### Internal

- Finance Revenue Coordinator.
- Legal Services.

#### External

- Local Government Legal.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Minute No.107 - 28 May 2019. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 28 MAY 2019****ITEM NO. 3****FILE NO: 19/126807  
EDRMS NO: PSC2018-01223****SALE OF LAND FOR UNPAID RATES****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Sell by auction or failing auction by private treaty the properties listed in **(ATTACHMENT 1)** for unpaid rates in accordance with section 713 of the Local Government Act 1993 unless the overdue rates and charges are paid in full prior to the time of sale.
- 2) Delegate to the General Manager authority to set the reserve or sale price and appoint an agent to conduct the auction.
- 3) Authorise the General Manager and Mayor to affix the Council seal to and sign any transfer documents arising out of the sale.

**ORDINARY COUNCIL MEETING - 28 MAY 2019  
MOTION**

<b>107</b>	<b>Councillor John Nell Councillor Chris Doohan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Sell by auction, or failing auction, by private treaty, properties listed in <b>(ATTACHMENT 1)</b> of the report for unpaid rates in accordance with section 715(2) of the Local Government Act 1993 unless the overdue rates and charges are paid in full or a satisfactory payment plan is entered into prior to the time of sale.</li><li>2) Delegate to the General Manager authority to set the reserve or sale price and appoint an agent to conduct the auction.</li><li>3) Authorise the General Manager and Mayor to affix the Council Seal to and sign any transfer documents arising out of the sale.</li></ol>
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**BACKGROUND**

The purpose of this report is to advise Council of properties with rates and charges which have remained unpaid for more than five years.

**MINUTES ORDINARY COUNCIL - 28 MAY 2019**

Six properties are listed within **(ATTACHMENT 1)** which are due to be sold in accordance with Council's Debt Recovery and Hardship Policy and section 713(2) of the Local Government Act 1993 (the Act) as stated below:

"A council may, in accordance with this Division:

(a) sell any land (including vacant land) on which any rate or charge has remained unpaid for more than 5 years from the date on which it became payable."

The General Manager has certified the rates and charges due on each property. The total amount of rates and charges outstanding on these properties as at 12 March 2019 is \$116,697.96. This situation has resulted from the failure of legal action to recover the rates and charge, the ratepayer being untraceable, the ratepayer being deceased or bankrupt. In each case the only means of recouping monies is by Council selling the land under section 713.

The six properties consist of one dwelling and five parcels of vacant land.

It is proposed to engage a Port Stephens licenced real estate auctioneer to market the properties and conduct the auction. A date for the auction is required to be set being not more than six months and not less than three months from the date of publishing the notice of proposed sale. The venue for the auction is to be selected in consultation with the auctioneer. A proposed timetable of events is listed at **(ATTACHMENT 2)**.

All owners and interested parties will be notified of Council's intention to sell the property using the last known address or information available. The proposed sale will be advertised in the Port Stephens Examiner and the Government Gazette.

Under section 715(2) of the Act if all rates and charges are paid at any point prior to auction time, then Council must not proceed with the sale. It is recommended Council not accept any arrangement for payment unless it is payment of the total of all rates and charges owing to Council.

If the land is not sold at auction, Council may organise another public auction or the property may be sold by private treaty. All costs associated with the sale are to be met by the purchaser. For the particular attention of Councillors and Staff, section 716(3) of the Act states:

"Land may be sold under this division to the council, a councillor, a relative of a councillor, a member of staff of the council or any relative of a member of staff of the council in the case of sale by public auction, but may not be sold in the case of sale by private treaty."

Upon settlement of the sale, if the amount is less than the outstanding balance, Council will consider the debt to be paid in full in accordance with section 719 of the Act. If the amount received is more than the amount outstanding Council will hold the money for persons having estates or interest in the land immediately before the sale

**MINUTES ORDINARY COUNCIL - 28 MAY 2019**

according to their respective estates and interests. Section 720 of the Act provides for Council to pay the balance of the purchase money or any part of the balance to or among the persons who are, in its opinion, clearly entitled to it. The receipt by the person of any payment so made is an effectual discharge of Council's liability.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

Where Council has failed to recover rates and charges through debt recovery action, sale of the land for unpaid rates is the last option available to Council. Council has a duty to recover rates and charges and the sale of land provisions in the Local Government Act 1993 reflect this.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

The action recommended in this report is in compliance with sections 713 to 726 of the Local Government Act 1993 and Council's Debt Recovery and Hardship Policy.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that an occupied residence might be difficult to sell.	Low	The Campvale residence has been unoccupied for many years.	Yes
There is a risk that properties with no legal access or irregular features might be difficult to sell except to adjoining owners.	High	It is proposed to notify adjoining owners of all land proposed to be sold of the upcoming sale.	Yes

**MINUTES ORDINARY COUNCIL - 28 MAY 2019****SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Recovery of \$116,000 in unpaid rates will reduce Council's overall overdue accounts and therefore have a positive impact on the financial performance indicator 'outstanding rates and annual charges'.

**CONSULTATION**

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

Internal

- Senior Leadership Team.
- Finance Revenue Coordinator.

External

- Insolvency and Trustee Services.
- Australian Financial Security Authority.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Schedule of properties.
- 2) Timetable of Events.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 28 MAY 2019****ITEM 3 - ATTACHMENT 1      SCHEDULE OF PROPERTIES.****Schedule of Properties**

<b>Assess. No.</b>	<b>Owner</b>	<b>Legal Description</b>	<b>Street Address</b>	<b>Balance at 12 March 2019</b>
172700	Yary Kawecky	Lot 2 DP 247953	138 Six Mile Road Eagleton	\$18,105.32
182402	Estate of the late Roman Kawecky	Lot B DP 418757	975 Richardson Road Campvale	\$33,460.45
348631	Matthew John Healey	Lot 137 DP 753192	39 Lavis Lane Williamtown	\$16,204.62
388827	Tesoriero Holdings Pty Ltd	Lot 211 DP 1113487	3884 Nelson Bay Road Bobs Farm	\$38,500.93
396432	Hugh Eadie Dewar	Lot 145 DP 1138207	6 Stockton Bight Track Fullerton Cove	\$5,454.16
401083	Robert Claude Burton	Lot 170 DP 1146444	725A Hinton Road Osterley	\$4,972.48
<b>TOTAL</b>				<b>\$116,697.96</b>

**MINUTES ORDINARY COUNCIL - 28 MAY 2019****ITEM 3 - ATTACHMENT 2      TIMETABLE OF EVENTS.****Timetable of Events**

<b>Date</b>	<b>Action</b>
1 to 8 March 2018	Letter written to ratepayers advising of the sale of their property for unpaid rates next year.
12 March 2019	Certificates prepared by General Manager stating the rates and charges on the land and how and when they were levied.
14 March 2019	Title searches conducted.
14 March 2019	Letters sent to ratepayers, mortgagees and caveators advising of proposed sale of land for unpaid rates.
28 May 2019	Council resolution on above report.
4 June 2019	Write to owners, mortgagees and caveators advising of Council's resolution to sell the properties.
4 June 2019	Call for expressions of interest from licenced real estate agents to be received by 21 June 2019.
5 July 2019	Set auction date and venue in conjunction with the appointed auctioneer.
18 July 2019	Place advertisement in the Government Gazette and Port Stephens Examiner.
19 July 2019	Send letter to owners, mortgagees, caveators and adjoining owners advising of proposed sale by public auction.
16 November 2019	Proposed auction date.



**ITEM NO. 7****FILE NO: 19/240888  
EDRMS NO: A2004-0242****2019-2020 BUDGET ITEMS CARRIED FORWARD**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve the revotes from the 2018-2019 budget as detailed in **(ATTACHMENT 1)** in this report and vote the necessary funds to meet expenditure.
- 

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>167</b>	<b>Councillor Ken Jordan Councillor Jaimie Abbott</b>  It was resolved that Council approve the revotes from the 2018-2019 budget as detailed in <b>(ATTACHMENT 1)</b> in this report and vote the necessary funds to meet expenditure.
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**BACKGROUND**

The purpose of this report is to advise of the budget items from 2018-2019 that were not completed in that year and are proposed to be carried forward to 2019-2020 to a total of \$18,785,008.72.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

The works included in this report were partially or wholly unexpended at the end of the last financial year; however, the funds are not automatically carried forward and require Council resolution. The majority of the works are funded from reserves and grants, and have little to no negative impact on Council's Long Term Financial Plan.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes		Budget from 2018-2019.
Developer Contributions (\$7.11)	Yes		Budget from 2018-2019.
External Grants	Yes		Budget from 2018-2019.
Other	Yes		Budget from 2018-2019.

## LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with the Local Government Act 1993 (NSW) and the Local Government (General) Regulations 2005, all budgets lapse at the end of the financial year and require a Council resolution to be reinstated. Failure to reinstate these budget votes would result in these projects being cancelled.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that unspent grant funds may have to be returned.	Low	Accept the recommendation.	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are no sustainability implications.

## CONSULTATION

Consultation with key stakeholders has been undertaken by the Financial Services Section for the purpose of peer reviewing the need for projects to be carried forward.

### Internal

- Property Services Section Manager.
- Asset Section Manager.
- Community Services Section Manager.
- Holiday Parks Section Manager.

### External

Nil.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Budget Items Carried Forward. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**Rollovers – 2019 to 2020**

<b>Category</b>	<b>Description</b>	<b>Budget Rollover</b>
I.T	Information Technology services	490,601.82
Paths and Cycleways	Tomaree sports complex masterplan preparation	67,053.65
Paths and Cycleways	Nelson Bay Rd & Salamander Way cycleway & footpath	22,769.71
Paths and Cycleways	Boomerang Park shared pathway	459,001.56
Waterways	Riverside Park seawall replacement	174,605.65
Halls and Cemeteries	Karuah rfs building construction	199,461.12
Halls and Cemeteries	Fingal Bay rfs building construction	194,426.00
Halls and Cemeteries	One Mile surf club replace lifeguard facilities	248,852.00
Sport and Recreation	Bowthorne Park spectator seating	42,275.66
Sport and Recreation	Brandon Park shade awning & sight screen	11,219.28
Sport and Recreation	RT netball clubhouse disabled amenities	57,403.64
Sport and Recreation	RT tennis clubhouse disabled amenities	59,250.01
Sport and Recreation	Tilligerry tennis clubhouse upgrades	194,235.69
Sport and Recreation	Vi Barnett athletics clubhouse disabled amenities	71,839.27
Sport and Recreation	Ferodale comp playground	121,776.20
Sport and Recreation	Tomaree touch/soccer amenity plan -survey & design	90,000.00
Sport and Recreation	Nelson Bay croquet club new court expansion	206,118.58
Sport and Recreation	Lakeside sports complex drainage upgrade	72,999.93
Sport and Recreation	Medowie sport and community facility (Ferodale)	3,048,513.59
Sport and Recreation	Raymond Terrace pigeon club	138,365.06
Sport and Recreation	Apex Park redevelopment	150,941.31
Sport and Recreation	Bagnall Beach east playground upgrade	120,646.00
Sport and Recreation	Fern Bay res park furniture & basketball halfcourt	174,958.75
Sport and Recreation	Lionel Morton amenities construction	907,229.46
Sport and Recreation	Pirralea Gardens boardwalk upgrade to decking	23,452.32
Sport and Recreation	Robinson Reserve Anna Bay redevelopment	1,515,420.58
Sport and Recreation	Yulong oval upgrade	472,081.42
Sport and Recreation	Surf club amenities construction one mile beach	40,000.00
Sport and Recreation	Aquatic centre improvements	294,999.99
Road Rehab	Tomaree road – capital - stage 1 reconstruction marine dr to garden pl	326,283.02
Road Rehab	Swan Bay road - capital - swan bay rd seg 590-160	428,230.96
Road Rehab	Hinton road- capital - local roads capital upgrade works	24,281.00
Road Rehab	Foreshore drive - capital - capitalised renewal & rehab exp (1)	32,179.48
Road Rehab	Hinton road – capital - blackspot - hinton rd - nelsons plains	12,300.26
Road Rehab	Hinton road – capital - blackspot hinton rd - osterley	53,120.98
Road Rehab	Lemon Tree Passage road (reg) – capital - ltp rd Tanilba Bay seg 260 shoulders, wire rope	8,416.40
Road Rehab	Parking meter upgrade 17 out of 25 meters - car park capital works	75,000.00
Road Rehab	Myan close – capital - retaining wall upgrade	99,646.73
Road Rehab	East Seaham road –capital - James Scott bridge lighting upgrade	99,804.08

**ITEM 7 - ATTACHMENT 1      BUDGET ITEMS CARRIED FORWARD.**

Road Rehab	Foreshore drive – capital - traffic calming	179,973.63
Waste	Mini excavator - waste	40,000.00
Waste	Water delivery upgrade	242,424.99
Waste	Cap old landfill on Newline Rd	1,451,824.78
Waste	Salamander Bay waste transfer station upgrades	94,690.46
Drainage	Flood study - Shoal Bay drainage study	34,178.00
Drainage	Nelson Bay cemetery drainage upgrade	103,266.59
Drainage	Shirewide rehab of kips - various	44,431.00
Drainage	Tomaree Rd sh/bay infiltration system near garden pde	65,376.00
Drainage	Future designs drainage	72,992.00
Development	Birubi Point aboriginal place tourism interchange	5,626,090.11
<b>Total</b>		<b>18,785,008.72</b>

**ITEM NO. 8**

**FILE NO: 19/305894  
EDRMS NO: A2004-1312**

**PSC2020 PROPOSED COMMUNITY PROJECTS - CENTRAL WARD  
AMENDMENT**

REPORT OF: ADAM STEWART - CIVIL ASSETS PLANNING MANAGER  
GROUP: FACILITIES & SERVICES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Submit the amended Central Ward projects listed below for public exhibition and invite submissions.
- 2) Should no submissions be received as a result of the public exhibition, the amended Central Ward projects will be endorsed and funding sourced as outlined within report endorsed by Council at its meeting of 27 August 2019 (Minute No. 209).

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Councillor John Nell left the meeting at 6:27pm prior to voting on the item.  
Councillor John Nell returned to the meeting at 6:28pm prior to voting on the item.

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>168</b>	<p><b>Councillor Steve Tucker</b> <b>Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Submit the amended Central Ward projects listed below for public exhibition and invite submissions.</li><li>2) Should no submissions be received as a result of the public exhibition, the amended Central Ward projects will be endorsed and funding sourced as outlined within report endorsed by Council at its meeting of 27 August 2019 (Minute No. 209).</li></ol>
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**BACKGROUND**

The purpose of this report is to request endorsement to amend the Central Ward project list identified within the report endorsed by Council at its meeting of 27 August 2019 (Minute No. 209) (**ATTACHMENT 1**).

Council considered a Notice of Motion regarding various community projects at its meeting of 25 June 2019 and the subsequent public engagement and consultation program has reiterated the community's desire for these works to be undertaken. The project list put forth for the Central Ward, and particularly the Tilligerry Peninsula was still being discussed between Central Ward Councillors and the community leading up to the 27 August 2019 Council meeting. Subject to this consultation the Central Ward Councillors have requested the following amendments be made to the endorsed project list.

**b) Central Ward**

Rescinded:

- Town Centre Works – Lemon Tree Passage/Tanilba Bay \$600,000.

Amended to:

- Skate park relocation and upgrade – Tilligerry Peninsula - \$230,000.
- Soccer and Athletics Club Amenities Upgrades - Mallabula Sports Complex - \$200,000.
- Multisport Court facility – Mallabula Sports Complex - \$150,000.
- Peace Park, Tanilba Bay – BBQ installation - \$20,000.

**COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

The funding strategy will be in accordance with the report endorsed by Council at its meeting of 27 August 2019 (Min. No.209).

**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that if Council does not complete these projects then community expectations will not be met.	Low	That Council endorses the amended project list for exhibition.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

This asset renewal program will see numerous works completed to meet the expectations of many communities.

**CONSULTATION**

Consultation has been undertaken as part of the information sessions during July 2019 as well as between the Central Ward Councillors and the community thereafter.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Minute No. 209 - 28 August 2019. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



**MINUTES ORDINARY COUNCIL - 27 AUGUST 2019****ITEM NO. 12****FILE NO: 19/211481  
EDRMS NO: A2004-1312****PSC2020 PROPOSED COMMUNITY PROJECTS****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER  
GROUP: CORPORATE SERVICES****RECOMMENDATION IS THAT COUNCIL:**

- 1) Submit the projects as listed in d) Ancillary Minor Works for public exhibition and invite submissions.
- 2) Should no submissions be received as a result of the public exhibition, the Ancillary Minor Works projects will be endorsed and funding sourced as outlined within the report.
- 3) Formally vote budget allocations and source of funding as included in this report to complete the works listed at a) East Ward, b) Central Ward and c) West Ward.
- 4) Authorises the General Manager to secure loan funding up to \$5 million for the works identified in this report.
- 5) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to secure the loan.

Crs Arnott/Le Mottee – extension of time granted to Cr Arnott of 3 minutes.

**ORDINARY COUNCIL MEETING - 27 AUGUST 2019  
MOTION**

<b>209</b>	<b>Mayor Ryan Palmer Councillor Giacomo Arnott</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Submit the projects as listed in d) Ancillary Minor Works for public exhibition and invite submissions.</li><li>2) Should no submissions be received as a result of the public exhibition, the Ancillary Minor Works projects will be endorsed and funding sourced as outlined within the report.</li><li>3) Formally vote budget allocations and source of funding as included in this report to complete the works listed at a) East Ward, b) Central Ward and c) West Ward.</li><li>4) Authorises the General Manager to secure loan funding up to \$5 million for the works identified in this report.</li></ol>
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**MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**

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|--|---|
|  | 5) Authorise the Mayor and General Manager to affix the Council Seal and sign all documents necessary to secure the loan. |
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**BACKGROUND**

The purpose of this report is to request endorsement to complete the works identified.

During the community consultation program in 2018, a number of projects were identified to be added to the Capital Works Plus Program. The Special Rate Variation was identified as a funding source for these projects to proceed, however this application was unsuccessful. Council considered a Notice of Motion at its meeting of 25 June 2019 and the subsequent public engagement and consultation program has reiterated the community desire for these works to be undertaken.

The projects to be completed across Port Stephens are:

**a) East Ward**

- Amenities replacement - George Reserve, Salamander Bay \$150,000.
- Foreshore improvements – Conroy Park, Corlette \$178,000.
- Amenities replacement – Little Beach, Nelson Bay \$180,000.
- Revetment work – Soldiers Point, \$200,000.
- Ancillary works (paths / drainage) – Shoal Bay Foreshore, Shoal Bay \$550,000.
- Road upgrade – Foreshore Drive, Corlette \$400,000.
- Stage 1, East Donald Street Carpark demolition and at grade car parking including amenities replacement – Nelson Bay \$1,400,000.
- Tomaree Sports Complex amenities replacement – Salamander Bay \$2,000,000.

