

MINUTES 26 MARCH 2013



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 26 March 2013, commencing at 5.52pm.

PRESENT: Mayor B MacKenzie; Councillors G. Dingle; C. Doohan; S. Dover; K. Jordan; P. Kafer; P. Le Mottee; J. Morello; S. Tucker; General Manager; Corporate Services Group Manager; Facilities and Services Group Manager; Development Services Group Manager and Executive Officer.

060	Councillor John Morello Councillor Peter Kafer
	It was resolved that the apology from Cr Nell be received and noted.

061	Councillor Chris Doohan Councillor Steve Tucker
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 5 March 2013 be confirmed.

	Mayor Bruce MacKenzie declared of Special Disclosure of Pecuniary Interest in Item 3.

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SPECIAL DISCLOSURE OF PECUNIARY INTEREST

Note – This disclosure relates to Item 4 of the agenda.

	Local Government (General) Regulation 2005	
	Schedule 3A Form of special disclosure of pecuniary interest <small>(Clause 195A)</small> Local Government Act 1993	

Form of Special Disclosure of Pecuniary Interest

1 The particulars of this form are to be written in block letters or typed.
 2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests

by [full name of councillor] Bruce Mackenzie

in the matter of [insert name of environmental planning instrument]
Daft Principal Port Stephens LEP.

which is to be considered at a meeting of the [name of council or council committee (as the case requires)] the Council meeting

to be held on the 26th day of March 2013.

Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land)	<input checked="" type="checkbox"/> 7 Abundance Road, Medowie 26 Wallinbach Ave, Tomiba Bay.
Relationship of identified land to councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of councillor has

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	interest in the land. <input checked="" type="checkbox"/> Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest²	
Nature of land that is subject to a change in zone/planning control by proposed LEP (the subject land) ³ [Tick or cross one box]	<input checked="" type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	① LEP 2000 - 4A Light Industrial ② LEP 2000 - 2A Residential
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	① LEP 2013 - INZ Light Industrial. ② LEP 2013 - 2.3 - Medium Density Residential
Effect of proposed change of zone/planning control on councillor [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	① Appreciable financial loss ② Potential minor appreciable financial gain

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Date 26/3/13

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

¹ Section 443 (1) of the Local Government Act 1993 provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

² Section 442 of the Local Government Act 1993 provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).

³ A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the Local Government Act 1993 has a proprietary interest—see section 448 (g) (ii) of the Local Government Act 1993.

⁴ **Relative** is defined by the Local Government Act 1993 as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0947

CAMPVALE DRAIN

THAT COUNCIL:

- 1) Call for a report on the progress of Campvale Drain, including an explanation why all land has not been acquired to progress the matter.
-

ORDINARY COUNCIL MEETING – 26 MARCH 2013

MOTION

Cr Paul Le Mottee left the meeting at 5.59pm prior to voting on the Mayoral Minute.
Cr Le Mottee left the meeting at this time due to a conflict of interest.

	Councillor Bruce MacKenzie Councillor Ken Jordan
062	It was resolved that Council call for a report on the progress of Campvale Drain, including an explanation why all land has not been acquired to progress the matter.

BACKGROUND

The purpose of this Mayoral Minute is to seek a report on the progress of Campvale Drain and reasons why all land required for this work has not been completed.

COUNCIL REPORTS

ITEM NO. 1

FILE NO: 16-2012-684-1

DEVELOPMENT APPLICATION FOR CHANGE OF USE FROM INDUSTRIAL WORKSHOP TO VEHICLE SMASH REPAIRS AT NO. 8 WILLIAM BAILEY STREET, RAYMOND TERRACE

REPORT OF: MATTHEW BROWN – DEVELOPMENT ASSESSMENT AND COMPLIANCE SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approve Development Application 16-2012-684-1 for Change of Use from Industrial Workshop to Vehicle Smash Repairs on land at Lot 23, DP 813426, 8 William Bailey Street, Raymond Terrace, subject to the conditions contained in **(ATTACHMENT 3)**.

ORDINARY COUNCIL MEETING – 26 MARCH 2013

MOTION

	Councillor Peter Kafer Councillor Ken Jordan
063	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

Cr Paul Le Mottee returned to the meeting at 6.02pm during Item 1.

	Councillor Ken Jordan Councillor Peter Kafer
	That Council defer Item 1, development application 16-2012-684-1 for Change of Use from Industrial Workshop to Vehicle Smash Repairs on land at Lot 23, DP 813426, 8 William Bailey Street, Raymond Terrace, for a site inspection by the Mayor and Councillors.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor, Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Morello and Sally Dover.

Those against the Motion: Nil.

MOTION

065	<p>Councillor Geoff Dingle Councillor Ken Jordan</p>
	<p>It was resolved that the Committee of the Whole be adopted.</p>

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor, Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Morello and Sally Dover.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a development application to Council for determination at the request of Councillor Nell, supported by Councillors Geoff Dingle and Peter Kafer.

This application seeks approval for the Change of Use from the existing Light Industrial Workshop to Vehicle Smash Repairs. The proposal will allow for the expansion of the adjoining, existing Shipton Smash Repairs business located at 1 Carmichael Street, Raymond Terrace.

The key issue identified in the planning assessment relates to:

- Noise impacts on adjoining properties.

One (1) submission was received objecting to the development on the grounds that:

- Placement of the 3m high acoustic buffer wall would obstruct solar access to adjoining properties;
- Overwhelming fumes from spray booth/s;
- The potential for noise creation from above the 3m height.

The applicant has provided additional information to address these concerns to the satisfaction of Council. The submission and responses are discussed further in the Assessment (**ATTACHMENT 2**).

The objectors have indicated as part of their submission that if the proposal is to go ahead they would like to see specific conditions imposed on the consent, including:

- 1) The proposed acoustic fence to not interfere with the existing fence;
- 2) The acoustic fence be constructed to control noise to 110db;
- 3) That any damage caused to their property as a direct result of proposed construction be borne by the owners;

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- 4) That the acoustic fence be the same colour as the existing fence and that any weed growth between the two (2) fences be kept controlled by the owner.

These conditions have been met, where applicable, by including;

- 1) As the proposed acoustic fence is separate from the existing boundary fence and constructed of different materials (timber /colourbond) it is unreasonable to condition that the acoustic fence be the same colour as the existing boundary fence.
- 2) The Acoustic Report states that the Acoustic fence is to be constructed to an emanating noise level of 102dB, worst case scenario of noise generation. Confirmation of construction levels will be required by Council once the fence has been erected.
- 3) A condition that the acoustic fence and its surrounds are to be maintained by the owner/operator for the life of the business has been included. Once the business ceases to operate the fence is to be removed.

Should the above conditions be imposed as recommended, it is understood the submission maker will have a level of comfort regarding any possible impacts.

The proposal is consistent with the principles and controls of relevant legislation, namely the Port Stephens Local Environmental Plan 2000 and Development Control Plan 2007.

It is considered that the proposed management measures are acceptable and the development is therefore recommended for approval.

FINANCIAL/RESOURCE IMPLICATIONS

The proposal does not have any direct financial or resource implications.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No	No	Any ongoing monitoring or compliance action will be met within existing staff & budgetary allocations. The costs associated with any legal appeal may not be met in their entirety.
Reserve Funds	No	No	
Section 94	No	No	
External Grants	No	No	
Other	No	No	

LEGAL AND POLICY IMPLICATIONS

The application is considered satisfactory with regards to Port Stephens Local Environmental Plan 2000 and Port Stephens Development Control Plan 2007.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the approval may have a noise impact on surrounding residents.	Medium	<ul style="list-style-type: none"> • Condition use in accordance with appropriate acoustic conditions • Compliance action can be taken if necessary to protect residents amenity 	Yes
There is a risk that the decision may be challenged in Land and Environment Court	Low	<ul style="list-style-type: none"> • Condition use/development to meet current LEP controls • Defend Council's decision 	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed development is unlikely to have any significant social, economic or environmental implications for the community.

CONSULTATION

The application was exhibited in accordance with Council policy and one (1) submission was received. This is discussed in the Attachments.

OPTIONS

- 1) Adopt the recommendation; or
- 2) Reject or amend the Recommendations.

ATTACHMENTS

- 1) Locality Plan;
- 2) Assessment; and
- 3) Conditions.

COUNCILLORS ROOM

Statement of Environmental Effects;

- 1) Workshop Noise Assessment;
- 2) Site Plan of proposed Change of Use and location of Acoustic Fence; and
- 3) Additional Information Response.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



116 Adelaide Street Raymond Terrace NSW 2324 Phone: (02) 49802255 Fax: (02) 49873612 Email: council@portstephens.nsw.nz.au

**ATTACHMENT 2
ASSESSMENT**

The application has been assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the following is a summary of those matters considered relevant in this instance.

THE PROPOSAL

It is proposed to change the current light industrial workshop use at the site to a smash repair/vehicle repairs workshop. This will enable further expansion of the current business, Shipton Smash Repairs, located at 1 Carmichael Street, Raymond Terrace.

THE APPLICATION

Owner	MR A A & MRS M S & MR M W & MRS D M SHIPTON
Applicant	PULVER, COOPER & BLACKLEY
Detail Submitted	Statement of Environmental Effects.

THE LAND

Property Description	LOT 23, DP 813423
Address	8 WILLIAM BAILEY STREET, RAYMOND TERRACE
Area	1259m ²
Dimensions	30.48m frontage
Characteristics	The sites present use is two (2) existing light industrial workshops, and hardstand area, that are presently vacant. The site is located within a flood prone area, and bushfire buffer zone.

THE ASSESSMENT

1. Planning Provisions

LEP 2000 – Zoning	5(G) - Special Urban (Flood) / Part In2 Light Industrial (Draft 2012)
Relevant Clauses	Clause 37 – Objectives for Development on flood prone land Clause 38 - Development on flood prone land Clause 47 - Services
Development Control Plan	B2 - Environmental and Construction Management B3 – Parking, Traffic and Transport B5 – Industrial Development B12 – Advertising Signs

C1 – Raymond Terrace Town Centre

1.1 Local Environmental Plan 2000

Clause 26 – Special Urban (Flood Affected) Zone

The site is located within the existing 5(g) - Special Urban (Flood) zone. This zone allows for the development of commercial, light industrial and residential uses which are compatible with the constraints of the land.

The proposal is permissible development within the current LEP 2000 zoning.

Within the Draft 2012 LEP the site will be zoned 'Part In2 Light Industrial'. This zone allows for the development of light industrial uses which promote employment, minimise adverse impacts on other land uses, and protect industrial land for industrial uses.

The proposed vehicle body repair workshop/vehicle repair stations is a permissible use under the Draft LEP.

Clause 37 & 38 - Development on flood prone land

There is no proposed construction within the flood prone areas identified on-site and as such the construction of the acoustic fence would cause no impediment to the flow of water.

Clause 47 – Services

The subject site has access to existing service provisions. No further infrastructure is required.

The proposal meets the aims and objectives of the above PSLEP clauses.

1.2 Development Control Plan 2007

The application has been assessed against the relevant provisions of Port Stephens Development Control Plan, 2007, as follows:

CONTROL	PROPOSED	REQUIRED	COMPLIES
B2 – Environmental and Construction Management.			
B2.2 General Standards	The expansion of the business does not proposed the moving of polluting activities, these will remain within the existing site where they are approved for operation. The potential for noise pollution on adjoining properties will be mitigated by the construction of an acoustic barrier. There is no additional legislation from which	B2.C1 Development must be designed, constructed, operated and maintained so as to prevent or mitigate the effect of any polluting emission. B2.C2 Development must meet the objectives, and comply with the provisions, of the relevant legislation.	Yes

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	approval must be sought.		
B2.3 Water Quality Management	A Stormwater Plan has been submitted with the application which has been review by Environmental Services and is considered to be acceptable for the proposed development.	B2.C3Development must comply with the provisions of Council's Urban Stormwater and Rural Water Quality Management Plan.	Yes
B3 – Parking, Traffic and Transport			
The site contains existing access from William Bailey Street, with parking behind the building line. The parking provision is consistent with the requirements of the DCP.			Yes
B5 – Industrial Development.			
The proposal will not require external works to be undertaken and does not alter the developments compliance with the DCP.			Yes
B12 – Advertising signs			
Existing signage will be replaced with simular signage to the existing adjoining business. The sign is to comply with the aims and objectives of the DCP.			Yes
C1 – Raymond Terrace Town Centre.			
Due to the location and zoning of the proposed site, there are no development constraints under this DCP			Yes

Discussion

The development proposal meets the aims and objectives of the relevant chapters of the Port Stephen's Development Control Plan 2007.

1.3 Section 94

The application does not attract Section 94 contributions.

2. Likely Impact of the Development

Access and Traffic

As the proposal is not considered likely to generate significant additional traffic to the existing road network, the development is considered satisfactory with regards to Access, Transport and Traffic.

Built Environment

The only proposed building works will be the construction of an acoustic barrier wall at the rear of the subject site. There are no construction concerns with the erection of the acoustic barrier wall.

Acoustic/Noise Impacts

Noise sources will occur at levels between 1.0m - 1.5m from the ground floor of the shed with a maximum level of 102dB at worst case. Impact on surrounding properties will be mitigated by the internal retrofitting of acoustic insulation and fibrous cement sheeting, with the external construction of a 3m high acoustic wall with a density of 12kg/m². The wall is to be located at the rear of the site on an existing retaining wall, with the total height approximately 4m from the ground level of the sheds, covering the full opening height of the roller doors. These mitigation measures will reduce noise to 48dB which is less than the daytime residential noise allowance of 52dB.

Natural Environment

The proposed development at the subject site does not propose the removal of any vegetation/trees. There will be no physical change to the site which would impede floodwaters within the area.

Existing stormwater systems will be upgraded to include oil/grease traps to prevent stormwater contamination.

No hazardous materials will be generated, stored or used within the subject site.

Social and Economic

The proposed development at the subject site is considered unlikely to result in any adverse social or economic impacts upon the local community. The proposal will expand an existing business and generate further employment.

3. Suitability of the Site

As the site is currently a light industrial use site, the suitability of the site to be changed to Vehicle Smash repairs is consistent with existing uses.

4. Submissions

One (1) objection to the development was received during the public exhibition period;

Concerns over the placement of 3m high acoustic buffer wall in relation to; solar access, the potential of the fence stopping any breeze access from the North, overwhelming fumes from spray booth/s, and the potential for noise creation from above the 3m height.

As part of the submission it was stated that if the proposal is to go ahead they would like to see specific conditions imposed on the consent, including;

1. The proposed acoustic fence to not interfere with the existing fence,
2. The acoustic fence be constructed to control noise to 110db,

3. That any damage caused to their property as a direct result of proposed construction be borne by the owners, and
4. That the acoustic fence be the same colour as the existing fence and that any weed growth between the two (2) fences be kept controlled by the owner.

Response

Additional information regarding wall location and shadow impacts showed that the acoustic wall would be positioned on the ground level equivalent to the adjoining site ground level, will not interfere with the existing fence, and that the shadow cast would not impact solar access to northern windows.

As the proposed acoustic fence is separate from the existing boundary fence and constructed of different materials (timber /colourbond) it is unreasonable to condition that the acoustic fence be the same colour as the existing boundary fence. A condition that the acoustic fence and its surrounds are to be maintained by the owner/operator for the life of the business has been included. Once the business ceases to operate the fence is to be removed.

No hazardous materials will be used or generated on-site, spray booths will remain within the existing premises at 1 Carmichael Street, and as sanding is the only air polluting works to be undertaken on-site dust extraction vacuum units will be installed, one (1) per employee. The Workshop noise assessment states that "noise sources will therefore be at a height of approximately 1.0-1.5m, and will be attenuated by the proposed barrier" page 2 Shipton Smash Repairs Building Assessment prepared by VIPAC Engineers and Scientists Ltd.

The Acoustic Report states that the Acoustic fence is to be constructed to an emanating noise level of 102dB, worst case scenario of noise generation. Confirmation of construction levels will be required by Council once the fence has been erected.

5. Public Interest

The proposal is not likely to impact the wider public interest.

**ATTACHMENT 3
CONDITIONS**

STANDARD CONDITIONS

- 1) A Construction Certificate is required **prior to commencement of works** approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
- 2) The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans.

PLANNING DRAFT CONDITIONS OF APPROVAL

- 3) Hours of operation will be restricted to the following times:
Monday to Friday – 7:30am to 4:30pm
No work is to be undertaken on Saturday, Sunday or Public Holidays.
- 4) The development shall be constructed in accordance with the recommendations contained in the Acoustic Report prepared by Vipac Engineers and Scientists Ltd and dated October 2012. The acoustic engineer shall **issue a Compliance Certificate prior to the issue of any Occupation Certificate.**
Note: The business shall not impact on adjoining properties in terms of offensive noise as defined under the Protection of the Environment Operations Act 1997.
- 5) **Within 18 months of commencement of the operation** of the Vehicle Smash Repairs Workshop, the owner must have prepared, at its cost, a report by a suitably qualified and experienced Acoustic Consultant as nominated and instructed by the Council that measures noise levels against those predicted by Vipac Engineers and Scientists Ltd and dated October 2012. If the actual noise levels exceed those predicted the consultant is to specify measures to reduce noise levels to those predicted and the Owner is to carry out those works within 28 days.
- 6) The acoustic fence is to be maintained by the owner/operator for the life of the development. The area contained within the one (1) metre rear setback and location surrounding the acoustic fence, is to be kept clear of any vegetation and materials at all times.
In the event that the operation ceases, the acoustic fence is to be removed from site at this time by the owner/operator.

- 7) Any damage occurring to the adjoining properties during construction of the acoustic fence will be required to be rectified by the owners/operator, at no cost to the adjoining owners.
- 8) The area contained in the setback to the front boundary is to be landscaped and kept clear of vehicles and materials at all times.
- 9) Where materials or goods are stored outside the building they should be screened from view from any public place and adjacent premises and should not encroach on the parking, vehicular manoeuvring or landscaped areas.
- 10) All vehicle repairs are to be undertaken within the approved building. No repairs of any sort shall be carried out in the car parking or common areas.
- 11) The development has the potential to generate significant quantities of waste water which cannot be disposed of into the stormwater system. An application needs to be made for a Trade Waste Agreement with the Hunter Water Corporation to allow the waste water to be treated and connected to sewer **prior to commencement of works**. The Hunter Water Corporation may be contacted by calling 1300 657657.
- 12) All stormwater runoff from the site must pass through a pollution control device capable of removing litter, sediment and oil/grease prior to entering Council's stormwater system. **The pollution control device shall be installed prior to the issue of the Occupation Certificate.**

STANDARD BUILDING CONDITIONS

- 13) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- 14) Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
- 15) Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:-
 - * Monday to Friday, 7am to 6pm;
 - * Saturday, 8am to 1pm;
 - * No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L₁₀ level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

- 16) It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The

- applicant is to ensure the PCA sign remains in position for the duration of works.
- 17) The excavated and/or filled areas of the site associated with the acoustic fence construction are to be stabilised and drained to prevent scouring and the finished ground around the perimeter is to be finished to prevent ponding of water and ensure the free flow of water away from the building.
 - 18) A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council; If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
 - 19) At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
 - a) The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
 - b) That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

GENERAL ADVICES

- a) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- b) This approval relates to **Development Consent** only and does not infer any approval to commence excavations or building works upon the land. **A Construction Certificate should be obtained prior to works commencing.**
- c) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

ITEM NO. 2

FILE NO: PSC2005-3448

DRAFT PORT STEPHENS CRIME PREVENTION PLAN 2013 – 2016

REPORT OF: **BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER**

GROUP: **DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the 'Draft Port Stephens Crime Prevention Plan 2013-2016' on public exhibition for 28 days in accordance with the prescribed requirements for the preparation of local crime prevention plans in the Children (Protection and Parental Responsibility) Act 1997;
- 2) If there are no submissions requiring major change, adopt without further submission to Council;
- 3) Submit the final adopted Plan to the Attorney General and Justice Department.

