



LOCAL GOVERNMENT ACT 1993 - SECT 125

Abatement of public nuisances

125 Abatement of public nuisances

A council may abate a public nuisance or order a person responsible for a public nuisance to abate it.

Note :

"**Abatement**" means the summary removal or remedying of a nuisance (the physical removal or suppression of a nuisance) by an injured party without having recourse to legal proceedings.

"**Nuisance**" consists of interference with the enjoyment of public or private rights in a variety of ways. A nuisance is "public" if it materially affects the reasonable comfort and convenience of a sufficient class of people to constitute the public or a section of the public. For example, any wrongful or negligent act or omission in a public road that interferes with the full, safe and convenient use by the public of their right of passage is a public nuisance.

ITEM NO. 1

NO: 16-2009-889-6; PSC2013-04936

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: TONY WICKHAM – EXECUTIVE OFFICER

GROUP: GENERAL MANAGER'S OFFICE

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(g) 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 *Obstruction of Pedestrian Access Between Ash Street and Soldiers Point Bowling Club*;
- 2) That the reasons for closing the meeting to the public to consider this item is that the discussion will include information concerning legal options and advice in relation to possible litigation that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- 3) That disclosure of the information would, on balance, be contrary to the public interest, as it would prejudice Council's legal position and Council has an obligation to protect its interests and the interests of ratepayers;
- 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.

ORDINARY COUNCIL MEETING – 26 NOVEMBER 2013

MOTION

332	Councillor Paul Le Mottee Councillor Chris Doohan
	It was resolved that the recommendation be adopted.

333	Councillor John Nell Councillor Paul Le Mottee
	It was resolved that confidential Item 1 be brought forward and dealt with prior to Item 1 listed in the agenda.

**ORDINARY COUNCIL MEETING – 26 NOVEMBER 2013
MOTION**

334	Councillor John Morello Councillor Paul Le Mottee
	It was resolved that Council move into confidential session.

CONFIDENTIAL ITEM

ITEM NO. 1

FILE NO: 16-2009-889-6; PSC2013-04936

OBSTRUCTION OF PEDESTRIAN ACCESS BETWEEN ASH STREET AND SOLDIERS POINT BOWLING CLUB

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

ORDINARY COUNCIL MEETING – 26 NOVEMBER 2013 MOTION

Cr Peter Kafer left the meeting at 6.27pm during this item in Open Council.
 Cr Peter Kafer returned to the meeting at 6.29pm during this item in Open Council.

337	<p>Councillor Sally Dover Councillor John Nell</p> <p>It was resolved that Council consent to the release/extinguishment of the easement over 3 Oasis Close, Soldiers Point, subject to the following conditions:</p> <ol style="list-style-type: none"> a. Soldiers Point Bowling Club consenting to the release/extinguishment of the easement over 3 Oasis Close; b. The expeditious construction of a new walkway located at 7 Oasis Close; c. The owners of 3 Oasis Close agree to contribute 50% towards the design and construction of the new walkway; d. Such agreement must be indicated within 7 days of receiving the cost estimate for the design and construction, and payment made in full prior to the commencement of construction; e. Should the owners of 3 Oasis Close not agree to the terms above within the timeframe specified above, then Council immediately undertake actions, including but not limited to, Section 125 of the <i>Local Government Act 1993</i>, to have the fences removed and the right of footway open for use. f. The Soldiers Point Bowling Club contribute 50% to the design and construction of the new walkway;
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| | <ul style="list-style-type: none"><li data-bbox="386 262 1378 338">g. The walkway design is to be of an acoustic material that creates minimal pedestrian traffic noise;<li data-bbox="386 371 1378 448">h. The concept to be placed on public exhibition for a period of 28 days;<li data-bbox="386 481 1378 560">i. All of the above agreement is subject to the satisfaction of the relevant planning authority (Port Stephens Council). |
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ITEM NO. 4

FILE NO: 16-2009-889-6 &
PSC2013-04936

ASH STREET / OASIS CLOSE WALKWAY, SOLDIERS POINT

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to construct the proposed walkway in accordance with Option A - a diagonal walkway across the middle of 7 Oasis Close as outlined in **(ATTACHMENT 1)**;
- Initiate construction of the preferred Option;
- 3) Construct the walkway ensuring materials and treatments adequately minimise noise and comply with relevant building standards relating to safety and accessibility;
- 4) Agree to extinguish easement benefiting Council over 3 Oasis Close.

**ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014
COMMITTEE OF THE WHOLE RECOMMENDATION**

	<p>Councillor Peter Kafer Councillor Paul Le Mottee</p>
	<p>That Council:</p> <ol style="list-style-type: none"> 1) Resolve to construct the proposed walkway in accordance with Option A - a diagonal walkway across the middle of 7 Oasis Close as outlined in (ATTACHMENT 1); • Initiate construction of the preferred Option; 3) Construct the walkway ensuring materials and treatments adequately minimise noise and comply with relevant building standards relating to safety and accessibility; 4) Agree to extinguish easement benefiting Council over 3 Oasis Close, pending full payment and completion of the walkway.

MOTION

036	<p>Councillor John Nell Councillor John Morello</p>
	<p>It was resolved that Council:</p>

	<ol style="list-style-type: none"> 1) Resolve to construct the proposed walkway in accordance with Option A - a diagonal walkway across the middle of 7 Oasis Close as outlined in (ATTACHMENT 1); • Initiate construction of the preferred Option; 3) Construct the walkway ensuring materials and treatments adequately minimise noise and comply with relevant building standards relating to safety and accessibility; 4) Agree to extinguish easement benefiting Council over 3 Oasis Close, pending full payment and completion of the walkway.
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BACKGROUND

The purpose of this report is to forward the matter to Council for consideration of public submissions and seek Council support to proceed with construction of the proposed walkway through 7 Oasis Close, Soldiers Point.

On 26 November 2013, Council passed a resolution to agree to extinguish the Right of Footway easement over 3 Oasis Close and investigate construction of a walkway over 7 Oasis Close. The resolution was staged and involved:

"It was resolved that Council consent to the release/extinguishment of the easement over 3 Oasis Close, Soldiers Point, subject to the following conditions:

- a. *Soldiers Point Bowling Club consenting to the release/extinguishment of the easement over 3 Oasis Close;*
- b. *The expeditious construction of a new walkway located at 7 Oasis Close;*
- c. *The owners of 3 Oasis Close agree to contribute 50% towards the design and construction of the new walkway;*
- d. *Such agreement must be indicated within 7 days of receiving the cost estimate for the design and construction, and payment made in full prior to the commencement of construction;*
- e. *Should the owners of 3 Oasis Close not agree to the terms above within the timeframe specified above, then Council immediately undertake actions, including but not limited to, Section 125 of the Local Government Act 1993, to have the fences removed and the right of footway open for use;*
- f. *The Soldiers Point Bowling Club contribute 50% to the design and construction of the new walkway;*
- g. *The walkway design is to be of an acoustic material that creates minimal pedestrian traffic noise;*
- h. *The concept to be placed on public exhibition for a period of 28 days;*
- i. *All of the above agreement is subject to the satisfaction of the relevant planning authority (Port Stephens Council)."*

Following that resolution, both the owners of 3 Oasis Close and the Soldiers Point Bowling Club have advised in writing to contribute 50% of the estimated construction costs for a new walkway, in accordance with the above resolution.

Two walkway options (**ATTACHMENT 1**) have been publicly exhibited for a period of twenty eight (28) days. Option A is for a diagonal walkway across the middle of 7 Oasis Close, while Option B is for a walkway along the boundary of 5 and 7 Oasis Close. The estimated construction cost is \$54,000.

Council received eleven (11) submissions regarding the walkway. Submissions indicated a clear preference for Option A, due to concerns for potential impacts on 5 Oasis Close as a result of Option B. Submissions also raised concern regarding compliance with accessibility standards, noise, safety, lighting and information provided being confusing.

The Soldiers Point Bowling Club have also indicated to Council staff that they prefer Option A as it better suits their proposed Seniors Living Development Application recently submitted to Council (DA 16-2013-757-1).