**Sub total: \$5.058m**

**b) Central Ward**

- Town centre improvements – Anna Bay \$350,000.
- Town centre improvements (including amenities) – Medowie \$450,000.
- Shared pathway – Waropara Road, Medowie \$500,000.
- Shared pathway – Avenue of the Allies, Tanilba Bay \$700,000.
- Shared pathway – Gan Gan Road (missing links) Anna Bay \$700,000.
- Shared pathway – Lemon Tree Passage road, Mallabula to Lemon Tree Passage (missing link) \$800,000.
- Shared pathway – Medowie Road (Ferodale Road to South Street) Medowie \$850,000.

**MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**

- Town Centre works – Lemon Tree Passage / Tanilba Bay \$600,000.

**Sub total: \$4.95m**

**c) West Ward**

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

In addition to the large capital works identified above, a number of smaller maintenance requirements have been identified.

**Sub total: \$5.37m**

**d) Ancillary Minor Works**

- Tree Works Karuah & Raymond Terrace - \$70,000.
- Bill Strong Irrigation - \$70,000.
- Nelson Bay Tennis Club Lighting - \$50,000.
- Supporting Park Infrastructure for Medowie Skate Park - \$30,000.
- Medowie Playground Fencing - \$20,000.
- Raymond Terrace Dog Park - \$40,000.
- Lemon Tree Passage Road Roundabout Beautification (Avenue of Allies) - \$20,000.
- Nelson Bay Road/Port Stephens Drive Roundabout Entrance Beautification - \$50,000.
- Salt Ash Hall Outside Toilet - \$70,000.
- Event Signage Nelson Bay Road, Nelson Bay - \$20,000.
- King Park Irrigation – \$60,000.

**Sub total: \$500,000**

**Grand total: \$15.878m**

**MINUTES ORDINARY COUNCIL - 27 AUGUST 2019****COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		
Reserve Funds	Yes	\$2.0m	There is a current allocation in the Councillor ward funds of \$544,000 from the net proceeds of the Salamander Way commercial development. It is appropriate to utilise these funds for this asset renewal program. In addition, it is proposed that funding to be received from the Anna Bay oval sale be allocated to this asset renewal program.
Developer Contributions (\$7.11)	Yes	\$8.9m	Council would be aware of the new Section 7.11 developer contribution plan that is proposed to be formally implemented towards the end of December 2019. This will mean that funds already received under the current plan will be repealed and will need to be allocated. As the majority of works suggested in this latest list of community projects are directly linked to the current Section 7.11 plan it is considered prudent to utilise this source of funding.
External Grants	No		

**MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**

Source of Funds	Yes/No	Funding (\$)	Comment
Other	Yes	\$5.0m	It is proposed to borrow loan funds up to \$5.0 million over a 15 year period with current indicative interest rate of 3.0% - 4.0%.  In addition, it is proposed to allocate revenue received from the Sand Extraction Project to be set aside to repay the external debt.

**LEGAL, POLICY AND RISK IMPLICATIONS**

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not complete these projects then community expectations will not be met.	Medium	That Council applies for loan funding through various sources to obtain the funds required to complete these projects.	Yes
There is a risk that revenue from the sand extraction project may not meet expectations.	Medium	Additional funding sources will need to be identified.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

This asset renewal program will see numerous works completed to meet the expectations of many communities.

**CONSULTATION**Internal

Internal consultation was undertaken at the Councillor Strategy Day in July 2019 and with Executive Team.

**MINUTES ORDINARY COUNCIL - 27 AUGUST 2019**External

Throughout July 2019 Council ran 6 information and feedback sessions across the LGA with a focus to build community awareness and to gain insights around the priority projects identified in Council's previous resolution of 25 June 2019 **(ATTACHMENT 1)**.

A total of 254 residents attended these face to face sessions and provided their priorities. The largest session was at Nelson Bay where 80 people attended. There were a total of 662 visits to the dedicated webpage and 253 people completed an online survey. For further information refer to the Councillor Information Sessions Engagement Report July 2019 **(ATTACHMENT 2)**.

Whilst it is acknowledged that the projects included in a), b) and c) have previously been included in Strategic Asset Management Plans and therefore have been publicly exhibited with submissions invited, the maintenance projects listed in d) will need to be submitted for a public exhibition period of 28 days and submissions invited.

**OPTIONS**

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

**ATTACHMENTS**

- 1) Notice of Motion - Funding for Proposed Community Projects - Minute No. 136 - 25 June 2019.
- 2) Councillor Information Sessions Engagement Report - July 2019.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 9**

**FILE NO: 19/301303  
EDRMS NO: A2004-0370**

**MEMBERSHIP OF COMMITTEES AND GROUPS**

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

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Nominate memberships of Council committees, 355(c) committees and regional committees and groups (**ATTACHMENT 1**).

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>169</b>	<b>Councillor Ken Jordan Councillor Chris Doohan</b>  It was resolved that Council:  1) Nominates membership of Council Committees, 355(c) committees and regional committees and groups memberships as shown in <b>TABLE A</b> below, and 2) Disband the Local Development Committee.
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**TABLE A**

CURRENT COUNCIL 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS FOR 2018/2019

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people.  To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	Quarterly	Development Services	As resolved by Council	<i>Mayor Palmer</i>  <i>Alternate</i> <i>Cr S Smith</i>

## MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

2	Anna Bay/Birubi Community Hall and Landcare Group	<p>To assist Council in the management of Anna Bay Hall.</p> <p>To undertake maintenance and improvements to designated parks &amp; reserves (as per map included in 355c Committee Terms of Reference Appendix).</p>	Committees are required to hold at least three meetings per year at a time to be decided by the committee.	Corporate Services	As resolved by Council	<i>Cr S Smith</i> <i>Cr C Doohan</i>
3	Audit Committee	<p>The Audit Committee is an advisory committee of Council comprising of two Council representatives and two external representatives.</p> <p>The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.</p>	At least four times a year or when necessary	General Manager's Office	2 councillors	<i>Cr G Dunkley</i> <i>Cr C Doohan</i>  <u>Alternate</u>  <i>Cr K Jordan</i>  <i>OLG guidelines preclude the Mayor from being a member of the Committee.</i>
4	Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Smith</i> <i>Cr C Doohan</i>
5	Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker</i> <i>Cr S Smith</i>



# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
6	Corlette Headland and Hall Committee	To assist Council in the management of Corlette Hall and Corlette Headland (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Dunkley</i>
7	Fern Bay Community Centre Committee	To assist Council in the management of Fern Bay Community Centre	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Arnott Cr K Jordan Cr P Le Mottee</i>
8	Fingal Bay Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Nell</i>
9	Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendations on local heritage issues	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Development Services	2 councillors	<i>Cr P Le Mottee</i>
10	Hinton School of Arts, Parks and Foreshore Committee	To assist Council in the management of Hinton School of Arts.  To undertake maintenance and improvements to designated parks and reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan</i>

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
11	Karuah Community Hall Committee	To assist Council in the management of Karuah Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	Cr G Arnott Cr K Jordan Cr P Le Mottee  Cr C Doohan Cr S Smith Cr S Tucker
12	Lemon Tree Passage Old School Centre Committee	To assist Council in the management of Lemon Tree Passage Old School Centre and surrounds.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	Cr S Tucker Cr S Smith Cr C Doohan
13	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	Cr S Tucker Cr S Smith Cr C Doohan
14	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	Cr S Tucker Cr S Smith Cr C Doohan
15	Mambo Wanda Wetlands, Reserves and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	Cr J Nell

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
16	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr C Doohan</i>
17	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Meets every 3 months- February, May, August, November. 1st Monday of the month	Facilities & Services	As resolved by Council	<i>Cr S Smith Cr C Doohan</i>
18	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Abbott</i>
19	Port Stephens Australia Day Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Development Services	1 councillor from each ward	<i>Cr C Doohan Cr S Smith Cr J Abbott Cr G Arnott Cr K Jordan</i>
20	Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to the native flora garden	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Nell</i>

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
21	Port Stephens Sister Cities Committee	To promote and have ongoing relationships between international communities providing opportunities for cultural exchange	Committees are required to hold at least three meetings per year at a time to be decided by the committee	General Manager's Office	Mayor and all councillors	<i>Mayor and all councillors</i>
22	Raymond Terrace Parks, Reserves and Tidy Towns Committee	To undertake maintenance and improvements to designated parks and reserves.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Arnott Cr K Jordan Cr P Le Mottee</i>
23	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan Cr P Le Mottee Cr G Arnott</i>
24	Salt Ash Community Hall	To assist Council in the management of Salt Ash Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Smith Cr C Doohan Cr S Tucker</i>
25	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Sports Ground.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Smith Cr S Tucker Cr C Doohan</i>

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
26	Seaham Park & Wetlands Committee	To assist Council in the management, maintenance and improvements to the park and wetlands.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan Cr G Arnott Cr P Le Mottee</i>
27	Local Infrastructure Contributions Panel  Formerly Section 94 Panel	To inform Council of any proposed and/or requested changes to Council's Contributions Plan and associated systems and processes.	Six monthly	Development Services	Mayor One councillor from each Ward	<i>Mayor Palmer Cr S Tucker Cr G Arnott Cr G Dunkley Cr C Doohan Cr K Jordan</i>
28	Soldiers Point - Salamander Landcare Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Nell</i>
29	Strategic Arts Committee	To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts.  To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.	Quarterly – 2nd Wednesday of the month	Development Services	As resolved by Council	<i>Mayor Palmer Cr S Tucker Cr J Nell Cr P Le Mottee</i>
30	Tanilba Bay Parks, Reserves and Hall Committee	To assist Council in the management of Tanilba Bay Foreshore Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>
31	Tilligerry Landcare Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
32	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months— February, June, October  3rd Monday	Facilities & Services	As resolved by Council	<i>Mayor Palmer Cr S Tucker Cr S Smith Cr C Doohan</i>
33	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Committee meets on the 4th Monday of February, May, August, November	Facilities & Services	As resolved by Council	<i>Mayor Palmer Cr J Abbott Cr G Dunkley Cr J Nell Cr S Smith</i>
34	West Ward Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months— February, June, October  2nd Monday	Facilities & Services	As resolved by Council	<i>Cr K Jordan Cr P Le Mottee Cr G Arnott</i>
35	Williamstown Hall Committee	To assist Council in the management of Williamstown Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan Cr P Le Mottee Cr G Arnott</i>

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

## REGIONAL COMMITTEES AND GROUPS

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
36	AGL Newcastle Gas Storage Facility Community Dialogue Group	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	Mayor	<i>Mayor Palmer</i>
37	Birubi Point Cultural Heritage Advisory panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place.	Meets 3 times per year	Development Services	1 councillor	<i>Cr S Smith</i>
38	Brandy Hill Quarry Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 councillor	<i>Cr P Le Mottee</i>
39	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets quarterly	Development Services	1 councillor	<i>Cr S Smith</i>  <i>Alternate</i> <i>Cr J Nell</i>
40	Community Projects Fund	To make recommendations to Council on applications received through the Grants process	Twice a year	General Manager's Office	Mayor 1 councillor from each Ward	<i>Mayor Palmer</i> <i>Cr K Jordan</i> <i>Cr C Doohan</i> <i>Cr J Abbott</i> <i>(1 Councillor from each Ward).</i>

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
41	Floodplain Risk Management Committee	To review the Floodplain policy.	Quarterly	Facilities and Services	As resolved by Council	<i>Mayor Palmer Cr C Doohan Cr Dunkley Cr Nell Cr Le Mottee</i>
42	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	At least annual	Mayor's Office	Mayor Deputy Mayor 1 councillor nominated by Council 1 councillor nominated by the General Manager	<i>Mayor Deputy Mayor Cr G Arnott (nominated by the Council) Plus a councillor nominated at the time by the General Manager</i>
43	Holiday Parks Advisory Panel	To provide a forum for meaningful discussion, facilitating appropriate consultation and engagement to assist in the effective management and strategic direction of the Port Stephens Beachside Holiday Parks comprising of Fingal Bay Holiday Park, Shoal Bay Holiday Park, Halifax Holiday Park, Thou Walla Sunset Retreat and Port Stephens Koala Sanctuary.	Bi-monthly	Corporate Services	Mayor and all councillors	<i>Mayor and all councillors</i>
44	Hunter Joint Organisation	To discuss regional issues in the Hunter.	Bi-monthly	General Manager's Office	Mayor	<i>Mayor Palmer</i>



# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
45	Local Government Community Safety & Crime Prevention Network NSW  <b>Note:</b> <i>This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.</i>	To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety.  **Attendees will be by invitation only, one representative will be invited by the Police from each peak body/organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Engagement Officer, and the other will be the Mayor or his representative if unable to attend.	Meets quarterly	Development Services	Mayor	Mayor Palmer
46	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.		General Manager's Office	1 councillor	Cr P Le Mottee  <u>Alternate</u> Cr G Arnott
47	Hunter and Central Coast Regional Planning Panel  Formerly Joint Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area.  The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member.	As required	Development Services	2 elected members	Mayor Palmer Cr P Le Mottee  Alternates Cr C Doohan Cr G Arnott  Civil Assets Section Manager Strategy & Environment Section Manager
48	Disband					

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
49	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 <sup>st</sup> Tuesday of the month	Facilities & Services	1 councillor	Mayor Palmer Cr S Tucker
50	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Services	2 councillor	Cr G Arnott Cr P Le Mottee
51	Lower Hunter Community Advisory Group	The Group is managed by Hunter Local Land Services (HLLS). The purpose is to provide an opportunity the HLLS to engage with stakeholders on a range matters, including strategic direction and programs.	Meets annual	General Manager's Office	1 councillor	Cr P Le Mottee
52	Marine Parks Advisory Panel  <b>Ministerial Appointment</b>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.	Meets a minimum of twice a year	Development Services	1 councillor	Cr J Nell  <u>Alternate</u> Cr P Le Mottee
53	Medowie Planning Strategy Implementation Panel	To provide community advice to Council on the implementation of the Medowie Planning Strategy.	Meets a minimum of twice a year	Development Services	Mayor All Central Ward Councillors	Mayor Palmer Cr C Doohan Cr S Smith Cr S Tucker
54	Nelson Bay Strategy Implementation Panel	To provide community advice to Council on the implementation of the Nelson Bay Planning Strategy.	Meets a minimum of twice a year	Development Services	Mayor All East Ward Councillors	Mayor Palmer Cr Abbott Cr G Dunkley Cr J Nell
55	Newcastle Airport Partnership Company No. 3 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.	Quarterly	General Manager's Office	Mayor Deputy Mayor (General Manager) (Financial Services Manager)	Mayor Palmer Deputy Mayor (General Manager) (Financial Services Manager)

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
56	Newcastle Airport Partnership Company No. 4 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.	Quarterly	General Manager's Office	Mayor Deputy Mayor (General Manager) (Financial Services Manager)	Mayor Palmer Deputy Mayor (General Manager) (Financial Services Manager)
57	Newcastle Airport Partnership	The partnership is responsible for the development and management of Newcastle Airport and related infrastructure.	Quarterly	General Manager's Office	Mayor (General Manager)	Mayor Palmer (General Manager)
58	Greater Newcastle Aerotropolis Partnership	The partnership is responsible for the Astra Aero Lab.	Quarterly	General Manager's Office	Mayor (General Manager)	Mayor Palmer (General Manager)
59	Newcastle Airport Pty Limited	To manage the operations of Newcastle Airport.	Bi-monthly	General Manager's Office	Mayor as Port Stephens Council Shareholder representative  Deputy Mayor as Port Stephens Council Shareholder Representative proxy.  Mayor as Port Stephens Council appointed Director.  General Manager as Port Stephens Council appointed Director.	Mayor as Port Stephens Council Shareholder representative  Deputy Mayor as Port Stephens Council Shareholder Representative proxy.  Mayor as Port Stephens Council appointed Director.  General Manager as Port Stephens Council appointed Director.

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
60	Greater Newcastle Aerotropolis Pty Limited	To manage the operations of Astra Aero Lab	Bi-monthly	General Manager's Office	Mayor as Port Stephens Council Shareholder representative  Deputy Mayor as Port Stephens Council Shareholder Representative proxy.	<i>Mayor as Port Stephens Council Shareholder representative</i>  <i>Deputy Mayor as Port Stephens Council Shareholder Representative proxy.</i>  <i>Mayor as Port Stephens Council appointed Director.</i>  <i>General Manager as Port Stephens Council appointed Director.</i>
61	NSW Public Libraries Association (Central East Zone)	The purpose of the Association is to champion the public library cause, strengthen the public library network, advocate effectively, foster cooperation and collaboration, build trust and support, initiate partnerships and share relevant information.	Meets 3 times per year	Facilities & Services	As resolved by Council	<i>Cr S Tucker</i>
62	Port Stephens Council Depot re-development Committee	To explore the options available for re-development of the Council depot at Raymond Terrace.	Bi-annual	Facilities & Services	As resolved by Council	<i>Mayor Palmer</i> <i>Cr K Jordan</i> <i>Cr J Nell</i> <i>Cr G Arnott</i>
63	Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues.  Oversee the implementation of the Economic Development Strategy.	Quarterly	Development Services	Mayor 1 councillor from each Ward	<i>Mayor Palmer</i> <i>Cr C Doohan</i> <i>Cr G Dunkley</i> <i>Cr G Arnott</i>

# MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
64	Port Stephens Floodplain Advisory Panel	To provide advice on flood/floodplain management studies/plans	As required	Facilities & Services	1 councillor	<i>Cr P Le Mottee</i>  <i>Alternate</i> <i>Cr G Arnott</i>
65	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	As required	Development Services	1 Councillor	<i>Cr J Nell</i>  <i>Alternate</i> <i>Cr P Le Mottee</i>
66	Property Advisory Committee	To provide a forum to address property management and development matters.	Bi-monthly	Corporate Services	Mayor One Councillor from each Ward	<i>Mayor Palmer</i> <i>Cr C Doohan</i> <i>Cr P Le Mottee</i> <i>Cr K Jordan</i> <i>Cr G Dunkley</i>
67	Raymond Terrace and Heatherbrae Strategy Implementation Panel	To provide community advice to Council on the implementation of the Raymond Terrace and Heatherbrae Strategy 2015-2031.	Meets a minimum of twice a year	Development Services	Mayor All West Ward Councillors	<i>Mayor Palmer</i> <i>Cr G Arnott</i> <i>Cr K Jordan</i> <i>Cr Le Mottee</i>
68	Salt Ash Sand Project Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 councillor	<i>Cr Tucker</i>
69	RFS District Liaison Committee	To review the progress of the service level agreement between Port Stephens Council and NSW Rural Fire Service in the local government area.	As set by RFS	Facilities & Services	1 councillor	<i>Cr Arnott</i>  <i>Alternate</i> <i>Mayor Palmer</i>

## MINUTES ORDINARY COUNCIL - 24 SEPTEMBER 2019

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
70	Williamtown Consultative Committee Forum	To provide a forum for the residents of Williamtown area to discuss relevant issues with Federal, State and Local Government elected members and agencies.	Annually	General Manager's Office	Mayor	<i>Mayor Palmer (General Manager)</i>
71	Worimi Conservation Lands Board of Management  <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Meets 4 times a year	General Manager's Office	1 councillor and an alternate	<i>Cr J Abbott</i>  <i>Alternate Cr S Smith</i>

### BACKGROUND

The purpose of this report is to review the various committees and groups Council has either established, or is involved with through the community.

