

MINUTES 12 AUGUST 2014



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 12 August 2014, commencing at 5.53pm.

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

195	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that the apology from Crs Chris Doohan; John Morello and Peter Kafer be received and noted.
196	Councillor Steve Tucker Councillor Sally Dover
	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council held on 22 July 2014 be confirmed.
	There were no Declaration of Interests received.

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MOTION TO CLOSE

MOTION TO CLOSE

ITEM NO. 1

FILE NO: A2004-0840

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(c) of the Local Government Act, 1993, the Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary meeting agenda namely **Proposed Commercial Investment Property Acquisition**.
 - 2) That the reasons for closing the meeting to the public to consider this item be that it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.
 - 3) In particular, the information and discussion concerns **Proposed Commercial Investment Property Acquisition**.
 - 4) On balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as the information and discussion need to be carried out confidentially to protect the interests of both parties. Any breach of such confidentiality could prejudice Council's position.
 - 5) That the minutes relating to this item be made public.
-

The Motion to Close and the confidential item were withdrawn by the General Manager.

COUNCIL REPORTS

ITEM NO. 1

FILE NO: 16-2014-122-1

DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT: 31 DP: 609041 NO. 218 SEAHAM ROAD, NELSONS PLAINS

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed subject to the following:
 - a. The subject land is located entirely in the Floodway and Excessive Depth Floodplain Management Zone. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development;
 - b. The development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2013, in particular the objectives and planning considerations for development on flood prone land;
 - c. The development is considered an inappropriate land use under the NSW Floodplain Development Manual 2005;
 - d. The proposal is inconsistent with the following best practice guidelines for floodplain management: Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000);
 - e. It is inappropriate to place additional dwelling houses in high risk flood areas and placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014

MOTION

197	Councillor Paul Le Mottee Councillor Ken Jordan
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Geoff Dingle
	That the development application be deferred until the briefing on the flood prone land policy is held.

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

Those for the Motion: Crs Geoff Dingle and John Nell.

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

The motion was lost.

	Councillor Ken Jordan Councillor Paul Le Mottee
	That Council be provided with possible conditions of consent for the development application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting.

Those for the Motion: Crs Paul Le Mottee, Ken Jordan, Steve Tucker and Sally Dover.

Those against the Motion: Crs Geoff Dingle, John Nell and Bruce MacKenzie.

The motion on being put was carried.

AMENDMENT

	Mayor Bruce MacKenzie Councillor Sally Dover
	That Council approve the development application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed, in principle, and that conditions of consent be provided to Council for consideration.

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 Paul Le Mottee and Sally Dover.

Those against the Motion: Crs Ken Jordan, Steve Tucker, Geoff Dingle and John Nell.

The amendment on being put was lost.

MATTER ARISING

	Councillor Ken Jordan Councillor Paul Le Mottee
	That no further development applications where flood prone land is involved be assessed until the flood prone policy is complete and that the draft flood prone land policy be fast tracked.

MOTION

199	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that Council be provided with possible conditions of consent for the development application 16-2014-122-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting.

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 Paul Le Mottee, Ken Jordan, Steve Tucker and Sally Dover.

Those against the Motion: Crs Geoff Dingle and John Nell.

MATTER ARISING

200	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that no further development applications where flood prone land is involved be assessed until the flood prone policy is complete and that the draft flood prone land policy be fast tracked.

BACKGROUND

The purpose of this report is to present a development application to Council for determination. The application has been called to Council by Cr. Le Mottee on the basis that there have been inconsistent determinations by staff in relation to dwellings in flood prone areas.

It is acknowledged merit assessments have occurred for various developments on flood prone land. With such merit assessments no two situations are identical and

variations can occur. Reference is made to the notice of motion at the June 2014 Council meeting where a policy is being developed to assist in this regard. This application needs to be assessed against the current legislation at that point in time. Apart from flooding issues there are no concerns regarding the proposed building designs.

The proposal is for the construction of a 4 bedroom dwelling, farm shed and associated earth mound at Lot 31 DP 609041 No.218 Seaham Rd, Nelsons Plains. The dwelling is a single storey structure with a wraparound veranda having a total footprint of 355m². The associated shed would be 220m² with a height of 5.88m. The earth mound, dwelling and shed are located approximately 90m from the banks of the Williams River and 410m from Seaham Rd.

An existing approval was granted in 1998 for a cattle refuge mound which has been constructed. Based on the proposed flood planning level (FPL) of 5.3m AHD the applicant intends to increase the mound sizes from the original approval by an additional 2700m³ of VENM fill. Although this amount would be increased to approximately 3,700m³ if the development is constructed in accordance with the flood engineers FPL requirements below.

The existing site levels average at 1.1 to 1.2 AHD (±150mm), the required flood planning level for the site is 5.6m AHD (5.1m 2050 1% AEP + 500mm) referenced from the Williamstown Salt Ash Flood Study Review (2012) which provides the most current and accurate flood study information for this area. This will require approximately 4.5m of fill to achieve that level. The location of the mound should not be affected in the events up to the 10% AEP although may become isolated in larger events including the 5% AEP severing access to and from Seaham Rd.

Current mapping locates the development within a designated Floodway zone, the Floodplain Risk Management Guideline (NSW Department of Environment and Climate Change, 2007) states that "Floodway's are generally areas where development is undesirable due to:

- The potential to redirect flows;
- The level of potential danger to personal safety;
- Significant financial losses due to potential damage".

Additionally a draft version of an update to the above policy (Areas Affected by Flooding and/or Inundation Policy) in addition to the statements above also includes the following statement:

- "Development within areas designated as floodway is not permitted."

*(Refer to Council's Flooding Report in **(COUNCILLOR ROOM ITEM 1)** for full details for the above)*

The property is classified as a "Low Flood Island" in terms of Emergency Response Planning Classification of Communities as it will be surrounded by floodwaters in

minor and major flooding and potentially inundated in times of extreme flooding. If floodwater continues to rise after it is isolated, the island/fill mound will eventually be completely covered leaving people stranded on the property.

(Refer to Council's Flooding Report in (COUNCILLOR ROOM ITEM 1) for full details for the above)

The Statement of Environmental Effects references a draft flood evacuation plan to be implemented when major flooding events are predicted. The intention of the plan would be to provide advanced warning to occupants for when an event may lead to isolation although offers no mitigation measure for the direct impacts the flood will have on the property. In this scenario the mound could be used as a refuge or alternatively evacuate the site if possible. No draft evacuation plan was submitted with application to support the assessment.

The subject site requires an onsite sewer management system (OSMS) as it is not serviced by the Hunter Water Corporation. The site is classified as a high hazard according to the Port Stephens Council OSMS hazard classifications maps although due to the following factors it is understood that a suitable system could be provided to service the dwelling;

- Property is a large lot size,
- Sufficient land is provided on the proposed earth mound at a adequate height to accommodate a system,
- Is not a subdivision thus not increasing property loadings,
- The density of waste systems in proximity to the property is very low.

The proposal is not consistent with Port Stephens Council Local Environmental Plan 2013 for development on flood prone land and the draft "Areas Affected by Flooding and/or Inundation Policy" in regards to the nature of flooding, social impacts and suitability of the land. *Refer to Council's Flooding Report in Attachment 2 for assessment details of the above.*

Council may recall that it adopted a revised Corporate Risk Management Policy on 27 November 2012. The policy includes Council's risk appetite statement that explicitly states:

"Council has no appetite for risks that may compromise the safety and welfare of staff, volunteers, contractors and/or members of the public."

"Council will not accept a risk that has potentially catastrophic consequences, regardless of the likelihood of that risk eventuating."

A review of the assessment report and the Applicant's submission details that a decision contrary to the recommendation presents an unacceptable risk to Council as per Council's standard risk management matrix. These unacceptable risks relate

to Council and the local community in respect to public safety, Council reputation and legal exposure.

The site of the approved mound (which was originally intended for animal refuge only) is not suitable for a dwelling. The entire lot is located in a floodway and therefore construction of a mound for residential purposes is not deemed appropriate for this site. This application is considered not suitable due to the exposure to risks associated with flooding as outlined in the flooding assessment detailed in **(COUNCILLOR ROOM ITEM 1)**, furthermore the development is not in accordance with Council's management plans and policies of Australian best practice for the management of floodplains.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Development Application is not consistent with relevant Flood development guidelines, studies and planning instruments including but not limited to: EP&A Act 1979, PSC LEP 2000 & Draft 2013, Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000), NSW Floodplain Development Manual (NSW Department of Infrastructure, Planning and Natural Resources, 2005) and the Draft Port Stephens Council Areas Affected by Flooding and/or Inundation Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination may be challenged in the Land and Environment Court.	Medium	Determine the application against recommendations.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is inappropriate placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

CONSULTATION

Consultation has been carried out as required by the development assessment process.

OPTIONS

- 1) Adopt the recommendations for refusal;
- 2) Refuse the recommendations considering comments in **(ATTACHMENT 2)**;
- 3) Refuse the recommendations.

ATTACHMENTS

- 1) Locality Plan;
- 2) Comments for further consideration.

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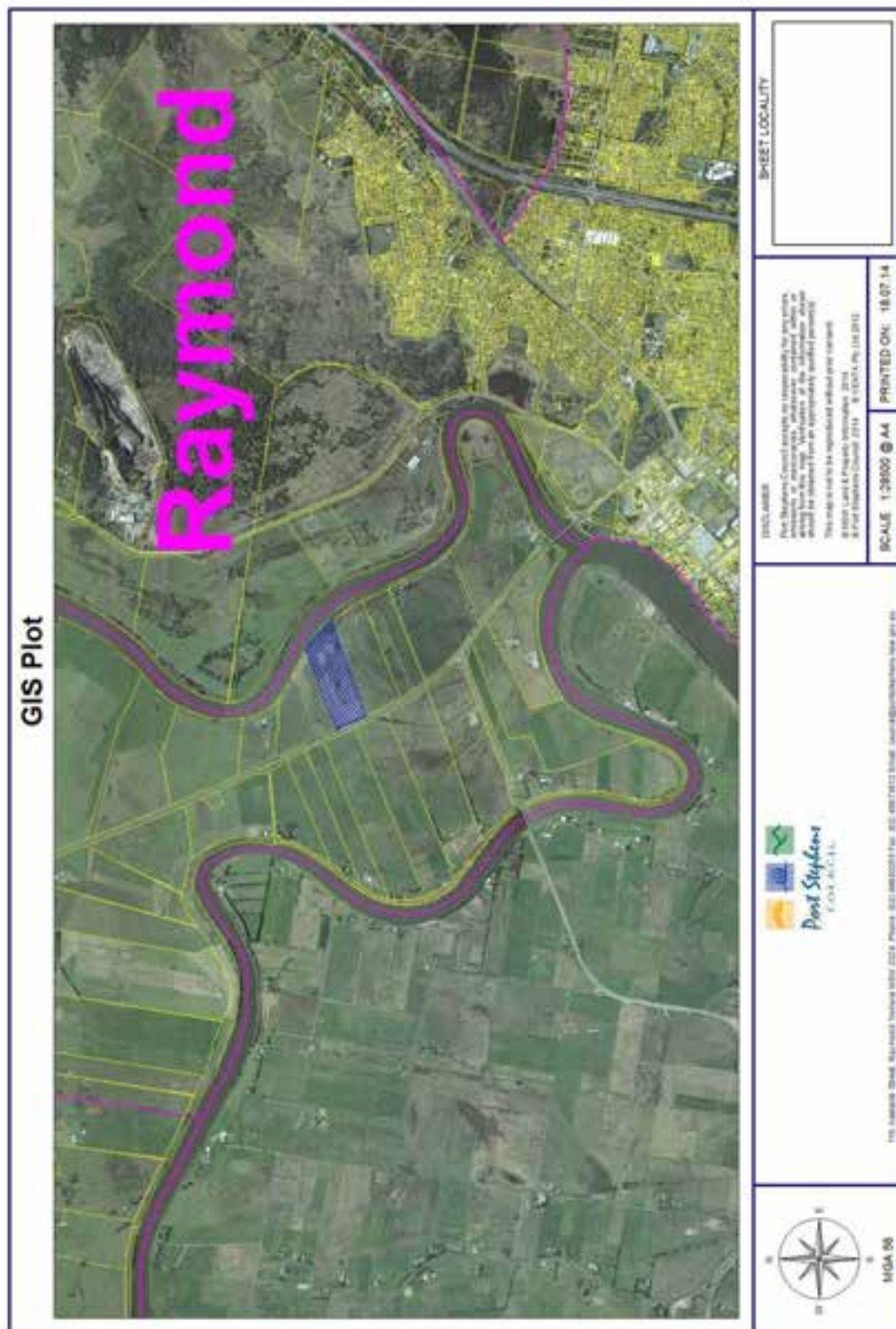
- 1) Assessment;
- 2) Drawings: HTP-1405-001-SHT1/3, HTP-1405-001-SHT3/3 Rev A;
- 3) Statement of Environmental Effects: Prepared by Hill Top Planners Pty Ltd March 2014.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Locality Plan



**ATTACHMENT 2
COMMENTS FOR FURTHER CONSIDERATION**

In the event of further consideration of this proposal (which is not recommended):

1. A geotechnical assessment on the mounds should be undertaken to ensure the mounds are able to withstand the hydrostatic etc forces that are likely to be exerted on the mounds during flooding. An assessment on the impact of planting trees and shrubs on the mound would be required and compliance with the outcomes from the report would have to be adhered to.
2. The proposed FFL (5.1m AHD) is not compliant with Council's current advice for the area which is a FPL of 5.6m AHD. Unless the proponent is able to provide previous written advice from Council of a different FPL for the site dated within the last 12 months, the advised FPL of 5.6m AHD should be adhered to.
3. The mound has been placed at a location of most flood risk within the lot and any future consideration should consider a different location on the lot;
 - Velocities in 1% AEP are up to 1.4m/s where other location on the lot have maximum velocities of 0.6m/s
 - Natural ground level is approximately 1.4m AHD (1% AEP depth approx. 3.3m) at the site of the mound, there is a location located more centrally on the lot which has levels between RL 2.0m and 2.5m AHD (1% AEP depth approx. 3.1m to 2.6m)
 - Access from the mound to Seaham Road is approximately 300m and would be cut off 5% AEP
4. Condition to any consent issued should be added requiring an application for an on-site sewer management system (OSMS) be submitted prior to issue of a Construction Certificate and an approval to operate prior to the issuing of any Occupation Certificate.

ITEM NO. 2

FILE NO: 16-2014-71-1

DEVELOPMENT APPLICATION FOR AN EARTH MOUND, SINGLE STOREY DWELLING AND FARM SHED AT LOT 1 DP 194703 NO. 306 SEAHAM ROAD NELSONS PLAINS

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed subject to the following:
 - a. The subject land is located entirely in the Floodway and Excessive Depth Floodplain Management Zone. Due to the risk associated with velocities and/or depth which pose a risk to structures and/or the safety of persons the land is deemed unsuitable for residential development.
 - b. The development is inconsistent with the provisions of Port Stephens Local Environmental Plan 2000 & 2013, in particular the Rural 1a/RU1 zone objectives and planning considerations for development on flood prone land.
 - c. The development is considered an inappropriate land use under the NSW Floodplain Development Manual 2005.
 - d. The proposal is inconsistent with the following best practice guidelines for floodplain management: Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000)
 - e. It is inappropriate to place additional dwelling houses in high risk flood areas and placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

**ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Mayor Bruce MacKenzie Councillor Sally Dover</p>
	<p>That Council approve the development application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed, in principle, and condition of consent be provided to the next Ordinary Council meeting.</p>

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

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 Paul Le Mottee and Sally Dover.

Those against the Motion: Crs Ken Jordan, Geoff Dingle, Steve Tucker and John Nell.

The motion was lost.

	Councillor John Nell Councillor Geoff Dingle
	That the recommendation be adopted.

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

Those for the Motion: Crs Geoff Dingle and John Nell.

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

The motion was lost.

	Councillor Ken Jordan Councillor Steve Tucker
	That Council be provided with possible conditions of consent for the development application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting.

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

Those for the Motion: Crs Paul Le Mottee, Ken Jordan, Steve Tucker and Sally Dover.

Those against the Motion: Mayor Bruce MacKenzie, Geoff Dingle and John Nell.

MOTION

201	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that Council be provided with possible conditions of consent for the development application 16-2014-71-1 for an earth mound, single storey dwelling and farm shed at the next Ordinary Council meeting.

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 Paul Le Mottee, Ken Jordan, Steve Tucker and Sally Dover.

Those against the Motion: Crs Geoff Dingle and John Nell.

BACKGROUND

The purpose of this report is to present a development application to Council for determination. The application has been called to Council by Cr. Le Mottee on the basis that there have been inconsistent determinations by staff in relation to dwellings in flood prone areas.

It is acknowledged merit assessments have occurred for various developments on flood prone land. With such merit assessment, no two situations are identical and variations can occur. Reference is made to the notice of motion at the June 2014 Council meeting where a policy is being developed to assist in this regard. This application needs to be assessed against the current legislation at that point in time. Apart from flooding issues there are no concerns regarding the proposed building designs.

The proposal is for the construction of a 4 bedroom dwelling, farm shed and associated earth mound at Lot 1 DP 194703 No.306 Seaham Rd, Nelsons Plains. The dwelling is a single storey structure with a wraparound veranda having a total footprint of 355m². The associated shed would be 200m² with a height of 5.9m. The earth mound, dwelling and shed are located approximately 50m from the banks of the Williams River and 275m from Seaham Rd.

An existing approval was granted on the 15th April 2013 for a cattle refuge mound. Based on the flood planning level (FPL) of 5.1m AHD the applicant intends to increase the mound size from the original approval requiring approximately 4000m³ of VENM fill to be placed on site. Although this amount would be increased to 5,100m³ if the development is constructed in accordance with the flood engineers FPL requirements below.

The existing site levels average at 1.4m AHD (± 150 mm), the required flood planning level for the site is 5.6m AHD (5.1m 2050 1% AEP + 500mm) referenced from the the Williamstown Salt Ash Flood Study Review (2012) which provides the most current and accurate flood study information for this area. This will require approximately 4.2m of fill to achieve that level. The location of the mound should not be affected in the events up to the 10% AEP although may become isolated in larger events including the 5% AEP severing access to and from Seaham Rd.

Current mapping locates the development within a designated Floodway Zone, the Floodplain Risk Management Guideline (NSW Department of Environment and Climate Change, 2007) states that "Floodway's are generally areas where development is undesirable due to:

- The potential to redirect flows

- The level of potential danger to personal safety
- Significant financial losses due to potential damage

Additionally a draft version of an update to the above policy (Areas Affected by Flooding and/or Inundation Policy) in addition to the statements above also includes the following statement:

- "Development within areas designated as floodway is not permitted."

(Refer to Council's Flooding Report in **(COUNCILLOR ROOM ITEM 1)** for full details for the above)

The property is classified as a "Low Flood Island" in terms of Emergency Response Planning Classification of Communities as it will be surrounded by floodwaters in minor and major flooding and potentially inundated in times of extreme flooding. If floodwater continues to rise after it is isolated, the island/fill mound will eventually be completely covered leaving people stranded on the property.

(Refer to Council's Flooding Report in **(COUNCILLOR ROOM ITEM 1)** for full details for the above)

The Statement of Environmental Effects references a draft flood evacuation plan to be implemented when major flooding events are predicted. The intention of the plan would be to provide advanced warning to occupants for when an event may lead to isolation although offers no mitigation measure for the direct impacts the flood will have on the property. In this scenario the mound could be used as a refuge or alternatively evacuate the site if possible. No draft evacuation plan was submitted with application to support the assessment.

The subject site requires an onsite sewer management system (OSMS) as it is not serviced by the Hunter Water Corporation. The site is classified as a high hazard according to the Port Stephens Council OSMS hazard classifications maps although due to the following factors it is understood that a suitable system could be provided to service the dwelling;

- Property is a large lot size,
- Sufficient land is provided on the proposed earth mound at a adequate height to accommodate a system,
- Is not a subdivision thus not increasing property loadings,
- The density of waste systems in proximity to the property is very low.

The proposal is not consistent with Port Stephens Council Local Environmental Plan 2000 and Draft 2013 for development on flood prone land and the draft "Areas Affected by Flooding and/or Inundation Policy" in regards to the nature of flooding, social impacts and suitability of the land. Refer to Council's Flooding Report in Attachment 2 for assessment details of the above.

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

Council may recall that it adopted a revised Corporate Risk Management Policy on 27 November 2012. The policy includes Council's risk appetite statement that explicitly states:

"Council has no appetite for risks that may compromise the safety and welfare of staff, volunteers, contractors and/or members of the public."

"Council will not accept a risk that has potentially catastrophic consequences, regardless of the likelihood of that risk eventuating."

A review of the assessment report and the Applicant's submission details that a decision contrary to the recommendation presents an unacceptable risk to Council as per Council's standard risk management matrix. These unacceptable risks relate to Council and the local community in respect to public safety, Council reputation and legal exposure.

The site of the approved mound (which was originally intended for animal refuge only) is not suitable for a dwelling. The entire lot is located in a floodway and therefore construction of a mound for residential purposes is not deemed appropriate for this site. This application is considered not suitable due to the exposure to risks associated with flooding as outlined in the flooding assessment detailed in **(COUNCILLOR ROOM ITEM 1)**, furthermore the development is not in accordance with Council's management plans and policies of Australian best practice for the management of floodplains.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL, POLICY AND RISK IMPLICATIONS

The Development Application is not consistent with relevant Flood development guidelines, studies and planning instruments including but not limited to: EP&A Act 1979, PSC LEP 2000 & Draft 2013, Floodplain Management in Australia: Best Practice Principles and Guidelines (CSIRO, 2000), NSW Floodplain Development Manual (NSW Department of Infrastructure, Planning and Natural Resources, 2005) and the Draft Port Stephens Council Areas Affected by Flooding and/or Inundation Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused the determination may be challenged in the Land and Environment Court	Medium	Determine the application against recommendations	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is inappropriate placing further demand on already limited SES resources by way of domestic property protection, rescue/medivac and evacuation.

CONSULTATION

Consultation was carried out as required by the development assessment process.

OPTIONS

- 1) Adopt the recommendations;
- 2) Refuse the recommendations considering comments in **(ATTACHMENT 2)**;
- 3) Refuse the recommendations.

ATTACHMENTS

- 1) Locality Plan;
- 2) Comments for further consideration.

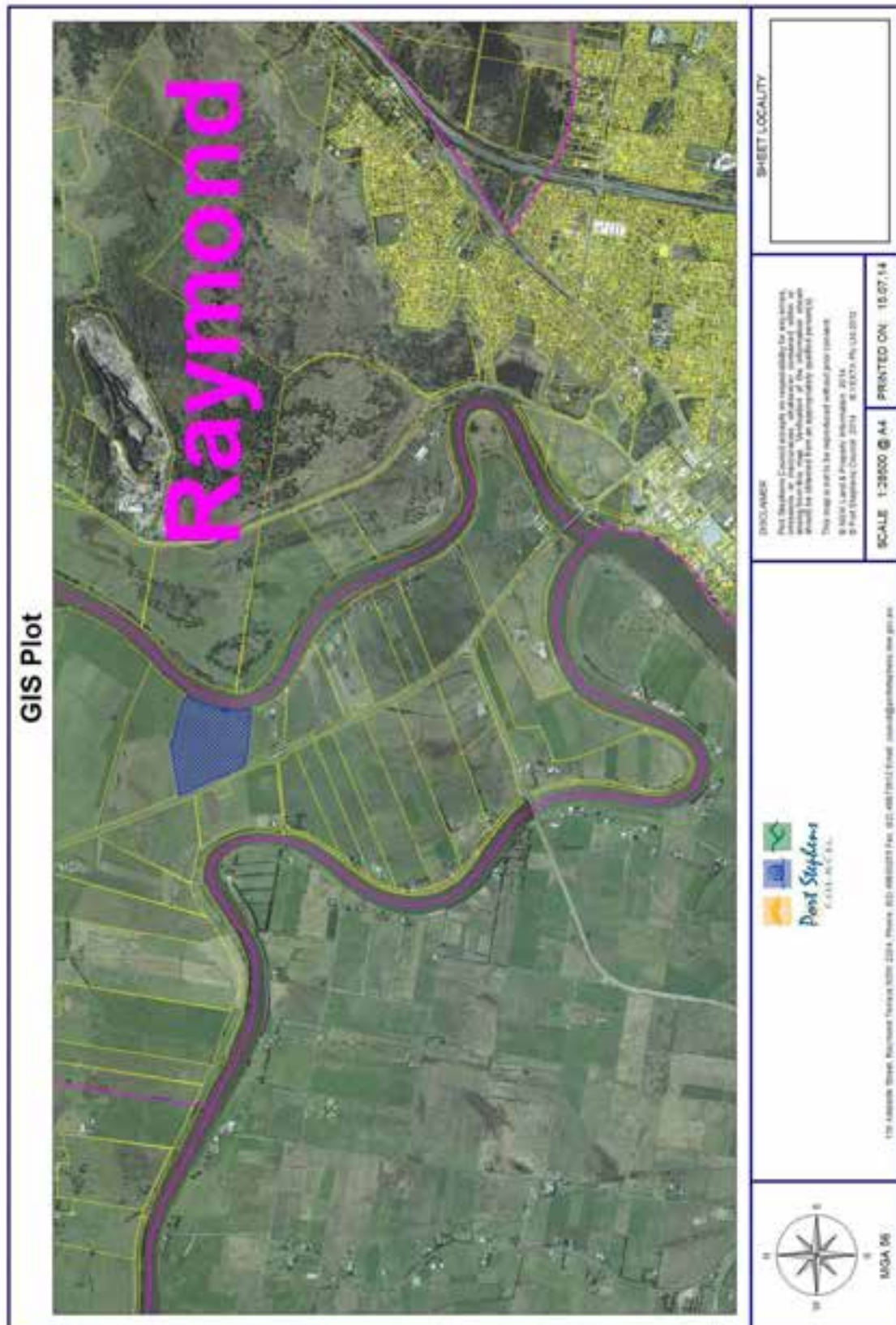
COUNCILLORS ROOM – also under separate cover –subject to copyright

- 1) Assessment;
- 2) Drawings: HTP-1405-001-SHT1/3, HTP-1405-001-SHT3/3 REV A;
- 3) Statement of Environmental Effects: Prepared by Hill Top Planners Pty Ltd February 2014.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
Locality Plan



ATTACHMENT 2

Comments for Further Consideration

In the event of further consideration of this proposal (which is not recommended):

5. A geotechnical assessment on the mounds should be undertaken to ensure the mounds are able to withstand the hydrostatic etc forces that are likely to be exerted on the mounds during flooding. An assessment on the impact of planting trees and shrubs on the mound would be required and compliance with the outcomes from the report would have to be adhered to.
6. The proposed FFL (5.1m AHD) is not compliant with Council's current advice for the area which is a FPL of 5.6m AHD. Unless the proponent is able to provide previous written advice from Council of a different FPL for the site dated within the last 12 months, the advised FPL of 5.6m AHD should be adhered to.
7. The mound has been placed at a location of most flood risk within the lot and any future consideration should consider a different location on the lot;
 - Velocities in 1% AEP are up to 1.4m/s where other location on the lot have maximum velocities of 0.6m/s
 - Natural ground level is approximately 1.4m AHD (1% AEP depth approx. 3.3m) at the site of the mound, there is a location located more centrally on the lot which has levels between RL 2.0m and 2.5m AHD (1% AEP depth approx. 3.1m to 2.6m)
 - Access from the mound to Seaham Road is approximately 300m and would be cut off 5% AEP
 -
8. A flood evacuation plans should be in place prior the consideration of determining the application
9. Conditions to any consent issued should be added requiring an application for an on-site sewer management system (OSMS) be submitted prior to issue of a Construction Certificate and an approval to operate prior to the issuing of any Occupation Certificate

ITEM NO. 3

FILE NO: 16-2008-940-3

**DEVELOPMENT APPLICATION FOR EXEMPTION TO SECTION 94A
DEVELOPMENT CONTRIBUTIONS FOR NEWCASTLE AIRPORT –
EXTENSION OF TERMINAL**

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2008-940-3 for Exemption to Section 94A Development Contributions for Newcastle Airport – Extension of Terminal, subject to the conditions contained in **(ATTACHMENT 3)**.

**ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Ken Jordan left the meeting at 6.39pm.
Cr Ken Jordan returned to the meeting at 6.41pm, prior to voting on Item 3.

	<p>Councillor John Nell Councillor Steve Tucker</p>
	<p>That the 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: Crs Paul Le Mottee, Ken Jordan, Steve Tucker, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Mayor Bruce MacKenzie.

MOTION

202	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council refuse development application 16-2008-940-3 for Exemption to Section 94A Development Contributions for Newcastle Airport – Extension of Terminal, subject to the conditions contained in (ATTACHMENT 3).</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 Paul Le Mottee, Ken Jordan, Steve Tucker, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Mayor Bruce MacKenzie.

BACKGROUND

The purpose of this report is to present a development application to Council for determination.

Application Details

The applicant proposes to delete condition 7 of Development Consent No. 16-2008-940-1, which was granted on the 28 March 2013 for alterations and additions to the airport terminal.

Condition 7 of the consent relates to development contributions and is as follows:

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Port Stephens Section 94A Development Contributions Plan, a contribution of 1% of the cost of the development, as determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000, shall be paid to Council.

The amount to be paid is to be determined in accordance with the provisions of the Port Stephens Section 94A Development Contributions Plan. The contribution is to be paid prior to issue of the Construction Certificate.

A Quantity Surveyor's Detailed Cost Report (form attached) setting out an estimate of the proposed cost of carrying out development in accordance with Schedule 2 of the Port Stephens Section 94A Development Contributions Plan must be approved by Council prior to issue of a Construction Certificate.

The cost of the development as stated on the development application form was \$8,200,000, whereby a contribution of 1% is required to be paid to Council, which equates to \$82,000. However, the exact contribution amount as stated in the condition will need to be determined after the submission of a Quantity Surveyor's detailed cost report and the application of CPI and is to be paid prior to the issue of a Construction Certificate.

The applicant has requested an exemption under Clause 2.10 of the Port Stephens Section 94A Development Contributions Plan, to delete the requirement to pay section 94A contributions. The applicant has made the following statements in their application:

- *The upgrade of Newcastle airport is a priority in terms of regional infrastructure investment, as stated in the Hunter Strategic Infrastructure Plan. It is important*

for a number of reasons including the need to expand the capability of the Airport so that it can accommodate international flights and expand the range of services offered at the airport.

- In their experience Section 94A contributions are not normally required to be paid when major infrastructure is constructed. Public authorities such as Maritime and Road Services (RMS), Newcastle Port Corporation (NPC) and Transport NSW generally do not pay contributions to Council to put towards upgrading infrastructure as envisaged in Section 94A of the Environmental Planning & Assessment Act 1979 (EP&A Act). This is because public authorities generally do not have their transport infrastructure projects assessed under Part 4 of the EP&A Act unless they are classified as state significant infrastructure.
- When major infrastructure transport is constructed it is in the public interest that it be provided as efficiently and cost effectively as possible, given the wide public benefits which invariably result. The potential to laden public transport infrastructure with Section 94A contributions is clearly not in the public interest.
- The infrastructure upgrade will be constructed on behalf of Newcastle Council and Port Stephens Council and it is not appropriate to burden the project with such a levy.
- It is in the public interest to not pay the section 94A contribution.

Assessment of Application

Clause 2.10 of the Port Stephens Section 94A Development Contributions Plan permits exemption from section 94 contributions for a variety of developments and at the discretion of Council. Development categories listed are:

- Development for the purposes of any form of seniors housing as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that is provided by a social housing provider as defined in that Policy.
- Development for the sole purpose of disabled access.
- Development for the sole purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building.
- Development for the sole purpose of the adaptive re-use of an item of environmental heritage.
- Development other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.
- Development exempted from contributions or levies by a direction of the Minister pursuant to section 94E of the EP&A Act, current at the time of assessment of the application (the direction will provide the terms of its applicability).

Outside of the above development types Council may exempt or vary contributions at its own discretion. The approved development of the expansion of existing facilities at the Newcastle Airport does not fall within the categories of developments outlined. Therefore consideration has been given as to whether an exemption from section 94 fees is justified based on the information provided. The proposal is not

being undertaken on behalf of a public authority and therefore cannot be given the same consideration as other public authorities who deliver key infrastructure as outlined in the submission.

It is acknowledged that the airport has many social and economic benefits for the community and its expansion and ongoing use is supported and encouraged by Council. However, an exemption cannot be justified based on major infrastructure grounds for the following reasons:

- The airport is not considered to be major transport infrastructure in the same way as a NSW State public infrastructure provider. The airport is not acting in the capacity of a Sole Public Authority and is a commercial entity.
- The proposal is to expand an existing commercial enterprise which generates an increase in infrastructure requirements and therefore section 94A contributions are required to be recouped to facilitate management and upgrade of infrastructure within Port Stephens LGA.
- The ownership of land by a public authority does not in itself allow for an exemption and does not alleviate the need for the development to be levied section 94A contributions.
- Developments of this kind have consistently been levied section 94A contributions and it is not considered appropriate for an exemption to be applied in this instance.

It is noted Council does have various different roles and functions in relation to the airport. This application is considered on its individual merit and has no association with Council's other interests / roles on the Airport.

The request was reviewed by Council's Section 94 Advisory Panel and Strategic Planning Team who advised that the request could not be supported.

FINANCIAL/RESOURCE IMPLICATIONS

As with any Development Application, it could potentially be challenged in the Land and Environment Court. Defending Council's determination would have financial implications.

Should Council approve a reduction in s94 fees applicable, Council's income in accordance with the section 94 plan would be diminished.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Within operational budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

The development application is not consistent with Council's Section 94A Development Contributions Plan. Council however has the discretion to legally vary contributions.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the application is refused, the determination may be challenged in the Land and Environment Court.	Low	Determine application in line with recommendation.	
There is a risk that Council will fail to realise Section 94 commitments to provide infrastructure in the area.	Medium	Determine application in line with recommendation.	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is acknowledged that there are many social and economic benefits associated with the expansion of Newcastle Airport. However, the additional usage associated with the Airport will place additional demands and pressure on local infrastructure. On this basis, contributions are required towards the provision, extension or augmentation of public amenities or public services. Providing the applicant with an exemption to the payment of section 94A contributions may have a negative social and economic impact as it would mean that there are less financial resources available for Council to provide local infrastructure in accordance to Council's Section 94A Work Schedules, resulting in a longer lead time to complete such projects.

CONSULTATION

The application was not placed on public exhibition.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan;
- 2) Assessment;
- 3) Reasons for refusal.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
LOCALITY PLAN



**ATTACHMENT 2
ASSESSMENT**

APPLICATION REFERENCES

Application No.	16-2008-940-3
Property	55 Slades Road WILLIAMTOWN, 55F Slades Road WILLIAMTOWN, 55E Slades Road WILLIAMTOWN
Lot and DP	LOT: 43 DP: 1045602, LOT: 1 DP: 854099, LOT: 41 DP: 1045602
Description of development	Alteration & Additions to Airport Terminal – section 96 application to delete condition 7 relating to Section 94A Contributions
Applicant	NEWCASTLE AIRPORT PTY LIMITED
Date lodged	27/06/2014
Owners Consent	Yes
Zoning	SP2 Defence/Air Transport Facility
Site Constraints	Bushfire, Acid sulphate soils, Koala habitat, EEC, Flood prone, Alligator weed, ANEF aircraft noise
88B Instrument and Deposited Plan	No restrictions to the development
Submissions	Nil
Recommendation	Refusal
Assessing Officer	MRS P P EMMETT

MODIFICATION PROPOSED

Development Consent No. 16-2008-940-1 was granted on the 28 March 2013 for alterations and additions to the airport terminal. A modification to the consent 16-2008-940-2 was approved on the 9 April 2014 to amend the shape of the building.

The subject application proposes to delete condition 7 of the consent, which is as follows:

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Port Stephens Section 94A Development Contributions Plan, a contribution of 1% of the cost of the development, as determined in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000, shall be paid to Council

The amount to be paid is to be determined in accordance with the provisions of the Port Stephens Section 94A Development Contributions Plan. The contribution is to be paid prior to issue of the Construction Certificate.

A Quantity Surveyor's Detailed Cost Report (form attached) setting out an estimate of the proposed cost of carrying out development in accordance with Schedule 2 of the Port Stephens Section 94A Development Contributions Plan must be approved by Council prior to issue of a Construction Certificate.

The cost of the development as stated on the development application form was \$8,200,000, which would result in a contribution of \$82,000. However, the exact contribution amount as stated in the condition will need to be determined after the submission of a Quantity Surveyor's detailed cost report and the application of CPI.

The applicant has requested an exemption under Clause 2.10 of the Port Stephens Section 94A Development Contributions Plan. The applicant has made the following statements in their application:

- The upgrade of Newcastle airport is a priority in terms of regional infrastructure investment, as stated in the Hunter Strategic Infrastructure Plan. It is important for a number of reasons including the need to expand the capability of the Airport so that it can accommodate international flights and expand the range of services offered at the airport.
- In their experience Section 94A contributions are not normally required to be paid when major infrastructure is constructed. Public authorities such as Maritime and Road Services (RMS), Newcastle Port Corporation (NPC) and Transport NSW generally do not pay contributions to Council to put towards upgrading infrastructure as envisaged in Section 94A of the EP&A Act. This is because public authorities generally do not have their transport infrastructure projects assessed under Part 4 of the EP&A Act unless they are classified as state significant infrastructure.
- When major infrastructure transport is constructed it is in the public interest that it be provided as efficiently and cost effectively as possible, given the wide public benefits which invariably result. The potential to laden public transport infrastructure with Section 94A contributions is clearly not in the public interest.
- The infrastructure upgrade will be constructed on behalf of Newcastle and Port Stephens Council and it is not appropriate to burden the project with such a levy.
- It is in the public interest to not pay the section 94A contribution.

INTERNAL REFERRAL ASSESSMENT

Strategic Planning

The proposed exemption from Section 94 requirements is sort under Clause 2.10 of the Port Stephens Section 94A Development Contributions Plan (Amendment No. 5). The development is outside of the development types listed in clause 2.10 in which Council may exempt or vary contributions at its own discretion.

The proposal is not being undertaken on behalf of a public authority and therefore cannot be given the same consideration as other public authorities who deliver key infrastructure as outlined within the submission.

It has been determined that an exemption is not warranted for S94A contributions related to the expansion of the Newcastle Airport for the following reasons:

- The ownership of land by a public authority does not in itself allow for an exemption and does not alleviate the need for the development to be levied S94A.
- Developments of this kind have consistently been levied S94A and it is not considered appropriate for an exemption to be applied in this instance.
- The airport is not considered to be a provision of major transport infrastructure.
- The proposal is to expand an existing commercial enterprise which generates an increase in infrastructure requirements and therefore S94A is required to be recouped to facilitate management and upgrade of infrastructure within Port Stephens LGA.

Section 94 Advisory Panel

The applicant submitted a letter requesting the exemption to the section 94A fees and this request was reviewed by Council's Section 94 Advisory Panel on the 27 May 2014, who advised it could not be supported. The applicant subsequently lodged the formal section 96 application for consideration.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 96 Considerations

Part A: Substantially the same development

The development as modified is substantially the same development as that approved and a section 96 application is suitable for the proposed amendment to the consent.

Part B: Notification

The proposed section 96 modification has not been notified as there are no physical changes proposed to the development.

Part C: Consultation with the Minister

Consultation with the Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent is not required in the circumstances of this case.

Part D: Threatened species

The proposed modification will not have a negative impact on any threatened species.

Section 79C(1) EP&A Act 1979 – Potential Matters For Consideration

Port Stephens Section 94A Development Contributions Plan

Clause 2.10 of the Port Stephens Section 94A Development Contributions Plan permits exemption from section 94 for a variety of developments and at the discretion of Council. Development categories listed are:

- Development for the purposes of any form of seniors housing as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that is provided by a social housing provider as defined in that Policy.
- Development for the sole purpose of disabled access.
- Development for the sole purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building.
- Development for the sole purpose of the adaptive re-use of an item of environmental heritage.
- Development other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.
- Development exempted from contributions or levies by a direction of the Minister pursuant to section 94E of the EP&A Act, current at the time of assessment of the application (the direction will provide the terms of its applicability).

Outside of the above development types Council may exempt or vary contributions at its own discretion. The approved development of the expansion of existing facilities at the Newcastle Airport does not fall within the categories of developments outlined. Therefore consideration has been given as to whether an exemption from section 94 fees is justified based on the information provided. The proposal is not being undertaken on behalf of a public authority and therefore cannot be given the same consideration as other public authorities who deliver key infrastructure as outlined in the submission.

It is acknowledged that the airport has many social and economic benefits for the community and its expansion and ongoing use is supported and encouraged by Council. However, an exemption could not be justified based on major infrastructure grounds for the following reasons:

- The airport is not considered to be major transport infrastructure in the same way as a NSW State public infrastructure provider. The airport is not acting in the capacity of a Public Authority and is a commercial entity.
- The proposal is to expand an existing commercial enterprise which generates an increase in infrastructure requirements and therefore S94A is appropriate.
- The ownership of land by a public authority does not in itself allow for an exemption and does not alleviate the need for the development to be levied section 94A.

Likely Impacts

The payment of section 94A contributions goes towards the cost of new public facilities and local infrastructure. An exemption to the contributions (through supporting the proposed amendment) for the development will have negative social and economic impacts on the locality due to a smaller amount money being collected for local infrastructure projects and therefore a longer lead time for projects to be completed.

Suitability of the site

The proposed site is considered suitable for the development.

Community consultation:

In accordance with Council's Notification Policy, adjoining neighbours were not required to be notified of the proposed development.

Public Interest

The proposed development is not in the public interest as the development is likely to increase the demand for public amenities and public services within the area. Where there is an increase in demand for local services, the payment of a monetary contribution is required. The proposed exemption from this payment is not in the public interest.

RECOMMENDATION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be unsatisfactory. Therefore, it is recommended that the application be refused.

DETERMINATION

THAT Council refuse development consent to Development Application No. 16-2008-940-3 to delete condition 7 on land at LOT: 43 DP: 1045602, LOT: 1 DP: 854099, LOT: 41 DP: 1045602 55, 55F and 55E Slades Road WILLIAMTOWN.

ENDORSEMENT

The officer responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application.

The staff responsible authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is enclosed and the recommendation therein adopted.

**ATTACHMENT 3
REASONS FOR REFUSAL**

1. The proposed development is not consistent with Port Stephens Section 94A Development Contributions Plan (Amendment No.5) pursuant to (Section 94 of the Environmental Planning and Assessment Act 1979).
2. The proposed development has an adverse social and economic impact in the locality (Section 79c(1)(b) Environmental Planning and Assessment Act 1979).
3. The proposed development is not in the public interest (Section 79C(1)(e) Environmental Planning and Assessment Act 1979).

ITEM NO. 4

FILE NO: 16-2014-41-1

DEVELOPMENT APPLICATION FOR STORAGE SHED AT NO. 69 FRANCIS AVE LEMON TREE PASSAGE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Refuse Development Application 16-2011-543-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage for the following reason:
 - a) The development is inconsistent with the objectives of the 2 (a) Residential "A" Zone of Port Stephens Environmental Plan 2000, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity;
 - b) The development does not comply with the following clauses of Port Stephens Councils Development Control Plan; Section 4.4- Setbacks; minimum front setback to garages 5.5m, be sympathetic to existing streetscape character and Section 6; side boundary setback of 900mm and a maximum height of 3.6m.

**ORDINARY COUNCIL MEETING – 12 AUGUST 2014
 COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Steve Tucker Councillor John Nell</p>
	<p>That the 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: Crs Paul Le Mottee, Ken Jordan, Steve Tucker, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Mayor Bruce MacKenzie.

MOTION

203	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council refuse development application 16-2011-543-1 for a Storage Shed at No. 69 Francis Avenue Lemon Tree Passage for the following reason:</p>

	<p>a) The development is inconsistent with the objectives of the 2 (a) Residential "A" Zone of Port Stephens Environmental Plan 2000, in regards to design, density, associated land use and is out of character with the immediate landscape and does not maintain an acceptable level of visual amenity;</p> <p>b) The development does not comply with the following clauses of Port Stephens Councils Development Control Plan; Section 4.4- Setbacks; minimum front setback to garages 5.5m, be sympathetic to existing streetscape character and Section 6; side boundary setback of 900mm and a maximum height of 3.6m.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Paul Le Mottee, Ken Jordan, Steve Tucker, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Mayor Bruce MacKenzie.

BACKGROUND

In accordance with the resolution of Councils meeting of 24 June 2014 a site meeting was organised and undertaken on 14 July 2014.

The meeting consisted of general discussions around the design parameters of the structure and the appropriate controls and side boundary setbacks from Councils development control plan. It was clarified on site, the approximate location of the applicant's side boundary in relation to the front of the subject shed (approximately 2m west from the location of the current fence/front of the shed) and the subsequent location of the open swale type drain diverting cross flow stormwater into Councils stormwater system. The remainder of the report and the recommendation remain the same.

The purpose of this report is to present a development application to Council for determination. The application was called to Council by Mayor MacKenzie.

Consent has been sought for the ongoing use of storage shed on Lot 74 DP: 214619, 69 Francis Ave Lemon Tree Passage. The subject site is zoned 2(a) – Residential Zone "A" which is described in Port Stephens Local Environment Plan 2000 (LEP). The application was lodged prior to LEP2013 being in force and subsequently the application has been primarily assessed under the objectives of LEP2000.

The applicant has constructed the storage shed to completion, including a concrete floor slab without seeking prior consent for the works.

The unauthorised works were originally referred to Council's Compliance Officer through Council's CRM system after a motorist had lodged a complaint about the

bulk and scale and general size of the structure, its location in respect to the property boundary and the vehicular safe sight distances at the intersection of Moreton and Frances Ave Lemon Tree Passage.

In the context of the compliance investigation it was noted that the structural frame at the corner of the shed had been erected 0.15m from the boundary to an eave height of approximately 3.5 metres and ridge height of approximately 3.85 metres. The garage is noted as 10.4 metres in length with a width of 3.9 metres. This results in a floor area of 40.56 square metres.

A meeting with the owner and Council staff occurred on 10 October 2013 at this meeting the owner was advised that due to the large departures from Council development controls it would be unlikely to be supported by staff in its current form if an application had been lodged prior to the works being undertaken. During the meeting the owner advised that they would lodge an application seeking consent for the ongoing use of the structure. Council cannot retrospectively approve the structure however can approve its ongoing use in its current or a redesigned form.

A development application was received by Council for use the ongoing use of the structure. No other applications exist in relation to this particular development.

In assessment of this application it was determined that the built structure exceeds the scope of variation that might normally be applied to such a structure and in respect to its location coupled with its bulk and scale, officers have recommended that the structure is not suitable nor appropriate in the immediate location.

Given the bulk and scale of the unauthorised structure and its proximity to the property boundary it is considered to have an unacceptable environmental impact on the streetscape character of the area and an adverse impact upon the amenity of the streetscape in the immediate vicinity.

The owner has been advised in writing 11 March 2014 that the application as submitted is unlikely to be supported and was given the opportunity to redesign of the current proposal to bring it into line with more conventional dimensions and boundary setback of private residential sheds in close proximity to boundaries and traffic areas. Likely acceptable dimensions would be in the form of a carport with open sides and a maximum height of 3.6m to the ridge. It is however acknowledged that redesign is difficult as the structure has been completed.

If the applicant chooses to amend the design to a more appropriate design for the location they have been advised to provide amended plans showing the conversion to a carport and subsequently seek development consent and apply for a construction certificate for the amended building work. The applicant has indicated that they do not wish to modify the design any further and would like Council to determine the application as submitted.

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

The following table outlines the key departures of the existing structure from Council's DCP.

DCP 2013 Control	Actual	Complies
Maximum Floor Area 72sq.m	40.5sq.m	Yes
Maximum Height 3.6m	3.85m	No
Front Setback (not less than 4.5m) plus additional 1m setback for a garage	1.35m	No
Side and Rear Setback 900mm	Varies from 150mm to approx. 2.0m	No

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council resulting from the recommendation of this report.

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

LEGAL AND POLICY IMPLICATIONS

The development application is not consistent with Council's Local Environmental Plans and local policy including Development Control Plan 2007.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Applicant may appeal against refusal.	Medium	Adopt recommendation	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that there are potential economic impacts on adjoining property values given the location of the shed as it is considered to be out of character with the immediate streetscape and does not maintain an acceptable level of visual amenity for the immediate community in regards to its bulk and overall scale within the front boundary setback and located in a prominent corner location.

There are positive social and economic impacts for the property owner if Council approve the ongoing use of the shed, as they won't have to modify the structure at a cost.

CONSULTATION

The application was advertised and notified in accordance with standard procedures and no submissions were received. Assessment staff discussed the application with neighbours who raised no concerns with the structure.

OPTIONS

- 1) Adopt the recommendation and refuse the ongoing use of the structure (resulting in a demolition order);
- 2) Amend the recommendation and discuss options to minimise the streetscape impact with the applicant;
- 3) Refuse the recommendation and accept the "as built" structure.

ATTACHMENTS

- 1) Locality Plan;
- 2) Assessment;
- 3) Conditions of consent.

COUNCILLORS ROOM

- 1) A copy of the submitted plans and documentation.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
Locality Plan



ATTACHMENT 2

Assessment

Report to Development Assessment Panel

Date: 17th February 2014

File No: 16-2014-41-1

Address: Lot 74 69 Francis Ave Lemon Tree Passage

Proposal: Storage shed.

Council is in receipt of a Development Application to approve the use of a storage shed erected without approval at the above mentioned allotment.

The site has a slight slope/ gradient towards to front of the allotment and a stormwater open drain running parallel on Morton St. The plans are been advertised in accordance with Port Stephens Development Control 2007 Policy.



Shed height exceeds max height by 285mm



Shed is located on the side boundary at rear.
Shed is located approx. 2.0m from side boundary at front.



The Location of the shed encroaches building line front setback by 2.65m, side setback and height are non-compliant with the Port Stephens DCP 2013.

The application does not comply with the following DCP controls

- B6 Cl. 4.4.1- Minimum setback of 4.5m
- B6 Cl. 6.2- Maximum height of 3.6m
Minimum boundary setback of 900mm

Discussed with the applicant that Council would accept some variations to the current design; namely the reduction of bulk for the front half of the structure by changing to a carport and maintaining sight lines through the corner and would have the added benefit of reduction of the bulk of the structure that projects forward of the building line. These are the fundamental design changes we would have requested had this application been presented prior to construction.

The applicant has chosen not to amend his design and has requested the application of the as-built structure be determined by the elected Council.

ATTACHMENT 3

Conditions of consent

1. Development consent is granted for the ongoing use only; of the garage as indicated on the site plan and supporting documents with this application on Lot74 DP:214619 69 Francis Avenue Lemon Tree Passage.
2. The development has not been assessed against the provisions of the Building Code of Australia. An application under the Environmental Planning and Assessment Act 1979 may be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

ITEM NO. 5

FILE NO: PSC2005-0051

2014/2015 WORKS PROGRAM - ASH STREET/OASIS CLOSE SOLDIERS POINT WALKWAY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider the objection made during the public exhibition of the Ash Street/Oasis Close Soldiers Point Walkway;
- 2) Place the Ash Street/Oasis Close Soldiers Point Walkway in the Council's Capital Works Program for 2014/2015.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor John Nell Councillor Sally Dover</p>
	<p>That the recommendation be adopted.</p>

MOTION

204	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Receive and note the objections made during the public exhibition of the Ash Street/Oasis Close Soldiers Point Walkway; 2) Place the Ash Street/Oasis Close Soldiers Point Walkway in the Council's Capital Works Program for 2014/2015.

BACKGROUND

The purpose of this report is present Council with the objection raised during the public exhibition period for the proposed Ash Street/Oasis Close Soldiers Point Walkway project.

On the 10th June 2014 minute # 137, Council resolved to:

- 1) "Place the Ash Street/Oasis Close Soldiers Point Walkway in the Council's Capital Works Program.

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

2) Exhibit the project Ash Street/Oasis Close Soldiers Point Walkway for a period of 28 days."

The public exhibition period closed on the 16th July 2014. Council received one objection for the proposed project being placed on the Capital Works Program.

The placement of Ash Street / Oasis Close Soldiers Point Walkway project into the Council's Capital Works Program is linked to the Community Strategic Plan through the Asset Management Plan – Works Program. The Capital Works Program does change during the year when additional grants and other sources of income are gained or when projects are deemed necessary by Council.

It is proposed that the works will be undertaken in the 2014/2015 financial year.

FINANCIAL/RESOURCE IMPLICATIONS

The project proposed to be funded through a number of sources of funds including contributions to works from the owners of 3 Oasis Close (\$34,000) and the Soldiers Point Bowling Club (\$34,000). The total current project is estimated at \$78,000 leaving a shortfall of \$10,000 to be funded from another source within Council's existing budget.

The proposed project is currently being reviewed to further reduce capital expenditure while ensuring that a reduction in capital cost does not increase future maintenance costs.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget			
Reserve Funds			
Section 94			
External Grants			
Other		34,000 34,000 10,000	Owner of 3 Oasis Close Soldiers Point Bowling Club Another source of funds to be determined through Council's existing Capital Budget

LEGAL, POLICY AND RISK IMPLICATIONS

Council received an objection during the public exhibition stage of this project. This objection is attached to this report. **(ATTACHMENT 1)**.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that approval of inadequate	Medium	Review the proposed design to minimise initial capital costs	Yes

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

asset designs may affect Council's objective to manage assets in accordance with asset lifecycle best practice leading to rework, cost to Council, and assets that do not meet the needs of the community.		and ongoing future maintenance.	
There is a risk that the community is unaware of the proposed works leading to community dissatisfaction with Council delivering the Capital Works Program.	Low	Implement Communication Plan and continue to keep the community informed.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Council's Capital Works Program has been developed to rehabilitate, upgrade, or create assets for the benefit of the community. The Capital Works Program is developed with the aim to provide a service to the community and also to reducing Council's long term financial burden for future generations. At times these two aims may conflict with each other when acquiring a new asset, and the social aspect may outweigh the financial implication.

CONSULTATION

- 1) Capital Works Section Manager;
- 2) Development Assessment and Compliance Section Manager;
- 3) Public Exhibition for 28 days closing 16th July 2014.

