

DRAFT

MINUTES – 28 JUNE 2016



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 – 28 June 2016, commencing at 5.30pm.

PRESENT:

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

173

**Councillor Ken Jordan
Councillor Steve Tucker**

It was resolved that the apologies from Cr Chris Doohan and Cr John Nell be received and noted.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

174	Councillor John Morello Councillor Sally Dover It was resolved that the Minutes of the Ordinary Meeting of Port Stephens Council Ordinary Council held on 14 June 2016 be confirmed.
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	Cr Steve Tucker declared a less than significant non-pecuniary conflict of interest in Item 6 and 10. The nature of the interest is that Cr Tucker has previously served on the Medowie Sports and Community Club Committee.
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INDEX

SUBJECT **PAGE NO**

MOTIONS TO CLOSE 5

- 1. MOTION TO CLOSE6
- 2. MOTION TO CLOSE7
- 3. MOTION TO CLOSE8

COUNCIL REPORTS..... 9

- 1. HERITAGE PROJECTS FUND 2016-2017 10
- 2. PLANNING PROPOSAL - KINGS HILL CADASTRAL MAPPING
UPDATE35
- 3. SPONSORSHIP REQUEST: 2016 SUMMER OF SURF40
- 4. ENVIRONMENTAL PROJECTS FUND 2016-201746
- 5. RAYMOND TERRACE AND HEATHERBRAE IMPLEMENTATION
PANEL53
- 6. EXHIBITION OF PROPOSED AMENDMENT TO PORT STEPHENS
SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN - STAGE 1
FERODALE PARK SPORTS COMPLEX MASTERPLAN..... 10
- 7. CULTURAL PROJECTS FUND 2016-201761
- 8. ABORIGINAL PROJECTS FUND 2016-201773
- 9. TENDER: T02-2016 CIVIL CONSTRUCTION OF A SEVEN LOT
COMMERCIAL SUBDIVISION AT 155 SALAMANDER WAY,
SALAMANDER BAY79
- 10. AGREEMENT FOR LEASE OF BUILDING AND GROUNDS OF 36A
FERODALE ROAD MEDOWIE (LOT 1 DP 1003417) TO MEDOWIE
SPORTS AND COMMUNITY CLUB INC.22
- 11. ALLOCATION OF FUNDS FROM TARRANT ROAD LAND SALES86
- 12. POLICY REVIEW: GRANTS AND DONATIONS91
- 13. COMMUNITY PROJECTS FUND 2016-2017111
- 14. POLICY REVIEW: LEGISLATIVE COMPLIANCE POLICY118
- 15. REVISED FEES AND CHARGES 2016-2017124
- 16. REQUEST FOR FINANCIAL ASSISTANCE131
- 17. INFORMATION PAPERS138

INFORMATION PAPERS 140

- 1. RENEWABLE SERVICES CONTRACTS - CONTRACT EXTENSION141
- 2. CASH AND INVESTMENTS HELD AS AT 31 MAY 2016.....143
- 3. IPWEA (NSW) ROADS AND TRANSPORT CONGRESS - 6 JUNE
2016147

CONFIDENTIAL 154

1. CALL FOR DETAILED PROPOSALS - DONALD STREET, NELSON
BAY CAR PARKS155
2. CHANGE OF PURCHASER FOR PROPOSED LOT 2, 155
SALAMANDER WAY, SALAMANDER BAY.....155
3. SALE OF 8 FLEET STREET SALAMANDER BAY156

MOTIONS TO CLOSE

ITEM NO. 1

**FILE NO: 16/349812
RM8 REF NO: PSC2015-03898**

MOTION TO CLOSE

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

RECOMMENDATION:

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

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

175	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (d)i of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely Call For Detailed Proposals - Donald Street, Nelson Bay Car Parks.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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ITEM NO. 2

**FILE NO: 16/349816
RM8 REF NO: PSC2009-02408V4**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (c) of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely **CHANGE OF PURCHASER FOR PROPOSED LOT 2, 155 SALAMANDER WAY, SALAMANDER BAY.**
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

176	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (c) of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely CHANGE OF PURCHASER FOR PROPOSED LOT 2, 155 SALAMANDER WAY, SALAMANDER BAY.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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ITEM NO. 3

**FILE NO: 16/349817
RM8 REF NO: A2004-0882**

MOTION TO CLOSE

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

RECOMMENDATION:

- 1) That pursuant to section 10A(2) (d)i of the *Local Government Act 1993*, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary agenda namely **SALE OF 8 FLEET STREET SALAMANDER BAY**.
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:
 - commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- 3) That the report remain confidential and the minute be released in accordance with Council's resolution.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

177	<p>Councillor Paul Le Mottee Councillor Ken Jordan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) That pursuant to section 10A(2) (d)i of the <i>Local Government Act 1993</i>, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary agenda namely SALE OF 8 FLEET STREET SALAMANDER BAY.2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information containing:<ul style="list-style-type: none">• commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.3) That the report remain confidential and the minute be released in accordance with Council's resolution.
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COUNCIL REPORTS

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

178	<p>Mayor Bruce MacKenzie Councillor Paul Le Mottee</p> <p>It was resolved that Items 6 and 10 be brought forward and dealt with prior to Item 1 in Open Council.</p>
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ITEM NO. 6

**FILE NO: 16/347378
RM8 REF NO: PSC2006-0066v2**

**EXHIBITION OF PROPOSED AMENDMENT TO PORT STEPHENS SECTION 94
DEVELOPMENT CONTRIBUTIONS PLAN - STAGE 1 FERODALE PARK SPORTS
COMPLEX MASTERPLAN**

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the amendments to the Port Stephens Section 94 Plan and Section 94A Plan to amend the works schedule to include:
 - a) Ferodale multipurpose centre, associated fit-out and site works including landscaping and 56 car parking space as a priority 1; and
 - b) Playground and associated infrastructure as a priority 1 and amend the Project No from OS226 to OS227; and
 - c) Include the Standards Guiding the provisions of Councils Community and Recreational Facilities Report in the Section 94 Development Contributions Plan 2007.
- 2) Endorse the allocation of Section 94 funding towards Ferodale multipurpose centre satisfying relevant standards for the use of Section 94 contributions.
- 3) Review works within the Fern Bay area as part of the 2017-2018 capital works plan and Strategic Assets Management Plan with a view to identify any additional works for inclusion in the Port Stephens Section 94 Plan works schedule.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Item 6 was not considered in Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

179	<p>Councillor Steve Tucker Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Receive and note submissions.2) Endorse the amendments to the Port Stephens Section 94 Plan and Section 94A Plan to amend the works schedule to include:<ol style="list-style-type: none">a) Ferodale multipurpose centre, associated fit-out and site works including landscaping and 56 car parking space as a priority 1; andb) Playground and associated infrastructure as a priority 1 and amend the Project No from OS226 to OS227; andc) Include the Standards Guiding the provisions of Councils Community and Recreational Facilities Report in the Section 94 Development Contributions Plan 2007.3) Endorse the allocation of Section 94 funding towards Ferodale multipurpose centre satisfying relevant standards for the use of Section 94 contributions.4) Review works within the Fern Bay area as part of the 2017-2018 capital works plan and Strategic Assets Management Plan with a view to identify any additional works for inclusion in the Port Stephens Section 94 Plan works schedule.
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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 McKenzie, Crs Sally Dover, Ken Jordan, Paul Le Mottee, John Morello and Steve Tucker.

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

BACKGROUND

The purpose of this report is to consider public submissions received during the exhibition of the proposed amendment to the Port Stephens Section 94 Contributions Plan and Port Stephens Section 94A Contributions Plans.

On 12 April, 2016 Council resolved to publicly exhibit the plans as follows:

- 1) Publicly exhibit amendments to the draft Port Stephens Section 94 Development Contributions Plan 2007 (Draft Amendment No. 11) and draft Port Stephens Section 94A Development Contributions Plan 2007 (Draft Amendment No. 8) for

- a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to:
- a. update the Section 94 Works Schedule to include the following components of Stage 1 Ferodale Park Sports Complex Masterplan:
multipurpose centre, associated fit-out and site works including landscaping and 56 car-parking spaces; and
playground and associated infrastructure; and
 - b. update the standards guiding the provision of community and recreational facilities in line with *Standards Guiding the Provision of Councils Community and Recreational Facilities* report.
- 2) Endorse the total allocation of \$2,888,300 in Section 94 funds including the internal borrowing of \$2,208,315 for the purposes of funding the delivery of Stage 1 Ferodale Park Sports Complex Masterplan subject to public exhibition process.

Public Consultation

In accordance with the Council resolution, the Port Stephens Section 94 Contributions Plan and Port Stephens Section 94A Contributions Plans (draft Plans) were placed on exhibition for 28 days from 21 April 2016 to 18 May 2016. A total of 29 submissions (**ATTACHMENT 1**) were received relating to Stage 1 Ferodale Park Sports Complex Masterplan.

In addition to the formal notification process, Council undertook to hold a public community engagement 'drop-in' meeting in Medowie. This was advertised both in the local paper and on Council's website. Three people attended this session.

A summary of submissions received is outlined in (**ATTACHMENT 2**). Key Issues raised in submissions are outlined below. Note - no submissions were received relating to the update of standards guiding the provision of community and recreational facilities.

1) Justification for the multipurpose community facility

A number of submissions questioned whether there was an actual need for a new multipurpose community facility and use of S.94 funds as proposed.

Comment

Demand for additional multipurpose community facilities is determined in accordance with the Standards Guiding the Provisions of Council's Community and Recreational Facilities Report prepared by AEC Group. The standards identify the need for an additional multipurpose community facility in Medowie to meet the growing population as projected (7,800) in the draft Medowie Strategy over the next 20 years.

2) Design/Location of proposed multipurpose community facility

Concerns were raised that the built form design and layout of the proposed facility is not conducive to community needs.

Comment

The proposed amendment to the Section 94 plan work schedule is for a notional multipurpose community facility. There is no prescribed built form design or layout that defines a multipurpose community facility. The works schedule provides a description of the works for the purposes of funding under the Section 94 plan and is not intended to provide any specific design. The design is undertaken as part of Councils capital works program process.

To ensure that the facility aligns with Section 94 Plan it is recommended that final approval is subject to Council's Section 94 funding request process and Section 5.2 of the Standards Guiding the provisions of Councils Community and Recreational Facilities Report in the Section 94 Development Contributions Plan 2007.

3) Use and ongoing management of the proposed multipurpose community facility

Concerns were raised regarding the proposed lease of the building to a third party, Meadowie Sports & Community Club Inc, for its ongoing management. There is concern the facility will not be run in the interest of the broader community. It was also questioned whether Council can use Section 94 funds to provide a facility that may serve alcohol.

Comment

The proposed amendment to the Section 94 plan work schedule is for the apportionment of funding for a notional multipurpose community facility. Legislation does not specifically restrict the use of Section 94 funds relating to the service of alcohol.

Council is advised to best address this concern in the drafting and details prescribed in any future lease or licence arrangement for the facility.

The ongoing use and management of the multipurpose community facility, whilst important, is not a matter for the Section 94 plan in itself, provided the funds are consistent with Section 5.2 of the Standards Guiding the provisions of Councils Community and Recreational Facilities Report in the Section 94 Development Contributions Plan 2007.

4) Repayment/Impact on existing work schedule/use of Fern Bay funds

Perhaps the primary issue of concern raised in submissions related to the internal lending of funds from the Fern Bay catchment area under the Section 94 plan to

assist funding the multipurpose community facility. In particular, the concern that the proposal will result in much needed Council capital funds not being available to fund Fern Bay capital works during the lending period. A number of submission listed alternative works for funding within Fern Bay.

Comment

Section 94 of the *Environmental Planning and Assessment Act 1979* is the principal method enabling councils to levy developer contributions for public amenities and services required as a consequence of development. However, it is not the principal funding mechanism of Council's capital works. Section 94 funding contributes no more than 10% of Council's total capital works funding per annum for public infrastructure within the Local Government Area. For example, for the current financial year, Council's capital works program totalled in excess of \$35M. Section 94 funds contributed no more than \$3.5M to this program across the local government area.

The nominated community facilities and projects submitted from concerned Fern Bay residents are best considered via the Integrated Planning and Reporting Framework which includes Council's capital works plan. This is Council's source when it comes to listing and delivering capital projects. The Section 94 work schedule simply reflects Council's broader capital works program.

It is recommended that submissions relating to the additional works be reviewed as part of the Integrated Planning and Reporting Framework to assist with identifying any additional works that is required for Fern Bay. Where appropriate and agreed, Council has ability to further amend the Section 94 work schedule to accommodate further changes.

With respect to the proposed lending of funds limiting the delivery of works prescribed in the existing Section 94 works schedule, only one item (O302) - 'Construct new boat ramp, car parking and fish cleaning facilities (estimated at \$800,000)' is affected. \$280,000 of the total amount is proposed to be funded via Section 94 funds. Should Council choose to adopt this recommendation a shortfall of \$105,591 of the proportioned Section 94 funds would need to be funded from other sources or subsequent amendments to the Section 94 Plan. This is not recommended at this time.

All other works outlined within the existing Fern Bay Section 94 work schedule will still be delivered. These works total \$4.3M and include:

- OS301 – Acquire land and create foreshore embellishment, walkways, seating, landscaping and improvements (\$1,200,000)
- SD367 – Tennis Courts/Club – new amenities building (\$500,000)
- CLS301 – Mobile Library Stop facilities at 2 locations (\$200,000)
- CLS303 – New multipurpose community facilities (\$900,000)

LR87 – Vardon Rd, access near & in vicinity of primary school, road widening accommodation of parking facilities (\$750,000)

RH81 – Upgrade Fullerton Cove Road Ch 1700-2200 (\$202,500)

RH80 – Upgrade Fullerton Cove Road Ch 2700-4000 (\$526,500)

RH80 – Fullerton Cove Road (\$39,000)

RH81 – Fullerton Cove Road (\$18,000)

Provision of bus shelters and seating – (\$7,000)

5) Council merger

Concerns have been raised that the proposal is against the guidelines issued by the Minister for Local Government.

Comment

The guidelines state that all councils listed for amalgamation should minimise future borrowings and liabilities that could be passed to an amalgamated Council to \$250,000. Proposed borrowings or spending in excess of \$250,000 are required to be publicly notified during the merger period.

In accordance with the Department of Local Government Guidelines, the works were exhibited as part of Council's Integrated Plan requirements and these plans were adopted on 24 May 2016.

6) Consultation

No public consultation occurred to discuss the impact of creating a multipurpose community facility or its detailed plan with the Fern Bay residents. Fern Bay residents do not receive the Port Stephens Examiner which is in contravention of legislative requirements.

Comment

The Local Government Act 1993 and other legislation require Council to advertise in a newspaper that circulates in the local area. The various legislations do not require the newspaper to be available free or by payment, nor distributed to householders.

Council uses the Port Stephens Examiner which is available either free (distributed to most parts of the LGA) or by payment from newsagencies and the Port Stephens Examiner office and online. The notice was provided on Council's website, Council Administration Office, Council's libraries and Medowie Community Centre. A copy of the Port Stephens Examiner is also available on Council's mobile library.

Given the minimal impact on the existing Fern Bay Section 94 works schedule no additional notifications were proposed or legally required.

17 submissions were received from residents within Fern Bay.

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

Stage 1 Ferodale Park Sports Complex Masterplan

It is proposed to fund Stage 1 works through a combination of general rate revenue and existing section 94 funds and internal section 94 borrowings. It is anticipated that any internal borrowings could be repaid within 10 years through proposed developments within Medowie and their associated section 94 contributions.

Standards guiding the provision of Councils Community and Recreational Facilities

Updating the benchmarks for the provision of community and recreational facilities ensures that Councils community and recreational facilities are adequately costed and funded to meet the changing needs of the population now and into the future. While there is a small decrease in levies charged for community and cultural facilities overall contributions will increase from \$13,839 to \$14,642.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes	2,888,300	Subject to the final approval for the allocation of Section 94 funding .
External Grants	No		
Other	Yes	979,261	\$979,261 cannot be funded through S.94 levies. These funds are anticipated to come from other external funds to be determined.

LEGAL, POLICY AND RISK IMPLICATIONS

Section 94 of the *Environmental Planning and Assessment Act 1979*

Section 94 of the *Environmental Planning and Assessment Act 1979* allows Council to include a condition in a development consent to require a developer to contribute

towards the cost of new/additional infrastructure that meets increased demand arising from development. A Section 94 plan must demonstrate a nexus between the increased demand and the need for new infrastructure. The required infrastructure is listed in a works schedule within the Section 94 plan. Infrastructure can be provided in anticipation of future demand and its costs recouped through future section 94 payments as long as a nexus can be demonstrated and the items are contained in the work schedule of the relevant Section 94 plan.

Port Stephens Section 94 Contributions Plan

Port Stephens Council has adopted both Section 94 and Section 94A Plans. Council has established the nexus between population growth in the Shire and the need for additional community facilities and recreational and open space facilities through 'Standards Building the Provisions of councils Community and Recreational Facilities' report prepared by AEC Group Ltd.

Draft Medowie Strategy

At its meeting on 24 November 2015 Council resolved to place on public exhibition the draft Medowie Strategy. The draft Strategy reviews Council's existing Medowie Strategy 2009 and aims to provide local strategic planning guidance for land use planning in Medowie over the next 20 to 25 years. The draft Strategy anticipates that Medowie will grow from an estimated population of 9,400 in 2014 to 16,000 – 17,200 over the next 20 to 25 years.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the draft works schedule is not adopted, Stage 1 works will not be funded.	Medium	Adopt the updated works schedule to include Stage 1 works.	Yes
There is a risk that pooling of funds may compromise the delivery of existing works within the Section 94 works plan.	Medium	Adopt the recommendations.	Yes
There is a risk that if the draft plan is not adopted with updated benchmarks outdated benchmarks will be applied at a potential cost to Council.	Medium	Adopt updated benchmarks for the provision of community and recreational facilities to be sought by Section 94 contributions Plans.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Additional population contribute to the demand for local infrastructure. If Council does not invest in new and upgraded local infrastructure to meet the needs of the people who live and work within the area, the infrastructure services levels for the existing and future population will decline.

There is no current or future works in the Works schedule to meet this additional demand. The inclusion of the multipurpose community facility and playground would meet this additional demand.

The items in the existing works schedule are prioritised. To include relevant stage 1 works, the Section 94 works schedule need to be amended and assigned a priority.

There is considered to be limited implications to the existing works schedule where the majority of public infrastructure works have already been funded for the short to medium term whilst further development is already within the pipeline providing increased contributions into this catchment.

It is recommended that a review of the current work schedule be undertaken to ensure appropriate infrastructure projects are identified in line with Councils recently endorsed Councils Strategic Asset Management Plan and the growing and changing needs of the community.

MERGER PROPOSAL IMPLICATIONS

The Ferodale Sports Complex Masterplan was adopted on 23 June 2015. Stage 1 concept plans were further endorsed by Council on 8 December 2015 (prior to Council being notified of a potential merger). Stage 1 works are also included within the draft Strategic Asset Management Plan (SAMP) which was endorsed by Council on 24 May 2016.

CONSULTATION

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

In accordance with Environmental Planning and Assessment Regulation 2000, the Section 94 and 94A Contributions plans were placed on exhibition for 28 days from 21 April 2016 to 18 May 2016. The exhibition was advertised in the Examiner.

Internal

Internal discussions were held with:

- Community Engagement;
- Facilities & Services;
- Development Assessment and Compliance;
- Section 94 Analysis Team; and a
- Council 2 way briefing was held on 22 March 2016.

External

The exhibition material was made available at:

- Council's Administration Building;
- Raymond Terrace Library;
- Tomaree Library;
- Meadowie Community Centre;
- Council's website;
- Council's engagement HQ website.

A drop in information session was held on 12 May 2016 at the Meadowie Community Centre from 4pm – 6pm. Approximately 3 people attended.

OPTIONS

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

ATTACHMENTS

- 1) Submissions. (Provided under separate cover)
- 2) Table of submissions. (Provided under separate cover)
- 3) Implications table.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 6 - ATTACHMENT 3 IMPLICATIONS TABLE.

WORK SCHEDULE FOR MEDOWIE

Project No	Project Description	Est cost	S94 proportion	
OPEN SPACE PARKS AND RECREATION				
Section 94 funds currently being held:				\$305,271
OS89	Medowie Rec Park - play facilities, furniture, paths, landscape improvements	\$150,000	\$52,500	\$252,711
OS91	Medowie north Parks - play facilities, furniture, paths, landscape improvements	\$70,000	\$24,500	\$228,271
OS92	Medowie South Parks - play facilities, furniture, paths, landscape improvements	\$70,000	\$24,500	\$203,771
	Ferodale Sports Complex – playground	\$122,300	\$122,300	\$81,471
TOTAL		\$412,300	\$223,800.00	No implications
OS169	Coolabah Reserve – park furniture/seating	\$20,000	Project completed	

SPORT AND LEISURE

Section 94 funds currently being held:				\$1,268,279.17
Less borrowing for Medowie Community Centre				437,315.00
Balance available for projects				\$830,964.17
SD4	Ferodale Park drainage	\$50,000	\$17,500	813,464.17
SD26	New netball courts, basketball and floodlighting	\$100,000	\$35,000	778,464.17
SD32	Yulong Oval 3 – drainage works	\$50,000	\$17,500	760,964.17
SD74	New courts and carpark for tennis	\$100,000	\$35,000	725,964.17
SD84	Kindlebark Oval – irrigation	\$80,000	\$28,000	697,964.17
SD87	Ferodale Park, new fields & facility upgrade	\$200,000	\$70,000	627,964.17
SD91	Ferodale Sports Complex – irrigation	\$60,000	\$21,000	606,964.17
SD99	Boyd Oval - amenities- stage 2	\$800,000	\$280,000	326,964.17
SD357	Ferodale Sports Complex – park furniture/seating	\$20,000	\$7,000	319,964.17
SD359	Boyd Oval – driveway & carpark upgrade	\$800,000	\$280,000	39,964.17
SD360	Boyd Oval – cricket pavilion	\$120,000	\$42,000	-2,035.83
SD361	Yulong Oval – carpark upgrade	\$90,000	\$31,500	-33,535.83
SD362	Yulong Oval – disabled toilet	\$100,000	\$35,000	-68,535.83
TOTAL		\$2,570,000	\$899,500	\$68,535.83 not funded
SD11	Medowie Sports Upgrades – finish off works and new ward allocation	\$18,000	Project completed	
SD15	Install Floodlights at FSC	\$80,000	Project completed	
SD19	Yulong Oval – carparking, netball courts & lighting	\$150,000	Project completed	
SD41	Grahamstown Dam Disabled toilets	\$25,000	Project completed	
SD46	Create disabled toilets at 3 locations	\$75,000	Project completed	
SD51	Medowie Skate Park upgrades	\$100,000	Project completed	
SD60	Turf wicket at Boyd Oval	\$10,000	Project completed	
SD67	Yulong Oval – erection of pergola	\$15,000	Project completed	
SD90	Boyd Oval – irrigation	\$60,000	Project completed	
SD96	Medowie Sporting amenities upgrades	\$60,000	Project completed	
SD99	Boyd Oval - amenities stage 1	\$50,000	Project completed	
SD356	Ferodale Sports Complex – cricket nets	\$50,000	Project completed	

CULTURAL AND COMMUNITY

Section 94 funds currently being held:				\$557,685
	Ferodale Sports Complex Community Centre	\$2,766,000	\$2,766,000	-2,208,315
TOTAL		\$2,766,000	\$2,766,000	
CLS46	Medowie Children's Centre – outdoor area	\$25,000	Project completed	
CLS47	Medowie Before & After School Care – covered verandas	\$30,000	Project completed	

ITEM 6 - ATTACHMENT 3 IMPLICATIONS TABLE.

WORK SCHEDULE FOR FERN BAY

Project No	Project Description	Est cost	S94 proportion	
OPEN SPACE, PARKS AND RESERVES				
Section 94 funds currently being held:				\$802,538.67
Less borrowing for Medowie Community Centre				208,130.00
Balance available for projects				\$594,408.67
OS301	Acquire land & create foreshore embellishment, walkways, seating, landscaping & improvements	\$1,200,000	\$420,000	\$174,408.67
OS302	Construct new boat ramp, car parking and fish cleaning facilities	\$800,000	\$280,000	-\$105,591.33
TOTAL		\$2,000,000	\$700,000	-\$105,591.33 unfunded
OS303	New district park and facilities within Fern Bay	\$300,000	Funding already approved	

SPORT AND LEISURE				
Section 94 funding currently being held:				\$832,007.23
Less borrowing for Medowie Community Centre				\$832,007.00
Balance available for projects				\$0.23
SD367	Tennis Courts/Club – new amenities building	\$500,000	Funding already approved	

CULTURAL AND COMMUNITY				
Section 94 funding currently being held:				\$644,392.57
Less borrowing for Medowie Community Centre				574,392.00
Balance available for projects				\$70,000.57
CLS301	Mobile Library Stop Facilities at 2 locations	\$200,000	\$70,000	0.57 (no implications)
CLS303	New multipurpose community facilities	\$900,000	Funding already approved	

ROADS				
Section 94 funds currently being held:				\$489,846.41
Less borrowing for Medowie Community Centre				156,471.00
Balance available for projects				\$333,375.41
LR87	Vardon Rd, access near & in vicinity of primary school, road widening accom of parking facilities	\$750,000	\$262,500	\$70,875.41
RH81	Upgrade Fullerton Cove Rd Ch 1700-2200 from Nelson Bay Rd North	\$202,500	70,875	0.41
Total Estimate		\$952,500	\$333,375	0.41 (no implications)
RH80	Upgrade Fullerton Cove Rd Ch 2700-4000 from Nelson Bay Rd North	\$526,500	Funding already approved	
RH80	FULLERTON COVE RD; MR108 2750 to 3000	\$39,000	Funding already approved	
RH81	FULLERTON COVE RD; MR108 3900 to 4000	\$18,000	Funding already approved	
RH82	FULLERTON COVE RD; MR108 3210 to 3800	\$92,040	Project completed	

BUS SHELTERS				
Section 94 funding currently being held:				\$37,278.00
Less Borrowing for Medowie Community Centre				0.00
Balance available for projects				\$37,278.00
	Provision of bus shelters & seating	\$7,000	\$7,000	\$30,278.00
Total Estimate		\$7,000	\$7,000	No implications

ITEM NO. 10

**FILE NO: 16/307776
RM8 REF NO: PSC2010-04897**

AGREEMENT FOR LEASE OF BUILDING AND GROUNDS OF 36A FERODALE ROAD MEDOWIE (LOT 1 DP 1003417) TO MEDOWIE SPORTS AND COMMUNITY CLUB INC.

