

DRAFT

MINUTES – 14 JULY 2015



PORT STEPHENS

C O U N C I L

Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on – 14 July 2015, commencing at 5.55pm.

PRESENT:

Mayor B MacKenzie, Councillors G. Dingle, C. Doohan, S. Dover, K. Jordan, P. Le Mottee, J. Morello, S. Tucker, General Manager, Corporate Services Group Manager, Facilities and Services Group Manager, Acting Development Services Group Manager and Governance Manager.

186	<p>Councillor Steve Tucker Councillor Chris Doohan</p> <p>It was resolved that the apologies from Cr Peter Kafer and Cr John Nell be received and noted.</p>
187	<p>Councillor Steve Tucker Councillor Chris Doohan</p>

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	It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 23 June 2015 be confirmed.
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	Cr Paul Le Mottee declared a pecuniary conflict of interest in Item 1. The nature of the interest staff of the Le Mottee Group made a submission to Item 1.
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COUNCIL REPORTS

ITEM NO. 1

**FILE NO: PSC2015-01000/462
TRIM REF NO: PSC2013-05184**

PORT STEPHENS DEVELOPMENT CONTROL PLAN 2014

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Port Stephens Development Control Plan 2014 (**ATTACHMENT 1**), which contains the amendments to the exhibited draft plan detailed in the Schedule of Key Changes & Explanatory Text (**ATTACHMENT 2**).
- 2) Revoke the Port Stephens Development Control Plan 2013.
- 3) Provide public notice within 28 days that the Port Stephens Development Control Plan 2014 has been approved and that the current Port Stephens Development Control Plan 2013 has been revoked in accordance with the Environmental Planning & Assessment Regulation 2000.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

188	Councillor Ken Jordan Councillor Chris Doohan It was resolved that Council move into Committee of the Whole.
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Councillor Paul Le Mottee left the meeting at 05:56pm, prior to Item 1.

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Ken Jordan Councillor Steve Tucker That the recommendation be adopted.
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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 Geoff Dingle, Chris Doohan , Sally Dover, Ken Jordan , John Morello and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

Councillor Paul Le Mottee left the meeting at 06:33pm, prior to Item 1.

189	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the Port Stephens Development Control Plan 2014 (ATTACHMENT 1), which contains the amendments to the exhibited draft plan detailed in the Schedule of Key Changes & Explanatory Text (ATTACHMENT 2).2) Revoke the Port Stephens Development Control Plan 2013.3) Provide public notice within 28 days that the Port Stephens Development Control Plan 2014 has been approved and that the current Port Stephens Development Control Plan 2013 has been revoked in accordance with the Environmental Planning & Assessment Regulation 2000.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

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

Those against the Motion: Cr Geoff Dingle.

Councillor Paul Le Mottee returned to the meeting at 06.33pm.

BACKGROUND

The purpose of this report is to seek Council endorsement to replace the current Port Stephens Development Control Plan 2013 with the Port Stephens Development Control Plan 2014 (the proposed plan) (**ATTACHMENT 1**). The proposed plan seeks to implement the LEP in a more comprehensive manner than the transitional arrangements provided by the existing DCP.

The format of the proposed plan is showcased by the new reference tables at the start of each part and the diagrams that directly relate back to the reference requirements. This has resulted in a plan that is easy to navigate and provides the foundation for the next progressive step, of integrating with Council's e-planning system. This format also allows for greater flexibility in the assessment of development applications through encouraging a merits-based approach. This results in the proposed plan being easier to interpret and implement. The layout and

approach to the proposed plan has been favourably acknowledged in a number of submissions on the proposed plan during exhibition.

The proposed plan has been amended to incorporate matters raised during the public exhibition of the proposed draft plan and the exhibition period relating to the Kings Hill Urban Release Area DCP chapter.

The proposed amendments to the exhibited plan are listed in the Schedule of Key Changes and Explanatory Text (**ATTACHMENT 2**). These amendments primarily focus on matters relating to water quality, the Salamander Bay Shopping Precinct, flood planning and include the location specific provisions for Kings Hill urban release area.

The key changes detailed in (**ATTACHMENT 2**) are briefly summarised below:

- **Water Quality** – This part has been amended to include a table of 'deemed to comply' provisions for the s3qm tool and increase the size of the site on which the tool can be used from 2,500sqm to 50,000sqm. This approach seeks to streamline the process for the applicant, while achieving the same water quality targets.
- **Salamander Bay** – This part has been amended to provide location specific DCP provisions for the Salamander Bay Shopping Precinct. These provisions list a number of key principles to ensure this Precinct develops in a coordinated way.
- **Flood Planning** – The provisions relating to flood planning have been revised to reflect the requirements of the *NSW Floodplain Development Manual 2005*, in particular the categorisation of flood risk categories to guide development located within the flood planning area or below the flood planning level. This approach will provide clarity and consistency in the application of controls for development with these areas by specifying development standards and information requirements to inform the development assessment process. By adopting the approach outlined in the *NSW Floodplain Development Manual 2005*, Council will be consistent with the state wide provisions, and the Local Government Act 1993. This approach is also consistent with the approach from surrounding area including within the Maitland LGA.
- **Kings Hill** – The provisions relating to the Kings Hill Urban Release Area are included to provide location specific guidelines within this area of the LGA. The adoption of these provisions is consistent with Clause 6.3 of the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) and will ensure that local planning provisions are in place for future development within this urban release area. As outlined in the following sections, the Kings Hill DCP was exhibited separately to the proposed plan and has been included for formal adoption by Council.
- **Savings and Transitional Arrangements** - For three months from the commencement of the proposed plan transitional arrangements have been included in the proposed plan to allow applicants to draw on the existing provisions of the Port Stephens Development Control Plan 2013 (PSDCP 2013) as well as the proposed plan. This transitional period is considered reasonable

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for applications that have been prepared in accordance with the current provisions of the PSDCP2013. Following this three month period, the PSDCP 2013 will no longer be applied.

As part of the adoption of the proposed plan, Council will undertake a house keeping amendment, twelve (12) months from commencement. During this period, the implementation of the proposed plan will be closely monitored and key issues identified.

This house-keeping amendment will commence nine (9) months from the commencement of the proposed plan and be completed within twelve (12) months. This period will allow enough time for a breadth of development applications to be processed and any potential matters to be uncovered.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council as a consequence of the proposed recommendation. The development of the proposed plan has been managed within the existing budget.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

The draft plan has been prepared and exhibited in accordance with the provisions of the EP&A Act 1979, which sets a hierarchal relationship between planning documents. For example, the EP&A Act clearly states that a Development Control Plan (DCP) is a key matter for consideration under s79C – Matters for Consideration.

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The role of a DCP is to facilitate development under the PSLEP2013 by providing local matters for consideration in the determination of a development application. Once adopted and then notified by Council in a local newspaper the proposed plan becomes a key matter for consideration under s79C of the EP&A Act 1979.

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

This regulatory framework provides further guidance to the form, structure and subject matter to a DCP. Council has achieved the following milestones during the drafting, exhibition and adoption of the draft plan.

EP&A Regulation 2000	Date	Comment
S16 Preparation	2013/2014	
S18 DCP Public Exhibition	Feb-Mar 2015	
S19 Copies available	Feb-Mar 2015	
S20 Submissions	Feb-Mar 2015	
S21 Approval	14 July 2015	Subject to Council Resolution
S22 DCP Repeal of Existing	21 July 2015	Subject to Council Resolution

Port Stephens Local Environmental Plan 2013 (the LEP)

The LEP is the primary statutory instrument for development within Port Stephens. It is the role of the DCP to provide further guidance to environmental planning instruments, which primarily includes the LEP. The proposed plan is consistent with this framework and does not seek to provide provisions that could be considered more onerous than that of the LEP. The approach to drafting the DCP has been to make it easy to understand and interpret, while providing a robust framework for development assessment.

Clause 6.3 of the LEP requires that development on land within an urban release area occurs in a logical and cost-effective manner in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for that land. The proposed amendments relating to Kings Hill Urban Release Area seek to provide that DCP, which will then be supplemented by precinct plans or staged development applications.

Port Stephens Planning Strategy (PSPS)

The proposed plan is consistent with the directions adopted by the PSPS. For example, the PSPS provides a centre hierarchy and then describes the role and services of each centre within that hierarchy (i.e. Newcastle/Williamtown Airport). The draft plan seeks to assist the PSPS by providing further guidance for key locations, such as the Defence or Airport Related Employment Zone (DAREZ), Nelson Bay Town Centre and the Salamander Bay Shopping Centre.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the community has not had an opportunity to comment on those proposed amendments as a result of exhibition.	Low	The proposed amendments are in direct response to comments received during the exhibition period. The issues raised and proposed response is provided as (ATTACHMENT 3) . In addition the proposed housekeeping amendment in 12 months will provide an opportunity to address any issues identified in the implementation of the proposed plan.	Yes
There is a risk that key stakeholders have not reviewed the plan in the detail that is required.	Low	Those stakeholders that have made a submission have been responded to through the Council Report. The three month transition period is proposed to ensure the smooth implementation of the proposed plan with a twelve month review identified to address emerging issues.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The proposed plan seeks to facilitate improved economic outcomes through the following key measures:

- The improved structure and Council's approach to the DCP, which has been acknowledged in a number of submissions included as **(ATTACHMENT 3)**.
- Providing requirements that enable a merit based approach to assessment.
- Removal of Floor Space Ratios, considered to be detached from feasibility.
- Improved structure that enables a streamlined transition to e-planning.

The proposed plan seeks to facilitate improved social outcomes, such as clarifying the circumstances under which a social impact assessment is provided.

The proposed plan seeks to facilitate balanced environmental outcomes by providing three Parts that have a direct reference to environmental matters, being B1 Tree

Management, B2 Natural Resources and B3 Environmental Management. These environmental parts are accompanied by a suite of technical specifications.

CONSULTATION

The proposed plan is the accumulation of two separate exhibition periods, being the Draft Port Stephens Development Control Plan 2014 and Kings Hill DCP chapter.

Exhibition of the Draft Port Stephens Development Control Plan 2014

The draft plan was placed on public exhibition for a period of 42 days from Thursday, 5 February to Thursday, 19 March 2015. Notification was placed in 'The Port Stephens Examiner' and posts were placed on Port Stephens Council social media accounts, such as Twitter and Facebook. The exhibition material was available for viewing at a number of key locations throughout the Local Government Area. During this period, two external and two internal workshops were held, the two themes of these workshops related to a general overview and water quality. In addition, Council staff made the offer to meet with key stakeholder groups who had previously expressed a high level of interest in the DCP. A number of meetings were held with these groups during the public exhibition period.

A total of fifteen submissions were received during the public exhibition period. A concise summary and planning response to these matters raised in submissions is provided as **(ATTACHMENT 3)**. The key matters raised in submissions cannot be summarised into a key number of common themes, but rather submissions spoke to key matters of concern to the individual stakeholder. For example, Defence spoke to airspace operations, Hunter Water spoke to water quality and community groups spoke to a variety of matters across the Local Government Area.

The proposed plan with amendments is highlighted in yellow in **(ATTACHMENT 1)**. When accompanied with the Schedule of Key Changes **(ATTACHMENT 2)** it is clear how the proposed plan has changed to reflect comments received during the exhibition period.

As outlined previously, it is proposed that a three month transitional period will allow applicants to draw on the existing provisions of the Port Stephens Development Control Plan 2013 as well as the proposed plan. These transitional arrangements have been developed to enable flexibility during the implementation period.

At its meeting of 9 June 2015, Council resolved to endorse proposed amendments to Chapter B1 Tree Management relating to the management of dangerous trees. Subsequent to this resolution the proposed amendments were placed on public exhibition until 30 July 2015. Given the timing of this public exhibition period, a further report will be presented to Council to consider any submission received and a decision relating to the adoption of the proposed amendments. As such the provisions provided in the proposed plan **(ATTACHMENT 1)** reflect the current policy relating to tree management.

Exhibition of the Draft Port Stephens Development Control Plan – Kings Hill

The site specific part for the Kings Hill Urban Release Area was placed on public exhibition for 28 days following Council's resolution of 22 October 2013. A number of submissions were received during this period. The key matters raised in these submissions were then incorporated into subsequent revisions of the DCP with further consultation with Kings Hill Land owners. **(ATTACHMENT 1)**.

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Development Control Plan 2014 (Provided under separate cover)
- 2) Schedule of Key Changes & Explanatory Text.
- 3) Submission Summary & Planning Response.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 1 - ATTACHMENT 2 SCHEDULE OF KEY CHANGES & EXPLANATORY TEXT.

ATTACHMENT 2 – SCHEDULE OF KEY CHANGES & EXPLANATORY TEXT

A schedule of key amendments from the draft plan, being the Draft Port Stephens Development Control Plan 2014 to the proposed plan, being the Port Stephens Development Control Plan 2014 is provided in the following table.

No	Matter	Reference	Explanation
1	Flood Planning	B5 – Flooding	This part has been revised to categorise flood risk for development situated within the flood planning area or below the flood planning level consistent with the Floodplain Development Manual 2005.
2	Kings Hill	D14 – Kings Hill	This part has been revised to provide location specific DCP provisions for the urban release area of Kings Hill. This draft was exhibited during a separate period to the Draft Port Stephens Development Control Plan 2014.
3	Salamander Bay	D8 – Salamander Bay	This part has been inserted to provide location specific DCP provisions for the Salamander Bay Shopping Precinct.
4	Small Scale Water Quality Tool - Limits	B4 – Drainage and Water Quality	This part has been revised to allow the use of the s3qm for sites up to 50,000m ² , if residential or commercial and only if it drains to a maximum of two outlets.
5	Small Scale Water Quality Tool – Deemed to Comply Provisions	B4 – Drainage and Water Quality	This part has been amended in relation to the 'deemed to comply' provisions for the s3qm tool. This table is similar to the approach taken by Great Lakes Council that seeks to streamline the use of this standard tool for water quality measures.
6	Hunter Water Referrals	B4 – Drainage and Water Quality	This part has been revised to ensure that Hunter Water is notified of certain development types that are considered to have the potential to negatively impact on the Drinking Water Catchment.
7	Extraneous Lighting Map	B7 – Williamstown RAAF Base – Aircraft Noise & Safety	This part has been revised to include mapping that identifies where the location of extraneous lighting has the potential to negatively impact on airspace operations.
8	Acid Sulfate Soils	B3 – Environmental Management	This part has been revised to include different application streams if development is identified to be located on Acid Sulfate Soils.
9	Industrial Development	C3 – Industrial	This part has been revised to include additional design parameters for fencing, blank walls and screening for development defined as Industrial.
10	Sex Services	C7 –	This part has been revised to include

ITEM 1 - ATTACHMENT 2 SCHEDULE OF KEY CHANGES & EXPLANATORY TEXT.

	Premises	Restricted or Sex Services Premises	additional design parameters for staff facilities, building entrances and the like for development defined as sex services premises.
11	Signage	C8 - Signage	This part has been revised to encourage a merits-based approach for development defined as signage.
12	Landscape Plans – Single Dwellings	C4 – Dwelling houses, Dual Occupancy & Ancillary Development	This part has been revised to remove the requirement for single dwellings on highly sloping sites, within proximity to EECs or SEPP 14 Wetlands for single dwellings and replace with a merits-based approach to be determined by the assessing officer.
13	Landscape Plans – Alternative Solutions	Landscape Technical Specification	The Landscape Technical Specification has been revised to allow applicants to provide alternative solutions for landscaping development defined as dual occupancies and multi-dwelling housing.
14	Mosquito Technical Specifications	Mosquito Technical Specifications	The Mosquito Technical Specification has been removed as its application is already consistent with the requirements of the BCA.
15	Non-Discriminatory Access		This part has been removed as it proposed to extend the requirements of the BCA beyond the building envelope, which was considered to be outside of the legislative weight provided to a DCP.
16	Formatting & Typographical Errors	General	The whole document has been reviewed to amend errors identified during the exhibition period.

1. Revised objectives and requirements for development on flood prone land at or below the flood planning level

The revised requirements and objectives relating to development on flood prone land or below the flood planning level has been prepared to ensure development on flood prone land or below the flood planning level is accompanied by a flood assessment.

The key change is the division of the flood planning area into various flood hazard categories in accordance with the NSW Floodplain Development Manual 2005. This approach is to provide a risk based approach to development of flood prone land and ensure that development minimises its contribution to flooding hazard and sets aside appropriate locations to convey/store waters.

A key component of this part is the requirement for supporting documentation, such as flood studies and flood risk management reports, which require the applicant to consider the impact of accumulative development trends. The revised framework provided by this proposed plan is intended to support a future flood prone land strategy with revised mapping that relates directly to the flood hazard categories.

ITEM 1 - ATTACHMENT 2 SCHEDULE OF KEY CHANGES & EXPLANATORY TEXT.

In the interim, development on flood prone land or below the flood planning level will be directed to Council's flooding engineer to determine the flood hazard category and assessment requirements in accordance with the DCP.

2. Site specific objectives and requirements for Kings Hill

The Port Stephens Local Environmental Plan 2013 requires a site specific development control plan to be prepared for development identified as an urban release area. The site specific part for the Kings Hill – Urban Release Area (North Raymond Terrace) was placed on public exhibition for 28 days following Council's resolution of 22 October 2013.

This site specific part sought to provide further guidance to the future development and design of this key urban release area. It provides further guidance to matters such as:

- **Structure** – The Plan provides for the orderly development of this specific locality and sets aside locations for the placement of key infrastructure items.
- **Precinct Plans** – It is acknowledged that not all the micro detail can be provided upfront through a generic development control plan. Therefore in order to satisfy Clause 6.3 of the Port Stephens Development Control Plan, each precinct will be either required to submit a precinct plan or staged development application. This is consistent with the approach taken by Maitland City Council and the Sydney Growth Centres Commission for the development of urban release areas.
- **Road Hierarchy** – Identification of collector roads and pedestrian/cycle paths
- **Flood Access** – Details the requirements for development to achieve flood free access during or after a major flooding event.
- **Social Infrastructure** – Identifies the preferred locations of community infrastructure, such as schools and other community facilities.
- **Water Management** – Provides solutions to ensure that increase run-off as a result of development does not negatively impact on the drinking water catchment.
- **Vegetation Management** – Requirements to consider riparian corridors and prepare vegetation management plans for identified precincts.
- **Buffers** – Identifies the need to provide buffers to sources of noise, such as the Pacific Highway and sources of methane, such as the Waste Treatment Facility.

This site specific part provides the necessary guidance for the development of this urban release area. It also acknowledges that further detailed information is still required as part of the development application, such as the preparation of vegetation management plans.

3. Site specific objectives and requirements for Salamander Bay Shopping Precinct

Urban design work has been completed for the Salamander Bay Shopping Precinct in response to the continued growth of this locality. This urban design work included the development of a key number of planning principles, such as connectivity, access points, safety, community, aesthetics, etc. The public exhibition period identified the importance of this work and the value of incorporating them within the proposed plan. Subsequently, a site specific part has been included within the proposed plan that directly relates to the Salamander Bay Shopping Precinct.

4. Increasing the maximum site area for use of the small scale water quality tool (s3qm)

ITEM 1 - ATTACHMENT 2 SCHEDULE OF KEY CHANGES & EXPLANATORY TEXT.

The draft plan proposed that the s3qm (the tool) could only be used to a maximum site area of 2,500m². This is consistent other Councils who currently use the tool, such as those located within the Sydney Drinking Water Catchment, Blacktown and Great Lakes. The workshops undertaken during the exhibition period uncovered that the tool would also be suitable for simple sites, being residential or commercial sites that drain to a maximum of two outlets. This was confirmed by the author of the tool.

As a result, it is proposed to use the tool for sites up to 50,000m² (5Ha). This tool, which is a free web-based alternative to water quality models, such as MUSIC will result in significant savings for our applicants while generally achieving the same results. It is a tool that is comparatively easy and time efficient to use compared to MUSIC and is considered to be a key improvement of the proposed plan.

5. Insertion of 'deemed to comply' provisions for s3qm, such as rain gardens

The intention of the s3qm is to provide a tool that demonstrates water quality targets have been achieved through the incorporation of appropriate water quality measures into site design. This web-based tool is simple to use in comparison to other water quality modelling, such as MUSIC, but still requires some basic knowledge and training.

As a result, the proposed plan includes a table of 'deemed to comply' provisions, which is a table of common site attributes and required water quality measures to achieve targets. This is similar to the approach taken by Great Lakes Council in a recent revision of their DCP.

This table demonstrates that the most straight-forward means to achieve the water quality target is through the incorporation of a water tank and rain garden. A water tank is generally incorporated as part of BASIX requirements and in turn the only additional measure required is a rain garden. This rain garden is simply an alternative to the standard stormwater trench required by Council. Alternatively, the s3qm tool allows a number of different measures to achieve the targets, such as swales, trash racks, infiltration pits, etc.

The inclusion of this table is another step in making the process for the applicant more streamlined and allowing for flexible solutions, while still ensuring the water quality targets are achieved. In fact, it is clearer through the use of this tool that the water quality targets are actually being achieved than it is through the current approach, being the standard trench.

6. Notifying Hunter Water when particular types of development are located within the drinking water catchment

Section 51 of the Hunter Water Act 1991 (the Act) requires consent authorities to refer development applications to the Hunter Water Corporation that are likely to have a significant impact on water quality and provide them to 21 days to provide comment.

Through the exhibition period Hunter Water Corporation have identified what types of development they would like to provide comment to when they are located in the drinking water catchment. This is now clearly detailed in the proposed plan to include:

- Major subdivision for 4 or more lots
- Agriculture

ITEM 1 - ATTACHMENT 2 SCHEDULE OF KEY CHANGES & EXPLANATORY TEXT.

- Industry
- Commercial premises
- Multi-dwelling housing
- Sewage reticulation system
- Extractive industry
- Request to remove 20 or more trees

In turn, the proposed plan plays its role in providing further guidance to higher order legislation, such as the Hunter Water Act 1991.

7. Insertion of extraneous light area map

The Department of Defence identified that the draft plan took into consideration a number of matters in relation to airspace operations (e.g. noise). However, one key matter was missing, being extraneous lighting. The Department of Defence highlighted that inappropriate lighting or extraneous lighting within the vicinity of RAAF Base Williamtown may cause a distraction and possibly a hazard to aviation operations. Defence therefore requested that two provided maps relating to lighting be inserted into the proposed plan. One relates to the maximum intensity of the light source and the other relates to restrictions on upward light/beyond the horizontal. Both have been included in the proposed plan.

8. Additional guidance for development on acid sulfate soils

Internal and external feedback received during exhibition identified the draft plan provided no further guidance to the PSLEP2013 clauses relating to acid sulfate soils.

The DCP now provides a series of options for the applicant. It allows them to first determine whether the information contained on the ASS maps is correct and then commission a management plan. This approach allows the applicant to potentially save resources through firstly satisfying Council whether a management plan is necessary. This is an improved approach and example of how the applicant can save resources, but Council can still fulfil its duties in relation to the management of ASS.

9. Further guidance to development defined as industrial

Feedback received during the exhibition period highlighted the need to identify the desired character that Council is seeking for its industrial precincts. Key proposed alterations are in relation to the following matters:

- Fencing materials
- Security fencing
- Blank walls
- Screening

The objective of these alterations is to ensure that the future development of Port Stephens industrial precincts reflects and improves on past industrial development controls.

10. Further guidance to development defined as sex services premises

Feedback received during the exhibition period highlighted the need for additional requirements for development that is defined as a sex service premises. The

ITEM 1 - ATTACHMENT 2 SCHEDULE OF KEY CHANGES & EXPLANATORY TEXT.

objective of these alterations is to improve the amenity and safety for all stakeholders. Key proposed alterations are in relation to the following matters:

- Building entrance location
- Incorporation of a duress alarm
- Separate reception area
- Maximum number of rooms
- Separate staff facilities
- Toilet and bathroom facilities
- Minimise noise transmission

These suggested alterations were drawn from a number of other development control plans currently in force for this type of development.

11. Removal of detailed guidance provided to signage

Signage is a complex development type whose impacts are largely contextual. The amount of guidance relating to signage has been reduced to allow a flexible and merits-based approach for applicants and assessing officers.

This is believed to be in line with the paradigm of the document to allow for a merit-based approach to DCP requirements if the development is permissible and consistent with the relevant development standards of the PSLEP2013.

12. Requirement for Landscape Plans for single dwellings in certain circumstances is now merits based

This part has been revised to remove the requirement for single dwellings on highly sloping sites, within proximity to EECs or SEPP 14 Wetlands for single dwellings and replace with a merits-based approach to be determined by the assessing officer.

13. Insertion of alternative solutions to achieving landscaping requirements

The exhibition period reinforced that not every site is the same. In line with the paradigm of providing alternative solutions the landscape technical specification has been amended to provide alternative solutions for development defined as dual occupancies and multi-dwelling housing. For example, when soft landscaping coverage cannot be provided, a development can satisfy the requirements through other measures such as deep soil planting or a street tree.

14. Removal of the Mosquito Technical Specification as requirements relating to this specification are provided through alternative controls

The draft plan that was placed on public exhibition included requirements to address the management of mosquitoes in accordance with the proposed Mosquito Technical Specification. The public exhibition period identified that these requirements would not result in improved outcomes as these matters, such as fly screening can be addressed through the Building Code of Australia (BCA) or through the land-use zoning process.

15. Removal of the part relating to 'non-discriminatory access' as the intent of this Part is covered by the Disability (Access to Premises – Buildings) Standards 2010

ITEM 1 - ATTACHMENT 2 SCHEDULE OF KEY CHANGES & EXPLANATORY TEXT.

The draft plan included provisions seeking to extend the standards of the 'Premises Standards' beyond the building envelope. The exhibition period identified that seeking standards beyond the building envelope could be considered onerous and that this was beyond the framework of a DCP to enforce. It has subsequently been removed.

16. Correction of a number of formatting and typographical errors

A number of formatting and typographical errors were identified through the exhibition of the draft plan. This is not surprising given the increased readership in comparison to the internal drafting phase. These errors have been amended were identified. Additionally, the cover page and relevant maps have been updated to reflect the updated and revised Port Stephens Council logo.

ATTACHMENT 3 – SUBMISSION SUMMARY AND PLANNING RESPONSE

Draft Port Stephens Development Control Plan 2014				
No	Stakeholder	Submission Summary	Amendment	Planning Comment
1	Individual	1. Page D 109 shows a map of Seabreeze Estate it is headed: North Medowie.	Amend.	1. Amend the 'header' at the top of Page D- 109 to read as 'Seabreeze Estate'.
2	Individual	1. Review of the requirement for dual occupancies, where both houses do not have direct street frontage, to have a shared access.	Amendments not required.	1. Under the draft plan a detached dual occupancy development does not require a shared driveway. Each dwelling can now have access via an existing driveway in contrast to the existing DCP under B6.C20.
3	Individual	1. Concern the waterfront boardwalk identified on the locality map for Lemon Tree Passage will potentially impact, both during construction and subsequent pedestrian traffic, on migratory shorebirds, particularly the Grey-tailed Tattler. It is recommended the impact be considered when assessing the project. Should the boardwalk proceed, it is recommended construction work be carried out during the winter months so as to minimise the disturbance on the Grey-tailed Tattlers.	Amendments not required.	1. The boardwalk has been identified as a key urban design characteristic for a town centre that adjoins a water body. Any future development would need to demonstrate that it does not have a significant effect on Grey-tailed Tattlers under the Threatened Species & Conservation Act 1995, which would be under a separate approval process.
4	Hunter Water	1. Hunter Water is supportive of the measures for protecting drinking water catchments in the Draft DCP 2014, particularly the requirement for Neutral or Beneficial Effect for new lots created through subdivision in the drinking water catchments. 2. Recommends that the DCP includes commentary regarding the referral requirements under Section 51 of the Hunter Water Act 1991, which requires consent authorities to refer development applications that are likely to have a significant impact on water quality to Hunter Water for comment and also to take these comments into consideration when assessing an	Amend.	1. Noted. 2. Amend the Draft DCP to incorporate referral requirements for those sensitive development types as prescribed by Hunter Water. 3. Amend to include appropriate sediment control measures required during the construction phase. 4. As detailed in the general provisions, subdivision located within the drinking water catchment is to achieve Neutral or Beneficial

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		<p>application.</p> <p>3. It is noted that sections of the previous DCP relating to erosion and sediment control have been removed and will be incorporated into conditions of consent. However, there is a very high risk of water pollution arising from vegetation clearing and construction activities in or near the drinking water catchments. As such, erosion and sediment control requirements should be included in the Draft DCP 2014 so that proponents are aware of the importance of appropriate erosion and sediment control to prevent water pollution.</p> <p>4. Parts of each of these areas are located within the Tomago Sandbeds drinking water catchment and therefore water quality measures are to comply with the Hunter Water Regulation 2010.</p>		<p>Effect on Water Quality (NorBE). No additional requirements are recommended.</p>
5	Department of Defence	<p>1. Extraneous lighting should be a matter for consideration for development in proximity to the RAAF Base & Airport.</p> <p>2. The title of Part B7 should be amended from 'RAAF Base Williamtown & Aircraft Noise' to 'Williamtown RAAF Base – Aircraft Noise and Safety'. This is given that this part relates to a number of matters relating to the Base, such as noise, lighting, bird strike, etc.</p> <p>3. Figure AA: Notification Requirements should be amended to include dwelling houses – single storey and subdivision 2 lots or less for developments within the ANEF 20 contour or above. This should reflect the Memorandum of Understanding (MoU) between Council and Defence.</p> <p>4. Figure BA: Tree Management Map is amended to remove the RAAF Base Williamtown and Salt Ash Air Weapons Range as this land is Commonwealth land and tree management does not apply under the DCP,</p>	Amend.	<p>1. Amend the Draft DCP to include a map that notifies where extraneous lighting is to be a matter for consideration.</p> <p>2. Amend Part B7 to reflect the suggested title.</p> <p>3. Under Clause B7.6 all development within the aircraft noise planning area is to be referred to Defence. Amend this part to include a 'note' that notifies the reader of these general requirements.</p> <p>4. This clause does technically apply to land zoned SP2 – Infrastructure under the Port Stephens Local Environmental Plan 2013. However, the power provided to Commonwealth Authority's under Federal Legislation overrides this requirement. To avoid confusion it is recommended that the map be amended to remove the RAAF Base Williamtown and Salt Ash Air Weapons</p>

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		<p>which is a product of State Government legislation does not apply.</p> <ol style="list-style-type: none"> 5. Amend Part B7.1 – Unacceptable Development within the aircraft noise planning area is amended to ensure that any replacement dwelling is considered on merit is 'like for like' development 6. Defence requests that they're notified for the specified development types when located within the Bird Strike categories. 7. Re-word Clause B7.6 to specify development that does not propose to penetrate the Limitation or Operations Surface or procedures for Air Navigation Systems Operations Surface is deemed to have compiled. 8. D11 Richardson Road, D12 Rees James Road and D13 Kings Hill include a part notifying that Part B7 - Williamtown RAAF Base – Aircraft Noise and Safety applies to development in this locality. 9. Amend Clauses under D14.G to ensure a referral is provided to the Department of Defence for Part D1.8 Radio Emitting Devices, D1.9 Navigational Markers and D1.10 Lighting 10. Figure DAA: Williamtown DAREZ Locality Controls Map is amended to remove the reference to 'Aerospace Commercial Precinct' as this is not subject to DAREZ. 		<p>Range.</p> <ol style="list-style-type: none"> 5. B7.1 requires the replacement of a pre-existing dwelling in any of the ANEF noise contours to satisfy the AS2021-2015 Acoustics – Aircraft noise intrusion – Building siting and construction indoor noise requirements. Therefore, any future dwelling would take into account aircraft noise, as opposed to the pre-existing dwelling which is unlikely to have taken into account aircraft noise due to its age. 6. Amend Clause B7.5 to require Defence to be notified for the specified development types when located within the Bird Strike categories. 7. Amend Clause B7.6 with deemed compliance if lower than OLS Map. 8. Amend these parts to include notes to ensure they're consistent with the overall structure of the DCP, such as: Note: Richardson Road is located within the 20-25 ANEF contour. B7.1 details what is to be considered when development is located within the aircraft noise planning area, which includes the 20-25 ANEF contours 9. Clauses under D14.G have been amended to include notes to ensure they're consistent with the overall structure of the DCP, such as: Note: B7 – Williamtown RAAF Base – Aircraft Noise & Safety requires consideration to RAAF Operations 10. Amend Figure DAA to remove the Aerospace Commercial Precinct.
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6	SJB Planning	<ol style="list-style-type: none"> 1. D6.1 – suggests that the word 'general' is added because after detailed design is undertaken, some minor modifications may be required to the street layout identified in Figure DO. 2. D6.2 – suggests that the bullet point – 'Upgrade intersections with Medowie Road' is removed as the intersection is identified as a S94 item and will require funding from developments other than Boundary Road and the appropriate intersection upgrade from the subdivision off Boundary Road will be identified in the Traffic Impact Assessment at the DA stage. 3. D6.3 – add 'to the dwelling on large lot residential sites facing Boundary Road, with all other lots to have a 7m setback to the dwelling' 4. D6.4 – add 'to the dwelling on large lot residential sites facing Boundary Road, with all other lots to have a 1.5m setback to the dwelling' 5. The proposed additions will improve practicality for lots of 1000m² in size 6. D6.5 – change the minimum rear setback from 15m to 7m to be more consistent with the current rear setback in rural lots in the overall DCP, which is 5m. 7. D6.6 – remove the requirement for the Site Analysis Plans to illustrate a 25m asset protection zone as the APZ will be determined by the Bushfire Threat Assessment required for the DA. 8. D6.7 – Remove the requirement for a vegetation management plan as part of the Site Analysis Plan as approximately 69ha will be dedicated to National Parks as part of the subdivision process and in accordance with the satisfactory arrangements clause in the LEP. As such, Any loss of hollow bearing trees and SEPP 44 trees will be offset. Further, Council can place 	Amend.	<ol style="list-style-type: none"> 1. Amend that the word 'general' be added. 2. This bullet point has been removed as it is the role of the s94 contributions plan to provide this round-a-bout as opposed to direct works from the developer. 3. Has been amended to '7m'. Setbacks are in accordance with the 1000m² lots at Pacific Dunes, Medowie. 4. Amend to '2m' setbacks. Setbacks are in accordance with the 1000m² lots at Pacific Dunes, Medowie. 5. Amend to be consistent with Pacific Dunes. 6. Amend to '5m'. 7. Bushfire Protection Measures, such as the size of Asset Protection Zones will be determined at the development application stage. 8. A Vegetation Management Plan is required where twenty or more trees are proposed for removal. 9. The DCP needs to outline the desired amenity of the locality. If it is then overridden by higher order legislation than this is beyond the role of the DCP to account for. 10. Amend that the setbacks be altered to be reflective of Pacific Dunes, which demonstrates that these outcomes can be achieved. 11. Agree. The locality maps are indicative and abased on previous site design that has been completed.
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		<p>appropriate controls for the removal of these trees as part of the development consent, without the need for the proposed D6.7 clause.</p> <p>9. The current 10/50 bushfire regulations will make the provisions difficult to achieve in all locations. APZ maintenance will also make it difficult to achieve the objectives of the clause.</p> <p>10. Final design outcomes might make management corridors along road reserves impossible given potential servicing issues and the provision of footpaths and/or shared pathways.</p> <p>11. D6.9 – the location of the detention basin will be determined as part of the stormwater management strategy at the DA stage.</p>		
7	Environmental Property Services (EPS)	<p>1. Structure of the Draft DCP 2014 is easy to understand, particularly the checklist and lodgement requirements.</p> <p>2. The 'merits based' approach regarding compliance with development standards is positive as this will promote dialogue between council and developer on more complex sites, which will result in positive design outcomes for the region.</p> <p>3. Some of the development objectives are too prescriptive to apply to all development, such as B4.C <i>To ensure development does not impact on water quality through the use of water quality modelling such as MUSIC Modelling and subsequent WSUD measures.</i> This requirement is quite onerous and it would be best to apply such prescriptive standards to individual development types on a common sense basis as opposed to all development that 'increases non-permeable surfaces', etc.</p> <p>4. Where a section of the draft DCP applies to a development based on multiple criterion, include a</p>	Amendments not required.	<p>1. Noted.</p> <p>2. Noted.</p> <p>3. The statement 'development that increases non-permeable surfaces' is simply a trigger to reference that particular part, which then contains requirements for different development types..</p> <p>4. The structure of the DCP seeks to allow the applicant to quickly move through the document without having to reference every section. The suggestion of 'and/or' has been incorporated where appropriate.</p> <p>5. Recognise these positive comments.</p>