It is considered that the proposed design for Option A can incorporate amendments (such as materials, rails, tactile indicators etc) to adequately address the noise, safety and accessibility concerns raised by public submissions.

After consideration of public submissions and potential impacts, it is recommended that Option A be adopted.

If Council adopts the recommendation, the process going forward will involve:

- Organising payment of contributions from the Bowling Club and 3 Oasis Close;
- Council's Facilities & Services to finalise walkway design and initiate tender process for construction;
- Works to be included in Council's Forward Works Program and establish construction date and timeframe;
- Council to agree to extinguishment of easement (owner of 3 Oasis Close has already lodged application with Land Titles Office);
- Walkway to be constructed by contractor and PSC (footings only).

FINANCIAL/RESOURCE IMPLICATIONS

Construction of the proposed walkway does not present any significant finance or resource implications for Council, following agreement by the Soldiers Point Bowling Club and owners of 3 Oasis Close to each contribute 50% of the estimated cost of construction (\$54,000).

It is noted that the owner of 3 Oasis Close will be responsible for all costs associated with extinguishing the existing 1.22m wide Right of Footway easement, and as such does not have any financial implications for Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Construction of the walkway is not currently in Council's budget.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other (contributions from Bowling Club and owner of 3 Oasis Close).	Yes	54,000	Details regarding payment of contributions to be determined following identification of preferred walkway Option.

LEGAL, POLICY AND RISK IMPLICATIONS

Adopting the recommendation does not have any significant legal, policy or risk implications for Council, providing that the final design complies with the relevant standards and takes into consideration the concerns identified by the public submissions.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that the final construction fails to meet the expectation of the local community	low	Construct the walkway in accordance with the feedback provided by the public submission process	

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that adopting the recommendation and constructing Option A will minimise the potential for adverse social and environmental impacts on residents of 5 and 9 Oasis Close, Soldiers Point, by maintaining as much setback as possible to either residence.

The walkway will provide social benefit by maintaining access between the Soldiers Point Bowling Club and Ash St, which is used both by members of the public and patrons of the Bowling Club.

CONSULTATION

- The proposed walkway options A and B (**ATTACHMENT 1**) were publicly exhibited (in the Port Stephens Examiner and to adjoining neighbours) for a

period of 28 days. Council received eleven (11) submissions during the exhibition period.

OPTIONS

- 1) Adopt the recommendation and initiate construction of Option A;
- 2) Reject the recommendation.

ATTACHMENTS

- 1) Proposed walkway options A and B.