REPORT OF: STEVEN BERNASCONI - COMMUNITY SERVICES SECTION
MANAGER

GROUP: FACILITIES & SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Enter into an Agreement for Lease and Lease for 36A Ferodale Road Medowie (Lot 1 DP 1003417) with Medowie Sports and Community Club Inc.
- 2) Authorise the Mayor and General Manager to sign and affix the seal of Council to the Agreement for Lease and Lease documentation and any other associated legal documentation for Council owned property situated at 36A Ferodale Road Medowie (Lot 1 DP 1003417) for a lease period of twenty five (25) years only with no option to renew to Medowie Sports and Community Club Inc.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Item 10 was not considered in Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

180	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: 1) Enter into an Agreement for Lease and Lease for 36A Ferodale Road Medowie (Lot 1 DP 1003417) with Medowie Sports and Community Club Inc. 2) Authorise the Mayor and General Manager to sign and affix the seal of Council to the Agreement for Lease and Lease documentation and any other associated legal documentation for Council owned property situated at 36A Ferodale Road Medowie (Lot 1 DP 1003417) for a lease period of twenty five (25) years only with no option to renew to Medowie Sports and Community Club Inc.
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BACKGROUND

The purpose of this report is to recommend the leasing of the grounds and building at 36A Ferodale Road Medowie to Medowie Sports and Community Club Inc.

The site is Council owned operational land located at the entrance to the Ferodale Sports Complex and forms part of the Landscape Master Plan for the complex. The site was originally leased to Medowie Sports and Recreation Club Inc. This group has since changed its name to Medowie Sports and Community Club Inc. The initial lease with the group expired in December 2015 and pursuant to the original lease a second lease shall be offered to this group, subject to a Council resolution.

The terms of the lease are for a single period of twenty five (25) years with no option to renew, commencing as soon as the lessee is given occupation of the new building. The Agreement for Lease and Lease documentation is the legal mechanism to enter into a lease for occupancy before a building has been constructed.

The rental terms have been determined using the Community Leasing and Tenancy Policy process and the lease has been designed around the style of arrangements to those of the Fingal Beach Surf Life Saving Club and Birubi Beach Surf Life Saving Club leases as well as the standard Crown Lands lease agreement for surf life saving clubs. The rent has been set as follows:

- Years one to five shall be \$500 per annum indexed to rise by CPI annually.
- Years six to twenty five minimum rent shall be the greater of either \$9,900 per annum indexed to rise by CPI from year six or 15% of the annual turnover whichever is the greater.

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 rent model acknowledges the community nature and start-up phase of the facility and has been designed to provide a suitable time for the tenant to build the usage of the site without onerous rental burdens. The minimum rent of \$9,900 for year six is a figure based on a maximum Community Leasing and Tenancy Policy reduction of 65% from market rent of \$24,500 determined in 2015.

The rent will be allocated to the Assets Section for inclusion as a funding source for asset maintenance programs.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	500	Annual rent income plus compounding CPI for year one to year five.
Existing budget	Yes	9,900	Minimum annual rent income plus compounding CPI for years six to twenty five.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal impediments for adopting the recommendations.

The Agreement for Lease documentation and the draft lease has been prepared by LG Legal. Rent for year one to year five has been deemed and compares to the minimum rent for a Crown Lands lease (ie \$471 per annum as at 27 January 2016). Rent for year six to year twenty five has been assessed against the Community Leasing and Tenancy Policy and found to attract a maximum discount of 65% or \$15,900 for year six.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council may be subject to reputation damage if dealings with community based organisations are not formalised under the Community Leasing and Tenancy Policy.	Low	Adopt the recommendation.	Yes
There is a risk that by not formalising tenancy under a lease the tenancy could be terminated unexpectedly and result in loss of income for Council.	Low	Adopt the recommendation.	Yes
There is a risk that the lessee may use the	Low	Adopt the recommendation and note that the draft lease	Yes

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

facility for activities not suited to the site or area resulting in reputation damage and potential legal action against Council.		includes prohibition of gambling machines on the premises.	
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Adopting the recommendation ensures a secure tenant to a new community facility and enables the tenant to manage and maintain the facility for community use at a reasonable rent. This approach enables an entrepreneurial approach for the facility which reduces the need for general revenue to be used to support the daily operations of the site.

MERGER PROPOSAL IMPLICATIONS

Adopting the recommendation poses no implications for a merger with any other local government body. Council has previously held a lease for the site with the proposed group and that lease included a clause to enter into a second lease subject to Council resolution. Adopting the recommendations aligns with the general principles and requirements of the Office of Local Government guideline on "Council decision making during merger proposal periods".

CONSULTATION

Consultation with key stakeholders has been undertaken by the Community Services Section. The objective of the consultation has been to determine lease conditions that best suit the long term management of a Council owned asset for community use.

Internal

The Agreement for Lease and the draft lease have been prepared after consideration of legal issues provided by the Legal Services Manager and the Property Officer – Community Leasing.

Matters relating to asset management and maintenance schedules for the site have involved the Community and Recreation Assets Coordinator. The Contracts and Services Coordinator is aware of this pending lease that will form part of this roles portfolio of community leases.

External

The Agreement for Lease and draft lease has been prepared by LG Legal.

The Agreement for Lease and draft lease has been negotiated and agreed to by the Medowie Sports and Community Club Inc.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 1

**FILE NO: 16/317907
RM8 REF NO: PSC2006-0072**

HERITAGE PROJECTS FUND 2016-2017

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse an allocation of \$4,850 for the Heritage Projects Fund 2016-2017 annual grant in accordance with the amounts and purposes prescribed below:
 - a) \$850 to Soldiers Point – Salamander Bay Landcare Group for Johnny's Well Restoration;
 - b) \$2,000 to Raymond Terrace and District Historical Society Inc. for Sketchley Cottage for tree branch removal; and
 - c) \$2,000 to Adele Berry for 13 Kia Ora Street, Raymond Terrace for restoration of roof area (all dormer windows and fascia above gutters) (Individual).

- 2) Endorse an additional allocation of \$6,000 as per the Heritage Advisory Committee recommendation:
 - a) \$5,000 to Raymond Terrace and District Historical Society Inc. for Sketchley Cottage for tree branch removal; and
 - b) \$1,000 to Adele Berry for 13 Kia Ora Street, Raymond Terrace for restoration of roof area (all dormer windows and fascia above gutters) (Individual).

- 3) Place the funding of individuals (Adele Berry) on public exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations without a further report to Council.

ORDINARY COUNCIL MEETING - 28 JUNE 2016

MOTION

181	Councillor John Morello Councillor Peter Kafer It was resolved that Council move into Committee of the Whole.
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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 - 28 JUNE 2016
MOTION

182	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse an allocation of \$4,850 for the Heritage Projects Fund 2016-2017 annual grant in accordance with the amounts and purposes prescribed below:<ol style="list-style-type: none">a) \$850 to Soldiers Point – Salamander Bay Landcare Group for Johnny's Well Restoration;b) \$2,000 to Raymond Terrace and District Historical Society Inc. for Sketchley Cottage for tree branch removal; andc) \$2,000 to Adele Berry for 13 Kia Ora Street, Raymond Terrace for restoration of roof area (all dormer windows and fascia above gutters) (Individual).2) Endorse an additional allocation of \$6,000 as per the Heritage Advisory Committee recommendation:<ol style="list-style-type: none">a) \$5,000 to Raymond Terrace and District Historical Society Inc. for Sketchley Cottage for tree branch removal; andb) \$1,000 to Adele Berry for 13 Kia Ora Street, Raymond Terrace for restoration of roof area (all dormer windows and fascia above gutters) (Individual).3) Place the funding of individuals (Adele Berry) on public exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations without a further report to Council.
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BACKGROUND

The purpose of this report is to seek Council endorsement for the allocation of the 2016-2017 Heritage Projects Fund for projects as recommended by Council's 355c Heritage Advisory Committee (**ATTACHMENT 1**).

The Heritage Projects Fund is an annual, one-off small grants program and has been running since approximately 2000 (at the formation of the Heritage Advisory Committee). Its purpose is to support heritage projects that promote a positive approach for the conservation and management of heritage items within the Port Stephens Local Government Area.

Since the beginning of 2015, a review of current heritage processes including the governance of the Heritage Projects Fund has been undertaken to improve transparency and consistency of delivery for the community. A review of the fund cycle recommended the Heritage Projects Fund be reported to Council for approval and at the same time as other Council funding programs.

Applications to the 2016-2017 annual round of funding opened 4 April 2016 and closed on 1 May 2016.

Five applications were received and assessed; with two applications being recommended by the Heritage Advisory Committee not to be supported as they did not meet the objectives and criteria of the fund as per the Heritage Projects Fund Guidelines.

Both unsuccessful applications were from the Hunter Region Botanic Gardens, which is not listed as a heritage item or within a conservation area. One application was for the construction of a new garden which did not involve heritage landscape works. The other application was for the publication of a book detailing the first 30 years of the Gardens. The Heritage Advisory Committee considered the other funding programs available were more suitable and referred these applications to the Cultural Projects Fund and Community Project Fund program for consideration.

The three applications recommended for funding have a work value of \$20,120. All applications were assessed and the recommendations by the Port Stephens Heritage Advisory Committee at its meeting on the 5 May 2016 are included in (**ATTACHMENT 1**). During the assessment process, the Heritage Advisory Committee recommended additional grant funding for two of the projects. The rationale for this is explained further in the report.

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

Funding is available for the projects under the Heritage Projects Fund allocation in the 2016-2017 financial year. The original budget allocation for the 2016-2017 Heritage Projects Fund is \$12,894. The applications received this year were under budget (i.e. a total of \$4,850) and because of the extraordinary circumstances the Heritage Advisory Committee made a recommendation to allocate additional funding for two of the applications.

The maximum amount of Council funding required is \$10,850 however this amount is likely to be reduced to \$7,233 subject to grant funding by the NSW Heritage Office, projected to be at a funding ratio of \$1:\$2 (OEH: Council).

2016-2017 Budget Allocation	\$12,894
Proposed Council Allocation (in line with Heritage Projects Fund Guidelines)	\$ 4,850
Proposed Additional Allocation (in line with Heritage Advisory Committee recommendation)	\$ 6,000
Subtotal of Allocation	\$10,850
NSW Heritage Office Funding Allocation (based on 2:1 Council: OEH ratio)	\$ 3,617 approx.
Total Council Estimated Funding Allocation	\$ 7,233

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	7,233	Sourced from the 2016-2017 allocation for the Heritage Projects Fund.
Reserve Funds	No		
Section 94	No		
External Grants	Yes	Up to 6,000	NSW Heritage Office is expected to provide Port Stephens Council a one year grant to contribute to the Heritage Projects Fund. Funding is on a 2:1 ratio.
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed recommendation has been established in accordance with Section 356 of the *Local Government Act 1993* and aligns with Council's key recommendations in the Grants, Sponsorship and Donations Review, endorsed by Council on 25 August 2015.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

There are no foreseen legal, policy or risk implications as a result of the proposed recommendations.

In accordance with the conditions of the Heritage Projects Fund all recipients shall accept full responsibility for the liability of any programs or projects funded.

Heritage Projects Fund Guidelines 2016

Under the funding guidelines grants of up to \$2,000 are available towards a heritage project. The guidelines however note that the total amount of funding is dependent on an external grant from the NSW Heritage Office. Given the NSW Heritage Office funding available, a budget allocation of \$12,894 and the significance of the heritage items that have requested funding, the Heritage Advisory Committee made a recommendation to fund two applications for more than \$2,000. These being:

- An additional \$5,000 to Raymond Terrace and District Historical Society Inc. (total of \$7,000) for Sketchley Cottage for tree branch removal; and
- An additional \$1,000 to Adele Berry (total of \$3,000) (individual) for 13 Kia Ora Street, Raymond Terrace for restoration of roof area (all dormer windows and fascia above gutters).

The Heritage Advisory Committee's justification is outlined below:

Sketchley Cottage –

The Heritage Advisory Committee's basis for the variation for the Raymond Terrace Historical Society is Sketchley Cottage (local heritage item) is a valuable, highly visible and publicly accessible museum. Last year the Raymond Terrace Historical Society received a grant of \$1,650 for tree branch removal but did not use the funds due to financial reasons. The project is important as it seeks to mitigate the threat of damage to the Sketchley Cottage.

13 Kia Ora Street Historical House –

The Heritage Advisory Committee's basis for additional funding for 13 Kia Ora Street was that the applicant has demonstrated support for heritage conservation through the ongoing restoration of a local heritage listed house, the project is a benefit to the Port Stephens community and the applicant has previously demonstrated an ability to complete conservation projects.

The Committee acknowledged the important work and contribution both applicants have made to the Port Stephens community.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk of adverse public perception regarding projects that are funded.	Low	Ensure proper processes are followed in accordance with the Heritage Projects Fund guidelines and conditions of	Yes

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

		funding.	
There is a risk that some grant recipients may fail to comply with required terms of funding.	Low	Through ongoing communication, ensure proper processes are followed in accordance with the Heritage Projects Fund guidelines and conditions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The funding directly supports heritage conservation work on heritage buildings, and projects that further recognises their value to the community. The fund is intended to provide seed funding to projects and promote greater interest in the protection of local heritage as a cultural community asset.

The funding will contribute toward a total estimated cost of \$20,120 worth of works, with each applicant to fund the balance (\$9,270). This is a significant contribution from the community and local asset owners allowing works to be done which may have otherwise not been achieved if not for the funding.

MERGER PROPOSAL IMPLICATIONS

Office of Environment and Heritage funding is yet to be finalised. Timing of funding may be in second half of 2016.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Communications Section, to promote the funding opportunity and past previously funded successful projects. The guidelines and objectives of the Heritage Projects Fund were also promoted widely and in person at the joint Launch of Council's grant programs.

Internal

The Heritage Projects Fund Guidelines were reviewed and a common on line application form for all of Council's external grant programs were developed. This occurred as an outcome of the review of Council's Grants Donations and Sponsorships. The Grants Donations and Sponsorships Review Project team included the Group Manager Development Services, Section Manager Communications, Section Manager Strategy and Environment, Section Manager Community Services, Governance Manager, Finance Manager, Tourism and Events Coordinator and the Community Development and Engagement Coordinator.

External

- Advertisements in the Port Stephens Examiner, Council's website, and social media.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

- A public funding Launch and Expo held on 4 April 2016.
- Port Stephens Council Heritage Advisory Committee Meeting – assessment of applications – 5 May 2016.
- One on one consultation with potential applicants.
- Communication will continue throughout the project period to aid implementation.
- All individual applications will be advertised for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Heritage Advisory Committee - Recommendations Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 1 - ATTACHMENT 1 HERITAGE ADVISORY COMMITTEE -
RECOMMENDATIONS SUMMARY.**

Heritage Advisory Committee Meeting - 5 May 2016

Recommendations Summary

Local Heritage Assistance Fund 2016/2017

Heritage Item or address in Conservation Area	Project summary	Amount requested	Amount recommended by Heritage Advisory Committee
Hunter Region Botanic Gardens 2100 Pacific Highway, Heatherbrae	Love Local Floral - new garden landscaped using native plants of the Hunter Region	\$2,000.00	Refused by Heritage Advisory Committee. The project was not considered appropriate for this funding stream.
Hunter Region Botanic Gardens 2100 Pacific Highway, Heatherbrae	Hunter Region Botanic Gardens - The First Thirty Years	\$2,000.00	Refused by Heritage Advisory Committee. The project was not considered appropriate for this funding stream.
Soldiers Point – Salamander Bay Landcare Group Seaview Crescent, Soldiers Point	Johnny's Well Restoration	\$850.00	\$850.00 as requested
Raymond Terrace and District Historical Society Inc. - Sketchley Cottage Local item - 1 Sketchley Street, Raymond Terrace	Tree branch removal	\$2,500.00	\$7,000 as recommended by the Heritage Advisory Committee
Adele Berry (Individual) - Local item - 13 Kia Ora Street, Raymond Terrace	Restoration of Roof Area (all Dorma windows and facia above gutters)	\$2,000.00	\$3,000 as recommended by the Heritage Advisory Committee

ITEM NO. 2

**FILE NO: 16/331336
RM8 REF NO: PSC2016-01548**

PLANNING PROPOSAL - KINGS HILL CADASTRAL MAPPING UPDATE

REPORT OF: DAVID ROWLAND - 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 (NSW) to rectify minor shifts in the cadastre base in and around the Kings Hill area, in accordance with the NSW Land and Property Information updated digital cadastral database.
 - 2) Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make a Gateway Determination and give delegation to Council to make the plan.
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Paul Le Mottee Councillor Steve Tucker</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.

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

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

183	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</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 (NSW) to rectify minor shifts in the cadastre base in and around the Kings Hill area, in
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MINUTES ORDINARY COUNCIL - 28 JUNE 2016

	accordance with the NSW Land and Property Information updated digital cadastral database.
2)	Refer the Planning Proposal to the NSW Department of Planning and Environment with a recommendation that the Minister make a Gateway Determination and give delegation to Council to make the plan.

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, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council's endorsement of the Planning Proposal (**ATTACHMENT 1**) to rectify cadastral inaccuracies in the Port Stephens Local Environmental Plan 2013.

The NSW Land and Property Information (LPI) have been updating their digital cadastral and the data is provided to Councils throughout the State. The LPI provided Port Stephens Council with updated digital cadastre for the Kings Hill and surrounding area in February 2016. The cadastre bases for the LEP2013 map series (eg zone map, lot size map etc) in these areas are now out of date and need to be altered to more accurately reflect property boundaries.

The Department of Planning and Environment has advised Council that to rectify these errors a planning proposal is an appropriate mechanism to initiate the correction and rectify the updated mapping cadastre.

The shifts are mostly minor shifts ranging from 1 to 10 metres. Council officers foresee no significant impact to property or property owners as a consequence of the recommended changes, however given the number of shifts, a planning proposal is required to be prepared and advertised.

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 recommendation of this report.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or major risk implications for Council as a consequence of the recommendations of this report. The most relevant legislation and policies are now discussed.

Environmental Planning & Assessment Act 1979 (EP&A)

Council is the relevant planning authority for making the plan under the *Environmental Planning and Assessment Act 1979 (NSW)*. The proposal has followed the process for amending a Local Environmental Plan, as detailed under the *Environmental Planning and Assessment Act 1979 (NSW)*.

Council will seek the Planning Proposal be dealt with under Section 73A as it is considered minor and administrative in nature as it does not have any significant adverse impact on the environment or adjoining land.

EP&A Act 1979	Date	Comment
s54 Relevant Planning Authority	28 June 2016	Council Meeting Date.
s55 Planning Proposal		
s56 Gateway Determination		
s57 Community Consultation		May not be required if plan is made under Section 73A of the Act.
s58 Relevant Planning Authority to vary or Proceed		May not be required if plan is made under Section 73A of the Act.
s59 Making of Plan		

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the LEP maps are outdated and not current.	Medium.	The Proposal seeks to ensure the Port Stephens Local Environmental Plan 2013 remain current, accurate and effective and will assist in the delivery of a high level of customer service, by allowing the maps to be used as originally intended.	Yes.
There is a risk that inappropriate land uses can be carried out on the site.	Medium.	The Proposal seeks to correct anomalies to ensure that appropriate land uses can be carried out on the affected sites.	Yes.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Proposal is consistent with the Lower Hunter Regional Strategy and the Port Stephens Planning Strategy 2011-2036 (PSPS). The PSPS is based on the principles of balancing environmental, social and economic needs as outlined by the Port Stephens Integrated Plans.

MERGER PROPOSAL IMPLICATIONS

The Proposal has no impacts on any potential merger with another Council.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section. Internal discussions have occurred with Council's Spatial Services in relation to resourcing staff to undertake this work. Consultation has occurred with the Department of Planning and Environment which resulted in the making of this planning proposal. The details of consultation will be determined and undertaken in accordance with the Gateway Determination.

OPTIONS

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

ATTACHMENTS

- 1) Planning Proposal - Kings Hill Cadastral Mapping update. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 3

**FILE NO: 16/344025
RM8 REF NO: PSC2015-00800**

SPONSORSHIP REQUEST: 2016 SUMMER OF SURF

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Authorise the General Manager to approve \$25,000 in Council sponsorship for the Summer of Surf event for Port Stephens from 26 to 27 November 2016 in accordance with Council's Corporate Sponsorship Policy.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Sally Dover Councillor John Morello</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

184	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council authorise the General Manager to approve \$25,000 in Council sponsorship for the Summer of Surf event for Port Stephens from 26 to 27 November 2016 in accordance with Council's Corporate Sponsorship Policy.</p>
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BACKGROUND

The purpose of this report is to recommend Port Stephens Council's financial support for the 2016 Summer of Surf Event to be held at Fingal Bay from 26 to 27 November 2016. This recommendation is made in accordance with Council's Corporate Sponsorship Policy.

Hosting major events such as the Summer of Surf event fulfils objective 12.1.1.4 in Council's Community Strategic Plan to Sponsor major events that deliver economic benefit to the Port Stephens Community.

The 2016 Summer of Surf is a national series endorsed by Surf Life Saving Australia and is held across six locations on the East Coast, attracting some of Australia's best athletes to compete in a range of events with a prize pool valued at over \$250,000.

The event will run on Saturday 26 and Sunday 27 November 2016. It is expected that the majority of officials and competitors will arrive two days before the event to facilitate registrations and manage event set up. It is expected that the event will draw approximately 680 competitors and officials with spectators in the vicinity of 1000 people based on previous events of this nature (data supplied by Sports Marketing Australia)

The Summer of Surf event has strong synergies with current federal, state and local destination marketing strategies where coastal experiences are used to generate visitation and increase visitor spend particularly from international markets.

This event will help position Port Stephens as destination - a great lifestyle in a treasured environment with unique and diverse coastal and aquatic assets including beaches, Marine Park, National Parks and the Worimi Conservation Lands.

Educational and community engagement opportunities will be significant with this event. Organisers will work with local Surf Life Saving Nipper programs and schools to bring elite athletes to speak with kids on surf safety and encouraging participation in junior Surf Life Saving programs.

Local surf clubs will be able to engage with organisers to promote local membership to the clubs and leverage opportunities via the event for fundraising.

Port Stephens Council Tourism and Events team will work closely with the organisers and local stakeholders with regular meetings leading up to the event to ensure compliance, reduce risks and maximise economic and social benefits for the local community.

The 2016 Summer of Surf will be broadcast LIVE on Fox Sports in Australia (1.7 Million homes and 5,100 licenced venues), Fox Sports Asia (98 Million homes) and Universal Sports USA (58.1 Million homes). Television coverage will consist of the following:

- 2 x 2 hour shows will be aired on FOX that will be replayed at least 4 times each.
- A Series Wrap Show with additional 10 minute highlights package from the Port Stephens Event.
- A 2 hour Ironman Show with additional 10min highlights package for each event.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

- Overall a minimum of 17 hours of broadcast time will be generated for Port Stephens Event across 16 separate air times.

In addition the event will bring a range economic and social benefits to Port Stephens including:

- A direct economic impact of over \$560,000.
- Educational opportunities with elite athletes engaging with local schools and the Surf Life Saving Nipper program during the week leading up to the event.
- Benefits for local surf clubs to drive membership, up skill local volunteers and leverage fund raising opportunities.
- Extensive opportunities for Council engagement with the local community as a major sponsor of the event.

In addition, the event will bring significant destination branding opportunities with a wide range of benefits provided to Council as part of the investment including:

- 60 second Postcard vignettes (destination video footage) included in the television coverage.
- Logo recognition on all communications.
- Commentator introductions which will air on television and also speak direct to spectators and event participants.
- Race progress graphics.
- Extensive signage.
- Digital media opportunities through Fox Sports.
- Extensive PR coverage.
- Opportunities for guest speakers.
- Opportunities for participation in functions and events with local surf clubs.
- Electronic direct mail opportunities through Surf Lifesaving Australia.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has a sustainable and diversified economy.	Provide processes and services that deliver benefit to tourism in Port Stephens. Provide Economic Development services to local business.

FINANCIAL/RESOURCE IMPLICATIONS

The event would be sponsored via the Major Event Sponsorship budget through Tourism and Events.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		It is recommended that sponsorship for this event is taken from the Major Event Sponsorship budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal implications associated to this recommendation though risk is a factor.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that not supporting the event financially may cause loss of control over important infrastructure required to deliver the event safely.	Medium	Consent conditions applied to licence agreement for use of this council reserve.	Yes
There is a risk to Council's reputation if sponsorship support is not forthcoming.	Low	Council provides sponsorship as per the recommendation.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Economic benefits of the event will be far reaching with an estimated direct economic impact of \$560,000 across the LGA. November is considered shoulder season in Port Stephens with considerable occupancy available across the LGA to accommodate the event.