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		<p>statement 'and/or' for clarification and to prevent misunderstanding.</p> <p>5. Overall the draft DCP is clear and concise and a positive improvement on the current DCP. It will provide an effective framework for planning and assessment in the LGA and will be a positive addition to the existing guidelines, policies and manuals.</p>		
8	Hunter Land	<p>1. Land at Taylors Beach is zoned B5 Business Development, it operates as a Business Park and contains a number of Bulky Goods premises. The Business Park was originally zoned 4a – Industrial General under the PS LEP 2000 and the existing development was built in accordance with Part B5 Industrial land use controls within the DCP 2007. Under the Draft DCP, development within the Park will need to comply with Part C2 Commercial, which has different requirements to the existing developments, such as setbacks. Clarification is sought on this matter.</p> <p>2. Requests that B3.5 be amended to require the preparation of an air quality report for heavy industries only, and not all industrial development.</p> <p>3. Part B9.2 requires the preparation of a Traffic Impact Assessment to justify any shortfall in the number of spaces provided and does not make any provision for minor short falls. It is requested that the DCP include a provision that allows the applicant to justify any departure from the parking rates.</p> <p>4. Figure BH – On-site Parking Requirements does not specify a floor area for light industrial uses. It is suggested that 1 car space for 100m² is adopted in the DCP.</p> <p>5. Clarification is sought for the requirement of 1 car space per employee under the parking provisions for</p>	Amend.	<p>1. Amend the DCP to include a clause that allows development within the B5 business zones, which is of an industrial nature to draw on the relevant provisions of the industrial chapter until a more specific part relating to these estates has been developed.</p> <p>2. Amend to 'heavy industry' as a result of the definitions for industry within the LEP.</p> <p>3. It is recommended that any departure from the agreed parking rates continues to be justified by a Traffic Impact Assessment.</p> <p>4. Amend to '1 car space per 100m²'.</p> <p>5. 'General Industry' is specified under this table.</p> <p>6. Recommended that the 'work bay' reference be deleted as it is considered onerous to require this for all development defined as industrial. Instead, each development should be assessed on a case by case basis.</p> <p>7. The required number of spaces will remain at 15 in the event that it is located within an urban area. Any departure could be justified through the Statement of Environmental Effects (SEE).</p>

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	<p>industrial development types and is presumed that this requirement is for home industry. This should be specified in the DCP.</p> <p>6. The DCP requires 1 car space per 100m² floor area or 4 spaces per work bay for heavy industrial storage establishments, heavy industry and general industry uses. Further clarification on what constitutes a work bay is requested as they are usually referred to in a vehicle body repair workshop and vehicle repair station. It is further requested that reference to a work bay in the industrial land use is deleted from the DCP.</p> <p>7. Indoor soccer/cricket/netball land uses require 15 car spaces per pitch/court. Most indoor recreation centres have a number of pitches/courts which could result in a requirement for major car parks to be constructed. However, users of these facilities tend to car pool and they are used outside of hours, when surrounding public streets are deserted. Therefore, the surrounding streets could easily accommodate any overflow in parking. This figure should be reduced to 8 spaces.</p> <p>8. C1.4 includes block/lot dimensions. Due to lot layout and location, not all dimensions for industrial properties can be achieved. Proposed subdivisions and lot sizes and dimension are normally determined by the uses proposed, parking requirement and vehicle manoeuvring on site. It is required that the lot dimensions are deleted from the draft DCP.</p> <p>9. Figure CA refers to battle axe requirements. The entry width of an industrial battle axe lot is 10m. AS2090.2:2002 Offset Commercial Vehicle Facilities requires the concrete driveway width to be 6.5m. It is preferable to have an 8m cadastral boundary at the entry of a battle axe lot to allow for the 6.5m driveway and buffer on each side. It is requested that the battle</p>	<p>8. These preferred block dimensions are based on the ideals of creating residential neighbourhoods that are diverse by improving connectivity. Any departure from these block dimensions can be justified through the SEE.</p> <p>9. Recommend that the entry width remain at 10m to ensure clear access to and from the subject battle-axe and to allow for landscaping treatments.</p> <p>10. Amend the DCP to include a clause that allows development within the B5 business zones, which is of an industrial nature to draw on the relevant provisions of the industrial chapter until a more specific part relating to these estates has been developed.</p> <p>11. The figure has been amended to \$2M to more reflect to true cost of significant industrial and commercial developments.</p> <p>12. Development that is proposed in this location will take into account the existing character, such as setbacks as well as the relevant requirements of the commercial development part, which also includes requirements for bulky goods premises</p> <p>13. Copies of the documents referenced throughout DCP will be provided on the website for easy reference.</p> <p>14. 5m is required. The purpose of these notes at the bottom of DCP requirements is to provide direct reference the general requirement that they seek to override. In</p>
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		<p>axe requirements for industrial and business zones to 8m.</p> <p>10. Further clarification is sought whether uses in the Taylors Beach Business Park are required to comply with the requirements of C2 Commercial of the draft DCP.</p> <p>11. C2.20 requires public art to be incorporated into a commercial development if it is valued over \$1million. This value is no longer to be considered to be of a 'significant value'. Further clarification is sought on what constitutes 'public art' and it is requested that the value of commercial development be increased to \$5 million before this requirement is enforced.</p> <p>12. Further clarification is sought as to whether uses in the Taylors Beach Business Park are required to comply with the requirements of C3 Industrial.</p> <p>13. The draft DCP includes references to the Williamstown Aerospace Park Landscape Master Plan but this plan is not provided in the Draft DCP. It is requested that this plan be provided in order for comments on the plan to be made.</p> <p>14. Part D1.2 of the DCP states that a minimum of 5m setback is required. The draft DCP then makes a note that C2.6 of the DCP requires development to be built to the street property boundary. Clarification is sought on the setback requirement for this location.</p>		<p>turn, this eliminates the possibility of DCP double-ups.</p>
9	Individual.	<p>1. Concern that Section D2.2 "pavilion buildings' refers to C2.12 which states that "building facades use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting" will result in more poor commercial development at Lemon Tree Passage, destroying the foreshore and village atmosphere.</p>	<p>Amendments not required.</p>	<p>1. The role of the DCP is to improve the development outcomes that would otherwise be achieved without this further guidance provided by the DCP.</p> <p>2. The standards are considered appropriate for Lemon Tree Passage to ensure appropriate elements, such as a boardwalk is</p>

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		2. Requests that the standards are modified to ensure appropriate development in Lemon Tree Passage.		incorporated through future site design.
10	Pacific Dunes	<p>1. D1.3 - change from Setbacks – Golf and Country Club to Country Club Precinct</p> <ul style="list-style-type: none"> ▪ Revise minimum front setback from 3.0m to 4.5m ▪ Revise the minimum setback for garages from 5.0m to 5.5m ▪ Revise the minimum rear setback from 3.0m to 4.5m ▪ Add 'and garages' to minimum site setback of 1.0m or no minimum side setback for dual occupancy <p>2. D1.4 – Lakes, Links, Portmarnock Precincts</p> <ul style="list-style-type: none"> ▪ Revise minimum front setback from 5.0m to 6.5m for garages ▪ Revise minimum rear setback from 3.0m to 4.5m ▪ Add the words 'for the Links' to Minimum side setback of 1.2m ▪ And add 'minimum of 1.0m for others'. <p>3. D1.5 Change from Setbacks Hillside Precinct to Hillside and the Greens Precincts</p> <ul style="list-style-type: none"> ▪ Revise minimum front setback from 5.0m to 9.5m for garages ▪ Revise minimum rear setback from 3.0m to 5.0m <p>4. D1.11 – Driveway Width</p> <ul style="list-style-type: none"> ▪ Add 'except for a 5.0m maximum width in the Country Club Precinct' <p>5. D1.13 Roofing</p> <ul style="list-style-type: none"> ▪ Add the following 'Roof mounted hardware such as satellite and antennae are to be mounted in locations least visible from the street and golf course'. <p>6. D1.16 Side & Rear Fences</p>	Amended.	1. Amend the draft plan to be consistent with the standards proposed by the applicant as this is a strata subdivision and the proposed setbacks are minor variations on what is required by the general provisions.

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		<ul style="list-style-type: none"> ▪ Change from 'Maximum 1.0m forward of the building line' to 'behind the front façade'. <p>7. D1.17 Golf Course Fences</p> <ul style="list-style-type: none"> ▪ Change from 'Golf course fencing is high palisade fencing to a maximum height of 1.2m' to 'Golf course fencing is to be 1.2m high palisade fencing in accordance with the Design Precinct Guidelines'. <p>8. Figure DP to be amended to show the Greens Precinct and amend the 'Golf & Country Club Precinct to 'Country Club Precinct'.</p> <p>9. Figure DQ to be amended to show the correct boundary of Pacific Dunes and amend the key from 'Golf & Country Club' to 'Country Club Precinct'</p>		
11	ERM on behalf of Newcastle Airport	<p>1. D1.1 Newcastle Airport Pty Ltd (NAPL) is supportive of the requirement for development applications to be accompanied by a Landscape Master Plan consistent with the Williamstown Aerospace Park Landscape Master Plan a schedule or colours and finishes.</p> <p>2. Advises of a cross-referencing error regarding the road layout – it should state Figure DAA not Figure DZ.</p> <p>3. The accuracy of Figure DAA is questioned as it currently shows a road in the Aerospace Commercial Precinct running through the sewerage treatment works. This road should be located to the west of the mapped location. There is a potential for any future road extension (when mapped correctly) into the NAPL lease area could impact on the NAPL's car parking business. To protect the business, it is suggested that the location of the road be amended or the road removed. The provision of any road access into NAPL's lease area will need to be subject to further discussion to determine impacts. It is unclear if the previously included tow way between the DAREZ precinct and airside areas is still proposed. Any tow way will need to appropriately consider security arrangements,</p>	Amend.	<p>1. Noted.</p> <p>2. Amend formatting to align with the changes that have been incorporated since the closure of the exhibition period.</p> <p>3. The sewerage treatment plant is in the process of being decommissioned. Therefore the location of an access road across this space is not considered an unrealistic option. The other matters discussed are beyond the role of a generic Masterplan for this site.</p> <p>4. Noted.</p> <p>5. Noted.</p> <p>6. These lots are clearly identified on the Draft Version of the Plan that was placed on public exhibition – Refer to the Locality Controls Map.</p> <p>7. Noted. Lighting is a consideration that has now been placed in the DCP following a submission from the Department of Defence.</p> <p>8. References are provided Harvard style within</p>

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	<p>operational impacts and maintenance requirements.</p> <p>4. NAPL is supportive of the measures requiring the comprehensive assessment of drainage and stormwater management issues associated with the development of the DAREZ precinct as required by D1.4 and B4.2.</p> <p>5. NAPL supports the consideration of flooding impacts with the DAREZ precinct as required by D1.5.</p> <p>6. Further clarity, by way of a map referencing the areas referred to in D1.6, is required. The map should show Lots 1001 and 1002 DP 1187948 and Lot 301.</p> <p>7. NAPL is satisfied that the enforcement of Part B7 and Clause 7.4 of the PSLEP which relate to airport operations and consultation / referral to the Commonwealth will minimise potential risk of future development impacting negatively on the operational airfield. However, in addition to the DCP addressing lighting from an airfield perspective, it should also address potential obtrusive lighting impacts from the DAREZ precinct on Newcastle Airport. Therefore, the DCP should reference AS4282 and require appropriate lighting design and control to prevent obtrusive lighting impacts.</p> <p>8. D14 makes various references to potential conflicts to and consultation with the Department of Defence. In order to satisfy the objectives of B7, it is appropriate to require consultation with NAPL to ensure operations impacts to civilian airport operations are considered, including traffic and access matters. The Reference List within E4 incorrectly cites endnote 23, which should provide the reference for the Williamstown Aerospace Park Flood Assessment and Stormwater Strategy. It is suggested that the authors and dates of the studies / strategies referenced in the DCP are added to the reference list to clearly identify the document, author</p>		<p>the Schedules section of the Plan. Cultural heritage is considered in the general provisions when development involves 'cut'. NAPL will be notified of any development application in this location as an adjoining landowner.</p> <p>9. Noted.</p>
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		<p>and edition being referenced (i.e. Harvard referencing system) The DCP should specify requirements relating to development in the vicinity of the Aboriginal Keeping Place, particularly the objectives of the Cultural Heritage Plan of Management and the values of the Keeping Place.</p> <p>9. NAPL is supportive of the requirements and/or limitations to minimise operational impacts to aviation activities and Commonwealth consultation requirements.</p>		
12	Tomaree Residents & Ratepayers Association (TRRA)	<p>1. Introduction, status, and focus on merits-based assessment - Concern raised for the emphasis on supporting 'alternative merits based approaches' as exceptions to the requirements of the DCP as alternative solutions can have potentially disastrous outcomes. It is suggested that 'merits based approach' is given less prominence and is clearly presented as an exception rather than the rule.</p> <p>2. Advertising requirements - Concern that the notification requirements have been relaxed for many development types. Request for clarification of whether Level 2 – Neighbour Notification only leaves notice to landholders 'not immediately adjoining at the discretion of the applicant. If so, this is inadequate. Level 3 Notification – Press Advertisement and Website Notification should contain minimum standards for what information should be included in the description of the development to ensure that the location and development type is easily recognised and understood. The potential impacts of development types needs further consideration in the allocation of notification category. Particularly:</p> <ul style="list-style-type: none"> • Boat building, ramps and sheds should all be advertised as they can potentially have major impacts on public foreshores and landholders • Boarding houses – an 'impact study' is required 	Amended.	<p>1. Introduction, focus on merits-based assessment –The wording has been amended to read 'the applicant is provided with the opportunity to demonstrate through alternative merit-based solutions how the proposed development complies...' – This approach is consistent with recent court rulings such as <i>Goyer v Pengilly [2015] NSWLEC 54</i>, which reinforced that the non-mandatory nature of controls in development control plans must be borne in mind. Where a control is in a development control plan, it must be taken into consideration, but the council will not be bound to apply the control strictly. Indeed to do so would breach the provisions of the Environmental Planning & Assessment Act 1979 which require development control plans to be applied flexibly and as a guide only.</p> <p>2. Advertising Requirements – Amend the draft DCP to reflect the relevant suggestions.</p> <p>3. B1 Tree Management –This has been</p>

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		<p>under section B11, and should therefore be advertised</p> <ul style="list-style-type: none"> • Electricity generation works should be advertised due to obvious impacts • Investigate the different treatment for 'home based child care' and 'home business' as both have potential impacts on parking and noise • Advertising structures should be advertised, although there is scope for a threshold to apply, such as size, location etc • Subdivisions of at least 3 to 10 lots should be advertised • Tourist and visitor accommodation greater than 2 rooms should be advertised • Recreation areas should be advertised, with some scope for threshold to apply depending on location, size etc <p>3. Tree Management - Questions the proposal to remove vegetation within 5m of a building without consent, despite this being the current requirement under the Tree Preservation Order as it may not be in the best interest of protecting valuable specimens. Also, the DCP requirements could nevertheless be overridden by the State wide 10/50 policy on vegetation removal. The DCP should not be misleading by giving the impression that the council policy applies, rather than the state policy. However, the DCP should maintain a statement on Council's policy in case the state policy is repealed. The DCP should at least mention the state policy.</p> <p>4. Natural resources - Generally supportive, however the following provisions should be strengthened:</p> <ul style="list-style-type: none"> • B3.1 – Bushfire prone land – more detail to address the issue of whether APZs can be provided on Crowne Land rather than on-site 		<p>amended to reflect that the 10/50 rule that comes under 'vegetation clearing work authorised under the Rural Fires Act 1997'.</p> <p>4. Natural Resources –Planning for bushfire is provided in accordance with a bushfire assessment in accordance with the 100B of the Rural Fire Act 1997. This is higher order legislation and it is not role of the DCP to predict outcomes of these requirements. The Rural Fire Service Planning for Bushfire Protection Guideline requires the APZ to be provided within the boundary of the lot. Further guidance has been provided for the need to reference the Acid Sulfate Soils Manual and Assessment Guidelines.</p> <p>5. Flooding – This part as it relates to flooding has been reviewed and is further explained within the Schedule of Key Amendments & Explanatory Text. In addition to the concerns raised here, this also responds to the 26/06/14 Notice of Motion relating to flood prone land.</p> <p>6. Aircraft Noise – The aircraft noise planning area continues to be a part of the proposed plan, which is consistent with the Port Stephens Aircraft Noise Policy</p> <p>7. Aboriginal Heritage – This clause requires that the potential for aboriginal artefacts be addressed through the SEE. It does not negate the requirements under s90 of the</p>
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	<ul style="list-style-type: none"> • B3.2 – Acid Sulfate soils – DCP should contain further guidance than LEP <p>5. Flooding - Generally supportive, however questions whether provisions sufficiently discourage development applications on flood prone land. Disappointed that there are exceptions included to almost every clause in this section, particularly given recent examples of Councillors overriding planner's advice to allow development on flood prone land. Concern that sea level rise and extreme weather events caused by climate change could put many residents at risk, especially given the significant amount of low lying land in the LGA. There is also a concern that Council's exposure to future compensation claims is increased if development is approved, contrary to professional advice. It is recommended that the DCP provisions make it difficult for Council to override professional planning advice.</p> <p>6. Aircraft Noise - Concerns that there are many exceptions to the otherwise sensible provisions. Notes that DCP provisions should make it difficult for Council to approve development against professional planning advice.</p> <p>7. Aboriginal heritage - Concerned that the requirement for Aboriginal heritage to be addressed only where development involves cuts of greater than 2m when there are significant sites <2m below. Clarification is sought on the basis for this provision and whether local Aboriginal representatives were consulted on this provision.</p> <p>8. Parking - Concerned about the proposed scope for alternative parking arrangements, particularly where 'the current land use has been approved with a parking shortfall' as a new DA should be required to meet new requirements rather than be permitted to perpetuate a</p>		<p>National parks and Wildlife Act 1974 that if relics are discovered, construction work must immediately stop and be assessed.</p> <p>8. Parking – The parking provisions outlined by the DCP are reflective of other Councils. If the proposed development is deemed to have the potential to generate traffic movements, then a Traffic Impact Assessment (TIA) is required, such as a funeral home.</p> <p>9. Anna Bay – A number of specific area provisions have been wrapped up through this comprehensive review (e.g. DAREZ, Pacific Dunes, Nelson Bay, etc.) Anna Bay predates the previous DCP and is on the forward work plan for review.</p> <p>10. Nelson Bay Centre – The Map has been amended to reflect the boundaries of the Strategy.</p> <p>11. Seabreeze Estate – Noted.</p> <p>12. DAREZ – This relates to the land relating to the studies completed and land rezoned for DAREZ. Further strategic work is currently being completed for the rural lands outside of the DAREZ boundaries.</p> <p>13. Definitions – These definitions reflect higher order environmental planning instruments. It is not the role of the DCP to contradict or alter the definition provided by a higher order instrument.</p>
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ITEM 1 - ATTACHMENT 3 SUBMISSION SUMMARY & PLANNING RESPONSE.

	<p>shortfall. The DCP does not specify 'funeral homes' as lands use requiring specific parking provisions, even though this use generates significant demand for parking.</p> <p>9. Specific Areas - Supports the inclusion of specific area requirements, however suggests that further provisions are included for all areas where a strategic plan has been prepared, such as Anna Bay.</p> <p>10. Nelson Bay Centre Map - Figure D1 shows the boundary that coincides with the Nelson Bay Town Centre and Foreshore Strategy (2012) and the Nelson Bay Town Centre and Foreshore Improvement Programme (2012). These boundaries were carefully selected during the development of these documents. However, the map shown in Figure D1 does not include key segments to the north, including:</p> <ul style="list-style-type: none"> • Most of the water based component of the marina complex; and • Open space associated with the Eastern Groyne and south of Victoria Parade, which was identified as part of the green linking area extending between the foreshore and the built environment of the town centre. <p>An area to the south of Stockton and Dowling Streets, which formed part of the Tourism and Leisure Precinct with buildings up to 7 stories in height, has been excluded. These are significant areas and should be included in the Locality Controls Map DJ. Not all of the standards recommended in the strategy, and improvement programme, such as streetscapes and landscaping, public open space allocations, building facades etc are included in the DCP and should be. The depiction of views in Figure DJ needs to be strengthened for legibility and backed by more specific written controls in order to protect and enhance the</p>		<p>Other matters raised by during the public meetings with TRRA present included:</p> <ul style="list-style-type: none"> ▪ Open Space Standards – Has been amended to reflect that the primary objective is open space, not as a secondary use to detention or retention ▪ Salamander Bay Principles – A new Part titled D8 – Salamander Bay Shopping Precinct has been included in the draft DCP to reflect the principles that were prepared prior to the assessment of 155 Salamander Way, Salamander Bay. ▪ Review of heights for Nelson Bay – This is a matter that can only be reviewed through the LEP. ▪ Nelson Bay Traffic Plan – A traffic study and plan was provided as a part of the Nelson Bay Strategy. It is not the role of the DCP to implement these actions.
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ITEM 1 - ATTACHMENT 3 SUBMISSION SUMMARY & PLANNING RESPONSE.

		<p>view corridors in Nelson Bay, as prioritised by the Strategy. No reference is made in the DCP to the "Opportunity Sites" detailed in the Strategy. It is noted that the DCP does not prescribe floor space ratio as this exists in the LEP. However, the FSR in the LEP is inconsistent with the strategy and the 'opportunity sites' cannot proceed under the current LEP provisions. As such, the DCP should clarify the community expectation that the LEP and DCP will reflect this key component outlined in the Strategy.</p> <p>11. Seabreeze Estate - Notes that the provisions are seeking to resolve ongoing stormwater and drainage issues into the Lagoons estate and associated legal battles. It is unlikely that these can be resolved retrospectively by the new provisions in the DCP.</p> <p>12. D14 Williamstown Defence and Airport Related Employment Zone (DAREZ) - Concerned that the DCP provisions only relate to the DAREZ land, and not the rural zoned land adjoining DAREZ. This is a concern. Particularly as this is the gateway to the Peninsula and it is potentially in competition with businesses in the local centres, which undermines council policy of strengthening these centres. Provisions should exist that aim to control this highly visible precinct, pending further strategic planning, to determine acceptable developments and controls in this locality.</p> <p>13. Glossary - '<u>environmentally sensitive area</u>' and '<u>environmental significance</u>' - definition is too subjective and the DCP needs to more clearly define these terms and explain how they work together in section B2.1. '<u>merit-based</u>' – concern about this approach has been outlined in submission. Further clarification is sought as to whether 'merits based approach' is language that Council has chosen to include or if it is required/defined in the Act or another planning instrument.</p>		
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ITEM 1 - ATTACHMENT 3 SUBMISSION SUMMARY & PLANNING RESPONSE.

		<p>14. <u>Other - Ground level calculations</u> – clarify where, on a site, height limits are measured from. DCP needs to be clear on this matter. <u>Inappropriate uses on land zoned Rural</u> – DCP should make it more difficult to obtain approval on rural land that is not clearly consistent with the zone objectives of maintaining predominately rural character of the area. <u>Site Maintenance</u> – the DCP should seek to address the issue of site maintenance in order to avoid eyesores from stalled or failed developments, particularly in visually prominent locations. Provisions that allow maintenance/clean up conditions of consent is suggested.</p>		
13	Le Mottee Group	<ol style="list-style-type: none"> 1. The submission highlights grammatical, typographical and formatting errors and wording issues. 2. A definition of 'proximity' is required as the term is used extensively throughout the document. 3. Mapping is required to show land that is and is not within proximity to items of environmental significance and noxious weeds. 4. Bushfire mapping is inaccurate so the DCP needs a clause to avoid costly and time consuming bushfire threat assessments being wrongly undertaken. 5. Potentially contaminated land should be mapped or placed on a register. 6. Mapping of wetlands is inaccurate. Further clarification is required for what type of wetland the clause is referencing. 7. A definition of 'significant' is required. 8. 'Increase non-permeable surfaces' – This means if you built a carport in the middle of a 2000ha paddock you would have to address this element. This needs to be limited in some way. Either here in the checklist or in 	Amended.	<ol style="list-style-type: none"> 1. Amend errors as identified. 2. It is recommended word 'proximity' has been replaced by quantitative figures, such as 'within 500m of items of environmental significance' or 'is located on land that contains or is within 500m of acid sulfate soils'. Where the word 'proximity' is retained, it is intended to provide a merit-based approach, which is consistent with the philosophy of the Plan. 3. The structure of the Plan allows a streamlined transition to e-planning, which seeks to correlate mapping attributes against development objectives & requirements. 4. It is not the role of a DCP to supersede the requirements of the Rural Fires Act, which requires development located on bushfire prone land to adhere to the relevant requirements under this Act. 5. Potentially contaminated land is notified through an s149 Certificate and this is not the

ITEM 1 - ATTACHMENT 3 SUBMISSION SUMMARY & PLANNING RESPONSE.

	<p>the controls themselves.</p> <p>9. Should reference the current ANEF 2025 map only, and not the 'Aircraft Noise Planning Map' as this is misleading, unenforceable and unlawful.</p> <p>10. Clarify 'social impact'</p> <p>11. Part C5 – Multi-dwelling housing should include dual occupancy</p> <p>12. Questions the necessity of this Part as these specific areas should comply with overall DCP requirements</p> <p>13. Classified what under Part 5?</p> <p>14. Suggests amendments to the Notification Requirement table:</p> <ul style="list-style-type: none"> • Boast sheds – upgrade to Category 2 • Community Facilities – category not identified • Electricity Generating Works – this should be at least Category 2 <p>15. Clarify whether R5 Large lot residential is an 'urban area' under the DCP.</p>	<p>role of a DCP as defined under the relevant Acts and Regulations.</p> <p>6. The requirements relating to mosquito management, which related to wetlands have been removed from the Draft Plan as detailed in (ATTACHMENT 2).</p> <p>7. Where the word 'significantly' is retained, it is intended to provide a merit-based approach, which is consistent with the planning procedures of the Plan.</p> <p>8. This is a 'trigger' to reference this Part. This is consistent with the structure and formatting of the Plan as detailed in Part A – Introduction. This 'trigger' requires a proposed development type to reference Part B4 – Drainage and Water Quality, which then lists the requirements for water quality and on-site detention. Minor alterations are excluded from water quality measures under Figure BK: Water Quality Table.</p> <p>9. Referencing both ANEF Maps is reflective of Council's adopted Aircraft Noise Policy and the precautionary principle which is tied to the Ecologically Sustainable Development objective of the Environmental Planning & Assessment Act 1979.</p> <p>10. 'Significant Social Impact' has been provided with a definition under Part E1 – Glossary.</p> <p>11. The matters to be considered by a dual occupancy and single dwelling are relatively consistent. The proposed C4 – Dwelling houses, Dual Occupancy & Ancillary</p>
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ITEM 1 - ATTACHMENT 3 SUBMISSION SUMMARY & PLANNING RESPONSE.

				<p>Development is reflective of the B6 – Single and Dual Occupancy Dwellings, which was only recently amended and has support from the industry.</p> <p>12. Part D recognises that further planning has taken place for these specific areas (i.e. Strategies and Plans) which assists the developer in achieving an overall vision, such as road connectivity, flood planning levels, precinct character, etc. Furthermore, under Clause 6.3 of the LEP, a site specific DCP is to be prepared for locations identified to be within an urban release area.</p> <p>13. Wording has been amended to 'carried out under Part 5 Environmental assessment of the EP& A Act'</p> <p>14. These suggestions will be taken into a future detailed review of the notification requirements.</p> <p>15. Zone R5 Large Lot Residential is a non-urban area as identified in Part E1 – Glossary, which reflects the definition under the Native Vegetation Act 2003.</p>
14	South Tomaree Community Group	<ol style="list-style-type: none"> 1. Concur with the submissions made by TRRA and Econetwork and provide two additional concerns. 2. Recommend a stronger application of the Comprehensive Koala Plan of Management 3. Recommend a more thorough and comprehensive application and consideration of the effects of disturbance of acid sulfate soils. 	Amendments not required.	<ol style="list-style-type: none"> 1. Noted. 2. The DCP states that compliance with the CKPoM is required where Development located on or in proximity to land identified as koala habitat. 3. Preparing an Acid Sulfate Soils Plan of Management in accordance with the NSW ASS Assessment Guidelines is the best practice for addressing ASS.

ITEM 1 - ATTACHMENT 3 SUBMISSION SUMMARY & PLANNING RESPONSE.

15	Hunter Land Engineering	<ol style="list-style-type: none"> 1. Amend so that a cut and fill plan is required for development within 40m to the Top of Bank as defined in the Water Management Act 2000. 2. B4.2 is too restrictive as either system can be used for either situation provided appropriate structural design has been undertaken. Amend the working so that it reads post development follows "for the site" equal to pre-development flows "for the site" B4.4 – the buffers to riparian corridors should be amended to be consistent with the current Guidelines for riparian corridors on waterfront land. 3. The Williamstown Aerospace Park Flood Assessment and Stormwater Strategy is no included in the DCP. 	Amended	<ol style="list-style-type: none"> 1. Amend B3.6 to ask for a cut/fill plan when it is within 40m of the top bank of a riparian corridor as defined under the Water Management Act 2000 2. Amend the wording 'and are generally' and 'for the site' for the on-site detention requirements. 3. It will be provided on the website along with all other supplementary material.

ITEM NO. 2

**FILE NO: PSC2015-01000/426
TRIM REF NO: PSC2014-01907**

PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013 - MINOR AMENDMENTS TO VARIOUS LAND AT TOMAGO AND KARUAH

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

RECOMMENDATION IS THAT COUNCIL:

1. Adopt the Planning Proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 for the following sites:
 - Part Lot 302 DP 1004596 (15 Gray Drive, Karuah) rezone from RU2 Rural Landscape to R2 Low Density Residential.
 - Part Lot 143 DP 605461 (38 Old Punt Road, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial.
 - Part Lot 12 DP 1138643 (1 Laverick Avenue, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial.
 - Part Lot 2 DP 1195849 (12 Laverick Avenue, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial.
 - Part Lot 14 DP 1159849 (14 Laverick Avenue, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial.
2. Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make a Gateway Determination and request delegation be given to Council to make the plan.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

Councillor Paul Le Mottee returned to the meeting at 05:59pm.

	<p>Councillor Ken Jordan Councillor John Morello</p> <p>That the recommendation be adopted.</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

MINUTES ORDINARY COUNCIL - 14 JULY 2015

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

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 14 JULY 2015 MOTION

190	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1. Adopt the Planning Proposal (ATTACHMENT 1) to amend the Port Stephens Local Environmental Plan 2013 for the following sites:<ul style="list-style-type: none">• Part Lot 302 DP 1004596 (15 Gray Drive, Karuah) rezone from RU2 Rural Landscape to R2 Low Density Residential.• Part Lot 143 DP 605461 (38 Old Punt Road, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial.• Part Lot 12 DP 1138643 (1 Laverick Avenue, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial.• Part Lot 2 DP 1195849 (12 Laverick Avenue, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial.• Part Lot 14 DP 1159849 (14 Laverick Avenue, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial.2. Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make a Gateway Determination and request delegation be given 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 MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, John Morello and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to present a planning proposal for Council's consideration.

The changes are simply to rectify minor mapping inconsistencies and/or administrative changes.

Since gazettal of the Port Stephens Local Environmental Plan 2013 five (5) sites have been identified as being incorrectly mapped during the initial transference from the former Port Stephens Local Environmental Plan 2000 (PS LEP 2000) to the current Standard Instrument Port Stephens Local Environmental Plan 2013 (PS LEP 2013).

The zoning anomalies have been identified by Council staff or land owners of the identified parcels of land. The amendments are considered transitional mapping anomalies, however were originally exhibited and adopted in the PS LEP 2013. It is proposed the anomalies be rectified as an amendment through a planning proposal with a short community consultation to ensure surrounding land owners have adequate opportunity to comment. The exhibition requirements/timing will be known after the application passes through the Gateway.

The Planning Proposal aims to amend the PS LEP 2013 as summarised below:

1. Part Lot 302 DP 1004596 (15 Gray Drive, Karuah)

Amend the land zoning map and lot size map relating to Lot 302 DP 1004596, (15 Gray Drive, Karuah) as identified in **(ATTACHMENT 2)**. Under the PS LEP 2000 the lot was part zoned 1(a) Rural Agriculture (western portion) and 2(a) Residential (eastern portion). During zone conversion to the Standard Instrument, the whole lot was incorrectly converted to RU2 Rural Landscape.

Subsequently, the western portion of the lot has been rezoned R2 Low Density Residential as part of PS LEP 2013 (Amendment No. 5) gazetted in June 2014. The remaining eastern portion of the lot is required to be zoned R2 Low Density Residential in line with its previous zoning under LEP 2000. The associated lot size and height of buildings maps also require amendment to be consistent with the R2 Low Density Residential zone.

2. Part Lot 143 DP 605461 (38 Old Punt Road, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial;

Amend the land zoning map relating to Lot 143 DP 605461 (38 Old Punt Road, Tomago) as identified in ATTACHMENT 3. During the zone conversion to the PS LEP 2013, 38 Old Punt Road, Tomago did not transition from part 4(a) Industrial General "A" and part 1(a) Rural Agriculture "A" to part IN1 General Industrial and part E2 Environmental Conservation. Instead the whole parcel was incorrectly converted to E2 Environmental Conservation.

3. Part Lot 12 DP 1138643 (1 Laverick Avenue, Tomago) rezone from E2 Environmental Conservation to IN1 General Industrial;

Amend the land zoning map relating to Lot 12 DP 1138643 (1 Laverick Avenue Tomago) as identified in **(ATTACHMENT 3)**. During the zone conversion to the PS LEP 2013, 1 Laverick Avenue, Tomago zoned part 4(a) Industrial General "A" and part 1(a) Rural Agriculture "A" did not transition to equivalent zones part IN1 General Industrial and part E2 Environmental Conservation. Instead the entire portion on the lot south of Laverick Avenue was zoned E2 Environmental Conservation.

4. Part Lot 2 DP 1195849 (12 Laverick Avenue, Tomago)

Amend land zoning map relating to Lot 2 DP 1195849 (12 Laverick Avenue, Tomago) as identified in **(ATTACHMENT 3)**. During the zone conversion to the PS LEP 2013, the entire portion of the site zoned 4(a) Industrial General was not converted to IN1 General Industrial instead a portion was zoned E2 Environmental Conservation.

5. Part Lot 14 DP 1195849 (14 Laverick Avenue, Tomago)

Amend land zoning map relating to Lot 1 DP 1195849 (14 Laverick Avenue, Tomago) as identified in **(ATTACHMENT 3)**. Due to a cadastre amendment the boundary of the lot was adjusted resulting in a portion of the lot being identified E2 Environmental Conservation. The amendment will extend the IN1 General Industrial zone across the entire lot.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

The Planning Proposal has been assessed within Council's existing resources. There are no direct financial implications if Council adopts the recommendation.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The Planning Proposal will be prepared using existing Council resources.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) details the legislative process for the making of a Local Environmental Plan. This Planning Proposal is consistent with this process.

The proposal is not the result of any strategic study or report. The anomalies have arisen as a result of incorrect mapping conversion from the Port Stephens Local Environmental Plan 2000 to the Standard Instrument Port Stephens Local Environmental Plan 2013.

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) is a strategic planning framework to guide the sustainable growth of the lower Hunter over the next 25 years. The amendment is consistent with the strategy by ensuring that land is zoned appropriately to facilitate development opportunities.