**ORDINARY COUNCIL MEETING – 26 MARCH 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

Cr Ken Jordan left the meeting at 6.07pm during Item 2 in Committee of the Whole.
Cr Ken Jordan returned to the meeting at 6.09pm, during Item 2 in Committee of the Whole.

MOTION

066	<p>Councillor Geoff Dingle Councillor Peter Kafer</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1. Place the 'Draft Port Stephens Crime Prevention Plan 2013-2016' on public exhibition for 28 days in accordance with the prescribed requirements for the preparation of local crime prevention plans in the Children (Protection and Parental Responsibility) Act 1997; 2. If there are no submissions requiring major change, adopt without further submission to Council; 3. Submit the final adopted Plan to the Attorney General and Justice Department. 4. Extend the Community Safety Audit to other areas of Port

Stephens.

BACKGROUND

The purpose of this report is to seek Council's approval to place the Draft Port Stephens Crime Prevention Plan 2013 – 2016 on public exhibition for 28 days.

The Draft Port Stephens Crime Prevention Plan 2013-2016 has been drafted in accordance with the Attorney General and Justice Department who have given in-principle support to the Draft Plan.

This is the third Crime Prevention Plan produced by Council. The first Port Stephens Crime Prevention Plan was endorsed in 2002, approved by Council and endorsed by the Attorney General of New South Wales.

Local Government is recognised by the State Government as one of the key agencies in NSW involved in community safety initiatives. Councils are encouraged by the Attorney General to develop and implement local community safety strategies (generally referred to as Crime Prevention Plans). The primary purpose of these plans is to facilitate a cooperative approach to crime prevention at a strategic level.

Implementation of the plan will be part of a collaborative partnership between the Department of Justice and Attorney General, Council and members of the Port Stephens Community Safety Precinct Committee (which is convened by the Port Stephens Local Area Command). Besides Council representation, members of the Community Safety Precinct Committee include:

- Port Stephens Local Area Command;
- Volunteers in Policing;
- Business Chambers;
- Port Stephens Liquor Accords;
- Housing NSW;
- Port Stephens Family Support;
- Hunter Water;
- Terrace Tenants Association;
- Community service representatives.

Council's role in the implementation of the Plan will predominantly be one of facilitation and advocacy.

In accordance with the guidelines and template prescribed by the Department of Justice and Attorney General, the plan is required to include the two top crimes pertaining to the respective local government area. Based on reported crime data collected by the Bureau of Crime Statistics and Research and advice from the Port Stephens Police Local Area Command the two top crimes included in the Draft Plan 2013 – 2016 are 'Steal from Motor Vehicle' and 'Malicious Damage'.

The Draft Plan 2013-2016 contains actions that are recommended by the Department of Justice and Attorney General to assist in reducing these two specific crimes. It will guide the actions of Council and its partners over the next three years and complement the ongoing efforts of the Police in seeking to reduce the incidence of these two crimes in Port Stephens.

Crime Prevention Plans must be approved by Council prior to formal lodgement with the Department of Justice and Attorney General for their endorsement. Once endorsed by the Department, Council can lodge a submission seeking funds towards the Plan's implementation.

Council has in cooperation with other stakeholders established many crime prevention initiatives over recent years including:

- Alcohol-Free Zones;
- Liquor Licensing and Alcohol Free Zones;
- Conditioning of Development Applications with respect to Crime Prevention through Environmental Design principles and guidelines; and
- Participation in Port Stephens Community Safety Precinct Committee.

The Port Stephens Draft Crime Prevention Plan 2013-2016 involves a multi-faceted approach to crime prevention that builds on existing initiatives, experiences, and involves a wide range of agencies and local businesses to implement crime prevention strategies.

Links to Corporate Plans

The Draft Port Stephens Crime Prevention Plan 2013 - 2016 is linked to Council's Community Strategic Plan 2011-2021 which specifies the following key strategic direction:

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

- *Community Safety: A community where people feel safe.*

Council's 2012-2013 Operational Plan specifies that Council assist and partner with the community, and local organisations to provide crime prevention and community safety advice, information and planning requirements.

Council's role is to advocate and facilitate crime prevention strategies. In Council's Operational Plan 2012-2013, Council will:

- Manage Alcohol Free Zones and Alcohol Prohibited Areas;
- Manage Liquor License Applications;
- Condition Development Applications in regard to Crime Prevention Through Environmental Design (CPTED) principles and guidelines;
- Attend Community Safety Precinct meetings;
- Partner with Police regarding crime prevention education & initiatives (e.g. Park Smarter signage program).

The intent of the Draft Port Stephens Crime Prevention Plan 2013 – 2016 is also in line with the NSW State Plan goal of:

- *Reduce rates of crime, particularly violent crime; reduce levels of anti-social behaviour; reduce re-offending; improved road safety.*

FINANCIAL/RESOURCE IMPLICATIONS

Subject to Council adoption of the Draft Port Stephens Crime Prevention Plan 2013 – 2016 and its endorsement by the Department of Justice and Attorney General a funding submission will be forwarded to the Department seeking \$29,500 funding to help fund the implementing the plan.

Source of Funds	Yes/No	Comment
Existing budget	Yes	Staff costs included in recurrent budget
Reserve Funds	No	
Section 94	No	
External Grants	Yes	Subject to external grant –\$29,500 funding application to NSW Attorney General and Justice Department
Other	No	

LEGAL, POLICY AND RISK IMPLICATIONS

There are no significant legal, policy or risk implications. However the current incidence of 'Steal from Motor Vehicle' and 'Malicious Damage' do pose risks which require attention as outlined below:

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk of Council not receiving external grant of \$29 500.00 from the NSW Attorney General and Justice Department	Medium	Draft Crime Prevention Plan 2013-2016 has been developed in consultation with the NSW Attorney General and Justice Department to ensure the plan complies with requirement	No (subject to external grant funding)
There is a risk of damage to Council's reputation with key stakeholders (e.g. Port Stephens Community Safety Precinct Committee)	Medium	Council endorse Draft Crime Prevention Plan 2013-2016 following the public exhibition period	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Draft Port Stephens Crime Prevention Plan 2013-2016 promotes crime prevention as being a whole of community responsibility. People who feel safe are more likely to take part in their community and become an active member of society. Implementation of crime prevention strategies by the appropriate agencies can lead to net gains in social and community well-being.

The cost of crime in a community the size of Port Stephens has been estimated by the Commonwealth Attorney General's Department to be in the vicinity of around \$19 million per year. This is based on applying a per-capita cost of \$300 per year to our current population of 64,807 people. Reductions in criminal behaviour can lead to financial savings in areas such as criminal justice, insurance premiums, repairs to damaged property, replacement of stolen property, lost employee productivity, and health care services for victims of crime. A reduction in malicious damage and steal from motor vehicle crimes will be positive for tourism and economic activity.

The Draft Port Stephens Crime Prevention Plan 2013-2016 includes Crime Prevention through Environmental Design (CPTED) principles. CPTED prevention strategies have significance in that they can assist in the creation of built environments that reduce

opportunities for criminal acts, and improve perceptions of safety in public spaces. Improved amenity of public and private space will result from a reduction in malicious damage. This, in turn, discourages further damage and encourages increased social activity.

CONSULTATION

The Draft Port Stephens Crime Prevention Plan 2013-2016 has been developed in consultation with the Port Stephens Police Local Area Command, Attorney General and Justice Department, other State Agencies and Local Businesses. Feedback gained from residents in recent community surveys has also been used to inform the Draft Plan. The surveys have provided information on local community safety issues and provided information on the community's perceptions and feelings on crime. These surveys have included Council's annual Customer Satisfaction Survey and the Community Planning Survey 2012 where respondents were asked how safe they felt at home and when they are out and about. The results from 2006 to 2012 indicate an improvement in how safe people felt, with the lowest percentage of people feeling safe in their local area at night.

The community safety related survey results and the data on local crime rates have been used to guide the development of the Draft Port Stephens Crime Prevention Plan 2013-2016.

The Draft Port Stephens Crime Prevention Plan 2013-2016 has also been developed in consultation with the Attorney General and Justice Department. They have provided Council with in-principle support of the Draft Plan.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

- 1) Draft Port Stephens Crime Prevention Plan 2013- 2016.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

FILE NO: 2009-06569

DRAFT PRINCIPAL PORT STEPHENS LOCAL ENVIRONMENTAL PLAN

REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the amended Planning Proposal at **(ATTACHMENT 1)** (provided under separate cover) and including the draft Port Stephens Local Environmental Plan 2013 (Written Instrument and Maps);
- 2) Adopt the recommendations in response to Submissions at **(ATTACHMENT 2)**;
- 3) Refer the Planning Proposal including draft Port Stephens Local Environmental Plan 2013 (Written Instrument and Maps) to the Minister for Planning requesting the making of the plan in accordance with the provisions of Section 59 of the Environmental Planning and Assessment Act, 1979 (as amended);
- 4) Delegate to the General Manager authority to make any minor amendments to the adopted draft Local Environmental Plan 2013 that arise after the formal adoption of this Report as a result of the plan-making process;
- 5) Acknowledge that any separate Planning Proposal running concurrently with this Planning Proposal that is published beforehand will be incorporated into the final published version of the Port Stephens Local Environmental Plan 2013.

**ORDINARY COUNCIL MEETING – 26 MARCH 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

Declaration from Mayor Bruce MacKenzie – special disclosure.

	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p>
	<p>That Council adjourn the Council meeting at 6.16pm to allow Council to be briefed on the LEP.</p>

The Council Meeting resumed at 6.25pm, all those present at the adjournment were present.

	<p>Councillor Sally Dover Councillor Paul Le Mottee</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt the amended Planning Proposal at (ATTACHMENT 1) (provided under separate cover) and including the draft Port Stephens Local Environmental Plan 2013 (Written Instrument and

	<p>Maps);</p> <ol style="list-style-type: none"> 2. Adopt the recommendations in response to Submissions at (ATTACHMENT 2); 3. Refer the Planning Proposal including draft Port Stephens Local Environmental Plan 2013 (Written Instrument and Maps) to the Minister for Planning requesting the making of the plan in accordance with the provisions of Section 59 of the Environmental Planning and Assessment Act, 1979 (as amended); 4. Delegate to the General Manager authority to make any minor amendments to the adopted draft Local Environmental Plan 2013 that arise after the formal adoption of this Report as a result of the plan-making process; 5. Acknowledge that any separate Planning Proposal running concurrently with this Planning Proposal that is published beforehand will be incorporated into the final published version of the Port Stephens Local Environmental Plan 2013. 6. Delete Column 4 comments of Item 24 from Attachment 2 - Proposed changes following exhibition of Draft Local Environmental Plan referencing Anna Bay and replace with "Sites amended from Exhibited E2 Environmental Conservation to RU2 Rural Landscape to maintain current policy position". 7. Insert in Column 4 additional comments of Item 25 from Attachment 2 - Correct map anomaly over Lot 6 DP 847281 to remove the E2 zone over part of the lot and replace with RU2 so as to split zone the subject land consistent with adjacent sites (levee alignment). 8. Amend Item 13 from Attachment 2 by inclusion of and replace with Dual occupancy (attached) Zone R1 General Residential 250m² and Dual occupancy (attached) Zone R3 Medium Density Residential 250m². 9. Insert as an additional Item in Attachment 2 - Proposed changes following exhibition of Draft Local Environmental Plan the inclusion of "dual occupancies" as permitted with consent in the R1 General Residential zone. 10. Insert as an additional Item in Attachment 2 - Amend Clause 4.2C (3)(b) - delete wording "a lot created" and insert "a lot with a current development consent" 11. Insert as an additional Item in Attachment 2 - Amend Clause 6.6 - delete existing clause 6.6(2) and insert 6.6(2) "(2) Development consent must not be granted to development on land that is within a precinct area unless the consent authority is satisfied that there will be vehicular access, <u>that minimises the flood risk to life and property</u>, from the precinct area to the Pacific Highway." 12. Insert as an additional Item in Attachment 2 - Proposed changes following exhibition of Draft Local Environmental Plan the inclusion of "camping grounds" as permitted with consent in the
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MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

	<p>RU1 Primary Production and RU2 Rural Landscape zones.</p> <p>13. Insert as an additional Item in Attachment 2 - Clause 7.3 Flooding [model local] correct drafting anomaly reference subclause (a) which references a 1:200 ARI for Williams and Paterson Rivers flood planning .</p>
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Cr Ken Jordan left the meeting at 6.50pm, during Item 3 in Committee of the Whole. Cr Ken Jordan returned to the meeting at 6.52pm, during Item 3 in Committee of the Whole.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor, Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Geoff Dingle.

AMENDMENT

	<p>Councillor Geoff Dingle Councillor Peter Kafer</p>
	<p>That Council defer Item 3 to allow consideration of the amendments by Council staff.</p>

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer and Geoff Dingle.

Those against the Motion: Mayor Bruce MacKenzie, Crs Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

The amendment was lost.

MOTION

067	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor, Bruce MacKenzie, Crs Peter Kafer, Paul Le Mottee, Ken Jordan, Chris Doohan, Steve Tucker, John Morello and Sally Dover.

Those against the Motion: Crs Geoff Dingle.

BACKGROUND

The purpose of this Report is to consider submissions received during the exhibition period and present an amended Planning Proposal including draft Port Stephens Local Environmental Plan (LEP) 2013 (Written Instrument and Maps) at (**ATTACHMENT 1**), (provided under separate cover). The draft LEP has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act (the Act)*, 1979, as amended.

PREPARATION OF NEW STANDARD INSTRUMENT LEP

As part of the NSW Planning Reform Agenda, all councils are required to prepare new local environmental plans to comply with the Standard Instrument (Local Environmental Plans) Order 2006. The current Port Stephens LEP 2000 is now 13 years old and has almost 40 amendments. LEP 2000 was further amended on gazettal of the "stand alone" LEP for Kings Hill in 2010. As a result, this process acknowledges the fact that the final LEP 2013 consolidates and translates both the Port Stephens LEP 2000 and the Kings Hill LEP 2010 that are in force at that time.

On the 24 April 2012 Council resolved to formally commence the legal process for a new principal LEP. This previous Report outlined the existing planning position and provided an overview of the background studies undertaken to inform the development of the draft LEP. The new LEP is consistent with the State government Lower Hunter Regional Strategy (2006) and Council's adopted Port Stephens Planning Strategy (2011).

In preparing the draft LEP, the approach was taken not to include current planning proposals to ensure they were not unwittingly delayed due to the complexities involved when preparing and finalising a Principal LEP. As a result, a number of planning proposals are being processed concurrently with the preparation of the draft LEP. Should these separate planning proposals be published before the final LEP 2013, then the plan-making process allows for them to be incorporated into the final version of the draft LEP before it is published. Recommendation 5 of this Report acknowledges this ongoing plan-making process.

Public Exhibition

The draft LEP was placed on exhibition in accordance with the Department of Planning and Infrastructure Gateway determination and Authorisation. The exhibition period commenced on the 1 November and concluded on the 14 December 2012. Full details of the exhibition process are included in more detail under the *Consultation* section of this Report.

Public Submissions

A total of 97 submissions were received as part of the public exhibition process. The submission groupings are as follows:

Matter raised	Number received
Support for better protection of public lands	3
Proposed rural to environmental zone	39 (5 from same properties)
Miscellaneous/general LGA wide	11
Height commercial and residential	4
Planning Proposals	22
State agencies	9
Adjacent Councils	3
Aboriginal Land Councils	2
Support for the LEP RU2 zone and minimum lot size	4

Public submissions have been summarised and provided with a planning comment and recommendation. The Public Submission Register is located at **(ATTACHMENT 3)** of this Report. The key issues raised in the submission are discussed in more detail below.

SUMMARY OF KEY ISSUES ARISING FROM THE PUBLIC EXHIBITION

Proposed Environmental zones

When the LEP 2000 was prepared there was limited information regarding the environmental values of the local government area. As a result, large sections of the LGA remained in a 1(a) Rural Agriculture zone. Since this time, Council and other agencies have undertaken a range of studies and developed the Conservation Assessment Tool (CAT) to assist in drawing all the available information together. Also, more detailed environmental legislation is now in place such as the *Native Vegetation Act 2003* which has significant impacts on the ability of land owners to clear land even for agricultural purposes. As a result, three specific high value environmental areas were identified for protection in the exhibited draft LEP:

- part of Duns Creek and Glen Oak,
- land adjacent to Tilligerry Creek, and
- a number of sites at Anna Bay.

The three areas are generally unique in the Shire and are valued for their environmental qualities for different reasons which are discussed below. As this proposed change was not a straight translation of the current zones, all affected property owners received letters advising them of the proposed changes and encouraging them to submit a submission to assist Council to make an informed final decision.

a) Environmental zones – Anna Bay

Anna Bay is identified in the Lower Hunter Regional Strategy as an urban release area. In response, Council has adopted the Anna Bay Strategy which sets the direction for the growth of the area. The Strategy has identified the potential urban growth areas and more detailed studies are now being undertaken through the submission of planning proposals. The area to the north of the proposed new urban release area is predominantly used for agricultural purposes with a mix of cleared and vegetated lands. The current suite of environmental legislation (such as the Threatened Species Conservation Act, 1995, State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection (Council’s Comprehensive Koala Plan of Management), Environmental Protection and Biodiversity Conservation Act, 1999 and Native Vegetation Act) already constrain the development of these properties. A key motivation to pursue an environmental zone in this area was to protect identified fauna movement corridors, foraging, refuge, and critical habitat and associated feed trees, in particular Koalas and squirrel gliders. With this objective in mind, split zones of E2 Environmental Conservation and RU2 Rural Landscape were proposed based on data from the CAT and available aerial photographs.