In accordance with legislation, Council is required to nominate delegates and adopt the list of 355(c) Committees.

As part of Council's commitment to community partnerships, it provides opportunities for the community to be involved with the management of the facilities they use. Council has established over 30 community committees, which are involved in the care and management of Council's parks, reserves, services and facilities.

These committees are allowable under Section 355 and Section 377 of the Local Government Act, which allow Council to delegate certain functions.

For a 355(c) committee, the written record of delegations is contained in the 'committee constitution' as prepared and adopted by Council. Functions that cannot be delegated (under Section 377) are listed in the constitution. Any change to delegations to a 355(c) committee must be effected by resolution of Council.

The key concept is that a 355(c) committee is a Council committee. Committees include Councillor representation and a Council staff member responsible for liaison. A 355(c) committee operates as an entity of Port Stephens Council and not as a separate entity in a commercial sense. This means that these committees use Council's Australian Business Number (ABN) when trading goods and services and are required to report on a monthly basis as is required of Council.

A 355(c) committee constitution consists of a standard constitution, which is applicable to all committees and a schedule customised for each individual committee. This provides the framework of how a 355(c) committee operates and is supported by procedures, systems and reporting requirements.

Council has the same responsibilities for 355(c) committee members as they do for staff including Workplace Health & Safety (WH&S), Code of Conduct and responsibility for activities.

A number of 355(c) Committees undertake work in areas such as dune stabilisation, weed eradication, litter removal, tidy towns program participation and providing environmental information and support to Council. These groups work under direction from Council staff to ensure these activities are performed in accordance with recognised practices.

Council has in excess of 30 355(c) committees with over 700 members.

The activities and projects undertaken by committees are often those not financially possible for Council without this volunteer assistance. Examples include:

<b>FACILITY MANAGEMENT</b>	<b>MAINTENANCE &amp; IMPROVEMENTS TO RESERVES</b>	<b>OTHER</b>
Community Halls	Parks and Reserves	Advisory Committees
Sporting Ovals	Foreshore Reserves	Sports Council
Cemeteries		

### Regional Committees and Groups

In addition to the 355(c) Committees, Councillors and Council staff participate in, and are members of a number of regional committees and groups established to promote an integrated approach to delivering and managing services and addressing issues across the Local Government Area.

Note: The previous list of Committees and Groups is shown at **(ATTACHMENT 1)** with previous years' delegates are shown in *italics*.

### **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide a strong ethical governance structure.

## FINANCIAL/RESOURCE IMPLICATIONS

Financial and Resource implications are provided for within the existing budget.

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

Council has a legal obligation under the Local Government Act 1993 to ensure it reviews and appoints 355 (c) Committees and delegates in accordance with the legislation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council could be in breach of the Local Government Act 1993, if it fails to appoint the committees/groups/organisations as listed in <b>(ATTACHMENT 1)</b> and functions are conducted on Council's behalf.	Low	Council appoint elected representatives as outlined in the report and adopt the committees/groups/organisations as listed in <b>(ATTACHMENT 1)</b> .	Yes

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

## CONSULTATION

Consultation with key stakeholders has been undertaken by the Governance Section including the Council officers and the Executive Team.



## **OPTIONS**

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

## **ATTACHMENTS**

- 1) 2018-2019 355C Committees and Regional Committees and Groups [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**
**CURRENT COUNCIL 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS FOR 2018/2019**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
1	Aboriginal Strategic Committee	To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people.  To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities.	Quarterly	Development Services	As resolved by Council	<i>Mayor Palmer</i>  <i>Alternate</i> <i>Cr S Smith</i>
2	Anna Bay/Birubi Community Hall and Landcare Group	To assist Council in the management of Anna Bay Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee.	Corporate Services	As resolved by Council	<i>Cr S Smith</i> <i>Cr C Doohan</i>
3	Audit Committee	The Audit Committee is an advisory committee of Council comprising of two Council representatives and two external representatives.  The objective of the Audit Committee is to enhance the corporate governance of Council through the provision of independent oversight, review and advice. The Committee will assist Council by providing independent assurance and assistance on the organisation's governance, risk, control and compliance frameworks.	At least four times a year or when necessary	General Manager's Office	2 councillors	<i>Cr G Dunkley</i> <i>Cr C Doohan</i>  <i>Alternate</i>  <i>Cr K Jordan</i>  <i>OLG guidelines preclude the Mayor from being a member of the Committee.</i>
4	Boat Harbour Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Smith</i> <i>Cr C Doohan</i>

**ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
5	Bobs Farm Public Hall Committee	To assist Council in the management of Bobs Farm Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith</i>
6	Corlette Headland and Hall Committee	To assist Council in the management of Corlette Hall and Corlette Headland (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Dunkley</i>
7	Fern Bay Community Centre Committee	To assist Council in the management of Fern Bay Community Centre	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Arnott Cr K Jordan Cr P Le Mottee</i>
8	Fingal Bay Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Nell</i>
9	Heritage Advisory Committee	This committee is run by Council and supported by funds from the Heritage Office. Community members meet to raise and make recommendations on local heritage issues	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Development Services	2 councillors	<i>Cr P Le Mottee</i>
10	Hinton School of Arts, Parks and Foreshore Committee	To assist Council in the management of Hinton School of Arts.  To undertake maintenance and improvements to designated parks and reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan</i>

**ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
11	Karuah Community Hall Committee	To assist Council in the management of Karuah Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Arnott Cr K Jordan Cr P Le Mottee</i>
12	Lemon Tree Passage Old School Centre Committee	To assist Council in the management of Lemon Tree Passage Old School Centre and surrounds.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>
13	Mallabula Community Centre Committee	To assist Council in the management of Mallabula Community Centre.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>
14	Mallabula Parks and Reserves Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>
15	Mambo Wanda Wetlands, Reserves and Landcare Committee	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Nell</i>

**ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
16	Medowie Community Centre Committee	To assist Council in the management of Medowie Community Centre.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr C Doohan</i>
17	Medowie Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Meets every 3 months- February, May, August, November. 1st Monday of the month	Facilities & Services	As resolved by Council	<i>Cr S Smith Cr C Doohan</i>
18	Nelson Bay Community Hall Committee	To assist Council in the management of Nelson Bay Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Abbott</i>
19	Port Stephens Australia Day Committee	To co-ordinate the annual celebration of Australia Day in Port Stephens in line with recommendations from Australia Day Council.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Development Services	1 councillor from each ward	<i>Cr C Doohan Cr S Smith Cr J Abbott Cr G Arnott Cr K Jordan</i>
20	Port Stephens Native Flora Garden Committee	To undertake maintenance and improvements to the native flora garden	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Nell</i>

**ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
21	Port Stephens Sister Cities Committee	To promote and have ongoing relationships between international communities providing opportunities for cultural exchange	Committees are required to hold at least three meetings per year at a time to be decided by the committee	General Manager's Office	Mayor and all councillors	<i>Mayor and all councillors</i>
22	Raymond Terrace Parks, Reserves and Tidy Towns Committee	To undertake maintenance and improvements to designated parks and reserves.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr G Arnott Cr K Jordan Cr P Le Mottee</i>
23	Raymond Terrace Senior Citizens Hall Management Committee	To assist Council in the management of the Raymond Terrace Senior Citizens Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan Cr P Le Mottee Cr G Arnott</i>
24	Salt Ash Community Hall	To assist Council in the management of Salt Ash Community Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Smith Cr C Doohan Cr S Tucker</i>
25	Salt Ash Sports Ground Committee	To assist Council in the management, maintenance and improvements to Salt Ash Sports Ground.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Smith Cr S Tucker Cr C Doohan</i>
26	Seaham Park & Wetlands Committee	To assist Council in the management, maintenance and improvements to the park and wetlands.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan Cr G Arnott Cr P Le Mottee</i>

**ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
27	Local Infrastructure Contributions Panel  Formerly Section 94 Panel	To inform Council of any proposed and/or requested changes to Council's Contributions Plan and associated systems and processes.	Six monthly	Development Services	Mayor One councillor from each Ward	<i>Mayor Palmer Cr S Tucker Cr G Arnott Cr G Dunkley Cr C Doohan Cr K Jordan</i>
28	Soldiers Point - Salamander Landcare Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr J Abbott</i>
29	Strategic Arts Committee	To provide input into Port Stephens Council strategic policy, plans and programs relating to culture and the arts.  To assist Council identify the existing and future requirements for arts and cultural facilities across Port Stephens.	Quarterly – 2nd Wednesday of the month	Development Services	As resolved by Council	<i>Mayor Palmer Cr S Tucker Cr J Nell Cr P Le Mottee</i>
30	Tanilba Bay Parks, Reserves and Hall Committee	To assist Council in the management of Tanilba Bay Foreshore Hall.  To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>
31	Tilligerry Landcare Group	To undertake maintenance and improvements to designated parks & reserves (as per map included in 355c Committee Terms of Reference Appendix).	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr S Tucker Cr S Smith Cr C Doohan</i>
32	Tilligerry Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administering sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October  3rd Monday	Facilities & Services	As resolved by Council	<i>Mayor Palmer Cr S Tucker Cr S Smith Cr C Doohan</i>

**ITEM 9 - ATTACHMENT 1      2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Committee Name	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
33	Tomaree Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Committee meets on the 4th Monday of February, May, August, November	Facilities & Services	As resolved by Council	<i>Mayor Palmer Cr J Abbott Cr G Dunkley Cr J Nell Cr S Smith</i>
34	West Ward Sports Council	To facilitate communication between the sporting public and Council in order to ensure that the existing and future needs and requirements of those persons participating and administrating sports are accurately identified and brought to the attention of Council.	Every 4 months– February, June, October  2nd Monday	Facilities & Services	As resolved by Council	<i>Cr K Jordan Cr P Le Mottee Cr G Arnott</i>
35	Williamtown Hall Committee	To assist Council in the management of Williamtown Hall.	Committees are required to hold at least three meetings per year at a time to be decided by the committee	Corporate Services	As resolved by Council	<i>Cr K Jordan Cr P Le Mottee Cr G Arnott</i>



ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

**REGIONAL COMMITTEES AND GROUPS**

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
36	AGL Newcastle Gas Storage Facility Community Dialogue Group	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	Mayor	Mayor Palmer
37	Birubi Point Cultural Heritage Advisory panel	To advise Port Stephens Council on the management plan required to protect the Worimi cultural and spiritual heritage and enhance the environment of the Birubi Point Crown Reserve and Birubi Point Aboriginal Place.	Meets 3 times per year	Development Services	1 councillor	Cr S Smith
38	Brandy Hill Quarry Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 councillor	Cr P Le Mottee
39	Comprehensive Koala Plan of Management Implementation Committee	Responsible for overseeing the implementation of the Port Stephens Council Comprehensive Koala Plan of Management.	Meets quarterly	Development Services	1 councillor	Cr S Smith  <u>Alternate</u> Cr J Nell
40	Community Projects Fund	To make recommendations to Council on applications received through the Grants process	Twice a year	General Manager's Office	Mayor 1 councillor from each Ward	Mayor Palmer Cr K Jordan Cr C Doohan Cr J Abbott (1 Councillor from each Ward).
41	Floodplain Risk Management Committee	To review the Floodplain policy.	Quarterly	Facilities and Services	As resolved by Council	Mayor Palmer Cr C Doohan Cr Dunkley Cr Nell Cr Le Mottee

ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
42	General Manager Performance Review Panel	To conduct evaluation of the performance of the General Manager.	At least annual	Mayor's Office	Mayor Deputy Mayor 1 councillor nominated by Council 1 councillor nominated by the General Manager	<i>Mayor Deputy Mayor Cr G Arnott (nominated by the Council) Plus a councillor nominated at the time by the General Manager</i>
43	Holiday Parks Advisory Panel	To provide a forum for meaningful discussion, facilitating appropriate consultation and engagement to assist in the effective management and strategic direction of the Port Stephens Beachside Holiday Parks comprising of Fingal Bay Holiday Park, Shoal Bay Holiday Park, Halifax Holiday Park, Thou Walla Sunset Retreat and Port Stephens Koala Sanctuary.	Bi-monthly	Corporate Services	Mayor and all councillors	<i>Mayor and all councillors</i>
44	Hunter Joint Organisation	To discuss regional issues in the Hunter.	Bi-monthly	General Manager's Office	Mayor	<i>Mayor Palmer</i>
45	Local Government Community Safety & Crime Prevention Network NSW  <del>Formerly Hunter Sub-Branch Crime Prevention Network.</del>  <b>Note:</b> <i>This is a Committee of the Port Stephens Local Area Command. Membership is by invitation from the Local Area Commander. Council's delegate is the Mayor.</i>	To provide a forum for local community members, service providers, businesses and the police to discuss issues and appropriate strategies relating to crime and community safety.  <b>**Attendees will be by invitation only, one representative will be invited by the Police from each peak body/organisation e.g. Hunter Water / Housing NSW). Council will hold two positions, one will be Community Engagement Officer, and the other will be the Mayor or his representative if unable to attend.</b>	Meets quarterly	Development Services	Mayor	<i>Mayor Palmer</i>

**ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
46	Hunter Water Corporation Community Consultative Committee	This committee is an advisory committee to Hunter Water Corporation.		General Manager's Office	1 councillor	<i>Cr P Le Mottee</i>  <i>Alternate</i> <i>Cr G Arnott</i>
47	Hunter and Central Coast Regional Planning Panel  Formerly Joint Regional Planning Panel	To consider development applications referred to the Panel under the legislation for development applications for the Port Stephens Local Government area.  The Panel comprises of 3 State members and 2 Councillors. The term is for 3 years for each Panel member.	As required	Development Services	2 elected members	<i>Mayor Palmer Cr P Le Mottee</i>  <i>Alternates</i> <i>Cr C Doohan Cr G Arnott</i>  <i>Civil Assets Section Manager Strategy &amp; Environment Section Manager</i>
48	Local Development Committee	Local Development Committee providing advice to Council staff on development regarding traffic matters.	As and when needed.	Facilities & Services	1 councillor	<i>Mayor Palmer</i>
49	Local Traffic Committee	This is an RTA-based committee which allows Council to have delegated authority to install or remove regulatory sign posting on public roads.	Meets 1 <sup>st</sup> Tuesday of the month	Facilities & Services	1 councillor	<i>Mayor Palmer Cr S Tucker</i>
50	Lower Hunter Bushfire Management Committee	The committee is a legislative requirement and is to discuss direction across local government areas and across agencies in regard to bushfire management.	Meets quarterly	Facilities & Services	2 councillor	<i>Mayor Palmer</i>  <i>Alternates</i> <i>Cr P Le Mottee Cr G Arnott</i>
51	Lower Hunter Community Advisory Group	The Group is managed by Hunter Local Land Services (HLLS). The purpose is to provide an opportunity the HLLS to engage with stakeholders on a range matters, including strategic direction and programs.	Meets annual	General Manager's Office	1 councillor	<i>Cr P Le Mottee</i>
52	Marine Parks Advisory Panel  <i>Ministerial Appointment</i>	Community Consultative Committee regarding the proposed Marine Park in Port Stephens.	Meets a minimum of twice a year	Development Services	1 councillor	<i>Cr J Nell</i>  <i>Alternate</i> <i>To be nominated</i>

**ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
53	Medowie Planning Strategy Implementation Panel	To provide community advice to Council on the implementation of the Medowie Planning Strategy.	Meets a minimum of twice a year	Development Services	Mayor All Central Ward Councillors	<i>Mayor Palmer Cr C Doohan Cr S Smith Cr S Tucker</i>
54	Nelson Bay Strategy Implementation Panel	To provide community advice to Council on the implementation of the Nelson Bay Planning Strategy.	Meets a minimum of twice a year	Development Services	Mayor All East Ward Councillors	<i>Mayor Palmer Cr Abbott Cr G Dunkley Cr J Nell</i>
55	Newcastle Airport Partnership Company No. 3 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.	Quarterly	General Manager's Office	<i>Mayor Deputy Mayor (General Manager) (Financial Services Manager)</i>	<i>Mayor Palmer Deputy Mayor (General Manager) (Financial Services Manager)</i>
56	Newcastle Airport Partnership Company No. 4 Pty Ltd	Special Purpose Vehicle for the part ownership of Newcastle Airport.	Quarterly	General Manager's Office	<i>Mayor Deputy Mayor (General Manager) (Financial Services Manager)</i>	<i>Mayor Palmer Deputy Mayor (General Manager) (Financial Services Manager)</i>
57	Newcastle Airport Partnership	The partnership is responsible for the development and management of Newcastle Airport and related infrastructure.	Quarterly	General Manager's Office	<i>Mayor (General Manager)</i>	<i>Mayor Palmer (General Manager)</i>
58	Greater Newcastle Aerotropolis Partnership	The partnership is responsible for the Astra Aero Lab.	Quarterly	General Manager's Office	<i>Mayor (General Manager)</i>	<i>Mayor Palmer (General Manager)</i>
59	Newcastle Airport Pty Limited	To manage the operations of Newcastle Airport.	Bi-monthly	General Manager's Office	<i>Mayor as Port Stephens Council Shareholder representative  Deputy Mayor as Port Stephens Council Shareholder Representative proxy.</i>	<i>Mayor as Port Stephens Council Shareholder representative  Deputy Mayor as Port Stephens Council Shareholder Representative proxy.  Mayor as Port Stephens Council appointed Director.  General Manager as Port Stephens Council appointed Director.</i>

**ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS**

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
60	Greater Newcastle Aerotropolis Pty Limited	To manage the operations of Astra Aero Lab	Bi-monthly	General Manager's Office	Mayor as Port Stephens Council Shareholder representative  Deputy Mayor as Port Stephens Council Shareholder Representative proxy.	<i>Mayor as Port Stephens Council Shareholder representative</i>  <i>Deputy Mayor as Port Stephens Council Shareholder Representative proxy.</i>  <i>Mayor as Port Stephens Council appointed Director.</i>  <i>General Manager as Port Stephens Council appointed Director.</i>
61	NSW Public Libraries Association (Central East Zone)	The purpose of the Association is to champion the public library cause, strengthen the public library network, advocate effectively, foster cooperation and collaboration, build trust and support, initiate partnerships and share relevant information.	Meets 3 times per year	Facilities & Services	As resolved by Council	<i>Cr S Tucker</i>
62	Port Stephens Council Depot re-development Committee	To explore the options available for re-development of the Council depot at Raymond Terrace.	Bi-annual	Facilities & Services	As resolved by Council	<i>Mayor Palmer</i> <i>Cr K Jordan</i> <i>Cr J Nell</i> <i>Cr G Arnott</i>
63	Port Stephens Economic Development Advisory Panel	Act as a communication and advisory mechanism to Council on relevant Economic Development issues.  Oversee the implementation of the Economic Development Strategy.	Quarterly	Development Services	Mayor 1 councillor from each Ward	<i>Mayor Palmer</i> <i>Cr C Doohan</i> <i>Cr G Dunkley</i> <i>Cr G Arnott</i>
64	Port Stephens Floodplain Advisory Panel	To provide advice on flood/floodplain management studies/plans	As required	Facilities & Services	1 councillor	<i>Cr P Le Mottee</i>  <i>Alternate</i> <i>Cr G Arnott</i>