The economic impact will feed through to accommodation suppliers such as the Council owned holiday parks, units, resorts and hotels through to cafes, service stations, clubs and pubs with flow on effects across a range of small businesses that support the operation of these businesses such as cleaners, maintenance services, tradesmen, accountants, butchers, bakeries and more.

Long term economic benefits will be obtained from the national and international media coverage and it is expected that an increased number of visitors will be attracted to Port Stephens due to this event.

Social benefits of the event are significant with organisers engaging with local schools and surf clubs in the lead up to the event to drive awareness of surf safety messaging and increase junior participation in local surf clubs.

Organisers will link closely with the local surf clubs and provide opportunities for volunteer members to work on the event and increase their skill base. This is particularly relevant for junior members of the Surf Life Saving Club in Port Stephens who would not normally have the opportunity to be exposed to an event of this size.

Council will work with the event organisers to drive key sustainability messaging during the event including protection of our waterways and recycling.

Council will also work to secure this event for a second year to ensure the long term benefits across the LGA.

MERGER PROPOSAL IMPLICATIONS

The proposed recommendation has no impact on any Council amalgamations involving Port Stephens Council.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section to determine the feasibility of hosting this event.

Extensive consultation with a range of stakeholders will be undertaken pending approval of this recommendation.

Internal

A general briefing was provided to the Strategy and Environment Section Manager and Group Manager Development Services who presented the information to the Executive Leadership Team.

Once sponsorship approval is provided, meetings will be held with the Event Advisory Panel. This panel will be made up of Event Technical Officers across Council, who will work with the organisers and host of the event to ensure clear and consistent communications and support in regards to compliance.

External

The Tourism and Events team has had several phone meetings with Sports Marketing Australia who are acting as the destination facilitator on behalf of the Summer of Surf.

General discussions with the President, Fingal Bay Surf Club provided broad support for the event with further consultation to occur via a presentation to the committee on approval of the sponsorship funds.

The Tourism and Events team will work closely with representatives from Summer of Surf and Fingal Bay Surf Club to facilitate this event. Both parties will also be invited to participate in meetings with the Port Stephens Council Event Advisory Panel.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 4

**FILE NO: 16/333355
RM8 REF NO: PSC2016-00905**

ENVIRONMENTAL PROJECTS FUND 2016-2017

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of \$14,953.91 for project applications under the Environmental Projects Fund 2016-2017 annual grant round in accordance with the amounts and purposes prescribed below:

355c Committees

- a) \$2,000 to Karuah Tidy Towns Parks and Reserves Wetlands Committee for contribution to Karuah's Wildlife Corridor Botanical Walk;
- b) \$2,000 to Lemon Tree Passage Parks, Reserves and Tidy Towns Committee for preserving the bush at Nyrang Reserve;
- c) \$1,000 to Mallabula Parks and Reserves Committee for revegetating Rookes Point Reserve;
- d) \$2,000 to Tanilba Bay Parks, Reserves and Hall committee to create a kola habitat on the The Dune at Tanilba Bay Sailing Club;
- e) \$2,000 to Tilligerry Landcare Group to recreate koala habitat behind the Mallabulla sports ovals;
- f) \$700 to Corlette Parks Reserves and Landcare Group for plantings at Roy Wood Reserve;
- g) \$1,300 to Corlette Parks Reserves and Landcare Group for plantings for National Tree Day 2016 and 2017;
- h) \$1,210.50 to Shoal Bay Beach Preservation Committee for Stage 2 dune fence work; and
- i) \$770 to Shoal Bay Beach Preservation Committee for restoration of Shoal Bay town beach dune.

Schools

- j) \$473.41 to Tomaree Public School to increase student participation in recycled art projects;
 - k) \$500 to Soldiers Point Public School for vegetable garden rejuvenation;
 - l) \$500 to Iona Public School for edible gardening environmental program;
 - m) \$500 to Seaham Public School P & C for planting of trees along Seaham Road.
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Geoff Dingle Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

185	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council endorse the allocation of \$14,953.91 for project applications under the Environmental Projects Fund 2016-2017 annual grant round in accordance with the amounts and purposes prescribed below:</p> <p><u>355c Committees</u></p> <ul style="list-style-type: none">a) \$2,000 to Karuah Tidy Towns Parks and Reserves Wetlands Committee for contribution to Karuah's Wildlife Corridor Botanical Walk;b) \$2,000 to Lemon Tree Passage Parks, Reserves and Tidy Towns Committee for preserving the bush at Nyrang Reserve;c) \$1,000 to Mallabula Parks and Reserves Committee for revegetating Rookes Point Reserve;d) \$2,000 to Tanilba Bay Parks, Reserves and Hall committee to create a kola habitat on the The Dune at Tanilba Bay Sailing Club;e) \$2,000 to Tilligerry Landcare Group to recreate koala habitat behind the Mallabulla sports ovals;f) \$700 to Corlette Parks Reserves and Landcare Group for plantings at Roy Wood Reserve;g) \$1,300 to Corlette Parks Reserves and Landcare Group for plantings for National Tree Day 2016 and 2017;h) \$1,210.50 to Shoal Bay Beach Preservation Committee for Stage 2 dune fence work; andi) \$770 to Shoal Bay Beach Preservation Committee for restoration of Shoal Bay town beach dune. <p><u>Schools</u></p> <ul style="list-style-type: none">j) \$473.41 to Tomaree Public School to increase student participation in recycled art projects;k) \$500 to Soldiers Point Public School for vegetable garden
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MINUTES ORDINARY COUNCIL - 28 JUNE 2016

	rejuvenation;
l)	\$500 to Iona Public School for edible gardening environmental program;
m)	\$500 to Seaham Public School P & C for planting of trees along Seaham Road.

BACKGROUND

The purpose of this report is to seek council endorsement for the allocation of funds for project applications under the 2016-2017 Environmental Projects Fund.

The Environmental Projects Fund has two components; one open only to 355c committees of Council working on public land and the other open only to local schools. The primary focus of both is projects to support either on-ground environmental or educational outcomes.

The Environmental Project Fund was created in 2016 as part of the review of Council's funding program with the amalgamation of two programs known as the 'Small Environmental Grants' program and the 'Environmental Education Fund'. Both programs have successfully run for over ten years.

Applications can be made for funding up to the value of \$2,000 for Council's 355c committees and \$500 for schools.

The 355c committee component provides vital project funding allowing implementation and ownership over small scale projects that would otherwise not be undertaken. Current committee funding is not enough to facilitate meaningful on-ground work. Funded projects are often beyond Council's scheduled and traditional asset management programs but represent significant community and environmental value. Completion of these programs is of significant value to Council as the funds provided often represent less than 50% of the true project cost. The value of the committee's voluntary labour is a significant proportion of most projects.

The school's component was established to promote and encourage student participation and awareness of environmental issues, as well as strengthening partnerships between the local schools and Council.

Applications for this current round opened on 4 April 2016 and closed on 1 May 2016.

The total amount of funding available is \$20,000 for 355c committees and \$4,800 for schools. A total of nine applications were received from committees and four from schools. The summary of the application details is located in **(ATTACHMENT 1)**. The applications were assessed against the assessment criteria provided within the guidelines for schools and committees by staff from both Natural Resources and Public Domain and Services Section. All thirteen applications were supported and endorsed by the staff.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Manage the natural environment for existing and future generations.	Develop and implement catchment and biodiversity programs. Continue to implement initiatives that reduce Council's greenhouse gas emissions.

FINANCIAL/RESOURCE IMPLICATIONS

A total of \$24,800 is available in the 2016-2017 Environmental Projects Fund- \$20,000 being for committees and \$4,800 for schools. The recommended projects do not exceed this limit available and total \$14,953.91 with \$12,980.50 being provided to community groups and \$1,973.41 provided to schools.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	14,953.91	Within budget of \$24,800 available.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The proposed recommendation aligns with Council's key recommendations in the Grants, Sponsorship and Donations Review, endorsed by Council on 25 August 2015.

There are no foreseen legal, policy or risk implications as a result of the proposed recommendations.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that some grant recipients may fail to comply with required terms of funding.	Low	Ongoing communication with each Committee's Parks Program Officer is a grant requirement. Time extensions can be granted in the event of adverse weather conditions.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

For 355c committees this funding is intended to provide them with the resources essential to undertaking their on-ground projects. Without this support committees would be very limited in their capacity to undertake works and have a sense of purpose. All projects are helping to enhance and maintain council assets that would otherwise be council's responsibility. The value of this funding is at least doubled with in-kind value each year.

MERGER PROPOSAL IMPLICATIONS

It is considered that the potential merger has no implications. The program is considered suitable to continue under a merged entity.

CONSULTATION

Direct consultation with key external stakeholders has been undertaken by the Strategy and Environment Section as part of the wider Council grant programs.

Internal

Assessment included circulation of project details to the Community and Recreation Assets Section and the Public Domain and Services section to ensure all works were feasible and didn't adversely affect any future programs.

External

External communications and consultation were consistent with recently revised Council processes.

Details regarding the funding program were circulated directly to committees and schools. Information was also provided on council's website and at a launch on 4 April 2016. Numerous individual enquiries were received during the grant application process, which were dealt with during the application period.

Communication, as required, will continue throughout the project period to aid implementation.

OPTIONS

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

ATTACHMENTS

- 1) Environmental Project Fund - Summary of Grant Applications.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 4 - ATTACHMENT 1 ENVIRONMENTAL PROJECT FUND - SUMMARY OF GRANT APPLICATIONS.

Environmental Project Funds - Application Summary 2016-17

Applicant	Project Title	Short Project Description	Approved Funding Amount
Karuah tidy Towns Parks Reserves Wetlands Committee	Karuah Wildlife Corridor Botanical Walk	Place plant identification plaques along the boardwalk to identify native trees.	\$2,000
Lemon Tree Passage Parks, Reserves and Tidy Towns	Preserving the bush in Nyrang Reserve, Lemon Tree Passage	Continuing the of restoration of a previously weed infested area of busland in the reserve.	\$2,000
Mallabula Parks and Reserves	Revegetating Rookes Point Reserve removing as much of the Buffalo Grass as we can.	Control the spread of Buffalo grass in Rookes Point	\$1,000
Tanilba Bay Parks, Reserves & Hall Committee	Recreating koala habitat and rainforest on The Dune at Tanilba Bay Sailing Club	Planting on the Tanilba Sailing Club dune in order to preserve wildlife	\$2,000
Tilligerry Landcare Group	From Sand Mine Depot Back to Koala Habitat -	Planting to improve and replace the introduced pine and recreat koala habitat behind the Mallabula Sports ovals	\$2,000
Corlette Parks Reserves and Landcare Group	Colette Reserves Foreshore Erosion Control & Infill Planting by Baggies Beach Regn Sub-Group	Planting groundcovers to contain foreshore erosion at Roy Wood Reserve, west of Conroy Park & west Bagnells Beach Reserve	\$700
Corlette Parks Reserves and Landcare Group	Wildlife corridor - Kingfisher to Lorikeet Reserve - Stage 8 - National Tree Day 2016	Plantings for National Tree Day 2016 and 2017 at Lorikeet Reserve (Spinnaker Way) and infill plantings in other sections of the existing Yaw/Helm Detention Basin wildlife corridor	\$1,300
Shoal Bay Beach Preservation Committee	Stage 2 Dune Fence restoration	Storm-proof the beach and dunes through targeted re-vegetation	\$1,210.50
Shoal Bay Beach Preservation Committee	Restoration of Shoal Bay town beach dune	Continue restoration of damaged dune fencing surrounding Anzac Park	\$770
TOTAL			\$12,980.50
Tomaree Public School	Embedding Sustainability	Increase student participation by introducing recycled art projects into the garden and increase composting by purchasing a compost bin	\$473.41
Soldiers Point Public School	Vegetable Garden Rejuvenation	Repair and redesign vegetable garden beds for students to continue to learn how to plant, care for and cultivate vegetables.	\$500.00
Iona Public School	Edible Gardening Environmental Program	Children will learn to cultivate, fertilise and plant a large variety of vegetables on a seasonal basis then sell to the families within the school to raise funds to continue with the program.	\$500.00
Seaham Public School - P & C	Planting of Trees (hedge/safety screen)	Planting of trees (hedge/safety screen) behind basketball court along Seaham Rd, Seaham	\$500.00
TOTAL			\$1,973.41
GRAND TOTAL			\$14,953.91

ITEM NO. 5

**FILE NO: 16/345839
RM8 REF NO: PSC2015-03998**

RAYMOND TERRACE AND HEATHERBRAE IMPLEMENTATION PANEL

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Not proceed with the formation of the Raymond Terrace and Heatherbrae Implementation Panel at this time.
 - 2) Report annually within the Integrated Planning Framework on the progress of actions identified in the Raymond Terrace and Heatherbrae Strategy.
-

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Paul Le Mottee</p> <p>That Council:</p> <ol style="list-style-type: none">1) Not proceed with the formation of the Raymond Terrace and Heatherbrae Implementation Panel at this time.2) That a further report be presented to Council in six (6) month to review the need for a Panel.
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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, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

186	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Not proceed with the formation of the Raymond Terrace and Heatherbrae Implementation Panel at this time.2) That a further report be presented to Council in six (6) month to review the need for a Panel.
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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, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council approval to not proceed with the formation of the Raymond Terrace and Heatherbrae Implementation Panel (the 'panel') at this time.

The Implementation Panel concept stems from the report to Council on 24 November 2015 whereby the Raymond Terrace and Heatherbrae Strategy 2015-2031 (the 'strategy') was adopted. The strategy seeks to enact Port Stephens Council's vision for this location as 'a strong regional centre' and 'a great place to live, work and play'.

The Council report recommended nominations from members of the Raymond Terrace and Heatherbrae communities be sought to form the Strategy Implementation Panel in accordance with the listed Terms of Reference (**ATTACHMENT 1**). The strategy recommends the formulation of a panel to help guide implementation of the actions contained in the strategy.

An extensive media campaign was undertaken from December 2015 to January 2016 to attract nominations. Nominations closed on 29 January 2016 with a total of four expressions of interest received (**ATTACHMENT 2**).

A second media campaign was undertaken in April 2016 to seek further interest in the panel. The campaign included: three advertisements in The Port Stephens Examiner; social media posts using Council's Twitter and Facebook page; and website marketing including a community notice on Council's news section and carousel advertisement on the main page of Council's website which ran for a week.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

Nominations closed on 29 April 2016 with a total of one expression of interest received (**ATTACHMENT 2**).

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens has a sustainable and diversified economy.	Provide processes and services that deliver benefit to tourism in Port Stephens. Provide Economic Development services to local business.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications arising from this recommendation.

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

LEGAL, POLICY AND RISK IMPLICATIONS

There are no legal, policy and risk implications involved in adopting the recommendation.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that by forming a panel based on current EOIs, this may not be representative of the community, nor does it meet the requirements of the Terms of Reference and the intention of the panel will not be realised.	Medium	Do not form the panel based on only five expressions of interest.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

No significant sustainability implications result from the proposed recommendation.

Place Management and Activation was identified as a key service delivery area in 2015-16 (Operational Plan 12.1.2.4). The formation of the Implementation Panel was one mechanism identified to guide the implementation of actions contained within the Raymond Terrace and Heatherbrae Strategy 2015-2031. However, not having an active Implementation Panel will not significantly impact on the ability to deliver key actions and initiatives of the Strategy, or to report regularly on progress.

MERGER PROPOSAL IMPLICATIONS

The proposed recommendation has no impact on any potential Council amalgamations involving Port Stephens Council.

CONSULTATION

Consultation with key internal and external stakeholders including Council's Communications staff and nominees from the first media campaign was undertaken by the Economic Development Unit.

Internal

Engagement with the Communications Section was undertaken to establish an extensive media campaign including print, media and digital mediums to raise awareness in the local community.

External

The Economic Development Unit engaged with the nominees following the first media campaign to advise a further campaign would be undertaken to allow more promotion and awareness of the Implementation Panel across the community.

An extensive media campaign was undertaken from December 2015 to January 2016 to attract nominations. The campaign included: two advertisements in The Port Stephens Examiner; media release with front page coverage initially and a subsequent article in the Examiner; social media posts; articles in two editions of the monthly BizLink e-newsletter with distribution to over 580 people; radio interview coverage on both ABC and 2NUR; word-of-mouth; and website marketing including a carousel advertisement on the main page of Council's website which ran for over three weeks.

OPTIONS

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

Should Council elect to proceed with the formation of the Raymond Terrace and Heatherbrae Implementation Panel the Terms of Reference should be revised to establish priorities, commitments, limitations and meeting requirements of the panel, to provide greater certainty on roles of the committee and possibly to attract more interest.

ATTACHMENTS

- 1) Terms of Reference - Raymond Terrace and Heatherbrae Implementation Panel.
- 2) Expressions of Interest - Raymond Terrace and Heatherbrae Implementation Panel.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1 TERMS OF REFERENCE - RAYMOND TERRACE AND HEATHERBRAE IMPLEMENTATION PANEL.

**RAYMOND TERRACE AND HEATHERBRAE STRATEGY IMPLEMENTATION PANEL
TERMS OF REFERENCE**

PURPOSE

The Raymond Terrace and Heatherbrae Strategy Implementation Panel (the Panel) has been established to provide community advice to Council on implementing the adopted actions contained within the Raymond Terrace and Heatherbrae Strategy (the Strategy).

OBJECTIVES

- To assist Council in implementing the actions contained in the Strategy.
- To provide a forum for information sharing between Council and the community.
- To provide comment into the next review of the Strategy.

TERMS OF REFERENCE

The Panel provides advice as requested by council to assist the implementation of the Strategy. The Panel is not a formal committee of Council and will not have a formal role in decision making, policy direction or delegating work to be carried out by Council.

STRUCTURE

- 1-2 staff members from Economic Development and other staff on an as needs basis depending on the matters being discussed;
- 1-2 staff members from Strategic Planning and other staff on an as needs basis depending on the matters being discussed;
- 2 Councillors; and
- 7 community representatives (2 local business, 2 local residents, 1 education/school representative, 1 non-for-profit representative and 1 sporting group representative) identified through a public nomination process.

Council will administer the panel.

A nominated Councillor will chair the meeting to be determined at the Panel's first meeting.

Minutes will be taken at each meeting.

SELECTION OF PANEL MEMBERS

Expressions of Interest for membership will be sought through advertising in the local paper. Selection of membership will be based on the following:

- Demonstrated knowledge of local issues;
- Demonstrated ability to represent broad community interests; and

ITEM 5 - ATTACHMENT 1 TERMS OF REFERENCE - RAYMOND TERRACE AND HEATHERBRAE IMPLEMENTATION PANEL.

- Demonstrated commitment/availability to attend meetings.

All nominations received will be reported to Council for their consideration and final recommendation.

FREQUENCY

The Panel will meet every three months initially with ongoing frequency to be determined by determined by the Panel.

EXPECTED OUTCOMES

- Community engagement at key stages of the implementation;
- Community advice to assist Council making decisions concerning the future planning of Raymond Terrace and Heatherbrae;
- The implementation of a Strategy that has a high level of community input so that it is reflective of community needs;
- A Strategy that provides for the sustained growth of Raymond Terrace and Heatherbrae in a structured and balanced way.

ITEM 5 - ATTACHMENT 2 EXPRESSIONS OF INTEREST - RAYMOND TERRACE AND HEATHERBRAE IMPLEMENTATION PANEL.

Attachment 2

Raymond Terrace and Heatherbrae Implementation Panel – Expression of Interest (First Media Campaign)

First Name	Surname	Interest Group Category	Date Submitted	Notes
Kaye	Newton	Resident / Business	20/01/2016	Kaye has lived in Raymond Terrace for eight years and owns Peaceful Palms Bed & Breakfast in Raymond Terrace.
Victoria	Reynolds	Business	20/01/2016	Business Manager, Joblink Plus Raymond Terrace and previous Chair of the Lower Port Stephens Chamber of Commerce and Industry.
Andrew	Burwood	Resident	20/01/2016	23 years living in the area (10 in Raymond Terrace). Active in community initiatives.
Jillian	Lye	Not specified	01/02/2016	Chair of Boomerang Park Action Group Inc.

Raymond Terrace and Heatherbrae Implementation Panel – Expression of Interest (Second Media Campaign)

First Name	Surname	Interest Group Category	Date Submitted	Notes
Ken	Buckingham	Community/Sports	20/4/2016	Ken has been a resident of Raymond Terrace since 1956. Ken has participated in numerous community groups; Junior Chamber of Commerce, and is involved in youth, family and sporting groups.

ITEM NO. 7

**FILE NO: 16/332752
RM8 REF NO: PSC2014-01593**

CULTURAL PROJECTS FUND 2016-2017

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of \$46,980 for the Cultural Projects Fund 2016-2017 annual grant round in accordance with the amounts and purposes prescribed below:
 - a) \$3,000 to Tilligerry Business Chamber for the delivery of Lemon Jam monthly event;
 - b) \$3,000 to Sea Side Singers for the Celebrating the Community Choir program;
 - c) \$3,000 to Irrawang Public School (on behalf of Thou-Walla Family Centre) for Let's Keep the Rhythm Going project;
 - d) \$3,000 to the Tilligerry Association for Tilli Fest 2016;
 - e) \$3,000 to Bob's Farm School for the Bob's Farm History Tour project;
 - f) \$3,000 to Hunter Region Botanic Gardens for the Artist in Residence program;
 - g) \$3,000 to the King Street Preservation Society for the King St Fair 2017;
 - h) \$980 to the Lions Club of Medowie for the 4th Annual Lions Art & Craft Show;
 - i) \$3,000 to Raymond Terrace Arts and Craft Inc. for the Creativity and Community project;
 - j) \$3,000 to Liz Stephens (Raymond Terrace Markets) for the Port Stephens Riverside Fiesta (Individual);
 - k) \$1,000 to Ted Arneson (Raymond Terrace Writers Group) for the Celebration of Words, story writing workshops and youth speech night (Individual);
 - l) \$3,000 to Musical Matinees Inc. for the Sensual Spring Spectacle;
 - m) \$3,000 to Port Harmony Inc. for A Mothers Love choral concert;
 - n) \$1,500 to the Port Stephens Community Arts Centre Inc. for the Port Stephens Art Prize 2017;
 - o) \$3,000 to the Port Stephens Family and Neighbourhood Service for Circus Stunts project;
 - p) \$1,500 to the Lions Club of Tilligerry for the Tilligerry Art and Craft Show 2016;
 - q) \$3,000 to Tomaree Youth Community Action Inc. (TYCA) for delivery of Snak & Rap hip hop workshops;
 - r) \$3,000 to the Port Stephens Fellowship of Writers Inc. for the Port Stephens Writings project.
 - s) Transfer \$3,000 to the Aboriginal Projects Fund to part fund the Auntie Margo's Story application, organised by Thou-Walla Family Centre under the auspices of Irrawang Public School.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

- 2) Place the funding of individuals, Ted Arneson and Liz Stephens, on public exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations for funding without a further report to Council.
- 3) Allocate the balance of Cultural Projects Fund (\$13,020) to deliver specific projects that address two objectives in the Port Stephens Cultural Plan 2015-2018 and Youth Strategy 2015-2018:
 - a) a circus based skills development program working with Indigenous young people at Karuah, managed the Port Stephens Family and Neighbourhood Services Inc. (\$6,000); and
 - b) a communications and events skills development program, *PS365 Youth Arts Calendar*, for young people across the LGA in partnership with non-government youth services, managed by Council (\$7,020).

ORDINARY COUNCIL MEETING - 28 JUNE 2016 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Steve Tucker Councillor John Morello</p> <p>That the recommendation be adopted.</p>
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ORDINARY COUNCIL MEETING - 28 JUNE 2016 MOTION

187	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council endorse the allocation of \$46,980 for the Cultural Projects Fund 2016-2017 annual grant round in accordance with the amounts and purposes prescribed below:</p> <ol style="list-style-type: none">a) \$3,000 to Tilligerry Business Chamber for the delivery of Lemon Jam monthly event;b) \$3,000 to Sea Side Singers for the Celebrating the Community Choir program;c) \$3,000 to Irrawang Public School (on behalf of Thou-Walla Family Centre) for Let's Keep the Rhythm Going project;d) \$3,000 to the Tilligerry Association for Tilli Fest 2016;e) \$3,000 to Bob's Farm School for the Bob's Farm History Tour project;f) \$3,000 to Hunter Region Botanic Gardens for the Artist in Residence program;g) \$3,000 to the King Street Preservation Society for the King St Fair
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MINUTES ORDINARY COUNCIL - 28 JUNE 2016

	<p>2017;</p> <p>h) \$980 to the Lions Club of Medowie for the 4th Annual Lions Art & Craft Show;</p> <p>i) \$3,000 to Raymond Terrace Arts and Craft Inc. for the Creativity and Community project;</p> <p>j) \$3,000 to Liz Stephens (Raymond Terrace Markets) for the Port Stephens Riverside Fiesta (Individual);</p> <p>k) \$1,000 to Ted Arneson (Raymond Terrace Writers Group) for the Celebration of Words, story writing workshops and youth speech night (Individual);</p> <p>l) \$3,000 to Musical Matinees Inc. for the Sensual Spring Spectacle;</p> <p>m) \$3,000 to Port Harmony Inc. for A Mothers Love choral concert;</p> <p>n) \$1,500 to the Port Stephens Community Arts Centre Inc. for the Port Stephens Art Prize 2017;</p> <p>o) \$3,000 to the Port Stephens Family and Neighbourhood Service for Circus Stunts project;</p> <p>p) \$1,500 to the Lions Club of Tilligerry for the Tilligerry Art and Craft Show 2016;</p> <p>q) \$3,000 to Tomaree Youth Community Action Inc. (TYCA) for delivery of Snak & Rap hip hop workshops;</p> <p>r) \$3,000 to the Port Stephens Fellowship of Writers Inc. for the Port Stephens Writings project.</p> <p>s) Transfer \$3,000 to the Aboriginal Projects Fund to part fund the Auntie Margo's Story application, organised by Thou-Walla Family Centre under the auspices of Irrawang Public School.</p> <p>2) Place the funding of individuals, Ted Arneson and Liz Stephens, on public exhibition for a period of 28 days and, should no submissions be received, adopt the recommendations for funding without a further report to Council.</p> <p>3) Allocate the balance of Cultural Projects Fund (\$13,020) to deliver specific projects that address two objectives in the Port Stephens Cultural Plan 2015-2018 and Youth Strategy 2015-2018:</p> <p>a) a circus based skills development program working with Indigenous young people at Karuah, managed the Port Stephens Family and Neighbourhood Services Inc. (\$6,000); and</p> <p>b) a communications and events skills development program, <i>PS365 Youth Arts Calendar</i>, for young people across the LGA in partnership with non-government youth services, managed by Council (\$7,020).</p>
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BACKGROUND

The purpose of this report is to seek Council's endorsement for the allocation of 2016-2017 Cultural Projects Fund grants for projects as recommended by Council's Cultural Project Fund Assessment Panel, in consultation with Council's 355c Strategic Arts Committee.