COUNCILLORS ROOM

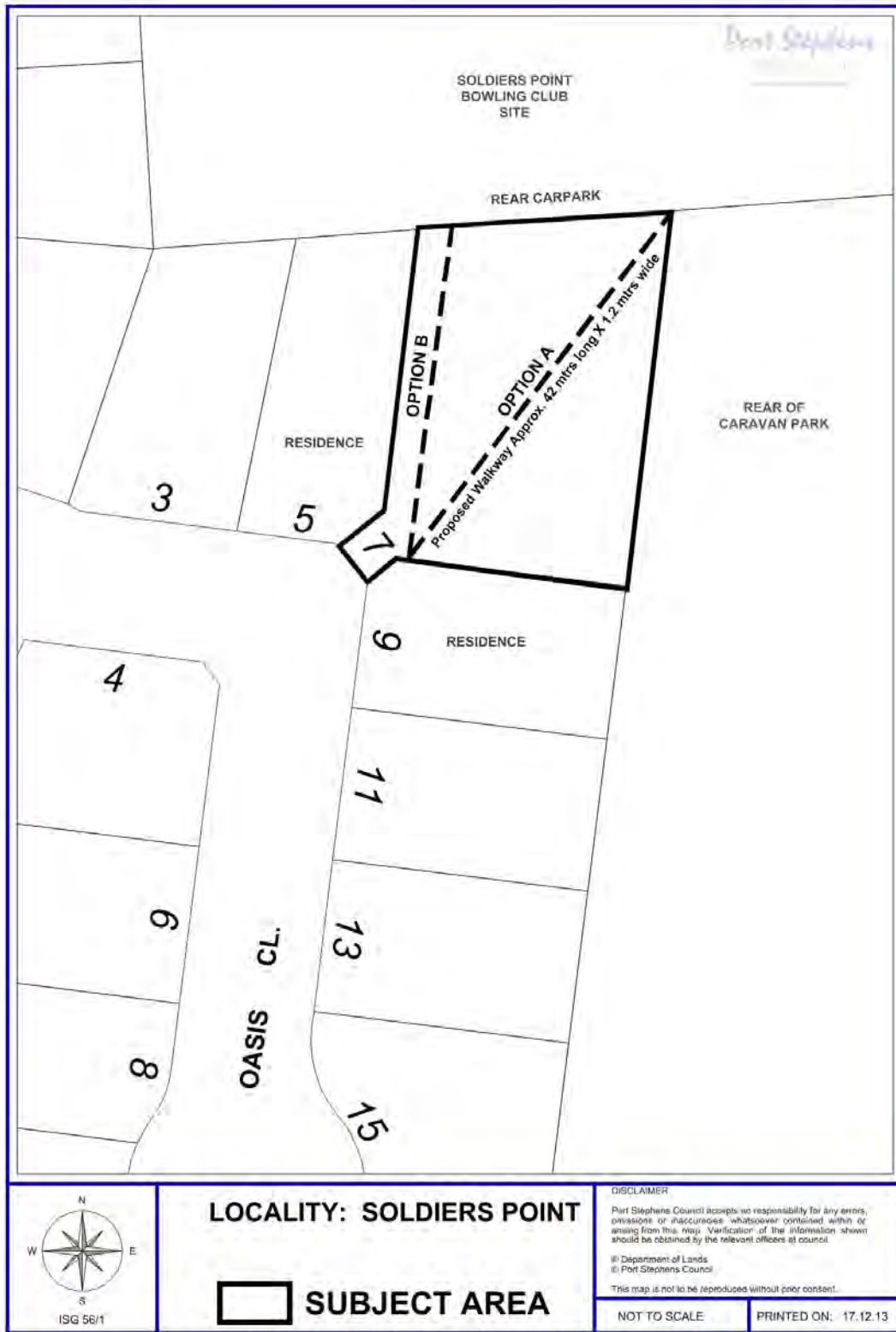
Nil.

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Proposed walkway options A and B



MINUTES EXTRA- ORDINARY COUNCIL MEETING – 15 APRIL 2014

ITEM NO. 2

FILE NO: 13/803 (16-2009-889-6)

ASH STREET/OASIS CLOSE WALKWAY – SOLDIERS POINT

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

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Amend its resolution from 25 February 2014 requiring a 50% split of contributions for construction of walkway Option B;
- 2) Endorse a contribution respectively of \$34,000 for the owners of 3 Oasis and \$100,000 for the Soldiers Point Bowling Club (subject to the relevant memorandum of understanding and/or Voluntary Planning Agreements);
- 3) Upon the finalisation of the negotiations and respective payments, Council commence construction of the Walkway.

EXTRA-ORDINARY COUNCIL MEETING – 15 APRIL 2014

MOTION

090	<p>Councillor Ken Jordan Mayor Bruce MacKenzie</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Amend its resolution from 25 February 2014 requiring a 50% split of contributions for construction of walkway Option B;2) Endorse a contribution respectively for \$34,000 for the owners of 3 Oasis Close; \$34,000 for the owners of Soldiers Point Bowling Club; and the balance being \$66,000 to be funded via Section 94 contributions (subject to a relevant memorandum of understanding and/or voluntary planning agreements as necessary);3) Upon the finalisation of the negotiations and respective payments, Council commence construction of the Walkway.
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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, Cr Paul Le Mottee, Ken Jordan, Chris Doohan, John Neil, John Morello and Sally Dover.

Those against the Motion: Cr Steve Tucker.

BACKGROUND

The purpose of this report is to provide information and a progress update to Councillors which may impact a resolution it made at the meeting of 25 February 2014. This report also seeks to amend the previous approach in respect to the percentage each party would contribute to the new walkway structure.