ITEM 9 - ATTACHMENT 1 2018-2019 355C COMMITTEES AND REGIONAL COMMITTEES AND GROUPS

Ref	Name of Organisation	Purpose of Committee	Meeting cycle	Group	Number of elected members required	Current delegates
65	Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee	This Committee includes representatives from Great Lakes Council and is responsible for long term planning for the estuary and the coastline.	As required	Development Services	1 Councillor	<i>Cr J Neil</i>  <i>Alternate</i> <i>Cr P Le Mottee</i>
66	Property Advisory Committee	To provide a forum to address property management and development matters.	Bi-monthly	Corporate Services	Mayor One Councillor from each Ward	<i>Mayor Palmer</i> <i>Cr C Doohan</i> <i>Cr P Le Mottee</i> <i>Cr K Jordan</i> <i>Cr G Dunkley</i>
67	Raymond Terrace and Heatherbrae Strategy Implementation Panel	To provide community advice to Council on the implementation of the Raymond Terrace and Heatherbrae Strategy 2015-2031.	Meets a minimum of twice a year	Development Services	Mayor All West Ward Councillors	<i>Mayor Palmer</i> <i>Cr G Arnott</i> <i>Cr K Jordan</i> <i>Cr Le Mottee</i>
68	Salt Ash Sand Project Community Consultative Committee	The purpose of a Community Consultative Committee is to provide a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State significant project.	As required	General Manager's Office	1 councillor	<i>Cr Tucker</i>
69	RFS District Liaison Committee	To review the progress of the service level agreement between Port Stephens Council and NSW Rural Fire Service in the local government area.	As set by RFS	Facilities & Services	1 councillor	<i>Cr Arnott</i>  <i>Alternate</i> <i>Mayor Palmer</i>
70	Williamstown Consultative Committee Forum	To provide a forum for the residents of Williamstown area to discuss relevant issues with Federal, State and Local Government elected members and agencies.	Annually	General Manager's Office	Mayor	<i>Mayor Palmer</i> <i>(General Manager)</i>
71	Worimi Conservation Lands Board of Management  <i>Ministerial Appointment</i>	To oversee the management of the lands owned by the Aboriginal owners and leased back to the NSW Government.	Meets 4 times a year	General Manager's Office	1 councillor and an alternate	<i>Cr J Abbott</i>  <i>Alternate</i> <i>Cr S Smith</i>

**ITEM NO. 10**

**FILE NO: 19/302372  
EDRMS NO: PSC2013-04570**

**POLICY REVIEW: MANAGEMENT OF COMPETITIVE NEUTRALITY**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the revised Management of Competitive Neutrality Complaints Policy shown at **(ATTACHMENT 1)**.
- 2) Place the Management of Competitive Neutrality Complaints Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.
- 3) Revoke the Management of Competitive Neutrality Complaints Policy dated 24 October 2017, Minute No. 259 **(ATTACHMENT 2)**, should no submissions be received.

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**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>170</b>	<p><b>Councillor Glen Dunkley Councillor Chris Doohan</b></p> <p>It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Endorse the revised Management of Competitive Neutrality Complaints Policy shown at <b>(ATTACHMENT 1)</b>.</li><li>2) Place the Management of Competitive Neutrality Complaints Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council.</li><li>3) Revoke the Management of Competitive Neutrality Complaints Policy dated 24 October 2017, Minute No. 259 <b>(ATTACHMENT 2)</b>, should no submissions be received.</li></ol>
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**BACKGROUND**

The purpose of this report is to recommend the adoption of the revised Management of Competitive Neutrality Complaints Policy (policy) shown at **(ATTACHMENT 1)**.

The purpose of the Management of Competitive Neutrality Complaints Policy is to ensure Port Stephens Council has a framework to manage and investigate complaints received concerning competitive neutrality. Whilst Council currently has not classified any of its business units in line with the categories under the Competitive Neutrality Guidelines, Council needs to ensure a process is in place to deal with any complaints received.

The policy has been reviewed as part of Council's ongoing policy review program.

## **COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Governance	Provide a strong ethical governance structure.

## **FINANCIAL/RESOURCE IMPLICATIONS**

All costs associated with the development and implementation of the policy is within the existing budget.

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

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

The policy has been development to meet be requirements of the Office of Local Government.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council may be in breach of legislation without a policy framework in place.	Low	Adopt the recommendation.	Yes



## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The policy framework ensures that Council can meet the objectives of the National Competition Policy and maintains a business approach when competing with the private sector, where applicable.

## **CONSULTATION**

Consultation with key stakeholders has been undertaken by the Governance and Legal Services Unit.

### Internal

The policy has been endorsed by Council's Executive Team.

### External

Council is required to publicly exhibit the policy for a period of 28 days, seeking public comment.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Revised Management of Competitive Neutrality Policy. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 10 - ATTACHMENT 1      REVISED MANAGEMENT OF COMPETITIVE NEUTRALITY POLICY.**

Policy



**FILE NO:** PSC2013-04570

**TITLE:** MANAGEMENT OF COMPETITIVE NEUTRALITY COMPLAINTS

**POLICY OWNER:** GOVERNANCE **SECTION** MANAGER

**1. PURPOSE:**

- 1.1 The purpose of the Management of Competitive Neutrality Complaints policy is to ensure Port Stephens Council (Council) has a framework to manage and investigate complaints received concerning competitive neutrality.
- 1.2 Any complaints outside the limits of this policy will be managed under Council's Complaints Handling policy.

**2. CONTEXT/BACKGROUND:**

- 2.1 Council first adopted its policy for the Management of Competitive Neutrality Complaints on 23 December 1997. This policy was adopted to comply with the **former** Division of Local Government requirements **(now Office of Local Government)**.
- 2.2 Council recognises that the market has changed somewhat since the first adoption of the policy, and now has a number of business units actively operating in competition with the private sector. Council looks to ensure that the operations of Council are open and transparent when conducting commercial activities within the limits of the law, whilst maintaining a commercial business approach.

**3. SCOPE:**

- 3.1 Council is committed to the aims and objective of the National Competition Policy.
- 3.2 Council will remain accountable for its business to the community. The elected Council and staff will continue to have responsibility for ensuring that a service is being conducted effectively and that the Rates are being used responsibly.
- 3.3 All complaints should be forwarded to the General Manager. Complaints will generally be managed by the **Governance Section Manager** ~~Executive Officer~~, subject to the General Manager direction. Should a complaint be investigated, a report will be prepared for the General Manager.
- 3.4 Staff investigating competitive neutrality complaints will not be involved in the area subject to the complaint.

Policy

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ITEM 10 - ATTACHMENT 1 REVISED MANAGEMENT OF COMPETITIVE NEUTRALITY POLICY.

Policy



- 3.5 A full response will be provided to the complainant following an investigation, providing details of the findings.
- 3.6 Should an investigation not be required a response will be provided, giving details of why an investigation did not proceed.
- 3.7 Alternative avenues are available for making competitive neutrality complaints – such as the Independent Commission Against Corruption (ICAC), the NSW Ombudsman or the Australian Competition and Consumer Commission (ACCC).

4. DEFINITIONS:

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

ACCC	<b>means</b> Australian Competition and Consumer Commission.
Competitive neutrality complaint	A complaint that council has not met its requirements under the Policy or "Pricing and Costing for Council Business – A Guide to Competitive Neutrality". This includes a concern that Council has not established an effective complaints handling mechanism; and a complaint that council has not abided by the spirit of competitive neutrality in the conduct of a business activity.
Competitive neutrality complaint is not	A complaint regarding the level of service provided by a business activity (ie. reserve requiring maintenance, a garbage bin not collected);  A complaint regarding the cost of the service, unless it is that council has not costed its service to take competitive neutrality into account;  A complaint regarding the trade practices laws and their application to councils. Such complaints should be managed under Council's Complaint Handling Policy.
Council	means Port Stephens Council
ICAC	<b>means</b> Independent Commission Against Corruption

Policy

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## ITEM 10 - ATTACHMENT 1 REVISED MANAGEMENT OF COMPETITIVE NEUTRALITY POLICY.

## Policy

**5. POLICY STATEMENT:**

5.1 Council is committed to:

- a) Taking all reasonable steps to ensure that when conducting business in the market place it will not use its public position to gain an unfair advantage over a private sector competitor.
- b) Exercising its powers appropriately within the market.
- c) Be responsive to the complaints from the community.
- d) Resolving, without delay, all proven complaints.

**6. POLICY RESPONSIBILITIES:**

- 6.1.1 The General Manager, Group Managers, Section Managers and Coordinators are responsible for complying with the policy.
- 6.1.2 The Governance **Section** Manager is implementing, complying with, monitoring, evaluating, reviewing and providing advice on the policy.

**7. RELATED DOCUMENTS:**

- 7.1.1 Competition and Consumer Act 2010 (Cth).
- 7.1.2 Council's Complaints **Handling** Handling policy.

**CONTROLLED DOCUMENT INFORMATION:**

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<b>RM8 container No</b>	PSC2013-04570	<b>EDRMS RM8 record No</b>	17/255524
<b>Audience</b>	General public and Council officials		
<b>Process owner</b>	Governance <b>Section</b> Manager		
<b>Author</b>	Governance <b>Section</b> Manager		
<b>Review timeframe</b>	Two years	<b>Next review date</b>	31 August 2019 <b>31 August 2021</b>
<b>Adoption date</b>	23 December 1997		

## Policy

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## ITEM 10 - ATTACHMENT 1 REVISED MANAGEMENT OF COMPETITIVE NEUTRALITY POLICY.

Policy



## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	23 December 1997	Assistant General Manager	Adopted by Council.	1472
2.0	12 November 2013	Executive Officer	Adopted by Council.	323
2.1	24 October 2017	Governance Manager	Transferred policy to new corporate policy template.  Reviewed the policy with a minor administrative amendment.	259
2.2		Governance Section Manager	Reviewed the policy, included numbering to each paragraph and updated the version control. Updated title of policy owner to Governance Section Manager. 2.1 – Updated background reference to former Division of Local Government and Office of Local Government. 3.3 – Replaced Executive Officer title with Governance Section Manager. 4.1 – Inserted 'means' for ACCC and ICAC. 6.1.2 – Inserted 'Section' in title. 7.1.2 – Corrected spelling error 'handling'.	

Policy

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**ITEM NO. 11****FILE NO: 19/304578  
EDRMS NO: PSC2018-00494****2020 LOCAL GOVERNMENT ELECTION****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT PORT STEPHENS COUNCIL:**

- 1) Pursuant to s. 296(2), (3) and (5A) of the Local Government Act 1993 (NSW) ('the Act') that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
  - 2) Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
  - 3) Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
- 

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>171</b>	<b>Councillor Giacomo Arnott Councillor Sarah Smith</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Pursuant to s. 296(2), (3) and (5A) of the Local Government Act 1993 (NSW) ('the Act') that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.</li><li>2) Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.</li><li>3) Pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.</li></ol>
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## **BACKGROUND**

The purpose of this report is to allow Council to determine the method of conducting the 2020 local government election in Port Stephens.

Council considered a similar report at its meeting on 26 February 2019 (**ATTACHMENT 1**), however the report was subject to the Independent Pricing and Regulatory Tribunal's (IPART) report into the costs of running local government elections. This report has been finalised and is currently with the Minister for Local Government.

Council is required to resolve to enter into arrangements with either the NSW Electoral Commission (NSWEC) or an electoral services providers, to administer the 2020 ordinary council election by 1 October 2019, with 1 January 2020 being the due date to finalise the arrangements.

Given the IPART report is not available, Council will need to make a decision on the information available. The draft IPART report indicated council elections, based on IPARTs modelling, could increase on average by 62% compared to the 2016-2017 election costs. This may result in Port Stephens election costs increasing to around \$652,000, if Council engaged the NSWEC. It is not known, at this stage, if Council can expect an increase of 62%. This will be subject to the final report being released, and the NSWEC providing an estimate of costs. The NSWEC has indicated it will not provide an estimate of costs until the IPART report is released.

As Council is aware, the next NSW local government ordinary elections will be held in September 2020. Under the Local Government Act 1993, Council has the option of engaging the NSWEC or conducting the election 'in-house', by contract. Council conducted the 2012 local government election 'in-house', with the 2017 local government election conducted by the NSWEC.

Council has participated in a tender process through Regional Procurement for the 2020 election to be conducted by contract. The only tender received was from the Australian Election Company.

It is recommended that Council engage the NSWEC to conduct the 2020 local government election in Port Stephens, based on past experience of conducting local government elections and their performance at the 2017 election.

The recommendation is worded specifically to engage the NSWEC. Whilst there is no timeframe within the recommendation, under the legislation it will not commence until the 2020 local government election and can be terminated immediately following the 2020 election should Council wish. Alternatively, it will remain in place until 18 months prior to the 2024 local government election.

## COMMUNITY STRATEGIC PLAN

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

## FINANCIAL/RESOURCE IMPLICATIONS

The local government election is funded from an election reserve fund.

The tender received from Australian Election Company for the Port Stephens Council local government election totalled \$511,707.

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

## LEGAL, POLICY AND RISK IMPLICATIONS

In accordance with s296 of the Local Government Act 1993, Council is required to pass a resolution of its intention in relation to conducting the 2020 local government election for Port Stephens.

Section 55 of the Local Government Act 1993 (the Act), at the time, required tenders to be called for certain Council activities where the value will exceed \$150,000, and also provides exemptions that may apply. Section 55(3) (p) of the Act provides an exemption to the NSWEC – therefore NSWEC is not required to tender for an election contract. The \$150,000 threshold has now increased to \$250,000.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will not be able to engage the NSWEC should this resolution not be passed before 1 October 2019.	Low	Adopt the recommendations.	Yes



### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **CONSULTATION**

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

#### Internal

General Manager.

#### External

Council has consulted the NSWEC and Regional Procurement through the tender process.

### **OPTIONS**

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

### **ATTACHMENTS**

- 1) Minute No. 041 - 26 February 2019. [↓](#)

### **COUNCILLORS ROOM**

Nil.

### **TABLED DOCUMENTS**

Nil.

**MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019****ITEM NO. 6****FILE NO: 19/6435  
EDRMS NO: PSC2018-00494****2020 LOCAL GOVERNMENT ELECTION****REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER  
GROUP: GENERAL MANAGER'S OFFICE****RECOMMENDATION IS THAT PORT STEPHENS COUNCIL ("THE COUNCIL"):**

- 1) Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
- 2) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
- 3) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
- 4) That items 1 to 3 listed above are subject to the outcome of the IPART review of the costs of running local government elections, with a further report to Council following the Independent Pricing and Regulatory Tribunal (IPART) report being released.

**ORDINARY COUNCIL MEETING - 26 FEBRUARY 2019  
MOTION**

<b>041</b>	<b>Councillor John Nell Councillor Sarah Smith</b>  It was resolved that Port Stephens Council ("the Council"):  <ol style="list-style-type: none"><li>1) Pursuant to s. 296(2) and (3) of the <i>Local Government Act 1993</i> (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.</li><li>2) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.</li><li>3) Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.</li><li>4) That items 1 to 3 listed above are subject to the outcome of the IPART review of the costs of running local government elections, with a</li></ol>
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**MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**

	further report to Council following the Independent Pricing and Regulatory Tribunal (IPART) report being released.
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**BACKGROUND**

The purpose of this report is to allow Council to determine the method of conducting the 2020 local government election in Port Stephens.

As Council is aware the next NSW local government ordinary elections will be held in September 2020. Under the *Local Government Act 1993*, Council has the option of engaging the NSW Electoral Commission or conducting the election 'in-house', by contract. Council conducted the 2012 local government election 'in-house', with the 2017 local government election conducted by the NSW Electoral Commission.

Council is required to make a resolution 18 months from the next ordinary election (ie by 11 March 2019) should it wish to engage the NSW Electoral Commission (NSWEC) to conduct the 2020 local government election, and enter into a contract no later than 15 months from the next election.

If Council fails to pass a resolution before the abovementioned dates, Council will be required to conduct the election 'in-house', by contract and seek tenders given the cost will exceed the \$150,000 threshold under the *Local Government (General) Regulation 2005*. Council would also be required to place a notice on its website stating that it has failed to pass a resolution on the method of conducting the election. Council has participated in a tender process through Regional Procurement for the 2020 election to be conducted by contract. The only tender received was from the Australian Election Company. In addition to the tender process a preliminary estimate of costs was requested from the NSWEC, however this was not provided due to the announcement of an IPART review into the costs of local government elections.

It is recommended that Council engage the NSW Electoral Commission to conduct the 2020 local government election in Port Stephens, based on past experience of conducting local government elections, subject to the outcome of the IPART review and a costs estimate being provided by the NSW Electoral Commission. The IPART report is due by 30 August 2019.

The recommendation is worded specifically to engage the NSWEC. Whilst there is no timeframe within the recommendation, under the legislation it will not commence until the 2020 local government election and can be terminated immediately following the 2020 election should Council wish. Alternatively, it will remain in place until 18 months from the 2024 local government election.

**MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019****COMMUNITY STRATEGIC PLAN**

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

**FINANCIAL/RESOURCE IMPLICATIONS**

The local government election is funded from an election reserve fund. It is anticipated that the election costs will be in excess of \$530,000.

The tender received from Australian Election Company for the Port Stephens Council local government election totalled \$511,707.

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

**LEGAL, POLICY AND RISK IMPLICATIONS**

In accordance with s296 of the *Local Government Act 1993*, Council is required to pass a resolution of its intention in relation to conducting the 2020 local government election for Port Stephens.

Section 55 of the *Local Government Act 1993* (the Act), requires tenders to be called for certain Council activities where the value will exceed \$150,000, and also provides exemptions that may apply. Section 55(3) (p) of the Act provides an exemption to the NSWEC – therefore NSWEC are not required to tender for an election contract.

Council has recently received advice from the Office of Local Government advising that the NSW Government proposes to extend the deadline for councils to pass a resolution on the method of conducting the 2020 local government election. The amending legislation is not proposed to be before the NSW Parliament prior to the NSW State election in March 2019. Therefore, the current legislative requirement of 11 March 2019 will have lapsed. The recommendation is worded to avoid any potential breach of the *Local Government Act 1993* as it currently stands.