The purpose of the Cultural Projects Fund is to support projects that celebrate and promote culture in Port Stephens through the delivery of programs, events and other activities that increase participation in cultural life. This aligns with the key objectives of the Port Stephens Cultural Plan 2015-2018.

Applications to the 2016-2017 round of funding opened on 4 April 2016 and closed on 1 May 2016. The total amount of funding available is \$60,000. A total of 19 applications were received, valued at \$50,872 as outlined in **(ATTACHMENT 1)**.

A further three applications were referred to the Strategic Arts Committee and Assessment Panel for consideration, two from the Heritage Projects Fund requesting a combined total of \$4,000 and one from the Aboriginal Projects Fund requesting \$3,000.

The projects and programs proposed include visual arts, music, literature and performance based activities. Some projects contribute to place making specific local areas, with both social and economic outcomes. A number of applications were received from local groups with a strong record in delivering good cultural development for the wider community.

All past funding recipients who have applied in 2016 have successfully delivered and acquitted previous projects.

The remaining \$13,020 is recommended by the Strategic Arts Committee and Cultural Projects Fund Assessment Panel to be allocated to support objectives in the Port Stephens Cultural Plan 2015-2018 and Youth Strategy 2015-2018. These are:

Cultural Plan 2015-2018

Objective 1: Diverse cultural activities are celebrated at the heart of Port Stephens culture: encourage and support the participation of diverse audiences in cultural activity.

This project would be a circus based skills development program working with Indigenous young people at Karuah, paid to and managed by the Port Stephens Family and Neighbourhood Services Inc. (\$6,000). A successful pilot has been undertaken and this funding would allow the program to continue for seven months leading up to the Saltwater Freshwater Festival scheduled in Karuah during January 2017.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

This support would provide equitable distribution of Cultural Projects Funds across the LGA as no applications were received from Karuah.

Youth Strategy 2015-2018

Objective 4: Address limited transport options and geographic isolation through the development and promotion of localised initiatives.

This project would be a communications and events skills development program, *PS365 Youth Arts Calendar*, for young people across the LGA in partnership with non-government youth services, managed by Council (\$7,020). Young people would be mentored to develop new skills in event management and communications, particularly developing a small localised event that could be offered at different venues around the LGA. Young people would gain leadership skills, team work, project management and communication skills- building confidence and self-esteem in the transition from school to either further study or employment.

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

A total of \$60,000 is available to fund projects under Council's Cultural Projects Fund in the 2016-2017 financial year. The projects recommended in this report total \$46,980 and it is recommended that a further \$3,000 be allocated to support the Aunty Margo's Story as outlined in the Aboriginal Projects Fund application referred for consideration by the Aboriginal Strategic Committee. The remaining funds (\$10,020) are recommended to be allocated towards the delivery of projects aligned to objectives in the Port Stephens Cultural Plan 2015-2018 and Youth Strategy 2015-2018.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	60,000	Sourced from the 2016-2017 general revenue allocation for Cultural Projects Fund.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

The proposed projects will:

- Provide arts/performance based skills development for residents of all ages;
- Encourage community partnerships that support place based cultural development whilst delivering social and economic returns;
- Build the capacity of local volunteers to deliver future cultural activity and programs;
- Support inclusive practice amongst community organisations benefiting people from various ethnic backgrounds and people with a disability;
- Provide high quality events , attractive to a regional audience, encouraging local participation,
- Celebrate heritage and our natural and built environments.

MERGER PROPOSAL IMPLICATIONS

There are no foreseen merger proposal implications.

CONSULTATION

Consultation with key stakeholders was undertaken by the Communications Section, to promote the funding opportunity and past previously funded successful projects. The guidelines and objectives of the Cultural Projects Fund and key actions in the Cultural Plan 2015-2018 were also promoted widely and in person at the joint launch of Council's grant programs.

Internal

The Cultural Projects Fund Guidelines were reviewed and a common on line application form for all of Council's external grant programs were developed. This occurred as an outcome of the review of Council's Grants Donations and Sponsorships. The Grants Donations and Sponsorships Review Project team included the Group Manager Development Services, Section Manager Communications, Section Manager Strategy and Environment, Section Manager Community Services, Governance Manager, Finance Manager, Tourism and Events Coordinator and the Community Development and Engagement Coordinator.

External

- Advertisements in the Port Stephens Examiner, Council's website, and social media.
- A public funding Launch and Expo held on 4 April 2016.
- Promoted in conjunction with Port Stephens Smarts Arts Program April – May 2016 workshops, including Grant Writing workshop on 8 April 2016.
- Port Stephens Councils 355c Strategic Arts Committee assessment meeting held 11 May 2016.
- Port Stephens Council Cultural Projects Fund Assessment Panel held 16 May 2016.

OPTIONS

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

ATTACHMENTS

- 1) Cultural Projects Fund Summary Recommendations 2016-2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 7 - ATTACHMENT 1 CULTURAL PROJECTS FUND SUMMARY
RECOMMENDATIONS 2016-2017.**

No	Applicant name and project title	Amount Request	Brief description	Strategic Arts Committee (SAC) Recommend.	Assessment Panel Final Recommendation
1	Tilligerry Business Chamber Lemon Jam	\$3,000	A free music event on last Sunday of each month in Henderson Park, Lemon Tree Passage. Involves local musicians performing alongside visiting acts. Sponsored by local Business Chamber with support from small business community.	Yes fund in full. An established event that has good economic and social returns for Tilligerry.	Fund as per SAC recommendation
2	Sea Side Singers Inc. Celebrating the Community Choir	\$3,000	Aims to celebrate the role of the choir in the community and promote participation. Will attract visitors to the bay while building on local social opportunities for many others.	Yes fund in full.	Fund as per SAC recommendation
3	Irrawang Public School on behalf of Thou-Walla Family Centre Let's Keep the rhythm going...	\$3,000	Allows the development of the current music / drumming group developed by Northern Settlement Services. Aims to develop the skills of local volunteers to facilitate the group on an ongoing basis.	Yes fund in full. Only 75% on drums (capital) and balance on building capacity of volunteers to facilitate group moving forward.	Fund as per SAC recommendation and additional information provided.
4	Tilligerry Community Association Tilli Fest 2016	\$3,000	Tilli Fest 2016 brings together multiple community groups with a focus on young people, children, families and new residents.	Yes fund in full with funding to be spent on cultural workshops.	Fund as per SAC recommendation and additional information provided.
5	Bob's Farm Public School Bob's Farm History Tour	\$3,000	Capturing the Now of Bobs Farm. The grant will help develop an on line version of sharing stories through the Bobs Farm History Tour Weekly.com .	Yes fund in full. Great idea of a 'virtual' history being available.	Fund as per SAC recommendation and additional information provided.
6	Hunter Region Botanic Gardens Artist in Residence	\$3,000	A pilot program to promote and develop the core cultural activities facilitated and supported by the gardens; visual arts, music and sculpture.	Yes fund in full. Will only artist in residence program in Port Stephens.	Fund as per SAC recommendation
7	King St Preservation Society	\$3,000	A heritage festival celebrating the past and highlighting the significant precinct of King Street	Yes fund in full. An important focus to the heritage aspects	Fund as per SAC recommendation

**ITEM 7 - ATTACHMENT 1 CULTURAL PROJECTS FUND SUMMARY
RECOMMENDATIONS 2016-2017.**

	King St Fair 2017		Raymond Terrace.	of Raymond Terrace and promotes local identity.	
8	Lions Club of Medowie 4 th Annual Medowie Lions Art & Craft Show	\$980	Supports local artists who display and make available for sale oil and water colour art. Local crafts people also display and sell their wares.	Yes fund in full. A concept that has a focus on developing skills of young people.	Fund as per SAC recommendation
9	Raymond Terrace Arts and Craft Group Inc. Creativity and Community	\$3,000	Aims to provide innovative and accessible opportunities for people to achieve a feeling of self-worth in exploring art and craft. Workshops will be delivered with participants given the opportunity to enter works in the Raymond Terrace Art Show.	Yes fund in full. Workshops have a focus on skills development.	Fund as per SAC recommendation and additional information provided.
10	Raymond Terrace Community Markets (Liz Stephens-Individual) Riverside Multicultural Fiesta	\$3,000	Promotes diversity and inclusiveness in our community through arts, performance and cultural related activities. Workshops are run in weeks leading up to event. Provides opportunities for people to connect with local community service providers who participate on the day.	Yes fund in full. Would need to go on Public Exhibition (individual applicant).	Fund as per SAC recommendation
11	Raymond Terrace Writers Group (Ted Arneson-Individual) Celebration of Words 2016 (COWS)	\$1,000	Based around two main activities; a public speaking competition between local high school students and workshops in creative writing and poetry open to people of all ages and abilities.	Yes fund in full. Would need to go on Public Exhibition (individual applicant).	Fund as per SAC recommendation
12	Musical Matinees Inc. Sensual Spring Spectacle	\$3,000	Students from St Phillips Christian College will be involved in the production front and back stage with mentoring opportunities between students and professional performers.	Yes fund in full.	Fund as per SAC recommendation

ITEM 7 - ATTACHMENT 1 CULTURAL PROJECTS FUND SUMMARY RECOMMENDATIONS 2016-2017.

			The show will 'showcase' the St Phillips School Chris Walking Theatre which is not often open to community based events.		
13	Port Harmony Inc. A Mothers Love (choral concert)	\$3,000	A community concert featuring two classical works – one by Mozart and one by Durante. A professional performance building on partnerships with local young musicians and our local Uniting Church venue.	Yes fund in full.	Fund as per SAC recommendation
14	Port Stephens Community Arts Centre Inc. Port Stephens Art Prize 2017	\$3,000	The Port Stephens Art Prize 2017 will be held at the Nelson Bay Arts Centre from 10-19 March 2017. It provides opportunities for a wide section of artisans to exhibit their work and take part in healthy competition. Approx. 400 works on show for locals and visitors to enjoy. Profits raised support the ongoing development and resources for the arts centre.	Part fund (\$1500).	Part fund as per SAC recommendation
15	Port Stephens Family and Neighbourhood Centre Inc. Circus stunts	\$3,000	Circus Stunts is 10 weeks of skills workshops for young people aged 12 to 18 years, with a focus on physical wellbeing, social interaction and creative expression.	Yes fund in full. A project that would be good to duplicate across the local government area.	Fund as per SAC recommendation
16	Lions Club of Tilligerry Peninsula Tilligerry Art and Craft Show 2016	\$1,500	The Show is recognised as the major artistic and cultural event on the Tilligerry Peninsula. The Show is run in conjunction with other local cultural activity that takes place on the peninsula on the same weekend and promoted with The Tilligerry Festival.	Yes fund in full. Another significant art sh	Fund as per SAC recommendation
17	Tomaree Youth Community Action Inc. (TYCA) Snak & Rap	\$3,000	Funds will be used to employ professional tutors to run Hip Hop workshops for local youth in partnership with Port Stephens libraries and TYCA Inc. Looking to also	Yes fund in full. Great how it works in partnership with Port Stephens Libraries as a way of	Fund as per SAC recommendation

ITEM 7 - ATTACHMENT 1 CULTURAL PROJECTS FUND SUMMARY RECOMMENDATIONS 2016-2017.

			link with schools in the Raymond Terrace area to promote the PBL (Positive Behaviour Learning).	sustaining proposed activities.	
18	PS Fellowship of Australian Writers Inc. Port Stephens Writings	\$3,000	Aims to focus writing skills of our 20 best regional writers on the beaches and culturally significant sites in Port Stephens. Development of a book available in hard copy and e book format, providing a 'cultural trail' and snapshot of Port Stephens.	Yes fund in full. A fantastic idea.	Fund as per SAC recommendation and additional information provided.
19	Raymond Terrace Historical Society Inc. Memories Calendar	\$2,392	A yearly calendar featuring images of Raymond Terrace and district that highlights the history and culture. Includes standard calendar information as well as the Society's meeting times, contact details and planned special events.	DO NOT FUND. Refer application to Community Grants Program. Have requested funds for basic printing costs with no development aspect to project as recommended by grants program officer to applicants prior to lodgement. Request for printing costs for works already prepared consistent with Community Grant applications.	DO NOT FUND as per SAC recommendations
Additional applications referred to Cultural Projects Fund for consideration					
Source of referral and funding amount requested.		Applicant and Project Title		Recommendation of SAC	Recommendation of CPF Assessment Panel
Aboriginal Projects Fund (Aboriginal Strategic Committee) \$3,000		Thou Walla Centre Aunty Margo's Story: Development of a script and filming of a story. <i>*Applicant recommended for funding for alternative project No.3</i>		Allocate \$3000 to this project that is well aligned to the guidelines and objectives of the Cultural Projects Fund, including	Allocate funds as per SAC recommendation. Approved that funds be transferred to Aboriginal Projects Fund

ITEM 7 - ATTACHMENT 1 CULTURAL PROJECTS FUND SUMMARY RECOMMENDATIONS 2016-2017.

		funding for film production.	
Heritage Projects Fund (Heritage Strategic Committee) \$2,000	Hunter Botanic Gardens Love Local Floral: Creating a native garden. <i>*Applicant recommended for funding for alternative project No. 6</i>	DO NOT FUND. Not in line with Cultural Projects Fund guidelines and objectives.	DO NOT FUND as per SAC recommendation.
Heritage Projects Fund (Heritage Strategic Committee) \$2,000	Hunter Botanic Gardens The First Thirty Years: Printing of a book already drafted. <i>*Applicant recommended for funding for alternative project No. 6</i>	DO NOT FUND. Not in line with Cultural Projects Fund guidelines and objectives.	DO NOT FUND as per SAC recommendation.

Strategic Links references:

Objective 1 (Cultural Plan 2015-2018): Support the development of a diverse range of practices associated with local culture.

Objective 3 (Cultural Plan 2015-2018): Support strategic partnerships with organisations involved in planning, promotion and delivery of local cultural activities.

Objective 4 (Cultural Plan 2015-2018): Places and spaces are activated as drivers of cultural vitality and identity.

Objective 4 (Youth Strategy 2015-2018): Address limited transport options and geographic isolation through the development and promotion of localised initiatives.

ITEM NO. 8

**FILE NO: 16/336378
RM8 REF NO: PSC2014-01592**

ABORIGINAL PROJECTS FUND 2016-2017

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of \$35,000 for the Aboriginal Projects Fund 2016-2017 annual grant round in accordance with the amounts and purposes prescribed below:
 - a) \$7,000 to Hunter River High School for Marrunggang Ganyi Baa (Be Really Well Place outdoor gym area;
 - b) \$5,000 to Medowie Public School for Stage 2 of development of the Bush Tucker and Resource Centre;
 - c) \$2,000 to Medowie Uniting Early Learning Centre for Medowie Uniting Belonging interactive cultural education project;
 - d) \$5,000 to St Brigid's Primary School for a bush resource garden and Indigenous totem installation;
 - e) \$1,000 to Irrawang Public School (on behalf of Thou-Walla Family Centre) for the part funding of the Aunty Margo's Story video project;
 - f) \$4,585 to Tomaree Public School for the Tomaree Write It Right program;
 - g) \$5,415 to the Worimi Knowledgeholders Aboriginal Corporation for Worimi Knowledge Passed on for Future Generations project and the second stage of the Memorandum of Understanding between the Worimi Knowledgeholders Aboriginal Corporation, NSW Fisheries, and the Marine Parks Authority;
 - h) \$5,000 to Worimi Dolphins Rugby League Football Club for costs relating to participation in the 2016 NSW Aboriginal Knockout competition held in Leichhardt.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Peter Kafer Councillor Ken Jordan</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

188	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council endorse the allocation of \$35,000 for the Aboriginal Projects Fund 2016-2017 annual grant round in accordance with the amounts and purposes prescribed below:</p> <ul style="list-style-type: none">a) \$7,000 to Hunter River High School for Marrunggang Ganyi Baa (Be Really Well Place) outdoor gym area;b) \$5,000 to Medowie Public School for Stage 2 of development of the Bush Tucker and Resource Centre;c) \$2,000 to Medowie Uniting Early Learning Centre for Medowie Uniting Belonging interactive cultural education project;d) \$5,000 to St Brigid's Primary School for a bush resource garden and Indigenous totem installation;e) \$1,000 to Irrawang Public School (on behalf of Thou-Walla Family Centre) for the part funding of the Aunty Margo's Story video project;f) \$4,585 to Tomaree Public School for the Tomaree Write It Right program;g) \$5,415 to the Worimi Knowledgeholders Aboriginal Corporation for Worimi Knowledge Passed on for Future Generations project and the second stage of the Memorandum of Understanding between the Worimi Knowledgeholders Aboriginal Corporation, NSW Fisheries, and the Marine Parks Authority;h) \$5,000 to Worimi Dolphins Rugby League Football Club for costs relating to participation in the 2016 NSW Aboriginal Knockout competition held in Leichhardt.
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BACKGROUND

The purpose of this report is to seek Council's endorsement for the allocation of 2016-2017 Aboriginal Projects Fund for projects as recommended by Council's Aboriginal Strategic Committee.

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

Applications to the 2016-2017 round of funding opened on 4 April 2016 and closed on 1 May 2016. The total amount of funding available is \$35,000. A total of eight applications were received, valued at \$52,220 as outlined in **(ATTACHMENT 1)**.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

At the Aboriginal Strategic Committee's assessment meeting, \$3,000 of the \$4,000 applications from Thou-Walla Family Centre for Aunty Margo's story was referred to the Cultural Project Fund, with the remaining \$1,000 to be funded through the Aboriginal Projects Fund. This was assessed by the Strategic Arts Committee and Cultural Projects Fund Assessment Panel for consideration.

The proposed projects and programs foster strong personal identity of Aboriginal children through interactive cultural education and experiences at schools and in the environment by the Worimi community. Improving the lifestyle, health and wellbeing of the Aboriginal children, young people and Elders are also key project outcomes.

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

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

A total of \$35,000 is available to fund projects under Aboriginal Projects Fund in the 2016-2017 financial year.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	35,000	Sourced from the 2016-2017 general revenue allocation for Aboriginal Projects Fund.
Reserve Funds	No	N/A	
Section 94	No	N/A	
External Grants	No	N/A	
Other	No	N/A	

LEGAL, POLICY AND RISK IMPLICATIONS

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

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

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

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

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

- Aboriginal cultural education and awareness accessible to people from a range of social, economic and cultural backgrounds; and
- Programs aimed to improved literacy, education and health for aboriginal children and young people in early childhood and school settings.

MERGER PROPOSAL IMPLICATIONS

There are no foreseen merger proposal implications.

CONSULTATION

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

Internal

The Aboriginal Projects Fund Guidelines were reviewed and a common on line application form for all of Council's external grant programs was developed. This occurred as an outcome of the review of Council's Grants Donations and Sponsorships. The Grants Donations and Sponsorships Review Project team included the Group Manager Development Services, Section Manager Communications, Section Manager Strategy and Environment, Section Manager Community Services, Governance Manager, Finance Manager, Tourism and Events Coordinator and the Community Development and Engagement Coordinator.

External

- Advertisements in the Port Stephens Examiner, placement on Council's website, and on social media.
- A public funding Launch and Expo was held on 4 April 2016.
- Port Stephens Councils 355c Aboriginal Strategic Committee Meeting presentation from applicants and assessment meeting was held on 13 May 2016.

OPTIONS

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

ATTACHMENTS

- 1) Aboriginal Projects Fund Recommendations Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

**ITEM 8 - ATTACHMENT 1 ABORIGINAL PROJECTS FUND
RECOMMENDATIONS SUMMARY.**

ABORIGINAL PROJECTS FUND 2016-2017 RECOMMENDATIONS SUMMARY

Project Name & Organisation	Project summary	Amount requested	Amount recommended by Aboriginal Strategic Committee
Hunter River High School, <i>Marrunggang Ganyi Baa (Be Really Well Place)</i>	Culturally significant outdoor gym area to improve the health and lifestyle of the aboriginal community.	\$10,000	\$7,000 Native landscaping, privacy screens and contribution to equipment/soft fall.
Medowie Public School, <i>Bush Tucker Garden and Resource Centre</i>	Stage 2 development of their Bush Tucker and Resource Centre, including a resource book to complement learning in the space.	\$10,000	\$5,000 Bush tucker plants, covered kitchen area, totems and fire pit.
Medowie Uniting Early Learning Centre, <i>Uniting Medowie Belonging Project</i>	Medowie Uniting Belonging Project delivering interactive cultural education by the Worimi community.	\$2,000	\$2,000 Cultural educator, resources and excursion cost.
St Brigid's Primary School, <i>Bush Resource Garden and Totem Pole Installation</i>	Bush resource garden and Indigenous totem installation.	\$5,635	\$5,000 Bush tucker garden and totem poles.
Irrawang Public School on behalf of Thou-Walla Family Centre, <i>Aunty Margo's Story</i>	Production of a video for public distribution, documenting the journey of Aunty Margo, a Worimi Elder who is one of the stolen generation.	\$4,000	\$1,000 Film production resources.
Tomaree Public School, <i>Tomaree Write It Right Empowering Aboriginal Learners</i>	Improve literacy of aboriginal students through introduction of cultural learning strategies.	\$4,585	\$4,585 Attendance at Connecting to Country program, cultural educator and resources.
Worimi Knowledgeholders Aboriginal Corporation, <i>Worimi Knowledge Passed on for Future Generations</i>	Initiate the 2nd stage of the Memorandum of Understanding between them and the NSW Fisheries and Marine Parks Authority and to provide fresh fish for Aboriginal Elders leading to improved health outcomes.	\$6,000	\$5,415 Resources and promotion for community education.
Worimi Dolphins Rugby League Football Club, <i>Worimi Dolphins RLFC</i>	Participation in the 2016 NSW Aboriginal Knockout competition held in Leichardt.	\$10,000	\$5,000 Registration, football kits and contribution to accommodation costs.

ITEM NO. 9

**FILE NO: 16/342616
RM8 REF NO: T02-2016**

**TENDER: T02-2016 CIVIL CONSTRUCTION OF A SEVEN LOT COMMERCIAL
SUBDIVISION AT 155 SALAMANDER WAY, SALAMANDER BAY**

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 9 on the Ordinary Council agenda namely Tender: T02-2016 Civil construction of a seven lot commercial subdivision at 155 Salamander Way, Salamander Bay.
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the Tender: T02-2016 Civil construction of a seven lot commercial subdivision at 155 Salamander Way, Salamander Bay.
- 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 Daracon Contractors Pty Ltd for \$4,870,309.21 for the civil construction of a seven lot commercial subdivision at 155 Salamander Way, Salamander Bay.
- 6) That the contract will commence on 1 July 2016 for a period of 20 weeks.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Mayor Bruce MacKenzie Councillor Paul Le Mottee</p> <p>That Council:</p> <ol style="list-style-type: none">1) Accept the tender submitted from Daracon Contractors Pty Ltd for \$4,870,309.21 for the civil construction of a seven lot commercial subdivision at 155 Salamander Way, Salamander Bay.2) That the contract commences on 1 July 2016 for a period of 20 weeks.
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

189	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Accept the tender submitted from Daracon Contractors Pty Ltd for \$4,870,309.21 for the civil construction of a seven lot commercial subdivision at 155 Salamander Way, Salamander Bay.2) That the contract commences on 1 July 2016 for a period of 20 weeks.
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BACKGROUND

The purpose of this report is to recommend the acceptance of a tender received from Daracon Contractors Pty Ltd for \$4,870,309.21 for the provision of works for the Commercial Subdivision at 155 Salamander Way, Salamander Bay.

The Development Application for the proposed development was assessed by Council staff, and was determined by Council resolution on 26 April 2016. The final accepted tender value is higher than the estimated value specified in the Development Application, but the value of the accepted tender does not trigger any JRPP assessment requirement as it is below \$5 million. The increase in value is a result of design changes made in response to submissions, and engineering input to such items as roundabout construction.

Within the tendered \$4,870,309.21 there are a number of contingencies and variations which indicate that the final value of the tender works are likely to be revised down.

The subdivision works included in the tender include: bulk earthworks within the site; construction of new internal roads, roundabouts; a bus interchange, shared pathways; pedestrian crossings; retaining walls; street lighting, stormwater drainage; reticulation of all services and landscaping.

In addition to the works within the subdivision footprint, external works will include: a new signalised intersection at the intersection of Bagnall Beach Road and Town Centre Circuit; pedestrian crossings; extended turn lanes; new left in left out intersection; shared pathways and extensive landscaping.