Ministerial 117 Directions

Under section 117(2) of the (EP&A Act), local councils must follow a list of directions when preparing planning proposals for new LEPs. The directions cover the following broad categories:

1. Employment and resources.
2. Environment and heritage.
3. Housing, infrastructure and urban development.
4. Hazard and risk.
5. Regional planning.
6. Local plan making.

Given the planning proposal relates to minor mapping anomalies it is considered to have low planning significance and is consistent with all 117 directions.

Port Stephens Planning Strategy

The Port Stephens Planning Strategy (PSPS) seeks to encourage a sufficient supply of a diverse range of housing in the Local Government Area (LGA) and ensure that there is a sufficient supply of a diversity of industrial land to meet market demand. The Planning Proposal is consistent with the Strategy.

Split Zones

LEP Practice Note: PN 11- 002 provides guidelines on the use of standard zones in the Standard Instrument. It outlines that "in some circumstances 'dual' or 'split' zoning

on a single lot may be acceptable to acknowledge the different development potential of the land due to topography, different environmental values, certain land constraints or different designated future land uses".

1, 12 and 14 Laverick Avenue Tomago all have current industrial uses applying to part of the land proposed to be zoned Industrial. Reinstating the part lot zoning is therefore consistent the aims of split zoning.

PS LEP 2013 (Housekeeping Amendment)

The PS LEP 2013 was prepared to comply with the State Governments direction that all councils prepare a new LEP to comply with the Standard Instrument (Local Environmental Plans) Order, 2006.

Due to the complexities of translating existing provisions into the new standard format it is likely other minor anomalies and mapping errors have occurred during the transition. Given the time that has passed since the gazettal of the LEP it is considered timely to undertake a more comprehensive review of the entire LEP through a housekeeping amendment. The Amendment will provide an opportunity to review the application and effectiveness of the LEP since it came into force and:

- Ensure consistency with Councils overall strategic policy direction.
- Ensure consistency with State legislation.
- Clarify the intent and wording of written provisions within the planning instrument.
- Correct any other minor anomalies, and mapping amendments that were created during the Plan's preparation.

The review is proposed to commence towards the end of this year and will provide opportunity for consultation with staff, Councillors and the community to raise any issues with the LEP, allowing this Planning Proposal to progress independently of the Housekeeping Amendment.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the land owners are unable to undertake land uses previously permissible on their land under LEP 2000.	Low	This report explains that the planning proposal aims to amend a transitional error with limited social, financial or environmental costs.	Yes

MINUTES ORDINARY COUNCIL - 14 JULY 2015

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk the planning proposal will be challenged by the community.	Low	The planning proposal will be placed on exhibition to ensure all relevant stakeholders can provide a submission which will be considered by Council.	Yes
There is a risk the planning proposal will be delayed further if required to wait for a general housekeeping LEP.	Medium	Strategic Planning proposes to undertake a Housekeeping Amendment to the PS LEP 2013 towards the end of the year which will provide an opportunity to amend any further errors or issues with the PS LEP 2013.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

This planning proposal seeks to correct administrative anomalies that have arisen during the changeover from the Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013. It is unlikely that the amendment will result in any social, economic or environmental implications.

Despite this, a conservative approach has been taken by preparing a planning proposal to ensure all social, economic and environmental implications are considered and provision made for a public exhibition period to ensure relevant stakeholders are consulted.

In failing to undertake the amendment, there will be potential social and economic implications to subject landowners by prohibiting permissible land uses previously permissible on their land.

CONSULTATION

The mapping anomalies identified in the planning proposal have been identified by Council staff or land owners.

Subject to a Gateway Determination the Planning Proposal will be placed on public exhibition for comment from state agencies and the community for a minimum period of 14 days.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal
- 2) Location Map - 15 Gray Drive Karuah
- 3) Location Map - 38 Old Punt Road, 1 Laverick Avenue, 12 Laverick Avenue, and 14 Laverick Avenue Tomago

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



PLANNING PROPOSAL

Proposed amendment to Port Stephens Local Environmental Plan 2013

Rezoning of various land parcels at:

**Lot 302 DP 1004596 (15 Gray Drive Karuah)
Lot 143 DP 605461 (38 Old Punt Road, Tomago)
Lot 12 DP 1138643 (1 Laverick Avenue, Tomago)
Lot 2 DP 1138643 (12 Laverick Avenue, Tomago)
Lot 1 DP 1195849 (14 Laverick Avenue, Tomago)**

July 2015

Contact

Strategic Planning
Ph: (02) 4980 0163

BACKGROUND

Since gazettal of the Port Stephens Local Environmental Plan 2013 (PS LEP 2013) five (5) sites have been identified as mapping anomalies during the initial transference from the Port Stephens Local Environmental Plan 2000 (PS LEP 2000) to the standard instrument Port Stephens Local Environmental Plan 2013 (PS LEP 2013).

While the amendments are considered transitional inconsistencies, given the time that has lapsed since the planning controls came into effect, the amendment is being progressed as a planning proposal with a short community consultation is proposed to ensure surrounding land owners have adequate opportunity to comment.

PART 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to rectify mapping anomalies made during the transition from the PS LEP 2000 to the standard Instrument LEP by amending the Port Stephens Local Environmental Plan 2013 relating to the following sites:

- Rezone part of Lot 302 DP 1004596 (15 Gray Drive Karuah) from RU2 Rural Landscape to R2 Low Density Residential;
- Rezone part Lot 143 DP 605461 (38 Old Punt Road, Tomago) from E2 Environmental Conservation to IN1 General Industrial;
- Rezone part Lot 12 DP 1138643 (1 Laverick Avenue, Tomago) from E2 Environmental Conservation to IN1 General Industrial; and
- Rezone part Lot 2 DP 1195849(12 Laverick Avenue, Tomago) from E2 Environmental Conservation to IN1 General Industrial; and
- Rezone part Lot 1 DP 1195849 (14 Laverick Avenue, Tomago) from E2 Environmental Conservation to IN1 General Industrial.

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

The proposal will be implemented by amendment of the PS LEP 2013. The amendments are as follows:

1. Amend the land zoning map and lot size map relating to Lot 302 DP 1004596, (15 Gray Drive, Karuah) as identified in Figure 1. Under the PS LEP 2000 the lot was part zoned 1(a) Rural Agriculture (western portion) and 2(a) Residential (eastern portion). During zone conversion to the Standard Instrument, the whole lot was incorrectly converted to RU2 Rural Landscape.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL

Subsequently, the western portion of the lot has been rezoned R2 Low Density Residential as part of Port Stephens Local Environmental Plan 2013 (Amendment No. 5) gazetted in June 2014. The remaining eastern portion of the lot is required to be zoned R2 Low Density Residential in line with its previous zoning under LEP 2000. The associated lot size and height of buildings maps also require amendment as shown in Table 1.

	Zoning	Lot Size	Height of Building
Proposed Amendment	Part R2 Low Density Residential	500sqm	(j) 9m
PS LEP 2013 (Amendment No. 5)	Part RU2 Rural Landscape	AB2 20ha	N/A
Gazetted PS LEP 2013	Part RU2 Rural Landscape	AB2 20ha	N/A
Exhibited PS LEP 2013	Part RU2 Rural Landscape	AB2 20ha	N/A
PS LEP 2000	Part 2(a) Residential	N/A	N/A

Table 1 - 15 Gray Drive, Karuah, Zoning, Lot size and Height of building changes

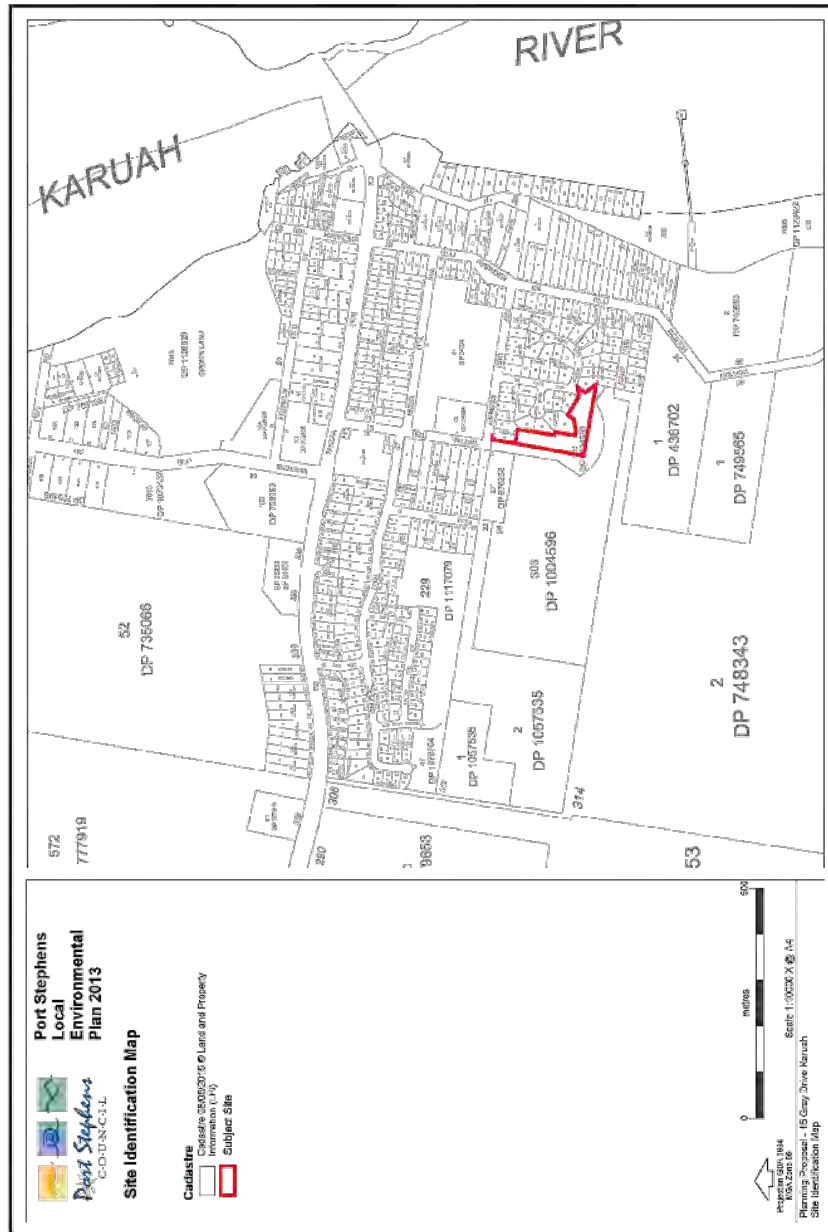


Figure 1 – 15 Gray Drive, Karuah, Location Map

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL

2. Amend the land zoning map and lot size map relating to Lot 143 DP 605461 (38 Old Punt Road, Tomago) as identified in Figure 2. During the zone conversion to the PS LEP 2013, 38 Old Punt Road, Tomago did not transition from part 4(a) Industrial General "A" and part 1(a) Rural Agriculture "A" to part IN1General Industrial and part E2 Environmental Conservation. Instead the whole parcel was incorrectly converted to E2 Environmental Conservation.
3. Amend the land zoning map relating to Lot 12 DP 1138643 (1 Laverick Avenue Tomago) as identified in Figure 2. During the zone conversion to the PS LEP 2013, 1 Laverick Avenue, Tomago zoned part 4(a) Industrial General "A" and part 1(a) Rural Agriculture "A" did not transition to the equivalent zones of part IN1 General Industrial and part E2 Environmental Conservation. Instead the entire portion on the lot south of Laverick Avenue was zoned E2 Environmental Conservation.
4. Amend land zoning map relating to Lot 2 DP 1195849 (12 Laverick Avenue, Tomago) as identified in Figure 2. During the zone conversion to the PS LEP 2013, the entire portion of the site zoned 4(a) Industrial General was not converted to IN1 General Industrial instead a portion was zoned E2 Environmental Conservation.
5. Amend land zoning map relating to Lot 1 DP 1195849 (14 Laverick Avenue, Tomago) as identified in Figure 2. Due to a cadastre amendment the boundary of the lot was adjusted resulting in a portion of the lot being identified E2 Environmental Conservation. The amendment will extend the IN1 General Industrial zone across the entire lot.

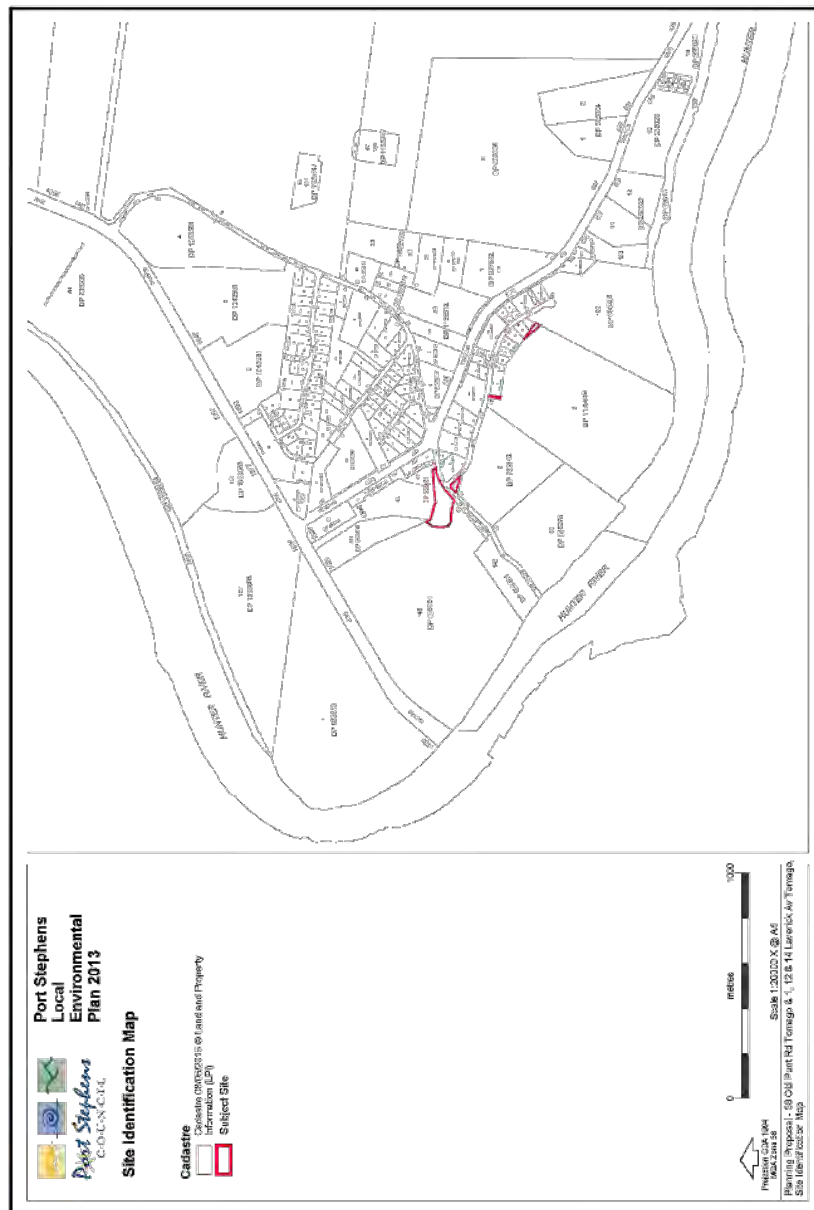


Figure 2 – 38 Old Punt Road, Tomago, 1 Laverick Avenue, Tomago and 12 Laverick Avenue, Tomago, and 14 Laverick Avenue, Tomago – Location Map

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 proposal is not the result of any strategic study or report. The anomalies have arisen as a result of the conversion from the Port Stephens Local Environmental Plan 2000 to the standard instrument Port Stephens Local Environmental Plan 2013.

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

The Planning Proposal is the only way of rectifying the anomalies that have occurred since the transition to the standard instrument LEP. The changes are directly applicable to the instrument and there is no other way of amending the instrument other than via a planning proposal.

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?*

The Lower Hunter Regional Strategy (LHRS) is a strategic planning framework to guide the sustainable growth of the lower Hunter over the next 25 years. The amendment will not conflict with the objectives of the Strategy as it seeks to rectify administrative errors that have resulted from the changeover to the standard instrument LEP.

The amendments will ensure that land is zoned appropriately to facilitate employment opportunities.

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

Community Strategic Plan

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022).

The proposal is consistent with the Strategic Direction 11.1 'Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations'. The proposal is also consistent with the Strategic Direction 3.6 'Develop strategic land use and infrastructure plans and prepare and maintain statutory planning instruments (Local Environment Plans), Development Control Plans and policies'.

This Proposal seeks to maintain the Port Stephens Local Environmental Plan 2013.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL

Port Stephens Planning Strategy 2011

Council's Port Stephens Planning Strategy seeks to encourage a sufficient supply of a diverse range of housing in the Local Government Area (LGA) and ensure that there is a sufficient supply of a diversity of industrial land to meet market demand. The Planning Proposal is consistent with Council's adopted Port Stephens Planning Strategy (PSPS).

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

The Planning proposal is of minor planning significance. Relevant State Environmental Planning Policies are outlined below.

SEPP	Relevance	Consistency and Implications
SEPP 14 – Coastal Wetlands	This SEPP places restrictions on development on land to which the plan applies and seeks to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.	This SEPP applies to 38 Old Punt Road Tomago and 12 Laverick Avenue Tomago. The area proposed to be rezoned is however not affected. The planning proposal is consistent with the SEPP by ensuring that surrounding coastal wetlands are preserved and protected.
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 free-living populations will be maintained over their present range.	The subject sites do not contain land identified as Preferred Koala Habitat and Supplementary Koala habitat under the Port Stephens Comprehensive Koala Plan of Management (CKPoM) 2002. The Planning proposal is considered consistent with the SEPP.
SEPP 71 – Coastal Protection	This SEPP seeks to protect the coastal zone.	The subject sites in Tomago are affected by this SEPP. The Planning proposal aims to reinstate the previous industrial zone on a small portion of the sites adjacent to existing industrial zoned

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL

		<p>land and uses. The majority of the land will retain the E2 Environmental Conservation ensuring the proposal:</p> <ul style="list-style-type: none"> • Manages and balance natural, cultural, recreational and economic attributes of the NSW coast; • Public access to the foreshore will be unaffected; • Aboriginal places will be protected; • Visual amenity of the coast will be maintained; • Native coastal vegetation will be managed; • The principles of ecological sustainable development (ESD) have been taken into account • The scale of development is appropriate for the site, is consistent with adjoining and surrounding development; and • will not impact the natural scenic quality of the surrounding area.
SEPP Affordable Rental Housing 2009	This SEPP aims to provide forward rental housing.	The proposal facilitates residential development on land to which the SEPP applies, and accordingly has the potential to increase the supply of affordable housing. It is consistent with the SEPP.
SEPP Housing for Seniors or people with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities.	The proposal facilitates development on land upon which housing for seniors and people with a disability may be developed. It is consistent with the SEPP.

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL

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 does not minimise rural land fragmentation at 15 Gray Drive Karuah by proposing residential subdivision given the subject land was previously zoned residential and surrounding land is zoned residential.
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6. Is the planning proposal consistent with applicable Ministerial Directions?

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Employment Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	The planning proposal is consistent with the Port Stephens Planning Strategy and will protect employment land in industrial zones.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Although the planning proposal seeks to rezone rural land to a residential zone, the subject land was previously zoned residential and is currently used for residential purposes.
1.4 Rural Lands	The objective of this direction is to protect the agricultural production value of rural and facilitate the orderly and economic development of rural lands for rural and related purposes.	Although the planning proposal seeks to rezone rural land to a residential zone, the subject land was previously zoned residential and is currently used 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.	Although the planning proposal seeks to rezone Environmental zoned land to industrial, the subject land was previously zoned

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL

		<p>industrial and is currently used for industrial purposes. The planning proposal is considered consistent with this direction.</p>
2.2 Coastal Protection	<p>The objective of this direction is to implement the principles in the NSW Coastal Policy.</p>	<p>The Planning proposal aims to reinstate the previous industrial zone on a small portion of the sites adjacent to existing industrial zoned land and uses. The majority of the land will retain the E2 Environmental Conservation ensuring the principles of the NSW Coastal Policy are maintained.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	<p>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 development on the environment and resource lands.</p>	<p>The planning proposal seeks to reinstate the residential zone to accommodate additional residential housing.</p>
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p>While Lot 143 DP 605461 (38 Old Punt Road, Tomago), Lot 12 DP 1138643, 1 Laverick Avenue and Lot 2 DP 1195849 12 Laverick Avenue, Tomago contains potential acid sulphate soils, the PS LEP 2013 contains provisions to adequately manage acid sulphate soils.</p>

ITEM 2 - ATTACHMENT 1 PLANNING PROPOSAL

<p>4.3 Flood Prone Land</p>	<p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p>	<p>While Lot 143 DP 605461 (38 Old Punt Road, Tomago), Lot 12 DP 1138643, 1 Laverick Avenue and Lot 2 DP 1195849 12 Laverick Avenue, Tomago are identified as flood prone the amendment proposes to reinstate the existing zoning which is consistent with the NSW Floodplain Development Manual.</p>
<p>4.4 Planning for Bushfire Protection</p>	<p>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.</p>	<p>While Lot 143 DP 605461 (38 Old Punt Road, Tomago) is identified as bushfire prone land, the amendment proposes to reinstate the existing zoning which is compatible with land uses in bushfire prone areas.</p>
<p>5. REGIONAL PLANNING</p>		
<p>5.1 Implementation of Regional Strategies</p>	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>The proposal is consistent with the LHRS by ensuring that land is zoned appropriately to facilitate employment opportunities and residential growth.</p>
<p>6. LOCAL PLAN MAKING</p>		
<p>6.1 Approval and Referral Requirements</p>	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>Consistent.</p>

SECTION C – Environmental, Social and Economic Impact

7. 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?

This planning proposal seeks to correct administrative anomalies that have arisen during the changeover from the Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013. There is no likelihood that critical habitat or threatened species populations or ecological communities, or their habitats will be adversely affected.

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

No additional environmental effects are anticipated as a result of this amendment.

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

This amendment will ensure that the Port Stephens Local Environmental Plan 2013 remain current, accurate and effective.

SECTION D – State and Commonwealth interests

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

The amendment does not warrant changes to the delivery of public infrastructure.

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

The proposal is minor in nature; consultation will be undertaken with relevant government authorities once a Gateway determination has been received.

Part 4 – Mapping

The planning proposal seeks to amend the following maps:

Amendment Map	Explanation of Provision
Land zoning map 003B	Lot 302 DP 1004596 (15 Gray Drive, Karuah) - rezone part lot currently zoned RU2 Rural Landscape to R2 Low Residential Density
Lot size map 003B	Lot 302 DP 1004596 (15 Gray Drive, Karuah) - amend AB2 20ha lot size to (I) 500sq m lot size
Height of Building map 003B	Lot 302 DP 1004596 (15 Gray Drive, Karuah) - amend height to (J) 9m
Land zoning map 002	<ul style="list-style-type: none"> - Lot 143 DP 605461 (38 Old Punt Road, Tomago) -rezone to part IN1 General Industrial and part E2 Environmental Conservation - Lot 12 DP 1138643 (1 Laverick Ave Tomago) - amend part lot from E2 Environmental Conservation to IN1 General Industrial - Lot 2 DP 1195849 (12 Laverick Avenue, Tomago) from E2 Environmental Conservation to IN1 General Industrial - Lot 1 DP 1195849 (14 Laverick Avenue, Tomago) from E2 Environmental Conservation to IN1 General Industrial

Part 5 – Community Consultation

The planning proposal is considered 'low impact' given that it aims to correct a transitional error and is:

- Consistent with the pattern of surrounding land use zones and/or land uses;
- Consistent with the strategic planning framework;
- Presents no issues with regard to infrastructure servicing;
- Not a principal LEP; and
- Does not reclassify public land.

It is considered public exhibition of 14 days is appropriate. During the exhibition period the planning proposal will be:

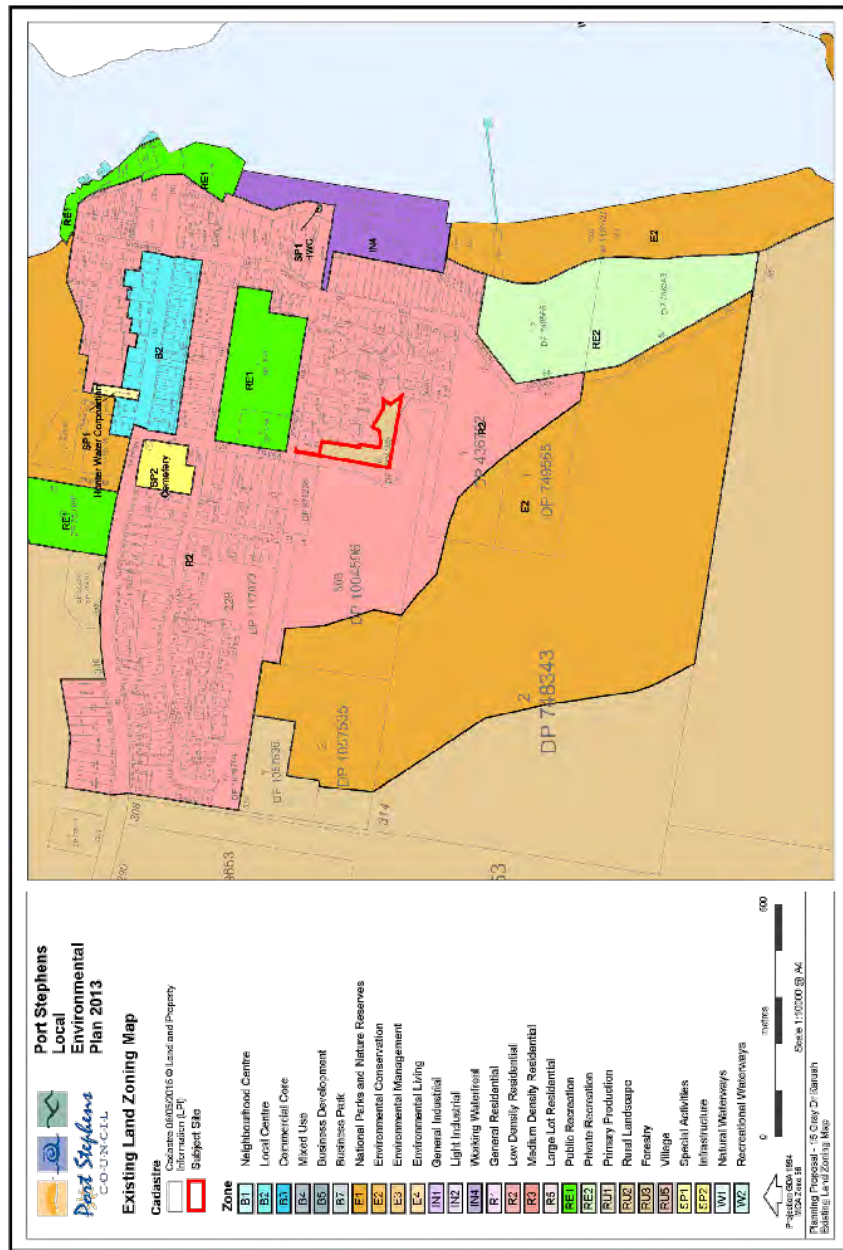
- Notified in the local newspaper and on Councils website;
- Property owners and adjoining owners of the subject properties will also be notified by letter.

Following community consultation Council will consider all submissions and report back findings to Council.

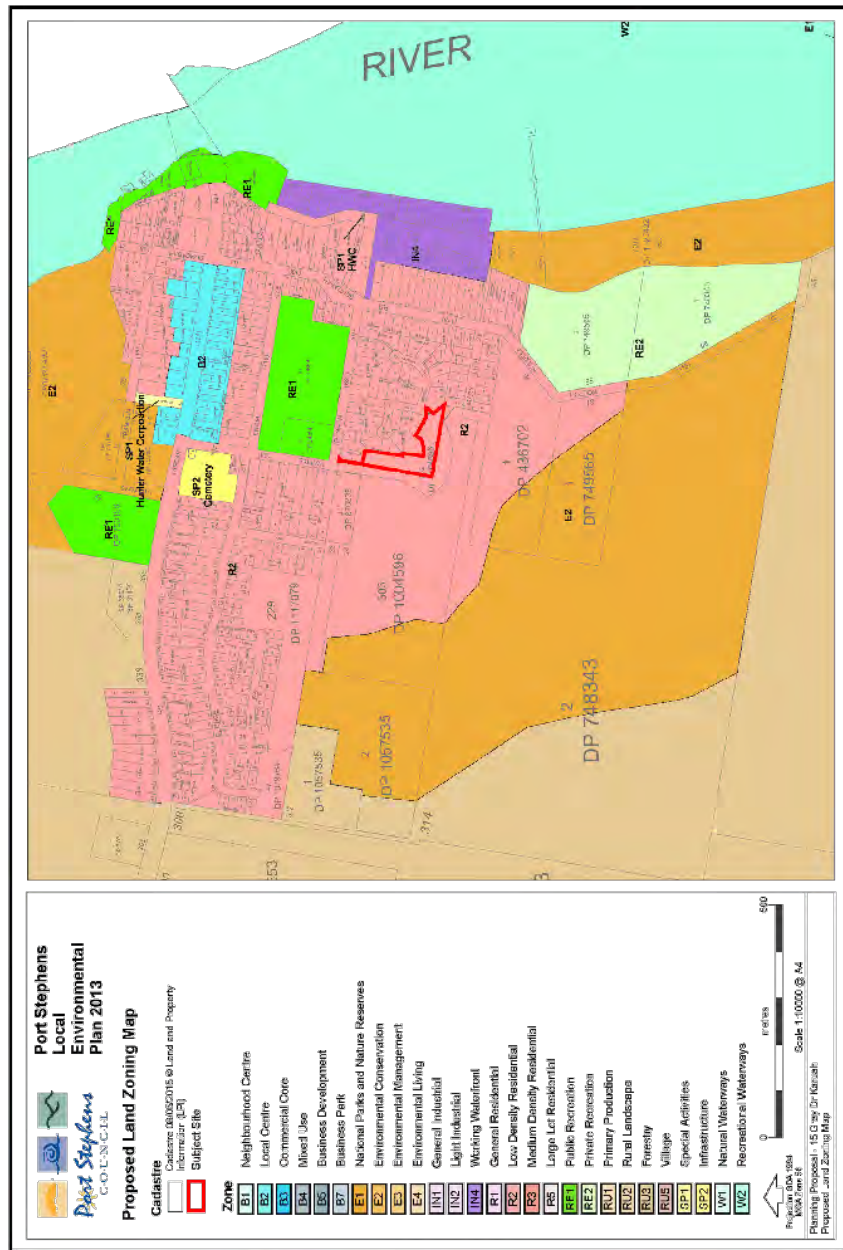
Part 6 – Project Timeline

The project is expected to be completed within six months from Gateway Determination. The following timetable is proposed:

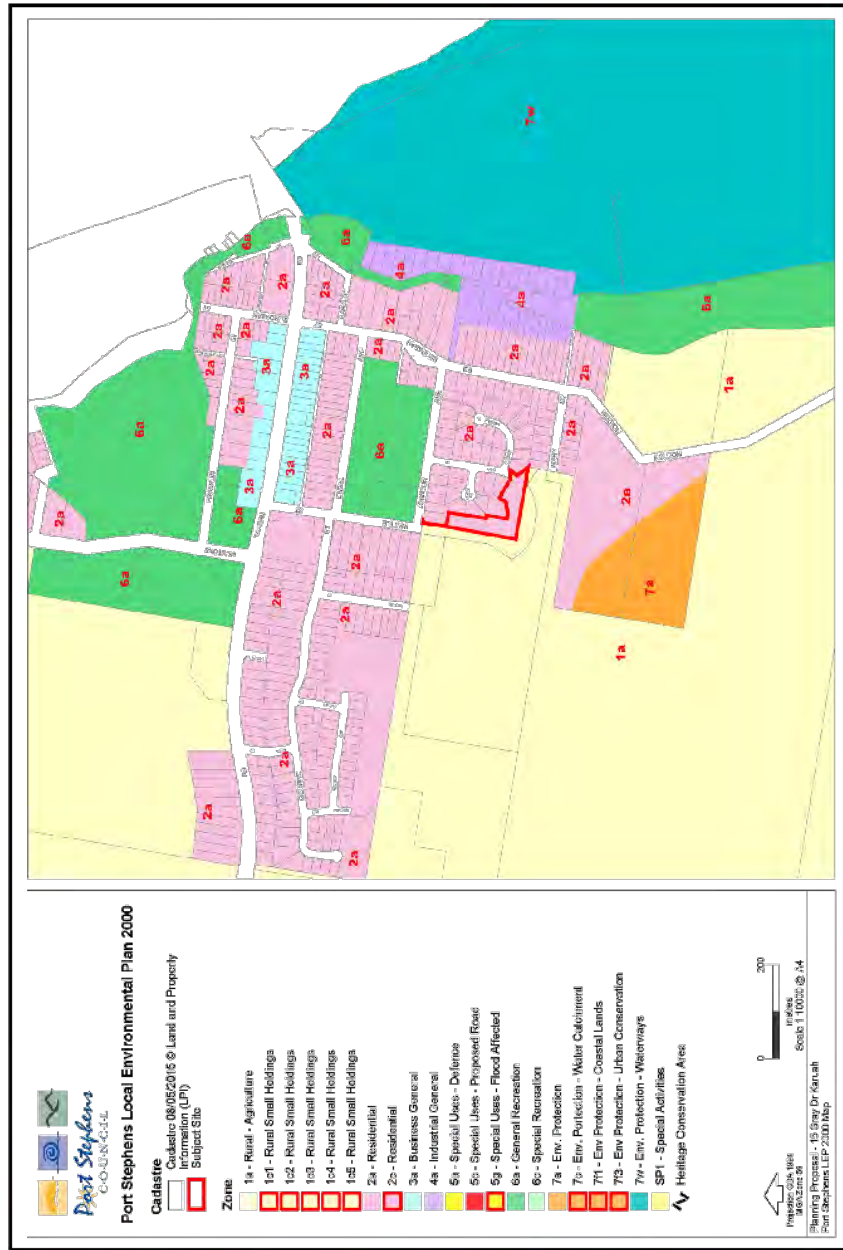
	Task Description	Estimated Timeline
1.	Gateway Determination	July 2015
2.	Completion of required technical information	August 2015
3.	Government agency consultation	August 2015
4.	Public exhibition period	September 2015
5.	Consideration of submissions	September 2015
6.	Submission to Department to finalise the LEP	Council is requesting delegation for this plan
7.	Making of the Plan	October 2015
8.	Forward notification of Plan to Department	October 2015