At the Council meeting on 25 February 2014, it was resolved to proceed with construction of walkway Option B over 7 Oasis Close. The initial estimate of construction costs was \$54,000, which was based on a 1.2m walkway to replace the existing 1.2m wide easement. Both the owner of 3 Oasis Close and the Soldiers Point Bowling Club had agreed to contribute 50% of the initial estimate (\$27,000 each) to Council.

After the 25 February 2014 meeting, Council staff put construction of walkway Option B out to market in accordance with Council's procurement process, which included preparation of a final design taking into account increased width (1.8m) and accessibility/tactile indicators, which were required to comply with the relevant standards and legislation and Council's resolution. The final cost estimate of the project is \$134,000.

Council staff has discussed the cost increase with both parties, and the Bowling Club has agreed verbally in principle to increase its contribution, providing that the amount can be deducted from its Section 94 contributions required for their DA for 100 Seniors Living Units (DA 16-2013-757-1), which will be considered by Council under a separate report. This is only a general agreement/discussion at this stage and a voluntary planning agreement would be a mechanism for this.

Maintaining a 50/50 split for the increased estimated costs could be seen as unreasonable for the owner of 3 Oasis Close, as it will exceed the approximate value of land they will obtain by closing the existing Right of Footway easement.

The recommended Section 94 condition for the Bowling Club Seniors Living Development requires payment of \$622,830, of which \$115,600 is for Public Open Space, Parks & Reserves.

Further consideration of how this may work under Council's Section 94 plan is required (ie Voluntary Planning Agreement or direct reduction etc). There has been public concern raised regarding loss of Section 94 funds and perception that the community is essentially funding the walkway. In this instance there is considered to be some scope/nexus as both the Oasis Close and Bowling Club Seniors Living developments increase the demand for improved pedestrian access, and can be facilitated without decreasing funds for other categories such as Roads, Libraries, Sports Grounds etc. Essentially, Council would require a section 94 contribution for the purpose of public open space, parks reserves etc, regardless so it is logical to assign this to a tangible project.

MINUTES EXTRA- ORDINARY COUNCIL MEETING – 15 APRIL 2014

The Bowling Club has advised that any such agreement would need to be delayed until the DA for 100 Seniors Living Units is determined, and concurrence from the board is obtained. By Council currently considering the development application, whilst in a legislative sense they are distinctly different items, it is preferable to consider the matters at the same time.

It is recommended that Council amends its previous resolution requiring a 50/50 split of contributions between the owner of 3 Oasis Close and the Soldiers Point Bowling Club to an approximate split of \$100,000 from the club and \$34,000 from the owner of 3 Oasis Close, and note that Council staff will continue to investigate/negotiate this option pending determination of the Bowling Club DA.

FINANCIAL/RESOURCE IMPLICATIONS

The recommendation of this report will not create any additional financial demand or risk for Council, as the works will still be funded by the owner of 3 Oasis Close and the Bowling Club.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes	115,600	Likely available funds for Open Space projects under DA 16-2013-757-1.
External Grants	No		
Other	No		

LEGAL AND POLICY IMPLICATIONS

This report does not impact the existing legal or policy implications for Council.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that funds may not be made available or delayed for the project.	Low	Continue to proceed as per the recommendation and Council's previous resolution on the 25 February 2014 Not agree to extinguish the existing Right of Footway easement until funds are available. Enter into an agreement with both parties regarding	Yes

MINUTES EXTRA- ORDINARY COUNCIL MEETING – 15 APRIL 2014

		contributions of funds to Council Ensure that any variation to Section 94 contributions to DA 16-2013-757-1 is consistent with legislation and Council's Section 94 Plan.	
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SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

It is considered that this report will not have any adverse social, economic or environment implications, subject to progressing in accordance with the recommendations and Council resolution.

Concern has been raised that the increased cost estimate and allocation of funds from Section 94 will impact the community. It is noted that the contribution amount to other categories under Council's Section 94 plan is unlikely to be impacted, and use of the funds to provide improved pedestrian links will provide a community benefit beyond the Oasis Close and Bowling Club's Seniors Living developments.