The tender for the works was advertised and closed at 12pm, Thursday 23 June 2016 with a total of four submissions received at the close of the tender period, a summary of which is included as **(ATTACHMENT 1)**.

The detailed specification considers that all works shall be undertaken in accordance with the:

- Construction Certificate (pending);
- "Civil Project Outline" (Revision: A 03/06/2016);
- Port Stephens Council's Constructions Specification (Nov 2011);
- Conditions of Consent (Application No: 16-2015-865-1, 27 April 2016);
- Requirements of the Work as Authorised Deed (WAD);
- Roads and Maritime (RMS) requirements; and
- Detailed specifications as outlined in the annexures for the tender.

Following the evaluation of the received tenders, the recommended contractor is **Daracon Contractors Pty Ltd.**

Daracon Contractors Pty Ltd was established over 30 years ago and has expanded to be one of Newcastle's leading Civil Engineering contractors. It is comprised of multiple businesses that collectively provide an effective and integrated civil construction service to a wide cross section of public and private clients.

Daracon Contractors Pty Ltd has a wide range of resources, including:

- Over 900 skilled and experienced personnel;
- A large fleet of machinery and plant which consists of over 230 modern, fit-for-purpose machines;
- Access to in-house services such as landscaping and quarry material; and
- Comprehensive set of systems and controls for safety, environment and quality management.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

Services include bulk earthworks, drainage, precast and insitu concrete, design and construction, major road/freeway works, licensed asbestos removal, and road pavement construction.

In the last financial year Council has spent approximately \$2.3M on projects with Daracon Contractors Pty Ltd. The last major project was T03-2015, Tarrant Road, Salamander Bay.

The weightings agreed for this tender were:

Criteria	Weighting (%)
Price	30
Commercial terms (commercial / insurances / finance)	5
Contract program	30
Methodology	15
References & previous relevant experience	10
Management, staff & resources	5
Subcontractors	5
Total	100

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will maintain its underlying financial performance to budget at break even or better. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

As previously discussed with Council at a Two Way Conversation, the proposed funding strategy for the development is to borrow funds for the construction works specified in the tender. This is a preferred option as rates are favourable in the current market for borrowing, and the period of the loan will be short due to the committed land sales and leases that Council has secured to date. Further land sales are currently being negotiated with interested parties.

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

LEGAL, POLICY AND RISK IMPLICATIONS

The risks implications are listed in the table below:

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the tender is not awarded, Council would not meet its contractual obligations for the three intended users on Lots 1, 2 & 3 for this site.	High	Accept the recommendations.	Yes
There is a risk that if the tender is not awarded, the construction timeline would extend beyond December 2016 causing major traffic disruptions during the January/February holiday period.	High	Accept the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The development of this section of the Council owned land adjoining the Salamander Shopping Centre will provide a greatly improved infrastructure in the form of: a dedicated bus interchange; a signalised intersection; greater widths in new roads; pedestrian connectivity and safety around the entire site and enhanced landscaping.

The development will make available the three allotments of land, to pre-committed end users for their specific developments. It will also provide additional land available for future development for which Council has received strong interest.

MERGER PROPOSAL IMPLICATIONS

Although the tender was called after the proposed merger being announced, this body of work has been in progress and development prior to 2008, and is included in Council's Operational Plan.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Property Section to seek information on the full requirements of the project, and to provide specific detail on the areas to be addressed.

Internal

- Development Assessment & Compliance Section Manager.
- Property Services Section Manager.
- Land Acquisition and Development Manager.
- Legal Services Manager.
- Communications Section Manager.
- Property Strategic Panel.
- Traffic Engineer.

External

- Environmental Property Services.
- Northrop Engineering.
- Moir Landscaping.
- North Point Surveys.
- Cardno Geotech.
- Firebird Bushfire.
- Power Solutions.
- Ausgrid.
- Hunter Water Corporation.
- RMS.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

- Vicinity Centres (Salamander Shopping Centre).

OPTIONS

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

ATTACHMENTS

- 1) CONFIDENTIAL T02-2016 Weighted Criteria Methodology Summary.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 11

**FILE NO: 16/347508
RM8 REF NO: PSC2016-01644**

ALLOCATION OF FUNDS FROM TARRANT ROAD LAND SALES

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the allocation of Ward Funds from the sale of properties at Tarrant Road Salamander Bay to the following projects that are included in the Council's Strategic Asset Management Plan 2016-2026:

West Ward:

- a) Boomerang Park Playground (Accessible Equipment) - \$50,000
- b) Gwen Parade Playground - \$30,000
- c) Lakeside Skate Park - \$30,000
- d) Ross Walbridge Reserve Solar Lighting - \$50,000
- e) Seaham Boat Ramp (Picnic Tables & Shelters) - \$15,000
- f) Memorial Park Carpark Upgrade (Connection to Men's Shed) - \$10,000
- g) Hinton Foreshore Upgrade - \$15,000
- h) Lakeside Playground - \$19,695

Central Ward:

- a) Ferodale Sports Complex Netball Courts - \$50,000
- b) Yulong Oval sealing of car park - \$20,000
- c) Salt Ash BMX Track - \$40,000
- d) Robinson Reserve Playground - \$50,000
- e) Henderson Park Shade Sail - \$35,000
- f) Tanilba Bay Foreshore Improvements - \$24,695

East Ward:

- a) Tomaree Sports Complex Soccer/Touch Amenities Replacement - \$50,000
- b) Nelson Bay Croquet Club Expansion - \$23,000
- c) Tomaree Aquatic Centre Splash Pad - \$50,000
- d) Boat Harbour Playground - \$23,000
- e) Pathway Extension Market Street Fingal Bay - \$73,695

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Ken Jordan Councillor Steve Tucker</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

190	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council endorse the allocation of Ward Funds from the sale of properties at Tarrant Road Salamander Bay to the following projects that are included in the Council's Strategic Asset Management Plan 2016-2026:</p> <p>West Ward:</p> <ul style="list-style-type: none">a) Boomerang Park Playground (Accessible Equipment) - \$50,000b) Gwen Parade Playground - \$30,000c) Lakeside Skate Park - \$30,000d) Ross Walbridge Reserve Solar Lighting - \$50,000e) Seaham Boat Ramp (Picnic Tables & Shelters) - \$15,000f) Memorial Park Carpark Upgrade (Connection to Men's Shed) - \$10,000g) Hinton Foreshore Upgrade - \$15,000h) Lakeside Playground - \$19,695 <p>Central Ward:</p> <ul style="list-style-type: none">a) Ferodale Sports Complex Netball Courts - \$50,000b) Yulong Oval sealing of car park - \$20,000c) Salt Ash BMX Track - \$40,000d) Robinson Reserve Playground - \$50,000e) Henderson Park Shade Sail - \$35,000f) Tanilba Bay Foreshore Improvements - \$24,695 <p>East Ward:</p> <ul style="list-style-type: none">a) Tomaree Sports Complex Soccer/Touch Amenities Replacement - \$50,000b) Nelson Bay Croquet Club Expansion - \$23,000c) Tomaree Aquatic Centre Splash Pad - \$50,000d) Boat Harbour Playground - \$23,000e) Pathway Extension Market Street Fingal Bay - \$73,695
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BACKGROUND

The purpose of this report is to seek Council's endorsement for the allocation of Ward Funds from the sale of properties at Tarrant Road Salamander Bay.

In accordance with the Land Acquisition and Divestment Policy, where a net profit is produced from Council's development activities on land in the operational development land bank, then 70% of the profit will be allocated to the Property Investment restricted fund and the remaining 30% profit will be allocated to Ward Funds. The 30% Ward Funds will be spent in accordance with the adopted integrated strategic plans.

The projects recommended for endorsement fall into three categories:

1. Projects that are already identified in the adopted integrated strategic plans.
2. Projects that have been adopted by Council.
3. Projects that are not identified in the integrated strategic plans.

For the projects that are already included in the integrated strategic plans or already adopted, Council is required to endorse Ward Fund allocations for funding to these projects. For projects that are not included in the integrated strategic plans, these projects must be put on public exhibition to seek community comment before being endorsed by Council as a new project in the integrated strategic plans.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	Council will maintain its underlying financial performance to budget at break even or better. Council will increase its revenue from non-rates sources. Manage risks across Council. Attract, retain and develop staff to meet current and future workforce needs. Provide enabling business support services for Council's operations.

FINANCIAL/RESOURCE IMPLICATIONS

Funds from the Tarrant Road land sales have already been realised and is cash backed. The allocation of monies will not have an effect on the organisation's cash flow.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	659,085	30% profits gained from land sales at Tarrant Road Salamander Bay.

LEGAL, POLICY AND RISK IMPLICATIONS

There is no legal impediment from adopting the recommendations. However if Council elects to allocate funds to any other project that is not already in the Council's adopted integrated strategic plans then such projects and the allocation must be publicly exhibited for 28 days in accordance with the *Local Government Act 1993*.

The allocation of the Ward Funds from the Tarrant Road land sales are in accordance with the Land Acquisition and Divestment Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the allocation of Ward Funds may not be in line with Community expectations resulting in reputation damage.	Low	Undertake public exhibition for projects not in the integrated strategic plans or already adopted by Council.	Yes
There is a risk that allocation of Ward Funds may contravene the Local Government Act requirements resulting in legal exposure.	Low	Adopt the recommendations and follow the public exhibition period process.	yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Strategic Asset Management Plan 2016 (SAMP) articulates its commitment to sound asset management that is linked to financial and environmental sustainability, and to promote economic stimulus through the delivery of assets and the services they provide. One aspect of the asset service is through the delivery of the Capital

Works program. The allocation of these funds is an increase to the Capital Works Program.

MERGER PROPOSAL IMPLICATIONS

There is a possibility that during the public exhibition period that Port Stephens Council may be merged with another Council. Submissions made during the public exhibition period will need to be reported back to Council though the elected body or allocated Administrator that is required to make a final determination may exist in another form.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Asset Section. Consultation has been undertaken with the Mayor and Councillors to compile the recommended projects.

Internal

Consultation has been undertaken with internal sections including:
Finance Section Manger
Property Services Section Manager
Governance Manager

External

Projects already listed within the Strategic Asset Management Plan have already undergone public exhibition through the Council adoption of the integrated planning documents.

In accordance with Local Government legislation the draft proposed projects that are not already documented in the Strategic Asset Management Plan will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 12

**FILE NO: 16/321253
RM8 REF NO: PSC2007-02386**

POLICY REVIEW: GRANTS AND DONATIONS

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Grants and Donations policy shown at **(ATTACHMENT 1)**.
- 2) Place the Grants and Donations policy, 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 Financial Assistance policy dated 19 October 2010, Minute No. 338 **(ATTACHMENT 2)**, should no submissions be received.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
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 - 28 JUNE 2016
MOTION**

<p>191</p>	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the Grants and Donations policy shown at (ATTACHMENT 1).2) Place the Grants and Donations policy, 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 Financial Assistance policy dated 19 October 2010, Minute No. 338 (ATTACHMENT 2), should no submissions be received.
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BACKGROUND

The purpose of this report is to provide Council with the new Grants and Donations Policy ('Policy'). This Policy replaces the current Financial Assistance Policy.

Council will recall at its meeting on 25 August 2015, a report was considered regarding Council's approach to grants, sponsorships and donations. At this meeting Council resolved to proceed with a combined approach to all grants, and a review of policy framework. This report is the result of the resolution for the Policy review.

The draft Policy covers all grant opportunities available from Council and is supported by a number of guidelines for each grant program.

The Policy is presented for Council's consideration.

The Sponsorship Policy will be reported to Council separately.

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

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

As part of good governance this policy will assist Council in managing grants and donations, making it clear to the community what opportunities exist.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that in the absence of a financial assistance framework, Council would not meet the requirements of the <i>Local Government Act 1993</i> .	Low	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Grants and Donation Policy provides the community with opportunities to apply for project funds to assist with events and activities throughout the Port Stephens local government area.

MERGER PROPOSAL IMPLICATIONS

There are no implications associated with the recommendation.

CONSULTATION

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

The *Local Government Act 1993* requires Council to conduct public consultation on policies prior to final adoption.

Internal

- Grants and Donations review team.
- The Executive Team have been consulted to seek management endorsement.
- The General Manager has been consulted to seek endorsement prior to Council consideration.

External

- Following Council adoption, the policy will be place on public exhibition in the Port Stephens Examiner and on Council's website.

In accordance with local government legislation the draft Complaint Handling policy will go on public exhibition from 7 July 2016 to 4 August 2016 for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Grants and Donation Policy.
- 2) Financial Assistance Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2007-02386
TITLE: GRANTS AND DONATIONS POLICY
POLICY OWNER: GOVERNANCE MANAGER

PURPOSE:

The purpose of this policy is to provide a policy framework to enable Council to provide financial assistance to the Port Stephens community in an equitable and fair manner, whilst ensuring legislative compliance.

CONTEXT/BACKGROUND:

Council has provided financial assistance to the Port Stephens community over many years under a number of funding avenues such as; Community Financial Assistance Grants, Rapid Response financial assistance, Community Capacity Building, Heritage, Cultural, Aboriginal and Environmental projects.

These funds have been provided to enhance the Port Stephens local government area to build on the Council vision and the surrounding communities.

This policy has been updated following a major review of all financial assistance provided by Council. As a result grants and donations will be covered by this policy, however any requests for sponsorship should be considered under the Corporate Sponsorship policy. Community group loans are managed under the Community Groups Loan policy.

Council has a legislative requirement to ensure any monies provided are distributed under Section 356 of the *Local Government Act 1993*.

SCOPE:

Port Stephens Council provides grants and donations to those within the local government area to assist in building our community.

This policy covers the following funding opportunities:

- 1) Aboriginal Projects Fund*.
- 2) Community Projects Fund*.
- 3) Cultural Projects Fund*.
- 4) Environmental Projects Fund*.
- 5) Heritage Projects Fund*.

Policy

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Issue Date: xx/xx/xxxx

Printed: 29/05/2015

Review Date: xx/xx/xxxx

Page: 1 of 5

ITEM 12 - ATTACHMENT 1 GRANTS AND DONATION POLICY.

Policy



- 6) Mayoral Funds - available throughout the year, subject to funding availability.
- 7) Rapid Response - available throughout the year, subject to funding availability and requires signature of requesting Councillor.
- 8) Community Capacity Building - available throughout the year, subject to funding availability and requires the signature of all ward Councillors.

* Council will call for applications on an annual basis with each Project Fund offering different grant limits per application, with eligibility criteria applicable to each Project Fund. Guidelines are available for each Fund.

Applications received from individuals will be subject to further legislative provisions and will require a public exhibition period prior to final approval.

Funds must be spent within the Port Stephens local government area or provided to a resident or organisation located within the local government area.

There may be a formal acquittal process for each application.

This policy does not cover requests for sponsorship or community group loans, please refer to Council's Corporate Sponsorship policy and the Community Groups Loan policy.

DEFINITIONS:

Financial assistance Financial mechanisms provided by Council, as a third party, to an organisation or individual to support activities that are in line with Council's Community Strategic Plan. As a third party, Council is not connected to the activities but may be affected by them.

Grants Financial support given to an individual or organisation to assist with identified activities or projects.

Expenditure does not represent an equal benefit to Council.

Grants are financial assistance and are covered under s356 of the *Local Government Act 1993*.

Donations Financial or non-financial (in-kind) support which is provided with limited terms and conditions.

Expenditure does not represent an equal benefit to Council.

Donations are financial assistance and are covered under s356 of the *Local Government Act 1993*.

Policy

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Issue Date: xx/xx/xxxx Printed: 29/05/2015 Review Date: xx/xx/xxxx Page: 2 of 5

Policy



Loans Financial support, to be repaid with interest over an agreed term, which is provided to develop buildings or facilities that are Council owned or managed.

Expenditure does represent an equal benefit to Council.

Loans are commercial agreements and are not covered under s356 of the *Local Government Act 1993*.

Sponsorships Financial or non-financial (in-kind) support from Council to an organisation or individual (the recipient) in return for mutually agreed economic, cultural, community or reputational benefits. These benefits may include promotion, marketing and/or tickets.

Expenditure does represent an equal benefit to Council.

Sponsorships are commercial agreements and are not covered by s356 of the *Local Government Act 1993*.

POLICY STATEMENT:

Port Stephens Council is committed to supporting its community with financial assistance where appropriate.

Council's commitment is:

- To provide an equitable, transparent, accountable and coordinated approach for providing financial assistance to community groups in accordance with the terms of Section 356 of the *Local Government Act 1993*.
- To provide equitable financial assistance to people and organisations, bearing in mind that the Council is trustee and custodian of public assets and is bound by its charter to effectively account for and manage those assets.
- To promote a sense of community, community harmony and social cohesion.
- To assist communities under stress.
- To ensure fair distribution of activities and services throughout Port Stephens.
- To provide financial assistance by way of a grant or donation, not sponsorship.

Policy

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Issue Date: xx/xx/xxxx

Printed: 29/05/2015

Review Date: xx/xx/xxxx

Page: 3 of 5

Policy



POLICY RESPONSIBILITIES:

- 1) Applications for grants and donations will be coordinated by a project officer. Please refer to the relevant guidelines for contact details or Council's website www.portstephens.nsw.gov.au.
- 2) The General Manager is responsible for reporting to Council annually and certifying that expenditure under the Financial Assistance Program meets the necessary probity and transparency required by the Act. The Financial Assistance Program expenditure is reported in the Annual Report (Statutory Statements) as part of the requirements of s356.

RELATED DOCUMENTS:

- 1) *Local Government Act 1993*
- 2) Financial Assistance for Disposal of Waste policy
- 3) Community Groups Loan policy
- 4) Corporate Sponsorship policy
- 5) Debt Recovery and Hardship policy
- 6) Rate Donation for Community Groups policy
- 7) Council Charter
- 8) Code of Conduct

CONTROLLED DOCUMENT INFORMATION:

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TRIM container No	PSC2007-2386	TRIM record No	
Audience	Port Stephens community		
Process owner	Governance Manager		
Author	Governance Manager		
Review timeframe	Four years	Next review date	1 December 2019
Adoption date			

Policy

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Issue Date: xx/xx/xxxx
Printed: 29/05/2015
Review Date: xx/xx/xxxx
Page: 4 of 5

Policy



VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	19/05/2009	Corporate Planner	Adoption by Council	151
2.0	19/10/2010	Executive Officer	Adoption by Council	338
3.0		Governance Manager	New policy following review of all financial assistance offered by Council and inserted into the new policy template.	

Policy

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Issue Date: xx/xx/xxxx

Printed: 29/05/2015

Review Date: xx/xx/xxxx

Page: 5 of 5

Port Stephens

C·O·U·N·C·I·L

POLICY

Adopted: 19/05/2009

Minute No: 151

Amended: 19/10/2010

Minute No: 338

FILE NO: PSC2007-2386

TITLE: FINANCIAL ASSISTANCE UNDER SECTION 356 OF THE LOCAL GOVERNMENT ACT 1993

REPORT OF: EXECUTIVE OFFICER

BACKGROUND

Since the Department of Local Government's *Better Practice Review* of Port Stephens Council in 2005 and its Circular 06-32, Council has been aware that its existing policy (adopted in 1997 and amended in 2004 – titled Request for Financial Assistance) has been inadequate to meet the needs of Council to support its community and build capacity.

This policy replaces the previous policy *Request for Financial Assistance*. The terms 'Minor Works' and Profit from Land Sales (formerly "Ward Funds") are also rescinded for the purposes of this policy and the term Financial Assistance Program describes the methods of distribution of Council funds prescribed by this policy.

OBJECTIVE

- To provide an equitable, transparent, accountable and coordinated approach for providing financial assistance to community groups in accordance with the terms of Section 356 of the Local Government Act 1993.
- To provide equitable financial assistance to people and organisations, bearing in mind that the Council is trustee and custodian of public assets and is bound by its charter to effectively account for and manage those assets.
- To promote a sense of community, community harmony and social cohesion.
- To assist communities under stress.
- To ensure fair distribution of activities and services throughout Port Stephens.

ITEM 12 - ATTACHMENT 2 FINANCIAL ASSISTANCE POLICY.

PRINCIPLES

- 1) Funds provided for financial assistance to any part of the community are available through the whole community's contribution via rates, taxes and the sale of its assets.
- 2) Equity of opportunity to apply for financial assistance by all groups within the community.
- 3) Accountability to the community for equitable, transparent processes to dispense financial assistance is the responsibility of Council.
- 4) Accountability of the recipients of financial assistance to use those funds in accordance with the conditions of the assistance, and to be prepared to acquit them if necessary.
- 5) Projects for which financial assistance is provided by Council should benefit and/or build the capacity of the Port Stephens LGA community and/or its constituent communities.

POLICY STATEMENT

Port Stephens Council provides grants to non-profit community groups through a Financial Assistance Program. Council's goal in offering this program is to support local activities and projects which improve its community's capacity and meet the needs of its residents.

The Mayoral funds are provided annually to allow the Mayor to respond to contingent requirements that may arise from time to time. The funds may only be used at the discretion of the Mayor.

(a) Financial Assistance Program Components

The four components of the Financial Assistance Program are:

1. Community Financial Assistance Grants: a bi-annual process of competitive applications for financial assistance from a fund totalling \$36,000. See Appendix 1 of this Policy for detailed process and documentation. Maximum grants of \$2000; to be spent within Port Stephens LGA; successful applicants determined through a sub-committee of Council. General Business Rules for this grant apply – see Requirements section below for full details.

Examples of this type of grant could include Heritage : repair of heritage assets, acquire heritage item, publication of local history; Sports & Community Service: team uniforms, upgrade amenities, purchase of equipment; Anniversaries: local group – significant celebrations eg 80th anniversary; General: purchase of equipment for halls, parks, playgrounds.

ITEM 12 - ATTACHMENT 2 FINANCIAL ASSISTANCE POLICY.

2. Rapid Response Financial Assistance – an annual allowance of \$2000 for each Councillor, with a discretionary limit of \$500, which can be dispensed at the request of the Councillor and requiring only the signature of the Mayor and the General Manager. Rapid Response Financial Assistance must subsequently be endorsed by Council. See Appendix 2 of this Policy for process and documentation. General Requirements apply – see below.

Examples could include: Specific occasion refund of hall fees (not ongoing); Donation to charity (one off); Inscription on a commemorative plaque; Purchase of cutlery for Council or Community facility; Other one-off small items not requiring acquittal.

3. Community Capacity Building Grants – special projects (excluding events) that provide specific benefits to the community of Port Stephens. Grants are not competitive, maximum \$10,000 and are determined by Council after completion of an application. See appendix 3 of this Policy for process and documentation. General Requirements apply, and in addition detailed project plans, outlines of community benefit to be gained, and acquittal are required.

Examples could include: Upgrades to community facilities; Security lighting at sporting grounds, parks; Fencing a facility or repairs to a heritage asset; Provision of sun protection at schools.

4. Special Purpose Resolution of Council for financial relief. This could be a policy, such as the Financial Assistance for Disposal of Waste in Port Stephens Policy adopted in 2005; or by way of a specific resolution of Council related to a class of persons.

The following requirements apply to all components, however some may be waived in the case of the Special Purpose Resolution of Council component.

Requirements – Financial Assistance Program

- 1) Funding must be spent within the LGA of Port Stephens, with reasonable provision for equity between Wards, although all requests should be treated on their merits.
- 2) Funding for a group or individual or project will be made once only in any three year period. Grants to individuals are subject to 28 days' public notice prior to a decision of Council and the legislation precludes funding being made and later ratified.
- 3) Funding for events are excluded from the Financial Assistance Program, and are the responsibility of the Council's Economic Development Unit.
- 4) Funding must be made to an incorporated association or other formally constituted body. Funding to individuals is allowed under Section 356 subject to there being no objections after a 28-day public exhibition process. Funding for an individual or individuals may not be available under the second component Rapid Response Financial Assistance as the exhibition requirement would make it impractical to achieve the quick turnaround that this component is designed to meet.

ITEM 12 - ATTACHMENT 2 FINANCIAL ASSISTANCE POLICY.

- 5) Funding must be expended in accordance with the functions of Council.
- 6) Assistance would not be available to groups from more than one Councillor. Attempts to seek multiple small amounts from different Councillors under any component of the Financial Assistance Program would automatically disqualify a group from any financial assistance.
- 7) Council funding may be used in conjunction with funding from other sources (outside Council) provided that such funding is disclosed at the time of application for financial assistance to Council.
- 8) In all components, funding must be used for the purpose for which it is granted.
- 9) Applications for financial assistance for sums greater than \$500 should be accompanied by details of the project, any additional funding to be obtained from sources other than Council, and details of proposed expenditure.
- 10) Funding amounts over \$500 must be acquitted using Council's Financial Assistance Acquittal form, and provide a report on the outcome of the project to Council. Council may waive the requirement for a report, however the funds must still be accounted in the acquittal process.
- 11) Where the project to be funded is of a capital nature and is not on a Council-owned or operated facility or land, a statement from the proposed asset owner that Council will not be held responsible for on-going maintenance should accompany a request for financial assistance.
- 12) Generally, projects that ordinarily would fall within the Council's capital works program at a low priority will only be funded through the Financial Assistance Program if there is no impact on higher priority projects and associated resources, and if such funding is not to the detriment of other projects of merit. It is the responsibility of the Group Manager Facilities & Services to determine potential impacts and make a recommendation to the General Manager and Council accordingly.
- 13) 'Matching funds' from existing budgeted items cannot be appropriated away from the purpose for which they were approved to support low priority capital works.

Community Financial Assistance Component – Adjudication

Where competitive grants are advertised and applications received, these will be considered by a sub-committee of Council, comprising the Mayor, the General Manager and one Councillor from each Ward. The Executive Officer would convene the sub-committee once grant applications are closed.