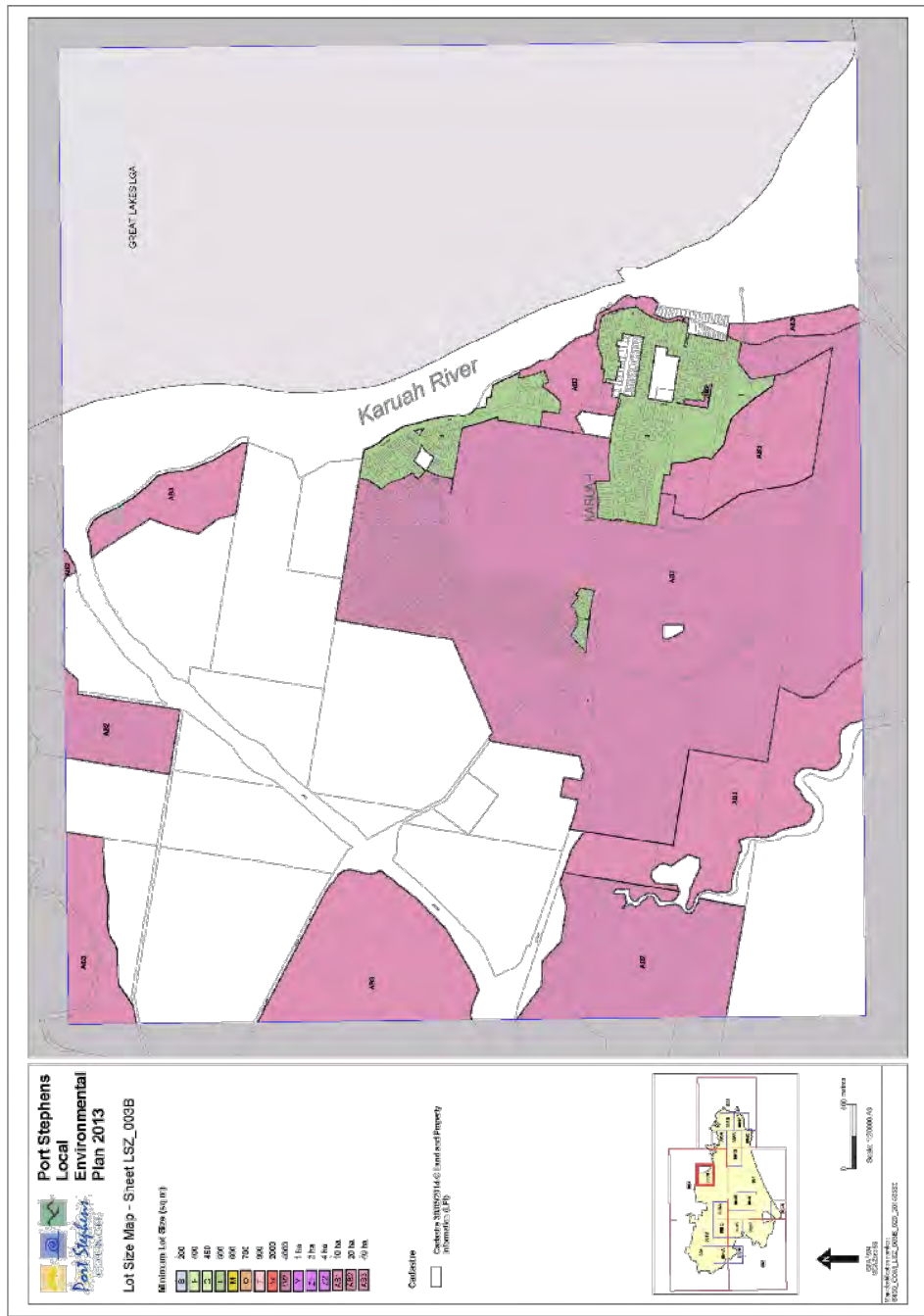
Attachment A – Current PSLEP 2013 Land Zoning Map –LZN_003B



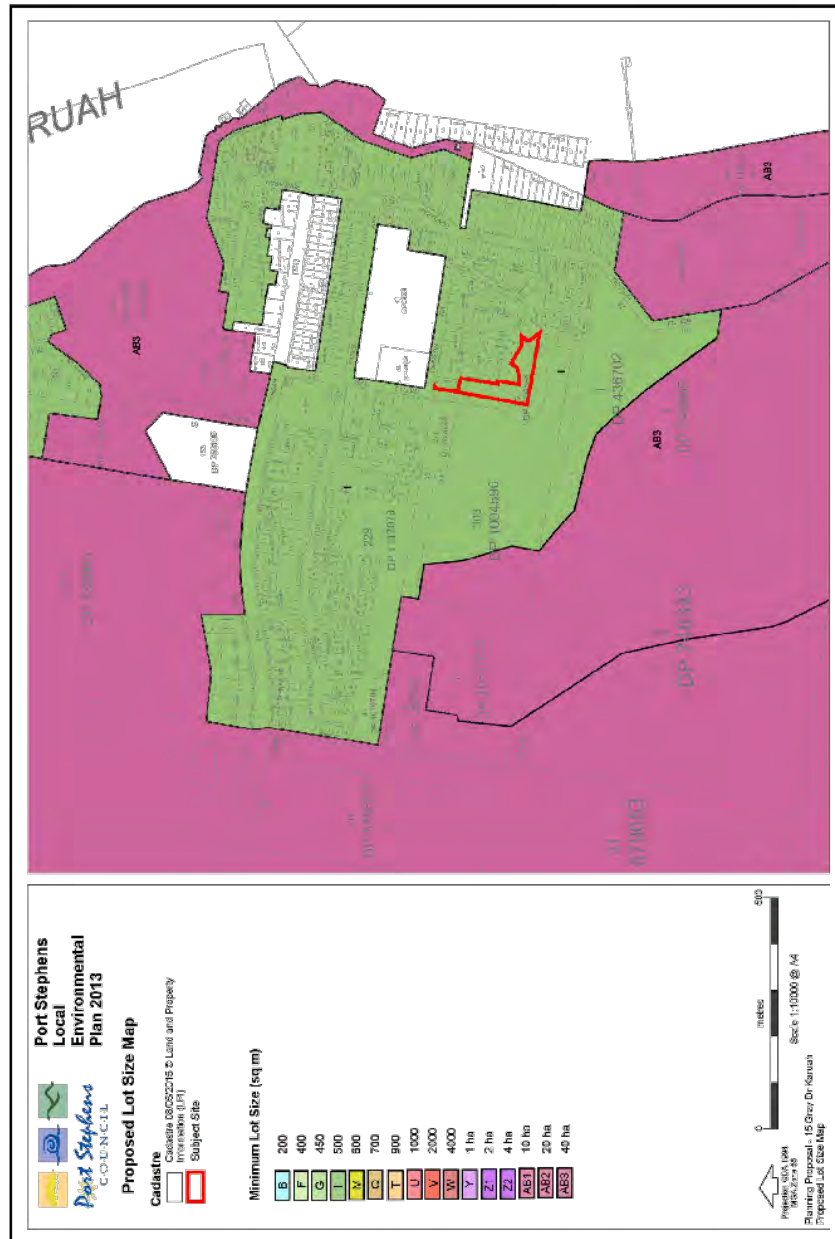
Attachment B – Proposed PSLEP 2013 Land Zoning Map –LZN_003B



Attachment C – PSLEP 2000 Land Zoning Map



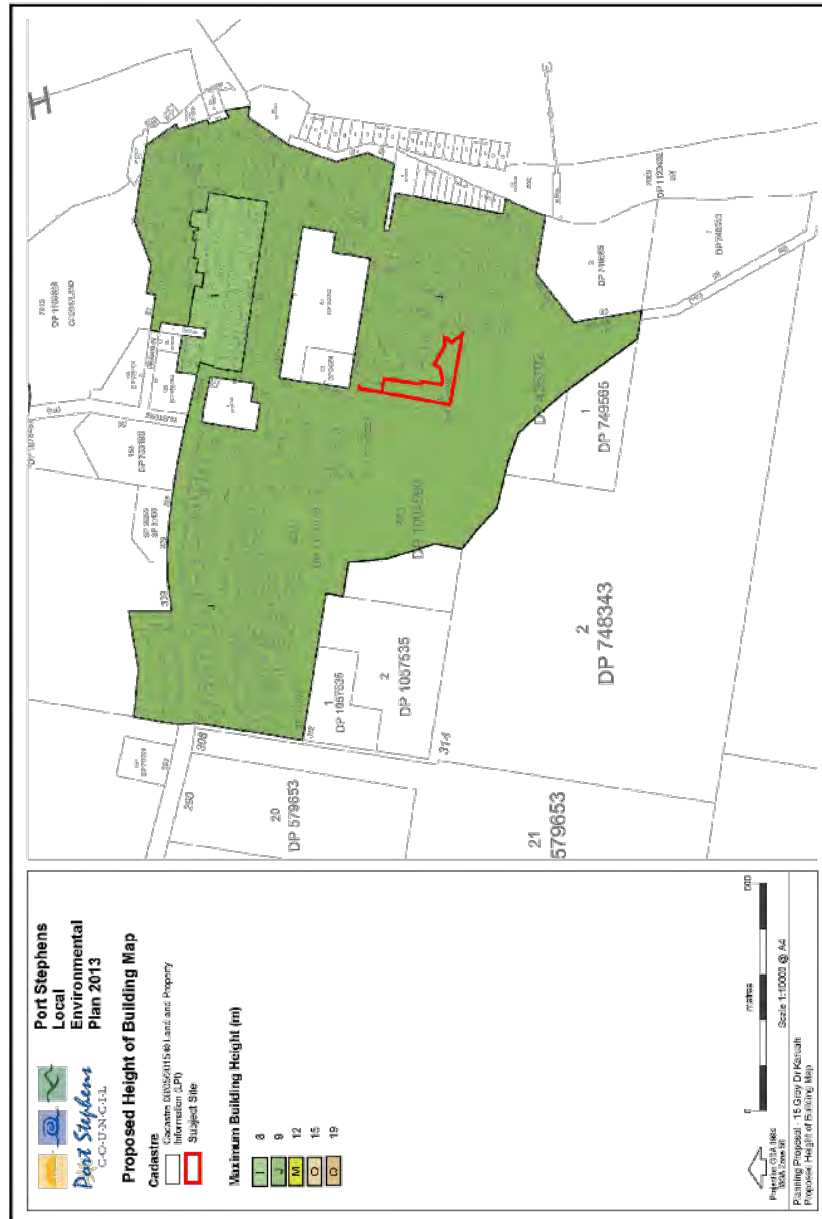
Attachment D – Current PSLEP 2013 Lot Size Map – Sheet LSN_003B



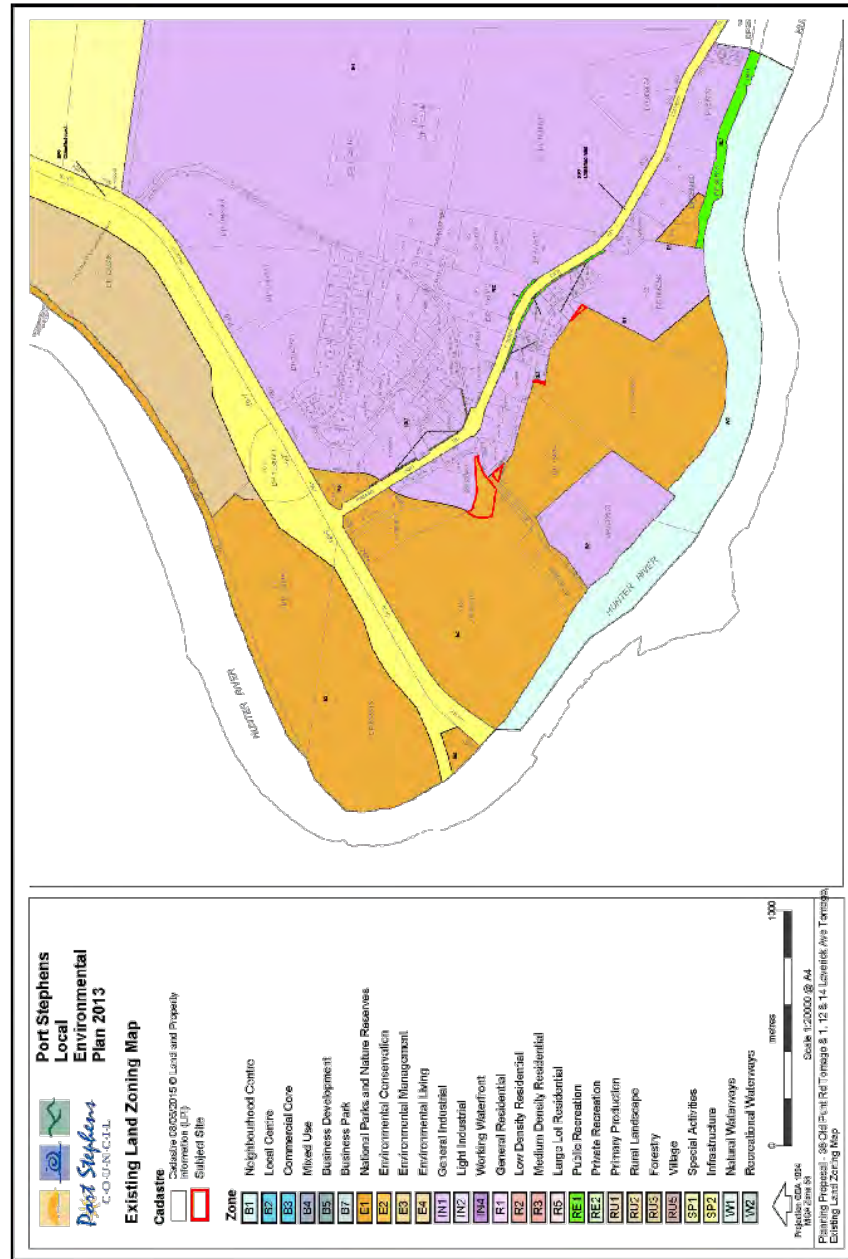
Attachment E - Proposed PSLEP 2013 Lot Size Map – Sheet LSN_003B



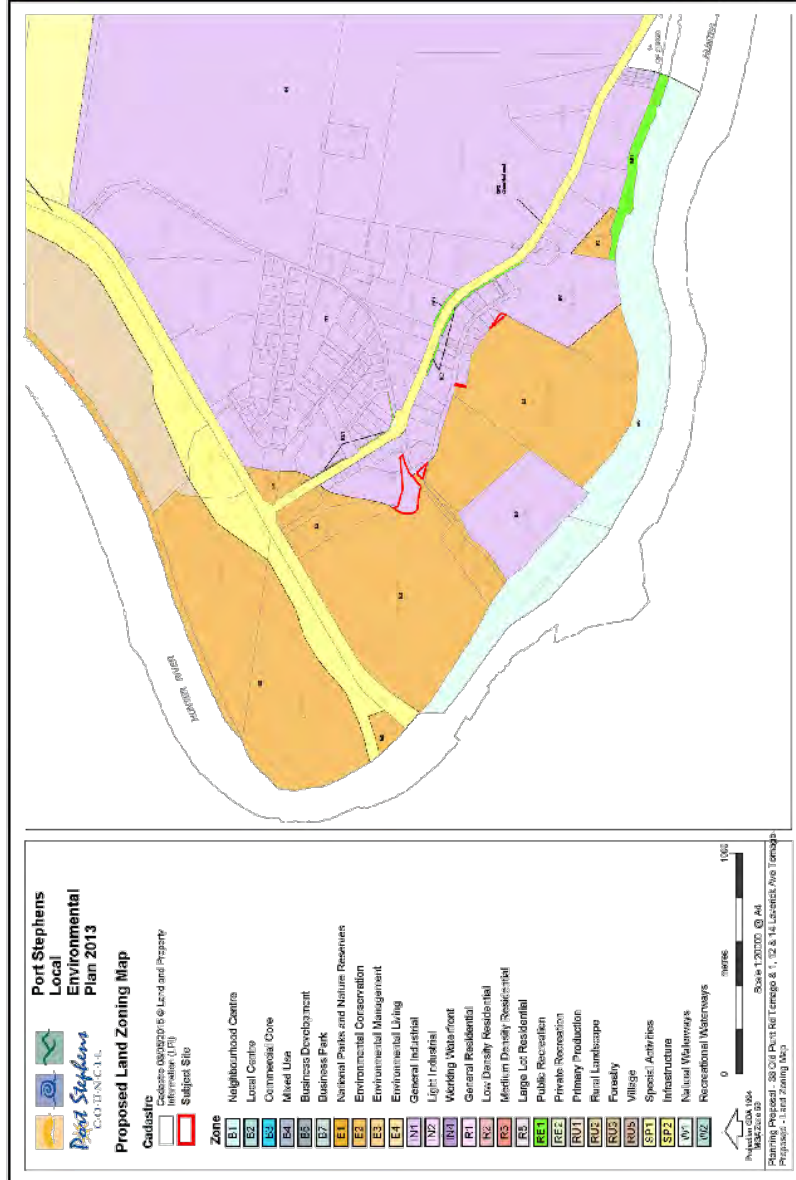
Attachment F – Current PSLEP 2013 Height of Buildings Map – Sheet HOB_003B



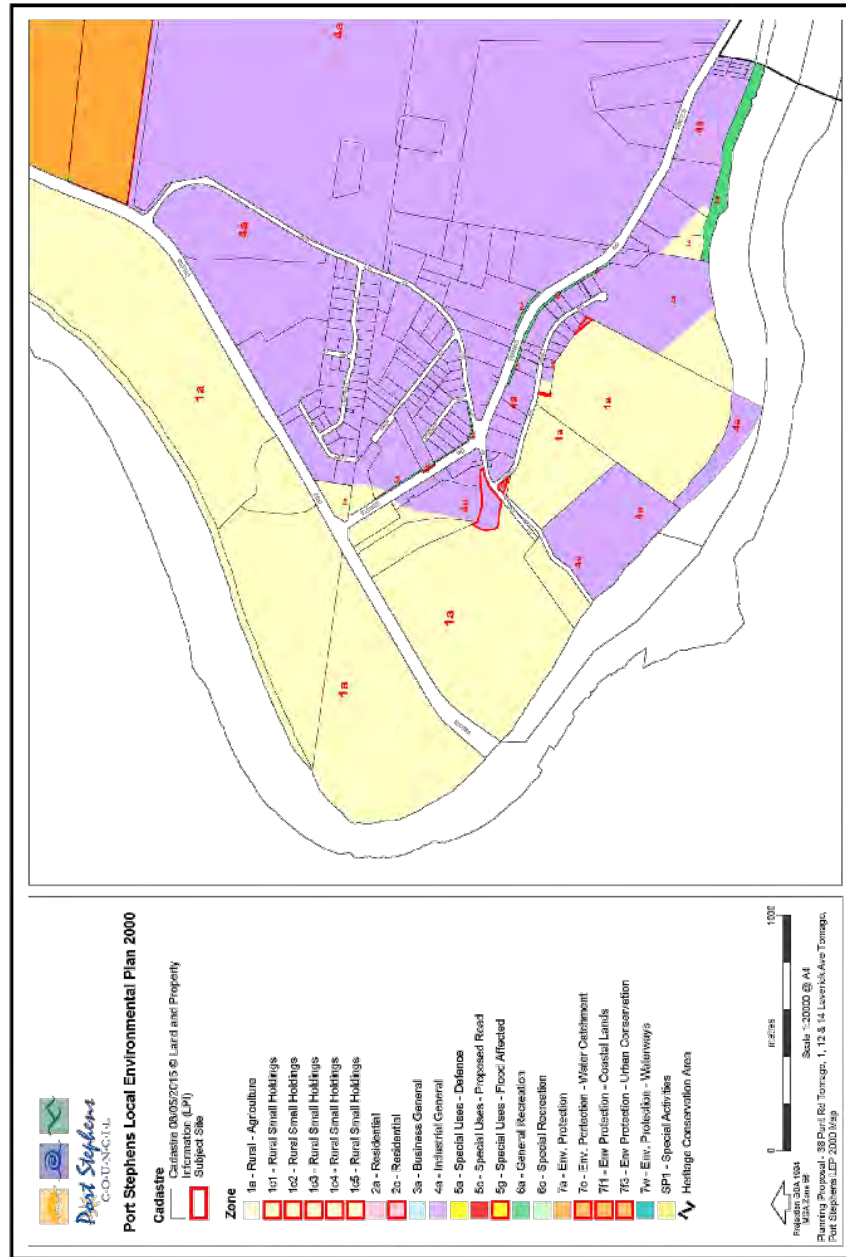
Attachment G – Proposed PSLEP 2013 Height of Buildings Map – Sheet HOB_003B



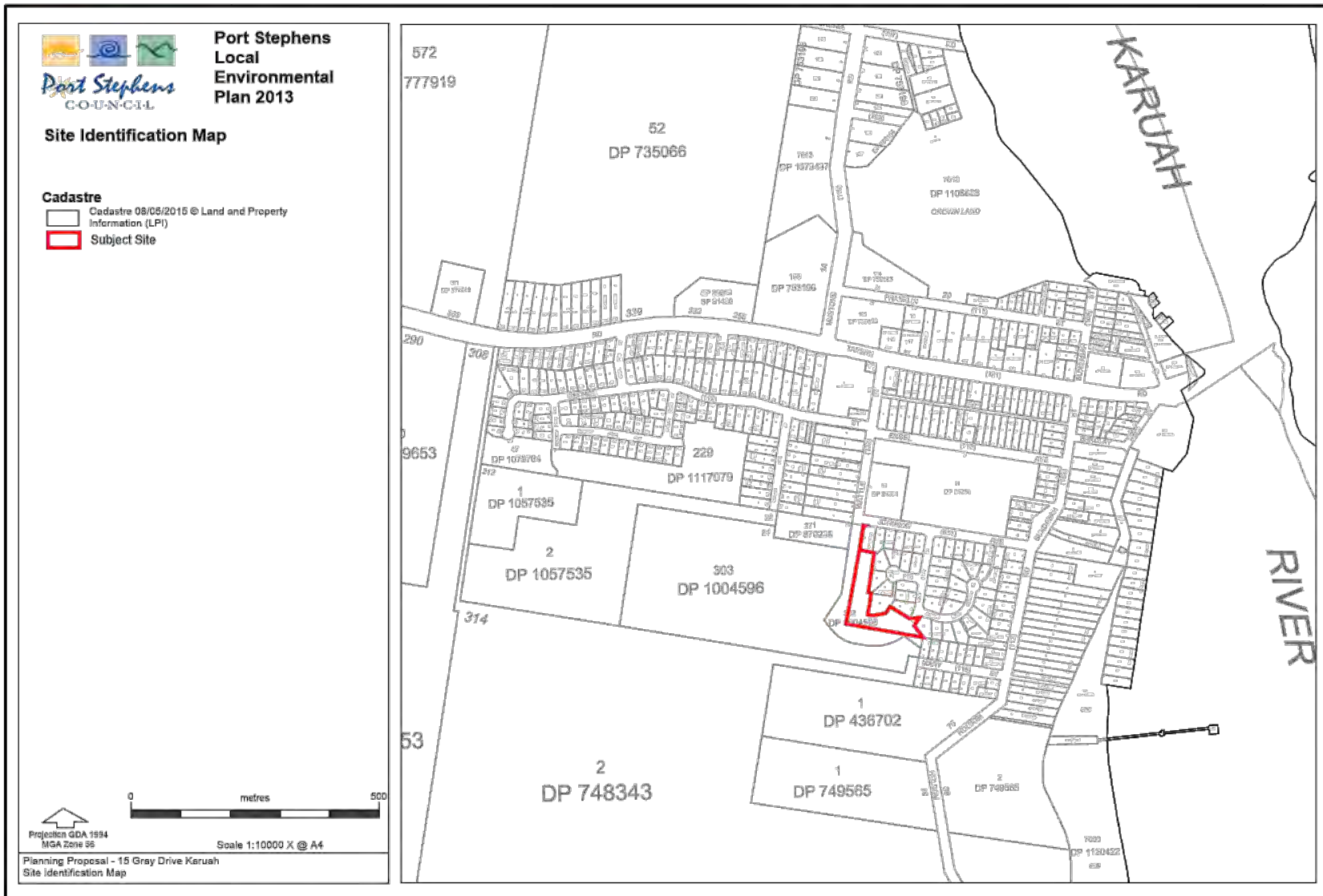
Attachment H – Current PSLEP 2013 Land Zoning Map – Sheet LZN_002



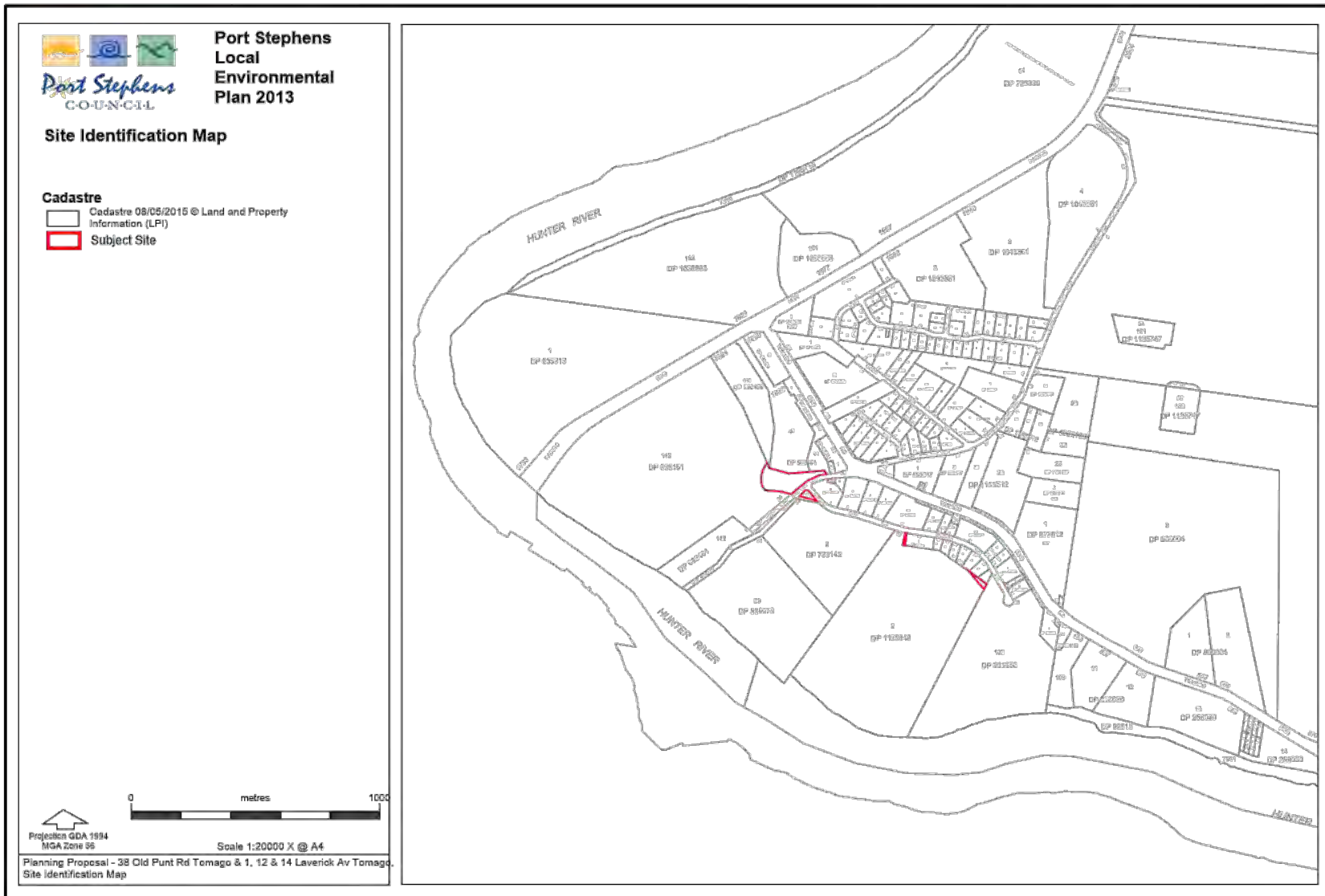
Attachment I - Proposed PSLEP 2013 Land Zoning Map – Sheet LZN_002



Attachment J – PS LEP 2000 Land Zoning Map



ITEM 2 - ATTACHMENT 3 LOCATION MAP - 38 OLD PUNT ROAD, 1 LAVERICK AVENUE, 12 LAVERICK AVENUE, AND 14 LAVERICK AVENUE TOMAGO



ITEM NO. 3

**FILE NO: PSC2015-01000/509
TRIM REF NO: PSC2015-01176**

**AUSTRALIA DAY RAYMOND TERRACE - OUTCOME OF CALL FOR
EXPRESSIONS OF INTEREST**

REPORT OF: ROSS SMART - COMMUNICATIONS SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Receive and note the Expressions of Interest (EOIs) received.
- 2) Not proceed with any of the EOIs received, for reasons outlined in this report.
- 3) Adopt a new approach to the running of Australia Day activities in Raymond Terrace, as outlined as option two in this report.
- 4) Revoke the current committee schedule to the standard 355(c) Constitution for the Port Stephens Australia Day Committee contained in **(ATTACHMENT 1)** in accordance with section 355(c) of the Local Government Act 1993.
- 5) Adopt the revised committee schedule to the standard 355(c) Constitution contained in **(ATTACHMENT 2)**, which removes reference to the Raymond Terrace subcommittee.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor John Morello</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

<p>191</p>	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note the Expressions of Interest (EOIs) received.2) Not proceed with any of the EOIs received, for reasons outlined in this report.3) Adopt a new approach to the running of Australia Day activities in Raymond Terrace, as outlined as option two in this report.4) Revoke the current committee schedule to the standard 355(c)
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MINUTES ORDINARY COUNCIL - 14 JULY 2015

	<p>Constitution for the Port Stephens Australia Day Committee contained in (ATTACHMENT 1) in accordance with section 355(c) of the Local Government Act 1993.</p> <p>5) Adopt the revised committee schedule to the standard 355(c) Constitution contained in (ATTACHMENT 2), which removes reference to the Raymond Terrace subcommittee.</p>
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BACKGROUND

The purpose of this report is to inform Council of the outcome of an Expression of Interest (EOI) process conducted to form a new Raymond Terrace Australia Day subcommittee and, in light of the response received, to recommend a new way forward for Australia Day celebrations in the west of the local government area.

Council resolved to seek expressions of interest from the community to form a Raymond Terrace subcommittee at its meeting of 14 April 2015 (Minute no. 076). Expressions from community members and groups were sought over a period of 28 days supported by advertising on Council's website, via social media, and also through inclusion in the public notices in the *Port Stephens Examiner*.

Expressions of interest closed on Friday 5 June with two EOIs received. A third EOI was received from a community member on 15 June, 10 days past the advertised closing date.

At present, the s355(c) committee standard constitution states that a committee must have no less than three members, with no maximum number. However, based on the experience of the Nelson Bay Australia Day subcommittee, which has a core membership of 10 and a significant number of additional volunteers and community groups involved leading up to and on the day, a similar sized volunteer subcommittee would be the minimum required to successfully deliver a Raymond Terrace event.

While all EOIs exhibited keenness and expertise, the small number of volunteers received was considered to be unworkable given the amount of work required to stage the Raymond Terrace event. Continuing with a small subcommittee would also be likely to result in shifting significant workload to west ward Councillors and also Council staff. Because of these factors, staff have investigated other options for the management of Australia Day activities in Raymond Terrace.

An important consideration is Council's obligations under the Community Strategic Plan (19.1.1.2: 'Deliver Council's key civic events') and its implications on the staging of events on Australia Day. Council's primary responsibility at events in Raymond Terrace and Nelson Bay involves the delivery of citizenship ceremonies, the Australia Day ambassadorial address and, since 2014, community awards. These functions are delivered in concert by the General Manager's Office and the Communications section. Community-based celebrations held around these key civic components are the responsibility of the subcommittees for each event.

In line with Council's recommendation on 23 July 2013 to outsource the running of the Raymond Terrace Australia Day event for a period of two years, the Raymond Terrace event was delivered in 2014 and 2015 by Council staff with assistance from event company Mothership Events. This decision had significant flow-on effects in terms of staff time in both the planning and delivery of the events. Delivery of the 2015 event was further supported by an informal community advisory group. It was hoped that this group would form the nucleus of the new Raymond Terrace subcommittee, however this did not eventuate.

Delivery of the Nelson Bay event was not impacted by these changes and was successfully delivered in both years by the Nelson Bay subcommittee.

In light of the limited response to the EOI process and the impact that it would have on a small volunteer committee and staff resources, it is recommended that Council does not proceed with appointing a Raymond Terrace subcommittee and instead endorse one of the following options for the future.

Options for Australia Day activities at Raymond Terrace

Three options have been developed for Council's consideration:

- 1) Council holds a civic ceremony a week before Australia Day in Council Chambers to launch Australia Day, including a citizenship event and annual awards function.

This option does not include any events (civic or community) being held on the day at Raymond Terrace. The Nelson Bay event would become the major Port Stephens event, with an Australia Day Ambassador being present. No community event would be held in Raymond Terrace on Australia Day.

Financial/resource implications: Port Stephens Council would continue to support the Nelson Bay event and use existing funds for the civic functions at Raymond Terrace a week before Australia Day. No community subcommittee would be required for Raymond Terrace with the major community events being held at Nelson Bay and smaller events at other locations in the Local Government Area. No Council staff costs on the day.

355(c) committee: Remove the Raymond Terrace subcommittee under the current Port 355(c) Port Stephens Australia Day Committee. The overarching committee would continue to coordinate Australia Day activities and their promotion and assess community awards. The subcommittee for Nelson Bay would remain in place.

- 2) Council holds a civic ceremony (citizenship ceremony and annual awards) function at Riverside Park, Raymond Terrace on Australia Day, and seeks expressions of interest from local market organisers to hold a market and/or community celebration in conjunction with the civic component.

MINUTES ORDINARY COUNCIL - 14 JULY 2015

Council would manage the civic event at Riverside Park including a citizenship ceremony and awards. Council would fund provision of a stage (and associated equipment) and partner with a community group (such as Lions and/or Rotary Clubs) to provide the Great Aussie Breakfast, as was the case in 2015.

As part of this option, Council would seek expressions of interest from local market organisers to hold an Australia Day market and/or community celebration to run alongside the civic component. Council could provide the stage for use by the market organisers to host entertainment.

Financial/resource implications: No community subcommittee would be required for Raymond Terrace. Community event available at Raymond Terrace (subject to organiser being interested in running event). Some Council staff costs on the day.

355(c) committee: Remove the Raymond Terrace subcommittee under the current Port 355(c) Port Stephens Australia Day Committee. The overarching committee would continue to coordinate Australia Day activities and their promotion and assess community awards. The subcommittee for Nelson Bay would remain in place.

- 3) Council continues to manage civic and community activities at Raymond Terrace on Australia Day, similar to the last two years, using a mixture of internal and external staffing.

This option provides limited ability to be responsive to the Raymond Terrace community's interest in Australia Day. The informal community advisory panel (utilised for the 2015 event) is not appropriate for the ongoing commitment required for this option. It is unlikely that a group would be available based on the outcome of the EOI process. The costs for Council are considerable as there would be no volunteers to assist with the running of the day as there is at Nelson Bay.

Financial/resource implications: Significant staff costs (and other resources) to Council, which would require additional resourcing (including a contracted event manager). Managing all activities at Raymond Terrace is not Council's core business as outlined in the Community Strategic Plan. No community subcommittee in place.

355(c) committee: Re-organise the informal community advisory committee and remove the Raymond Terrace subcommittee of the current 355(c) Port Stephens Australia Day Committee. The overarching committee would continue to coordinate Australia Day activities and their promotion and assess community awards. The subcommittee for Nelson Bay would remain in place.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

There are considerable financial or resource implications related to each option, which are outlined earlier in this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	28,744	2015 payments. Resources are covered within existing budget. \$12,872 each (to increase by CPI) for Nelson Bay and Raymond Terrace. \$3,000 each year (no CPI) for the Lions Club for a Tilligerry event.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy implications related to adopting one of the above options. Legal implications are guided by Section 355(c) of the Local Government Act, Council's 355(c) standard constitution and the specific schedule for the Port Stephens Australia Day committee.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be damaged if Australia Day Activities do not continue in Raymond Terrace.	Low	Adopt the recommendation.	
There is a risk that Council is undertaking activities that are not part of the operational plan.	Low	Adopt the recommendation.	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendations will demonstrate Council's commitment to the efficient and coordinated management of civic events and community activities associated with Australia Day throughout the Local Government Area.

CONSULTATION

Expressions of Interest for groups and community members interested to join the Raymond Terrace subcommittee of the 355(c) Port Stephens Australia Day Committee was on public exhibition for 28 days and additional advertisements were placed in the *Port Stephens Examiner*, Council's website and on social media.

OPTIONS

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

ATTACHMENTS

- 1) Port Stephens Australia Day Committee schedule adopted 14 April 2015.
- 2) Revised Port Stephens Australia Day Committee schedule.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 3 - ATTACHMENT 1 PORT STEPHENS AUSTRALIA DAY COMMITTEE SCHEDULE ADOPTED 14 APRIL 2015.