**MINUTES ORDINARY COUNCIL - 26 FEBRUARY 2019**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that Council will not be able to engage the NSWEC should this resolution not be passed before 11 March 2019.	Low	Adopt the recommendations.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

**CONSULTATION**

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

**Internal**

General Manager.

**External**

Council has consulted the NSW Electoral Commission and Regional Procurement through the tender process.

**OPTIONS**

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

**ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 12**

**FILE NO: 19/245943  
EDRMS NO: PSC2017-02840**

**28TH ANNUAL NSW COASTAL CONFERENCE - TERRIGAL - 29 OCTOBER TO 1 NOVEMBER 2019**

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

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the attendance of Cr John Nell at the 28<sup>th</sup> NSW Coastal Conference to be held in Terrigal from 29 October to 1 November 2019.

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**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>172</b>	<b>Councillor Ken Jordan Councillor Glen Dunkley</b>  It was resolved that Council endorse the attendance of Cr John Nell at the 28 <sup>th</sup> NSW Coastal Conference to be held in Terrigal from 29 October to 1 November 2019.
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**BACKGROUND**

The purpose of this report is to inform Council of the 28<sup>th</sup> NSW Coastal Conference to be held in Terrigal from 29 October to 1 November 2019.

The NSW Coastal Conference has grown to become one of the most successful coastal industry events held in Australia. The conference will bring together over 250 delegates from a diverse range of fields, including: all aspects of coastal, estuarine and marine management, science and research, and education, planning, policy and law; and includes representatives from government, the private sector and community groups and the interested public.

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

The conference is open to all Councillors.

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

## COMMUNITY STRATEGIC PLAN

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

## FINANCIAL/RESOURCE IMPLICATIONS

The conference registration fee is \$895.

The costs associated with registration, travel and accommodation will be covered from within the existing budget, subject to any individual Councillor not exceeding the conference budget limits in the policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		\$895 registration costs. Travel and accommodation will be additional to this cost.
Reserve Funds			
Developer Contributions (\$7.11)			
External Grants			
Other			

## LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Mayor/Councillors Policy requires Council to approve all Councillor conference attendances outside of the Hunter Region. Councillors' conference costs are limited to \$3000 per year under the Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Port Stephens Council will not be represented on the matters at the conference.	Low	That the recommendation be adopted.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

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

**CONSULTATION**

Nil.

**OPTIONS**

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

**ATTACHMENTS**

- 1) NSW Coastal Conference Program. [↓](#)

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.





## DRAFT CONFERENCE PROGRAM

(subject to change)

### Tuesday 29<sup>th</sup> October 2019

1.00pm – 5.00pm Afternoon Pre-Conference “Connecting with Community for the benefit of the Coast and Catchment”

5.00pm – 6.00pm Optional Welcome Drink

### PROGRAM – DAY 1

Wednesday 30<sup>th</sup> October

8.00am Conference Registration

**Session 1: Plenary** 9.00am – 10.30am

9.00am Welcome to Country

9.15am Conference Welcome from Central Coast Council

9.30am Conference Opening

9.40am Address by Major Sponsor

9.45am Keynote Speaker Address

10.30am – 11.00am Morning Tea

**Session 2: Concurrent** 11.00am – 12.35pm

	2A: Coastal & Estuarine Science	2B: Governance & Community	2C: Engineering, Technology & Innovation
11.00am – 11.20am	Managing Ramsar Wetlands in Urban Estuaries – Challenges, Opportunities and Responses <b>Sophia Meehan</b> , <i>Landforms and Rehabilitation</i>	Perception vs. Reality – 10 Years of Implementation of the Tuggerah Lakes Estuary Management Plan <b>Vanessa McCann</b> , <i>Central Coast Council</i>	Ups and Downs of Coastal Zone Management – Applying Remote Sensing Technologies <b>Symon Walpole</b> , <i>Lake Macquarie City Council</i>
5 min	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>

## ITEM 12 - ATTACHMENT 1 NSW COASTAL CONFERENCE PROGRAM.

	<i>2A continued</i>	<i>2B continued</i>	<i>2C continued</i>
<b>11.25am – 11.45am</b>	Adapting the MER Framework for Assessment and Communication of River, Lake and Estuary Health on the NSW Central Coast <b>Adrian Dickson</b> , <i>Department of Planning, Industry and Environment</i>	Scoping a Scoping Study: a New Approach to Collaboration Across the Hawkesbury River Estuary? <b>Ana Rubio</b> , <i>Hornsby Shire Council</i>	Umina-Ocean Beach Erosion Management Strategy <b>Matthew Potter</b> , <i>Royal HaskoningDHV</i>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>
<b>11.50am – 12.10pm</b>	Monitoring NSW Estuarine Health, Towards a More Holistic Approach <b>Colin Johnson</b> , <i>Department of Planning, Industry and Environment</i>	Developing a Coastal Management Program for Sydney Harbour – It Takes a Village <b>Sarah Joyce</b> , <i>Sydney Coastal Councils Group</i>	Recent Advances in Remote Sensing Applied to the Ettalong Ebb-tide Delta and Ocean-Umina Beach. <b>Chris Drummond</b> , <i>UNSW Sydney</i>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>
<b>12.15pm – 12.35pm</b>	Climate Change in Estuaries: Moving Beyond the High Tide <b>William Glamore</b> , <i>Water Research Laboratory, UNSW</i>	First-Pass Risk Assessment: What Does This Really Mean, and How Can It Be Used to Scope a Coastal Management Program? <b>Verity Rollason</b> , <i>BMT</i>	Foreshore Rehabilitation: What's Best for the Ecology? A Case Study of Pelican Beach, Lake Macquarie <b>Vincent Raoult</b> , <i>The University of Newcastle</i>
<b>12.35pm – 1.30pm Lunch</b>			
<b>Session 3: Concurrent</b>		<b>1.30pm – 3.05pm</b>	
	<b>3A: Coastal &amp; Estuarine Science</b>	<b>3B: Governance &amp; Community</b>	<b>3C: Implementing the Marine Estate Management Strategy (2018-2028)</b> <i>Sponsored by Marine Estate Management Authority</i>
<b>1.30pm – 1.50pm</b>	<b>1.30pm – 1.40pm</b> Restoring the Threatened Seagrass <i>Posidonia Australis</i> in Old Boat Mooring Scars <b>Giulia Ferretto</b> , <i>University of NSW</i>  <b>1.40pm – 1.50pm</b> Sedimentation Trends in Coastal Wetland Vegetation over the Past Century <b>Kirti Lal</b> , <i>University of Wollongong</i>	<b>1.30pm – 1.40pm</b> Activate, Educate, and Celebrate. Exploring an Innovative Event Model to Connect Coast, Community and Catchment <b>Glenn Cannard</b> , <i>Central Coast Council</i>  <b>1.40pm – 1.50pm</b> Communities of Practice - The New Buzzword <b>Simon Rowe</b> , <i>OceanWatch Australia</i>	<b>1.30pm – 1.45pm</b> The NSW Marine Estate Management Strategy – Connecting the Coast, Catchment and Community <b>Nicola Johnstone</b> , <i>Department of Primary Industries</i>  <b>1.45pm – 1.55pm</b> Building Capacity to Implement the 'Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land Use Planning Decisions' <b>Jocelyn Dela-Cruz</b> , <i>Department of Planning, Industry and Environment</i>

<b>5 min</b> <b>1.55pm – 2.15pm</b>	<b>Changeover</b> Habitat-fishery Linkages in Lake Illawarra: Habitat Prioritisation for Management Actions <b>Troy Gaston</b> , <i>The University of Newcastle</i>	<b>Changeover</b> Take 3 – Connecting Coasts, Catchment and the Community! <b>Roberta Dixon-Valk</b> , <i>Take 3 Ltd</i>	<b>1.55pm – 2.05pm</b> Updating the NSW Water Quality and River Flow Objectives – Stage1: Establishing Foundational Mapping Layers <b>Saori Miyake</b> , <i>Department of Planning, Industry and Environment</i>  <b>2.05pm – 2.15pm</b> The Marine Estate Coastal Floodplain Prioritisation Study <b>Kylie Russell</b> , <i>Department of Primary Industries Fisheries</i>
<b>5 min</b> <b>2.20pm – 2.40pm</b>	<b>Changeover</b> Pelican Bay Subcatchment Program - How a Small Bay Highlights Some Big Issues in Coastal Management <b>Brian Hughes</b> , <i>Hunter Local Land Services</i>	<b>Changeover</b> What's Important? Exploring the Gap Between Community Values and Management Priorities. <b>Jacquie White</b> , <i>Association of Bayside Municipalities</i>	<b>Changeover</b> <b>2.20pm – 2.30pm</b> Development of a Policy for Coastal Crown Land <b>Catherine Knight</b> , <i>Department of Industry Crown Lands</i>
<b>5 min</b> <b>2.45pm – 3.05pm</b>	<b>Changeover</b> Getting the Best out of Your ICOLL <b>Ester Groenendaal</b> , <i>Cardno</i>	<b>Changeover</b> Journey with the Community - Presenting Challenging Technical Information <b>Peter Brennan</b> , <i>Lake Macquarie</i>	<b>2.30pm – 2.40pm</b> Mitigation of Diffuse Pollutants Via Management of Riparian Zones Riverbanks and Roads <b>Shaun Morris</b> , <i>North Coast Local Land Services</i>  <b>2.40pm – 2.50pm</b> Best Management Practice in Intensive Coastal Agriculture The Clean Coastal Catchments Project <b>Luke Jewell</b> , <i>Department of Primary Industries</i>  <b>2.50pm – 3.00pm</b> Marine Integrated Monitoring Program: A Triple Bottom Line Approach <b>Natalie Gollan</b> , <i>Department of Primary Industries</i>
<b>3.05pm – 3.35pm Afternoon Tea</b>			

<b>Session 4:</b>		<b>Concurrent</b>		<b>3.35pm – 5.10pm</b>	
	<b>4A: Coastal &amp; Estuarine Science</b>	<b>4B: Governance &amp; Community</b>		<b>4C: Engineering, Technology &amp; Innovation</b>	
<b>3.35pm – 3.55pm</b>	Do Oyster Farms Benefit Estuarine Fisheries? <b>Timothy Smith</b> , <i>The University of Newcastle</i>	Section 27, the Enigma Section of the 2016 Coastal Management Act <b>Angus Gordon</b> , <i>Coastal Zone management and Planning</i>		An Underwater View of Past and Present Coastal Evolution from Seal Rocks to Crowdy Head <b>Michael Kinsela</b> , <i>Department of Planning, Industry and Environment</i>	
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>		<b>Changeover</b>	
<b>4.00pm – 4.20pm</b>	Oyster Biomonitor of Estrogenic Endocrine Disrupting Chemicals in Australian Coastal Waterways <b>Rafiqueel Islam</b> , <i>The University of Newcastle</i>	Adaptive Conditions of Consent for Reasonable Coastal Zone Development Proposals <b>Geoff Withycombe</b> , <i>BMT</i>		Extreme Storms Recorded in the Morphostratigraphy of Bengello Beach (Moruya), SE Australia <b>Thomas Oliver</b> , <i>UNSW Canberra</i>	
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>		<b>Changeover</b>	
<b>4.25pm – 4.45pm</b>	Experimental Saltmarsh Restoration in the Hunter River: Vegetation Findings Two Years on <b>Caleb Rankin</b> , <i>The University of Newcastle</i>	Integrated Coastal Management: The 5,000 Piece Puzzle <b>Natasha Carpenter</b> , <i>Auckland Council</i>		Collaborative Research to Understand Sea Level Rise Around South Korea Using Cutting-edge Techniques <b>Phil Watson</b> , <i>Department of Planning, Industry and Environment</i>	
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>		<b>Changeover</b>	
<b>4.50pm – 5.10pm</b>	<b>4.50pm – 5.00pm</b> New Arrangements for Catchment Governance Are Key to Estuary Health. A Case Study in Northern NSW <b>Steve Skull</b> , <i>Alluvium Consulting Australia</i>  <b>5.00pm – 5.10pm</b> Revealing the Climate Story Hidden in Mangroves in NSW Coastal Wetlands <b>Matthew Goodwin</b> , <i>University of Newcastle</i>	Cost Benefit Analysis in NSW Coastal Management – Are We Getting It Right? <b>Peter Horton</b> , <i>Horton Coastal Engineering</i>		<b>4.50pm – 5.00pm</b> Scraping It All Together at Old Bar Beach, NSW <b>Tom Doyle</b> , <i>MidCoast Council</i>  <b>5.00pm – 5.10pm</b> Avoca Beach Southern Foreshore Redevelopment – Bleachers, Boulders and Boat Ramps <b>Patrick Lawless</b> , <i>Royal HaskoningDHV</i>	

**5.10pm** **Close of Day One**

**5.15pm** **Australian Coastal Society AGM**

**7.00pm** **Welcome Reception, Avoca Beach Surf Life Saving Club**  
"Sponsored by Department of Planning, Industry and Environment - Crown Land"

**PROGRAM – DAY 2****Thursday 31<sup>st</sup> October**

8.30am Registration (for 1 Day delegates)

**Session 5: Plenary 9.00am – 10.30am**

9.00am Welcome to Day 2

9.05am – 9.50am Keynote Address

9.50am Keynote Address

10.30am – 11.00am Morning Tea

**Session 6: Concurrent 11.00am – 1.00pm**

	<b>6A: Coastal &amp; Estuarine Science</b>	<b>6B: Governance &amp; Community</b>	<b>6C: Engineering, Technology &amp; Innovation</b>
<b>11.00am – 11.20am</b>	Smart Estuaries: What's In Store for Future Estuary Managers? <b>Peter Coad,</b>	The Future of Coastal Protection Works on Public Land in NSW <b>Timothy Allen, Beatty Legal</b>	Sand, Nature's Defence – Wooli, a Suitable Case for Treatment <b>Marc Daley, Department Planning, Industry and Environment</b>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>
<b>11.25am – 11.45am</b>	Tidal Inundation in South East Australian Estuaries <b>David Hanslow, Department of Planning, Industry and Environment</b>	Protecting Public Access <b>Megan Hawley, Lindsay Taylor Lawyers</b>	Tweed River Entrance Dredging Employing a Flexible Placement Strategy <b>Matthew Harry, NSW Department of Industry</b>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>
<b>11.50am – 12.10pm</b>	Dune Behaviour and Management at Stockton Bight: Two Contrasting Case Study Examples <b>Paul Donaldson, BMT</b>	<b>11.50am – 12.00pm</b> NSW Beach Valuation Tool <b>Anita Kovac, Department of Planning, Industry and Environment</b>  <b>12.00pm – 12.10pm</b> Coastal Management Programs and the Marine Estate Management Strategy <b>Michelle Fletcher, Department Planning, Industry and Environment</b>	Ocean Pools – Contemporary Coastal Engineering Techniques Applied to Old Assets <b>James Carley, Water Research Laboratory, UNSW Sydney</b>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>
<b>12.15pm – 12.35pm</b>	Flightpath : It's All About the Birds at Wooloware Bay Stage 6 <b>Julie Nimmo, Sutherland Shire Council</b>	Going Beyond a Blue Economy: Imagining a Blue Future for Southern NSW <b>Michelle Voyer, University of Wollongong</b>	Constructing a Temporary Coastal Protection Structure with Geofabric MEGAcontainers – Lessons Learnt <b>Natalie Patterson, Royal HaskoningDHV</b>

	<i>6A continued</i>	<i>6B continued</i>	<i>6C continued</i>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>
<b>12.40pm – 1.00pm</b>	<b>12.40pm – 12.50pm</b> Tracking the Impacts of Sewage Overflows on Ecosystem Function Using Novel Techniques <b>Alessandra Suzzi</b> , <i>The University of Newcastle</i>  <b>12.50pm – 1.00pm</b> Urban Heating and Cooling Corridors; the Perfect Climate for Water Sensitive Urban Design <b>Georgina Dawson</b> , <i>Department of Planning, Industry and Environment</i>	Minnamurra River Boardwalk: Navigating Estuarine Constraints and Values to Deliver a Sustainable Shared Path Connection <b>Cassy Baxter</b> , <i>Cardno</i>	Eco-engineering Climate Change Adaptation in Coastal Wetlands <b>Duncan Rayner</b> , <i>UNSW Water Research Laboratory</i>

**1.00pm – 1.45pm Lunch**

**Session 7: FIELD TRIPS**

**1.30pm – 5.00pm**

<b>FT1</b>	BRISBANE WATER BOAT TOUR – HIGHLIGHTING GOSFORD & WOY WOY PENINSULA 1.30pm Departure
<b>FT2</b>	WALK AND TALK TUGGERAH LAKES - HIGHLIGHTING TUGGERAH LAKES & THE ENTRANCE
<b>FT3</b>	TOUR TERRIGAL – WALKING TOUR AROUND TERRIGAL LAGOON
<b>FT4</b>	BUSH, BEACH AND BATEAU BAY - HIGHLIGHTING OUR COAST AND UNIQUE COASTAL ENVIRONMENT - WYRRABALONG NATIONAL PARK

Afternoon Tea included on the Field Trips

**5.00pm**

**Close of Day Two**

**7.00pm**

**Conference Dinner & Annual NSW Coastal Management Awards**  
*"Sponsored by Royal HaskoningDHV"*  
 Crowne Plaza Terrigal

**PROGRAM – DAY 3****Friday 1 November**

8.30am

Registration (for 1 Day delegates)

**Session 8:****Concurrent****9.00am – 11.00am**

	<b>8A: Coastal &amp; Estuarine Science</b>	<b>8B: Governance &amp; Community</b>	<b>8C: Engineering, Technology &amp; Innovation</b>
<b>9.00am – 9.20am</b>	Metal Accumulation in Coastal Saltmarsh <b>Angelica Varhammar</b> , <i>The University of Newcastle</i>	Man-Made Ecological Disaster from the Lakes to the Coast <b>Kate Aston</b> , <i>Revive Lake Cathie Inc</i>	Acid Sulfate Soil Design Implications – Examples from the Shell Cove Boatharbour Project <b>Deborah Lam</b> , <i>Advisian</i>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>
<b>9.25am – 9.45am</b>	Sediment Bioremediation Using Benthic Macrofauna: Knowledge Gaps and Application in Coastal Environments <b>Sebastian Vadillo Gonzalez</b> <i>University of NSW</i>	<b>9.25am – 9.35am</b> Developing Swim-safety Modelling and Management Tools Using Historical Bacteria and Environmental Datasets <b>Melanie James</b> , <i>Central Coast Council</i>  <b>9.35am – 9.45am</b> The Success of Nearly a Decade of Collaboration Between OEH and LMCC <b>Christopher Baiada</b> , <i>Department of Planning, Industry and Environment</i>	<b>9.25am – 9.35am</b> Estuary-wide Strategies to Streamline the Assessment of Domestic Foreshore Structures and Bank Management Works <b>Hayley Leczkowski</b> , <i>NSW DPI Fisheries</i>  <b>9.35am – 9.45am</b> Moving on from Rock: a More Natural Approach to Bank Stability Using Logs and Revegetation <b>Jenny Weingott</b> , <i>Hunter Local Land Services</i>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>
<b>9.50am – 10.10am</b>	The Impact of Trapped Stormwater and Groundwater in the Nearshore Zone of Berkeley Vale, Tuggerah Lakes <b>Rebecca Swanson</b> , <i>Department of Planning, Industry and Environment</i>	<b>9.50am – 10.00am</b> Pathways for Coastal Sustainability and Resilience for the Australian East Coast <b>Marcello Sano</b> , <i>Griffith Centre for Coastal Management</i>  <b>10.00am – 10.10am</b> Community Sentiment for Shark Mitigation Approaches Trialled in the NSW Shark Management Strategy <b>Carol Martin</b> , <i>Department of Primary Industries</i>	Climate Change Adaptation Case Study: Davistown Landform and Flood Management <b>Joel Fraleigh</b> , <i>Rheln</i>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>