The sub-committee would adjudicate the applications on the basis of the criteria and business rules, and make recommendation to Council on those to be funded. Where applications are not funded, the sub-committee should provide reasons that can be conveyed to applicants to assist in future grant proposals.

The General Manager is responsible for reporting to Council annually and certifying that expenditure under the Financial Assistance Program meets the necessary probity and transparency required by the Act. The Financial Assistance Program expenditure is reported in the Annual Report (Statutory Statements) as part of the requirements for s356.

ITEM 12 - ATTACHMENT 2 FINANCIAL ASSISTANCE POLICY.

(b) Mayoral Fund

The Mayoral Fund is provided annually to allow the Mayor to respond to contingent requirements that may arise from time to time. The Fund may only be used at the discretion of the Mayor.

Mayoral funds must be used to provide benefits that reflect the whole of Port Stephens LGA, but are not geographically confined to the LGA. Examples include donations on behalf of the Port Stephens community to other communities suffering hardship through natural disasters etc.

Mayor Fund expenses are related to non-personal matters associated with the Mayor's office such as small mayoral donations, ceremonies, wreaths, overseas visitors, luncheons related to Council business, civic ceremony expenses, promoting community relations (eg Sister Cities).

Provision of memorabilia is the responsibility of the Communications & Customer Relations Section of Council. That Section will ensure that there is a stock of suitable merchandise for ceremonial and associated purposes.

The General Manager is responsible for reporting to Council annually and certifying that the Mayoral Fund expenses meet the necessary probity and transparency required by the Act. Mayor Fund expenditure is reported in the Annual Report (Statutory Statements) as part of the requirements for s356.

RELATED POLICIES

Port Stephens Council Code of Conduct
Financial Assistance for Disposal of Waste
Community Groups Loans Policy
Corporate Sponsorship Policy
Debt Recovery & Hardship Policy
Rate Donation for Community Groups Policy
Council Charter

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

This policy contributes to the capacity building of the Port Stephens Community.

ECONOMIC IMPLICATIONS

This policy contributes to the economic capacity of the Port Stephens Community.

ENVIRONMENTAL IMPLICATIONS

This policy enables Council to contribute to projects that actively protect or revitalise the environment of Port Stephens.

RELEVANT LEGISLATIVE PROVISIONS

Section 356, Section 8, Local Government Act 1993
Department of Local Government Circular 06-32
The Independent Commission against Corruption Act 1988

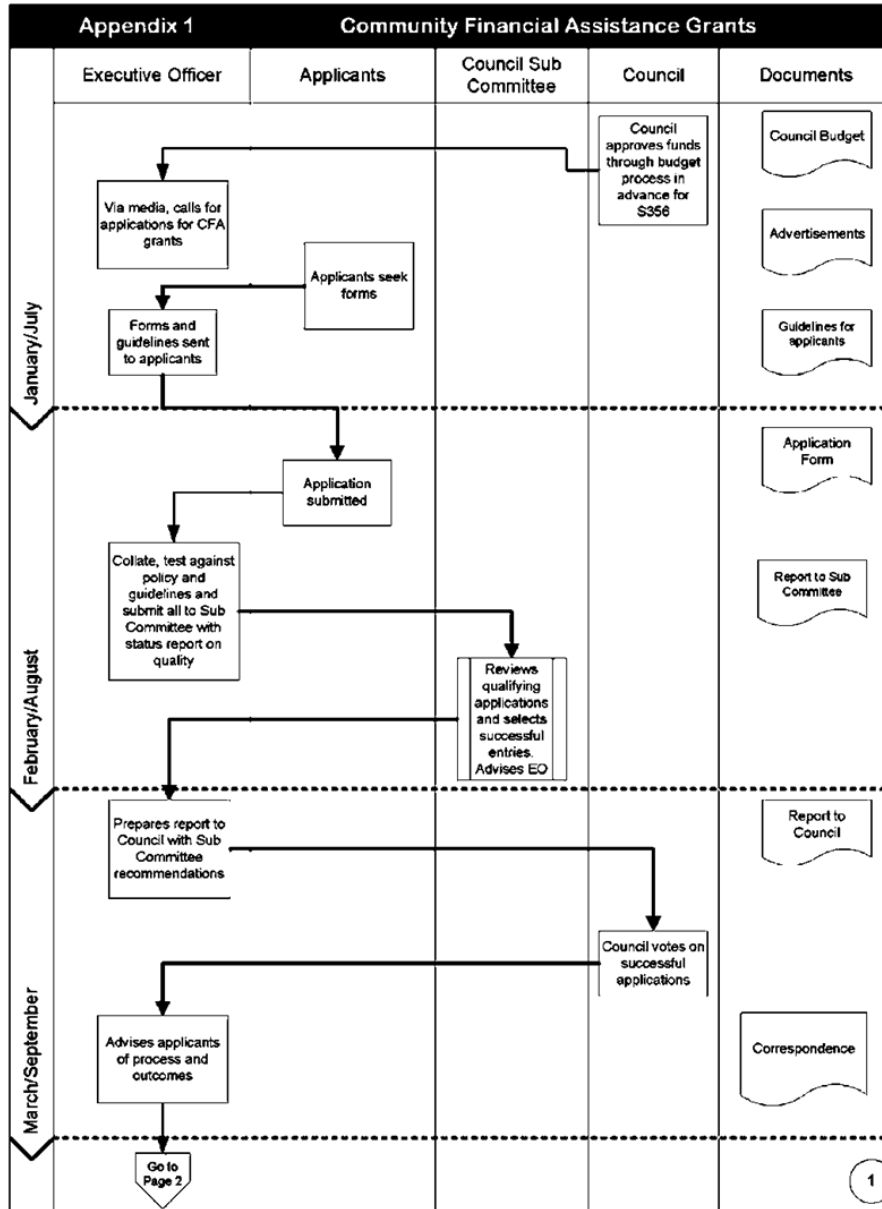
IMPLEMENTATION RESPONSIBILITY

Executive Officer

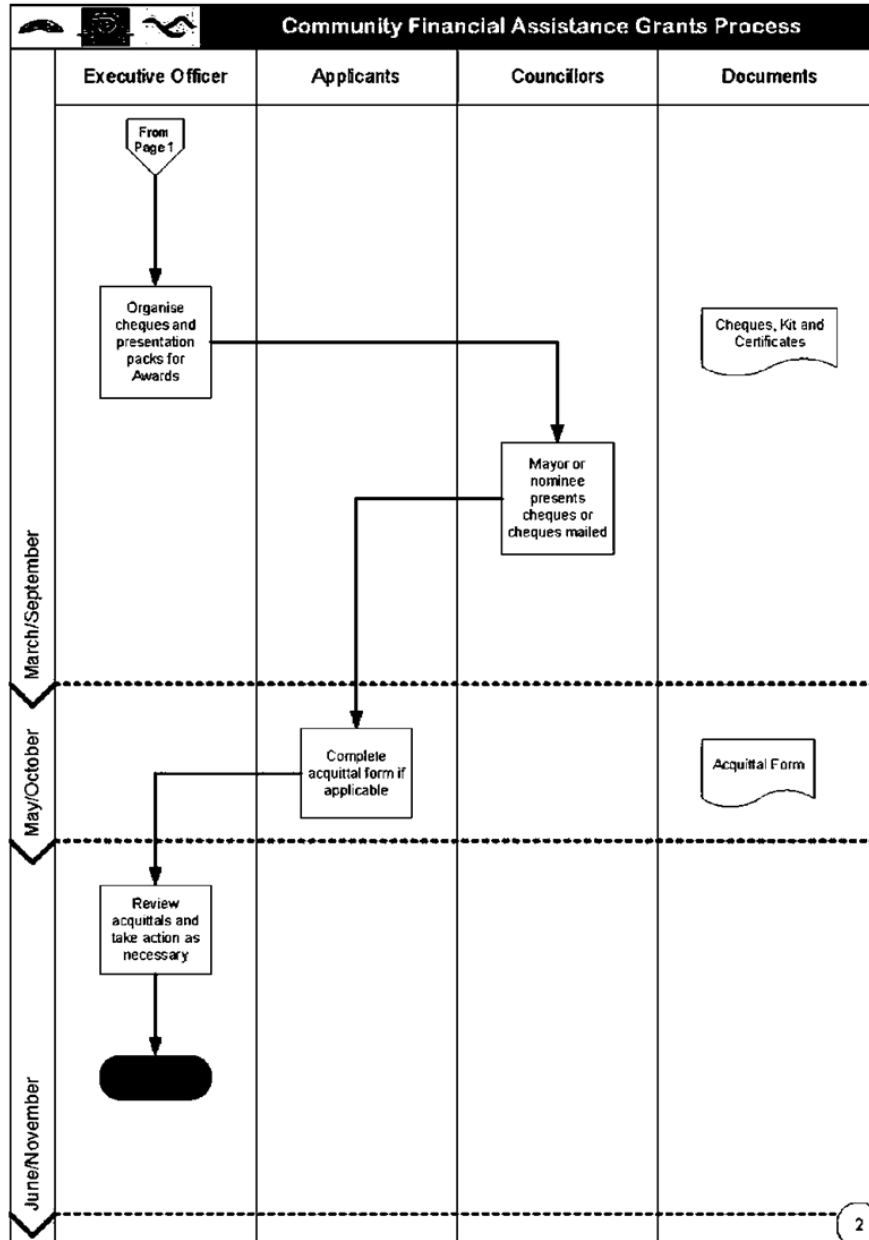
REVIEW DATE

One year from the date of adoption of the policy.

APPENDIX 1

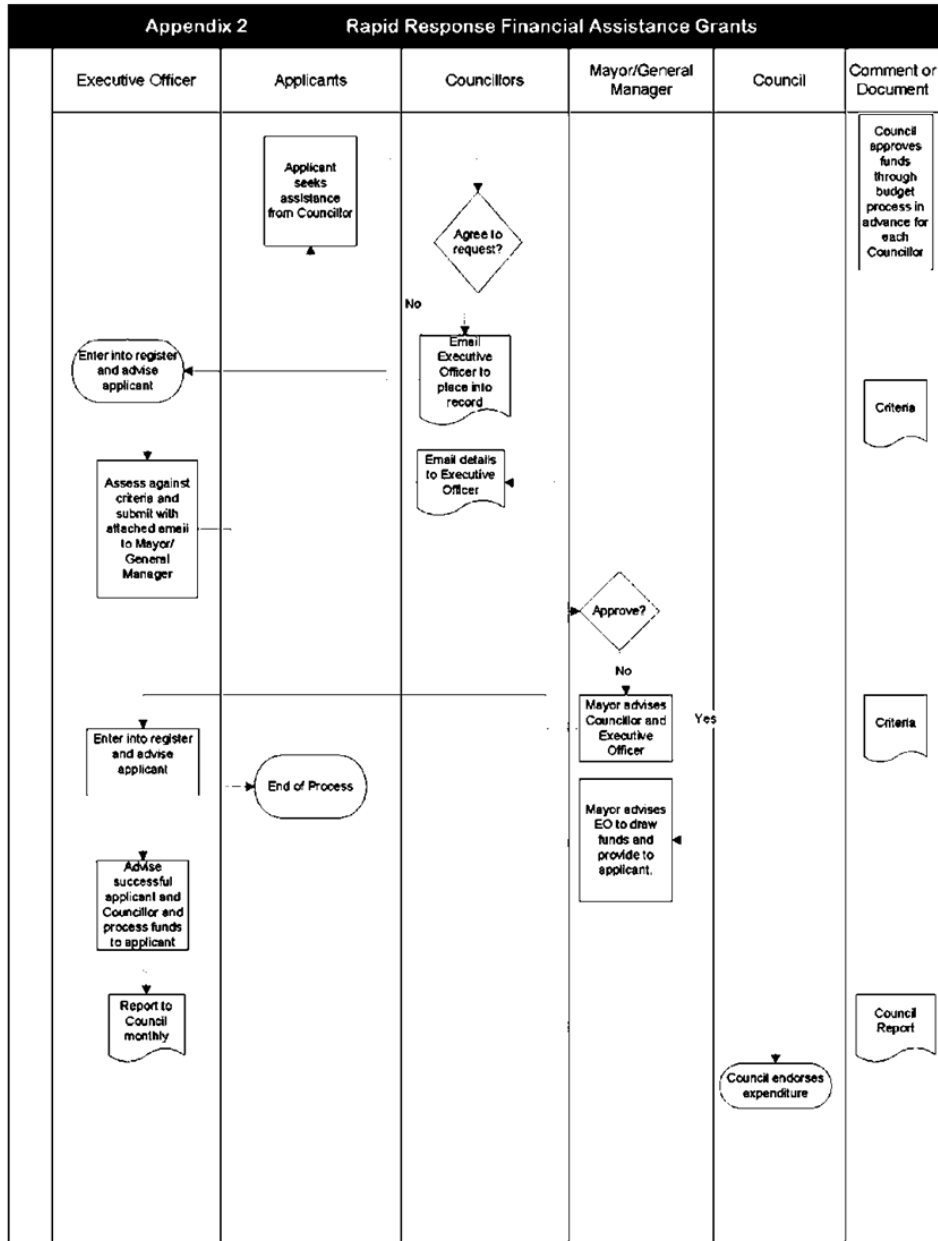


APPENDIX 1 (cont)

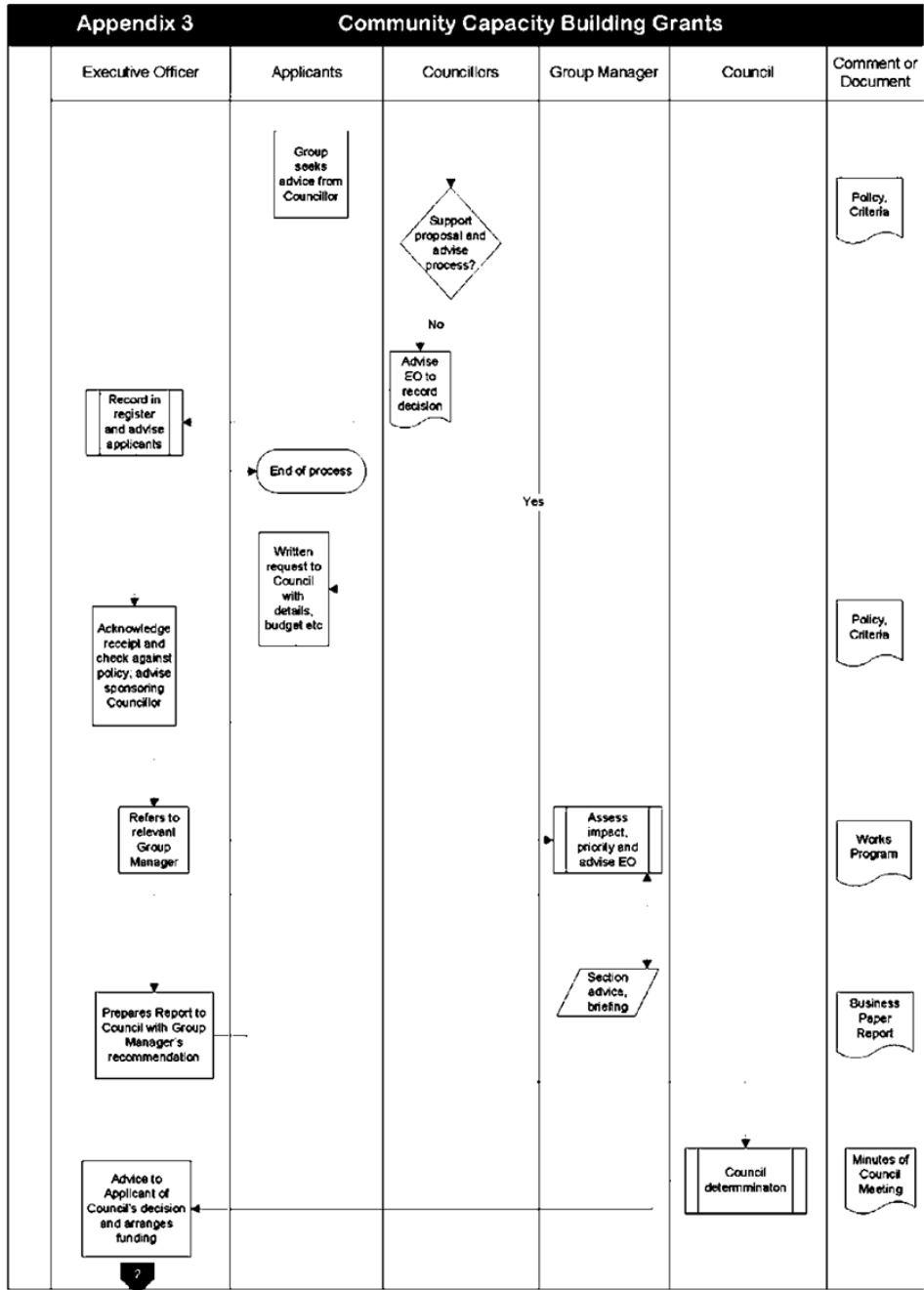


ITEM 12 - ATTACHMENT 2 FINANCIAL ASSISTANCE POLICY.

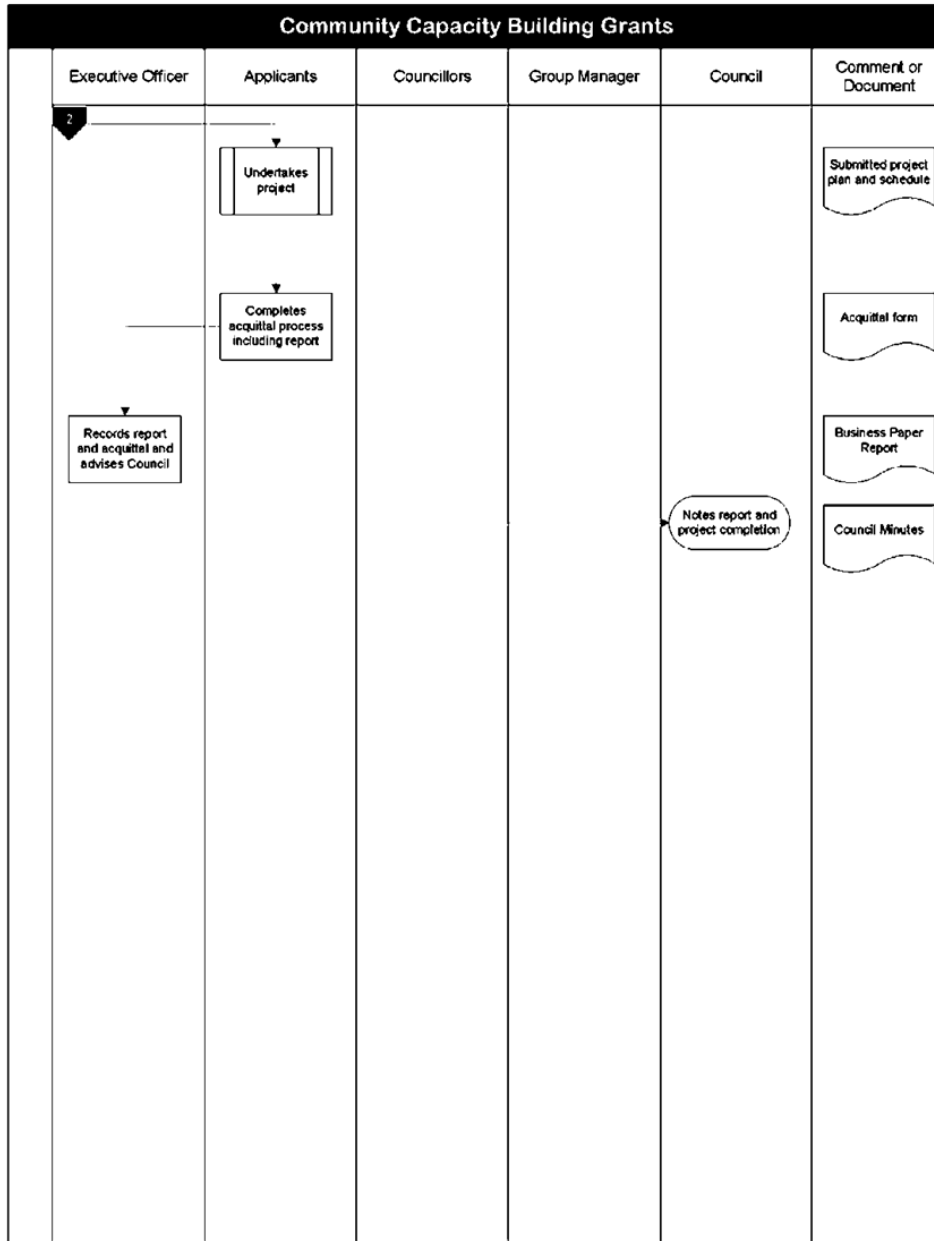
APPENDIX 2



APPENDIX 3



APPENDIX 3 (cont)



ITEM NO. 13

**FILE NO: 16/341612
RM8 REF NO: PSC2016-00905**

COMMUNITY PROJECTS FUND 2016-2017

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

RECOMMENDATION IS THAT COUNCIL:

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

EAST WARD

- a) Rotary Club Nelson Bay – contribution towards the Nelson Bay Town Clock - \$5,000 (from the Community Capacity Building Fund);
- b) Rotary Club Nelson Bay – contribution towards the multi gym circuit - \$2,000;
- c) Rotary Club Nelson Bay – contribution towards the Nelson Bay Rotary Charity Golf Day - \$2,000;
- d) Corlette Parks Reserves and Landcare Group – contribution towards a shelter from the sun at Roy Wood Reserve - \$1,700;
- e) Corlette Parks Reserves and Landcare Group – contribution towards maps for Salamander Tops Walking Trail - \$540;
- f) Port Stephens Sports Taekwondo Association Inc – contribution towards the Port Stephens Taekwondo championships - \$2,000;
- g) Tomaree Neighbourhood Centre – contribution towards a healthy eating for children program - \$500;
- h) Nelson Bay Girl Guides – contribution towards the costs for the removal of trees - \$2,000;
- i) Shoal Bay Community Association – contribution towards the costs of a "Hop on Bike to Tomaree" initiative - \$2,000.

CENTRAL WARD

- j) Rotary Club of Williamtown Inc. – contribution towards the costs of the Community Carols in 2016 - \$1,000;
 - k) Tilligerry RSL Sub-Branch – contribution towards the construct of a 'Remembrance Wall' - \$1,000;
 - l) Port Stephens Church of Christ – contribution towards the renovation of the Youth Hall - \$1,250;
 - m) Port Stephens Church of Christ – contribution towards the purchase of food containers for 'Meals on Wheels' - \$500;
 - n) Tilligerry Motorama 2017 – contribution towards the 2017 community car show -
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MINUTES ORDINARY COUNCIL - 28 JUNE 2016

\$1,665;

- o) The Food War Incorporated – contribution towards updating computer hardware and software - \$500;
- p) Tilligerry Community Association Incorporated – contribution towards 20th birthday celebrations - \$500;
- q) Tilligerry Rural Fire Brigade – contribution towards replacement of computers - \$1,900;
- r) Medowie Assembly of God Inc. – Food Way – contribution towards running costs to supply food parcels to the community - \$2,000;
- s) Sailability NSW – Port Stephens Branch – contribution towards improving communications and additional storage facilities - \$1,645.

WEST WARD

- t) Raymond Terrace Writers Group – contribution towards publishing a book - \$1,300;
 - u) Karuah & Districts Tennis Club Inc. – contribution towards a new shed - \$1,500;
 - v) Hunter Region Botanic Gardens – contribution towards new tools - \$2,000;
 - w) Seaham Park and Wetlands Committee – contribution towards an all-weather picnic table - \$2,000;
 - x) Hunter Botanic Gardens – contribution towards the production of the "The First Thirty years" book - \$2,000.
- 2) Endorse the provision of funds to Riverside Multicultural Community Connect Committee as a contribution towards the Community Connect Day - \$2,000 and place the proposal on public exhibition for a period of 28 days, in accordance with the *Local Government Act 1993* to seek public comment.
- 3) Should no submissions be received as a result of the public exhibition stated above, the funds be approved.

ORDINARY COUNCIL MEETING - 28 JUNE 2016 COMMITTEE OF THE WHOLE RECOMMENDATION

	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>That the recommendation be adopted.</p>
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Councillor Peter Kafer left the meeting at 06:40pm during Item 13 in Committee of the Whole, prior to voting.

Councillor Peter Kafer returned to the meeting at 06:41pm during Item 13 in Committee of the Whole, prior to voting.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

192	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council approve the provision of financial assistance from applications received from the Community Projects Fund under Section 356 of the <i>Local Government Act 1993</i> from Ward Funds as detailed below:</p> <p>EAST WARD</p> <ul style="list-style-type: none">a) Rotary Club Nelson Bay – contribution towards the Nelson Bay Town Clock - \$5,000 (from the Community Capacity Building Fund);b) Rotary Club Nelson Bay – contribution towards the multi gym circuit - \$2,000;c) Rotary Club Nelson Bay – contribution towards the Nelson Bay Rotary Charity Golf Day - \$2,000;d) Corlette Parks Reserves and Landcare Group – contribution towards a shelter from the sun at Roy Wood Reserve - \$1,700;e) Corlette Parks Reserves and Landcare Group – contribution towards maps for Salamander Tops Walking Trail - \$540;f) Port Stephens Sports Taekwondo Association Inc – contribution towards the Port Stephens Taekwondo championships - \$2,000;g) Tomaree Neighbourhood Centre – contribution towards a healthy eating for children program - \$500;h) Nelson Bay Girl Guides – contribution towards the costs for the removal of trees - \$2,000;i) Shoal Bay Community Association – contribution towards the costs of a "Hop on Bike to Tomaree" initiative - \$2,000. <p>CENTRAL WARD</p> <ul style="list-style-type: none">j) Rotary Club of Williamtown Inc. – contribution towards the costs of the Community Carols in 2016 - \$1,000;k) Tilligerry RSL Sub-Branch – contribution towards the construct of a 'Remembrance Wall' - \$1,000;l) Port Stephens Church of Christ – contribution towards the renovation of the Youth Hall - \$1,250;m) Port Stephens Church of Christ – contribution towards the purchase of food containers for 'Meals on Wheels' - \$500;n) Tilligerry Motorama 2017 – contribution towards the 2017 community car show - \$1,665;o) The Food War Incorporated – contribution towards updating
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MINUTES ORDINARY COUNCIL - 28 JUNE 2016

- computer hardware and software - \$500;
- p) Tilligerry Community Association Incorporated – contribution towards 20th birthday celebrations - \$500;
 - q) Tilligerry Rural Fire Brigade – contribution towards replacement of computers - \$1,900;
 - r) Medowie Assembly of God Inc. – Food Way – contribution towards running costs to supply food parcels to the community - \$2,000;
 - s) Sailability NSW – Port Stephens Branch – contribution towards improving communications and additional storage facilities - \$1,645.