The submissions received all raise similar concerns – adverse impact on current agricultural activities and the devaluation of the land (addressed separately below). The extent of current agricultural activities was further investigated using the information supplied in submissions including “ground truthing” (where appropriate) and access to more recent aerial photography to ascertain the extent of land clearing. As a result, a number of amendments are proposed to the land use zones in this area. Amended split zones E2 Environmental Conservation and RU2 Rural Landscape are proposed. In general the original E2 Environmental Conservation affected lands have been reduced taking cues from vegetation, drainage lines and building positions while still maintaining a viable fauna corridor although reduced in width.

b) Environmental zones – Duns Creek/Glen Oak

Duns Creek and Glen Oak present very different biodiversity values than in the eastern section of the LGA. The land is very steep and highly vegetated resulting in low urban development potential. A relatively small number of the properties are used for agricultural activity although there are productive cattle farms in the area. This area was identified as important to protect due to the relatively intact vegetation, steep lands (classified as ‘vulnerable’ under the Native Vegetation Act that require additional approvals for clearing), ecologically endangered communities, including key habitat for phascogales and links/corridors to the National Parks. However, due to limited development in this area, few specialist studies are available and information is limited. As a result a more flexible E3 Environmental Management zone was recommended.

Submissions received tended to focus on the preservation of agricultural activities with only a few submissions raising impacts on land values. Based on these submissions, further investigation (as outlined above in relation to Anna Bay) was

undertaken including the identification of the functioning agricultural based businesses in this area. As a result, amendments to the land use zones are recommended. There are pockets of land around the fringe areas of the draft environmental zone which tend to have the more cleared cattle grazing areas (north eastern fringe area). These sites have generally been amended to a RU2 Rural Landscape zone with a limited number (southern fringe area) being amended to a split zone to differentiate between the vegetated and cleared areas. Although there has been an overall reduction in the environmental zone, the original rationale for applying an environmental zone recommendation remains valid.

c) Environmental zones – Tilligerry Creek area

The lands adjacent to Tilligerry Creek were identified for environmental protection in response to the combination of environmental attributes in this location. This area has a particularly high level of biodiversity with valuable ecosystems including a variety of threatened species and vegetation communities (wetlands, red gum forest, mangroves, and salt marsh). Having reviewed the available information and current land uses including levels of clearing, a mix of E2 Environmental Conservation and E3 Environmental Management zones were proposed in the exhibited draft LEP to reflect the environmental attributes, legislative constraints (i.e. SEPP 14 - Wetlands, flooding, Threatened Species Act, 1995, SEPP 44, Native Vegetation Act, 2003) and development potential of the area.

Submissions received focused mainly on concern for current agricultural activities and disputation on the scientific data informing the zones. The additional issue in this area is the current levee managed by property owners with varying levels of maintenance quality. While this levee has altered the natural environment, the high environmental values of the area are still evident. Following a review of the submissions, discussions with some of the property owners and “ground truthing” (where appropriate), amendments to the land use zones in this location are recommended. The majority of the properties have generally been identified with a split zoning of E2 Environmental Conservation and RU2 Rural Landscape with the location of the levee determining the split.

Impacts to land values as a result of environmental zoning of the above three areas.

The recommendation to rezone areas of the 1(a) Rural Agriculture zone to an environmental zone has been raised as a significant concern for many land owners. It is difficult to evaluate this opinion, having regard to many layers of legislation affecting the sites which constrain development as well as the recent targeting of these areas for biodiversity offsets. To clarify this matter, Council engaged a suitably qualified land valuer to review the land values as they currently are in the three areas and consider the impacts of the proposed environmental zone. The key findings are stated below with the full document included at **(ATTACHMENT 5)**.

"Conclusion

Whilst the change in zoning from rural to environmental does restrict the number of uses and possibly subdivision potential on some lots, it is apparent that existing legislation other than the LEP would counteract the elimination of "agriculture" on all timbered land.

Our analysis of market transactions indicated the emerging market for biodiversity offset land more than compensates for any diminution in value resulting from a restriction of uses on timbered land.

It is readily apparent in Duns Creek area that the change in zoning will have no negative effect and, in fact, may be beneficial to those lots that have a high proportion of existing vegetation.

Due to the physical attributes of Salt Ash and Tilligerry Peninsula, and existing legislation, it is our opinion that the change of zoning would have little impact on value either way.

In cases of cleared land in certain high profile locations of Anna Bay, the restrictions on subdivision may have an effect, but this could only be determined on an individual basis. " Preston Rowe Paterson – Land Value Research Report 2013 Comparing values of Rural 1(A) land with land zoned Conservation (21 February 2013).

Proposed Environmental zones on public lands

Submissions have been received requesting sites such as the Corlette Headland and public lands along Bagnall's Beach be amended from a proposed E3 Environmental Management to E2 Environmental Conservation zone. It is agreed that these sites warrant greater recognition for their environmental and cultural significance. Further, there has been a fairly inconsistent approach to zoning along the parts of the shoreline. This has now been reviewed and amended. It is recommended that these sites be zoned E2 Environmental Conservation.

Industrial zone – Taylors Beach

The Taylors Beach industrial area consists of a combination of industrial units, warehouses, showrooms, bulky goods retailing, light industries and vacant sites. Two submissions have been received requesting consideration of a B5 Business Development zone rather than IN2 Light Industrial zone. The primary rationale used in both submissions is the desire to continue to allow bulky goods retailing in the area. While clause 25 in the LEP 2000 permits bulky goods retailing in the industrial zone, the proposed IN2 zone prohibits this type of activity as retailing formats of this nature in an industrial zone is inconsistent with state policy. Instead the expectation is for a commercial zone to be used where bulky goods retailing is permitted. Taylors Beach industrial area currently functions well with this mix of land use and has been constructed in accordance with the Development Control Plan provisions for industrial development (i.e. road widths to accommodate large transport vehicles). As a result of the existing mix of activities in this area and the fact that the size of the zone would not compromise or challenge the larger bulky goods area identified for

Heatherbrae, it is considered reasonable to zone the current IN2 area to B5 Business Development. It should be noted that the shift to a commercial zone will clarify the need for such public infrastructure as pathways etc to be provided by the developers as a condition of consent. Essentially amending the zone to B5 maintains the current policy position and would not trigger the re-exhibition of the draft LEP.

Requests to rezone land or intensify the land use

22 submissions received request changes to either the zoning of the land to a higher land use zone or intensification of the use of the site through either subdivision or additional permitted uses. As discussed in the Legal, Policy and Risk Implications of this Report, these submissions have generally not been supported, as they have not been through the relevant legislated process. The type of changes requested would have varying levels of impacts on other properties and require public consultation. In contrast, the two requests for an amendment to the zoning proposed for the Taylors Beach industrial area (as discussed above) is supported, as it is not a change to the existing policy position.

Amend subdivision restriction - Salamander Way Salamander

Clause 6.2 in LEP 2000 allows for the subdivision of 7(F3) Environmental Protection (Urban Conservation) for dual occupancy subdivision only. The clause has been transferred to the draft LEP. This property owner has already subdivided the site for dual occupancy and now seeks a further subdivision (4 dwellings per lot). The request is also for the rezoning of all properties along this part of Salamander Way and the subsequent ability to subdivide.

A key issue here is the need to consult all property owners as the view to significantly increase the density in the area may not be shared by the affected community. Such an amendment has the potential to significantly alter the character of the area, increase traffic/driveway crossing congestion and impact on the surrounding environmental area. As a result, it is considered unreasonable to make the requested amendment without undertaking community consultation.

Building heights – Commercial

Draft LEP has translated the existing 8m maximum height limit for the Shoal Bay commercial area from the LEP 2000. This height is not reflected on site with many of the buildings already exceeding this height by several metres. The proponents have request a height limit, which reflects what actually exists. Having reviewed the current situation, the request to increase the maximum height to 15m is supported for the proposed B2 Local Centre zone in Shoal Bay.

The Draft LEP has also translated the 8m maximum height limit for the Anna Bay commercial area from the LEP 2000. However the Anna Bay Strategy that was adopted by Council, after exhibition of the draft LEP, indicates a maximum of three storeys i.e. commercial on the ground floor and residential above. An amendment to the maximum building height is, therefore, supported but not to 15m, which is the height requested in the submission. This height is considered to be not in keeping with the existing and future character of the centre envisaged in the Strategy. Instead, the maximum building height has been amended to a height of 12m in the

proposed B2 Local Centre zone, which is considered to be consistent with the adopted Strategy.

Building heights – Residential

Concerns have been raised by the change in policy position for residential building heights which have not been included in the draft LEP but are currently in LEP 2000. At the time of drafting the LEP it was anticipated that the consequential amendments to the DCP would be exhibited at the same time which would provide the additional detail on the management of these issues. However, due to other priorities this has not occurred. The inclusion of the heights into the draft LEP is supported for the remainder of the R3 Medium Density Residential and R2 Low Density Residential. Note that some sections of the R3 have already been identified with a height of 15m as these sites have been transferred from the existing 2(c) Residential zone which has an existing maximum height of 15m. Due to the additional zones and the direction set in the Port Stephens Planning Strategy it is likely there will be changes to the height of buildings in the R3 Medium Density zone in the future.

Additional permitted use at Kings Hill – manufactured home estates.

On the 12 June 2012 Council considered and supported an amendment to the Kings Hill LEP 2010 which identified an area in the R1 General Residential zone for an additional permitted use - manufactured home estates. As part of the Gateway determination by Department of Planning and Infrastructure, the additional use was rejected. The proponent now seeks Council's support to reaffirm its original support of the proposal and introduce the additional activity into the draft LEP. This proposal has not been exhibited and was not supported by Gateway previously; therefore, it has not been included in the amended Planning Proposal. However, having regard for Council's previous resolution, it is recommended DoPI be requested to reconsider the inclusion of manufactured home estates as a permissible use.

Additional changes to the draft LEP

All submissions to the exhibited draft LEP are detailed in **(ATTACHMENT 3 and ATTACHMENT 4)**. These Submission summaries discuss changes as well as where the requested amendment is not supported. In addition to the amendments discussed above and the Submission summaries, a list of the proposed amendments to both the instrument and maps has been provided at **(ATTACHMENT 2)**. Considering the scope of the draft LEP, there are very few changes to the instrument and maps.

FINANCIAL/RESOURCE IMPLICATIONS

The development of a new Principal LEP is generally quite resource intensive in both financial and staff allocation terms. In previous budget cycles Council has committed funds to the preparation of background studies and development of community strategic plans such as the Futures Strategy. The Department of Planning and Infrastructure (DoPI) have also assisted with funding from a grant program serviced by a State Government levy imposed on development application fees. This money is then distributed to councils; although the returned amount is not equivalent to the amount levied from each LGA. Council received funding of \$84,000 from the DoPI LEP Acceleration Fund. The funding is conditional on two milestones. Council has met the first milestone and has applied but not received

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\$42,000 for the referral of the draft LEP to the DoPI for a Gateway determination. The second milestone will be completion and referral to DoPI of the draft LEP. The final date for completion of the second milestone is 30 March 2013.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Staff resources
Reserve Funds	No		
Section 94	No		
External Grants	Yes	\$84,000 (over two years)	Dependant on referral of draft LEP to Department of Planning and Infrastructure by 30 March 2013.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Adoption of the recommendations of this Report will conclude the main legislative steps of the planning process Council need to undertake to prepare a new Principal LEP in accordance with the provisions of the Act. The legal framework around the preparation of LEP's is extensive. The Reform Agenda of the DoPI has further increased the requirements with the introduction of the Standard Instrument Template, additional Section 117 Directions, changes to the Act, new state environmental planning policies (SEPPs), practice notes and planning circulars all of which are undergoing constant additions and changes/clarification in interpretation. The Standard Instrument Template, in particular, controls the content and format of the Principal LEP.

It should be noted that there has been several submissions to either rezone or intensify land use on sites. These have not been supported as they have not been through the legislated process which includes the need for supporting studies and the extremely important public consultation component. To progress these requests as part of the draft LEP Planning Proposal will likely delay the making of the plan as it would no longer comply with the legislative requirements.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council not proceed with the draft LEP. May result in the Department of Planning and Infrastructure directing Council to finalise a Standard Instrument.	High	Proceed with the forwarding of the draft LEP to the Minister of Planning to make the plan.	No
There is a risk that	High	Ensure the draft LEP is	Project

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Council resolve to make changes to mandated clauses.		consistent with the legislative requirements of the Environmental Planning and Assessment Act, 1979.	delayed which moves resources from other projects identified on the work program.
There is a risk that Council resolve to rezone additional sites without relevant studies being prepared.	High	Additional sites proceed as separate planning proposal and be funded by proponent not Council.	No
There is a risk that Council resolve to rezone land and prepare separate studies at Council's cost.	High	Supporting studies for potential financial gain (i.e. rezoning) to be paid by proponent.	No
There is a risk that Council resolve to exclude new environmental zones and replace with a rural zone.	High	Land of environmental values appropriately zoned.	No

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Principal LEP has been developed in accordance with the fundamental objective of developing, enhancing and supporting a sustainable Port Stephens community.

CONSULTATION

The draft LEP was placed on exhibition in accordance with the Gateway determination and Authorisation. The exhibition period commenced on the 1 November and concluded on the 14 December 2012.

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

Exhibition Material

The following information was made available to the public during the exhibition period. To further assist the community, the information remains available on the website and at the Administration Building counter. This information will continue to be updated as the plan making process continues. Copies of submissions were placed in the Councillors Rooms prior to Christmas.

1	Copy of Public Notice
2	Council Resolution and Report 24 April 2012
3	Gateway determination notice from Department of Planning and Infrastructure
4	Amendment to Gateway for events Clause
5	Planning Proposal
6	Draft Port Stephens Local Environmental Plan 2012 – Written Instrument
7	Draft Port Stephens Local Environmental Plan 2012 - Maps
8	Draft Port Stephens Local Environmental Plan 2012 – Land use Matrix
9	Comparison Table – LEP 2000 and draft LEP 2012
10	Comparison Table – LEP 2010 (Kings Hill) and draft LEP 2012
11	Rural Lands Strategy and Study
12	Commercial and Industrial Lands Study
13	Review of bulky goods Leyshon Report

Community Engagement

General Contact Information	
	Telephone enquires
	Counter enquiries
	Specific email address
	Advertisements
	Brochure advertising officer contact and availability details.
Suburb Visits	
1	Anna Bay/Birubi Point Hall
2	Fern Bay Community Centre
3	Hinton School of Arts
4	Karuah Community Centre
5	Lemmon Tree Old School Centre
6	Medowie Community Centre
7	Raymond Terrace Library
8	Seaham School of Arts
9	Tomaree Library
10	Williamstown Hall
11	Woodville Iona Hall
12	Worimi Local Aboriginal Land Council
Correspondence	
	Over 600 letters sent to property owners identified for rezoning from rural to environmental or affected by Urban Release Area Map.

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

	Letters to State authorities
	Letters to adjoining Councils

Public Submissions

A total of 97 public submissions, including nine from Government agencies, were received as part of the public exhibition process. The public submissions have been summarised and provided with a planning comment and recommendation. Public Submission Register is located at **(ATTACHMENT 5)** of this Report. The key issues raised in the submission are discussed in more detail under the *Summary of key issues arising from the public exhibition* section of this Report. .

Statutory authorities

The Gateway determination required the following government agencies and the two Aboriginal Land Councils to be consulted, however, in the intervening time period many of the departments changed names.

Letters and documentation sent to the following Statutory authorities
Catchment Management Authority
Office of Environment and Heritage
Housing NSW
Hunter Water Corporation
Department of Primary Industries - Agriculture
Department of Primary Industries – Fishing and Aquaculture
Department of Primary Industries - Forests
Department of Primary Industries – Minerals and Petroleum
Rural Fire Service
Roads and Maritime Services
Department of Defence

Responses received from Statutory authorities	Submission No
Catchment Management Authority	89
Office of Environment and Heritage	76
Department of Finance and Services	81
Hunter Water Corporation	85
Department of Trade and Investment – Crown Land	65
Department of Primary Industries – Fisheries	39
Department of Trade and Investment – Resources and Energy	96
Roads and Maritime Services	94
Department of Defence	58

Submissions from Statutory authorities have been summarised and discussed in **(ATTACHMENT 4)**.

Comments received from adjacent Councils and the two Aboriginal Lands Councils have been included in **(ATTACHMENT 3)**

OPTIONS

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

- 1) Adopt recommendations 1-5 of this Report to forward the Planning Proposal to the Minister for Planning and Infrastructure with the request that the plan be made. This is the recommended option and ensures the draft LEP is not delayed in order for Council to meet the funding deadline of 30 March 2013;
- 2) Amend one or more of the provisions of recommendations 1-5 prior to the Planning Proposal being forwarded to the Minister for Planning and Infrastructure with the request that the plan be made. This is not the recommended option and may result in significant delays due to potential inconsistencies with process; or
- 3) Reject the recommendation of this Report and not proceed with the Planning Proposal. This is not the recommended option as it would create uncertainty for the community, remove access to funding from the Department of Planning and Infrastructure (DoPI) and create the opportunity for the DoPI to finalise a Planning Proposal for a principal LEP without consultation with Council.

ATTACHMENTS – All listed below are provided under separate cover.

- 1) Planning Proposal (including Written Instrument and Maps);
- 2) Proposed Changes Following Exhibition of Draft LEP;
- 3) Public Submission Register;
- 4) Government Agencies Submission Register; and
- 5) Land Value Research Report.

COUNCILLORS ROOM

- 1) Public Submission Folder

TABLED DOCUMENTS

Nil.

ITEM NO. 4

FILE NO: PSC2012-04560

DRAFT FEES AND CHARGES 2013-2014

REPORT OF: WAYNE WALLIS - GROUP MANAGER
 GROUP: CORPORATE SERVICES GROUP

RECOMMENDATION IS THAT COUNCIL:

- 1) Agree to place the draft Fees and Charges 2013-2014 on public exhibition from 1 to 30 April 2013 and to invite written submissions.

**ORDINARY COUNCIL MEETING – 26 MARCH 2013
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Steve Tucker</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Agree to place the draft Fees and Charges 2013-2014 on public exhibition from 1 to 30 April 2013 and to invite written submissions; and 2) Endorse the amendments to pages 76 and 77 of the Draft Fees & Charges 2013-2014 as shown in the Supplementary Information.

MOTION

068	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

BACKGROUND

The purpose of this report is to present proposed fees and charges for 2013-2014 to Council and to recommend that Council place the draft document on public exhibition for the period 1 to 30 April 2013 in accordance with section 610F of the Local Government Act - *Public notice of fees: (1) A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.*

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

Council's Operational Plan 2012-2013 at 5.2.3 required that a review of existing and potential fees and charges be undertaken to adopt an appropriate cost recovery model.

During August and September 2012, officers responsible for administering fees and charges conducted a benchmarking exercise to identify better practices and potential new revenue streams. In addition, an audit of existing fees and charges identified areas where practices had deviated from the legislative requirements, especially in relation to how fees were determined. For example, previous practice would have fees "By quotation". This is only compliant if it is transparent what the basis of the quotation will be, as only Council can set fees and any lack of transparency amounts to staff 'setting' fees. Another area that required revision related to the imposition or waiving of bonds in some facilities, which amounted to persons other than Council effectively setting fees or waiving fees.