OPTIONS

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

ATTACHMENTS

- 1) Objection received on 16 July 2014.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

The Oasis Close Walkway should not be placed on the Works Plan 2014-15 at all and especially not at Priority 1. I object for the following reasons:-

1. It is premature in view of recent advice from Council planning officer contained in the attached email response to me relating to the 100 Seniors Unit development approved at an extraordinary meeting of Council on 15.4.14. which clearly demonstrates that there is not a parallel process taking place to ensure that a designated legal walkway will be in place to ensure that, in the future the money proposed to be spent on the new walkway will not be wasted if, in the years ahead, the Bowling Club, or potentially new owners of the property in question close off access where the new walkway meets the Bowling Club property and continues on to Soldiers Point Road. In other words, a complete waste of ratepayers' money. This would be just a repeat of what we saw 12 months ago when the old access was closed. **This project should go into holding pattern immediately until this very important issue is legally binding.**

To reiterate:

- Council is depending on "current/historical arrangement" and yet the ownership of the land could change hands or become strata title, now that this DA has been approved.
 - The substantial funding of a walkway which leads onto land not designated as legal future access should have received more consideration in the assessment process. There is no evidence in the Council papers that this was drawn to Councillors' attention and nothing is shown on any plans where exactly the Oasis Close walkway would enter the Bowling Club Seniors 100 Unit development.
 - I would challenge the concept that this new walkway doesn't directly relate to the 100 Unit development. Clearly it does.
 - Please explain to the community what is meant by "insufficient uncertainty to impose a condition" in the consent conditions for the DA. It clearly could block off the access way if not legally designated, perhaps even to future residents as well.
 - The legal processes should not be separated between the walkway proposal (on Council owned land anyway) and the approved DA for the seniors units as to have a new walkway which could, in the future, lead onto land where access could be denied by the new seniors residents is incomprehensible.
2. This information was not available to Councillors when they voted to place this project on public exhibition at the meeting of Council on 10.6.14. It would appear to me that they have been misled or "under informed" and the decision of 10.6.14 should be rescinded.

3. Any weighting this project may have for "community complaints" criteria to put this to the top of the list should be seriously questioned. Same also for urgency and public safety criteria. I am aware of a large petition of about 460 signatures and placard waving at Council meetings last year. However, the residents were asking for reinstatement of their walkway to the Bowlo and for the resident to reopen the old track. They should have been asked the question again whether those same people support the expenditure of \$148,000 (and rising) on this project at the expense of other projects which won't get funding. Their expectation, as was mine, was that the previous walkway would be reopened at minimal expense. If this project received a "10" last year then please go back to those 460 and see how they feel now with the blowout in cost and the questionable way this whole access issue has been handled. **It's one process for the Ombudsman to review.**
4. I believe that the main beneficiary of the walkway will be the Bowling Club and a relatively small number of Port Stephens ratepayers. It is recognised that the Bowling Club have offered a contribution to the original (and lower) cost as has done the person who blocked the original access. These proposed contributions should not carry any weight with how this project is rated. There is a huge shortfall for ratepayers to pick up. I wonder as well whether, having contributed in some way to a walkway on Council owned land, that Council covers itself legally for this type of contribution.
5. The huge cost blow out already seen could just be only the beginning of the real cost to ratepayers as a bridge structure with side railings, not a normal walkway, will be required due to the height of the walls of the retention basin over which it will be built. (see picture) The residents will surely demand the added cost of lights and could well force this if the walkway doesn't comply with disability access, which would include lighting. Already the walkway has been widened to satisfy those requirements based on the demands of a handful of residents. The contributions being offered by the Bowling Club and the owner of 3 Oasis Close pale into insignificance with the real cost to ratepayers where we will see future Section 94 funds (for the 100 Unit seniors DA) directed to this project when other infrastructure will be required in the area once the 100 unit development is in place. Perhaps even a roundabout somewhere in that area, particularly with the huge DA approved across the road at Salamander Shores. Traffic from the existing Bowling Club, residents of the 100 units, residents of the 250 or so Units across the road, Salamander Shores Hotel patrons and general Soldiers Point Road through traffic spell to me at least a future traffic issue which will need to be paid for and is where Section 94 funds will need to be directed, rather than to a walkway to benefit relatively few people.
6. This project is not in the best public interest of all ratepayers of Port Stephens, and in particular the ratepayers of Tomaree Peninsula. Hundreds of projects which have been awaiting funding for many years. According to the Work Plan this would be the only Parks & Reserves type project to be carried out in 2014-15 financial year while other much more worthy projects await funding. I have been advised that one of the projects listed on the 2014-15 Works Plan at Tilligerry was completed 12 months ago. The Section 94 listing has certainly been an eye

opener to me to projects waiting in the wings for funding and I am making a separate, but similar submission about that as required by this process approval.

7. There is nothing wrong with people being required to go the long way round to the Bowlo and Salamander Shores Hotel as they have had to do since the walkway was closed off. The footpaths are lit all the way. Hundreds of ratepayers in Port Stephens have to do that now as, due to bad planning in the past in many subdivisions, direct access to many community facilities are not available. I use my personal experience of our neighborhood's previous informal access through the old Pacific Blue Resort land to provide a shortcut to Salamander Shops. With no prior planning done, this naturally closed for security reasons when the resort opened. People should just adjust and not expect the ratepayers to foot the bill for a very expensive walkway..... to nowhere (once the 100 senior units are built).

Naturally, none of this would have happened had Council officers used enforcement when the original right of carriageway was closed off by a resident. This has set a particularly undesirable precedent for right across our whole Port Stephens area. Closure of access at the whim of an individual should not have been encouraged in the first place. The way the 100 Unit Seniors DA was rushed through Council on 15.4.14 should also be questioned, particularly as a peer review of the EIS had to be done to get it over the line. Less haste more speed perhaps on this.

I am copying this to all Councillors so they can absorb the issues before voting next time, **particularly our East Ward Councillors.**

ITEM NO. 6

FILE NO: PSC2006-0066

OUTCOME OF EXHIBITION OF AMENDMENT NO.10 TO PORT STEPHENS SECTION 94 AND 94A DEVELOPMENT CONTRIBUTIONS PLAN 2007

REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider all submissions received in relation to the exhibited Amendment No. 10 to the Port Stephens Section 94 and 94A Development Contributions Plan 2007;
- 2) Resolve to adopt Amendment No 10 to the Port Stephens Section 94 and 94A Development Contributions Plan 2007 to include the Ash Street / Oasis Close walkway within the associated Works Schedule.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Mayor Bruce MacKenzie Councillor Sally Dover</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Note the report and no further action be taken; 2) The \$10,000 required for construction works be funded from general revenue.

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 Paul Le Mottee, Ken Jordan, Steve Tucker Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Nil.

MOTION

205	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Note the report and no further action be taken; 2) The \$10,000 required for construction works be funded from

general revenue.

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 Paul Le Mottee, Ken Jordan, Steve Tucker Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present submissions received during the exhibition of the draft Amendment No. 10 to the Port Stephens Section 94 and 94A Development Contributions Plan 2007 (the Plan) to include the Ash Street/Oasis Close walkway (the walkway) within the associated Works Schedule.

The exhibited amendment sought to implement Council's resolution of 15 April 2014 which resolved to fund \$66,000 from Section 94 contributions towards the walkway. Given the walkway was not listed within the Plan's Work's Schedule an amendment was necessary. The amendment includes:

- The insertion into both the Section 94 and Section 94A Plans Work Schedules the Ash Street/Oasis Close, Soldiers Point Walkway;
- The prioritisation of the Walkway with a number 1 Staging Threshold;
- The notation into Map S14; and
- The amendment of the contributions total for the Works Schedule as appropriate.

The draft amendment was placed on public exhibition from 18 June, 2014 to 17 July, 2014. A total of six (6) submissions were received. All 6 submissions had concerns relating to the amendment. These concerns generally related to the following key issues:

- The priority given to the walkway ahead of other infrastructure;
- The funding of the walkway and the repayment proposal;
- The legality of including the walkway within the Plan without full design and construction details.

A copy of the submissions in more detail is included as **(ATTACHMENT 1)**. The key issues raised in the submissions are considered in the following sections.

Prioritisation of the Walkway construction

The prioritisation of the Walkway within the Plans Works Schedule is consistent with previous Council directions and resolutions regarding this matter.

The previous report of 15 April 2014 identified that there is some scope/nexus due to the need for improved pedestrian access from the Oasis Close and Bowling Club

developments. The priority for construction has arisen due to both strong community concern regarding restricted access and the availability of funding (through separate agreement) from both the Bowling Club and owner of 3 Oasis Street to directly contribute towards the walkway. With funding secured from external parties the opportunity exists to complete the works in a timely manner.

Funding of the walkway and the repayment proposal

The draft amendment allows Council to access Section 94 funds from the existing Public Open Space, Parks and Reserves contributions for the Tomaree Peninsula Catchment.

The funds are not 'borrowed' as such from the Plan there is no need for a repayment schedule. The amendments would result in the walkway becoming another item added to the works schedule. The \$66,000 will be drawn from existing Section 94 funds collected for the Tomaree Peninsula and recouped via future Section 94 contributions funds received from development in that catchment. The 'payback' period is dependent on development approvals and completion in the catchment area.

A sum of this amount would likely be recouped in the short term and would unlikely hold up any existing Capital Works program for the catchment area.

The legality of including the walkway within the Plan as it is not fully scoped

The Works Schedule provides an estimate of costing and staging. The full scoping and detail of the project occurs during the capital works planning phase. A project like the walkway with a budget estimate of \$134,000 is an appropriate level of detail for listing within the Plan's Works Schedule.

For example, there is currently 72 items listed in the plan for the Tomaree Peninsula totalling an estimated value of \$13.5M in the schedule for Public Open Space, Parks and Reserves within which the walkway project would fall within. Many of these items are currently not fully scoped and costed.

The listing of the Walkway without being fully scoped and costed is considered to be entirely consistent with the purpose of Council's Development Contributions Plan.

FINANCIAL/RESOURCE IMPLICATIONS

The adoption of the Draft Amendment No.10 to the Plan will result in the re-prioritisation of the works schedule with the inclusion of the \$66,000 funding required for the construction of the walkway.

Minor administrative costs in the order of \$500 will also be incurred to amend both the Section 94 and Section 94A Plan.

No other finance or resource implications are foreseen with the proposed recommendation.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes	500	Cost to amend S94 and S94A plan.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Under the requirements of the Environmental Planning and Assessment Act 1979 (the Act) and Environment Planning and Assessment Regulation 2000 (the Regulations), Council must give consideration to submissions received during the exhibition of the Section 94 and 94A Plan. The adoption of Amendment No 10 to the Plan following consideration of the submissions received is consistent with the Act and the Regulations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the walkway works will not be funded as intended via Council's resolution of 15 April 2014.	High	Adopt the proposed recommendation.	Yes
There is a risk that if the exhibited plan is approved Council may face legal challenge.	Low	Ensure transparency of process.	Yes
There is a risk that the Council resolution to spend Section 94 funds on the walkway does not give consideration to the issues raised in submissions.	Medium	Council consider the proposed amendments having consideration for submissions made.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The key sustainability implications surrounding the walkway and the consideration of the details within this report relate largely to the social implications and the impact the construction of the walkway will have on the surrounding community.

The construction of a new walkway within the area seeks to resolve an ongoing community issue which has resulted in restricted accessibility for the local community in and around Ash Street, Soldiers Point. Stemming back to the original plan of subdivision established many decades ago, the situation the community finds itself in with restricted access is a legacy issue which has raised strong community concern.

The recommendation before Council is considered a suitable compromise given the well documented history and competing interests of all parties and the most socially equitable solution under the circumstances.

CONSULTATION

Council's Community Development and Engagement Unit has undertaken ongoing engagement with the local community in relation to the issues relating to access and the proposed construction of the walkway. The public exhibition period from 18 June, 2014 to 17 July, 2014 was undertaken in accordance with the requirements of the Act and Regulations.

Should the Council adopt the recommendation within this report it is recommended that Council actively communicate the decision and timeframes for the construction of the walkway via its Community Development and Engagement Unit who have so far to-date actively engaged key community representatives on this issue.

OPTIONS

- 1) Resolve to adopt Amendment No 10 to the Port Stephens Section 94 and 94A Development Contributions Plan 2007 (the Plan) to include the Ash Street/Oasis Close walkway within the associated Works Schedule.
- 2) Not adopt Amendment No 10 to the Port Stephens Section 94 and 94A Development Contributions Plan 2007 (the Plan) to include the Ash Street/Oasis Close walkway within the associated Works Schedule and seek to fund the walkway from alternative funds.

ATTACHMENTS

- 1) Summary of submissions received during exhibition of Amendment No.10 to the Port Stephens Development Contributions Plan 2007.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Summary of submissions received during exhibition of Amendment No. 10 to the Port Stephens Development Contributions Plan 2007

- Concern over potential conflict between the approved Bowling Club Seniors unit development and the access pathway to Walkway which currently traverses private land. Potentially the access pathway could be blocked by residents within the development.
- 'It is not understood how future funds can be utilized in the way proposed as the S94 Funds from the Bowling Club are unlikely to be available for some time in the future and means that part of the construction costs of the walkway will take S94 funds from other more deserving projects.'
- 'It is not understood how a priority listing to reopen the soldiers point Community Hall, which would benefit the whole community, can suddenly be relegated to a lesser position in order to immediately serve a small group in another area. The construction of the walkway, which as yet has no formalised plans and will necessarily incur ongoing costs, cannot be justified.'
- As to the use of the Section 94 Funds in anticipation of an amount which will not be realized in the short term, if at all, this would appear to be quite contrary to the requirements of Section 94 A Development Contributions Plan (Amendment No.6).
- The use of the Section 94 Development Contribution Funds toward a project which has so many legal issues and design constraints is not considered to be a good investment of ratepayer's money and priority should be given to projects deserving more immediate action.
- That Council thoroughly resolves any uncertainty on the legal status of the proposed walkway route before committing to construction.

That Council carefully assess the priority for this walkway having full regard to local opinion on the needs and the timing of relevant approved developments
- Main beneficiary of the walkway will be the Bowling Club and a relatively small number of Port Stephens rate payers.
- 'The contributions being offered by the Bowling Club and the owner of 3 Oasis Close pale into insignificance with the real cost to ratepayers where we will see future Section 94 funds (for the 100 unit seniors DA) directed to this project when other infrastructure will be required in the area once the 100 unit development is in place.'
- This project is not in the best public interest of all ratepayers of Port Stephens, and in particular the ratepayers of Tomaree Peninsula.
- This item does not appear to have an exact, costed dollar amount attached to it unlike all other projects on the Section 94 and Section 94A Works Schedules. The value of the project as it relates to the benefit of the project is undefined. It does not meet Council's own requirement to "Enable Council to be both

publicly and financially accountable in its assessment and administration of the development contributions plan” (Port Stephens Section 94 Development Contributions Plan 2007 Amendment No. 10 page 1-1)

- Residents are frustrated by the lack of amenities and services caused by the backlog of projects in the Works Program. Only a small number of projects (one or two) on the Works Program list for my local area are funded each year. Many essential projects in the roads, drainage and parks sections languish on the list for years with low priority numbers such as 23. Some are identified by Council as being a necessary project and then years later, simply drop off the list. The Ash St/Oasis Close Soldiers Point Walkway is not an essential project and therefore doesn't deserve its No 1 priority rating.
- This project has a complicated, combative history and possibly will result in costly legal action.
- The walkway appears to benefit a small number of residents nearby but has little benefit to the wider community of the Tomaree Peninsula and negligible benefit for the rest of Port Stephens population.

ITEM NO. 7

FILE NO: PSC2006-0815

PLANNING PROPOSAL – LOT 20 DP 5795653 AND PART LOT 21 DP 579653 - 290 TAREAN ROAD AND PART 308 TAREAN ROAD, KARUAH

REPORT OF: TIM CROSDALE - STRATEGY AND ENVIRONMENT SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to rezone lot 20 DP 5795653 and part Lot 21 DP 579653 – 290 Tarean Road and part 308 Tarean Road, Karuah from RU2 Rural Landscape to R2 Low Density Residential with a minimum lot size of 500sq.m and an amendment of 9m to the height of building map;
- 2) Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make a Gateway Determination and give delegation to Council to make the plan.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Ken Jordan Councillor John Nell</p>
	<p>That the 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 Paul Le Mottee, Ken Jordan, Steve Tucker, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Nil.

MOTION

206	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Adopt the planning proposal (ATTACHMENT 1) to rezone lot 20 DP 5795653 and part Lot 21 DP 579653 – 290 Tarean Road and part 308 Tarean Road, Karuah from RU2 Rural Landscape to R2 Low Density Residential with a minimum lot size of 500sq.m and an amendment of 9m to the height of building map; 2) Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

	a Gateway Determination and give delegation to Council to make the plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the Planning Proposal (**ATTACHMENT 1**) to forward to the Minister with a request to amend to the Port Stephens Local Environmental Plan 2013. The Planning Proposal seeks to rezone the subject land to facilitate development for residential purposes which is consistent with the directives contained within the Karuah Growth Strategy.

Council has previously supported a proposed rezoning of the subject site in 2007 (**ATTACHMENT 2**). The then Department of Planning did not support the proposal at the time as the lands were not identified in any strategic study. Council have since adopted the Karuah Growth Strategy which supports the proposed rezoning of the subject sites. A new planning proposal was subsequently lodged and is the subject of this report.

Details of the Planning Proposal:

Subject land:	Lot 20 DP 5795653 and part Lot 21 DP579653 (290 Tarean Road and part 308 Tarean Road, Karuah)
Proponent:	HDB Town Planning and Design
Lodgement Date:	28 January 2014
Current zones:	RU2 Rural Landscape.
Proposed zones:	R2 Low Density Residential with a minimum lot size of 500sq.m and height of buildings of 9m.
Potential Lot Yield:	33 lots

A copy of the Proponent's Planning Proposal is provided in the Councillor's room. The amendments being sought as part of the recommended are consistent with standard clauses relating to lot size and building heights for R2 zoned land in Karuah under the Port Stephens Councils Local Environmental Plan 2013.

Revised Planning Proposal

The planning proposal submitted by the proponent has some minor discrepancies in relation to the lot yield and zone boundary. To make the proposal more understandable a revised Planning Proposal is recommended with this report

(ATTACHMENT 1) for forwarding to the NSW Department of Planning and Environment.

FINANCIAL/RESOURCE IMPLICATIONS

The Planning Proposal will be progressed using existing budget allocations and the rezoning fees for the Planning Proposal that has been paid by the landowners. Rezoning Stage 1 fees have been paid under Fees and Charges 2013-2014.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	10,500	Rezoning stage 1 fees under Fees and Charges 2013- 2014
Reserve Funds	No		
Section 94	No		Section 94 Developer Contributions would be required at a future stage if the land is subdivided in accordance with a granted development consent.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Planning Proposal is to be progressed in a manner consistent with statutory and policy requirements.

Environmental Planning and Assessment Act 1979

Council will request delegation to make this plan under s59 of the Environmental Planning and Assessment Act 1979.

Lower Hunter Regional Strategy and Port Stephens Planning Strategy 2011-2036

The Planning Proposal is consistent with the Port Stephens Planning Strategy and the Lower Hunter Regional Strategy.

Karuah Growth Strategy 2011

In the Karuah Growth Strategy, a staging plan is proposed for the release of new urban land in Karuah. The Planning Proposal is identified in the Karuah Growth Strategy as a second stage urban release area. The areas proposed for staged urban expansion are located so they make efficient use of infrastructure, and can be developed in stages in response to market demand. The Strategy states in order to provide market competition and land/housing choice there is merit in Stage 1 and Stage 2 of the land release program progressing. Stage 1 of the Urban Release Area has completed the rezoning process and includes the Local Environmental Plan 2013 Amendment 5, which was gazetted on the 27 June 2014. The proposal is considered consistent with the Karuah Growth Strategy 2011.

The risks associated with progressing the Planning Proposal are minimal.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that due process is not followed.	Low	Care is taken to ensure due process is followed in accordance with the Environmental Planning and Assessment Act 1979 and Council procedures.	Yes
There is a risk that the Planning Proposal does not proceed.	Low	Ensure that planning issues are identified during the Planning Proposal process are addressed efficiently and effectively.	Yes
There is a risk that the Planning Proposal is amended during the decision making process.	Low	Ensure that any amendments are consistent with ensuring that the objectives of the Planning Proposal are met.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Implications

The rezoning could potentially yield an additional 33 lots to the Karuah area; the proposed additional lots could support economic activity and housing choice within the locality and provide additional population to the township.

The planning proposal addresses two of the key priorities of the Karuah Growth Strategy being:

- 1) Housing choice and diversity to meet market needs; and
- 2) Employment and opportunities for economic development.

A Traffic Assessment was undertaken and concluded traffic and parking arrangements for the proposal are satisfactory. An Access and Mobility Study recommended the following to be addressed:

- Implementing pedestrian and cycling links to facilitate connectivity to the Karuah Town Centre
- Lowering existing road speed limits to enable the coexistence of pedestrians, cyclists and motor vehicles within the road corridor, which is consistent with the principles of the Karuah Growth Strategy
- Encouraging public transport, concentrating on bus infrastructure, and providing additional bus stops

These recommendations should be addressed in any subsequent development application. Additionally, Council recommends all access to individual lots via internal roads and further investigation for a future pedestrian and cycleway link directly to the east into the adjoining residential subdivision.

Services and Infrastructure

As outlined in the Karuah Growth Strategy, Karuah currently has adequate infrastructure for housing delivery in the short to medium term. The proposal could therefore be adequately serviced.

Environmental Implications

Under the Koala Habitat Planning Map (2007) the subject sites are identified as "Mainly Cleared" with "Marginal Koala Habitat" occurring within the southern and western boundaries. Given the disturbed nature of the site it would be possible for future development to meet the Comprehensive Koala Plan of Management provided that the layout including roads, open space and building envelopes consider the existing trees on site.

The Aboriginal Heritage Assessment identified two isolated artefacts and a scarred tree on the subject sites, the isolated artefacts being two Stone Fakes. The Aboriginal Due Diligence Assessment recommends the lot layout be amended to ensure all identified objects are not harmed (preferably protected within a buffer zone). Further discussion should be undertaken with the Office of Environment and Heritage post gateway determination.

The site has minimal environmental value due to the presence of cleared rural land. Flora and Fauna assessments have been undertaken on the subject sites and recommendations have been made within the assessment to enhance ecological attributes of the site, which can be considered during the development or application phase. These were outlined as-

- Adequate controls to protect creek line including fencing, sediment control devices and oil traps during construction and operational phases of the development;
- Adequate measures should be taken to discourage the dumping of rubbish on site to prevent degradation to the creek line;
- Native trees should be retained on site where possible;
- Landscaping of this site should aim to utilise locally occurring flowering/fruited native shrubs that would provide potential foraging resources for threatened species and other protected native species.
- Tree planting should consider the use of preferred koala food trees, such as *Eucalyptus tereticornis* (Forest Red Gum), *Eucalyptus parramattensis* (Parramatta Red Gum) and *Eucalyptus robusta* (Swamp Mahogany).

CONSULTATION

Subject to receiving a Gateway Determination allowing a planning proposal to proceed, it is proposed to place the Planning Proposal on public exhibition for a minimum period of 28 days. Adjoining landowners will be notified in writing and consultation with relevant authorities will be undertaken. Any further consultation requirements will be set by a Gateway Determination.

OPTIONS

- 1) Adopt the recommendation and forward the recommended Planning Proposal at **(ATTACHMENT 1)** to the NSW Department of Planning and Environment for a Gateway Determination and request Council has delegation to make the plan;
- 2) Amend the planning proposal. This is not the preferred option;
- 3) Council not proceed to support the planning proposal. This is not the preferred option as the Karuah Growth Strategy identifies the area as a second stage urban release area and the planning proposal is consistent with this strategy.

ATTACHMENTS

- 1) Recommended Planning Proposal;
- 2) Council meeting minutes – 18 December 2007.

COUNCILLORS ROOM

- 1) Planning Proposal (submitted by Proponent).

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
Recommended Planning Proposal

PLANNING PROPOSAL

Proposed amendment to Port Stephens Local Environmental Plan 2013

Proposal to rezone land at
Lot 20 DP 579653 and part Lot 21 DP 5797653
290 Tarean Road and part 308 Tarean Road, Karuah

July 2014

Contact

Strategic Planning Team
Ph: (02) 4980 0383

290 Tarean Road & part 308 Tarean Road - Planning Proposal - 2014 1

**PLANNING PROPOSAL – 290 TAREAN ROAD AND PART 308 TAREAN ROAD,
KARUAH**

Local Government area: Port Stephens Council

Address: 290 Tarean Road and part 308 Tarean Road, Karuah (Lot 20 DP 579653 and part Lot 21 DP 5797653) (as shown on Figure 1).

Introduction

This Planning Proposal aims to establish the merit for investigating proposed changes to the zone, height of buildings and minimum lot size provisions for Lot 20 DP 579653 and part Lot 21 DP579853, 290 Tarean Road and part 308 Tarean Road Karuah to enable subdivision of land for residential use. The concept layout proposes a 33 lot subdivision on the 11.5 hectares of land (see Figure 2).





Figure 2 Concept Layout Plan from Proponents Planning Proposal

PART 1 – Objective of the proposed Local Environmental Plan Amendment

The planning proposal aims to amend the Port Stephens Local Environmental Plan 2013 pursuant to Section 55 of the Environmental Planning and Assessment Act 1979.

The amendments are as follows-

1. Amend the land zoning map relating to Lot 20 DP 579653 and part Lot 21 DP579853, 290 Tarean Road and part 308 Tarean Road Karuah. The proposal seeks to rezone the lots from RU2 Rural Landscape to R2 Low Density Residential.
2. Amend the lot size map relating to Lot 20 DP 579653 and part Lot 21 DP579853, 290 Tarean Road and part 308 Tarean Road Karuah. The proposal seeks to amend the lot size map to reflect a lot size of 500sq.m.
3. Amend the height of building map relating to Lot 20 DP 579653 and part Lot 21 DP579853, 290 Tarean Road and part 308 Tarean Road Karuah. The proposal seeks to amend the height of building map to reflect a height of 9m.

PART 2 – Explanation of the provisions to be included in proposed LEP

The proposal will be implemented by amendment of the Port Stephens Local Environmental Plan 2013, which will:

Amendment Applies to-	Explanation of Provision
Land Zoning Map (LZN_0038)	Lot 20 DP 579653 and part Lot 21 DP 579653 (290 Tarean Road and part 308 Tarean Road Karuah) R2 Low Density Residential.
Lot Size Map (LSZ_0038)	Lot 20 DP 579653 and part Lot 21 DP 579653 (290 Tarean Road and part 308 Tarean Road Karuah) 500sq.m.
Height of Building Map (HOB_0038)	Lot 20 DP 579653 and part Lot 21 DP 579653 (290 Tarean Road and part 308 Tarean Road, Karuah) 9m.

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

The lands subject to this planning proposal were identified in the Port Stephens Karuah Growth Strategy. The purpose of the Karuah Growth Strategy is to provide strategic level guidance for the future development of Karuah. The Strategy identifies the subject lands as within the Potential Second Stage Urban Release Area. Lands within the Potential Second Stage Urban Release Area have been identified as suitable for residential development as part of the Karuah Growth Strategy.

290 Tarean Road & part 308 Tarean Road - Planning Proposal - 2014 5

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The current zoning of the subject sites does not permit increased levels of residential development. Amending the zoning of the subject sites via this planning proposal is the most appropriate way to achieve residential development on the site consistent with the intent of the Karuah Growth Strategy. The Karuah Growth Strategy identifies the subject sites as an urban growth area, that is, land suitable for release as new residential land.