WEST WARD

- t) Raymond Terrace Writers Group – contribution towards publishing a book - \$1,300;
 - u) Karuah & Districts Tennis Club Inc. – contribution towards a new shed - \$1,500;
 - v) Hunter Region Botanic Gardens – contribution towards new tools - \$2,000;
 - w) Seaham Park and Wetlands Committee – contribution towards an all-weather picnic table - \$2,000;
 - x) Hunter Botanic Gardens – contribution towards the production of the "The First Thirty years" book - \$2,000.
- 2) Endorse the provision of funds to Riverside Multicultural Community Connect Committee as a contribution towards the Community Connect Day - \$2,000 and place the proposal on public exhibition for a period of 28 days, in accordance with the *Local Government Act 1993* to seek public comment.
 - 3) Should no submissions be received as a result of the public exhibition stated above, the funds be approved.

BACKGROUND

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

Council called for Community Grant applications from 4 April 2016 to 1 May 2016. All applications received are shown at **(ATTACHMENT 1)**. A total of 25 applications were received. A further application was received under the Community Capacity Building Fund.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

The total value of the applications received is:

East Ward	\$ 12,740.00 – shown in blue in the attachment
Central Ward	\$ 19,447.36 – shown in yellow in the attachment
West Ward	<u>\$ 10,800.00</u> – shown in green in the attachment
	\$ 42,987.36
Community Capacity Building	<u>\$ 5,000.00</u>
	\$ 47,987.36

The assessment panel comprising Councillors Nell, Doohan, Jordan and the General Manager assessed the applications in accordance with the policy and guidelines.

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

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 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 made provision of \$36,000 per year. These applications are limited to \$2,000 per grant. Community Capacity Building Funds are available subject to the balance available from Ward funds.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	Yes		
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 Projects Funds allows organisations and groups to build relationships and provide events to the local community whilst further developing the cultural, social and economic aspects of the local government area.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications arising out of this recommendation.

CONSULTATION

Consultation with key stakeholders was undertaken to promote the funding opportunity and past previously funded successful projects. The guidelines and objectives of the Community Projects Fund were also promoted widely and in person at the joint Launch of Council's grant programs.

Internal

The Community Projects Fund Guidelines were reviewed and a common on line application form for all of Council's external grant programs was developed. This occurred as an outcome of the review of Council's Grants Donations and Sponsorships. The Grants Donations and Sponsorships Review Project team included the Group Manager Development Services, Section Manager Communications, Section Manager Strategy and Environment, Section Manager Community Services, Governance Manager, Finance Manager, Tourism and Events Coordinator and the Community Development and Engagement Coordinator.

External

- Advertisements in the Port Stephens Examiner, Council's website, and social media.
- A public funding Launch and Expo held on 4 April 2016.

OPTIONS

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

ATTACHMENTS

- 1) Summary of all applications received by Council. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 14

**FILE NO: 16/346706
RM8 REF NO: PSC2007-3003**

POLICY REVIEW: LEGISLATIVE COMPLIANCE POLICY

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the Legislative Compliance Policy shown at **(ATTACHMENT 1)**.
 - 2) Place the Legislative Compliance Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted without a further report to Council.
-

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
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 - 28 JUNE 2016
MOTION**

193	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Endorse the Legislative Compliance Policy shown at (ATTACHMENT 1).2) Place the Legislative Compliance Policy on public exhibition for a period of 28 days and should no submissions be received, the policy be adopted without a further report to Council.
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BACKGROUND

The purpose of this report is to seek Council endorsement of the Legislative Compliance Policy ('Policy').

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

The Policy establishes the overarching principles and commitment to action for Council with respect to achieving legislative compliance. It applies to Councillors and all Council officers, and recognises the balance between Council's responsibility to ensure compliance and its ongoing objective of enhancing community relations and awareness.

The need for this Policy was identified by Council's internal auditors and is included as a control in Council's Enterprise Risk Management System.

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

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

The Policy recognises the need for Council to have appropriate processes and structures in place to ensure legislative requirements are achievable and integrated into the day to day operations of Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that a lack of appropriate processes and structures to help ensure achievement of legislative requirements will expose Council to issues arising from non-compliance.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The establishment of overarching principles for identifying and promoting legislative obligations will assist Council in its commitment to legislative compliance.

MERGER PROPOSAL IMPLICATIONS

There are no implications associated with the recommendations.

CONSULTATION

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

The *Local Government Act 1993* requires Council to conduct public consultation on policies prior to adoption.

Internal

- The Executive Team has been consulted to seek management endorsement.
- The General Manager has been consulted to seek approval prior to Council consideration.

External

Following Council resolution, the Policy will be placed on public exhibition in the Port Stephens Examiner and on Council's website.

In accordance with local government legislation the draft Legislative Compliance Policy will go on public exhibition for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Legislative Compliance Policy.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

Policy



FILE NO: PSC2007-3003
TITLE: LEGISLATIVE COMPLIANCE POLICY
POLICY OWNER: MANAGER LEGAL SERVICES

PURPOSE:

Council is committed to conducting its functions and activities lawfully and in a manner that is consistent with its compliance obligations.

The Legislative Compliance Policy (**Policy**) establishes the overarching principles and commitment to action for Council with respect to achieving compliance by:

- identifying a clear legislative compliance framework within which Council operates;
- promoting a consistent, rigorous and comprehensive approach to compliance throughout Council;
- developing and maintaining practices that facilitate and monitor compliance within Council;
- seeking to ensure standards of good corporate governance; and
- engendering a culture of compliance where every person within Council accepts personal responsibility for compliance.

CONTEXT/BACKGROUND:

This policy applies to Councillors and all Council officers. Council's legal and regulatory compliance obligations include legislative, regulatory, and contractual as well as Council's policies, procedures, guidelines and management directives.

The policy recognises the balance between Council's responsibility to ensure compliance and its ongoing objective of enhancing community relations and awareness.

SCOPE:

The Policy is aligned with Council's objectives as articulated in the Council Integrated Plans.

Council recognises that there are four elements for an effective compliance program:

- Commitment – to and the establishment of a compliance program;
- Implementation – of a compliance program, including ongoing education and maintenance;
- Monitoring and Measuring – reporting and supervision of the compliance program; and
- Continual Improvement – regular review and continual improvement of the compliance program.

Policy

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Policy



DEFINITIONS:

Compliance	adhering to the requirements of laws, industry and organisation standards and codes, principles of good governance and accepted community & ethical standards.
Council officer	An employee, contractor or volunteer acting on behalf of Council.

POLICY STATEMENT:

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the day to day operations of Council.

The processes and structures will aim to:

- Develop and maintain a system for identifying the legislation that applies to Council's activities and functions.
- Assign responsibilities for ensuring legislative and regulatory obligations are fully implemented by Council.
- Provide education and awareness for Councillors and Council officers in the legislative requirements that affect them.
- Provide people with the resources to identify and remain up-to-date with legislative changes.
- Establish a mechanism for reviewing situations where non-compliance has occurred.
- Review and assess the system for compliance.

POLICY RESPONSIBILITIES:

- 1) Manager Legal Services, General Manager and Manager Governance are responsible for the implementation of this policy in conjunction with other Council officers as appropriate.

RELATED DOCUMENTS:

- 1) Legislative Compliance Database

Policy

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Policy



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RM8 container No	PSC2007-3003	RM8 record No	
Audience	Port Stephens community and Council officers		
Process owner	Manager Legal Services		
Author	Manager Legal Services		
Review timeframe	Two years	Next review date	
Adoption date			

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0		Manager Legal Services	Creation of Policy	

Policy

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ITEM NO. 15

**FILE NO: 16/346610
RM8 REF NO: PSC2015-02145**

REVISED FEES AND CHARGES 2016-2017

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the proposed revised fees and charges for waste management, the Tomaree Aquatic Centre, Tomaree Library and Community Centre, library services and drainage and flooding services noted in **(ATTACHMENT 1)** on public exhibition for a period of 28 days and invite submissions from the public;
- 2) Should no submissions be received adopt the revised fees and charges noted in **(ATTACHMENT 1)** without a further report to Council.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor John Morello Councillor Peter Kafer</p> <p>That the recommendation be adopted.</p>
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

194	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Place the proposed revised fees and charges for waste management, the Tomaree Aquatic Centre, Tomaree Library and Community Centre, library services and drainage and flooding services noted in (ATTACHMENT 1) on public exhibition for a period of 28 days and invite submissions from the public;2) Should no submissions be received adopt the revised fees and charges noted in (ATTACHMENT 1) without a further report to Council.
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BACKGROUND

The purpose of this report is to seek Council's support to place revised fees and charges for waste management, the Tomaree Aquatic Centre, Tomaree Library and Community Centre, library services and drainage and flooding services on public exhibition for a period of 28 days, and should no submissions be received apply the fees from Monday 8 August 2016.

The waste management, Tomaree Aquatic Centre, Tomaree Library and Community Centre and library services fees and charges noted in **(ATTACHMENT 1)** and adopted by Council on 24 May 2016, Minute No.142 where incorrectly calculated. This report is to inform Council and the community of the correct fees and charges for these services for the 2016-2017 financial period.

The drainage and flooding services fees and charges noted in **(ATTACHMENT 1)** were not correctly detailed and may have allowed for the misinterpretation of the fee for service, leading to the potential loss of income.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Port Stephens Council's services and assets are sustainable in the longer term.	<p>Council will maintain its underlying financial performance to budget at break even or better.</p> <p>Council will increase its revenue from non-rates sources.</p> <p>Manage risks across Council.</p> <p>Attract, retain and develop staff to meet current and future workforce needs.</p> <p>Provide enabling business support services for Council's operations.</p>

FINANCIAL/RESOURCE IMPLICATIONS

The revised fees and charges will be placed on public exhibition by way of Council's notices page in the Port Stephens Examiner.

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

LEGAL, POLICY AND RISK IMPLICATIONS

These fees are required to be placed on public exhibition under Section 610F of the *Local Government Act 1993* for a period of 28 days. The proposed fees comply with Council's Pricing Policy.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the correct fees are not in place Council will incur a decrease in revenue on previous years for these services.	Medium	Adopt the recommendations.	Yes
There is a risk that if the correct fees are not scheduled into the fees and charges for 2016-2017, they will be incorrectly calculated or omitted during the next review of fees and charges.	Medium	Adopt the recommendations.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Council derives around a third of its revenue from fees and charges so it is important that the proposed fees are adopted within the statutory timeframe – that is prior to 30 June 2016.

MERGER PROPOSAL IMPLICATIONS

Should either a Port Stephens Council/Dungog Shire Council or Port Stephens Council/Newcastle City Council merger proposal proceed, the fees and charges would apply until the new entity undertook a review and harmonised fees and charges. Should a merger proposal not proceed, the adopted fees and charges will apply for the 2016-2017 financial year.

CONSULTATION

Responsible officers within Council's Facilities and Services Group have reviewed the revised fees and charges schedule.

Internal

The Waste Management Coordinator and Waste Management Officer were consulted in relation to the correct calculation of the revised waste services fees and charges for 2016-2017.

The Facilities & Services Group Manager and Acting Community Services Section Manager were consulted in relation to the correct calculation of the revised Tomaree Aquatic Centre, Tomaree Library and Community Centre and library services fees and charges for 2016-2017.

The Facilities & Services Group Manager and Drainage and Flooding Engineer were consulted on the correct wording of the revised drainage and flooding services fees and charges for 2016-2017.

External

In accordance with local government legislation the revised draft Waste Services fees and charges for 2016-2017 will go on public exhibition from 7 July 2016 to 4 August 2016 for 28 days.

OPTIONS

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

ATTACHMENTS

- 1) Revised Fees and Charges 2016-2017.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 15 - ATTACHMENT 1 REVISED FEES AND CHARGES 2016-2017.

REVISED FEES AND CHARGES 2016-2017

Fee Name	Fee description	GST \$	Fee Amount Incl. GST	Fee Unit	Pricing Policy
WASTE MANAGEMENT SERVICES					
Holiday Rental Bin Service					
Garbage bin (240 litres).	Minimum 8 weeks service per bin.	\$8.18	\$90.00		Market pricing
Recycle bin (240 litres).	Minimum 8 weeks service per bin.	\$4.55	\$50.00		Market pricing
Special Events					
Recycle bin (240 litres).	No minimum order applies if in conjunction with garbage bins – if ordered separately a minimum order of three bins applies.	\$2.27	\$25.00	Per bin	Full cost pricing
Garden/Wood Waste					
Garden/Wood Waste – Minimum Fee.	Must be sorted. If unsorted the General Mixed Waste Fee applies.	\$1.82	\$20.00		Market pricing
Garden/Wood Waste (Does not include painted, treated or laminated timber) – per tonne.	Must be sorted. If unsorted the General Mixed Waste Fee applies.	\$16.27	\$179.00		Full cost pricing.

Fee Name	Fee description	GST \$	Fee Amount Incl. GST	Fee Unit	Pricing Policy
AQUATIC CENTRES – TOMAREE AQUATIC CENTRE					
Squad Activities					
Squad – direct debit 3-5 sessions per week.		\$4.25	\$46.75	Per fortnight	Market pricing
Squad – direct debit – up to 2 sessions per week.		\$3.34	\$36.75	Per fortnight	Market pricing

Fee Name	Fee description	GST \$	Fee Amount Incl. GST	Fee Unit	Pricing Policy
PUBLIC HALLS AND COMMUNITY CENTRES					
Tomaree Library and Community Centre					
Hire – activity room/office/ meeting room or half auditorium.	Private, funded, government (including Council for Council business) or for-profit organisations.	\$1.82	\$20.00	Per hour	Market pricing
Hire – full auditorium.	Registered charities and community groups.	\$1.82	\$20.00	Per hour	Market pricing

Fee Name	Fee description	GST \$	Fee Amount Incl. GST	Fee Unit	Pricing Policy
LIBRARY SERVICES					
e-Resources					
Inter-library loan from non-reciprocal libraries.	Indicative fee only: dependent upon charge set by the lending institution.	\$1.91	\$21.00	Per item	Partial cost pricing

ITEM 15 - ATTACHMENT 1 REVISED FEES AND CHARGES 2016-2017.

Miscellaneous					
Meeting room hire: Raymond Terrace Library.	For profit organisations, private, funded, government (including Council for Council business).	\$1.82	\$20.00	Per hour	Market pricing

Fee Name	Fee description	GST \$	Fee Amount Incl. GST	Fee Unit	Pricing Policy
ENGINEERING AND WORKS					
Drainage and Flooding					
Flood Certificate – single lot – standard request.	Flood level information including Flood Planning Level.	0.00	\$200.00	Per lot	Full cost pricing
Flood Certificate Multiple Adjoining Lots – standard request.	Flood level information including Flood Planning Level.	0.00	\$150.00	Per lot	Full cost pricing
Flood Certificate Single Lot – urgent request.	Flood level information including Flood Planning Level.	0.00	\$400.00	Per lot	Market pricing
Flood Certificate Multiple Adjoining Lots – urgent request.	Flood level information including Flood Planning Level.	0.00	\$300.00	Per lot	Market pricing

ITEM NO. 16

**FILE NO: 16/347963
RM8 REF NO: PSC2016-00178**

REQUEST FOR FINANCIAL ASSISTANCE

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the *Local Government Act 1993* from the respective Mayor and Ward Funds to the following:-
 - a. Mayoral Funds – St Phillips Christian College – Donation towards costs associated with providing Drug and Alcohol Awareness Training to students and Parents during September 2016 - \$1,000.
 - b. Mayoral Funds – Port Stephens Suicide Prevention Network – Donations towards running costs associate with Port Stephens Suicide Prevention Network events - \$2,000.
 - c. Mayoral Funds – Salamander Bay Men's Shed – Donation towards running costs associated with Salamander Men's Shed - \$1,000.
 - d. Mayoral Funds – Raymond Terrace Bay Men's Shed – Donation towards running costs associated with Raymond Terrace Men's Shed - \$1,000.
 - e. Mayoral Funds – Lions Club of Fingal Bay – Donation towards running costs associated with Lions Club of Fingal Bay - \$1,000.
 - f. Mayoral Funds – Tilligerry Men's Shed– Donation towards running costs associated with Tilligerry Men's Shed - \$1,000.
 - g. Mayoral Funds – Nelson Bay Australia Day sub-committee – Donation towards running costs associated with Nelson Bay Australia Day Committee - \$1,000.
 - h. Mayoral Funds – Lions Club of Tilligerry Peninsula – Donation towards running costs associated with Lions Club of Tilligerry Peninsula - \$1,000.
 - i. Mayoral Funds – Lions Club of Raymond Terrace– Donation towards running costs associated with Lions Club of Raymond Terrace - \$1,000.
 - j. Mayoral Funds – Anna Bay Public School P and C– Donation towards running costs associated with Anna Bay Public School - \$500.
 - k. Mayoral Funds – Karuah Local Aboriginal Land Council – Donation towards running of Port Stephens Family Support Aboriginal Programme in Karuah - \$2000.
 - l. Central Ward Funds – Cr Steve Tucker – PCYC – Donation towards costs associated with new kitchen fit out - \$500.
 - m. Central Wards Funds – Cr Steve Tucker – Tanilba/Tilligerry Bay RSL Sports Club – Donation towards costs associated with rebuilding and enhancing the landscaping at Lemon Tree Passage Road entrance - \$500.
 - n. Central Ward Funds – Cr Geoff Dingle – Medowie Tidy Towns – Donation towards purchase of seating for off leash dog park internal yard - \$420.
 - o. West Ward Funds – Raymond Terrace JRFLC – Donation towards costs

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

- associated with installation of two shade shelters at the Lakeside Sports facility - \$12,000.
- p. West Ward Funds – Cr Peter Kafer – Port Stephens Church of Christ (Salt Ash Community First) – Donation towards costs associated with running Yoga, Relaxation through Mediation services to the community - \$500.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Peter Kafer Councillor John Morello
	That the recommendation be adopted.

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

195	Councillor Ken Jordan Mayor Bruce MacKenzie
	<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 Mayor and Ward Funds to the following:-</p> <ul style="list-style-type: none">a. Mayoral Funds – St Phillips Christian College – Donation towards costs associated with providing Drug and Alcohol Awareness Training to students and Parents during September 2016 - \$1,000.b. Mayoral Funds – Port Stephens Suicide Prevention Network – Donations towards running costs associate with Port Stephens Suicide Prevention Network events - \$2,000.c. Mayoral Funds – Salamander Bay Men's Shed – Donation towards running costs associated with Salamander Men's Shed - \$1,000.d. Mayoral Funds – Raymond Terrace Bay Men's Shed – Donation towards running costs associated with Raymond Terrace Men's Shed - \$1,000.e. Mayoral Funds – Lions Club of Fingal Bay – Donation towards running costs associated with Lions Club of Fingal Bay - \$1,000.f. Mayoral Funds – Tilligerry Men's Shed– Donation towards running costs associated with Tilligerry Men's Shed - \$1,000.g. Mayoral Funds – Nelson Bay Australia Day sub-committee – Donation towards running costs associated with Nelson Bay Australia Day Committee - \$1,000.h. Mayoral Funds – Lions Club of Tilligerry Peninsula – Donation towards running costs associated with Lions Club of Tilligerry Peninsula - \$1,000.i. Mayoral Funds – Lions Club of Raymond Terrace– Donation towards running costs associated with Lions Club of Raymond Terrace -

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

	\$1,000.
j.	Mayoral Funds – Anna Bay Public School P and C– Donation towards running costs associated with Anna Bay Public School - \$500.
k.	Mayoral Funds – Karuah Local Aboriginal Land Council – Donation towards running of Port Stephens Family Support Aboriginal Programme in Karuah - \$2000.
l.	Central Ward Funds – Cr Steve Tucker – PCYC – Donation towards costs associated with new kitchen fit out - \$500.
m.	Central Wards Funds – Cr Steve Tucker – Tanilba/Tilligerry Bay RSL Sports Club – Donation towards costs associated with rebuilding and enhancing the landscaping at Lemon Tree Passage Road entrance - \$500.
n.	Central Ward Funds – Cr Geoff Dingle – Medowie Tidy Towns – Donation towards purchase of seating for off leash dog park internal yard - \$420.
o.	West Ward Funds – Raymond Terrace JRFLC – Donation towards costs associated with installation of two shade shelters at the Lakeside Sports facility - \$12,000.
p.	West Ward Funds – Cr Peter Kafer – Port Stephens Church of Christ (Salt Ash Community First) – Donation towards costs associated with running Yoga, Relaxation through Mediation services to the community - \$500.

BACKGROUND

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

Council's 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*. This would mean that the financial assistance would need to be included in the Operational Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

The requests for financial assistance are shown below:-

WEST WARD – Councillors Jordan, Kafer and Le Mottee

Raymond Terrace JRFLC	Donation towards costs associated with installation of two shade shelters at the Lakeside Sports facility	\$12,000
Port Stephens Church of Christ (Salt Ash Community First)	Donation towards costs associated with running Yoga, Relaxation through Mediation services to the community	\$500

CENTRAL WARD – Councillors Dingle, Doohan and Tucker

Tanilba Bay/Tilligerry RSL Sports Club	Donation towards costs associated with rebuilding and enhancing the landscaping at Lemon Tree Passage Road entrance	\$500
PCYC	Donation towards costs associated with new kitchen fit out	\$500
Medowie Tidy Towns	Donation towards purchase of seating for off leash dog park internal yard	\$420

MAYORAL FUNDS – Mayor MacKenzie

St Phillips Christian College.	Donation towards costs associated with providing Drug and Alcohol Awareness Training provided by Melissa Cox to students and Parents during September 2016.	\$1,000
Port Stephens Suicide Prevention Network.	Donations towards running costs associated with Port Stephens Suicide Prevention Network events.	\$2,000
Salamander Bay Men's Shed.	Donation towards running costs associated with Salamander Men's Shed.	\$1,000
Raymond Terrace Bay Men's Shed.	Donation towards running costs associated with Raymond Terrace Men's Shed.	\$1,000
Lions Club of Fingal Bay.	Donation towards running costs associated with Lions Club of Fingal Bay.	\$1,000
Tilligerry Men's Shed.	Donation towards running costs associated with Tilligerry Men's She.	\$1,000
Nelson Bay Australia Day sub- committee.	Donation towards running costs associated with Nelson Bay Australia Day Committee.	\$1,000
Lions Club of Tilligerry Peninsula.	Donation towards running costs associated with Lions Club of Tilligerry Peninsula.	\$1,000
Lions Club of Raymond	Donation towards running costs associated	\$1,000

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

Terrace.	with Lions Club of Raymond Terrace.	
Anna Bay Public School P and C.	Donation towards running costs associated with Anna Bay Public School.	\$500
Karuah Local Aboriginal Land Council.	Donation towards running of Port Stephens Family Support Aboriginal Programme in Karuah	\$2000

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	26,420	Within existing budget.
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*, 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.

MINUTES ORDINARY COUNCIL - 28 JUNE 2016

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.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the General Managers Unit.

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

Internal

- 1) Mayor
- 2) Councillors

External

- 1) 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. 17

FILE NO: 16/349811
RM8 REF NO: PSC2016-00015**INFORMATION PAPERS**REPORT OF: WAYNE WALLIS - GENERAL MANAGER
GROUP: GENERAL MANAGER'S OFFICE**RECOMMENDATION IS THAT THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 28 June 2016.

No:	Report Title	Page:
1	Renewable Services Contracts - Contract Extension	141
2	Cash and Investments held as at 31 May 2016	143
3	IPWEA (NSW) Roads And Transport Congress - 6 June 2016	147

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Paul Le Mottee Councillor Steve Tucker That the recommendation be adopted.
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196	Councillor Sally Dover Councillor John Morello It was resolved that Council that Council move out of Committee of the Whole.
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**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

197	Councillor Ken Jordan Mayor Bruce MacKenzie It was resolved that Council receive and notes the Information Papers listed below being presented to Council on 28 June 2016.
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MINUTES ORDINARY COUNCIL - 28 JUNE 2016

No:	Report Title
1	Renewable Services Contracts - Contract Extension
2	Cash and Investments held as at 31 May 2016
3	IPWEA (NSW) Roads And Transport Congress - 6 June 2016

INFORMATION PAPERS

ITEM NO. 1**FILE NO: 16/339879
RM8 REF NO: PSC2011-04212****RENEWABLE SERVICES CONTRACTS - CONTRACT EXTENSION****REPORT OF: TIM HAZELL - FINANCIAL SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES****BACKGROUND**

A number of contracts held by Council are due to expire shortly. In order to ensure ongoing serviceability it has been appropriate to review the management performance of each of these contracts and to recommend a contract extension for the following for a period of twelve months.