ATTACHMENT 1

SCHEDULE TO CONSTITUTION

Item 1	Name of Committee	Port Stephens Australia Day Committee
Item 2	Name of Council Group/Team	Development Services/ Communications Section
Item 3	Functions delegated by Council to committee (Objectives)	<p>Committee</p> <ol style="list-style-type: none"> 1. To co-ordinate and promote annual celebrations of Australia Day in Port Stephens. 2. To support the sub committees (Raymond Terrace and Nelson Bay) and community groups (where necessary) to organise the Australia Day activities. 3. To coordinate requests from sub committees and community groups for participation of the Australia Day Ambassadors and funding requests from the Australia Day budget allocation. 4. To assist in the assessment of the Port Stephens Annual Awards nominations and make recommendations to the Mayor (see PSC Annual Awards Policy and Guidelines). 5. To liaise with Council regarding civic components of event. 6. To prepare a report to be tabled at the committee's February meeting on the outcomes of Australia Day celebrations (including a financial report) to be presented to Council. <p>Australia Day Subcommittees</p> <ol style="list-style-type: none"> 7. To organise Australia Day events in accordance with Australia Day Committee recommendations and Council approved Management Plans and Procedures. 8. To develop an annual submission for the consideration of the Committee at September meeting. The report is to include: <ul style="list-style-type: none"> •Request for funding from Australia Day budget •Proposed program of activities •Risk Management Plan of the events •Budget 9. To provide a financial report for the Committee at the February meeting to acquit expenditure of Council funds.
Item 4	Restrictions on functions delegated	All works and activities undertaken will be with the knowledge and approval of the Tourism and Events Coordinator and the Risk Management Co-Ordinator.
Item 5	Policies, legislation the committee is required to comply with	Principle policies & legislation including but not limited to: Local Government Act 1993 WHS Act 2011 Privacy and Personal Information Act 1998 State Records Act 1998 PSC Code of Conduct 2014, Min No 043 PSC Code of Meeting Practice 2013, Min No 322 PSC WHS Statement of Commitment Accessing Information Policy Volunteers Strategy Framework 2012 PSC Disability Policy 2010, Min No 321
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution and schedule within three months following election.
Item 7	Maximum number and make	Committee

ITEM 3 - ATTACHMENT 1 PORT STEPHENS AUSTRALIA DAY COMMITTEE SCHEDULE ADOPTED 14 APRIL 2015.

ATTACHMENT 1

	up of committee members	<p>a) Three Councillors (and alternates) as appointed by Council b) Two members (and two alternates) from each Australia Day sub committee c) One Council staff member (and alternate) delegated by General Manager.</p> <p>Australia Day Subcommittees a) Up to 30 interested community members b) Two members plus two alternates to be voted as representatives on the Committee</p> <p>Other members a) The Committee may invite up to one representative from up to three organisations hosting Australia Day activities in other areas of the local government area to join the committee.</p>
Item 8	Councillors	One Councillor from each Ward (and alternates) as resolved by Council.
Item 9	Council employees	Tourism and Events Coordinator - Committee Community Development and Engagement Coordinator – Raymond Terrace Sub Committee (for one Australia Day event after formation of the subcommittee)
Item 10	Name of financial institution and type of account	N/A
Item 11	Name of any account operated by the committee	N/A
Item 12	Area assigned to committee and/or map	Port Stephens local government area
Item 13	<p>Additional clauses or amendments to Standard Constitution or Schedule.</p> <p>To be listed in full - body of constitution not to be altered.</p>	<p>Clause 9 Meetings (replaces in full) 9.3 a) At all Committee meetings, two representatives from each Australia Day subcommittee and the majority of Councillors (including alternate Councillors) and one staff member shall constitute a quorum. b) At all subcommittee meetings, one third of the members shall constitute a quorum. c) For the committee, three meetings per year and as required: February – report on activities of Australia Day events, acquit funds September - Planning for forth coming year and disburse funds November – operational planning for forthcoming events d) For the subcommittees, meetings as required.</p>
Item 14	<p>Changes to constitution or Schedule – Adopted by Council: Meeting Date: Minute No: Resolution:</p>	

SCHEDULE TO CONSTITUTION

Item 1	Name of Committee	Port Stephens Australia Day Committee
Item 2	Name of Council Group/Team	Development Services/ Communications Section
Item 3	Functions delegated by Council to committee (Objectives)	<p>Committee</p> <ol style="list-style-type: none"> 1. To co-ordinate and promote annual celebrations of Australia Day in Port Stephens. 2. To support the Nelson Bay subcommittee and community groups (where necessary) to organise the Australia Day activities. 3. To coordinate requests from the subcommittee and community groups for participation of the Australia Day Ambassadors and funding requests from the Australia Day budget allocation. 4. To assist in the assessment of the Port Stephens Annual Awards nominations and make recommendations to the Mayor (see PSC Annual Awards Policy and Guidelines). 5. To liaise with Council regarding civic components of event. 6. To prepare a report to be tabled at the committee's February meeting on the outcomes of Australia Day celebrations (including a financial report) to be presented to Council. <p>Nelson Bay Australia Day Subcommittee</p> <ol style="list-style-type: none"> 7. To organise Australia Day events in accordance with Australia Day Committee recommendations and Council approved Management Plans and Procedures. 8. To develop an annual submission for the consideration of the Committee at September meeting. The report is to include: <ul style="list-style-type: none"> •Request for funding from Australia Day budget •Proposed program of activities •Risk Management Plan of the events •Budget 9. To provide a financial report for the Committee at the February meeting to acquit expenditure of Council funds.
Item 4	Restrictions on functions delegated	All works and activities undertaken will be with the knowledge and approval of the Tourism and Events Coordinator and the Risk Management Co-Ordinator.
Item 5	Policies, legislation the committee is required to comply with	<p>Principle policies & legislation including but not limited to:</p> <p>Local Government Act 1993 WHS Act 2011 Privacy and Personal Information Act 1998 State Records Act 1998 PSC Code of Conduct 2014, Min No 043 PSC Code of Meeting Practice 2013, Min No 322 PSC WHS Statement of Commitment Accessing Information Policy Volunteers Strategy Framework 2012 PSC Disability Policy 2010, Min No 321</p>
Item 6	Date on which constitution concludes	September of Council Election each four years. Council to re adopt constitution and schedule within three months following election.
Item 7	Maximum number and make up of committee members	<p>Committee</p> <ol style="list-style-type: none"> 1. Three Councillors (and alternates) as appointed by Council

**ITEM 3 - ATTACHMENT 2
COMMITTEE SCHEDULE.**

**REVISED PORT STEPHENS AUSTRALIA DAY
COMMITTEE SCHEDULE.**

ATTACHMENT 2

		<p>2. Two members (and two alternates) from the Nelson Bay Australia Day sub committee</p> <p>3. One Council staff member (and alternate) delegated by General Manager.</p> <p>Australia Day Subcommittee</p> <p>4. Up to 30 interested community members</p> <p>5. Two members plus two alternates to be voted as representatives on the Committee</p> <p>Other members</p> <p>6. The Committee may invite up to one representative from up to three organisations hosting Australia Day activities in other areas of the local government area to join the committee.</p>
Item 8	Councillors	One Councillor from each Ward (and alternates) as resolved by Council.
Item 9	Council employees	Tourism and Events Coordinator - Committee
Item 10	Name of financial institution and type of account	N/A
Item 11	Name of any account operated by the committee	N/A
Item 12	Area assigned to committee and/or map	Port Stephens local government area
Item 13	<p>Additional clauses or amendments to Standard Constitution or Schedule.</p> <p>To be listed in full - body of constitution not to be altered.</p>	<p>Clause 9 Meetings (replaces in full)</p> <p>9.3</p> <p>a) At all Committee meetings, two representatives from each Australia Day subcommittee and the majority of Councillors (including alternate Councillors) and one staff member shall constitute a quorum.</p> <p>b) At all subcommittee meetings, one third of the members shall constitute a quorum.</p> <p>c) For the committee, three meetings per year and as required: February – report on activities of Australia Day events, acquit funds September - Planning for forth coming year and disburse funds November – operational planning for forthcoming events</p> <p>d) For the subcommittee, meetings as required.</p>
Item 14	<p>Changes to constitution or Schedule –</p> <p>Adopted by Council:</p> <p>Meeting Date:</p> <p>Minute No:</p> <p>Resolution:</p>	

ITEM NO. 4

**FILE NO: PSC2015-01000/451
TRIM REF NO: PSC2014-01768**

POLICY REVIEW : COMMUNITY ENGAGEMENT - OUTCOME OF PUBLIC EXHIBITION

REPORT OF: ROSS SMART - COMMUNICATIONS SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the revised Community Engagement Policy shown at **(ATTACHMENT 1)**.
- 2) Note the submission received from the Tomaree Ratepayers and Residents Association Inc. shown at **(ATTACHMENT 2)**.
- 3) Note the Community Engagement Guidelines shown at **(ATTACHMENT 3)**.
- 4) Revoke the Port Stephens Community Engagement Policy dated 22 September 2009 (Minute No. 318).

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor John Morello</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

<p>192</p>	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the revised Community Engagement Policy shown at (ATTACHMENT 1).2) Note the submission received from the Tomaree Ratepayers and Residents Association Inc. shown at (ATTACHMENT 2).3) Note the Community Engagement Guidelines shown at (ATTACHMENT 3).4) Revoke the Port Stephens Community Engagement Policy dated 22 September 2009 (Minute No. 318).
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BACKGROUND

The purpose of this report is to consider a public submission received in relation to the public exhibition of the draft Community Engagement Policy and Guidelines. The policy was revised in order to clarify the intent of Council's approach to community engagement, which resulted in the removal of procedural detail and the development of a new set of guidelines to inform and direct the ongoing operational delivery of engagement activity.

Council resolved at its meeting on 14 April 2015 to place the draft Community Engagement Policy and Guidelines on public exhibition for 28 days as required under the Local Government Act (1993).

As part of the public exhibition, one submission was received from the Tomaree Ratepayers and Residents Association Inc. (TRRA) in relation to the policy. The key issues raised in this submission were:

- While the TRRA supported the overall objectives of the policy and associated guidelines, specific reference to 'general decision making' should be included within the policy objectives;
- The policy should include direct reference to community groups as well as individuals;
- The policy should emphasise that community engagement is something that all sections of Council, and all Council staff, may need to participate in.

The submission also recommended inclusion of procedural matters in the policy, which were deemed on review more appropriate to remain in the guidelines document. The full submission is included with this report as **(ATTACHMENT 2)**.

Responding to these suggestions, the following changes (highlighted in bold) have been incorporated into made to the policy **(ATTACHMENT 1)**:

General Objective 1 in Scope now reads:

Encouraging active community participation and engagement in the development of decisions for planning, substantial development assessments, policy making, infrastructure growth **and other operational and strategic matters as defined by Council**; and

Policy Statement 2 now reads:

Consultation activities provide opportunities for **individual** community members **and/or community interest groups** to contribute and be heard.

Policy Statement 3 now reads as:

Consultation objectives are well defined and the role of the community **in participating in engagement**, Councillors **in factoring engagement outcomes into their decision making** and Council staff **in embedding engagement into their work** are clear to all.

Along with these recommended changes to the wording of the policy the document has also been transferred across to Council's new policy template which has required some minor additional information which does not change the intent of the policy.

The guidelines document (**ATTACHMENT 3**) remains unchanged.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
The community is a partner in developing the future of the local government area.	Council will engage its citizens in developing plans for the future of the Port Stephens local government area.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications related to the adoption of the recommendation.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are positive legal, policy and risk implications in updating this policy and guidelines as they become more accurate, contemporary and responsive to the Port Stephens community.

The new policy and guidelines will foster a positive relationship between Council and the community.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council's reputation may be damaged as a result of decisions made in relation to an out of date policy.	Low	Adopt the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications.

A comprehensive community engagement program supports Council's purpose to deliver services valued by our community, to meet current and future social, economic and environmental needs.

Participation and inclusion of our community in the framing of key decisions for the region strengthens ownership and commitment, supporting sustainable programming.

CONSULTATION

The draft policy and guidelines were placed on public exhibition for 28 days and one submission was received which is at **(ATTACHMENT 2)**.

OPTIONS

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

ATTACHMENTS

- 1) Community Engagement Policy.
- 2) Tomaree Ratepayers Residents Association submission.
- 3) Community Engagement Guidelines.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2014-01768
TITLE: COMMUNITY ENGAGEMENT
POLICY OWNER: COMMUNICATIONS SECTION MANAGER

PURPOSE:

Port Stephens Council is committed to involving our community in activities that actively shape and influence the future of the area.

Council benefits from positive consultation with its community and other stakeholders. The process facilitates better access to and understanding of information, increased participation, raised awareness and strengthened community.

CONTEXT/BACKGROUND:

This policy continues Council's commitment to community engagement. It has been developed following a review of the previous policy (22 September 2007, Minute No. 392).

It is based on the principles that:

- good decisions are based on information and views from many sources; and
- the people of Port Stephens have the right to access information, provide feedback, be consulted and actively participate in planning and decision-making.

SCOPE:

To encourage community understanding, involvement and informed opinion about future plans for the community by:

- 1) encouraging active community participation and engagement in the development of decisions for planning, substantial development assessments, policy making and infrastructure growth and other operational and strategic matters as defined by Council; and
- 2) establishing consistent methods of timely and accurate dissemination and gathering of information about issues of significant public interest.

Policy

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Issue Date: xx/xx/xxxx Printed: 29/05/2015 Review Date: xx/xx/xxxx Page: 1 of 3

Policy



DEFINITIONS:

Community Engagement Community engagement involves our community in activities that actively shape and influence the future of the area.

POLICY STATEMENT:

- 1) Council provides leadership and commitment to information, consultation and active participation of the community in planning and decision-making.
- 2) Consultation activities provide opportunities for individual community members and/or community interest groups to contribute and be heard.
- 3) Consultation objectives are well defined and the role of the community in participating in engagement, Councillors in factoring engagement outcomes into their decision making and Council staff in embedding engagement into their work are clear to all.
- 4) Consultation is undertaken as early in the process as possible to allow for effective community engagement and a range of options and solutions to emerge.
- 5) Information provided by Council during consultation is objective, accurate and accessible.
- 6) Council records the use it makes of information received through feedback, public consultation and active participation.
- 7) Council evaluates Council's performance in providing information, consultation and engaging with the community.
- 8) Council report the outcomes of the consultation process to the community.
- 9) Council will use agreed protocols and procedures to guide staff and Councillors in community engagement.

Policy

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Issue Date: xx/xx/xxxx Printed: 29/05/2015 Review Date: xx/xx/xxxx Page: 2 of 3

Policy



POLICY RESPONSIBILITIES:

This policy is to be implemented by all areas of Council.

RELATED DOCUMENTS:

- Local Government Act 1998
- Port Stephens Code of Conduct
- Port Stephens Community Strategic Plan

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
TRIM container No	PSC2014-01768	TRIM record No	
Audience	Councillors, staff and community		
Process owner	Manager, Communications Section		
Author	Community Development and Engagement Coordinator		
Review timeframe	Two years	Next review date	Two years after adoption
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
V1				

<p>Policy</p> <p><small>WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au</small></p>	
Issue Date: xx/xx/xxxx	Printed: 29/05/2015
Review Date: xx/xx/xxxx	Page: 3 of 3

ITEM 4 - ATTACHMENT 2 TOMAREE RATEPAYERS RESIDENTS ASSOCIATION SUBMISSION.

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By email to: council@portstephens.nsw.gov.au

2 June 2015

The General Manager, Port Stephens Council

Submission:- Re: PSC 2014-01768 – Community Engagement Policy

The Tomaree Ratepayers and Residents Association Inc supports the overall objectives of the Policy and associated Guidelines. However we submit that they need to more specifically address a number of areas in which actual performance has not matched the rhetoric.

We wish to take this opportunity to congratulate Council on some recent improvements in engagement processes.

The objectives of the draft policy are reasonably wide - covering engagement in 'development of decisions for planning, substantial development assessments, policy making and infrastructure growth' although this wording is somewhat imprecise, and arguably excludes "general decision making" that is expressly covered by the existing policy. For example it is unclear whether the reference to "development of decisions for planning" is intended to include broader strategic planning as in Integrated Planning, or is limited to land use planning. We suggest an alternative:

'encouraging active community participation and engagement in all stages of Council planning and decision-making, including on financial management, commercial investment, resource strategies (including rates and fees and charges), asset management, land use planning and development assessment, cultural planning and infrastructure provision.'

Assuming Council is serious about this objective, the Policy and Guidelines need to expressly mention key processes including:

- Council meetings (issues include the meeting cycle and webcasting)
- Financial management (issues include greater transparency and simplified presentation)
- Integrated Strategic Planning
- Strategic land use planning (issues include better advertising and explanation of strategic planning initiatives to overcome the difficulty of engaging the community in what are often seen as abstract processes)
- Development Assessment (issues include advertising of DAs and availability of DA related material – we acknowledge that major changes in this respect, including a replacement DA Tracker, are due to be introduced later this year, but



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ITEM 4 - ATTACHMENT 2 TOMAREE RATEPAYERS RESIDENTS ASSOCIATION SUBMISSION.

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reserve judgement on whether these changes will address all the current problems)

- Resident panel (issues include composition and use of the panel mainly for outbound communication rather than input)

The Policy should expressly recognise that community engagement must include opportunities for input both

- by Individuals, and
- by Community groups (which are expressly acknowledged in the current policy)

Organisations such as the TRRA Inc. represent a member-base focussed on particular areas or issues: geographical, environmental, etc. These organisations, of which there are hundreds throughout Port Stephens, are in a good position to engage with Council, bringing a broad range of professional skills to bear on the matters at hand. Council should ensure that relevant entities are directly contacted when Consultation and/or Collaborative engagement is being considered.

The Policy should also emphasise that community engagement is something that all sections of Council and all Council staff may need to participate in. While the Communications Section plays a key role, and will also undertake activities (newsletters, surveys, etc) in its own right, most opportunities for community input lie within the responsibilities of other operational units of Council. In other words, community engagement is not something which can be left to the Communications section and performed as an 'add-on' to other processes – it needs to be embedded in the work programme of all units. We recognise that the Communications Section has made considerable inroads in this regard. (Again, the *existing* policy does make this point more clearly)

The professionals in the Communication section can however support and facilitate engagement, including by keeping registers of community groups and their interests, and advising on consultation mechanisms.

Most importantly, Community Engagement needs to commence at an early stage of the decision making or planning process. This ensures that community priorities and needs are recognised in these processes in time to be incorporated in the concepts being worked on by Council staff. Not only does this early input yield efficiencies in Council staff input by avoiding the need for last minute revisions, but it engenders community goodwill and ownership of the decision and or plan.

TRRA welcomes the specific recognition of digital technologies in the Guidelines (19.1.1) The opportunity to use modern technology to both disseminate and receive information and community input should not be passed up. The future availability of NBN high-speed broadband should be incorporated into the channels of digital communication. The Port Stephens LGA covers a large area and the need for the community to travel to Raymond Terrace to participate or view Council is still a contentious issue. We would suggest that as Council gains the IT capacity (available now to most residents) the various departments can engage more proactively with the on-line resident community.

At the same time, Council needs to recognise that many in the Community either do not have ready access to online tools or do not feel comfortable using them. For the



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ITEM 4 - ATTACHMENT 2 TOMAREE RATEPAYERS RESIDENTS ASSOCIATION SUBMISSION.

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foreseeable future, community engagement will need to accommodate more traditional channels including availability on request of paper copies, and input by phone.

The Policy and/or Guidelines should also remind staff of the importance of keeping community engagement materials simple and affordable – the move to 'online' has allowed Council to make major savings on materials that previously had to be printed and distributed, but this can often shift costs of participation onto members of the public. The ability to produce high quality papers laden with photos and other graphics offers many advantages, but many members of the public cannot afford to print large numbers of pages, particularly where colour is important to understanding. In most cases, staff should consider making available simple versions of consultation documents that can be printed easily and cheaply – and legibly - on monochrome printers.

In respect of some of the above criticisms and suggestions, the existing Community Engagement Policy is in our view better than the revised version – for example it makes the point about ownership of consultation; acknowledges the role of groups, and applies expressly to decision making in general.

Summary

TRRA Inc welcomes the review of the Community Engagement Policy and associated Guidelines and supports their overall objectives. But the proposed revision is even more general than the existing policy and remains at too high a level of generality – everyone can agree on the broad statements of principle, but the reality of the current, policy, even with its better features, has been less than satisfactory – what is needed is a more specific commitment to particular devices for engagement, with measurable performance assessment.

Yours sincerely,

Terry Wall
President,
Tomaree Ratepayers and Residents Association Inc

Prepared in consultation with various TRRA Committee members



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GUIDELINES

Adopted: "[CLICK HERE, INSERT DATE]"
Minute No: "[CLICK HERE, INSERT MINUTE NO.]"

Amended:
Minute No:

FILE NO: PSC2014-01768
TITLE: COMMUNITY ENGAGEMENT
POLICY OWNER: COMMUNICATIONS SECTION MANAGER

PURPOSE:

The purpose of these guidelines is to outline the mechanisms that Council has in place to engage our community.

Delivery of a consistent, organisation-wide approach to community engagement meets the following items in the Port Stephens Community Strategic Plan 2013-2023 and Delivery Program 2013-17:

18.1 The Port Stephens community is informed and involved in decisions that affect them;

18.1.1 Engage our community in conversations and provide timely and accurate information; and

19.1.1 Strengthen Council's brand and reputation.

Council's community engagement (CE) program aims to provide

- A clear framework for the timely dissemination of accurate information to the community through a variety of channels including digital technologies;
- Consistent processes to involve the community at different levels of engagement;
- Processes to strengthen reporting on community engagement outcomes; and
- Processes to strengthen providing feedback to community.

BACKGROUND:

The Communications Section is made up of five units – Community Development and Engagement, Customer Relations, Digital and Website, Public Relations & Marketing, and Tourism & Events.

The Community Development and Engagement unit supports Council in its community engagement activities and works closely with other units of Council to achieve this.

AIM:

These guidelines provides information on Council's CE program used by staff to communicate, consult and involve the Port Stephens community.

COMMUNITY ENGAGEMENT PROGRAM:

The aim of the community engagement program is to encourage community understanding, involvement and informed opinion about future plans for the community by:

- encouraging active community participation in the development of decisions for planning, development assessments and policy making; and
- establishing consistent methods of timely and accurate dissemination and gathering of information about issues of significant public interest.

The Community Engagement program consists of:

- Community Engagement Policy
- Community Engagement Guidelines
A guide to assist the community understand Council's engagement program
- Community Engagement Management Directive
A guide to processes for staff
- Community Engagement Framework
The Spectrum
Level 1: Inform, Level 2: Involve or Level 3 Participate
Seven steps of implementation
 1. Decide whether community engagement is required
 2. Define the objectives and level of community engagement
 3. Identify who will be engaged
 4. Choose the right engagement activities
 5. Plan, implement and track the engagement activities
 6. Communicate outcome of consultation to stakeholders
 7. Evaluate the process

ITEM 4 - ATTACHMENT 3 COMMUNITY ENGAGEMENT GUIDELINES.

- Staff Handbook
Templates to assist Council staff undertake Community Engagement activities in consultation with Community Engagement team.
- Training modules
2 hour briefing session offered on a regular (monthly) basis to staff
Component in staff induction
- Survey/Evaluation Kit
Using social media, website, paper and face to face tools
- Two Resident Panel meetings annually or as required - issue based forums in March and August
- Three Face-to-Face (community drop in sessions) meetings with community each year - (September to November) and as required
- Regular communications using the traditional and online media – Media Releases, Information Alerts and fact sheets
- Staff community engagement reference register
- Business card for outdoor staff

COMMUNITY ENGAGEMENT SPECTRUM:

To determine the required level of engagement and activities to be applied, staff should review the project against the engagement spectrum.

The spectrum has three levels of engagement:

Level 1: Inform – a one way relationship providing information to the community in an accurate and timely manner.

Level 2: Consult – a two way relationship where the community provides feedback on specific issues.

Level 3: Participate – a collaboration where the community actively influences policy options but Council retains the responsibility for final decisions.

RELATED DOCUMENTS:

1. NSW Local Government Act 1993
2. Community Strategic Plan 2013-2023
3. Port Stephens Council Code of Conduct
4. Port Stephens Council Community Engagement Policy

REVIEW DATE

Two years from the date of implementation.

ITEM NO. 1

**FILE NO: PSC2015-01000/471
TRIM REF NO: T06-2015**

T06-2015: SECURITY SERVICES, COUNCIL ADMINISTRATION BUILDING AND SURROUNDING AREAS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) That pursuant to section 10A(2)(d) of the *Local Government Act, 1993*, the Council resolve to close to the public that part of its meetings to discuss Item 1 on the Ordinary Council agenda namely T06-2015: Security Services, Council Administration Building and Surrounding Areas.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the T06-2015: Security Services, Council Administration Building and Surrounding Areas.
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report of the closed part of the meeting is to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179 of the *Local Government (General) Regulation 2005*.
- 5) That Council accept the tender submitted from SNP for \$409,343.52 pa for the provision of security services.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>That Council accept the tender submitted from SNP for \$409,343.52 pa for the provision of security services.</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

193	Councillor Steve Tucker Councillor Ken Jordan It was resolved that Council accept the tender submitted from SNP for \$409,343.52 pa for the provision of security services.
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BACKGROUND

The purpose of this report is to recommend the acceptance of a tender received from SNP to renew the security services. This will ensure continuity in the protection of staff, patrons and Council's physical and financial assets.

This contract includes the monitoring of the administration building, holiday parks, amenity buildings, aquatic centres and sundry council facilities. The initial contract period is for two years with a further option to renew for two years at Council's discretion.

The tender was advertised and closed on 2 June 2015 with a total of five submissions received at the close of the tender period, a summary of which is included as **(ATTACHMENT 1)**.

The tenders were evaluated by a team comprising staff members drawn from Financial Services, Facilities and Services and the Holiday Parks.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Cost	35
Previous Experience	20
Resources	25
Referees	10
Customer Service	10
Total	100

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens is a community where people feel safe.	Use Council's regulatory powers and Government legislation to enhance public safety.

FINANCIAL/RESOURCE IMPLICATIONS

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

While SNP were not the lowest tendered price the evaluation panel considered their tender to be superior in terms of previous experience, resources and overall customer service criteria.

The tender from Stateguard, while the most price competitive, was not considered to be as advantageous as the recommended tenderer. SNP, as the current tenderer, has extensive previous experience with Council, local and known recruited resources and an assessed higher commitment to overall customer service.

LEGAL, POLICY AND RISK IMPLICATIONS

Nil.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that failing to provide these services could result in injuries, branding and financial loss.	Medium	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

- 1) Financial Services Section Manager.
- 2) Holiday Parks Business Development Manager.
- 3) Property Services Facilities Officer.
- 4) Parks Coordinator.
- 5) Community Services Section Manager.

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL Weighted Criteria Methodology Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 6

FILE NO: PSC2015-01000/181
TRIM REF NO: PSC2005-3664

POLICY REVIEW - PROVISION AND MANAGEMENT OF CEMETERIES POLICY

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER
GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the revised Provision and Management of Cemeteries Policy shown as **(ATTACHMENT 1)**.
- 2) Place the revised Provision and Management of Cemeteries Policy 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 Port Stephens Cemeteries Policy shown as **(ATTACHMENT 2)** dated 290102 (Min No. 016).

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

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

**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

194	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the amendments to the revised Provision and Management of Cemeteries Policy shown as (ATTACHMENT 1).2) Place the revised Provision and Management of Cemeteries Policy 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 Port Stephens Cemeteries Policy shown as (ATTACHMENT 2) dated 290102 (Min No. 016).
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BACKGROUND

The purpose of this report is to endorse the revised Provision and Management of Cemeteries Policy and place it on public exhibition.

Council manages cemeteries at Anna Bay, Karuah, Nelson Bay, Seaham and Raymond Terrace. These cemeteries offer interment in plots, memorial gardens and niche walls. Council also maintains the grounds of historic cemeteries at Hinton, Raymond Terrace and Birubi Point.

Cemeteries are managed across two teams within the Facilities and Services Group. Future asset planning and cemetery development is managed by Civil Assets. The daily administration and site maintenance is led by the Community Services' Section via 355c Committees, contractors and internal service agreements. The purpose of this policy is therefore to ensure a single point of corporate knowledge on key issues relating to the provision and management of cemeteries.

The new policy has been rewritten to reflect new legislative requirements in the management of cemeteries as well as being reworded to ensure clarity of objectives, principles and policy statements.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has a vibrant cultural life.	Plan for and promote multiculturalism and Port Stephens' heritage, arts and culture.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications from adopting the recommendations other than minor costs for the public exhibition process. The new policy does not increase or decrease service levels provided by Council to cemeteries.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Cost of adverts for public exhibition.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal requirement for Council to have a policy on the provision and maintenance of cemeteries. However, the management of cemeteries is linked to the following legislation:

- 1) *Anti-Discrimination Act 1977 (NSW).*
- 2) *Births Deaths and Marriages Registration Act 1995 (NSW).*
- 3) *Cemeteries and Crematoria Act 2013 (NSW).*
- 4) *Coroners Act 2009 (NSW).*
- 5) *Crown Lands Act 1989 (NSW).*
- 6) *Fair Trading Act 1987 (NSW).*
- 7) *Government Information (Public Access) Act 2009 (NSW).*
- 8) *Heritage Act 1977 (NSW).*
- 9) *Human Tissues Act 1983 (NSW).*
- 10) *Public Health Act 2010 (NSW).*
- 11) *State Records Act 1998 (NSW).*
- 12) *Work Health and Safety Act 2011 (NSW).*

Given the significance of this service to the community and the high risk involved with administration and management of cemeteries, a policy position will ensure there is a single point of truth for Council's overarching approach to cemetery provision and management.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources ?
There is a risk that not having a policy on the provision and management of cemeteries may lead to inconsistent management decisions resulting in legal, financial and reputation damage.	High	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Cemeteries are places where people can gather to reflect on the lives of loved ones past. Well maintained cemeteries that have records maintained in accordance with legislation and ensure safe work practices assist people to use cemeteries as public open spaces and as places of historical research.

The management of cemeteries assists the funeral industry in the performance of their profession and contributes to the sustainability of that industry.

The management of cemeteries ensures that the interment of human remains is compliant with the relevant legislation. Compliance with this legislation ensures no adverse environmental impacts.

CONSULTATION

Council officers and 355c committees:

- 1) Contracts and Services Coordinator.
- 2) Infrastructure Planning Coordinator.
- 3) Community and Recreation Assets Team.
- 4) Facilities and Services Administration Officers.
- 5) Tomaree Peninsula Cemeteries 355c Committee.
- 6) West Ward Cemeteries 355c Committee.

Customers and stakeholders:

- 1) Cemeteries Officer (Lake Macquarie City Council).
- 2) Frances Family Funerals.
- 3) Lance Boots Funerals.
- 4) Fry Brothers Funerals.

OPTIONS

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

ATTACHMENTS

- 1) Provision and Management of Cemeteries Policy.
- 2) Port Stephens Cemeteries Policy 2002.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 1 PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



FILE NO: PSC2005-3664
TITLE: PROVISION AND MANAGEMENT OF CEMETERIES
POLICY OWNER: COMMUNITY SERVICES SECTION MANAGER

PURPOSE:

- 1) To ensure the management and maintenance of cemeteries are undertaken in a lawful and respectful manner.
- 2) To ensure the sufficient provision of cemetery facility to meet the needs of the community.

CONTEXT/BACKGROUND:

Council manages cemeteries at Anna Bay, Karuah, Nelson Bay, Seaham and Raymond Terrace. These cemeteries offer interments in plots, memorial gardens and niche walls. Council also maintains the grounds of historic cemeteries at Hinton, Raymond Terrace and Birubi Point.

Cemetery management requires a focus on compassion with the customer, accuracy in the management of records and safety in the issuing of permits to undertake work. This Policy sets the parameters by which cemeteries will be managed in Port Stephens Council and ensures that the corporate knowledge that underpins the management of cemeteries is held in one place.

SCOPE:

This Policy applies to all cemeteries that are on land that is owned or managed by Port Stephens Council.

This Policy does not relate to cemeteries or columbarium walls or gardens on land that is not owned or managed by Port Stephens Council.

DEFINITIONS:

Cemetery	A place for burials, not being a church yard.
Columbarium	A structure with tiers of niches for reception of cinerary urns.
Exhumation	To dig out, unearth.
Interment	Burial in the earth or placement of cinerary urns in a

Policy

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ITEM 6 - ATTACHMENT 1 PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



	columbarium or memorial garden.
Interment right	An exclusive right granted for use of an interment site. There is no entitlement to any real estate. The holder of an interment right has the sole authority to determine who can be buried or placed in the interment site and to permit headstones, inscriptions and memorials on the site.
Interment site	A place of burial in the earth or placement in a columbarium or memorial garden.

POLICY STATEMENT:

1. Provision of cemeteries
 - 1.1 Council will plan for the provision of cemeteries including burial plots, memorial gardens and niche walls through the Strategic Asset Management Plan process.
2. Management of cemeteries
 - 2.1 Council does not permit any person to undertake an activity within a cemetery unless:
 - 2.1.1 the activity is an approved activity such as:
 - 2.1.1.1 the quiet and respectful commemoration of the dead or undertaking of historical research and;
 - 2.1.1.2 the use of roadways and pathways to gain access to interment sites or amenities;
 - 2.1.2 the person holds an interment right, exhumation permit, works permit or monument permit issued by Council to undertake that activity;
 - 2.2 Council may delegate some aspects of the maintenance of cemeteries to a 355c committee of Council;
 - 2.3 Council shall maintain cemeteries to agreed service levels detailed in the maintenance service contract specifications;
 - 2.4 Council shall create and maintain general terms and conditions relating to interment rights and monumental permits.
3. Keeping of records
 - 3.1 Council shall maintain a register of all interments, exhumations and interment rights in respect of each cemetery.
4. Interment sites and Interment rights
 - 4.1 Human remains of a deceased person may only be interred at interment sites with the written permission of Council who shall issue an interment right;
 - 4.2 Interment rights may not be sold or transferred except with the express written consent of Council;
 - 4.3 The owner of an interment right may relinquish an interment right to Council;
 - 4.4 A person may not hold more than two interment rights.

Policy

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Issue Date: xx/xx/xxx Printed: 29/05/2015 Review Date: 14/07/ 2019 Page: 2 of 5

ITEM 6 - ATTACHMENT 1 PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



5. Monuments

- 5.1 Council approval is required for the installation of a monument;
- 5.2 A monument must be in keeping with the scale and character of the interment area;
- 5.3 A monument permit shall only be granted in respect of an interment site with the consent of the holder of the interment right;
- 5.4 The holder of a monument permit is responsible for the maintenance and repair of the monument;
- 5.5 If Council is required to undertake any work relating to monuments, to ensure public or employee safety, Council may recover the costs associated with such works from the holder.

6. Exhumation

- 6.1 An exhumation may only take place when an order by a Coroner or a Court permitting such exhumation is issued; or
- 6.2 a person has obtained prior to commencing exhumation:
 - 6.2.1 approval for exhumation by NSW Department of Health in accordance with the provisions of the *Public Health Act*; and
 - 6.2.2 approval from Council.

POLICY RESPONSIBILITIES:

Overall implementation of this Policy lies with the Community Services Section Manager. Key policy areas are delegated to the following sections and teams:

- 1) Provision of cemeteries – Civil Assets Section.
- 2) Management of cemeteries – Community Services Section/Contracts and Services team.
- 3) Keeping of Records – Facilities and Services Group Manager's Office/Business Systems and Administration team.
- 4) Interment sites and Interment rights – Facilities and Services Group Manager's Office/Business Systems and Administration team.
- 5) Monuments – Facilities and Services Group Manager's Office/Business Systems and Administration team.
- 6) Exhumation – Facilities and Services Group Manager's Office/Business Systems and Administration team.