SECTION B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy is a strategic planning framework to guide the sustainable growth of the lower Hunter over the next 25 years. The Lower Hunter Regional Strategy identifies a small amount of additional urban development (subject to planning investigations) on land immediately adjacent to the existing settlement in Karuah. The subject sites are located within the proposed urban areas identified in the Lower Hunter Regional Strategy.

While the Lower Hunter Regional Strategy does not specifically identify the number of lots within the proposed new residential areas in Karuah, the Strategy aims to provide 115,000 new dwellings to the Lower Hunter Region by 2031. The Planning Proposal aims to deliver potentially an additional 33 residential lots to the Karuah area which will contribute to the delivery of new residential land.

The proposal is not contrary to the Lower Hunter Conservation Plan.

4. *Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?*

Council's Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022) which states that Council should provide for a range of lot sizes and housing types to respond to demographic needs and affordability. The proposal will potentially add an additional thirty three (33) lots to residential land in the Karuah area.

Port Stephens Planning Strategy 2011-2036

The proposal is consistent with the Planning Strategy. The Strategy states there is considerable potential to expand residential development and that the

Karah Growth Strategy will direct development. The Strategy identifies future growth areas and the subject sites are identified in the Strategy as "potential future residential development".

Karah Growth Strategy 2011

The Karuah Growth Strategy identifies land adjacent to the Karuah town centre and south of Tarean Road as suitable for development. The Karuah Growth Strategy identifies three stages for land release. The Karuah Growth Strategy identifies the subject site as a Potential Second Stage Urban Release Area. Stage One of the Urban Release Area has completed the rezoning process and includes the Local Environmental Plan 2013 Amendment 5, which was gazetted on the 27 June 2014. The Karuah Growth Strategy states the staging should be done to respond to market demand. The planning proposal is considered consistent with the aims of this Strategy.

6. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 44 – Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent tree-living populations will be maintained over their present range.	The Port Stephens Comprehensive Koala Plan of Management (CKPoM) is applied in Port Stephens LGA for the purpose of implementing SEPP 44. The site contains preferred feed trees, however investigations have been undertaken and given the disturbed nature of the site it would be possible for a future development to meet the Comprehensive Koala Plan of Management provided that the layout (including roads, open space and building envelopes) considers the existing trees. Further investigations to be conducted at development application stage.
SEPP 55 – Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.	Preliminary investigations have been undertaken into past use of the site. No contamination was identified on the site.
SEPP 71 – Coastal	It aims to ensure that:	SEPP 71 is applicable to the

Protection	<ul style="list-style-type: none"> • development in the NSW coastal zone is appropriate and suitably located; • there is a consistent and strategic approach to coastal planning and management; and • there is a clear development assessment framework for the Coastal Zone 	subject site. The requirements of the SEPP will be given due consideration during the development application stage.
SEPP Affordable Rental Housing 2009	Provides for a consistent planning regime for the provision of affordable rental housing to facilitate the effective delivery and retention of new affordable rental housing.	The planning proposal aims to rezone land for residential purposes. This will result in lands being available for use under the SEPP.
SEPP Housing for Seniors or people with a Disability 2004	<p>The SEPP aims to encourage provision of housing for seniors, including residential care facilities.</p> <p>The SEPP provides development standards.</p>	The planning proposal aims to rezone land for residential purposes. This will result in lands being available for use under the SEPP.
SEPP Infrastructure 2007	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	The planning proposal aims to rezone land for residential purposes. This will result in lands being available for use under the SEPP.
SEPP (Rural Lands) 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	The proposal seeks to rezone lands from a rural zone to a residential zone. The land is currently underutilised for agricultural uses and has been identified within the Karuah Growth Strategy as being suitable for residential purposes.

Section 117 Ministerial Directions

7. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The land is currently underutilised and has been identified within the Karuah

		Growth Strategy as suitable for residential development.
1.4 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	The subject lands have been identified within the Karuah Growth Strategy as being suitable for residential purposes.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Flora and Fauna assessments have been undertaken on the subject sites, which identified no threatened flora or fauna on site. Due to presence of cleared rural land, the site does not provide linkages or corridors between proximate areas of habitat. Recommendations from this report are outlined in Section C. The recommendations and further assessment can be undertaken and implemented at the development application stage.
2.2 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	An Aboriginal Archaeological assessment was undertaken for the site. The assessment identified 3 Aboriginal objects; 2 isolated artefacts and a potential scarred tree. Further consultation with the Office of Environment and Heritage be undertaken post Gateway determination to ensure the protection of these artefacts. Further investigations and consideration to also be given at the development application stage.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential	The planning proposal seeks to rezone land for residential purposes. This is consistent with 3.1 Residential zones.

	development on the environment and resource lands.	
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.	The planning proposal seeks to rezone land for residential purposes which could lead to the use of dwellings for Home occupation.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	The current proposal seeks to zone the land for residential purposes. The subdivision layout and transport objectives will be determined at development application stage. Nothing in this proposal would prohibit the integrating of land use and transport.
4. HAZARD AND RISK		
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	A bushfire assessment was undertaken for the site, the recommendation of which was the subject sites could accommodate buildings on site once active safe guards were adopted in accordance with AS3959-1999. This would be investigated and given further consideration during the development application stage.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The proposal is consistent with the objectives contained within the Lower Hunter Regional Strategy.
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This planning proposal seeks a gateway Determination from the Department of Planning and Environment.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	No site specific planning controls are proposed within this planning proposal. The amendments being sought are consistent with existing standard clauses under the Port Stephens Local Environmental Plan 2013.

SECTION C – Environmental, Social and Economic Impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

Flora and Fauna assessments have been undertaken on the subject sites, the most recent being dated February 2013 (RPS Australia), which identified no threatened flora or fauna on site. Due to presence of cleared rural land, the site does not provide linkages or corridors between proximate areas of habitat.

Under the Koala Habitat Planning Map (2007) the subject sites are identified as "Mainly Cleared" with "Marginal Koala Habitat" occurring within the southern and western boundaries. The Flora and Fauna assessment undertaken assessed the subject sites against the Port Stephens Comprehensive Koala Plan of Management. Given the disturbed nature of the site it would be possible for future development to meet the Comprehensive Koala Plan of Management provided that the layout including roads, open space and building envelopes consider the existing trees on site.

Recommendations were made within the assessment to enhance ecological attributes of the site, it was encourage that these be considered during the development design phase. These were outlined as-

- Adequate controls to protect creek line including fencing, sediment control devices and oil traps during construction and operational phases of the development;
- Adequate measures should be taken to discourage the dumping of rubbish on site to prevent degradation to the creek line;
- Native trees should be retained on site where possible;
- Landscaping of this site should aim to utilise locally occurring flowering/fruiling native shrubs that would provide potential foraging resources for threatened species and other protected native species. Tree planting should consider the use of preferred koala food trees, such as *Eucalyptus tereticornis* (Forest Red Gum), *Eucalyptus parramattensis* (Parramatta Red Gum) and *Eucalyptus robusta* (Swamp Mahogany).

The above recommendations and further assessment can be undertaken and implemented at the development application stage.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The Aboriginal Heritage Assessment identified two isolated artefacts and a scarred tree on the subject sites, the isolated artefacts being two Stone Fakes. The investigation identified the need to protect the items via buffer zones in the development of the subdivision layout. The Aboriginal Due Diligence Assessment recommends the lot layout be amended to ensure all identified

objects are not harmed and to advise all of a person's obligations under the National Parks and Wildlife Act 1974. The concept layout plan in its current form will likely disturb a stone flake artefact as a result of the road access construction, if this is the case, appropriate permits will need to be obtained before any development assessment investigation. It is suggested that further consultation with the Office of Environment and Heritage be undertaken post Gateway determination to ensure the protection of these artefacts.

10. Has the planning proposal adequately addressed any social and economic effects?

Yes. The proposal if approved could result in an addition of 33 lots to Karuah.

The social impacts of the proposal are:

- A potential increase in the supply of housing.
- Possible community reaction to the rezoning- which will be determined through the public exhibition process.

A Traffic Assessment was undertaken and concluded traffic and parking arrangements for the proposal are satisfactory. An Access and Mobility Study recommended the following to be addressed:

- Implementing pedestrian and cycling links to facilitate connectivity to the Karuah Town Centre
- Lowering existing road speed limits to enable the coexistence of pedestrians, cyclists and motor vehicles within the road corridor, which is consistent with the principles of the Karuah Growth Strategy
- Encouraging public transport, concentrating on bus infrastructure, and providing additional bus stops

These recommendations should be addressed in any subsequent development application. Additionally, Council recommends all access to individual lots via internal roads and further investigation for a future pedestrian and cycleway link directly to the east into the adjoining residential subdivision.

The economic effects are:

- Potential employment creation associated with the construction and ongoing occupation of any dwelling on the site.

SECTION D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

The Karuah Growth Strategy states Karuah currently has adequate infrastructure for housing delivery in the short to medium term. Preliminary advice from public authorities has been submitted by the proponent stating the proposed residential yield has access to telecommunication and electrical services. A Wastewater Assessment concluded existing wastewater infrastructure has sufficient capacity to service the proposed development. A Water and Wastewater Assessment concluded that there is sufficient

capacity within Port Stephens Water Supply System to meet the proposed additional demand of 33 lots.

Connectivity to the adjacent existing subdivision can be achieved to encourage the walkability of future residential development. The proposed future development will be able to connect to existing public transport via provision of bus shelters or the like. The proposed future development will be able to implement pedestrian and cycling links to facilitate connectivity to the Karuah Town Centre in accordance with the recommendations of relevant Traffic and Access & Mobility Studies completed for the sites.

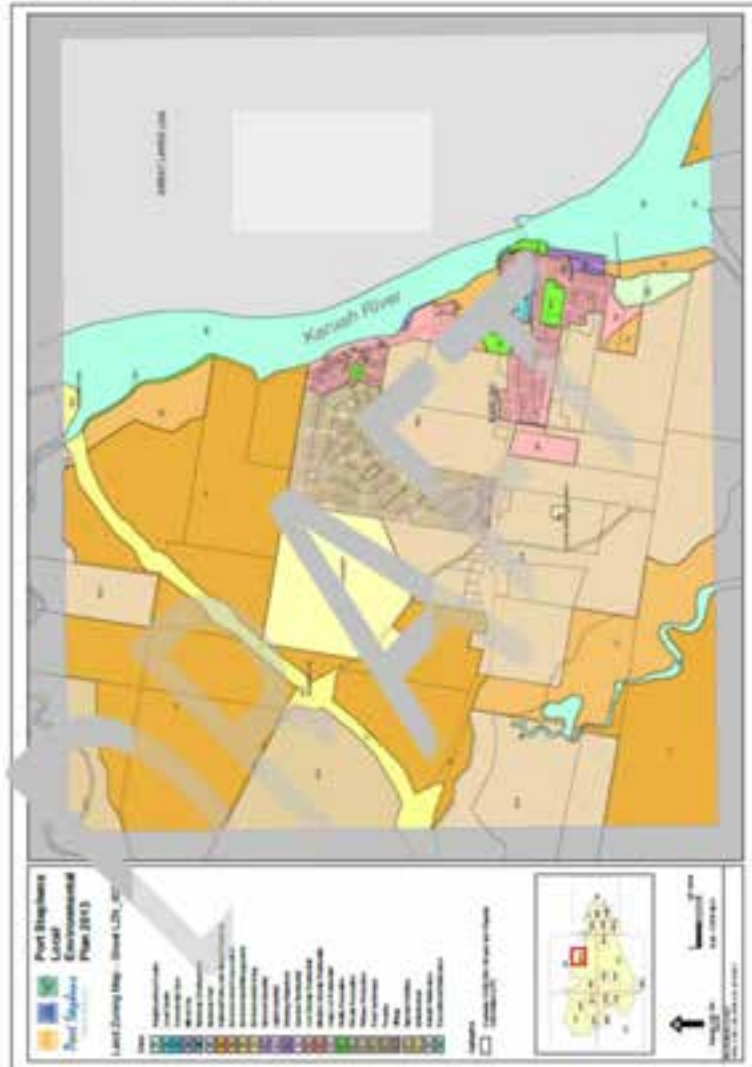
12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

State and Commonwealth public authorities will be consulted in accordance with the Gateway determination.

Part 4 – Mapping

The following map layers are included within this planning proposal:

Proposed Land Zone Map



290 Tarean Road & part 308 Tarean Road - Planning Proposal - 2014 14



290 Tarean Road & part 308 Tarean Road - Planning Proposal - 2014 15

Proposed Height of Building Map



290 Tarean Road & part 308 Tarean Road - Planning Proposal - 2014 16

Part 5 – Community Consultation

The planning proposal will likely be exhibited for a minimum of 28 days, in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and in accordance with Sections 5.5.2 and 5.5.3 of the Department of Planning and Environment's guideline "A guide to preparing Local Environmental Plans" (April, 2013).

Part 6 – Project Timeline

The Planning Proposal is intended to follow the timeline set out in the following table:

	Task Description	Estimated Timeline
1.	Gateway Determination	August - October 2014
2.	Completion of required technical information	October – January 2015
3.	Government agency consultation	February 2015
4.	Community consultation period	March 2015
5.	Consideration of submissions and finalise the draft plan	April 2015
6.	Submission to Department with request to make the plan.	May 2015
7.	Legal drafting and making of the Plan	June – July 2015

ATTACHMENT 2

Council meeting minutes – 18 December 2007

MINUTES FOR ORDINARY MEETING – 18 DECEMBER 2007

ITEM NO. 6

FILE NO: 9750-013

REQUEST TO AMEND LOCAL ENVIRONMENTAL PLAN 2000 – REZONE LAND AT 290 TAREAN ROAD, KARUAH, TO FACILITATE RESIDENTIAL DEVELOPMENT.

REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to support the rezoning request over a portion of Lot 20 DP 579653, Lot 21 DP 579653 and Lot 2 DP 748343 Tarean Road, Karuah for residential development to enable the draft amendment to proceed in accordance with Section 54 of the *Environmental Planning and Assessment Act 1979 (Attachment 1)*, subject to the proponent resolving adequate connection through to George Street on the adjoining subdivision to the east to enable adequate connection with the adjoining street networks.
- 2) Resolve to prepare draft amendments for the subject land to the Port Stephens Development Control Plan 2007.

OPERATIONS COMMITTEE MEETING – 11 DECEMBER 2007

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING OF COUNCIL – 18 DECEMBER 2007

RESOLUTION:		
383	Councillor Francis Councillor Brown	It was resolved that the recommendation be adopted.

Note: Cr Dingle left the meeting at 7.13pm during Item 6 and returned at 7.16pm during Item 6.

ORDINARY MEETING OF COUNCIL – 18 DECEMBER 2007

RESOLUTION:		
384	Councillor Baumann Councillor Tucker	It was resolved that Council; a) Resolve to support a rezoning request over a portion of Lot 3 DP 1098770 and Lot 11 DP 37430 Newline Road, Raymond Terrace with the appropriate buffers to be established through the rezoning process and to be agreed by Council in a subsequent report to Council post exhibition of the draft LEP; and with b) the draft LEP and associated Development Control Plan being integrated with the Kings Hill draft LEP and draft DCP, Section 94 and/or developer agreements to ensure coordination and integration of the

MINUTES FOR ORDINARY MEETING – 18 DECEMBER 2007

		<p>development of the town of Kings Hill with the subject land.</p> <p>c) Council receiving formal commitment from the land owner to fund the undertaking of the third party review of noise and odour issues above and beyond the fee attracted by the rezoning request to inform Council of these issues associated with the Kings Hill draft Local Environmental Plan.</p> <p>d) Council receiving formal commitment from the land owner to fund the undertaking of the third party review of noise and odour issues above and beyond the fee attracted by the rezoning request to inform Council of these issues associated with the Kings Hill draft Local Environment Plan.</p>
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PURPOSE

The purpose of this report is to recommend that Council support the rezoning request for limited residential development under Section 54 of the Environmental Planning and Assessment Act 1979.

PROPOSAL DETAILS

Owner	Nethmike Pty Ltd
Proponent	Hunter Development Brokerage
Date of Submission	May 2005
Subject Land	Lot 20 DP 579653, 290 Tarean Rd, Karuah. Lot 21 DP 579653, 308 Tarean Rd, Karuah Lot 2 DP 748343, 314 Tarean Rd, Karuah
Current Land Use Zone	1(a) Rural Agriculture
Proposed Land Use Zone	2(a) Residential (Attachment 2)

BACKGROUND

Specific areas of Karuah have been identified in the *Lower Hunter Regional Strategy (LHRS)* as proposed future urban growth areas subject to local planning. The site adjoins areas identified in Council's *Community Settlement and Infrastructure Strategy 2007 (CSIS)* as having potential for urban development.

Council's Rezoning Assessment Panel met with the proponents in December 2004 and advised that rezoning of the subject land for residential development had merit in principle. The rezoning request was lodged in May 2005 and proposed to rezone Lot 20 DP 579653 in its entirety which equates to approximately 80 residential lots (**Attachment 2**). Due to consideration of the relevant issues it has been recommended that portions of ; Lot 21 DP 579653, Lot 2 DP 748343 and Lot 20 DP 579653 be rezoned for residential purposes as shown on the Recommended Zoning Map in **Attachment 1**. The owners of Lot's 20 and 21 DP 579653 have given authorisation for the proposal, but the owner of Lot 2 DP 748343 has been notified but has not given authorisation to the proponent.

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The proponent has had ongoing discussions with Council on matters of connectivity and access of the proposed residential area to the recently developed George Street to the east. Physical connection and integration of the proposed rezoning to the existing neighbourhood and direct access to existing open space (Aliceton Reserve) and the village centre are vital aspects to this rezoning proposal.

In keeping with the construction of the adjoining residential development (River Glades Estate) and Draft LEP 24 (Wattle and Holdom Streets), it is recommended that development be restricted to the area north of the flood line. This will minimise environmental impacts and focus urban development towards Tarean Road and the existing village. The topography and flood line has defined the extent of Karuah to date. The recommended Draft LEP should continue to apply this principle.

Advice from the LEP Review Panel

Council has resolved to prepare Draft LEP 24 (Wattle and Holdom Street) and Draft LEP 27 (339 Tarean Road) (**Attachment 3**). Council has received advice from Department of Planning's LEP Review Panel stating that The Panel do not support Draft LEP 27 due to; the site identified in Lower Hunter Regional Strategy (LHRS) as part of the 'Green Corridor' and that, Draft LEP 24 in conjunction with existing residential land provides sufficient residential land to supply Karuah at this stage.

Council has written to LEP Review Panel advising that Draft LEP 27 has strategic merit and economic benefits for Karuah and has requested The Panel reconsider Draft LEP. Draft LEP 27 as shown on map **Attachment 3**, is 600 metres from the village centre and as such will provide economic benefits to Karuah businesses. Those economic benefits are manifested through increased number of population in close proximity to the main street. Economic sustainability of the main street is justification for loss of vegetation in the 'Green Corridor' bearing in mind that the proposal retains the SEPP 14 wetland area with a 50m buffer. Some vegetation loss can be justified where there are direct public benefits through economic sustainability gains.

Due to proximity to the main street, Draft LEP 27 is preferred over the site subject of this report. 290 Tarean Road is suitable for limited development but is more removed from the village centre than Draft LEP 27. However, in light of the Department of Planning's advice, support for 290 Tarean Road becomes more essential in securing an improved the trade catchment for Karuah businesses in the short term.

Future development in Karuah regarding all three proposals is supported based on sound planning principles and that:

- Karuah is experiencing adverse economic effects due to the Pacific Highway bypass
- Population increase in the right location will contribute to the economic sustainability of Karuah
- Karuah Wastewater Treatment Works capacity can accommodate all three developments
- Limited amount of residential development in walkable distances to shops, parks and community facilities and resultant vegetation loss is an acceptable balance.
- The three proposals represents a 'rounding-off' of Karuah's population and not over-development

LINKS TO CORPORATE PLANS

This report addresses the strategic and future directions of Council's Plan 2005-2008 in particular:

MINUTES FOR ORDINARY MEETING – 18 DECEMBER 2007

Integrating planning for facilities and services.
Promote, plan and guide development to create sustainable communities that conserve and enhance the natural and built environment.
Ensure that our planning framework provides appropriate levels of housing, transport, infrastructure, human services and community facilities across all of our communities.
Alignment of Council Plans.
Alignment with State and Regional Plans.
Deliver facilities and services to meet community needs now and in the future.
Development focuses on our communities being sustainable.

FINANCIAL/RESOURCE IMPLICATIONS

The rezoning request will attract the prescribed rezoning fees in accordance with Council's Fees and Charges Schedule 2007. Should Council adopt the recommendations of this report, Land Use Planning will invest staff time to prepare and submit the standard Section 54 information to the Department of Planning's LEP Review Panel.

LEGAL AND POLICY IMPLICATIONS

Legal – There are no legal requirements should Council adopt or reject the recommendations of this report. This includes the owner of Lot 2 DP 748343 who has not authorised the proponent that they support the inclusion of their land in the submitted rezoning request. Despite this Council has the authority to consider zoning issues for this land.

Policy – The subject land has not been identified for residential development in the *Port Stephens Community Settlement and Infrastructure Strategy 2007* in *E3 Local Area Strategies for Karuah*. For this reason the criteria in *Part G3 Land Not Identified for Development* applies.

Part G3 Land Not Identified for Development

Part G3 – 1 Shall be consistent with the Part F Sustainability Principles and Criteria, the Integrated Land Use and Transport Policy package and the Coastal Design Guidelines for NSW.

The recommended rezoning is consistent with the *Land Use Transport Policy Package* and the *Coastal Design Guidelines*. In this location development will support walking and cycling through connective links to the adjoining development.

The development will be consistent with the *Coastal Design Guidelines* in that development will reinforce the existing town and will be consistent with the existing street pattern of the coastal village.

The proposal is generally consistent with Part F Sustainability Criteria as follows:

F1 Settlement and Movement Network – The Draft LEP land will have connections to Tarean Road and the local street network through George Street. This will enable vehicular and pedestrian access via these streets improving connectivity of the site with the village centre which are important connections.

F2 Infrastructure, Services and Facilities – There are existing services in Karuah. Hunter Water has indicated the capacity of the sewerage system at Karuah, in particular the wastewater treatment and effluent disposal component of the system, is limited. It is considered that this rezoning proposal combined with adjoining developments will be within this limit. Since the Pacific Highway bypass of Karuah an increase in population of the area will provide increased viability of services and infrastructure in the village.

F3 Quality Places to Live – The site will have access to the village centre for both pedestrians and vehicles. The proposal is not intended to be a gated community nor will it isolate residents from the surrounding area. Design of the street blocks will enable efficient development and solar access for future dwellings.

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F4 Natural Areas and Resources – The rezoning request is consistent with these principles. Development on the site will be restricted to the north of the flood affected land and utilise Water Sensitive Urban Design Practices. This will limit impacts on natural areas including nearby Wetlands and the Karuah River.

F5 Economics and Employment – The Karuah village has experienced an economic downturn since the realignment of the Pacific Highway and subsequent bypass of Karuah. Residential development will have positive effect through construction works and will contribute to the local village businesses.

F6 Sustainability Criteria - (The LHR's Sustainability Thresholds Criteria and to be applied for any proposed development outside designated areas in Regional Strategy). The site is not identified in the LHR. The criteria in the LHR are for the consideration of the Department of Planning.

G3 – 2 Greenfield land not physically attached to existing urban-zoned land and located on a transport corridor identified for the purposes of this Strategy in Figure 45 will require a minimum of 50 hectares of developable land excluding land required for bushfire hazard buffers and passive open space including wetland and riparian buffers -The site is physically attached to residential zoned land to the east.

G3 – 3 Rezoning requests for land that meets Criteria 2 will only be considered if they are located on the transport corridor. Proposals that are located away from the transport corridor or, due to land use constraints, cannot achieve acceptable vehicular and pedestrian access on to the transport corridor will not be considered -The site is located on a transport corridor and adjoining residential zoned land, development will have connections to the adjoining pedestrian and vehicular network.

G3 – 4 Rezoning requests for land not strategically identified for development will require a Local Environmental Study (L.E.S) to be prepared - It is considered that an LES is not required in accordance with Section 57 of the Environmental Planning Assessment Act 1979.

G3- 5 The Director General of the Department of Planning may advise of any additional issues that need to be considered in an LES before proceeding with the LEP process - refer to the Department's Planning Circular PS 06-005 and PS 06-013 for additional information. Should Council support the recommendation the Department of Planning's LEP Review Panel will be notified via Section 54.

G3 – 6 A structure plan shall be prepared by a qualified urban designer illustrating how the principles of the Strategy can be achieved. The structure plan shall illustrate how the proposed development; complements the Port Stephens transport network and centres hierarchy in terms of retail and employment; integrates the new village, neighbourhood or town with the transport corridor; and can achieve the principles of the Strategy -Should the recommendation to rezone the land be supported a structure plan and indicative lot layout will be required illustrating the position of lots and how connectivity will be achieved to the adjoining areas. A structure plan has been submitted by the proponent that illustrates that street connection to adjoining residential area to the east can be achieved.

G3 - 7 Rezoning requests shall address strategic traffic and transport planning issues including investigation and assessment of road hierarchy, strategic access controls, intersection locations and conceptual treatments to be provided for these connections -The proposal will not have adverse impacts on the exiting street network, further investigations will be required at development application stage to access the access controls.

G3 – 8 Rezoning requests for land that meets Criteria 2 will have a minimum ratio of 20% attached or multi unit dwellings to 80% detached dwellings to increase housing diversity and housing choice and improve the social and economic viability of the new village or town - It is considered that seeking greater density of lot and dwelling type in this location on the

MINUTES FOR ORDINARY MEETING – 18 DECEMBER 2007

fringes of the town would not be economically or socially desirable. It is considered justified in this instance not to meet the required minimum ratio of 20% attached or multi unit dwellings to 80% detached dwellings.

G3 – 9 Rezoning requests for greenfield land attached to existing urban developed land shall demonstrate ability to physically connect with existing urban development by streets so that proposed development is a logical extension of existing urban areas. Council will determine if the proposed development warrants consideration as a new centre consistent with the principles of this Strategy -The proponents have demonstrated physical connection to adjoining urban areas can be achieved.

G3- 10 Rezoning requests for infill development will be guided by the Sustainability Principles and Criteria of the Strategy including the Transect in Figure 24 -N/A

G3 – 11 Rezoning requests for land that contribute or lead to ribbon or strip development will not be considered. For green field development the spacing of new villages, neighbourhoods or towns will be responsive to ensuring that the rural or environmental landscapes that characterise the LGA are maintained -The proposal will define the extent of development to the west of Karuah and will define a boundary to preserve the rural and environmental character of the area.

G3 – 12 Rezoning requests to create a new village or town should be located towards transport corridor junctions to strengthen the public transport network and provide greater choice of routes for residents and transport users in the movement economy -
N/A

G3 – 13 Rezoning requests for development will include an assessment of the costs of the construction, operation and maintenance of supporting infrastructure, community services and facilities and the long-term life cycle costs of such infrastructure and whether the increased rate revenue likely to be generated by the proposed development can support it - Development of the land will include construction of infrastructure on site provided by developer. Via Section 94 and /or developer agreements, additional infrastructure off site will be provided commensurate with population growth associated with rezoning request. It is considered that the proposed extension of the village of Karuah via this rezoning proposal should be supported by public streets and for part of Council's asset responsibilities. The increase in demand and use on these facilities is not likely to adversely impact on their long-term life cycle costs.