CONSULTATION

This report has not triggered the need for further public notification under Council's Notification Policy at this stage. However, should Council proceed to formal contribution agreements as a result of this report, staff will proceed to inform the relevant objectors.

OPTIONS

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

ATTACHMENTS

Nil.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO. 1

FILE NO: 13/803 (16-2009-889-6)

PORT STEPHENS SECTION 94 AND 94A DEVELOPMENT CONTRIBUTIONS PLAN 2007 (DRAFT AMENDMENT NO. 10)

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

GROUP: **DEVELOPMENT SERVICES**

RECOMMENDATION IS THAT COUNCIL:

- 1) Exhibit draft amendments to the draft Port Stephens Section 94 and S94A Development Contributions Plans 2007 (Draft Amendment No.10) (**ATTACHMENT 1**) for a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to:
 - a. include Ash Street/Oasis Close, Soldiers Point Walkway in the works schedule as a priority 1;
 - b. Identify the Ash Street/Oasis Close, Soldiers Point Walkway on the works schedule map.
- 2) Should no submissions be made, the amendments be adopted following exhibition.

**ORDINARY COUNCIL MEETING –10 JUNE 2014
MOTION**

130	Councillor Steve Tucker Councillor Paul Le Mottee
	It was resolved that Council move into Committee of the Whole.

COMMITTEE OF THE WHOLE RECOMMENDATION

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

	Councillor Peter Kafer Councillor Chris Doohan
	That the Motion be put.

MINUTES ORDINARY COUNCIL – 10 JUNE 2014

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

Those for the Motion: Mayor Bruce MacKenzie Cr Peter Kafer, Paul Le Mottee, Chris Doohan, Geoff Dingle, John Nell and Sally Dover.

Those against the Motion: Cr Steve Tucker.

MOTION

132	Councillor John Nell Councillor Sally Dover
	It was resolved that Council: 1) Exhibit draft amendments to the draft Port Stephens Section 94 and S94A Development Contributions Plans 2007 (Draft Amendment No.10) (ATTACHMENT 1) for a minimum of 28 days in accordance with clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000 to: a. include Ash Street/Oasis Close, Soldiers Point Walkway in the works schedule as a priority 1; b. Identify the Ash Street/Oasis Close, Soldiers Point Walkway on the works schedule map. 2) Should no submissions be made, the amendments be adopted following exhibition.

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, Cr Paul Le Mottee, Chris Doohan, John Nell and Sally Dover.

Those against the Motion: Cr Peter Kafer, Steve Tucker and Geoff Dingle.

133	Councillor Chris Doohan Councillor John Nell
	It was resolved that Item 5 be brought forward and dealt with prior to Item 2.

BACKGROUND

The purpose of this report is to commence implementation of Point 2 of Council's Resolution of 15 April 2014 (Extra Ordinary Council Item 2) with respect to Ash Street/Oasis Close Soldiers Point Walkway, which states:

MINUTES ORDINARY COUNCIL – 10 JUNE 2014

2) Endorse a contribution respectively for \$34,000 for the owners of 3 Oasis Close; \$34,000 for the owners of Soldiers Point Bowling Club; and the balance being \$66,000 to be funded via Section 94 contributions (subject to a relevant memorandum of understanding and/or voluntary planning agreements as necessary);

The Resolution specifically requires \$66,000 to be funded from Section 94 contributions; the walkway is not a listed item in the Port Stephens S94 and S94A Development Contributions Plan 2007 Work Schedule. An amendment to both the Section 94 and Section 94A Plans is necessary to implement the Resolution by including the works as a priority within the works schedule. Section 94 fees can only be used for the purpose collected and therefore an amendment to the works schedule is required.

Amendments required to Section 94 Plans to Implement Council Resolution

To implement the Council Resolution the following amendments are required to the Plans:

- Insert into both the Section 94 and 94A Plans Works Schedules Ash Street/Oasis Close Soldiers Point Walkway;
- Identify the project as a Priority 1 in the Works Schedules;
- Insert notation onto the Map S14;
- Amend the contribution total for the works schedule as appropriate.