	<b>8A continued</b>	<b>8B continued</b>	<b>8C continued</b>
<b>10.15am – 10.35am</b>	Monitoring Coastal Water Quality Using Molecular Microbiological Markers <b>Nathan Williams, UTS</b>	<b>10.15am – 10.25am</b> Creating a Movement: Understanding How Communities Can Inform Fair and Transformative Sea-level Rise Adaptation <b>Anne Maree Kreller, University of NSW</b>  <b>10.25am – 10.35am</b> Asset Maintenance Vs Threatened Species – Balancing Community Needs in a Sensitive Marine Environment <b>Jodie Crawford, Northern Beaches Council</b>	Central Coast Lagoons Flood and Coastal Intelligence Tools – Integrating Coastal Information <b>Bronson McPherson, Manly Hydraulics Laboratory</b>
<b>5 min</b>	<b>Changeover</b>	<b>Changeover</b>	<b>Changeover</b>
<b>10.40am – 11.00am</b>	<b>10.40am – 10.50am</b> Tsunami Propagation in Drowned River Valley Estuaries with a Dynamic Tide <b>Kaya Wilson, The University of Newcastle</b>  <b>10.50am – 11.00am</b> Rainfall Drives Nitrogen Transport and Reduced Attenuation in a Coastal Horticultural Catchment <b>Shane White, Southern Cross University</b>	<b>10.40am – 10.50am</b> The Distribution and Abundance of Marine Debris Across Australia <b>Jordan Gacutan, University of NSW</b>  <b>10.50am – 11.00am</b> Fishing the Past: Archaeological Fish Remains Reveal Connections Between Humans and Environment <b>Morgan Disspain, Niche Environment and Heritage</b>	<b>10.40am – 10.50am</b> Providing a Baseline for Future Change Along Australia's Coastline <b>Mick Hawkins,</b>  <b>10.50am – 11.00am</b> Use of Emerging Technologies for Monitoring of Water Quality and Ecosystem Health <b>Megan Huggett, The University of Newcastle</b>

**11.00am – 11.30am Morning Tea**

**Session 9: Plenary**

**11.30am – 1.00pm**

**11.30am – 12.15pm Keynote Address**

**12.15pm – 12.50pm Keynote Address**  
"Youth for the Environment"

**12.50pm – 1.00pm Announcement for 2020 NSW Coastal Conference Host Council; Conference Closing & Wrap Up**

**1.00pm – 2.00pm Lunch**



**ITEM NO. 13****FILE NO: 19/301449  
EDRMS NO: PSC2017-00178****REQUEST FOR FINANCIAL ASSISTANCE****REPORT OF: WAYNE WALLIS - GENERAL MANAGER  
GROUP: GENERAL MANAGER'S OFFICE**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act 1993 from the respective Mayor and Ward Funds to the following:
    - a. Nelson Bay Golf Club – Mayoral Funds - \$1000 Donation towards the Movers and Shakers Parkinson's Charity Golf Day.
    - b. Yacaaba Centre – Mayoral Funds - \$1500 Donation towards the upgrade of the Centre computer system.
    - c. St Vincent de Paul Society NSW – Central Ward Funds - \$500 donation towards the purchase of a display clothes stand and signage for the Medowie Centre.
    - d. Nelson Bay PCYC – East Ward Funds - \$500 donation towards installation of a Pickleball court within club facilities.
- 

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>173</b>	<p><b>Councillor Ken Jordan</b> <b>Councillor Glen Dunkley</b></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"><li>a. Nelson Bay Golf Club – Mayoral Funds - \$1000 Donation towards the Movers and Shakers Parkinson's Charity Golf Day.</li><li>b. Yacaaba Centre – Mayoral Funds - \$1500 Donation towards the upgrade of the Centre computer system.</li><li>c. St Vincent de Paul Society NSW – Central Ward Funds - \$500 donation towards the purchase of a display clothes stand and signage for the Medowie Centre.</li><li>d. Nelson Bay PCYC – East Ward Funds - \$500 donation towards installation of a Pickleball court within club facilities.</li></ol>
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**BACKGROUND**

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

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

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

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

The requests for financial assistance are shown below:

**MAYORAL FUNDS – Mayor Palmer**

Nelson Bay Golf Club.	A members club with a special charter to ensure the course is open every day to the thousands of visitors to Port Stephens each year.	\$1000	Donation towards the Movers and Shakers Parkinson's Charity Golf Day.
Yacaaba Centre.	An information and counselling service in Port Stephens.	\$1500	Donation towards the upgrade of the Centre computer system.

### **CENTRAL WARD – Councillors Doohan, Smith and Tucker**

St Vincent de Paul Society NSW.	A not for profit community organisation helping people in the community who are facing poverty and inequality.	\$500 – rapid response.	Donation towards the purchase of a display clothes stand and signage for the Medowie Centre
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### **EAST WARD – Councillors Abbott, Dunkley and Nell**

Nelson Bay PCYC.	A non-profit youth organisation working with Police and community to empower young people to reach their potential.	\$500 – rapid response.	Donation towards the installation of a Pickleball court within club facilities.
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### **COMMUNITY STRATEGIC PLAN**

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

### **FINANCIAL/RESOURCE IMPLICATIONS**

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

### **LEGAL AND POLICY IMPLICATIONS**

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

The Policy interpretation required is whether the Council believes that:

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

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

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

Nil.

### **CONSULTATION**

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

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

### **OPTIONS**

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

### **ATTACHMENTS**

Nil.

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

**ITEM NO. 14****FILE NO: 19/306385  
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 24 September 2019.

<b>No:</b>	<b>Report Title</b>	<b>Page:</b>
1	August 2019 Cash and Investments	152
2	Petition: To not allow residential development on Boomerang Park	155
3	Report on LGPA National Congress & Business Expo, Darwin - 31 July to 2 August 2019	159
4	Council Resolutions	163

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>174</b>	<b>Councillor Giacomo Arnott Councillor Paul Le Mottee</b>  It was resolved that Council receives and notes the Information Papers listed below being presented to Council on 24 September 2019.  <b>No: Report Title:</b>  1 August 2019 Cash and Investments 2 Petition: To not allow residential development on Boomerang Park 3 Report on LGPA National Congress & Business Expo, Darwin - 31 July to 2 August 2019 4 Council Resolutions
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# INFORMATION PAPERS

**ITEM NO. 1**

**FILE NO: 19/253165  
EDRMS NO: PSC2006-6531**

**AUGUST 2019 CASH AND INVESTMENTS**

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

**BACKGROUND**

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

**ATTACHMENTS**

- 1) August 2019 Cash and Investments. [↓](#)
- 2) August 2019 Cashflow Report. [↓](#)



**ITEM 1 - ATTACHMENT 1 AUGUST 2019 CASH AND INVESTMENTS.**
**CASH AND INVESTMENTS HELD AS AT 31 AUGUST 2019**

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
ICBC	RIM	A	TD	2.84%	373	5-Sep-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.85%	384	18-Sep-19	1,500,000	1,500,000
ICBC	RIM	A	TD	2.84%	342	3-Oct-19	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	369	16-Oct-19	1,250,000	1,250,000
SOUTH WEST CREDIT UNION CO-OP	RIM	BBB	TD	2.90%	378	30-Oct-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.83%	377	13-Nov-19	1,000,000	1,000,000
ICBC	RIM	A	TD	2.86%	453	27-Nov-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.87%	399	11-Dec-19	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	391	18-Dec-19	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.70%	241	2-Jan-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.70%	248	9-Jan-20	1,000,000	1,000,000
BOC	CURVE	A	TD	2.88%	412	9-Jan-20	1,000,000	1,000,000
AUSTRALIAN MILITARY BANK	LAMINAR	NR	TD	3.01%	420	22-Jan-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.40%	182	28-Jan-20	2,000,000	2,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	362	5-Feb-20	1,000,000	1,000,000
ARAB BANK	FARQUHARSON	BB+	TD	2.95%	359	19-Feb-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.50%	245	19-Feb-20	1,000,000	1,000,000
AMP BANK	IMPERIUM	A+	TD	2.95%	373	13-Mar-20	1,000,000	1,000,000
ICBC	RIM	A	TD	2.93%	509	1-Apr-20	1,000,000	1,000,000
ARAB BANK	RIM	BB+	TD	2.97%	502	20-Apr-20	1,500,000	1,500,000
BOC	CURVE	A	TD	2.88%	512	28-Apr-20	1,000,000	1,000,000
JUDO BANK	LAMINAR	NR	TD	2.70%	369	13-May-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.65%	375	9-Jun-20	1,000,000	1,000,000
DNISTER UKRANIAN CREDIT UNION CO-OP	FIIG	NR	TD	3.00%	525	5-Aug-20	1,000,000	1,000,000
JUDO BANK	CURVE	NR	TD	2.05%	362	26-Aug-20	800,000	800,000
SUB TOTAL (\$)							27,050,000	27,050,000
INVESTMENTS TOTAL (\$)							27,050,000	27,050,000
CASH AT BANK (\$)							4,282,602	4,282,602
TOTAL CASH AND INVESTMENTS (\$)							31,332,602	31,332,602
CASH AT BANK INTEREST RATE				1.20%				
BBSW FOR PREVIOUS 3 MONTHS				1.17%				
AVG. INVESTMENT RATE OF RETURN				2.80%				
TD = TERM DEPOSIT								
AC = AT CALL CASH ACCOUNT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								



### Cash flow analysis 31/08/2019

#### CASHFLOW STATEMENT

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

#### Movement in cash represented by:

##### Operating Activities

Receipts from ratepayers, customers and government authorities  
Payments to suppliers & employees  
Interest received  
Interest paid  
**Total**

##### Investing Activities

Receipts from sale of Infrastructure, Property, Plant & Equipment  
Payments for Property, Plant & Equipment  
**Total**

##### Financing Activities

Payment of loans  
Receipt of new loans  
**Total**

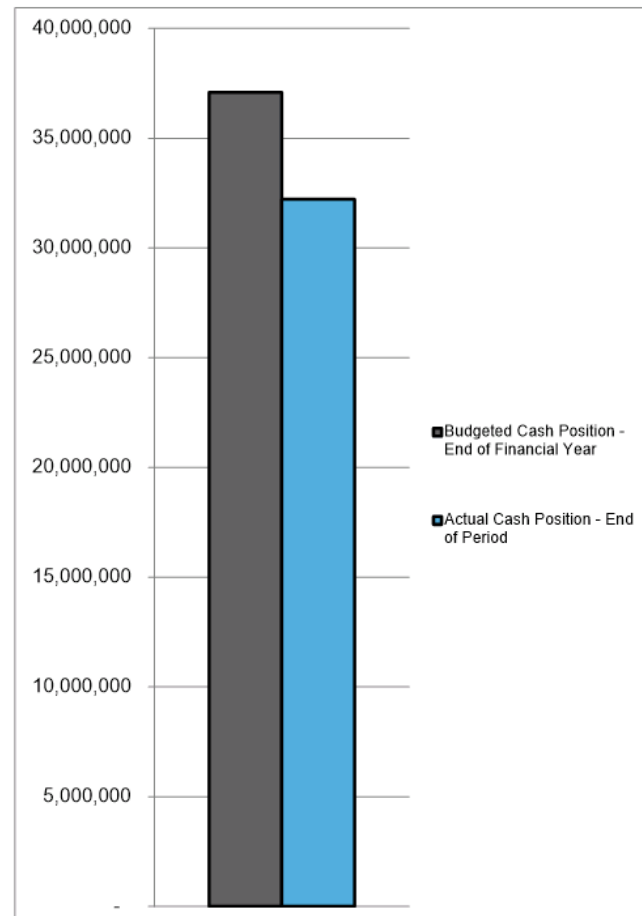
#### Total Cash Movement

Plus: Opening Cash and Investment 1 July 2019  
**Closing Cash and Investment 31 August 2019**

Budgeted Cash Movement for the Financial Year  
Plus Opening Cash and Investment 1 July 2019  
**Budgeted Cash and Investment Position 30 June 2020**

In front / (behind) on budget

YTD	Notes
35,484,953	
32,217,567	
<b>(3,267,387)</b>	
21,020,925	
(17,575,599)	
156,596	
(85,439)	
<b>3,516,482</b>	
-	
(6,106,575)	
<b>(6,106,575)</b>	
(677,294)	
-	
<b>(677,294)</b>	
<b>(3,267,387)</b>	
35,484,953	
<b>32,217,568</b>	
1,604,047	
35,484,953	
<b>37,089,000</b>	
(4,871,433)	1

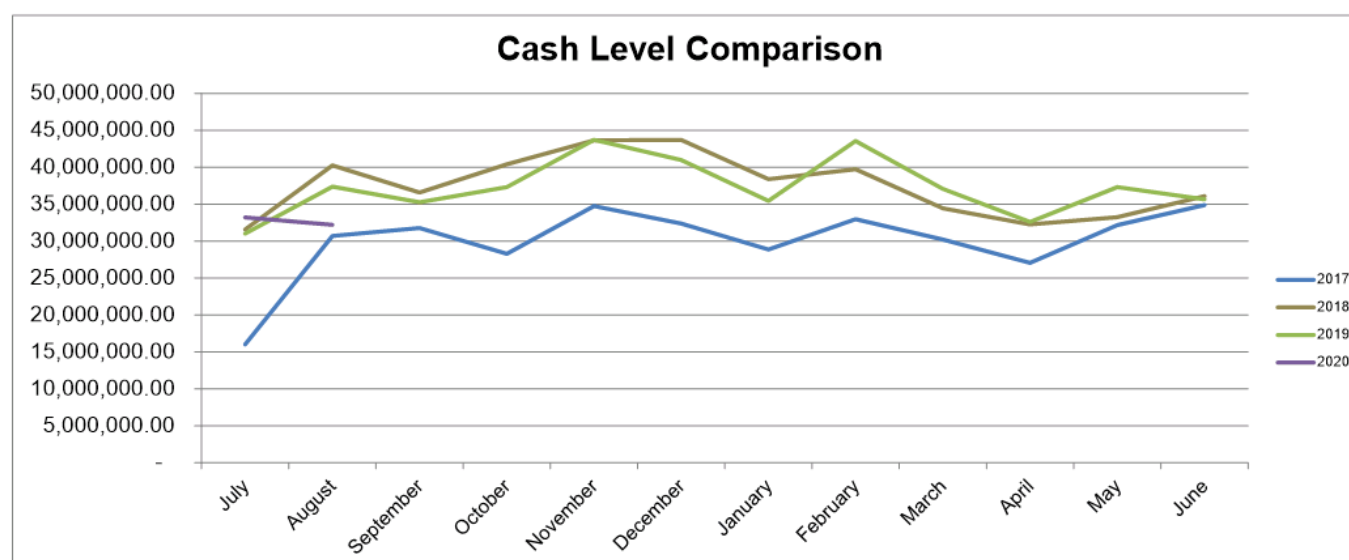


#### Notes

- 1 Council's cash position is behind on the budgeted year end position by \$4.87M predominately due to the following reasons:
- The proceeds from recent State Roads project work is yet to be received which is approx \$700K.
  - The timing of 1st quarter rates due to 31 August being on a weekend
  - Large capital outlays have been made in relation to internally funded jobs Capital works projects.

Significant future cash inflows expected in next few months include 2020 operating grants and the recently approved bank loans.

Significant future cash outflows expected in next few months include: Medowie Sport and Community Facility project, Koala Sanctuary, Riverside park seawall replacement, Shoal Bay and Halifax amenities upgrade, Tomaree road upgrade and plant purchases.



**ITEM NO. 2**

**FILE NO: 19/140240  
EDRMS NO: PSC2015-03017**

**PETITION: TO NOT ALLOW RESIDENTIAL DEVELOPMENT ON BOOMERANG PARK**

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

**BACKGROUND**

The purpose of this report is to present to Council a petition to not allow residential development on Boomerang Park. The petition received from the Boomerang Park Preservation Group Incorporated contains a total of 3,394 signatures – 1,672 signatures appear to be residents of Raymond Terrace, with 1,722 signatures noting other suburbs as their place of residence.

The contents of the letter/petition at **(ATTACHMENT 1)** have been reviewed and will be taken into consideration and form part of the Boomerang Park Planning Proposal findings.

**ATTACHMENTS**

- 1) Letter Boomerang Park Petition. [↓](#)

**COUNCILLORS ROOM**

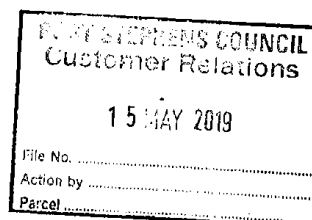
Nil.

**TABLED DOCUMENTS**

Nil.

**BOOMERANG PARK PRESERVATION GROUP INCORPORATED**

PO Box 287  
RAYMOND TERRACE NSW 2324  
Phone: 02-49876680  
Email: coral.berry@hotmail.com  
ABN: 8962125905



14 May 2019

Mr Wayne Wallis  
General Manager  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW 2324

Dear Mr Wallis,

**Re: Logement of Petition to not allow residential development on Boomerang Park.**

The undersigned residents and ratepayers of Port Stephens, petition that the Port Stephens Council does not allow Boomerang Park to be reclassified from community to operational land to rezone it from public recreation RE1 to R2 to create approximately forty-six low-density residential lots.

The petitioners insist that the Council retain the entire size of Boomerang Park as community land zoned as RE1 for the recreational benefits of the growing community of Port Stephens.

There are past, present and future reasons why members of the Port Stephens Community object to the planning proposal for Boomerang Park.

The Park has cultural significance to the Worimi people. The cultural significance of the Park is an integration of the native fauna and flora of the Park along with the Aboriginal Burials before 1840 in the Pioneer Hill Cemetery next to Boomerang Park.

Boomerang Park is a rare example of colonial town planning of the 1928 NSW Colonial Town planning principles. The relationship between the main street of the CBD and the Park is a significant feature of this planning style along with the scale of the park to allow a range of community events and passive recreation. It is possible that Boomerang Park may be about the second existing Park of this kind in Australia.