G3 – 14 If the maintenance and replacement of infrastructure, services and facilities identified in Criterion 15 cannot be supported by the increased rate revenue likely to be generated by the proposed development, then subsequent costs shall be borne by the developer and future landowners in perpetuity yet remain accessible to the public-
N/A

G3 – 15 Any proposed development adjacent to the Pacific Highway will require a grade separated interchange as well as access to the local street network connecting other centres so that the role and performance of the highway as an interstate road is not undermined by local traffic-N/A

Australian Business Excellence Framework

This aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action

MINUTES FOR ORDINARY MEETING – 18 DECEMBER 2007

- 7) All people work IN a system; outcomes are improved when people work ON the system
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL/ECONOMIC IMPLICATIONS

Since the construction of the Karuah By-Pass the Karuah village has experienced an economic downturn. Additional housing choice in this location will provide social and economic benefit both in the construction stage and long term as additional residents locate in the area.

Limiting development to the north of the flood line as shown on **Attachment 1** will reduce isolation from the village centre that would occur should the whole site be developed. Restricting development to this area will provide the urban focus to Tarean Road and the village centre. Both vehicle and pedestrian links with existing and proposed streets will enable development with good connectivity and provide positive social outcomes. The topography and flood line have defined development in the south west of Karuah this should continue through this Draft LEP to define urban environment.

An Archaeological Heritage Impact Assessment was undertaken by Myall Coast Archaeological Services including members of the Worimi Local Aboriginal Land Council. Three artefacts were located on the site including two stone artefacts and a scarred eucalypt. The two stone artefacts were considered to be of low significance however the scarred eucalypt tree is considered to be of a high local and possibly regional significance. Should development occur on the site it should be consistent with the recommendations of the archaeological assessment.

ENVIRONMENTAL IMPLICATIONS

The site is cleared and is of limited ecological value. Flora and fauna investigations have indicated there was 1 threatened flora species (*Callistemon Linearifolius*) located on the southern boundary of the site. However the flora and fauna investigations indicate that should the proposal proceed, disturbance of this species is unlikely to place the local distribution at risk of extinction. Internal consultation has indicated the site is not affected by Preferred or Supplementary Koala Habitat nor is it a Koala Linking Area. However there are individual Koala Food Trees and it is recommended that these trees be protected through the development application process and the PSC Comprehensive Koala Plan of Management.

Council's mapping indicates the land as partially flood affected which flows into the SEPP 14 Wetlands in the South East. Residential development should be restricted to the north of these constraints and strict water quality control mechanisms should be put in place to protect the wetlands.

A transmission easement 30 metres wide exists over a portion on the northern area of the site. No development would be permitted under this easement. Infrastructure could be created under this easement or appropriate-shaped lots could enable the construction of dwellings outside the easement.

CONSULTATION

Internal consultation has occurred with Environmental Services, Recreation Services, Social Planning, Subdivision, Drainage and Traffic Engineers. Their comments have been considered throughout this report.

Consultation with the NSW Department of Planning and LEP Review Panel with relation to other

MINUTES FOR ORDINARY MEETING – 18 DECEMBER 2007

Draft LEP's in Karuah have been considered in this report.

Should the LEP Review Panel support the proposed rezoning Section 62 Consultation will occur between Council and the relevant Government Authorities. Consultation will be undertaken with the owner of Lot 2 DP 748343 seeking their views prior to public exhibition of the draft LEP.

OPTIONS

- 1) Adopt the recommendation of this report.
- 2) Reject the recommendation of this report.
- 3) Make amendments to the recommendation.

ATTACHMENTS

- 1) Recommended Zoning Map prepared by Council.
- 2) Proposed rezoning map as submitted indicating existing zoning, flood prone land and SEPP 14 Wetland.
- 3) Draft LEP's in Karuah

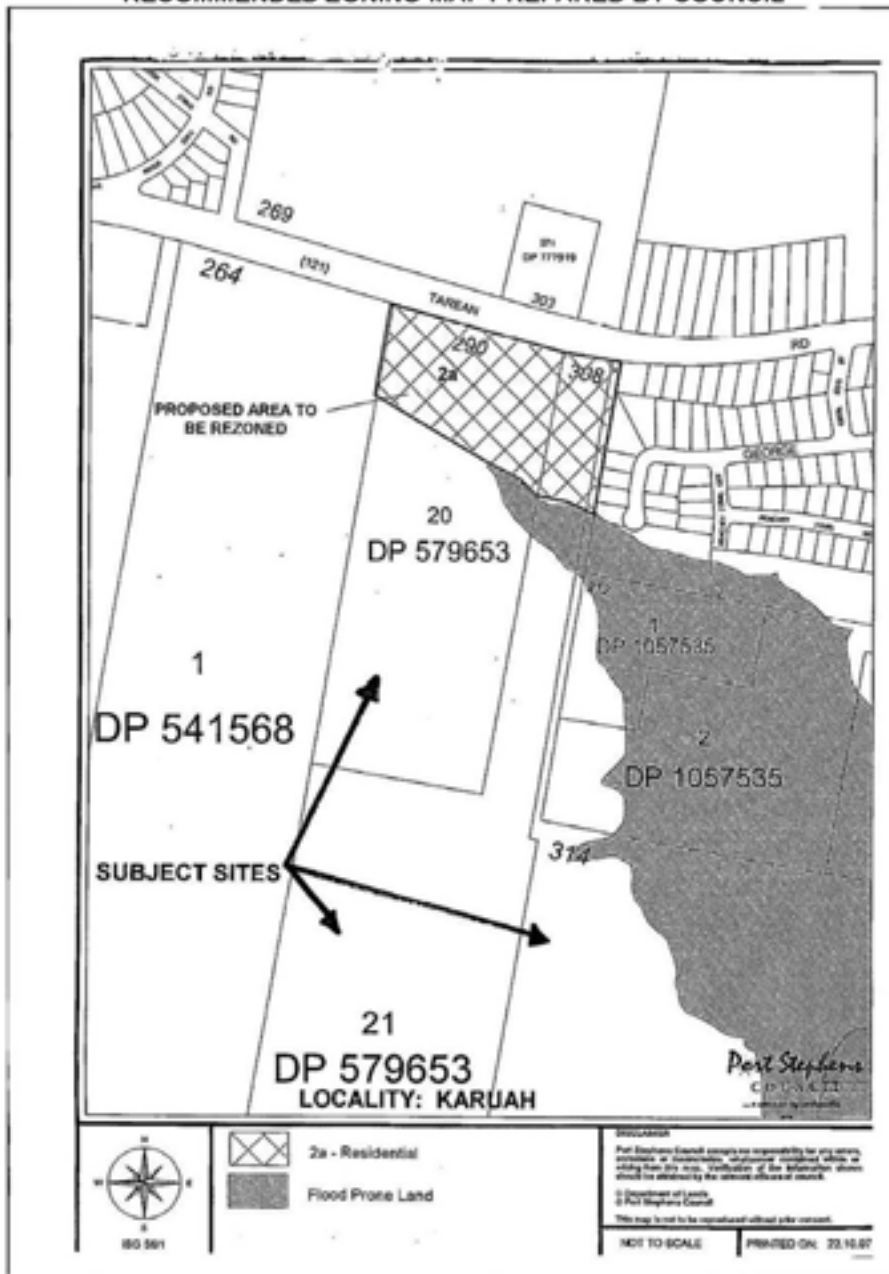
COUNCILLORS ROOM

- 1) Planning Report prepared by Hunter Development Brokerage.
- 2) Concept Plan prepared by Hunter Development Brokerage.

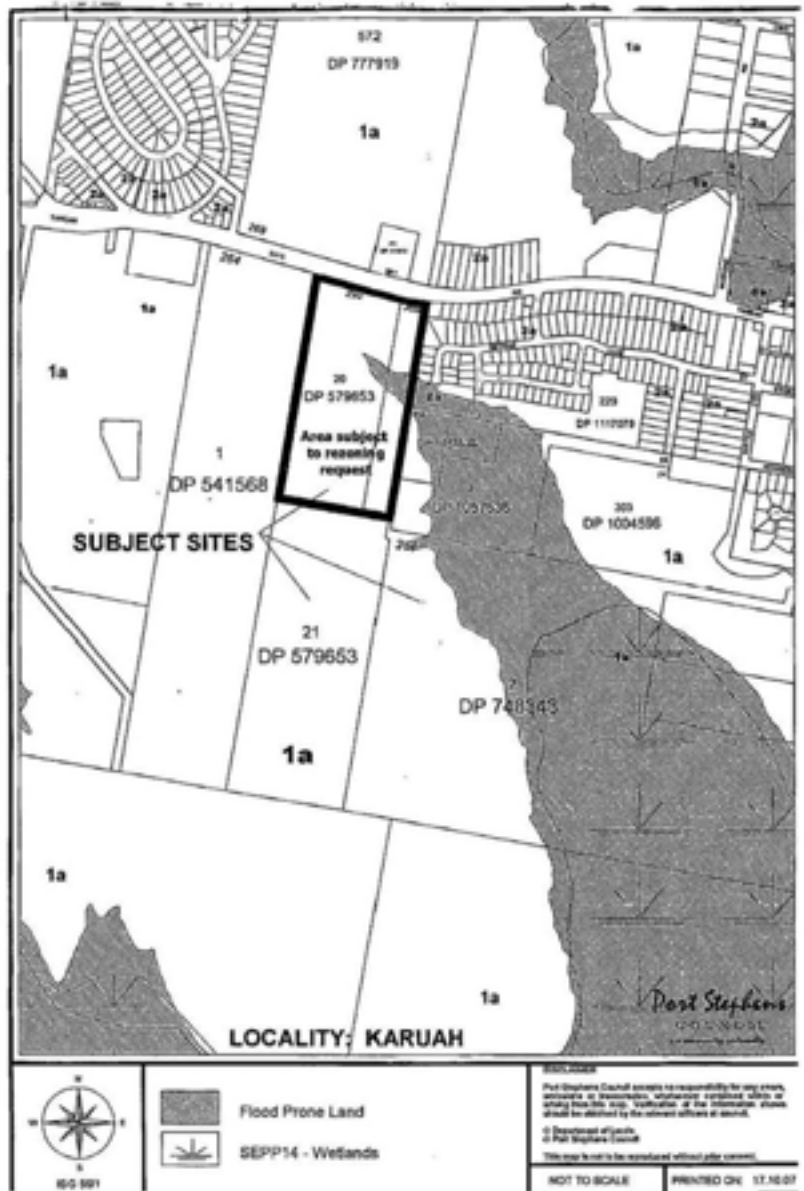
TABLED DOCUMENTS

Nil

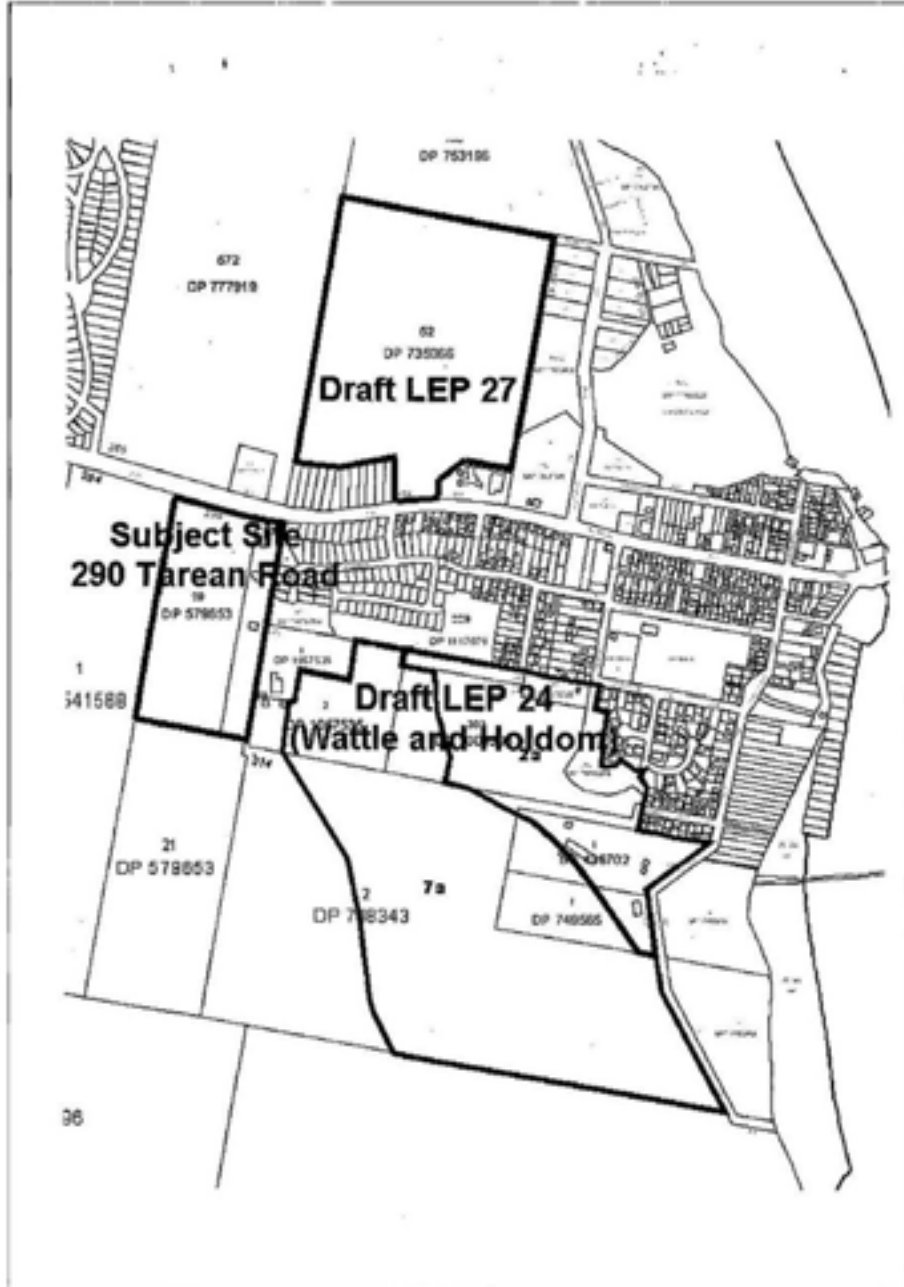
ATTACHMENT 1
RECOMMENDED ZONING MAP PREPARED BY COUNCIL



ATTACHMENT 2
PROPOSED REZONING MAP AS SUBMITTED INDICATING EXISTING ZONING,
FLOOD PRONE LAND AND SEPP 14 WETLAND



ATTACHMENT 3
DRAFT LEPs IN KARUAH



ITEM NO. 8

FILE NO: PSC2014-00222

RE-ESTABLISH ALCOHOL FREE ZONES (AFZS) AT MEDOWIE AND SHOAL BAY

REPORT OF: TIM CROSDALE – STRATEGY AND ENVIRONMENT SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Council prepare a proposal as requested by Police to re-establish the Alcohol Free Zones (AFZs) at Medowie (**ATTACHMENT 1**);
- 2) Council prepare a proposal as requested by Police to re-establish the Alcohol Free Zones (AFZs) at Shoal Bay (**ATTACHMENT 2**);
- 3) Commence public consultation in accordance with the Local Government Act 1993 for the proposed re-establishment of the Medowie and Shoal Bay AFZs;
- 4) If no objections submitted, proceed with the re-establishment of both AFZs for a period of 4 years without a report back to Council.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor John Nell Councillor Ken Jordan</p>
	<p>That the recommendation be adopted.</p>

MOTION

207	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Council prepare a proposal as requested by Police to re-establish the Alcohol Free Zones (AFZs) at Medowie (ATTACHMENT 1); 2) Council prepare a proposal as requested by Police to re-establish the Alcohol Free Zones (AFZs) at Shoal Bay (ATTACHMENT 2); 3) Commence public consultation in accordance with the Local Government Act 1993 for the proposed re-establishment of the Medowie and Shoal Bay AFZs; 4) If no objections submitted, proceed with the re-establishment of both AFZs for a period of 4 years without a report back to Council.

BACKGROUND

The purpose of this report is to inform Council that both the Medowie and Shoal Bay Alcohol Free Zones (**ATTACHMENT 1 & 2**) expire on 6 September 2014. It is recommended that a consultation process commence that complies with the Department of Local Government's *Ministerial Guidelines (Re-establishment of Alcohol Free Zones)*.

The NSW Police (Port Stephens Local Area Command) has submitted two applications to re – establish the existing Alcohol Free Zones in Medowie (**ATTACHMENT 1**) and Shoal Bay (**ATTACHMENT 2**).

Alcohol Free Zones are an effective tool for local Police to deal with alcohol related offences to reduce anti-social behaviour and provide a safer street environment for the community.

The Medowie and Shoal Bay AFZs were first established in 2007 and re - established in 2010 at the request of Port Stephens Local Area Command and they both are due to expire again on 6 September 2014. The attached proposals are to re-establish both AFZs for another four years, effective 6 September 2014 to 2018.

Medowie

In Medowie, the AFZ includes the road and footpaths on Ferodale Road from the eastern boundary of the Bull 'n' Bush Hotel car park across Medowie Road to Boyd Oval; the whole Boyd Oval area except during the specified times which are advised to Council, when the Medowie & District Rugby Union Club House is exercising its function liquor licence; the road and footpath on Peppertree Road; the area known as 'Anzac Park' on the eastern side of Medowie Community Centre, along Medowie Road; the private land and shopping centre car parks in the Medowie town centre. Refer to (**ATTACHMENT 1**)

Shoal Bay

In Shoal Bay, the AFZ includes the road and footpath on Shoal Bay Rd from Lillian St South to the entrance of Shoal Bay Caravan Park; Government Rd from the intersection of Shoal Bay Rd to Messines St; Bullecourt St and Lillian St; Tomaree Rd from the intersection of Shoal Bay Rd to Messines St; the foreshore walkway between Lillian St and Shoal Bay Rd intersection to the beginning of the walkway opposite Shoal Bay Caravan Park; the waterfront/beach between these locations. Refer to (**ATTACHMENT 2**)

Areas contained within the licensed alfresco dining areas on footpaths are exempt from the AFZ. The licence conditions for the Alfresco Dining Areas provide clear delimitation of these areas from the AFZ.

FINANCIAL/RESOURCE IMPLICATIONS

The costs of establishing an AFZ include installing or amending AFZ street signs, public consultation and notification. Funds to cover these costs will be sourced from the existing Strategic Planning budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	YES	6,000	Within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

AFZs are effective tools for local police to deal with alcohol-related offences to reduce anti-social behaviour and provide a safer street environment for the community. AFZs give police the power to seize and tip out or otherwise dispose of alcohol without the need to issue a warning and they can also use their discretion to issue a warning to a person who is drinking in an AFZ, for example, where the person may be unaware of the zone. In circumstances where a person does not co-operate with a police officer, they can be charged with obstruction under section 660 of the Local Government Act which carries a maximum penalty of \$2,200.

An AFZ can be established for a maximum period of four years, after which it must be re-established following the procedure prescribed by the Department of Local Government's *Ministerial Guidelines on Alcohol-Free Zones*.

The establishment of AFZ is governed by section 646 (1) of the *Local Government Act 1993*.

The Department of Local Government's *Ministerial Guidelines on Alcohol-Free Zones* stipulates that a proposal to establish an AFZ must adequately address the following:

- Reasons supporting an AFZ
- Location of an AFZ
- Duration of an AFZ
- Consultation with local Police Patrol Commander

The report and attached proposals satisfies these guidelines for reestablishment of AFZs in Medowie and Shoal Bay.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the removal of the AFZs will	Medium	Re-establish both AFZs	Yes

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

see a rise in anti- social behaviour and malicious damage.			
There is a risk of safety to the community and damage to property.	Medium	Re-establish both AFZs	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Both the Medowie & Shoal Bay AFZs will assist Police in reducing anti-social and criminal behaviour in public places. The establishment of AFZ in Medowie and Shoal Bay has helped to improve public perceptions of safety in these areas, which can increase social and economic activities. Reduced crime can also lead to reductions in the costs of repairing vandalised premises, replacing stolen goods and insurance premiums due to alcohol related crimes.

Changing the patterns of alcohol consumption in Medowie and Shoal Bay has reduced the amount of litter and broken glass found in the area and improved the overall amenity and safety of these environments.

CONSULTATION

The public consultation process to address the AFZ re-establishment submission by Police will include the steps prescribed by the Department of Local Government's *Ministerial Guidelines on Alcohol-Free Zones*:

- Publishing a notice of the proposal in a newspaper circulating in the area, allow inspection of the proposal and invite representations or objections within 30 days. The notice should state the exact location of the proposed AFZ and the place and time at which the proposal may be inspected;
- Sending a copy of the proposal to:
 - a) the officer in charge of the police station within or nearest to the proposed zone;
 - b) liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone, and invite representations or objections within 30 days.

The process will commence immediately subject to Council's resolution to supply the reestablishment of AFZs in Medowie and Shoal Bay.

OPTIONS

- 1) Accept the recommendations;
- 2) Reject the recommendations.

ATTACHMENTS

- 1) AFZ Proposal and Police application/Map of Medowie AFZ;
- 2) AFZ Proposal and Police application/Map of Shoal Bay AFZ.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

AFZ Proposal and Police application/Map of Medowie AFZ

Ministerial Guidelines on Alcohol-Free Zones

Appendix 1

APPLICATION FOR ALCOHOL-FREE ZONE
(Local Government Act 1993, section 644)

To Port Stephens Council.....(Name of Council)

1 I
(Full Name)

2 of
(Address) (Telephone No.)

3 Being (tick appropriate box):

(a) a representative of
(Name of Community Group in area)

(b) a police officer stationed at

(c) a person living in the area

(d) a person working in the area at

(work address)

apply to the Council to establish an alcohol-free zone.

4 Roads or parts of roads ('roads' includes 'footpaths') and/ or public
carparks to be included in the alcohol-free zone:

Medowie AFZ. In Medowie, the AFZ includes the road and footpaths on Ferodale Road from:

(Specify exactly by referring to street numbers or other landmarks)

5 Reasons for requesting the alcohol-free zone:

(Give details of obstruction, littering, personal injury, property damage, police
intervention, etc. that have occurred on those roads or in those carparks)

Signed.....

Date.....

Documents supporting the information on this form may be attached.



**PROPOSED RE- ESTABLISHMENT
OF THE ALCOHOL FREE ZONE
AT
(MEDOWIE)**

Proposed Alcohol Free Zone (AFZ) Medowie – AFZ expires 6 September 2014

Background

Council has received an application from Port Stephens Local Area Command to re-establish the Alcohol Free Zone in Medowie which was established in 2007.

The object of this Alcohol Free Zone is an early intervention measure to prevent the escalation of "irresponsible Street drinking" to incidents involving serious crime.

This Alcohol Free Zone (AFZs) is aimed at assisting Police to prevent alcohol related violence, anti-social behaviour and crime, which compliment other strategies that Council and Police are working on to keep our community safe.

Whilst most drinking does not result in anti-social behaviour, Port Stephens Local Area Command have over the years been called out to several beach and park locations due to crowds of unruly party-goers. Police and authorised Council Rangers are unable to control such situations without these enforcement zones and proper signage.

The identification of areas requiring enforcement is one part of Council's ongoing strategies to reduce alcohol related anti-social behaviour in Port Stephens.

Port Stephens Council can establish Alcohol Free Zones in the Council area under Section 646, of the Local Government Act 1993 and in accordance with the NSW Ministerial Guidelines.

Legislation

The statutory powers available to Council in respect of AFZs are derived from the following segments of the Local Government Act 1993:

- a) In respect of a public place that is a public road or car park: Sections 642-649 inclusive (these sections apply only to street drinking)
- b) In respect of any public place within the area of a Council (other than a public road or car park): Section 632 (Acting contrary to notices erected by Councils) and Section 670 (Notices and signs) (these sections apply to "the doing of anything in the place")

Section 646 requires mandatory compliance with Ministerial Guidelines for Alcohol Free Zones. The current guidelines state:

"Each individual zoning is to be considered according to its particular circumstances. Reasons supporting Alcohol Free Zones must be included and must reflect the fact that irresponsible behaviour arising from the consumption of alcohol is occurring."

Location – Medowie

An AFZ may only be established to include a public road, footpath or a public place that is a car park (i.e. car parks on public land or Crown land). Private car parks (being on private land and not under the control of the council) may not be included.

Generally, an alcohol-free zone should be as small as is possible and must only extend to areas which can be supported by reasons as set above.

Alcohol-free zones should primarily be located adjacent to outlets supplying alcohol where drinkers congregate.

Alcohol Free Zones and Alfresco Dining

In some circumstances an alcohol-free zone may be proposed for an area that includes footpath alfresco dining areas for cafés and restaurants which fall within the zone. When a council issues a licence for the use of public footpaths for such dining use in an alcohol-free zone, it must impose conditions on the licensee (e.g. restaurant operator) about the requirements of the zone, including clear delineation and control of the licensed area from the alcohol-free zone.

Location of current enforceable AFZ

The proposed area would include:

- The road and footpaths on Ferodale Road from the eastern boundary of the Bull 'n' Bush Hotel car park across Medowie Road to Boyd Oval
- The whole Boyd Oval area except during the specified times when the Medowie & District Rugby Union Club House is exercising its function liquor licence
- The road and footpath on Peppertree Road
- The area known as 'Anzac Park' on the eastern side of Medowie Community Centre, along Medowie Road
- The private land and shopping centre car parks incorporated in the Medowie shopping precinct area
- All alfresco eating areas



Reasons to re-establish the AFZ at Medowie

Reasons for supporting the re-establishment of the existing Medowie Alcohol Free Zone is reflected in the fact that irresponsible behaviour arising from the consumption of alcohol is occurring on those roads and footpaths and in the public car parks at Medowie.

Concerns have been raised by Medowie residents and local businesses about the after-hours and weekend consumption of alcohol in these areas. The local Police have agreed that establishment of an AFZ would assist Police deal with alcohol-related offences in an effort to eliminate anti-social behaviour and provide a safer street environment for the community.

Police crime data indicates a high rate of alcohol-related crime occurs in the proposed area, with the worst times being Friday and Saturday nights. The incidence of malicious damage is highest, with several businesses having been targeted, and there have been several cases of resist, hinder and assault Police.

There are reported instances of obstruction, littering, and police intervention which alleviate more serious offences under the *Law Enforcement (Powers and Responsibilities) Act 2002*, *Summary Offences Act 1988* or the *Crimes Act 1900*, such as malicious damage, etc.

The re-establishment of the existing Alcohol Free Zone in Medowie will allow the continuation of deterring anti - social behaviour and assist the Police in the enforcement of the zone.

Re-establishment of the Alcohol Free Zone in Medowie will offer support to the licensee, security officers and Police to continue to curb drinking in this designated Alcohol Free Zone.

It is considered by Police that the AFZ should be re-established due to anti-social behaviour relating to alcohol. This is an ongoing problem in this area and if consumption of alcohol is permitted in this area at Medowie, then anti-social behaviour in this area will likely escalate to a significant level.

The zone would be in effect if re-established from 6 September 2014 to 2018 and would not prevent the consumption of alcohol in any footpath dining areas that have a liquor license covering the footpath dining area.

Alcohol Free Zones and Alfresco Dining

In some circumstances an alcohol-free zone may be proposed for an area that includes footpath alfresco dining areas for cafés and restaurants which fall within the zone. When a council issues a licence for the use of public footpaths for such dining use in an alcohol-free zone, it must impose conditions on the licensee (e.g. restaurant operator) about the requirements of the zone, including clear delineation and control of the licensed area from the alcohol-free zone.