In summary, across all areas the review undertaken as required in 5.2.3 of the Operational Plan 2012-2013 has ensured Council's proposed fees and charges for next year are in accordance with the legislative provisions, as well as providing opportunities for better practices in charging for some services than existed previously.

FINANCIAL/RESOURCE IMPLICATIONS

The proposed public exhibition of the draft Fees and Charges 2013-2014 includes placing the document on Council's website and placing advertisements in the Council's Notices pages of the Port Stephens Examiner on 28 March, 11 and 25 April 2013.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$500	Estimate of advertising cost.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed public exhibition of the draft Fees and Charges 2013-2014 is required under Section 610F of the Local Government Act 1993.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that if the draft Fees and Charges 2013-2014 are not exhibited as required the fees therein cannot be charged leading to loss of revenue to Council.	Low	Public exhibition of draft Fees and Charges 2013-2014 from 1 to 30 April 2013.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft Fees and Charges 2013-2014 have implications for Council's economic sustainability as fees represent up to 36% of Council's revenue, and are the second largest source of funds for Council. These fees and charges are applied across a range of Council's operations.

CONSULTATION

The draft Fees and Charges 2013-2014 were developed by officers from across Council in consultation with constituent committees including Sports Councils, Halls Committees at the Halls Forum and with individual committees; and after discussions with Council's Legal Services Manager.

The draft documents will be produced in hard copy and will be available for inspection at Council's libraries and Administration Building, and will be available for download from Council's website. Advertisements will be placed in the Port Stephens Examiner inviting submissions, as well as on Council's website. Hard copies are available for sale at cost.

OPTIONS

- 1) Adopt the recommendation;
- 2) Amend the recommendation;
- 3) Reject the recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Draft Fees and Charges 2013-2014.

ITEM NO. 5

FILE NO: PSC2012-03334

DRAFT INTEGRATED PLANS AND DRAFT RESOURCE STRATEGY 2013-2023

REPORT OF: WAYNE WALLIS - GROUP MANAGER CORPORATE SERVICES
 GROUP: CORPORATE SERVICES GROUP

RECOMMENDATION IS THAT COUNCIL:

- 1) Agree to place the Draft Integrated Plans and Draft Resource Strategy 2013-2023 on public exhibition from 1 to 30 April 2013 and invite written submissions.

**ORDINARY COUNCIL MEETING – 26 MARCH 2013
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>That Council:</p> <ol style="list-style-type: none"> 1) Agree to place the Draft Integrated Plans and Draft Resource Strategy 2013-2023 on public exhibition from 1 to 30 April 2013 and invite written submissions; and 2) Endorse the amendments to the Program of Works 2013-2023 included as part of the Strategic Asset Management Plan 2013-2023 as shown in the Supplementary Information.
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MOTION

069	<p>Councillor Geoff Dingle Councillor Ken Jordan</p> <p>It was resolved that the Committee of the Whole recommendation be adopted.</p>
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BACKGROUND

The purpose of this report is to seek Council's agreement to place the Draft Integrated Plans (Community Strategic Plan 2013-2023, Delivery Program 2013-2017, and Operational Plan 2013-2014) and the Draft Resource Strategy (Long Term Financial Plan 2013-2023, Asset Management Plan 2013-2023 and Workforce Strategy 2013-2017) on public exhibition for a period of 30 days from 1 to 30 April 2013. Submissions in writing will be sought for consideration by Council at its May 2013 meeting.

FINANCIAL/RESOURCE IMPLICATIONS

The draft documents will be produced in hard copy and be available for inspection at Council's libraries and Administration Building, and will be available for download from Council's website. Advertisements will be placed in the Port Stephens Examiner inviting submissions, as well as on Council's website. Hard copies are available for sale at cost.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$3,000	Printing and advertising costs.
Reserve Funds	No	Nil	
Section 94	No	Nil	
External Grants	No	Nil	
Other	No	Nil	

LEGAL, POLICY AND RISK IMPLICATIONS

Section 402 (5) requires that: "Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new community strategic plan, as appropriate to ensure that the area has a community strategic plan covering at least the next 10 years."

Section 402(7) requires: "A draft community strategic plan or amendment of a community strategic plan must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the plan or amendment is endorsed by the council."

The Draft Integrated Plans and Draft Resource Strategy 2013-2023 have been developed in accordance with those provisions. In addition, Section 402 (3) (c) requires Council to have "due regard to the State government's State Plan and other relevant State and regional plans of the State government." The draft Community Strategic Plan 2013-2023 has links to the relevant sections of the State Plan NSW 2021 and the Hunter Regional Action Plan. It also demonstrates which State agencies will partner with Council to deliver the community's goals for the Port Stephens LGA.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council's Draft Integrated Plans and Draft Resource Strategy 2013-2023 may not comply with legislation leading to loss of reputation of Council.	Low	Corporate Strategy & Planning checklist against requirements completed.	Yes

SUSTAINABILITY IMPLICATIONS

Section 402 (3) (a) requires that the Council's Community Strategic Plan "addresses civic leadership, social, environmental and economic issues in an integrated manner."

Section 402 (3) (b) requires that the Council's Community Strategic Plan "is based on social justice principles of equity, access, participation and rights."

The Draft Integrated Plans and Draft Resource Strategy have been developed in alignment with the principles of sustainability and social justice. The Draft Integrated Plans document at page 8 demonstrates the linkage of Council's service packages with social, economic and environmental sustainability and governance.

CONSULTATION

Section 402 (4) requires that "... council must establish and implement a strategy (its community engagement strategy), based on social justice principles, for engagement with the local community when developing the community strategic plan."

Council developed and commenced implementation of its engagement strategy after discussion with Councillors on 23 October, 2012. In October and November 2012 Council held a number of conversations with its community and stakeholders, including two community workshops at Salamander Bay and Salt Ash; a workshop with State agencies and non-government providers of services and facilities to the LGA; a World Café young people's forum to hear our Youth's voice; consulted via social media with our community; and conducted a statistically representative Community Survey to inform the priorities for planning for the LGA over the next ten years and beyond. Participants were asked to consider whether the existing Strategic Directions were still relevant priorities and if there were any gaps. People were also asked to provide guidance to Council on how it should prioritise its finite resources – highest and lowest of all the recognised important areas.

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

In summary the outcomes of the community engagement strategy identified five key high priority areas, namely:

- Education & training, especially for young people;
- Community safety;
- Infrastructure maintenance;
- Sustainability of Council
- Sustainable development.

The results of the community engagement strategy led to changes which are incorporated into the Draft Community Strategic Plan 2013-2023. A summary of community issues is contained as an attachment within the Draft Plan.

OPTIONS

- 1) Adopt the recommendation;
- 2) Amend the recommendation;
- 3) Reject the recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Draft Integrated Plans 2013-2023; and
- 2) Draft Resource Strategy 2013-2023.

ITEM NO. 6

FILE NO: T22-2012

TENDER T22-2012 AIR CONDITIONING MAINTENANCE & REPAIR SERVICES

REPORT OF: JOHN MARETICH – CIVIL ASSETS SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Item 6 on the Ordinary Council agenda namely **Tender T22-2012 Air Conditioning Maintenance & Repair Services**;
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Tender T22-2012 Air Conditioning Maintenance & Repair Services**;
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts;
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005;
- 5) Accept the tender from Dalkia Technical Services for the Air Conditioning Maintenance and Repair Services Contract.

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

ORDINARY COUNCIL MEETING – 26 MARCH 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Chris Doohan
	That Council accept the tender from Dalkia Technical Services for the Air Conditioning Maintenance and Repair Services Contract.

Cr Peter Kafer left the meeting at 6.57pm during Item 6 in Committee of the Whole.
Cr Peter Kafer returned to the meeting at 7.00pm in Committee of the Whole.

MOTION

070	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to provide information to Council and recommend approval of a contractor for the supply of labour, parts and equipment to carry out cyclic inspections, maintenance and servicing to the various types of air conditioning, air handling and air exchange units in Council owned buildings as scheduled.

The current tender expired on the 31st October 2012.

The proposed agreement is for a two (2) year period as from 1st April 2013 until 1st April 2015, with an option of a two (2) plus two (2) years extension.

The tender was advertised and closed on the 6th November 2012. Tenders received and listed in order of annual costs (exclusive of GST) are detailed below:

- Control Celsius Refrigeration & Air Conditioning +
- Precise Air Group Pty Ltd **
- Trilogy Servicing Pty Ltd **
- East Coast Air
- Coast & Country Air Conditioning
- Hannan Technical Services Pty Ltd
- Dalkia Technical Services
- Air Conditioning Industries

Some of the tenders did not initially include all of the information requested through the tender process and hence have not scored well through valuation process:

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

+ Tender from Control Celsius Refrigeration & Air Conditioning was not considered as parts of the tender were nonconforming.

** The tendered amount for Precise Air Group Pty Ltd and Trilogy Servicing Pty Ltd was increased above their original tender to include electrical testing listed in the annual service specifications that was not included in the original submission.

As part of the Dalkia Technical Services submission they requested an additional clause relating to liability be inserted into the conditions of contract which was unacceptable to Council. Council and Dalkia Technical Services legal departments and insurance providers have allowed for an agreement that is suitable for both parties.

The "Value Selection Methodology" (**ATTACHMENT 1**) was used to evaluate each tender.

FINANCIAL/RESOURCE IMPLICATIONS

Accepting the tender provides the best value result for Council. In addition to the above contract value Council resources will be required for the ongoing management of the contract and maintaining service documentation.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$51,667.00	Provided by relevant sections and budgeted annually.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the successful contractor will not undertake works in accordance with required compliance and maintenance schedules.	Low	Agreement sets scheduling for maintenance and compliance works. This risk is transferred to the successful contractor through the agreement.	Yes
There is a risk that the air conditioning assets will fail without continuing	High	Accept successful contractor to fulfil maintenance and servicing	Yes

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maintenance and servicing.		of the assets.	
There is a risk that contractor will not perform as required in the contract.	Medium	Relationship and performance monitoring of the contractor is undertaken so that all understand what is expected of each other.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are negligible social and economic implications for adopting this recommendation.

The contract includes the appropriate disposal and cleaning of all air conditioning unit filters to current environmental requirements.

CONSULTATION

Buildings Asset Co-ordinator has consulted Council's Community and Recreation Assets Co-ordinator, Group Manager Facilities & Services, Legal Services Manager, Risk Management Co-ordinator and Procurement & Contracts Co-ordinator.

OPTIONS

- 1) As per the recommendation
- 2) An alternative recommendation

ATTACHMENTS – Confidential provided under separate cover.

- 1) Value Selection Methodology Spreadsheet

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 7

FILE NO: A2004-0288

SALT ASH COMMUNITY HALL COMMITTEE – AMENDMENT TO CONSTITUTION – MEMBERSHIP

REPORT OF: STEVEN BERNASCONI – COMMUNITY AND RECREATION SERVICES
SECTION MANAGER

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Amend the Constitution Schedule of the Salt Ash Community Hall Committee to increase membership from seven (7) to ten (10).
-

**ORDINARY COUNCIL MEETING – 26 MARCH 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Paul Le Mottee
	That Council amend the Constitution Schedule of the Salt Ash Community Hall Committee to increase membership from seven (7) to ten (10).

MATTER ARISING

	Councillor Geoff Dingle Councillor Peter Kafer
	That Council make an offer to all 355C Committees to increase Committee membership.

MOTION

071	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

MATTER ARISING

072	Councillor Geoff Dingle Councillor Peter Kafer
	It was resolved that Council make an offer to all 355C Committees to increase Committee membership.

BACKGROUND

The purpose of this report is to amend the Constitution Schedule of Salt Ash Community Hall Committee to allow a membership of ten.

This links to Council's Community Strategic Plan (1.5.1 - *"Work with partners and volunteers to improve facilities and service delivery"*)

Salt Ash Community Hall Committee has received requests to allow additional membership to the committee. This requires an amendment to their Constitution Schedule. The proposed amendment is shown in Table 1 below:

Item to be amended	Item 7. Maximum number and make up of committee members
Proposed amendment	Up to ten (10) interested community persons
Reason for amendment	To increase the number of committee members from seven (7) to ten (10) to enable the management of the facility to be distributed to more members.

Table 1: Proposed amendment to Constitution Schedule of Salt Ash Community Hall Committee

These new positions on the committee will be filled from nominations (expression of interest) from interested community members. This will be undertaken through the current process in place whereby Ward Councillors determine approval for membership. If there are more nominations than vacancies, nominees who are unsuccessful can reapply when vacancies arise.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications relating to the adoption of this recommendation. Salt Ash Community Hall Committee is a 355(c) Committee which receives an annual subsidy of \$1,000. Hall Committees provide local community based management of facilities which are responsive to and support the community.

The increased membership of the Salt Ash Community Hall Committee will allow the responsibilities of managing the hall to be distributed to more members.

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Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$1,000	Existing annual subsidy to committee will be retained.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Under Section 355(c) of the Local Government Act, 1993, Council may exercise its functions itself or by delegation to another person or persons. Council must approve the constitution of such delegated committees and any amendments to the constitution of such delegated committees.

The constitution of the Salt Ash Community Hall Committee consists of the Standard 355(c) Committee Constitution adopted by Council, 24 June 2003, Minute No 251, and a customised schedule of the committee's individual activities.

Amendments to individual committee constitution schedules do not affect the Standard 355(c) Committee Constitution, which remains in place unless amended by Council.

The committee is managed and provided with support as outlined in the Volunteer Strategy which includes involvement in the Halls Forum.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that existing committee members will be in opposition to the change to the constitution resulting in some or all of the committee resigning from office.	Low	Existing committee members have been consulted on the change to the constitution. The existing committee has established processes in place for hall bookings and any new committee members would be well placed to continue to manage the hall.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations will have no social, economic or ecological implications.

CONSULTATION

- 1) Salt Ash Community Hall Committee;
- 2) Volunteer Strategy Co-ordinator.

OPTIONS

- 1) Adopt the recommendation;
- 2) Reject the recommendation;
- 3) Amend the recommendation.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 8

FILE NO: PSC2005-3687

POLICY FOR THE USE OF COUNCIL RESERVES FOR COMMERCIAL FITNESS GROUPS AND PERSONAL TRAINERS.

REPORT OF: STEVEN BERNASCONI – COMMUNITY AND RECREATION SERVICES
SECTION MANAGER
GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Draft Use of Council Reserves for Commercial Fitness and Personal Trainers Policy.
-

**ORDINARY COUNCIL MEETING – 26 MARCH 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Sally Dover
	That the recommendation be adopted.

MOTION

073	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to adopt the Draft Use of Council Reserves for Commercial Fitness and Personal Trainers Policy. The Draft Policy was placed on public exhibition at the Council Meeting held on the 11 December 2012.

At the completion of the exhibition period, Council had not received any submissions in relation to the new policy.

Personal fitness training is one of the strongest growth segments in the fitness industry. Increasing numbers of commercial fitness trainers using Council reserves have raised a number of issues including:

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Equity of access issues, eg. Potential conflict with other reserve users, management of demand, noise, domination and monopolisation of areas and unpaid use of Council land by commercial operators.

Impact on the asset, eg. Trainers, especially of large groups are causing wear and tear.

Public liability concerns, eg. Trainers with insufficient insurance.

FINANCIAL/RESOURCE IMPLICATIONS

The proposed fees under this policy are:

- Use of beaches only \$350 per quarter
- Use of parks and reserves only \$350 per quarter
- Use of both beaches and parks and reserves combined \$400 per quarter.

Bookings under this policy will be managed under the current park and reserve booking processes. It is estimated that the implementation of this policy will incur an increase of approx \$8,000 in revenue. Revenue derived from this activity will be allocated to the Community and Recreation Planning Budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	(\$8,000)	Potential new revenue.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is currently no policy in place for this activity. Under the Local Government (General) Regulations 2005, regulation 116 states that for the purposes of Section 46 of the Local Government Act the use or occupation of community land for the point of engaging in trade or business a council may grant a licence on a short term, casual basis.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that uninsured and unlicensed commercial entities will conduct business on a Council owned reserve which could lead to litigation against Council if an incident was to occur.	Med	Adopt and implement the policy	Yes

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There is a risk that excessive use of overuse of Council facilities could lead to the closure of facilities for public use.	Low	Implementation of policy, conditions of use and Public Reserve Booking Process	Yes
There is a risk that commercial fitness activities may cause excessive noise outside of normal hours of use which could lead to complaints from the public.	Low	Implementation of policy and conditions of use	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The policy manages the use of public land by providing a balance between community recreation use and commercial recreation use.

The policy allows for small business to operate legally and affordably on public land.

Group fitness activities will be managed to ensure there are no environmental impacts.

CONSULTATION

The draft Policy was exhibited publically for 28 days. No submissions were received.

Port Stephens Council Staff who have been consulted during the development of this Draft Policy include:

- Recreational Operations Coordinator
- Coordinator Parks East
- Coordinator Parks West
- Community and Recreation Planning Coordinator

Consultation and review of the Draft policy has also been undertaken with:

- 355C Committee Representatives.
- Other Councils who have already adopted similar policies.

OPTIONS

- 1) Adopt the recommendation.
- 2) Amend the draft 'Use of Council Reserves for Commercial Fitness and Personal Trainers Policy'; place the policy on public exhibition for 28 days. A further report to be submitted to Council following the closure of the public exhibition period.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) DRAFT POLICY – Use of Council Reserves for Commercial Fitness Groups and Personal Trainers Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

**DRAFT POLICY - USE OF COUNCIL RESERVES FOR COMMERCIAL FITNESS GROUPS
AND PERSONAL TRAINERS POLICY**

FILE NO: PSC2005-3687

TITLE: USE OF COUNCIL RESERVES FOR COMMERCIAL FITNESS
GROUPS AND PERSONAL TRAINERS POLICY.

RESPONSIBLE OFFICER: COMMUNITY AND RECREATION SERVICES MANAGER

BACKGROUND

Personal fitness training is a growth segment in the fitness industry. Increasing numbers of commercial fitness trainers using Council reserves have raised a number of issues including:

- Equity of access issues, eg, potential conflict with displaced users, management of demand, noise, domination and monopolisation of areas and unpaid use of Council land by commercial operators.
- Impact on the asset, eg, trainers, especially of large groups, are causing wear and tear.
- Public liability concerns, eg, trainers with insufficient insurance.

OBJECTIVE

- 1) Ensure equity of access to Council parks and reserves;
- 2) Manage the impact of commercial fitness activities on reserves asset condition and maintenance; and
- 3) Manage public liability and risk exposure to Council in relation to commercial operations on Council owned community land and Crown land which is under Councils care and control.

PRINCIPLES

The following principles guide the application of this policy.