FINANCIAL/RESOURCE IMPLICATIONS

The implementation of the Council resolution will require administrative costs associated with the amendments to the plans.

Prioritising the Ash Street /Oasis Close Soldiers Point walkway as number one may give lower priority to other key works.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes	500	Cost to exhibit Section 94 and Section 94A Plans.
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000

The Environmental Planning and Assessment Act 1979 (S94(1)) and Environmental Planning and Assessment Regulation 2000 (Division 1C27) require Section 94 plans to establish the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that demand.

Port Stephens Section 94 Contributions Plan

Section 94 of the Environmental Planning and Assessment Act 1979 enables Councils to impose a condition of development consent requiring a monetary contribution, dedication of land or both towards the provision, extension or augmentation of public amenities and services that will, or are likely to be required as a consequence of development in the area, or that have been provided in anticipation of or to facilitate such development. Council obtains these contributions through its Section 94 Contributions Plan.

Council's Section 94 Plan identifies public services and amenities to meet the demand of development and applies a development contribution rate per additional lot or dwelling. Council's Section 94A Plan applies a contribution levy of a maximum of 1% of the cost of development to all commercial, retail and other employment based development or development including mixed use, which would create a demand for public amenities and services where the proposed cost of carrying out the development is greater than \$100,000.

Under Clauses 28 and 29 of the Environmental Planning and Assessment Regulation 2000, any changes to a Section 94 Contributions Plan is required to be placed on public exhibition for a minimum of 28 days.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that if the draft works schedule is not adopted, the Ash Street/Oasis Close walkway works will not be funded.	High	Adopt the works schedule.	Yes
There is a risk that if the exhibition of the plan is approved Council may face legal challenge.	Low	Ensure transparency of process.	Yes
There is a risk that the walkway does not have adequate nexus to collect funds for.	Medium	Satisfy the risk nexus criteria.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The amended Section 94 ensures that the works schedule is updated to reflect Councils' resolution dated 15 April 2014 to funding new works including the Ash Street/Oasis Close Soldiers Point, which were not in the plan at the time of the resolution.

CONSULTATION

- 1) The preparation of the draft Plans have been prepared in consultation with staff from Strategic Planning and Community Services Section and Civil Assets Section;
- 2) The draft Plan is to be placed on public exhibition and submission invited from the general community to provide feedback to Council;
- 3) The proposed exhibition of the draft Plans includes placing copies of the documents in the Raymond Terrace Library, Tomaree Library, Medowie Community Centre and Council Chambers, on Councils website and placing advertisements in a local paper;
- 4) If submissions are received during the exhibition process a further report will be prepared for Council's consideration on submissions received during public exhibition.

OPTIONS

- 1) Adopt the recommended draft Contributions Plans as proposed in this Report for exhibition;
- 2) Make further alterations to the recommended draft Contributions Plans. Any changes would need to be considered in relation to the prioritisation of Ash Street/Oasis Close Soldiers Point Walkway which has the prior endorsement of Council;
- 3) Not adopt the plan and find alternative funding sources for the construction of the walkway.

ATTACHMENTS - All attachments listed below are provided under separate cover

- 1) Proposed amendments to Port Stephens Development Contributions Plan 2007 (Amendment 10);
- 2) Proposed amendments to Port Stephens Development Contributions Plan 2007 Section 94A (Amendment 10);
- 3) 15 April 2014 Council Report on Ash Street/Oasis Close Walkway - Soldiers Point.

COUNCILLORS ROOM

- 1) Port Stephens Development Contributions Plan 2007 Amendment 10;
- 2) Port Stephens Development Contributions Plan 2007 Section 94A Amendment 10;

TABLED DOCUMENTS

Nil.

ATTACHMENT 1

Proposed amendments to Port Stephens Development Contributions Plan 2007
(Amendment 10)

ATTACHMENT 2

Proposed amendments to Port Stephens Development Contributions Plan 2007
Section 94A (Amendment 10)

ATTACHMENT 3

15 April 2014 Council Report on Ash Street/Oasis Close Walkway - Soldiers Point.