The re-establishment of the Medowie Alcohol Free Zone would restrict the activities of anti-social elements due to:

- including the frequency of anti-social incidents
- proximity of lighting
- the nature of the terrain
- the likely capacity of the police to patrol the area to enforce the restrictions
- the presence of opportunities for informal surveillance by the public
- the area is on a well-used route and includes a licensed premise

Police have noted the success of the existing Alcohol Free Zone in reducing alcohol related crime and anti-social behaviour, but have indicated that alcohol remains a factor in this area for crimes such as assault, malicious damage and anti-social behaviour.

It is considered appropriate to re-establish the existing AFZ based on recommendations from Police to provide a deterrent to anti-social behaviours and alcohol related crime and to enable the seizure and disposal of alcohol from persons who choose to consume alcohol on the street.

Duration of the Alcohol Free Zone

The AFZ may be established for a maximum period of four years. Once proposed time is established, the zone applies twenty-four hours per day.

Consultation with Police

In preparing this proposal to re-establish the Medowie Alcohol Free Zone, Council has consulted with the relevant Police Local Area Commander and Police - Crime Prevention Officer regarding the ongoing reasons to re-establishment the Alcohol Free Zone at Medowie.

Appendix

- 1) Police Application for Re-establishment of Alcohol Free Zone

ATTACHMENT 2

AFZ Proposal and Police application/Map of Shoal Bay AFZ

Ministerial Guidelines on Alcohol-Free Zones

Appendix 1

APPLICATION FOR ALCOHOL-FREE ZONE

(Local Government Act 1993, section 644)

To Port Stephens Council.....(Name of Council)

1 I
(Full Name)

2 of
(Address) (Telephone No.)

3 Being (tick appropriate box):

(a) a representative of
(Name of Community Group in area)

(b) a police officer stationed at

(c) a person living in the area

(d) a person working in the area at

(work address)

apply to the Council to establish an alcohol-free zone.

4 Roads or parts of roads ('roads' includes 'footpaths') and/ or public carpark to be included in the alcohol-free zone:

In Shoal Bay, the AFZ includes the road and footpath on Shoal Bay Rd from Lillian St South to

(Specify exactly by referring to street numbers or other landmarks)

5 Reasons for requesting the alcohol-free zone:

(Give details of obstruction, littering, personal injury, property damage, police intervention, etc. that have occurred on those roads or in those carpark)

Signed.....

Date.....

Documents supporting the information on this form may be attached.



**PROPOSED RE- ESTABLISHMENT
OF THE ALCOHOL FREE ZONE
AT
(SHOAL BAY)**

Proposed Alcohol Free Zone (AFZ) Shoal Bay – AFZ expiry 6 September 2014

Background

Council has received an application from Port Stephens Local Area Command to re-establish the Alcohol Free Zone in Shoal Bay which was established in 2007.

The object of this Alcohol Free Zone is an early intervention measure to prevent the escalation of "irresponsible Street drinking" to incidents involving serious crime.

This Alcohol Free Zone (AFZs) is aimed at assisting Police to prevent alcohol related violence, anti-social behaviour and crime, which compliment other strategies that Council and Police are working on to keep our community safe.

Whilst most drinking does not result in anti-social behaviour, Port Stephens Local Area Command have over the years been called out to several beach and park locations due to crowds of unruly party-goers. Police and authorised Council Rangers are unable to control such situations without these enforcement zones and proper signage.

The identification of areas requiring enforcement is one part of Council's ongoing strategies to reduce alcohol related anti-social behaviour in Port Stephens.

Port Stephens Council can establish Alcohol Free Zones in the Council area under Section 646, of the Local Government Act 1993 and in accordance with the NSW Ministerial Guidelines.

Legislation

The statutory powers available to Council in respect of AFZs are derived from the following segments of the Local Government Act 1993:

- a) In respect of a public place that is a public road or car park: Sections 642-649 inclusive (these sections apply only to street drinking)
- b) In respect of any public place within the area of a Council (other than a public road or car park): Section 632 (Acting contrary to notices erected by Councils) and Section 670 (Notices and signs) (these sections apply to "the doing of anything in the place")

Section 646 requires mandatory compliance with Ministerial Guidelines for Alcohol Free Zones. The current guidelines state:

"Each individual zoning is to be considered according to its particular circumstances. Reasons supporting Alcohol Free Zones must be included and must reflect the fact that irresponsible behaviour arising from the consumption of alcohol is occurring."

Location – Shoal Bay

An AFZ may only be established to include a public road, footpath or a public place that is a car park (i.e. car parks on public land or Crown land). Private car parks (being on private land and not under the control of the council) may not be included.

AFZ should primarily be located adjacent to outlets supplying alcohol where drinkers congregate.

Alcohol Free Zones and Alfresco Dining

In some circumstances an alcohol-free zone may be proposed for an area that includes footpath alfresco dining areas for cafés and restaurants which fall within the zone. When a council issues a licence for the use of public footpaths for such dining use in an alcohol-free zone, it must impose conditions on the licensee (eg restaurant operator) about the requirements of the zone, including clear delineation and control of the licensed area from the alcohol-free zone.

Location of current enforceable AFZ

In Shoal Bay, the AFZ includes the road and footpath on Shoal Bay Rd from Lillian St South to the entrance of Shoal Bay Caravan Park; Government Rd from the intersection of Shoal Bay Rd to Messines St; Bullecourt St and Lillian St; Tomaree Rd from the intersection of Shoal Bay Rd to Messines St; the foreshore walkway between Lillian St and Shoal Bay Rd intersection to the beginning of the walkway opposite Shoal Bay Caravan Park; the waterfront/beach between these locations.



Reasons to re-establish the AFZ at Shoal Bay

Reasons for supporting the re-establishment of the existing Shoal Bay Alcohol Free Zone is reflected in the fact that irresponsible behaviour arising from the consumption of alcohol is occurring on those roads and footpaths and in the public car parks at Shoal Bay.

There are reported instances of obstruction, littering, and police intervention which alleviate more serious offences under the *Law Enforcement (Powers and Responsibilities) Act 2002*, *Summary Offences Act 1988* or the *Crimes Act 1900*, such as malicious damage, etc.

The re-establishment of the existing Alcohol Free Zone in Shoal Bay will allow the continuation of deterring anti - social behaviour and assist the Police in the enforcement of the zone.

Shoal Bay is also considered one of Port Stephens prime tourist locations and is also host to large events such as the annual New Year's Eve and Australia Day celebrations and various functions.

The re-establishment of the Shoal Bay Alcohol Free Zone would restrict the activities of anti-social elements, due to:

- the frequency of anti-social incidents
- due to proximity of lighting
- the nature of the terrain
- the likely capacity of the police to patrol the area to enforce the restrictions
- the presence of opportunities for informal surveillance by the public
- the area is on a well-used route and includes a licensed premise

Police have noted the success of the existing Alcohol Free Zone in reducing alcohol related crime and anti-social behaviour, but have indicated that alcohol remains a factor in this area for crimes such as assault, malicious damage and anti-social behaviour.

It is considered appropriate to re-establish the existing AFZ based on recommendations from police to provide a deterrent to anti-social behaviours and alcohol related crime and to enable the seizure and disposal of alcohol from persons who choose to consume alcohol on the street.

Re-establishment of the Alcohol free Zone in Shoal Bay will offer support to the licensee, security officers and Police to continue to curb drinking in this designated Alcohol Free area.

Due to the high number of visitors and events held in the Shoal Bay area, such as the Port Stephens New Year's Eve celebrations and Australia Day event it is recommended that Council re-establish the Alcohol Free Zone and place the proposal on Public Exhibition.

It is considered by Police that the zone should be re-established due to anti-social behaviour relating to alcohol. This is an ongoing problem in this area and if consumption of alcohol is permitted in this area at Shoal Bay, then anti-social behaviour in this area will escalate to a significant level.

The zone would be in effect if re-established from 6 September 2014 to 2018 and would not prevent the consumption of alcohol in any footpath dining areas that have a liquor license covering the footpath dining area.

Duration of the Alcohol Free Zone

It is proposed that the Alcohol-Free Zone be established for a maximum period of four years. Once proposed time is established, the zone applies twenty-four hours per day.

Consultation with Police

In preparing this proposal to re-establish the Shoal Bay Alcohol Free Zone, Council has consulted with the relevant Police Local Area Commander and Police - Crime Prevention Officer regarding the ongoing reasons to re-establishment the Alcohol Free Zone at Shoal Bay.

Appendix

- 1) Application for Re-establishment of Alcohol Free Zone

ITEM NO. 9

FILE NO: PSC2012-03228

POLICY REVIEW: NAMING AND RENAMING OF RESERVES

REPORT OF: BRETT FIELD - ACTING PROPERTY SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised NAMING AND RENAMING OF RESERVES policy shown at **(ATTACHMENT 1)**;
- 2) Place the NAMING AND RENAMING OF RESERVES policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council;
- 3) Revoke the NAMING AND RENAMING OF RESERVES **(ATTACHMENT 2)** policy dated 9 October 2012 (Minute No. 263), should no submissions be received.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor John Nell Councillor Steve Tucker</p>
	<p>That the recommendation be adopted.</p>

MOTION

208	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the revised NAMING AND RENAMING OF RESERVES policy shown at (ATTACHMENT 1); 2) Place the NAMING AND RENAMING OF RESERVES policy, as amended on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted as amended, without a further report to Council; 3) Revoke the NAMING AND RENAMING OF RESERVES (ATTACHMENT 2) policy dated 9 October 2012 (Minute No. 263), should no submissions be received.

BACKGROUND

The purpose of this report is to revoke the existing Naming and Renaming of Reserves Policy (**ATTACHMENT 2**) and implement the revised Naming and Renaming of Reserves Policy (**ATTACHMENT 1**);

The new Policy more accurately reflects the current statutory requirements of Geographical Names Board Guidelines (GNB) and is a more detailed document to assist staff and Council in decision making when new applications are received.

FINANCIAL/RESOURCE IMPLICATIONS

Costs associated with policy review are covered in the 2014-2015 budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Resources required to review this policy are covered within existing budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is a risk that failure to properly manage Council's documented policies, management directives, strategies and processes may affect Council's objective to ensure the long term sustainability of services and protect the community's assets.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that inconsistencies may arise between Council's Policy and Geographical Names Board (GNB) Policy.	Medium	Adopt the recommendations.	Yes
There is a risk that Council's administrative processes remain outdated.	Low	Adopt the recommendations. Update Council's Policy register. Communicate to all staff.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Property Officer;
- 2) Geographical Names Board.

OPTIONS

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

ATTACHMENTS

- 1) Revised Naming and Renaming of Reserves Policy;
- 2) Existing Naming and Renaming of Reserves Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
REVISED NAMING AND RENAMING OF RESERVES POLICY



POLICY

Adopted: 9 October 2012
Minute No: 263
Amended:
Minute No:

FILE NO: PSC2012-03228
TITLE: NAMING AND RENAMING OF RESERVES POLICY
RESPONSIBLE OFFICER: PROPERTY OFFICER

BACKGROUND

The naming and renaming of reserves is a process defined within the Geographical Names Board (GNB) guidelines to comply with the Geographical Names Board Act 1966. Council must comply with this Act when naming or renaming its reserves. It involves consultation with GNB, the Community, Crown Lands, Historical Society and Local Aboriginal Land Council (where applicable).

The purpose of this Policy is to provide consistency in the process of naming and renaming reserves.

OBJECTIVE

- 1) To provide for consistency in the process of naming and renaming of Council owned reserves or Crown reserves over which Council has been appointed Trust Manager.

PRINCIPLES

- 1) This Policy applies to the naming and renaming of Council owned reserves (either public reserves or drainage reserves) and Crown reserves over which Council has been appointed Trust Manager. Requests for the naming of other Crown lands should be referred back to the applicant with the advice they should contact the relevant Crown office directly.

POLICY STATEMENT

- 1) It is Council's intent that this Policy specify the requirements of naming and renaming a Council owned reserve or Crown reserves over which Council has been appointed Trust Manager.

PART A - THE NAMING OF COUNCIL OWNED RESERVES

(ie. Council holds freehold title)

1. An application/enquiry is received at Council either from a person or agency or by a section of Council with the proposal to name or rename a reserve. Initial consultation between Council's Property Officer and relevant Council staff will determine if naming is required or appropriate (eg. reserve possibly already named).
2. Requests for the naming of reserves are to comply with the Placename Application Form (fact sheet) and Guidelines as set by the GNB for determination. An extract of the Guidelines is annexed to this Policy of Schedule 1. Where an application is received seeking commemoration of a living person, the application shall be refused.
3. Where the application is received seeking the commemoration of a deceased person (12 months must have passed since they deceased) then a Commemorative Naming Form and Guidelines as set by the GNB should also be completed.
4. Where the proposed name has an historical connotation, the relevant local Historical Society shall be notified by mail or email of the proposal and requested to comment on the historical suitability of the name.
5. Where the proposed name has an Aboriginal connotation, the relevant Local Aboriginal Land Council shall be notified by mail or email of the proposal and requested to comment on the suitability of the name.
6. A recommendation will be prepared for the Ordinary Council Meeting providing relevant details requesting Council apply to the GNB with the proposed name.
7. If recommendation is approved Council's Property Section will complete the required application form after liaising with the applicant to obtain all details. This form will be submitted to GNB with any other required documents for the Board to determine.
8. If the recommendation is not approved the applicant is advised to propose a new name and the process will begin again from point 3.
9. If the GNB determine the name is appropriate that Department will advertise in a local newspaper circulating in the area of the reserve proposed to be named/renamed with a copy of the advertisement to be placed in each Council's mail tray. The advertisement shall include the following: "That comments and submissions on the proposal shall be in writing and will be received by Council for a period of 28 days from the date of advertisement/written notification".

10. At the close of the advertising/public consultation period and if objection(s) have been received, copies of all objections will be reported to Council.
11. If Council resolve to proceed and change the original proposed name to one provided through the objection process and agrees upon a name(s), application shall be made to the GNB for formal approval of the name(s) resolved.
12. The reserve(s) is taken to be officially named upon publication of a notice by the GNB in the New South Wales Government Gazette and local newspaper.
13. That the persons/organisations listed in Schedule 2 be advised of the naming.
14. Suitable signage to be erected upon the reserve(s) at such position(s) as determined by the required Facilities and Services staff or his/her nominated representative.

PART B - THE NAMING OF CROWN RESERVES OVER WHICH COUNCIL HAS BEEN APPOINTED TRUST MANAGER

1. Requests are to comply with Point 2 Part A of this Policy.
2. Approval shall be obtained from the District Office of Crown Land prior to advertising/public consultation.
3. If approval is obtained, compliance with requirement of Points 3 to 14 inclusive of Part A of this Policy.

RELATED POLICIES

- 1) Geographical Names Board NSW Road Naming Policy;
- 2) Council Road Naming Policy.

SUSTAINABILITY IMPLICATIONS

Implementation of this policy with adoption of uniform guidelines endorsed by the GNB will enable ratepayers and public authorities such as the Police and Ambulance Services to more easily find specified reserves.

The applicant would be responsible for costs therefore if Council were the applicant the costs would be minimal, generally only for signage.

RELEVANT LEGISLATIVE PROVISIONS

- 1) This Policy must conform with the requirements of the Historical Society and Local Aboriginal Land Council where applicable and ultimately the requirements of the Geographical Names Act 1966 and Local Government Act 1993.

IMPLEMENTATION RESPONSIBILITY

- 1) Roles and responsibilities - the Property Officer is responsible for the implementation of this Policy.
- 2) Support and advice - can be obtained from the GNB, Historical Society and Local Aboriginal Land Council and Crown Land where applicable.
- 3) Communication - Council staff and the community will be kept informed via local newspapers and either mail or email for the consultation period and after the name is finalised, the GNB will publish the name in the NSW Government Gazette.

PROCESS OWNER

- 1) Property Officer.

REVIEW DATE

- 1) Immediate review of this policy by the Property Officer should any changes to Crown Land, GNB or Council procedures occur.
- 2) 1 August 2016.

**ANNEXURE 1
SCHEDULE 1
GUIDELINES FOR THE DETERMINATION OF PLACE NAMES**

- 1) When a name is suggested that owes its origin to the peculiarity of a topographic feature such as shape, vegetation and animal life etc. care should be exercised in avoiding duplication of names already used for other features. The GNB prefers to avoid the repetition of commonly used names. Sugar Loaf, Sandy, Back, Bald, Deep, Long, Kangaroo, Reedy, Rocky, Spring and Stony are examples of such names.
- 2) Easily pronounced names should, as far as possible, be used.
- 3) Names of Aboriginal origin or with a historical background are preferred.
- 4) Names acknowledging the multicultural nature of our society are encouraged.
- 5) The changing of long established names is generally not preferred, except where necessary to avoid ambiguity or duplication.
- 6) If considered appropriate, names may perpetuate the names of eminent person particularly those of early explorers, settlers and naturalists.
- 7) Name of persons should normally only be given posthumously but the GNB, at its discretion, may approve a feature name which honours a living person. Such a person's contribution to the local community should have been of outstanding benefit to the community. Ownership of land is not sufficient reason for the application of the owner's name to be a geographical feature. The GNB will not approve the naming of a feature after a person still holding public office.
- 8) The GNB may approve a first or given name as part of a geographical name only where it is necessary to appropriately honour the person referred to or where it is necessary to avoid ambiguity.
- 9) Long and clumsily constructed names and names composed of two or more words should be avoided.
- 10) The multiplication of names for different parts of the same topographical feature such as a stream or mountain range will be avoided whenever possible and the one name applied to a stream or mountain range throughout its entire length.
- 11) The naming of forks, arms and branches of a river as North Branch and South Branch is not favoured. Generally, it is preferable to assign independent names to river branches.

- 12) The use of cardinal points of the compass as a prefix or suffix to an existing name is not favoured. However, well established names, which carry such a prefix, may be approved.
- 13) Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form; that spelling which is sanctioned by general usage should be adopted.
- 14) When a choice is offered between two or more names for the same place, locality or feature, all sanctioned by local usage, the GNS may adopt one of such name as is considered appropriate in accordance with the rules outlined above.
- 15) The possessive form should be avoided wherever possible without destroying the sound of the name eg. Smith's Reserve should ideally be Smith Reserve.
- 16) The use of hyphens in connecting parts of names should, as far as possible be avoided.
- 17) Names considered offensive or likely to give offence will not be approved.

**ANNEXURE 2
SCHEDULE 2**

PERSONS OR ORGANISATIONS TO BE NOTIFIED ONCE A NAME HAS BEEN ADOPTED

- 1) The applicant making the initial request.
- 2) All persons/organisation who made submissions (whether objection or in support).
- 3) If Crown land (reserve) has been named the Newcastle/Maitland District Office of Crown Land
- 4) Any relevant Progress Associations who have been involved in the naming process.
- 5) The relevant Local Historical Society (if the name has historical connotations).
- 6) The relevant Local Aboriginal Land Council (if the name has Aboriginal connotations).

ATTACHMENT 2
EXISTING NAMING AND RENAMING OF RESERVES POLICY



POLICY

Adopted: 9 October 2012
Minute No: 263
Amended:
Minute No:

FILE NO: PSC2012-03228
TITLE: NAMING AND RENAMING OF RESERVES POLICY
RESPONSIBLE OFFICER: PROPERTY OFFICER

BACKGROUND

The naming and renaming of reserves is a process that involves consultation with the community, Historical Society and Local Aboriginal Land Council (where applicable) and must comply with the guidelines endorsed by the Geographical Names Board (GNB).

The purpose of this policy is to provide consistency in the process of naming and renaming reserves.

OBJECTIVE

- 1) To provide for consistency in the process of naming and renaming of Council owned reserves or Crown land over which Council has been appointed Trust Manager.

PRINCIPLES

Note: This policy applies to the naming and renaming of Council owned reserves (either public reserves or drainage reserves) and Crown land over which Council has been appointed Trust Manager. Requests for the naming of other Crown lands should be referred back to the applicant with the advice they should contact the relevant Crown office directly.

POLICY STATEMENT

- 1) It is Council's intent that this policy specify the requirements of naming and renaming a Council owned reserve or Crown land over which Council has been appointed Trust Manager.

PART A - THE NAMING OF COUNCIL OWNED RESERVES

(ie. Council holds freehold title)

1. Requests for the naming of reserves are to comply with the guidelines for the determination of place names endorsed by the GNS on 17 October 1996. A copy of the guidelines is annexed to this policy at Schedule 1. Where an application is received seeking commemoration of a living person, the application shall be refused.
2. Public consultation shall occur in the following manner:
 - a) The proposed name shall be advertised in a newspaper circulating in the area of the reserve proposed to be named/renamed with a copy of the advertisement to be placed in each Councillors mail tray.
 - b) If the reserve is located in an urban area, all landowners within a radius of 400 metres of the central point of the reserve shall be notified by mail of the proposal.
 - c) If the reserve is in a non-urban area, adjoining owners shall be notified by mail of the proposal.
 - d) The relevant local progress association shall be notified by mail of the proposal.
 - e) Where the proposed name has an historical connotation, the relevant local Historical Society shall be notified by mail of the proposal and requested to comment on the historical suitability of the name.
 - f) Where the proposed name has an Aboriginal connotation, the relevant Local Aboriginal Land Council shall be notified by mail of the proposal and requested to comment on the suitability of the name.
3. The advertisement and letters of notification shall include the following: "That comments and submissions on the proposal shall be in writing and will be received by Council for a period of one month from the date of advertisement/written notification".
4. At the close of the advertising/public consultation period and if objection(s) have been received, the proposal shall be reported to the Ordinary Council meeting. Copies of all objections shall be provided to the meeting. If the Council resolves to proceed with a naming proposal and agrees upon a name(s), application shall be made to the GNS for formal approval of the name(s) resolved by the Council.

5. At the close of the advertising/public consultation period and if no objection is received, application shall be made to the GNB for formal approval of the name(s).
6. The reserve(s) are taken to be officially named upon publication of a notice by the GNB in the New South Wales Government Gazette.
7. That the persons/organisations listed in Schedule 2 be advised of the naming.
8. Suitable signage to be erected upon the reserve(s) at such position(s) as determined by the Manager Parks & Gardens or his/her nominated representative.

PART B - THE NAMING OF CROWN RESERVES OVER WHICH COUNCIL HAS BEEN APPOINTED TRUST MANAGER

1. Requests are to comply with Point 1 Part A of this policy.
2. Approval shall be obtained from the District Office of the Department of Lands prior to advertising/public consultation.
3. If approval is obtained, compliance with Points 2 to 8 inclusive of Part A of this policy.

RELATED POLICIES

NIL

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

- 1) Implementation of this policy with adoption of uniform guidelines endorsed by the GNB will enable ratepayers to more easily find specified reserves.

ECONOMIC IMPLICATIONS

NIL

ENVIRONMENTAL IMPLICATIONS

NIL

RELEVANT LEGISLATIVE PROVISIONS

- 1) This policy must conform with the requirements of the Historical Society and Aboriginal Land Council where applicable and ultimately the requirements of the GNB.

3

IMPLEMENTATION RESPONSIBILITY

- 1) Roles and responsibilities – the Property Officer is responsible for the implementation of this policy.
- 2) Support and advice – can be obtained from the GNB, Historical Society and Aboriginal Land Council where applicable.
- 3) Communication – Council staff and the community will be kept informed via local newspapers and the mail for the consultation period and after the name is finalised, the GNB will publish the name in the NSW Government Gazette.

REVIEW DATE

- 1) Immediate review of this policy by the Property Officer should any changes to GNB procedures occur.
- 2) Two years from the date of adoption by Council – October 2014.

ANNEXURE 1

SCHEDULE 1

GUIDELINES FOR THE DETERMINATION OF PLACE NAMES

1. When a name is suggested that owes its origin to the peculiarity of a topographic feature such as shape, vegetation and animal life etc, care should be exercised in avoiding duplication of names already used for other features. The GNB prefers to avoid the repetition of commonly used names. Sugar Loaf, Sandy, Back, Bald, Deep, Long, Kangaroo, Reedy, Rocky, Spring and Stony are examples of such names.
2. Easily pronounced names should, as far as possible, be used.
3. Names of Aboriginal origin or with a historical background are preferred.
4. Names acknowledging the multicultural nature of our society are encouraged.
5. The changing of long established names is generally not preferred, except where necessary to avoid ambiguity or duplication.
6.
 - a) If considered appropriate, names may perpetuate the names of eminent persons, particularly those of early explorers, settlers and naturalists.
 - b) Name of persons should normally only be given posthumously and only then when their contribution to the local community has been of outstanding benefit to the community. Ownership of land is not sufficient reason for the application of the owner's name.
 - c) Use of a first or given name may only be used where it is necessary to appropriately honour the person referred to or where it is necessary to avoid duplication.
7. Long and clumsily constructed names and names composed of two or more words should be avoided.
8. The use of cardinal points of the compass as a prefix or suffix is not favoured. However, well established names, which carry such a prefix, may be approved.
9. Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form; that spelling which is sanctioned by general usage should be adopted.
10. The possessive form should be avoided wherever possible without destroying the sound of the name e.g. Smith's Reserve should ideally be Smith Reserve.
11. The use of hyphens in connecting parts of names should be avoided.
12. Names considered offensive or likely to give offence should be avoided, as should names that have a commercial or company trading name.

ANNEXURE 2

SCHEDULE 2

PERSONS OR ORGANISATIONS TO BE NOTIFIED ONCE A NAME
HAS BEEN ADOPTED

1. The person/organisation making the initial request.
2. All persons/organisation who made submissions (whether objection or in support).
3. The Taree District Office of the Department of Lands (if Crown land has been named).
4. The relevant Progress Association.
5. The relevant Local Historical Society (if the name has historical connotations).
6. The relevant Local Aboriginal Land Council (if the name has Aboriginal connotations).

ITEM NO. 10

FILE NO: PSC2007-2377

POLICY REVIEW: PRICING POLICY

REPORT OF: TIM HAZELL – FINANCIAL SERVICES SECTION MANAGER

GROUP: CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Pricing Policy (**ATTACHMENT 1**);
- 2) Place the Pricing Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, adopt the policy as amended, without a further report to Council.
- 3) Revoke the PRICING Policy dated 26 JUNE 2012 (Min No. 155), should no submissions be received.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Paul Le Mottee Councillor Geoff Dingle</p>
	<p>That the recommendation be adopted.</p>

MOTION

209	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the amendments to the Pricing Policy (ATTACHMENT 1); 2) Place the Pricing Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, adopt the policy as amended, without a further report to Council. 3) Revoke the PRICING Policy dated 26 JUNE 2012 (Min No. 155), should no submissions be received.

BACKGROUND

The purpose of this report is to review the Pricing Policy adopted by Council on 26 June 2012 (Minute No.155).

Under Section 608 of the Local Government Act 1993, Council is authorised to recover fees and charges for any services it provides. The current Policy has been effective in providing a framework to regulate the setting of Council's fees and

charges that is consistent with legislative requirements and that recognises Council's community service obligations.