- 1) Council has a responsibility to its ratepayers to manage its risk exposure.
- 2) Council has a responsibility to manage the use of open spaces in an equitable way.
- 3) Council must consider the potential impacts of the use of public open space by commercial operators on other users, neighbouring property owners and residents and those with vicarious interests.
- 4) Council must endeavour to reduce the cost of open space management to ratepayers through partial cost recovery.
- 5) Council must endeavour to encourage small business development and public health.

POLICY STATEMENT

- 1) Commercial fitness groups and personal fitness trainers must have a permit to operate at any public reserves.
- 2) Fitness Instructors are restricted to 20hrs per week of use on PSC public reserves under the licence arrangements.
- 3) No commercial fitness training will be permitted in high activity areas and/or areas of cultural, environmental or natural significance.
- 4) Specific areas where these activities are prohibited include, but are not limited to, the following:
 - Watercourses and wetland areas
 - High conservation bushland (eg, supporting threatened species)
 - 20 metres from memorials
 - 20 metres from any playground or park furniture
 - 20 metres from any public change room, toilet or kiosk areas
 - 50 metres from any neighbouring residential property
 - 50 metres from any flagged area of beaches and/or as directed by the duty lifeguard
 - Any designated sport ground/reserve when occupied by an approved hirer or allocated user
 - Any beach/foreshore when occupied by an approved hirer
- 5) Council may exclude other public areas at its discretion in the interests of meeting legislative responsibilities for the management of community land.
- 6) Council does not warrant that any public reserve is suitable for the conduct of personal training or any other purpose. The permit holder must take steps to ensure that the area to be used is suitable for the intended purpose and use.
- 7) Permissible fitness activities under the policy (subject to Council approval)
 - Resistance training
 - Boxing and pad training
 - Organised aerobic activity
 - Yoga, Tai Chi and Pilates classes and like activities
 - Circuit training
 - A combination of any of the above

- Other industry endorsed fitness activities having been submitted and approved by Council.
- 8) Excluded activities include:
- Any activity that is deemed to be aggressive or intimidating in nature whether real or perceived by participants or the general public.
 - Any activity that involves amplified music or amplified audio (voice) equipment and loud shouting
- 9) To be eligible for a permit applicants must provide evidence of the following at the time of application:
- Current Senior First Aid Certificate
 - Current public liability insurance which indemnifies Port Stephens Council to a minimum of \$20,000,000.
 - Recognised qualifications (Certificate III or IV in Fitness) and/or registration with Fitness Australia.
- 10) Applications for permits and the number of permits to be issued will be determined by the Reserves Booking Officer taking into account the following factors:
- Usage demand, intensity of use of the area and times requested.
 - Number of approved trainers already using the area.
 - Other activities (passive and active) being undertaken in the area.
 - Type of activities being undertaken and the potential impact on other users and neighbouring residents during the times requested.
 - Whether the activities will contribute to increasing congestion or user conflict in the area requested.
- 11) In considering the above factors, the Reserves Booking Officer may decide to:
- Approve an application and issue a permit.
 - Issue a limited permit with restrictions on the number and type of activities, group size and time and location of the activities.
 - Not approve the application.
- 12) One trainer only will be authorised by Council to operate at any one time under the permit issued. Other trainers providing assistance will be included as part of the training group number. In the event that the nominated trainer is unable to operate under the approved permit a replacement may be approved subject to meeting the eligibility requirements of this policy.
- 13) All trainers must be insured and eligible to operate under the permit in accordance with the policy.

- 14) Applicants can choose from a “one-off” annual permit fee or alternatively seasonal quarterly permit of 12 week duration. The fees for these permits are set out in the Council adopted Fees and Charges and are available on the Council website www.portstephens.nsw.gov.au

RELATED POLICIES

- 1) Crown Lands Act 1989
- 2) Local Government Act 1993

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The interaction/balance between the general public recreation use of public land and commercial activities needs to be managed. This Policy recognises and allows for this.

ECONOMIC IMPLICATIONS

The optimisation of Commercial Group Fitness activities should contribute positively to the general economic health of the municipality.

ENVIRONMENTAL IMPLICATIONS

Nil. Group fitness activities will be managed to ensure there is no environmental impacts.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act 1993
- 2) Local Government (General) Regulations 2005

IMPLEMENTATION RESPONSIBILITY

- 1) Community and Recreation Services Manager

REVIEW DATE

Within one year of first being adopted and then once every Council term.

ITEM NO. 9

FILE NO: A2004-0217

PUBLIC EXHIBITION OF REPEALED SECTION 94 PROJECTS ADOPTED 18 DECEMBER 2012

**REPORT OF: STEVEN BERNASCONI – COMMUNITY AND RECREATION SERVICES
SECTION MANAGER**

GROUP: FACILITIES AND SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the allocation of repealed Section 94 funds as shown in the Notice of Motion from the Council Meeting held on the 18th of December 2012.

**ORDINARY COUNCIL MEETING – 26 MARCH 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Sally Dover</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Adopt the allocation of repealed Section 94 funds as shown in the Notice of Motion from the Council Meeting held on the 18th of December 2012; and 2) Amend Item S to read the Boat Harbour Recreation Club Inc.

MOTION

074	<p>Councillor Geoff Dingle Councillor Peter Kafer</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the allocation of repealed Section 94 funds as shown in the Notice of Motion from the Council Meeting held on the 18th of December 2012; and 2) Amend Item S to read the Boat Harbour Recreation Club Inc.

BACKGROUND

The purpose of this report is to adopt the allocation of repealed Section 94 funds as shown in the Notice of Motion from the Council Meeting held on the 18th of December 2012.

At the Council Meeting held on the 18th of December 2012, Council resolved to allocate repealed Section 94 funds to the following projects:

- a. Soldiers Point Memorial Hall asbestos environmental clean \$30,000;
- b. Tilligerry Aquatic Centre upgrade of electrical switch board \$10,000;
- c. Salamander Bay Children's Centre stage one kitchen upgrade \$12,000;
- d. Cornerstone Christian Fellowship Hall upgrade of amenities to accommodate community playgroups displaced by the closure of Soldiers Point Memorial Hall \$18,000;
- e. Brandon Park cricket wicket resurfacing \$40,000;
- f. Brandon Park cricket net installation \$6,500;
- g. Seaham Park picnic shelters and furniture \$12,000;
- h. King Park playing surface drainage works \$13,600;
- i. Fern Bay Van Village community shipping container \$4,000;
- j. Medowie Rugby Union Club equipment shipping container \$4,000;
- k. Medowie Rugby Union Club concrete pad under awning \$4,000;
- l. Karuah Men's Shed \$25,000;
- m. Croquet courts (2 off) at Boomerang Park Raymond Terrace \$40,000;
- n. Nelson Bay foreshore playground shade structure \$30,000;
- o. Anna Bay Lawn Cemetery top dressing of lawn cemetery \$10,000;
- p. Salt Ash Equestrian Centre top dressing of pony club arena \$10,000;
- q. Tilligerry Men's Shed \$20,000;
- r. Nelson Bay Skate Park \$20,000;
- s. Boat Harbour Reserve Committee \$2,000.

The Local Government Act requires the allocation of these funds to be publically exhibited for a period of 28 days. The exhibition period closed on Wednesday 13th March 2013. Two submissions were received objecting to (a) the process used to consult and allocate the funds, (b) the allocation of funds for projects not on Council property or assets and (c) the allocation of funds to specific non council groups for non disclosed purposes. See **(ATTACHMENT 1)** for details.

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes	\$311,100	Funding from repealed Section 94 \$450,000
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council received advice from Lindsay Taylor Lawyers specifically in relation to the expenditure of repealed Section 94 funds. In summary, the use of repealed Section 94 funds for the projects listed is lawful and the legislation allows flexibility for the allocation of these funds as opposed to funds collected under the current contributions plans.

The exhibition period has been completed within the requirements of the Local Government Act.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the allocation of repealed Section 94 funds to assets and projects not on Council land may draw heightened criticism and therefore reputation damage.	Medium	<p>A response will be provided to the one submission received objecting to aspects of the allocation.</p> <p>Staff will work in consultation with associated groups of each project to ensure value for money is achieved.</p>	<p>Yes</p> <p>Yes</p>

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

By adopting the recommendation Council will be providing funding to contribute to community and recreation capital infrastructure. The allocation of these funds will:

- a. Match other sources of funds and allow some projects listed to be completed out right;
- b. Provide seed funds for other projects to enable plans and matching grant funding to be pursued.

CONSULTATION

The proposed list of projects was exhibited publically for 28 days. Two submissions were received objecting to (a) the process used to consult and allocate the funds, (b) the allocation of funds for projects not on Council property or assets and (c) the allocation of funds to specific non council groups for non disclosed purposes. The questions posed in the submission will be responded to by Council Staff.

OPTIONS

- 1) Adopt the recommendation.
- 2) Amend the list of projects and place the amended list on public exhibition for 28 days. A further report to be submitted to Council following the closure of the public exhibition period.
- 3) Reject the recommendation.

ATTACHMENTS

- 1) Submissions received.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

The General Manager

Port Stephens Council

PUBLIC EXHIBITION – Proposed Expenditure of Repealed Section 94 Funds – Examiner 7.2.13 (Closing date 13 March 2013)

I wish to lodge an objection to the process which was used to select projects to be funded under Repealed Section 94 Funds.

1. Projects appeared which I have not seen on any Forward Works Program or Resource Strategy, particularly one for fertilizing an equestrian centre (\$10,000), especially when \$100,000 of Central Ward funds from Heatherbrae sale had already been allocated there last year.
2. The process used for Councillors involved in the preparation of this list and subsequent voting to register a pecuniary or non pecuniary interest in the identified projects. With a name on the gate of the equestrian centre surely has come connection to the Committee of that organization.
3. Were there any pecuniary or non pecuniary interest declarations from any of the Councillors?
4. How was this list compiled and from what existing works lists?
5. Were any project lists from the Parks & Tidy Towns works programs looked at? Volunteers work countless hours in these groups and are told constantly there are no funds for projects. Boat Harbour is the only one which gets a mention. What happened to the rest?
6. What happened to all the projects from a to s (excluding d, l, l) which were advertised previously and then dropped off the advertising on 7.2.13?
7. Why could we not comment on those projects? Had the funds already been released without public comment?
8. Why were 3 Councillors not consulted when the first “list” was compiled? I recognize there is a later list which they compiled in consultation with Council staff and based on priorities. However, a better process would have been to include them all together and not segment them.
9. How was the priority order assessed? Huge numbers of projects are on Council’s lists. Why were these chosen over others which have been waiting for funding for many years?
10. Were the groups involved asked to provide a business case to support the use of ratepayers funds, outlining existing and projected usage, community benefits and financial models to show how the project and future costs will be accounted for to “ensure sustainability”! The existing hall committees are being asked to do this. Why not these groups?
11. Will they have to acquit all the amounts allocated to them over \$500, as is required of other funding allocations? Will they be providing receipts for the works?
12. Why didn’t they have to line up with all other community groups to apply for the January round of Financial Assistance Grants? I could not help but notice the huge reduction percentage wise in allocations of funding for these deserving groups. Why the difference?

I understand that the rules may have been varied for the types of projects which could be funded using Section 94 funds. Previously this was for new infrastructure linked to the location where the funds were actually generated. I note that mostly this would have been generated in Nelson Bay and Shoal Bay. So why did Nelson Bay only have \$50,000 on the first list?

Soldiers Point Hall is down for \$30,000 yet, according to the Examiner 3.1.13 there will be an additional cost of \$65,000 just for an environmental clean. The highest priority on any of these projects surely would have been to actually complete the clean plus the renovation to bring the hall back into operation?

I wish to lodge an objection to the use of Council funds being allocated to Cornerstone Christian Fellowship Hall. My reasons are:-

1. This is setting a precedent for use of ratepayers' funds for an outside organization.
2. I challenge the validity of Council including in the *advertising "upgrade of amenities to accomodate community playgroups displaced by the closure of Soldiers Point Memorial Hall \$18,000"*
3. Insufficient research was undertaken by Council officers at the time of the asbestos issue at the end of April 2012 to identify suitable premises for existing users of Soldiers Point Hall. For example, up until 3 weeks ago, Corlette Hall had a vacancy on Tuesday mornings and every afternoon of the week. The hall already has 2 existing playgroups so the facility is quite suitable.
4. Council should not have to be responsible for finding an exact match up of facilities for a playgroup as they are not a formal organization with meeting times set in concrete. They are simply a group of mothers and children who meet on a regular basis to further the social interaction of their children and as a social outlet.
5. The playgroup should have been flexible enough to find premises in existing Council buildings and, in turn, the ratepayers of Port Stephens would have benefitted from the additional revenue, not a church.
6. **Clearly a major breach of misleading advertising has occurred. The community has been misled by the statement as per 2 above.**

I wish to lodge a further objection to the use of Council funds for Fern Bay Van Village (\$4,000) – another community group that should have lined up with everyone else and applied for assistance in the usual manner. Not by some handout. The rest of the community have to pay rent if they require storage. Why are the residents of the Van Village different. It is their own cost and they should be paying, not the ratepayers.

I was at the Council meeting when this item was discussed and I am wondering if the point raised by Cr Kafer regarding the use of the boat shed at Karuah (\$25,000) is a suitable place for the Mens Shed, if it results in follow up expenditure by Council. Hence I object to this expenditure on the basis of potential future risk in providing follow up funding. Once again, why did not the Mens Shed line up with all other community groups and apply for tedious grants from Council in order to obtain funding. The rest do, so why are we setting a precedent for them to just ask and receive without much effort.

I understand also that the Salamander Bay Children's Centre is not a Council owned facility but I stand to be corrected on that. It exists for the benefit of pre school children and if they were attending a privately run Pre School, then the parents would be paying for the new kitchen (\$12,000) through their fees. Why are the ratepayers paying for this?

The lists abound with sporting facility projects. When is Council actually going to give some priority to the main driver of the economy in this area, at least at Nelson Bay – tourism and the much needed upgrades to infrastructure required. We may have a playground cover for the Nelson Bay foreshore which should have been included in the original design, we may have an upgrade to the skate facility (when in actual fact we need an extra one, as well as an upgrade). However, I do not see on the list some basic upgrades to toilet blocks, cycleways, walkways and all the other critical infrastructure required for our tourism industry to thrive. Council isn't even providing enough maintenance funds to keep the Nelson Bay CBD in a reasonable state. The sporting fields seem to do fairly well when funding is handed out, to the detriment of parks and reserves.

I wrote to the General Manager on 14 December when I first heard about this "funding list". A copy was emailed to all Councillors. All the points I raised in that letter, if they are not included above, still stand. I do NOT ACCEPT the response received that "all legislative requirements have been met etc etc". At least he recognized that processes do need to be improved for the future.

I sincerely hope they do because this process was just NOT FAIR.

This letter has been lodged as an objection. However, I would appreciate responses to all the issues raised as soon as possible.

Yours sincerely

[REDACTED] (via email)

[REDACTED]

[REDACTED]

Phone: [REDACTED]

13 March 2013

CORLETTE HALL, PARKS AND RESERVES
(a 355c Committee of Port Stephens Council)
Caring for Corlette

27 February 2013

The General Manager
Port Stephens Council
RAYMOND TERRACE

Public Exhibition – Proposed Expenditure of Repealed Section 94 Funds (Examiner 24.1.13)
Project Lists – 355c Committees

Dear General Manager

The Corlette Hall Parks & Reserves 355c Committee of Port Stephens Council asks that the attached major works and workplan for minor works be considered when Councillors are determining where Section 94 Repealed Funds are to be allocated. It is disappointing that of a list of projects totaling around \$330,000, only one Reserve Committee (Boat Harbour - \$2000) is included in the list.

Our volunteers spend considerable time contributing to our community and are constantly advised that there is no funding available. In addition, we are discouraged from applying for any potential grant funding which has a 50/50 component as we are well aware that Council may not be able to match any grant. If our Committee had known that other sporting and community groups were applying for grants with the expectation that the 50% would be met, then we too could have progressed many of our projects on the attached lists.

All this in a financial environment where we were advised recently that the February round of small environmental funding has been cut for 2013. This small, simple and well organized grant system is the lifeline for our committees to progress our projects.

Please consider this as an objection to the process used for allocating the Section 94 funds. We request that a much fairer system be implemented which recognizes the contribution our volunteers make and that our projects receive consideration when Repealed Section 94 funds or similar are being handed out in future.

Thank you

Chairperson

Attachments:
Major Works (including Asset Management Plans) – Projects over \$5,000
Minor Works Plan 2012-13 – projects under \$5,000
Hall Works List (unprioritised)

INFORMATION SERVICES	
12 MAR 2013	
File No.	PC2012-01190
Action by	K Stokes
Parcel	



CORLETTE HALL PARKS AND RESERVES COMMITTEE
(a 355c Committee of Port Stephens Council)
“CARING FOR CORLETTE”
CAPITAL WORKS AND ASSET MANAGEMENT PLANS
(Projects over \$5,000)
(as at 9 March 2013)

Endorsed at Committee meeting held on 13 June 2012

The Committee is responsible for the Corlette Hall and a large area of Corlette bounded by:

- Bagnall Beach Road (west side) from Helm Close reserve to foreshore;
- Corlette foreshore from Bagnall Beach (west) to adjoin Mambo Wetlands Committee on Foreshore Drive (excludes Corlette Headland Parks & Reserves Committee boundaries at Cornford Reserve)
- Sandy Point Road to Spinnaker Way (west)
- Area adjoining Helm, Ketch and Yawl Close

Note: The Hall has a separate plan and there is a separate work plan for projects under \$5,000.