The entire Park is an item of heritage significance on the Port Stephens LEP given the various roles it has played in the establishment of the town by providing timber, sandstone and grazing for horses. From the pioneers days, the Park has been a platform for many significant community celebrations such as

Federation 1901, Armistice in 1918, Australia Remembers 1999 and Illuminate 2017. In the early days, the Park was a place where the community enjoyed a wide range of sporting and recreational activities such as golf, cricket, tennis, soccer and horse racing to name a few. The park provided accommodation for training the light horse brigade for the Boer War and also in World Wars I and II the Park became a marshalling area for troops. Hundreds of soldiers camped in the Park during World War II. More recently the Park has been used to stage a movie by the KnockOffs.

There was a high population of Koalas in Boomerang Park; however, since the early 1990s, there has been a dramatic decline in the population. The Park offers preferred koala food trees many of which are of a mature age in the forest area of the Park. There are still occasional sightings of koalas in the Park. The last sighting was near the Pioneer Cemetery in February 2019. Residential development on the Park will hurt the eucalyptus forests which koalas use for habitat. The development will lead to an increase in the dog population which will also lead to dog attacks on koalas. More traffic will be a potential risk for koalas strikes by vehicles. Many members of the community want the koala habitat expanded in the Park to rehabilitate the declining population rather than subjecting it to the impacts of new development.

The future of wildlife such as the threaten grey crown babbler depends on the health of the forest in Boomerang Park; hence this forest needs to be protected from the impact of development.

The petitioners believe it is essential to retain the whole park for recreation as the need for recreation will grow with the increase in population and the diversity of recreational activities sought in the Park. The east side of the Park does not have room left for the future development of recreational facilities.

There are other sites in Raymond Terrace which can accommodate the need for seniors living close to the central business district rather than Boomerang Park.

The petitioners do not wish for pieces of the parkland to be sold to pay for improvements on the recreational facilities provided on the Park. Funding should be from sources such as grants.

In particular, Boomerang Park is a major destination place for Raymond Terrace which has yet to reach its potential, and in return, it will enhance the economic health of the community.

The undersigned earnestly request that the Council does not allow residential development on Boomerang Park and that the Council retain the Park as community land for recreational purposes.

Yours sincerely,

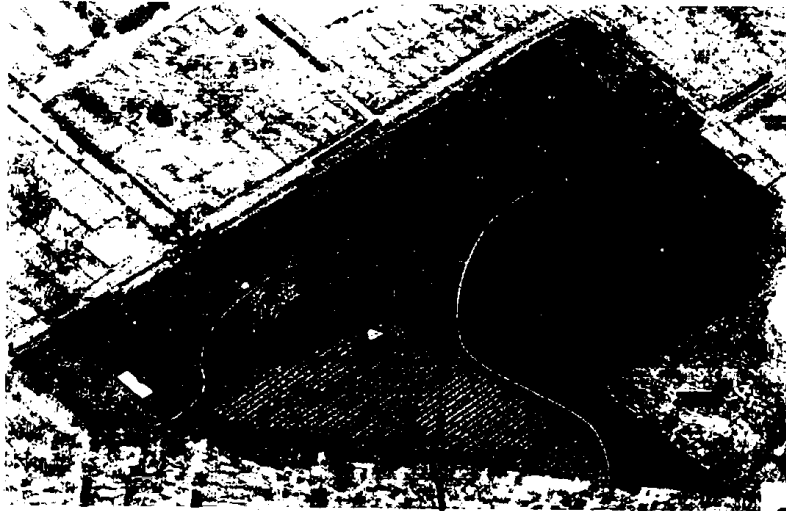


Coral Berry –  
Secretary Boomerang Park Preservation Group Inc.

**Petition to Port Stephens Council**

The Petition of Residents of Port Stephens, NSW, Australia brings to the attention of Port Stephens Council their objection to the planning proposal to reclassify 4.5 hectares of Historic Boomerang Park, Raymond Terrace from 'community' to 'operational' land and to change its zoning from recreational (RE1) to low density residential(R2) to low approximately 46 housing lots on the subject land in the Park.

The petitioners therefore request that Port Stephens Council withdraw this proposal and retain the entire Park as community land zoned as RE1 for the recreational needs of the community.



The striped triangle shaped area is the proposed site for reclassification and rezoning in Boomerang Park along Elizabeth Avenue, Raymond Terrace.

**ITEM NO. 3**

**FILE NO: 19/298041  
EDRMS NO: PSC2017-02842**

**REPORT ON LGPA NATIONAL CONGRESS & BUSINESS EXPO, DARWIN - 31  
JULY TO 2 AUGUST 2019**

REPORT OF: RYAN PALMER - MAYOR  
CHRIS DOOHAN - COUNCILLOR  
GROUP: GENERAL MANAGER'S OFFICE

**BACKGROUND**

The purpose of this report is provide feedback from the LGPA National Congress & Business Expo 2019. The congress was attended by Mayor Ryan Palmer, Councillor Chris Doohan and Wayne Wallis, General Manager.

The congress was officially opened Thursday morning with a warm welcome to country from a local Aboriginal Elder who spoke about always `having a go` and to not be bound by tradition but to grow tradition.

**Keynote - Michelle Guthrie- Combating the Politicisation of the CEO**

**Key Points:**

- Treat ratepayer as citizen, not consumer. We have to go to them, the 'pull not push' theory.
- Discussed the challenge for GM/CEO in working in the political sphere yet having to deliver services and manage budget, risk, staff etc.
- The challenge of organisational change/transformation in a political environment is something that is hard but necessary. Make the 'hard right' decisions, not what's easy and popular.
- While local issues matter, still need to invest to bring it to life.
- Very interesting perspective on how Google needs local input and value. Not different to local government.
- Challenge is to deliver, make people feel better, surprise and delight people. I see events and social programs as being so important here.
- Great example of using data to drive innovation. We need to ensure we keep our focus in this area and continue to improve our data reporting and turning this data into knowledge, wisdom and good decision making.
- Need to keep an eye out for disrupters and emerging risks/opportunities. This is an OFI for our organisation and broader community.
- `Great ideas` grant that ABC ran. Terrific initiative for a large organisation and really empowered employees to innovate. Maybe we can improve our "good ideas" process based on this.
- Be very aware, just because someone or some group is vocal, it doesn't necessarily mean they are representative of the community.

Geoff Gallop- Future Democracy and Challenging Mistrust

Key Points:

- Terrific discussion on how democracy is changing, the views people have of politicians and the challenges.
- The concept of new democracy and what it means in terms of engaging with the community for better decision making and governance.
- The need to manage disillusionment and mistrust and what it leads to. This being a loss of performance and anthills into mountains when not appropriate.
- The need for perspective and discipline to keep out of populist politics and poor decision making.
- Interesting idea on how real democratic process of election could work - random selection as opposed to voting. Citizens' juries!
- Note that Belgium and Ireland are doing something similar now on various issues. WA government did so with a project related to Perth.

Citizen Engagement Panel- Kettering Foundation

Key Points:

- Based in USA, it's been set up to help improve democracy across the globe.
- Democracy is realised when people can and do exercise their power and involvement in decision making.
- We need to create an environment where people feel they can make a difference.
- Need to see people as contributors and not just ratepayers. Help them be involved in decision making and galvanising community.
- They say it's all down to how we engage with them and create opportunity.
- How do we align what we do with how they do things? - create similar language and opportunity.
- Lincoln's statement- Government of the people, for the people and by the people. It's the 'by the people' aspect that seems to be missing.

Citizen Engagement Panel - Liana Thompson - City of Whittlesea

Key Points:

- Massive organisation and incredible growth rates.
- Used the 'deliberative' engagement model for their community long term strategy process. This is similar to option for us re CSP and what Geoff Gallop spoke to.
- Not surprisingly, their community aspirations are very similar to ours.
- They have integrated their community strategy outcomes into their award and internal performance process.
- Interestingly, after all of their engagement activities and effort to improve, their customer satisfaction results did not change.



- Key insight is that maybe they haven't changed their approach to how they deliver services. Their way forward is to put customers at the heart of what and how they do things and improve strategic communications.
- We need to be careful that we don't confuse more robust democracy with removal of the need to the 'hard right' decision or a move towards populism.
- Note quote – 'good leadership is as much about taking people where they need to go as opposed to where they want to go'.

### Keynote - Grattan Institute- John Daly

#### Key Points:

- People should trust government - trust is falling in politicians but growing for agencies. Churches and trade unions is falling. Same for big business. Interesting observation around the impact big business has on government. Lobbying and donations. The fact money buys access and access gets favourable decisions. Membership of political parties not representative of community and career politicians.
- Regional areas are getting raw deal - vote for minor parties increase as you move from capital cities. Annual growth in income tends to be higher the further from capital cities. Very interesting that spending on services increases per capita as you move away from capital cities.
- Decentralise population to solve housing issues - CBD has higher productivity due to higher population density. Density drives productivity, drives company set up/jobs, and drives population growth. Same across the globe. Interesting link between DA approval timelines and population growth.

### Behavioural Insights for LG

#### Key Points:

- Great conversation on how people receive and restore information. Also, how we can tap into psychology and behavioural aspects to get improved outcomes.
- We need to consider our communications and people behaviour and ability to retain information.
- Regulation, incentives and information are the levers to complement information sharing.
- Understanding people behaviour is the key to communications, policy and services
- Tricks for success- make it easy, attractive, social and timely.

### Gender and Equity Issues

#### Key Points:

- Very interesting presentation around the need for proactive efforts.

- Our organisation fares much better than industry averages. Having said that, there needs to be ongoing concerted effort.
- Across the country, only 30% of Councillors are female.
- The call for action requires effort now by all current and future leaders.
- Challenge for how GMs help this process and balance action with need to be apolitical.
- Proposed way forward for GMs - Commit publicly, set targets, measure and manage, report and celebrate.
- Need to be aware of unconscious bias.
- Key things we need to diversity and equality to thrive - remove masculine norms, be proactive and obvious about efforts, use data to create burning platform, educate and inform.
- The future workforce and workspaces. Work is not just where we go to work but to collaborate and innovate. Design needs to take this into account. Focused on open office concept and activity based working and design.
- Need to think hard about how it could work and risks/benefits.
- GMs main role is to curate culture. Office design, layout and how we work needs to be part of that conversation.
- Changing workforce dynamics - attraction, retainment and skill requirements.
- Labour market is changing. Individuals and organisations need to plan for this. Growth of service industries like local government.
- Surprisingly, there is still a big gap in IT skills but IT will be a major disruptor and enabler at the same time.
- Need to develop the leaders now so the future is assured for our industry.
- Don't forget the value in having conversations and understanding perspectives of those of a different generation to yourself.

## **ATTACHMENTS**

Nil.

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM NO. 4**

**FILE NO: 19/189294  
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.

## **ATTACHMENTS**

- 1) Corporate Services report. [↓](#)
- 2) Development Services report. [↓](#)
- 3) Facilities & Services report. [↓](#)
- 4) General Manager's Office report. [↓](#)

## **COUNCILLORS ROOM**

Nil.

## **TABLED DOCUMENTS**

Nil.

**ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES REPORT.**


<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 10/09/2019
		<b>Printed:</b> Monday, 16 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/11/2017	Meyn, Janet	Ground Lease over Part of 4 Leisure Way, Raymond Terrace for Telecommunications Facility	31/10/2019	29/11/2017	
1		Foster, Carmel				17/236078
297						
10 Sep 2019 - The Lease has been executed by both parties and is currently awaiting registration with Lands Registry Services.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Meyn, Janet	COMPULSORY ACQUISITION OF AN EASEMENT FOR ACCESS OVER PART OF 6 GOVERNMENT ROAD, SHOAL BAY	31/12/2019	28/03/2018	
13		Foster, Carmel				18/66656
066						
10 Sep 2019 - Council is still awaiting approval from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/07/2018	Meyn, Janet	398 CABBAGE TREE ROAD, WILLIAMTOWN	31/12/2019		
2		Foster, Carmel				18/151411
221						
10 Sep 2019 - Williamtown Sand Syndicate are in the process of completing the final conditions precedent. It is expected that Council will be able to sign the lease agreement by October 2019 due to issues with the Roads and Maritime Services approvals.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/08/2018	Meyn, Janet	Proposed Partial Road Closure - The Close, Raymond Terrace for future Development of Terrace Central Shopping Centre	31/10/2019	15/08/2018	
1		Foster, Carmel				18/179364
254						
10 Sep 2019 - Council is still awaiting registration of the subdivision by Land Registry Services.						

**ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES REPORT.**


<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 10/09/2019
		<b>Printed:</b> Monday, 16 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 12/02/2019	Meyn, Janet	King Street, Raymond Terrace Easements	31/05/2020	14/02/2019	
3		Foster, Carmel				19/39843
10 Sep 2019 - Council is awaiting approval from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 14/05/2019	Meyn, Janet	DEBT RECOVERY	24/12/2019	15/05/2019	
1		Foster, Carmel				19/136619
099						
10 Sep 2019 - Debt recovery is underway.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	PROPOSED ACQUISITION OF FORMER FIRE STATION SITE - 51 WILLIAM STREET, RAYMOND TERRACE	29/11/2019	29/05/2019	
5		Foster, Carmel				19/148388
109						
10 Sep 2019 - Council is awaiting approval from the Office of Local Government.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Meyn, Janet	COMPULSORY ACQUISITION OF PART OF VICTORIA PARADE RESERVE NELSON BAY FOR ROAD PURPOSES	29/11/2019	29/05/2019	
6		Foster, Carmel				19/148388
110						
10 Sep 2019 - The application has been lodged with the Office of Local Government.						

**ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES REPORT.**


<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 10/09/2019
		<b>Printed:</b> Monday, 16 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 11/06/2019	Meyn, Janet	Naming of Reserve - Bower Reserve, Medowie	27/09/2019	12/06/2019	
3		Foster, Carmel				19/160026
121						
10 Sep 2019 - Property Services is awaiting outcome from the Geographical Names Board meeting held today. Results are expected to be received in the next week.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Hazell, Tim	COMMUNITY PROJECTS FUND 2019-2020	24/09/2019		
8		Foster, Carmel				19/186501
148						
11 Sep 2019 - Awaiting bank details.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Hazell, Tim	REVIEW LOCAL PROCUREMENT PRACTICES	30/12/2019		
3		Foster, Carmel				19/186501
156						
6 Sep 2019 - The Procurement MD and Procurement Policy is under review by Executive Team. Progress updates will be provided.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Meyn, Janet	Sale of 2 Jessie Road, Anna Bay (formerly Anna Bay Oval)	30/11/2019		
1		Foster, Carmel				19/186501
158						
10 Sep 2019 - Council are awaiting purchasers Lawyers to review copy of contract.						

**ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES REPORT.**


<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets Report</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 10/09/2019
		<b>Printed:</b> Monday, 16 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 23/07/2019	Meyn, Janet	GRANT OF EASEMENTS IN FAVOUR OF AGL - PUNT ROAD, TOMAGO	30/09/2019		
7 169		Foster, Carmel				19/200498
10 Sep 2019 - Property Services team are progressing with the statutory process with AGL to organise paperwork to proceed.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2019	Hazell, Tim	Koala Sanctuary - Request for Additional Funding	30/11/2019		
7 204		Foster, Carmel				19/238998
2 Sep 2019 - Loan funding to be secured.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2019	Hazell, Tim	COMMUNITY PROJECTS FUND - FRIENDS OF TOMAGO HOUSE	24/09/2019		
11 208		Foster, Carmel				19/238998
11 Sep 2019 - Awaiting response from Tomago House.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2019	Hazell, Tim	PSC2020 PROPOSED COMMUNITY PROJECTS	7/10/2019		
12 209		Foster, Carmel				19/238998
11 Sep 2019 - Public exhibition needs to run its course.						

**ITEM 4 - ATTACHMENT 1 CORPORATE SERVICES REPORT.**

<b>Outstanding</b>	<b>Division:</b> Corporate Services	<b>Date From:</b> 26/09/2017
	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 10/09/2019
<b>Action Sheets Report</b>		<b>Printed:</b> Monday, 16 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/09/2019	Hazell, Tim	POLICY REVIEW: COMMUNITY GROUP LOANS POLICY	31/10/2019		
4 221		Foster, Carmel				19/307531
12 Sep 2019 - Policy is currently on public exhibition.						



**ITEM 4 - ATTACHMENT 2 DEVELOPMENT SERVICES REPORT.**


<b>Outstanding</b>	<b>Division:</b> Development Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 10/09/2019
<b>Report</b>		<b>Printed:</b> Monday, 16 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 28/05/2019	Pearl, Steven	Draft Fern Bay and North Stockton Strategy	22/10/2019	29/05/2019	
1		Crosdale, Timothy				19/148388
105						
6 Sep 2019 - It was resolved that Council defer Item 1 at the request of City of Newcastle Council. Councillor workshop held on 8 August 2019. Report scheduled for Council meeting on 22 October 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Pearl, Steven	ELECTRIC VEHICLE CHARGING POINTS FOR NEW DEVELOPMENTS	24/09/2019		
1		Crosdale, Timothy				19/186501
154						
6 Sep 2019 - A Council report is scheduled for 24 September 2019.						

**ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES REPORT.**


<b>Outstanding</b>	<b>Division:</b> Facilities & Services	<b>Date From:</b> 26/09/2017
<b>Action Sheets</b>	<b>Committee:</b> Ordinary Council	<b>Date To:</b> 10/09/2019
<b>Report</b>		<b>Printed:</b> Monday, 16 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/02/2018	Maretich, John	SPORTS GROUND IRRIGATION SYSTEMS	28/04/2020	14/02/2018	
2026		Kable, Gregory				18/32353
12 Sep 2019 - This will be reported back to Council as part of the Strategic Asset Management Plan.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/03/2018	Malloy, Aaron	Lease of grounds of 43, 45, 47 and 47A Tanilba Avenue Tanilba Bay (Lot 238, Lot 270 and Lot 271 DP753194, Lot 342 DP704442) to Calvary Retirement Communities Hunter-Manning Limited ACN 102625212.	30/12/2019	28/03/2018	
14067		Kable, Gregory				18/66656
10 Sep 2019 - Once approval from Crown Lands comes through it then has to go to both the Worimi Land Council and the NSW Local Aboriginal Council as both have land claims on this parcel of land.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/04/2018	Maretich, John	BOBS FARM DRAINAGE	31/12/2020	11/04/2018	
2084		Kable, Gregory				18/75830
10 Sep 2019 - Currently examining funding options to determine if Council can adopt these as public assets.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 25/06/2019	Maretich, John	Funding for Proposed Community Projects	31/10/2019		
1136		Kable, Gregory				19/171142
10 Sep 2019 - Further report to go to Council on 22 October 2019.						