FINANCIAL/RESOURCE IMPLICATIONS

The Pricing Policy provides guidelines for fee setting that ensures an appropriate return to effectively account for and manage the assets for which it is responsible. Additionally, it provides for equitable access to facilities and services and recognises Council's community service obligations. User fees and charges accounted for \$34.48M in revenue to Council (2013-2014) therefore setting the fees and charges requires an appropriate and comprehensive framework, which the current policy provides.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	34.48M	As allocated.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council has the authority under section 608 of the Local Government Act 1993 to recover approved fees and charges. To date, Council has operated within general guidelines in fee setting. The Policy recognises in some instances, Council is a monopoly provider and has a duty to deliver value for money to ratepayers and residents.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the Policy fails to deliver appropriate returns to Council.	Low	A review of the Pricing Policy can be undertaken at any time but must be reviewed every two years.	Yes
There is a risk that the Policy is not applied as intended.	Low	Annual fees and charges setting as required under s608 identifies anomalies.	Yes
There is a risk that Council officers and/or committees fail to implement the Policy.	Low	Internal Audit and annual fees and charges setting processes will identify anomalies and require corrective action.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Pricing Policy is designed to provide a return to Council and thus the community of Port Stephens and its assets. At the same time, it is designed to recognise Council's community service obligations and ensures – through a pricing mechanism – that there is equitable and affordable access to facilities and services.

The Pricing Policy covers all of Council's operations across the sustainability pillars through the mechanism of fees and charges for services in all categories (ie. social, economic and environmental). It takes account of use of assets from staff time (human resources), community assets and commercial assets and activities.

CONSULTATION

- 1) Accounting and Revenue Coordinator;
- 2) Corporate Strategy and Planning Coordinator.

OPTIONS

- 1) Adopt the recommendations;
- 2) Amend the recommendations;
- 1) Reject the recommendations.

ATTACHMENTS

- 1) Pricing Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted: 26 June 2012
Minute No: 155
Amended:
Minute No:

FILE NO: PSC2007-2377
TITLE: PRICING POLICY
RESPONSIBLE OFFICER: FINANCIAL SERVICES MANAGER

BACKGROUND

In accordance with section 608 of the Local Government Act, 1993 and other relevant legislation, Council charges and recovers approved fees and charges for any services it provides as contained within Council's annual fees and charges document.

This Policy outlines the principles to be used when setting fees and charges. It needs to be read in conjunction with Council's annual fees and charges document and any guidelines developed by Council's Financial Services Section to assist Council staff in calculating the amount of fees and charges.

OBJECTIVE

- 1) To provide a decision-making framework for the determination of fees and charges;
- 2) To enable determination of fees and charges that is equitable, consistent, timely and accountable;
- 3) To provide opportunities for cost recovery whilst meeting Council's community service obligations;
- 4) To meet Council's statutory requirements under the Local Government Act, 1993 and other relevant legislation in relation to setting fees and charges;
- 5) To assist Council staff, when reviewing existing fees and charges and/or considering new fees and charges.

PRINCIPLES

- 1) Council has a charter under the Local Government Act, 1993 of fair imposition of fees and charges.
- 2) Council has a charter under the Local Government Act, 1993 to effectively account for and manage the assets for which it is responsible.



- 3) Council will strive to provide equitable access to its facilities and services.
- 4) Council recognises that as a monopoly provider of some facilities and services it has a duty to deliver value for money to ratepayers and residents.

POLICY STATEMENT

1) General

Port Stephens Council recognises that it has community service obligations which are non-commercial requirements for identified social purposes, and that these obligations constitute a significant component of the social policies of Council. The concept of community service obligations informs the Council's Pricing Policy.

2) Pricing Policy

Section 608-610 of the Local Government Act, 1993 authorises Council to charge and recover fees for any service it provides apart from services for which the charging of a fee is prohibited. Council may waive all or part of a fee unless it is a fee regulated directly by the State Government. In determining whether a fee should be charged for a service Council will consider a number of principles, firstly, whether the service provides a public benefit or a private benefit.

A 'public' service is one where there is a general benefit to the community and where there is limited opportunity of collecting a fee, for example, roads and parks.

A 'private' service is one which provides a discernible private benefit to persons and which offers an opportunity of collecting a fee, for example processing a rezoning application. Where a service generates a private benefit then recovery of costs through a fee is appropriate.

In determining the cost of providing a service, Council will:

- identify and quantify the fully absorbed cost including appropriate overheads, which reflect the proportion of 'centralised' support cost that should be recovered;
- consider any community service obligations (CSO) where there are clear social or equity objectives in the provision of the service. In assessing the existence and level of a CSO, Council will consider:
 - o the social or community objectives achieved or assisted by the consumption of the service;
 - o the social or community values promoted by wider availability of the service;
 - o whether the direct consumers are unable to purchase a socially desirable level of service; and
 - o whether direct beneficiaries of the service are deserving of favourable pricing.

- If it is determined that a CSO is present, then Council will consider setting a fee below the level of full cost recovery. In determining the amount of discount or subsidy, Council will consider:
 - the level of CSO in the service;
 - the objectives of the service;
 - the consumers' ability to pay;
 - price sensitivity of the service; and
 - the application of a suggested industry reference price.

In the case of fees set by statute, the fee will be set in accordance with the relevant statute.

3) Pricing methods

Fees and charges made by Council will be classified according to the pricing structures as outlined below. Full cost pricing will apply to all of Council's fees and charges, except in the circumstances outlined in the alternative pricing structures.

Full cost pricing

Council will recover all direct and indirect costs of the service (including on-costs, overheads and depreciation of assets employed).

Partial cost pricing

Council will recover less than the full cost (as defined above).

Partial cost pricing may be used if shared benefits are derived from the provision of the service that accrue to the community as a whole as well as to individual users. It may also be applied where charging full cost recovery pricing will result in widespread evasion.

The price structure may also be used to stimulate demand for a service in the short term, although foregoing full cost recovery must be for a defined term only.

Statutory pricing

The price of this service is determined by legislation and dependent on that price, Council may or may not recover its full costs, but has no discretion to do so.

Market pricing

The price of the service is determined by examining alternative prices of surrounding service providers (this also may or may not recover the full cost of the service).

This pricing structure should apply in cases where the service is in competition with that provided by another council, agency or

commercial provider and there is consequent pressure to set a price that will attract adequate usage of the service.

Market pricing should also apply where a service is predominantly provided for Council's in-house use, but sale to external markets will defray costs.

Free (zero priced)

Some services may be provided free of charge and the whole cost determined as a community service obligation and may fall within the class of a public good. This price structure may be used where the services provide a broad community benefit; and/or it is impractical or inconceivable to charge for the service on a user basis.

The price structure may also apply where the service is a minor part of the overall operation of Council and the potential for revenue collection is so minor as to be outweighed by the cost of collection.

Rate of return pricing

This price includes the full cost pricing as defined above, with the addition of a profit margin to factor in a return to Council for assets employed.

This pricing structure should be applied when the service is a profit-making activity and the price is paid by users. The pricing should recover an amount greater than full cost recovery for providing that service. This pricing structure should also be used when it is necessary to create a penalty that is to act as a pricing disincentive.

RELATED POLICIES

- 1) Budget Control and Authorisation policy.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Policy allows Council to exercise its community service obligations and to ensure equitable access to and consistent pricing of Council's services.

ECONOMIC IMPLICATIONS

The Policy optimises returns to Council on the use of its assets and resources. At the same time, it recognises the principles associated with users' ability to pay, competition and market conditions.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this Policy.



RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act, 1993;
- 2) Division of Local Government Competitive Neutrality Guidelines;
- 3) (Federal) A New Tax System (Goods and Services Tax) Act 1999 and regulations.

IMPLEMENTATION RESPONSIBILITY

- 1) Financial Services Manager.

REVIEW DATE

- 1) ~~1 July 2014~~ 1 July 2016.

Delete: 1 July 2014
Insert: 1 July 2016

ITEM NO. 11

FILE NO: PSC2007-3076

POLICY REVIEW: RATE DONATIONS FOR COMMUNITY GROUPS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Rate Donations for Community Groups Policy shown at **(ATTACHMENT 1)**;
- 2) Place the Rate Donations for Community Groups Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, adopt the policy as amended, without a further report to Council.
- 3) Revoke the Rate Donation for Community Groups policy dated 27 November 2007 (Min No. 330), should no submissions be received.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Sally Dover Councillor John Nell</p>
	<p>That the recommendation be adopted.</p>

MOTION

210	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the amendments to the Rate Donations for Community Groups Policy shown at (ATTACHMENT 1); 2) Place the Rate Donations for Community Groups Policy, as amended on public exhibition for a period of 28 days and should no submissions be received, adopt the policy as amended, without a further report to Council. 3) Revoke the Rate Donation for Community Groups policy dated 27 November 2007 (Min No. 330), should no submissions be received.

BACKGROUND

The purpose of this report is to review the Rate Donations for Community Groups Policy adopted by Council on 27 November 2007 (Minute No.330) and last amended on 26 June 2012 (Minute No. 154).

The current Policy has been effective in providing a modest amount of financial assistance to the Nelson Bay Masonic Lodge. The annual cost is less than \$3,000 per annum. No other community groups have approached Council seeking a rate exemption, possibly because most community groups that own real estate enjoy a rate exemption due to a charitable or Public Benevolent Institution legal status. For this reason there is no proposal to specify any additional organisations in the Policy to receive a rate donation.

It is proposed to update the Policy to reflect the change in name of Hunter Central Rivers Catchment Management Authority to Hunter Local Land Services.

FINANCIAL/RESOURCE IMPLICATIONS

Adoption of the Policy will be within existing budget allocations.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	3,000	Within existing resources.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Policy provides for consistency in applying rate donations to community organisations that are not exempt from rates.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that discontinuing financial assistance to Nelson Bay Masonic Lodge may reduce the fraternal organisations ability to carry out works in the community.	High	Retain current Policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Policy empowers Council to financially support community organisations faced with paying annual rates that are ineligible for a rate exemption.

CONSULTATION

- 1) Accounting and Revenue Coordinator.

OPTIONS

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

ATTACHMENTS

- 1) Rate Donations for Community Groups Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1



POLICY

Adopted: 27/11/2007

Minute No: 330

Amended: 26/6/2012

Minute No: 154

FILE NO: PSC2007-3076

TITLE: RATE DONATIONS FOR COMMUNITY GROUPS

REPORT OF: FINANCIAL SERVICES MANAGER

BACKGROUND

This policy identifies those community groups in Port Stephens that are subject to rates and charges to which Council will annually make a donation. Council may donate funds in accordance with section 356 of the Local Government Act, 1993 for the purpose of exercising its functions.

OBJECTIVE

- 1) To provide clear guidelines for donation of rates and charges to rateable community groups. To provide financial assistance for community groups that are unable to meet the cost of rates and charges.

PRINCIPLES

- 1) Council's policy towards making donations to rateable community groups for rates and charges will be documented and transparent.
- 2) Council will recognise potential financial hardship in considering which community groups are to receive rates and charges donations.
- 3) Groups seeking to access assistance under this Policy must have a community service objective similar to Council's as their predominant aim or objective under their charter.

POLICY STATEMENT

Organisations that are public charities or public benevolent institutions receive a rate exemption while other organisations that do good works to benefit the community do not enjoy an exemption.

Council will annually donate the rates and ~~Hunter Central Rivers Catchment Management Authority Contribution~~ **Hunter Local Land Services Catchment Contribution** for the organisations and properties specified in this Policy. The organisations are still required to pay waste management charges, waste service charges and on-site sewage management fees if applicable.

The organisations are not required to make an annual application and this donation will be on-going, subject to normal policy reviews. Donations made under this Policy will apply from the commencement of the rating year in which Council resolves to include the organisation in the list of specified organisations.

Should an organisation wish to be included on the list, contact is to be made with Council's **Accounting and Revenue Coordinator** who will request the necessary information and make arrangements for a report to be submitted to Council for consideration.

Specified organisations:

- 1) Masonic Holdings Limited (Nelson Bay Masonic Centre).

RELATED POLICIES

- 1) Debt Recovery and Hardship Policy.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The provision of financial assistance for rates and charges assists community groups to survive financially and direct their financial resources towards their aims and objectives. Community groups act as a social binder for communities providing social opportunities, leadership, positive role models and structure within a community.

Delete: Hunter Central Rivers Catchment Management Authority Contribution
Insert: Hunter Local Land Services Catchment Contribution

Insert: Accounting and

ECONOMIC IMPLICATIONS

There are very few community groups that are both liable for rates and are not a public charity or public benevolent institution. The cost of providing this annual assistance is not significant and has no economic implications for Council or Port Stephens.

ENVIRONMENTAL IMPLICATIONS

NIL

RELEVANT LEGISLATIVE PROVISIONS

- 1) ss.356, 556 Local Government Act, 1993.

IMPLEMENTATION RESPONSIBILITY

- 1) ~~Corporate Services Group~~—Financial Services Section.

Delete: Corporate Services Group -

REVIEW DATE

- 1) ~~May 2014~~ **30 May 2016** or due to receipt of application from community groups.

Delete: May 2014
Insert: 30 May 2016

ITEM NO. 12

FILE NO: PSC2011-02657

SIX MONTHLY REPORT JANUARY TO JUNE 2014 AGAINST THE DELIVERY PROGRAM 2012-2016**REPORT OF: CARMEL FOSTER – ACTING GROUP MANAGER**
GROUP: CORPORATE SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Six Monthly Report January to June 2014 against the Delivery Program 2012-2016 presented as **(TABLED DOCUMENT 1)**.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

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

MOTION

211	Councillor Ken Jordan Councillor Sally Dover
	It was resolved that Council adopt the Six Monthly Report January to June 2014 against the Delivery Program 2012-2016 presented as (TABLED DOCUMENT 1) .

BACKGROUND

The purpose of this report is to provide Council and the community of Port Stephens with details of the progress in the six months to 30 June 2014 in achieving actions in the Delivery Program 2012-2016.

FINANCIAL/RESOURCE IMPLICATIONS

This statutory report was developed by Corporate Strategy & Planning with inputs from across Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	350	Produced in-house and electronic copy available on Council's web site.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The Six Monthly Report January to June 2014 fulfils the requirements of Section 404(5) of the Local Government Act: The General Manager must ensure that regular progress reports are provided to the Council, reporting as to its progress with respect to principal activities detailed in the Delivery Program. Progress reports must be provided at least every six months.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that failure to report to Council is a breach of legislation.	Low	Report to Council's August 2014 meeting to comply with legislative requirements.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Six Monthly Report January to June 2014 gives details of progress against the Delivery Program 2012-2016 and reports social, economic and environmental outcomes derived from actions completed under the Program.

CONSULTATION

- 1) The Six Monthly Report January to June 2014 was compiled with input from across Council. A draft was supplied to the Executive Team for consultation and feedback.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

- 1) Six Monthly Report January to June 2014 against Delivery Program 2012-2016.

ITEM NO. 13

FILE NO: PSC2014-01452

REPEALED SECTION 94 FUNDS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Rescind the Henderson Park Project adopted by Council at the 10 June 2014 Council meeting , Minute No. 145;
- 2) Allocate \$18,000 from Repealed Section 94 Funds to the Henderson Park project.
- 3) Allocate \$25,000 Repealed Section 94 Funds as shown in **(ATTACHMENT 1)**.
- 4) Place those proposals, in accordance with the categories in **(ATTACHMENT 1)**, on public exhibition of a period of 28 days and should no submissions be received, the funding proposals be adopted as outlined in the report, without a further report to Council.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Bruce MacKenzie Councillor Steve Tucker</p>
	<p>That the 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 Paul Le Mottee, Ken Jordan, Steve Tucker Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Nil.

MOTION

212	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Rescind the Henderson Park Project adopted by Council at the 10 June 2014 Council meeting , Minute No. 145; 2) Allocate \$18,000 from Repealed Section 94 Funds to the Henderson Park project.

	<p>3) Allocate \$25,000 Repealed Section 94 Funds as shown in ATTACHMENT 1.</p> <p>4) Place those proposals, in accordance with the categories in ATTACHMENT 1, on public exhibition of a period of 28 days and should no submissions be received, the funding proposals be adopted as outlined in the report, without a further report to Council.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to provide Council with amendments to the previously allocated Section 94 Repealed Funds.

Council at its meeting of 18 December 2012 allocated \$18,000 to the Cornerstone Christian Fellowship Hall for the upgrade of amenities. This project did not proceed and the funds were returned to Council. These funds remain unallocated.

Council at its meeting of 10 June 2014 allocated \$17,000 towards works at Henderson Park. It is proposed that Council rescind this item from the resolution of 10 June 2014 and allocate the \$18,000 from the resolution of 18 December 2012 towards the Henderson Park.

At the Council meeting of 10 June 2014 Council allocated \$292,000 not the \$300,000 available, therefore Council is required to allocate the remaining \$8,000 and the \$17,000 previously mentioned in the report. The total available funds of \$25,000 are proposed to be distributed as shown in **(ATTACHMENT 1)**.

Each of the identified categories in **(ATTACHMENT 1)** result in different actions to achieve the proposed contribution:

- A) Not in the current Works Program , a resolution by council, public exhibition for 28 days, consideration of submissions, resolution to proceed or not to proceed, and if proceeding inclusion in the next budget review, estimated November 2014.
- B) Expenditure on Council assets; a resolution by Council and payment of relevant finance a Section 355C Committee.
- C) Expenditure on private assets; a resolution by Council and payment of relevant finance to identified "not for profit" organisations.

FINANCIAL/RESOURCE IMPLICATIONS

This will be funded from Repealed Section 94 funding.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes	43,000	
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Council is required to public exhibit the proposals for a period of 28 days in accordance with the Local Government Act 1993.

Council's Section 94 Plans collects funds for road works, parks and reserves, cultural and community services and facilities, emergency services, drainage and civic administration.

Donations to private individuals can arouse concerns of precedent, equity and probity.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be in breach of the Local Government Act 1993, if public exhibition does not occur.	Low	Adopt the recommendation	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The recommendation from this report provides a benefit to the community of Port Stephens.

CONSULTATION

- 1) Mayor;
- 2) Councillors.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Project	Cost	Category
Karuah Hall – air conditioner	\$5,000	B
BMW Track – Salt Ash Sportsground Complex	\$10,000	A
Medowie Assembly of God Church - for use as part of the Foodway program	\$5,000	C
Drainage Works – Marsh Road, Bobs Farm	\$5,000	A
Total	\$25,000	

ITEM NO. 14

FILE NO: PSC2014-01993

23RD NSW COASTAL CONFERENCE 2014**REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER****GROUP: GENERAL MANAGERS OFFICE****RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the attendance of Cr John Nell at the 23rd NSW Coastal Conference 2014, Ulladulla, 11-14 November 2014;
- 2) Allow a "one-off" increase of the Conference allowance under the Policy for Cr John Nell to attend the Conference.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Bruce MacKenzie Councillor Paul Le Mottee
	That Council endorse the attendance of Cr John Nell at the 23 rd NSW Coastal Conference 2014, Ulladulla, 11-14 November 2014.

MOTION

213	Councillor Paul Le Mottee Councillor Steve Tucker
	It was resolved that Council endorse the attendance of Cr John Nell at the 23 rd NSW Coastal Conference 2014, Ulladulla, 11-14 November 2014.

BACKGROUND

The purpose of this report is to inform Council of the 23rd NSW Coastal Conference to be held from 11-14 November 2014.

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

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 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	860	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 and 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 per year under the Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its reputation damaged by nit 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.

PORT STEPHENS COUNCIL

Mayer
12 MAY 2014

File No: PSC2014-00733
Action by Councillor: Kelly
Status:

**FIRST ANNOUNCEMENT
AND CALL FOR ABSTRACTS**

*Our coast.....
a sustainable resource for everyone*

**23RD
NSW Coastal CONFERENCE 2014**

INVITATION

The NSW Coastal Conference Committee invites you to participate in our 23rd NSW Coastal Conference, hosted this year by Shoalhaven City Council. The theme for the 2014 Conference is:

Our Coast..... a sustainable resource for everyone

The conference will consider the wide range of benefits the coast offers in underpinning social, economic, cultural and environmental values for everyone including Aboriginal communities, coastal communities, tourists, businesses, oyster farmers etc. There will be particular focus on linking research to management and on community participation in managing a sustainable coastline.

The Conference Committee is now calling for papers and presentations from individuals or organisations to come and share their experience and ideas with the NSW Coastal Conference 2014.

The conference topics include:

- **Recognising the true value of the coastline:** measuring the economic, social, cultural and environmental value of the coastline
- **Community empowerment:** fostering productive coastal communities and community planning, opportunities and challenges
- **Sustainable management:** balancing immediate and long term concerns, private interest and public interest through good planning and management responses
- **Applied research for a sustainable coast and estuary floodplains:** linking academic, industry and Governments to identify sustainable coastal management opportunities.

The conference offers researchers an opportunity to showcase their research to coastal managers and decision makers. Post-graduate students studying issues of relevance to coastal and estuary management are encouraged to submit abstracts.

11 – 14 November 2014
Ulladulla Civic Centre, Ulladulla, NSW

www.coastalconference.com

Major Sponsor

Office of Environment & Heritage

Hosted by

Shoalhaven City Council

CALL FOR ABSTRACTS

CLOSING DATE FOR ABSTRACT SUBMISSION: FRIDAY 27TH JUNE 2014

Conference Background

The annual conference attracts more than 200 delegates – who are interested in or working within the field of coastal and estuary management, research, education service provision and policy; - as well as representatives from government, industry, business, user groups and community volunteer organisations.

The Conference is a three day event which comprises plenary sessions, concurrent sessions, field trips (addressing some of the local coastal, estuary and marine management issues); networking events and the Annual NSW Coastal Management Awards.

PRESENTATION TYPES

- 1. Oral Presentation:** 25 minute presentation in a concurrent session, including question time.
- 2. Poster Presentation:** An opportunity will be available to display your poster during the conference welcome reception. Your poster will also be displayed for the duration of the conference. *Prizes will be offered for the most outstanding poster and People's choice.*

FULL PAPERS

FULL PAPERS are a requirement for those who are accepted to present. This will greatly enhance the information sharing benefits of participation at this conference. Full papers will be published on the conference website following the conclusion of the conference. Guidelines on full paper submission will be distributed if your abstract is accepted. The deadline for full paper submission is **Friday 17th October 2014**.

Authors of selected papers may be invited to contribute to a special issue of a refereed journal

GENERAL POLICIES AND REQUIREMENTS FOR SUBMISSION OF ABSTRACTS

All presentation modes require an abstract to be submitted. Please refer to the conference website for General Policies and Requirements for Submission of Abstracts – www.coastalconference.com

HOW TO SUBMIT YOUR ABSTRACT

Abstract submission will only be available via the conference website www.coastalconference.com.

Abstracts must be prepared in accordance with the "Author Instructions" document, included on the "Program" page of the conference website. A template is also available online to assist you in preparing your abstract in the correct format. Abstracts should be a maximum of 300 words.

CRITICAL DATES

Abstract Submission Deadline: **Friday 27th June 2014**

Presenter Notification: **Friday 8th August 2014**

Presenter Registration Deadline: **Friday 12th September 2014**

Full Paper Submission: **Friday 17th October 2014**

For further information please contact the Conference Managers:

East Coast Conferences

Phone: 02 6650 9600 or 0406 220 188

Email: amy@eastcoastconferences.com.au

Website: www.coastalconference.com



ITEM NO. 15

FILE NO: PSC2014-01816

SEGRA CONFERENCE 2014

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the attendance of Mayor Bruce MacKenzie at the SEGRA Conference 2014, Alice Springs, 8-10 October 2014;
- 2) Allow a "one-off" increase of the Conference allowance under the Policy for Mayor Bruce MacKenzie to attend the Conference.

ORDINARY COUNCIL MEETING – 12 AUGUST 2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p>
	<p>That the recommendation be adopted.</p>

MOTION

214	<p>Councillor Paul Le Mottee Councillor Steve Tucker</p>
	<p>It was resolved that Council:</p> <ol style="list-style-type: none"> 1) Endorse the attendance of Mayor Bruce MacKenzie at the SEGRA Conference 2014, Alice Springs, 8-10 October 2014; 2) Allow a "one-off" increase of the Conference allowance under the Policy for Mayor Bruce MacKenzie to attend the Conference.

BACKGROUND

The purpose of this report is to inform Council of the SEGRA Conference to be held from 8-10 October 2014.

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

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 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	1,245	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 and 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 per year under the Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may have its reputation damaged by nit 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.