The reserves in the area are:-

- **FORESHORE:**
- Roy Wood Reserve, Cnr Sandy Point Road & Foreshore Drive
- Foreshore adjacent Cornford/Carroll Reserve, Danalene Parade
- Corlette Point Reserve (The Anchorage)
- Conroy Park
- Bagnall Beach West (near Pantowara Street junction)
- Middle Bagnall Beach Park

OTHER RESERVES (*not currently being serviced due to lack of volunteers)

- *Karralika Park, between Pantowara & Sandy Point Road
- *Reserve from SES to Hall on Sandy Point Road through to the Breakwater
- *Kingfisher Reserve, Cnr Sandy Point Road & Spinnaker Way
- Helm/Yawl Close Containment Basin
- *Ketch Close/Helm Close unnamed Reserve
- *Lorikeet Reserve and containment basin, Spinnaker Way
- *Corlette Hill – Landcom Vantage Point development
- *Salamander Tops/Breakwater unnamed Reserve (behind houses on ridgetop)

NB: ITEMS AFTER NO. 6 ARE NOT IN PRIORITY ORDER
CORLETTE HALL PARKS AND RESERVES
DRAFT CAPITAL WORKS AND ASSET MANAGEMENT PLANS
 (Updated as at 9 March 2013 following)

Prior-ity	Item No	Project	Comment
1	1	Conroy Park – Beach Access and Foreshore Erosion Control	Serious issue. Grant has been sought for plans. No funds for implementation.
2	2	2 x replacement BBQs and shelters at Conroy Park	Both BBQs are past their use by date and unreliable. Included in East Ward funding list in 2011. However, insufficient funds remained for this installation
3	3	Sunshades for all picnic tables at Roy Wood Reserve (including large concrete area), Corlette Point, Conroy, West Bagnall and Middle Bagnall (estimate 40)	Could be a generic purchase across wider area.
4	4	Cycleway - Foreshore Drive to Culvert – (Mambo Wetlands) immediate need	This area had not been included in previous lists as it had been overlooked as being located within our Committee area. This unfinished section should receive high priority for funding due to safety concerns.
5	5	Middle Bagnall Beach Reserve – Sealing of carpark	Included in previous FWP as a 2010-11 project
COMBINED LISTING WITH NELSON BAY WEST PARKCARE			
6	6	All reserves - Dog signage – improved and consistent at all reserves	Previous listing - Priority 1 as identified in signage audit of 2008. Retains importance. Combined entry for Nelson Bay West Parkcare list
NB: LIST FROM THIS POINT FORWARD IS <u>NOT</u> IN PRIORITY ORDER			
	7	West Bagnall Beach Reserve – Sealing of Carpark	Included in previous FWP. High priority listing as this is the western end of the Dogs Off Leads beach and is used by dog owners and wind surfers.
	8	Vita Parcours (exercise course) at Middle Bagnall (and other areas)	Suggested development at Middle Bagnall Beach reserve as identified in Waterfront Masterplan to compliment & link with Landcom development now proposed at Lorikeet Reserve.
	9	Conroy Park – Update toilet to include disabled facility	Popular park which receives huge usage by the community.
	10	West Bagnall (Pantowara) – Unisex toilet block	High demand for toilet facility at end of the highly used doggy beach.
	11	Electric Barbecues at West Bagnall and Middle Bagnall Reserves	New items for future planning in conjunction with Waterfront Masterplan. (No electricity on site at West Bagnall.)
	12	West Bagnall Reserve - Pedestrian Boardwalk Access to foreshore over open drain at end of Pantowara Street	(Identified as part of Waterfront Masterplan.) Drainage works are included in Councils FWP under flooding. Because of the criteria, it is unlikely to be funded.
	13	West Bagnall- Conroy – Foreshore Pedestrian Cycleway Access – Handrails and/or boardwalk	Handrails as identified in Foreshore Management Plan. Also included in Waterfront Masterplan as part of cycleway boardwalk.
	14	Walkway from Conroy Park and SES through reserve to top of hill	Feasibility study and planning. Steep access, which could require stepping in places. Would

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

Prior-ity	Item No	Project	Comment
			link with other bush walks/fire trails on ridge line.
	15	Community garden in densely populated areas around Helm, Yawl, Ketch Close	Feasibility study into potential site. Community gardens strongly supported in PSC Futures Forum. Committee has written (May 2011) to Council to ascertain requirements for use of public land for community gardens. No response.
	16	Installation of swing sets at Karralinka, West Bagnall, Corlette Point Park, Ketch Close Park	Basic requirements for young children
	17	Retention and expansion of existing play space to cater for under 5 year olds at Corlette Point Park, eg, Maze or such.	Perceived to be a safe area for children with good vision for supervision of young children and located away from busy roads. Sunshade to be part of installation
	18	Roy Wood Reserve – Climbing net play space	Recognised that space is limited. However, there are no climbing facilities there at present for children.
	19	Play equipment for older children – potentially Helm/Yawl Close area	Site inspections required.
	20	Replacement of toilet block at Conroy	Future planning
	21	Future replacement of toilet blocks at Roy Wood Reserve and Middle Bagnall	Future planning
MAJOR PROJECTS – DEPENDENT ON OTHER DECISIONS/APPROVALS			
	22	Lorikeet Reserve upgrade with play equipment, bike tracks and adult exercise equipment	As per concept plan prepared by Landcom in Dec 2010 for Council approval in 2011. If approved, this item will not need to be included in our listings
	23	Cycleway between Corlette Point Park and Roy Wood Reserve via Corlette Headland	Funding unavailable as this would involve major works with platforms over rock shelves. Part of this work could be done along Danalene Parade. Foreshore area. (Corlette Headland Committee)
	24	Cycleway link between Bartlett Cycleway at Middle Bagnall carpark and Vantage Estate	Opportunity exists for negotiation with Landcom to provide this link to their Vantage subdivision. Would open up several cycleway links, including one to the Salamander Shopping Centre and Salamander Way, via either Spinnaker Way or Bagnall Beach Road beyond the Landcom retention basin cycleway routes.
	25	Boardwalk to parallel Foreshore Drive from Roy Wood Reserve to Joe Redman Reserve via Mambo Wetlands	Safety issues with current pedestrian/cycleway access. Identified in Tourism Plan of 2010 as potential for tourism attraction. Not previously listed as this area overlaps Mambo Wetlands Committee area.

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

**CORLETTE HALL PARKS AND RESERVES COMMITTEE
IN LOCATION ORDER - PROJECTS UNDER \$5,000
COUNCIL FUNDING REQUIRED (as at March 2013)**

ItemNo NOT PRIORITY	Location	Work Required	Action by who	Cost/funding	Comments
COUNCIL FUNDING OR LIAISON REQUIRED					
1	Middle & West Bagnall	Installation of interpretative heritage & environmental signage (as at Dutchies Bridle Path)		Grant sought Jan 2012 - <i>unsuccessful</i>	Co-operation will need to sought with Historical Society and Aboriginal Council in wording.
2	Middle & West Bagnall	Additional bench seats along foreshore			Identified in 2008 Seat Audit
3	Conroy Park	Improved access to beach – Track erosion panels concept <i>or steps on a platform.</i>	MAJOR PROJECT		Access continually erodes
4	Conroy Park	Resealing of carpark TO BE MOVED TO CAPITAL WORKS LIST – PROJECT OVER \$5,000			Previously on Major works list. <i>Council quotes received for both patching and major repair Oct. 2011.</i>
5	Conroy Park	Installation of new barbecues with shelter roofs (included as part of East Ward funding list August 2011 – <i>To be reviewed March 2012 – still unsuccessful</i>)	Council to install		<i>Included on East Ward list for replacement of both barbecues with new roofs. Update: Now to be reviewed in March 2012. Insufficient Ward funds. Covers only to be provided. Now included on Major works list. No Ward funds provided and BBQs are as they were as at Dec 2012. Included in letter to Council Nov 2012. No response</i>
6	Conroy Park	New vanity in ladies toilet	Council request	TBA	Request made for replacement Nov 2012.
7	<i>Conroy Park West</i>	<i>New Beach access sign</i>	<i>Council request</i>	<i>TBA</i>	<i>To encourage people to walk along path to access the sandy section of beach between Conroy & Corlette Point Park. Sign requested Jan 2013.</i>

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

ItemNo NOT PRIORITY	Location	Work Required	Action by who	Cost/funding	Comments
8	Conroy Park/Corlette Point	Potential to plan for parking in the public access area adjacent No 86 (Recent idea presented to counter loss of beach at Conroy Park)	Council planning	TBA	Left turn only off Sandy Point Road due to safety. Also consider potential future cycleway through that access. Objective is to encourage use of sandy beach.
9	Conroy Park/Corlette Point	Foreshore planting and designated beach entry points (as per Nelson Bay beach)	Council planning	TBA	Protection of foreshore from further erosion.
10	Corlette Point Park	Renovate barbecue shelter or have Council install New colourbond roof with Volunteers to paint uprights	Working bee	TBA	Seek sponsorship from Peppers Anchorage
11	Karralinka Park	New park signs for Sandy Point Road access	Committee to Council	Council	Request to be made
12	Roy Wood Reserve	Replacement or turn over of damaged Neowood slats on benches & potential to use damaged slats for extra bench seating	Working bee Council	Negotiate with Council	SFA supplies new slats for \$50 each (plus GST)
13	Roy Wood Reserve	Plan for dinghy storage (at western end and/or formalised behind toilet block) and address the proliferation of dinghies generally		TBA	Cr Dover moved a Notice of Motion in July 2012 for action. No response.
14	Roy Wood Reserve	Plant additional Tuckeroos at locations determined by Council	Council Working bee	Council	Potential to paint upright picket posts same colour as existing furniture for tree guards.
15	Roy Wood Reserve	Replacement of barrier logs with recycled plastic bollards	Council	TBA	Requested consideration of this idea when other projects were completed using East Ward funding in 2012. No funds available for this
16	Roy Wood Reserve	Installation of additional tap adjacent to BBQs	Council	TBA	High demand on current tap/shower.
17	Danalene Foreshore Path	Recycled plastic boardwalk proposal & associated native plantings	Corlette Headland 355c Committee		Duplicates potential cycleway route. Corlette Headland to include in their FWP. Council gravelled part section Oct 2012

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

ItemNo NOT PRIORITY	Location	Work Required	Action by who	Cost/funding	Comments
18	Lorikeet Reserve	Support for full concept plan to include playground, adult exercise equipment, picnic tables (as per Landcom plan of Dec 2010)	MAJOR PROJECT BY LANDCOM	TBA	Support required of Landcom proposal by Council. Old swing frame to be removed.
19	Lorikeet Reserve	Lobby Landcom to undertake asap Stage 1 of the concept plan, ie, Spinnaker Way access, including signage	Committee	TBA	Letter written. <i>Unlikely to happen before 2013 when that Precinct is developed.</i>
20	Link Conroy Park via SES to Myan Close & Clipper Close Reserve	Lobby for fire trail erosion to be addressed and a gradual path up the hill following the previous fire path.	MAJOR PROJECT	TBA	Steep incline – potential track building project for work for dole or Conservation Volunteers.
21	Sandy Point Rd near Carroll Avenue Bus stop	Weed footpath & mulch – steep site & close to road – potential for steps	Committee to Council		Currently not looked after by any neighbours. Mowed by Council employees <u>once per annum</u>
22	West Bagnall Beach (Pantowara)	Discourage pedestrian access from Bagnall Beach along lower level (beach – after the drain) and add appropriate signage regarding uneven pathways	Committee to Council		At low tide people can walk along the sand. You cannot get through and the only access up is via slippery boat ramps. Extremely dangerous as they are steep & slippery
23	West Bagnall (& other locations on Bagnall Beach)	Install combined bubbler/doggy bubbler	Committee to Council		As seen at Lake Macquarie. Also suggest installations at East Bagnall (and Middle Bagnall)
24	Streets - General	Identified Street tree planting (eg, Yawl, Ketch Close)	Committee to Council		Request Council rules. In consultation with neighbours & Council requirements.
25	Kingfisher Reserve	Install an additional bench seat adjacent pond on Spinnaker Way	Committee to Council		Old seat to be moved. Actioned Jan 2012

ITEM NO. 10

FILE NO: PSC2005-1826

NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the attendance of Mayor, Bruce MacKenzie at the NGA Infrastructure, Planning, Services Conference, Canberra June 2013;
 - 2) Allow a "one-off" increase of the Conference allowance under the Policy for Mayor MacKenzie to attend the Conference.
-

ORDINARY COUNCIL MEETING – 26 MARCH 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor John Morello
	That the recommendation be adopted.

MOTION

075	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of the National General Assembly of Local Government to be held from 16 – 19 June 2013.

The Conference Programme is shown at **(ATTACHMENT 1)**.

The Conference is open to all Councillors.

As Councillors would be aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Councils area.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation would be covered from the budget, subject to an individual Councillor not exceed the conference budget limits in the Policy.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$1,094	Accommodation and travel costs will be additional
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all Councillor conference attendances outside the Hunter Region. Councillors' conference costs are limited to \$3,500.00 per year under the Policy.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its' reputation damaged by not attending and not participating in the national debate on key Local Government matters.	Low	Adopt the recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Port Stephens community would benefit from Councillors attending this Conference to ensure the Local Government Area has a voice in the national development of policy and initiatives.

CONSULTATION

Nil.

OPTIONS

Nil.

ATTACHMENTS

- 1) Conference Programme.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

PROGRAM

SUNDAY 16 JUNE

5:00–7:00 pm Welcome Reception

MONDAY 17 JUNE

9:00 am OPENING CEREMONY

9:20 am ALGA President's Welcome
9:50 am Prime Minister
The Hon Julia Gillard MP (invited)

10:30 am MORNING TEA

11:00 am Keynote Speaker: **Geraldine Doogue AO**
11:45 am Election Priorities—Twenty 13

12:30 pm LUNCH

1:30 pm The Debate—The Big Issues

3:00 pm AFTERNOON TEA

3:30 pm Debate on Motions
4:30 pm Leader of the Opposition
The Hon Tony Abbott MP (invited)

5:00 pm CLOSE
7:00 pm BUFFET DINNER

TUESDAY 18 JUNE

9:00 am Keynote Speaker: **Fred Chaney AO**
9:45 am Debate on Motions

10:30 am MORNING TEA

11:00 am Leader of the Australian Greens,
Senator Christine Milne
11:30 am National Awards for Local Government
12:00 noon Leader of the Nationals
The Hon Warren Truss MP

12:30 pm LUNCH

1:30 pm National Awards for Local Government
2:00 pm Financial Assistance Grants Review—
Commonwealth Grants Commission

3:00 pm AFTERNOON TEA

3:30 pm Debate on Motions
4:30 pm Shadow Minister for Local Government,
Senator Barnaby Joyce

5:00 pm CLOSE
7:00 pm OFFICIAL DINNER, PARLIAMENT HOUSE

WEDNESDAY 19 JUNE

9:00 am Keynote Speaker: **Peter FitzSimons AM**
9:45 am Debate on Motions

10:30 am MORNING TEA

11:00 am Debate on Motions
12:00 noon Minister for Regional Australia, Regional
Development and Local Government
The Hon Simon Crean MP (invited)

12:30 pm PRESIDENT'S CLOSE
1:00 pm CLOSE

ITEM NO. 11

FILE NO: 1190-001

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
 GROUP: GENERAL MANAGER’S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
 - a) Port Stephens Council - Facilities & Services – Part payment for removal of stump at 11 the Breakwater, Corlette – East Ward Funds - \$2,145.00;
 - b) Newcastle & Port Stephens Game Fish Club Ltd – Reimbursement of fees paid to PSC in association with the 2013 Tournament in Nelson Bay – Mayoral Funds - \$765.00;
 - c) Port Stephens Christian Outreach Centre – Reimbursement of DA fees for 180 Salamander Way, Salamander Bay – Mayoral Funds - \$843.35;
 - d) Newcastle & Port Stephens Game Fish Club Ltd. – Reimbursement of land usage fees associated with Billfish Shootout February 2013 – Mayoral Funds - \$798.00.
 - e) New South Wales Game Fishing Association Inc. – Reimbursement of land usage fees for Nautilus Boat Tournament Feb 2013 – Mayoral Funds - \$2428.00

**ORDINARY COUNCIL MEETING – 26 MARCH 2013
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Steve Tucker</p>
	<p>That the recommendation be adopted.</p>

MOTION

076	<p>Councillor Ken Jordan Councillor Chris Doohan</p>
	<p>It was resolved that the Committee of the Whole recommendation be adopted.</p>

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

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

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

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

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that the financial assistance would need to be included in the Management 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 is provide through Mayoral Funds, Rapid Response or Community Capacity Building:-

EAST WARD – Councillors Dover, Morello & Nell

Port Stephens Council Facilities & Services	Part payment for removal of stump at 11 the Breakwater, Corlette	\$2,145.00
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MAYORAL FUNDS – Mayor MacKenzie

Newcastle & Port Stephens Game Fish Club Ltd	Reimbursement of fees paid to PSC in association with the 2013 Tournament in Nelson Bay	\$765.00
Port Stephens Christian Outreach Centre	Reimbursement of DA fees for 180 Salamander Way, Salamander Bay	\$843.35
Newcastle & Port Stephens Game Fish Club Ltd.	Reimbursement of land usage fees associated with Billfish Shootout February 2013	\$798.00
New South Wales Game Fishing Association Inc.	Reimbursement of land usage fees for Nautilus Boat Tournament Feb 2013	\$2428.00

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward, Minor Works and Mayoral Funds are the funding source for all financial assistance.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	\$6,979.35	Mayoral funds \$4,834.35 and Ward funds \$2,145.00
Section 94	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that relates to reputation.	Low	To publicly consider and adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Mayor;
- 2) Councillors;
- 3) Port Stephens Community.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12

FILE NO: PSC2013-01163

BUILDING REGIONAL AUSTRALIA 2013 SUMMIT

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGERS OFFICE

- 1) Endorse Mayor MacKenzies attendance at the Building Regional Australia Summit.
 - 2) Allow a "one-off" increase of the conference allowance under the Policy for Mayor Mackenzie to attend the Summit.
-

ORDINARY COUNCIL MEETING – 26 MARCH 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Peter Kafer Councillor Ken Jordan
	That the recommendation be adopted.

MOTION

077	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of the Building Regional Australia Summit.

The Summit will be held from 10 to 11 April 2013 in Armidale.

The programme is shown at **(ATTACHMENT 1)**.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation would be covered from the budget.

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$895	Accommodation and travel costs will be additional
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Payment of Expenses and Provision of Facilities to Councillors Policy requires Council to approve all conference attendances outside the Hunter Region. Conference costs are limited to \$3,500.00 per year under the Policy.

There is a risk that Council may have its' reputation damaged by not attending and not participating in the national debate on key Local Government matters.	Low	Adopt the recommendation	Yes
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

Nil.

OPTIONS

Nil.