**ITEM 4 - ATTACHMENT 3 FACILITIES & SERVICES REPORT.**


<b>Outstanding</b>	<b>Division:</b>	Facilities & Services	<b>Date From:</b>	26/09/2017
<b>Action Sheets</b>	<b>Committee:</b>	Ordinary Council	<b>Date To:</b>	10/09/2019
<b>Report</b>			<b>Printed:</b>	Monday, 16 September 2019

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 9/07/2019	Maretich, John	ROCK REVETMENT AT KANGAROO POINT, SOLDIERS POINT	31/07/2020		
2		Kable, Gregory				19/186501
155						
10 Sep 2019 - Council staff will seek to identify grant funding opportunities for this project.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Maretich, John	Policy Review - Contribution to Works for Kerb and Gutter Construction	31/10/2019		
5		Kable, Gregory				19/223851
186						
10 Sep 2019 - Contribution to Works for Kerb & Gutter Policy is out on Public Exhibition until Monday 16 September 2019.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 13/08/2019	Malloy, Aaron	Policy Review - Provision and Management of Cemeteries	31/10/2019		
6		Kable, Gregory				19/223851
187						
10 Sep 2019 - On Public Exhibition from 13 August 2019 to 18 September 2019.						

**ITEM 4 - ATTACHMENT 4      GENERAL MANAGER'S OFFICE REPORT.**


<b>Outstanding</b>	<b>Division:</b>	<b>General Manager's Office</b>	<b>Date From:</b>	<b>26/09/2017</b>
<b>Action Sheets</b>	<b>Committee:</b>	<b>Ordinary Council</b>	<b>Date To:</b>	<b>10/09/2019</b>
<b>Report</b>			<b>Printed:</b>	<b>Monday, 16 September 2019</b>

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 30/07/2019	Wickham, Tony	2 DOWLING STREET, NELSON BAY	13/11/2019		
1		Wallis, Wayne				19/208838
176						
15 Aug 2019 - Deed of Settlement progressing.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 27/08/2019	Wickham, Tony	NEWCASTLE AIRPORT COMPANIES - DEEDS OF INDEMNITY	30/09/2019		
14		Wallis, Wayne				19/238998
211						
2 Sep 2019 - Execution of this document is in progress.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Ordinary Council 10/09/2019	Wickham, Tony	WARD BOUNDARY REVIEW	24/09/2019		
5		Wallis, Wayne				19/307531
222						
16 Sep 2019 - Discussion with NSW Electoral Commission continuing prior to public exhibition.						

# NOTICES OF MOTION

**NOTICE OF MOTION****ITEM NO. 1****FILE NO: 19/302933  
EDRMS NO: PSC2017-00019****SUPPORTING PORT STEPHENS KOALAS****COUNCILLORS:** JOHN NELL  
SARAH SMITH

---

**THAT COUNCIL:**

- 1) Support the submission from Port Stephens Koalas to the NSW Minister for Environment and Energy that the Koala breeding hub identified between Anna Bay and Salamander Bay located on Crown Land be converted to national park and annexed to the Tomaree National Park.

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**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>175</b>	<b>Councillor John Nell Councillor Sarah Smith</b>  It was resolved that Council support the submission from Port Stephens Koalas to the NSW Minister for Environment and Energy that the Koala breeding hub identified between Anna Bay and Salamander Bay located on Crown Land be converted to national park and annexed to the Tomaree National Park.
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**BACKGROUND REPORT OF: STEVEN PEART – STRATEGY & ENVIRONMENT  
SECTION MANAGER****BACKGROUND**

In 2017, Dr Stephen Phillips identified a Koala breeding hub between Anna Bay and Salamander Bay; located in proximity to Port Stephens Drive, Salamander Way and Nelson Bay Road. The area is characterised by land owned by National Parks, Crown Lands, and private landholders.

The long term sustainability of Koala in Port Stephens would benefit from a number of parcels of Crown Land being added to the Tomaree National Park estate. Such inclusion would create important habitat connectivity in an east west direction between Anna Bay, Salamander Bay and One Mile Beach.

**ATTACHMENTS**

- 1) Port Stephens Koalas Letter to the Minister. [↓](#)
- 2) Map of Anna Bay - Salamander Bay Koala Hub. [↓](#)

**ITEM 1 - ATTACHMENT 1 PORT STEPHENS KOALAS LETTER TO THE MINISTER.**

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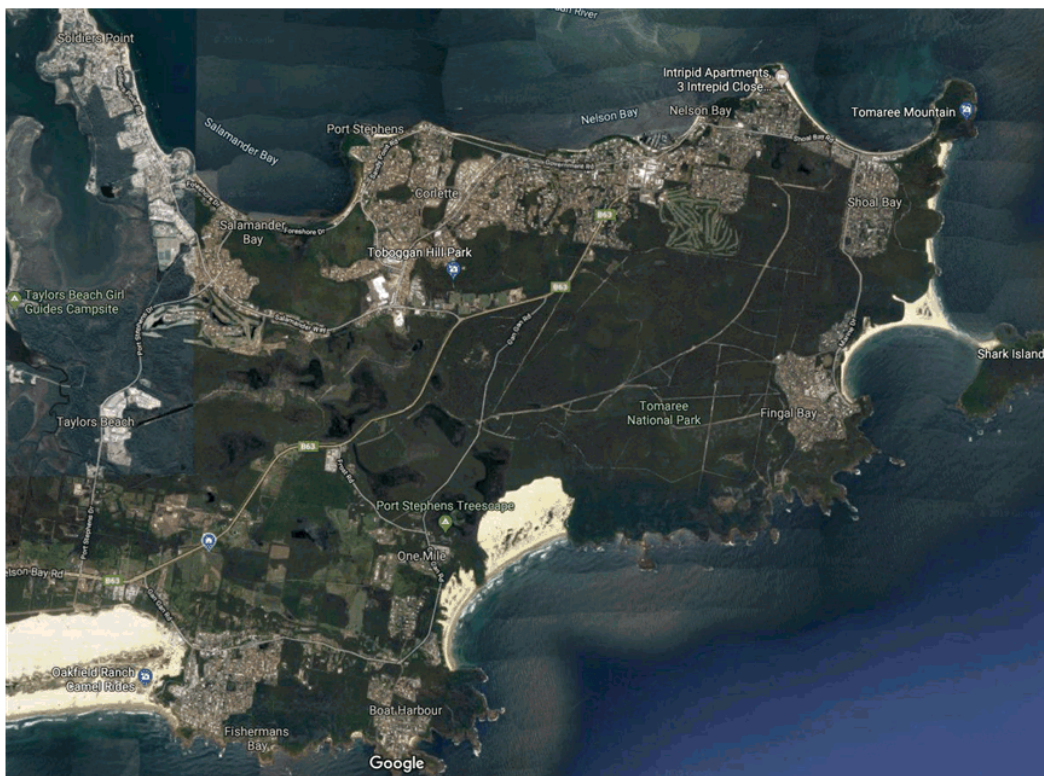
30 August 2019

The Hon. Matt Kean, MP  
 Minister for the Environment and Energy, NSW Parliament  
[hornsbys@parliament.nsw.gov.au](mailto:hornsbys@parliament.nsw.gov.au)

Dear Matt,

Thank you for visiting us last Sunday for the ground-breaking ceremony for the Port Stephens Koala Sanctuary. I was honoured to have the opportunity to meet you and hear you speak about your environmental initiatives, especially about extending national parks, and that got me thinking, and writing.

You may recall I mentioned that the most important koala habitat on the Tomaree peninsula extends from our Sanctuary at Port Stephens Treescape, One Mile Beach across to the recently recovered Mambo Wetlands at Salamander Bay (see photo below). The koala breeding hub lying basically between 3 main roads: Port Stephens Drive, Salamander Way and Nelson Bay Road, was identified by Dr Stephen Philips. Although his investigations mention it is possible, we are certain the hub extends to the coast at One Mile.



Port Stephens Koala & Wildlife Preservation Society Ltd  
 PO Box 60, ANNA BAY NSW 2316

ABN 77 614 765 977 ACN 614765977 MWW 000100701



**ITEM 1 - ATTACHMENT 1 PORT STEPHENS KOALAS LETTER TO THE MINISTER.**

Most of our koala deaths are caused by motor vehicle hits on these 3 roads, particularly young males of about 4kg who are venturing out of their mother's territory to find their own patch, when they come to grief, often in early spring. Much of this is Crown Land which adjoins Tomaree National Park, extending along to Fishermans Bay.

Tomaree National Park mainly takes in the coast and high ground, which is not preferred koala habitat. Port Stephens koalas prefer to eat E. Robusta (swamp mahogany) and Mel. Quinquinervia; both of which grow in the wetlands that are clearly visible on the photo extending from Treescape to Salamander Bay.

I believe we would be able to preserve koalas in the wild in Port Stephens should we protect this area and include it in the National Park. The wetlands are vital to the ecology of Port Stephens, providing the breeding grounds for fish and oysters to be released into the harbour. The Mambo Wetlands conservation group has applied for RAMSAR listing because the area is home to so many threatened species: <https://www.hboc.org.au/wp-content/uploads/Mambo-Wetlands-threatened-bird-species.pdf>.

I cannot leave this letter without mentioning Port Stephens other most significant Koala Breeding hub, also identified by Dr Steve Philips, a little north of Raymond Terrace at a location becoming known as Kings Hill. There are currently 2 Development Applications (called Gwynville and Kings Hill) with Port Stephens Council for this very area, with a third connected property expected to apply soon too. This combined development is for over 2,000 homes to be built over the next 25 years. Multi millions of dollars will be required to ensure that run off from the development doesn't enter Grahamstown Dam, the major source of drinking water, but it bothers me immensely that this koala population may also fall victim of urban expansion so soon. The impact of the multiple separate DAs for Kings Hill should be considered as a whole, not piece meal.

The Salamander hub and Kings Hill hub are the two major breeding populations of koalas in the Port Stephens LGA, according to well-renowned scientists, not just our little wildlife rehabilitation group. They are critically important to koalas surviving in the wild because they haven't experienced bushfires lately. We are actively engaged with Port Stephens Council, NPWS, Crown Lands and the RFS and Fire Services to determine the best fire management plan for the Salamander hub. We also need to employ road mitigation measures and other strategies to protect this area.

Please ask your staff to investigate and report back to you. I'm sure they'll bear out my statements. Once again, I very much appreciate the opportunity to meet you and to put my concerns forward. Of course Port Stephens Koalas made a submission to the NSW Parliament Enquiry into Koala Habitat and Koala Population, but I never thought to include a request to extend the national park until I met you.

We are all very much hoping to hear some good news in regard to the additional funding so desperately required for the fit out of our clinic building, adequate fencing and fire fighting capacity at the Sanctuary.

In the meantime, best wishes with your endeavours. I look forward to meeting you again at our Opening.

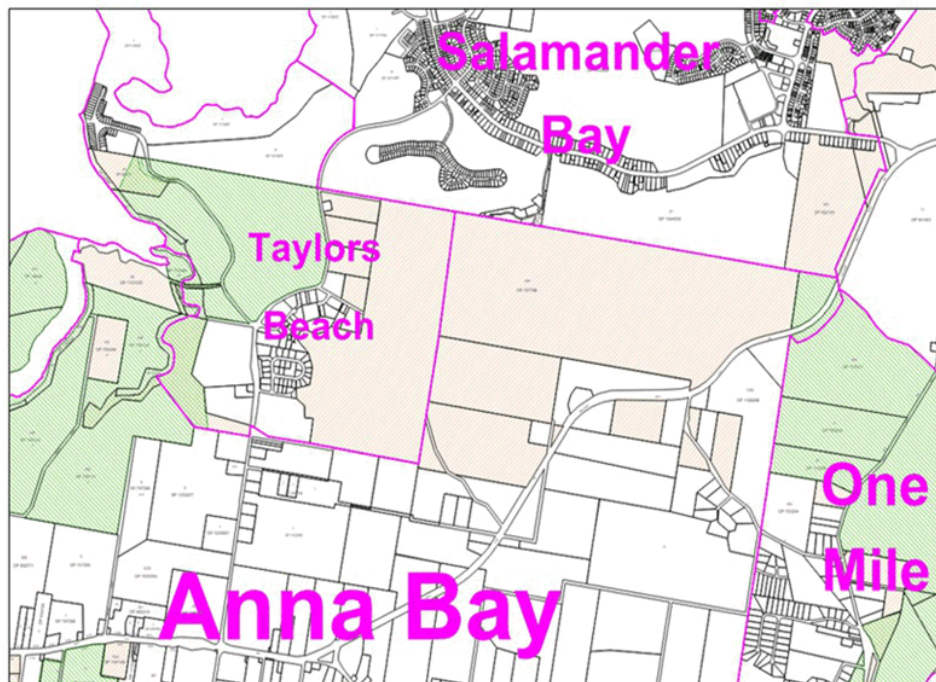
Yours sincerely,

President  
0422 22 5437

CC:  
Kate Washington, MLA, Shadow Minister for Environment and Heritage, and for Rural Health  
[portstephens@parliament.nsw.gov.au](mailto:portstephens@parliament.nsw.gov.au)

ITEM 1 - ATTACHMENT 2  
HUB.

MAP OF ANNA BAY - SALAMANDER BAY KOALA



-  Crown Land
-  National Park

**NOTICE OF MOTION**

**ITEM NO. 2**

**FILE NO: 19/310590  
EDRMS NO: PSC2017-00019**

**WORLD HERITAGE LISTING**

**COUNCILLOR: JOHN NELL**

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**THAT COUNCIL:**

- 1) Request the General Manager to prepare a report on the possible World Heritage listing for the Port Stephens - Great Lakes Catchment Area. This report is to include:
    - a. Information about the area proposed for World Heritage listing and its potential heritage values.
    - b. The pros and cons of World Heritage listing, including benefits for the Port Stephens community.
    - c. The process leading to World Heritage listing.
    - d. The possible role for Council in the process of nominating the area for World Heritage listing.
- 

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

<b>176</b>	<p><b>Councillor John Nell</b> <b>Councillor Steve Tucker</b></p> <p>It was resolved that Council request the General Manager to prepare a report on the possible World Heritage listing for the Port Stephens - Great Lakes Catchment Area. This report is to include:</p> <ol style="list-style-type: none"><li>a. Information about the area proposed for World Heritage listing and its potential heritage values.</li><li>b. The pros and cons of World Heritage listing, including benefits for the Port Stephens community.</li><li>c. The process leading to World Heritage listing.</li><li>d. The possible role for Council in the process of nominating the area for World Heritage listing.</li></ol>
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**BACKGROUND REPORT OF: STEVEN PEART – STRATEGY & ENVIRONMENT  
SECTION MANAGER**

**BACKGROUND**

World Heritage is the designation for places that are of outstanding universal value to humanity, and as such, have been inscribed on the World Heritage List to be protected for future generations to appreciate and enjoy.

Australia currently has 19 properties on the World Heritage List, including the Great Barrier Reef (QLD), Greater Blue Mountains (NSW), and the Ningaloo Coast (WA).

World Heritage sites that are nominated for World Heritage listing are inscribed on the list only after they have been carefully assessed as representing the best examples of the world's cultural and natural heritage.

The Marine Parks Association, a not-for-profit community group, is proposing to prepare a bid for the inclusion of the Port Stephens - Great Lakes Catchment Area to be submitted for World Heritage listing.

**ATTACHMENTS**

Nil.

**NOTICE OF MOTION**

**ITEM NO. 3**

**FILE NO: 19/312317  
EDRMS NO: PSC2017-00019**

**CLIMATE EMERGENCY**

**COUNCILLOR: GIACOMO ARNOTT**

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**THAT COUNCIL:**

- 1) Council recognises that we are in a state of climate emergency that requires urgent action by all levels of government.
  - 2) Request the General Manager to prepare a report to Council that:
    - a. Outlines actions taken by Council to date, to address climate change through reducing energy consumption and waste, as well as protecting and improving natural habitat.
    - b. Provides options for ways that Council can continue to combat climate change, alongside local residents, businesses, government agencies and other stakeholders.
- 

**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
MOTION**

	<p><b>Councillor Giacomo Arnott</b> <b>Councillor John Nell</b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1) Recognises that we are in a state of climate emergency that requires urgent action by all levels of government.</li><li>2) Request the General Manager to prepare a report to Council that:<ol style="list-style-type: none"><li>a. Outlines actions taken by Council to date, to address climate change through reducing energy consumption and waste, as well as protecting and improving natural habitat.</li><li>b. Provides options for ways that Council can continue to combat climate change, alongside local residents, businesses, government agencies and other stakeholders.</li></ol></li></ol>
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**ORDINARY COUNCIL MEETING - 24 SEPTEMBER 2019  
AMENDMENT**

<b>177</b>	<b>Councillor Glen Dunkley Councillor Ken Jordan</b>  It was resolved that Council:  <ol style="list-style-type: none"><li>1) Acknowledge that ongoing action is needed on climate change to ensure a sustainable future for Port Stephens.</li><li>2) Acknowledges the work that Port Stephens Council and the community have done to address climate change across Port Stephens.</li><li>3) As part of the 2020 Community Strategic Planning process:<ol style="list-style-type: none"><li>a. Council engage with the community and business to obtain suggestions for initiatives to reduce their impact on climate change.</li><li>b. Identify initiatives to reduce Councils impact on climate change with an associated funding strategy.</li></ol></li></ol>
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Cr Arnott recorded his vote against the amendment.

The amendment on being put became the motion, which was carried.

**BACKGROUND REPORT OF: STEVEN PEART – STRATEGY & ENVIRONMENT  
SECTION MANAGER****BACKGROUND**

In Australia, the Climate Emergency Declaration mobilisation and petition was launched in May 2016. In December 2016, Darebin City Council (Victoria) was the first council to pass a Climate Emergency Declaration in Australia. Since then, 47 local government areas across Australia have made the declaration.

The Climate Emergency Declaration proposes to mobilise society-wide resources at sufficient scale and speed to protect civilisation, the economy, people, species, and ecosystems. Declaring a climate emergency is the first step in mobilising government and community resources.

Understanding Port Stephens Council's current and proposed actions to respond to a climate emergency is an important first step in committing to climate action. Some initiatives being undertaken or proposed to be undertaken by Port Stephens Council include:

- Developing a Climate Change Policy for Port Stephens as recommended in the Climate Change Adaptation Action Plan.
- Undertaking a detailed review of the Climate Change Adaptation Action Plan and its implementation.
- Developing a Sustainability Action Plan through the internal sustainable energy steering group ('Currents').
- Port Stephens Council has recently joined the NSW Government's Sustainability Advantage program which is a State government led program that assists local councils and other organisations to identify and achieve their sustainability objectives, including emissions reductions.
- Maintaining the Sustainable Energy Planning and Design for Projects and Activities Management to assist Council's asset owners and project managers to achieve sustainable energy outcomes in line with Council's Environment Policy, Environmental Management System and Procurement Policy.

## **ATTACHMENTS**

Nil.

There being no further business the meeting closed at 7.42pm.