Updated as at 18/07/2014

SEGRA 2014 PRINTABLE PROGRAM

Sunday, 5 October - Tuesday, 7 October 2014	
Study Tour to Uluru and Kata Tjuta	
	
<p>Price: \$750.00 per person</p> <p>Tour inclusions: click here Tented accommodation with beds are provided in this tour.</p> <p>Itinerary: coming soon</p> <p>REGISTER NOW</p>	
Tuesday, 7 October 2014	
Pre-Conference	
2:00pm - 5:00pm	<p>RDA Session Approaches to Community and Regional Analysis</p>
3:00pm - 5:00pm	<p>Researchers Gathering Doubletree by Hilton, Alice Springs</p>
5:30pm - 7:00pm	<p>Mayoral Welcome Cocktail Reception Alice Springs Town Council Civic Centre Function Room 93 Todd Street, Alice Springs</p> 

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

Updated as at 18/07/2014

Wednesday, 8 October 2014	
Day 1 - Connecting Regional Australia to Future Opportunities	
Plenary Program	
8:30am - 8:45am	Welcome to Country Kumalie Riley
8:45am - 9:00am	Chief Minister Welcome The Hon. Adam Graham Giles MLA (invited)
9:00am - 9:30am	Regions Prospering in a Re-shaped Economy The Hon. Warren Truss MP, Deputy Prime Minister of Australia
9:30am - 10:15am	Connecting with Regional Australia's Future Prosperity Kristian Kolding, Manager, Deloitte Access Economics On the Couch Jack Archer, General Manager – Research and Policy, Regional Australia Institute Kim Houghton, Adjunct Associate Professor, University of Canberra
10:15am - 10:45am	Morning Tea
10:45am - 11:30am	National Conversation for Regional Policy (Campfire Session) Prof. Geoff Cockfield, Professor in Government and Economics, Faculty of Business, Education, Law and Arts, University of Southern Queensland and Founding Member of SEGRA Participants: Helen Lewis, General Manager, Outback Way Paul Rosair, Principal, NAJA Business Consulting Services
11:30am - 12:00pm	Connecting Regional Australia's Social Capital Peter Kenyon, Director, Bank of I.D.E.A.S
12:00pm - 1:00pm	Aboriginal Governance and its Role in Business Development Warren Mundine, CEO, NyunggaBlack and Chairman, Indigenous Advisory Council Chair: Jenni Collard, Executive Director of Business and Social Development, Government of Western Australia, Department of Regional Development.
1:00pm - 2:00pm	Lunch

Updated as at 18/07/2014

Spotlight Sessions	
2:00pm - 3:30pm	<p>1. Indigenous Economic Knowledge Sets (workshop)</p> <p>Facilitator: John Acres, Manager - Research and Information, Department of Regional Development Australia - Midwest Gascoyne</p> <p>Idea Champions: Remote Indigenous Media – Connecting and Building Capacity in Remote Communities Daniel Featherstone, General Manager, Indigenous Remote Communications Association</p> <p>It's All About the Money Kim Mühlen-Schulte, Business Support Services, RRED</p> <p>Ross Nowland, Indigenous Tourism Development Officer, Northern Territory Government</p>
	<p>2. Governance in the 21st Century (ignite session - enlighten us but make it quick)</p> <p>Chair: TBC</p> <p>Idea Champions: Connecting to the Community Michelle Bilcavs, CEO, IAP2 Australasia</p> <p>Rise of the Regions Simon Boughey, CEO, Cherry Growers Australia and SEGRA National Steering Committee</p> <p>Identifying Tensions Concerning Development within Northern Australia: implications for governance Dr. Anne Stephens, Senior Research Officer, Cairns Institute, James Cook University</p> <p>Recycling Dependency: the impacts of the 'grant economy' propping up regional, rural and remote Australia Jen Cleary, Senior Research Development Manager, Centre for Regional Engagement (CRE), University of South Australia</p> <p>Pools vs Ports Lara Wiide, CEO, Gulf Savannah Development</p>
	<p>3. How to Build Community Resilience (masterclass)</p> <p>Facilitator: TBC</p> <p>Idea Champions: What Matters – Individuals and Community Kerry Grace, Director, Evolve Network Australia</p> <p>WeYouMeiUs – Collaboration and Community Cr. Paul Bishop, Community Actor and Redland City Councillor</p>

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

Updated as at 18/07/2014

	<p>4. Productive Industry - Future Trends and the Impacts on Regional Australia (focus session)</p> <p>Facilitator: Prof. Geoff Cockfield, Professor in Government and Economics, Faculty of Business, Education, Law and Arts, University of Southern Queensland and Founding Member of SEGRA</p> <p>Idea Champions: Kristian Kolding, Manager, Deloitte Access Economics</p> <p>Trends in Organic Food Consumption in China: opportunities and challenges for regional Australian exporters Dr. Breda McCarthy, Lecturer, James Cook University</p> <p>South Australian Mining Worker Perceptions of the Benefits, Enablers and Stressors of Long Distance Commuting for Work Assoc. Prof. Gary Misan, Associate Research Professor, University of South Australia</p>
<p>3:30pm - 4:00pm</p>	<p style="text-align: center;">Afternoon Tea</p>
<p>SEGRA Challenge</p>	
<p>4:00pm - 5:00pm</p>	<p>1. How might Create Greater Community Resilience?</p> <hr/> <p>2. How might we Identify and Attract Investment Opportunities in Northern Australia?</p> <hr/> <p>3. How might we Design, Fund and Sustain Regionally Significant Projects?</p> <p>Challenge Leader: Robert Prestipino, Director, Vital Places</p> <hr/> <p>4. How might we Best Develop Indigenous Economic Development that Demonstrates Engagement in the Regional Economy?</p> <p>Challenge Leader: John Acres, Manager - Research and Information, Department of Regional Development</p> <hr/> <p>5. How might we Best Support Single Industry Towns?</p>
<p>7:00pm</p>	<p style="text-align: center;">Networking Dinner The Overlanders Steakhouse, Alice Springs</p>

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

Updated as at 18/07/2014

Thursday, 9 October 2014	
Day 2 - Strategies for Regional Australia	
Plenary Program	
8:30am - 9:00am	The Hon. Julie Collins MP, Shadow Minister for Regional Development and Local Government (invited)
9:00am - 10:00am	Designing an Approach to Wicked Problems Mo Fox, Director, Studio Thinking
10:00am - 10:45am	Innovation and Entrepreneurship in Regional Australia Colin Kinner, Director, Spike Innovation
10:45am - 11:15am	Morning Tea
SEGRA Regional Best Practice (case studies)	
11:15am - 12:45pm	<p>1. Building Regional Futures</p> <p>Responding to Megatrends: the local approach Dr. Melanie Dare, Research Fellow, University of Canberra</p> <p>Out with the Plan, In with the Model A/Prof. Simon McArthur, Director, Simon McArthur and Associates</p> <p>Participative Strategy for Prosperity Jason McFarlane, Principal Consultant, Pracsys</p> <p>2. Applied Research</p> <p>Title TBC Prof. Rolf Gerritsen, Professorial Research Fellow, Charles Darwin University</p> <p>Modelling Local Economic Impacts of Megatrends Kim Houghton, Adjunct Associate Professor, University of Canberra</p> <p>Australian Cultural Policy and Collective Creativity Dr. Elizabeth Stottle, Conductor, Coffs City Choir</p> <p>3. Regional Service Centres</p> <p>Closing the Governance Gap - A Case Study in Deliberative Collaborative Governance in Regional WA Robert Weymouth, PhD Candidate</p> <p>Identifying Priorities to Accelerate Regional City Growth in Victoria Vinnie Maharaj, Senior Economist, Regional Development Victoria</p> <p>Retail Transformation Program Wayne Gates, Director, Office of the Small Business Commissioner</p> <p>4. Remote Communities</p> <p>The Triple 'C' Approach of Collaboration, Cooperation and Communication in the</p>

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MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

Updated as at 18/07/2014

	<p>Gascoyne Region Towards a Regional Economic Alliance Marilyn Rulyancich, Regional Development Coordinator, Regional Development Australia – Midwest Gascoyne</p> <p>Abandoned Spaces: managing Australia's rural cultural heritage in 2040 A/Prof. Dirk Spennemann, Discipline Head of Cultural Heritage Studies, Charles Sturt University</p> <p>The Outback Way – Changing the Way Australia Does Business Helen Lewis, General Manager, Outback Way</p>
	<p>5. <u>Great Ideas for Regional Australia</u></p> <p>Global Megatrends and the Context of Strategic Regional Planning Charles Jenkinson, Executive Officer, Regional Development Australia – South West</p> <p>Driving Economic Growth through Collaboration and Innovation John Moulton, CEO, Regional Development Australia – Central Coast</p> <p>Geotourism and Australian National Landscapes – Enhancing Regional Development Strategies Annus M. Robinson, Managing Partner, Leisure Solutions®</p>
12:45pm - 1:30pm	Lunch
Spotlight Sessions	
1:30pm - 3:30pm	<p>5. <u>Online Regional Business Development (workshop)</u></p> <p>Facilitator: John Acres, Manager - Research and Information, Department of Regional Development Australia - Midwest Gascoyne</p> <p>Idea Champions: TBC</p>
	<p>6. <u>Innovative Small Towns (focus session)</u></p> <p>Facilitator: Cassandra Stipanicev, Manager Economic and Community Development, Cranbrook Shire Council and SEGRA National Steering Committee</p> <p>Idea Champions: TBC</p>
	<p>7. <u>Design Thinking</u></p> <p>Mo Fox, Director, Studio Thinking</p>
	<p>8. <u>Innovation and Entrepreneurship (ignite session - enlighten us but make it quick)</u></p> <p>Facilitator: Colin Kinner, Director, Spike Innovation</p>

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MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

Updated as at 18/07/2014

	<p>Idea Champions:</p> <p>Using the Community Adaptability Tool Kim Houghton, Adjunct Associate Professor, University of Canberra</p> <p>Investigation of How Design-led Innovation is Enabling Local Communities to Tackle Wicked Problems and Create Sustainable Communities Kristina Cooke, Enterprise Coffs, Coffs Harbour City Council</p> <p>A Super Idea for Rural and Regional Australia Robert Hennessy-Hawks, National Policy Advisor, Rural & Regional Promotions Pty Ltd</p>
	<p>9. Single Industry Towns: post major industry restructuring (workshop)</p> <p>Facilitator: TBC</p> <p>Idea Champions: Daniel Featherstone, General Manager, Indigenous Remote Communications Association</p> <p>Pilbara Tourism: a phoenix rising Felicity Gilbert, Director – Strategy, Pilbara Development Commission</p> <p>Assoc. Prof. Peter Waterman, Adjunct Associate Professor in Environmental Science, University of the Sunshine Coast</p> <p>Robert Weymouth, PhD Candidate</p>
3:30pm - 4:00pm	Afternoon Tea
4:00pm - 5:15pm	The Challenge Pitch and Regional Australia Raise Your Voice
7:00pm	Conference Dinner Poolside, Doubletree by Hilton, Alice Springs

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

Updated as at 18/07/2014

Friday, 10 October 2014	
Day 3 - Getting It Done	
Workshops	
8:30am - 12:30pm	<p>1. Geotourism and Australian National Landscapes – Enhancing Regional Development Strategies</p> <p>Facilitator: Angus M. Robinson, Managing Partner, Leisure Solutions®</p>
	<p>2. Engaging with Korea – Employment and Training Opportunities for Regional Australia</p>
	<p>3. Designing, Funding and Sustaining Regionally Significant Projects</p> <p>Facilitators: Robert Prestipino, Director, Vital Places A/Prof. Jeremy Buijtens, Managing Editor, Journal of Economic and Social Policy and School of Business, Southern Cross University</p>
	<p>4. Remote Regional Hubs: maximising regional engagement</p> <p>Nic Jacobson, Senior Engineer, IT Power</p>
Study Tours	
8:30am - 12:30pm	<p>5. Desert Knowledge Australia Precinct</p>
	<p>6. Economic Development in and Around Alice Springs</p>

ITEM NO. 16

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 12 August, 2014.

No:	Report Title
1	Aboriginal Strategic Committee
2	Business Improvement Quarterly Report
3	Quarterly Report of Mayor and Councillor Expenses

ORDINARY COUNCIL MEETING –2014
COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor John Nell Councillor Sally Dover
	That the recommendation be adopted.

198	Councillor Ken Jordan Councillor Paul Le Mottee
	It was resolved that Council move out Committee of the Whole.

MOTION

215	Councillor Paul Le Mottee Councillor Steve Tucker
	It was resolved that Council receive and note the Information Papers presented to Council on 12 August, 2014.

INFORMATION PAPERS



INFORMATION ITEM NO. 1

ABORIGINAL STRATEGIC COMMITTEE

REPORT OF: ROSS SMART - COMMUNICATIONS SECTION MANAGER

GROUP: DEVELOPMENT SERVICES

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting held on 27 May 2014.

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.

At its meeting held on 27 May 2014, the Committee discussed the 2014 NAIDOC Week program, including initial ideas for a project for NAIDOC Week 2015. An update was provided on projects funded from the Aboriginal Projects Fund 2013, with organisation for the assessment of 2014 applications. A draft design for signage for Aboriginal Places was tabled and the Soldiers Point Holiday Park proposal for platform camping sites was discussed. Proposed amendments to the schedule to constitution for the committee were agreed upon.

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting held 27 May 2014.

ATTACHMENT 1

Minutes of Aboriginal Strategic Committee meeting held 27 May 2014



Aboriginal Strategic Committee
Combined Meeting

MINUTES



Minutes of meeting held on 27 May 2014 at Port Stephens Council

Chair: Cr Dover

Minute taker: Jennifer Underwood

Present:

Neville Lilley
Andrew Smith
Cr Sally Dover
Steven Bernasconi
Ross Smart
Penny Amberg
Jennifer Underwood

Worimi Local Aboriginal Land Council
Worimi Local Aboriginal Land Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council
Port Stephens Council

Apologies:

Nadine Russell
Kyle Finlay
Dave Feeney
Cr Peter Kafar

Worimi LALC
Worimi LALC
Karuah LALC
Port Stephens Council

Meeting opened at 9:45am

1. WELCOME TO COUNTRY:

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

2. GUEST SPEAKER: Rhonda Smith did not attend. She was to discuss input on delivering 3 community workshops to set up an Aboriginal Transport model similar to that in the Hastings region.

Action:	1. Community Development and Engagement Officer to follow up with Rhonda Smith and pass information to the Land Councils.
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3. BUSINESS ARISING FROM PREVIOUS MEETING:

Item 1: Childcare

Andrew Smith contacted Uniting Care Childcare twice, sending an email outlining the request for information regarding their aboriginal commitment and their 'Dreaming As One' report. As yet, he hasn't heard back from the Director Teresa Squires.

Item 2: GP Super Clinic HealthOne Raymond Terrace

The Clinic will be operational on 30 June, with general medical, followed by dental and renal next month. Uncle Neville noted that two of the rooms will be in Gathang language, chosen by the Elders. A tour for the Aboriginal Elders will also be offered prior to the official opening, and Welcome To Country.

Item 4: Geographical Names Board of NSW - Port Stephen Reserves Audit

Identification was unable to be obtained.

Ross Smart departed the meeting.

Item 5: Soldiers Point Marina Extension Development Application

The Soldiers Point Marina Extension DA is currently in the final stages of assessment. The Joint Regional Planning Panel (JRPP) as the determining authority, is to meet on Tuesday 12 June 2014. Council's report and recommendations are due to the panel by COB Thursday 29 May 2014. The JRPP will make Council's report publicly available on their website once received.

All submissions received during the three (3) exhibition periods are being considered by Council in its assessment. The JRPP/Director General Department of Planning will also take them into consideration. As part of this process Council is reviewing documentation provided by the Waimi Local Aboriginal Land Council.

The application is being assessed based upon the information provided by the applicant to date. At this stage, a Species Impact Statement (SIS) has not been provided, and as such it is likely that Council will be unable to recommend support for the proposal.

For any further enquires please contact Cindy Dickson, Planning and Developer Relations Coordinator, cindy.dickson@portstephens.nsw.gov.au or 4980 0105.

Item 6: Birubi Point Surf Club Development

Steve Bemasoni reported that the first meeting of the Panel was a success. The next meeting will be in July 2014, with plans for 3 meetings a year (March, July and November).

Action:	2. Steve to send the set format for the meeting to Andrew. Also to send "Tool Time For Business" information.
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Item 8: Aboriginal Strategic Committee Schedule to Constitution

It was agreed that a review of the Constitution is required as the last amendments were made in 2012. It was agreed that amendments need to be made to reflect the new structure of Development Services, a revised quorum to streamline process, and the Chair of Committee.

Action:	3. Council's Community Development & Engagement Officer to progress review and forward necessary changes to Committee members for approval via email. A subsequent report will then be presented to Council.
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Item 9: Update on Aboriginal Projects Fund 2013

Karuah Local Aboriginal Lands Council	Works completed- grant acquitted
P5 Family Support- Dolphins netball	Acquitted- Second & final payment processed
Tanilba Bay Public School	Acquitted- awaiting final receipts for final payment to be processed
P5 Family Support play equipment	Acquitted- awaiting final receipt for final payment to be processed
Lifestyle Solutions morning mingles	Application to extend project to expend funds given in 2013 due to staffing changes- decision made by ASC by 24 June.
Bira-li Happy Days Culture Packs	All items for packs have been delivered. Packs will be given to families on the arrival of an Indigenous newborn-ongoing until all items expended. Acquitted- Second and final payment processed
Irawang High School Bush Tucker Trail	Acquittal due by end of August 2014. Project delayed in beginning. Is progressing well.
Kuppoondee Worimi Dolphins Rugby team	Acquitted and final receipts received.
Worimi Local Aboriginal Land Council	Acquitted and final receipts received. Part of larger project. DA for amp theatre has been submitted to Council. Total project cost \$3.8m. The concept is for Murrook to be a regionally showcased Interpretive Centre.

Action:	4. Andrew Smith to present concept for the Murrook Centre development at the Joint Aboriginal Strategic Committee which will be held on Tuesday 18 November 2014, from 5.30 – 7.30pm.
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Item 10: Lavis Lane Maintenance

The grading of Lavis Lane has been done. It is already corrugated again. It was reported that there was no funding allocated to seal the road at this stage.

Action:	5. Council's Community Development and Engagement Officer to investigate schedule of grading and query possibility of increased grading on the schedule.
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Item 11: Shower- Henderson Park, Lemon Tree Passage

It was reported that a concrete pad below the shower would alter the height of the shower, making the shower head too low. Funding for it to be dug out for drainage is not in this year's budget, but will be considered in for the next financial year.

Item 12: Port Stephens Council - Cultural Plan

A workshop was held with key stakeholders and Sue Boaden, the cultural planning consultant. Outcomes from this workshop will be formulated into a Draft, which will be distributed to the stakeholders including members of the Aboriginal Strategic Committee. Comments on the previous Draft Cultural Action Plan from the Worimi LALC Board members were noted and appreciated.

Action:	6. Council's Community Development & Engagement Officer to progress review and forward necessary changes to Committee members for approval via email. A subsequent report will then be presented to Council.
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Move to accept Minutes of previous meeting – Neville Lilley
Second – Steve Bernasconi

4. NAIDOC WEEK 2014 PROPOSED PROGRAM

- NAIDOC Week 2014 will be held from 6 – 13 July
- On Monday 7 July, a street march will be held in Raymond Terrace, finishing at Council with a morning tea (this has been held since 2006). As this year's theme is 'Serving Country- Centenary and Beyond', the initial meeting place will be at the cenotaph at Raymond Terrace with a laying of the wreath and 1 minute silence. This will be at 8am for an 8.30am march. Arrival at Council will be between 9am – 9.30am. Council will be holding a BBQ breakfast, with the traditional Welcome To Country, Flag Raising and Smoking Ceremony occurring in the forecourt.
- The Nelson Bay march, with the same format as Raymond Terrace will be held on Wednesday 9 July starting at the Bowling Club and going down Stockton Street. The BBQ is held by the National Parks and Wildlife Service in Apex Park. The march in Nelson Bay began last year.
- On Friday 11 July, a Family Fun Day will be held at the Murrook Cultural Centre from 10am – 2pm. All are welcome.
- It is planned to organise Cultural Awareness Training for Council employees. Jonathan Lilley is the Education, Culture and Heritage Officer and is the contact to organise this.
- Council plans to hold talks and "meet and greets" with current employees of Council who were (or are) trainees. They would like as many Indigenous young people between the ages of 18-25 years to attend. This will be held at Council following the official ceremony on Monday 6 July, with the aim to encourage more opportunities for indigenous young people to become trainees of Council.

Action:	7. Council to send invite to Andrew once details are finalised.
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5. NAIDOC WEEK 2015 PROPOSED PROGRAM

A project idea for 2015 NAIDOC week is to run workshops with local young people to design a banner for the street poles in Raymond Terrace (10 poles) and Nelson Bay (6

poles). The Committee liked the idea, with possibility of Elders voting on the winners. This idea would need to be progressed at the beginning of the 2015 calendar year.

6. ABORIGINAL STRATEGIC COMMITTEE PROPOSED AMENDMENTS TO CONSTITUTION

It was noted that the budget associated with the Aboriginal Strategic Committee is operational only, allowing for catering and administration of meetings. Feedback from James Campbell was reported on the Committee potentially being more accessible and representational of the Aboriginal community of Port Stephens generally. It was agreed that it was appropriate for the Minutes of the meetings be distributed to Aboriginal stakeholders, but the membership of the Committee not be opened up. People should be invited to write to the Committee to discuss ideas or provide feedback, and can also be invited to attend meetings as guest speakers.

Action:	8. Community Development and Engagement Team to develop a draft mailing list for distribution of the Committee Minutes, and present back to the Committee for endorsement.
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It was agreed that the following amendments be made to the Constitution:

- Item 13, Clause 9 - The quorum be two (2) Aboriginal representatives, one (1) Councillor and/or the Group Manager of Development Services or one (1) of their delegates.

7. MEETING DATES FOR ABORIGINAL PROJECT FUND APPLICATION PRESENTATIONS

It was agreed that the date for presentations be Tuesday 24 June from 9.30am. There should be ten minutes allowed for presentations followed by question time.

Action:	9. Community Development and Engagement Officer to organise meeting for presentation on Tuesday 24 June from 9.30am.
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8. GENERAL BUSINESS

1. Steve reported that the *Protecting Our Places* application (\$50,000) for the Soldiers Point midden has been put on hold. The project management for planning is to go ahead as soon as the funding is available. This includes the best methods for conservation of the midden. A site meeting is being held with Sonia Limeburner (OEH). The date of the meeting is now 3 July 2014.

Action:	10. - Andrew to invite Worimi representatives to be at the site meeting. - Steve to organise for Capital Works to be invited, and also check date with Jason. - Penny to also attend
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2. Andrew reported on meeting held with Council at the Soldiers Point Caravan Park. The proposal is for 70 sites of long term tenants camping areas to be

made into 10 sites constructed as a platform, with nothing being put into ground. There will be walking entry space only, with no vehicle access. This is subject to further consultation. The Stage 2, concept of tree houses is not supported by the Worimi LALC.. Communication between Council and Worimi LALC requires improvement, prior to concepts being reported to Council. Cr Dover reported that it be explored for family camping at Samual Beach Resort.

Action: 11. Community Development and Engagement Officer to distribute copy of Council Minutes and Resolution to Committee members.

3. Andrew reported that there is a scar tree at Bagnalls Beach with white ants that requires attention.

Action: 12. Steve to follow up

4. Steve enquired about the draft design of signage for Aboriginal Places at Birubi Point. It was agreed that the wording needs to include the relevant Acts for regulatory power with a focus on 'Penalties Apply'.

Action: 13. Steve to send final design to National Parks to possibly use.

5. A letter from Youyoong AECG was Tabled. The letter requests the use of funds they were granted from the Aboriginal Projects Fund in 2011, be used by changing the delivery of the program. The Project is titled Ngarra-gu Banba (Listen to Talk). The \$2,932 will be utilised to set up a pilot project, from which future funding from a range of sources could be sought to continue the program. The Committee agreed that the funding can be spent on the pilot project, Listen To Talk, and that the project would need to be acquitted prior to consideration of any further funding under the Aboriginal Projects Fund.

Action: 14. Community Development and Engagement Officer to advise Youyoong AECG of the Committee's decision.

NEXT MEETING

Will be held on Tuesday 26 August 2014 at 9:30am at Council's Administration Building.

Meeting closed 12.25pm

INFORMATION ITEM NO. 2

BUSINESS IMPROVEMENT QUARTERLY REPORT

REPORT OF: WAYNE WALLIS, GENERAL MANAGER

GROUP: GENERAL MANAGER'S OFFICE

FILE: PSC2011-04300

BACKGROUND

The purpose of this report is for Council to receive and note the attached Business Improvement Process Quarterly Report 1 April 2014 - 30 June 2014.

Council is committed to work both "in" the system (delivering services) and "on" the system (continuous improvement). Opportunities for improvement are identified, prioritised and executed based on an alignment with the organisation's business objectives, risk appetite and return on investment.

The Business Improvement report lists a number of Council's improvement activities. Through the reduction of waste and an improvement in the flow of work these efficiencies contribute directly to the organisations ability improved service delivery to our community.

ATTACHMENTS

- 1) Business Improvement Quarterly Report: 1 April – 30 June 2014

ATTACHMENT 1

Group	Section	Service or Function	Improvement cause	Improvements result	Created
Corporate Services	Organisation Development	Safety Improvement	A process improvement	An improved, expanded or more efficient service	16/05/2014
<p>A number of auditing documents have been produced this month they include TCP Audit, Signage Audit, Facilities Audit and Environmental Audit Document.</p>					
Corporate Services	Business Systems Support	ICT Services	A process improvement	An improved, expanded or more efficient service	30/05/2014
<p>Upgrade to Office 2010</p>					
Corporate Services	Business Systems Support	ICT Services	A process improvement	An improved, expanded or more efficient service	30/05/2014
<p>Domain Migration of all users - will allow for a more efficient service in the future</p>					
Corporate Services	Business Systems Support	Customer Relations	A process improvement, A people/relationship improvement	A saving in time, An improved, expanded or more efficient service	30/05/2014
<p>Reduction in the number of CRM categories to allow for a more effective service to customers</p>					
Corporate Services	Business Systems Support	Ezi-Scan software improvement	A process improvement	An improved, expanded or more efficient service	30/05/2014
<p>The set up of the software has been reviewed and improved to allow for a more effective scanning process.</p>					
Corporate Services	Organisation Development	Work Program	A process improvement	A saving in time, An improved, expanded or more efficient service	12/06/2014
<p>An integrated work program has been developed for the Section with direct connection to the Community Strategic Plan and Operational Plan for 2014-15 to assist staff in the Section to better understand the outcomes that are required for 2014-15 to deliver the operational plan and the timeframes these are expected to be delivered within.</p>					

INFORMATION ITEM NO. 3

QUARTERLY REPORT OF MAYOR AND COUNCILLOR EXPENSES

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGERS OFFICE

FILE: PSC2010-04205

BACKGROUND

The purpose of this report is to provide the quarterly expenses of the Mayor and Councillors which have been incurred in accordance with the Payment of Expenses and Provision of Facilities to Councillors policy.

The table at **(ATTACHMENT 1)** also includes the total number of meetings attended during the period.

ATTACHMENTS

- 1) Quarterly Report of Mayor and Councillor Expenses.

MINUTES FOR ORDINARY MEETING – 12 AUGUST 2014

ATTACHMENT 1

QUARTERLY REPORT – APR 2014 – JUN 2014

			<i>Cr Bruce MacKenzie</i>	<i>Cr Chris Doohan</i>	<i>Cr Geoff Dingle</i>	<i>Cr John Morello</i>	<i>Cr John Nell</i>	<i>Cr Ken Jordan</i>	<i>Cr Paul Le Moiffe</i>	<i>Cr Peter Kafer</i>	<i>Cr Sally Dover</i>	<i>Cr Steve Tucker</i>	TOTALS
			6	4	4	5	6	5	4	3	5	5	
Total Council Meetings Attended (6held)		Limits as per policy											
Councillor Mobile Rental	802.123	\$200 per month		\$295.00		\$260.00			\$1,292.00				\$1,847.00
Councillor Mobile Calls	803.123			\$188.00	\$185.00	\$130.00				\$25.00			\$528.00
Councillor Landline Phone Rental	804.123				\$103.00	\$94.00			\$197.00				\$394.00
Councillor Landline Phone Calls	805.123			\$19.00	\$21.00	\$48.00			\$146.00				\$234.00
Councillor Fax Rental	807.123												\$0.00
Councillor Fax Calls	808.123			\$155.00									\$155.00
Councillor Internet	806.123	\$60 per month		\$109.00	\$164.00	\$164.00			\$491.00				\$928.00
Councillor Intrastate Travel Expenses	801.123	\$6,000 per year		\$130.00	\$282.00	\$641.00	\$1,197.00	\$133.00	\$1,786.00		\$1,102.00	\$693.00	\$5,964.00
Councillor Intrastate out of pocket expenses	809.123												\$0.00
Councillor Interstate Travel (out of NSW)	810.123												\$0.00
Councillor Interstate out of pocket expenses	813.123												\$0.00
Councillor Interstate Accommodation (out of NSW)	811.123	\$3,500 per year											\$0.00
Councillors Intrastate Accommodation	812.123			\$481.00					\$415.00				\$896.00
Councillor Conferences	814.123			\$1,235.00	\$743.00		\$26.00						\$2,004.00
Councillor Training	815.123												\$0.00
Councillor Partner Expenses	816.123	Mayor \$1,000 per term Crs \$500 per term	\$111.00										\$111.00
Councillor Computers	817.123	\$3,000 per term					\$380.00				\$9.00		\$389.00
Councillor Stationery	818.123	No limit.	\$162.00										\$162.00
Councillor Awards/Ceremonies/Diners	819.123	\$100 per day	\$253.00	\$33.00							\$159.00		\$445.00
Councillor Child Care Costs	820.123	\$2,000 per term											\$0.00
Councillor Communications - Bundle Option	821.123	\$220 per month									\$1,121.00	\$554.00	\$1,675.00
Councillor Allowances		Mayor \$55,650per annum. Crs - \$17,490per annum											\$0.00
TOTALS			\$2,397.00	\$774.00	\$1,498.00	\$1,337.00	\$1,603.00	\$133.00	\$4,327.00	\$25.00	\$2,391.00	\$1,247.00	\$15,732.00

CONFIDENTIAL ITEMS



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

The confidential item was withdrawn by the General Manager.

There being no further business the meeting closed at 7.15pm.

I certify that pages 1 to 178 of the Open Ordinary Minutes of Council 12 August 2014 were confirmed by Council at its meeting held on 24 August 2014.

.....
Bruce MacKenzie
MAYOR