ATTACHMENTS

1) Summit Programme.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



PROGRAM OVERVIEW

Presented by:



TUESDAY, 9 TH APRIL		Chair
5:30pm	Official Welcome Function: New England Regional Art Museum	
WEDNESDAY, 10 TH APRIL		
8:30am	Registration – Coffee and Networking	
9:00am	Official Welcome Mr Anthony Fox, Chairman, Foundation for Regional Development Limited	Mr Tony Windsor MP, Member for New England
9:10am	Welcome to Country Mr Steve Widders, Community Liaison Officer, Armidale Dumaresq Council	
9:15am	Welcome to our City Cr. Jim Maher, Mayor of Armidale	
9:30am	Defining and Implementing Economic Development Cr Paul Pisasale, Mayor of the City of Ipswich	
10:00am	Regional Development in New South Wales – “A Decade of Decentralisation” The Hon. Andrew Stoner MP, Deputy Premier of New South Wales, Minister for Trade and Investment, Regional Infrastructure and Services	
10:30am	Coffee and Networking Break	
11:00am	Impacts of Fly-in, Fly-out Workforce Practices Mr Tony Windsor MP, Member for New England	Hon. Richard Torbay MP, Member for Northern Tablelands

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

5:00pm	<i>Close</i>		
6:30pm	Building Regional Australia 2013 Gala Dinner – Under the Stars, 18th Green, Armidale Golf Course		
THURSDAY, 11TH APRIL			
8:30am	Marketing Regional Victoria – Research Leading to Change Mr Mark Fletcher, Director, ShopScience		Hon. Jenny Gardiner MLC, Deputy Leader in the NSW Legislative Council
9:00am	Decentralisation Taskforce - Opportunities for Greater Regional Development and Government Decentralisation The Hon. Richard Torbay, MP Member for Northern Tablelands		
9:30am	Cooperative Regional Marketing – Country Change Ms Lani Houston, Executive Officer, Regional Development Australia – Riverina NSW		
10:00am	B3: Profiling and Building Regional Centres		B3: Cr Greg Matthews, Dubbo City Council B4: The Hon. Mick Veitch MLC, Shadow Minister for Trade and Investment, Shadow Minister for Regional Infrastructure and Services, Shadow Minister for Regional and Rural Affairs
	Regional Events and their Impacts Mr Barry Harley, General Manager, Rural Press Events	Strategies to Grow Western and Remote Communities Mrs Kristine Arnold Business Development Manager- Remote Area Planning and Development Board: RAPAD	
	Advantages of Marketing Together – EVO Cities Cr James Treloar, Tamworth Regional Council	Developing Smaller Communities into Provincial Centres Cr Stuart Freudenstein Mayor – Young Shire Council	
	<i>Q and A Session</i>	<i>Q and A Session</i>	
10:30am	<i>Coffee and Networking Break</i>		
11:00am	Royalties for the Regions and Rebuilding following natural disasters The Hon. David Crisafulli MP, Queensland Minister for Local Government, Community Recovery and Resilience		

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

11:30am	New South Wales mining industry – Value and future opportunities Mr Stephen Galilee, Chief Executive Officer, New South Wales Minerals Council Ltd		
12:00pm	ABC’s commitment to regional radio, digital radio and the online direction Mr Tony Rasmussen Manager, Regional ABC Local Radio		
12:30pm	<i>Networking Lunch</i>		
1:30pm	Benchmarking Your Performance Ms Lailani Burra, .id Australia		Mr Anthony Fox, Chairman, FRDL
2:00pm	B1: Mining- A Long Term Regional Development Strategy		B1: Mr Adam Marshall B2: Mr Andrew Gee MP, Member for Orange
	Harnessing Opportunities Created by Mining Ms Julie Robertson, Economic Development Officer, Mid Western Regional Council	B2: Building Regional Centres Generating Economic Opportunities by Developing a Manufacturing Hub Mr Wayne Lowe, Business Development Manager, Nambucca Shire Council	
	Maintaining Economic Stability in Queensland’s Fastest Growing Economic Region Ms Amanda Camm, Deputy CEO – External Relations, Mackay Whitsunday Regional Economic Development Corporation (REDC)	Building a Rural City During Severe Drought Ms Leonie Burrows Chair, Lower Murray Urban and Rural Water Corporation Former CEO, Mildura Rural City Council	
	Capitalising on Opportunities and Managing Impacts of Rapid Growth due to Resource Development Ms Jane Holdsworth, Major Projects and Economic Manager, Western Downs Regional Council	Developing a National Transport Hub Cr Ken Keith, Mayor of Parkes Shire Council Chair or Centroc	
	<i>Q and A Session</i>		
3:00pm	<i>Coffee and Networking Break</i>		
3:30pm	Building Regional Australia – Liberal National Party thoughts and policies The Hon. Warren Truss MP, Leader of the Nationals, Shadow Minister for Infrastructure and Transport, Member for Wide Bay		
4:00pm	Importance of Regional Marketing Mr Dave Croston, Director, The Media Enterprise Pty Ltd Mr Peter Bailey, CEO, Foundation for Regional Development Limited		Senator John Williams

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

11:30am	Shaping Solutions for a Sustainable and Prosperous Regional Australia Ms Su McCluskey, CEO, Regional Australia Institute	Mr Michael McCormack MP, Member for Riverina
12:00pm	LNP alternative to broadband Mr Luke Hartsuyker MP, Deputy Manager of Opposition Business in the House, Shadow Minister for Regional Communications, Shadow Minister for Youth and Sport,	
12:30pm	<i>Networking Lunch</i>	
1:30pm	Attracting Doctors and Health Professionals to Regional Areas Prof. Peter McKeown, Head of School, School of Rural Medicine, University of New England	
2:00pm	Regional Universities and Cyber Space Prof. Jim Barber, Vice-Chancellor, University of New England	
2:30pm	Building Your Community – Q and A Session (Panel) <i>Mr Luke Hartsuyker MP, Deputy Manager of Opposition Business in the House, Shadow Minister for Youth and Sport, Shadow Minister for Regional Communications</i> <i>Hon. Richard Torbay MP, Member for Northern Tablelands</i> <i>Ms Su McCluskey, CEO, Regional Australia Institute</i> <i>Professor Peter McKeown, Head of School, School of Rural Medicine, University of New England</i> <i>Mr Wayne Lowe, Business Development Manager, Nambucca Shire Council</i> <i>Professor Jim Barber, Vice Chancellor, University of New England</i>	Kelly Fuller, ABC New England North West
3:30pm	<i>Summit close</i>	

* Please Note: Presenter has been invited but is yet to confirm. Program may change due to circumstances beyond our control

Building Regional Australia 2013 sponsored by:



Updated: March 18, 2013, 10:51 AM

ITEM NO. 13

FILE NO: PSC2011-01024

LGMA – NATIONAL CONGRESS & BUSINESS EXPO, HOBART, MAY 13 2013

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGERS OFFICE

- 1) Endorse Cr Chris Doohan attendance at the Local Government Management Association's National Congress & Business Expo 2013.

**ORDINARY COUNCIL MEETING – 26 MARCH 2013
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Paul Le Mottee
	That the recommendation be adopted.

MOTION

078	Councillor Ken Jordan Councillor Chris Doohan
	It was resolved that the Committee of the Whole recommendation be adopted.

BACKGROUND

The purpose of this report is to inform Council of the Local Government Management Association's National Congress & Business Expo 2013.

The National Conference will be held from 19 to 22 May 2013 in Hobart.

Other Councillors are also able to elect to attend this Conference.

The programme is shown at **(ATTACHMENT 1)**.

FINANCIAL/RESOURCE IMPLICATIONS

The costs associated with registration, travel and accommodation would be covered from the budget.

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$1,775	Registration costs – accommodation and travel costs will be additional
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its' reputation damaged by not attending and not participating in the national debate on key Local Government matters.	Low	Adopt the recommendation	Yes

As Councillors would be aware the Payment of Expenses and Provision of Facilities to Councillors Policy requires that a resolution of Council be sought for all travel outside of the Hunter Councils area.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

Nil.

OPTIONS

Nil.

ATTACHMENTS

1) Conference Programme.


COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

 NATIONAL CONGRESS
& BUSINESS EXPO

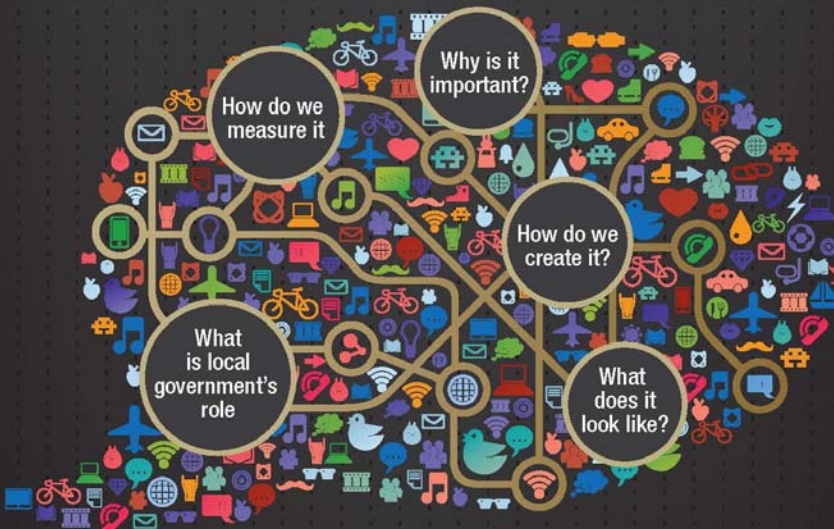
19 - 22 May 2013
Hobart Tasmania

Great Society

What is local government's role?


LGMA's annual National Congress & Business Expo will take the high road in 2013 and challenge delegates to think about great society.


What is the role of local government in the creation of great societies?
Do we know what our communities want? What makes residents happy?
We collect rates, pave roads and shift rubbish, but what else do we do, and do we do it well?



Join Keynote speakers Bob Brown, Mark Pesce and Thérèse Rein in Hobart, Tasmania in May 2013.
Register now for the early bird rate.
Discounts available for Management Challenge and Mentee Program participants.

For more information and to register online, visit www.lgma.org.au

PRESENTED BY:  LOCAL GOVERNMENT MANAGERS AUSTRALIA NATIONAL OFFICE

IN ASSOCIATION WITH PRINCIPAL PARTNER: 

Emerging leaders – make your mark!

LGMA National has built a number of new initiatives into Congress in 2013, to give emerging leaders more opportunities to take part.

An invigorated **Raymond West Award** will feature, with three stand-out Australasian Management Challenge performers invited to take the main stage and undergo the ultimate professional development test.

LGMA National is also offering a **Mentee Program** registration rate for CEOs who want to nurture the talent in their organisations.

Keynote Speakers

BOB BROWN

Great Society and Local Government's Role

Former leader of the Greens, Bob Brown will deliver the keynote address on Monday morning and set the scene for two days of discussion and debate around great societies.

A life-long activist, Bob has first-hand experience in advocating on a range of environmental, social and civic issues and reforms aimed at improving community wellbeing. Bob's work includes initiatives such as Freedom of Information, Death with Dignity and gay law reform. During his years in the Australian Senate, Bob led the national debate on climate change, Australia's involvement in war, the green economy, preventative healthcare, conservation and human rights.

Whether or not you agree with Bob's policies, he is an incredibly effective advocate and reformer with plenty of experience and insight to share with delegates on the development of great societies.



MARK PESCE

Modern Democracy and Community Engagement

Mark Pesce is a well-known media commentator on issues relating to the future of technology and how individuals, governments and organisations engage with it.

Mark is a panelist and judge on the ABC's *The New Inventors*, a regular guest on James Valentine's ABC 702 radio program, and he writes for NETT magazine, the *Sydney Morning Herald*, ABC's *The Drum*, and ABC's *Technology & Games*.

Mark will lead the Congress discussions around modern democracy and community engagement. He will deliver the keynote address on these themes, and facilitate the corresponding concurrent session to workshop the outcomes of the Australasian Management Challenge pre-Challenge task.



THÉRÈSE REIN

The Value of a CEO

Thérèse Rein is the Founder and Managing Director of Ingeus, an Australian company that helps socially and financially excluded people find employment. Thérèse is also the CEO of Assure Programs, a business psychology services company operating in Australia and New Zealand.

A passionate advocate for enhancing community wellbeing, Thérèse plays an active role in a huge number of organisations committed to a range of issues including disability support services, indigenous literacy, homelessness and maternal health. She has been awarded a number of accolades including the Telstra Queensland Business Woman of the Year and the Commonwealth Bank Business Owner Awards in 2012, and the Australian Human Rights Medal in 2010. A member of Chief Executive Women of Australia and a former Director of the National Employment Services Association Board (Australia), Thérèse will use her years of experience to lead the Congress discussions around the value of a CEO.



You will explore ...

What the Future Looks Like



Aging baby boomers, new immigrants, population growth, the new digital economy - few local governments will escape some kind of demographic or dynamic shift in the years ahead. This session will commence by setting the scene for the major trends and expectations for the coming years and a number of organisations will share their experiences in dealing with major changes in their community.

Who should attend:

Emerging leaders, executives, elected members, strategic planners, communications staff.

Indicators of a Great Society



How do you measure 'greatness' in society? Do the existing indicators do a good job? According to the Economist Intelligence Unit (EIU), Melbourne has been the world's most liveable city two years in a row. In addition to the EIU there are a number of other indexes, such as the Mercer Quality of Living Survey, which seek to measure livability and community quality of life. This session will challenge participants to consider these various measurements and whether they are an accurate account of the indicators of a great society.

Who should attend:

Executives, elected members, strategic planners, engineers, policy staff.

The creation of a Great Society; local government's role



Local government is going through a period in which it is being asked to redefine itself. Various states have recently or are currently undertaking reviews and the constitutional recognition debate continues. Congress will bring together a roundtable of the key players in this process, including representatives from NSW, QLD and WA councils, academics, and leaders from international professional associations experiencing similar transformations.

The discussions and outcomes from this session will be included in an LGMA green paper.

Who should attend:

Elected members, executives, those involved in the current review processes, emerging leaders.

Thank you

LGMA National is pleased to continue its association with Civica as the Principal Partner of the 2013 National Congress.

CIVICA



For more information and to register online, visit www.lgma.org.au

ITEM NO. 14

INFORMATION PAPERS

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER
GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 26 March, 2013.

No:	Report Title
1	Aboriginal Strategic Committee
2	Cash and Investments Held at 28 February 2013
3	NSW Government Hunter Regional Action Plan
4	General Managers Performance Review

ORDINARY COUNCIL MEETING – 26 MARCH 2013 COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Chris Doohan Councillor Ken Jordan
	That the recommendation be adopted.

	Councillor Chris Doohan Councillor Ken Jordan
064	It was resolved that Council move in Committee of the Whole.

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

MOTION

Cr Ken Jordan left the meeting at 7.36pm during Item 14 and did not return to the meeting.

079	Councillor Geoff Dingle Councillor Peter Kafer
	It was resolved that the recommendation be adopted.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

ABORIGINAL STRATEGIC COMMITTEE

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is present to Council the minutes of the Aboriginal Strategic Committee meeting held 26 February 2013.

The role of Council's Aboriginal Strategic Committee is:

- 1) To advise Council in relation to issues of concern between Council and the Aboriginal community,
- 2) To promote a positive public image with respect to issues for Aboriginal people in Port Stephens,
- 3) To provide a consultative mechanism with respect to development issues,
- 4) To improve relations between the Aboriginal and non Aboriginal community of Port Stephens,
- 5) To exchange information between the Aboriginal community and Council on issues affecting Aboriginal people,
- 6) To promote mutual awareness and respect for the cultures of both Aboriginal and non Aboriginal communities, and
- 7) To promote an increased awareness of the needs of Aboriginal communities and to assist with the development of programs to address those needs where possible and appropriate.

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting held on 26 February 2013.

ATTACHMENT 1

MINUTES OF ABORIGINAL STRATEGIC COMMITTEE MEETING HELD ON 26 FEBRUARY 2013



Aboriginal Strategic Committee
Combined Meeting



MINUTES

Minutes of meeting held on 26 February 2013 at Port Stephens Council

Acting Chair: Paul Procter

Minute taker: Paul Procter

Present:

Cr Sally Dover	Port Stephens Council
Steve Bernasconi	Port Stephens Council
Paul Procter	Port Stephens Council
David Feeney	Karuah Local Aboriginal Land Council
Sharon Feeney	Karuah Local Aboriginal Land Council
Dale Greentree	Karuah Local Aboriginal Land Council
Andrew Smith	Worimi Local Aboriginal Land Council
Neville Lilly	Worimi Local Aboriginal Land Council
Valerie Merrick	Worimi Local Aboriginal Land Council

Apologies:

Cr Peter Kafer	Port Stephens Council
Peter Gesling	Port Stephens Council
Jason Linnane	Port Stephens Council

Guests: (guest speakers and/or staff requested to attend to provide specific advice)

Megan Alston	Hunter New England Health
Tina Pidcock	Hunter New England Health
James Campbell	Port Stephens Council
Jackie Howard	Port Stephens Council

Meeting opened at 9:30am

1. Welcome to Country

Worimi Elder Neville Lilly acknowledged the land we are meeting on today, Worimi land and paid respects to Elders past/present.

2. HealthOne Raymond Terrace: (*Guest speakers: Megan Alston, Clinical Integration Co-ordinator for the GP Super Clinic HealthOne Raymond Terrace, and Tina Pidcock, Aboriginal Health Co-ordinator from the Aboriginal Health Unit, Greater Newcastle Cluster*)

The Committee was updated on the status of planning for HealthOne Raymond Terrace which is currently under construction.

The update included an overview of the range of health services which will be delivered from the facility including General Practitioners, allied and community health services etc. In accordance with the government's Closing the Gap initiative provisions will be in place to support Aboriginal community members to access health services and programs. They have also been liaising with all Aboriginal health services in the region to ensure services are integrated and co-ordinated where possible.

As part of the ongoing planning and operation of the Centre Hunter New England Health are looking to bring together from time to time a group of local Aboriginal and Torres Strait Islander representatives to consult with and provide input into relevant HealthOne programs and initiatives. The Worimi Local Aboriginal Land Council (WLALC) CEO and Karuah Local Aboriginal Land Council (KLALC) CEO both expressed an interest in being involved in this initiative.

At the end of the presentation the Hunter New England Health representatives mentioned they would like to have a further meeting with the Local Aboriginal Land Councils to talk more about access to services at HealthOne.

Actions:	<ol style="list-style-type: none">1. Clinical Integration Co-ordinator for the GP Super Clinic HealthOne Raymond Terrace to meet with KLALC and WLALC to further discuss the new HealthOne Raymond Terrace.2. The Aboriginal Health Co-ordinator from the Aboriginal Health Unit, Greater Newcastle Cluster will provide with KLALC and WLALC with contact details of who to contact on health initiatives which they can consider utilising for local events and activities.
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3. Business arising from previous meeting

Item 1: Childcare

Council's Manager Recreation and Community gave a brief overview of the Family Day Care Program Council runs which enables people (subject to Council approval) to operate a Family Day Care service from their own home.

Action:	<ol style="list-style-type: none">1. Council's Manager Recreation and Community will send details on Council's Family Day Care program to KLALC and WLALC for their information.
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Item 2: Review of Traditional Welcome at Council Meetings

Council's Social Planning Co-ordinator indicated that Council recently endorsed the updated 'Acknowledgement to Land' for use at Council meetings. The endorsed wording is:

"Today, we are meeting on Worimi Country, We acknowledge the past, We are working towards a better tomorrow".

Council's Social Planning Co-ordinator thanked the Committee for their efforts and input into reviewing the wording. He also sought advice on the use of the acknowledgement at other meetings facilitated by Council from time to time with external representatives such as Interagencies. The Aboriginal Strategic Committee indicated support for staff to use the acknowledgement at these meetings using the endorsed wording.

Item 3: Aboriginal Cultural Heritage

Karuah LALC CEO is currently developing a checklist for another organisation for use outside of Port Stephens with respect to Aboriginal Cultural Heritage. KLALC CEO would also like Council to consider using a similar checklist.