RELATED DOCUMENTS:

- 1) Setting of Fees and Charges Management Directive (PSC)
- 2) Code of Conduct (PSC)
- 3) Procedure - Requirements for works within Council cemeteries by external agents (PSC)
- 4) Application Form – Permit to carry out monumental work in Port Stephens Cemeteries (PSC)
- 5) Application Form - Cemetery Burial Application (PSC)

Policy

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ITEM 6 - ATTACHMENT 1 PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



- 6) Application Form - Columbarium Wall/Garden Application (PSC)
- 7) Application Form – Annual Permit to undertake work in Port Stephens Council Cemeteries (PSC)
- 8) Application Form – Confirmation of Cemetery Information (PSC)
- 9) Application Form – Request to Transfer Right of Interment (PSC)
- 10) Form – Template for Memorial Niche Plaques (PSC)
- 11) Form – Template for Terrazzo Oval Plaques (PSC)
- 12) Form – Template for Raymond Terrace Granite Columbarium Wall (PSC)
- 13) Port Stephens Cemeteries information brochure (PSC)
- 14) Port Stephens Columbarium Walls and Gardens brochure (PSC)
- 15) *Anti-Discrimination Act 1977 (NSW)*
- 16) *Births Deaths and Marriages Registration Act 1995 (NSW)*
- 17) *Cemeteries and Crematoria Act 2013 (NSW)*
- 18) *Coroners Act 2009 (NSW)*
- 19) *Crown Lands Act 1989 (NSW)*
- 20) *Fair Trading Act 1987 (NSW)*
- 21) *Government Information (Public Access) Act 2009 (NSW)*
- 22) *Heritage Act 1977 (NSW)*
- 23) *Human Tissues Act 1983 (NSW)*
- 24) *Public Health Act 2010 (NSW)*
- 25) *State Records Act 1998 (NSW)*
- 26) *Work Health and Safety Act 2011 (NSW)*

CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	PSC2005-3664	TRIM record No	282
Audience	Funeral Directors, Grave diggers, Monumental Masons, West Ward Cemeteries 355c Committee, Tomaree Cemeteries 355c Committee, Historical Societies, general community.		
Process owner	Contracts and Services Coordinator		
Author	Community Services Section Manager		

Policy

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ITEM 6 - ATTACHMENT 1 PROVISION AND MANAGEMENT OF CEMETERIES POLICY.

Policy



Review timeframe	4 Years	Next review date	14 July 2019
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
0.1	27/05/2015	S. Bernasconi	Draft version for review by Executive Leadership Team	n/a
0.2	7/07/2015	S. Bernasconi	Draft version for Public Exhibition.	n/a

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Port Stephens
C·O·U·N·C·I·L
POLICY

Adopted: 29/01/2002
Minute No:016
Amended:
Minute No:

FILE NO: 7080-009

RESPONSIBLE OFFICER: DEBBIE PICKERING

TITLE: PORT STEPHENS CEMETERIES POLICY

BACKGROUND

Under the *Local Government Act, 1993* Council is required to establish policies and procedures to control the management and operation of their cemeteries. These policies are to give due regard to and not contradict legislation and regulations relating to the operation and control of cemeteries.

The Port Stephens Cemeteries Policy outlines the overall principles that underpin how Council manages its cemeteries. It details the legislation to which Council is required to comply.

The Policy applies to all cemeteries owned, managed, operated or maintained by Council, including those cemeteries administered by committees established by Council pursuant to the provisions of Section 355 (b) of the *Local Government Act, 1993*.

OBJECTIVE

To provide a dignified and responsive cemetery and memorialisation service to the community.

PRINCIPLES

- 1) To provide places for quiet and safe remembrance of the dead;
- 2) To provide sites within cemeteries for the lawful disposal of human remains;
- 3) To consider the diverse religious, ethnic and cultural backgrounds of those using, working in or visiting cemeteries when making decisions relating to cemeteries, (including planning for the future use of cemeteries);
- 4) To provide equitable access to burial sites to all members of the community;
- 5) To provide conditions in cemeteries which have regard to minimising any risk to health or safety of persons working in or entering cemeteries; and

- 6) To consider conservation and heritage issues when making decisions relating to cemeteries, (including planning for the future use of cemeteries).

POLICY STATEMENT

1) Management

Council does not permit any person to undertake any activity within a cemetery unless:

- a) the activity is an approved activity:
 - i) in respect of burial sites, the quiet and respectful commemoration of the dead or undertaking historical research;
 - ii) the use of roadways and pathways to gain access to burial sites or amenities;
- b) the person holds a burial right, exhumation permit, works permit or monument permit issued by Council to undertake that activity.

2) Records

Council is required to maintain certain records by clause 35A of the *Public Health Regulation, 1991*.

In order to achieve this requirement and provide information required to implement the Policy, Council shall maintain a register of all burials, exhumations and burial rights in respect of each cemetery.

3) Significance of Burial Sites And Monuments

Burial sites and monuments are of cultural and historical significance to the community of Port Stephens and may confer rights to individuals.

Council in its activities relating to cemeteries will aim to observe the significance of burial sites and monuments (along with any rights associated with such burial sites and monuments) within those cemeteries in which they are located.

4) Burial Sites/Rights

- 1) Items or human remains may only be interred at any burial site with the written permission of Council who will issue a burial right.
 - i) Burial rights may not be sold or transferred except with the express written consent of Council.
 - ii) Council will not buy back burial rights previously purchased.

5) Work Undertaken In Cemeteries

A person may not undertake work of any type in a cemetery unless that person and those engaged or employed by that person holds a valid work permit for that specific activity.

6) Monuments

- i. Council will not issue a monument permit in respect of a burial site except for the erection of monument of a size and type approved by Council.
- ii. A monument permit will only be granted in respect of a burial site with the consent of the grantee of the burial right.
- iii. The grantee of a monument right is responsible for maintain and repairing monuments.
- iv. If Council is required to undertake any work relating to monument so as to ensure public or employee safety it may recover those costs from the grantee.

7) Exhumation

- i. An exhumation may only take place when an order by a Coroner or a Court permitting such exhumation is issued; or
- ii. An applicant has obtained, prior to commencing exhumation:
 - a) Approval for exhumation by NSW Department of Health in accordance with the provision of Public Health Regulation, 1991; and
 - b) Approval from Council.

RELATED POLICIES

Code of Conduct

REVIEW DATE

Annually from the date the Policy is adopted.

RELEVANT LEGISLATIVE PROVISIONS

Local Government Act, 1993
Public Health Act, 1991
Public Health Regulations ,1991
Occupational Health & Safety Act, 2000
Privacy & Personal Information Protection Act, 1998
State Records Act, 1998
Heritage Act, 1977
Conversion of Cemeteries Act, 1974
Fair Trading, 1987
Coroners Act, 1980 (NSW)
Crown Lands Act, 1989
Human Tissues Act, 1993 (NSW)
Births, Deaths and Marriages Registration Act, 1995 (NSW)
Anti Discrimination Act , 1977

IMPLEMENTATION RESPONSIBILITY

Facilities and Services Group, Community Facilities Co-ordinator, Council staff and committees established by Council pursuant to the provisions of Section 355(b) of the Local Government Act, 1993 delegated a role in the management of cemeteries.

ITEM NO. 7

FILE NO: PSC2015-01000/290
TRIM REF NO: PSC2011-02343

POLICY REVIEW - ELECTRICITY PAYMENT FOR SPORTING RESERVES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Revoke the Electricity Payment for Sporting Reserves Policy as shown at **(ATTACHMENT 1)**.
- 2) Include the electricity payment details within the conditions set out in the Sporting Facility Use Agreement as shown at **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor Chris Doohan</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

195	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Revoke the Electricity Payment for Sporting Reserves Policy as shown at (ATTACHMENT 1).2) Include the electricity payment details within the conditions set out in the Sporting Facility Use Agreement as shown at (ATTACHMENT 2).
------------	---

BACKGROUND

The purpose of this report is to revoke the Electricity Payment for Sporting Reserves policy **(ATTACHMENT 1)**. This policy has been in place since the 16 June 1998 and its objective is "to provide an equitable system of distributing the costs of providing electricity to sporting facilities/grounds among user groups".

The Policy outlines how the electricity charges for sporting facilities should be apportioned between Council and user groups. It shows that Council is responsible for the electricity charges associated with irrigation and security lighting whereas the user groups are responsible for those charges associated with floodlighting, hot water and general electricity for the amenity building. The user groups operating under this policy include seasonal sporting clubs within the Local Government Area such as football, athletics and netball clubs. Sporting facilities are metered appropriately to allow transparency of who is responsible for electrical costs.

This policy is no longer required as the instrument defining the terms under which a user group can hire a sporting facility and has been superseded by the Sporting Facility Use Agreement (**ATTACHMENT 2**). This document outlines the terms under which each user is able to hire a sporting facility. As a result, the Sporting Facility Use Agreement has now been updated to include the financial terms of hiring a sporting facility which is shown in condition four (4).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Provide passive and active recreation and leisure services and facilities.	Maintain and develop recreational facilities for residents and visitors.

FINANCIAL/RESOURCE IMPLICATIONS

The revocation of this policy will have no financial impact as it will not change the financial terms under which sporting clubs currently hire facilities.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The adoption of the recommendation shown in this report will result in the revocation of the Electricity Payment for Sporting Reserves Policy.

The following risks have been identified.

Risk	<u>Risk</u>	Proposed Treatments	Within

MINUTES ORDINARY COUNCIL - 14 JULY 2015

	<u>Ranking</u>		<u>Existing Resources ?</u>
There is a risk that sporting clubs may refuse to pay their allocated electricity charges leading to financial costs being borne by Council.	Low	This will be managed under the terms set in the Sporting Facility Use Agreement which includes consequences for the breach of the agreement.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The application of a user pays system for electricity charges allows each club to be conscious of the amount of electricity being used at the facility and the subsequent cost. This in turn encourages sustainable use of electricity within the sporting clubs of Port Stephens.

CONSULTATION

Consultation on the proposal to revoke the Electricity Payment for Sporting Reserves Policy has been undertaken with:

- 1) Sports Councils.
- 2) Community Services Section.
- 3) Public Domain and Services Section.

OPTIONS

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

ATTACHMENTS

- 1) Electricity Payment for Sporting Reserves Policy.
- 2) Sporting Facility Use Agreement.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 7 - ATTACHMENT 1 ELECTRICITY PAYMENT FOR SPORTING RESERVES POLICY.



DEPARTMENT

Community & Recreation Services Department

POLICY TITLE

Payment of Electricity on Sports Grounds

KEY CORPORATE OBJECTIVE

To provide equitable access to Sport & Recreation Facilities.

POLICY OBJECTIVE

To provide an equitable system of distributing the costs of providing electricity to sporting facilities/grounds among user groups.

This objective will be achieved if:

- A system for charging the cost of electricity is in place and complied with.
- Clubs are aware of the policy.

PRINCIPLES

- That the cost of supply and maintaining electricity to sporting facilities be met by both Council and contributions from user groups.
- That the contribution from user groups is equitable and consistent across the local government area.

POLICY STATEMENT

COUNCIL TO PAY FOR:

Irrigation

- All costs associated with irrigation.

Security lighting

- All costs associated with security lighting.

ITEM 7 - ATTACHMENT 1 ELECTRICITY PAYMENT FOR SPORTING RESERVES POLICY.

USER GROUPS TO PAY FOR:

Floodlighting

- Electricity and maintenance costs on all floodlighting.

The current charge is double the cost of electricity.
This ensures that users contribute to costs for replacement lights etc.

General power and lighting

- General power and lighting in the amenities buildings and canteens.
- Where the amenities are used by a wide cross section (i.e. more than one user per sporting season) and each user group is levied a fee by the Sports Council/Oval Management Committee, the Sports Council/Oval Management Committee will be responsible for payment of electricity.

Hot water

- Hot water as part of the general power/lighting within the amenities/canteens.

ITEM 7 - ATTACHMENT 2 SPORTING FACILITY USE AGREEMENT.

SPORTING FACILITY USE AGREEMENT

Port Stephens

C·O·U·N·C·I·L

... a community partnership

Recreation Planning & Development
PO Box 42
RAYMOND TERRACE NSW 2324

▶ Please complete form in **BLOCK LETTERS**, tick appropriate boxes, complete all relevant sections & sign and date Agreement

A **SEPARATE** application form must be completed for sporting events, please contact Port Stephens Council Event Facilitation Team on 49806906.

Organisation Name:

Contact Name:

Position:

Postal Address:

Home Phone:

Work Phone:

Fax:

Mobile:

Email Address:

Sports Council Member:

Yes

No

Sports Council Name:

Facility/Sportsground Name:

Field/s Name/No.

Facilities required:

Gates opened

Toilets/Change Rooms

Electricity

Extra Bins

Canteen

(please note that casual use of the canteen must be negotiated with the seasonal user of this facility)

Lighting Time Requirements:

Key Requirements: (please specify type and number of key/s if known)

Purpose of Use: (Sport to be played)

Type of Booking:

Seasonal Use

Casual Use

School Term

Type of Use:

Competition

Training

Other

Day/Dates/Time of Use – Competition

Day/Dates/Time of Use - Training

Day/Dates/Time of Use - Other

Number of Registered Players:

Junior Male

Senior Male

Junior Female

Senior Female

- Occupational Health & Safety
- Personal Protection Equipment
- Loss & damage to Property

- Fees & Charges
- Injury Reports
- Cleaning of Facilities

- Public Liability Insurance
- Risk Assessment
- Car Parking

- Risk Treatment Plans
- Smoking Policy
- Electrical Tagging

Your organisation must provide a **Certificate of Currency** for Public Liability insurance to a minimum limit of indemnity of \$20m before the facility use can be approved. The Certificate of Currency must note the interests of Port Stephens Council. **Please attach copy to this application.**

- ▶ I declare (as a representative of the above organisation) that I have read and understood the Schedule of Conditions
- ▶ I agree (as a representative of the above organisation) to comply with the Schedule of Conditions set by Council and act upon all reasonable direction from any officer of Council or representative appointed by Council.

Applicant's Signature:

Date:

ITEM 7 - ATTACHMENT 2 SPORTING FACILITY USE AGREEMENT.

The said officials (applicant/s) have been authorised for and on behalf of the said organisation to acknowledge and confirm, by their signature/s, that the said organisation hereby agrees to comply with all Conditions for the Sporting Facility Use Agreement and otherwise be subject thereto:

1. **To pay the Sports Council fees as required**
2. **The hirer shall have a public liability insurance policy in force for the duration of both the competition season and use agreement. This policy shall be for no less than \$20,000,000 and must note the interests of Port Stephens Council.**
 - a. The policy shall provide cover to the hirer for any act or omission or negligence, that may cause loss, death, injury or damage to any person, equipment, personal items that can be directly attributed to the use of the facility in accordance with the terms and conditions of the Sporting Facility Use Agreement.
 - b. The policy will also provide cover for any damage to Council property and assets that is caused as a direct consequence of the use of the facility in accordance with the Sports Facility Use Agreement.
 - c. Liability shall be reduced proportionally to the extent that the act omission or negligence of the Council, its employees or agents may have contributed to the loss, damage, death or injury.
3. **To complete, prior to any sports participation, an inspection according to WHS Checklist for Sporting Groups (pro forma attached). A record of these inspections shall be tendered at the next ordinary meeting of the sporting club and shall form part of the minutes of that meeting and be made available to Port Stephens Council as required**
4. **The hirer agrees to bear the cost of electricity use for the floodlighting and general electricity to the amenity building for the canteen, hot water and lighting.**
5. **The hirer agrees to undertake and provide the following information as set down:**
 - a) The provision of a full list of all "plug in type" electrical devices used at the location. The list shall include records of all testing and tagging of such equipment including the name of the qualified inspector and the next date of testing. Testing shall occur for all equipment at a frequency of no more than 12 months. Ref – Australian Standard AS/NES 3760: In Service Safety Inspection & Testing of Electrical Equipment. A copy of the list will be maintained on site and in an area immediately accessible.
 - b) The hirer will co-operate with Council on an annual basis in the performance of a safe work method statement for the location. A checklist will be used as a guide in this assessment and the user is free to conduct other inspections throughout the year. The hirer further agrees that any corrective actions required as a result of such inspections will be attended to promptly.
 - c) The hirer shall provide and work in accordance with Risk Treatment Plans for activities involving risk and shall conduct Toolbox Talks on a regular basis to review these procedures (*pro formas attached*). These plans will act as the minimum standard for performed tasks and Council reserves the right at any time to ask for these to be reviewed and improved where it deems necessary.
 - d) Prior to undertaking improvements or work related tasks involving risk to Council facilities, provide completed Safe Work Method Statements & Toolbox Meetings (*pro formas attached*) to ensure the work site meets the requirements of the Workers Health & Safety Act 2011 and Workers Health & Safety Regulations 2011.
 - e) The hirer agrees to ensure that provisions for first aid remain current at all times. The first aid kit will be maintained on premises in a manner secure enough to ensure that contents remain compliant with First Aid requirements of the NSW WHS Regulation 2011. Refilling of first aids and associated costs of such is the responsibility of hirer.
 - f) All chemicals stored on the premises will have a current Safety Data Sheet located in an area immediately accessible. The hirer will ensure that the storage, handling and safety requirements contained within the Material Safety Data Sheet are employed.
 - g) All Port Stephens buildings are smoke free. Smoking is not permitted in any building or surrounding car park areas under any circumstances.
 - h) Hirers will report all injuries resulting from activities (other than those directly related to sporting events) to Council within 24 hours where this is reasonably achievable. The report shall be completed on the supplied Council Incident Report Form.
 - i) Hirers will not permit and alteration/amendment/addition to any electrical installations without written permission from Council.
 - j) Hirers agree to abide by all Council and manufacturers' instructions relevant to plant upkeep and maintenance. Records of these shall be securely maintained and made available at Council's request.
 - k) Hirers agree that all identified Personal Protective Equipment requirements will be abided by at all times by all users and operators. Personal Protective Equipment will be supplied by the hirer/user.
 - l) Hirers agree to immediately report (by phone 49800255) any concerns they have that might impact on the safety of any persons in and around these facilities.

ITEM 7 - ATTACHMENT 2 SPORTING FACILITY USE AGREEMENT.**6 The hirer agrees to abide by the conditions set down for the use of the facility:**

- a) To leave the facility in a clean and tidy condition at the end of the time of each use
- b) To remove all rubbish, food scraps, empty drink containers, bottles and cans from the facility and place them in the bins provided outside the facility
- c) To sweep, clean up any spillage by application of appropriate cleaning liquids and agents and leave the toilet facility in or adjacent to the facility in a clean and sanitary condition. Replace paper supplies as required and provide sanitary bins.
- d) Store any equipment in a safe manner
- e) To vacate the facility on or before the end of the time of use and to turn off all lights and close and lock all windows and doors
- f) To observe the "No Smoking" policy that applies to all Council owned facilities
- g) To only use designated car parking unless otherwise approved by Council
- h) To keep the Premises in good condition, except for fair wear and tear, including carrying out any repairs or fixing any damage caused. The hirer need not make structural repairs to the Premises unless they are required because of use of premises, negligence or breach of this agreement
- i) Alterations or additions to the Premises can not be made without Council consent (Capital Works Approval Process)
- j) To pay for the replacement (at cost price) of keys, remote devices (flood lighting) of any items lost or not returned. To return all keys at the end of the booked season
- k) To obtain the relevant Sports Council and Council approval for the erection of any signs within or outside the facility, in accordance with Council's Advertising Policy
- l) To obtain the necessary Permits for activities requiring liquor, fireworks permit, entertainment licence in addition to permission from Council
- m) To adhere to Council's "Oval Closure Procedure"
- n) To ensure that creosote, diesel, herbicide or permanent marking products are NOT used. Substances used for marking must be approved by Council's Parks Co-ordinators
- o) To co-operate with Council by complying with all health and safety initiatives & directions
- p) To report to Council any incidents to Council property within 24 hours on 4980 0255 or Council's After Hours Service on 0408 493 378 in an emergency
- q) When the agreement ends, the hirer must ensure that the premises are in the same condition as at the commencement date, except for fair wear and tear and all keys returned to Port Stephens Council.

NOTE: Should the facility not be left in a proper manner by 9.00am the morning following the use of the grounds, Council may seek to recover costs

7 The hirer agrees that should the hirer breach any of the terms above:

- a) That delegated Council staff shall be entitled to bring the agreement to an end and to require the immediate vacating of the Facility by persons using it. If such circumstances occur the Council shall not be liable to make good any loss or damage suffered by the termination or pay any compensation because of the termination
- b) Council shall be entitled to recover from the Hirer the cost of remedying or rectifying any breach of this agreement including legal and court costs of such recovery

8 The hire accepts full and complete responsibility:

- a) For any loss of or damage to any personal property (including money, jewellery & credit cards)
- b) For property on hire or loan
- c) For any contents stored at the facility, prior to, during and after time of hire

9 Definitions and Variations:

- a) No amendment or variation of these terms is valid unless in writing and signed by both parties
- b) In this agreement "Facility" is defined as buildings, ovals, canteen, amenities & other areas designated for use of the hirer by Council.
- c) "Council" is defined as the Port Stephens Council
- d) "Hirer" shall mean the person, organisation, company, club or other body to which the use of the facility is granted.

Applicants Signature: _____ **Date:** _____

ITEM NO. 8

**FILE NO: PSC2015-01000/293
TRIM REF NO: PSC2011-02343**

POLICY REVIEW - COMMUNITY GROUPS LOANS POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the draft Community Group Loans Policy shown at **(ATTACHMENT 1)**.
- 2) Place the draft Community Group Loans 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 Community Group Loans Policy dated 26 June 2007 (Min No. 158), should no submissions be received **(ATTACHMENT 2)**.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Sally Dover</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

196	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the amendments to the draft Community Group Loans Policy shown at (ATTACHMENT 1).2) Place the draft Community Group Loans 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 Community Group Loans Policy dated 26 June 2007 (Min No. 158), should no submissions be received (ATTACHMENT 2).
------------	---

BACKGROUND

The purpose of this report is to seek Councils endorsement of the draft Community Group Loans Policy (**ATTACHMENT 1**) and to place the policy on public exhibition for a period of 28 days. This Policy is different to the Grants and Scholarship Policy in the Development Services Group to be considered by Council in coming weeks.

The intent of this policy is to provide community cultural and sporting groups operating in the local government area access to low interest loan funding. This loan funding can be utilised for improvements to community, cultural, sport and recreation facilities.

Groups seeking to make application under this policy must utilise the funding to improve a facility that is Council owned; under Council’s Care, Control/ Management or under Council’s Trusteeship.

The Community Group Loans Policy was originally adopted by Council on the 18 April 2000. The policy was reviewed and re-adopted in 2007 as shown in (**ATTACHMENT 2**). Since its inception, twelve (12) sporting groups, two (2) sports councils and one (1) community arts centre have utilised the loan scheme. The total value of loans granted under this scheme to date is \$348,657. The total value of subsequent works that have occurred on Council facilities can be assumed to be much higher than this amount when volunteer labour, works in kind and external grants are taken into account.

The intent of this policy has not changed although the policy has been reviewed and updated. A separate guidelines document shown in (**ATTACHMENT 3**) has been developed to document the assessment approval process.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Provide passive and active recreation and leisure services and facilities.	Maintain and develop recreational facilities for residents and visitors.

FINANCIAL/RESOURCE IMPLICATIONS

There is a \$200,000 reserve fund that allows loan funds to be drawn upon. The policy specifies that the loan minimum is \$2,000 and the maximum is \$75,000. The loan is provided with the interest rate set for the Indicative Borrowing Rate for Local Government Authorities (IBRLGA) on the day that the loan is approved. This interest is charged to cover the opportunity lost if these funds were invested at commercial rates and the administration cost over the term of the loan. The term of each loan is negotiated with the applicant but can be no more than eighty four (84) months.

This policy supports and encourages groups to finance Council asset improvements. The guidelines state eligible projects must be on Council's Forward Works Plan. Managed correctly, this will allow a greater number of prioritised improvements to be made on Council assets.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes	200,000	The scheme is capped at a maximum of \$200,000 at any given point in time.
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal or policy implications with adopting the recommendation.

The economic risk of borrowers defaulting on their loans will be mitigated through the loan assessment criteria. The loan assessment criteria include:

- Completed loan application forms including Sports Council guarantor for Sporting Club loans.
- Supporting documentation including copies of Audited Annual Financial Statements for past 3 years, projected cash flow plan for term of loan and details of any outstanding loans held by the applicant.
- Document outlining the community benefit of the project.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources ?
There is a risk that a sporting club will default on their loan leading to financial loss for Council.	Low	The policy requires the relevant Sports Council to act as a guarantor of the loan. Additionally, the funds must be spent on Council owned assets therefore the finances spent on the asset are still retained by Council.	Yes

MINUTES ORDINARY COUNCIL - 14 JULY 2015

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources ?
There is a risk that a community/cultural group will default on their loan leading to financial loss for Council.	Low	The applicant must prove financial ability to repay loan (commercial loan conditions). Additionally, the funds must be spent on Council owned assets therefore the finances spent on the asset are still retained by Council.	Yes
There is a risk that Council will not be seen to support its local sporting/ community/cultural groups leading to reputation damage.	Low	Adopt recommendations and implement the Community Group Loans Policy.	Yes
There is a risk that Council will miss opportunities for facility improvements leading to assets which are not fit for purpose.	Low	Adopt recommendations and implement the Community Group Loans Policy.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

This policy supports and encourages local community/groups and sporting clubs to invest in community facilities. Through the provision of low interest loans, local sporting and cultural groups will be able to improve their facilities which will in turn assist in attracting and retaining participants. Facility improvements also assist in attracting major events to utilise Council's facilities which can result in positive economic impacts for the community.

As shown in the Community Group Loans Guidelines (**ATTACHMENT 3**) applicants must be able to demonstrate the social and community benefit and ongoing financial viability of their project.

There will be no environmental implication as all projects will be assessed in line with Council's existing works on Council owned land process.

CONSULTATION

Consultation and review of the draft policy has been undertaken with:

- 1) Financial Services Section.
- 2) Communications Section.

OPTIONS

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

ATTACHMENTS

- 1) Proposed Community Groups Loans Policy.
- 2) Existing Community Group Loans Policy.
- 3) Community Group Loans Guidelines.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 8 - ATTACHMENT 1 PROPOSED COMMUNITY GROUPS LOANS POLICY.

Policy



FILE NO: PSC2011-02343
TITLE: COMMUNITY GROUP LOANS POLICY
POLICY OWNER: COMMUNITY & RECREATION CO-ORDINATOR

PURPOSE:

To provide access to funding through the provision of available loans for improvements to community, cultural, sport and recreation facilities in the Port Stephens Local Government Area.

CONTEXT/BACKGROUND:

This policy applies to groups seeking to develop buildings or facilities that are Council owned; under Council's Care, Control or Management; under Council's Trusteeship, provides services to the local community or responsibility has been devolved to Council by some form of legislation.

SCOPE:

The Community and Recreation Loans Reserve will be self-supporting over time with repayments to the reserve used to fund further allocation. The Reserves upper limit will be \$200,000.

This policy assists community groups that are operating and providing services in the Port Stephens Local Government Area and enables Council's assets to be enhanced, improved and maintained in a good state of repair.

DEFINITIONS:

Loan - The act of giving money, property or other material goods to a another party in exchange for future repayment of the principal amount along with interest or other finance charges.

Interest - The charge for the privilege of borrowing money, typically expressed as an annual percentage rate.

Policy

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ITEM 8 - ATTACHMENT 1 PROPOSED COMMUNITY GROUPS LOANS POLICY.

Policy



POLICY STATEMENT:

1. The Community Group Loans is to provide an accessible fund where groups and clubs can borrow funds at low interest rates for approved projects. This will assist community groups to improve and develop Council's facilities to support community activities in the Local Government Area.
2. This policy is made possible by a reserve of \$200,000 so loan funds can be drawn upon and Council's financial position managed appropriately.
 - a) Interest rates are to be set at Indicative Borrowing Rate for Local Government Authorities (IBRLGA) applicable on the day of approval of recommendation by the Group Manager of the respective Group.
 - b) For projects that are Asset Rehabilitation and are in Port Stephens Council's Asset Management Plans, the interest rate will be 50% of the IBRLGA.
 - c) The interest from Community and Recreation Loans Vote, being equal to Indicative Borrowing Rates for Local Government Authorities, is paid to Council on a quarterly basis (except for Asset Rehabilitation Projects).
3. Interest to be fixed for the term of the loan.
4. Loans to be for a maximum of 84 months.
5. Loans have a minimum of \$2,000 and an upper limit of \$75,000. Any increase of this amount will require a formal resolution of Council.
6. Should a club or group default on loan payments, Council has the right to take whatever action it considers necessary to recover the funds. In extreme cases, Council may consider closing the use of the facilities to the club or community group in default and taking legal action to recover funds.

POLICY RESPONSIBILITIES:

Community & Recreation Co-ordinator – Responsible for the overall implementation of the policy.

Management Accounting Co-ordinator – Responsible for monitoring the Community and Recreation Loans Reserve and ensuring payments are received.

Policy

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ITEM 8 - ATTACHMENT 1 PROPOSED COMMUNITY GROUPS LOANS POLICY.

Policy



RELATED DOCUMENTS:

LGA Act 1993
Code of Conduct
PSC Financial Assistance Policy

CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	PSC2015-01000	TRIM record No	293
Audience	Financial Services Section, PSC staff, local Community Groups and Sporting Clubs		
Process owner	Community & Recreation Co-ordinator		
Author	Brendan Callander		
Review timeframe	Every 4 Years	Next review date	11/8/2019
Adoption date	26/06/2007		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	26/06/2007	Jason Linnane		158

Policy

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COMBINED STRATEGIC/OPERATIONS COMMITTEE – 12 JUNE 2007



Adopted: 26 June 2007
Minute No: 158
Amended:
Minute No:

FILE NO: PSC2006-1300

TITLE: COMMUNITY GROUP LOANS POLICY

REPORT OF: JASON LINNANE – RECREATION SERVICES MANAGER

BACKGROUND

This policy applies to groups seeking to develop buildings or facilities that are Council owned; under Council's Care, Control or Management; under Council's Trusteeship, provides services to the local community or responsibility has been devolved to Council by some form of legislation.

OBJECTIVE

To provide equitable access to community, sport, cultural and associated facilities.

To provide equitable access to funding for improvements to community, sport, recreation, cultural and associated facilities through the distribution of available loan funds to the community of Port Stephens.

To provide interest (income) to Council in the Community Groups Loans Reserve equal to investment interest rates available to Council.

The objective will be achieved if:

- A system for submitting and assessing applications is in place and complied with.
- Community groups are made aware of the policy, its benefits and applications.
- Council's assets are enhanced, improved and maintained in a good state of repair.
- The interest from Community Groups Loans Vote, being equal to Indicative Borrowing Rates for Local Government Authorities, is paid to Council on a quarterly basis (except for Asset Rehabilitation Projects).
- An agreed reserve (\$250,000) is established so that loan funds can be drawn upon and Councils financial position managed appropriately.

COMBINED STRATEGIC/OPERATIONS COMMITTEE – 12 JUNE 2007**PRINCIPLES**

1. The Community Groups Loans Vote is to provide a fund where groups and clubs can take the initiative of borrowing funds at low interest rates for approved projects.
2. The Community Groups Loans Reserve will be self-supporting over time with repayments to the Vote used to fund further allocation. Then reserves upper limit will be \$250,000
3. For the purpose of this policy a Sports Club must be a member of a Port Stephens Council Sports Council or Sports Reserve Committee. A Community Group must be a properly constituted, incorporated community or cultural organisation providing services in the Port Stephens LGA.
4. Community, sports, recreation, cultural and associated groups must be able to demonstrate the social and community benefit and ongoing financial viability of their project.
5. Applications can be made at any time so long as due process is followed as outlined in the approved procedures of this policy. This will allow groups to take advantage of opportunities that may arise from time to time.
6. Projects will be funded if they meet final approval and if sufficient funds are available.
7. Loans for sporting projects will only be approved if the projects are included in the relevant sport development strategy, the local sports council is a signatory to the application and is also a guarantor for the loan in the instance where the applicant fails to meet two (2) successive payments.
8. Loans for community, cultural or associated projects will only be approved if the projects are included in a relevant community development strategy or Forward Works Program.

POLICY STATEMENT

1. Applications will be processed and assessed according to the procedure outlined in this policy.
2. Applications will be prioritised and assessed on:
 - Financial ability to repay loan (commercial loan conditions).
 - Merit of proposal based on identified community needs, having particular regard to projects identified as a part of the Community Services and Facilities Standards, Community Plan sports development strategy or community development strategy.
3.
 - a) Interest rates are to be set at Indicative Borrowing Rate for Local Government Authorities (IBRLGA) applicable on the day of approval of recommendation by the
Group Manager of the respective Group.
 - b) For projects that are Asset Rehabilitation and are in Port Stephens Council's Asset Management Plans, the interest rate will be 50% of the IBRLGA.

COMBINED STRATEGIC/OPERATIONS COMMITTEE – 12 JUNE 2007

4. Interest to be fixed for the term of the loan.
5. Loans to be for a maximum of 84 months.
6. Applicants have the option to negotiate repayments over the total year or over their active season.
7. Loans have a minimum of \$2,000 and an upper limit of \$75,000. Any increase of this amount will require a formal resolution of Council.
8. Project acceptance (in addition to loan acceptance) to be signed by President, Secretary and Treasurer of the applicant agreeing to commencement and completion date of the project.
9. As part of the agreement, annual financial statements will be made available to Council throughout the duration of the loan if so requested by Council.
10. Clubs and groups must notify Council of change of Executive (names, addresses, contact numbers, etc) during the period of the loan.
11. Should a club or group default on loan payments, Council has the right to take whatever action it considers necessary to recover the funds. In extreme cases, Council may consider closing the use of the facilities to the club or community group in default and taking legal action to recover funds.

PROCEDURE FOR SPORTS CLUBS

1. Clubs wishing to apply for a loan to ensure that the respective project is included in the relevant sports development strategy and has the formal support of the relevant Sports Council for them to become a guarantor for the project.
2. If so, the Club completes the Loan Application Form with required supporting documentation.
3. The application and supporting information is sent to the Sports Facility Co-ordinator for initial assessment.
4. The recommendation of the Sports Facility Co-ordinator will be forwarded to the Recreation Services Manager and Group Manager Facilities and Services for decision.
5. If approved, the Sports Facility Co-ordinator will establish the repayment schedule with the Finance and Assets Co-ordinator. This information is then provided to the Debtors Clerk for provision of funds and recoupment of repayments.

LOAN ASSESSMENT CRITERIA: SPORTS CLUBS

COMBINED STRATEGIC/OPERATIONS COMMITTEE – 12 JUNE 2007

- Club must be a current financial member of Port Stephens Council Sports Council or Sports Reserve Committee.
- Club must be financial and up to date with any Council / Sports Council / Committee accounts.
- Club's project must be included in the relevant sports development strategy and have the formal support of the relevant Sports Council for them to become a guarantor for the project .
- Required application forms and supporting documentation are complete and correct.
- The club can clearly demonstrate the capacity to raise the finance equivalent to the loan through its normal operations.
- The club can clearly demonstrate the community benefit of the project.

LOAN APPROVAL

All recommendations will be forwarded to the Recreation Services Manager and Group Manager Facilities and Services.

Council will be notified of the final recommendations by way of a memo.

Once groups are notified that their project and loan has been approved:

- Loan agreement schedule is to be signed by the applicant.
- Loan agreement is to be signed by both applicant and Group Manager Facilities and Services.
- Forms to be completed and returned to Council within 30 days of receipt of notification or loan offer will be withdrawn.