Contract No.	Description of service	Service provider	Current end date	Proposed end date
T02-2013	Record Storage Services	Safedoc	30/06/2016	30/06/2017
T06-2014	Salary Packaging Services	Prosperity Salary Packaging Pty Ltd	30/06/2016	30/06/2017
T07-2014	Cleaning & Minor Maintenance – 437 Hunter Street	Paramount Commercial Services Pty Ltd	30/06/2016	30/06/2017
T09-2014	Supply of Linen – Beachside Holiday Parks	Clean as a Whistle Linen Service Pty Ltd	30/06/2016	30/06/2017
T10-2014	Garbage Services – Beachside Holiday Park & various areas	Remondis Australia Pty Ltd	30/06/2016	30/06/2017
T301213HUN	Hygienic Services	Rentokil Initial Pty Ltd T/A Pink Hygienic Solutions	30/06/2016	30/06/2017
T08-2013	Employee Assistance Program	Access Programs Australia Ltd	30/06/2016	30/06/2017

There are no financial implications as the costs are existing, schedules remain unchanged and are maintained within the current budgeted forecasts.

MERGER PROPOSAL IMPLICATIONS

These tenders are existing contracts and were implemented before the proposed merger was announced. These are considered necessary to service Council and its employees. This period extension will allow council to review the potential merger issues with regards to duplication of contracts with incumbent service providers.

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 2

**FILE NO: 16/343219
RM8 REF NO: PSC2006-6531**

CASH AND INVESTMENTS HELD AS AT 31 MAY 2016

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

BACKGROUND

The purpose of this report is to present Council's schedule of cash and investments held at 31 May 2016.

MERGER PROPOSAL IMPLICATIONS

There are no merger proposal implications as this is a legislative requirement.

ATTACHMENTS

- 1) Cash and Investments held at 31 May 2016.
- 2) Monthly cash and investments balance May 2015 to May 2016.
- 3) Monthly Australian term deposit index May 2015 to May 2016.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

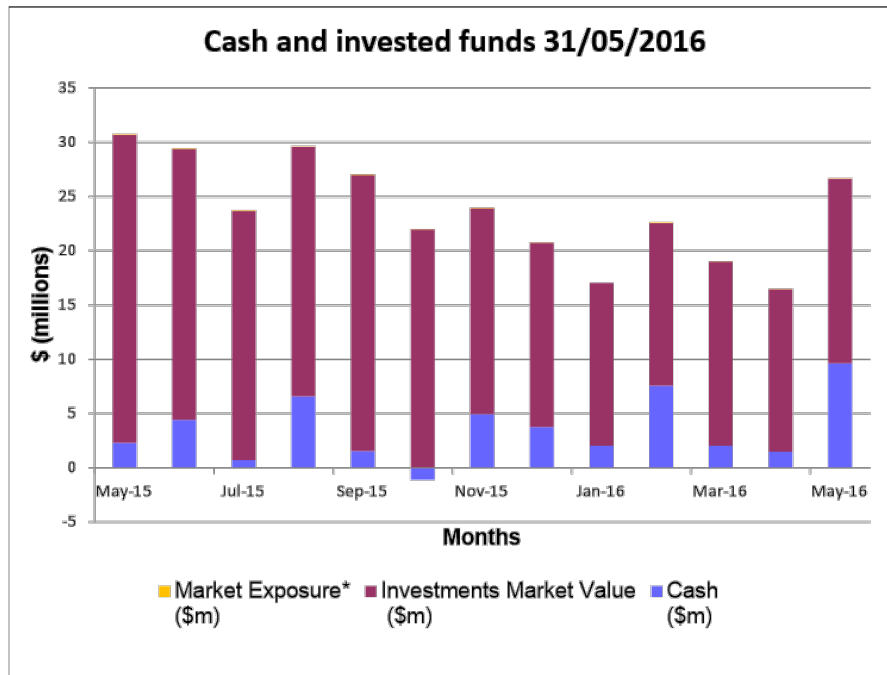
CASH AND INVESTMENTS HELD AS AT 31 MAY 2016

ISSUER	BROKER	RATING*	DESC.	YIELD %	TERM DAYS	MATURITY	AMOUNT INVESTED	MARKET VALUE
TERM DEPOSITS								
BANKWEST	BANKWEST	A-	TD	3.00%	111	15-Jun-16	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.08%	98	29-Jun-16	2,000,000	2,000,000
NATIONAL AUSTRALIA BANK LTD	NAB	AA-	TD	3.07%	98	13-Jul-16	2,000,000	2,000,000
SUNCORP BANK	SUNCORP	A+	TD	3.10%	196	21-Sep-16	2,000,000	2,000,000
ARAB BANK AUSTRALIA	RIM	NR	TD	3.00%	147	19-Oct-16	1,000,000	1,000,000
BANK OF QUEENSLAND	BOQ	A-	TD	3.00%	168	2-Nov-16	2,000,000	2,000,000
BANK OF SYDNEY	CURVE	NR	TD	3.15%	259	16-Nov-16	2,000,000	2,000,000
POLICE CREDIT UNION LTD (SA)	FARQUHARSON	NR	TD	3.05%	231	11-Jan-17	1,000,000	1,000,000
AMP BANK	FARQUHARSON	A+	TD	3.00%	364	17-May-17	2,000,000	2,000,000
SUB TOTAL (\$)							16,000,000	16,000,000
OTHER INVESTMENTS								
ANZ ZERO COUPON BOND	ANZ	AA-	BOND	0.00%	9yrs	1-Jun-17	1,017,877	989,682
SUB TOTAL (\$)							1,017,877	989,682
INVESTMENTS TOTAL (\$)							17,017,877	16,989,682
CASH AT BANK (\$)							9,650,294	9,650,294
TOTAL CASH AND INVESTMENTS (\$)							26,668,171	26,639,976
CASH AT BANK INTEREST RATE				2.15%				
BBSW FOR PREVIOUS 3 MONTHS				2.24%				
AVG. INVESTMENT RATE OF RETURN				2.87%				
TD = TERM DEPOSIT								
*STANDARD AND POORS LONG TERM RATING								
CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER								
I HEREBY CERTIFY THAT THE INVESTMENTS LISTED ABOVE HAVE BEEN MADE IN ACCORDANCE WITH SECTION 625 OF THE LOCAL GOVERNMENT ACT 1993, CLAUSE 212 OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2005 AND COUNCIL'S CASH INVESTMENT POLICY								
T HAZELL								

**ITEM 2 - ATTACHMENT 2 MONTHLY CASH AND INVESTMENTS BALANCE
MAY 2015 TO MAY 2016.**

CASH AND INVESTMENTS BALANCE

Date	Cash (\$m)	Investments Market Value (\$m)	Market Exposure* (\$m)	Total Funds (\$m)
May-15	2.301	28.375	0.056	30.732
Jun-15	4.422	24.967	0.051	29.440
Jul-15	0.727	22.968	0.050	23.745
Aug-15	6.590	22.968	0.050	29.608
Sep-15	1.542	25.468	0.050	27.060
Oct-15 -	1.092	21.968	0.050	20.926
Nov-15	4.959	18.989	0.029	23.977
Dec-15	3.759	16.989	0.029	20.776
Jan-16	2.043	14.989	0.029	17.061
Feb-16	7.589	14.989	0.029	22.607
Mar-16	2.038	16.984	0.034	19.055
Apr-16	1.469	14.990	0.028	16.487
May-16	9.650	16.990	0.028	26.668

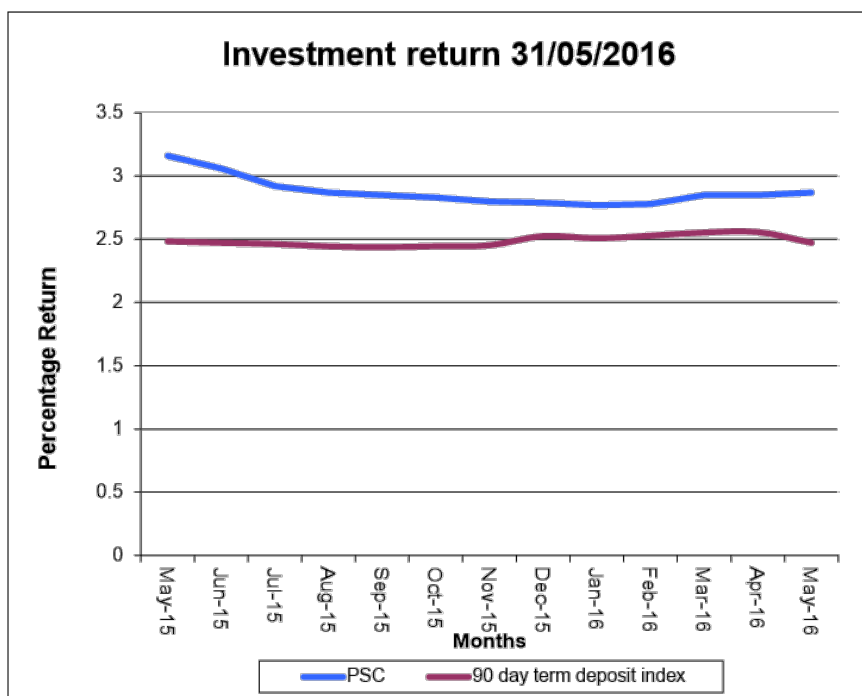


*market exposure is the difference between the face value of an investment and its current market value.

**ITEM 2 - ATTACHMENT 3 MONTHLY AUSTRALIAN TERM DEPOSIT INDEX
MAY 2015 TO MAY 2016.**

AUSTRALIAN TERM DEPOSIT ACCUMULATION INDEX

Date	90 day term deposit index	PSC
May-15	2.4841	3.16
Jun-15	2.4727	3.06
Jul-15	2.4632	2.92
Aug-15	2.4447	2.87
Sep-15	2.4384	2.85
Oct-15	2.4458	2.83
Nov-15	2.4535	2.80
Dec-15	2.5259	2.79
Jan-16	2.5089	2.77
Feb-16	2.5293	2.78
Mar-16	2.5539	2.85
Apr-16	2.5578	2.85
May-16	2.4730	2.87



ITEM NO. 3

**FILE NO: 16/341338
RM8 REF NO: A2004-0204**

IPWEA (NSW) ROADS AND TRANSPORT CONGRESS - 6 JUNE 2016

REPORT OF: PAUL LE MOTTEE - COUNCILLOR
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to advise Councillors of feedback from IPWEA (NSW) Roads and Transport Congress attended by Cr Paul Le Mottee on 6 June 2016.

The IPWEA (NSW) Roads and Transport Congress was held in Sydney on 6 June 2016 and hosted by IPWEA (Institute of Public Works Engineering Australasia).

It would be easy to imagine that such a congress is full of technical details relating to the construction of roads and bridges and is only meaningful to engineers and those familiar with construction techniques. However, such imaginings are very inaccurate and the congress has almost no technical details. The congress is almost exclusively about, what roads the State Government are building and why, how to apply for funding for various projects, updates on projects such as the inland rail line and how it might connect to various ports on the East Coast, what's happening with major ports (and their road and rail links), Council's maintaining state and regional roads and the associated cost benefits and the state's bridge maintenance program.

Several Ministers, Parliamentary Secretary's and Departmental Secretaries were in attendance, with many of them presenting to the congress. It was very clear that the government as a whole was extremely concerned about the reversal in the number of fatalities on our roads in recent times. For many years the states road toll had been declining each year. However, last year and again this year those numbers are trending upwards and they are very concerned and much is being done to try and determine why those numbers are increasing and what can be done to reverse the situation and get the number of fatalities trending down again. The government has a philosophy that has now manifested into an advertising campaign called 'Towards Zero'.

Subject to what may happen at the end of July 2016, I would think it very worthwhile to sit with our engineering managers and coordinators and go through the congress program with them with a view to expanding Council's funding opportunities and gaining a better understanding of major projects in the region that could influence Port Stephens's Council's decision making process.

The attached (**ATTACHMENT 2**) press release was prepared and issued on my behalf by the congress organisers reflecting the communiqué sent to government.



The Elected Representatives in attendance at NSW Parliament House' Theatrette.

MERGER PROPOSAL IMPLICATIONS

There are no implications resulting from attendance at this conference.

ATTACHMENTS

- 1) IPWEA (NSW) Roads and Transport Congress Program.
- 2) Press release.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



MONDAY 6 JUNE 2016 – PROGRAM for the NSW LOCAL ROADS CONGRESS – DRIVING A NEW DIRECTION

- 8.00am – 9.00am Registration**
- 9.00am Welcome Address from **Garry Hemsworth**, Roads & Transport Portfolio Director, IPWEA (NSW)
- 9.10am Opening Address from **Cr Keith Rhoades**, President, Local Government NSW
- 9.35am Keynote Address from **Peter Duncan**, CEO, RMS on behalf of **The Hon. Duncan Gay, MLC**, Minister for Roads, Maritime and Freight
- 10.15am Morning Tea**
- 10.30am **PLENARY SESSION 1 | LOCAL GOVERNMENT REFORM | Chair: Ken Halstead**
- Mark Hely**, Acting Director Investigations and Performance, NSW Office of Local Government
Local Government Reform Driving a New Direction
- Warren Sharpe OAM**, President, IPWEA NSW
IPWEA (NSW) Driving a New Direction
- John Dinan**, General Manager Regional Maintenance Delivery, NSW Roads and Maritime Services **(Invited)**
Road Authority Co-operation in NSW – Working with Local Government
- The Hon. Gladys Berejiklian, MP**, NSW Treasurer
- 12.30pm Lunch**
- 1.30pm **PLENARY SESSION 2 | TRANSPORT AND INFRASTRUCTURE | Chair: Clr Lindsay Brown**
- John Sidoti, MP**, Parliamentary Secretary for Transport
State Government Regional Freight Initiatives
- Jim Betts**, CEO, Infrastructure NSW **(Invited)**
Planning for the Renewal of Regional and Local Infrastructure – a State Perspective
- Tim Reardon**, Secretary, Transport for NSW
Engaging with Local Government in Regional Transport Planning
- Panel Discussion Discussion of Congress Communiqué**
- 3.15pm Afternoon Tea**
- 3.30pm **PLENARY SESSION 3 | ROADS & TRANSPORT | Chair: Warren Sharpe OAM**
- Jodi McKay, MP**, Shadow Minister for Justice and Police, and Shadow Minister for Roads, Maritime & Freight
- John Coulton**, Chairperson, Australian Rural Roads Group
A Regional Productivity Perspective
- Mick Savage**, Manager, Roads & Transport Directorate
Adoption of Congress Communiqué
- 5.00pm Congress Close**
- 5.00pm **Pre-Dinner Drinks** served in the Foyer of the Strangers Dining Room
- 6.00pm **Congress Dinner** commences in the Strangers Dining Room, Parliament House
Guest Speaker: Paul Fletcher, MP, Minister for Major Projects, Territories and Local Government **(Invited)**
- 9.30pm Dinner Close**

Draft Program as at 25 May 2016

IPWEA (NSW) ROADS & TRANSPORT DIRECTORATE

ACN: 093 562 602
ABN: 35 093 562 602

Level 12, 447 Kent Street
SYDNEY NSW 2000

Ph: (02) 8267 3000
Fax: (02) 8267 3070

www.roadsdirectorate.org.au

ITEM 3 - ATTACHMENT 2 PRESS RELEASE.

MULTI-LEVEL TRANSPORT PLAN FOR NSW

A meeting of Local Government representatives, public works engineers and top NSW Government officials has devised a three level structure to promote and advise on funding for local roads and infrastructure across New South Wales, Cr Paul Le Mottee from the Port Stephens Council said today.

The 2016 NSW Local Roads Congress in Sydney welcomed this year's higher level of funding and concluded by issuing a communiqué congratulating the Federal and State Governments on their financial assistance for the management of local roads and infrastructure via the:

- \$50 million in the NSW Government Round-2 of the *Fixing Country Roads Program*
- \$40.58 million from the Australian Government for 55 projects in the *Bridges Renewal Round 2 Program* and \$52.44 million for 25 projects under the *Heavy Vehicle Safety and Productivity Program-Round 4*
- \$53.5 million from the Australian Government's 2015-16 *Black Spot Program*
- \$225.1 million from Canberra in 2016-17 for NSW Councils under the *Roads to Recovery Program*.

Cr Le Mottee said the Congress is run by the NSW Roads & Transport Directorate, a partnership between the Institute of Public Works Engineering Australasia (IPWEA) and Local Government NSW.

The Congress communiqué also said the new State Government *Fixing Country Rail Program* could cut the freight impact on local roads by directing more freight onto rail.

"These programmes have greatly assisted NSW regional councils in developing regional economies, improving the condition of transport infrastructure, opening up additional HML freight links and promoting road safety on regional and local roads," Cr Le Mottee stated.

"However, the NSW Roads & Transport Directorate's *Road Management Report* and *Timber Bridge Management Report* published under the Road Asset Benchmarking Project showed a \$447 million gap each year in expenditure needed to maintain regional and local road networks in their current condition," Cr Le Mottee said.

Other than *Roads to Recovery* funding, which has a limited life, State and Federal Government funds did not address this deficit, so it was critical that *Roads to Recovery* become permanent.

Cr Le Mottee said sustaining transport infrastructure needs new funding to support regional NSW communities with long roads and low population that produce high value product, feed Australia, drive exports and provide the playground for our cities.

ITEM 3 - ATTACHMENT 2 PRESS RELEASE.

Cr Le Mottee noted that the Roads Congress endorsed the Australian Local Government Association's (ALGA) *Local Government's Plan for an Innovative and Prosperous Australia 2016* proposal which quoted a National Transport Commission statistic that 36% of all kilometers travelled are on local roads, and supported calls to:

- Restore the indexation of Financial Assistance Grants (FAGs)
- annually index FAGs
- lift the quantum of FAGs to at least 1 per cent of Commonwealth taxation
- support the *Local Government – Higher Productivity Investment Plan* of \$200 million per year for 5 years
- Permanent doubling of Roads to Recovery to at least \$700 million annually

"The Congress supported the Local Government NSW (LGNSW) *Submission on the NSW Budget for 2016/17* on road and transport infrastructure issues, but noted some uncertainty in the basis for funding of the NSW Local Government Road Safety programme. The Congress called on the State Government to confirm funding for the NSW *Local Government Road Safety Program* on a three year rolling program basis," Cr le Mottee said.

Cr Le Mottee said that to ensure words became actions, the Congress listed measures each level of government should follow **(see table below)**.

Cr le Mottee said the IPWEA-NSW President, Warren Sharpe OAM along with Garry Hemsworth and Mick Savage of the Roads and Transport Directorate were major speakers along with Keith Rhoades, President of Local Government-NSW and John Coulton, Chair of the Australian Rural Roads Group. Local Government staff and elected officials had meaningful discussions with top State Government officials including the Keynote Speaker, Peter Duncan, the CEO of Roads and Maritime Services, his General Manager Regional Maintenance Delivery, John Dinan, Tim Reardon, the Secretary of Transport for NSW, Jenny Davis, Executive Director of Infrastructure NSW and Mark Hely of the Office of Local Government.

Mr Duncan said there was a direct co-relation between investment in roads and road safety, noting that upgrading of the Pacific Highway from the Hexham Bridge over the Hunter River to the Queensland border had seen average annual fatalities on that highway halve in the past decade.

John Sidoti MP, the Parliamentary Secretary for Transport and Roads spoke on *State Government Initiatives* and the NSW Treasurer, Gladys Berejiklian sat in on the Transport and Infrastructure to listen to what local government had to say and talked with delegates.

IPWEA Chief Executive Officer, John Roydhouse, said after the close that the Congress again provided regional and urban Local Government with the

ITEM 3 - ATTACHMENT 2 PRESS RELEASE.

opportunity to exchange ideas and hone policy directives that resulted in a communiqué that set a foundation for action.

The NSW Roads Congress listed measures each level of government should follow:

NSW Local Government

1. advocate for their communities by writing to relevant Ministers and local State and Federal MPs seeking support for the Congress outcomes
2. continue to improve asset management performance by:
 - a. working with the Office of Local Government to complete the framework to provide transparency and consistency of infrastructure measures in the Integrated Planning & Reporting framework
 - b. building capacity within the Local Government industry by supporting ongoing training and knowledge sharing
 - c. taking responsibility for developing future skilled professionals by cadetships and experiential development programs
 - d. encouraging region based standing working groups on asset management to provide peer support and pressure to help public works professionals and councils in each area
 - e. encourage implementation of standard auditing of assets
3. promote better techniques and technologies from outside the industry to better meet community needs.

State Government

1. develop a sustainable funding model for NSW local government which ends impediments to sustainable funding within Integrated Planning and Reporting frameworks
2. redistribute Federal Assistance Grants to regional NSW to address social equity and cut the infrastructure funding gap, with a more meaningful rate charged on city land so urban councils are not financially disadvantaged.
3. continue to provide resources to Local Government to manage and upgrade transport infrastructure, notably bridges
4. start a program via the Department of Planning to develop strategies to determine and mitigate the cumulative impact of State Significant Development (e.g. mining) on communities and transport infrastructure beyond the immediate development area
5. initiate consultation with Local Government to develop a Freight Strategy to lift productivity via targeted investment
6. lift *Regional Road Block Grants* to address the \$89 million/year regional road funding gap.
7. commit to ongoing council involvement in existing RMCC arrangements on the state road network.
8. Support councils to work with local businesses and communities to implement local and regional Climate Change Plans - notably relating to

ITEM 3 - ATTACHMENT 2 PRESS RELEASE.

infrastructure.

9. Request State funding to assist in the provision of Road Safety Audit Training for a nominated Road Safety Auditor within each council.
10. Add a Transport for NSW person to the IPWEA Roads and Transport Directorate.
11. Increase financial support for Weight of Loads groups for better road asset management and road safety.
12. to improve reporting and sharing of data with Local Government for emergency situations (road closures etc)

NSW & Australian Governments

1. continue funding Local Government under grant program such as *Fixing Country Roads* and the *Bridges Renewal Program*
2. build upon the *Fixing Country Rail Program* to cut freight loads on local and regional roads, including resolving institutional impediments for access to existing rail
3. ALGA work with COAG, informed by State Local Government peak bodies and IPWEA, to develop a new *National Infrastructure Partnership* for the three tiers of Government for smarter long term investment planning in transport and community infrastructure.
4. allow National Disaster relief payments to be used by Local Government for betterment of affected assets, not just replacing like with like so the problem recurs.

Australian Government

1. restore the CPI increase in *Financial Assistance Grants* to Local Government
2. review the distribution of *Federal Assistance Grants*, noting social equity for local councils with low populations
3. make *Roads to Recovery* funding permanent at current levels from 2019-20.
4. progressively increase funding to Local Government tied to a percentage of the GST equal to 1% of National GDP
5. Permanent doubling of *Roads to Recovery* (to at least \$700 million per annum)

Australian Local Government Association

The NSW Congress sought support of ALGA to deliver the NSW Roads Congress outcomes.

CONFIDENTIAL ITEMS

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

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

ORDINARY COUNCIL MEETING – 28 JUNE 2016 MOTION

198	Mayor Bruce MacKenzie Councillor John Morello It was resolved that Council that Council Move into confidential session.
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The following Council officers were present for the Confidential Session:

Communications Section Manager

CONFIDENTIAL

ITEM NO. 1

**FILE NO: 16/334055
RM8 REF NO: PSC2015-03898**

CALL FOR DETAILED PROPOSALS - DONALD STREET, NELSON BAY CAR PARKS

**REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

199	<p>Councillor Ken Jordan Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Enter into exclusive negotiations with the parties nominated in this Business Paper for the development of the Donald Street car parks.2) Authorises the General Manager to appoint a Negotiations team to represent Council.
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CONFIDENTIAL

ITEM NO. 2

**FILE NO: 16/342640
RM8 REF NO: PSC2009-02408V4**

**CHANGE OF PURCHASER FOR PROPOSED LOT 2, 155 SALAMANDER WAY,
SALAMANDER BAY**

**REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES**

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

200	<p>Councillor Ken Jordan Councillor John Morello</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Rescind Item No 3 of the Council Report titled "Subdivision Development Application and the granting of an Agreement for Lease and Options to Purchase over part of 155 Salamander Way, Salamander Bay" dated 10 November 2015 Minute No 341 in relation to Item 3 being "Enter into an Option to Purchase incorporating a draft Contract of Sale over Proposed Lot 2".2) Resolve to sell Proposed Lot 2 and enter into an Option to Purchase incorporating a draft Contract of Sale to the Purchaser identified in the report on the terms and conditions specified.3) Authorise the Mayor and General Manager to sign and affix the Seal of Council to all relevant documents.
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CONFIDENTIAL

ITEM NO. 3

**FILE NO: 16/343662
RM8 REF NO: A2004-0882**

SALE OF 8 FLEET STREET SALAMANDER BAY

REPORT OF: GLENN BUNNY - PROPERTY SERVICES SECTION MANAGER
GROUP: CORPORATE SERVICES

**ORDINARY COUNCIL MEETING - 28 JUNE 2016
MOTION**

201	<p>Councillor Sally Dover Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Sell Lot 2 DP 791551 known as 8 Fleet Street Salamander Bay to the purchaser identified in the report on the terms and conditions specified.2) Authorises the Mayor and the General Manager to affix the Seal of Council and sign all relevant documents.
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**ORDINARY COUNCIL MEETING – 28 JUNE 2016
MOTION**

202	<p>Mayor Bruce MacKenzie Councillor Ken Jordan</p> <p>It was resolved that Council that Council Move out of confidential session</p>
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There being no further business the meeting closed at 7.09pm.