Action:	1. KLALC CEO to forward a copy of the draft checklist to WLALC CEO for their review and will be considered at next meeting.
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Item 4: 2013 Joint Meeting

Council's Social Planning Co-ordinator informed the Committee that 15 October 2013 has been set as the date for this year's joint meeting.

Item 5: Elders DVD Launch

WLALC indicated that the launch went well.

Item 6: Worimi LALC Community Services Expo

WLALC previously held a successful community services forum which was attended by a range of service providers and government agencies which were responsible for providing services to the Port Stephens Aboriginal community.

Action:	1. WLALC CEO to forward details of agencies which participated in Expo to Council's Social Planning Co-ordinator for inclusion on mailing list for the Port Stephens Interagency.
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Item 7: Street Drainage – Karuah Aboriginal Reserve

Council responded to the drainage issues reported by KLALC on cnr section of Buudhang Close by carrying works in December 2012. This involved excavation of the table drain and placement of the spoil to solve the drainage issue. It was noted that Council will be carrying out further works next week to flush out the drain.

Item 8: Update on Review of Aboriginal Projects Fund

Council's Social Planning Coordinator and Community Development & Planning Officer Team Leader gave an update on status of review of Council's Community Development Fund and Aboriginal Projects Fund. The review is in the final stages and it is proposed to present a report to Council in April 2013 on the outcomes of the review.

Council's Social Planning Co-ordinator outlined some of the aspects of the Aboriginal Projects Fund identified for improvement in regards to processes and documentation. Council's Community Development & Planning Officer Team Leader also outlined purpose and proposed future directions of the Cultural Projects Fund.

The Aboriginal Strategic Committee indicated that they would like to see the following included as part of the future direction of the Aboriginal Projects Fund: -

- Delete requirement that applicants need to seek the endorsement for their proposal from the respective Local Aboriginal Land Council. The Committee asked that this be replaced with wording in the guidelines such as *'Applicants that can demonstrate clear and effective community consultation have occurred, have engaged and liaised with the Aboriginal Community of Port Stephens area will be identified and seen as a priority and be requested to specify details on their application of who they have consulted with'*.
- Look at idea of having referees for applications
- Retain requirement that applicants individually make a verbal presentation to the Aboriginal Strategic Committee in relation to their application
- A list be prepared of why applications funded have been successful
- Consider inviting a representative from each organisational funded to come along to the annual joint meeting.

In moving forward beyond the review the Aboriginal Strategic Committee formulated the following proposed time line for completion of review of grant programs:

Date	Details
9 Apr 2013	Council Report on recommendations from the review
15 Apr 2013	Launch of Aboriginal Projects Fund and Cultural Projects Fund funding rounds (could include pictures of previously funded projects)
15 Apr 2013	Call for applications (3 week period)
6 May 2013	Applications close (allows 1 week for Committees to review applications)
13 May 2013	Aboriginal Strategic Committee and Strategic Arts & Cultural Committee meet separately to review, assess and make recommendations to Council

MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

	on the allocation of available grant funds under these two funding programs.
13 Jun 2013	Council Report – recommendations on allocation of available grant funds
14 Jun 2013	Grant payments made to successful applicants

The Aboriginal Strategic Committee indicated that the timing of this funding round has been delayed due to the review needing to be finalised. They indicated that future funding rounds of the Aboriginal Projects Fund should ideally commence around Feb/Mar annually.

It was noted that no funding round of the Aboriginal I Projects Fund or the Cultural Projects Fund has occurred this current financial year as a result of the funding being placed on hold until the completion of the review.

Consequently the Aboriginal Strategic Committee indicated that the funding round to allocate the funds in the 2012/2013 budget is proposed to occur in April / May 2013. The Aboriginal Strategic Committee indicated that due to the next funding round proposed for Apr/May 2013 the Committee is concerned that the timing may pose a risk to a funding round in the 2013/2014 financial year. The Committee reiterated that the delay in expending this year's budget allocation has been due to the funding rounds being on hold pending the review and as such the community should not miss out on the funds allocated each financial year by Council. As such the Committee would like to see Council retain a budget at the current level of funding in next 2013/2014 budget to enable another funding round to be held at a later time in 2013/2014 financial year around Feb/Mar 2014.

Actions:	<ol style="list-style-type: none">1. Council's Social Planning Co-ordinator to send a copy of draft guidelines and associated forms to the Committee for comment prior to being finalised.2. Council's Social Planning Co-ordinator to schedule a tentative meeting of the Aboriginal Strategic Committee to assess applications under next round of the Aboriginal Projects Fund.3. Council's Social Planning Co-ordinator to place on Council website details to alert people to grant rounds coming soon – watch this space
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4. Karuah Sports Oval

Karuah Local Aboriginal Land Council is working with the community in an effort to re-establish rugby league at the Karuah oval. This would be aided by some improvements being carried out to Council's amenities building at the oval and two of the light towers require electrical repairs. Council's Manager Recreation and Community has looked into this and estimates that the cost of carrying out the repairs would be approximately \$25,000. They also indicated that Council currently has no funds dedicated to completing these works.

Actions:	<ol style="list-style-type: none">1. Council's Manager Recreation and Community will have this matter placed on the agenda for the Raymond Terrace Sports Council (which takes in Karuah) to consider2. Council's Manager Recreation and Community will explore potential options which may exist to fund these works.
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5. Geographical Names Board of NSW - Port Stephen Reserves Audit

Council's Property Officer indicated that the Geographical Names Board has recently undertaken an audit of Port Stephens reserves. As part of the audit's findings Council's Property Officer is seeking from the relevant representatives on the Aboriginal Strategic Committee clarification on the name allocated to one specific reserve to ascertain its cultural origins.

Action:	<ol style="list-style-type: none">1. WLALC CEO will check out the name of this reserve to see if it is linked to the Kattang language and the local dialogue. They will notify Council's Property Officer of the findings.
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6. NAIDOC Week 2013

Discussion deferred til next meeting.

7. General Business

7.1 Council's Draft LEP

WLALC CEO made reference to Council's draft LEP and importance of appropriate zonings being applied which protect the environment whilst also where appropriate allowing provisions for traditional cultural activities to occur.

Action:	<ol style="list-style-type: none">1. WLALC and KLALC to contact Council's Strategy & Project Manager in the Facilities & Services Group to discuss.
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MINUTES FOR ORDINARY COUNCIL – 26 MARCH 2013

7.2 Murook Centre

WLALC CEO indicated that they are formulating options and future plans for the placement of their administration and office functions at Murook and are seeking Council advice.

Action:	1. WLALC CEO to contact Council's Development & Building Team for advice.
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8. Next meeting

Will be held 28 May 2013

INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 28 FEBRUARY 2013

REPORT OF: TIM HAZELL – FINANCIAL SERVICES MANAGER
GROUP: CORPORATE SERVICES

FILE: PSC2006-6531

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 28 February 2013.

ATTACHMENTS

- 1) Cash and investments held at 28 February 2013;
- 2) Monthly cash and investments balance February 2012 to February 2013;
- 3) Monthly Australian term deposit index February 2012 to February 2013.

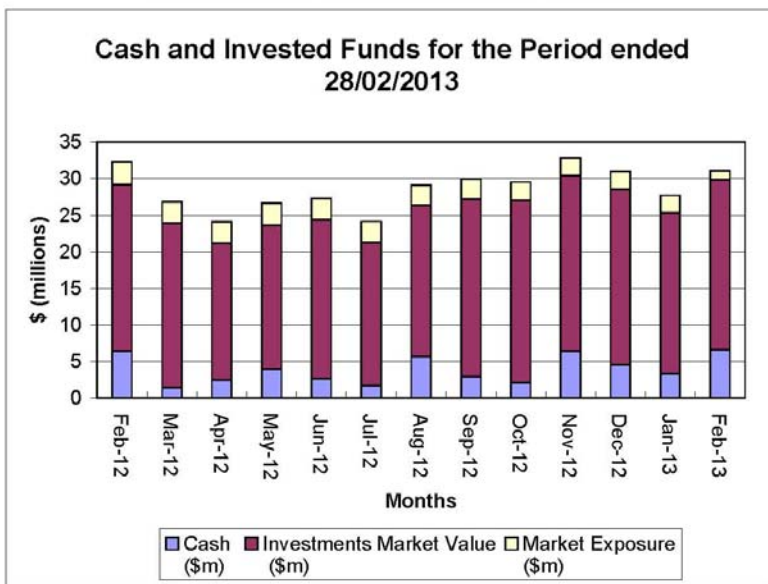
ATTACHMENT 1

CASH AND INVESTMENTS HELD AS AT 28 FEBRUARY 2013									
ISSUER	BROKER	RATING	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE	
TERM DEPOSITS									
BERUT HELLENIC BANK LTD	BHB	N/R	TD	4.75%	90	12-Mar-13	1,000,000	1,000,000	
BANK OF QUEENSLAND LTD	BOQ	A2/BBB+	TD	4.75%	150	15-Mar-13	1,500,000	1,500,000	
NATIONAL AUSTRALIA BANK LTD	NAB	A1+/AA-	TD	4.66%	120	15-Mar-13	1,000,000	1,000,000	
ME BANK	CURVE	A2/BBB	TD	5.01%	181	18-Mar-13	1,000,000	1,000,000	
BERUT HELLENIC BANK LTD	BHB	N/R	TD	5.00%	90	18-Mar-13	1,000,000	1,000,000	
WAW CREDIT UNION COOPERATIVE LTD	FIG	N/R	TD	4.66%	152	25-Mar-13	1,000,000	1,000,000	
HERITAGE BANK	CURVE	P-2/A3	TD	4.66%	152	25-Mar-13	1,000,000	1,000,000	
SUNCORP-METWAY LTD	SUNCORP	A1/A+	TD	4.60%	91	8-Apr-13	1,000,000	1,000,000	
PEOPLES CHOICE CREDIT UNION	CURVE	A2/BBB+	TD	4.41%	120	10-Apr-13	1,000,000	1,000,000	
BANK OF QUEENSLAND LTD	CURVE	A2/BBB+	TD	4.76%	150	19-Apr-13	1,000,000	1,000,000	
POLICE CREDIT UNION LTD	RIM	N/R	TD	4.67%	150	22-Apr-13	1,000,000	1,000,000	
B & E LTD	RIM	N/R	TD	4.40%	90	22-Apr-13	1,000,000	1,000,000	
NATIONAL AUSTRALIA BANK LTD	NAB	A1+/AA-	TD	4.53%	120	7-May-13	1,000,000	1,000,000	
SUNCORP-METWAY LTD	SUNCORP	A1/A+	TD	4.52%	92	7-May-13	1,000,000	1,000,000	
POLICE CREDIT UNION LTD	FARQUHARSON	N/R	TD	4.45%	120	14-May-13	1,000,000	1,000,000	
ING BANK (AUSTRALIA) LTD	CURVE	A1/A	TD	4.31%	122	27-May-13	1,000,000	1,000,000	
ING BANK (AUSTRALIA) LTD	FIG	A1/A	TD	4.30%	122	26-Jun-13	1,000,000	1,000,000	
ME BANK	ME BANK	A2/BBB	TD	4.40%	173	7-Aug-13	1,000,000	1,000,000	
INVESTEC BANK (AUSTRALIA) LTD	RIM	P-3/Baa3	TD	4.30%	181	28-Aug-13	1,000,000	1,000,000	
SUB TOTAL (\$)							19,500,000	19,500,000	
OTHER INVESTMENTS									
HELIUM CAP. LTD 'ESPERANCE AA-'	GRANGE	CCC-(sf)	CDO	4.28%	7yrs	20-Mar-13	1,000,000	652,000	
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99%	10yrs	30-Jun-13	500,000	500,000	
GRANGE SECURITIES 'KAKADU AA'	GRANGE	CCC	CDO	4.35%	7yrs	20-Mar-14	1,000,000	332,000	
DEUTSCHE BANK TELSTRA LNK DEF. NTE	FIG SECURITIES	A+	FRN	4.43%	7yrs	30-Nov-14	500,000	500,000	
THE MUTUAL	THE MUTUAL	N/R	FRSD	4.99%	10yrs	31-Dec-14	500,000	500,000	
NEXUS BONDS LTD 'TOPAZ AA-'	GRANGE	A+p	CDO	0.00%	10yrs	23-Jun-15	412,500	355,827	
ANZ ZERO COUPON BOND	ANZ	AA	BOND	0.00%	9yrs	1-Jun-17	1,017,876	850,883	
SUB TOTAL (\$)							4,930,376	3,690,710	
INVESTMENTS TOTAL (\$)							24,430,376	23,190,710	
CASH AT BANK (\$)							6,607,723	6,607,723	
TOTAL CASH AND INVESTMENTS (\$)							31,038,099	29,798,433	
CASH AT BANK INTEREST RATE				2.95%					
BBSW FOR PREVIOUS 3 MONTHS				3.06%					
AVG. INVESTMENT RATE OF RETURN				4.31%					
TD = TERM DEPOSIT					FRN = FLOATING RATE NOTE				
CDO = COLLATERALISED DEBT OBLIGATION					FRSD = FLOATING RATE SUB DEBT				
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									
P.GESLING									

ATTACHMENT 2

Cash and Investments Held

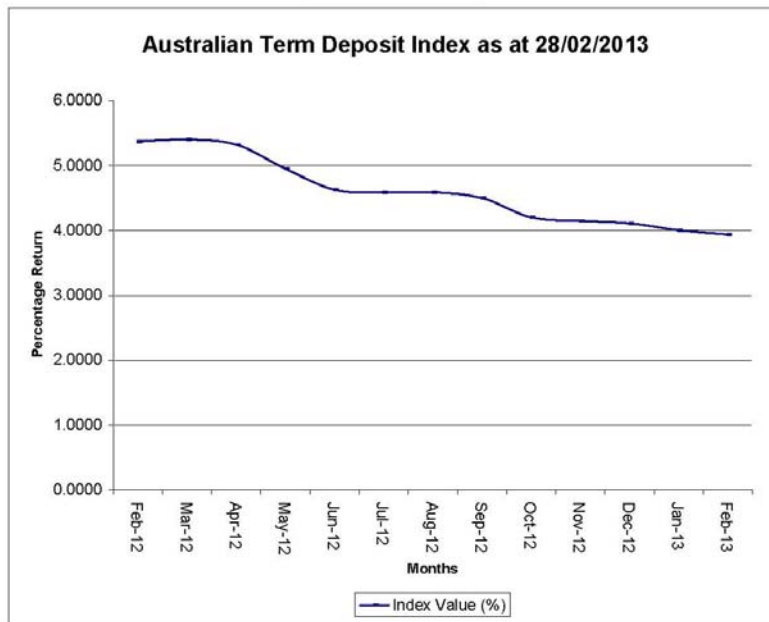
Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure (\$m)	Total Funds (\$m)
Feb-12	6.372	22.787	3.143	32.303
Mar-12	1.391	22.465	2.965	26.821
Apr-12	2.441	18.722	2.959	24.121
May-12	3.931	19.700	2.981	26.611
Jun-12	2.597	21.774	2.906	27.277
Jul-12	1.724	19.576	2.854	24.154
Aug-12	5.655	20.655	2.775	29.086
Sep-12	2.945	24.263	2.667	29.875
Oct-12	2.066	24.918	2.512	29.496
Nov-12	6.388	23.962	2.468	32.818
Dec-12	4.524	24.003	2.427	30.955
Jan-13	3.291	21.993	2.438	27.721
Feb-13	6.608	23.191	1.240	31.038



ATTACHMENT 3

Australian Term Deposit Accumulation Index

Date	Index Value (%)
Feb-12	5.3715
Mar-12	5.3972
Apr-12	5.3227
May-12	4.9508
Jun-12	4.6252
Jul-12	4.5808
Aug-12	4.5858
Sep-12	4.4974
Oct-12	4.1994
Nov-12	4.1428
Dec-12	4.11
Jan-13	4.0025
Feb-13	3.94



NSW GOVERNMENT HUNTER REGIONAL ACTION PLAN

REPORT OF: PETER GESLING – GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2010-02982

BACKGROUND

The purpose of this report is to make Councillors aware of the release of the Hunter Regional Action Plan.

NSW Governments has made commitments to prepare regional action plans for the state. The Hunter Regional action plan has now been published by the NSW Government. In partnership with the community it aims to:-

Unlock the regions productive potential;
Connect, integrate and communicate;
Renew the focus on liveability, lifestyle and land use.

The 20 page document provides a brief overview of priority actions in the areas of:-

Drive economic growth and diversity;
Invest in critical infrastructure and integrated transport;
Improve the liveability of our city and regional areas;
Better support the most vulnerable people of our community.

The plan also provides an implementation schedule where Port Stephens Council is listed as the delivery partner for:-

Upgrade of main road 301 Raymond Terrace to Dungog by mid 2015;
Upgrade of Nelson Bay Road.

There are a number of other actions where local councils are the delivery partners. A copy of the action plan shall be tabled and provided in the councillors' room for reference.

ATTACHMENTS

Nil.

TABLED DOCUMENTS

1) NSW Hunter Regional Action Plan.

COUNCILLORS ROOM

1) NSW Hunter Regional Action Plan.

INFORMATION ITEM NO. 4

GENERAL MANAGER'S PERFORMANCE REVIEW

REPORT OF: PETER GESLING – GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2005-1318

BACKGROUND

The purpose of this report is for Council to receive and note the outcome of the General Manager's Mid Year Performance Review and table a copy of the final report which has been signed by the Mayor and General Manager.

Council established a Performance Feedback process for the General Manager that aligns with the Department of Local Government guidelines. This includes:

- 1) Establishment of a Performance Feedback Committee to review the General Manager's performance against the agreed Individual Work and Development Plan (IWDP).
- 2) Undertaking an assessment of the statutory 6 month performance report against the Council Plan.

A further element is available to Council, that any concern should be raised when it occurs. It should include written notification to the Mayor and General Manager. After assessment, the General Manager will respond to the council to ensure a review in the bi-annual meeting of the Performance Feedback Committee.

The July to December Performance Review and Feedback Process provides an opportunity for all Councillors and the General Manager, to participate in the review process.

A review for the period 1 July to 30 December 2012 of the General Manager was conducted on 21 February 2013 by a review panel consisting of Cr Nell, Cr Dover, Cr Jordan and the Mayor together with Mathew McArthur from McArthur as the Facilitator.

Prior to this the Council had accepted the six month performance report and the Facilitator met with the review panel to outline the process. The panel was issued with review documentation for rating. This had already been completed by the General Manager providing a self-rating and supportive material regarding the degree to which he had met the requirements of the key performance indicators.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

McArthur Final Report Mid Year Review February 2013 for General Manager, Port Stephens Council 2012/2013.

There being no further business the meeting closed at 7.40pm.

I certify that pages 1 to 117 of the Open Ordinary Minutes of Council 26 March 2013 were confirmed by Council at its meeting held on 9 April 2013.

.....
Bruce MacKenzie
MAYOR