PROCEDURE FOR COMMUNITY GROUPS

1. Community groups should seek an appointment with the Community Services or Community Planning Manager to discuss their proposal.
2. Groups will then be provided with guidelines to lodge a Funding Application Form and allocated a Project Officer.
3. On completion of the Funding Application Form, it will be forwarded to the allocated Project Officer for review and assessment.
4. The Project Officer will liaise with the Finance and Assets Co-ordinator to assess implications on approved reserve and create a history of the applicant.
5. The recommendation of the Project Officer will be forwarded to the respective Section Manager and Group Manager for decision.
6. If approved, the Project Officer will establish the repayment schedule with the Finance and Assets Co-ordinator. This information is then provided to the Debtors Clerk for provision of funds and recoument of repayments.

COMBINED STRATEGIC/OPERATIONS COMMITTEE – 12 JUNE 2007

LOAN ASSESSMENT CRITERIA COMMUNITY GROUPS

- Community groups must be incorporated non-profit groups operating or providing services in the Port Stephens LGA.
- Community groups should have a business plan that clearly establishes the group's capacity to meet the commitments of a loan.
- The group can clearly demonstrate the community benefit of the project.

LOAN APPROVAL

All recommendations will be forwarded to the Community Services and / or Community Planning Manager.

Council will be notified of the final recommendations by way of memorandum.

Once groups are notified that their project and loan has been approved:

- Loan agreement schedule is to be signed by the applicant.
- Loan agreement is to be signed by both the applicant and the respective Group Manager.

Forms are to be completed and returned to Council within 30 days of receipt of notification or loan offer will be withdrawn.

RELATED POLICIES

IMPLEMENTATION RESPONSIBILITY

Recreation Services

REVIEW DATE

Twelve months from adoption.

COMBINED STRATEGIC/OPERATIONS COMMITTEE – 12 JUNE 2007



Port Stephens Council
 PO Box
 RAYMOND TERRACE NSW 22

COMMUNITY GROUPS LOAN APPLICATION FORM

- ▶ Please complete form in **BLOCK LETTERS**, tick appropriate boxes, complete all relevant sections and sign and date application

APPLICANT DETAILS			
CONTACT NAME (& POSITION):			
ORGANISATION:			
POSTAL ADDRESS:			
SUBURB/TOWN:		POSTCODE:	
EMAIL ADDRESS:			
PHONE NO:		FAX NO:	
PROJECT DETAILS			
Description of specific works for which assistance in form of repayable loan is requested:			
PROJECT LOCATION / FACILITY			
Type of Project:	New Assets	<input type="checkbox"/>	Asset Rehabilitation <input type="checkbox"/>
FINANCIAL DETAILS			
Financial Contribution	\$	Amount of Loan Requested	\$
PSC Contribution	\$	Total of Estimated Cost of Project	\$
Amount of Grants Available	\$	Preferred Term / Frequency of Repayment:	
SUPPORTING INFORMATION			
Sports Development Strategy	Yes	<input type="checkbox"/>	No <input type="checkbox"/> NA <input type="checkbox"/>
Copies of Audited Annual Financial Statements for past 3 years (including last bank statement)	Yes	<input type="checkbox"/>	No <input type="checkbox"/> NA <input type="checkbox"/>
Project Cash Flow Plan for Term of Loan / Business Plan	Yes	<input type="checkbox"/>	No <input type="checkbox"/> NA <input type="checkbox"/>
Proof of incorporation	Yes	<input type="checkbox"/>	No <input type="checkbox"/> NA <input type="checkbox"/>
Details of outstanding loans	Yes	<input type="checkbox"/>	No <input type="checkbox"/> NA <input type="checkbox"/>

COMBINED STRATEGIC/OPERATIONS COMMITTEE – 12 JUNE 2007

We certify that this application has been authorised at a duly constituted meeting by the application organisation.

PRESIDENT:

SIGNATURE:

DATE:

SECRETARY:

SIGNATURE:

DATE:

TREASURER:

SIGNATURE:

DATE:

Office Use Only: Amount of Loan:

Interest Rate:

Period of Loan:

Repayment Periods:

COMBINED STRATEGIC/OPERATIONS COMMITTEE – 12 JUNE 2007

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

LOAN AGREEMENT SCHEDULE

We acknowledge receipt of the offer of loan of \$_____ for the purpose of

Interest Rate:

Term of Loan:

Repayment:

Attached is a Loan Repayment Schedule for your records.

We hereby advise that the work will commence on _____ (date)

and completion will be on or before the _____ (date).

We agree to the conditions outlined above and certify that this acceptance has been authorised at a duly constituted meeting by the application organisation.

(Please Print)

PRESIDENT:

SIGNATURE:

DATE:

SECRETARY:

SIGNATURE:

DATE:

TREASURER:

SIGNATURE:

DATE:



**GUIDELINE
COMMUNITY GROUP LOANS**

Author: B Callander
Date: 06/07/2015
Policy Ref: 99

Ⓢ **Background information/Situation**

Program aim/objective

To provide access to funding through the provision of available loans for improvements to community, cultural, sport and recreation facilities in the Port Stephens Local Government Area.

Program Outline

This loan is available to groups seeking to develop buildings or facilities that are Council owned, under Council's care, control or management, or under Council's Trusteeship. Applicants must be providing services to the local community or responsibility has been devolved to Council by some form of legislation.

Amount available

Loans provided to be a minimum of \$2,000 and an upper limit of \$75,000.

When is an application made?

Applications can be made at any time using the process as outlined in these guidelines.

Who is eligible to apply?

1. Local Sports Clubs:
 - Must be a current financial member of a Port Stephens Council Sports Council.
 - Club must be financial and up to date with any Council / Sports Council / Committee accounts.
2. Community/Cultural Groups:
 - Must be a properly constituted, incorporated non-for-profit association operating and providing services in the Port Stephens Local Government Area.
 - Community/cultural groups should have a business plan that clearly establishes the group's capacity to meet the commitments of a loan.

Sporting clubs and community/cultural groups must be able to demonstrate the social and community benefit and ongoing financial viability of their project.

Ineligible

- Groups which do not meet the above requirements.
- Groups which already have an outstanding community group loan.
- Commercial organisations.
- Projects on private land.

General Guidelines & Documentation Required

- A sporting and community/cultural groups may only have one loan at any time.
- Sporting clubs- The project must be on the relevant Sports Council's Sports Development Strategy. For loan approval, the relevant Sports Council must be supportive of the project and agree to be a signatory to the application. The Sports Council must also agree to meet the repayments for the loan in the instance where the applicant fails to meet two (2) successive payments.
- Applications will be prioritised and assessed on:
 - Financial ability to repay loan (commercial loan conditions).
 - Merit of proposal based on identified community needs, having particular regard to projects identified as a part of the 10 year Capital Works Plan or sports development strategy.
- Groups lodge the application form along with required supporting documentation.
 - Sporting clubs supporting documentation:
 - Financial ability to repay loan (commercial loan conditions).
 - Merit of proposal based on identified community needs, having particular regard to projects identified as a part of the Strategic Asset Management Plan or Sports Development Strategy.
 - Community/Cultural group supporting documentation:

ITEM 8 - ATTACHMENT 3 COMMUNITY GROUP LOANS GUIDELINES.

- Documentation demonstrating social and community benefit of the project.
- Financial statements, group business plan, proof of financial viability and details of outstanding loans.
- Applicants have the option to negotiate repayments over the total year or over their active season.
- Project acceptance (in addition to loan acceptance) to be signed by President, Secretary and Treasurer of the applicant agreeing to commencement and completion date of the project.
- Clubs and groups must notify Council of change of Executive (names, addresses, contact numbers, etc.) during the period of the loan.
- As part of the agreement, annual financial statements will be made available to Council throughout the duration of the loan if so requested by Council Officers.

Assessment and Approval Process

Applications will be processed and assessed according to the procedure outlined

Procedures for Sporting Clubs and Community/Cultural Groups

- Groups should seek an appointment with the Community and Recreation Liaison Officer to discuss their proposal. Project and scope of works must be approved by relevant Council asset owners. Community/Cultural groups may also require approval from Council's Community, Development and Engagement section.
-
- Groups will then be provided with guidelines to lodge a Loan Application Form.
- The application and supporting information is sent to the Community and Recreation Co-ordinator for initial review and assessment.
-
- The Community and Recreation Co-ordinator will liaise with the Management Accounting Co-ordinator to assess implications on approved reserve and assess the financial history of the applicant.
- If approved, the Community and Recreation Co-ordinator will establish the repayment schedule with the Management Accountant Co-ordinator. This information is then provided to the Revenue Officer for provision of funds and recoupment of repayments.
-
- All recommendations will be forwarded to the respective Section Manager and then the relevant Group Manager for determination.
-
- Council will be notified of the final recommendations by way of an annual information paper.
-
- Once groups are notified that their project and loan has been approved:
 - Loan agreement schedule is to be signed by the applicant.
 - Loan agreement is to be signed by both applicant and relevant Group Manager.
 - Forms to be completed and returned to Council within 30 days of receipt of notification or loan offer will be withdrawn.

Loan Assessment Criteria: Sports Clubs Community/Cultural Groups

- Required loan application forms and supporting documentation are complete and correct.
- The club, community/cultural group can clearly demonstrate the capacity to raise the finance equivalent to the loan through its normal operations.
- The groups can clearly demonstrate the community benefit of the project.
- Funding is available within the Community Group Loans Reserve.

☺ Target Audience/Users

Sporting clubs and community/cultural groups.

ITEM NO. 9

**FILE NO: PSC2015-01000/492
TRIM REF NO: PSC2014-03298**

ADDITIONAL FEES AND CHARGES 2015-2016

REPORT OF: FRAN FLAVEL - CORPORATE STRATEGY & PLANNING
MANAGER
GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION IS THAT COUNCIL:

- 1) That Council agrees to place the fees and charges contained in **(ATTACHMENT 1)** on public exhibition for a period of 28 days and to invite written submissions.
- 2) Should no submissions be received, adopt the fees and charges as presented in **(ATTACHMENT 1)**.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Morello Councillor Chris Doohan</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

<p>197</p>	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That Council agrees to place the fees and charges contained in (ATTACHMENT 1) on public exhibition for a period of 28 days and to invite written submissions.2) Should no submissions be received, adopt the fees and charges as presented in (ATTACHMENT 1).
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BACKGROUND

The purpose of this report is to add to the schedule of Council's fees and charges for 2015-2016 related to:

- 1) Inspections of non-Council swimming pools and spas where the general public has access;
- 2) Services provided by Business Port Stephens;
- 3) Changes to wording related to concession memberships at Lakeside Leisure Centre.

Under Section 610F of the *Local Government Act 1993 (NSW)* before a fee or charge can be adopted by Council it must be placed on public exhibition for a period of 28 days. Council is then required to consider any written submissions received before amending/adopting the proposed fee.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens is a community where people feel safe.	Use Council's regulatory powers and Government legislation to enhance public safety.

FINANCIAL/RESOURCE IMPLICATIONS

- 1) Council has the opportunity to generate revenue of \$11,830 (plus more for any re-inspections and enforcement action) for inspections of non-Council swimming pools and spas where the general public has access. Operationally these facilities pose a risk to the public.
- 2) Business Port Stephens provides various services in Raymond Terrace. Additional fees need to be incorporated into the Fees & Charges 2015-2016 for those services. No additional resources are required.
- 3) Lakeside Leisure Centre – the current wording in the adopted Fees & Charges 2015-2016 (pg101) implies that gym programs are included in the fortnightly concession fee of \$35.00 when they are in fact excluded.

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

LEGAL, POLICY AND RISK IMPLICATIONS

1. *Public Health Act 2010.*

Section 4 Responsibilities of local government relating to environmental health.

(1) A local government authority has, in relation to its area, the responsibility to take appropriate measures to ensure compliance with the requirements of this Act in relation to public swimming pools and spa pools, regulated systems and premises on which skin penetration procedures are carried out (as referred to in Part 3).

(2) In particular, a local government authority has the responsibility of appointing authorised officers to enable it to exercise its functions under this Act and ensuring that its authorised officers duly exercise their functions under this Act.

Council does not currently inspect public swimming/spa pools. These are dealt with on a complaint basis only. Considering the potential risks of disease transmission from poorly maintained public pools and legionella from regulated systems such as cooling towers, it is considered that more activity in these areas is warranted by Council.

A focus on pools in particular is seen as important considering Port Stephens is a popular holiday destination and most of the public pools are located at holiday resorts. The pools will be largely used by older persons and young children, who are the most vulnerable from the microorganisms that grow in poorly managed water. (Note that Council currently inspects all facilities (cooling towers) and a fee has already been established for these inspections.)

- 1) Domestic swimming pools owned by householders are not part of this type of inspection regime.
- 2) Fees for Business Port Stephens are required to be placed on public exhibition under Section 610F of the *Local Government Act 1993 (NSW)*.
- 3) The change to the wording of the entry for Lakeside Leisure Centre concession memberships requires public exhibition under Section 610F of the *Local Government Act 1993 (NSW)*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if Council does not place the proposed fees on public exhibition thereby breaching the <i>Local Government Act 1993 (NSW)</i> causing loss of reputation; and causing an inability to derive	Low	Council agrees to place the proposed fees on public exhibition for a period of 28 days and invite submissions.	Yes

MINUTES ORDINARY COUNCIL - 14 JULY 2015

revenue from the proposed fees until such time as the conditions of Section 610F have been met.			
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

- 1) There is a perceived medium risk to the public and a cost to Council, which the fee regime is designed to mitigate.
- 2) Business Port Stephens provides subsidised services to the community that serve the needs of seniors and of other groups and people with limited economic means.
- 3) Lakeside Leisure Centre aquatic activities are provided as part of Council's responsibilities under the Recreation and Leisure section of the Community Strategic Plan 2013-2023.

CONSULTATION

Council benchmarked the fee structure for swimming pool/spa inspections with the following councils:

- 1) Great Lakes
- 2) Lake Macquarie
- 3) Singleton
- 4) Newcastle
- 5) Muswellbrook
- 6) Gosford

Staff have consulted across Council areas regarding fee affordability given the need to recover costs without undue hardship to users.

OPTIONS

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

ATTACHMENTS

- 1) Proposed Additional Fees and Charges 2015-2016.

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

MINUTES ORDINARY COUNCIL - 14 JULY 2015
ITEM 9 - ATTACHMENT 1 PROPOSED ADDITIONAL FEES AND CHARGES 2015-2016.
ATTACHMENT 1: Proposed Additional Fees & Charges 2015-2016

Description	Fee	GST	Pricing Policy	Clarification
Swimming Pool/Spa Inspections – Public Swimming Pool Program (Public Health Act)				
Inspection fee (first pool or spa)	\$165.00	No	Market Pricing	Per inspection
Inspection fee (each additional pool or spa)	\$100.00	No	Market Pricing	Per inspection
Re-inspection (per pool or spa)	\$100.00	No	Market Pricing	Per re-inspection
Laboratory Analysis Fee		Yes	Full Cost Recovery	Cost of analysis charged by supplier
Registration Fee (per property)	\$100.00	No	Statutory Fee	S19(1) Public Health Regulation 2012
Communicate Port Stephens General Fees				
Terminal Hire				
Half hour hire	\$3.50	Yes	Market Pricing	
One hour hire	\$6.00	Yes	Market Pricing	
Two hours hire	\$11.00	Yes	Market Pricing	
Three hours hire	\$15.00	Yes	Market Pricing	
Training and Meeting Room Hire				
Meeting Room Hire	\$125.00	Yes	Market Pricing	Per Day
Meeting Room Hire	\$75.00	Yes	Market Pricing	Per Half Day
Meeting Room Hire	\$25.00	Yes	Market Pricing	Per Hour
Training Room Hire	\$175.00	Yes	Market Pricing	Per Day
Training Room Hire	\$115.00	Yes	Market Pricing	Per Half Day
Digital Services				
Domain registration	\$75.00	Yes	Market Pricing	Per Year
Email hosting	\$320.00	Yes	Market Pricing	Per Year
URL Redirect	\$150.00	Yes	Market Pricing	Per Year
Office Services				
Facsimile Services				
Faxing – local	\$4.00	Yes	Market Pricing	First page
Faxing – local	\$0.50	Yes	Market Pricing	Per extra page
Faxing – STD	\$5.00	Yes	Market Pricing	First page
Faxing – STD	\$1.00	Yes	Market Pricing	Per extra page
Faxing – International	\$7.00	Yes	Market Pricing	First page
Faxing – International	\$2.00	Yes	Market Pricing	Per extra page
Photocopying Services				
A3 B/W	\$0.75	Yes	Market Pricing	Per sheet (output)
A3 Colour	\$1.75	Yes	Market Pricing	Per sheet (output)
A3 B/W Double sided	\$1.25	Yes	Market Pricing	Per sheet (output)
A3 Colour Double sided	\$2.25	Yes	Market Pricing	Per sheet (output)
A4 B/W	\$0.25	Yes	Market Pricing	Per sheet (output)
A4 Colour	\$1.00	Yes	Market Pricing	Per sheet (output)
A4 B/W Double sided	\$0.40	Yes	Market Pricing	Per sheet (output)
A4 Colour Double sided	\$1.60	Yes	Market Pricing	Per sheet (output)
Printing Services				
A3 B/W	\$0.75	Yes	Market Pricing	Per sheet (output)
A3 Colour	\$1.75	Yes	Market Pricing	Per sheet (output)
A3 B/W Double sided	\$1.25	Yes	Market Pricing	Per sheet (output)
A3 Colour Double sided	\$2.25	Yes	Market Pricing	Per sheet (output)
A4 B/W	\$0.25	Yes	Market Pricing	Per sheet (output)
A4 Colour	\$1.00	Yes	Market Pricing	Per sheet (output)

MINUTES ORDINARY COUNCIL - 14 JULY 2015**ITEM 9 - ATTACHMENT 1 PROPOSED ADDITIONAL FEES AND CHARGES 2015-2016.**

Description	Fee	GST	Pricing Policy	Clarification
A4 B/W Double sided	\$0.40	Yes	Market Pricing	Per sheet (output)
A4 Colour Double sided	\$1.60	Yes	Market Pricing	Per sheet (output)
Scan + Email				
Scan to Email	\$4.00	Yes	Market Pricing	
Scan to USB	\$4.00	Yes	Market Pricing	
Laminating				
A4	\$3.00	Yes	Market Pricing	Per page
Staff Services				
One on One Training	\$40.00	Yes	Market Pricing	Per hour
Typing	\$7.50	Yes	Market Pricing	Per printed page
Print from Media Card, Flash Drive or CD	\$2.00	Yes	Market Pricing	Plus printing costs
Video Conferencing	\$120.00	Yes	Market Pricing	Per hour
Lakeside Leisure Centre				
Concession Membership – (Swimming Pool /Gym membership joint with RT YMCA. No Gym programs.	\$35.00	Yes	Market Pricing	Per fortnight

ITEM NO. 10

**FILE NO: PSC2015-01000/491
TRIM REF NO: A2004-0115**

WARD BOUNDARY REVIEW

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Ward boundaries changes in accordance with Option 2 shown at **(ATTACHMENT 4)**.
- 2) Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the Electoral Commission NSW.
- 3) Note the proposed timeframe for the Ward boundary review process.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Mayor Bruce MacKenzie Councillor Paul Le Mottee</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

<p>198</p>	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the Ward boundaries changes in accordance with Option 2 shown at (ATTACHMENT 4).2) Commence public exhibition for a period of 28 days and allow 42 days for submissions to be received following approval from the Electoral Commission NSW.3) Note the proposed timeframe for the Ward boundary review process.
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BACKGROUND

The purpose of this report is for Council to review its Ward boundaries within the Port Stephens local government area in preparation for the 2016 local government election.

Section 211 of the *Local Government Act 1993*, requires Council to keep its ward boundaries under review and that any variance between wards must not be greater than 10%. Council officers review the elector numbers in each ward on a monthly basis from elector numbers provided by the NSW Electoral Commission.

In 2013, Council sought the advice of the Office of Local Government in regards to the ward boundary imbalance, with the view to holding off any reviews until the Kings Hill development had progressed. Council was advised that there was no mechanism to allow Council to postpone any review. Since this time, Council has monitored the elector number movement, with the view that the elector number may reduce to meet the 10% requirement. The current variance is around 14%; therefore, Council is required to review the ward boundaries prior to the next election.

Two (2) options have been produced for Council's consideration. The proposals are:

Option 1 – Transfer Boat Harbour (727 electors) from East Ward to Central Ward and transfer Fullerton Cove and Fern Bay (2,113 electors) from Central Ward to West Ward. The projections are shown at **(ATTACHMENT 1)**. The mapped proposal for Option 1 is shown at **(ATTACHMENT 2)**.

Option 2 - Transfer Boat Harbour (727 electors) from East Ward to Central Ward and transfer Fullerton Cove and Fern Bay (2,113 electors), and parts of Campvale and Williamtown (255 electors) that are located in Central Ward, from Central Ward to West Ward – this would see the suburbs of Williamtown and Campvale completely located within West Ward, with a total elector number transfer of 2,368 to West Ward. The projections are shown at **(ATTACHMENT 3)**. The mapped proposal for Option 2 is shown at **(ATTACHMENT 4)**.

Option 2 is the recommended option as it provides a better outcome over the long term with respect to elector numbers. Option 2 would not see a further ward boundary review until approximately 2023, where Option 1 may require a further review around 2021.

Option 2 retains a major centre within each Ward: Raymond Terrace, Medowie and Nelson Bay, therefore providing a sense of community and a central 'hub' for those residents within each ward.

The proposal has taken into account growth areas such as Kings Hill, Hunter Land, Moxey land, Boundary Road, Kingston rezoning and Pacific Dunes. These growth areas will not impact on the ward boundary review to any great extent.

The current 'Fit for the Future' program being conducted by the NSW State Government has no impact on this review. Any changes to a local government area as a result of the 'Fit for the Future' program outcomes will have a different process to follow should a council be amalgamated.

The proposed timeframe for the Ward boundary review is shown at **(ATTACHMENT 5)**.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

The financial and resource implications will be advertising and community consultation sessions where the community will be invited to comment on the ward boundary proposal.

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

LEGAL, POLICY AND RISK IMPLICATIONS

Section 211 of the *Local Government Act 1993* requires Council to keep its Wards under review, and to take action should the variance be greater than 10% between the highest and lowest ward elector numbers.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council will be in breach of the <i>Local Government Act 1993</i> if the ward	Low	Adopt the recommendations.	Yes

MINUTES ORDINARY COUNCIL - 14 JULY 2015

boundary review is not conducted.			
There is a risk that there will be an imbalance between wards at the next local government election.	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The review of the Ward boundaries will correct the current imbalance that exists between Wards and provide an improved community representation from the elected Council.

CONSULTATION

- 1) Presentation to Mayor and Councillors on 22 June 2015
- 2) General Manager
- 3) Electoral Commission NSW
- 4) Australian Statistician

Following Council's endorsement of the proposed changes, consultation will commence with Electoral Commission NSW and the Australian Statistician.

A series of community engagement opportunities will follow the consultation with the Electoral Commission NSW and the Australian Statistician. It is anticipated that the community engagement opportunities will occur September/October 2015. Further advice on community engagement will be provided through local press and on Council's website.

OPTIONS

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

ATTACHMENTS

- 1) Option 1 - elector number projections.
- 2) Option 1 - boundary changes map.
- 3) Option 2 - elector number projections.
- 4) Option 2 - boundary changes map.
- 5) Proposed Ward boundary review timeframe.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

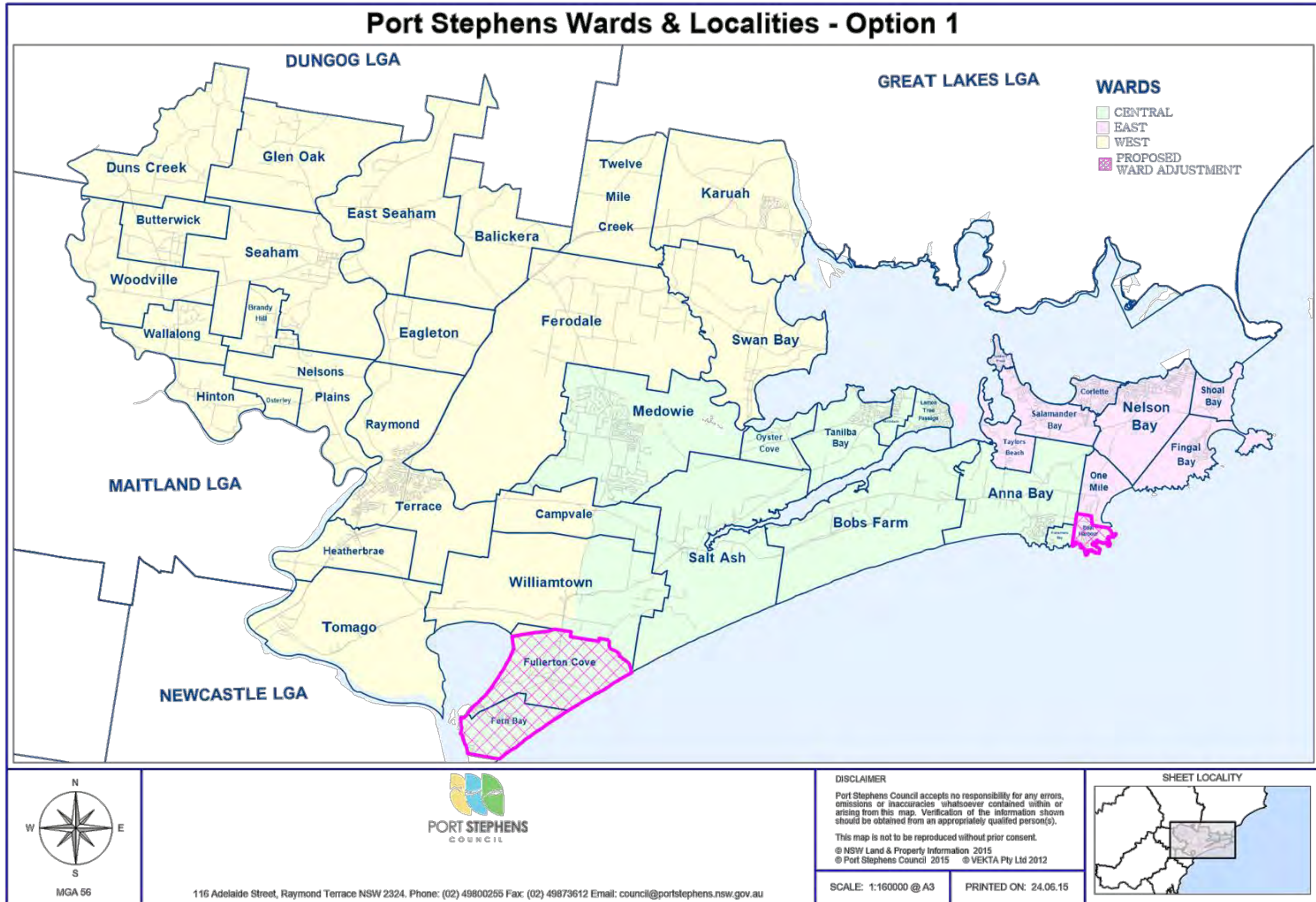
Nil.

MINUTES ORDINARY COUNCIL - 14 JULY 2015

ITEM 10 - ATTACHMENT 1 OPTION 1 - ELECTOR NUMBER PROJECTIONS.

Ward elector number projections - Option 1

Year	East Ward	Central Ward	West Ward	Total	Variance
Current	17368	17892	15398	50658	2494 (14%)
Boat Harbour	-727	727	2113		
	16641	18619	17511		
F/Cove/Fern Bay		-2113			
	16641	16506	17511	50658	1005 (5.7%)
Projections					
2015	16841	16906	17511	51258	670 (3.8%)
2016	17041	17306	17516	51863	475 (2.7%)
2017	17241	17706	17521	52468	465 (2.6%)
2018	17441	18106	17526	53073	665 (3.6%)
2019	17641	18529	17531	53701	998 (5.3%)
2020	17841	18929	17536	54306	1393 (7.3%)
2021	18041	19329	17541	54911	1788 (9.2%)
2022	18241	19729	17546	55516	2183 (11%)
2023	18441	20129	17551	56121	2578 (12.8%)
2024	18641	20529	17556	56726	2973 (14.5%)
Denote Ward with highest number of electors					

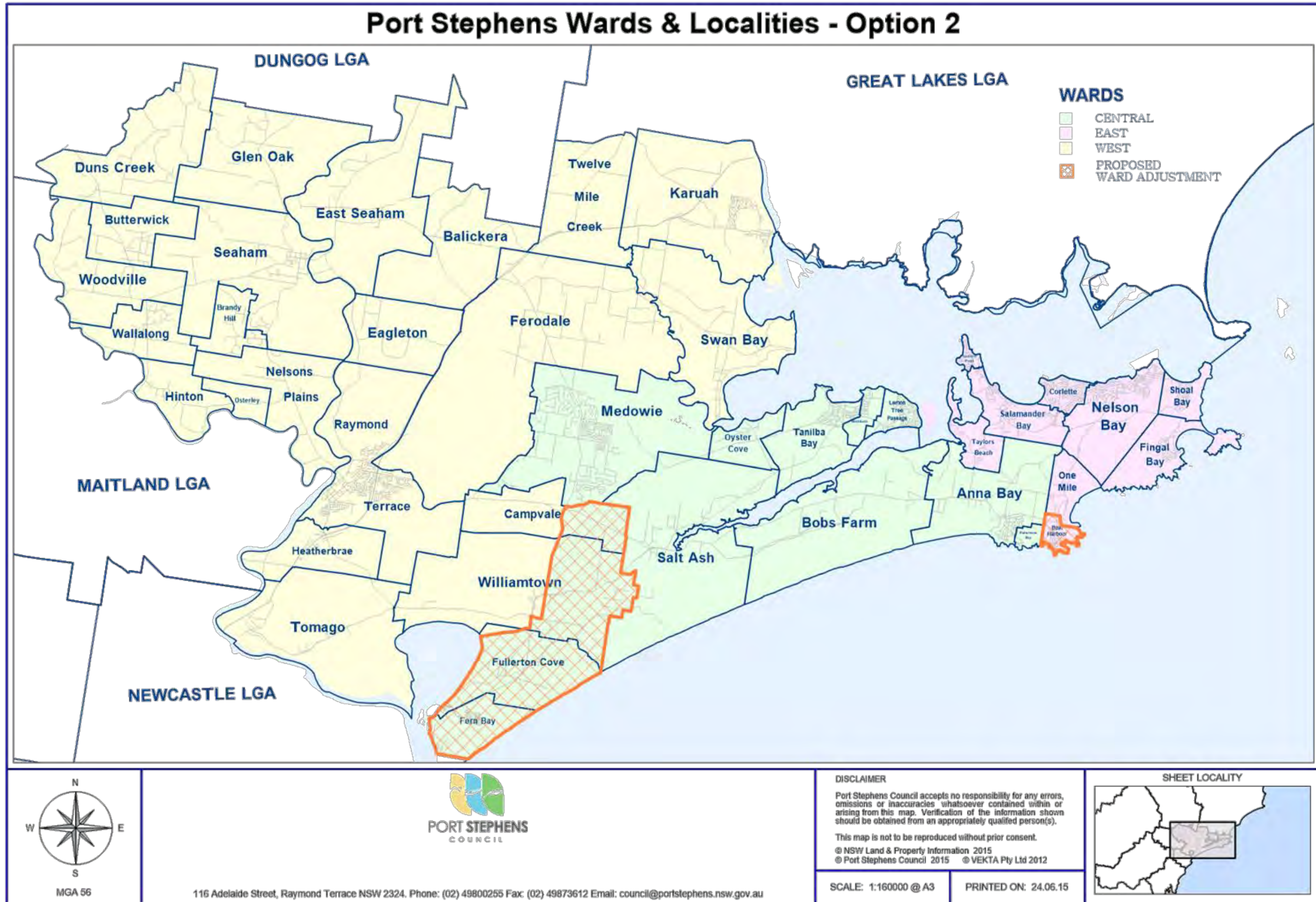


MINUTES ORDINARY COUNCIL - 14 JULY 2015

ITEM 10 - ATTACHMENT 3 OPTION 2 - ELECTOR NUMBER PROJECTIONS.

Ward elector number projections - Option 2

Year	East Ward	Central Ward	West Ward	Total	Variance
Current	17368	17892	15398	50658	2494 (14%)
Boat Harbour	-727	727	2113		
	16641	18619	17511		
F/Cove/Fern Bay		-2113			
	16641	16506	17511	50658	1005 (5.7%)
Williamtown/Campvale		-255	255		
	16641	16251	17766	50658	1515 (8.5%)
Projections					
2015	16841	16651	17766	51258	1115 (6.2%)
2016	17041	17051	18021	52113	980 (5.4%)
2017	17241	17451	18276	52968	1035 (5.6%)
2018	17441	17851	17781	53073	410 (2.2%)
2019	17641	18274	17786	53701	633 (3.4%)
2020	17841	18674	17791	54306	883 (4.7%)
2021	18041	19074	17796	54911	1278(6.7%)
2022	18241	19474	17801	55516	1673 (8.6%)
2023	18441	19874	17806	56121	2068 (10.4%)
2024	18641	20274	17811	56726	2463 (12.1%)
Denote Ward with highest number of electors.					



ITEM 10 - ATTACHMENT 5 PROPOSED WARD BOUNDARY REVIEW TIMEFRAME.



PROPOSED TIMEFRAME FOR WARD BOUNDARY REVIEW

June 2015	Development of proposed changes
	Briefing to Mayor and Councillors
July 2015	Report considered by Council
	Consultation with the NSW Election Commission and Australian Statistician
September/October 2015	Public exhibition for Council to receive submissions on proposed changes – including letters to affect residents
	Public education and awareness sessions
November 2015	Council to consider public submissions

ITEM NO. 11

**FILE NO: PSC2015-01000/469
TRIM REF NO: PSC2015-01244**

COMMUNITY GRANTS - JUNE 2015

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from Ward Funds as detailed below:

EAST WARD

- a) St. Philip's Christian Education Foundation – contributions towards an education development program - \$900.
- b) Bay Area Boardriders Club – contribution towards housing a trailer - \$1,000.
- c) Nelson Bay Netball Association Inc. – contribution towards equipment - \$1,500.
- d) Corlette Parks Reserves and Landcare Group – contribution towards new exercise stations - \$750.
- e) Nelson Bay Baptist Church Playtime – contribution towards a play area modification - \$1,000.
- f) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$666.

CENTRAL WARD

- g) Medowie Assembly of God Inc. Food Way – contributions towards operating costs - \$2,000.
- h) Sailability NSW (Port Stephens Branch) – contribution towards replacement of sails - \$1,668.60.
- i) Williamtown/Salt Ash Rural Fire Brigade – contribution towards equipment - \$775.88.
- j) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$667.

WEST WARD

- k) Friends of Tomago House – National Trust of Australia NSW – contribution towards purchase of equipment - \$2,000.
- l) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$667.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

199	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the Local Government Act from Ward Funds as detailed below:</p> <p>EAST WARD</p> <ul style="list-style-type: none">a) St. Philip's Christian Education Foundation – contributions towards an education development program - \$900.b) Bay Area Boardriders Club – contribution towards housing a trailer - \$1,000.c) Nelson Bay Netball Association Inc. – contribution towards equipment - \$1,500.d) Corlette Parks Reserves and Landcare Group – contribution towards new exercise stations - \$750.e) Nelson Bay Baptist Church Playtime – contribution towards a play area modification - \$1,000.f) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$666. <p>CENTRAL WARD</p> <ul style="list-style-type: none">g) Medowie Assembly of God Inc. Food Way – contributions towards operating costs - \$2,000.h) Sailability NSW (Port Stephens Branch) – contribution towards replacement of sails - \$1,668.60.i) Williamtown/Salt Ash Rural Fire Brigade – contribution towards equipment - \$775.88.j) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$667. <p>WEST WARD</p>
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MINUTES ORDINARY COUNCIL - 14 JULY 2015

- | | |
|--|--|
| | k) Friends of Tomago House – National Trust of Australia NSW – contribution towards purchase of equipment - \$2,000. |
| | l) Hunter Region Botanic Gardens Ltd – contribution towards upgrades to the volunteer communal area - \$667. |

BACKGROUND

The purpose of this report is to provide the recommendations of the Community Grants Assessment Panel to Council.

Council called for Community Grant applications from 7 May 2015 to 7 June 2015. All applications received are shown at **(ATTACHMENT 1)**. A total of 12 applications were received.

The total value of the Grants received is:

East Ward	\$ 8,150.00 – shown in blue in attachment
Central Ward	\$ 4,444.48 – shown in yellow in attachment
West Ward	\$ 3,500.00 – shown in green in attachment
Whole of LGA	<u>\$ 2,000.00</u> – shown in white in attachment
	\$ 18,094.48

It should be noted that item 1 has been withdrawn and considered through an alternate process.

The panel comprising of Councillors Dover, Doohan and Jordan, in accordance with the criteria under the Financial Assistance Policy, assessed the applications received.

Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the *Local Government Act 1993*. This would mean that the financial assistance would need to be included in the Community Strategic Plan or Council would need to advertise for 28 days of its intent to grant approval. No grant applications were received from an individual. Council can make donations to community groups.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward funds are the funding source for all financial assistance. Council has provided for \$36,000 per year, with \$18,000 being available on each occasion Grants are called. These Grants are limited to \$2,000 per grant.

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

LEGAL, POLICY AND RISK IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

CONSULTATION

Council called for applications from 7 May to 7 June 2015, through advertisements in the Port Stephens Examiner and the Council website.

The Assessment Panel was convened at the close of applications, and recommendations were made as detailed in this report.

Council officers were consulted on any application made where a Council owned/managed property or asset was involved.

OPTIONS

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

ATTACHMENTS

- 1) Summary of Community Grant application.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 11 - ATTACHMENT 1 SUMMARY OF COMMUNITY GRANT APPLICATION.

Item No. & Page No.	Organisation Name	What is the total amount of your request (exclusive of GST)?	If Council is not the sole source of funds for the project, please provide details of the source(s) of other funds.	Why is the project not able to be funded from other sources?	Please provide details of how you and/or your organisation intends to expend the funds.	How will other residents of Port Stephens benefit from your activities?
1	Wahroonga Aboriginal Corporation Raymond Terrace	1500		Wahroonga Aboriginal Corporation has only been in operation for 13 weeks and still recovering from the flooding of King Street from the April Super Storm.	Wahroonga Aboriginal Corporation intends to expend the funds towards the celebration of NAIDOC week for the Aboriginal and Torres Strait Islander people of Raymond Terrace at a community event held in King Street in the first week of July 2015.	The residents of Port Stephens will have understanding and awareness of Aboriginal cultural customs and join in with the celebration.
2	Friends of Tomago House National Trust of Australia NSW	2000	Fundraising activities and other Community Grants	Dependent on all income from fundraising	Purchase of Hitachi - Interactive (smart) Interactive Whiteboard	Development of Tomago House as an Interpretive Centre of the early history of settlement in Port Stephens and Children's Games across the centuries
3	Medowie Assembly of God Inc - Food Way	2000	Our charity receives donations in many kinds. From time to time we receive cash donations from private businesses and persons who have a heart for the disadvantaged in our community. We also receive donations in kind from big corporate businesses such as Woolworths and Coles who also want to show their concern with the ever increasing plight of the disadvantaged in the community where their stores are represented. Without these three levels of help which we receive from our local community we would not be able to survive as there is an ever increasing percentage of the population falling from middle class to disadvantaged. In fact, there soon will be no middle class if things do not change.	We are funded from many other sources as seen in the answer above yet as I have noted above, the plight of the disadvantaged is ever increasing and because of this no matter how creative we are at trying to find other sources, the demand always outweighs the supply. This is why we are looking to you once again for support.	In expectation of this grant being successful, we would allocate the monies to many of our increasing costs of providing this essential service to the community of Port Stephens which includes purchase of food, containers for distributing over 300 hot meals a week and plastic bags for the countless food hampers, utility costs, stationery and printing just to name a few.	We will continue to meet the growing need of the many disadvantaged people from Port Stephens who need help with basic necessities such as food and friendship which they are finding increasingly difficult to meet.

ITEM 11 - ATTACHMENT 1 SUMMARY OF COMMUNITY GRANT APPLICATION.

	SAILABILTY NSW (PORT STEPHENS 4 BRANCH)	1668.6	None applied for	No source available	Replacement of damaged suits of sails, some over 10 years old.	Most of our members and many of our sailing participants come from the PSC's area, our sailing craft are in demand at least 3 days per week during the summer season and damaged sails rule out us using those craft when required. new sails would render all craft available for use at peak demand times.
5	Williamtown / Salt Ash Rural Fire Brigade	775.88	Brigade funds from business and private donations	The Brigade has recently expended \$2689.31 (excl GST) for the supply and partial installation of an Uninterrupted Power Supply (Socomet brand ITY2-TW000B model) to enable the engine bay doors to be repeatedly opened in the event of power outages. The impost of the further debt levied by Council to undertake final wiring and connection is placing significant pressure on the Brigade budget.	Noting that power outages and bush fires and storms often go hand-in-hand, the former manual gearing on the engine bay doors at the Salt Ash Fire Station was such that, manually, it took 5 - 10 minutes to open the doors, a time delay which was potentially critical for an emergency service provider. The recent acquisition and installation of an Uninterrupted Power Supply has overcome this potential delay.	Port Stephens residents in the Brigade area of operations are already benefiting from the Brigade's ability to respond in a timely manner in times of power outages. (During the recent storms, the station was without power for approximately five days). This benefit is afforded by the application of an Uninterrupted Power Supply that enables the three station doors to be opened in seconds rather than 5-10 minutes per door annually.

ITEM 11 - ATTACHMENT 1 SUMMARY OF COMMUNITY GRANT APPLICATION.

	St Phillip's Christian 6 Education Foundation	900	Council is the sole source of funds for this project.	As valuable as this event is, the school's operating budget is insufficient to cover this activity at this time. We have approached another granting body (see question 20) but unfortunately they only offer support for programs aimed at children aged 0-5.	We have identified a need to run a unique "Inspire" development day for the wellbeing of girls. The aim of the program is to reinforce and empower the 330 young girls in the school. We aim to encourage self-respect, self-acceptance and self-expression in every girl, and we'll be encouraging them to support young girls around the world who don't have access to the health, welfare, and educational resources we do. The "Inspire" day will include: - short video presentations that encourage and empower young girls - an investigation into girls' education around the world including a video presentation from Malala, Nobel Peace Prize winner 2014. Workshop on how fortunate we are in Australia and how we can help young girls in developing countries achieve better education and health opportunities and ultimately a better future - a series of short, inspirational addresses from female role models in the Port Stephens community including past students. These speakers will address reaching for the stars, personal achievement, overcoming barriers, the value of women's networks and the importance of backing other girls in their endeavours - a light-hearted look at being a girl - a slinging performance from our youngest girls - group work building relationships between our older girls and younger girls as they complete activities together. These will include the making of a handprint banner, with big and little hands to engender unity, handcraft of felt hearts to be given to elderly women in local retirement communities, and theatre sports to celebrate the diversity and individual talents of our girls - each girl will be asked to bring a gold coin donation for a charity supporting girls' education overseas with Compassion. Our speakers have kindly agreed to volunteer their time, and our dedicated teaching and support staff will lead groups and guide activities on the day. The funding requested will cover workshop materials and light refreshments.	We liaise closely with other schools in Port Stephens and we intend for 'Inspire' to provide a starting point for other schools in Port Stephens to run similar programs whether for their girls, their boys, or both. In this way the benefits of the program will become accessible to all children in the Port Stephens local government area. Inevitably each school will infuse its own spirit into the program, and the program will itself improve and grow year on year. Young people find themselves in uncharted territory today facing technological, social and emotional challenges that previous generations have not encountered. We wish to give them the tools to respond to these pressures appropriately and effectively. We believe the worth of a program such as this is indisputable.
	BAY AREA 7 BOARDRIDERS CLUB	2000	WE WILL BE RUNNING A SERIES OF FUNDING RAISING ACTIVITIES SUCH AS COMP BBQS RAFFLES, SELLING OF RELATED PRODUCTS SUCH AS WAX AND CLUB T-SHIRTS.	AS THE AMOUNT WE MAKE FROM OUR OWN FUNDRAISING EFFORTS WILL NOT COVER THE TOTAL COST TO FIX AND IMPROVE OUR COMP TRAILER	THE FUNDS WILL BE ALLOCATED TO ENCLOSE OUR CLUB TRAILER THAT IS CURRENTLY EXPOSED TO ALL WEATHER CONDITIONS AND WE ARE UNABLE TO HAVE IT LOCKED. THE TRAILER IS USED TO HOLD ALL OUR EQUIPMENT FOR OUR COMPETITIONS AND TRAINING CAMPS. IF WE CAN MODIFY THE TRAILER TO BE FULLY SECURE IT WILL ASSIST WITH WHERE WE LEAVE THE TRAILER WHEN WE ARE AWAY ALONG WITH KEEPING THE ITEMS DRY AND IN TURN IN BETTER CONDITION.	During 2014 the club instigated some significant changes, making the club more inclusive for all members of the local surfing community: -New contest locations opening up access for people without 4WDS. -Introduction of new female divisions, to showcase our junior female talent. -Junior development program. The club held 2 successful training camps where our junior members enjoyed expert coaching and training. The camps were fully subsidised by the club enabling all juniors to participate. -More representation in team events (eg. The Orca Team challenge). -Further support to all competitors at upcoming events. -Family Camping trip - the club subsidised a family camping trip to Treachery Beach. The club subsidised the cost of accommodation and provided meals for the weekend. -The club provided a presentation by local judge and surf comp presenter, Terry McKenna. This was a great opportunity for the junior members to further their knowledge regarding competition surfing. -Membership to the club includes a free t-shirt to each financial member.

ITEM 11 - ATTACHMENT 1 SUMMARY OF COMMUNITY GRANT APPLICATION.

<p>Nelson Bay Netball Association Inc.</p>	<p>1500</p>	<p>Nelson Bay Netball Association Inc.</p>		<p>We wish to install public address speakers on the verandah of the netball clubhouse. Many spectators and players are on the verandah at any given time, and are unable to hear the announcements made on the speakers that are situated on the light poles.</p>	<p>Other groups regularly use the netball courts for their activities. These groups include all schools on the Tomaree Peninsula, as well as visiting groups who have used the courts for gala days. We hope to be able to provide facilities for the Koori Games next year, and an adequate public address system is essential for the successful provision of audible information for all using these facilities.</p>
<p>Corlette Parks Reserves & Landcare Group (a 355c Committee of Port Stephens Council) & Nelson Bay West Parkcare 355c Committee</p>	<p>\$750.00 (est)</p>	<p>The funding for the initial 2 exercise station points along the Corlette/Dutchies to which these brochures will relate is being provided by Port Stephens Council, Rotary Club of Nelson Bay, Hunter Valley District Rotary Foundation, Nelson Bay West Parkcare 355c Committee and Corlette Parks Reserves and Landcare 355c Committee, the latter mainly in volunteer hours for organization/co-ordination.</p>	<p>A volunteer Committee member of Corlette Parks Reserves and Landcare Group will be the main driver of this promotional brochures project. Being a newly formed 355c Committee, funds are limited and already Rotary is making a major contribution towards the purchase and installation of the exercise stations.</p>	<p>Designing and publishing a high quality leaflet to raise public awareness of the new exercise station facilities which will be available to the community later in 2015 along the Corlette/Dutchies foreshore thanks to the huge contribution being made by Rotary and Council. Distribution points would include the Visitors Information Centres, doctors' surgeries, libraries, community centres, aged care homes, holiday accommodation outlets and other tourist outlets. An early draft has already been done and will be completed once the installations are finalized. All Port Stephens Council signage guidelines will be complied with and appropriate acknowledgement given to the contributors to the exercise station project. The leaflet will be updated as additional stations are installed in the years to come and reference will be made to existing popular tourist walks. This Exercise Trail linking playgrounds along the foreshore provides an opportunity to promote the area and its focus on families and their welfare.</p>	<p>Providing free access to exercise equipment is essential to contain or reduce healthcare costs. Those on low incomes who may need it most often cannot afford the cost of gym membership. The health benefits of regular exercise are well documented. Levels of obesity are rising with over 25% in the Hunter and a further 65% of adults not undertaking adequate physical activity. (Health indicators of NSW Statistical Indicators 2012) Research has also found that adults aged 45+ preferred parks and ovals for active recreation rather than formal/structured (indoor) facilities. (60.1% of our community is 40+) Families will benefit from interaction between generations as the stations initially planned will be adjacent existing play equipment for younger children. Many other target groups will benefit, eg. disabled communities (with assistance of their carers,) Aboriginals and many others. They all need to know about the new equipment and local press coverage will be inadequate.</p>

ITEM 11 - ATTACHMENT 1 SUMMARY OF COMMUNITY GRANT APPLICATION.

10	Nelson Bay Baptist Church Playtime	1000	The balance of the project will be sourced from Playtime funds and volunteer labour	Families pay \$3 per session and a yearly registration fee of \$5 regardless of the number of children in the family. All OH&S requirements and play and craft equipment is purchased from these fees. The intention is to keep fees to a minimum so that no family is excluded.	NBBC Playtime has provided a morning play group for 30 years, with an average of 100 children attending each year across two sessions each week. The current indoor area is enclosed by fire safety doors. The great concern is that these doors are able to be and have been opened by the children, making it possible for them to leave the area if not constantly observed. The proposed funding will be used to modify the existing veranda which will be fully enclosed with an authorised safety gate and safety fencing. In addition, the cement floor will be covered with outdoor matting, enabling an even further increase for safety of the children.	Over the past 30 years we estimate that children from approximately 1000 families have benefited from NBBC Playtime. The funding for this project will provide a safer environment and ease congestion at these popular sessions. The extended area will allow additional families to enrol as unfortunately some families have had to be turned away due to overcrowding. In addition, we will be able to continue to provide a well-rounded program where children of pre-school age learn: to play, share and socialise with non-family members; the discipline of remaining seated for morning tea; listening to instruction for expected behaviour; and caring for property. These influences are all for their wellbeing and impact on the community.
11	Nelson Bay Netball Association Inc.	2000	Nelson Bay Netball Association Inc.	As an association, we set aside funds to re-surface our hard courts, which is a considerable outlay. We are reluctant to use these funds for other projects, as our courts are in need of re-surfacing in the very near future	We intend to replace the very heavy roller door on our canteen as it is very difficult for our volunteers to raise and lower. This is a work health and safety issue which the council is aware of, but due to lack of funds, have been unable to provide a replacement.	Canteen facilities are provided for netballers, soccer players and their friends on a weekly basis. It is also used for special events such school carnivals and a twilight netball competition.
12	Hunter Region Botanic Gardens Ltd	2000	The remainder of funds will be from general revenue = \$84.55 and Volunteer labour by tradesperson and assistant @ \$25.00/hr x 2 x 10 hours = \$500.00	Hunter Region Botanic Gardens is a not for profit organisation maintained and managed by volunteers. Operational costs as well as project costs are funded by sponsorship, donations and grants – these funds are extremely limited. Page 5 of 5	BEATING THE HEAT – Upgrade of Volunteer Communal Area The communal area that is used by volunteers for meals, meetings and information sessions is extremely hot in summer (42 degree temperature measured in summer 2014). These conditions are seen as a health risk and discouraging to volunteers. Ceiling fans have been identified as a practical, relatively low cost, environmentally friendly solution to the problem. Improving the amenity of the volunteer communal area will be greatly appreciated by volunteers. The funding would be used to purchase fans to install in this area. In kind contributions will be made by HRBG volunteers to carry out the project including labour from a practising electrician. The fans would be included in the HRBG maintenance schedule to ensure safe , long term operation.	The volunteer facilities are in use every day by both garden volunteers (48 living in Port Stephens LGA) and members of the community. The area is used by visiting families and groups for morning teas, lunches, meetings and celebrations. As the area is wheelchair friendly, regular visitors include people with disabilities. Both volunteers and visitors have indicated that ceiling fans would be a welcome addition to the area and would greatly improve the comfort of this much used resource particularly in summer.

ITEM NO. 12

**FILE NO: PSC2015-01000/503
TRIM REF NO: PSC2015-01837**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:-
 - a. Lemon Tree Passage Parks, Reserves & Tidy Towns Committee – donation toward picnic shelter in Henderson Park – Central Ward funds – Cr Chris Doohan - \$500.00.
 - b. Muree Golf Club Fundraising Committee – support of cancer charity day - Central Ward funds – Cr Chris Doohan - \$500.00.
 - c. Port Stephens Friendship Group – donation to assist with costs for recognising services – East Ward funds – Cr Sally Dover - \$400.00.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Morello Councillor Sally Dover</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

<p>200</p>	<p>Councillor Steve Tucker Councillor Ken Jordan</p> <p>It was resolved that Council approves provision of financial assistance under Section 356 of the <i>Local Government Act 1993</i> from the respective Ward Funds to the following:-</p> <ol style="list-style-type: none">a. Lemon Tree Passage Parks, Reserves & Tidy Towns Committee – donation toward picnic shelter in Henderson Park – Central Ward funds – Cr Chris Doohan - \$500.00.b. Muree Golf Club Fundraising Committee – support of cancer charity day - Central Ward funds – Cr Chris Doohan - \$500.00.
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MINUTES ORDINARY COUNCIL - 14 JULY 2015

	c. Port Stephens Friendship Group – donation to assist with costs for recognising services – East Ward funds – Cr Sally Dover - \$400.00.
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The purpose of this report is to authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Financial Assistance Policy provides Councillors a wide discretion either to grant or to refuse any requests.

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

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

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

The requests for financial assistance shown below are provided for through Mayoral Funds, Rapid Response or Community Capacity Building:

CENTRAL WARD – Councillors Dingle, Doohan & Tucker

Lemon Tree Passage Parks, Reserves & Tidy Towns Committee	Donation toward picnic shelter in Henderson Park	\$500.00
Muree Golf Club	Support of cancer charity day	\$500.00

EAST WARD – Councillors Dover, Morello & Nell

Port Stephens Friendship Group	Donation to assist with costs for recognising services	\$400.00
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COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has strong governance and civic leadership.	Manage the civic leadership and governance functions of Council. Manage relationships with all levels of government, stakeholder organisations and Hunter Councils Inc.

FINANCIAL/RESOURCE IMPLICATIONS

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

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

LEGAL AND POLICY IMPLICATIONS

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

The policy interpretation required is whether the Council believes that:

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Nil.

CONSULTATION

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

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 13

**FILE NO: PSC2015-01000/525
TRIM REF NO: PSC2015-01022**

INFORMATION PAPERS

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

RECOMMENDATION IS THAT THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 14 July 2015.

No:	Report Title	Page:
1	Salamander Way Salamander Bay - Regional Traffic Committee Finding	184
2	Designated persons - pecuniary interest	188
3	Quarterly report of Mayor and Councillor expenses - April-June 2015	189

**ORDINARY COUNCIL MEETING - 14 JULY 2015
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Chris Doohan Councillor Steve Tucker That the recommendation be adopted.
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201	Councillor Steve Tucker Councillor Paul Le Mottee It was resolved that Council move out of Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

202	Councillor Steve Tucker Councillor Ken Jordan It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 14 July 2015.
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MINUTES ORDINARY COUNCIL - 14 JULY 2015

No:	Report Title
1	Salamander Way Salamander Bay - Regional traffic committee finding
2	Designated persons - pecuniary interest
3	Quarterly report of Mayor and Councillor expenses - April-June 2015

INFORMATION PAPERS

ITEM NO. 1

**FILE NO: PSC2015-01000/477
TRIM REF NO: A2004-0511**

**SALAMANDER WAY SALAMANDER BAY - REGIONAL TRAFFIC COMMITTEE
FINDING**

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

BACKGROUND

The purpose of this report is to formally notify Council of the outcome of the Port Stephens' Regional Traffic Committee meeting held on 3 March 2015. This meeting was held to consider the relocation of the children's crossing and extension of a bus zone at St Phillip's Christian College, Salamander Bay.

During student pick-up and drop-off times, there is currently traffic congestion at the school which also impacts the broader community traffic flow on Salamander Way. To alleviate this congestion a proposal was put forward to relocate the children's crossing, extend the existing bus zone at St Phillips and transfer school bus operations to Salamander Way. This proposal would result in the school's internal pick-up and drop-off zone running more efficiently and made safer, though this would decrease driver safety on Salamander Way.

The proposal was first considered by the Local Traffic Committee at the October 2014 meeting. NSW Police and Roads and Maritime Services did not support the proposal at that time and the matter was called to Council under the Local Traffic Committee process. Port Stephens Council, via Minute 339 at the Council meeting held 9 December 2014 voted unanimously:

1. To support the relocation of the children's crossing on Salamander Way at St Phillips Christian College, Salamander Way.
2. To notify NSW Police and Roads and Maritime Services of Council's position.

NSW Police and Roads and Maritime Services subsequently lodged an appeal against this decision by Council with the Regional Traffic Committee. The Regional Traffic Committee is the final arbiter of traffic matters in NSW.

The Regional Traffic Committee met on 3 March 2015 and the appeal by Police and Roads and Maritime Services was upheld. The Regional Traffic Committee findings stated that road and pedestrian safety issues raised by the Local Traffic Committee had not been adequately mitigated in the proposal. The Regional Traffic Committee also noted that a holistic review of traffic and pedestrian safety in the vicinity of the school should now be undertaken prior to further consideration by Council's Local Traffic Committee. This holistic review would be undertaken as part of any future development assessment at the school.

MINUTES ORDINARY COUNCIL - 14 JULY 2015

A copy of the findings from the Regional Traffic Committee is attached for your information (**ATTACHMENT 1**).

ATTACHMENTS

- 1) Findings from the Regional Traffic Committee Meeting 3 March 2015.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 14 JULY 2015

ITEM 1 - ATTACHMENT 1 FINDINGS FROM THE REGIONAL TRAFFIC COMMITTEE MEETING 3 MARCH 2015.



NEW SOUTH WALES, AUSTRALIA

RMS File Number: **M4680**

**APPEAL
NUMBER:**

PORT/02/15

Appeal number starts with the first four letters of the Council's name eg. ROCK/100/00 = Rockdale Council: Appeal 100 for 2000

APPEAL:	Proposed Relocation of the Children's Crossing and installation of a Bus Zone at St Philips Christian College, Salamander Way – Salamander Bay	
LOCATION:	Port Stephens Council Phone: 4980 0207;	
APPEAL LODGED BY:	Senior Constable John Simmons NSW Police Port Stephens LAC Phone: 4983 7599; Facsimile: 4983 7511	
	Mark Morrison RMS Hunter Region Phone 4924 0269 Facsimile: 4924 0347	
DATE APPEAL LODGED:	5 Feb 2015	
COUNCIL CONTACT:	Joe Gleeson Traffic Engineer Port Stephens Council Phone: 4980 0207;	
DATE:	3 March 2015	
START TIME:	11:00	
PRESENT AT MEETING:	Mick Savage RTC Chairperson Joe Gleeson Ccl Lisa Lovegrove Ccl Ken Saxby RMS	Wayne Wilson RTC Secretariat Snr Constable John Simmons NSW Police Mark Morrison RMS
MAIN POINTS MADE:	<p>RTC Chairperson key points were as follows;</p> <ul style="list-style-type: none"> • outlined the process of the Regional Traffic Committee • RTC inspected the site before the meeting • Council presented background to the proposal <ul style="list-style-type: none"> o Safety concerns within lot 176 turning circle and drop off area for bus and parents o Plans to expand the school which now owns lots 178,180, 182, 184 & 186 and the schools long term plan to have its main frontage and entrance on Salamander Way o Proposal to relocate buses to Salamander Way which would have resulted in the relocation of the School Children Crossing o Traffic Committee unanimously rejected the proposal • RTC asked if the Traffic Committee had the St Philips Christian College Bus and School Zone Plan of Management at the time the proposal was tabled at the LTC. • Council, advised that the plan of management was given to Council after the Traffic Committee rejected the proposal • RMS provided the following comments <ul style="list-style-type: none"> o Advised that any proposal should enhance road safety and that by relocating the buses from lot 174 to Salamander Way and relocating the School Children Crossing further away from the school would increase the road safety risk. o There is a crossing facility within the existing roundabout and by moving the School Children Crossing further away from the desire line would encourage pedestrians to use the splitter island on the roundabout. o By relocating the buses and eventually having the school frontage along Salamander Way would also increase parent from of, more bus movements and pedestrian activity. o The mix of school bus movements near a school children crossing would also increase the road safety risk o Current location of bus pick is in a low speed environment and the road safety risk are much lower than the proposal submitted for Salamander Way o 	

ITEM 1 - ATTACHMENT 1 FINDINGS FROM THE REGIONAL TRAFFIC COMMITTEE MEETING 3 MARCH 2015.



NEW SOUTH WALES, AUSTRALIA

	<ul style="list-style-type: none"> • NSW Police advised <ul style="list-style-type: none"> ○ Lot 176 turning circle and drop off area traffic in a slow environment and away from through traffic movements. ○ Relocating buses onto Salamander Way will increase road safety risk for school children ○ Suggested that if the school is planning to expand, it should consider off road bus drop off and pick up areas (i.e. along the frontage of Lots 184 and 186. The plans for this bus area should also minimise potential conflicts with pedestrians desire lines as well as parent pick up and drop off ○ Plans needs to take into consideration anticipated growth of the school and surrounding area. ○ Suggested that if the current mix of parent drop off and bus moments on Lot 176 was an issue, then perhaps it would be better to restrict lot 176 to buses only. ○ The matter should have been referred back to the LTC for further consideration • Council then added the following Road Safety comments: <ul style="list-style-type: none"> ○ The St Philips Christian College Bus and School Zone Plan of Management indicate it can manage the afternoon pedestrian but not the morning peak. ○ Need to consider other schools in the area. ○ Since the house of lot 182 was demolished, there appears to be more pedestrian using this lot to access Salamander Way. ○ Currently 6 buses service the school, 4 @ capacity ○ Lot 186 could be a future day care centre. • RMS added the following <ul style="list-style-type: none"> ○ AADI 12260 ○ Appeal is based on potential increased road safety risk ○ While the current road safety risks are moderate, the proposal to relocate the buses from lot 176 to Salamander Way and relocate the School Children further away from the pedestrian desire line will increase that road safety risk ○ Furthermore, with the school proposing to relocate its access to Salamander Way will also increase the risk with parents dropping off and picking up children, which will also increase pedestrian demands across Salamander Way. ○ A risk assessment of the current bus facility within lot 176 and the existing school crossing on Salamander Way poses a much lower road safety risk that that proposed. ○ Any proposal to address the pedestrian and public transport options to the school should not increase the road safety risk.
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<u>SUMMARY POINTS MADE BY RTC CHAIRPERSON</u>	<p>RTC Chairperson noted the following:</p> <ul style="list-style-type: none"> • Council had gone against the unanimous rejection of the LTC • The St Philips Christian College Bus and School Zone Plan of Management had not been submitted to the LTC • Noted that plans submitted to LTC differ from the proposal before the RTC and that these plans appear to be fluid. • While not convinced that the proposal is intrinsically unsafe, considers that the plan needs to be reviewed, bearing in mind the long term planning of the school. As part of this review, it needs to consider the potential pedestrian and public transport road safety risks.
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<u>DECISION</u>	<ul style="list-style-type: none"> • The appeal has been <u>upheld</u> because road and pedestrian safety issues raised by Council's Local Traffic Committee have not been adequately addressed. • The Local Traffic Committee has not had the opportunity to investigate the proposals set out in the St Phillip's Christian College "Bus & School Zone Plan of Management". • A holistic review of traffic and pedestrian safety in the vicinity of the school should now be undertaken prior to further consideration by Council's Local Traffic Committee.
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<u>FINISH TIME:</u>	12:00 noon (Scheduled) 11:50 noon (Actual)
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ITEM NO. 2

**FILE NO: PSC2015-01000/450
TRIM REF NO: PSC2015-00570**

DESIGNATED PERSONS - PECUNIARY INTEREST

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

BACKGROUND

The purpose of this report is to advise Council on new Council staff who have submitted Pecuniary Interest Returns.

In accordance with Section 450A of the *Local Government Act 1993*, all new staff are required to lodge a Return within three (3) months of commencement. These Returns are to be tabled at the first Council meeting after the lodgement date.

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

- Development Planner (PSC081)
- Property Services Section Manager (PSC652)

TABLED DOCUMENTS

- 1) Pecuniary Interest Returns.

ATTACHMENTS

Nil.

ITEM NO. 3

**FILE NO: PSC2015-01000/516
TRIM REF NO: PSC2010-04205**

**QUARTERLY REPORT OF MAYOR AND COUNCILLOR EXPENSES - APRIL-
JUNE 2015**

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

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 by councillors during this period.

ATTACHMENTS

- 1) Quarterly Report - April-June 2015.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 14 JULY 2015

ITEM 3 - ATTACHMENT 1 QUARTERLY REPORT - APRIL-JUNE 2015.

Councillors Expenses Quarterly Report - April-June 2015

			<i>Cr Bruce Mackenzie</i>	<i>Cr Chris Doohan</i>	<i>Cr Geoff Dingle</i>	<i>Cr John Morello</i>	<i>Cr John Neil</i>	<i>Cr Ken Jordan</i>	<i>Cr Paul Le Moitte</i>	<i>Cr Peter Kater</i>	<i>Cr Sally Dover</i>	<i>Cr Steve Tucker</i>	<i>TOTALS</i>
			4	5	3	2	3	3	5	3	5	5	
Total Council Meetings Attended (5 held)			Limits as per policy										
Councillor Mobile Rental	802.123		\$270.00	\$291.00	\$152.00	\$207.00	\$41.00	\$182.00	\$657.00	\$0.00	\$55.00	\$0.00	\$1,855.00
Councillor Mobile Calls	803.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$101.00	\$0.00	\$55.00	\$0.00	\$156.00
Councillor Landline Phone Rental	804.123		\$0.00	\$41.00	\$107.00	\$0.00	\$0.00	\$0.00	\$86.00	\$0.00	\$0.00	\$0.00	\$234.00
Councillor Landline Phone Calls	805.123	\$200 per month	\$0.00	\$0.00	\$3.00	\$101.00	\$0.00	\$0.00	\$44.00	\$0.00	\$0.00	\$0.00	\$146.00
Councillor Fax Rental	807.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Fax Calls	808.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Internet	806.123	\$60 per month	\$0.00	\$164.00	\$164.00	\$55.00	\$0.00	\$0.00	\$273.00	\$0.00	\$0.00	\$0.00	\$656.00
Councillor Intrastate Travel Expenses	801.123		\$108.00	\$353.00	\$327.00	\$320.00	\$1,211.00	\$1,397.00	\$561.00	\$0.00	\$1,121.00	\$1,587.00	\$6,985.00
Councillor Intrastate out of pocket expenses	809.123	\$6,000 per year	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Interstate Travel (out of NSW)	810.123		\$113.00	\$1,070.00	\$0.00	\$62.00	\$0.00	\$0.00	\$0.00	\$0.00	\$750.00	\$524.00	\$2,519.00
Councillor Interstate out of pocket expenses	813.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Interstate Accommodation (out of NSW)	811.123		\$0.00	\$727.00	\$0.00	\$892.00	\$0.00	\$0.00	\$772.00	\$0.00	\$640.00	\$641.00	\$3,672.00
Councillors Intrastate Accommodation	812.123	\$3,500 per year	\$341.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$341.00
Councillor Conferences	814.123		\$1,748.00	\$3,700.00	\$0.00	\$3,600.00	\$0.00	\$3,846.00	\$3,166.00	\$0.00	\$3,620.00	\$3,720.00	\$23,400.00
Councillor Training	815.123		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Partner Expenses	816.123	Mayor \$1,000 per year Crs \$500 per year	\$436.00	\$1,624.00	\$0.00	\$564.00	\$0.00	\$373.00	\$18.00	\$0.00	\$227.00	\$960.00	\$4,202.00
Councillor Computers	817.123	\$3,000 per term	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Stationery	818.123	No limit.	\$180.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$240.00	\$0.00	\$420.00
Councillor Awards/Ceremonies/Diners	819.123	\$100 per day	\$64.00	\$0.00	\$0.00	\$100.00	\$190.00	\$111.00	\$18.00	\$0.00	\$20.00	\$289.00	\$792.00
Councillor Child Care Costs	820.123	\$2,000 per term	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Councillor Communications - Bundle Option	821.123	\$220 per month	\$0.00	\$0.00	\$0.00	\$0.00	\$413.00	\$618.00	\$0.00	\$0.00	\$493.00	\$525.00	\$2,049.00
Councillor Allowances		Mayor \$57,301 per annum. Crs - \$17,623 per annum	\$14,260.02	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$4,482.51	\$54,602.61
TOTALS			\$17,520.02	\$12,452.51	\$5,236.51	\$10,383.51	\$6,337.51	\$11,009.51	\$10,176.51	\$4,482.51	\$11,703.51	\$12,728.51	\$102,031.81

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: PSC2015-01000/514

TRIM REF NO: PSC2015-01021

**PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013 AMENDMENT -
DEPOTS ON RURAL LAND**

COUNCILLOR: MAYOR BRUCE MACKENZIE

THAT COUNCIL:

- 1) Prepare a report identifying the merits of a planning proposal to amend the land use table in part 2 of the Port Stephens Local Environmental Plan 2013 such that depots and or transport depots and or truck depots are permissible uses in the RU1 and RU2 zones.
- 2) Provide appropriate recommendations for any relevant DCP controls relating to depots, transport depots and truck depots in both industrial zones and rural zones.

**ORDINARY COUNCIL MEETING - 14 JULY 2015
MOTION**

203	<p>Mayor Bruce MacKenzie Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Prepare a report identifying the merits of a planning proposal to amend the land use table in part 2 of the Port Stephens Local Environmental Plan 2013 such that depots and or transport depots and or truck depots are permissible uses in the RU1 and RU2 zones.2) Provide appropriate recommendations for any relevant DCP controls relating to depots, transport depots and truck depots in both industrial zones and rural zones.
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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 Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, John Morello and Steve Tucker.

Those against the Motion: Cr Geoff Dingle.

BACKGROUND

The purpose of this notice of motion is for Council to investigate the merits of enabling depots, transport depots or truck depots on land zoned Primary Production RU1 and Rural Landscape RU2 within the Port Stephens Local Government Area.

The definition of the three types of land uses within the Port Stephens Local Environmental Plan 2013 (PSLEP2013) is reproduced below:

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

The relative differences in land uses, and their suitability within RU1 and RU2 zones, will need to be considered during the preparation of a Planning Proposal. Across NSW there are over 90 LGA's which enable at least one type of depot permissible in one or more rural zones. As such, there is a level of permissibility of this land use within rural zones across the State, subject to consideration of local planning provisions.

Currently in Port Stephens the various depot land uses are generally contained within General Industrial, Light Industrial and Working Waterfront (IN1, IN2 & IN4), Business Development (B5) and Public Recreation (RE1) zones. Issues including the capacity of these land zones to meet demand for depot land uses, and the hierarchy of industrial land uses (i.e. the most appropriate use of industrial land), would need to be considered as part of the planning proposal.

It is acknowledged that the various depot land uses have the potential to adversely affect rural lands primarily through effect on the amenity of existing rural areas. This potential for land use conflict will need to be considered in the planning proposal, including whether sufficient controls can be utilised to mitigate potential impacts. Other controls such as land use separation through maintenance of existing zoning could also remain for all or some of the depot land uses in the RU1 and RU2 zones.

The specification of detailed controls could be achieved through the Development Control Plan by specifying objectives and controls to minimise potential impacts of these additional land uses. These controls may include details relating to hours of operations, noise, visual amenity, distance to existing dwellings, fuel storage, spillage and traffic matters such as the types of roads suitable for the carriage of trucks and plant, the nature of driveways that must be utilised in different speed zones and any

MINUTES ORDINARY COUNCIL - 14 JULY 2015

other relevant matter. Recommendations detailing these controls will be drafted and reported back to Council.

There being no further business the meeting closed at 6.33pm.